

Introduction to the Special Issue: Positive non-binary and / or genderqueer sexual ethics and politics

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Gender fluidity, genderqueerness and non-binary gender are increasingly embraced and visible and offer exciting new ways of understanding gender, the self and others. There is certainly not consensus on what they mean, which can be seen as a strength. Some trans exclusionary ‘gender critical’ or ‘radical feminists’ labour under the idea that these identities, and the option of rejecting binary genders, are a threat to women and girls’ rights and at odds with feminism. While popular discourses have often been either celebratory or adversarial and aggressive, much academic work on this topic thus far has, importantly, been from the fields of psychology (see Barker & Richards 2015) or health (Smith et al. 2014), centred around monitoring and overcoming the negative: discrimination, health issues, violence. As Armitage puts it in their contribution to this special issue ‘academic narratives mostly position trans and queer people, especially youth, exclusively in terms of victimhood and of needing help’. Some of this is for good reason: urgency of protecting the most vulnerable, framing research for funding, and evidencing the need for services. Recently there has been somewhat of a shift to more positive works (Iantaffi & Barker 2019; Nicholas 2019). Given this context, this roundtable and special issue sought to respectfully and productively discuss the positive aspects of these approaches to gender, in particular what they might mean for sexual ethics and politics, and how they may be enabled and affirmed more widely.

Even where the contributors herein do focus on risk and critique, it is not as outsiders considering their objects of study with the cold rationality of positivist social science or the abstract metaphorical speculation that philosophy has recently applied to issues of gender diversity and transness. Additionally, the ‘objects’ of study are not the individualised or pathologised gender diverse person as in many studies in the psychology paradigm that is focused on individual risk or resilience. Instead, as Vivienne points out in this issue, all contributors in different ways demonstrate that ‘these “risk factors” are the result of discrimination, not gender-diversity itself,’ something that Walsh & Einstein perhaps take the furthest herein, proposing a bi-opsychosocial model for understanding dysphoria discussing the social, not individual, contributors to dysphoria. This special issue tries to distance itself from the generalising, authoritative, masculinist tone of some of the polemics thrown at trans and gender-diversity issues in recent times, where they are used as allegories and abstract

talking-points, to consider social, political and ethical realities of genderqueerness and non-binary gender and people themselves.

Often non-binary and genderqueer are wheeled out and used as symbols of generalisable doom or progress in media or by commentators. They were leveraged in the anti-marriage equality campaign in Australia as symbols of the downfall of traditional values that marriage equality would harken. They are written about in magazines as symbols of the end of gender, and a gender free future (Marsh 2016), or of either millennial progressiveness (Risman 2018) or millennial apolitical individualism and self-obsession or snowflake fragility (Murphy 2017). Whilst we did not want to contribute to universalising discourses like this, where totalising conclusions are made about what they mean, what they are, and their implications, we also didn't want to shy away from the political and social analysis we are doing and thinking, and we didn't want to feel shut down by this historical instrumentalising of them by wider society and discourse. Instead, this is intended to be a space where these things are written about by queers for queers, and in that way it represents a diversity of perspectives of queer folk themselves. None of us represent *the line* on these issues, but we have presented pieces that start a dialogue or enter a dialogue about how we might understand the ethics and politics of non-binary and genderqueer. This is always done, however, with the understanding that these are lived things, and lived by the contributors to this issue.

Instead, in many ways the papers collected here represent systematic versions of the political and ethical musings and conversations we have among ourselves, outside of academic studies and our jobs or roles. About why the backlash is happening in the ways it is and why non-binary and genderqueer seem to be particular targets; about what expansions and dissolutions of gender might mean for sexuality and sexual identity; about how body modification can be understood in ways that don't reinforce binaries. This introduction will briefly touch on some of the key themes that recurred in the contributions, and end with an unapologetic list of normative¹ ethical and political statements that I have called (somewhat tongue-in-cheek) a 'person-ifesto.'

'Gender obsessives'

The use of non-binary and other proliferated ways of understanding gender have been charged by some critics with merely emphasising gender and making it more central to identity and the social world. Non-binary philosopher Robin Dembroff recounts how 'Unreflective critics like to accuse people like me of being "obsessed" with gender' (2018). An ontologically simplistic argument would be that we would be better to downplay gender rather than bringing it up so often, being so gender obsessed. For me, and I suspect many of the other contributors, this 'gender-blindness' is naïve. Coming from more sociological perspectives and demonstrating astute anal-

¹ 'Something is said by philosophers to have 'normativity' when it entails that some action, attitude or mental state of some other kind is justified, an action one ought to do or a state one ought to be in' (Darwall, 2001)

yses of how identity works beyond the individual (either with a social understanding of linguistics as with Jas, socio-cultural premises as with Armitage, politically as in Nicholas and Clark, biopsychosocial foundations as with Walsh & Einstein or legal and social as in Vivienne), many of the papers emphasise the importance humans place on categories and distinctions. Indeed, demonstrating the disciplinary power of social categories, Walsh & Einstein cite the ‘tendency to categorise’ alongside cissexism in their diagnosis of all genital surgery (including FGC and gender affirmation) as about instantiating gender. In the words of Judith Butler, gender is one of ‘the conditions of intelligibility ... by which the human is recognised’ (2001: 621). Thus, many of the papers, unsurprisingly, interrogate the ‘unintelligibility’ of such identities or ways of understanding the self and others and apply this to different arguments. For example, Walsh & Einstein take this premise to make the argument that, as long as cissexism imposes the compulsarity of gender, we have an ethical obligation to affirm a person’s felt or chosen gender, including by surgical means. Similarly, Nicholas & Clark argue in their account that it is important to wield non-binary and genderqueer as categories in a world that cannot imagine getting past gender. The papers here are not simple for/against, but careful considerations of the lived realities of gender and its social, cultural, institutional, interactional, linguistic, legal and technological contexts. Thus, in many ways the contributors are undertaking the feminist task of ‘using gender to undo gender’ to borrow from Judith Lorber (2000), or engaged in ‘strategic essentialism’ to borrow from Gayatri Chakravorty Spivak (1994). To do so is not to capitulate that non-binary and genderqueer are ‘made up,’ anymore than being a man or a woman is ‘made up.’ Gender can be understood as an ‘inaccurate yet necessary ... philosophical exigency’ (Spivak 1976: xiv). For Spivak who is unequivocally deconstructivist in her thought, there is value in ‘strategic use of a positivist essentialism in a scrupulously visible political interest’ (Spivak 1994: 153). There is a sophisticated capacity in this collection of papers to take a both/and approach. For Walsh & Einstein and Nicholas & Clark, gender identity can be seen as both constructed and valid or ‘real,’ and for Ynda Jas,

Specificity can create visibility for alternative ways of being, which is perhaps the first step to (positively) normalising variety and diversity, while queer or similar terms perhaps have a place as the ‘it doesn’t matter’, ‘be what you want to be’ ideal.

Ethico-Political

Given the ontological implications outlined above, then, non-binary and genderqueer *are* political, they cannot help but be so in a world in which they lack power, where gender is so imbued with power, in a world where sexual politics is part of our existence and shapes our being in the world. They are being politicised anyway, and this is a small attempt to reclaim some of that politicisation, and philosophical and ethical speculation and allegorisation that has been imposed on them.

In this context, Luke Armitage offers a compelling account of the mechanisms that render non-binary genders such a rallying point in anti-trans campaigns, some-

what bravely offering an interrogation of the vehement way that TERFs (trans-exclusionary radical feminists) have opposed trans rights. Interrogating the politics of the Gender Recognition Act backlash, Armitage offers an articulate and astute picture of the contemporary landscape of gender theory and politics as it relates to transgender and non-binary, particularly in the UK. This again is a careful ontological political account, peeling back to the essentialist, and ultimately politically retroactive, premises of this opposition. This is an intersectional account that offers a compelling feminist, queer understanding of how the gender order and the reification of gender ultimately disadvantages everyone, but especially women and trans and gender diverse folk. Armitage's summary of the complexity of gender underpins a key theme of this entire special issue well,

the determinants of both sex and gender are more complex than simply immutable natural truth or insubstantial social construction and involve the interaction of biological information with historical and social contexts, as well as individual experience.

What distinguishes these contributions from many of the perspectives that have gained currency is their refusal to simplify the complexity of sex/gender/sexuality, and their fronting-up to the political and ethical implications of this without undermining anyone's autonomy. Continuing the sophisticated ontological approaches of the contributions herein, Ynda Jas's paper emphasises the extent to which the definitions and understandings of gender are always bound up with ideas about sexuality. The two, along with the idea of 'biological sex' (Fausto-Sterling 2000) are co-constitutive, given meaning only in their relationality with the other terms in what Butler (1999) has called 'the heterosexual matrix' wherein there is a socially assumed congruence between the 'sex' (M/F) that is assigned at birth based on visual genital identification, the gender that is assigned at the same time on this same basis, and sexuality that is assumed to flow naturally from this as a desire for the 'opposite' sex for procreative purposes. Thus, a variance in any one of these throws the whole model in to disarray or, as so many of our contributors have described it, leads to 'unintelligibility.' This has been used as a foundation for opposing such identities by 'gender critical' commentators, for whom the corollary of deconstructing 'woman' is the undermining of the foundation of political sexual category lesbian. Here, instead, Jas more openly considers the possible corollaries of genderqueerness for sexuality. Are there ways to 'sort' sexuality beyond orientation to a specific sex/gender that might be more instructive? Leaving the negative framing aside, and without having to justify their position, Jas's paper considers new ways of linguistically representing the self and sexuality that better describe how people actually *feel*. How can things be 'reworked and expanded to better reflect the diversity of human experience'? (Jas). Likewise, Vivienne looks at data and categories – metonymic representations – and how they may be creatively played with to 'proliferate' gender categories. Demonstrating the self-reflection throughout these papers (at odds with some popular representations of the 'new gender order' as prescriptive and didactic) they ask, 'can social change be nurtured by simply making new categories available'?

Likewise, I am cautious here of painting us into a prescriptive idea of what non-binary *is*, but it is certain that thinking non-binary or genderqueer has a transformative relationship with politics and ethics. It renders givens unintelligible, like

inclusion, recognition, sexual orientation, political solidarity. And in doing so it asks us to think what politics and ethics may be that are not reifying or based on foundational identities. Will it be like Cohen, cited in Nicholas & Clark, who imagines a politics of shared orientation to power? This certainly speaks back to and potentially minimises some of the single-issue politics that throws others under the bus, as we have recently seen with Australian same-sex marriage campaigns that distanced themselves so explicitly from gender ambiguity and queerness, or that we see time and again with a gay or trans politics of recognition that chooses respectability over solidarity across racial, ethnic, and socio-economic lines.

As such, another salient theme that recurs is that of the tension between ‘inclusion on a liberal level (making small changes within the existing framework) but failure to demonstrate radical inclusive practice (by changing the system)’ (Ynda Jas) particularly in Jas, Vivienne and Nicholas & Clark. For them, there is always an eye to the utopian, the deconstructive, a caution around ensuring identity is a ‘strategic use of a positivist essentialism in a scrupulously visible political interest’ (Spivak 1994: 153). Theirs are perhaps the most explicitly radical queer politics, but all papers hold that, ultimately sex/gender are humyn constructs that constrain us, and in different ways need to be challenged and imagined beyond.

‘liberal approach to inclusion may harm the cause of activists seeking more systematic inclusion’ (Jas).

As such, and echoing Nicholas’s 2019 paper, every single paper in this special issue is political insofar as it places the ‘problems’ faced by non-binary and genderqueer, and thus the ‘solutions,’ outside of individuals. All of the papers ultimately call for some kind of more collective, social, cultural, linguistic, political or legal change that goes beyond liberal inclusion on the terms of cis culture, a key theme of Heath Fogg Davis’s book reviewed in Blase A. Provitola’s review essay. This book, in Provitola’s words critiques ‘the common transgender rights strategy of assimilation and accommodation, which mimics strategies adopted by liberal feminism and gay and lesbian rights organizations, [and] has failed to question the gendered nature of existing structures.’ Likewise, Ward quotes Holly Lewis’s book in her review essay to the extent that ‘queer subcultural practices are simply not inherently anti-capitalist.’ Thus, the more radically utopian. Most explicitly in this collection of papers, Nicholas and Clark consider what non-binary and genderqueer could be like to have feminist queer potential for making spaces of enablement. This is a theme that Vivienne returns to in their firmly visionary and utopian paper, where they consider how we can make ‘flashpoints’ of boundary challenge in a binary world, and Jas asks how we might envision sexuality without gender in a binary model underpinning heteronormative models of sexuality. This utopian edge is thrilling in an academic context where so much work is diagnostic, focused on risk and critique or the agenda is otherwise set by attacks.

What do we, as nonbinary, trans and genderqueer scholars, want the world to be like? Given, then, that this is a journal of ethics and politics, I have gathered together all of our normative (in the philosophical sense of attributing value to things and speculating how they *should* be) statements and hopes expressed throughout this special issue, collected in to a (non-prescriptive, self-reflective, open, and tentative)

‘Non-binary / genderqueer person-ifesto’. The main joy of this special issue has been the permission it has given us to reflect on the should questions.

Genderqueer Utopias: A Personifesto

Affirmation and Autonomy:

- ‘affirmation of all gender identities and transition narratives’ (Armitage)
- ‘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’ (Nicholas & Clark)
- ‘gender identity is a more enabling marker than the imposition of culturally constituted categories of “sex”’ (Nicholas & Clark)
- ‘queer ethics in practice acknowledges the slipperiness between categories and the importance of gently holding a space for self-identification.’ (Vivienne)
- ‘the cultural violence of cissexism² causes trans people to experience (neuro) physiological damage for which medical transition within a framework of individual autonomy is the best and only treatment.’ (Walsh & Einstein)
- ‘freedom of choice and independence from gatekeeping are indispensable’ (Walsh & Einstein)
- ‘Re-framing these debates around the agency of people who are most affected is ... imperative.’ (Vivienne)

Critique:

- ‘an ongoing critique of social norms’ (Armitage)
- ‘it would be politically ideal for these invocations of proliferation to be complemented by ongoing attempts to challenge sex/gender itself.’ (Nicholas & Clark)
- ‘it’s vital to be informed by intersectional perspectives so as not to unwittingly open up the potential for deepening and validating other forms of social prejudice.’ (Jas)
- ‘queer ethics ... based on coalition politics ... mitigates against some of the risks of single-axis politics’ (Nicholas & Clark)

2 Cissexism refers to a system of beliefs and values, dominant in a majority of modern-day cultures, that positions cisgender bodies as more legitimate, particularly as embodied expressions of gender.

- ‘We must begin to regard cissexism (and indeed all prejudices) as an endemic violence’ (Walsh & Einstein)

Expansion of cultural resources and creativity:

- ‘non-binary and genderqueer can be understood as ways to make space in a structure that is not likely to crumble any time soon.’ (Nicholas & Clark)
- ‘recognition and understanding of non-binary “in-betweens” and “in-progress”’ (Vivienne)
- ‘reconstruct transition as a social process of “coming out” as one’s gender, and a radical act of personal and political autonomy, but one which is often distorted by the social processes of cissexism creating or exacerbating dysphorias which call for biomedical intervention’ (Walsh & Einstein)
- ‘Collectively, accommodating “they” as a framework for the multiple, fluid in-betweens, is a small shift in a continuing evolution of how we understand, categorise and name gender.’ (Vivienne)
- ‘work needs to take place both at strategic, identity levels and also at more long-term, structural levels.’ (Nicholas & Clark)
- ‘Rather than relying on a large set of neologisms, we could simply describe in plain terms what we tend to be aroused by (e.g. small, medium or large hips or chest size). Or we could gradually develop the linguistic repertoire while shaping our definition of new terms around the principle that hard boundaries are artificial.’ (Jas)
- ‘Why not just use queer as a catch-all, nuance-recognising (but not detailing) category (or gay, which is increasingly being reclaimed as the new queer)?’ (Jas)

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