

# Leave those kids alone: On the uses and abuses and feminist queer potential of non-binary and genderqueer

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**Abstract:** The argument of this paper is that, despite their limits, gender ‘proliferations’ like non-binary and genderqueer are the most effective and pragmatic approaches to overcoming or dismantling the gender binary whilst also expanding the range of ‘cultural resources’ of gender in the meantime. We make this case with the political and ethical caveat, however, that it would be politically ideal for these invocations of proliferation to be complemented by ongoing attempts to challenge sex/gender itself. We first outline the many ways that non-binary and genderqueer identities are invoked by numerous commentators as either symbols of progress, or weaponised for antithetical political purposes by a coalition of forces hostile to their proliferation. We then outline a defence of these identities as ontologically, pragmatically and socially justified, with feminist and queer political potential. We will make an argument as to why the invocation of non-binary and genderqueer as identity or subject positions is both understandable, due to the cultural constraints of the compulsarity of gender identity in society, and a potentially politically effective strategy. We then go on to engage, generously, with some potential limitations around non-binary and genderqueer and their potential collapse in to normativity, and consider how these may be addressed or mitigated against by a queer ethics. In short, we argue that non-binary and genderqueer can be understood as ways to make space in a structure that is not likely to crumble any time soon.

**Keywords:** non-binary; genderqueer; radical feminism; queer ethics; identity politics

**NOTE:** Both authors wish to acknowledge that they live and work on stolen land, never ceded by the custodians, the Wurundjeri people of the Kulin nation. We pay our respects to elders past and present and to the ways that gender and sexuality have long been understood by the Indigenous custodians of these lands.

## Introduction

Does justice demand that I decide? Or does justice demand that I wait to decide, that I practice a certain deferral in the face of a situation in which too many have rushed to judgement? (Butler 2004: 632)

In 2018, two influential feminist scholars who have long argued for the transcendence of gender published work that sought to assess the potential of recent expansions in gender identity in the Global North. They both framed this as a generational phenomenon, Barbara Risman in her book *Where the Millennials Will Take Us*, and Judith Lorber in a paper subtitled ‘Multiple Genders and the Persistence of the Binary’. Both concluded that identities such as non-binary or genderqueer, while showing potential, seem to have limits and some conservative tendencies in reifying the

essence of gender or not sufficiently challenging its binary aspects. However, both of these thinkers do so in a generous spirit, having always been supportive of any ways that sex/gender binaries can be challenged, with strong critiques of sex/gender essence. Their take, instead, is that these things do not go far enough in exploding these notions. This is a valid critique, if the sole purpose of using these as ‘new’<sup>1</sup> gender identities or concepts was to challenge gender itself, a queer and feminist political aim that we the authors, too, share (see Nicholas’s 2014 *Queer Post-Gender Ethics*). However, we argue here that in the current cultural and political context, the invocation of ‘new’ genders or the idea of gender as a spectrum, has to be seen as an enabling strategy in what Judith Butler would describe as a ‘scene of constraint’ (2004: 1).

In a more extreme context, and perhaps limiting how radical gender transgression can be due to its highly critical nature, there has been a rise in what we characterise as conservative critique of these identities or ways of understanding gender. These have come from straightforwardly conservative sources such as the Catholic church and the conservative right who appeal to sex/gender essence and innate heterosexuality (Nicholas 2019), but also from some claiming to speak on behalf of feminism or women who too draw on a natural sex distinction that is both the source of gender oppression, solidarity and the source of feminism’s claims (McCann & Nicholas 2019). For them, using ‘new’ gender identities such as non-binary or genderqueer, or claiming genders on a spectrum, is a ‘hyper-identity politics’ (Downing 2018) that reifies the social aspects of gender that they seek to divorce from binary biology. This has become a bitter debate and backlash, as outlined in other pieces in this special issue.

The argument of this paper is, instead, that despite their limits, gender ‘proliferations’ like non-binary and genderqueer are the most effective and pragmatic approaches to overcoming or dismantling the gender binary whilst also expanding the range of ‘cultural resources’ of gender in the meantime. We make this case with the political and ethical caveat, however, that it would be politically ideal for these invocations of proliferation to be complemented by ongoing attempts to challenge sex/gender itself.

In this paper, we will first outline the many ways that non-binary and genderqueer identities are invoked by numerous commentators as either symbols of progress, or weaponised for antithetical political purposes by a coalition of forces hostile to their proliferation. We shall then outline a defence of these identities as ontologically, pragmatically and socially justified, with feminist and queer political potential. We will make an argument as to why the invocation of non-binary and genderqueer as identity or subject positions is both understandable, due to the cultural constraints of the compulsarity of gender identity in society, and a potentially politically effective strategy. We also refute claims that these identities are any less ‘real’ than man/woman, given the ontological meanings that gendered traits have in most contemporary societies. We then go on to engage, generously, with some potential limitations around non-binary and genderqueer and their potential collapse in to normativity,

1 We want to acknowledge here that we do not ascribe to the idea that non-binary expressions of gender are actually ‘new.’ The notion of compulsory, rigid, hierarchical binary gender that is congruent with sex’ is a colonial imposition on to a variety of ontologies

and consider how these may be addressed or mitigated against by imbuing them with a queer ethos. In short, we argue that the simplistic ‘for/against’ arguments do not account enough for the performative strength of gender in contemporary society, the need for ‘liveability’ (Butler 2004) and the complexities of contemporary queer communities, and that non-binary and genderqueer can be understood as ways to make space in a structure that is not likely to crumble any time soon.

## Allegories and straw-people: Invocations of non-binary / genderqueer

In many ways, non-binary and genderqueer have become allegories, stand-ins and symbols for a multitude of social and political positions or problems. The terms non-binary and genderqueer are variously invoked by those who identify with them as identities or what Dembroff calls ‘a gender phenomenon’ (2018a: 3). Broadly genderqueer or non-binary are usually identity labels not tied to any physicality. Richards, Bouman & Barker (2017: 5) define non-binary as ‘an umbrella term for any gender (or lack of gender) that would not be adequately represented by an either/or choice between “man” or “woman”’. They caution their readers that there is no one fixed definition and that these labels may mean different things to different people. Like all identity labels, they are subject to interpretation and change.

Many people who identify as or with these concepts also use gender-neutral pronouns and research shows that this phenomenon is indeed increasing in frequency and awareness by generation: ‘Gen Zers are more likely than Millennials to say they know someone who prefers that others use gender-neutral pronouns to refer to them: 35% say this is the case, compared with a quarter of Millennials. Among each older generation, the share saying this drops: 16% of Gen Xers, 12% of Boomers and just 7% of Silents say this.’ (Parker, Graf & Igielnik 2019: n.p.). Further, in relation to gender diversity more broadly, according to a survey by GLAAD (2017), 12% of people in USA aged 18–34 identify as something other than cisgender, 6% of 35–51 year olds, and 3% of those over 52. Smith et al.’s (2014) Australian research demonstrates that young people are increasingly identifying outside of the man/woman binary, and the most common gender identity chosen in their survey of trans and gender diverse young people was ‘genderqueer.’

The term ‘genderqueer’ emerged in the 1990s alongside the advent of Queer Theory. According to Brett Genny Beemyn (2009: 37), ‘A genderqueer identity challenges the traditional transsexual paradigm that individuals who feel themselves to be a gender different from the one assigned to them at birth will seek to express that different gender completely through changing their bodies and presenting unambiguously as that gender’. This suggests that genderqueer is distinct from the wrong-body idea of trans. Caution must once again be expressed here however, as different people will understand genderqueer in a multitude of ways, our intention is not to be prescriptive in what these labels are and who they are for, rather it is simply to provide some workable account of their broad ethos, while acknowledging the limits of attempting to define them. Genderqueer is now sometimes invoked as an umbrella

term for non-cis or non-normative genders in a similar manner to 'queer' for sexualities, while some maintain that it represents a specifically anti-normative and less definable approach to gender.

While the percentage of people who openly identify as either genderqueer or non-binary may appear as an emergent property of younger generations, according to Richards et.al (2017: 5) many more people experience themselves in non-binary ways. They reference a 2013 Israeli study conducted by Joel et al. that found that over a third of people in the general population felt to some extent that they were the 'other' gender, both genders, and/or neither gender. This is a significant finding suggesting a widespread dissatisfaction with the limitations of the gender binary.

In the following section, we outline some of the political or social invocations of non-binary and/or genderqueer – some of which over-emphasise their radical potential to deconstruct the current gender order, some of which consider them to be gender essences that allow people to tap their 'true' selves, and some of which decri them as expressions of apolitical individualism that reify gender, illustrating the depth of the current divide. We shall then attempt to address some of these critiques, arguing that these identities are ontologically, pragmatically and socially justified, noting that while they may not have any inherent political implications they hold feminist and queer political *potential*.

## The 'genderquake'

There has been an indisputable rise in media coverage and popular knowledge of the existence of non-binary people. Undoubtedly, the most palatable and widespread framing is an extension of the trans wrong-body narrative, where the appeal for recognition, acceptance or tolerance is made on the basis that people are merely discovering their true selves and wish to be treated how they feel (Nicholas 2019). While the most palatable version of this story is the binary trans version of 'transformation,' there is also increasing discourse around young people claiming an explosion of genders. For example, a *Guardian* article describes millennials as 'the gender fluid generation' (Marsh 2016). Echoing a 'born this way' approach to gay rights, these accounts usually place non-binary as a gender identity, and one that is not a choice but better represents the true self. The minority rights approach to recognitions has long been used by different groups (Taylor 1992) and has been widely discussed as both strategically useful and politically limited and reifying (Fraser & Honneth 2003). Whilst a minority identity approach to non-binary and genderqueer as third options asserts that gender is not and should not be binary, it does not inherently challenge the significance and naturalness of gender itself.

Less often, but still prevalent, non-binary but more often genderqueer are seen as political *positions* that undo gender itself rather than innate identities (see for example Riedel 2018), and that are defined by being in opposition to normative, foundational gender. Philosopher Robin Dembroff (2019a), for example, calls for a metaphysical definition of genderqueer as a 'critical gender kind' rather than an identity. By this they mean that 'to be genderqueer is to manifest resistance to the binary

assumption ... and to do so based on one's self-perceived or claimed ontological position' (2019a: 2–3). The second part of this quotation importantly demonstrates that, while they value the political elements of non-binary and genderqueer, they see that this can come from *either* a perceived (perhaps felt) or claimed (perhaps chosen) foundation. However, ultimately they assert the following:

I consider nonbinary identity to be an unabashedly political identity. It is for anyone who wishes to wield self-understanding in service of *dismantling* a mandatory, self-reproducing gender system that strictly controls what we can do and be ... To be nonbinary is to set one's existence *in opposition to this system at its conceptual core*. (Dembroff 2019a, np, emphasis added).

Indeed, the term genderqueer was first used in print by Riki Anne Wilchins who saw genderqueer as an explicitly political phenomenon that was a challenge to the oppressive nature of gender, defining:

...genderqueer: diesel dykes and stone butches, leatherqueens and radical fairies, nelly fags, crossdressers, intersexed, transsexuals, transvestites, transgendered, transgressively gendered, intersexed, and those of us whose gender expressions are so complex they haven't even been named yet. (Wilchins in Tobia 2018)

This is conceptually in-line with the ideas of queer theory which shifted the idea of gender, alongside sexuality, from something that you *are* to something that you *do* in an attempt to distance it from being such a core aspect of selfhood. This is perhaps most famously articulated by Judith Butler's idea of gender performativity, through which she considers gender a verb not a noun (1990). In queer theory, 'queer' was often used as a position rather than an identity and Butler lamented the congealment of 'queer' into a foundational identity term as undermining its ethos (1993).

Whilst queer theory and Wilchins' definition explicitly use genderqueer as an issue of gender expression, it is more often considered an identity in the contemporary context. For example: 'People who describe themselves as genderqueer often feel that the gender binary (boy OR girl, woman OR man) is too limiting to describe *their experience* of gender' (Kean & Bolton 2015, emphasis added). Gender identity and gender expression are often considered separate phenomena in contemporary usage, with identity as what you are, and expression as the ways that you present (see for example the much loved Gender Unicorn <http://www.transstudent.org/gender/>). This is understandable, but does not in itself dismantle the idea of gender as a core element of selfhood. This is perhaps where Lorber's critique is taking aim, in that she is lamenting that:

the problem is that the popular concept of gender currently is what you believe you are [identity] and how you present yourself. It's not relational, social, structural, or institutional, but purely personal. (Lorber 2018: 299)

We will discuss the 'realness' of gender more widely later, but this rise in self-determination (whether understood as emanating from a feeling or a choice) that Lorber has some careful reservations about, has also been met with vehement and hateful backlash and mockery by those invested in maintaining gender as a binary. This has created an unholy alliance of conservative right commentators and feminists who hold to the biological binary of sex. As we will argue, it is also possible that this kind of response partly creates the conditions for the necessity of claiming the 'realness'

of non-binary and genderqueer. That is, if they are framed as ‘invented’ and ‘ideological’ at the same time that male / female, or man / woman are reified as ‘real’ and not invented or ideological, it is easy to understand why a claim to their validity as identity would seem a necessary logical response.

## ‘Gender ideology’ and the end of civilisation

In recent years mainstream media outlets have been awash with articles stoking fear and misinformation around the proliferation of gender categories that go beyond the binary. Allegations range from moral decay to an all-out conspiracy to brainwash and indoctrinate all children into a new ‘gay agenda’ (Nicholas 2019). Conservative commentators repeat stories that gender neutral parenting or teaching styles are confusing children, and that these and queer-affirmative approaches to teaching are politicising and sexualising childhood and are the natural result of a PC culture gone mad (Shannon & Smith 2017). These attacks often draw on patriarchal notions that young women must be protected from gender deviants or claim that traditional masculinity is under attack. While there has been a collective hand wringing regarding trans students in schools (Morgan & Taylor 2019), often centred around the issue of toilets or sports – genderqueer and/or non-binary students are subject to a different type of ridicule, based on the perception that they are whimsical, ad-hoc, self-indulgent choices, placed in opposition to real ‘stable’ gender identities.

These criticisms have now congealed under the banner of fighting the spread of, what has become pejoratively known as, ‘gender ideology’. This terminology, originally pioneered by the Catholic Church in the 1990s, has been adopted by a variety of conservative groups to reinforce a normative, yet refuted position that sex and gender are immutable pre-social facts grounded in biology. Public figures seen to embrace the fairly uncontroversial fact that gender is a social construct have been accused of promoting a ‘gender ideology’ that goes against tradition and ‘common sense’.

This serves multiple functions, first it acts as a moral panic, designed to instil fear in those who may feel threatened by progressive social change, particularly in regards to the recognition of rights for women and sexual minorities. Secondly, it mobilises a discourse designed to neutralise the essentialist worldview, casting any opposition to it as a self-serving ideology engaged in social engineering while positioning their own reading as natural or ‘non-political’ (Nicholas 2019). Fighting the spread of ‘gender ideology’ has subsequently become a type of dog whistle, operationalised for homophobic, transphobic and regressive agendas in Argentina, UK, and much of Europe, with a similar alliance of the Christian right, the populist extreme right and ‘radical’ anti-trans feminists (Nicholas & Agius 2018). There are some specificities regionally, for example Kovats has identified that right-wing backlash in populist discourses in Europe are conflating what they call ‘gender ideology’ with individualistic identity politics. This leads to the idea that “‘gender theory’ is “ultra-individualistic, hedonistic and radically relativist”, and therefore has the same roots as market fundamentalism’ (Printemps Francais in Kovats 2018: 6). However, similar



conceptual links and charges of ‘hyper-identity politics’ like those of the European populist right have been made by leftists and ‘radical’ feminists in the Anglosphere, who conceive of gender ‘proliferation’ as complicit with neoliberalism and at odds with structural and materialist accounts of feminism.

## ‘Hyper-identity politics’

The idea of expanding gender/s, nonbinary and / or the idea that gender is or can be a spectrum have also been critiqued by some self-identified ‘radical’ feminist thinkers who consider it ‘internally incoherent and politically unattractive’ (Reilly-Cooper 2016, see also Jeffreys 2014). Many, but not all of these feminists are also ‘trans-exclusionary’ (i.e. do not believe that somebody could or should ‘change’ gender or sex and see trans as a threat to feminism), and believe in the strict division between sex as a biological given, and gender as the social associations of this biological terrain.

### *‘Female People’:*

A key premise of radical feminists who now describe themselves as ‘gender critical’ feminists that allows them to describe non-binary and genderqueer as politically ineffective is the same as that which underpins their (majority) broader trans-exclusionary ethos. That is, gender oppression primarily targets those assigned female at birth (what they call female people), male and female sexes are biologically real, but the social imposition of value and stereotypes to these is the problem and results in female people being oppressed. For them, then, the solution is to get rid of the social imposition of these values, so that female and male people can be however they want without this being hierarchical and without it meaning identity (Lawford-Smith in Chappell & Lawford-Smith 2018).

We will discuss in more depth below how this ‘sex/gender’ divide has been compellingly challenged by feminists and biologists for as long as the sex/gender divide has been used, given that gender stereotypes derive their social power from making foundational biological claims (e.g. Stanley 1984; Delphy 1993; Nicholas 2014). Many feminist thinkers have always used sex/gender to refer to this complete system of social oppositional binaries (e.g. Kessler & McKenna 1978) and maintained that ‘sex’ is as social or cultural, if not more, than gender.

In a classic abstract public philosophical discussion of whether we, as a society, *should* respect trans women’s identities and whether we *should* deconstruct the concepts of male/female sex, Kathleen Stock describes intersex people as ‘statistical outliers’ (2018) who are not good enough evidence that the categories of sex are messier than binary sex/gender may have us believe. For Stock and others, the usefulness of the category female for understanding the shared experiences of a group of people with shared physical features outweighs any harm its imposition or exclusion may do.

*'Gender Critical':*

For many of these critics, proliferation of gender is therefore playing in to the falsity of the ontological realness of gender and denying the ontological realness of sex. For them, this reifies gender and elevates its importance, and its stereotypes. Thus, they describe themselves as 'gender critical,' implying that those committed to expanding gender or who use non-binary and genderqueer are not critical of gender (McCann & Nicholas 2019). Exemplary here is a piece in *The Guardian*, a paper that undoubtedly has a 'gender critical' line, that speaks to a standard argument in this vein:

Too often, discussions of gender today, rather than expanding boundaries, only contract them. When people say they're "non-binary", it sounds to me more like they swallowed the lie of the pink and blue onesies. Because the point is everyone, really, is non-binary – no one's a wholly pink butterfly or blue car onesie. We are all, to varying degrees, purple spaceship onesies – and, yes, that is the scientific term ... Gender stereotypes are too often confused with biology, and you hear this mistake being made as much on the left as you do on the right (Freeman 2017)

This sounds sensible and is an easy idea to understand. Similarly, another critic states "The Future Is Nonbinary" is ... empty. It might look good on Instagram, but all it does is reenforce [sic] gender stereotypes. The reality is, we all have elements of both the masculine and the feminine. This doesn't make you binary or nonbinary. It makes you a human.' (Herzog 2018: n.p.). This is a kind of 'gender-blind' account that, ironically, takes those using variant identities to challenge the dominant genders to task much more than those using the binaries. The same critics are not often heard, for example, calling for all cismen and ciswomen to stop referring to themselves as gendered. Like those critics of gender ideology from the right, discussed above, these feminist accounts frame things like non-binary and genderqueer as 'ideological' and invented, which has the direct result of naturalising and essentialising binary gender as real. That is, 'new' genders are seen as 'hyper-identity politics' (Downing 2018), while maintaining binary genders is not interrogated at all, even though these same feminists are suggesting they are merely social impositions on to biological sex. As a result of some of this, the term 'adult human female' is being invoked by some 'gender critical' feminists, as well as claims of being 'gender abolitionist' to show that what they think is real is the biological distinction, which is the basis of women as a class of people with shared social positions due to the exploitation of their reproductive capacities. For the 'gender critical' feminists, either the social hierarchy or the social meanings of gender can be rejected and overcome without challenging the idea of the immutability of the sexed binary body.

In our analysis, then, these arguments are nearly complicit with liberal 'gender-blind' accounts comparable to post-racial arguments that lack the capacity to hold both the position that the notion of biological 'race' is a socially constituted one and thus needs challenging on the one hand *and* that the idea has material effects that require different strategic invocations of it on the other (Joseph-Salisbury 2019). In short, it appears ontologically naive. At its worst, the 'gender critical' position claims that ideas of gender as spectrum or any other proliferated model create 'a new gender prison' (Reilly-Cooper 2016). Dembroff, a non-binary academic who writes about



its radical potential, recounts being criticised as ‘obsessed with gender’ (2018a), and accused of perpetuating the problems of gender, rather than problematising gender itself. A high-profile example of such ontologically and politically confused ‘gender critical’ essentialist arguments is in retired gender scholar Sheila Jeffreys’ trans-exclusionary *Gender Hurts*. Jeffreys takes aim at binary transgender and at the idea of transition, positing like those critics above that it reifies the idea of gender as a real thing, and reinforces gender stereotypes. These feminists seem to be arguing, on the surface, then, that we need to get rid of the gender binary, hence the shift to the self-identity of ‘gender critical’ in 2018 (McCann & Nicholas 2019) in order to make this point that identity politics of non-binary and genderqueer, and trans more broadly, essentialises gender. The incapacity of gender proliferation to completely and utterly undo and get rid of gender is then used as an *a priori* by gender critical feminists, for their complete dismissal of the notion in an either / or logic and totalising abstract ideology.

### *Individualism:*

Ideas like this also share the corollary that anything that faintly whiffs of ‘identity politics’ is reduced down and dismissed as not tackling, but also completely at odds with the capacity to challenge, the structural level. This is most explicitly and vehemently articulated in Socialist accounts as well as radical feminist accounts. A common argument among ‘radical’ feminists is that ‘identifying as nonbinary is a fix for the individual, not for the whole’ (Herzog 2018), and therefore offers little in terms of structural change. Much online mockery, which will not be platformed here, centres around what ‘gender critical feminists’ consider to be the ridiculousness of self-identification, with sarcastic claims by critics to identify as all sorts of things and jokes that people cannot ‘self-identify’ their way out of oppression or ‘self-identify’ their way in to power. This rests on the narrow assumption that self-identification is advocated *only* as a way to alleviate gender oppression, and that it is unable to exist alongside wider, structural analyses. Below we will argue against both of these premises, suggesting that to set up non-binary and genderqueer self-identification as either the solution to gender or as a failure is to deny its strategic importance as an enabling alternative, congruent with structural change.

Many of the arguments against nonbinary like those of Reilly-Cooper (2016) can reinforce some of the worst generational stereotypes and mischaracterisations of millennials. For example, by reproducing ideas of millennials as narcissistic and raised with an “‘it’s all about me” self-esteem mentality’ (Risman 2018: 39), overly concerned with feelings. This has taken a somewhat arrogant, masculinist, ‘false consciousness’ tone in many debates, especially where totalising philosophical arguments, lacking social context and consideration, are concerned. This has often resulted in ridicule of expanded gender language categories or identities and pronouns and a refusal to use a person’s chosen identity or pronoun, that is wilful misgendering to make an abstract political point, and a mockery of charges that such acts constitute ‘microaggressions’. From the perspective of both the religious and conservative right and ‘gender critical feminists,’ while non-binary or genderqueer people are

‘inventing’ gender, then, in this view, cis women and men are not. That is, non-binary and genderqueer are ‘ideology’ but the ideas of female and male are not, despite scientific evidence to the contrary.

## Not quite far enough: the radical queer feminist critique

In some ways the political arguments made by ‘gender critical’ feminists regarding the individualising nature of proliferating gender identities, are somewhat congruent with arguments advanced by less obviously hostile, less essentialising, more deconstructive feminist thinkers. Queer theory has long been critical of identity politics, critiquing its tendency to always reify and exclude, and to create new boundaries (Butler 1993). In this vein, many queer and gender deconstructive thinkers have also been critical of the identity politics of non-binary, suggesting that it sets up new norms. For example, Dembroff to some extent concurs with ‘gender critical feminists’ that the solidification of non-binary as an identity has negative political outcomes, but Dembroff argues that this is because it closes down more proliferation:

California now lumps all identities other than “male” and “female” under the “nonbinary” label. This reduces alternative gender identities to “not a woman or a man.” Far from escaping the gender binary, this and any similar law will continue to define every gender identity *with reference to the binary*. It perpetuates the common prejudice that binary identities are somehow more legitimate than the multitudes of other identities. Rather than deconstruct gender binarism, lawmakers have, in effect, shored it up. (Dembroff 2018b)

This argument has been made in queer theory for some time, see Nicholas (2014) on the reification of essence in individual, foundational claims to expanded genders, and on the limits of trans identity to actually challenge the foundations of gender<sup>2</sup>. However, their ontological premises are importantly different, and this is what makes the more deconstructive critique of more interest. Can this critique of individualism co-exist with an acknowledgement that proliferated or ‘spectrum’ approaches to gender can be a stepping-stone and may be both pragmatically essential in a gendered world, and a challenge to binary gender?

Many thinkers have long argued that both biological sex and gender are socially constructed, and held this view alongside being explicitly feminist and holding the aim of ultimately getting rid of these categories (Butler 1990; Lorber 2000; Stanley 1984; Fausto-Sterling 2012). A key distinction here is that they acknowledge the material impacts of being assigned male / female without insisting on the reification and re-strengthening of the ‘adult human female’ category as the solution to this, as many ‘radical’ feminists are currently doing. Ultimately, in normative terms, genderqueer thinkers argue that wilful and uncritical reification of categories that do harms is always morally wrong: ‘even if a harmful ideology is already present, reinforcing

2 Lucy Nicholas would like to take this opportunity to revisit the tone of some of this work. In critiquing trans identity politics, they feel that not enough effort was made to acknowledge simultaneously the absolute life-saving necessity of these identities, and to emphasise that they are no less ‘real’ than cis-genders. They hope that some of the abstract allegorising done in that work can be challenged here and point readers to their discussions of ‘strategic essentialism’ in Nicholas (2014)

that ideology in everyday discourse – making it stronger, more pervasive – makes its problematic implications worse’ (Dembroff & Wodak 2018: 379).

Both Judith Lorber and Barbara Risman, who have long argued for ‘degendering’ have recently published on the possible limits of only working at the individual level of gender identity. Lorber’s strongest argument is that ‘a rhetoric of gender multiplicity [is] made meaningless by a continuing system of bigendered social structures that support continued gender inequality.’ (2018: 299). This is somewhat different to the arguments above which tend to rely, at their base, on the notion that gender inequality derives entirely from the differential valuing of the presumed reproductive categories of male and female bodied people (McCulloch 2016). However, where Lorber overlaps somewhat with some of the ‘radical’ feminist critiques is in their claim that gender multiplication can render gender a psychologically essential and individual trait. Lorber says ‘the popular concept of gender is currently what you believe you are and how you present yourself. It’s not relational, social, structural, or institutional, but purely personal’ thus ‘throwing gender back into personal identity’ (2018: 299).

However, the spirit of both Lorber and Risman’s engagement is generous, and genuine excitement at the expansion of gender is apparent. Indeed, Lorber argues that multiple genders that have recently become available are ‘still constrained by a powerful binary frame,’ (2018: 299) proposing that these individual identities and individual consciousness can be the beginning point in a gender politics of change, but that people need to *also* create a revolutionary movement for change, rather than throwing the debate in to totalising either / or polemics. This paper will finish by considering how this may happen and what this may look like. For now, we will outline why aims such as getting rid of sex/gender may need to be complemented or preceded by expanding them.

## Why can’t we go straight to transcending gender?

The topic of transcending or completely eradicating gender has never been mainstream. It possibly reached its peak in the 1970s with utopian feminist speculative fiction (Nicholas 2014), but has since been sidelined in favour of ideas of multiplying or expanding gender, or making it a matter of choice. Exemplary of this latter approach is Halberstam’s idea of ‘coming out’ as one’s chosen gender as an ideal (1998). In many ways, both the trans-exclusionary ‘feminist’ and the queer theory-influenced feminist perspectives above ask whether gender can be transcended. A key difference being that the trans-exclusionary ‘feminists’ consider (binary) biological sexual difference immutable, and the queer theory-influenced feminist perspectives understand both sex and gender to be mutable and call for both to be transcended. Indeed a key argument in Nicholas (2014), following Delphy (1993) and others is that gender keeps collapsing back in to binaries *because* of its genealogy from, co-constitution with, and thus inseparability from the idea of binary biological sex. In this account, leftist and trans-exclusionary ‘feminist’ critiques that consider non-binary and genderqueer people to be ‘gender obsessives’ reify ‘biological sex’

and mis-represent gender ontology and the relationship between gender and sex, which re-reifies gender binaries. Many thinkers have concluded that the socially or culturally constructed nature of (binary) gender makes it even more immutable than biology. Indeed, in a cover article for *Nature* journal, biologist Claire Ainsworth argues that:

Biologists may have been building a more nuanced view of sex, but society has yet to catch up. True, more than half a century of activism from members of the lesbian, gay, bisexual and transgender community has softened social attitudes to sexual orientation and gender. Many societies are now comfortable with men and women crossing conventional societal boundaries in their choice of appearance, career and sexual partner. But when it comes to sex, there is still intense social pressure to conform to the binary model. (2015)

From this perspective, it is the social ideas of gender that are more stubborn than the biological ideas of dimorphism, neither of which are 'real'. The corollary of this is that maintaining biological sex arbitrarily reifies binary gender, Ainsworth concluding that 'if biologists continue to show that sex is a spectrum, then society and state will have to grapple with the consequences, and work out where and how to draw the line' (2015).

It is the strength of the social or cultural elements of gender that explain why dismissing non-binary and genderqueer outright as only individualism is a tautology. In the model of performativity, everything is not reduced to the individual, gender, especially cisgender, is not something that can be thrown on and off at will, but rather it is a fundamentally interpersonal and collective endeavour, which is also in turn maintained by institutions and structures. That is why the mockery of 'identifying out of oppression' so misses the point of expanded genders. Most strongly, Butler has proposed that gender is so constitutive to humyn-ness in our current cultural frame, that we cannot be without doing gender, it is one of 'the conditions of intelligibility ... by which the human is recognised' (2001: 621).

The notion of cultural resources, somewhat interchangeable with Butler's 'grid of intelligibility' is instructive here. Adapted to apply specifically to gender by Nicholas (2014) from Margaret Archer's concept along with Archer's notion of the 'fund of ideas' (2000:273), gender categories and ways of being or understanding oneself and one another can be understood as cultural resources that can be taken up by individuals and only really gain meaning when they have some kind of collective cultural consensus and understanding. In turn they may then become institutionalised. This is indeed what is happening with non-binary. And the increase in people using these identities, descriptors and pronouns demonstrates that there is something enabling about them. Succinctly articulating the necessity of identity politics, naming and of 'cultural resources' necessary to understand oneself, Linda Hawkins, co-director of the Gender and Sexuality Development Clinic at Children's Hospital of Philadelphia is quoted in the *New York Times*, 'Looking back, there were always nonbinary kids, but it's only in the last few years that there has been the language — language to not feel alone, to have a flag.' (Bergner 2019)

Socialist and 'gender critical feminist' approaches negate the level of cultural norms and recognition, demonstrating a subordination of these to the economic level. A key limit to many of the accounts above is the intellectual bankruptcy of reductions to either individualism or structure that critiques often take. Ideas that

we are seeing a ‘gender revolution’ through an expansion of individual identities do, often, over-privilege the potential power of individual agency. As so succinctly articulated in Risman’s model of gender as a social structure, gender fundamentally operates at the individual, interactional and institutional levels (2004). On the other hand, some trans-exclusionary accounts, as well as re-essentialising sexual difference, over-privilege the structural level, negating that it is individuals that create and perpetuate these. Thus, in this framework, identifying as a gender that is something other than one of the binaries makes sense as the most enabling individual cultural resources available.

## Both / and: strategic essentialism and double vision

In all my philosophical writing, what I do try to do is to expose abstract overgeneralisations to the untidy complexity of actual human experience. It’s particularly worth doing with trans-gender lives and identities. (Chappell in Chappell & Lawford Smith 2018)

Binaries are a conceptual habit that are hard to shake, underpinning the development of ‘Western civilisation’ (Nicholas & Agius 2018). Ideas of generations are themselves oppositional ‘false antitheses’. This plays out in caricatures of second wave feminists as all essentialist, and third wave feminists as all individualists. Many of the positions taken in the approaches described above can be seen as playing in to the oppositionalising of ‘redistribution’ vs ‘recognition’ as described by Nancy Fraser (2005). Fraser also describes this as a generational opposition, with second wave feminism (in the Global North), as part of the New Left, opening up structural analyses of gender, and moving beyond purely class-based analyses of oppression. In addition, it is important not to forget that it was the ‘second wave’ of feminism that allowed for a more integrated analysis of the personal/political, noting how structural issues permeated our daily lives and sense of selves (Nicholas 2020). In Fraser’s account, there was then a ‘culturalist’ turn wherein feminism ‘reinvented itself as a politics of recognition’ and ‘neglected political economy’ (2005: 296). However, in Fraser’s view, neither ‘truncated economism’ or ‘truncated culturalism’ are the answer. (2005:299). It is the authors views then, that non-binary and genderqueer don’t have to, and don’t always, equate to truncated culturalism. Risman’s integrative model of gender as a social structure once again serves as an exemplar of how these perennial divides can be transcended without collapsing back into ‘false antitheses’.

Butler, and other queer theorists, who regard the structure/agency debate as too reductive, have advanced similar arguments illustrating that people have the capacity to both invoke identity and to be critical of it, rejecting the assumption that they are mutually exclusive subject positions. This both/and perspective is ethically ideal in a context of ‘constrained agency’ (Butler 1990), i.e. a world where we cannot ‘be’ without ‘being’ gender and where we need cultural resources to be understood. As Butler asks, ‘Who can I become in such a world where the meanings and limits of the subject are set out in advance for me?’ (2001, p. 621). In line with much queer theory, thinking through how abolishing gender may get rid of many of its associated

problems of the subordination and limited choices inherent to binary-based identity, Nicholas (2014) argued that to truly challenge gender, gender would need to become less pertinent in identity. However, rather than leaving the analysis in that utopian critique, they emphasised the extent to which there are no cultural resources for ambiguity such that, in the present social and cultural contexts, being not-gendered is not a real option. Thus, work needs to take place both at strategic, identity levels and also at more long-term, structural levels.

Nicholas's later work (Nicholas & Agius 2018) has returned to the ideological issue of masculinism as a discourse that pervades culture, such that many attempts to challenge the gender order collapse back in to it. Exemplary here is how androgyny is often coded masculine. Many feminist thinkers, such as Luce Irigaray (1985), argue that, in a world where male has been the default for so long, we exist in a 'male economy of discourses.' In her view, we need to first create a female economy of discourse, but this is not the end in itself. The end is a utopian third stage where sexual difference (note sexual difference, not gender) and its oppositions and hierarchies ceases to have meaning. Feminism and gender deconstruction are perfectly compatible, as argued by Huffer (2013). For many thinkers, activists and individuals, this tautology of feminist *or* non-binary / trans just does not exist. The two are not mutually exclusive and this has been articulated for some time, in many different contexts. Often, this is framed around solidarity around an *ethos* rather than a foundation, an ethos we will now elaborate.

## The moral philosophical argument

For 'gender critical feminist' Lawford Smith, 'It's female people who are involuntarily subject to these oppressive and subordinating norms' (of gender) (in Chappell & Lawford Smith 2018). She nods to intersectionality in defence of being 'gender-critical' but also argues that there are conflicts of interest between groups oppressed by gender and that the best way to deal with this is to organise primarily around being 'female people' for whom the way that gender is imposed is most oppressive, unique (and presumably homogenous). However, this is a mischaracterisation and flattening of both feminism's history and theorising which has often been much more intersectional and solidarity based (McCann & Fela 2017). For example, 'misogyny' can more usefully be seen as the root cause of many manifestations of gender-based subordination (Dembroff, 2019b), and Lawford Smith's analysis can be understood instead as mistaking the outcome for the cause. Male homophobia and the violence resultant from it has long been understood as in large part about failure of men and boys to live up to gender norms (Pascoe 2008), and it is patriarchy and misogyny that underpins all attempts to police gender binaries. As Dembroff (2019b) argues:

Violence against nonbinary persons and transmen, discrimination against gay and gender-non-conforming non-trans men, and cosmetic genital surgeries on infants who are intersex are neither separate or separable from the violence, discrimination and body policing that non-trans women constantly experience.



Thus, for others, solidarity and a common relation to power has been articulated as a better foundation of commonality and political unity than homogenised identity which always results in exclusions. This premise is better placed to avoid reifying the foundations that cause much of the subordination in the first place. For example there are approaches to queer ethics (Nicholas 2014), that are based on coalition politics, best represented perhaps in Cohen's vision of a truly queer politics based on 'nonnormative and marginal position[s as a] ... basis for progressive transformative coalition work' (1997, p. 438). This mitigates against some of the risks of single-axis politics as when, for example, gay and lesbian rights were sought by distancing themselves from and at the expense of gender diversity in some conservative same-sex marriage campaigns (Nicholas 2019), or when people of colour and migrants are sidelined at the expense of gay and lesbian rights (Puar 2007). For Dembroff, gender norms are the enemy however one chooses to challenge them:

None of this is to deny the many means of gender resistance *within* the binary. It is powerful to insist that women and men should be able to look, act and simply *be* any way they want. Countless people identify as men or women while simultaneously bucking gender norms. For many of them, being understood as a man or a woman is important for describing how they were socialised as children, how others interpret their bodies, or how they feel about their own bodies. This is wonderful: the more sledgehammers we take to gender categories, the better. Some prefer to make these categories gooey on the inside; I prefer to torch them. There's enough room for all at the barbecue. (Dembroff 2018a)

Here Dembroff seems to be placing the ethic of autonomy as the primary aim, and gender norms as restricting this. Likewise, in evaluating the political and ethical potential of gender 'proliferation,' we propose considering it in terms of the political ethical feminist and human rights model of enablement or 'capabilities' (Nussbaum, 1997). Such approaches require enablement of the individual, but also concomitant enabling cultural and social contexts. Having demonstrated above that gender represents a restrictive context, then, anything that can expand this and make more enabling space is ethically preferable. Chappell likewise advocates that an ideal approach to other people's gender would be 'supportive non-interference' (in Chappell & Lawford Smith 2018). The question of respecting another person's gender neutral or proliferated pronouns, and their role as a symbol of acknowledging their gender identity, is illustrative here. Furthermore, uniting around an ethos rather than an identity can mitigate against some of the problems of identity politics identified by queer theorists.

Ultimately, in Nicholas's previous work (2014), the normative yardstick of enablement has been used to distinguish desirable and undesirable modes of being and understanding. If one person's mode of being negates another, it must be assessed as unethical. This is an argument often made by TERFs, that there is a conspiracy of genderqueers seeking to outlaw identification as a woman (Gupta 2017) which misrepresents the call for the addition of other identities. However, it is the case that, at times, these same TERFs do wish to put a stop to diverse genders, negating them and using pronouns that are at odds with their identities (Jeffreys 2014)

For Dembroff and Wodak, adherence to another person's chosen pronouns is justified on several moral accounts. Notably, the wilful misattribution and misgendering practiced by TERFs, while done in the name of structural analysis, downplays the interactional level of gender, the extent to which 'gender identities ... provide others

with a guide or blueprint for interpreting one's behavior and speech' (2018: 377–8). As discussed above, the TERF account is that gender is socially constructed but that the categories of men and women are biologically real. Contemporary biology and feminist theory has largely debunked the idea of a binary sexual difference, leaving the outcome of their actions only the reification of cultural binaries that in turn reify gender norms. In terms of weighing up pragmatic solutions to this bind of mutable sexual difference but an ongoing cultural commitment to gender identity as a prerequisite for subjective intelligibility, Eric Vilain, a clinician and the director of the Center for Gender-Based Biology at the University of California states his normative position in Aisnworth (2105) as follows:

My feeling is that since there is not one biological parameter that takes over every other parameter, at the end of the day, gender identity seems to be the most reasonable parameter.

That is, gender identity is a more enabling marker than the imposition of culturally constituted categories of sex. This echoes Butler's conclusion that, ultimately, the best we can do is go by somebody else's word: 'To do justice to [someone] is, certainly, to take [them] at [their] word, and to call [them] by [their] chosen name' (Butler 2001: 630), whilst remembering that 'when one [everyone] speaks, one speaks a language that is already speaking, even if one speaks in a way that is not precisely how it has been spoken before' (Butler 2001: 631).

In fact, Dembroff and Wodak go one step further, arguing that, beyond using a third catchall such as 'they' pronouns for anybody who does not use s/he or proliferating pronouns, the just thing to do would be to use gender-neutral pronouns for everyone as default to avoid 'linguistically coding a gender binary' (2018: 398). For us, this argument fits with the perspective that the proliferation of gender is indeed a 'clear path' to reducing the significance of gender. Gender becomes so proliferated as to become meaningless in terms of minority group orientations. It becomes (dare we say it?) individualised in a way that transcends generalisable categories.

If we take the gender critical premise of transcending gender seriously, then the logical conclusion is to minimise the significance of gender in identity, interaction and institutions. Therefore efforts towards gender neutral language are ethically preferable and politically effective for both feminist and queer ends. Additionally, using gender-neutral pronouns for everybody avoids the problem of disproportionate responsibility for undermining gender stereotypes falling on those whose presentation challenges them. As outlined above, many 'gender critical' feminists claim that non-binary reifies gender binaries and suggest we challenge ideas of gender stereotypes but are less often seen fundamentally doing so.

Those who 'happen' to present in gender normative ways ceasing to use gendered pronouns would be a step in this. Given that 'linguistic markers of gender play a role in communicating harmful beliefs about the nature and social significance of gender identities' (Dembroff & Wodak 2018: 395), use of non-gendered language reduces the significance of gender in situations where it really has none (as in most uses of pronouns of gendered language). Normatively gendered people, in this view, need to justify why they should *not* take some of the responsibility given that 'it is much more likely to fall to vulnerable individuals ... to challenge the presupposition...[of a referents gender identity]' (Dembroff & Wodak 2018: 394):

... we think that it is a challenge for anyone who wishes to defend gender-specific pronouns to explain why we should communicate that others' gender identities are always relevant when we recognize that we should not communicate that other facts about others' social identities (race, weight, religion, class, and so on) are always relevant. (Dembroff & Wodak 2018: 398)

## Conclusion

We have argued herein that non-binary and genderqueer identities are neither the answer to liberation nor a threat to feminism, but we think there are compelling arguments as to why they are ethically and politically important as well as being rational ways to navigate through the current restrictive ontological reality. Nevertheless, like any identity, they are always at risk of closure and congealing into norms and exclusion. That is, like any subject position, they are not *inherently* anything, they are both enabling and disabling (Nicholas 2014). Ultimately, we argue that the expansion of gender categories is not at odds with a commitment to reducing the salience of sex/gender and even getting rid of it. We have shown that the 'multiple gendering' approach is more compatible with such an ethical commitment and aim than is the recent phenomenon of biological reification occurring with 'radical' feminist discourse that claims to be structuralist in its analysis, but ultimately collapses back in to binary biology.

It is a shame that we cannot be pleased that young people are talking about, challenging and reinventing gender for themselves, that gender, subordination and oppression are in their vocabularies. To discredit people who identify with non-binary or genderqueer in the disparaging tone of intellectual snobbery that has emerged in contributions on this topic can be read as replicating a masculinist discourse, a dominant epistemology that claims a privileged access to the Truth of gender in a messy lived reality. Perhaps this can be understood as a hangover from the masculinist, enlightenment tradition from which philosophy emanates, but thinkers on this topic would do well to take heed of the lessons of feminist forbears who call for valuing standpoint, and listening to the other in a way that is led by them.

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