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Category X: What does the Visibility of People who Reject the Gender Binary Mean for the Gender Structure?[1]

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Abstract

In this paper, we address the growing visibility of people who reject gender categories and identify as neither women nor men. We begin with a brief overview of how we conceptualize *gender as a social structure*. We use this theoretical framework to theorize how the increased visibility of people who reject the gender binary influence how we understand the gender structure, social change, and social justice. While we offer no empirical analysis in this article, we do draw upon interviews with 120 non-binary people in three metropolitan areas in the United

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States and interviews that are in process in Italy and Spain. We discuss the possibility that those who reject gender categories may increase freedom from gendered expectations for everyone, but also the possibility of backlash to increased visibility of gender non-conformity. We conclude the paper with an argument that the future of feminism as a social movement should be aimed at liberation from gender itself.

Keywords: gender structure, non-binary people, gender non-conformity, social change, feminist movement.

The 21st Century has brought many changes to gender politics just as too much has stayed depressingly the same. Gender inequality remains everywhere even as some improvement in women's status has been made. But there is a new and growing restlessness with how we understand, and live, our gendered lives. While there may be some societies with multiple gender categories in non-western settings, there is a glimpse of a new paradigm emerging, as some, (mostly) young people in the West begin to reject gender categories entirely[2]. We see social movements all around the globe demanding "Category X" on official document from driver's licenses to passports, to indicate a person who does not identify as either a woman or man. Countries that now accept gender neutral passports range from Pakistan to Canada to the Netherlands. While as of now, only a small proportion of people identify between or outside of the gender binary, the implications of doing so are quite revolutionary. Or could be. Will gender inequality persist in spite of an increase in non-binary options? Or in other words, how does gender inequality work if gender is not a binary? Will men and masculine people simply continue to be

[2] Non-binary people may always existed, we take care to note, but the emergence of non-binary people as visible minority in the West is a recent phenomenon.

privileged over both women, feminine people and non-binary individuals? Or are we observing a dramatic shift in the gender structure?

In public conversation the word "gender" is often paired with the word "identity" to refer to how individuals describe themselves, whether as women, men, or neither. While the latter group, people who identify as neither women nor men, are the topic of this article, we begin by situating our discussion within a sociological framework for understanding gender as a dynamic and changing social structure of inequality that intersects with white supremacy, colonialism and class structures. Just as every society has an economic structure, so too every society has a gender structure with social processes that occur at the individual, interactional, and macro levels of analysis. There are both material and cultural aspects at each level of analysis, and so change reverberates in complicated ways, like a game of dominoes; when any one thing changes, it can set off a chain reaction. Since there is a dynamic recursive causality between individual selves, interactional expectations and macro levels of ideology and organization, the rejection of gender categories by individuals is sure to reverberate widely, although how is a question that only time and careful observation will reveal.

In this paper, we begin with a brief overview of what it means to conceptualize *gender as a social structure* (Risman 2004; Risman *et al*. 2018). We then grapple with three related questions. First, what can we learn about the rejection of gender binary categories by applying a sociological framework that conceptualizes gender as a multidimensional structure? Second, how does the increased visibility of people who reject the gender binary influence how we understand the gender structure and inequality more broadly. Finally, how does the growing number of people who reject gender categories change how we must theorize about gender, social change, and social justice? We conclude with our suggestions about the future of feminism as a social movement aimed at liberation from gender itself. While we offer no empirical analysis in this article, we do draw upon interviews

with 120 non-binary people in three American cities and smaller numbers of interviews in Italy and Spain to inform our theorizing. The research was funded by the National Science Foundation and the University of Illinois at Chicago (UIC). The in-depth interviews were conducted by faculty and graduate students from UIC, University of North Texas and University of Washington, Seattle. The interviews were recorded, transcribed using an artificial intelligence application (Otter Ai) and cleaned by the interviewer. Analysis was aided by the computer assisted qualitative data analysis program Atlas Ti.

1. Gender as a Social Structure

Every society has a political and economic structure. So too, every society has a gender structure that is integrated with these other structures. We choose to use the word "structure" rather than system or institution or regime, to situate gender as central to a society's core organization as the economic and political structure. Macionis and Gerber (2010) define social structure as "relatively stable patterns of behavior". All definitions of structure share the presumption that social structures exist outside individual desires or motives and at least partially explain human action (Smelser 1988). To that extent, then, all sociologists are structuralists. But if social structures are presumed to deny individual and collective agency, few sociologists would identify as such. We think Gidden's (1986) structuration theory overcomes this dualism by emphasizing the recursive relationship between social structure and individuals. Social structures shape individuals, but simultaneously, individuals shape the social structure and therein lies the transformative power of human action. We follow Connell's (1987) argument in her classic book on *Gender and Power* (see particularly chapter 5) where she argued that Giddens' concern with social structure as both constraint and created by action must be applied to understanding gender inequality. Connell applies C. Wright Mills' (1959)

understanding that social structure shapes and is shaped by individual actions. Or, as feminists have long argued, the personal is political.

In order to understand how gender stratification is produced and reproduced, and sometimes reduced, from generation to generation, we need to understand the breadth and depth of the power of gender. Gender is neither solely about identity, nor interaction nor organizational rules and cultural beliefs but rather is embedded in all of these. To build a full picture of the complexity of gender, we must be concerned with each level of analysis – the individual, the interactional and macro – including both organizational rules and cultural logics and the recursive relationships between them (see Risman 2018a or 2018b for more full description of the theory).

In every society bodies are assigned a sex category from which gender as an intersecting system of inequality is built. A gender structure has implications for individuals themselves, their identities, the formation of their personalities, and therefore the choices they make. The individual level of analysis has long been of interest to social scientists, and often presumed to be at least partly the explanation for gender patterns, and therefore inequality. For example, Erin Cech (2021) argues that even today, many women choose feminine (and therefore lower paying) jobs and men choose more "manly" jobs because they have been raised to follow their gendered passions. But the power of the gender structure goes far beyond the shaping of selves. The individual impact of gender structure is but one component of its power and influence. Every time we encounter another human being, or even imagine such an encounter, the expectations that are attached to our sex category become salient to us and whether we meet such expectations or not, we are held accountable by ourselves and others. This is the power of an interactional level of analysis. Legal systems, religious doctrines, and often our work and community organizations are also deeply gendered, with beliefs about male privilege and agency, and female nurturance and docility. While such beliefs

may vary along race and class lines, they are often built into organizational rules and the cultural logics that accompany formal rules and regulations. At every level of analysis – the individual, interactional and macro – there are material realities (e.g. things we can see, feel and touch) and there are cultural phenomena (selves, expectations for others, organizational logics). To understand gender as a structure we must pay attention to each level of analysis and attendant material and cultural realities. A more detailed explanation of the model is available elsewhere (Risman 2012; Risman and Davis 2013; Risman 2018a; 2018b). The following graphic representation summarizes the model:

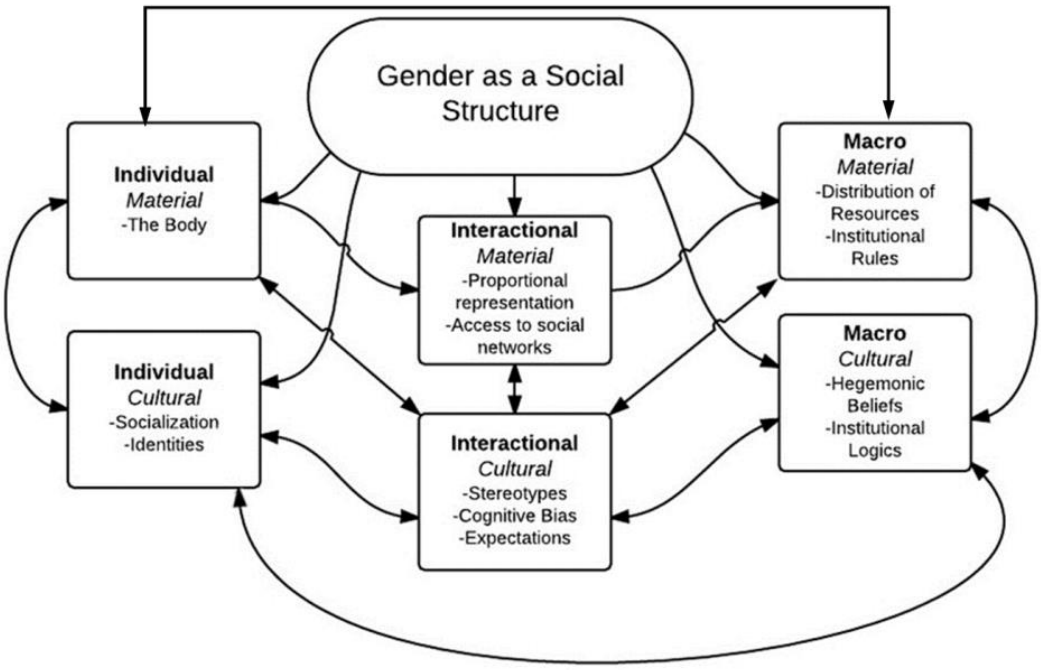

Figure 1: Model of Gender as Structure (Risman 2004)

2. Implications of gender structure for rejection of binary categories

2.1. Individual Level of Analysis

In an earlier book, one of us (Risman) found that what differentiated feminists who reject gender stereotypes for themselves, or for others, from non-binary people (referred to as gender rebels in that book) is located in bodily expression. In *Where the Millennials Will Take Us* (Risman 2018a), those interviewed who rejected not only how they were supposed to act because they were raised as boys or girls, but also how they should present themselves and how they would use and adorn their bodies, were identified as "rebels" against the gender structure. We now refer to this group now as non-binary. Non-binary people in our research sample often chose to adopt an androgynous style, or to mix feminine and masculine markers, such as wearing dangling earrings while sporting a beard. People who reject gender categories go beyond breaking normative rules for how to behave; they often (although not always) use their bodies to publicly mark their identity.

From research we are now doing, we speculate that people reject gendered norms for bodily presentation for reasons similar to why many others reject gendered behavioral expectations: they feel constrained or oppressed by them. Feeling constrained by gender expectations has been widely acknowledged as a driving force of feminist movements (Chatillon and Taylor 2021). Women are expected to be warm, nurturing and supportive but many do not want to be accordingly constrained, to display such personality traits, and/or expected to do the domestic and emotional labor at work and home (Charles and Ridgeway 2013). Nor do all men embrace rigid stereotypes of masculinity that require them to repress emotional expression (Bridges and Pascoe 2014). So too, non-binary people reject the expectations that because they were raised as girls or boys, they must become feminine women or masculine men. Indeed, they go a step further, and question why they must identify as women or men at all.

Whereas many people adopt the feminist position that children need not be socialized to be feminine because they are girls or masculine because they are boys, no society has as a whole has moved beyond such binary socialization – in spite of feminist efforts in multiple spheres to change this. There have been critiques of gender socialization for nearly half a century and yet children's clothing and toys are still pink and blue. Parents still expect boys to play sports, and girls to play with dolls. While feminist organizing in the 1960s and 1970s has resulted in greater freedom for girls to be masculine, boys are still stigmatized for any sign of femininity (Kane 2012). People who identify as non-binary reject not only such constraining expectations for how to act, they also reject the expectation to present themselves to the world as boys or girls, women or men.

The emergence of affirmative (as opposed to punishing and reparative) medical and psychological professionals focused on supporting trans and non-binary people of all ages *is* one response to a critical need that has arisen in some Western countries such as the Netherlands, Canada, and parts of the United States. But even here, one of us (Travers 2018) and others have observed that these resources are disproportionately available to relatively privileged (albeit vulnerable) rather than socioeconomically precarious trans people. And these resources tend to be deployed within social contexts that remain binary normative and therefore may impose limited transgender possibilities on children and young people and leave sexist and misogynist underpinnings of social, economic, and political life more generally untouched.

In interviews with trans kids and young people in the United States and Canada, one of us (Travers 2018) learned they lamented the lack of childhood exposure to nonbinary people/identities. Indeed, many kids who identify as nonbinary need trans-affirming healthcare but struggle to obtain it because they are not "trans enough" (Shuster 2021). In most contexts, the current process for accessing affirming healthcare depends on being diagnosed with gender dysphoria, and this

frame sets limits on the embodiments available to transgender and non-binary people, at least officially: one is required to convince a licensed clinician that one *has* gender dysphoria in order to transition socially and/or medically. The script for such an encounter is readily learned via trans sites on the Internet, but not all nonbinary folks are sophisticated enough to adapt their story to fit with the binary narrative or comfortable with misrepresenting their gender identity. Their desperation for treatment or accommodation usually wins out, and there is considerable anecdotal evidence that some therapists collude in constructing a false binary narrative out of respect for their clients' right to gender self-determination and/or as a harm-reduction measure.

While nonbinary trans people of all ages are becoming more culturally visible, most of the representation relating to trans people continues to be binary conforming in nature and, as such, poses limited challenges to oppressive binary-normative cisgender environments. As gender scholars Elizabeth Bucar and Finn Enke observe (2011, 323):

> The vast majority of transsexual-identified individuals in the United States will not have a single surgery related to sex change, due to lack of access and/or lack of desire. Thus, any media coverage that focuses primarily on SRS (Sex Reassignment Surgery) disproportionately excludes from its purview poor people, people of color, all gender variance that is not medically mediated, and the countless ways in which trans masculine, trans feminine people negotiate the sex/gender expectations of the culture around them.

At the same time we emphasize that it is deeply problematic to be critical in *any* way of trans people who conform to binary norms either because they self-define as men or women or as a means of reducing their precarity. After all, gender-conforming cisgender people are rarely censored for doing just this.

Using the theoretical language offered in gender structure theory, non-binary people reject the cultural expectation that people assigned female at birth experience or present themselves as feminine and that those assigned male at birth experience or present themselves as masculine. Beyond that, they reject the notion that people raised as girls must grow up to be women, or people raised as boys must grow up to be men. They reject the required materiality of the gendered body in terms of norms for bodily presentation, gendered personality constraints, and behavioral expectations. But they go beyond rejecting the constraints assigned to sexed bodies to reject binary sex and gender categories themselves. Finding the categories themselves so constraining, they have opted out of them and identify as between or beyond the binary. It seems that when categories fail to fit, some people endeavor to leave them behind, however, often with great difficulty because of the centrality of the binary gender structure to social, political and economic organization. We find the implications of this letting go of categories fascinating for the possibility of future social change.

2.2. Interactional Level of Analysis: The Power of Expectations

Of course, rejecting gender categories goes beyond the definition of the self; it also involves rejecting norms that require cultural ideals of femininity or masculinity because such ideals are grounded in the gender binary. That said, non-binary people do not always reject all aspects of femininity or masculinity, nor could they, as so much of modern human behavior is coded in those terms. What non-binary folks reject is the connection between any particular personality characteristic or behavior or interests and being identified by the gender structure as identifying one as a woman or a man. Logically, we presume that such rejection of stereotypes for the self would be accompanied by rejection of gender stereotypes for others as well, although empirical research is necessary to know this for sure.

The materiality of the interactional level is far more difficult to envision. In our interviews with non-binary young adults in the United States, we found that nearly all of them would be mis-gendered routinely in social interaction, usually but not always as the sex assigned at birth. We introduce here a term borrowed from scholarship about race. López (López and Howard 2021; Vargas *et al*. 2021) introduced the language of "street race" which refers to how strangers would classify a person's racial category, regardless of how they identify themselves. We suggest that "street gender" is a useful concept for the study of non-binary people. A non-binary person may identify as such but appear to strangers as a woman or a man. Their identity is less important for the material consequences of interpersonal interaction than their "street gender". As with "street race", mistakes can be corrected when discovered, but much public behavior and expectations are subtle and pass without verbal conversation, especially about one's race or gender. And scholarship by women and people of color (Collins 2004, for example) leads us to emphasize that street understandings of race and gender are co-constructed; the way that one's gender is read on the street cannot be separated from how one's race is "read" on the street.

2.3. Macro Level of Analysis: Cultural Logics and Organizational Rules

We theorize that most non-binary people reject gendered rules and regulations in interpersonal and organizational settings, and the cultural logics that support them. Societies that allow for different retirement ages for men and women, or religions that privilege men as spiritual leaders, all depend on cultural logics that require binary gender to justify their differential restraints on men and women. People who do not identify within the binary struggle with such differential gender-based rules, in no small measure because their/our very existence is denied by

them[3]. Perhaps naively, we expect nearly all non-binary people to support feminist versions of a world without differential opportunities and constraints for women and men because their very existence requires us to move beyond the binary in our organizational logics and regulations. Indeed our research in U.S. contexts suggests that non-binary people routinely support an end to societal disciplining of women to femininity and men to masculinity. Without the acceptance of two and only two genders we could no longer have single sex bathrooms, male and female military uniforms or differential expectations for labor force participation for mothers and fathers.

3. How does the visibility of Non-Binary people change the gender structure?

3.1. Theorizing Gender

The history of theorizing about gender as a social structure in sociology can be traced to feminist concerns with male privilege and female subordination. Before the second wave of feminism, sociologists mostly ghettoized women into the fields of sociology of the family or as sex workers within the sociology of deviance. It was resistance to sexism that triggered the reconceptualization of sociology as the study of sex roles to sociologies of gender inequality (Smith 1979). But that concern was focused on women's subordination within the gender structure rather than the institution of the gender binary itself. Butler (1999) theorized gender as performativity rather than an identity based in a stable sex category as did West and Zimmerman (1987). While the social construction of gender has problematized gender expectations and performances for decades, the acknowledgement of people who do not identify within binary gender categories broadens our understanding of gender inequality.

[3] Our team consists of three researchers holding the following gender identities: cis gender woman, trans non-binary, and cis gender man.

At the individual level of analysis, we need to note, measure, and include people whose identities are non-binary. A major implication for social scientists is to heed new ways to measure gender on surveys (National Academy of Sciences 2022; Compton *et al*. 2018; Ghaziani and Brim 2019). At the interactional level, the very existence of people who reject binaries provides feminists with further evidence to render visible and challenge cognitive bias and gender stereotypes. We must push forward with attempts to move beyond expecting anyone to behave in certain ways, whether nurturant or effective, polite or demanding, simply because they are men, or women, or neither. We must be alert to discrimination that may occur when only one non-binary person with a "street gender" of non-binary is in the room, and tokenism rears its ugly head. Of course, there may be more non-binary people present, who do not publicly present as such, given how unwelcoming environments may encourage such identities to be hidden). Women in an all-male setting are often disadvantaged (Kanter 1979), and so we can expect that people beyond the binary may also find themselves facing stigma in social settings, especially if they are easily identified as non-binary and especially in environments beyond the somewhat gender expansive bubbles available to white, middle-and upper-class mostly young people, such as colleges and universities. And finally, at the macro level, we must dismantle all the ways that binary gender has been built into our institutions and our belief systems.

There is some research that suggests that self-presentation as masculine, and behavior traditionally considered masculine, may be privileged whether done by men, women (Halberstam 1998) or non-binary people (Alfrey and Twine 2017). Similarly, femininity is often seen as a marker of weakness in cultural scripts (Bridges and Pascoe 2014). Boys are taught not to "throw like a girl" (Young 1980; Messner 1989) or cry like a "sissy", a pejorative term derived from a common American nickname for one's sister. On the other hand, it may be that those whose "street gender" is misaligned with their identity are more disadvantaged than

either women or men and certain that within this category, people marginalized on the basis of race and class experience significantly greater levels of precarity (Travers 2018). Only time and more research will tell.

Clearly, however, the existence of people who exist beyond the binary underscores the need to change how we need to organize social life. Sex-segregated bathrooms are one of the most obvious sites of binary-oppression (Spade 2011) while the clothing industry needs to provide options for children that do not box them into one category or the other as well as provide clothing for non-binary people who do not want their "street gender" to differ from their identity simply because no clothing fits that matches their sense of self. Schools must stop asking children to line up by sex, with boys on one side and girls on the other (Thorne 1990; Kane 2012). Nor can religious organizations have different seating areas for women and men, because that leaves nowhere for some people to sit. The list is endless. How many people must identify as non-binary before their/our existence pushes social change? If one person breaks social norms, they are often considered deviant. But when many do, norms begin to change. An important question is to identify that tipping point. And of course, what would such change look like that moved us toward a society which recognizes more than two genders? It is quite possible that colonialism has wiped out such societies, and it surely the case that framing colonized populations as gender deviant was one justification for land and labor exploitation (Lowe 2015). Does change to incorporate people who reject gender categories require another gender revolution?

3.2. Implications of Non-binary Visibility for Social Change

The very existence of people who opt out of the gender binary, and our observation that the numbers of people doing so are growing across at least Western societies, indicates that organizing society around gender categories has pernicious effects on women and men, and those who do not identify as either. Gender norms

continue to constrain us even as feminists succeed in changing some of them. We suggest that we are currently in a moment in history when expectations for change have been heightened by feminist social movements, including the #metoo moment, but much has yet to substantively change. The incompatibility between expectations and realities at each level of the gender structure creates what Connell (1987) has called "crises tendencies". When norms across life domains (from work to parenting to romantic relationships) do not synch, people's taken-for-granted realities are challenged. Perhaps when a husband in a heterosexual relationship rejects traditional masculinity and invests fully in his role as parental nurturer, those around him become a little more aware of the possibilities for men's behavior. Parents, friends, and co-workers becoming aware that someone they know and love is non-binary disrupts notions of what gender means. What are the possible changes that growing visibility of non-binary people may bring to the gender structure, and society at large? The gender structure is currently being destabilized by the emergence of transgender social movements, and we see evidence of that in the attempts by reactionary, conservative movements peopled by white, Christian conservatives in the United States and women who claim to be feminists in the United Kingdom to "ban" the very existence of transgender people and to make the medical care of trans children illegal (Sharrow 2021).

As throughout the paper, we use the gender structure framework to organize our discussion of social change around levels of analysis. We begin with what changes the growing visibility, and we speculate, the growing numbers, of people who identify beyond the gender binary may bring at the individual level of analysis. We can offer no causal analysis of how or why people identify beyond the binary, and indeed, question the necessity of doing so, given the ideologically basis of the two sex system (Fausto-Sterling 2000; Fausto-Sterling *et al*. 2020). We do know from very recent research that as we move down the age structure, more people

openly identify as non-binary[4]. Our own interviews suggest that the emergence of language itself, the very imagination of the possibility of rejecting binary gender categories, creates the option to do so. Young people, in particular, are actively creating new language around gender and sexuality (Travers 2018) outside existing constraints. As non-binary characters begin to appear on television shows (in the US, *Better Things*, and *Zoey's Extraordinary Playlist*), more people constrained by gender categories can imagine opting out of them. Such exposure is likely to have a snowball effect and therefore we expect more people to identify outside the binary in the years to come. Some will choose to present their bodies in ways that mark them as non-binary while others will not. The increasing use of surgery for a variety of aesthetic reasons (breast augmentation and reduction, fat removal, aging, ethnic specific beauty standards) suggests that changing our bodies to conform to our identities has become normative in Western post-industrial societies (Menon 2017; International Society of Aesthetic Plastic Surgery 2020). With current medical technologies, people can identify with a sex or gender and then (with enough wealth, good health insurance or by living in a country with national health service and access to gender affirming healthcare) create the body that suits their/our identities. Recent research (Gonsalves 2020) suggests that transgender people now turn to surgeons for facial surgery beyond, or instead of, genital surgery to help mold bodies to conform to sense of self but also, perhaps to reduce their risk of vulnerability to violence when others "clock" them as trans. Still, others who identify as non-binary present a "street gender" that does not distinguish them as nonbinary and their presence may be somewhat invisible beyond their intimate relationships, and perhaps less likely to drive social change.

What will the increasing visibility of non-binary folks mean for the interactional level of the gender structure, for the expectations we hold for women, for men, and for those who do not identify within those categories. How does non-binary

[4] See https://psmag.com/ideas/gen-z-the-future-is-non-binary.

visibility reshape labor market stereotypes that have long sorted women, particularly women of color, into low-paying service occupations? Who is going to be accorded more material and cultural resources within the context of an economic systems built on inequality and a global division of labour? How will our systems of hierarchy be challenged and/or modified? We can imagine positive and negative scenarios: social change in feminist directions and alternatively, backlash in more conservative directions. Let's begin with a utopian imagination. As more people, more visibly, challenge gender categories, they/we could disrupt gender expectations more widely. The crises tendencies could grow from a crack to a cavern. Research suggests (Ridgeway 2011) that the major axes of differential expectations for women and men are around nurturance and agency/effectiveness. What happens to those expectations when not everyone can be identified as a woman or man? Perhaps people will begin to realize that gender is not synonymous with biological sex assignment. Parents privileged enough to make choices might begin to allow their children to grow up as well-rounded human beings, and not specifically as boys or girls (Compton *et al*. 2018). More clothes might be available that do not signify gender for children, and perhaps for adults as well. This would have broader implications, perhaps divorcing expectations for personality traits, and social roles from sex assigned at birth. In Sweden, some childcare programs and elementary schools avoid using gendered pronouns entirely (Hebblethwaite 2011). Indeed, the Swedes have created a new non-gendered pronoun, "hen" that is now widely used (Sendén *et al*. 2021). In the U.S., big box stores like Target, for example, have stopped identifying toy aisles by sex, although the packaging of the toys often makes the intended gender of the child user very evident. Lego, for instance, has announced that it will cease marketing its sets to boys or girls as different target demographics (Russell 2021). As is often the case, this forward progress may also backslide, as in the eighties Legos were bright primary colors, and then changed to be color coded for boys and girls that we see today. Still, such

moves to more non-gendered expectations would ease constraints on everyone, whatever their gender identity. If more non-binary people present themselves as such publicly, the expectations that certain characteristics are inherently gendered might be challenged. When people raised to be girls identify as non-binary and take leadership positions in organizations, perhaps leadership will no longer be so closely aligned with maleness – but will it still be closely aligned with masculinity? Similarly, if more non-binary people, whatever gender they were raised, take caregiving responsibilities seriously, those too might become less tied to femininity. That would be the case, of course, if more men were to do so as well. We wonder though if gender were to become less a marker for cognitive expectations, would our minds look for other markers to simplify cognition, and perhaps embed such bias even more into ethnicity, or race? That would have different but also seriously negative consequences. While it might be that only white, relatively wealthy people can afford to resist the gender binary and survive, our ongoing research shows diversity of class and race among non-binary populations in major U.S. metropolitan areas.

Another, more oppressive future is possible. And one that is better described as backlash to gender fluidity. As more people are visibly transgender and/or non-binary, they/we may destabilize normative gender expectations and disrupt the taken-for-granted realities of people who strongly endorse essentialist beliefs about gender and the hierarchies of which gender is such a central part. It is perfectly possible that such disruption leads to backlash. In fact, we are already witnessing it, with the numerous bills and laws proposed and passed in U.S. states to prevent transgender children from receiving affirming healthcare, or even acceptance from their parents by criminalizing it. Indeed, we might think about "gender reveal" parties where parents invite friends and family to a party where they reveal the "gender" of their fetus as a pushback to expanding notions of gender. How could revealing whether the fetus has a penis or a vagina tell us

anything about their gender, let alone their personalities, unless we believe that boys are born tough (and logical, in the case of white boys) and girls are born emotional (and in need of protection in the case of white girls). A "gender reveal" party is designed to solicit pink gifts for girls and blue ones for boys with the presumption that knowing the biological sex of the fetus is a good predictor of their preferences for clothes and toys, and even their life goals. It invites relatives and close friends to begin their participation in the child's gender socialization prior to their even being born. Another possible negative consequence could be that once a possibility exists (and is widely understood to exist) that a non-binary identity exists, perhaps girls who are not feminine and boys who are not masculine will be expected to opt out of the gender binary. Travers (2018) has some concern that gender nonconforming children may feel that adopting a binary, transgender identity is their only route to acceptance. This could lead to policing gender nonconforming people who continue to identify as women or men, thus using binary transgender acceptance as a way to restabilize binary sex systems. In such a scenario, assertive women and emotive men would be stigmatized or presumed to be non-binary or transgender because the gender norms within categories would tighten. The very existence of non-binary people might be used as an excuse by those who hold essentialist beliefs about gender to re-enforce their demands that women and men behave in stereotypically gendered ways or identify as otherwise. It is possible to imagine that those people most oppressed by gender stereotypes opt out of binary categories, and that options surely liberates them to be their more authentic selves. But their liberation may have result in a backlash decreasing of freedom for those within binary categories.

At the macro-organizational level we have seen remarkable change already in response to the increasing visibility of non-binary people. Since 2021, people in the United States may choose a Category X on their passport if they identify as

neither women nor men[5]. At least 15 other countries also allow a legal non-binary or third gender category. These countries include Argentina, Austria, Australia, Canada, Colombia, Denmark, Germany, Iceland, Ireland Malta, the Netherlands, New Zealand, Pakistan, Nepal and India. And surely more have joined the list since we have written the paper. It is truly remarkable how quickly some nation states have moved to incorporate non-binary legal statuses on documents. Of course, such changes themselves may spawn backlash, as when the state of Florida follows up on legislation preventing the teaching of "critical race theory" to pass a "don't say gay" bill making it illegal to teach about gender and sexual identities in public schools. The cultural norms across the world will no doubt change much slower than these formal legalistic options.

Crisis tendencies exist when laws begin to change but beliefs do not. Many religions remain solidly and stoically patriarchal, permitting men only into leadership roles, and giving no credence at all to people who opt out of binaries (Sumerau *et al*. 2016; Lagerwerf 1990; Mapuranga 2013), although some dominations of religions have incorporated feminist principles of gender equality. Many healthcare institutions still require everyone report whether they are male or female on institutional forms, and of course, most jobs continue to be sex-segregated (Stainback and Tomaskovic-Devey 2012). Travers (2018) reported the difficulty parents of trans kids experienced in registering their children in recreational or sport activities without specifying their gender. One of the clearest examples of the presumption that the gender binary must exist is in the international debate about transwomen competing in women's sports.

According to a report by the Williams Institute (Flores *et al*. 2016), 0.42% of the population in the United States identifies as transgender. We do not have estimates of non-binary population. Hellen (2009) observes that the majority of transgender children are invisible and it is reasonable to assume that many remain so

[5] See https://www.state.gov/issuance-of-the-first-u-s-passport-with-an-x-gender-marker.

throughout their lives. The extent to which trans and non-binary people expect to be welcomed or excluded and even villainized in our social worlds has a huge impact on our decisions about making them/ourselves known to others. Hateful political campaigns that seek to deny transgender people basic rights, including access to appropriate bathrooms according to gender self-determination rather than sex assigned at birth, and to prevent trans kids and young people from accessing gender affirming healthcare, are deliberate attempts to create hostile climates and drive them/us back underground. This is because meaningful inclusion for transgender and non-binary people may be seen to threaten white, heteropatriarchal systems of hierarchy. Such exclusion certainly creates oppression. The stakes are high, therefore, for both trans and non-binary people and for those who seek to eradicate our/their very beings.

Perhaps one of the most bizarre instances of the crisis tendencies created by non-binary and trans people's visibility is the war about bathrooms being fought in the United States, what Schilt and Westbrook (2015) refer to as a "penis panic". It is a battle about enforcing the gender structure, with its binary sex categories. For conservatives this is a war worth waging because they know that requiring sex difference and sex-segregation is necessary to justify women's place in society subordinate to men. As sociologists have long argued (Lorber 1994; Padavic and Reskin 2002) dividing the work of men and women, in the labor force and in families, exists to ensure that the sexes are believed to be different enough to justify male privilege. When conservatives talk about protecting "women and children", they infantilize women into a category collapsed with their dependents instead of treating them like adults, as adults as men. This presumes there are only two genders, which are both opposite and unequal. When policy makers argue that bathrooms must be sex segregated, they are supporting a belief in two and only two genders. And that those genders are so different that they cannot wash their hands in the same room after using a toilet in a cubicle with a door. This

seems to be far less controversial in European countries, which often have stalls with shared sinks nearby. As the gender structure is being challenged because people with a variety of gender identities are more visible, we are watching culture wars about gender essentialism break out all over the world. This war on bathrooms is really a moment in history where we can see open cultural conflict about gender itself (see Beauchamp 2019 for a critical discussion of gender, race and bodily surveillance practices).

A debate about bathrooms and gender, itself, de-stabilizes the status quo but does not determine what comes next. Which world will we see? Which scenario will come to pass – or are there developments to come which we simply cannot foresee? Here we must remind ourselves that the future is never pre-ordained. Feminist, LGBTQ+ and gender inclusive social movements are responding to the current cultural conflict, just as are conservatives. Whether the cultural direction continues towards egalitarian self-determination and mutual aid (Spade 2020) depends, at least partly, on the effectiveness of dueling contemporary social movements. For the remainder of this paper we move from social analysis to our normative argument about the direction of feminism as we move through the 21st Century.

4. Toward a Fourth Wave of Post-Gender Feminism

Although early feminist movements in Canada and the USA all too often advanced the interests of white, middle and upper-class women, contemporary feminists are not interested in gender alone. Feminist theory and political strategies are indebted to the scholarship and activism of Black feminist and other women of color, committed to anti-oppression in a broad sense now collaborate with other social movements for equality, including with activists concerned with economic and racial progress. In her book *The Future of Feminism*, Walby (2011) reminds us

that feminism is vital and has made much progress in fighting for women's equality, and for changing stratification structures that include but are not limited to gender. She reminds us that feminist has a long history of collaboration with worker's rights movements. While there is no denying the white supremacy of some early American feminists, feminist ideas that integrate anti-racist and anti-poverty analyses have moved from margin to center in many places, as hooks insisted they should (1981). But has it moved beyond the gender binary?

First wave feminists helped secure white women's rights to access the public sphere. It was many decades before men or women of color had reliable access to the ballot box in the United States. Indigenous women in Canada didn't have the vote until 1960 (see The Canadian Encyclopedia 2022). It was during the leftist social movements of the sixties and seventies that feminists began to argue that the personal was political. The African American feminist lesbian Combahee River Collective (2014) put forth an intersectional analysis during this period of movement organizing. The phrase that "women's rights are human rights", first coined during the Beijing women's conference in 1995, was very influential and used globally by feminists fighting for their own rights across the world (Sperling *et al*. 2001). Toward the end of the 20th Century, in what some refer to as the 3rd wave of feminism, women of color brought their own concerns from margin to center of feminism, creating competing feminisms that continue to challenge and enrich our conversations today with the focus on intersecting gender with race, class, sexualities, and national inequalities. While Walby (2011) writes that the next push within feminism should be to shape stronger and more caring social democratic politics, with conservative parties gaining strength across Europe, we hope the progressive social democracies last long enough for feminism to remain mainstreamed within them. And yet, the increasing numbers of non-binary people, and their increasing visibility, requires even more utopian visions for a new vision of tomorrow's feminism.

Conclusion

Perhaps the most radical challenge to the gender structure in the 21st Century has been the growth of (primarily) young people who declare they are neither women nor men but exist outside or between the gender binary. Many traditionalists who endorse gender essentialism simply do not understand the possibility that there could be more than two genders. Transgender women and men who are openly living the gender of their identity and non-binary people who challenge previous notions of sex and gender consistency make them dizzy. The world is indeed at a moment of *Gender Vertigo* (Risman 1998).

As one of us has argued in an earlier book, if we are ever to move forward to a more just world, we must fight for a world where we are truly free from the constraints of expectations tied to the sex we have been assigned at birth (*Ibidem*). We need a movement to overturn gender as a social structure itself. The goal of a world beyond gender is not widely shared, even by women's rights activists. In fact, disagreements among those who share a commitment to gender equality are deep and wide. Some believe that gender is so deeply built into the structures of thought and language that we can never deny it, but must revalue the feminine (Chodorow 1978; Gilligan 1982). Some languages, like English, are relatively easy to de-gender, while those like Italian and Spanish pose far more grammatical challenges. Still the use of the "e" instead of "a" or "o" in Spanish to signify non-binary people is an attempt to rise to that challenge. Others (e.g. Orloff 2009) argue that gender is so firmly entrenched within personal identities that no democratic process could ever lead to a society that would desire to go beyond gender for the majority. That may be so, but we will never know unless we try.

The feminisms of the past have not critiqued the use of gender as a category itself, but instead built solidarity around various (social constructions of) the

category woman. Our hope is to persuade those who have never considered a post-gender world as a possibility that the very existence of imposed gender categories at birth oppresses everyone as it imposes differential socialization, and interactional expectations on every young human before they have any self-knowledge at all. There are now sufficient cracks in the foundation of our gender structure, more than enough crisis tendencies, to imagine a movement to dismantle the gender structure. We must create a new and more just society with an intersectional feminism that goes beyond simply integrating women into the male-dominated sectors, nor re-valuing what has traditionally been labeled as feminine but rather by banishing the constraints of femininity for females and masculinity for males, to design social organizations for people without regard of the sex they were assigned upon birth. Only then will feminism work for all people, including those who are beyond or between the gender binary.

This utopian vision for a new wave of feminism includes benefits for women and men, and those between the binary but, of course, it is not a blueprint for attacking all injustice. Gender is only one of many dimensions of inequality along which privilege occurs. We must always take into account intersectional domains of inequality (Crenshaw 1991; Collins 2000; McCall 2005) and be mindful that attacking gender inequality will not by itself decrease growing income inequality, racial inequality, xenophobia, or other sources of unearned privilege. Social change movements must engage this complexity. A both/and orientation allows a focus on destabilizing gender while also supporting other ways to address inequality. We offer but one piece of a very complicated puzzle. But each piece of a puzzle matters even if it will take many more pieces to create a more just world.

The traditional goal of feminism has been to eliminate the substantial inequalities between women and men. This is a vital goal and one which we are far from reaching. But still, it is an intermediate goal if we hope for full liberation from gender constraints. Such freedom will only exist when gender is no longer an

important classification category for individuals, no longer a scaffolding for expectations faced during social interaction, no longer a cultural rhetoric supporting inequality and informing racial hierarchies, no longer embedded in social organizations. This argument follows calls for social action by the queer philosopher Miqqi Alicia Gilbert's (2009). In an article entitled *Defeating Bigenderism*, s/he makes a philosophical argument for ending gender as we know it. Gilbert, a regular columnist for Transgender Tapestry, argues that Butler (1999) is right that throughout history people had to perform gender to be intelligible but that is not a logical necessity for meaningful interaction. S/he argues, as has Lorber before him/her (1994) that the division of the world into the binary of women and men is what allows sexism to exist. Gilbert (2009, 98) argues that "the banishment of bigenderism and heteronormativity would logically eliminate homophobia and transphobia".

Nicholas (2014) furthers Gilbert's argument with their discussion of queer post-gender ethics. Nicholas argues that only a society without reified gender and sexual identities holds the possibility for individuals to construct themselves freely. While Nicholas, Gilbert, Lorber and others have written about the need to end gender as we know it, thus far, such writings have not led to or been paralleled by a social movement to dismantle gender. While others have fought for gender equality, and for the right to live in one's authentic gender, there has yet to be a social movement to dismantle *gender as a social structure,* to envision a society where, as philosopher Susan Okin has written (1989, 171), "one's sex would have no more relevance than one's eye color or the length of one's toes".

What would a strategy look like for a social movement to end gender as a social structure? First, at the individual level, let us encourage what has already begun with the explosion of the sex and gender binary categories. Gender categories must expand to include anyone who wants to own them, whether so labelled at birth or not. With today's medical technology, people can create bodies to display the

gender they own. In our own interviews we have talked to people who identify as non-binary transgender, non-binary but not transgender, agender and pangender. Some of these people desire to modify their bodies, and others do not. At the individual level, when a thousand identities bloom, the binary gender structure cracks ever more deeply. How many identities will remain over time is an empirical question, as to their importance in a world without *gender as a structure*, but that is a research project for the future, perhaps for the 23rd Century. At the interactional level, we must cease and desist to have any expectations for people because of their sex category or gender identity. This will not be easy, we have yet to solve the problem of unconscious bias for race or gender, not to mention the penchant for many people with privilege to consciously maintain their own status at the expense of others. However, unless we cease such expectations and reduce the material foundations of racial inequality and sex-segregation that reflects and reinforces them, neither gender nor racial inequality can be overcome. And at the macro level, we not only need gender-free formal rules and regulations, we need to re-design our social organizations so that caretaking and economic labor are no longer incompatible, so that we do not need a gender binary to get the work of caregiving and economic activities accomplished. We need to begin to create a culture of equality that doesn't dichotomize the world into the masculine and the feminine, where no presumptions exist between skills, tastes, presentation of self or competence simply because of sex category or gender identity. A serious jumpstart toward this utopian vision requires a renewed social movement to press for freedom from gender, and to support those who walk the walk in their personal lives. We need to make overt genderism as politically impolite as racism or sexism, at least among those who consider themselves politically leftist. To move beyond a world where *gender is a social structure*, we need to envision a multi-generational strategy that seeks to create a better world for our children (in a collective sense) and their children.

We end this paper with a call for a new wave of intersectional feminism, a social movement for a just world, a world beyond gender. We will always have a kaleidoscope of ways to present our bodies, from colorful hair, to dresses, to ties and jewelry but none of that need to be linked to certain bodies/identities. Let's dream bigger, aim higher, for what seems an impossible goal – a world where people are not forced to live constrained inside one sex or gender category, where expectations for interaction are not based on gender identity, where social life is organized to combine productive paid work with the unpaid but equally important work of social reproduction and caring for our loved ones. And a world where everyone is free to embody traits and selves that are now dichotomized with the concepts of masculinity and femininity. We can imagine a world free from gender itself.

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