

WHO'S AFRAID OF GENDER?

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Introduction

Gender Ideology and the Fear of Destruction

Why would anyone be afraid of gender? In the United States at least, the term has, until recent times, been considered relatively ordinary. We are asked to check a box on a form, and most of us do so without giving it too much thought. Of course, some of us don't like checking the box, and think that there should be either many more boxes or perhaps none at all; we all feel differently about being called upon to check the gender box. Some suspect that "gender" is a way of discussing women's inequality or presume that the word is synonymous with "women." Others think it is a covert way of referring to "homosexuality." And some presume that "gender" is another way of talking about "sex," even though certain feminists have distinguished between the two, associating "sex" with either biology or legal assignment at birth, and "gender" with sociocultural forms of becoming. At the same time, feminists and other scholars in gender studies disagree among themselves about which definitions and distinctions are right. The myriad, continuing debates about the word show that no one approach to defining, or understanding, gender reigns.

The "anti-gender ideology movement," however, treats gender as a monolith, frightening in its power and reach. To say the least, lexical debates about gender are not exactly followed by those who now oppose the term. Quite apart from the mundane and academic ways that it circulates, gender has, in some parts of the world, become a matter of extraordinary alarm. In Russia, it has been called a threat to national security, while the

Vatican has said it is a threat to both civilization and to “man” itself. In conservative Evangelical and Catholic communities throughout the world, “gender” is taken as code for a political agenda that seeks not only to destroy the traditional family but also to prohibit any reference to “mother” and “father” in favor of a genderless future. On the other hand, in recent US campaigns to keep “gender” out of the classroom, “gender” is treated as code for pedophilia or a form of indoctrination that teaches young children how to masturbate or become gay. The same argument was made in Jair Bolsonaro’s Brazil on the grounds that gender calls into question the natural and normative character of heterosexuality, and that once the heterosexual mandate is no longer firm, a flood of sexual perversities, including bestiality and pedophilia, will be unleashed upon the earth. The contradictions abound. This line of thinking—that educating children about “gender” amounts to child abuse—conveniently forgets the long-standing and hideous history of the sexual abuse of young people by priests who are subsequently exonerated and protected by the Church. The accusation of child abuse against those who teach sex education projects the harm done by the Church onto those who are trying to teach how sex works, why consent is important, and what pathways for both gender and sexuality exist. This externalization of harm is but one example of how the phantasm of gender works.

In various parts of the world, gender is figured not only as a threat to children, national security, or heterosexual marriage and the normative family but also as a plot by elites to impose their cultural values on “real people,” a scheme for colonizing the Global South by the urban centers of the Global North. It is portrayed as a set of ideas that are in opposition to either science or religion, or both, or as a danger to civilization, a denial of nature, an attack on masculinity, or the effacement of the differences between the sexes. Gender is also sometimes regarded as a totalitarian threat or the work of the devil, and thus cast as the most destructive force in the world, a contemporary and dangerous rival to God that must be countered, or destroyed, at all costs.

In the United States at least, gender is no longer a mundane box to be checked on official forms, and surely not one of those obscure academic

disciplines with no effect in the broader world. On the contrary: it has become a phantasm with destructive powers, one way of collecting and escalating multitudes of modern panics. Of course, there are many, completely legitimate reasons to fear our world today. There is climate disaster, forced migration, lives imperiled and lost in war. There are neoliberal economies that are depriving people of basic social services they need to live and thrive. There is systemic racism that takes the lives of many through both slow and quick forms of violence. Women, queer people, and trans people, especially those who are Black or brown, are murdered at appalling rates.

On the Right, however, the list of fears is different: there are challenges to patriarchal power and social structures within the state, civil society, and the heteronormative family unit; waves of migration that threaten traditional ideas of nationhood, white supremacy, and Christian nationalism. The list of what there is to fear goes on, but no list can explain how existing fears of destruction are exploited by right-wing movements, institutions, and states for their own aims, and how terms such as “gender,” “gender theory,” “systemic racism,” or “critical race theory” are blamed for the very disorienting fears that many people across the world now feel about the future of their ways of life. For gender to be identified as a threat to all of life, civilization, society, thought, and the like, it has to gather up a wide range of fears and anxieties—no matter how they contradict one another—package them into a single bundle, and subsume them under a single name. As Freud taught us about dreams, whatever is happening in phantasms such as these involves the condensation of a number of elements, and a displacement from what remains unseen or unnamed.

Can we even say how many contemporary fears gather at the site of gender? Or explain how the demonization of gender deflects from, and covers over, legitimate anxieties about climate destruction, intensified economic precarity, war, environmental toxins, and police violence, fears we are surely right to feel and think about? When the word “gender” absorbs an array of fears and becomes a catchall phantasm for the contemporary Right, the various conditions that actually give rise to those fears lose their names. “Gender” both collects and incites those fears,

keeping us from thinking more clearly about what there is to fear, and how the currently imperiled sense of the world came about in the first place.

Circulating the phantasm of “gender” is also one way for existing powers—states, churches, political movements—to frighten people to come back into their ranks, to accept censorship, and to externalize their fear and hatred onto vulnerable communities. Those powers not only appeal to existing fears that many working people have about the future of their work, or the sanctity of their family life, but also incite those fears, insisting, as it were, that people conveniently identify “gender” as the true cause of their feelings of anxiety and trepidation about the world. Consider the incitation of Pope Francis in 2015. After warning of the existence of “Herods” in every historical period, contemporary “gender theory” is said to consist of new Herodians who “plot designs of death, that disfigure the face of man and woman, destroying creation.” Pope Francis then makes clear just how annihilating the force of “gender theory” is: “Let’s think of the nuclear arms, of the possibility to annihilate in a few instants a very high number of human beings ... Let’s also think of genetic manipulation, of the manipulation of life, or of the gender theory, that does not recognize the order of creation.” Pope Francis continues with a story about how funding for schools serving the poor was provisioned on the condition that “gender theory” be included in the curriculum; we are not given any details about what precisely is meant by “gender theory,” but it clearly should be feared as one would fear, say, the massive loss of life. To require the teaching of gender in schools is, in his words, “ideological colonization.” He adds that “the same was done by the dictators of the last century ... think of Hitler Youth.”¹

The Vatican’s decision to use inflammatory rhetoric of this kind is, of course, quite destructive, given the influence of the institution and the generally high esteem in which Pope Francis has been held. If gender is a nuclear bomb, it has to be dismantled. If it is the devil itself, all those who represent gender must be expelled from humanity. What he says is clearly preposterous and dangerous, but also quite tactical: whether figured as a weapon of destruction, the devil, a new version of totalitarianism, pedophilia, or colonization, gender has assumed a startling number of

phantasmatic forms, eclipsing both academic and ordinary usage. As a consequence, circulating the idea of gender's destructive powers is one way to produce existential fear that can then be exploited by those who want to enhance state powers with the hopes of returning to a "secure" patriarchal order. The fear is stoked so that those who promise its alleviation can enter as forces of redemption and restoration. It is both produced and exploited in order to rally people to support the destruction of various social movements and public policies understood to be organized by gender.

The weaponization of this fearsome phantasm of "gender" is authoritarian at its core. Rolling back progressive legislation is surely fueled by backlash, but backlash describes only the reactive moment in this scene. The project of restoring the world to a time before "gender" promises a return to a patriarchal dream-order that may never have existed but that occupies the place of "history" or "nature"—an order that only a strong state can restore.² The shoring up of state powers, including the powers of the courts, implicates the anti-gender movement in a broader authoritarian project. The targeting of sexual and gender minorities as dangers to society, as exemplifying the most destructive force in the world, in order to strip them of their fundamental rights, protections, and freedoms, implicates the anti-gender ideology in fascism. As panic builds, full license is given to the state to negate the lives of those who have come to represent, through the syntax of the phantasm, a threat to the nation.

In taking aim at gender, some proponents of the anti-gender movement claim to be defending not just family values but values themselves, not just a way of life but life itself. The phantasm that fuels fascist tendencies is one that seeks to totalize the social field, infusing the populace with fear about its existential future—or, rather, exploiting existing fears and giving a totalizing form to its "cause." It would be tempting to say that "gender" is an empty signifier because it no longer refers to anything we might understand as gender when it attracts and mobilizes fears from several orders in society, including the economic and ecological. But it is less empty than overdetermined, absorbing wildly different ideas of what threatens the world from social history and political discourse. In addition, "gender" designates, even in everyday imagination, some way of living the

body, so life and the body constitute its field of operation. Bodily life is bound up with passion and fear, hunger and illness, vulnerability, penetrability, relationality, sexuality, and violence. If the life of the body, the distinct or differentiated life of the body, is already, even under the best of conditions, a site where sexual anxieties cluster, where social norms take up residence, then all the sexual and social struggles in life can find a location and incitement precisely there. As much as “gender” is about so much more than gender in the anti-gender ideology movement, so “gender” outside that discourse is very much about the senses of embodied life formed and framed by social conventions and psychic disturbance. To be told, as Italian Prime Minister Giorgia Meloni has informed the Italian and Spanish publics, that the advocates of gender will strip you of your sexed identity stokes fear and outrage among those whose sexed identity is fundamental to their very sense of who they are. To manufacture fear for the purposes of stripping trans people of their rights of self-determination is to mobilize the fear of having one’s sexed identity nullified in order to nullify the sexed identities of others. The very fear of being deprived of something so intimate and defining as a sexed identity depends on a general understanding that this would be, in fact, a deprivation; it would be wrong, in other words, to deprive someone of the sexed aspect of their very being. From this premise it should be possible to universalize the claim, to refuse to engage in any activity that would deprive anyone of their sexed identity, including trans people, but the opposite has proven to be true when asserting the right to one’s own sex requires that others lose theirs.

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The task before us is to try to understand this rapidly accelerated inflation and combination of potential and literal dangers, and to ask how we can possibly counter a phantasm of this size and intensity before it moves even closer to eradicating reproductive justice, the rights of women, the rights of trans and non-binary people, gay and lesbian freedoms, and all efforts to achieve gender and sexual equality and justice, not to mention the censorship targeting open public discourse and the academy.

We could, of course, provide good arguments about why looking at gender this way is wrong, which would be useful for educators and policymakers who seek to explain why they use the term and find it valuable. We could also try to provide a history that accounts for how gender came to be looked at in this way, paying attention to both its secular and religious versions, noting how right-wing Catholics and Evangelicals overcame some of their differences in their battle against a common enemy. All of these approaches are necessary, but they can hardly account for, or counter, the intensifying phantasmatic force of “gender.” This phantasm, understood as a *psychosocial* phenomenon, is a site where intimate fears and anxieties become socially organized to incite political passions. What is the structure of this vibrant and distorted phantasm called “gender”? And by what aim is it animated? How do we develop a counter-imaginary strong enough to expose its ruse, scatter its force, and stop the efforts at censorship, distortion, and reactionary politics that it empowers? It is up to us to produce a compelling counter-vision, one that would affirm the rights and freedoms of embodied life that we can, and should, protect. For in the end, defeating this phantasm is a matter of affirming how one loves, how one lives in one’s body, the right to exist in the world without fear of violence or discrimination, to breathe, to move, to live. Why wouldn’t we want all people to have those fundamental freedoms?

If one’s opponents are gripped with fear, overwhelmed by the threat of a dangerous phantasm, then another approach has to emerge. It seems we are not in a public debate at all, precisely because there is no text in the room, no agreement on terms, and fear and hatred have flooded the landscape where critical thought should be thriving. It is a phantasmatic scene. In referring to a “phantasmatic scene,” I adapt the theoretical formulation of Jean Laplanche, the late French psychoanalyst, for thinking about psychosocial phenomena. For Laplanche, fantasy is not simply the product of the imagination—a wholly subjective reality—but in its most fundamental form has to be understood as a syntactical arrangement of elements of psychic life. Fantasy, then, is not just a creation of the mind, a subliminal reverie, but an organization of desire and anxiety that follows certain structural and organizational rules, drawing on both unconscious and

conscious material. I would suggest that the organization or syntax of dreams and fantasy is at once social and psychic. Although Laplanche was interested in infancy and the formation of an original fantasy, I am asking whether we can appropriate some aspects of his view to understand *anti-gender* as a phantasmatic scene. My wager is that we will be better able to respond to this movement and its discourse by framing the matter this way. For when the scene is set, and something called gender is imagined to be acting on children or affecting the public in nefarious and destructive ways, “gender” substitutes for a complex set of anxieties and becomes an overdetermined site where the fear of destruction gathers.

The phantasm can be found in a wide range of movements against progressive legislation. It arrives on the main agenda of Christian nationalism in Taiwan and the presidential platforms in French elections; it is there not only in the rallying for a defense of European racial purity, national values, and the “natural family” but also in the conservative critique of Europe and its gender-mainstreaming policies, that is, its neoliberal agendas. Wherever it operates, the phantasm brings with it a sadistic elation over being freed of new ethical constraints apparently imposed by feminist and LGBTQIA+ agendas or their mainstreaming apologists. What is remarkable and disturbing is the way that this moral campaign relishes experimenting with various ways of denying the very existence of others, stripping them of rights, refusing their reality, restricting basic freedoms, engaging in shameless forms of racial hatred, and controlling, demeaning, caricaturing, pathologizing, and criminalizing those lives. Hatred is stoked and rationalized by moral righteousness, and all those damaged and destroyed by hateful movements are cast as the truer agents of destruction. These projections and reversals structure the phantasmatic scene of “gender.” This leaves us with two urgent questions: Who is out to destroy whom? And how do forms of shared and escalating moral sadism pass themselves off as a virtuous order?³

The task is not only to reveal the falsehood but also to deflate the power of the phantasm to circulate and convince, and to produce another imaginary in which the targets of the anti-gender movement ally with one

another to oppose those who would destroy their right to inhabit the world in ways that are livable and free.

The phantasmatic scene is not the same as a fantasy that you or I happen to have in a moment of distraction. It is, rather, a way of organizing the world wrought by the fear of a destruction for which gender is held responsible. And yet, in the effort to expel the term and its putative effects from the world, the anti-gender movement clearly does harm, seeking to dismantle practices, institutions, and policies that have sought to revise and expand freedom and equality—that is, those that have granted greater freedoms to live in the open, to breathe freely without fear of attack, to feel that one has an equal place alongside others in society.

Consider the allegation that “gender”—whatever it is—puts the lives of children at risk. This is a powerful accusation. For some, as soon as the accusation is spoken, it becomes true, and children are not threatened with harm, but are actively being harmed. When that swift conclusion is reached, there is only one option: Stop the harm! Stamp out gender! The fear of children being harmed, the fear that the family, or one’s own family, will be destroyed, that “man” will be dismantled, including the men and man that some of us are, that a new totalitarianism is descending upon us, are all fears that are felt quite deeply by those who have committed themselves to the eradication of gender—the word, the concept, the academic field, and the various social movements it has come to signify. These fears are, as I am suggesting, bundled into an inflammatory syntax.

Syntax is, broadly speaking, a way of putting elements of language together to make sense of the world. In dreams and fantasies, the arrangement of elements is essential to understanding the sense of what is happening. Linguists who study syntax seek to discern the rules that govern such arrangements. But when Laplanche asked about the syntax of fantasy, he was asking about unconscious arrangements that rely on condensation and displacement, a distinctive way of stringing associations together into a complex unity that compels belief in its reality. Condensation names how disparate psychic and social elements are arbitrarily connected with one another and reduced to a single reality. Displacement names the way that one or many topics are pushed out of the mind—or externalized—in favor

of the one that both stands for them and conceals them. We shall see how these two psychic processes, bound up with social fears and anxieties, work in the making and circulating of the gender phantasm.

In a late interview, Laplanche suggests that “ideology” takes place when cultural codes enter into the most primal fantasies where there is no clear way to dissociate the unconscious from the work of the cultural.⁴ There are multiple ways of arranging unconscious elements, and the task is to understand how these elements bind to one another. In his terms, “the primary process ... [is] the first form of binding. It’s a very loose binding, but it’s a binding. The associations, displacements, and condensations mean there are bindings. There are pathways established by the primary process.” The task then is not to see how psychoanalysis can be applied to cultural phantasms like “gender,” but to see how a range of cultural and social elements are reorganized through pathways or arrangements *already operating* at the level of the unconscious. According to this logic, the anti-gender movement is guided by an inflammatory syntax: that is, a way of ordering the world that absorbs and reproduces anxieties and fears about permeability, precarity, displacement, and replacement; loss of patriarchal power in both the family and state; and loss of white supremacy and national purity.⁵ In the process of reproducing the fear of destruction, the source of destruction is externalized as “gender.” Externalized as a unity, the term condenses a range of elements and intensifies the sense of being imperiled. It also displaces fears about forms of ecological and economic destruction onto a ready substitute, keeping us from addressing those truer sources of world destruction in our times. The result is that gender, now firmly established as an existential threat, becomes the target of destruction.

Laplanche suggests we should think about “ideology” this way. The anti-gender ideology movement is itself an ideology in his sense. Even though the anti-gender movement is generally anti-Marxist, it borrows from popularized versions of ideology critique in targeting gender. Sometimes “ideologies” are characterized as false ways of knowing, drawing on Marxist notions of false consciousness. Other times an “ideology” is the same as a “point of view” or “a totalizing worldview”—a usage that drains it of all historical meanings and its place in critical thought. Marx and

Engels, in *The German Ideology* (1845–46), distinguished between mental and physical labor, arguing that those who claimed that thought alone could produce a revolution were badly misguided, and had inverted the actual relation between thought and reality.

Louis Althusser revised that significantly in his article “Ideology and Ideological State Apparatuses” (1970), suggesting that ideology substituted abstract forms of thought for more revolutionary ways of opposing—and overcoming—capitalist exploitation as an accepted economic organization of society. Althusser thought that ideology pervaded our lives, like air, and that the effort to break out of the atmosphere of ideology was a difficult one. For it is not just a set of beliefs that we came to adopt in time, but ways of organizing reality that are part of our very formation, including our education. Ideology provides the terms by which we come to understand ourselves, but it also brings us into beings as social subjects.

For instance, at the beginning of life when we are generally called a girl or a boy, and we are suddenly placed in confrontation with a powerful interpellation from elsewhere. What sense is ultimately made of that interpellation cannot be determined in advance. We can, in fact, fail to live up to the demand that such a naming practice communicates—and that “failure” may prove to be a liberation.⁶ This is why our ability to criticize ideologies is necessarily rooted in the position of a bad or broken subject: someone who has failed to approximate the norms governing individuation, putting us in the difficult position of breaking with our own upbringing or formation in order to think critically in our own way, and to think anew, but also to become someone who does not fully comply with the expectations so often communicated through sex assignment at birth.

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Although interpreted as a backlash against progressive movements, anti-gender ideology is driven by a stronger wish, namely, the restoration of a patriarchal dream-order where a father is a father; a sexed identity never changes; women, conceived as “born female at birth,” resume their natural and “moral” positions within the household; and white people hold uncontested racial supremacy. The project is fragile, however, since the

patriarchal order it seeks to restore never quite existed in the form they seek to actualize in the present. “Gender” here is a psychosocial scene, a public way of dreaming, for the past that anti-gender proponents seek to restore is a dream, a wish, even a fantasy that will reinstate order grounded in patriarchal authority. Recruitment into the anti-gender ideology movement is an invitation to join a collective dream, perhaps a psychosis, that will put an end to the implacable anxiety and fear that afflict so many people experiencing climate destruction firsthand, or ubiquitous violence and brutal war, expanding police powers, or intensifying economic precarity.

Stoking a desire for a restoration of masculine privilege serves many other forms of power, but it constitutes its own social project, namely, to produce an ideal past whose reanimation will target, if not eliminate, sexual and gender minorities. This dream not only seeks to restore a rightful place for patriarchal authority, conceived as part of a natural and/or religious order, but also aims at rolling back progressive policies and rights to make marriage exclusively heterosexual, to insist that whatever sex is assigned at birth stays in place, and to restrict abortion because the state knows better what limits should be placed on pregnant people’s bodies. The backlash that we see against “gender” is part of this larger restoration project that seeks to shore up authoritarian regimes as rightful forms of paternalism, the dream come true.

The mobilization of anti-gender sentiment by the Right depends on the credibility of this dream of the past for those who are susceptible to the lures of authoritarianism. In this sense, the fears are neither fully manufactured nor fully discovered as already there. No one is providing historical documentation about the patriarchal order that needs to be restored to its rightful place; it is not a past discoverable in historical time, even if we can find many instances of patriarchal organization throughout history, as many have already done. This idea of a past belongs to a fantasy whose syntax reorders elements of reality in the service of a driving force that renders opaque its own operation. The dream works only as a phantasmatic organization of reality, one that offers a range of examples and accusations to shore up the political case it wants to make.

It hardly matters that historical documentation of an idealized patriarchal past is not supplied. It surely does not matter that the arguments on offer are riddled with contradiction. The incoherence and impossibility of the case against gender represent contradictory phenomena, and even offer its public a way to collect many of its fears and convictions without ever having to make the bundle coherent: gender represents capitalism, and gender is nothing but Marxism; gender is a libertarian construct, and gender signals the new wave of totalitarianism; gender will corrupt the nation, like unwanted migrants but also like imperialist powers. Which one is it? The contradictory character of the phantasm allows it to contain whatever anxiety or fear that the anti-gender ideology wishes to stoke for its own purposes, without having to make any of it cohere. Indeed, the liberation from historical documentation and coherent logic is part of an escalating exhilaration that feeds a fascist frenzy and shores up forms of authoritarianism.

It matters not that the targets of anti-gender ideology include an array of groups who are not always in alliance: trans people, including trans youth, seeking legal and social recognition and health care; anyone seeking reproductive health care whose manifest priority is *not* to consecrate the heteronormative family, and that includes anyone seeking an abortion and many seeking birth control; all those waging equal wage campaigns; all those working to pass and conserve laws opposed to discrimination, harassment, and rape; lesbian, gay, and bisexual people who are seeking legal protections; and those struggling to exercise freedoms of expression and movement without fear of violence, punishment, or imprisonment. The opposition to “gender” as a demonic social construct culminates in policies that seek to deprive people of their legal and social rights, that is, to exist within the terms that they have rightfully established for themselves. Stripping people of rights in the name of morality or the nation or a patriarchal wet dream belongs to the broader logic amplified by authoritarian nationalism to, say, deny migrants rights of asylum, to displace the Indigenous from their lands, to push Black people into the prison system where rights of citizenship are systematically denied and abuse and violence are justified as “legitimate” security measures. The

resulting authoritarian restrictions on freedom abound, whether through establishing “LGBT-free zones” in Poland or strangling progressive educational curricula in Florida that address gender freedom and sexuality in sex education. But no matter how intently authoritarian forces attempt to restrict freedoms, the fact that the categories of women and men shift historically and contextually is undeniable. New gender formations are part of history and reality. Ignoring them or trying to outlaw them is a futile effort to negate a living complexity that will certainly not go away in the years to come.

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Gender has been part of feminism for many decades. When feminists ask the question “What is a woman?” we are acknowledging from the start that the meaning of the category remains unsettled and even enigmatic. Gender is minimally the rubric under which we consider changes in the way that men, women, and other such categories have been understood. So, when we ask questions about men or women or other gendered categories that depart from a binary, or when we ask about what happens in the space between such categories, we are engaging in an inquiry about gender. The question “What is a woman?” or the psychoanalytic question “What does a woman want?” have been asked and commented upon in so many ways that at some point we simply accept that this category is an open one, subject to perpetual interpretation and debate, both in the academy and throughout public discourse.

When abortion rights are restricted by governments because women, it is said, should not be able to exercise freedoms such as these, women are being defined and deprived of fundamental freedom. It is not just that women should not have this freedom, but that the state should decide the limits of their freedom. Thus, subject to such restrictions, women are defined as those whose freedom must be contained by the state. Those who claim to know what place women should occupy in social and political life are adhering to a very specific theory of gender. They are not opposed to gender—they have a precise gender order in mind that they want to impose upon the world. They seek to restore and consolidate a patriarchal dream of

settled and hierarchical gender binaries, an order that can be achieved only by destroying the lives of others—or trying to. Destruction, paradoxically, thus becomes the condition of possibility of a patriarchal sexual and gender order that seeks to ward off the prospect of gender’s “destructive” power. Rather than warding off destruction, the anti-gender ideology movement is dedicated to making an ever-more-destructive world.

It is tempting to try to expose and puncture this inflammatory caricature of gender through an intellectual exercise. As an educator, I am inclined to say, “Let’s read some key texts in gender studies together and see what gender does and does not mean and whether the caricature holds up.” We would then hope to deflate the exaggerated phantasm by testing it against the actual texts in which gender is discussed, the actual policies in which it is used. Sadly, such a strategy rarely works. Advocates of the anti-gender position (those who construe gender as an “ideology”) think they have to do away with gender—the field, the concept, the social reality—precisely because they will not read the scholarship on gender that they oppose, refusing, sometimes as a matter of principle, to engage in grounded forms of criticism. Their anti-intellectualism, their distrust of the academy, is at the same time a refusal to enter into public debate. What is dismissed as “academic” procedure is actually required for informed public deliberations in democracies. Informed public debate becomes impossible when some parties refuse to read the material under dispute. Reading is not just a pastime or a luxury, but a precondition of democratic life, one of the practices that keep debate and disagreement grounded, focused, and productive.

Further, the anti-gender advocates are largely committed to *not* reading critically because they imagine that reading would expose them—or subjugate them—to a doctrine to which they have, from the start, levied objections. They imagine that it is the gender studies scholars, and not themselves, who have proclaimed allegiance to an ideology or dogma, participating in an uncritical form of thought and action that binds them together as a group and pits them against their opponents. Imagining critical reading, or thought, in this way relies on an inversion of positions and the

externalization of the role that the gender critic actually occupies—a consequential form of phantasmatic displacement.

For religious critics who claim to base their opposition to gender on biblical grounds, the only book worth reading on the matter is the Bible itself. To read in an academic way, much less critically, is to concede that there may be other views than those either found in scripture or propounded by religious leaders. A woman in Switzerland once came up to me after a talk I gave and said, “I pray for you.” I asked why. She explained that the scripture says that God created man and woman, and that I, through my books, have denied the scripture. She added that male and female are natural, and that nature was God’s creation. I pointed out that nature admits of complexity, and the Bible itself is open to some differing interpretations, and she scoffed. I then asked if she had read my work, and she replied, “No! I would never read such a book!” It was at that point that I realized that reading a book on gender would be, for her, trafficking with the devil. Her view resonates with the demand to take books on gender out of the classroom, and the fear that those who read such books are contaminated by them, or subject to an ideological inculcation, even though those who seek to restrict these books have typically never read them.

Opponents of gender portray gender advocates as dogmatic, or insist that we are critical of their authority, but never of our own beliefs. And yet gender studies is a diverse field marked by internal debate, several methodologies, and no single framework. The implicit logic here seems to be that if my opponents are reading in the way I read, and reading is submission to the authority of a text, or set of texts, considered to be unified in their message and authoritative, then gender critics are like their conservative Christian critics, except that each submits to a different dogma. It follows that the gender critics imagine that their opponents read gender theory as they themselves read the Bible, or blindly accept as they do the pronouncements of their preferred authorities. In their excited imagining, gender theory relies on wrongheaded texts authored by false, often intangible authorities who wield a rival and parallel power to biblical authority and compel a similar sort of submission to its claims.

Apparently, then, gender is construed as an “ideology” because those who read books about gender are ostensibly subjected to their dogma and do not think independently or critically. The opposition to including books on gender in schools and universities, the new efforts to expunge the curricula of such topics, rests on a certain distrust of reading and its capacity to open the mind to new possibilities.² On the one hand, the mind should not be open to rethinking how sexuality or gender is socially organized, or how we refer to people more generally. The mind should apparently remain shut in that regard. On the other hand, the mind should be kept free of ideologues who would, apparently, engage in recruitment efforts, nefarious forms of seduction, or even engage in brainwashing. It does not matter that classrooms where gender is taught are full of impassioned debate; that differing schools, methods, and theories conflict; and that many gender scholars draw eclectically from different intellectual legacies formulated in different languages. Gender is said to be an “ideology,” a single and false way of knowing that has captured the minds of those who operate within its parameters—or, even, those who have momentarily been exposed to its workings. Yet the allegation that gender is an ideology mirrors the very phenomenon it decries, for “gender” becomes not only a monolith but also one with enormous power—an ideological move par excellence. This roving monolith is variously understood to capture the mind, exercise a seductive force, indoctrinate or convert those who come under its power, barge down the borders, ruin the human condition itself. Is this a description of gender studies, or a mirror reflection of a form of religious orthodoxy that has projected its own operation onto gender, figuring it as a rival orthodoxy?

It is nearly impossible to bridge this epistemic divide with good arguments because of the fear that reading will introduce confusion into the reader’s mind or bring her into direct contact with the devil. Indeed, some who oppose “gender” do not read books in gender or feminist studies, queer or trans studies, queer of color critique, Black feminism, or any version of race theory. They are skeptical of the academy for fear that intellectual debates may well confuse them about the values they hold. Their refusal to care much about consistency, to base their criticisms on a reading of the

text, their way of snatching phrases and making them into lightning rods, however, are all finally a refusal to think critically, by which I mean, at the least, exercising the freedom of thought to turn over an issue and examine its presuppositions, limits, and potentials. When this freedom is denied, so too is the crucial contribution that the university, and critical thought, makes to public debate where considering different dimensions of a complex issue is crucial to gaining knowledge.⁸ To be “gender critical” is thus a misnomer deployed by some feminists who make implicit or explicit alliances with the right-wing opposition to gender. Their views are emphatically objectionable not only because they reduce “gender” to a single caricatured version of a complex reality but also because they misunderstand what a “critical” position entails. Critique engages with problems and texts that matter to us in order to understand how and why they work, to let them live in thought and practice in new constellations, to question what we have taken for granted as a fixed presupposition of reality in order to affirm dynamic and living sense of our world. Unfortunately, the efforts to expunge gender studies from educational curricula figure “gender” not as a “useful category of analysis,” in Joan W. Scott’s sense, but as a phantasm of destructive power that needs to be eliminated.

The debates over *how to think about gender* more readily define the current discourse on gender in a wide range of academic and policy fields rather than in any one theory. These debates drive both research and public discourse to become more responsive to increasingly complex social realities. To refuse gender is, sadly, to refuse to encounter that complexity, to refuse, in other words, to let one’s thinking be transformed by the complexity that one finds in contemporary life across the world.

And yet the monolith of gender, apparently enormous in its size and power, persists among those who use its phantasmatic fearsomeness to rally the masses to support stronger state powers. It hardly matters, it seems, that the anti-gender ideology movement takes aim at a version of gender to which no gender theorist subscribes.⁹ This refusal of gender critics to read the texts they oppose—or to learn how best to read them—makes sense only if reading is taken to be an uncritical exercise. And if an uncritical reading or reception of the texts they deem authoritative is what they

defend, they more purely illustrate what is properly called an ideological or dogmatic position, that is, one that refuses questions, challenges, and a spirit of open inquiry. This attitude is part of the broader anti-intellectual trend marked by its hostility to all forms of critical thought.

The same attitude circulates widely in the public opposition to “critical race theory.” In a lecture at the Claremont Institute in California, a conservative think tank, Christopher Rufo railed against CRT, but when asked whether he could explain what CRT is, he floundered and refused, saying, “I don’t give a shit about this stuff.” Rufo, a former visiting fellow at the Heritage Foundation, refuses to read or study the academic field against which he has waged a culture war, one that includes an attack on “queer theory,” which, he claims, consists of “lessons on ‘sex liberation,’ ‘gender exploration,’ ‘BDSM,’ ‘being a sex worker,’ ... and ‘sexual activity while using licit and illicit drugs.’”¹⁰ Has he attended such classes? Has he studied such curricula? If he were a student in any of those classes, his teachers would doubtless ask him to support his argument with evidence or a good reading, since such protocols are, in fact, what we teach. Like the Swiss woman who moved quickly toward the door after confessing she would never touch a book on gender, Rufo shamelessly proclaims his ignorance about a field he is nevertheless willing to condemn.

We might be tempted to conclude that the task is to make our enemies smarter, to ask them to read and discuss, but that misses the point. As opponents of gender and critical race theory, these groups also oppose universities not for the ostensible dogma they teach, but for the open mind they risk producing. As a project that shuts down the kind of critical thinking that contests the heteronormative status quo, the anti-gender movement is a politically consequential form of anti-intellectualism, opposing thought itself as a danger to society—fertile soil for the horrid collaboration of fascist passions with authoritarian regimes.

My task here is neither to provide a new theory of gender nor to defend or reconsider the performative theory that I offered nearly thirty-five years ago, and that clearly now seems questionable in several ways, especially in light of trans and materialist criticisms.¹¹ I hope only to refute some falsehoods in the process and to understand how and why these falsehoods

surrounding “gender” are circulating with the phantasmatic power that they do. What powers do they serve, and how can they be countered? Indeed, if I could offer a single and persuasive account of gender to demonstrate the falsity of what right-wing critics, and some of their feminist and positivist allies, have to say about it, it would be an easier task than the one at hand. The truth, as usual, is more complex, which requires critical reading and a commitment to countering psychosocial phantasms that have the power to frighten and rally people not only to ultraconservative causes but also to authoritarian figures who ride the wave of neofascist trends in contemporary society and politics. My hope is to show that opening up a discussion of gender to thoughtful debate will demonstrate the value of gender as a category and help us explain how, considered as a problem of embodiment in social life, gender can be the site of anxiety, pleasure, fantasy, and even terror.

Let us be clear: for the right-wing opponents, the facts as they present them support the exclusively heterosexual character of marriage; the general denial of the reality of trans, intersex, and non-binary people as well as a dismissal of their basic rights; the refusal of the racial and colonial history of gender dimorphism; and the assertion of the state as rightfully exercising constraint on the reproductive freedoms of all potentially childbearing people. Do the facts support the political positions? Or is the political position rallying some facts at the expense of others—a selective positivism where what remains hidden is the principle used to select the facts at hand. To say there is a principle of selection at work is not to say that all facts are made up. It does, however, suggest that they can be framed for a purpose, and the purpose is all the more effectively achieved if the frame is hidden from view.

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How does one argue with a psychosocial fantasy that gathers up so many anxieties, moves in so many directions, and apparently exercises such extraordinary powers of destruction? And how do we counter it, when it is moving so quickly in its protean and contradictory forms?

In asking who is afraid of gender, I am also asking who is afraid of what, precisely, and how best to understand the resulting fear and its political effects. Who or what is actually exercising destructive powers? After all, we are living in a time in which myriad acts of cancellation, pathologization, criminalization, and delegitimation are seeking to destroy freedoms and powers that social movements on the Left have struggled for decades to establish. Lives and livelihoods are being attacked; trans identity is being annulled; women and other pregnant people are heading back into the alleyways for needed surgical procedures; rights to marriage or parenthood for gay and lesbian people are under challenge, or sometimes frankly refused; trans youth are unable to find health care or community in places where transphobia has become public policy or law; sex education classes are canceled and maligned for young people entitled to have an informed understanding of gender and sexuality, to learn about consent and sexual ethics more generally.

Like other right-wing movements in our time, the anti-gender movement has borrowed language from the Left, including “ideology” itself, a term that belongs to Marx and Marxism. Those in that movement do not consider which theory of ideology they are using. But we are free to reconsider that history to make some firmer distinctions that can help us understand the anti-gender movement as part of fascism. Consider the work of Karl Mannheim, whose *Ideology and Utopia* was first published in English in 1936, but published first in German in 1929, prior to the advent of the Hitler regime. It considered whether fascism could be understood as an ideology that emerged from capitalism and sought to examine the unconscious origins of mental fictions that deny the actual nature of society. Whereas ideologies for Mannheim work to preserve existing social orders—or preserve the idea of a former social order—in the face of instabilities, they can be countered by utopias, which activate certain potentials within society to foster a collective imaginary of transformation. Fascism was an ideology because it sought to reestablish nationalism and racist hierarchies, drawing on older social orders to detain and forcibly subjugate, attack, kill, and expel communists, Jews, the Roma, the physically challenged, gay and lesbian people, and the ill. Mannheim argued that the fascist attack on so-

called dangerous ideas identified that danger with visions of social transformation. In the name of maintaining the status quo or returning to an idealized past, fascists impugn social and political movements that seek to expand our fundamental commitments to freedom and equality. The idealized past can be found in the anti-gender ideology movement's call to restore a patriarchal order for family, marriage, and kinship, including proscriptions on reproductive freedoms, gender self-determination, and health care for LGBTQIA+ people. In each of these cases, they give priority to an imagined past at the expense of potential future of greater equality and freedom. In this way, ideology takes aim at radical imagining, identifying it with pervasive and corrosive social dangers. The attack on "dangerous ideas" is thus not only a resistance to the potentials of radical democracy that flash up even in the worst of times but also an effort to undo present reality in favor of reconstructing and restoring an imaginary past where gender hierarchy reigns. It would doubtless be easier to fight were the opponent interested only in maintaining the status quo, but restoration projects are both more ambitious and destructive.

Mannheim's theory is surely dated. His views have been faulted for his own form of idealism as well as his suggestion that getting beyond ideology requires giving up all absolutes. And yet it feels significant today that he could imagine a utopia with the power to counter the force of emergent fascist ideology in the 1930s. For Mannheim, conceptualizing a future that would undo ideology assumed that a kind of imagining was possible, even if its potentials could not be fully determined in advance. We might hope that "unrealistic" ideals, distinct from a Lacanian version of the imaginary, continue to be regenerated by social movements that struggle against violence, social and economic inequality, and injustice. This form of "unrealism" proves necessary for social movements that refuse the path of "realpolitik" and are strong enough to withstand the accusation of idle idealism. Indeed, Mannheim's question is still ours: How might a *counter-imaginary* dispel the grip of the ideology exemplified by those who accuse gender of being an ideology itself? Such a conscious and collective pathway is necessarily an idealist conceit. But can it be an ideal embodied by social

movements that are in the midst of countering emergent fascism during our time?

Marx warned that “we do not set out from what people say, imagine, conceive, nor from people as narrated, thought of, imagined, conceived, in order to arrive at people in the flesh. We set out from real, active people, and on the basis of their real life-process we demonstrate the development of the ideological reflexes and echoes of this life-process.”¹² He writes further: “The phantoms formed in the human brain are, also, necessarily, sublimates of their material life-process.” In other words, the allegation that gender is ideological is its own ideological formation, consisting of its own set of beliefs, including an “attack” on a phantom that they take to be real even as it has emerged, we might say, from their own brains. Marx’s phantom thus allies with my Laplanche-inflected notion of a “phantasm.” One could say that the attack on the family that the Right imagines taking place warrants their own attack on policies and laws that oppose gender-based violence, gender studies, reproductive rights, gay marriage, and trans rights. If the attack is coming at them, then they are defending themselves, their values, or their sense of what family, nation, man, woman, and civilization should be. But it may be that the attack they see as coming at them, or seeping into their cultural worlds, is already a projection, carrying and reflecting back to them the aggravated trace of their own aggression. Although gender is often unjustly caricatured as a made-up thing, an artifice, fake news, a lie, something crafted in language and living only there, it is the right-wing critics who seem profoundly to fear the power of language. The word “gender” apparently itself casts a spell, and so anything associated with the word must be dispelled.

This book offers some arguments against the anti-gender ideology movement, but that cannot be its primary aim. It is not possible to fully reconstruct the arguments used by the anti-gender ideology movement because they do not hold themselves to standards of consistency or coherence. They assemble and launch incendiary claims in order to defeat what they see as “gender ideology” or “gender studies” by any rhetorical means necessary. The task is not simply to expose their ruse through more finely honed analytical skills, to track their strategies and prove them

wrong. The task is to help produce a world in which we can move and breathe and love without fear of violence, with the radical and unrealistic hope in a world no longer driven by moral sadism cloaked as morality. The response, in other words, should produce a compelling ethical and political vision that exposes and opposes the cruelty and destruction in circulation. The phantasm of gender as a destructive force becomes the quasi-moral alibi for unleashing destruction against all those who seek to live and breathe in freedom. Taking a stand against the anti-gender movement is done in the name of breathing and living free from the fear of violence. It is the beginning of the ethical vision we now require.

To oppose the anti-gender ideology movement, we require transnational coalitions that gather and mobilize all those it has targeted. The internecine fights within the field must become dynamic and productive conversations and confrontations, however difficult, within an expansive movement dedicated to equality and justice, to preserving and affirming freedoms and powers without which life is unlivable, and politics are unjust. Coalitions are never easy. They involve antagonistic encounters and can be destroyed by internecine cruelties.¹³ And where conflicts cannot be resolved, movements can still move ahead together with an eye focused on the common sources of oppression. Coalitions do not require mutual love; they require only a shared insight that oppressive forces can be defeated by acting together and moving forward with difficult differences without insisting on their ultimate resolution.

Determining how best to approach the anti-gender movement, however, presents a different kind of difficulty. As a fearsome and destructive phantasm, gender is difficult to discuss. When people are for and against it, the question of what it actually is, or what meanings it should carry, are generally put to the side. But shouldn't we know what we are arguing about? Often, the debates against gender on the Right focus on gender identity, but sometimes they focus on gender equality and other times on gender violence. When gender is cast as an identity that exceeds the usual binary, or that is established through self-identification, then passions tend to run high. Some people like to think of their own gender as not only natural but also universal: I am a man in the same way that everyone else is,

and nature makes it so. Whether or not people are assigned a gender at birth or assume one in time, they can really love being the gender that they are, and reject any effort to disturb that pleasure. They seek to strut and celebrate, express themselves, and communicate the reality of who they are. No one should take away that joy, as long as those people do not insist that their joy is the only possible one. Importantly, however, many endure suffering, ambivalence, and disorientation within existing categories, especially the one to which they were assigned at birth. They can be genderqueer or trans, or something else, and they are seeking to live life as the body that makes sense to them and lets life be livable, if not joyous. Sometimes they are living in the interstices opened up between assigned categories and lived modes of embodiment.¹⁴ That space, too, should be protected and affirmed. Whatever else gender means, it surely names for some a felt sense of the body, in its surfaces and depths, a lived sense of being a body in the world *in this way*. You can be faulted or praised for how your gender appears, or find yourself in prison, disowned, or sent to psychiatric institutions. You can do gender on the streets, celebrating with others the body you inhabit, or find that others have gendered you before you even enter the space. To inhabit a gender is to live out a certain historical complexity that has become possible for the lives we live now. As much as someone might want to clutch a single idea of what it is to be a woman or a man, the historical reality defeats that project, and makes matters worse by insisting on genders that have all along exceeded the binary alternatives. Gender comes along with vulnerability, penetrability, agency, dependency, illness, social recognition, basic requirements, shame, passion, sexuality, and variable conditions of life and aliveness. How we live that complexity, and how we let others live, thus becomes of paramount importance.

Of course, many people refer to “sex” as if it is an obvious fact, based on observation, and worry that academics have needlessly obfuscated plain matters. Consider, however, that sex assignment is not simply an announcement of the sex that an infant is perceived to be; it also communicates a set of adult desires and expectations. The infant’s future is often being imagined or desired through the act of sex assignment, so sex

assignment is not a simple description of anatomical facts, but a way of imagining what they will mean, or should mean. That imagining comes from elsewhere, and it does not exactly stop after sex has been legally or medically determined at birth. The girl continues to be girled; the boy continues to be boyed; and these practices of girling and boying are repeated not just by parents but also by a range of institutions that greet the child with boxes to be checked and norms to be embodied. In a sense, sex assignment does not happen just once. It is an iterative process, repeated by different actors and institutions, and depending on where one lives, it can be reiterated in ways that are not always in conformity with one another. Sex assignment is not a mechanism, but a process, and it can generate contradictory forms and be derailed by interruptions and challenges. A child can refuse the interpellation temporarily or permanently, and great debates can be had, especially in religious contexts, about what is the right or wrong way to be, or become, a man or a woman, and whether, alas, those are the only two options. What we rightly call self-definition emerges within this reiterative scene, which is not just about contrasting cultural definitions of gender but the power and limits of self-determination.¹⁵ The problem is not just that adults name a child a certain way, or refer to their gender a certain way, but that the words, considered as signifiers, resonate with what Laplanche called “enigmatic signifiers,” which constitute primary ways of being addressed and primary sites for the incitation of desire. In effect, sex assignment, understood as an iterative process, relays a set of desires, if not fantasies, about how one is to live one’s body in the world. And such fantasies, coming from elsewhere, make us less self-knowing than we sometimes claim.¹⁶

Some would say that the notion of social construction, and the social construction of gender, implies that we are simply made up of social norms and conventions, as if they were the substance of the body itself. Others claim that “construction” is just artificial and fake, and we need to return to what is manifestly real. Both views are wrong, I would suggest. They underestimate, among other things, both the disturbance and the unpredictability of the earliest scenes of address in which gender arrives. An adult’s desire is already incited and formed by a prior series of desires,

those that belong to the adults who addressed and raised that person as a child. To the extent that those desires were linked with norms and normative ways of life, we can say that norms precede us, circulating in the world before they impress themselves upon us. But when norms do impress themselves upon us and when we register that impress, an affective register is opened. Indeed, the “we” who would register that impress actually emerges from that scene. If norms can be said to form us, that is only because some proximate, embodied, and involuntary relation to their impress is already at work. Norms act upon a sensibility and susceptibility at the same time that they give it form; they lead us to feel in certain ways, and those feelings can enter into our thinking even as we might well end up thinking about them, asking, “Why do we feel this way rather than that?” Although norms condition and form us, they are hardly effective or even predictable. Their iterative logic ends only when life ends, though the life of norms, of discourse more generally, continues on with a tenacity that is quite indifferent to our finitude. The temporality of norms is distinct from the temporality of this or that embodied life.

No one arrives in the world separate from the set of norms lying in wait for them. Conventions, modes of address, and institutional forms of power are already acting prior to any moment when we first feel their impress, prior to the emergence of an “I” who thinks of itself as deciding who or what we want to be. Of course, we do sometimes come to break with the norms imposed upon us, refusing the interpellations that were delivered to us, finding freedom in that “no” and in that turn toward another path. And yet our formation does not suddenly fall away after certain breaks or ruptures; those breaks become part of the story we tell about ourselves in part to show others that such a break can be possible. We say, for instance, “That is the moment when I broke with this or that authority or expectation,” and in such circumstances, we understand that how, when, and why we broke is important to the history of ourselves that we want to tell. Precisely because the norms that shape us do not just act on us once, but repeatedly over time, opportunities arise to derail their reproduction. That iterable process opens up possibilities of revision and refusal, which is why gender has a temporality of its own, and why we cannot understand

gender well without understanding it as historically formed and revisable. This view has implications for answering the question “Am I free or determined?” Simply put, we are never simply formed, nor are we ever unconditionally self-forming. This may be another way of saying not only that we live in historical time but also that it lives in us as the historicity of whatever gendered form we assume as human creatures. We do not escape the early impress that enlivened our desire and made the adult world, including its gendered interpellations, enigmatic.

In some ways, the anti-gender ideology movement wants to put a halt to all this aliveness, freedom, and historical and internal complexity. Reacting to the situation of people seeking to change gender or to gain access to gender-confirming health care or legal status, the Vatican has made clear that those who wish to create their own personhood in their own terms are taking over a power that rightfully belongs only to God.



This book begins, then, by focusing specifically on the Vatican’s contribution to anti-gender rhetoric as well as the global dimensions of the movement, including its constituent networks. The claims made against gender differ depending on the context of their enunciation, yet certain motifs continue across regions. The collaborations among right-wing Evangelical churches in the United States, the Americas, Eastern Europe, and North Africa are among the most notable for the position papers they have published and the public support they have garnered. I also consider how psychosocial phantasms inhabit the key arguments against gender, review some of the main legislative debates on the issue, and make note of the well-organized collaborations against gender across regions and hemispheres. The book then moves into recent debates in the United States where “gender” only recently has become a controversial term, and looks into the state’s investment in a fantasy of restoring patriarchal powers. I also consider British debates on the matter of sex, paying close attention to phantasmatic anxieties found in the argumentation of trans-exclusionary feminists such as J. K. Rowling, the Sex Matters organization, and the views of Kathleen Stock and Holly Lawford-Smith.

From there, I examine the challenges to the theory of social construction that underlies a view of gender as “constructed.” On the one hand, it was always wrong to understand “construction” as artifice or fakery, distinct from the body’s material reality. On the other hand, a model of co-construction more fully demonstrates how material and social contributions are intertwined in the production of the gendered body. Nature is not the ground upon which construction of gender happens. Both the material and social dimensions of the body are constructed through an array of practices, discourses, and technologies. This process of co-construction brings attention to how the materiality of the body is formed through what is ingested, and the atmospheres to which one is exposed, the kinds of food available, the air that one breathes, the entire environmental infrastructure through which bodies are formed and sustained. They are not just outside the body, but the stuff from which it is made.

That said, the process of co-construction can also be deployed by normative frameworks with devastating consequences. For example, the brutal surgeries and normalization procedures undertaken by John Money’s Gender Identity Clinic at Johns Hopkins University, or the gynecological experimentations on Black women under slavery through which normative ideas of white masculine and feminine norms were crafted. These are but two instances of cultural and material forms of crafting gender that involved horrific violence. In the forced surgeries, Black women’s bodies were treated as the “flesh” in Hortense Spillers’s terms, and sexed culture or civilization was built upon that foundation.¹⁷ Why have Black bodies been required to assume the role of “nature,” under what conditions, and for what purposes? Dimorphism serves the reproduction of the normative white family in the United States. Hortense Spillers argues that Black women were left out of idealized gender binarism, presumed as the degendered flesh from which white genders were crafted. Gender norms in and after slavery were constructed as presumptively white, shoring up white supremacy quite literally on the backs of enslaved people. C. Riley Snorton expands upon Spillers’s thesis to argue that the history of gynecological surgery on former enslaved people in the United States attests to the way

that gender norms were created through surgical racism.¹⁸ Black bodies were the experimental field from which white gender norms were crafted.

Money's project both assumes and exploits the incommensurability between a lived embodiment and the sex assignment it receives. Considered more broadly, gender names the dilemma of how to conjoin social categories and lived forms of embodiment—through what means, and with what force? There are brutal and unjust ways of forcing that conjunction, and there are promising and even emancipatory ways of embodying both that conjunction and disjunction. I oppose the sexological projects that sought to coerce bodies into conformity with dimorphic ideals. In contrast, I hope to show how various scientific paradigms offer a way to think about gender as a spectrum or a mosaic, a living complexity worthy of affirmation.

In addition to sexology and race, colonization works in paradoxical ways within the anti-gender ideology movement. I consider the allegation that gender serves the projects of colonization, a right-wing claim that fails to distinguish between the colonial imposition of dimorphism criticized by decolonial feminists and the Vatican's opposing claim, namely, that colonial influences are to blame for calling that treasured binary framework into question. I argue that at least two quite distinct understandings of colonization are at work, drawing on work that shows that gender dimorphism is hardly a stable assumption in the Global South.

Of course, "gender" as a term is bound up with English and often with a presumptive monolingualism. Sometimes the term does not work in other languages, and other times it discovers linguistic cousins it did not know it had. The salience of the term depends upon translation, and affirming that translation often alters the meaning of a term as it arrives in another language and context. I conclude that translation is the condition of possibility of a transnational feminism and an effective solidarity against the anti-gender ideology movement. Thus, it is important to foreground scholarship that shows that the heteronormative framework for thinking of gender as binary was imposed by colonial powers on the Global South, to track the legacies of slavery and colonialism engaged in brutal surgical and sexological practices of determining and "correcting" sex in light of ideals

of whiteness, and to see what the linguistic alternatives to gender may be in different languages to criticize the monolingual assumptions of the term.

Perhaps the task is to slow the entire public discussion down, to turn over what we think we mean by “gender,” and why. That kind of open public inquiry is crucial to democratic life, for if we judge what we do not understand, then moralistic and dogmatic ignorance dictate the fate of both intellectual life and public discourse. Those who call for the censors to take down gender studies programs or to eliminate the word from education or health care ask for the heightening of censorship and state control throughout the public domain, dedicating their passions to strengthening authoritarian powers.

I will attempt to reconstruct some of the arguments waged against gender and to respond in the best way I know how. And though I do want to show that both right-wing and trans-exclusive arguments against gender are wrong, or not rightly formulated, my primary aim is not simply argumentative, academic, or philosophical. As I hope is clear, my question is: *What kind of phantasm has gender become, and what anxieties, fears, and hatreds does it collect and mobilize?* Those who oppose gender are living with a sense of conviction that something is, in fact, destroying their world, their embodied sense of self in the world, the social structures without which they will not survive. I am hoping, then, to try to understand the phantasmatic dimension of “gender” as it appears to those who call for the elimination of gender education, the censorship of texts concerned with gender, and the disenfranchisement or criminalization of transgender or genderqueer people.

There is still much to be understood about gender as a structural problem in society, as an identity, as a field of study, as an enigmatic and highly invested term that circulates in ways that inspire some and terrify others. As imperative as it is to defend the fields of study which use gender as a term that describes identity and social forms of power and differential forms of violence, we have to keep thinking about what we mean by it and what others mean when they find themselves up in arms about the term. In the grip of a phantasm, it is hard to think. And yet thinking and imagining have never been more important. What form of critical imagination would

be powerful enough to oppose the phantasm? What would it mean to create a form of solidarity and concerted imagining that would have the power to expose and defeat the cruel norms and sadistic trends that travel under the name of the anti–gender ideology movement?

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The Global Scene

The idea of a dangerous gender ideology emerged in the 1990s when the Roman Catholic Council for the Family warned that “gender” was a threat to the family and to biblical authority.¹ One can trace the idea’s origins through the Vatican’s Council for the Family documents,² but since then it has traveled in ways that track the political power of the Vatican as well as its recently formed alliance with the Evangelical church in Latin America. To underscore the power of “gender” within contemporary political discourse, it is clear that the Vatican’s stance intensifies the term’s phantasmatic power within the global political landscape.

For some Christians, natural law and divine will are the same: God made the sexes in a binary way, and it is not the prerogative of humans to remake them outside those terms. Of course, some feminist scholars of religion dispute this, suggesting that the Bible has conflicting views on this very topic.³ Regardless, this older science holds to the proposition that sex differences are established in natural law; that is, that the content of that law is established by nature and therefore, presumably, has universal validity. Since nature is understood to be created by God, to defy natural law is to defy the will of God. What follows from this set of beliefs is that if one has a will, or acts willfully, then one not only defies God and the natural order he created but also threatens to take over his will.

These are but some of the conservative Catholic points against gender.⁴ The contemporary furor took shape in 2004 when the Pope’s Council for the Family, then directed by Joseph Ratzinger, warned that gender theorists were imperiling the family by challenging the proposition that Christian family roles could and should be derived from biological sex.⁵ According to

the Vatican, the sexual division of labor is to be found in the nature of sex: women are to do domestic work and men are to undertake action in paid employment and public life. The integrity of the family, understood as both Christian and natural, was said to be imperiled by a specter looming on the horizon: “gender ideology.” Ratzinger first made public his concern at the United Nations’ Fourth World Conference on Women, held in Beijing in 1995, and then again in 2004, as head of the Pontifical Council for the Family, in a letter to bishops underscoring the potential of “gender” to destroy feminine values important to the Church and the natural distinction between the two sexes.⁶ As Pope Benedict XVI, he went further in 2012, maintaining that such “ideologies” deny the “pre-ordained duality of man and woman,” and thus deny “the family” as “a reality established by creation.” Because, he argued, man and woman are created by God, those who seek to create themselves deny the creative power of God, assume that they have divine powers of self-creation, and are misled by an atheistic set of beliefs.

By 2016, Pope Francis, despite his occasionally progressive views, continued the line developed by Pope Benedict and sounded an even louder alarm: “We are experiencing a moment of the annihilation of man as the image of God.” He specifically included as an instance of this defacement “[the ideology of] ‘gender.’” He was clearly outraged that “today children—children!—are taught in school that everyone can choose his or her sex ... And this [*sic*] terrible!” He then made affirmative reference to Benedict XVI and claimed, “God created man and woman; God created the world in a certain way ... and we are doing the exact opposite.”⁷ From this perspective, humans experimenting with gender are taking over the creative power of the divine. Pope Francis has since gone further to argue that proponents of gender are like those who support or deploy nuclear arms targeting creation itself. This analogy suggests that whatever gender is, it carries enormous destructive power in the minds of those who oppose it—indeed, an unfathomable and terrifying destructiveness. It is represented as a demonic force of annihilation pitted against God’s creative powers.

Many mixed metaphors proliferate in the effort to portray gender as an extreme danger. The various figures of destruction do not fit into a coherent

picture, but they do accumulate without regard for consistency or contradiction. And the more “gender” can gather up those diverse fears and anxieties, the more powerful the phantasm becomes. If one figure of destruction does not work with every audience, another one often will, and if they all accumulate with sufficient speed and intensity under a single name, they can circulate all the more widely, catching different audiences as they go. Together they seek to identify the source of the fear of destruction, what we have to be afraid of, and what will destroy our lives, and in so doing, they start to destroy the lives of those who have been scapegoated.

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Although Pope Francis has been commended for his open-minded approach to “homosexuality,” it is important to remember that it was gay and lesbian civil unions, rather than gay and lesbian sexuality, that he defended in 2020.⁸ In a book-length interview entitled *This Economy Kills*, first published in 2015 in Italian, the Pope compares gender theory’s rejection of the doctrine of “complementarity” (the view that the human is composed of man and woman essentially and exclusively, and that sexual union between the two is the only human and natural form) as evidence for the existence of “Herods” in every historical period. The Herodian gender theorists, mentioned earlier, “plot designs of death, that disfigure the face of man and woman, destroying creation.” The analogy with nuclear arms underscores the annihilating force attributed to “gender theory”: “Let’s think of the nuclear arms, of the possibility to annihilate in a few instants a very high number of human beings ... Let’s also think of genetic manipulation, of the manipulation of life, or of the gender theory, that does not recognize the order of creation.” It was in this context that Pope Francis advised his audience to consider gender theorists as analogous to “the dictators of the last century ... think of Hitler Youth.”⁹

By comparing “gender ideology” to both nuclear war and Nazism, Pope Francis has galvanized those who oppose both the LGBTQIA+ movement and feminism into thinking they are waging a just war against the forces of destruction. Of course, not all Catholics or Catholic organizations agree with this point of view, and some, like DignityUSA,

have remained admirably firm in calling for rights for a spectrum of genders and sexual orientations, as well as for rights for intersex people.^{[10](#)} The consequences of the Pope's fearmongering rhetoric can be clearly seen by considering the active interventions on the part of the Vatican, especially the Pontifical Council for the Family.

University of Chicago law professor Mary Anne Case documents these interventions, including the alliance that the Vatican made with Nicolas Sarkozy in 2011 to withdraw high school textbooks in France that included sections on "gender." That same year, the Vatican presented its view that gender has the power of undermining "the very foundation of the human rights system." At stake was the idea of the human, which, it seems, "gender ideology" has the power to destroy since the human is defined by the complementarity of the sexes: a two-in-one definition of human form. A year after the successful legal battle for gay marriage in France in 2013, a backlash followed in which the Lacanian psychoanalyst and priest Tony Anatrella played a major role.^{[11](#)} A prominent course curriculum in France called *ABCD de l'égalité* offered students a way to think about the difference between biological sex and cultural gender, but it was rescinded after Anatrella warned that "gender theory" was being taught in the primary schools, and that would disorient and harm sexual development. Pope Francis himself met with one of the organizers of the effort to withdraw the program, raising objections by some in France that the Church was meddling in public educational policy, which should remain the proper purview of the state. The curriculum was, in fact, withdrawn. The Vatican then published its own text on gender to provide a countervailing view.^{[12](#)}

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For Pope Francis, this phantasm called "gender" is both diabolical and ideological. "Diabolical" means that gender comes from the devil and is the devil's work, and so is not a divine creation and constitutes a rival, false, and destructive form of "creation." To the extent that "gender" is understood by the Vatican as a doctrine or belief that claims that one can *create* a gender one was not assigned at birth, it is a false and deceptive form of creation. The divine is the only one who has creative powers, and

the divine created male and female, or so the Bible claims. If anyone departs from the sex that has been divinely created for them, they are stealing and destroying the creative powers that belong solely to God. A diabolical force is especially dangerous for the vulnerable and the susceptible, those who are at risk of being influenced and indoctrinated by this “ideology” that flies in the face of Christian doctrine. The devil, or the demonic more generally, works to entice and influence, inculcate and groom, exploit the youth and others who are susceptible to believing in these new powers of self-definition provided by something called “gender.”

In fact, gender does not presume that each of us chooses who we are or how we desire and love. Indeed, the thesis that gender is “hardwired” is still a theory of gender. The ancient debates about free will and determinism take shape within gender theory as well. Yet here a distinction should be made between whether or not gender and sexuality are chosen and whether people should be free to live according to the gender and sexuality that they are. For instance, a trans person can claim that their gendered truth is internal, even God-given, while another may regard themselves as formed by culture or even freely chosen. All of them deserve the right to live freely, which means that their demand for political freedom does not necessarily presuppose that gender or sexuality is chosen. When people claim a gender or, indeed, a sex for themselves that was not the one originally assigned at birth, they exercise human powers of self-definition at the expense of a natural sex divinely created or established in a Christian version of nature. According to the Pope, they are acting as if they have divine powers, flagrantly disputing the power of divinity to establish their sex for all time. At some moments, the Pope has declared that gender advocates seek to steal the powers of God, thus confirming that they work from the devil. For the devil always disguises himself in a mesmerizing appearance. If gender is such a devil, or the devil himself, then to argue with him is to fall inside his trap. To argue with the devil would be to accept the false appearance as a plausible interlocutor. Devils and demons can only be expelled or banished, burned in effigy, which is why censorship, bullying, and pathologization become the key strategies for the anti-gender movement.

An informed debate on matters of freedom and necessity, the constitution of desire, and sex and gender would be most useful, but as Professor Case has maintained, “the multiplicity and variety [of definitions and genealogies] also indicate how little scholarly work Catholic so-called experts on gender theory have done concerning the origins and parameters of the theories they deplore.”¹³

For instance, the proposition that gender is a social construction led some people to conclude that individuals could choose their gender as they see fit and at a moment’s notice. In some versions of the Church’s objection to social construction, gender is regarded as nothing other than unbridled personal liberty or licentiousness. Such presumptions disregard the fact that social construction emphasizes the role of social norms in the making of gender. The idea that social construction means that you and I can make ourselves however and whenever we wish forgets the constraints imposed by society and the obduracy of the unconscious in the formation of both sexuality and gender. In fact, that identification of gender with the idea of personal liberty misconstrues the collective struggle it takes to make room for new gendered ways of being that are more livable than the ones assigned to us.

One of the most influential Catholic critics who has faulted social construction as a radical (and dangerous) form of personal liberty is Jorge Scala, who published a book in Argentina in 2010 attacking “gender ideology” that was first read by Catholic communities and then widely distributed by the Evangelical church.¹⁴ It warned against the voluntarist concept of gender as a deformation of the doctrine of creation, condemning it as inimical both to religion and to science. At the same time that Scala opposed this idea of radical liberty as a co-optation of divine powers and a break with a natural order, he insisted that children would be harmed by this “ideology,” insisting that learning about gay and lesbian lives in schools would lead to children becoming “homosexualized” by teachers. As he elaborated his attack on gender as a form of personal liberty, it pivoted in another direction: gender is a form of indoctrination. Children should not be so free! Children should not lose their freedom! Either gender teaches that one is radically free or gender is what takes away freedom.

Contradictions like these abound in the anti-gender ideology movement, and the more their incoherent and contradictory forms circulate, the more powerful they become. One of the most powerful sites of anti-gender influence is in national elections. In recent years, “gender” has become an issue in several major presidential elections in Brazil, Costa Rica, Colombia, France, Switzerland, the United Kingdom, Scotland, Ecuador, and Germany, and it has been, for some time, a central issue in an increasingly authoritarian Hungary, where the Department of Gender Studies, where Professor Andrea Peto taught, was abolished at the Central European University and was subsequently compelled to relocate to Vienna. The abolition of such programs continued throughout the Balkans.¹⁵ In Spain, the campaign against gender ideology became a central part of the platform of the right-wing Vox, whose propaganda includes frequent references to “gender jihadism” and “feminazis.” In the Turkish elections of 2023, Recep Tayyip Erdoğan referred to gay and lesbian rights advocates as “cultural terrorists,” claiming that they were not on the path to Muhammad.¹⁶ Francisco Serrano, one of the leaders of Vox in Andalusia, authored a book called *Gender Dictatorship* in 2012, and then another, in 2019, titled *Practical Guide for Mistreated Parents: How to Survive the Gender Dictatorship*. Vox had at that time made an alliance with the Italian party Fratelli d’Italia to save the family, including women and mothers, from the destructive force of gender ideology. Only the “natural family,” they argued, could secure the nation, and that required preserving the place of the mother within patriarchal family formations. The foundations of the nation, however, seem threatened equally by gender ideology and migration from North Africa, according to Prime Minister Meloni, along with “Goldman Sachs” (what I take to be a thinly veiled antisemitic slur identifying Jews with corporate power, since why this name rather than, say, Citibank?) and “progressive intellectuals.”¹⁷

In the course of pledging the state’s allegiance to the patriarchal family in 2015, Vladimir Putin identified “gender” as a Western ideological construction, arguing in the National Security Strategy in that year that opposing gender, a nefarious Western influence, is necessary to preserve the spiritual identity and unity of the Russian nation. In May 2012, in response

to the legalization of gay marriage in parts of Europe, he referred to “Gayropa” to mock and thwart the potential tidal wave of LGBTQIA+ influence on Russian values.¹⁸ Objecting to the use of “foreign words” that upend traditional linguistic meanings, Putin warned that challenging the basic ideas of “mother” and “father” was unacceptable. In this way, despite the anti-European rhetoric, his views ally with European conservative movements opposed to “gender ideology.” In her critique of Putin, Daria Ukhova points out that issues such as “gender” should not be dismissed as merely cultural, for they are understood to strike at the spiritual core of the country. Indeed, the strategic document, in its own words, aims to “give priority [to] the spiritual over the material; protection of human life and of human rights and freedoms; family; creative labour; service to the homeland; moral and ethical norms; humanism; charity; fairness; mutual assistance; collectivism; the historical unity of the peoples of Russia; the continuity of our motherland’s history.” The ideology of “traditional family values,” in Ukhova’s view, aims to legitimize only very specific forms of gender relations, that is, “heterosexual, fecund [reproductive], based on the provision of unpaid care, etc.” The way that genders are distinguished from one another and cast in a hierarchical relation are, in Ukhova’s analysis, “inherent to such forms of gender relations—although not openly endorsed in the legislation—[and] represent essential elements of this ideology.”¹⁹



In all of these contexts, and in more that will be discussed below, gender is cast as a single “ideology” that refutes the reality of sexual difference and that seeks to appropriate the divine power of creation for those who wish to create their own genders. Trans identity is regarded as a choice, a wayward or excessive expression of personal liberty, rather than an individual truth and social reality deserving of public recognition. Often the reduction of gender identity to personal choice is followed by the claim that the creation of gender identities is now taking the place of divine creativity. Yet in other regions, such as Germany, gender ideology, or, indeed, gender studies, is regularly characterized as totalitarian, suggesting that it mandates new gender identities and suppresses personal liberty.²⁰ It is either personal

liberty or its vanquishing, a form of individualism or a usurpation of divine power, indoctrination and totalitarianism or many other versions of fearsome political specters that hold sway over people.

In Brazil under Bolsonaro, as with Putin's Russia, the very idea of the nation, of masculinity itself, was understood to be threatened by a "gender ideology" characterized as a dangerous cultural import.²¹ According to the scholar and activist Sonia Corrêa, anti-gender movements took form in Brazil in the 2000s and were clearly inflamed after Pope Benedict XVI's visit to the Latin American Episcopal Council (CELAM) in Aparecida do Norte in 2007. In 2013, Catholics and Evangelicals further overcame their differences to forge an alliance to take down the proposed National Education Plan and to eradicate any reference to gender in education.²² In the years since, hundreds of municipal and state laws against gender in education were passed. Bolsonaro's inaugural speech in early January 2019 contained a commitment to eradicate "gender ideology in the schools" and he vowed to resist "ideological submission."²³ Human Rights Watch reports that "since around 2014, lawmakers at the federal, state, and municipal levels in Brazil have introduced over 200 legislative proposals to ban 'indoctrination' or 'gender ideology' in Brazilian schools. These proposals, which target gender and sexuality education, have been the subject of intense political and social debate in Brazilian society, with some bills ultimately passing, many still pending, and others withdrawn."²⁴

In Colombia, after decades of violence, the prospect of a peace accord between FARC (the armed revolutionary forces of Colombia) and the government was submitted to a popular vote in early October 2016. Colombians voted against the peace agreement by a narrow majority. Significantly, the campaign was led by the Pentecostal Evangelical churches, which argued that the agreement, though ostensibly about peace, was mired in "gender ideology." In fact, the agreement mentions the specific ways that the protracted conflict had affected women and "LGBTI" people, referencing discrimination, exposure to violence, forced displacement, lack of access to property rights for women, and the masculinist hierarchies within various armed factions. The scholars William Beltrán and Sian Creely argue that in the churches' campaign, "'gender'

comes to be shorthand for the host of social ills with which it was associated during the debates around the Colombian peace plebiscite through use of the term ‘gender ideology.’ We posit that it is the links between ‘gender’ modernity, colonialism and the development industry, its academic, value-neutral quality and its status as an isolated technical term that allow ‘gender’ to become a proxy for a wide range of social dissatisfactions.”²⁵ In this case, “gender” threatens to inaugurate a time when religious intervention in state affairs will no longer exist, and the Church will be firmly severed from the state. Pentecostal leaders warned that the family would come under attack were peace achieved, and that the country would become both atheistic and communist as a result of the accord. As gender, functioning now as a phantasm, accumulates fears about the future, it loses any concrete referent but increases its frightening power. Beltrán and Creely make clear that “gender” is not given a definition in such debates and suggest that the critical task under these circumstances is to ask not what gender is, but what it *does*. They also underscore that “gender” in the Colombian context served as shorthand, that is condensing and representing a host of ancillary anxieties, and “accrues semantic noise which allows for its demonization via the phrase ‘gender ideology.’”²⁶ Were gender merely noise, it would not have the political power that it has. It works not by drowning out the referent, but by layering the word with multidirectional trajectories of threatening force.

Even as the arguments against “gender” emerge from different localities, regions, and nations and for different purposes, they are unified and amplified by political parties, global organizations, online networks, election platforms (Vox in Spain, La Lega and Fratelli d’Italia in Italy), and interconnected Evangelical and Catholic church organizations. According to Agnieszka Graff, Polish scholar and activist, one of the main networks amplifying and circulating the anti-gender viewpoint is the International Organization for the Family (previously the Howard Center for Family, Religion and Society), which boasts thousands of participants at its conferences, as well as the American College of Pediatricians (ACP), a socially conservative organization founded in 2002 by health care professionals who opposed adoption by gay couples. Perhaps the most

influential among these groups is the online platform called CitizenGo, which was founded in Spain in 2013 and which mobilizes people against lectures, exhibitions, and political candidates who defend LGBTQIA+ rights. It has quickly become a powerful online actor in opposing reproductive rights in several countries. CitizenGo claims to have over nine million followers, ready to mobilize at an instant. Recently, it paid people to launch a social media campaign against reproductive rights in Kenya, where it succeeded in temporarily banning abortion services. According to *Quartz Africa*, the organization promotes petitions in at least fifty countries, opposing same-sex marriage, abortion, and euthanasia. In 2019, CitizenGo bragged about running campaigns against clinics offering abortion in Malawi, Nigeria, and Tanzania, in addition to Kenya.²⁷ It was reported that the organization paid people to spread disinformation on social media to oppose both reproductive rights and sex education for young people in several regions (a claim to which CitizenGo apparently did not respond).²⁸

CitizenGo was founded in Spain and its influence throughout Europe and, lately, Africa, has been significant, but it is also present in the United States. It uses “gender” to designate an array of social movements, public policies, and regional and national laws. The organization called Hazte Oir (Make Yourself Heard), founded in 2001, opposes gay, lesbian, and trans rights and legalized abortion in Spain. It was founded by Ignacio Arsuaga, who then founded CitizenGo in 2013 to circulate the same agenda internationally. Arsuaga, a supporter of the Spanish right-wing party Vox, is also a representative of the World Congress of Families, which includes the National Organization for Marriage in the United States. And in 2017, he led a campaign to oppose gay marriage and trans rights on the basis of the popular version of the Vatican’s “complementarity” thesis. Their slogan: “Boys have penises and girls have vaginas.” The group hired a bus blazoned with the slogan to tour Spain in 2017, but the bus was quickly banned by the Socialist Party in Madrid as a public nuisance. WikiLeaks’ “Intolerance Network” has collected a wide range of initiatives of CitizenGo’s in Russia, Hungary, Germany, Spain, Italy, Chile, Mexico, Brazil, and the United States.²⁹ CitizenGo sustains ties to both Russia and the United States, especially anti-marriage rights organizations and

platforms, including the ultraconservative ActRight, a group also tied to the World Congress of Families. The World Congress of Families (WCF) is a project of the International Organization for the Family that serves to connect a massive number of Christian Orthodox, Catholic, and Evangelical organizations devoted to defending “the natural family” and to opposing lesbian, gay, and trans rights. Formed in 1995 by a Reagan appointee, Allan Carlson, who worked with two Russian sociologists, Anatoly Antonov and Viktor Medkov, it focuses on the fear that birth rates were falling, and that both the right to abortion and pro-LGBT legislation would bring about civilizational collapse.³⁰ Present at that initial meeting was Ivan Shevchenko, who represented the perspective of the Russian Christian Orthodoxy.³¹ The WCF has supported anti-gay politics in Serbia, Lithuania, and Romania, as well as in Kenya, where Vatican doctrine was channeled into social policy in 2016.³²

The transnational connections are many. The Russian representative of the WCF, Alexey Komov, serves on the board of CitizenGo. In 2014, Komov sponsored an affiliated congress in Moscow called “Large Families: The Future of Humanity,” which emphasized the importance of the “natural family” but also opened the way for Russian Orthodox oligarchs to form alliances with Christian Evangelicals in the United States.³³

CitizenGo is also responsible for propagating bits of junk science to support their agenda. They advertise the political agendas for the WCF’s yearly global conference.³⁴ Because of their campaigns against marriage equality, trans rights, and abortion, CitizenGo was classified as a “hate group” by the Southern Poverty Law Center in 2014, and became the subject of an investigation by openDemocracy in 2019.³⁵

A number of groups belonging to this network were hardly concerned with “gender” prior to 2015, but they started to use the term to collect all the positions they oppose. They also came to attack “critical race theory” as if it included any and all positions that insisted on the systemic and historical persistence of racism within nations such as the United States and the United Kingdom. The groups who have now converged in opposing both include the Heritage Foundation, the Discovery Institute (devoted to creationism), the American Legislative Exchange Council, Parents

Defending Education (in Virginia, which provides an “IndoctriNation Map”), Citizens for Renewing America, Moms for Liberty, and No Left Turn. In September 2016, Brian Brown, leader of the National Organization for Marriage and self-proclaimed father of nine, dealt with his failure to block marriage rights in the United States by joining with CitizenGo in Mexico City to help produce demonstrations opposed to the support Enrique Peña Nieto’s government had shown for marriage equality, after the Mexican Supreme Court banned marriage restrictions based on gender in 2015. Working with allies on the global stage, Brown started to use “gender ideology” to describe both gay and lesbian marriage rights and educational efforts on sexuality and gender that, in his view, challenged parental rights to direct their children’s education according to parental values.³⁶ As Brown imported the “gender ideology” framework from Europe to the United States, he also exported it to Mexico. As of this writing, Brown is now the president of the International Organization for the Family.

The opposition to “gender,” which threatens the “natural family,” is often linked to the threat of migrants, the prospect of miscegenation, and its apparently dangerous effect on the natural family. The “natural” family is not just heteronormative; it also serves to reproduce the nation along lines of racial and ethnic purity. In May 2017, Hungary hosted the WCF, and Prime Minister Viktor Orbán made an appearance alongside Brian Brown. In his speech at the conference, Orbán spoke first about the danger of migrants: “We shall enhance the protection of the southern borders of the European Union, and not let in anyone who provokes even the mildest suspicion of wanting to attack our families and our children.”³⁷ The need to “protect our young ones” is linked with an acute and baseless fantasy that migrants, if left to enter the country, may well attack Hungarian children. That “the mildest suspicion” will be enough to go on suggests that whatever is imagined about migrants is enough to keep them out, that entering the border and attacking the children are linked by association. Invoking replacement theory implicitly, Orbán went on to lament that the European population is in decline, that fewer people are getting married, and that immigration cannot be the solution to Europe’s problem. Instead, he decried “illegal immigration” as potentially weakening the solidity of the natural

family, conceived as the basis of the nation. The natural family is thus conceived as a national norm, for the natural family reproduces the nation along national lines. In other words, what is “natural” is not any kind of heterosexuality but only the kind that reproduces the nation. In his words, “the struggle for the future of Europe ... is only worthwhile if we are able to combine it with a family policy *which restores natural reproduction on the continent.*” Orbán’s call to increase the population of Hungary goes hand in hand with his insistence on “natural” reproduction. The future of Europe depends on keeping marriage exclusively heterosexual, and reproduction unassisted: “It is important to highlight that the restoration of natural reproduction is a national cause; and it is not just one national cause among many, but the national cause. And it is also a European cause; not just one European cause among many, but the European cause.”

Whatever function gender serves in the Orbán imaginary, it figures and portends an attack on both the nation and its nationalist version of the “natural” family. In making the links and associations among nationalism, race, and gender, Orbán suggested that the future of Europe, and its white legacy, is threatened not only by those who come from North Africa and the Middle East but also by a declining birth rate, which must increase to keep the racial ideal of a white Europe in place, and which must be rectified only by the heterosexual family and in “natural” ways. Taken together, only the “natural” family can save the nation, leaving gender, or other opposing “ideologies,” as representing the potential death of the nation. To achieve this future, to save Europe, “the family” must remain the primary unit of community “in the hearts of young people.” It is not enough to increase the number of children; Hungary must produce youth who see “the natural family” as their core social unit and who will grow up opposing “the liberal ideology.” Restricting marriage to two heterosexuals of different genders and rebuffing reproductive technology in the name of “natural” union has to be matched by educational efforts that instill the primacy of that form of family as natural and European at once. And that “natural” reproduction, along with an anti-migrant policy, together serve the white supremacist version of Europe he defends. In July 2022, Orbán cautioned against “race-mixing” since, it would appear, miscegenation destroys any legible concept

of the nation, which prompted one of his advisors to resign, citing the “Nazi” nature of his racist discourse.³⁸

The opposition to gender, along with the defense of the family (against any challenge to its heteronormativity) and the nation (against any challenge to its racial purity), is linked with a eugenics that belongs to the history and present of fascism. The link between the two is reiterated in forms of conservative politics that move across national borders, suggesting that nationalist agendas depend on the transnational circulation of key terms such as “gender” that accumulate effectiveness as they travel.

It comes as no surprise that the World Congress of Families, where Orbán spoke in 2017, maintained active ties with both the Trump and Ted Cruz campaigns in the United States in 2020. And on August 4, 2022, Orbán addressed the Conservative Political Action Conference (CPAC), the Republican Party’s political action committee, making clear that the danger of “gender ideology” has to be treated like the threat of unwanted migration: “In Hungary we had to build not just a physical wall on our borders and a financial wall around our families, but a legal wall around our children to protect them from the gender ideology that targets them.” He followed this claim with another: the worst events in history have been caused by people who “hate Christianity,” using as his example George Soros, against whom antisemitic attacks by the Hungarian government have been frequent and consequential.

Orbán’s views sum up some of the main elements of “gender ideology” in the Eastern Europe context: it is forced upon nations such as Hungary by international organizations or the European Union (for which he blames Obama); it is an attack on national and Christian values, which are to him the same; it harms children through its teaching; it attacks the “natural” family. This phantasmatic cluster of issues leads to the call for “gender ideology” to be walled off as migrants are, as the EU and powerful “foreign” forces also must be, as Soros and his institutions must be. We are left to understand that Soros presumably hates Christianity because he is Jewish, a rank antisemitic supposition. But, like other such phantasms, he also represents the threat of capitalism to Hungarian family values. Soros is characterized as owning nearly everything, and his influence on

universities, and “research,” is imagined as overwhelming, if not unstoppable.

At its annual meeting in Tbilisi in 2016, the World Congress of Families made a set of official declarations that echo those of right-wing governments and religious groups across the world: “Governments and transnational entities should cease all propaganda in favor of ‘gender theory’ and ‘sexual orientation,’ which have no basis in biological reality”; “Tell the LGBT tolerance tyrants, this lavender mafia, these homofascists, these rainbow radicals, that they are not welcome to promote their anti-religious and anti-civilizational propaganda in your nations.”³⁹

Again, disparate and conflicting elements are sutured together as if in a dream, but this is no dream; it is the official discourse of powerful transnational institutions. The syntax of dreams and fantasy has morphed into the inflammatory syntax of mobilizing political discourse. This gender “theory” is propaganda, this petition for “tolerance” is tyranny, and the rainbow that usually signifies liberal values of inclusion and diversity, usually faulted for being tepid and feel-good, is suddenly inflamed as the banner of a Mafia organization or a distinctively new form of fascism. It would be all too easy to simply expose the folly of the juxtapositions, to become snide, or to adopt an air of superiority, but we would be foolish not to see how the power of juxtaposition works to create chains of association, insinuations of complicity, and rhetorical constellations with the power—under certain conditions—to instate a “cause” of destruction at the center of a psychosocial phantasm. To the extent that this syntactical bundle proves persuasive, anyone who opposes tyranny will oppose gender and migration alike; anyone who opposes the death of civilization will oppose the two; and anyone who opposes criminal organizations like the Mafia will see that they too are somehow represented by gender and migration. These chains of association don’t just trail off; they condense into an identifiable site of danger, one that can be warded off, according to these schemes, only by imperiling trans and queer people, feminists, gay and lesbian people, and migrant communities. Such a discourse, in claiming to ward off harm, does enormous harm, but it can call the harm it does a defense against harm. The tautology is, unfortunately, both vivid and effective, and acts like it is a

form of reason. The various vulnerable communities now targeted by such a rationale as harmful are threatened with exclusion and criminalization, pathologization and the loss of fundamental freedoms, including both reproductive freedom and gender self-identification. Such strategies of rights-stripping belong to a history of fascism: they intensify the vulnerability of the very communities falsely held responsible for the precarious state of the world. They identify such communities as the “cause” of destruction so that they can promise that by destroying them, it appears that destruction is warded off, even though it is obviously intensified. They insist that such communities and their political demands are destructive forces, but they mobilize that very force as they externalize in the other. In effect, they rename the object of destruction as its cause, engaging in a contemporary form of fascist rebranding.

These associations and links are organized in such a way that they continue to be effective not only in appealing to existing fears but also in organizing and mobilizing them against a range of people and policies. The abbreviation of feminist and LGBTQIA+ movements as “gender” both allows for a condensation of such concerns into a single “ideology” and creates a sense that there is a single enemy, and it can and must be defeated. Besides the WCF, there are other Christian organizations that mobilize transnational alliances against “gender.” In the United States, the former vice president Mike Pence spoke at the Values Voter Summit in September 2018, an Evangelical meeting hosted by the Family Research Council (an ally of the WCF) directly after a panel called “How Gender Ideology Harms Children,” which sought to make the case for gay conversion therapy, and to argue that no one should be obligated to bake a wedding cake for a gay couple (a reference to the Supreme Court decision *Masterpiece Cakeshop v. Colorado Civil Rights Commission*, decided on June 4, 2018).⁴⁰ In that context, Pence defended religious liberties, which was an indirect way of licensing homophobic and transphobic conduct by claiming that *not* to discriminate would constitute a restriction on religious liberties for Christians. The obligation to discriminate follows, it seems, from the commitment to religious freedom, suggesting that securing the freedom to discriminate is the ultimate sign that religious freedom is alive and well.

That conclusion stands, however, only if religious liberty is a value superior to the social equality that anti-discrimination law is meant to secure. The supervenient character of religious liberty is asserted, qualified as the right of Christians, with the consequence that the right to discriminate is now defended as a hallowed freedom, and that Christianity becomes more firmly entrenched as the religion whose freedoms must be protected against claims of equality. Significantly, “gender” also stands for equality in these contexts, including equal rights to marriage, equal rights to form intimate partnerships and social forms outside of the heteronormative mandate. To be opposed to gender is to oppose equality as it has been, apparently improperly and scandalously, for women, lesbian and gay people, trans people, and all those who make their kinship ties in queer ways.

In 2010, Monsignor Tony Anatrella, who facilitated the Vatican intervention in French curricular offerings on gender a few years later, acted as a spokesperson for the Vatican and called upon the Catholic bishops of Africa to resist the various gay and lesbian rights groups sponsored by the United Nations, the European Union, and other nongovernmental organizations. The language he used for gender in his address was predictably vibrant, riddled with apparently exhilarating contradictions. In his view, those who were ostensibly promoting “gender theory,” which he likened to an “intellectual virus,” espoused a dangerous position like Marxism, but also, paradoxically, a position that could lead to unbridled capitalism if left unchecked. The monolithic “gender theory” could, or would, also “deregulate” the moral center of the human and plunge the very concept of the human into hopeless disorder. Whereas the Evangelical groups opposing gender do not generally invoke the Catholic idea of complementarity, they do agree that the range of rights associated with both feminism and LGBTQIA+ movements are both unnatural and dangerous to children and the moral order, and so must be vehemently opposed.

Anatrella is not the only religious actor to try to influence politics and stoke fear in Africa. In 2009 the Evangelical pastor Scott Lively, originally from Massachusetts, culminated years of campaigning against what were then called LGBT rights, calling for a “war” against equality. He first arrived in Uganda in 2002, and then returned in 2009 with a number of

religious leaders to give an incendiary speech, which likened gay people to both Nazis and pedophiles. The Human Rights Campaign reports that Lively held gay rights responsible for both the Nazi and the Rwandan genocides. In 1995, he published the revisionist book *The Pink Swastika: Homosexuality in the Nazi Party*, in which he maintained that the Nazi Party was full of gay men and that the savagery of the Nazis could be directly linked to homosexuality.⁴¹ In 2009, he embellished this spurious causality by claiming that being gay was actually worse than being a Nazi. Following his meeting with neo-Pentecostal religious leaders in Uganda, the local call for harsh punishment against gay and lesbian people began, culminating in a bill passed in 2014 that made sexual intimacy between two people of the same gender punishable by penalties that included life in prison.

Lively, of course, could not have exercised such influence had the neo-Pentecostal churches not assumed a central place in the lives of Ugandans. In the mid-1980s, the churches became more important as government funding for health care and education were withdrawn. The ascent of church powers in everyday life clearly corresponded with neoliberal forms of social abandonment. The neo-Pentecostal churches, also known as Born-Again or Balokole, preached both prosperity (and entrepreneurial ethics) and traditional African values. Controversially, funding that was originally earmarked for HIV/AIDS education and treatment was redirected in 2004 to “morally informed campaigns” sponsored by conservative Christian organizations.⁴² The policy formulated at the time by Uganda’s president, Yoweri Museveni, opposed condoms, declined to offer young people information on HIV transmission, and generally proposed abstinence prior to marriage as public policy.⁴³

The influence of US pro-family Christian organizations has since that time remained steady thanks to US financial investments in religious infrastructure in the region. George W. Bush allocated no less than \$8 million for abstinence-only programs in Uganda in 2005. The idea that Uganda alone is responsible for such legislation because of its “backward” views on gay and lesbian sexuality is effectively refuted by the documentation of interlocking networks of financial support and religious

influence from the United States. In 2004, Sexual Minorities Uganda (SMUG), located in Kampala, formed as an organization committed to advocacy for LGBTI rights, and for opposing the ongoing influence of Scott Lively. The Center for Constitutional Rights (CCR) in New York City joined with SMUG to charge Lively with “crimes against humanity of persecution” in 2012, and sought to hold Lively accountable for assisting with the widespread persecution of LGBTQIA+ people in Uganda. In June 2017, CCR and SMUG made progress on their joint case.⁴⁴ And yet in the summer of 2022, SMUG was dissolved by the Ugandan government, accused of failing to register as an NGO only after having been refused that very right by the government.

One could offer many theses about how such legislation came about. One could argue that Christian colonial strategies are at work, and that would be partially right. One could also argue that nationalism plays a part, and that makes sense given that Frank Mugisha, the executive director of SMUG, explained that the LGBTQIA+ community is accused of being “un-Ugandan.” The intensely anti-gay laws adopted in countries such as Uganda, such as the anti-homosexuality law passed in April 2023, which reserves the death penalty for acts of sodomy, can be understood only through recourse to economic and colonial histories. Central to any account, however, is the fact that churches have emerged as the institutions primarily responsible for covering social services that increasingly neoliberal and cash-poor governments have withdrawn. The church provides for basic needs, and in doing so reorganizes how sexuality and gender are to be understood, imposing certain values and creating certain terrifying specters. Matters of morality regarding sexuality and gender in this context are linked with the provisioning of basic social services, including health care. Thus, they become life-and-death issues, not only in Uganda but in an increasing number of other regions in the world.

Lively is but one personality, and he hardly acted alone. His views resonated with the policies of the ultraconservative Evangelical church and its contemporary ties to a range of governments. Their cooperative efforts, as it were, have helped to establish and incite attacks like these on members of their community. For, generally speaking, no community turns against

itself without having been incited to do so, without having become convinced that a part of the community represents a fatal threat to the community itself. In putting the problem that way, I imply that the targeted groups are, in fact, part of the community. But the problem is more fundamental: the community is now more narrowly defined, depending on exclusions and expulsions to secure the borders of its self-understanding. The domestic enemy is now that foreign element that threatens the community from within. To incite a community to attack one segment of its population depends upon an effective incitation, a promise that conjures the dangerous phantasm it then calls to punish, expel, or annihilate. Thus, the “incitation” to pathologize and criminalize sexual dissidents is not merely cultural chatter, but a discursive formation with the power to regulate life and death, distinguishing citizenship and criminality. The gripping force of a powerful fantasy of impending harm and destruction becomes one of the very mechanisms and means through which daily homophobic attacks become state policy—and state violence.

After the constitutional court in Uganda struck down the anti-homosexuality law proposed in 2013, which included the death penalty as a possible punishment for gay and lesbian sex, the issue continued to be debated until the law was refashioned and passed in April 2023. Already in May 2021, President Museveni signed a “sexual offenses” law that included many of the same provisions along with harsh punishments for sex work and both gay and lesbian sexual acts, calling homosexuality “contrary to the order of nature.” Is this a local view or one imported through transnational Evangelical networks? It could rightly be seen as a continuation of colonial influence. Gay and lesbian sexuality had been first outlawed in Uganda during its colonization by Great Britain, which ended in 1962. The continuing influence of the colonial criminalization of lesbian and gay sexuality was countered by SMUG, which was accused, paradoxically, by the president of “social imperialism.” Mugisha’s sober insistence that LGBTQIA+ people have always been part of Ugandan life hardly seems to matter as the homophobic effects of colonialism are defended by those who claim to be countering the imperialist effects represented by lesbian and gay human rights efforts on the ground. A member of the Ugandan parliament

from the National Resistance Movement Party, Fox Odoi-Oywelowo, wagered that the recently debated Sexual Offences Act would be nullified since Western funds would be withdrawn from Uganda if the act is upheld.⁴⁵ Unfortunately, the recently passed Anti-Homosexuality Act proposed even harsher punishments, stipulating that anyone who identifies with “lesbianism, gay, transgender, queer or any other sexual or gender identity contrary to the binary categories of male and female” can be sentenced to ten years in prison. Similar legislation was imposed in both Kenya and Tanzania in 2023.⁴⁶

Given that it was Western cash that galvanized the anti-gay movement in Uganda, one can see how an African country dependent on foreign aid and religious funding is pushed and pulled by the funders, leaving their own politics bound up with Western churches, states, and the World Bank, which threatened to withdraw its \$90 million loan to the country if it denied the rights of lesbian and gay people. One can see why some scholars hold that gender and sexuality conflicts in Uganda are “proxy wars” launched by Western states.⁴⁷ Having the World Bank on your side makes matters more difficult, for the coercive powers of lending agencies invariably foster anger among those mired in debt or seeking ways out of poverty. It also obscures the fact that women, along with gay, lesbian, and trans people, suffer disproportionately from debt economies, as the Argentinean political theorists Lucí Cavallero and Verónica Gago have clearly shown.⁴⁸

The structuring of Uganda as a debt economy not only undermines its autonomy but also makes social issues into financial demands; that is, it makes the acceptance of nondiscriminatory policies a precondition of its debt repayment plan. At which point can one rightly distinguish between the objection to gay and lesbian sexuality or transgender identity, and an objection to being subjugated by international banking systems? The World Bank is not the messenger we need to communicate the importance of LGBTQIA+ rights, for the message gets obscured by the carrier. Similarly, countries that apply for entrance into the European Union and its markets must also show compliance with its anti-discrimination policies. The opposition to “gender” that emerged in countries dependent on the EU almost always indexes a financial situation of dependency. Compliance

with nondiscrimination policies is a form of coercion imposed by lenders, which can lead to the perception that accepting “gender” is a form of unacceptable coercion and even extortion. No entrance without gender; no loan forgiveness without gender. It is surely hard to embrace a policy freely, no matter how reasonable and right, if one is compelled to do so from a position of debt bondage or unwanted financial dependency on brokers of financial power. Any defense of gender rights has to include a critique of gender mainstreaming and the ways that gender has been used as a bargaining chip by those financial institutions that claim to be its advocates. Once gender becomes identified with financial powers enforcing gender rights, gender no longer belongs to a left struggle to criticize and dismantle financial powers and their modes of exploitation and extractivism. The defense of gender has to be tied to the critique of financial coercion if “gender” is not to be identified as one of its instruments.

It follows that the affirmation of gay and lesbian rights, of transgender and reproductive freedoms, should follow from a collective understanding of the rightness of that position. And those rights and freedoms should ideally be linked with an anti-colonial and anti-imperial struggle, which centrally includes freedom from debt as a political demand. One reason that that World Bank and the EU cannot, and should not, be the representatives of gender freedom and equality is that the coercive powers of those institutions to produce and maintain debt, to structure debt repayment with high interest rates, confuses exploitation with freedom. The struggle for gender and sexual rights has to be embedded in a struggle against exploitation, including debt peonage, if it is to make any political sense at all as an emancipatory struggle.

The transnational circuitry of the anti-gender ideology movement should not be underestimated. It is not just happening in this or that region, but is now actively linking such regions, establishing itself less as a located phenomenon than as an expanding network. The Evangelical church is not always the main actor in Africa. Kapya Kaoma tracks an ambivalent relationship between African churches and the Vatican on the matter of gay and lesbian rights. The African Roman Catholic Church opposes homosexuality at the same time that it acknowledges same-sex relationships

throughout the centuries. The Vatican view that heterosexual marriage and sexuality comply with the doctrine of “complementarity” resonates to some extent with various African views on procreation as the ultimate goal of sexual relations.⁴⁹ And yet the Vatican’s positions were adopted almost verbatim in Kenya’s National Family Promotion and Protection Policy in 2016, mentioned earlier. That policy document is riddled with references to “the ideology of gender” understood as a position that eradicates all sexual difference and affirms forms of personal identity that are not based on “the biological difference between male and female.” The document continues with applause for the heterosexual family and its dignity, and understands “gender” to be an attack on “the moral order.”

Significantly, the meeting in which this policy was drafted was sponsored by the World Congress of Families, the archdiocese of Nairobi, and the Evangelical Alliance. As we will consider, the objection to the colonial imposition of gender norms in the region counters the increasing influence of the Vatican, which seeks not to become the only Christian authority, but to enter into interdenominational alliances in order to alter state policies that are supposed to be independent from religious authority. One paradox is that although, according to Kapye Kaoma and Petronella Chalwe,⁵⁰ Africans have for the most part rejected colonialism, they have not always rejected Christianity. As a result, the continuing colonizing force of the Church, exemplified by its views on “the natural family” has not always been the focus of critique, although in gender studies throughout the Continent, it surely has.

The Vatican and the Evangelical churches helped to create forms of transnational communication among regions, but they could not have predicted how the anti-gender message would take form in the locations where it landed. For instance, Lively’s influence was not restricted to Uganda. He took an extensive tour of Russia in 2006–2007, claiming to have visited at least fifty cities in Russia alone, opposing lesbian and gay rights. He also claimed credit for the Russian “anti-gay propaganda law” implemented by Putin in 2013, which, among other things, denied parental rights to gay and lesbian couples in the name of saving children from harm.⁵¹ In fact, it is hard to say which way the ideology’s transnational

influence goes, whether the United States exported homophobia through Evangelical networks, or whether the Spanish-based organization CitizenGo introduced anti-gender ideology through its channels, or whether the Vatican exported anti-gender ideology to Latin America, or what role the Greek and Russian Orthodox churches have played in the forming and fomenting of their own movements, or how debt bondage forces countries to choose between economic freedom and imposed social norms. The networks spawn zones of influence that cannot always be traced to a single cause, and as we will see, the anti-gender position takes several forms that are not necessarily consistent with one another. Nor do they require consistency to be effective. Depending on the anxieties circulating in a particular region, gender can be figured as Marxist or capitalist, tyranny or libertarianism, fascism or totalitarianism, a colonizing force or an unwanted migrant. Again: the more contradictory the movement, the more influential its discourse has proven to be.

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Although this book cannot be fully global in its reach, it can give an indication of how pathways through which incendiary versions of “gender” travel, showing how the term, the notion, accumulates and hosts contradictory anxieties and fears, and how it comes to be more firmly regarded as a “cause” of destruction that must, therefore, be destroyed. Here the task is only to give a sense of its global contours, its basic arguments and phantasmatic formations, and how the two are intertwined. There is no one historical or global direction of influence. Yes, US Evangelicals have enormous influence abroad, but so does the Vatican, the Russian Orthodoxy, various formations of Christianity in East Asia and Africa, and Erdoğan’s version of Islamic family politics. It would be a mistake to omit Hindu nationalism from the list, given that so many programs on gender and women’s studies have been defunded under the Hindu nationalist regime of Narendra Modi.⁵² Across the world, various forms of nationalism effectively seek to expel gender from the idea of the nation, suggesting that equality and freedom reigned before this “intrusion” made it seem otherwise. As the new South Korean president, Yoon Suk Yeol, tells us, women were never

unhappy with their subordination; their contemporary complaints against violence, harassment, and unequal pay are influenced by ideas from an “outside” and an “elsewhere,” in his view, thereby nullifying a burgeoning Korean feminist movement. After his election, he predictably proceeded to dismantle the government’s Ministry of Gender Equality.⁵³

In Taiwan, the movement against “gender ideology” emerges from a religious formation composed of both Confucian and Christian elements. It has gained power even though so few people in Taiwan identify as Christians. Its effect on public policy is yet another moment in which we see how religious views cross over into government, bringing with them terrifying predictions of catastrophe. Pei-Ru Liao notes that the campaign in Taiwan appears to borrow from French campaigns, attesting to the transnational circuitry at work. At the same time, it traffics in what he calls a threat of “Confucian apocalypse.”⁵⁴ Although the opposition to gay and lesbian rights and freedoms in Hong Kong,⁵⁵ Taiwan, and South Korea were launched by Protestants with right-wing affiliations, the general opposition draws on a variety of religious positions. Significantly, only 5–6 percent of the populations in Hong Kong and Taiwan are Christian, although in South Korea it is closer to 30 percent. Because Confucianism still remains the major religion in South Korea, right-wing Christians have produced an interpretation of Confucian teachings that harmonizes with versions of homophobic Christianity.⁵⁶ The use of a version of Confucianism that gives priority to hierarchical order as a condition of personal and political health has served the anti-gender movement in Taiwan.

If society is structured through hierarchy and polarities, then “society” is being “destroyed” by an elite group of feminists and LGBTQIA+ activists. For society to be destroyed by an “elite” group presupposes that that elite group is not really part of society, but an import. Or, it is assumed that the rights for which people are struggling are not basic rights currently found lacking, but privileges exercised by an elite that would both contaminate and polarize society between the elites and the common. According to Liao, media campaigns against feminists and LGBTQIA+ activists merge biblical images of the apocalypse with discourse on Confucian virtues. The “radicals” who are a threat to this amalgamated

religious formation threaten “disorder” and usher in “a culture of death.”⁵⁷ Their ultimate aim, the propaganda insists, is to destroy the family and the institution of marriage. The cultural configuration of this force of destruction is not the same as the one figured in North Africa or Alabama; it becomes entwined with local fears, reconfiguring and inverting relations of social inequality, distilling, renaming, and mobilizing the fear of foreign influence, even the fear of apocalyptic destructive powers.

The idea of “sex emancipation” is interpreted in ways that recall the arguments circulated by the Evangelical Right in Latin America: “sex emancipation,” which is ostensibly taught in schools, is a ruse by which students are being lured into committing “perverse” sexual acts. Although the English term “gender” is not at the center of debates in these countries, Liao maintains that it emerges in a debate, at once linguistic and theological on the “terms liang-xing [两性; two sexes] and xing-bie [性别; gender].” Liao explains that “the latter refers to a more inclusive meaning of gender that includes gender identities, gender attributes, sexual orientations, and so on, whereas the former refers to the dichotomy of male and female in a narrow and exclusive way.” The first of these terms maintains the hierarchy and harmony attributed to Confucianism, where “xing-bie” is an outsider, threatening to destroy the precepts of Confucianism that secure social order and stave off apocalypse. The problem is not that “sex” is natural, but that “the complementarity of the sexes” (the Vatican doctrine we will continue to address in what follows) coalesces with the idea of gender hierarchy in Confucianism. The latter is construed to be based on familial duties and forms of obligatory submission, including the (harmonious) submission of wife to husband. The defense of Taiwanese national identity works in tandem with this amalgamated religious formation in the call for a crusade supporting “family values.” Like other regions, the anti-gender ideology echoes the global character of the movement, as well as its financing by Christian networks in the West (themselves an amalgamation of Catholic, Orthodox, and Evangelical denominations). At the same time, this version of anti-gender ideology intersects with local politics, the Confucian tradition, the resistance to both mainland China and Western cultural

impositions, especially individualism, entrepreneurial capitalism, and human rights frameworks conceived as cultural impositions by the West.

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In the last few years, the opposition to gender has escalated and spread throughout Eastern Europe, but there it is “the nation” that is under threat of destruction. In June 2021, the Hungarian parliament voted overwhelmingly to eliminate from public schools all teaching related to “homosexuality and gender change,” associating LGBTQIA+ rights and education with pedophilia and totalitarian cultural politics. This came after the revocation of accreditation for two master’s programs in gender studies in 2018 (Central European University and Eötvös Loránd University). Scholars working on migration and the history of the Holocaust have been threatened as well. In late May 2021, Danish MPs, after a few years of intense public debate, passed a resolution against “excessive activism” in academic research environments, including gender studies, race theory, postcolonial studies, and immigration studies in their list of culprits.⁵⁸ In December 2020, the supreme court in Romania struck down a law that would have forbidden the teaching of “gender identity theory,” but the debate there rages on.

In many countries, the attack on “gender ideology” is as much an attack on feminism, especially reproductive freedom, as it is on trans rights, gay marriage, and sex education. For instance, Turkey’s withdrawal from the Istanbul Convention in March 2021 sent shudders through the EU since one of Turkey’s main objections was the inclusion of protections for women and children against violence, and this “problem” was linked to the foreign word “gender.” The Istanbul Convention, adopted in May 2011, is an international treaty for members of the Council of Europe. It provides a legal framework based on human rights through which to secure the rights of women against violence and to promote gender equality. The term “gender” is used twice: “gender-based violence” denoting violence targeting women, and “gender equality” referring to social equality as well as educational, legislative, and cultural initiatives in support of that equality. The convention gave rise to important social policies throughout the

European Union, including hotlines set up for survivors of domestic violence, and the introduction of consent-based definitions of rape in, for instance, Iceland, Greece, Croatia, Malta, Denmark, and Slovenia.⁵⁹

According to Amnesty International, Turkey was the first country to sign the treaty in 2011 and the first to withdraw, on March 20, 2021, on the grounds that the convention threatens “social and family values” and “normalizes homosexuality.” The same arguments have been used by Poland and Hungary to roll back legal protections for women and lesbian, gay, and trans people, and for Bulgaria to refuse to sign the convention. In 2019, the Law and Justice Party in Poland called for “LGBT-free zones” mainly in the southeast regions of the state. In 2018, the constitutional court in Bulgaria proclaimed that the convention is unconstitutional because it contests the binary understanding of sex, where “sex” is a determination made at birth. In 2020, Hungary’s parliament argued that the recognition of having suffered gender-based violence as a ground for asylum introduces a concept that endangers “national traditions and values,” suggesting that violence against women is a valued traditional practice that should be safeguarded from international intervention. Ukraine approved the Istanbul Convention only in June 2022, defining itself against Putin’s attack on gender and “Gayropa”—the term that associates the EU’s policies against discrimination on the basis of gender and sexuality with European cultural influence more broadly.

Proliferating a series of alarmist and contradictory claims, the anti-gender ideology in Poland is no different. The Ordo Iuris Institute for Legal Culture in Poland, founded in 2013, seeks to promote a “family rights treaty” that will take the place of the Istanbul Convention, has opposed “LGBT ideology,” and was essential in making abortion illegal in Poland in 2021, even when a pregnancy could not be brought to term. Indeed, women considering abortion should be, in their view, consigned to mental health wards in hospitals. Ordo Iuris was also responsible for coming up with a blacklist of gender studies teachers and researchers in Poland. Their website argues, on the one hand, that a Marxist agenda is dissimulated in feminist and LGBTQIA+ movements. On the other hand, it claims that “a cartel of billionaires and billionaires’ trust-funded NGOs has been trying to rewrite

the concept of human rights in order to push a radical socio-constructivist agenda for some time.”⁶⁰ Here as elsewhere the accusation of Marxism and hyper-capitalism go hand in hand without apparent contradiction. It is not that people are unmindful of the contradiction and need to be enlightened; no, the contradiction itself is what works, in effect “emancipating” people from the task of developing a rational position, a pathway to fascism. When people are already living with fear, and they are told that there is in fact more to fear, and that the source of their fear can be named, then the name contains and neutralizes the contradictions, serving now as a “cause” of ongoing and ultimate destruction, one that must be rooted out and expelled.

For some it is the nation, but the family is central to the nation. For others it is religion, but the state is conceived as a religious state, one that cannot continue without its reliance on the family. As much as “gender” is sometimes branded as a form of excessive individual freedom, a freedom that, the Vatican maintains, must be checked, the religious right seeks to expand its own freedom, understood as religious freedom that, as we have seen, is the freedom to discriminate at its core. The anti-gender position is not against freedom, but seeks to reestablish it and expand its claims only within its religious framework, one preferably backed by the state. Apparently, one should not be free to deny the “natural” and inevitable character of heterosexual marriage, nor to change the sex assigned at birth, but one sure can refuse to bake a cake for a gay couple’s marriage on the grounds that one’s religious liberty would be denied in doing so.⁶¹ Long live freedom!

Although formulated in the United States, this particular argument appears throughout Eastern Europe and has become the basis for several claims that teaching “gender” is a form of religious discrimination, an attack on religious institutions and religious liberty. To be free to discriminate, to institute social and economic inequality, to deny basic rights, is justified because “anti-discrimination” is apparently a ruse. Here is the Vatican’s sentiment in 2019: “The generic concept of ‘nondiscrimination’ often hides an ideology that denies the difference as well as natural reciprocity that exists between men and women.” If we made the same kind of claim about religious discrimination, it would not go

over well. Imagine if it looked like this: “The generic ‘nondiscrimination’ often hides an ideology that *denies the many differences that exist* between men and women and *beyond that binary*.” Such a claim would not register within the Vatican’s framework, which knows nature in advance and does not bother to explore its complexity.

It would be easier if we could dismiss such claims as extreme-right positions, but they contain contradictions for a reason: they are in some instances wrongheaded or prepolitical responses to neoliberalism, the powers of global financial institutions, the continuing legacies of colonial power. Were these powers rightly named rather than condensed into the psychosocial fantasy that is “gender,” matters might look differently. The scholars Agnieszka Graff and Elżbieta Korolczuk have argued that the movement is a distinctly conservative response to neoliberalism, that is, a strengthening of church and family in the wake of the devastation of social services in an increasingly privatized economy.⁶² Yet others point out that the European Union and the Istanbul Convention articulated standards that became obligatory for potential members, representing “liberal values.” The ability to secure loans and to engage in market transactions depended on compliance with such norms, and state leaders like Erdoğan and Orbán declared that to be an unacceptable imposition of cultural values from the outside. It was apparently of no consequence that a significant number of people in their own country agreed with the criteria, for they could also be construed as Westernized or tainted by foreign values or “ideology.” The European Union explained its own practices as part of a “Europeanization” process,⁶³ which included laws to prevent and eliminate discrimination against women, to protect women against domestic violence, and to accept and promote the rights of LGBTIA+ people. Any country that sought to do business with the European Union had to agree to be governed by such laws, which increasingly were associated with human rights over the last thirteen years. At the same time, according to Maryna Shevtsova, a feminist scholar in Slovenia, former Soviet states reacted against the forms of secularism imposed upon them by the Soviet regime, and the Christian Orthodox Church became increasingly important as a partner in state power.⁶⁴

In Georgia and Ukraine, according to Shevtsova, the Orthodox Churches had to decide how close to the Russian Orthodox Church they would be even as they pursued the possibility of EU and NATO membership. Hence, the “Europeanization of LGBTI rights became a geopolitical issue.” As Russia annexed Crimea in 2014 and fortified its presence in Donbas, Ukraine, it sought more fervently to contrast Orthodox Christian family values with European norms, focusing on the “natural” form of the family, the “natural” status of heterosexuality, and the immutability of sex assignment. “Gayropa” was the term that Putin used to describe a set of anti-discrimination and anti-violence laws that were understood as the imposition of “gender ideology.” The churches in regions seeking greater autonomy from Russia, such as Georgia and Ukraine, were put in a bind after declaring independence in the early 1990s. They could follow what Nikita Sleptcov calls a “conservative heteronationalism” that was prescribed by the Moscow Patriarchate or find common ground with the European norms on gender and sexuality. “Gender” became a term that, for some, carried the threat of destroying national identity precisely at a time when national identities were being asserted against the former Soviet regime. Indeed, the Orthodox Churches became increasingly important in the last few decades, emerging as a symbol of a new national identity.⁶⁵ On the one hand, they could not possibly take a stand against traditional values. On the other hand, their independence paradoxically depended on ties with Europe that demanded changes in their legal structures that they accomplished to various degrees (sometimes only symbolically with no intention to enforce them, and sometimes only selectively, called “selective Europeanization” in Eastern Europe). They could pledge conformity to nondiscrimination, for instance, but let the pledge stand as a symbol, only partially enforced, or deliberately unenforced.

Although this book cannot give a full history of the anti-gender movement, it is important that we tell some of that recent history to see how the phantasmatic clustering passed off as “gender” has come to inhabit the argumentation and rhetoric of official church and state policies, policies that have enormous consequences for the lives of women and trans and queer people across the world, in addition to those living under increasingly

authoritarian regimes. For that reason, we will focus yet more attentively on Vatican views, seeking to understand how the phantasmatic scene that conditions the anti-gender ideology movement seeps into arguments, tightens social and political regulations, and even offers itself up as a demonstration and defense of rationality.

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Vatican Views

We considered some instances of the influence of conservative Evangelicals on the anti-gender ideology movement, which is vast and continuing, but the Vatican arguably initiated the contemporary scene. As I mentioned in the previous chapter, in May 2004, the year before being named as pope, Joseph Ratzinger directed the Catholic Church's Congregation for the Doctrine of Faith and wrote a widely circulated missive to all bishops of the Catholic Church. In that document, he distinguished between two dominant approaches to "women's issues." The first underscored the subordination of women, but the second denied the differences between men and women, "viewed as mere effects of historical and cultural conditioning." He made an effort to explain the difference between sex and gender according to this errant account of "the human person": "physical difference, termed sex, is minimized, while the purely cultural element, termed gender, is emphasized to the maximum and held to be primary."

Although Ratzinger understands this distinction to be intended to produce greater equality, to free women from biological determinism, he warns against the dangers of the idea. It has, in his view, "inspired ideologies which, for example, call into question the family, in its natural two-parent structure of mother and father, and make homosexuality and heterosexuality virtually equivalent, in a new model of polymorphous sexuality." He speculates that the theory of gender he opposes is a "human attempt to be free from biological conditioning." In his view, the "biological conditioning of the human" consists of biological attributes that are defined by their immutability. If people are free "to constitute themselves as they like," he argued, they will destroy their essence.

For Ratzinger, gender, construed as a wayward or excessive exercise of liberty, turns out to be a freedom to destroy what is essential to being human. The perspective he opposes claims that gender is a historical or cultural effect rather than a natural law, understood as mandating binary sex. But if it is only an effect of history, in what sense can it represent excessive personal liberty? But since we are not given any references to the texts on which he bases his view, we have no way of adjudicating whether or not he rightly represents whatever theory he has in mind. It would appear, however, that he objects to the view that gender is a cultural effect precisely because, understood as sex, it is divinely ordained, and constituted—or created—exclusively by God. And the idea of “self-constitution” foreshadows a potentially dangerous exercise of human freedom that is, for the Vatican, a way of stealing creative powers from the divine. Indeed, as Pope Benedict, he says as much in his Christmas message in 2008: “What is often expressed and understood by the term ‘gender’ ultimately ends up being man’s attempt at self-emancipation from creation and the Creator.”

As early as 1995, Vatican representatives at the Beijing Conference on Women faulted the “gender agenda” for “an exaggerated individualism.”¹ The proper place for “creation” in the human world is sexual reproduction within the context of heterosexual marriage. As Mary Anne Case points out in her writings on the Vatican’s views on gender, Ratzinger was already worried in 1985 that the differences between the sexes were at risk of appearing interchangeable if what he called radical feminists had their way: “Male? Female? They are questions that for some are now viewed as obsolete, senseless, if not racist.”² For Ratzinger, as problematic as the version of “radical feminism” he had in mind at the time was a specific doctrine of humanism that would trivialize the difference between male and female when, in his view, the human is *defined* by this very polarity. Without that distinction and corresponding complementarity, “the human” collapses. Although popular opinion in progressive circles regards Pope Francis as more progressive than Ratzinger, it is, as we saw, the current Pope who amplified Ratzinger’s rhetoric, likening the destructive power of gender to “Nazism” (echoing Lively) and “nuclear war.”

Significantly, the doctrine of “complementarity” stipulates not only that the human is defined by man and woman, that God created that division, but also that marriage must be restricted to heterosexuals. Theologians have questioned whether this doctrine of complementarity even has a basis in history, and some have persuasively argued that “complementarity” emerges in Church doctrine only in the second half of the twentieth century in response to feminist and lesbian and gay movements.³

In 2014, Pope Francis made clear that “complementarity” was essential to the preservation of the family and marriage as a distinctive and exclusive bond between men and women. Although he rejected the idea that there is “single and static model” for heterosexuality, he praised heterosexual marriage as “a thing of beauty.” Family, understood as a heterosexual prerogative, is “the principal place in which we begin to ‘breathe’ values and ideals,” and yet, the Pope continued, “this revolution of customs and morals has often waved ‘the flag of freedom,’ but it has, in reality, brought spiritual and material devastation to countless human beings, especially the poorest and most vulnerable. It is ever more evident that the decline of the culture of marriage is associated with increased poverty and a host of other social ills that disproportionately affect women, children, and the elderly. It is always they who suffer the most in this crisis.”

This is just one of several instances in which the Pope strategically invoked leftist rhetoric to make his case against single-parent and blended families, families or individuals that make use of reproductive technologies, abortion rights, lesbian and gay marriage, and queer kinship. In the same address in 2014, he referred to “the crisis of the family” having “produced a human ecological crisis.” In the course of these remarks, he reiterated that “the family is the foundation of coexistence and a guarantee against social fragmentation” and that the youth should be protected from “the harmful mentality of the temporary,” suggesting that they should be dissuaded from engaging in short-term sexual relationships or casual sex. His remarks concluded by advancing his own “ecological” notion, hearkening back to natural law and allying with earlier ideas about the “anthropology” underpinning Catholicism; that is, the idea that the human is created as man

and woman, and that self-constitution is, therefore, a dangerous error. He ended with a warning:

We must not fall into the trap of being limited by ideological concepts. The family is an anthropological fact, and consequently a social, cultural fact, *etc.* We cannot qualify it with ideological concepts which are compelling at only one moment in history, and then decline. Today there can be no talk of the *conservative family* or the *progressive family*: family is family! Do not allow yourselves to be qualified by this, or by other ideological concepts. The family has a force of its own.⁴

The effort to quash any qualifications on family serves the purpose of keeping family in a single, acceptable form. Any effort to reconfigure the family or move toward ideas of kinship arrangements not identified as family is ruled out as “ideological.” But the practice of *ruling out alternate possibilities of kinship when they already exist* is surely an ideological move! How else to establish a single social form as universal and necessary? The way to make the argument is simply to assert the self-identity of family, a tautological move that seeks to rule out all cultural and historical variation. “Family is family!” seeks to assert the obvious, but it is a way of shutting down alternative possibilities already actualized in the world.

Asserting what one takes to be obvious is a way of refusing contested meanings. And in the case of family, it is a way of asserting one social form as the only intelligible one. If the queer or feminist response is to claim that actually there are numerous ways of organizing kinship, then this simple description of an existing complexity, a historical variation, is called “ideological,” meaning that it is false, that it follows from an errant conviction, and that it corresponds to no known reality. And yet it is from the perspective of existing complexity that the claim is made that, yes, kinship takes various forms, and that the good ones are those that provide supportive relations of care, and the bad ones are those that squeeze the life and hope out of those most deserving of good care.

Those who insist that the family form is organized through monogamous heterosexual marriage know that it is not the only form, and

their denunciations and accusations of ideology are but one way to maintain the effect of a social form's inevitability and rightness. For the Vatican, as we have seen, heterosexual marriage and reproduction turn out to be definitive of the human, implying that those who don't engage in that social form are deviating from the proper idea of the human. In promoting the definition of the human as founded on heterosexual polarity and the idea of the heteronormative family, the Vatican is also arguing for an "ecological" notion of reality, one rooted in a specific doctrinal account of nature and its laws. In June 2019, the Vatican's Congregation for Catholic Education released "Male and Female He Created Them: Towards a Path of Dialogue on the Question of Gender Theory in Education."⁵ Rejecting the idea that gender can be dissociated from biological sex, the document proclaimed that transgender identity "annihilate[s] the concept of nature."⁶ The document is significant in part because it was sent to over 6,200 Catholic schools in the United States. Interestingly, the document makes a distinction between two uses of the term "gender" that, at first, seems to signal a move in the direction of open-mindedness. Here is the key paragraph in which the distinction is made:

If we wish to take an approach to the question of gender theory that is based on the path of dialogue, it is vital to bear in mind the distinction between the ideology of gender on the one hand, and the whole field of research on gender that the human sciences have undertaken, on the other.⁷

While the ideologies of gender claim to respond, as Pope Francis has indicated, "to what are at times understandable aspirations," they also seek "to assert themselves as absolute and unquestionable, even dictating how children should be raised," and thus preclude dialogue. "However, other work on gender has been carried out which tries instead to achieve a deeper understanding of the ways in which sexual difference between men and women is lived out in a variety of cultures. It is in relation to this type of research [that] we should be open to listen, to reason and to propose."⁸ On the one hand, the Vatican is interpreting and reestablishing doctrine. On the other hand, it associates queer kinship and reflection on good ways to raise a child in nontraditional kinship arrangements with dictatorship and the

destruction of nature. In a flash, “gender” becomes associated with the rise of dictatorships (most of which deplore gay and lesbian life and sex self-determination) and climate destruction. The result is that Church doctrine alone will preserve both democracy and the earth. There is no argument that is made, but a set of divergent fears are yoked together (dictatorship and climate destruction), and gender is understood to be, if not the cause of both, one of their powerful instruments.

The position the Vatican sets forth has the ring of reasonableness. After all, the Pope is now saying that there is one approach to gender that he considers to be acceptable. The distinction drawn between “dogmatic” and “dictatorial” gender viewpoints, however, proves to be unstable at best. For the Church, “dogmatic” is good because it is in line with Christian dogma on how the human is to be defined. Those intellectual positions, which in the view of the Church rightly belong to the “human” sciences (understood as expressions of Catholic-based definitions of the human), are belied by the fact that a set of dictates is being elaborated and enforced. Dogma that dictates how the human is defined is, however, distinct from “dictatorial” versions of gender that challenge the idea of the human as defined by binary sex. The dictate of the first is thus contrasted with the alleged dictatorship of the second, and the line between the two seems to vanish. Further, “dictatorial” feminism is itself a construct that absorbs fears about dictatorship and tyranny into the term “gender,” which is, in fact, largely used to *expand* claims of freedom and equality. If the head spins, it is supposed to. If one follows the links established by the rhetoric, then gender is a dictatorial power that will indoctrinate children at the same time that it will destroy nature. And though the “nature” the Vatican has in mind is the natural law that established binary and complementary genders meant to join in heterosexual matrimony where sexuality is properly reproductive, “nature” suddenly becomes the earth, and instead of naming the industries and governments invested in oil, engaged in extractivism, or engaged in the mining of fossil fuels more generally, it is “gender” that is annihilating nature.

The Vatican is right to suppose that within feminism debates abound concerning sex and gender, and we will consider some of these

conversations below when we engage with scientific accounts of sex determination and the critique of sexual dimorphism. Whereas some feminists do, of course, insist on the biological differences between two sexes—including the “gender-critical” feminists—their ideas of biology and nature tend to be different from those of the Vatican. Even for those feminists who hold that sexual difference is a crucial framework for our way of understanding language, history, and the psyche, they nowhere adhere to the natural (i.e., God-given) character of sexual difference, nor do they hold to the blend of complementary assumptions and creationism that informs the Vatican’s idea of men and women.⁹ If God created man and woman, and if the human comes only in those two forms, and if unassisted sexual reproduction between men and women is created by God as the sole means by which humans can be brought forth into the world, then the “teachings” that follow are clear: followers must oppose abortion and contraception, gay and lesbian sex, gay and lesbian marriage, transgender identity, and even intersex identity. Both “transgender” and “intersex” are regarded as “fictitious.” Thus the Vatican takes a position against both scientific research and gender theory when it comes to the categories of sex. It narrows what can count as “truth” to what appears to be compatible with its own doctrine.

In the aforementioned 2019 document, the Vatican refuses terms like “intersex” as fictitious at the same time that it professes compassion for those who suffer with such a condition. It tolerates no abrogation of the binary at the level of hormones, chromosomes, or primary or secondary characteristics; the “difference” between the sexes it espouses follows from the doctrine of complementarity that, in turn, serves as the basis for a political opposition to gay and lesbian marriage and parenting rights as well as intersex and trans rights. Indeed, the doctrine of complementarity is linked to the Vatican’s view on divine creation, which, in turn, forms the basis for its opposition to abortion rights. The Vatican provides no proof that children are being “indoctrinated” by gender dictators, but the phantasm nevertheless serves a purpose, given that the Vatican regards its own doctrine as dangerously challenged by a theory that it can only regard as a rival doctrine. The circulation of the 2019 document to more than six

thousand Catholic schools in the United States alone suggests that Church dogma should be instilled in the youth, that their ideology must replace the supposed ideology of “gender theory.” Although this is not a “dictatorial” approach to education, it is a single framework that presents itself as the only possible truth. On the one hand, it objects to perceived (or projected) indoctrination on the part of so-called gender ideologists. On the other hand, it wants its own authority to be instilled in the minds of youth. So it assumes that some authority will be getting into those minds, filling them with beliefs, and it wants to be the only one authorized to do so.

To argue that classrooms are sites where truth should be openly pursued would mean refusing to accept any doctrine in advance. Sometimes we hear the cry of “relativism” in response to the call to value open inquiry, but when the only alternative to “relativism” is dogma, then the imposition of dogma becomes itself an ideological move. It shuts down thought and discussion, seeking to preclude certain words and themes from becoming discussable. And if we care about truth and think that open inquiry is the best way of finding out what is true, then a tactic that shuts down open inquiry also halts the pursuit of what is true. For some it will be obvious, but for others it is worth restating: the Vatican’s strategy for debunking its rival doctrine as an ideology of dictatorship is to circulate its *own* doctrine as the only authoritative truth. Without flipping the allegation, we can nevertheless see that the specter of gender dictatorship is countered with a Church authoritarianism that advertises itself as power that can stop dictatorship from capturing the minds of children.

We could approach the Vatican’s doctrine as simply wrong and seek to demonstrate why its premises are not valid. We should not give up disputing positions with which we disagree, but that approach is not strong enough to defeat the power of the gender phantasm circulated by the Vatican. Some argue that the Vatican regards “gender ideology” as challenging an Aristotelian-Thomistic anthropology, an idea of “man” that is universal, immutable, and revealing divine will over time.¹⁰ Daniel P. Horan posits that the Catholic Church needs to give up the “13th century pseudo-science” that informs its views about gender and reexamine what the Congregation for Catholic Education calls its Christian Anthropology,

that is, its commitment to regarding the human as composed of an essential and complementary duality, man and woman. As we've seen, the major tenet of Catholicism challenged by "gender" in their view is the doctrine of complementarity. The problem is not only that the dangerous version of "gender theory" denies the natural (i.e., God-given) difference between the sexes but also that it refuses the "natural reciprocity that exists between men and women."¹¹ The 2019 document makes clear that this mistaken version of "gender theory" is distinguished from the one that holds to the natural (complementary) difference between the sexes. Further, that wrong version has views of "sexual identity and the family [that are] subject to the same 'liquidity' and 'fluidity' that characterize other aspects of postmodern culture, often founded on nothing more than a confused concept of freedom in the realm of feelings and wants."¹²

For the Vatican, then, it is possible to consider the different ways in which what they regard as male and female are lived and interpreted in various cultural contexts. That kind of inquiry enhances what it calls "understanding" in the human sciences. But the very categories of male and female can never be considered as variable, not because the biological sciences have so firmly established that difference, but because Church doctrine requires both complementarity and hierarchy, the distinctive roles of women and men in the family and public life, the distinctly heteronormative organization of the family, and the divinely ordained character of heterosexual reproduction within marriage as a continuation of divine creative powers. Implicit to the Vatican's recent distinction between good and bad sorts of feminism is the idea that some have mobilized gender in "ideological," or false, ways while others have remained rooted within the human sciences where the "human" remains defined by complementarity.

The Vatican's position has been actively amplified by authors who, representing the Church's positions on gender, have published a range of publications in several languages that have then circulated through various councils of bishops, and that have come to have an emphatically conservative influence on public policy, especially on the legal rights not only related to sexual orientation and gender identity but also related to

educational policy, particularly teaching in primary and secondary schools. Dale O’Leary, who, in 1995, sounded the alarm that “gender” was bad for women, was particularly influential on the Vatican, as was Mary Ann Glendon, who, representing the Vatican, addressed in 1995 the United Nations’ Fourth World Conference on Women and made known her opposition to *Roe v. Wade*, which in her view produced an “abortion holocaust.”¹³ Other key figures include Marguerite Peeters and Michel Schooyans in Belgium, Gabriele Kuby in Germany, Dariusz Oko in Poland, and the Catholic Lacanian priest, Tony Anatrella, mentioned earlier.¹⁴

The influence of the Vatican’s “critique” of gender as destructive of the human, family, nation, and God-given natural order should not be underestimated, even in regions where countervailing progressive agendas have made clear gains. Argentina, the Pope’s country of origin, is the country with the most progressive laws on gender freedom, allowing any person to choose to change gender if they so desire, without securing medical or psychological authorization. In reaction to the progressive Gender Identity Law passed in 2012, Jorge Scala’s book, *La ideología de género*, published two years earlier, started to circulate more widely among Christian communities, both Catholic and Evangelical, in Spain, Argentina, and other Latin American countries, and subsequently, in its Portuguese version, in Brazil. Originally published by Sekotia, which sponsors work debunking climate change and revisionist approaches to Franco’s Spain, Scala’s book set the agenda for an international campaign: that “gender ideology” had the power to destroy both family and nation, that its presence in schools was nothing less than indoctrination, and that it was a totalitarian ideology in our times. Already in 2005, Scala argued in Peru that gender ideology promotes an idea of “absolute autonomy” and that gender could be “built” without any limits imposed by biology. Yet, by “biology” he means “nature” as defined by the Catholic Church. He objects to the idea that heterosexual marriage is one sexual option among others. If gender ideology has its way, the value of marriage would be interchangeable with “concubinage, homosexual unions, polygamy or pederasty.”

In this example, contesting the exclusive character of heterosexual marriage is linked with the sexual abuse of children. Only heterosexual

union can keep adult sexuality from becoming a threat to children. And so if heterosexual marriage loses its claim as the only possible social form for sexuality, the options that surface are apparently equally terrifying. Gay marriage becomes the moral equivalent to pederasty. This collapse of any moral distinction between the two is not warranted by the movement for gay marriage; rather, it is the kind of moral relativism that emerges once heterosexual marriage is not the only option. The floodgates open, a layered psychosocial fantasy is strengthened. The same logic gives rise to the view that gender ideology promotes pedophilia, or even *is* pedophilia. In Scala's view, gender is an ideology like other twentieth-century political ideologies that have wrought global destruction. By calling it an ideology, and likening it to others considered destructive, gender becomes a destructive ideology. It is associative logic at work, but not anything approaching a demonstrable argument. Like Gabriele Kuby in Germany, Scala holds that gender ideology can only achieve its end if imposed in a totalitarian way. Here "ideology" seems to be at once a political viewpoint, a social movement, and the resurfacing of older totalitarianisms in a new form. The three areas where this totalitarian capture of the mind is taking place are, in his view, mass media, formal education, and emerging juridical norms. The situation is urgent, in his view, and passionate opposition must escalate, for if gender is not destroyed, then totalitarianism will win—and the children will suffer most. A frenzy is produced through associative links that compose a phantasm that must be destroyed since it wields the power of totalitarianism and will become "total" if a battle is not waged.

One can see both the furtive and then overt ways that a powerful fantasy is built, but the sequence that Scala lays out tends to undo its own argument. If heterosexual marriage is the only form that sexuality should take, it follows that all other forms are nonnormative or "aberrant." Lesbian and gay marriage becomes the equivalent of pederasty or pedophilia, and morally considered, both are equally distant from the norm of heterosexual marriage. It hardly matters that the lesbian and gay movement is opposed to the sexual abuse of children, and that it is in fact the Catholic Church that is at risk of bankruptcy after paying reparations to all the children it has abused over decades.¹⁵ Haunted by its own abuse of children, the Church

externalizes the origin of child abuse, attributing it to sexual and gender minorities who have for the most part thought carefully about matters of consent, defended the actions of consenting adults within the law, and fought for social freedoms on the street. The Church thus ignores the fact that it has lost all standing to articulate this objection. It commits a moral error of gross proportion by projecting and externalizing the specter of its own abusive history onto sexual and gender minorities as a way of making others responsible for its own crimes.

Note how the Church's argument against relativism ushers in a phantasmatic dimension in the course of its articulation, relying on terrifying figures to make its case or, rather, produce its effect. Logic yields to inflammatory rhetoric in a flash. If there is only one moral form for sexuality, and that is heterosexual conjugality, and if some people claim that there are equally possible and valuable alternatives, those people are relativists. And relativists refuse to make moral distinctions, or, rather, they cannot make them, since apparently they make no strong moral distinctions themselves and as a result cannot condemn harm. Apparently, for them, anything goes: pedophilia, child molestation, the indoctrination of young people. It does not matter that lesbian, gay, and bisexual organizations generally abhor child molestation and abuse, having often suffered its effects; that sexual consent is central to queer ethics; or that child pornography is a terrible form of exploitation. No one of any age should be instilled with doctrine against their will. But none of these clear ethical principles are unthinkable for Scala, who maintains that gay and lesbian people, by virtue of their sexuality, have no moral standing and no capacity for moral judgment. Because some people hold there is more than one way to organize sexuality and partnerships and kinship, they are considered guilty of amoral relativism (or "postmodernism") or moral bankruptcy, or they come to represent and foster nihilism itself.

Yet if feminist and LGBTQIA+ movements and movements against racism and colonialism all share the conviction that violence and exploitation have gone unacknowledged and unrepaired for centuries with the full complicity of state and religious authorities, then surely such movements maintain strong normative commitments and make strong

moral judgments all the time. This should be obvious to anyone who pays attention to such movements, but it is not. Among the norms these movements share: rights to inhabit an inhabitable world; to love and live and breathe; to have access to health care, shelter, and food; and to be free of threats of violence, incarceration, and dispossession, to name but a few. There are some “moral distinctions” that are opposed as unjust, certainly, such as the claim that heterosexual marriage is better than other forms of sexual intimacy or kinship, or that miscegenation threatens the basis of the nation. And yes, those who belong to such movements distinguish between ways of organizing sexual life that are worthy of affirmation and those that clearly deserve condemnation because they are coercive or violent or do harm. The ability to make such distinctions, which we all must do, hardly requires that we accept that there is only one worthy sexual form, which is called heterosexual marriage. Yet Scala thinks that without a commitment to a moral order anchored in the superiority and exclusive value and intelligibility of heteronormative marriage and reproduction, no moral judgments are possible, and nihilism follows. Is such an apparent argument true, or is it rather a kind of dream sequence that he has publicized to conjure a potential danger he fears and believes others should fear as well? In his view, one shared now by many, with the loss of heteronormative marriage and parenting as exclusive social forms, a Pandora’s box is opened, chaotic and dangerous sexual forms emerge, and children are endangered by all of them. Even though “traditional families” have always been sites where child abuse and incest have occurred, the counterevidence is not strong enough to defeat the phantasm. We have moved from a discussion of morality into the hallucinatory. And we have seen how arguments conducted in the name of morality culminate in a call to strip basic rights from gender and sexual minorities. Indeed, we have encountered the hallucinatory dimension of moral sadism.

There is nothing about affirming several forms of gender and sexuality as valid that leads to the conclusion that judgments about harmful forms of sexuality can no longer be made. Some forms are not harmful, and others clearly are. We do generally say that there are various kinds of good and bad acts, ways of being good or failing to be good, and usually we are

compelled to give criteria to show how we distinguish between the two. There are different ways of loving and harming, but placing restrictions on other people's ways of loving, if they do no harm, is itself harmful. We will doubtless disagree about what "doing harm" means, but then let us have that discussion openly rather than decide it in advance by dictate. There is no discussion, because dogma rules out discussion. Dogma, or ideology, perhaps. What really is the difference? If reasonable moral argument is rejected in favor of a kind of morally righteous fearmongering, how do we proceed? We have to expose the phantasm and the mechanism of its reproduction to reveal the ways that the opponents of feminism and LGBTQIA+ rights and freedoms externalize the harm they are doing in order to continue to do harm with impunity.

Those who have lived through the many years of reporting on child abuse by the Church still invoke the Church when they claim "gender ideology" is harmful to children. If we treat this as a phantasmatic scenario, we can ask: Where is the actual pedophilia in the scene? In this standoff between Church and feminism and LGBTQIA+ rights, where has the child molestation actually taken place? In France alone over the last seventy years, approximately 330,000 minors suffered sexual abuse by priests. Why does this appear nowhere in the allegation that gender ideology leads to pedophilia? Is it perhaps because the allegation effaces all accountability for the harm done to children by projecting it elsewhere? Are the wild claims against "gender" meant to deflect from allegations already made against the Church and amply documented?

The French priest mentioned before, Tony Anatrella, was accused of multiple charges of abuse and sexual assault in 2021 from offering to "heal" homosexuals by having sex with them.¹⁶ Complaints made against him in various parishes and to various bishops went unanswered, and it is only now after decades of such alleged abuse that he is being brought to trial within the Church's judicial system.¹⁷ The long list of child molestation charges against priests in the Catholic Church illuminates with brutal clarity how the proscriptions against open and consensual gay and lesbian sexuality or marriage are sponsored by religious institutions that themselves engage in forms of sexual coercion that predominantly harm children, and

that then are quick to disavow the massive harm they have caused. One could speculate that the allegedly pernicious caricature of gay and lesbian people, including their supportive parents or their queer parents, as “doing harm” to children is a projection and disavowal of the brutal sexual exploitation of children conducted by the Catholic Church. If we ask about the harm being done to children in this scene of intensifying prohibitions against LGBTQIA+ people, we see that it is the harm committed by those who claim to be stopping harm. By scapegoating queer people, the Church projects and disavows the harm to children they have done and the reparation that is yet to be made, continuing to cause even more harm to queer youth around the world.

We can see how projection and reversal structure the scene of allegation and complicity. The laws and policies based on the idea that children will be harmed if exposed to affirmative accounts of gay and lesbian life are in the business of doing harm. The moralizing against harm in such cases licenses the continuation of harm, especially for young people who are trying to find their way with gender and sexuality. The anti-gay propaganda law passed nearly a decade ago in Russia included a proscription on showing or circulating to minors any affirmative account of “nontraditional” sexual relations (understood as “propaganda”), including lesbian and gay parenting. The results included the widespread censorship of films, advertisements, and literature; the shutting down of activist organizations; and the exodus of many people from the queer community. Similar legislation was passed in Hungary in 2021, and at the time of this writing, a bill has been introduced in neighboring Romania by supporters of Orbán that would prohibit any discussion of “gay propaganda” in schools in the name of preventing child abuse and promoting the rights of children.¹⁸ That proposal includes limiting all forms of sex education in schools, especially those that explain homosexuality or sex reassignment. The latter is considered a “lie” propagated by a Western-based “assault of gender ideology” against the traditional family.¹⁹ The recent US initiatives to “save” children from exposure to gender as a spectrum or gay and lesbian sexuality (bisexuality as well), currently taking place in Wyoming and Florida, for example, build on a discourse that has been circulating by both

Catholic and Evangelical churches through congresses and networks for some time, and is financially supported by a range of wealthy individuals and conservative organizations, many of which are protected from public disclosure under US tax law.²⁰

If an educational program encourages a complex view of human sexuality, and even teaches that gay and lesbian lives are worthy of respect and dignity, that such lives are there to be recognized and affirmed, it does not follow that children are being taught to be gay. It means only that they are offered a way of thinking about ways of living a sexual life and, yes, are encouraged to try to find their own desire. To be able to think about gay and lesbian life is at a minimum to know and appreciate that other people in society are living lives rightly described by those terms. It may well lead to dignifying those lives, which is not the same as becoming gay or lesbian, or being taught that it is right to follow a single sexual trajectory. Think of all the lives we consider to be dignified without actually living those lives ourselves. If we were not capable of such a distinction, then the only dignified lives would be those that mirrored our own—an assertion of narcissism, supremacy, and cultural arrogance that refuses the ethical encounter with difference.

If one grows up as a heterosexual who regards one's own sexuality as the only possible one, then gay and lesbian lives become unthinkable, aberrant, even monstrous. The fear of that monster, however, becomes a component part of one's own psychic life—the unthinkable that haunts the thinkable.²¹ One lives out the only possible sexuality that there is, which means that other forms are banished from thought to a region where dreams and nightmares take shape. To rule out the very thought of queer kinship, gay and lesbian sexual lives and forms of intimacy, and trans life, for instance, means that they have to be cast out or negated in some way, returning only through phantasmatic orderings that both organize and threaten conscious convictions. After all, the “unthinkable” has to remain unthinkable, and that takes a certain ongoing psychic labor. When it appears, when it is thought, it has to become unthinkable again, so a mechanism is required to keep it from ever becoming too thinkable. Those

who seek to make queer life unthinkable have, in fact, already thought it, which is why their efforts are invariably fraught and repetitious.

Those opposed to sex education with such goals nevertheless assume, with a fervor that belies a form of sexual terror, that if you can think of a way of life as possible or valuable, you are, or will be, recruited into that way of life. If gay and lesbian life, or BDSM, becomes thinkable, you will act out that thought—do that act, become that identity! The only way not to do it is to keep it in the realm of the unthinkable.²² This entire psychic economy is organized by this deliberate form of illiteracy. The most extreme view of this kind is that children who learn the word “gay” will become gay, as if the word itself will magically give rise to the sexuality and sexual practice. Such power attributed to a word! The very exposure to the word is the same as grooming and indoctrination, as if an unstoppable rush from the unconscious will take over a life, robbing it of judgment and orientation. The “viral” character of gender affirmed by many of its opponents attests to this fantasy of its contagious power; if the word touches you, it will enter your cells and start replicating until you are fully remade in its image.

A phantasmatic sliding—what Lacan calls *glissement*—happens amid the kinds of arguments considered above. Are they even arguments? Or must we see the way that the syntax of the phantasm orders, and derails, the sequence of an argument? According to this view, to affirm gay and lesbian sexuality is to become gay or lesbian. To know about such matters is to become helplessly infected and transformed by that knowledge. To say that there is more than one way to live your sexuality is to say that every form of sexual conduct is permitted, including those most harmful, the ones, for instance, that the Catholic Church itself has committed. None of these conclusions follow from their premises, and yet the “slide” between premise and conclusion makes it appear as if the result of gay and lesbian marriage, sexuality outside of conjugal heterosexual relations, and education in human sexuality all lead to child abuse of the most nefarious kind.

One wants to believe that “it goes without saying” that queer youth and young feminists are most severely harmed by their legal disenfranchisement

and public vilification. Apparently, however, it does not go without saying. Saying the obvious has to be supplemented by a different order of critique when a rival sense of the obvious seeks to gain power and efface the trace of its opposition. The laws that seek to deprive queer, trans, and feminist youth (one can be all three, of course) of an education, the laws that seek to ban any critical understanding of race and racism from education, deprive young people, especially feminist, queer, and trans youth, of understanding their world. Those legally enforced checks on thought itself do harm: they intensify marginalization and undermine the very possibility of pursuing a livable life. The harm that these laws do relies upon the conceit that they are warding off harm. This is a moral alibi, an inversion, the kind that lets moral sadism flourish. The harm is done through cultivating an imagination of where harm is happening and who is making it happen. That phantasmatic scene effects a displacement from actual harm done, both continuing and justifying that harm, for if the source of that harm has been effectively externalized, then destroying that externalized form keeps the destructive action alive—and intensifies it. Teaching about gender is figured as child abuse, defending the right to abortion is equated with a defense of murder, securing the right to gender reassignment is an assault on the Church, nation, and family—all of these claims depend on excited notions of abuse, assault, and murder that can be displaced and condensed into figures, words, and phantasms invested with enormous power. The law can become abusive by locating abuse as what it opposes; the law can assault lives by imagining the lives affected as assaulting the family; the law can even murder, or let die, when it decides that certain lives are so corrosive or destructive that exposing them to lethal violence, unprotected, is justified.

3

Contemporary Attacks on Gender in the United States

Censorship and Rights-Stripping

For several years, I encountered the anti-gender ideology movement only outside of the United States. It seemed to be an objection to an English term that had no place in any number of other languages, a term that was not only difficult to translate but also guilty of breaking the grammatical rules of the languages into which it entered—a figure for what cannot, and should not, be assimilated. Sometimes it was treated as a cultural imposition, even an imperialist one, attracting a host of anxieties—including legitimate concerns—about US cultural and economic influence or, in some places, Western European influence. I thought, naively, that the anti-gender ideology movement had no place in the United States because the term “gender” had a more or less normalized usage in the Anglosphere.¹ Sure, there were debates inside the academy between those who preferred “sexual difference” and those who thought about “gender.” And there were public controversies about gender: trans folks using the bathroom they prefer, gaining legal rights of recognition, gaining accessible and appropriate health care, and entering sports under one gender rubric or another. But something shifted in the last few years. In 2020, the Human Rights Campaign reported that US state legislatures introduced seventy-nine bills targeting trans people. Those numbers have now multiplied. In the first six months of 2023 alone, that number passed four hundred targeting

LGBTQIA+, but mainly trans, people, especially youth—and the use of “gender” and “gender ideology” can be found in most of them.²

In the United States, there have been plenty of debates that have involved gender in the last several decades, but the term itself was not considered much of a problem. After all, it had a quotidian function, and did not seem to most people to be representing a dangerous ideology. It first became a problem resonant with the international anti-gender ideology movement in the context of debates about transgender identity when Evangelical groups weighed in. But then the United States Conference of Catholic Bishops in 2019 collected papal pronouncements on gender and published a teaching guide warning against the dangers of teaching sex and gender in education.³ Those subsequent debates centered on the question of whether trans people should be able to use the bathrooms that corresponded with their gender as they themselves have defined it. The issue emerged again in the debate about whether trans women were eligible to compete in women’s sports, and if so, under what conditions. It appeared again in the fight over whether trans kids should be provided health care and community resources for whatever transitions they are making.⁴

The deprivation of health care and the censorship of education are frightening forms of disenfranchisement that an increasing number of localities and states within the United States are pursuing. On the one hand, children are given too much freedom to learn, to decide their own fate. On the other hand, they are apparently subject to indoctrination, and their freedom to think should be restored to them by legislative means. The right wing’s escalation in legislative proposals seeks to mandate what can and cannot be taught, which means that a state-backed form of thought police is increasingly on offer, pitted against “gender ideology,” which is conceived of as a form of forced conversion. If it seems difficult to distinguish between an alleged ideology characterized as indoctrinating and a way of restricting what students can read (and think about) and the kind of health care they can receive, on which side do we find indoctrination? Is the problem that children are too free to think and imagine? Is the assumption that if children read about something, they will *become* that thing? What strange powers are attributed to reading and to books? Censorship thus

belies its belief in the inordinate transitive power of the words it fears: they are apparently too exciting and transformative to come anywhere near a child. The words themselves are tacitly figured as recruiters and molesters, which is why they must be removed from the classroom to thwart their apparently enormous and destructive effect. The fears are stoked so that it becomes acceptable to fire people from their positions; to restrict what can be said, shown, heard, and taught; and to stigmatize teachers, administrators, and artists who dare to broach issues such as danger. Such actions may not be full-blown fascism, but they do constitute clear elements of fascism that do not bode well for the future if they remain unopposed.

Let us remember that certain words are being imagined as so powerful that only through censorship is there any hope of depriving them of their power. A desperate situation, to be sure, for those who live in fear of texts, speech, images, and performances—including drag performances. And yet the practices of censorship attribute more power to words and texts and performances than they can ever have on their own. Learning words like “gay,” “lesbian,” “trans,” even “gender,” should ideally raise harmless questions for young people: What is meant? Is it a chance to tell some histories, provide some information, and rid students of baseless prejudice? This opening of the mind to lived possibilities that abound in contemporary life is a way of knowing the world in which one lives. One does not have to live that way to know that people do, and gaining knowledge about a way of life does not mean that one is obligated to pursue it. All this should be clear enough, but basic forms of clarity are quickly vanishing as opportunities arise to inflame passions that serve to consolidate authoritarian powers.

Similarly, health care should ideally be a service that alleviates a form of suffering. The deprivation of health care abandons people to their suffering without recourse to remedy. Of course, there are serious discussions to be had about what kind of health care is wise for young people, and at what age. But to have that debate, we have to be within the sphere of legality. If the very consideration of gender-affirming care is prohibited, then no one can decide which form is best for a specific child at

a certain age. We need to keep those debates open to make sure that health care serves the well-being and flourishing of the child.

Increasingly, censorship and abandonment are the name of the game, as are stigma and shame. The effort to keep children from seeing drag performances in Tennessee because of their “prurient” nature,⁵ or to keep them from reading books with lesbian and gay characters or themes is not a furtive enterprise. It is splashed across the media, spreading fear, outrage, and hatred. The “bans” are public events, repeating and reproducing the banned content in florid ways, thus working both as censorship and incendiary public rhetoric. In the hands of politicians like Ron DeSantis in Florida, the efforts to destroy the curricula in schools, to fire teachers and professors who teach about gay and lesbian life, and to deny gender-affirming health care to trans youth all become ways to rally hateful passions and to recruit more of the public into a right-wing political formation based on righteous hatred and “concern for the children.” The aim of bans such as these is not just to rally the base but also to produce a form of popular support driven by a passion for authoritarian power. In light of the phantasmatic scene at work in such public displays, we might reasonably ask: Is it that teachers and health care workers are “recruiting” the youth into “woke” and gender ideology, or is it the plethora of bans and legislative efforts against feminism, race studies, and LGBTQIA+ topics that constitutes an instrument of recruitment for the Right?

Florida banned gender-affirming health care for minors in February 2023, and many states have followed.⁶ In March 2023, the Florida legislature proposed bills that would mandate that pronouns and lived names used at school correspond to genders and names assigned at birth, asserting that “sex is an immutable biological trait” and forbidding including any materials about gender and sexual orientation prior to the eighth grade. Books on the theme of “homosexuality” are being banned from schools by those who fear that this “perversion” will challenge religious doctrine or will become normalized or that kids will be conscripted by such books. Of course, feminist books, books on race, books on the history of slavery, and even books on the Holocaust (Spiegelman’s

Maus) are being targeted by censorship campaigns in an increasingly anti-intellectual and authoritarian political scene in the United States.

The threats, the bills, the public denunciations attack education at every level. In Florida, the higher education act proposed in 2023 gave the state government power to mandate the closing of programs or departments at state-funded colleges and universities in the fields of critical race theory, gender studies, and intersectionality. Approved and advanced by Governor DeSantis, whose electoral ambitions, if successful, could see his policies introduced at a federal level, the bill expands upon his prior decision to stack the board of trustees at New College with conservative colleagues to defeat its “woke ideology.” A bill introduced in Wyoming in 2022 already called for the defunding of gender and women’s studies at the University of Wyoming on the grounds that the program lacks academic merit, is biased, and is “ideologically” driven. In this case, it seems that students are being taught to adopt a political point of view or that parents fear that impressionable kids will simply accept as true whatever social justice-oriented teachers may tell them. A previous bill introduced into the state legislature in Oklahoma in December 2021 claims that exposing students to topics such as race, gender, and sexuality is the same as indoctrinating them. The language that circulated a decade previously in Latin America now returns to the United States through a conservative movement that draws upon the well-organized fears of the Evangelical church.

The idea that being exposed to an idea is enough to be indoctrinated by it assumes a seamless and quick passage from thought to conviction, bypassing all judgment and evaluation. The youthful mind is tacitly figured in these instances as fully porous or helplessly responsive to a penetrative power, as if to be exposed to a word or a thought is to be penetrated against one’s will. In this way, the allegations of indoctrination and pedophilia blend into a potent phantasm of harm to children. Of course, we could respond patiently and show that education does not work like that. One learns about an idea, considers what it means, and is then asked to come up with ideas of one’s own about whether it is right, or how best to interpret it. That is called thinking within the classroom. To be deprived of knowledge, and of the occasion to think for oneself in the classroom is a significant

harm, one that young people suffer when they are refused the right to know about themselves and their world.

Those making allegations about indoctrination do not simply refuse to see what actually happens in educational environments. They know that developing autonomous judgment is an educational goal, and they fear that potential, that freedom to think, more than they fear indoctrination. Those who defend censorship, who make allegations of ideology under the rubric of “woke,” are interested in maintaining doctrinal control in education, very often allying with parental rights over public education. The allegation of indoctrination carries a fugitive form of confession. They want to quash critical thought in the name of doctrine, and, by way of an inadvertently confessional projection, assume that their adversaries want the same. According to the parents and schools and legislatures who seek to censor some ideas from being thought at all, the ideas they support are the only ones that should be uncritically accepted as true. Conversely, they imagine that the open discourse about ideas conducted in educational environments proceeds according to the same logic. If ideas are regarded as contagious phenomena, and young minds are seen as hopelessly, dangerously porous, then to think about an idea is to accept the idea in its entirety—to be overwhelmed by it, or pierced by it, or vanquished by its power.

The passage of the idea into the mind, its structures of both belief and action, is apparently imagined as an unimpeded movement. Censorship is thus *not* taken to be a harm against those deprived of education, especially sex education, but is the remedy for harm, the way in which harm can be stopped. The harm censorship does is justified by the imagined harm it seeks to stop. This means that if education is to remain free of ideological control of the kind that censorship represents, we will have to educate ourselves about the ways that censorship works and the fear it seeks to stoke, so that we can dismantle the phantasm it creates, and even reverse the harm that it is now doing.

The educational scene is imagined as incessant indoctrination, one that suggests that even “open” discussions are just ways for thought control to do its work. “Discussion” for these censors constitutes condoning, naturalizing, even promoting political claims associated with the concepts

at hand. When no mention of gender or sexual orientation is allowed in primary schools, the aim is not just to stop the acceptance of the diversity of gender and sexuality, but to make those thoughts unsayable, unreadable, and unthinkable. To say that that diversity exists is, thus, according to this logic, already to enact a harm. That can be true, however, only if the words at issue have the power to effect total and absolute conversion. Ironically and strategically, every time a censor enumerates the terms that should not be said or thought, they actually reintroduce those terms into language and thought, inflame a public fantasy, and rally people to their cause. How, then, can a legislature even ban a term that it itself is barred from pronouncing? The censor chokes on its own discourse, spitting forth the condemned words, and yet that muffled rage does become law. The rage is communicated through the publicity of the ban, making the case, as it were, that hatred is the moral way to feel, and that greater authoritarian powers alone can fulfill the project of moral sadism.

One need only consider the language of some of these legislative bills to understand how terror and anxiety congeal into bad arguments and fearsome phantasms. At the same time, they become ways of stoking fascist passions that result in stripping people of basic rights and damaging lives and livelihoods. In December 2021, Rob Standridge, state senator from Oklahoma, filed a bill that gives this rationale for defunding and censorship:

We are blessed in America that every citizen has access to free public education, and then has the freedom to pursue a higher education if they choose. The purpose of our common education system is to teach students about math, history, science and other core areas of learning—all of which are further expanded on in college as students pursue their fields of interest ... Our education system is not the place to teach moral lessons that should instead be left up to parents and families. Unfortunately, however, more and more schools are trying to indoctrinate students by exposing them to gender, sexual and racial identity curriculums and courses. My bills will ensure these types of lessons stay at home and out of the classroom.

The bill Standridge authored, Senate Bill 114, “prohibits public school districts, public charter schools, and public school libraries from having or promoting books that address the study of sex, sexual preferences, sexual activity, sexual perversion, sex-based classifications, sexual identity, gender identity, or books that contain content of a sexual nature that a reasonable parent or legal guardian would want to know about or approve of before their child was exposed to it.” Although the bill clearly seeks to increase parental control over what is taught in the classroom, it also distinguishes between what “reasonable” parents or guardians would approve and, by implication, designates another set of parents and guardians as unreasonable, even dangerous. Like legislation that demands that parents who seek health care for trans youth be reported to social services, this bill also divides the parental world into those who are properly protective and those who endanger, even abuse, their children by letting them read materials the censors abhor, or providing them with health care that supports their flourishing. The association of sex education with child abuse infuses this public debate with enormous moral anxiety and fear, adding to the phantasm that is “gender” or “sex.” Similarly, the child who is “exposed” to literature that discusses lesbian and gay lives or families, sexuality, or the bullying of genderqueer kids is endangered by that literature and any discussion about it. Just as teaching young people about LGBTQIA+ lives, or arranging health care for trans kids, is considered “abuse,” being “exposed” to literature on such topics is like being exposed to pornography or exhibitionists on the playground, another example of the phantasmatic sliding that stokes fear and hatred as core political passions. Distinctions tend to blur as a full-blown sexual panic takes over. A sexual scene forms the background of reading and thinking and speaking, as if the body itself is entered and inhabited by the ideas that a child learns about. Young and guileless children are being penetrated against their will by ideas about sexuality, ideas that are transmogrified into abusers. The problem, then, is not that children will read about gay sexuality and become gay. Rather, the critics of sex education are already caught up in a phantasmatic scenario in which children are being violated and taken over by what they read. Here again, the allegations of indoctrination and pedophilia tend to

blur, based on the belief, and the fear, that to take in an idea is to be subject to unwanted penetration. The fantasy is acute, and the pornography that distills it, as it were, is being manufactured by the critics themselves for their own recruitment efforts.

Sex education generally includes discussions about sexual ethics and conditions of consent, learning when and why to say “yes” and “no.” It also generally includes an explanation of human sexuality that ideally helps young people understand what is happening with their bodies, and allows them to consider forms of desire and pleasure that do no harm and that ought never to be shamed. In considering what it means to be gendered, and what possibilities exist for being gendered otherwise, sex education curricula ideally encourage informed judgment, ethical decision-making, and a sense of bodily autonomy. The prospect of unwanted penetration is terrifying for anyone, and penetration, if it happens, should happen only on the condition of being wanted and agreed to. It is feminism that has most clearly opposed rape and assault, and it is LGBTQIA+ movements that have opposed bullying and violence. And yet, in this phantasmatic transfiguration, the body is penetrated by these “ideologies” as if those who have taught us most about sexual consent and autonomy are the ones who are violating both principles with their teaching.

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On February 22, 2022, Governor Greg Abbott issued a statement to the Texas Department of Family and Protective Services calling gender-confirming care for young people a form of “abuse” and directing state authorities to conduct investigations into parents to protect children from further harm. He demanded that health professionals report parents who seek medical assistance for their transitioning kids. It remains unclear what the legal status of such a directive can be, given that the state legislature refused to pass SB 1646 just months before, which would have defined medical assistance for gender transitioning as a form of child abuse. Still at this writing, more than one hundred medical care bills have been introduced in at least thirty states.

In 2022, the United States saw a rise in legislative efforts to ban reference to gender and sexuality in the schools. The cataclysmic overthrow of *Roe v. Wade* in June 2022 galvanized these movements and, to some extent, relied on similar vocabulary. The opponents of sex education that mentions “gender” and those who object to terms like “gay and lesbian” rely on caricatures of sex education as forms of child abuse, or a form of child seduction or an effort to convert children to homosexuality and, in some instance, transsexuality. The Parental Rights in Education Act, signed by the Florida governor Ron DeSantis in March 2022, states that classroom instruction “on sexual orientation or gender identity may not occur in kindergarten through grade 3” and went into effect on July 1 of that same year. In defending his initiative, DeSantis blamed “woke gender ideology” for introducing such topics into primary school education. By April 2022, more than a dozen state legislatures had introduced similar legislation labeled by critics as “Don’t Say Gay” bills. In the immediate aftermath of the bill’s signing, gender and sex education teachers across the country started to receive threats to their lives, and some lost their positions. Yet others were called “groomers,” that is, people who prepare children for sexual relations with adults, or overt “pedophiles.”² And in many parts of the country, schools that offer counseling to students who wish to change gender are to be reported as doing harm to young people. The response, to this and to Governor Abbott’s directive to investigate parents who facilitated gender-affirming health care for their children, has been strong from LGBTQIA+ organizations, including an eighty-page lawsuit against Abbott from Lambda Legal and the ACLU that proved to be only partially successful in mitigating the effects of this policy. It managed to stop the action against one family with a trans child, but failed to extend that judgment to all such cases.

In what sense, if any, is offering health care to kids *abusive*? “Abuse” is a strong word, and Abbott exploits the intense feelings of anger and horror that fuel the moral rejection of child abuse in claiming that progressive agendas are “abusive, including health care for trans and genderqueer youth and children’s literature that portrays an affirmative view of gay, lesbian, bisexual, or trans life. One argument that the Trevor Project⁸ has rightly put

forth is that denying children access to materials that allow them to understand the gender spectrum, or how homophobic bullying takes place on the playground or, indeed, in the classroom, produces isolation and stigmatization for queer and trans kids, a condition historically associated with depression and suicide. It deprives them of knowledge and skills they need to navigate this world. In this situation, censoring the discussion of sexuality, gender, and the myriad ways of living works as a form of destruction, throttling the life and voice of kids who need to know that they can live and be well, that they can speak and be heard.

In Alabama, dozens of medical organizations, including the American Psychiatric Association and the American Medical Association, have objected to a law (SB 184), effective May 8, 2022, that criminalizes gender-affirming care for transgender children and adolescents, and carries a penalty of up to ten years in prison for physicians who provide care of this kind. The law seeks to suture together biological sex and personhood, implying that personhood is a matter of biology and is established at the time of conception. The argument targets trans rights and abortion rights at once. The medical associations objecting to this law detail the damaging consequences of what the medical world calls “gender dysphoria,” including the high rates of suicide among untreated young people. The Alabama law mistakenly predicts that the sex trans youth are assigned at birth will turn out to be the one that they affirm in time, but the medical associations state in their joint amicus brief that this prediction is purely speculative and without any basis in medical evidence, which, in fact, establishes that the contrary is the case. In effect, the medical organizations opposing this law make clear that treatment, including hormone blockers, can be lifesaving, and that “it would be unethical to withhold potentially lifesaving care for patients with any other serious medical condition.”⁹

As in the case where abortion is denied a pregnant person on the grounds that the life of the fetus takes precedence, we can see that the life of trans youth can, and will, be sacrificed by laws that refuse them medical care. The attribution of personhood to the fetus preempts the freedom, if not the very life, of the person obligated to carry that fetus to term. Health care is denied to the entire class of pregnant people on the basis of that last

claim. With trans youth, the original sex of a person preempts any sense of sex or gender that they later may have about who they are, and so sex reassignment and health care are both denied for the same reasons. Feminists and trans and genderqueer people have every reason to analyze what is happening with laws that punish those who would provide lifesaving health care, for interconnected arguments are being used against them both.

By restricting health care, the state enlarged its power and domain of interest, restricting bodily autonomy and basic freedoms in the name of protecting the fetus, in the case of abortion, or the imagined young person vulnerable to harm, in the case of sex reassignment. At the same time, a clear principle of inequality is introduced, since the denial of health care to both groups also clearly subordinates them to state powers. These are groups that may not choose, should not be allowed to choose, whose freedom is rightly abrogated by the state, which means not only that people are divided into those who can and those who cannot be allowed to exercise freedom, but that the state should have enhanced powers to make that demographic decision. Further, it is the life of the body into which the state now enters without free consent, and for the purposes of restricting the very powers of consent. In light of the phantasmatic scene we have been elaborating, is it not reasonable to ask whose bodily boundaries are being violated and controlled, and what self-righteous cruelty authorizes this expansion of state powers to decide whose bodies will live in freedom, and whose will not?

Queer, gay, lesbian, and trans kids who are deprived of an education on sex, gender, and sexuality that would recognize and affirm their lives are, in a homophobic and transphobic world, left only with a heteronormative education, and a compulsory one at that. Boys and girls alike need to understand that gender roles assigned are not necessarily the ones that they will take up or will prove sustainable in their lives. That can mean a sex change, but it can also be a way of redefining what it means to be a boy or a girl, or finding vocabularies that move outside the binary. One might turn the tables and argue that the criminalization of sex education is itself a consequential deprivation, the true locus and instrument of abuse. But

perhaps “abuse” as a term is now too misused to include without qualification.¹⁰ To repeat, the allegation of abuse exploits the moral horror in the face of child abuse when that horror should remain exactly where it belongs, that is, with kids who are battered or maimed or abandoned or deprived of the means to live by the adults and institutions responsible for those injuries and losses. A serious harm is done to children who are denied education and care. That kind of deprivation causes psychic damage, producing a situation in which life itself becomes a form of damage from which they must escape. If a queer or trans kid seeks to live, if a girl assigned male at birth seeks to change the gender expectations made of her, if a boy assigned female at birth is seeking to affirm his life, and there is no language or community in which these lives can be affirmed, they become the waste expelled from the human community, and their sexuality and their gender become the unspeakable. Heteronormativity becomes mandatory, backed by law or doctrine, forming the horizon of the thinkable, the limits of the imaginable—and the livable. And so, the task becomes how to affirm life with others in ways that give value and support to all those who seek to breathe, love, and move without fear of violence. Where, by the way, is “pro-life” in this scene? No state that withholds health care and recognition from trans kids is affirming their lives.



The attack on gender ideology uses arguments that affect a wide range of people, and its forms of disfiguration and censorship parallel the attack on what is called critical race theory. That phrase also functions as an abbreviation, phantasmatically invested with a destructive power that can be checked only by an immediate expansion of state powers. Within the United States and the United Kingdom, the opposition to critical race theory often focuses on the phrase “systemic racism.” If racism in the United States is systemic, or the history of empire in the United Kingdom is at once a history of racism, and if racism continues in both contexts in immigration policies that give preferential treatment to white people and regularly refuse people of color, then racism has certainly changed forms, but it was there from the start, and it has not ended. The claim attributed to critical race

theory is that it communicates that the United States, from the origin on, is a racist society, dating from both the genocide of Indigenous peoples and the institution of slavery. This, too, is described as “indoctrination.” The incendiary implication that seems to follow is that the United States “is” racist, and that “is” is taken to be an exhaustive claim: the United States (or United Kingdom) is racist, and is nothing but racist in all aspects and throughout its history and present. There are different ways of thinking about this claim, one of which goes like this: the United States has never been free of racism, and we should struggle for the day when it is finally free. That claim is both right and reasonable. We can look at morbidity and mortality rates in the United States to document quite clearly that Black and brown people have received less access to decent health care than white people, have more often been the targets of police violence, and have been imprisoned at higher rates.¹¹ That claim is surely well-documented.¹²

The banning of “critical race theory” often twists anti-discrimination law to justify censorship, arguing that white people should not be accused of racism because they are white, nor should they be held accountable for crimes committed by white people from earlier generations. But the attack on critical race theory takes the term “critical” to be equivalent to destruction, and “race” is taken to be a full-scale assault on the nation, as if it were a national security risk. Of course, we have to ask, whose nation is being assaulted, and who were the people assaulted under slavery, and now in the street, the subway, the prison? Is that very destruction renamed, if not rebranded, in the reactionary twist that invests a legal theory with such enormous destructive power? Bearing a formidable power, the phrase “critical race theory” is understood to be waging an assault, and, in the United States, is currently banned from the curriculum in at least seven states at the time of this writing, with sixteen more states in progress.¹³ It comes as no surprise that some of the same right-wing organizers in the United States who have rallied against critical race theory have also targeted teaching “gender” and “queer theory” in the schools.

Do No Harm, a nonprofit group opposed to trans affirmative health care for young people, has financed lobbyists in several US states, including Kansas, Missouri, Tennessee, and Florida, to help pass bills restricting

access to health care.¹⁴ It seeks to “protect children from extreme gender ideology” by supporting efforts to restrict trans affirmative health care for young people. It began, however, by opposing “critical race theory” in hiring and education in medical schools. Its website offers a set of metonymic links that cast a series of social movements and academic theories as dangers: “The same radical movement behind ‘Critical Race Theory’ in the classroom and ‘Defund the Police’ is coming after health care, but hardly anyone knows it.”

Some of the opposition reaches for even greater phantasmatic equivalences, seeking to rouse popular passions to oppose the teaching of both sexuality and race studies. Christopher Rufo, associated with the Manhattan Institute for Policy Research, has instigated several campaigns accusing primary schools of teaching BDSM—a wild allegation that reflects a frenzied fantasy more than any actual pedagogy.¹⁵ His penchant for stoking the anti-academic passions of right-wing movements relies on radical reductions of both sets of arguments in favor of incendiary phantasms. Rufo’s opposition to critical race theory fails to situate that theory within Black studies and Black feminism, and cannot apparently distinguish the very different paradigms of Angela Davis and Kimberlé Crenshaw, for instance, as he allows CRT to stand for anything related to race studies. None of his followers are interested in the distinction between Black feminist thought in relation to Marxism or a critical perspective on how equality can be more fully claimed inside and outside a court of law. The actual content of sex education or critical legal theory is beside the point, since each position reduces to a common accusation: “Your country is racist” or “You should become gay or change genders!” What is imagined is a kind of pedagogy that is interested only in making white people feel bad or telling young people to be gay or trans. It is imagined as a pedagogy of moral condemnation or approval, and thus misses the more general aims of race and gender studies. For it is one thing to condemn all forms of racism, which is surely right, but another to understand how racism works, what its various forms are, and what have been the responses and resistances to racism through time. Do we know, for instance, what we mean by “race”? How did the category come about, and for what purpose?

Similarly, “gender” is but one theoretical point of reference within feminist and queer studies, and there are a variety of accounts of what it means, both historically and theoretically. In other words, these are knowledge projects with open questions, for academic fields such as these are based on problematics, not dogmas, which is one reason academic freedom remains so important to defend.¹⁶

If we ask what is “critical” in critical race theory or even in forms of gender studies linked with critical theory, the answer requires some patience. Critique is neither denunciation or absolute opposition: it is an inquiry into the conditions of possibility of certain concepts that have either been taken for granted without justification or that have become invested with meanings that establish them as overdetermined. The idea of critique is to open up thinking so that a more historical and structural analysis of the place of gender and race in society can be understood, including the inevitable and consequential ways the two categories are interlocked. And yet, in the anti-CRT animus, the methodology is imagined to contain all writing on race that deplores racism, or all writing on race that seeks to understand how race and racism have been historically and economically produced.¹⁷ That work is understood as nothing other than an attack on white people, even though the focus is surely on the ways in which white supremacy has reproduced itself in nearly all vicissitudes of social and economic life over centuries. A theory, a methodology, devoted to achieving racial equality is transfigured into an attack machine that must be destroyed if white people—or their claims to supremacy—are to be protected against challenge. Is the problem that white people are made to feel bad about their whiteness, suffering from deflated self-esteem, or is it more likely that white people are being asked to join the effort to confront and dismantle white supremacy? It is the loss of that taken-for-granted supremacy that the white resistance to CRT refuses to mourn. Though mourn it must, and hopefully soon.

Are children endangered by CRT, or what CRT has come to stand for? Or is it the everyday presupposition of white supremacy that is being busted by a range of works in race studies that seek to illuminate the long and painful road toward substantial racial equality in the United States? If to be

white is to be supremacist, then the critique of white supremacy will be taken to be an opposition to all white people. Instead of taking up the questions posed, including why racial supremacy has been accepted for so long, or what forms it still takes, in order to think more clearly about what radical equality might be, the anti-CRT response is to embrace whiteness as a wounded identity.¹⁸ Thus, the resistance to what is called CRT is itself a refusal to lose that supremacy, to give it up, take it apart, and encounter the fresh idea of living together on the grounds of radical equality. “Woke ideology” now contains both “CRT” and “gender ideology,” and the attack on “woke” is animated by a psychosocial fantasy that the loss of patriarchal, heteronormative, and white supremacist social orders is an unbearable one, tantamount to social death and, at times, physical danger. Apparently dangerous phantoms now gathered under the rubric of “woke” are figured as agents of harm and destruction, and they gather up gender, race, and sexuality as different versions of this ostensible danger. And once installed in the phantasmatic scene as dangerous actors, they must be stopped by any means necessary, including violent ones. This anti-woke rhetoric attacks education and health care, morally stoked by its opposition to “indoctrination,” but then imposes a doctrine that deprives young people of knowledge and medical care and reproduces white supremacy by appropriating anti-discrimination law and victim status for white people for its own destructive ends. Who is hurting whom in this scene, in this inversion? How does “morality” serve the purposes of political sadism, muffling and subordinating those who are seeking to emerge into voice, equality, and freedom? If “love” has been reduced to compulsory heterosexuality and hatred has propagated distortions of its own making to justify incendiary attacks on critical thinking, social movements for freedom and justice, gender and race studies, and academic freedom, then it is all those who seek to live and breathe in freedom and equality who suffer most by being transfigured into demonic and dangerous forces. Not only are the principles of freedom and equality under attack, but so are all those who require those principles to live.¹⁹

4

Trump, Sex, and the Supreme Court

It may seem that the analysis so far has not yet addressed a key issue throughout much of the public anxiety over “gender,” namely, whether or not sex should be understood as immutable. Isn’t the problem with gender that it imposes an artifice on a material reality, substituting a falsehood for something durably true? In fact, the term “gender” does not deny the materiality of the body, but only asks how it is framed, through what media it is presented, and how that presentation affects what we understand about it. Interestingly, to establish sex as immutable takes some work. Is it ever known to be immutable without being established as such? Who does that establishing, through what historical set of protocols, and to what end? It should be easy enough to establish the reality of sex, and for many it belongs to the realm of the obvious. But, as should be manifest by now, people do not always share the same sense of the obvious. If one wants to establish a single sense, one would have to rule out competing versions, undoubtedly denying a shifting and contested set of criteria offered within the history of science itself.

In the late weeks of his presidency, Donald Trump sought to enlist the US Department of Health and Human Services to define “sex” as an unchangeable feature of a person, that is, either male or female, based on genitalia, and given an assignment at birth. His point was not to establish “reality” over and against an artificial construct. No, he aimed at narrowing the scope of sex discrimination under the law so that trans people could not claim under Title VII to be discriminated against based on sex as an acquired status. If sex is assigned only at birth or determined by which genitals a person has (or has had), then trans people could not easily argue

that whatever discrimination they have suffered as trans took place on account of sex. Trump himself went further when he sought to claim that gender should be understood exclusively as “sex,” and that recourse to a fixed biological status was all that was needed to determine “sex” under the law.¹

On Friday, June 12, 2020, Health and Human Services announced that it would now, and in the future, rely on a restricted idea of “sex” in assessing all discrimination cases, wiping out the possibility that trans people, intersex people, lesbians, and gay men could make use of existing anti-discrimination law based on sex to advance their cases. Interestingly, the US government advanced two criteria: genitals and plain speaking. One of the interesting features about “plain speaking” is that it does not have to be explained. Everyone presumably knows what it is. And yet, were that true, there would be no reason to tie it to the law and to cast other forms of speaking as obfuscating or obscurantist, as many critics of gender have done. In the proposed policy, it was not clear whether recourse to genitals would take precedence over plain speaking, or whether plain speaking is the way to establish genitals, but the two criteria were assumed to work together in some unspecified way. If it is to be assumed that no contradiction between the two criteria exists, then the presumption is that “the plain meaning of the word ‘sex’ as male or female” corresponds to the idea of “sex” as determined by genitals. Through this lexical fiat, the government sought to rule out the notion that sex, whether construed as a legal status or a social reality, could change in time, or that a term such as “gender” could be one way to mark the difference between an assigned sex and an abiding sense of gender identity.

The government proclamation was well-timed but missed its mark. It sought to affect the deliberations of the Supreme Court decision *Bostock v. Clayton County*, a case that would determine whether the 1964 Civil Rights Act would protect gay, lesbian, and trans people from discrimination based on sex. Although Trump was doubtless relying on the fidelity of his recent appointees, not all of them acted as he must have expected. In the end Trump’s administration disagreed on the merits of his plan and abandoned the proposed policy. Their entire effort to redefine gender as sex, and to

secure the meaning of sex through recourse to genitals and plain speaking, was supposed to keep whole classes of people from seeking protection against homophobia or transphobia. What remained unclear is whether the government thought that those plaintiffs should remain unprotected from discrimination, or simply find other legal or nonlegal means to advance their claims. Was the government signaling to those who discriminate that they are free to do so, and that what others call discrimination of this kind is actually a legitimate instance of freedom of expression? What became apparent, however, is that the Trumpian challenge to progressive legal claims on the part of the LGBTQIA+ community sought to seize the power of definitions: What is sex? What is gender? The strategy was clear: there can be no discrimination on the basis of sex if “sex” is defined in such a way that trans, queer, lesbian, gay, and intersex statuses are not covered by the definition.

The freedom to discriminate was supposed to be secured by the official claim that gender is nothing but sex. Had the claim been successful, there would be no need for gender, and discrimination against those who departed from the original sex assignment would be understood as a freedom. The Trump administration gave license to bigots, affirming not only that homophobic and transphobic practices should thrive without intervention by the law, and that those who were the targets of such practices should remain unprotected from those who act against them, often violently, but also that the government would henceforth abandon them to discrimination. LGBTQIA+ people were not to be understood as having equal protection before the law because, well, they are not equal, and they were not identifying themselves in terms that would be accepted by “plain speaking” people. No new words or terminologies are needed, just plain speaking. And yet state policy is deciding what plain speaking should be. We can ask: Is this state speech or plain speech? What is under attack—theoretical speech, or new terms for gender identity and expression? Is the problem that new ways of speaking, including new forms of gender self-definition, are used more frequently and are entering into ordinary language, even challenging its grammar, as we see for instance, with the widening circulation of the plural pronoun “they”? If such linguistic practices become

increasingly accepted, they change the terms of “plain” language—they may even, within some circles, come to be accepted as plain speaking. What counts as plain differs regionally and historically, so none of that should be exactly surprising.

At issue here is less Trump’s own psychosocial constitution—a matter for continuing lay speculation—than what appeals to his base during an election year. If he sought to galvanize Christian conservatives, then miming the language of the Vatican was probably a smart tactic. Trump attempted to appeal to the anxieties and fears of those who want sex to supplant gender, who want a world in which the first sex assignment is the only one, assuming it is based on a perceivable genital difference. But to appeal to those anxieties means both awakening those that may be dormant and producing new ones about new vernaculars that define the presumptively binary and immutable character of sex understood as biologically determined. Trump worked to incite those fears by producing an occasion, or scene, for collecting and intensifying them. To hold on to the world they know, or to live in a fantasy of their own collaborative creation, the Right must return gender to sex, and eradicate any possible difference between the two. This was for Trump less a theoretical question about the sex/gender distinction than a rhetorical move meant to secure a sexual world order that fortifies patriarchy and heteronormativity, and is presumptively organized by white norms. He seemed to be taking the side of “science,” although the move certainly was meant to galvanize his Christian base. Conveniently, the Evangelical Right sees sex as part of a natural order (a version of science) that was created by God for a purpose (theology), so no one really has to choose between them. The policy was also meant to strip people of the right to seek sex reassignment even when all indications pointed to that option as the only humane one. It was intended to undermine gender self-definition of various kinds in the name of an “immutability” that borrowed freely from conflicting religious, biological, and linguistic models without bothering to reconcile them. His base hardly held him accountable for his inconsistency, since it matters not through what means the denial of rights is achieved, as long as it happens.

To Trump's chagrin, *Bostock* went in another lexical direction, relying on a different model of language that confirmed the possibility of self-definition on matters of sex. Justice Neil Gorsuch and Chief Justice John Roberts, hardly the most progressive members of the court, rejected the government's view. One argument Gorsuch made was that losing a job because one declares or shows an attraction to someone of the same sex is surely discriminatory, since the job would presumably not be lost if the person to whom one was attracted were of the opposite sex. Indeed, the arguments in *Bostock* that secured the rights of trans, lesbian, and gay people to make claims under the legal rubric of sex discrimination made clear that it was less important to secure the meaning of "sex" than to determine how "sex" becomes a factor in discriminatory treatment in the workplace.²

Within ordinary discourse, even plain language, we may think of sex discrimination as a form of discrimination based upon one's sex. Someone determines what sex you are and then discriminates on the basis of that determination. But that is not the case. For discrimination to be based on sex means that someone refers to that sex in making decisions, and that sex plays a role in that decision. They may well be making assumptions about sex without knowledge of what sex is, and in discriminatory conduct, it is usually prejudicial understandings that hold sway. If an employer, for instance, treats someone in a way that makes assumptions about that person's sex and decides they ought to be paid less than others or be ruled out of certain positions, it matters less that the assumptions made about what sex is are wrong than that those assumptions or prejudices played a role in unequal treatment. The employer's actions make sex into a key element in an employment-related decision that produces unequal treatment as a consequence. It does not matter if they are right or wrong about the sex of a person, since most discriminatory actions of this sort do make false presumptions about sex, the way someone assigned a sex of a certain kind will appear, what limits they have, what propensities they show. "Sex" here comes into play less as an established fact than as a key component of discriminatory treatment. The task is to find out how the treatment is figuring sex, how "sex" emerges in the midst of a decision that reproduces

inequality. We don't have to have a common definition of "sex" to establish sex discrimination. We need only to know how sex is being invoked and figured in certain kinds of discriminatory actions—how prejudicial understandings lead to discriminatory conduct.

Significantly, the assumptions about sex that are made in acts of sex discrimination are generally false. They tend to be stereotypes and falsehoods that get in the way of a fair consideration of a person's employment or treatment. The problem is not just that stereotypes are used in such decisions, but that references to sex, however true or false they may be, have no justifiable place in such decisions. The Supreme Court decision draws upon a history of sex discrimination jurisprudence that focuses less on the ontology of sex than on the way assumptions about sex operate in decisions that perpetuate inequality.³ The Court effectively asks that we allow our ordinary discourse about sex to be challenged and reoriented by the issue of sex discrimination, implicitly contesting the "plain language" argument offered by Trump's Health and Human Services policy:

The employers assert that discrimination on the basis of homosexuality and transgender status aren't referred to as sex discrimination in ordinary conversation. If asked by a friend (rather than a judge) why they were fired, even today's plaintiffs would likely respond that it was because they were gay or transgender, not because of sex.

Here again:

Because discrimination on the basis of homosexuality or transgender status requires that an employer has intentionally treated individual employees differently because of their assumed sex, an employer who intentionally penalizes an employee for being homosexual or transgender also violates Title VII ... An employer who discriminates on these grounds inescapably intends to rely on sex in its decisionmaking.

In effect, the act of discrimination does not even depend on an employer knowing the employee's sex, but only on evidence that the employer has made personnel decisions on the basis of "sex-based rules," that is, preconditions about what the sexes should be doing, or of what they

are capable. To say that these rules are “based” on sex does not mean that those rules are derived from sex; rather, it means they are derived from ideas—prejudices or conventions—about how sex should appear, what sex is thought to imply about the capacity to do a job, and what values are attributed to work when it is undertaken by a woman or a man. Sex-based rules do not ground, or justify, the claim of discrimination: they are, in fact, the problem that sex-discrimination law seeks to address. They should have no bearing on hiring or advancement decisions. Such rules are rife with normative expectations about appearance, self-definition, and capacity that should play no role in employment decisions and treatment. The Supreme Court decision is very clear on this point: “By intentionally setting out a rule that makes hiring turn on sex, the employer violates the law, whatever he might know or not know about individual applicants.”⁴ In other words, however we may define our own sex is hardly at issue if the problem at hand is the operation of “sex” in a regular or “rule-bound” way where the rules are unfair and effectively formalize prejudice.



Some feminists who refute gender and call for a return to sex not only chime in with Trumpian and Vatican arguments but also misunderstand the way that sex discrimination works. We do not need to establish a single and abiding definition of sex to establish sex discrimination for the reasons outlined above. Indeed, to the extent that the reference to sex is enveloped in norms and conventions about what sex should be, what limits are implied by sex, and what forms of appearance should go along with sex, sex is already in the process of being gendered. If sex is framed within cultural norms, then it is already gender. That does not mean it is fake or artificial, but only that it is being mobilized in the service of one power or another. The claim that sex is immutable invokes a religious and linguistic frame for thinking about sex. Wherever there is such a frame, gender is at work. To say that there is a cultural construction of sex in such an instance does not mean that culture produces sex out of thin air. It does mean, however, that the matter of sex is being framed in a certain way and for a political purpose. Even the claim that sex is sex, or family is family, must

demonstrate why such tautologies makes sense, why other forms are not possible. Otherwise, it sounds like dogma. In fact, it sounds like a drumbeat for a culture war that derives its intensity from sexual fears and anxiety about the stability of sex. Or perhaps, the inverse is more likely the case: the stoking of basic fears about the stability of sex provokes, excites, and recruits those who suddenly feel fear that their sex can change or that it can be taken away, or that everything they have associated with the stability of their own sex assignment can be called into question. The frantic effort to restabilize the sexual order through legal fiat thus responds to the state call to outlaw sex reassignment. The state is given extra powers to restabilize the sexual order. But it was Trump's state, now repeated by DeSantis, that produces the terrifying prospect of sex being suddenly taken away or made radically contingent in order to enhance its own powers to secure "gender" within patriarchal and heteronormative frameworks. Trans people, in his view, could not suffer from sex discrimination because they are not discriminated against on the basis of their sex assigned at birth.

Surprisingly, the Supreme Court confounded Trump's agenda and decided that trans people, as well as lesbian and gay people, were, in fact, discriminated against on the basis of sex. In Part B of the Court's opinion in *Bostock*, the language is both emphatic and unequivocal regarding the justifiability of trans, lesbian, and gay claims of discrimination under the rubric of "sex discrimination":

An individual's homosexuality or transgender status is not relevant to employment decisions. That's because it is impossible to discriminate against a person for being homosexual or transgender without discriminating against that individual based on sex. Consider, for example, an employer with two employees, both of whom are attracted to men. The two individuals are, to the employer's mind, materially identical in all respects, except that one is a man and the other a woman. If the employer fires the male employee for no reason other than the fact he is attracted to men, the employer discriminates against him for traits or actions it tolerates in his female colleague.⁵

Of course, one can argue that sex discrimination is different from discrimination on the basis of sexual orientation (the language that the law tends to use), but this decision was concerned with the question of whether or not to extend protections already afforded by Title VII, which prohibits sex discrimination. To do so, it asks that we engage in a hypothetical exercise. If we are employers who think it is okay for a man to be attracted to a woman, but not okay for a woman to be attracted to a woman, and we seek to keep our workforce straight, then we have clearly picked out a feature of the woman, namely, her sexual desire, as a disqualifying condition of employment, which is a clear act of discrimination. Had her sex been different, we would not have discriminated against her, since she would, within the limited logic of this legal decision, presumably be a man. Hence, it is “on the basis of sex” that she suffers discrimination. Some gay and lesbian people may want to know about what anatomical features one can hope to find in a sexual encounter, and that makes sense. But anatomy alone does not determine what sex a person is, as anyone involved in adjudicating the participation of intersex and trans athletes in sports can testify. Further, just because someone has some anatomical features rather than others in no way guarantees that a gay or lesbian person will want them sexually, even though some homophobes imagine that the parts alone are sufficient for desire.

An intensely fearful phantasmatic scenario is at work in several public arguments of this kind. For instance, one reason why some military forces ban gay soldiers is that they imagine gay men will be threatening to straight men in the locker room, disturbing a group cohesion that depends on the repression of gay desire.⁶ Similar kinds of arguments are made about trans people in the military.⁷ Their arguments parallel the fear articulated by figures like J. K. Rowling, which is that a trans woman will, by definition, threaten women assigned female at birth. Whose fear is encoded in, and inflamed by, such policies? In both cases, the problem is not “the sex” of the one who is feared, but the fearful phantasmatic scenario in which that sex is construed or, better, the fearful way that sex is *constructed* in the scene. That construal based on unwarranted fear should have no place in employment or policy decisions, and when it does, it is a form of

discrimination. Very few people who discriminate on the basis of sex see or know the anatomy, the hormonal or genetic composition of the person against whom they discriminate. They may have ideas about it, and when those ideas enter into their decisions about how to treat that person in a discriminatory manner, then sex surely matters. But which version of sex? Against ordinary expectations and plain language, the sex of a person cannot always be discerned from the surface appearance. Surface appearances, what some call gender presentation, have a history: they are perceived within frameworks that actively anticipate the structure and form of what we see. They also disturb and challenge those epistemic frameworks by some of the feminist and LGBTQIA+ movements targeted by the anti-gender movements. Certain incommensurabilities can neither be “solved” nor denied when it comes to the matter of sex: what we show of ourselves and how we understand ourselves may well be two very different things, and those may differ from how we are seen, and how we are seen may shift depending on the cultural context, including medical environments, classrooms, streets, and bars.

In this part of the decision, however, the language of the Court makes explicit that the sex of an individual can change, and that discrimination that references that change is itself sex discrimination. The Court also effectively asserts that sex cannot be defined exclusively in terms of the sex assigned at birth, that sex is a process marked by possible shifts. In the following passage, it makes clear that the sex assigned or identified at birth is not the entirety of sex since a person can alter that identification:

Take an employer who fires a transgender person who was identified as a male at birth but who now identifies as a female. If the employer retains an otherwise identical employee who was identified as female at birth, the employer intentionally penalizes a person identified as male at birth for traits or actions that it tolerates in an employee identified as female at birth. Again, the individual employee’s sex plays an unmistakable and impermissible role in the discharge decision.⁸

The Court makes clear in this passage that for transgender people, there can be two moments of identification, the first related to how one’s sex is

identified at birth, and the second to how sex taken on as self-identification in time. Significantly, both are considered as part of “sex,” even, we might say, equally a part of “sex.” In other words, sex is not definitively or irreversibly determined at birth. The majority decision puts it this way:

By discriminating against transgender persons, the employer unavoidably discriminates against persons with one sex identified at birth and another today. Any way you slice it, the employer intentionally refuses to hire applicants in part because of the affected individual’s sex, even if it never learns any applicant’s sex.⁹

Here the Court assumes that the sex assigned at birth, the “identification” of the sex of an infant made by medical or legal authorities, is not always the same as the sex with which a person actively comes to identify themselves in time. Over and against a punctual and timeless idea of “sex,” the court asks us to consider the category in the course of a life trajectory. “Sex” seems to have a temporal life in which it can change. There is the identification of sex at the outset of life, necessarily by others. And there is then a self-identification that forms that can continue, contest, or reverse that original identification. When we seek to determine what sex is, we have to frame the question within time and from at least two different perspectives: how a body is identified through available categories at birth, and how the one assigned comes to identify themselves within those categories (or, I would add, outside of them, very possibly through new nomenclatures, contesting plain language).

On the one hand, the Court seems clear that we don’t need to determine once and for all the sex of the person who suffers discrimination, or even to understand the social identities within which they self-consciously live. We need only to take account of the clear and objectionable role of “sex” in hiring and firing decisions. On the other hand, the Court is putting forward a minor theory of sex, a precondition for any further inquiry: any consideration of sex has to ask first how a person is identified (and perhaps by whom) at birth, and how that person comes to identify themselves in time. A gap thus opens between being identified at the outset in a certain

way and coming to identify in time in another way. This gap is a constitutive feature of becoming a gender.

This temporal trajectory of a life is true not just for trans people but also perhaps for what we might call “gender formation” more broadly.¹⁰ For there is no guarantee that the category inscribed on legal forms at birth remains the one that will be preserved in time, or that the expectations packed into that interpellation will be the ones that are fulfilled. That a gap can open between the two means that there is no guarantee that the first assignment will remain continuous through time, and is an issue for all gendered life. Sex assignment is less a punctual act than a social history that may or may not reproduce itself in a self-identical fashion through time. And when someone is treated in a discriminatory fashion because the sex assigned at birth does not correspond to the sex with which they identify in the present, that, too, is sex discrimination. The gap between the two assignments is not honored, not recognized as a gap that marks gender formation as such. Or that is the way I see it. The Court is less ambitious, but it does take issue with reductive biological accounts of sex such as the one that Trump proposed, making clear that sex cannot be determined exclusively by genitalia or by plain language.

The Supreme Court does not subscribe to a theoretical framework that would relate “homosexuality” and “transgender” to “sex discrimination,” but it does point out that the discrimination of the first two can happen only through reference to sex.¹¹ The decision asks not about how ordinary language proceeds in such matters, but about how legal language ought to operate. The Court argued that “by discriminating against transgender persons, the employer unavoidably discriminates against persons with one sex identified at birth and another today. Any way you slice it, the employer intentionally refuses to hire applicants in part because of the affected individuals’ sex, even if it never learns any applicant’s sex.”¹²

Trump’s effort to define sex on the basis of biology and anatomy was rebuffed as well by the editorial staff at *Nature*, whose statement, published on October 30, 2018, made clear that Trump’s proposed definition lacked any basis in science.¹³ They called his proposed definition

a terrible idea that should be killed off. It has no foundation in science and would undo decades of progress on understanding sex—a classification based on internal and external bodily characteristics—and gender, a social construct related to biological differences but also rooted in culture, societal norms and individual behaviour. Worse, it would undermine efforts to reduce discrimination against transgender people and those who do not fall into the binary categories of male or female.

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It makes sense to ask why Justices Roberts and Gorsuch could favor the extension of sex discrimination protections to gay, lesbian, and trans people even as they voted to deprive women and pregnant people of the right to abortion when the Court overturned *Roe v. Wade*. The former case pertains to equal treatment, but the latter to rights of privacy and the state's interest in curtailing reproductive freedoms that were previously protected. The Court decision in *Dobbs v. Jackson Women's Health Organization* makes clear that the state has more rights over pregnancy than a woman or, indeed, anyone else who wants to secure an abortion to terminate a pregnancy. The figure of an excessive freedom that must be curtailed, already the target of the anti-gender movement, shows up here as well, echoing the Catholic and Evangelical conviction that abortion rights, like trans rights, and the rights of gay and lesbian people to marry, all constitute false or illegitimate or excessive forms of liberty that should rightly be curtailed by the state and its implicitly patriarchal authority. The language of the decision only hints at the influence of the religious criticism of "gender ideology," but the traces are clearly there, especially in Clarence Thomas's separate concurrence.

Thomas forewarned that the overturning of *Roe v. Wade* was but the first of more rulings to come, and that key Supreme Court decisions based on the privacy doctrine introduced by *Griswold v. Connecticut* (1965) would now be vulnerable to repeal: those rulings guaranteed gay marriage, rights of access to contraception and to receive medical advice about it, and the eradication of criminal punishment for those who engage in what the law called "sodomy."¹⁴ The slogan now circulating throughout social media,

and recently repeated by California governor Gavin Newsom, warns against Thomas's plan: "They are coming for you next!" Fearful that the decision in *Dobbs* is just the first of those expected from a right-wing court, the US Congress rather quickly passed a bill protecting gay marriage, even though that right remains protected at this time. The majority held that this ruling expands and intensifies "the state's interest" in the fetus, overriding any rights that a pregnant person has to their own liberty and bodily integrity. The state's power over women, their sexuality and their freedom, and their right to health care has now become frankly frightening and grotesque. When Justice Thomas recommended that the court "should reconsider all of this Court's substantive due process precedents, including *Griswold*, *Lawrence*, and *Obergefell*," he was claiming that certain freedoms—rights to give and receive advice on reproductive options (*Griswold*), rights to acts of sodomy (*Lawrence*), or the rights of gay marriage (*Obergefell*)—can rightly be curtailed or withdrawn by state power.

Substantive due process rights are established by the Fifth and Fourteenth Amendments of the US Constitution, and refer to freedoms that ought not to be infringed upon by any state authority. They are generally taken to be private or personal in nature, or to belong to the freedom of individuals. Although sodomy, abortion, and birth control are not mentioned in the Constitution, they have been held to be protected activities by courts that have applied those principles to those cases precisely because they are personal and private and pertain to individual freedom. For Samuel Alito to claim that he cannot find the term "abortion" in the Constitution, or for Thomas to claim that none of these related rights can be found there, is to refuse the application of abstract rights to concrete social issues that the Constitution did not, and could not, foresee in their present forms. On the one hand, the conservatives have become the activists, seeking to thwart or promote certain political platforms. On the other hand, they pursue their agenda through a mind-boggling literalism that, in the case of *Bostock*, worked relatively well for trans and gay/lesbian rights but, in *Dobbs*, devastated reproductive freedom.

One reason not to dismiss the threat delivered in Thomas's concurring opinion as the lone voice of an outlier is that the Court has been sending

mixed signals about its intentions for some time. Activists in the reproductive rights movements have known about this threat for years, and Thomas simply now carries the torch that has been passed to him by conservative Evangelicals.

Planned Parenthood v. Casey (1992) affirmed the basic principle of *Roe v. Wade* that women had the right to exercise their own choice on the matter of abortion without state intervention and held that states may not prohibit abortions before the time when a fetus could survive outside the womb—about twenty-three weeks into a pregnancy. In that 1992 ruling, the Court affirmed the basic principles of *Roe* but cast doubt on its legal status. There the Court stated plainly that it was not ready to make such an “unpopular decision”—to overturn *Roe*—even though it cast doubt on the key finding of *Roe* that abortion is justified through recourse to the Due Process Clause. They did not recognize the “liberty” of women—Alito now adds those scare quotes—to terminate pregnancies as a freedom to be protected from state powers, and they affirmed the state’s legitimate interest in the fetal life. The Court refused to act upon its conclusions in that case thirty years ago, but the justices’ commentary surely predicted what conservatives now call the more “courageous” decision in *Dobbs* to repeal *Roe*.

If Thomas has his way, and if he speaks openly about a conservative agenda that others have yet to claim as their own, a number of social movements will see some of their most hard-won and indispensable rights nullified at the federal level. Rights of equality, freedom, and justice remain abstract rights until they are implemented in concrete historical circumstances, compelled to respond to, and adjudicate new social realities over time. When we ask whether the right to be free includes the right to freely marry someone of the same gender, we say yes, and in doing so, extend and expand our idea of freedom. Or, in reviewing the history of the emancipation of enslaved people, scholars generally agree that preemancipation ideas of freedom were restricted to white property owners and enslavers, based on pervasive racial inequality, and had to be rethought. Fortunately, our ideas of freedom have changed through time, and it is incumbent upon courts to reconsider and reformulate freedom in response

to legitimate historical challenges that have exposed the inequalities and erasures built into prior conceptions of freedom.¹⁵ In *Obergefell*, the Court states that fundamental rights do not emerge exclusively from “ancient sources alone” but must be viewed in light of evolving social norms. History invariably enters into decisionmaking processes. The crucial decision that established gay marriage rights warned against basing law on traditional practices such that nontraditional partnerships would be prohibited from claiming equal rights. Here as elsewhere, conservatives have called into question whether new freedoms should really count as “liberty.” And we are seeing how the Court, the most powerful judicial instrument of the United States, is now asserting state interests in reproductive decisions over any claim that women and pregnant people may have.

Alito sets “liberty” in scare quotes, implying that any claim to freedom that supports the right to abortion is a false freedom. This is an errant freedom, a false notion of freedom, one that women invoke, one that all pregnant people invoke, and they have no right to do so. They have to be stopped from exercising this excessive and dangerous form of freedom, and it is the Court’s responsibility to do precisely that. We saw how freedom was mocked and decried by the Vatican in relation to forms of gender that exceed the binary, how academic freedom has been dismissed as dogma (has been, rather, dogmatically dismissed as such), and how the freedom to determine a new sex assignment for oneself is considered errant and excessive. The freedom to determine a reproductive future is one being explicitly and partially denied by the revocation of *Roe v. Wade*. It is important during these times to see how many freedom struggles are being demeaned and destroyed by those who would augment state powers, aided and abetted by the allegation that collective freedoms that seek to more radically actualize democracy are a danger to society and that freedom or “liberty” must be curtailed by increasingly authoritarian measures. Why is freedom so frightening? Is that even the question? Or is it rather: How has freedom been made to seem so frightening that people find themselves longing for authoritarian rule?

We can consider each of these issues as separate, and there are good reasons for doing so. Abortion and sex assignment debates are different, as is sex discrimination, and the state control over education. The arguments against abortion, however, can be used against any number of decisions that assume that new rights emerge from new social conditions pertaining to sexuality, gender, intimate association, and reproductive freedom. The point is not that the Right will go after abortion first, gay marriage second, and contraception third. No, the legal framework that is emerging targets the very idea of *new* historical formations of freedom (and equality) and seeks to restrict freedom in the service of restoring patriarchal order backed by federal law, but also in the service of corporate finance and religion. The vilification of women who seek abortions as abusers or murderers echoes the attack on sex education in states such as Florida, Texas, and Oklahoma, where teachers who consider classroom topics such as gender or sexuality are now accused of abuse, or parents who seek health care for their trans kids are to be reported to governmental authorities for harming their children. In each of these cases, “the state’s interest” is enlarged through the eradication of fundamental freedoms, those that belong to women, to trans people, to queer people, to educators and academics, to policymakers and legislators working for greater social freedoms and equality. The expansion and prioritization of the state’s interest is in these cases another way of describing emerging authoritarianism and relies upon the portrayal of freedom struggles as sites of danger and, more specifically, as threatening harm to children.

If we think that the attack on gender is the concern of a single movement, we fail to understand that “sex-based rules” are still forms of gender normativity. Yes, the Supreme Court was right to understand that sex-based discrimination can rightly pertain to women assigned female at birth, to men who are feminized on the job and suffer accordingly (*Oncale v. Sundowner*), and to trans people who have reassigned sex and suffered discrimination as a consequence. But expanding what legally counts as sex discrimination is not the same as expanding what counts as freedom. The struggle to gain recognition for collective freedoms—including those that secure reproductive and racial justice, gender equality, and gender freedom

—is being actively dismantled by states that assume greater police and security control over the movements of population, whether the passage of migrants or the assembly of people in the streets. As the Supreme Court mocks “liberty” for women, it also expands the free speech of corporations, as Wendy Brown has shown.¹⁶ Once these trends are grasped, and we see how collective struggles are transfigured, demeaned, and denied, it makes no sense to separate the struggles of trans and queer people from the struggle that is feminism and the rights of women to social and economic equality, and the rights of all pregnant people to rely on government services and remain free of paternalistic state restrictions on their freedoms. An alliance against increasingly authoritarian power is at once a critique of its paternalism, which strips women of their freedom and trans people of their powers of self-definition and rights to educational resources and health care, and deprives all those who suffer from the imposition of unwanted and coercive gender norms from psychological and medical support.

And yet these basic freedoms cannot be taken away without demonizing the exercise of freedom itself, ridiculing the new use of language to facilitate gender freedom and expression, or the demand for health care that allows people to live and breathe without fear both on the streets and in the institutions upon which they rely, whether educational, religious, or medical. It won’t do to scatter into our own identitarian corners clutching one agenda at the expense of others. This a moment to ally ourselves along axes that are quite different from the ones that the Right has prepared for us. That means that feminists join with trans people, that gay marriage advocates join with those fighting for queer and trans bars and community spaces, that reproductive health is on every agenda for all kinds of women and men and non-binary people, as are protections against gender and sexual violence. And none of this will work if we fail to see how those most affected by these new forms of disenfranchisement are poor people of color in the “unfree” states, that is, where abortion has been criminalized.

Authoritarian powers in the present depend on the intensification of passions, stoking fear and redirecting it as hatred, moralizing sadism, and figuring their own forms of destruction as promises of redemption. If the Right stirs passions, including righteous forms of hatred, to consolidate and

externalize the threats posed by gender and race, where do we find the driving passions on the Left? We so often stand in horror as electoral majorities bring authoritarians to power, as fascism becomes an acceptable position, and as Nazis find seats in parliaments in European nations. The authoritarian who commands an electoral majority through stoking fears of cultural “invasion” or “terrorism” can be elected precisely because he stands for brutal power and unyielding nationalism. We know how to dismantle the arguments and expose the rhetoric, but to what passions do we appeal, and how do we address the fears both discovered and provoked by the Right? What, finally, are the passions that might gather the targeted movements more effectively than the way that we are targeted? If we fail to come together and promote more compelling visions of the world in which we want to live, then we are surely lost. For that, we need to know what we are fighting for, not just what we are fighting against. And if we fall into forms of internecine warfare when solidarity is most needed, then we fail to seize the opportunity to form new solidarities to meet the challenges of authoritarian structures and fascist passions. Solidarity requires staying with antagonisms that cannot always be resolved, staying, in other words, with the irresolvable, staying in the fight against those forms of power—capitalist, racist, patriarchal, transphobic—that would deny our lives and fundamental freedoms, that would strip us of language, desire, and the capacity to breathe and move in a single stroke. Even if we cannot put our differences aside, we should carry them along, quarreling as we forge a solidarity for the future, for surely one of the most urgent tasks is to discern and intensify the powers of coalition to secure forms of freedom and equality indispensable to any future democracy worth the name. It makes no sense to mime the transphobia of the Right in the name of feminism, to further feed the phantasm, since what is needed now is an alliance that knows and strengthens the interdependencies without which we cannot live. Against the passion for authoritarianism we could perhaps pose another desire, the one that wants freedom and equality passionately enough to stay in the struggle.

5

TERFs and British Matters of Sex

How Critical Is Gender-Critical Feminism?

It would be wrong to assume that the anti-gender ideology movement has taken a single form as it appears in different regions and countries. Although some religious and digital networks connect different regions, the shape and purpose of the anti-gender movements differ depending on whether they are spawned by the Catholic Church, the Russian Orthodox Church, the Evangelical political system in the United States, or the Pentecostal churches in Africa. There are also objections to “gender” within Muslim states, Orthodox Judaism, and secular contexts. In the United Kingdom, the emergence of feminists who oppose “gender”—nearly a contradiction in terms—has complicated any effort to understand the anti-gender movement as a conservative religious one, although the willingness of some feminists to remain allied with right-wing forces on this issue seems beyond dispute. The debate between feminists who call themselves “gender-critical” and those who insist that feminist alliances must include trans and genderqueer people has become a matter of intense public conflict, bullying, censorship campaigns, and claims of hostile workplace environments. The future of some academic departments has been put into question as administrators are called upon to listen to groups of self-proclaimed feminists argue against “gender ideology” in the curriculum, and others defending their methods, pedagogy, and research against an enemy who should obviously be an ally.

As painful as it is to learn that feminists willingly cite and validate right-wing caricatures of gender studies, both within the university and in

the media, it is worth considering why they find their alliances there, despite some obvious differences. The difference between the two camps seems to revolve on questions of who can count as a woman or a man, but also on what they call the “matter” of sex, a term that always brings up the matter of the body and the issues that the body presents. Although the anti-gender partisans within feminists are not generally materialists in a Marxist sense, they do pound the table in the manner of positivists, insisting that those who defend the idea of “gender” deny the material reality of sex.

Thus, at issue, are two crucial questions about feminism. First, is feminist politics a politics of alliance? After all, few feminists concentrate solely on gender, since the category is, from the start, already enmeshed in relations of race, class, geopolitical position, age, ability, religion, and history. All those matters meet at the site of gender, affecting the materiality of the body and even its intelligibility. Those who accept feminism as a politics of alliance not only defend women but also oppose all forms of intersecting oppressions, affirming that Black and brown women live at the intersection of compounded oppressions, that women often suffer from economic discrimination and poverty, that their situations have to be framed with reference to hemispheric inequalities, deteriorating or absent conditions of work and health care, and exposure to different modalities of violence and dispensability.

Those feminists who seek to undermine “gender” purposely or inadvertently attack the alliances of which feminism is an integral part, including a broader left politics that keeps gender oppression, the exploitation of women’s work, and sexual justice as priorities. The extraordinary histories of socialist feminism and Black feminism in the United Kingdom are effaced by anti-gender feminists in order to focus on a single issue: why sex matters. Unfortunately for the anti-gender partisans, the very formulation that is supposed to send a univocal message, “Sex is a material reality,” is inevitably bound up with another question: Why does this insistence on sex matter so much now? They seek to separate sex from the political matter of sex for political reasons, so it is no wonder that the question emerges: What political function does this insistence serve at this time?

To understand why the debates have become so inflamed in the United Kingdom, one has to understand the way that gender, and gender studies, is caricatured, and why academic efforts to expose the caricature as false have so often been set aside. Paradoxically, the opposition to gender as a social construction relies on a construction of gender that can be demonstrated to be not only false but also hostile and inflammatory.

While other regions of the world are producing strong coalitions, like Ni Una Menos in Argentina, which includes trans, feminist, and LGBTQIA+ groups opposed to racism, extractivism, and capitalist structures of debt, financial terror,¹ and economic inequality, the situation in the United Kingdom exemplifies radical division and opposition, efforts to shut down gender studies programs, and associate scholars in the field of gender studies with scenes of abuse. The reasons for this division are many, but the government itself bears some responsibility, as it asked the public to debate the details of trans health care as it sought to formulate and then revise its own health policies.

The gender-critical feminists seek to dispute trans identity, particularly the claims of trans women, arguing that sex is real and that gender is constructed, by which they mean both false and artificial. The position misunderstands social construction, and I hope to show why later in this book. But the idea that gender is fakery or “ideology” is one that they have taken up, even though it means breaking with a long and internally diverse history of feminist engagements with the term. Although public debates in the United Kingdom have increasingly distinguished between feminists on the one hand and gender studies proponents on the other, such a distinction is nonsense, and plays to the division that trans-exclusionary radical feminists (TERFs) seek to exacerbate. The study of gender is part of feminism, and the debates about trans rights and social construction is between scholars and activists who actually represent different feminist positions. For better or worse, a wide range of positions can be called “feminist,” and it makes no sense to allow one faction, censorious and rights-stripping in its aims, to lay claim to the term. To act as if feminism and gender are opposed is to accept the terms proposed by trans-exclusionary feminists. They want their own view to stand for all of

feminism, but it cannot do that, and rightly so. It is a form of feminism that actively supports the derealization of trans people and engages in forms of discrimination that arguably go against the commitment to equality for which feminism has stood. One could thus more reasonably conclude that transphobic feminism is not feminism. But the truth is: it should not be.²

The public terms of the debate often deflect from the fact that many trans people and their allies are feminists, and that trans-exclusionary positions represent a form of discrimination that their advocates would vigorously reject were they directed against themselves. Like the right-wing efforts to strip trans people of their rights of self-definition, the cruelest of the trans-exclusionary positions also deny the rights of self-assignment to trans women and men, and take aim at sex workers whose rights to organize for health care and protection against violence should be a central part of any feminist agenda. In denying the reality of trans lives, TERFs claim proprietary rights to gender categories, especially the category of women, yet gender categories are not property, and they cannot be owned. Gender categories precede and exceed our individual lives. Categories have social and historical lives that are not the same as ours as living creatures. The categories preceded us and come to bear on us when we are named and assigned a sex, as most of us were. When we are named a gender, however, we are entered into a class of people so named, and if we rename ourselves, we move into another category whose history no one individually possesses. Gender categories change through time, and feminism has always relied on the historically changing character of gender categories in order to demand changes in the way that women and men are defined and treated. If these were timeless categories, they could not be redefined, which means that whatever the category of “women” once meant is what it means forever. That would toss both feminism and history into the dustbin. Joan W. Scott’s description from 1988 remains more than useful: “‘Man’ and ‘woman’ are at once empty and overflowing categories. Empty because they have no ultimate, transcendental meaning. Overflowing because even when they appear to be fixed, they still contain within them alternative, denied, or suppressed definitions.”³

If such categories were understood as forms of property belonging to individuals or classes, then property relations—and capitalism—would have already captured in advance the framework in which we seek to make change. The denial of trans rights to self-determination sends trans people back to their deadnames, denying their very existence, all the while laying claim paternalistically to know the true existential reality of trans people better than trans people do themselves.

To be fair, some trans-exclusionary feminists call themselves “gender-critical” feminists because, they claim, anti-trans politics is not at the center of their concerns. One of the main proponents of “gender-critical” feminism, Holly Lawford-Smith, argues that sex, rather than trans identity, is at the center of her concern, for oppression on the basis of sex has always been the hallmark of what gender-critical feminists now call “radical feminism,” understanding themselves as its contemporary incarnation.⁴ Lawford-Smith names a number of radical feminists as precursors of “gender-critical” feminism, including Ti-Grace Atkinson, Andrea Dworkin, and Catharine MacKinnon, but the evidence supplied for this assertion doesn’t tell the full story. MacKinnon’s brief on *Oncale v. Sundowner* (1997) and Dworkin’s literary experiments and published testimony of her alliance with trans people contest the claim that these two feminists are anti-gender and anti-trans, respectively.⁵ Dworkin wrote, “We are, clearly, a multisexed species which has its sexuality spread along a vast continuum where the elements called male and female are not discrete.” Perhaps we can at least concede that in the history of radical feminism, there are those who do not subscribe to the biological dimorphism thesis. In fact, the trans-affirmative legacy within radical feminism has been foregrounded as the invaluable precursor to “trans*feminism,” as formulated by Jack Halberstam.⁶

Interestingly, Lawford-Smith seeks recourse to MacKinnon to build her viewpoint, but MacKinnon was clear that gender is produced through forms of patriarchal power and that gender could change when those forms of power were contested. Lawford-Smith rightly remarks that MacKinnon offered a critique of essentialism in the following statement: “Because male power has created in reality the world to which feminist insights, when they

are accurate, refer, many of our statements will capture that reality ... What a woman ‘is’ is what you have *made* woman ‘be’ ... If male power makes the world as it ‘is,’ theorizing this reality requires capturing it in order to subject it to critique, hence to change.” Here we understand that critique is linked to *change*, not just an activity of debunking. But also, gender is made through certain structures of power, which means, alas, that gender is constructed. As power is contested and challenged, gender also changes, and, I would add, transformations of gender can in fact be one way to contest patriarchal power. The passage Lawford-Smith chooses to show that “gender-critical” feminists are not essentialists assumes that MacKinnon is on their side, but the legacy of MacKinnon on gender, working within a Marxist framework, is actually quite different. MacKinnon was emphatically not interested in what a woman is apart from the ways in which she is treated, and never thought we had to answer that question to advance feminist jurisprudence. Within the law, at least, sex becomes a matter of differential treatment, including differential harm. *Oncale v. Sundowner*, mentioned earlier, is a case in which a man named Joseph Oncale, treated as effeminate by his harassers at work, argued that he had standing under sexual harassment law to make a case that he was harmed by sex discrimination. While some courts argued that sexual harassment is, by definition, men harassing women, MacKinnon, one of the founding authors of sexual harassment law, disagreed:

If acts are sexual and hurt one sex, they are sex-based, regardless of the gender and sexual orientation of the parties. The Fifth Circuit decision at bar is bottomed on misconceptions about the gendered nature of the sexual abuse of men, particularly its connections to the inequality of women to men and of gays and lesbians to heterosexuals. Male rape—whether the victim is male or female—is an act of male dominance, marking such acts as obviously gender-based and making access to sex equality rights for Joseph Oncale indisputable.²

Citing Judith Lorber’s work on gender in the 1990s, MacKinnon even offers her own version of the heteronormative matrix within which traditional binary gender has been established: “The gender of a person with

whom one has sex, or is thought to have sex, is a powerful constituent of whether one is considered a woman or a man in society.”⁸ Or consider this claim from “Feminism, Marxism, Method, and the State” (1982): “Sexuality, then, is a form of power. Gender, as socially constructed, embodies it, not the reverse. Women and men are divided by gender, made into the sexes *as we know them* [my emphasis], by the social requirements of heterosexuality.”⁹ Here a “radical feminist” shows how an analysis of sex hierarchy actually requires a constructivist position.

Still, there were many reasons to contest MacKinnon’s reading of *Oncale*, as have been detailed by critics such as Katherine Franke and Janet Halley in “Sexuality Harassment.”¹⁰ But these criticisms differ on how gender should be understood, not on whether it should be used. In that argument, different ways of thinking about gender were found both on the radical feminist side, if MacKinnon can be called that, and on the queer and feminist side, represented differently by Halley and Franke. MacKinnon was, in fact, working within a socialist feminist framework when she articulated her understanding of sexuality and gender. Matters are decidedly more complex than the gender-critical proponents would allow. The problem with MacKinnon’s view was not that she found gender useful, but that she used it to articulate a static view of men’s sexual domination of women, concluding that men were constructed in a dominant position, and women in a subordinated one. What MacKinnon failed to recognize, however, is that genders do not stay tied to the heteronormative conditions of their emergence or to versions of sexuality fully organized by masculine domination.

If gender-critical feminists wish to be critical, then they should give some thought first to the history of the term “critique” and its place in struggles for social transformation. A critique of something is not simply a way of opposing something and being done with it or calling for its abolition. A critique of masculine domination, for instance, shows that life does not have to be organized by this social form. With critique comes a new way of understanding the world, one that can be essential to struggles for social change and the opening up of new possible ways of living. The critique of the gender binary, for instance, did not claim that “women” and

“men” are over and done with. On the contrary, it asked why gender is organized that way and not in some other way. It was also a way of imagining living otherwise. The critique of the gender binary turned out to give rise to a proliferation of genders beyond the established binary versions—and beyond the gender hierarchy that feminism rightly opposes. Indeed, there is no reason to ally with positions that oppose “gender” in order to restore patriarchal order and gender hierarchy. And yet continuing the “anti-gender ideology” discourse places contemporary “radical feminists” in a position of woeful complicity with the key aims of new fascism.

To be fair: whereas the Right refers to its position as “anti-gender ideology,” the trans-exclusionary feminists focus on “gender identity ideology,” marking a difference, perhaps, but letting the echo resound with right-wing and often fascist politics. Trans-exclusionary feminists target the concept of gender and call for a return to sex, but are we then to assume that “gender identity” has captured all possible sense of gender, including discussions, for instance, of the gendered division of labor within capitalism, which surely would be relevant to feminists worthy of the name? They prefer “gender critical” to “trans-exclusionary” and “TERF,” but they have misunderstood and distorted the history and meaning of “critique,” so we have to stay with “trans-exclusionary.” When they argue that the problem is not trans, but “sex,” they mean biological sex, which, they argue, is being effaced by the idea of gender identity (we will consider this question of biological sex in the following chapter). The “gender identity ideology” they target, however, is all about the status of trans. Lawford-Smith even reveals that it is really about trans identity, and claims, as her disclaimer concedes: “Gender critical feminism is not ‘about’ trans. It is about sex. But because it is about sex, it clashes with gender identity ideology, which is at the heart of trans activism.” We can conclude that at the heart of gender-critical feminism is an attack on the heart of trans activism. The syllogism stands despite the rhetoric that would disclaim what it clearly says.

Most concerning, however, is the insistence that feminism destroy its own framework at the expense of all the coalitions to which it belongs and

that make up its promising connections to both racial justice and anti-fascist struggles, among others. Is Bernice Johnson Reagon's call for difficult coalitions even assigned on the "gender critical" syllabi? It was there that Reagon, speaking to Black women in the face of white feminist racism, elaborated the difficulty and necessity of staying in coalition with those who may well represent a threat to one's life. It was also there that the limits of radical feminism, separated from struggles against racial subjection, were decisively exposed for many of us. Even as those who focus on "sex" believe they are securing the grounds for feminism, they ally with other racial discourses implicated in biological discourses. For Sophie Lewis, feminist scholar and journalist, UK TERFism is obsessed with "biological realities" in a way that continues "a long tradition of British feminism interacting with colonialism and empire, pointing out that enforcing the gender binary on 'biological' grounds served the convergent aims of heteronormativity and colonial domination."¹¹



The gender-critical feminists want to upend debate within feminism by claiming ownership over the term itself. Their opposition to trans-affirming legislation and curricula engages in the same kind of discrimination and censorship that is happening on the Right. On the face of it, it is stunning and sad to see feminists engage in acts of discrimination after so many years of fighting for laws against sex discrimination. It is paradoxical to see conservative Supreme Court justices secure trans rights against discrimination on the basis of existing sex discrimination law, while feminists who claim ownership over the categories of sex exercise a paternalistic prerogative to strip people of their rights to self-definition in order to fight against a phantasmatic attack on "womanhood."

Trans-exclusionary feminists claim that trans women cannot be women, or that they may belong to a second-class order of women. Otherwise, they would take something away from women assigned female at birth. When TERFs claim that their gender is appropriated, they concede, in effect, that they think of their sex as property, something stolen from them, but they still exist within the genders they have, so what precisely has

changed? Has anything truly been lost or taken away? Self-definition is an age-old feminist prerogative, so why forfeit that now in the name of an authority both paternalistic and proprietary? It is hard to understand why the life of a trans woman should threaten in any way the life of a woman who has kept her original sex assignment. These are two divergent paths, but the one does not nullify the other.

Unfortunately, the anti-trans argument takes a further step, insisting that trans women are male predators in disguise, or that they could be.¹² At such a moment, the idea of transfemininity is figured as a dangerous phantasm along the same lines as one sees in right-wing discourse. These are not people who are struggling to name themselves, to live openly as the gender that they are, asking for rights of access to health care and legal protection against discrimination and violence. No, trans women here are the phantasmatically enlarged predators who exemplify all that is most dangerous about masculine sexual violence. This is not the first time that feminists have allied with the Right. We saw it when MacKinnon and Dworkin allied with the anti-pornography campaigns, supporting the Christian Right in the United States even as it turned against lesbian and gay visual representations so important to those movements.¹³

The prospects for coalition do, in fact, seem dim when such claims amplify phantasms that strengthen as they circulate. Social media only makes matters worse since accusations and denunciations fly freely without personal accountability, and reputations get shredded with startling ease. The whole debacle is particularly alarming given that the anti-gender ideology campaigns on the Right take aim at both feminism and trans rights, mobilizing the psychosocial fantasy that both groups will “kill children” or abuse them, that they both challenge the immutable character of the “the natural family” and depart from patriarchal hierarchies. As the debate intensifies, another actor is at work, appearing first as mere background noise: the state extends its regulatory and disciplinary powers over the question of sex reassignment, deciding which institutions can provide gender-affirming care and what the terms of care or pathologization will be; the state extends its control over reproductive freedoms, curtailing the rights of anyone to terminate a pregnancy; the war machine escalates,

and with it hypermasculinist national ideals; social services and social democracy are shredded as neoliberal metrics become the sole determinant of value.

Like Trump, Orbán, Meloni, the Vatican, and all others on the Right who refuse self-determination as the basis for sex reassignment, trans-exclusionary feminists argue that gender mutability is an illegitimate exercise of freedom, an overreach, an appropriation, and so they support bureaucratic, psychiatric, and medical barriers to exercising that right. The Vatican thought it was God's creative powers that were being stolen by gender advocates; the trans-exclusionary feminists think that their own sexed bodies are being appropriated by nefarious actors. And yet, when quiet descends, their bodies are still intact, and nothing has been stolen from them. Many TERFs would be hesitant to identify with the Vatican's stance, yet their beliefs produce the same fear and repression.

On the one hand, trans people, women in particular, encounter in contemporary radical feminism a denial of who they are, a concerted effort to efface trans existence. On the other hand, trans-exclusionary feminists maintain that their rightful property, their sex, is being taken from them by "fake" women. Who is actually being harmed here? In Spain, TERFs maintain that "being a woman is not a feeling," seeking, with such a phrase, to debunk trans women who say that they feel themselves to be women. These feminists would claim that being a woman is not a feeling, but a reality. For trans women and men, though, being a woman or a man is also a reality, the lived reality of their bodies. The category of "woman" does not say in advance how many people can participate in the reality it describes, nor does it limit in advance the forms that that reality can take. In fact, feminism has always insisted that what a woman is is an open-ended question, a premise that has allowed women to pursue possibilities that were traditionally denied to their sex.

Most important, gender is not simply an individual attribute or property. No one owns their own gender. We are born into genders through sex assignment and its attendant social expectations. If one accepts that as a true claim, then one accepts the idea of gender. Of course, some of us claim the genders we are given and, in that sense, become the gender we have

been assigned. Others try to expand the category or qualify it in some way to make it work for their lives. Yet others elect for a different assignment that allows for the kind of flourishing the assigned gender foreclosed. One can claim a gender for oneself, but it already inherently exceeds one's grasp. In saying, "I am a woman," one yields to a category not of one's own making. Yet we try to make it our own, at the same time that all of this happens beyond the logic of property.



The internecine fighting among feminist and trans scholars and activists in the United Kingdom appears to be the most fractious in contemporary life, except perhaps for Spain, where trans rights are debated in the national assembly. While other regions of the world are producing strong coalitions, like Ni Una Menos, which include trans, feminist, and LGBTQIA+ groups opposed to racism, extractivism, and capitalist structures of debt and economic inequality, the situation in the United Kingdom exemplifies radical division and opposition, with efforts to shut down gender studies programs and to associate scholars in the field of gender studies with scenes of abuse. The reasons for this particularly extreme division are many, but the government itself bears some responsibility, as it has asked the public to debate the details of trans health care while it sought to formulate and then revise its own health policies.

The state is a particularly powerful actor on the scene both in Spain,^{[14](#)} where the trans law was debated in 2023, and in the United Kingdom, where the debate has been going on since the Gender Recognition Act was passed in 2004, implemented in 2005, and revised in 2018.^{[15](#)} That act permitted individuals covered by the National Health Service (NHS) to change sex if they were treated and approved by a medical practitioner or a registered psychologist. The United Kingdom's law made no provision for non-binary people (thus keeping sex strictly binary), and even after surveying thousands of people in 2018 who called for substantial reforms, the government refused to de-medicalize the process in favor of one that accepts self-determination as a sufficient criterion (as found, for instance, in Norway, Argentina, Malta, and Ireland—and some states in the United

States). In fact, the United Kingdom's current procedure stands in defiance of a growing set of international norms, which maintain that a simple act of self-determination ought to suffice for changing one's legal status, and that subjecting trans and genderqueer people to elaborate surveillance, inspection, diagnosis, and pathologization is both unnecessary and harmful.¹⁶ The British trans writer Shon Faye explains:

Two years after the Gender Recognition Act came into force, a group of international human rights experts met in Yogyakarta, Indonesia, to sign the "Yogyakarta Principles." The Principles were intended to set the international standard for the equality and dignity of all LGBTQ people. Principle 31 calls for all States to adopt a "quick, transparent and accessible mechanism" for recognising people's gender identity. It also states that "no eligibility criteria, such as medical or psychological interventions, a psycho-medical diagnosis, minimum or maximum age, economic status, health, marital or parental status, or any other third party opinion, shall be a prerequisite to change one's name, legal sex or gender."¹⁷

The subsequent years of debate on whether sex can, or should, be reassigned, and what kinds of health care, including psychological services, trans youth should receive have intensified the situation to the point of mania in the United Kingdom. Tories in the 2022 prime minister contest¹⁸ and "gender-critical" feminists hold many of the same views on sex reassignment as anti-abortion activists, the Vatican, Trump, Orbán, Meloni, and other right-wing conservatives and nationalists. Strangely, the attacks on gender in the United Kingdom are often undertaken by feminists who dissociate from LGBTQIA+ alliances or wish to break them up where they do exist (worrying that lesbians suffer by participating in coalitions, for instance).¹⁹ They wish not only to debunk the very idea of gender but also to separate feminist studies from gender studies.²⁰ Fearful of effacement and expropriation, they refuse alliances, imagining them as new opportunities for masculinist hierarchies to prevail.

Although trans-exclusionary feminists offer separate grounds for their critique from their counterparts on the Right, they do share certain presuppositions. However much they may wish to separate from gender

studies, or prove its presuppositions wrong, TERFs are effectively grouped together with gender studies by forces of the growing anti-gender ideology movement. TERFs unwittingly affiliate with right-wing politics, some of which are overtly fascist, that contribute to the psychosocial fantasy of “gender,” and yet, as feminists, they are also under attack by right-wing politics for the ways that feminist views on reproduction and kinship have challenged the patriarchal family. At some point, they will have to decide whether or not to join with others who are similarly targeted or deepen the divisions among those whose scholarly and political lives are at risk of suffering discrimination, violence, and extreme censorship.

The alliance between anti-gender feminists and the reactionary Right’s attack on gender deserves a larger discussion, and I will turn to this vexed issue further along when I try to make the case for new coalitions and new imaginaries. For now, suffice it to note that “gender-critical” feminists have sought to impose fresh curricula in their universities, undermining decades of scholarship and research recognized by international scholarly associations as the field of gender studies.²¹ Their efforts are divisive, and though sometimes they offer arguments for their view, the polemical character of their positions suggests that they are not as thoughtful as they should be. TERFs fault “trans advocates” for being shrill and for attacking them on social media, and some of those insults and threats are surely unjustified and self-defeating. At the same time, they seem not to understand that they are calling into question the very existence of those with whom they argue. This is not the same as simply having a different viewpoint and a reasonable disagreement, since the TERF stance is nullifying the claims that trans people make about their lives, their bodies, and their very existence. Their arguments establish a perhaps unwitting alliance with right-wing groups that would actually shut down abortion clinics, eradicate feminism, censor critical race theory and ethnic studies, and restrict LGBTQIA+ rights.²² In the context of trans people, TERFs oppose basic claims of self-determination, freedom and autonomy, rights to be protected from violence, and rights of access to public space and to health care without discrimination, all of which are rights that they, as feminists, fight for and depend on otherwise. No wonder those who

confront this attempted existential nullification are sometimes screaming. It does not help that “gender-critical” feminists describe their opponents as stupid, suffering from false consciousness, fad-driven, doctrinaire, even totalitarian, allying with the rhetorical aims of the Christian Right. Precisely because they are not thinking about coalitions, and not concerned with the best way to fight the rise of the Right, they retreat into identitarian claims and proliferate baseless fears, contributing to the anti-gender phantasm.

Although this feminist minority tends to oppose what they call “gender identity ideology” and does not exactly follow the Vatican or the Evangelical opposition, they never stop to differentiate themselves from those claims. Some do call themselves conservatives and tar with the same reactionary brush the entire “ideology” of gender as “woke.” Sometimes, however, they identify as radical feminists, harking back to a time when “woman” and “female” were synonymous terms, and refusing the part of radical feminism that was dedicated to understanding gender as a historical category, laden with context but also bearing rich potentials for the future.²³

Kathleen Stock, author of *Material Girls*, joined a range of gender-critical feminists in accusing scholars and activists working on gender of censorship, groupthink, and general idiocy. Referring to neuroscience in an interview, Stock claimed that the perception of two sexes is something that the brain simply does. This I did not know. As a result, she argued, to help children understand that someone assigned one sex at birth can elect for another sex assignment on the basis of their lived experience of gender is, in her view, to potentially distort children’s perception of the facts, or true reality—it is to harm children! Uninterested in the various ways that “sex” has been defined or used in the course of history, Stock postulates that we have, from early on, an unmediated perception of reality and that only a falsifying ideology can persuade us to accept a fiction as an alternative. Trans life is not a fiction or, as the Vatican claims, “fictitious,” but a lived reality, one that is no less real for taking different historical forms through time and across space. Even if it were a fiction—which is more arguably true about, say, drag—the general question that concerns literary theorists and philosophers specializing in aesthetics still holds: How do fictions communicate truths we could not understand through other means?

Stock describes herself as offended by the “toxic” and “cruel” response to her view that a trans man is not a man, a trans woman is not a woman, and that the designation of “woman” should be tied to the determination of biological femaleness. But she does not seem to understand the toxicity or cruelty that she herself brings to the table. Of course, Stock and J. K. Rowling both are rightly appalled by the online bullying they have received, and I will not condone that kind of behavior, no matter who does it. We surely need a better conversation. But one reason that better conversation is difficult to have is that TERFs are denying the existence of people who have had quite a hard time gaining social recognition, legal protection from discrimination, and adequate and affirming health care. Neither Stock nor Rowling would agree that they are denying anyone’s existence, but that is because they believe they possess the only language that yields reality, and anyone who disagrees is deluded. In this way, they once again concur with right-wing discourse on trans life.

Imagine if you were Jewish and someone tells you that you are not. Imagine if you are lesbian and someone laughs in your face and says you are confused since you are really heterosexual. Imagine if you are Black and someone tells you that you are white, or that you are not racialized in this ostensibly post-racial world. Or imagine you are Palestinian and someone tells you that Palestinians do not exist (which people do). Who are these people who think they have the right to tell you who you are and what you are not, and who dismiss your own definition of who you are, who tell you that self-determination is not a right that you are allowed to exercise, who would subject you to medical and psychiatric review, or mandatory surgical intervention, before they are willing to recognize you in the name and sex you have given yourself, the ones to which you have arrived? Their definition is a form of effacement, and their right to define you is apparently more important than any right you have to determine who you are, how you live, and what language comes closest to representing who you are. Perhaps we should all just retreat from such a person who denies the existence of other people who are struggling to have their existence known, denies the use of the categories that let many of us live, but if such a person has allies, if they have power to orchestrate public discourse and occupy the position

of victim exclusively, and if they seek to deny you of basic rights, then probably at some point *you will feel and express rage*, and you will doubtless be right to do so.

In her published explanation for the reasons she began speaking out on sex and gender issues on June 10, 2020, J. K. Rowling makes clear that “transition will be a solution for some gender dysphoric people” but then goes on to supply two sets of statistics for which there is no citation. The fact that she calls it “dysphoria” suggests that it is an illness, a malfunction, a pathology to be cured, and this comes out as well in her discussion of what she calls “biological women,” disputing the difference between sex assignment and the various trajectories of gendered lives.

When she claims that 60–90 percent of gender dysphoric individuals will grow out of their dysphoria, she does not tell us whether those referenced are tomboys, sissies, genderqueer people, cross-dressers, trans people, or something altogether different. We cannot assume that gender dysphoria refers only to trans people, so even if we were able to check the statistics Rowling mentions, we would not be convinced by them without first understanding who is included in the group. In fact, the regret rates among people of all ages for gender transition is very small; Rowling does not acknowledge this.²⁴ She also maintains that “the argument of many current trans activists is that if you don’t let a gender dysphoric teenager transition, they will kill themselves.” She acts as if the claim is unfair or untrue, but what if it is true? The medical evidence shows that a great deal of stress and anxiety is created for trans youth who are not offered health care, which includes mental health services. The American Medical Association, however, disagrees with Rowling on the subject.²⁵ Suicide is not always a direct result, but it would be wrong and strangely cruel to deny that it does, in fact, occur when social and medical support is not forthcoming.²⁶ Rowling cites the well-known case of the psychiatrist David Bell, who resigned his post at the Tavistock, the central gender clinic in London, in protest over the medical treatment of trans youth. According to Rowling, Bell maintains that “claims that children will kill themselves if not permitted to transition do not ‘align substantially with any robust data or studies in this area. Nor do they align with the cases I have encountered

over decades as a psychotherapist.” Again, “the robust data” is oddly missing in this forceful declaration. And at least twelve major medical associations disagree, including the American Psychiatric Association. It is good to know, of course, that Bell did not encounter this situation in treatment centers such as the Gender Identity Development Service (GIDS) at the Tavistock and Portman NHS Trust in London, but the youth he met there were, by definition, already getting access to care, at least until the closure of that service by the NHS in 2022.²⁷ The statistics pertain to youth who have no access to such institutions at all. Like the right-wing arguments that claim that shutting down sex education, drag performances, and health care for trans youth are all efforts to prevent harm against children, the argument here abandons trans youth, depriving them of health care, and so does them harm. Harm is done to young people through the argument that harm is being prevented. What follows is a moral equivocation that produces both fear and confusion about what harm is, and from what direction it is coming.

Rowling misrepresents her opponents by claiming that they dispute the reality of sex, or rather she attributes this claim to them but does not give us the grounds for the attribution. Her remarks are offered as a reliable representation of the position she opposes: “If sex isn’t real, there’s no same-sex attraction. If sex isn’t real, the lived reality of women globally is erased. I know and love trans people, but erasing the concept of sex removes the ability of many to meaningfully discuss their lives. It isn’t hate to speak the truth.” It certainly is not. And yet what is actually true here? Is it true that there can no longer be any talk of sex if we do not treat sex as an immutable feature of a person? If sex is legally assigned and registered and can be reassigned and reregistered, can we not conclude that the reality of sex has changed, or that that change is now part of our historical reality? Sex can be both real and mutable, unless we believe that “the truth” is always immutable and never historical, a proposition that would once again ally Rowling with the papacy. I am not sure that mutability is a sufficient condition for claiming that something is unreal. Sex is changed through various technological means, including surgeries provided as part of a gender confirmation process. But sex also has a history, as many feminist

historians have rightly insisted. The lives of women, globally, about which Rowling seems to have concern, have never relied on a single concept of sex, and it is interesting and important to consider the various ways in which the facts of sex are delineated and understood.

The English word “sex” is not used everywhere, so it becomes important to ask for both linguistic and anthropological explanations of how what is called sex is approached in other languages and practices. Even conceiving of “sex” as a *fact* rather than a relation, an expression, an inflection, or a category, privileges one perspective over others. Moreover, women’s lives, globally considered, have actually depended on the shifting historical meanings of sex, since some of the earlier ones implied rather significant social restrictions. If not, I have missed that moment in history, or continue to live in another one with a sense of uncanny estrangement. Many people locked into these debates understand their point of view to be incontrovertible truth, and open debate hardly thrives when everyone contributing simply asserts the truth of what they say and insists that it is obvious and common sense and that everyone else has somehow lost their mind after falling prey to an ideological falsehood. What if, in fact, *no one* has said that sex is not real, even as some people have asked what its reality consists of? And further: How does that reality get established? These are, I would wager, reasonable questions, ones pursued by scholars in a wide range of fields for some time. No one has vacated reality by posing them. We say, for instance, that the world is real, but in several disciplines (philosophy, for sure), we also ask, “In what does that reality consist?” It is a question that belongs to both theology and physics, among other fields. Or more: How is it made and unmade, and how does it differ through time, or depend upon the perspective through which it is viewed? All of these are critical questions, ones that take “critical” seriously, that gender-critical proponents are not in the habit of asking or respecting, and yet they belong to the class of fundamental questions posed by the humanities, and philosophy in particular.

Trans advocates, often treated by opponents as a monolith with only one view that is repeated without variation, have significant differences among themselves on whether or not “sex” and “gender” should remain

operative categories; some, like myself, see a place for both.²⁸ For example, when trans writer Andrea Long Chu claims to be “female,” she is insisting on sex as the category that describes her.²⁹ In fact, she is hardly interested in biological reductionism, since she maintains that “femaleness is less a biological state and more a fatal existential condition that afflicts the entire human race,” building on a long tradition of dystopic feminism. One clear point that follows is that biological categories are saturated with meanings, and we would miss those if we decided that only gender gives meaning to sex, even if “saturation” can be one way to understand how gendering works. My own view differs, but hers is surely important to consider. Similarly, as we have seen, the use of “sex” in equality legislation or sex discrimination law relies less on an agreed-upon view on biological realities than on an ability to discern how sex is used in policies that produce inequality. Although some trans people are interested in gender, many are more interested in sex reassignment and working with sex as a category. There seems to be no interest in, or consideration of, this dynamic by those who identify as “gender critical.” Instead, they select the examples that support their own bias and incite their own and others’ fear, and proceed as if they are only communicating an obvious and unassailable truth.

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When Kathleen Stock focuses on a few instances in which trans women are transferred to women’s prisons and commit sexual violence,³⁰ she is careful to add that not all trans women would do such a thing. And yet she does, along with J. K. Rowling, use such examples to explain her opposition to trans identity. If she is interested in who is attacked in prison, then she might ask how often trans people are, or whether migrants and people of color are those most often attacked in prison. And if her concern is only with women, she might consider that women belong to all those categories, are better served by joining into alliance with all those who suffer from harassment, abuse, rape, and violence within prisons and detention centers and seek to put an end to that mode of violence. With a bit of research, Stock could see that in the United Kingdom, it is reported that a trans prisoner is assaulted every month.³¹ To grasp and oppose the violence of

such institutions, we would have to understand the range of people who suffer, and how they suffer and what redress and reparation is possible. And we would need a political analysis that was attentive enough to all those forms of carceral violence, including solitary confinement and the death penalty. Stock uses only one example from a prison setting to make a generalization. In calling for sex segregation where sex is equated with the sex assigned at birth, she rejects the idea that sex segregation is like race segregation, and imagines that women will be protected under such circumstances. But are trans women protected under that rubric? Or is their exposure to violence and harassment in men's prisons of no concern? Although she makes clear that not all trans women are rapists, she argues that even if a very small percentage turn out to be, or even to fake trans status for that purpose, a policy of separating trans women from women assigned female at birth should apply presumably because the presence of trans women is a danger to those women who are not trans.

What assumptions are made in this argument, and how much of what passes as argument is phantasmatic sliding in the service of fearmongering? Are they grounded? Stock's valid concern is that no woman should be subject to possible rape, and I agree that everyone should share that concern. And yet, if securing women against rape in prison were her main focus, should she not first consult the statistics on male prison guards engaging in precisely that activity, which, given their magnitude, should, according to her logic, lead to a policy in which no man ever works as a prison guard in any women's prison? Perhaps she has signed petitions to this effect or written on this policy, but I am not finding it in my research. And what about sexual abuse inflicted by women (assigned female at birth) against other women? Many people report abuse by women, so it hardly seems right to imagine that only those assigned male at birth are capable of abuse or assault. The problem is not just that certain stories and incidents are foregrounded over others, but that such incidents launch a chain of escalating claims until a general picture of reality is achieved, even though it is no more than a specter-infused hypothetical that is meant to stoke fear and scapegoat an entire class of people.

If the implicit point is that someone who has a penis, or even someone who once had one, will rape, because the penis is the cause of rape, or the socialization of those who have penises is the cause of rape, then surely such claims should be debated. Rape is an act of social and sexual domination, as many feminists have argued, arising from social relations that establish masculine domination and access to women's bodies without consent as a right and a privilege. The reason for this domination is not biological; the body, rather, is organized and suffused by the operative relations of power at work. Yes, rape is unwanted penetration, and that can be from a penis, a fist, or anything else that can serve as a blunt instrument. The instrument does not give rise to rape, though it makes it happen. Strangulation requires the hands, but the hands themselves are not the reason why someone is strangling someone else. The activity of the penis or, indeed, a blunt instrument to execute a rape is surely not the cause of rape, but one of its possible instruments.

A certain mode of argumentation belies an organizing phantasmatic scene: the penis in the picture is the cause and condition of rape and, without the penis in the room, rape will not happen. Rape does not unfold naturally from the presence of a penis, and it would doubtless serve us well to consider how many kinds of objects and body parts are used to hurt and enter others' bodies without their consent. When the aim is proprietary domination, then any and all instruments will do. That violent desire does not arise from the penis, but is sometimes executed by a penis in the service not of a biological urge but rather of a social desire for absolute domination (a view that used to belong to radical feminism before the biological reductionist appropriation of the term). We would surely benefit from understanding more about how that desire for domination emerges, as so many feminists, prior to the TERF generation, have ably done.^{[32](#)}

Stock's argument for not letting trans women into women's spaces—an overtly discriminatory position—seems based on the notion that women will feel unsafe if there is a penis in the room. Where does that idea come from? What power is given to the penis in such a scenario, and what does it actually represent? Is the penis always threatening? What if it is limp or simply in the way, or the last thing on anyone's mind? When we raise our

sons, do we recoil from their penises as if they were always and only potential threats to women? I am sure that is not the case, or perhaps I should more fervently hope that is not the case. Calling for segregation and discrimination can only seem “reasonable” when this phantasmatic construal of the penis as weapon is organizing reality. But that view cannot withstand the critical scrutiny of how analogy and generalization work in this position. If we were to find evidence, for example, that two Black people have committed crimes, do we then demand social policies that would make the entire Black community pay for those crimes? Or if one Jewish person overcharges for a transaction, are we then free to generalize about the avaricious character of Jews as a class? Clearly, we are not justified in doing so.

The Italian conservatives, in defending family politics, target both gender ideology and Goldman Sachs, as if the two were obviously related. Both are phantasms operating within a conspiratorial logic that in this case has many of the same features of other antisemitic arguments.³³ In fact, the only way they are related is through a conspiratorial suspicion. When the actions of one person come to stand for the entire group of which that person is a part, then a conviction about collective guilt starts to form: the one acted in a way many do, or the example of the one becomes exemplary for the group—a bad form of generalizing that shows us how scapegoating occurs, a way of responding to one harm by producing another. To argue that because some very few members of a group have committed a crime, all members of that group, therefore, should be subject to a policy that denies their identity and desire is a not only a failure of logic but an alibi for forms of discrimination that can end up in fascist forms of targeting.

If the argument is that trans women are abusive because they are “really” men, then the abiding assumption is that men are abusive as a class, or by virtue of their penises, and that in any scenario they, the ones assigned male at birth, are the true abusers. To make sense of this claim, we would have to know whether all men are potential or actual abusers, whether they are abusive because of their penis, whether trans men with or without penises are part of that class of abusers, and whether other kinds of abuse are occluded by this rather stringent framework for identifying when and

how it happens. It would seem that the argument rests on a romantic idea that women are only victims and never abusers, even though children of abusive mothers know how untrue this can be, as do survivors of lesbian intimate and domestic violence. If the argument put forward is that trans women are a risk to women assigned female at birth because some of the former still have a penis, we have to again ask how the penis functions to organize and incite a fantasy of threat. This is very different from imagining that rape is caused by the biological organ. There are conditions, however, in which the imagining of the penis as cause becomes convincing to some.

What happens within the terms of this phantasmatic scheme to the range of relations people have to the penis (including rival fantasies), both on the part of those who have them and on the part of those who don't? If rape is imagined as an unrestrained biological urgency produced in and by that bodily organ alone, then the social dimensions of rape culture are clearly misunderstood or, indeed, tragically elided. The social organization of violent patriarchal domination takes many forms, including methods of brutality and harassment that cannot be attributable to any organ.

If we are asked by gender-critical feminists, in the spirit of realism, to accept the reality of the penis, we can surely agree to do precisely that. But that acceptance hardly explains why men rape, for nothing about the organ per se produces rape. What does rape do for a man, or what does a man expect that rape will do for him? Such questions cannot be answered by a purely psychological approach, since the framework for understanding why some men rape is surely widespread masculine domination, which includes rights of access to bodies they seek to control. That form of domination supports ideals of masculine power defined in part by the capacity (personal and social) or, indeed, the right to violate women. The organ is phantasmatically invested with social power under some conditions and becomes the site of a fearful fantasy under others. It may be that the organ per se rarely appears in this scene apart from a phantasmatic investment of some kind, for if men understand that violating a woman is an entitlement, that entitlement comes from somewhere, and it is internalized, if not incorporated, as a capacity and power. Call me a radical feminist, if you must, but this social power was surely what earlier generations of feminists

were clear about. In fact, the descriptions offered by both Rowling and Stock testify to this power. The trans-exclusionary feminist approach to banning those with penises from the bathroom or changing room, or mandating sex-segregated prisons, makes no sense without understanding the powers of fantasy that seize upon the organ (including those brought by penis-bearing men themselves), even when the organ is not a matter for concern or, indeed, as it is for many trans women, when it is put out of play. Consider, then, the irony that the women most feared for having a penis may be among those people most disinterested in having one. Why should they, of all people, carry the brunt of masculine violence? Trans women, one of the most vulnerable groups, a group that includes those who may or may not have penises, have already dis-identified from traditional masculinity and, in many if not most cases, know, suffer, and resist masculine violence in their everyday lives. How foolish, then, not to realize the alliance at hand between trans people and feminists of all kinds, especially when so often they are not distinct groups at all. Transfeminism makes this clear, drawing on the intersectional approach developed by Black feminism and developing a new framework that moves beyond the divisions considered here.³⁴ Masculinity does not have to remain tied to the framework of domination and violation, as many newer forms of masculinity attest, especially in queer and trans communities.

At some moments Rowling seems to know this, but her argument veers off course as soon as she introduces, and extrapolates from, her personal experience. After all, the motivation one has for entering into a public debate may be worth knowing, but it rarely suffices as the reason why everyone should agree with one's point of view. Otherwise, the subjective balloons into the universal without checking in with other perspectives or responding thoroughly to reasonable questions. In what follows, Rowling shows how solidarity can and should be made by what she calls women, assuming that they are assigned female at birth, and trans women, even underscoring that they may be subject to the same kind of violence. The turn she takes at the end of this excerpt, however, swiftly generalizes from specific incidents into a general claim, breaking the bonds she tentatively sought to establish between women of all kinds, and unwittingly echoing

right-wing logic. Sadly, she does not identify butch women and trans men as suffering from similar kinds of violence. Rowling first gives us a sense of the brutal history of domestic abuse she suffered before drawing a set of conclusions from that horrific story that don't seem to follow. Here are her words:

I managed to escape my first violent marriage with some difficulty, but I'm now married to a truly good and principled man, safe and secure in ways I never in a million years expected to be. However, the scars left by violence and sexual assault don't disappear, no matter how loved you are, and no matter how much money you've made. My perennial jumpiness is a family joke—and even I know it's funny—but I pray my daughters never have the same reasons I do for hating sudden loud noises, or finding people behind me when I haven't heard them approaching.

She then makes clear that she has empathy for trans women, a feeling that, for her, has the potential for solidarity, even kinship:

If you could come inside my head and understand what I feel when I read about a trans woman dying at the hands of a violent man, you'd find solidarity and kinship. I have a visceral sense of the terror in which those trans women will have spent their last seconds on earth, because I too have known moments of blind fear when I realised that the only thing keeping me alive was the shaky self-restraint of my attacker.

I believe the majority of trans-identified people not only pose zero threat to others, but are vulnerable for all the reasons I've outlined. Trans people need and deserve protection. Like women, they're most likely to be killed by sexual partners. Trans women who work in the sex industry, particularly trans women of colour, are at particular risk. Like every other domestic abuse and sexual assault survivor I know, I feel nothing but empathy and solidarity with trans women who've been abused by men.

The professed feelings of empathy and solidarity are based on a questionable analogy. Men are violent, and women, trans women in particular, are at high risk of being killed by domestic partners. It would seem that the violence she is concerned about is domestic violence

perpetrated by men, but what about other forms of social violence inflicted against trans people more broadly? The domestic scene of violence circumscribes the treatment of violence in these paragraphs. What about incarceration, psychiatric pathologization, street violence, loss of employment? Are men the problem, or is it the social organization of patriarchy and masculine domination? Would not men be different outside such orders? Aren't new generations of men showing significant signs of change? Are gay men even included in this category, or are they not thinkable inside the category? What about genderqueer men, or all those who define themselves as transmasculine? Transgender men?

Rowling continues, but the solidarity she has just announced vanishes rather quickly as trans women turn out to be men, in her view, which allies them with the attackers rather than the attacked:

So I want trans women to be safe. At the same time, I do not want to make natal girls and women less safe. When you throw open the doors of bathrooms and changing rooms to any man who believes or feels he's a woman—and, as I've said, gender confirmation certificates may now be granted without any need for surgery or hormones—then you open the door to any and all men who wish to come inside. That is the simple truth.

Does keeping “natal” girls and women safe come at the expense of keeping trans women safe? If so, then one group's safety would have to be sacrificed for that of another. But is it necessary to accept this either/or? What if the aim is to keep *everyone* safe, and the task, to come up with an organization of space that makes that possible? For that, one would have to be part of an active alliance committed to addressing problems such as these. Keeping trans women safe, as safe as all women and girls, is not a contradiction unless you believe that women assigned female at birth are imperiled by women whose gendered status is publicly achieved through self-declaration, social recognition, or medical and legal recertification. Suddenly, the figure of the trans woman attacker seems to stand for all trans women, and the category of “trans women” is replaced simply by “men.” The two claims seem to move together, but no logic tethers them: trans women are reduced to men, and (all) men are potential rapists. I take it that

those men assigned female at birth may, or may not, fit under the second generalization. Or, one trans woman attacks and, hence, all trans women are attackers. The few who have committed assault—Karen White imprisoned for sex offenses in the United Kingdom in 2018 among them—come to represent the potential to attack that all trans women represent, and the reason for that is that trans women are actually men, and men—or, their penises—are attackers.³⁵ This wild reduction and effacement lets the instance stand for the whole, giving way to a generalization and then a full-blown panic, a phantasmatic reduction of men not only to their penises, but to attacking penises. Yes, that can happen in dream, or in the ideation following trauma, but when this phantasm is set forth as social reality, then the syntax of the phantasmatic scene takes the place of a thoughtful consideration of social reality.³⁶

No distinction is made between a law that lets “any man” into specific spaces for girls or women and those women and girls who arrive at that same door after transitioning and self-identifying as a woman. Let’s be clear: transition and self-identification are not whims, and even if a person chooses to take the step of self-declaring on legal forms, that does not mean that the lived reality of gender is a whimsical choice, a strategic way for that person to get into women’s spaces and to have their way with those they encounter. Even if we can point to a few instances where such things have occurred, how do those numbers compare with the ever-increasing forms of sexual violence committed against women, lesbians, gay men, travestis, and trans people by those men—and state powers—who feel that it is their right and power?³⁷ A trans woman is more fully exposed to violence in a space full of men than she is a threat to other women who share her need for protection. Some studies report that trans women are thirteen times more likely to be assaulted in men’s prisons than men are.³⁸

After heartfelt expressions of solidarity with trans people, especially women, Rowling pivots to a sudden address to an unknown second person who could be the British government or perhaps the entire British movement supporting depathologizing certification procedures in favor of the self-declaration model: “When you throw open the doors of bathrooms and changing rooms to any man who believes or feels he’s a woman...” *Any*

man? Rowling makes clear that the trans women with whom she was just professing solidarity are *actually men* in her view, and that they are dangerous fakes. She professes solidarity, then, with those whose existence she is willing to deny. But she is also deliberately misreading the Gender Recognition Act, which actually requires those who would exercise their rights of self-identification to submit to various kinds of protocols over time before they are authorized to do so. No one is acting on a whim, or only a few exceptions are. A trans woman is not “any man,” and yet Rowling would have us imagine her in that way; she is one of many interchangeable “men” who are only interested in invading women’s spaces and their bodies. In her view, whatever subjective feeling leads trans women to believe they are women is not to be taken seriously. The “subjective” is considered baseless, whimsical, worthless, but it is also strategic, shameless, base, and opportunistic. At the same time, Rowling surely asks that her subjectivity be taken very seriously. Like others who oppose gender, Rowling finds herself riddled with contradictions, suturing discordant elements of her presentation together, to confirm that what she suffered once will be what all women will suffer if the category of women is expanded to include those who actually live within and as women.

Such shameless disrespect on the part of someone professing solidarity with trans people could have concluded with this gesture of appalling mockery, but Rowling takes it further, identifying trans women with rapists, and refusing to check the speed and layering of her fantasy, namely, that trans women are really men (beware!) and that men are rapists or potential rapists (all of them, *really?*), by virtue of their organs (understood how?). She implicitly references the debate in the United Kingdom between those who believe that medical and psychological certification processes have to be completed before a Gender Identity Certificate can be issued by the government, and those who, in line with a growing number of governments and medical organizations, object to those often bureaucratic and pathologizing processes and hold that self-declaration should be sufficient to warrant the issuing of the certificate. Scotland, Argentina, and Denmark are among those states that do precisely that, but many others have taken the same steps toward the self-declaration model (one that I myself made

use of in becoming non-binary in California).³⁹ Rowling has made plain her objections to that process, insisting that only those who take hormones and undergo surgery and pass all the tests should be able to qualify. She has appointed herself judge in the case, but what gives her that qualification? Whereas the argument in favor of self-declaration as adequate honors the dignity and freedom of those who seek social and legal recognition as a sex, or a gender, different from the one assigned at birth, the pathologizing model invests the authority to decide one's gender in medical and psychiatric authorities that are often the least equipped to understand the life-affirming dimensions of transitioning or of living out one's truth.

Violent crimes are real. Sexual violence is real. The traumatic aftermath is also real, but living in the repetitive temporality of trauma does not always give us an adequate account of social reality. In fact, the reality of the trauma we suffer makes it difficult to distinguish between what we most fear and what is actually happening, what happened in the past and what is happening now. It takes some careful work for those distinctions to emerge in a stable form for clear judgment. The obliteration of those distinctions is part of trauma's damage. The associations that any of us live with as a result of traumatic violence make it difficult to navigate the world. We may find ourselves fearful of certain kinds of looks or spaces, smells or sounds. One might see someone who is reminiscent of the person who has done the violence, but is it not up to us to ask whether that new person should be bearing the burden of our memory, our trauma? Or should we be given license to ascribe guilt by association because we were harmed? I think not. If having been traumatized allows one to see the scene of trauma everywhere, then part of reparation is being able to localize what happened, and to relieve the mind of uncontrollable associations that, left unchecked, would vilify everyone who prompts an association with the traumatic material.

Traumatic associations operate by way of proximity, likeness, echoes, displacements, and condensations. They are the waking version of hideous dreams. Living in and working through the aftermath of sexual violence is an enormous struggle, one that requires support, therapy, and good political analysis as part of the process. But none of us were violated by an entire

class, even if it sometimes feels that way. To refuse to recognize trans women as women because one is afraid that they are really men, and hence potentially rapists, is to let the traumatic scenario loose on one's description of reality, to flood an undeserving group of people with one's unbridled terror and fear, and to fail to grasp social reality in its complexity, while also failing to identify the truer source of harm, an insight that could very well precipitate an alliance in the place of paranoid division. If I became convinced that a trans person carries or represents my personal trauma, then I have accomplished a projection and displacement that makes it even more difficult to tell my story, as well as theirs. Trans people now represent the violence of what has happened to me, even though they were not there, and someone else, who is strangely nameless, and notably a cis male, certainly was. Are feminists not inflicting a form of psychic violence on trans people by projecting in this way, associating them with rape when they are themselves struggling to get free of myriad forms of social violence as well? If feminists of the exclusionary brand deny the reality of trans lives and engage in discrimination, existential negation, and hatred, seeking recourse to personal trauma to inflict fresh harm, then they commit an injustice rather than forge an alliance for justice. Feminism has always been a struggle for justice, or is, at its best, precisely such a struggle, formed in alliance and affirming difference. Trans-exclusionary feminism is not feminism, or, rather, should not be.

I have made use of psychoanalysis in the above criticism of trans-exclusionary feminism, but I hope to show that it also gives us a way to remain open to the changing nature of categories of gender. Anti-trans feminists seek to still the category of women, lock it down, erect the gates, and patrol the borders. Gail Lewis, professor and psychoanalyst, in an interview on Black feminism and the way that whiteness has permeated the British feminist movement, suggests that trans* represents an opportunity for reconsidering how categories of gender open up fundamental questions of what we can know. She remarks in an interview with Clare Hemmings, "If we have a theory of the subject that says there's so much that's unknown and unknowable, then maybe we can say there's so much about human life that's unknown and unknowable. All these attempts through these

categories to close it down in a gesture of holding in place the hierarchical valorisations of human (and non-human) life around toxic normativities, is also a way, an unconscious desire, to enclose that which cannot be enclosed in its entirety ... So I think psychoanalysis gives a kind of architecture to begin to explore some of those things.”⁴⁰

Lewis remarks about anti-trans feminists that they have turned against the history of feminist struggles, a history that asked us to bear what we cannot fully describe or know according to the categories passed down to us: “And it’s frightening, yes, dismantling the architectures of subjection by which we know ourselves is frightening, but you’ve got to undo it again, because retreat into the apparent safety of the very normativities that you/we protested with such determination will not save you and they will destroy me/us.” Indeed, the very same category we think we need in order to live is the one that has done violence to others, so how do we take in the psychic and social landscape in which both are true?

Can feminism join in an alliance against the forces of destruction rather than become a destructive force allied with other such forces? An open question, but one that seems crucial to answer in the affirmative, given how central to new fascism are the vicious attacks on women, trans people, gay and lesbian people, Black and brown people, who belong to all these categories, and in whom all these categories also live. The categories need to open for so many to live, to find life livable, even as the categories are important to seize for those who have not yet been recognized within their terms. That paradox persists, and in the paradox, as Joan W. Scott reminds us, is the promise.

6

What About Sex?

One of the main contentions of feminist anti-gender activists is that the facts of “sex” are being denied by gender theorists. Sometimes we are accused of refusing to accept biological differences, or of eradicating biological differences in the effort to defeat forms of biological determinism. A third accusation is that sex-based claims, including claims of discrimination, will become impossible if gender takes the place of sex. We have touched upon the question of what is meant by a “sex-based” claim and will explore it further below.

In the preceding chapter, I underscored that sex assignment is the initial and powerful practice through which the facts of sex are established and reestablished. I also maintained that “sex-based” forms of discrimination are usually wrong about sex, relying on ideas, say, of what work a woman can effectively do or how an employee is supposed to look or act, or how an employer makes decisions about the workplace. The denial of a position is based on an idea that the sex of the person makes them incompetent, or that the position ought to go to someone else because they are a man or because their gender conforms with normative expectations. Let’s remember that basing a decision on a person’s sex is considered to be discriminatory, since it is based on certain misconceptions about what people sexed in a certain way can do. The idea of “sex” on which discriminatory actions are based usually turns out to be false or irrelevant. Removing preconceptions about sex from employment decisions is usually, in fact, the aim. To say that we must define sex to understand sex discrimination generally fails to recognize that we are trying to get preconceptions of sex out of the picture, and have no wish to ground our feminism on those preconceptions. We also

maintain that sex is not denied if we ask about the mechanisms by which it is established. Sex assignment has a long history, and in many traditions, room is made for people who from the start do not fit neatly into the binary frame. To deny the existence of intersex people to make a polemical point about “facts” is, indeed, to deny the facts in the service of a political agenda to conserve the binary.

Arguments about biological differences are often based on the presence or lack of distinct reproductive capacities, but such claims tend to rest on a conception of differentiated bodies that are stopped in time. Women cannot be defined by their reproductive capacity for all the reasons that feminists have taught us over the years. Frankly put, not all women have reproductive capacity, and it would be foolish and cruel to say that these women are, therefore, not really women, especially if they understand themselves that way. And if some people with the capacity to reproduce are not women, that is, if having that biological capacity does not define their gender identity, and yet they want the right to give birth or have an abortion for all the reasons that others do, then why should they not be included in the class of people who ought to be able to claim such a right?

Interestingly, the argument that reproductive capacities differentiate the sexes idealizes reproduction as the defining moment of sex. That social ideal thus governs the way that facts are established. But once sex is considered outside the reproductive frame, we can see how social ideals have constrained the kinds of facts generally considered to be salient. As we know, many women may be too young, or too old, to become pregnant, and some never had that capacity for other reasons, or that capacity ceased to exist as a result of aging, hormonal problems, medical interventions, lack of access to assisted reproductive technology, or exposure to environmental toxins. Some women do not even know if they have that capacity because they simply never wanted to have children or had sex with people with whom they could not become pregnant, and so their fertility was never tested. Despite the conservative idealization of women as mothers, it has always been the case that only some women can, or would, be able to become pregnant. They are no more and no less women than those who did become pregnant. And since some people, including trans men or non-

binary people, may have that capacity, it makes sense to expand our frameworks, our vocabularies, and our minds to take in the facts as they stand. Given the range of capacities, desires, and gender identities, it makes no sense to identify a *specific biological capacity as defining gender, which should never serve as the exclusive or fundamental criterion by which gender is determined*. Feminists have taught us this, insisting that not all women want to become mothers, and if they do, they are not necessarily defined by that fact. A “sex-based” anti-discrimination law has to make this point every time a woman is denied a position or an advancement on the grounds that she is pregnant or deemed likely to bear children.

The insistence on reproductive capacity to differentiate the sexes not only assumes that the sex assigned at birth remains the sex assumed in time but also highlights the years of presumptive fertility as definitive. In other words, if reproductive capacity defines one’s sex, then one becomes that sex most fully and unambiguously in sexual reproduction, and one loses that sex, or never arrives at that sex, if one cannot or does not engage in sexual reproduction. The norm once again proves to be cruel, distinguishing between the more and less sexed, the very real and the less real. That criterion communicates an expectation to women to become reproductive even when they cannot, or will not, and effaces the ways that the capacity to become pregnant can be important for those who live outside the category of women or at its margins.

The point is that social norms are already operating when reproductive capacity is used as the criterion to make factual distinctions. The facts are gathered and presented according to a frame that is clearly soaked in power, biological determinism, and normativity. This does not mean that facts don’t exist; it just means that they are invariably presented within a certain frame, and that the frame contributes to what we can see and consider as facts, and, as a result, what we come to support and fear.

Some feminists will argue that we need to be able to rely on sex difference in order to defend reproductive rights. They think of sex difference as the foundation in an argument: women are a certain way, and social policy should base itself on that difference. That kind of argument can be found in claims such as this one, which was published in *The*

Guardian: “The patriarchal oppression of women is heavily rooted in our reproductive systems.”¹ That argument suggests that the reproductive system gives rise to patriarchal oppression, but isn’t the reverse more likely the case? It is the patriarchal social organization of reproduction that leads to the conclusion that states should decide whether or not abortion is appropriate, rebuffing the autonomy of those who are pregnant to decide how best to conduct their lives. Of course, we need to understand why pregnancy is not always wanted and how it can, under some circumstances, threaten the life of the pregnant person or their very possibility of flourishing. But for that we need a commitment to reproductive freedom as a value, right, and norm that organizes our social worlds. It would be counterproductive and wrong to attribute the existence of oppressive systems to biology, when instead we should be asking how those oppressive systems *contort* biological matters to achieve their own unjust ends.

Is reproductive freedom related to the freedom of gender self-determination? If so, there are good grounds for a form of solidarity that links feminist, trans, and non-binary struggles. Feminism rightly fights against the state’s interest in the wombs of pregnant people on the grounds that those who are pregnant should be able to determine whether or not to bring that pregnancy to term. That struggle often relies on the political principles of self-determination and collective freedom. When the self-declaration model for sex reclassification is at issue, however, some of those same feminists believe that the state, through its gender policies, should undercut the rights of those seeking reassignment, and that the state has a justified interest in limiting their freedom. But why accept that the state has legitimate interests in curtailing freedom when it comes to sex assignment? What would happen if we opposed the notion that the state has legitimate interests in limiting the freedom of those who seek sex reassignment or an abortion? It would establish an alliance based on a concerted opposition to the state’s intrusion into the trajectory of our embodied lives understood as patriarchal, transphobic, and wrong.

Even if the above arguments prove to be persuasive, there are still those who maintain that “gender” departs from common sense, echoing the Trumpian argument that genitals and plain language provide adequate

criteria for determining sex. Still others claim that gender denies the materiality of the body or that it elevates language and culture over the biological sciences. Let us, then, ask whether this characterization has merit, or whether, in fact, it engages in a fantasy about what gender does, including the threat to nature and biology it apparently poses. The argument against gender as culturalist ignores the prevalent view that gender is a site where biological and social realities interact with one another. Those who would separate biological and social realities in their accounts of sex or gender tend to discount the enormously important interactive, dynamic, and co-constructivist positions developed by feminist philosophers and historians of science that seek to undo what Donna Haraway calls the “antagonistic dualisms” of second-wave feminist theory.²

Some argue that the materiality of sex is established by science and that we should base our views on established scientific paradigms. But others claim that we just need to return to “common sense” and debunk speculative theories to confirm the matter of sex. But how many people feel that the “common sense” idea of how they should live their assigned sex, or presumed gender, actually does violence to who they are? It used to be “common sense” for white people to enslave Black people, and “common sense” for marriage to be understood as an exclusively heterosexual union. Shon Faye, the British author, reminds us that gender-critical feminists are not critical at all in claiming that “common sense” is sufficient for normative thinking since it fails to call into question the presuppositions it mobilizes. In *The Transgender Issue*, Faye writes:

What it means to be a woman or a man (or neither) is not a fixed and stable entity, but a complex constellation of biological, political, economic and cultural factors, which may shift over time. In contrast to this complexity, British anti-trans feminism—now known by its disciples, with unintentional irony, as ‘gender critical’ feminism (despite its lack of critical interest in how gender arises and varies according to time and place)—has tended to market itself as a commonsense approach that breezily waves nuance away.³

This call to return to common sense on the part of gender-critical feminists turns out not to be as critical or sensible as it should be. The

phobic focus on the penis, which vacates common sense, is a case in point, as we have discussed. The organ is not a simple appendage in these descriptions, but an instrument of attack. This attribution of dangerous power may well draw upon terrible experiences of rape and assault, yet that is not reason enough to generalize. Such generalizations, when they do occur, tend to be phantasmatic projections that rely on generalizing a first-person account to all women, and to cast all people with penises on the model of the rapist. The phobic or panicked relation to “the penis” as such separates the organ from the person and from the entire life-world in which it makes sense. The subsequent attribution of dangerousness to trans women who have penises relies on a phobic transposition of the organ—which is, by the way, often flaccid, which is sometimes quite deliberately put out of play by transfeminine people, which is sometimes a source of pleasure for all those involved in the scene without the threat of harm, and sometimes the source of passive pleasure for the one who bears it. So, on the one hand, realism or common sense tells us that there are two sexes and that they can be identified unambiguously by their organs, but on the other hand, it turns out that the commonsense descriptions often veer into phantasmatic zones, following a syntax that belongs more to dreams and fantasy than to arguments and coherent demonstrations. Apparently, those very organs can be sites of intense phantasmatic investment, apparently pitching some of us into zones of unreality almost as soon as we near them. Those kinds of associations proliferate not in narrative accounts of wanted and unwanted sexual contact, but in various “common sense” descriptions of the facts of sex.

The argument that “gender theory” denies science fails to take into account the important work in science on gender itself, mainly undertaken by feminist scholars. The trans-exclusionary feminists tend to repeat the claim that disputing biological determinism should not lead to a refutation of biology. I agree. What is called gender theory has in fact been arguing that for some time. If we shift, for instance, from a deterministic model to an interactive one, as Anne Fausto-Sterling and other scholars of science have been doing for some time, it turns out that what we call our biology is *always* interacting with social and environmental forces, and that we cannot

really think about biological facts outside of this interaction.⁴ It is not as if biological causes stream in from one source and through a specific channel whereas social determinants flow from another location only to meet up at some third site called the body. Biological and social forces are together interacting in embodied life. The development, or formation, of the organism presumes that the biological requires the social to be activated, and the social requires the biological to produce its effects. The one cannot act as a formative power without the other.

The point can be simply made by considering how bodies are formed by the kinds of foods that are ingested, which, in turn, depend on what kinds of foods are produced and available. The social and economic infrastructure of food, including supply chains and unequal distribution, inhabits the materiality of the bodies in which we live. As should be obvious, nutrition affects the growth and density of our bones, the composition of our blood, and mortality rates. Nutrition may be one site where the co-construction of material and social lives is most obvious. But another example would be the effect of clean or polluted air on the body, its very capacity to breathe. As noted above, “reproductive capacities” cannot always be assumed, and some of them have to be activated for reproduction to occur. One of several reasons we cannot assume that women are defined by their reproductive capacity is simply that not everyone living in the category has that capacity or is compelled to make use of it. Both environment and desire are already at work in the making and unmaking of capacities. Sometimes a “capacity” only gets activated with a technological intervention, at which point the gestation can be understood as emerging from more than one agent, a complex interplay of human and technological powers.⁵ The model of co-construction comes into play here, too. In any case, it is not to be assumed that a “natural” capacity is actually there, and it often turns out to be cruel to make that assumption.

Sometimes the recourse to biological facts by anti-gender partisans is combined with the call to return to common sense. Occasionally, there is a pounding on the table that goes along with the insistent repetition of the claim of purely biological differences, as if pounding and repetition make it so. The pounding is a way of building a fact through a repetitive exercise,

perhaps even an operation of gestic performativity. The effort to separate out the biological body from its environment presupposes that the environment is not already in the body, part of its very formation. If “the environment” is understood as a surrounding external reality, separate and distanced from that biological self, then no account of the development or formation of that biological self is really possible. That world of social and economic infrastructure and living processes is one in which the biological body lives, stays alive. It is one in which life is already bound up with social and economic institutions linked with other forms of life. Indeed, the biological body lives only to the extent that it is connected to other life-forms and an array of social systems and powers. Those interactions are formative and, ideally, sustaining. The body would not “be” what it is without those connections staying alive, without those related lives, which means that the life of the body is already, and continuously, linked to other living forms. That formative interplay more closely describes what a body “is,” that is, its growth and mode of becoming and its constitutive relationality.⁶

By that last phrase, I mean only “the relations without which a body cannot be at all.” The outside is constantly taken in in order to live, which is why the politics of food, water, air, and shelter are crucial to living, to living on, and to living well. In its porosity, the body lets in the external world in order to survive, and when its boundaries are fully closed off from what is outside, it falters. It cannot breathe or eat; it cannot expel what it no longer needs. Thus, it makes no sense to think of the body as a bounded entity which bears its sex as a simple attribute. If the body and its sex are both understood as relational, then the social has enveloped and entered us way before we enter into any deliberate relation with the social. We are, as it were, from the start, outside ourselves, in the hands of others, exposed to elements, such as air, nourishment, and shelter, and all of these externals become part of biological life—ingested, inhaled, incorporated, reproducing cells and sometimes damaging them. If we care about eradicating environmental toxins and environmental racism, then we know that it is at the level of the particle that passes between the external world and the body that matters of life and death come to the fore. As a result, it makes no sense

to think of the body as over here, and the environment as over there, and then ask how the two come together. We have to start with the scene of interaction, interdependency, and reciprocal permeability and then ask how the idea of a primary ontological separation between body and world came to be accepted as “common sense” in certain parts of the Western world. A living body is alive only by virtue of sustaining relations, so when we think about the body, or gendered embodiment, we are always talking about those relations as well. Indeed, if we are not acted upon in some ways, if we do not take the external world in, or find a way to be lodged there, we don’t stand much chance of living on.

The “environment” is, thus, not just “over there” at a distance from our bodies. We take in that environment as it takes us up and the environment is fundamentally altered by human interventions and extractions—and climate change is a stark testimony to how those interventions can become destructive. None of us can be formed without a set of interventions, and those external impingements become the conditions of our emergence; they become part of who we are, intrinsic to our forms of becoming, which follow no one trajectory.

In what follows, there are three points worth considering more closely in order to respond to the question “Does gender deny the materiality of sex?” First, social and material construction (or formation) have to be thought of as interactive, and as supported by several scientific frameworks. Second, the distinction between nature and culture that presumes that sex is natural and gender is cultural or social does not work within such frameworks because the relation between the two refuses that very division (a historically established one that needs to be rethought in light of both social theory and science). Third, sex assignment is one place where we can see quite clearly the social powers that operate on bodies to establish sex in reference to dimorphic ideals and an array of associated social expectations. If we think that sex assignment simply names what already exists, we refuse to consider the ways established and obligatory categories describe and form bodies at the same time, and how these descriptive and formative powers can exclude and efface the sexed bodies that emerge in time. To argue that a number of formative powers act upon the matter of sex,

including our own self-formative powers, is not to deny sex, but to offer an alternative way of understanding its reality apart from a natural-law thesis of complementarity or any form of biological determinism.²

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Let us start with sex assignment and work back to the nature/culture distinction, and then consider the interactive frame in which both social and material construction operate. Some trans-exclusionary feminists have returned to positivism in their opposition to gender, specifying that the denial of the materiality of the body is the same as the denial of the facts of sex. Positivists argue that the facts are the facts and that only a fool would deny them. Our task, according to their view, is to measure the value of what we have to say against the facts, and to let the facts determine what is right and wrong in our various opinions and theories. Some suggest that gender theorists are suffering from delusions by not relying on the clear observation of the facts at hand. Eyebrows are regularly raised. But what if we are observing through a lens or framework that has cultivated the habits and rules governing observation? Or, what if we need to know how the field of observation is circumscribed to know what we are observing, or from what perspective our sight is being directed, if we are sighted? How was that observational field made? What does it not let us see, and how does the nonobservable determine, to some extent, the field of the observable? If we agree that ways of seeing affect what we see (John Berger's important point not only about painting but also about everyday life), and that there are different ways of observing the body as well as different frameworks within which observation occurs, is the result pure chaos and denialism, or is it the condition of possibility for a more capacious way of knowing? What if those various ways of seeing and sensing are, in fact, laden with presuppositions about the meaning of what there is to be known, such as the idea that dimorphism operates as a sufficient criterion for distinguishing between the sexes, and that the binary relation is always clear, with no other formations existing outside of that frame? How often in seeing the primary sexual characteristics of an infant do we also see, at the very same time, the normative social trajectory of that child, the gendered and reproductive life

of the infant's future, its eventual materialization as a girl or a boy, a woman or a man? Those thoughts don't just dawn on us at the time. They are part of the very framework through which many people see, sense, and confirm the sex of the infant.

One question is whether sex assignment ever takes place *without* an imaginative framework or one that actively helps to craft what there is to be seen. Is the naming of an infant's sex already a defining moment of the adult imagining of that life? The imaginative anticipation of normative gender is already there in the framework through which sex assignment takes place. Positivism, however, has never been able to account for that imaginative and interpretive framework through which facts are determined and valued. At the same time, positivism operates within its own imaginary. It imagines that facts appear as they are, as long as we deploy the best method for discovering them. But what if that method of discovery is also, to some extent, determining what is already deemed valuable to see and name, what value what is observed has for us, or should have? No one is denying the facts when asking such questions. No one denies facts when one asks, "Which facts are salient?" Or even, "What has made them salient?" None of this means that "sex" is an artificial effect of some framework or that a framework *causes* "sex" to come into being, or that sex is nothing but an interpretation or somehow composed of linguistic stuff. Rather, it means only that the frameworks that arrange sexed phenomena for us are part of what is observed and named, and that it is not always easy, or possible, to disentangle the two.

It is not only possible to take account of the material dimensions of the body without positivism—it is necessary. Materialism is not positivism, and Marx, for instance, was clear that any form of materialism had to conduct a critique of positivism. For Marx, the social relations that help to organize material reality configure not only the knowable world in a certain way but also our ways of knowing. Positivism considers the body as a fact, lifeless and decontextualized. But once we consider the lived body, that is, the laboring body, or the sexual body, the body that appears for others, the body on the surgical table or the body appearing before the court, then the matter of the body is caught up in social relations and institutions, and cannot be

known without reference to them. The gendered body takes form within institutions like the family, or the workplace, and to extricate it from its defining social forms is to lose its historical definition in favor of a “fact,” one that is abstracted from lived relations and historical realities.



Indeed, historically speaking, sex assignment and sex as a category both belong to systems of classification. Paisley Currah, for example, makes a useful point about sex classification and reclassification in relation to the law. In his extraordinary book *Sex Is as Sex Does: Governing Transgender Identity*, he shows how legal classifications depend on, and produce, some strange contradictions.⁸ He writes, “Perhaps because sex is thought to be prior to or outside of politics, unearthing its production as a legal classification seems qualitatively different than thinking through the politics of many other sorts of classifications.”⁹ Different sorts of classifications are used by different government agencies to “decide” the sex of a person. Two people assigned male at birth may come to have the same gender identity, but depending on which agency they confront, or which region, they may well end up with different legal sex classifications. A particular agency’s rule for deciding M or F (if those two are the only options) is linked with what Currah calls its “governance project.” Although it appears to be a matter of someone checking a box on the basis of noninterpretive facts, the box serves certain government policies, and depending on which policy a particular agency serves, the boxes checked may be different. The box and the policy should be considered together, and which box is checked—and which boxes exist—depends on the policy it serves.

Although we may imagine that the state orders sex in a coherent way, or that it seeks to exercise sovereign control over what sex can be, the situation turns out to be more complicated. A power we expect to be sovereign and calculating is distributed and relatively incoherent, so that no single operation of power reigns. Its regulatory function regularly fails because one regulation conflicts with another. Currah points out that a variety of terms are used to tether a person to the state through the box that is checked. The M or the F is said to be “indicating,” “describing,”

“listing,” and “stating,” which surely makes it appear that the box selected is simply and only registering a fact. But there is “an authorizing power” that stands behind this connection. Currah cites Gayle Salamon: “Sex is something that the documents themselves enact, and sex becomes performative in the sense that the ‘m’ or the ‘f’ on the document does not merely report on the sex of its bearer but becomes the truth of and bestows the bearer’s sex.”¹⁰

The use of “performative” in this quotation raises some questions. For now, let’s make a distinction that hopefully proves useful. Sometimes in popular language in recent years, to say something is “performative” means that it is mere show, a surface phenomenon, something fully artificial and not quite real. But when the law names you in a certain way, cornering you into a box, then the force of language actually does create a new situation: a legal status is conferred. In these contexts, a performative use of language brings about the reality that it names.¹¹ When a judge declares you married or dead, that is not just artificial fluff. Something very real has happened. And yet performative power does not operate exclusively through the law. A performative reality is one that is expressed in, and actualized by, the enactment itself, whether it takes place in language or gesture or movement. Sometimes what is enacted is a form of effacement and other times it is a life-affirming discourse or practice. For instance, the introduction of X as a box that one can check in a wide range of countries along with M and F now produces social legibility of genderqueer and non-binary people, or trans people who understand themselves to be outside the binary. Indeed, when one is called male when one is a woman, or called female when one is a man, the calling is an effacement of what one is. That effacement is an actual effect, a modification of reality, and its own specific form of violence. None of these instances of performativity should be called “merely theatrical” or “fake”—they are lived enactments that do change the way in which we live and breathe, determining conditions of livability and unlivability. To say that performative enactments do nothing is to deprive those who require them of breath and life in the world.

Consider that sex assignment, the complex act by which medical and legal authorities determine the sex we are, foregrounds certain aspects of

the body to comply with prevailing criteria that differentiates one sex from another within a binary framework. Can we distinguish between the powers that generally assign sex at the outset of life and the sex itself? Can we discover what that sex is without using criteria of some kind? And if we do need those criteria, it follows that they guide, even limit, what we come to identify as sex. Can we decide what being or having a sex means outside of a framework that establishes and reestablishes sex, that is, a framework that has to be imposed with regularity through time, one where the power to self-assign is exercised by those who have already *been* assigned? Some trans people turn against all assignment, claiming that it invariably works in the service of hierarchy.¹²

When health and legal authorities certify a sex at birth, we assume that they generally do so on the basis of observation. Nothing about what they observe, however, will tell us how the person whose sex they have assigned will come to understand and name themselves, or whether that sex assignment will prove workable through time. A certain gap persists between that assignment and the way the person assigned comes to locate themselves within the categories of sex. Even for those who like and keep their first sex assignment, they still have to establish a relation to that assignment, which means that they pass through an imaginary relation to their sex. If they seek to be at one with the assignment, or feel themselves always to have been one with the assignment, they take up a relation to that identity, repeating it in some way, and finding a way, sometimes quite happily, to live inside its terms. For some, that means living up to the social mandate that sex assignment seems to imply and living within the imaginary that surrounds that sex, and for others, the only way to live is to struggle with or against that mandate, to expand the meaning of what it means to live a body in this world. As long as we agree that the category of sex arrives in our lives with an imaginary, a mandate, a complex frame, an implicit set of criteria, then there is from the start a phantasmatic condition that informs the fact of sex, actualized in its delimitation, and this means that gender is already doing its work.

In much contemporary popular culture, we understand “gender” as shorthand for “gender identity,” but “gender identity” is neither the only

usage for the term nor even the primary one. “Gender identity” is a deeply felt sense of how one fits in the gendered scheme of things, the lived reality of one’s own body in the world. “Gender *expression*” refers to all the manifest characteristics that are socially defined as masculine, feminine, or another gendered category. One problem with defining such terms is that a given gender expression that reads one place in the world reads another way in a different part, or is so entangled with class or race that it does not read the same way in the same place, depending on the perspective from which it is read. “Gender,” on the other hand, is a much larger term, and it does not always refer to a particular person, their deeply held sense of self, or the way that they manifest certain readable characteristics. According to Joan W. Scott, for instance, to say that the way we see the world is gendered means that we make presumptions about how the world is ordered according to gender.¹³ It does not necessarily mean that we see the world only according to the gender that we are (which would establish gender as a perspective, an identity, or a standpoint, which is precisely not her view). For Scott, revisiting her groundbreaking article in 2010, “gender” is not what one is, but is a way of interrogating the various meanings that pervade the relationship between the sexes. Her view of gender requires a notion of sexual difference, and that notion, rather than any kind of biological essentialism, has to be interrogated as well for its historical and phantasmatic meanings. She writes:

Too often, “gender” connotes a programmatic or methodological approach in which the meanings of “men” and “women” are taken as fixed; the point is to describe differing roles, not to interrogate them. I think gender continues to be useful only if it goes beyond that approach, if it is taken as an invitation to think critically about *how the meanings of sexed bodies are produced in relation to one another, how these meanings are deployed and changed* [my emphasis]. The focus ought to be not on the roles assigned to women and men, but on the construction of sexual difference itself.¹⁴

Sometimes gender identity and this broader sense of gender work together. For instance, gender, as a form of power, elaborates those classificatory schemes from which we draw when seeking to understand

gender identity. Working together with race, class, disability, and personal and national histories, gender saturates how we see, feel, and sense ourselves in the world. It is decidedly not a timeless reality. This structure that saturates the world goes largely unexamined unless we explore its pervasive operation in presenting the way things are. Gender affects the way we understand the profession of medicine; the vocation of science; economics, especially the delimitation of the public and private domains, the organization of labor, the distribution of poverty, and structural inequalities; and the modalities of violence and war. But it can also name one of the most intimate and abiding senses of who we are in relation to others, to history, and to language. If it did not raise this intimate question of who we are and how we relate to others, of permeability and survival, we would not be having any of these arguments, and they would not be as urgent as they clearly are.

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What Gender Are You?

Rather than regard gender as the cultural or social version of biological sex, we should ask whether gender is operating as the framework that tends to establish the sexes within specific classificatory schemes. If so, gender is then already operative as the scheme of power within which sex assignment takes place. When a designated official assigns a sex on the basis of observation, they rely on a mode of observation generally structured by the anticipation of the binary option: male or female. They do not answer the question “What gender?” Rather, they answer the question “*Which* gender?” The marking of sex is the first operation of gender, even though that obligatory binary option of “male” or “female” has prepared the scene. In this sense, gender might be said to *precede* sex assignment, functioning as a structural anticipation of the binary that organizes observable facts and regulates the act of assignment itself.

The theories in the 1980s and '90s in Anglophone gender theory, mainly forms of white feminism, do call to be revised for many reasons, but not in the direction that “gender-critical” feminists demand. For instance, there are several revisions of the sex/gender distinction that now seem important. First, gender is not to culture as sex is to nature: co-construction is a better way to understand the dynamic relation between the social and the biological on matters of sex. Second, although gender may be one of the apparatuses by which sex is established, it is important to understand racial and colonial legacies of the sex/gender distinction to chronicle the conditions under which idealized dimorphism emerged.

Anne Fausto-Sterling, professor of molecular biology, cell biology, and biochemistry at Brown University, argued in 2021 that “a dynamic systems

framework” is necessary to account for “gender/sex” subjectivity.¹ A dynamic systems framework, in her view, moves beyond the nature/nurture debate, which assumes a contrast between internal and external factors. Those who stay within that model imagine that the inside is not formed in part by the outside, that is, by interaction, even though biological concepts such as “self-organization, complexity, embodiment, continuity in time and dynamic stability” all encompass “multiple levels of biological and social organization.” The “dynamic systems” perspective, elaborated by a host of scholars in addition to Fausto-Sterling, considers embodiment not as a discrete and bounded phenomenon, but as the effect of a complex set of interactions of an organism with an environment over time, some of which are more accelerated than others.² When someone presents with a “gender/sex identity” that is the result of a complex and dynamic process, biological and social forces have already interacted. Our treasured identities, if we have them, are the stabilized result of those intricate processes. Karen Barad, feminist and physicist, argues that even the dynamic character of the “matter” of sex is regularly overlooked both by forms of positivism (sex is a fact) and linguistic constructivism (sex is a linguistic effect).³

If we seek to separate the biological causes from the social causes of what Fausto-Sterling calls “gender/sex,” admitting as an afterthought the interaction between them, we lose track of the very framework that establishes interaction as the condition of development and life itself. Fausto-Sterling cites Sari M. van Anders and Emily J. Dunn, who published influentially on hormones in 2009.⁴ They were convinced of this interactive process, concluding that “differences cannot knowingly be attributed to biology or gender socialization” except in rare cases. Similarly, if we claim that a person is born with a specific hormonal constitution, or we identify what happened in infancy or in puberty, and conclude that what happens later in life—in sports, for example—is determined by those prior levels, we fail to account for all the interactions that activated and made sense of those hormones in specific social relationships. One reason we cannot be satisfied with explanations that reduce adult athletic capacities and self-understanding to prior developmental stages is that we have no idea what

the interactive life of that hormonal situation was in the interim. And without that knowledge, we cannot say much about the interaction of biological and social forces on any given person, including athletes.

In debates about who can compete in women's sports, the matter of sex becomes quite complicated. In those deliberations, "sex" is disarticulated into hormonal, anatomical, biological, and chromosomal features that do not always line up according to common expectations. In a study funded by the International Olympic Committee (IOC) in 2014 and the World Anti-Doping Agency, testosterone levels were tested in nearly seven hundred athletes who played professionally in fifteen different kinds of sports. *The New York Times* reports that the study found "that 16.5 percent of men had low testosterone levels and 13.7 percent of women had high testosterone levels, with considerable overlap between the two groups."⁵ If "sex" proves to be a spectrum or a mosaic,⁶ as some scientists have argued, the so-called facts of sex prove to be more complicated than the simple binary would imply.⁷ If we accept that testosterone levels are meaningful in sports only when they interact with training, and accept that training often depends on access to sports clubs and gyms, then it is the interaction of testosterone with a wide range of social practices and institutions, many of which are class-based, that makes for strong muscle, good bone density, and endurance. When the IOC in 2021 revised its 2015 guidelines that required women, including those who are trans and intersex, to lower their testosterone levels to below 10 nanomoles per liter for twelve months, it cited studies that showed that testosterone levels among women and men can overlap, and that many women already have greater testosterone levels than many men. In 2015, the 10 nanomoles per liter level was thought to be the lowest for men, but even among men assigned male at birth who are playing elite sports, that was simply not the case—the level could be as low as 7 nanomoles per liter. Dr. Richard Budgett, the IOC medical and science director, acknowledged that "the science has moved on" and that it would simply not be possible to agree on another number since sports performance does not correlate in predictable ways with endogenous testosterone levels. As different sports in different localities formulate their guidelines,

testosterone levels and male puberty can be two factors among many, but neither can be the sole or determining one.⁸

Those who claim that trans women have an advantage on the playing field because of their hormonal constitution do not take into account the complexity of hormonal interaction with the environment or the range of endogenous testosterone levels. Undergoing male puberty does not suffice to make anyone into a great athlete. Male puberty and free access to tennis courts change the picture. Male puberty and a private trainer change it yet again. What intervenes in the biological life of a person undergoing male puberty to make that an advantage, and what do we make of the fact that similar kinds of backgrounds and testosterone levels don't always make for similar results? Apart from the outmoded science that has supported the exclusion, monitoring, and regulation of intersex and trans athletes competing in women's sports, the IOC points to the harm that surveillance, reporting, and lowering endogenous testosterone levels have on the bodies of athletes. What drives the exclusion of trans athletes from sport seems driven by other sorts of passions, ones unsupported by the science at hand. Eligibility to play in women's sports or in men's, for that matter, should depend not on establishing gender, but on criteria that are both inclusive and fair. In defense of the IOC's new policy, Budgett pointed out that many factors go into making an athlete, including "a lot of aspects of physiology and anatomy and the mental side," so it is difficult to point to male puberty as the definitive reason why someone excels. Indeed, we can imagine that every time a trans person excels in sport, the hormones are credited, but every time a trans person does not win a race, hormones fall out of the picture. Once the developmental and hormonal arguments fall away, we are left with a clearer picture of discrimination against trans people that seeks to exclude their participation in sports. For if there is always an advantage (which there is not) that trans women enjoy, then no trans women should ever participate. And yet the disadvantage they suffer by not playing at all hardly comes into focus.

Although the participation of intersex and trans women in sports has sometimes been framed as a problem of inclusion versus fairness, it is imperative to recognize the harm that the process of "qualifying" to play in

women's sports has done to those who were told, in accord with the 2003 policy, that they had to have surgery and undergo hormone replacement therapy for at least twelve months. Those athletes, like the runner Caster Semenya, are understood to have hyperandrogenism, and many were for years asked to take medication that would lower testosterone levels at the risk of their own health and well-being, leading to weight gain and illness that produce fevers as well as abdominal pain.⁹ Semenya was compelled to undergo extensive testing after she won the African Junior Championships in 2009.¹⁰ She was not told what these tests were about, and assumed that they were regular doping tests that most professional athletes undergo on a regular basis. After she won the world championship in Berlin later that year, Semenya was once again subject to extensive testing and inspection at a local hospital. The news media gave itself over to a predictable frenzy, circulating leaks and rumors, and Semenya, upon reflection, claimed that this was “the most profound and humiliating experience of my life.”¹¹

Although the IOC did well to withdraw the requirements to lower testosterone levels and to make sure that women with high levels of testosterone were not excluded from the sports, their standards function only as recommendations for specific sports organizations and regional authorities. The IOC also wisely decided to withdraw the mandatory requirements that affected both the mental and physical health of the athletes singled out for scrutiny. Regulations that insist on producing a norm out of a complex form of embodiment impose a binary ideal on a spectrum. As Canela Lopez argues, the spate of new bills in the United States that seek to control or exclude trans women from sports wrongly assume that testosterone alone accounts for differences in athletic performance: “There are no studies that indicate that trans women's levels of testosterone—which vary widely—afford them an advantage over their cis competitors. What's more, many cis women have testosterone levels higher than what many consider to be the ‘female’ average, meaning that wide hormonal variations are already an intrinsic element of women's sports.”

The debate about trans women's participation in sports opens up the very definition of what it is to be a woman, and one would be refusing

reality to shut it down. One thing we know is that the hormonal spectrum is large, and that we cannot decide who is and is not a woman on the basis of testosterone levels alone. Some have sought to distinguish normal and excessive ranges, but that is a pathologizing way to refuse a fundamental complexity. If we are in favor of women's sports, and women are complex, we should be affirming that complexity. In response to the fear that trans women will always win over women assigned female at birth, the statistics don't exactly support the claim. As Lopez puts it, "Far from dominating sports, trans athletes remain woefully underrepresented in elite competitions. Of the ten thousand athletes in Tokyo for this year's Olympics, only three are trans—even though trans people make up approximately 1 percent of the world's population. When the New Zealand powerlifter Laurel Hubbard qualified for the games [in 2021], she became the first openly trans woman to earn the right to compete in the Olympics."¹² In the context in which it is argued that being trans produces an unfair advantage for players, let us consider the reverse risk that trans players are willing to take. In 2022, the Olympic champion Ellia Green let people know he was trans, having competed effectively in women's rugby for years. His story suggests that the sex assigned at birth does not tell anyone who they will be in this life or with what advantage or disadvantage they will play.¹³

Sexual dimorphism is neither a simple fact nor an innocent hypothesis. It functions as a norm, if not a demand, that orders the way we see, nearly determines what we will find, and sometimes compels people to deny a host of hormonal and neurological overlaps and complexities rather than accept any challenge to that hallowed framework. What makes that framework hallowed if not a phantasmatic investment of some kind? Obviously, any number of generalizations can be made about how various diseases and medical conditions, for instance, affect women and girls assigned female at birth, but when we subsume those sorts of studies under the rubric of "dimorphism" we assume that they confirm another thesis, namely, that there are only two forms for bodies, masculine and feminine, and that the binary is not to be called into question by any of the evidence that we find.¹⁴ In such cases, the hypothesis is not revised by the evidence that is found; it

forecloses that evidence, revealing itself as an obligatory epistemic norm, a compulsory phantasm, rather than good science. In fact, it is not a science-based argument, but a form of institutionalized cruelty based on a skewing of evidence.

The relationship between science, medical research and experimentation, and cruelty is a long one. The efforts to exclude an entire class of people from participation in sports is but one example of rights-stripping, one that assumes either that no one will care if that group cannot play, or that that group is a pernicious one, exploiting their putative advantage to undermine feminist goals of gender equality. Either way, rights-stripping with impunity is at work in such decisions, and using science to support cruelty is but one chapter in a longer history in which science itself becomes the instrument of oppression.

The corrective surgeries performed during the operation of John Money's Gender Identity Clinic at Johns Hopkins (1966–1979) were exercises in cruelty, now criticized by trans advocates and anti-trans critics alike. Money proposed that gender identity did not always correlate with sex assignment and so further contested forms of biological determinism. Yet he still imposed regulatory norms of gender through surgical procedures to accomplish social “adaptation,” that is, forcible compliance, and those procedures fell woefully short of contemporary standards for health care. Some critics claim that Money is responsible for “gender ideology,” while LGBTQIA+ advocates object to his brutalization of intersex infants through surgical means.

It is true that Money brought “gender” into contemporary parlance, but that hardly means that gender theory and gender studies follow from Money's framework. Indeed, it may well be the *critique* of Money that allowed gender to become part of a struggle for freedom and justice. Through the mid-1950s, as Jennifer Germon has shown, gender signified only a relation between words, a question of grammatical rules, but this changed with the publication of Money's Harvard dissertation on what he called “hermaphrodites” in the late 1940s.¹⁵ In the subsequent years, Money used the term “gender” to describe what a person is, giving it an ontological status.¹⁶ His dissertation, “Hermaphroditism: An Inquiry into the Nature of a

Human Paradox,” as cited by the cultural anthropologist Katrina Karkazis, observed past surgical interventions as faulty because of their focus on gonadal tissue.¹⁷ Money challenged this criterion, recommending instead a focus on the psychological dispositions of a person and physical developments at puberty, both of which could change. In order to prove his point, writes Karkazis, “Money did a comparative analysis of 248 published and unpublished case histories (from 1895 to 1951) and patient files, as well as an in-depth assessment of ten living individuals classed as hermaphrodites.”¹⁸ Although Money found the mix of psychological and developmental factors to be primary, his formulated protocol in no way affirmed humane values. His version of social constructionism was faulted for arguing that gender could change, not only by those committed to the immutability thesis but also because it served as the basis of his profoundly unethical social engineering projects, including corrective surgery for intersex infants. In subsequent years, social construction as a theory turned against social engineering, rejecting both Money’s psychological thesis and the cruelty of his procedures. The social constructionist thesis, once taken out of the hands of Money, came to serve a counter-conclusion, namely, a radical rejection of compulsory gender dimorphism in the service of greater claims of autonomy and richer languages of self-affirmation for intersex people, for those who seek to change their sex assignment, and for those who seek to challenge gender norms surgically or otherwise.

Money endeavored to identify and correct people with intersex conditions because he thought that living with mixed sexual characteristics posed a serious problem of social adaptation and appearance. In the spirit of the 1950s, he posited happiness and fulfillment as requiring conformity to gender norms, although he recognized that many people did not, and could not, do that. In his view, surgical correction was called forth to bring nonnormative bodies in alignment with gender norms. In some cases, the social appearance of the person post-surgery was considered by him to be more important than the fact that person’s capacity to feel sexual pleasure was surgically destroyed. That which Money called to be “managed” was seen as a disturbance in the expected developmental history of the child. The beginning of that developmental story was supposed to be different;

that trajectory could not begin with this disturbance at its origin, or so they thought. A perceived failure to conform to the expectation of what a sexed infant should be is what first brought the term “gender” into contemporary discourse. It was not an identity, but a gap, or the name for a noncoincidence. The discourse on gender began, then, in Money’s framework, as a way of naming a problem, and as an indication that developmental expectations were *not* being met, or that they were confounded. Thus, gender marks not normative identity, but the deviant or queer beginning that Money thought had to be corrected so that normative gender binary could stay in place.¹⁹

For Money, medical knowledge was expected to serve the task of social normalization. He and his fellow researchers presumed something was wrong with the body that had to be fixed or corrected; they did not question whether something might be wrong with the normative phantasms suffusing sex assignment practices. The latter were considered obligatory, if not compulsory, norms. And though medical professionals and families made constant and anxious reference to the “future of the child” when surgeries were imposed upon intersex infants, there was no reflection on the adult anxieties fueling and enforcing these obligatory gender norms.²⁰ There was no understanding that the person they were naming might at some point decide how they might like to be named, and how they might like to understand themselves, and even whether or not they wanted surgery.

For Money, sex assignment was not a simple act of describing what one sees: the assigned category functioned as a predictor of normalcy, if not a guarantor of adaptation. Sex was not a natural fact, but a normative ideal. Instead of criticizing the cruelty of those norms, however, Money undertook to “fix” and “correct” nonnormative bodies through cruel and hideous means that left lasting scars. Not only were such procedures unethical, but in some cases they constituted criminal acts committed by sexologists and other health professionals until new ethical standards were adopted with the help of intersex activists.²¹

The anticipation of a “happy” normalcy—not self-determination—was built into this understanding of sex assignment, and Money sought to fulfill that expectation through surgical means, or to change the primary sexual

characteristics to bring about that fulfillment. His practice demonstrates how anticipatory structures and psychosocial fears are built into the practice of sex assignment. For instance, contemporary prenatal technology not only seeks to determine sex but also initiates an exclamatory set of expectations prior to birth. The anticipation of what one will see on the ultrasound screen structures observation within a perceptual field framed by technology prior to birth.²² Do those acts of observation lay the ground for the subsequent linguistic assignment of sex, as is generally believed, or are both perception and language oriented in advance, orchestrating how we can see and what kinds of names or categories are available? If the latter, it makes sense to ask about the *social crafting* of observation as well as the *social norms* governing linguistic assignment. The act of assignment draws on the history of these kinds of practices. They are all at play at the moment of first assignment, even when the first of such moments takes place through prenatal medical technology. Consider as well the “gender reveal” party, which is full of anticipation and excitement not because a simple fact is disclosed, but because the realization of an imagined gendered life according to preconceived norms can begin.

Significantly, Money’s rationale lets us see the phantasmatic scene at work in sex assignment, the way that gender norms seek to still anxiety about the possibility that not everyone belongs to one at first. The use of the term “gender” was meant to name a problem and to formulate a question, and sought to resolve both with crafting social identities according to preestablished gender norms. With intersex infants, there was, in his view, a mistake or a deviation, the failure of a perceived body to conform to existing categories that alone would actualize the developmental norms for becoming a woman or a man. Gender thus named a problem of incommensurability and, in his view, it named the failure to realize parental, social, and medical expectations of what sex should be. Specifically, this morphological or chromosomal complexity counts as “failure” only when measured by fixed norms. The anxiety lets us know that Money clearly knew that there was nothing that guaranteed that a body would fit a sex assignment, or that a sex assignment would lead to fulfilling the mandate of gender norms. For that anxiety always and only exists in relation to the

expectation of normalcy, that is, an anxiety about whether the life of the child would successfully unfold as the life of a discrete and recognizable man or woman. Instead of quelling the anxiety of the parent and defending the child, instead of challenging those norms, as contemporary theorists of gender tend to do, Money became an enforcer, a major actor in the scene of surgical cruelty and social policing.

Today some of us might talk about “queer failure,” following Jack Halberstam, in relation to those trajectories of life that do not fulfill social expectations. Or some of us might underscore the radical “potentials,” in José Muñoz’s terms, unleashed precisely by dashing or refusing the expectations of gendered life imposed upon us by parental, legal, psychiatric, and medical powers. We can now ask whether these categories are necessary or exhaustive and then set about to coin or make our own. But decades ago, and still now in the anti-gender movement, no one was asking how gender categories could be changed to accommodate and support the life of an intersex infant. No, the infant had to be “fixed.” That was, and remains, an ethical failure. The body had to change to support the binary expectation, but the existence of nonconforming bodies in no way called the binary expectation into question. Gender assignment thus operated in the service of gender regulation and the idea of normalcy bound up with heteronormative ideas of the family and reproduction. And while surgical practices like Money’s are thankfully no longer accepted in many places, these same ideas, fears, and expectations fuel contemporary reactions against gender theory, transfeminism, and intersex activism.

As horrific as Money’s practices surely were, he offered a useful insight even as he then put it in the service of a vicious social conformism. Gender named a problem arising from a discrepancy between bodies and sex assignment, which means that sex assignment does not only or always describe the preexisting reality of sex. Gender in this context emerged not primarily as an identity but as a problem that sought to address that gap, a project to overcome that gap, and the termination of the process when gender is achieved or accomplished. Gender began, then, as a word to describe this very difficulty in assigning sex, establishing sex assignment as a social practice. In that sense, gender named the various medical-legal

practices involved in investigating and executing an assignment. In a way, the sexologists of the time were onto something that Joan W. Scott clarified later. Gender is not a noun, but a framework for

think[ing] critically about *how the meanings of sexed bodies are produced in relation to one another, how these meanings are deployed and changed* [my emphasis]. The focus ought to be not on the roles assigned to women and men, but on the construction of sexual difference itself.²³

Money is no model at all, for he sought to close down this open inquiry by imposing a new grammatical function that would let gender drift into a noun form, securing gender as the ontological effect of surgical or psychiatric treatment. For Money, gender assignment led to normalization protocols that included unwanted surgeries for the infant and the failure to consult parents on what operations were to be given to their kids in the name of normalization. As we also know, some of those surgeries on intersex kids left them without the capacity for sexual pleasure or orgasm. Again, it bears repeating: for Money and many others, the appearance of gender normalcy in the supposed service of social conformity was more important than the present and future sexual life of intersex kids. He imagined that to be fulfilled in life meant fulfilling social expectations without considering the happiness that comes with producing new ways of doing gender, historical change in the ways gender is lived and named, or an embodied life that remains uncapturable by every naming practice.²⁴

Some people have argued that if gender has such a nefarious beginning in sexology (despite its earlier grammatical history), we should refuse gender altogether. This argument has been made by some trans-exclusionary feminists who maintain that trans identity and gender are but an effect of these practices and should thus be opposed.²⁵ It is also an argument represented by Gabriele Kuby, an enthusiast of the anti-gender ideology movement on the Right in Germany, as Eva von Redecker has persuasively shown.²⁶ Kuby identifies “gender” as the coming totalitarianism, as if it were a social project of control rather than freedom. Her right-wing caricatures are not so different from the trans-exclusionary accusation that gender theory remains ensconced in Money’s cruelty. The

trans-exclusionary case against gender, however, assumes that if Money supported social engineering in “making” gender then all theories that consider gender to be socially constructed are guilty by association. But that account does not recognize how gender studies has rejected Money, social engineering, and the compulsory norms he imposed. Indeed, those who claim that there are only two life trajectories associated with gender, those who insist on dimorphism at all costs, are, in fact, closer to Money than any contemporary gender theorist.

I understand the reasons for condemning Money, and I unequivocally condemn his corrective surgeries and his brutal norms. Other scholars have argued that his work, taken as a whole, should be treated as neither fully nefarious nor liberatory.²⁷ That kind of waffling, in my view, constitutes a moral failure to condemn the cruelty of his procedures. What is less often recognized, however, is that he opened up a theoretical framework whose promise he failed to pursue. Simply put, gender names the potential incommensurability of bodies with their categories. We should continue to condemn Money’s tactics of forcible alignment imposed on intersex kids but still take this one crucial insight from his work to reimagine sex assignment and reassignment. In effect, our obligation is to take this insight in a direction that he himself failed to go.

At every stage in this process of becoming gendered, a persistent incommensurability exists between the lived body and the category under which it is to be understood. Money sought to overcome that incommensurability, imagining it as an exception rather than a rule. But what if incommensurability, as specific as it is in the case of intersex people, is also a more general structure of gender, thus establishing a continuity between the normative and nonnormative forms of gender? The gap between the perceived or lived body and prevailing social norms can never fully be closed, which is why even those who happily embrace their sex assigned at birth still have to do performative work to embody that assignment in social life. Genders are not just assigned. They have to be realized or undertaken, or done, and no single act of doing secures the deal. Have I finally achieved the gender I have been seeking to become, or is becoming the name of the game, the temporality of gender itself?

What we can take from Money and turn toward more emancipatory purposes is the notion that gender introduces an incommensurability of bodies with assigned categories. Money saw himself as “correcting” exceptional cases, but here the exception proves to be no different from the norm in at least one key respect: sex assignment seeks to cover over the potential that the bodies may well not be aligned with how they are classified.

The sex/gender distinction proposed by Money was very different from the one formulated a decade or so later by feminist anthropologists, historians, and sociologists. Whereas for Money, a person’s life was imagined as governed by a goal-driven process that would ideally express or realize gender ideals, equating the adaptation to social norms with individual “happiness.”²⁸ Whereas for feminists in anthropology and history who developed the idea of gender as part of feminism, it was precisely the *contestation* of the norms that constrained women’s lives that had to be exposed and changed for women to flourish and for their work to be properly recognized and compensated. The gap between sex and gender was supposed to secure the promise of transformation, although, as we will see, it introduced new problems. Still, challenging the expectations of gendered life became possible once gender, and the demands for normalcy that drove its “development,” was no longer constrained by natural laws or biological imperatives. There became no one goal for women to achieve in life, and failing to adapt to expectations gave way to their greater equality and freedom. Gender gave rise to new forms of feminist critique and new horizons of social transformation, including the transformation of kinship in queer directions and the transformation of the gender binary itself. Gender was for decades, and continues to be, an integral part of feminism, including some of the radical feminist positions now rejected by some of its contemporary representatives. It misrepresents both the history and promise of feminism to pit feminism against gender.

8

Nature/Culture: Toward Co-Construction

As far back as 1974, Sherry Ortner posed a key question in the title of her well-known essay, “Is Female to Male as Nature Is to Culture?” In her view at the time, women are seen in nearly every culture to be closer to nature, and men seem more regularly to be associated with culture, broadly speaking. These spheres of life, nature and culture, were thus gendered differently. At the same time, Ortner accepted a soft Marxist view that culture is defined by its capacity to transform what is given in nature. This view, that culture is defined by its transformative activity, while nature is there as a given object to be transformed by culture, no longer holds today. It constitutes a well-intentioned but counter-ecological view that denies dynamism, agency, and transformative processes to nature. Although Ortner sought to overcome the association of women with nature, she did not seek to overcome the idea that nature is a bunch of givens that yield to human labor to be transformed into something meaningful. Ortner argued that this association of women with nature produces a problematic rationale for claiming that women are, or should be, mothers because it is their natural function, or that they should be confined to the domestic sphere and reproductive labor. In the end, she claims that “the whole scheme is a construct of culture rather than a given of nature” and calls for women’s full participation in the kind of “transcendence” of nature implied by social activities within a culture. While Ortner refutes biological determinism, she leaves “nature” as a lifeless given, one that in the Anthropocene we have rightly come to suspect as a bad construct, for it privileges human domination and transcendence over nature—one with clearly devastating ecological consequences. At the time it doubtless seemed liberatory for

humans, especially women, to become unmoored from nature and to assert their essential activities over and against an inessential nature.

Ortner was making this argument in 1974 before light was shed on the problematic way that nature has been regarded by both cultural and political theory, and her text is but one of many that assumed we could treat sex as unproblematically natural, and gender as the cultural zone of human expression and accomplishment. Ortner's anthropological work took another direction later on, and she explicitly sought distance from some of the key moves in that early and influential essay.¹

In brief, the view in Ortner's early text is, yes, there are biologically specific differences that we can regard as natural givens, and (a) women are too often, almost always, associated with nature, and (b) their full entry into cultural and social life involved a freedom to overcome and transform nature as men have done. This last idea of transformation, radically preecological, is considered not "a construct of culture" but rather an important normative framework, one that conditions the critical reflection in the essay itself.²

A great deal of Anglophone feminist theory, including Gayle Rubin's early work and my own in the early nineties, insisted that being born female and becoming a woman are two different trajectories, and that the first is neither the cause nor the teleological aim of the second. At the same time, both Rubin and I understood that "sex" was established by various cultural and social means, and today we refer more generally to the sex "assigned at birth" rather than to what is natural. It is right that we have moved along, and perhaps inexcusably belated. The nature/culture distinction stops us from thinking well about the complexity at hand, for it abandons nature to the zone of the unthought and even to the unliving, a mute surface waiting for inscription, or a lifeless entity that comes alive only when humans endow it with meaning. Ecologically considered, the human being is a living creature among other living creatures, connected with living processes on which it depends and in which human intervention can be destructive, as we see now with climate change. Yet many scholars trained in Marxism, structuralism, and existential philosophy came to understand nature as precisely what had to be overcome for a distinctly human action

and meaning to emerge into the world. We were mistaken. Donna Haraway, an early and persuasive critic of the nature/culture distinction in the Anglophone context, takes the point even further, insisting that the body itself is a result of interaction:

Scientific bodies are not ideological constructions. Always radically historically specific, bodies have a different kind of specificity and effectivity, and so they invite a different kind of engagement and intervention ... Bodies as objects of knowledge are material-semiotic generative nodes. *Their boundaries materialize in social interaction* [my emphasis]; “objects” like bodies do not pre-exist as such.³

The limits of the nature/culture distinction are painfully clear, but I suggest that the debate set the stage for some of the problems we encounter now when sex and gender enter contemporary debates about whether only sex is real and gender is a kind of artifice. Early feminist anthropological efforts to discover whether patriarchy was universal (or nearly universal) left out any consideration of the historical formation and variability of kinship arrangements and their relations to economics and society, in the context of national, colonial, and imperial powers. They did not ask after the brutal shattering and recomposition of Black kinship by slavery, for example, or after the way that property impinged upon, displaced, and overtook kin relations, separating children from their mothers, scattering or effacing patronyms, and making a mockery of patrilineality way before feminists began their conceptual dismantling. It was a heady time, and there were many flawed frameworks that effaced the history and lives of women of color even as they sought to elaborate on the terms of gender.

Let us consider first the scientific alternative to the nature/culture model found in co-constructionist and interactionist theories, and then turn to the racial and colonial legacies of both nature/culture and the racialized ideals of gender dimorphism to understand the social and political implications of the nature/culture divide as well as some ways out from its impasses.

The early distinction between nature and culture within second-wave feminist theory served the purpose of distinguishing between an assigned

sex and a subsequent gender, insisting that the two do not always coincide. What difference would it make to start with a framework of interaction, to say that sex and gender constitute one another, and that the interaction between them is their most salient characteristic? One has reason to be suspicious. After all, Money called himself an “interactionist,” but clearly gave excessive power to neurophysiology and neuropsychology to determine the ultimate causes of what he called “transsexualism.” As several critics have argued, “a developmental model in which complexity and interaction can only be explained as ‘added to or subtracted from’ a ‘main cause’ or foundational substrata is not ‘truly interactionist.’”⁴

Thomas Pradeu, a philosopher of the biological sciences and immunology, examines developmental systems theory within evolutionary biology to distinguish between scientists who follow only the evolution of a single organism and those who follow “the co-evolution of organisms and their environments.”⁵ What does this perspective offer us in our consideration of how to rethink the nature/culture distinction and those who would establish sex through genetic determinism? Pradeu cites the research of the biologist Susan Oyama, who maintains that “genes do not play a central, or even a privileged role in development”; that “factors which play a role in development are not separate channels; they become causally relevant only by their interaction”; and, finally, that “the nature/nurture dichotomy should be gotten rid of.” Pradeu argues that genes are among several necessary conditions for the development of an organism, but the “causal power of DNA in development only arises through the interactions with other factors.” The position to which he subscribes is elaborated as “co-construction.”⁶



Despite the importance of such a framework for understanding disparate issues like immunology and cancer, it tends to be dismissed by those who want to hold to a strict binary between male and female grounded in DNA alone (setting aside chromosomal variations). Members of Sex Matters, a trans-exclusionary feminist organization in the United Kingdom dedicated to what they call data collection, assert that they do not consider paradigms

such as these, nor do they accept that scientific paradigms are historically shifting, nor are they interested in debates on sex determination, for instance, which continues to be an important matter for both historical and scientific research. Instead, on the “Science” section of their website, they paradoxically issue a warning against science in the name of science:

There is a dangerous and antiscientific trend toward the denial of biological sex, even in science. Highly-esteemed scientific periodicals are now running articles undermining the observable reality of biological sex. For example, an article in *Scientific American* in 2018 argued “Biologists now think there is a larger spectrum than just binary female and male.” In 2018 an editorial in *Nature* stated “The research and medical community now sees sex as more complex than male and female.” Arguments are made that because there are rare developmental conditions associated with anomalous chromosomal combinations or resulting in ambiguous sex characteristics—the categories male and female exist on a “spectrum,” or are simply “social constructs.” Such attempts to reframe sex as a social construct are harmful to scientific discourse and research, and to the ability to discuss the social implications of the reality of sex.

If the science Sex Matters cites is harmful to scientific research, then its members should be able to demonstrate why, distinguishing good from bad science. Instead, there is only a pouty assertion where a good argument should be, one formulated on the basis of evidence. Further, there seems to be a confusion about whether the harm done to scientific research is the same as the harm done to the ability to discuss “the social implications of the reality of sex.” I take it that the terms by which that reality is described and known are precisely the issues to be debated. But if sex must be defined according to a classification system that serves the specific social and political goals pursued by a trans-exclusionary group of feminists, then how are we to judge their claims? They are the ones who subordinate scientific research to their social agenda, understood as both exclusionary and discriminatory.

Oddly, the Sex Matters website cites established scientific journals in order to fault them for publishing peer-reviewed work that calls into

question previously conventional ways of determining biological sex. The authors of that website fight science in the name of science, but what is their science? They do not draw on feminists such as Anne Fausto-Sterling, Cynthia Kraus, Helen Longino, or any of the many others who have long argued against the social prejudices informing research on sex determination.² Their website does not offer counterevidence to refute scientific publications that, unfortunately for them, have made sex matters more complicated than they would like. Why is this feminist group not interested in all forms of gender discrimination, including the kind suffered by gender nonconforming, non-binary, trans, and intersex people? In effect, because they refuse alliances such as these, they wish to restrict themselves to only those forms of “science” that they fail to document on their website, those that affirm their position at the expense of objectivity.

The allegation that sex as a “social construct” fails to account for material reality overlooks what Catherine Clune-Taylor has termed “material construction,” which works in tandem with the former. And since some trans-exclusionary feminists wish to make the case for “material girls,” they would do well to understand the vicissitudes of materialism, the histories from which it emerges, and how it actually works. It makes no sense for feminists to revert to an idea of biological facts, or genetic factors, without seeing the ways in which such notions interact with various kinds of social worlds in order to be activated at all. It is, in fact, the science that tells us that it is time to overcome the nature/nurture argument at the same time that trans-exclusionary feminists ask science to insist on the distinction.

If trans-exclusionary feminists think that separating nature from nurture is the task needed in order to separate the materiality of sex from ostensibly bogus “constructs,” they imagine that the biological can be approached separately from the interactive relations that activate its potentials. The complex historical and interactive relationship among several domains is at work in the formation and life-processes of a human creature, which now include physiology, anatomy, social and intimate formative processes, psychological formation and endurance, and social and political forms of recognition and support.

The human infant is born into a state of dependency that makes its life processes social from the beginning. Primary dependency is at once a social, biological, and psychic reality. The fact that living human creatures, like most other ones, are social is a sign of that ongoing dependency and even interdependency. Depending on who and what is there to support the infant's life, the infant will breathe and eat and sleep and move. Without basic support, the organism cannot survive, so when we speak about the "organic" character of an infant or a child, we are already talking about the social organization of needs or, as is too often the case, the disorganization or the failing infrastructure of care that puts infants in peril, that is registered in the bones, the heart, the lungs. How that organization of basic care worked or failed to work inhabits them not only in infancy but also throughout their life as incorporated material, implicating the organic dimension of the time of life in both social and psychic structures.

But all of this simply sets the stage for an even more powerful account of how gender can enable an approach to the materiality of the body and even sex itself. We will need to understand what "material construction" means, and how legacies of slavery and colonial power—and their toxic phantasms—have come to inform what is called the materiality of sex.

9

Racial and Colonial Legacies of Gender Dimorphism

Both the Right and the trans-exclusionary feminists think they know what sex is, and insist that it is binary and found in nature. These views, which subsequently support the psychosocial fantasy that is the danger of “gender,” have been effectively contested, sometimes indirectly, through new feminist, queer, and trans inquiries that take into account both racial and colonial histories in showing how the sexes were made. The dimorphic idealism of gender has been tracked to colonial power as well as slavery and has a long and brutal history. So when we ask *when and how gender was forcibly imposed*, we have to ask about the historical and social conditions of its beginning. This is but one reason why considerations of gender cannot proceed by treating the idea as if it were separate from formative colonial legacies and their continuing structures, the history of slavery and anti-Black racism, and histories of immigration, diaspora, and imperialism.¹ The colonial history of idealized gender dimorphism shows how colonial powers imposed gender norms on Black and brown bodies that naturalized and idealized heteronormative white and (mainly) European norms.²

The gender binary is not merely an “effect” of these forms of power; the binary is crafted as obligatory and ideal through both material and social forces as they work together. The interactionist model allows us to understand how this colonial history works, and what we mean when we insist upon the materiality of the sexed body.

Although the Vatican has argued that gender is a colonial imposition and that it denies the specificity of the sexes, other groups, such as the trans-exclusionary feminists, right-wing anti-gender writers, and some biological determinists, have argued, as we have seen, that the fact of two sexes is common sense, obvious, and simply there for anyone to see. When the Vatican refers to the “colonizing ideology of gender,” the “ideology” to which they refer seems to be queer and feminist theory and activism as well as the LGBTQIA+ movements on education, social policy, and law. They consider that the attack on heterosexual conjugality is an imposition of colonial thought, a disruption of local values by a foreign intruder. In contrast, when decolonial feminists and queer theorists object to colonialism, they are also objecting to norms of heterosexual conjugality imposed by the West, including the Church—an objection the Vatican conveniently ignores. The Vatican’s opposition to the “colonial” effects of gender assumes that prior to, or outside of, these invasive ideas, heterosexual marriage and binary sex, including biological dimorphism, are firmly in place. The decolonial critiques of gender go in quite a different direction, as does Black feminist, queer, and trans writing on the matter of sex.

The structuralist approach to culture, which presumed the universal reach of (various) patriarchal rules, implied that the task of feminism was to understand why and how women were so regularly subordinated in various cultures. The idea of “culture” at work in such analyses, however, was supported by colonial ethnographies and mainly informed by the legacies of slavery or colonialism. Those “universal” structures were distinctively Western conceptualizations that tended to use colonial examples or, indeed, bodies of Black and colonized peoples, to fortify and exemplify their own frameworks. This form of theoretical extractivism had to be countered by uncovering specific histories and archives, more accountable narratives, and ways of knowing, produced by those who had for too long constituted the phantasmatic objects of fear, the zones of experiments, the fetishized examples that demonstrated the “validity” of Western epistemologies.

While trans-exclusionary feminists insist that sex is binary and only an ideologically disoriented person would argue otherwise, the feminist philosopher Catherine Clune-Taylor has argued that a wide range of social norms, what one could call “ideologies,” is already at work in the production of the idea of binary sex as natural or obvious. Citing a host of recent feminist science studies, including Joan Roughgarden’s work, Clune-Taylor writes that feminist interventions have deepened an

understanding of sex as socioculturally and materially constructed, exposing the plethora of social norms, practices, knowledges, technologies, bureaucracies, institutions, and capacities implicated in its production as binary and natural. Indeed, within biology, male and female sex is determined solely on the basis of gamete size—those members of a species who produce the smaller gametes (“sperm”) are identified as males, whereas those who produce the larger gametes (“eggs”) are the females.³

In fact, in her book *Evolution’s Rainbow*, Roughgarden writes, “To a biologist, ‘male’ means making small gametes, and ‘female’ means making large gametes. Period! By definition, the smaller of the two gametes is called a sperm, and the larger an egg.” Both are required for reproduction, but “beyond these two generalizations, the generalizing stops and diversity begins!” However, even the drawing of this distinction proves to be a convention wrongly applied to the human species, given that all the members of some species of algae, fungi, and protozoans produce the same size gametes. In these cases, the species is divided into genetic groups known as “mating types,”⁴ but sex falls out of the picture.

Clune-Taylor focuses on neuroscience as well, making clear how an interactionist model alone can account for the myriad processes at work in the making of sex.⁵ She writes:

The uniquely dynamic and socially dependent nature of neurological development renders the brain a privileged site for drawing the sociomaterial constitution of sex into view. It is often hard to imagine other seemingly more stable sexed characteristics might be so open to environmental inscription. However, feminists have been drawing

connections between bodily sexed differences and social norms and practices since the early 1980s, and this research will only proliferate as science elucidates new mechanisms via which environmental influences become embodied (e.g., direct and indirect epigenetic effects), and as sociocultural investment in sexual difference persists.⁶

In the early 1980s, the feminist philosopher Alison Jaggar argued that the naturalized difference in body size between men and women could be the result of the latter group receiving less food and resources due to a cultural devaluation of their gender/sex, showing how environmental factors enter into the identification of sex differences that some consider natural or commonsensical. A few years later, Anne Fausto-Sterling identified “the effects of socioculturally and temporally specific gendered norms and practices on bone development” and further argued that “sexed differences in muscularity so frequently identified with masculinity and femininity are not natural, and could be closed with shifts in sociocultural norms regarding activity and muscularity, as well as increased access to muscle building exercises.”⁷

Fausto-Sterling further amplifies her general claim—“that specific anatomies and physiologies are not fixed traits,” but rather “emerge over the lifecycle as a response to specific lived lives”—to race, undermining the term’s use as a typological category in medical research, and revealing its material co-constitution with sex/gender.⁸ Donna Haraway makes this point differently:

We have accepted at face value the traditional liberal ideology of social scientists in the twentieth century that maintains a deep and necessary split between nature and culture and between the forms of knowledge relating to these two putatively irreconcilable realms. We have allowed the theory of the body politic to be split in such a way that natural knowledge is reincorporated covertly into techniques of social control instead of being transformed into sciences of liberation.⁹

As Catherine Clune-Taylor, Sally Markowitz, and C. Riley Snorton have all argued, the very idea of a sex/gender system made famous by Gayle Rubin in the 1980s does not presuppose a simple binary opposition

between male and female, but, as Markowitz puts it, the social *produces* the biological in “a scale of racially coded degrees of sex/gender difference culminating in the manly European man and the feminine European woman.”¹⁰ What is here called a “scale” is, in Clune-Taylor’s view, “generally articulated in terms of pathology or abnormality,” which makes clear “the historical emergence of sexed/gendered and racialized differences out of intimately entangled histories of colonialism, slavery, scientific racism, and clinical medicine, such that analyses of their social construction, in any sense of the term, must carefully be attended to and situate themselves in relation to these legacies.”¹¹

C. Riley Snorton’s *Black on Both Sides: A Racial History of Trans Identity*¹² documents a history of gynecological techniques performed on Black women in and after slavery who were deprived of anesthesia and treated as experiments in the medical offices of Dr. Marion Simms. For Snorton, the US history of gender, especially trans identity, is thus linked to the institution of slavery, and brutal procedures performed on enslaved people honed the resulting science. Documenting a wretched history of gynecological procedures using Black women’s anatomy as a field of capture, Snorton argues that Black women were not captured by any version of gender. Following Hortense Spillers’s groundbreaking 1987 article, “Mama’s Baby, Papa’s Maybe,”¹³ Snorton invokes Spillers’s “ungendered flesh” to describe this form of visceral derealization of Black bodies in the service of norms of whiteness, including white ideals of gender dimorphism, in the long wake of slavery. Flesh is not pure passive matter, but the very condition of legible relations. Snorton puts it this way: “As a thing that produces relations, flesh *transorients* [my emphasis] sex and gender.” Flesh is a “capacitating structure” but not for those whose bodies provide the raw material for gynecological investigations. Black women made possible what will subsequently be called “women’s medicine,” but they were flesh, not women, since women were presumptively white, and they were not served by the medical treatments they made possible. Gender here arrives only with whiteness. Outside the norms of whiteness, bodies become flesh, undifferentiated and degendered, potential property whose

market value will be determined upon arrival at the port, the auction, for those bodies that survive the passage.

Spillers explains:

Before the “body” there is the “flesh,” that zero degree of social conceptualization that does not escape concealment under the brush of discourse, or the reflexes of iconography. Even though the European hegemonies stole bodies—some of them female—out of West African communities in concert with the African “middleman,” we regard this human and social irreparability as high crimes against the flesh, as the person of African females and African males registered the wounding. If we think of the “flesh” as a primary narrative, then we mean its seared, divided, ripped-apartness, riveted to the ship’s hole, fallen, or “escaped” overboard.¹⁴

In a reparative move, Spillers attributes sex back to the body that has been reduced to flesh, marked, tortured, dismembered, and tossed: “This materialized scene of unprotected female flesh—‘ungendered’—offers a praxis and a theory, a text for living and dying, and a method for reading both through their diverse mediations.”¹⁵ Spillers makes the poignant claim that in volumes dedicated to “The Female Body in Western Culture” this flesh will be “ejected,” a term that recalls enslaved bodies being pitched overboard from the hulls of ships making the middle passage. Again, the flesh is not some metaphysical idea of pure matter, but rather “the concentration of ‘ethnicity’ that contemporary critical discourses neither acknowledge nor discourse away.” For Spillers in 1987, enslaved people were the “culturally unmade,” deconstituted from the start, and precisely *not* culturally constructed into legible form: “Under these conditions, one is neither female, nor male, as both subjects are taken into ‘account’ as quantities.”

Undifferentiated flesh only subsequently gets recast as market value at the auction of enslaved people. Although Spillers names the violence done to enslaved women who were robbed of their children, whose entire world of kinship was distorted and appropriated by slavery’s chattel system, she is also clear that the Black mother under slavery—and in its repercussive aftermath—can never be the example that upholds “the traditional

symbolics of female gender.” Instead, she tells us that “it is our task to make a place for this different social subject.” That task can be fulfilled by allying not with “gendered femaleness” but with a “female social subject” or, rather, “*claiming* the monstrosity (of a female with the potential to ‘name’), which her culture imposes in blindness.”¹⁶ Spillers herself starts to experiment with naming. What will the name of that subject be? Is the thought of a Black woman as a female social subject the same as monstrosity, or is the act of naming itself something that emerges from the very cut in language she has so brilliantly documented?

Spillers experiments with certain ways of coupling the biological and the social, refusing a reduction both to biology and to the major cultural symbolic framework of dualistic genders built on the backs of Black women who will never be included within those ranks, except in distorted form. Snorton then takes up this powerful framework to reflect on Black trans lives: “‘Gender’ under captivity refers not to a binary system of classification but what Spillers describes as a ‘territory of cultural and political maneuver.’”¹⁷ In Snorton’s view, it is the moment in which hierarchies of power suffer exhaustion that new powers of naming emerge.¹⁸ What Snorton names as “the fungibility of bodies” refers not only to their exchange value on the market of enslaved people but also to the way “flesh functioned as a disarticulation of the human form from its anatomical features and their claims to humanity were controverted in favor of the production and perpetuation of cultural institutions,” including medical institutions whose advances depended on the surgical subjection, interrogation, and hierarchical racial typologies of Black bodies. What Spillers refers to as “ungendering” is transposed and revised in Snorton as “the transitive expressivity of gender within blackness.” Fungibility was, in effect, a terrain for experimental practice and the mutability of gender itself. In Snorton’s words, “ungendered blackness provides the grounds for (trans) performances for freedom.”¹⁹

In the years since Spillers’s essay, a number of writers have sought to understand the aesthetic and political potentials that can be derived from this idea of flesh.²⁰ A site of laceration and death, flesh also bears the potential to elude the established ideals of whiteness and gender to become

the vital condition of freedom.²¹ Bodies, Black bodies as flesh, are not passive matter but sites where transformation can happen, where the problem is getting free not just of imposed white gender norms but also of the brutal demand to become the surface on which those genders were inscribed and produced.



What the Vatican calls an imposition of Western ideology on people's lives is, in fact, the very refutation of the gender binary articulated by decolonial theorists. In this way, the critique of violently imposed white norms of masculine and feminine in slavery and its long afterlife as well as the colonial imposition of binary gender imply that it is the *gender binary* that is imposed by colonial and racist powers and their colonial representatives, not the other way around.

Still, Pope Francis claims that “gender” is an example of colonization imposed upon poor, local communities. Is he truly speaking for the disenfranchised here? One problem with this view is that it imagines “local cultures” as never having been queer or gay or trans. It is of no interest to the Pope or others who make such claims that gender complexity and range are found throughout Indigenous forms of kinship and language, and that the gender binary actually *disturbed* other arrangements of kinship and reference at play for many peoples who already made room for gender-nonconforming people, including intersex children. It was actually colonialism, and the kind of market expansion upon which it relied, that established the binary and heteronormative framework for thinking about, and living, gender. If we consider the work of the feminist philosopher Maria Lugones, which draws on the work of Aníbal Quijano, the Peruvian sociologist,²² then colonial arrangements are the context for understanding a wide range of issues that we think of as belonging to normative gender relations, including heteronormativity, dimorphic idealism, the patriarchal family, and the very norms that govern the normativity of gender appearance.²³ Lugones describes the process this way:

Sexual dimorphism has been an important characteristic of what I call “the light side” of the colonial/modern gender system. Those in the “dark side” were not necessarily understood dimorphically. Sexual fears of colonizers led them to imagine the indigenous people of the Americas as hermaphrodites or intersexed, with large penises and breasts with flowing milk. But as [Paula] Gunn Allen and others make clear, intersexed individuals were recognized in many tribal societies prior to colonization without assimilation to the sexual binary. It is important to consider the changes that colonization brought to understand the scope of the organization of sex and gender under colonialism and in Eurocentered global capitalism. If the latter did only recognize sexual dimorphism for white bourgeois males and females, it certainly does not follow that the sexual division is based on biology.²⁴

Lugones makes clear that too often feminist work that starts with the problem of gender fails to recognize how the premises of their inquiry are, in fact, the results of a complex set of historical processes within colonial modernity. The argument for the complexity of gender should be based on historical work that knows how to track the formative intersections of race, coloniality, and gender. She writes:

Gender arrangements need not be either heterosexual or patriarchal. They need not be, that is, as a matter of history. Understanding these features of the organization of gender in the modern/colonial gender system—the biological dimorphism, the patriarchal and heterosexual organizations of relations—is crucial to an understanding of the differential gender arrangements along “racial” lines.²⁵

For Lugones, gender dimorphism based on biological assumptions works together with heterosexual patriarchy, and both are imposed by what she called the “light” side of the organization of gender within colonial modernity. In light of the anti-gender ideology movement and its links with new forms of authoritarianism, she may well consider its colonial influence to be a bit “heavier than before.”

Quijano tracks the objectification of the body as “nature.” Within a Eurocentric rationality, certain bodies are more body than mind, “closer to nature” and further away from “rationality.” Regarded as more natural, certain races, including the Indigenous, Black, and Asian peoples, are subject to domination and exploitation. The domination of natural worlds extends to human populations considered as “more natural,” and whiteness is alleviated from the burden of natural life (someone else is doing the labor that yields goods required for life), stationed in the place of the exploiter rather than the exploited. This framework of what Quijano calls “European civilization” produces a dualism in which women are closer to nature, and women of color doubly so, rationalizing their exploitation. Quijano suggests that “the new idea of gender has been elaborated after the new and radical dualism of the Eurocentric cognitive perspective in the articulation of the colonality of power.”²⁶ If “gender” is cultural and not material, it presupposes the very dualism that characterizes Eurocentric cognition, in Lugones’s view. One implication of this analysis is that the colonality of power thus operates tacitly but forcefully in the dualism that many feminists, both “gender critical” and not, took for granted.

In the course of making clear her appreciation of this analysis, Lugones offers a critique of Quijano’s position, mobilizing an intersectional framework. In her view, Quijano’s position understands gender within a framework that remains critically unexamined, one “that is too narrow and overly biologized as it presupposes sexual dimorphism, heterosexuality, patriarchal distribution of power, and so on.” Further, Quijano, in Lugones’s view, assumes many of the terms of the modern/colonial gender system in his critique of materiality. To understand what that gender system occludes, one has to pay attention to the histories it effaces, and the alternative formulations it forecloses. Lugones turns to the groundbreaking work of the African feminist scholar Oyèrónké Oyewùmí to make her point.

The work of Oyèrónké Oyewùmí, which includes *The Invention of Women* (1998) and the edited volume *African Gender Studies* (2004), argues that binary gender is imposed by colonialism and, in particular, its accepted doctrines of biological determinism. This “biologic,” in her term, operates under a false claim of universality. When feminist scholars use the

framework, they impose a Western framework on Africa, failing to understand or describe what happens throughout African societies. She opposes the identification of gender with the category of women and points out that the social meanings attached to “wife,” “husband,” and even “matriarch” are in no sense tied to biology. These meanings are precisely occluded in the critical analysis that fails to question the terms of the colonial gender system. Against the structuralist conceit that kinship and conjugality are linked with so-called biological sexual functions or sexed attributes, Oyewùmí argues that Western ways of linking gender and sexuality miss the separation of these roles in African society. Against the Western framework, she asserts the importance of local epistemologies. Africa is too often mined for examples that confirm Western frameworks (what we might call a kind of theoretical extractivism),²⁷ but African ways of knowing should be part of the academic inquiry into sexuality and gender. Although it is unclear how pristine and unaffected such ways of knowing are under contemporary global conditions, or if they ever were as free of hierarchy as is sometimes postulated, it remains important to document how colonial and decolonial regimes continue to impose dimorphism on languages and ways of world making that exceed those terms.

In the work of Zethu Matebeni, author and professor from South Africa, a number of vocabularies have circulated in the region that contest the dominant ways that gender is talked about.²⁸ Matebeni, following Lugones, argues that it is important not to romanticize precolonial gender or sexual relations, for that constitutes an essentialism, fixing an image of African communities outside of the history and social dynamics by which they have been transformed over time by colonial powers.²⁹ And yet, Matebeni asks, which local vocabularies have been “veiled” by Western notions of gender? One problem is that feminists who have taken the heteronormative family to be a methodological point of departure tend to assume that that social form is a cross-cultural and cross-historical norm and so fail to grasp the way in which that norm came to be imposed, as well as the other social organizations of sexuality and kinship that it occludes and precludes.

Ifi Amadiume, in *Male Daughters, Female Husbands*, describes gender arrangements in Nigeria before the twentieth century, underscoring how gender relations and assignments change depending on the distribution of wealth, the power to participate economically, and the role assumed in relations of care within extended kinship networks. African scholars have documented women marrying women, and how women could become husbands when there was no son to inherit the wealth.³⁰ What does this say about how gender can change depending on the role assigned or assumed? Further, as Christian colonizers sought to replace African deities with a masculinized version of God, they promoted the idea of masculinity in ways that ran counter to the religious notion of *chi*, a term in Igbo that refers equally to male and female deities. The idea of a unitary “woman” brought by Christian moralists has no place in African contexts where women could take on social roles, including that of a husband, depending on shifting circumstances and social demands.

These kinds of complexities do not constitute a queer theory *avant la lettre*, but, rather, a social complexity whose vocabulary and meaning depends on the context in which they are lived. The point is to not rely on English terms, or secular frameworks, to conduct a criticism of the “rigid binary” imposed by Christianity. Colonial powers, imposing biblical models of the gender binary, very often condemned and pathologized African forms of intimate relationality and gender appearance, so, once again, we see that this is an imposition not by urban elites, but by Christian forms of colonization.³¹ Similarly, scholarship on East Africa and Uganda has demonstrated that gender inequality was introduced through Christian missionaries, suggesting that traditional social relations were in some ways more variable and complex than those introduced and imposed through missionary education and health care.

Elaborating further on Amadiume’s framework, Matebeni studies how the term *unongayindoda* has become less common in the Nguni language on South Africa’s Eastern Cape. A term used to describe a woman who appears like a man, or does things a man would generally do, or who “dresses funny,” its usage has moved from the merely descriptive to the increasingly derogative. But it is not necessarily linked with sexual identity

or practice, nor can it be easily assimilated into the binary gender model. A now derogatory term recently reclaimed for the purposes of asserting freedom or, indeed, to escape abuse,³² *unongayindoda* is a specific linguistic term that can be understood only in relation to various social coordinates. As it is reused, it becomes a term open to a multitude of meanings, generating unexpected possibilities and even new imaginaries.³³

The examples Matebeni offers are not meant primarily to support or contest Western theories; rather, they are meant to recover and introduce a new, different language for understanding gender attributions. For Matebeni, *unongayindoda* exists beyond gender itself. Stella Nyanzi, an exiled medical anthropologist and poet from Uganda, insists that what is most needed is a mode of “thinking beyond the loaded westernized frame of the LGBTI acronym.” Refusing both the colonial binary of gender and the LGBTQIA+ model of emancipation, she joins a range of African scholars attending not only to a host of expressions for nonnormative genders and sexualities but also to other ways that language works in the making and unmaking of social subjects: “gestures, silences, erasures, and invisibilizations.” The very distinction between normative and nonnormative does not always apply, since that disjunction, from the start, excludes possibilities that fall under neither category.³⁴ The point is not to convert these ways of referring to members of kin and community into rights-bearing subjects. That would efface the specific formations of loving and living within communities, but also their ways of suffering and exercising freedom.³⁵

Emphasizing again the importance of language, Matebeni discusses the term *gogo*, which means the mother of either a mother or father, but also a prophet, a seer, or a healer. The term opens up several meanings that confound both colonial and homonormative versions of gender and sexuality. For Matebeni, *gogo* moves beyond gender, for it refers to male and female grandparents as well as to a body of Indigenous knowledge that connects the living and the dead. It challenges the binary but cannot serve as the non-Western example that supports Western queer theory’s rejection of binarism. Rather, it belongs to a strain of African philosophy that links connectivity in kinship and intimacy with dignity. It belongs, specifically, to

an Ubuntu understanding of the human as part of a larger world, connected to a spiritual inter-relationality. If *gogo* is translated too quickly into “gender theory” as a dominant framework, or if it becomes a box to be checked, it loses all those temporal, spiritual, and social coordinates and meanings. It becomes truly lost in translation.³⁶



To say that the modern, colonial, and European system of binary gender is a sign and vessel of colonization (as Lugones does) is to oppose as a colonizing imposition the very naturalized and heteronormative organization of gender that the Vatican defends. The Church is responsible for some part of that colonizing mission, identifying normative heterosexual families as the goal of colonization. If by “gender,” however, we include departures from that very normative system, including trans, lesbian, gay, bisexual, queer, and intersex lives and categories that challenge heteronormativity, or the many dozens of genders now listed by, for example, Facebook/Meta, then gender is very much not in the service of the Christian mission that casts its own colonizing history outside itself in a “gender ideology” that threatens the Global South with colonization. To insist that all the marginal and struggling folks harassed and censored are actually representing colonial power’s impositions and violations is to fail to see the ways that their precarious and impressive struggle is the direct result of being condemned by both state and religious authorities. To argue, as many rightly have, that it is colonial power that orders gender in patriarchal and heteronormative ways implies that the resistance to colonization should be closely allied with the affirmation of queer, trans, and intersex lives. LGBTQIA+ people should be joining in that struggle against continuing colonization in Puerto Rico, Palestine, and New Caledonia, to name a few such places, and the neocolonial capture of parts of Africa, all of which are also struggles against racism and capitalist exploitation. Those who fail to do so are not seeing that their fate is linked with that of so many others, and that those who oppose one group tend to oppose the rest. It is foolish not to see the divisive strategies for what they

are and to refuse alliances against powers that will not only marginalize but also demean and negate a great many interconnected lives.

The idea that homophobia is a premodern problem, and that it must be combated by more modern or “advanced” nations teaching those who are less modern, proves to be false: homophobia is very much alive throughout Europe and is accelerating in the United States as well. The debates on whether homosexuality is “un-African” or, more recently, “un-Ugandan” make the mistake of casting both gay and lesbian life and Africanness within colonial and nationalist frames, thus failing to take into account the organization and vernaculars of intimacy and gendered life outside of both of those terms. Lugones and others have sought to confirm the way in which Indigenous communities have made a place for third genders, for instance, and a wide range of research has discussed Two-Spirit, the term that describes gender-nonconforming peoples in many Indigenous and First Nation communities across the Americas.³⁷

The colonial attack on local cultures took form, in part, through the regularization of gender itself, and the production of the heteronormative binary and its corollaries: man, woman, and heteronormative family. The anti-gender ideology position on the Right wants to heighten those very regulations, thus working in the service of the colonizing process it decries. Like sex assignment that contains an imagining of the life of gender that follows, the colonial imposition of gender dimorphism brutally imposes norms of whiteness on Indigenous and local linguistic and social practices that effectively refuse that imposition; in the brutal imposition of norms that is gynecological surgery on Black bodies in slavery is yet another instance of the way that compulsory ideals are violently imposed. These expectations, forms of gender idealism woven through racist phantasms, do not exist only in the mind: they are forcibly imposed, the living and toxic residue of a history of racist and colonial violence.

Foreign Terms, or the Disturbance of Translation

Let us consider the claim that gender is the intrusion of a “foreign” term, an imperialist intrusion, one of the complaints made by the anti-gender ideology groups in non-English-speaking contexts. Some of these opponents of gender have argued that “gender” does not belong in their language, and for this reason should not be taught in their schools or be incorporated into their public policies. It goes against the nation. Or it threatens the nation. It is another foreign thing entering and impurifying the country: expulsion is in order. However, if those nations have been subject to imperial powers, the resistance is not just to gender but to the history of imperialism itself. It is easy to see how the one can come to represent the other. But during these times, the former empires—the United Kingdom, the United States, France, Italy, and Spain—are among the countries where anti-gender ideology is circulating quite fiercely.

While opposing cultural imperialism on the one hand, and refusing xenophobia on the other, we must also ask whether the problem of translation can evade these alternatives, or whether it is a scene in which these countervailing tendencies are played out. The resistance to a foreign term can be an objection to something frightening or unknown, or an objection to multilingualism itself, or a legitimate resistance to the effacement of local and regional languages. It is true that gender, as it travels from English, demonstrates the way the syntax of one language is disturbed and transformed by the syntax of another. Although the anti-gender ideology movement often opposes the “foreignness” of gender on nationalist grounds, it oscillates between figuring the foreign as an imperialist power and an unwanted migrant. These are, of course, two

contrasting figures, and the objection to English as an imperial language, or even the language of the market, is surely not the same as the objection to multilingualism as the future of the nation. And yet the two kinds of objections become confused in the phantasm of gender circulated by the Right. Its localist appeal to anti-imperialist sentiment is an appropriation of a Left critique, but surely not one. Its appeal excites nationalist xenophobia and racism, and rallies support for politicians who would promise to more fiercely patrol the borders. This combination is not surprising. Construing “gender” as an enemy works only by bringing together opposing political trends and bundling oscillating fears without having to reconcile them logically, that is, without accountability. In this way, the phantasm functions as a counterfeit synthesis.

Translation is not only a practice but also a way of developing a multilingual epistemology, one that is badly needed to preserve local and regional languages from extinction, to counter the hegemony of English, and to help readers develop complex ways of understanding each other and the world. In a multilingual epistemology, there are no foreign languages since every language sounds foreign from within another language; or maybe every language is foreign, which means there are no languages that are not foreign. The foreign is at the border of every language and often prompts the kinds of coinages that establish a future life for language. The effort to expunge an unwanted foreign presence from a language suggests that languages can be sealed off, that they should be neither touched nor transformed by one another, and that the borders of national languages should be patrolled for the sake of national identity. The resistance to the foreign mobilizes a fantasy that such borders can be sealed, even though every border, every movement of migration, is a scene of translation.

It makes good political sense to resist when an imperial power’s language has entered a region or a nation as a colonizing force. When “gender” moves from English into another language, it is English that is also entering, and certainly not for the first time. English has been doubtless entering for a long time. Yet imperial powers cannot keep control over the words they impose or exclude; they do not automatically reproduce the imperialism of the language from which they emerge. The origin of a term

in no way predicts all its eventual usages. For some on the nationalist Right, however, to let a highly nationalist language be interrupted by a set of foreign terms, or even the prospect of full-blown multilingualism, strikes at their nationalist projects, their anti-migration policies, their efforts to achieve national purity through regulating the family and sexuality. And in places like Putin's Russia, it thwarts their imperialist designs. The "foreign" is a term at the center of phantasmatic investments, as is "gender" in part because in most places, it remains a foreign term or a puzzling coinage.

We can learn from this resistance to the English "gender" even as we develop an alternative understanding of the problem. Feminist and gender theory in the Anglosphere have for too long assumed that whatever is meant by "gender" is being thought about in every foreign translation without regard for what may be untranslatable about the word. Why do debates about "gender" as a term not regularly consider the presumption of monolingualism at play? In English-speaking contexts, when we approach gender as a category or a concept, we tend to set aside the fact that we are referencing an English usage. We assume in Romance languages that it will be the same—*le genre*, *el género*—or that it should be, and that in principle the discussions we have in English are generalizable to an indefinite number of contexts. When we argue about "gender"—elaborating its meaning or its conceptualization—we are already operating within a monolingual field, unless of course we are arguing in another language and "gender" is a foreign term, or we have a deliberately trans-linguistic framework. But even when gender enters as a "foreign term," it stays oddly foreign. As such, it raises all the usual questions: What is the foreign doing here? Is it welcome? Has it been invited? Is it an imperial takeover? Is it an occasion to affirm linguistic diversity as who we are and how we know? To what extent is the objection to "gender" an objection to English or a broader objection to foreign words and things entering what should be at all costs defended from the foreign? "Gender" crosses borders, makes its way inside, and is in that sense insidious. But is it insidious like a foreign power, or has it become anyone's word, a strange transnational democratization at the level of vocabulary? Unfortunately, when reflections on gender take place in English as if everything said is translatable, that does constitute an

arrogant presumption, one that can be countered only by thinking about gender as a scene of translation.

When in English we make various generalizations about gender—generalizations that might include “gender is performative” or “gender is relational” or “intersectional” or “primarily a question of labor”—we presume that such claims are easily if not fully translatable by virtue of their generalizability. Although Anglophone gender theorists do not always recognize it, they unwittingly take up an attitude toward translation when they are arguing about gender. Granted, there are those who simply do not care whether the key terms are translatable—that is a problem for translators, after all, and though we are even sometimes glad to assist them with their struggles, we do not always consider that the generalizability of our claims actually depends on establishing a conceptual equivalence between the terms in both languages. This view is a form of smug monolingualism. For when no conceptual equivalence can be established between English and another language, we are confronted with a different problem. But if we solve that by inviting everyone into English as the established contemporary linguistic frame, or we export that frame in a beneficent spirit, then we become no more than polite imperialists. Or it may be that philosophically we think gender names a concept and that the language we use to name or to describe the concept is quite incidental to the concept itself. If linguistic usage does not generate or sustain concepts, add or subtract meanings, and if concepts have a relative independence of linguistic usage, then we could not understand how gender is inflected by verbs, or how other kinds of nomenclature work in a language to designate what is called “gender” in English. Our understanding of the phenomenon is enlarged, but only if we give up our attachment to the monolingual frame. Translation is, in fact, the condition of possibility of gender theory in a global frame.

For some scholars of the Global South, it makes no sense to bring the language of “gender” to their conversations with family and colleagues, especially when other terms already exist in their own languages to communicate what they have to say, as we discussed last chapter with the terms *unongayindoda* and *gogo* in South Africa. The word *hijra* in India is

another example; it is roughly translated as “third gender” but not “transgender.” The *hijras* were criminalized in 1871 under British colonial rule. The name functions not only as an “identity” but also as a designation for a set of relations, a group to which they belong (and have been traditionally inducted), and a set of practices, including song and dance, that they traditionally perform.¹ It makes no sense to fit this group of people who have been present for hundreds of years into contemporary gender typologies, especially when the legacy of their criminalization still haunts and marginalizes them. If local and vernacular ways of displacing binary gender exist, as they surely have and do, that means that the Western discourse—or any other “foreign” imposition—did not produce those ways of living and desiring, but only developed a vocabulary for them whose universality is to be challenged and whose powers of effacement should be exposed. The imperialist move takes place when “gender” is taken up by organizations and states that seek to advertise their gay and lesbian human rights records as a way of deflecting from their racist immigration policies, their colonial wars, and their rights-stripping activities against Indigenous and subjugated peoples.² Allies like these we do not need.

No one language has the exclusive power to define gender or to regulate its grammatical usage, and that means that every way of referring to gender has a certain contingency. We may understandably feel disrespected if we are referred to in the wrong way, but why have we asked people to enter into our own frame of reference? Those reactions can be moments of monolingual obstinacy or a failure to see that the work of translation is obligatory. Those may also be moments when we refine and proliferate English ways of naming and referring that intensify the conceptual nonequivalences among languages. To reflect on monolingual obstinacy is an occasion for feeling humility about the specific language we use, especially if it has achieved hegemonic status. If no one language monopolizes a word or idea, if there are other words that try to get at the same or a similar phenomenon, then asking what we refer to with the term “gender” can initiate an extremely interesting conversation among users of different languages. If one’s sense of self is bound up with the language one uses to describe oneself, and if the insistence on this or that term plunges

one more deeply into monolingualism, one closes off the encounters with other languages and with what it might teach us about what some of us call “gender.”

Consider, for instance, how the proliferation of noun forms for gender and sexual identity raises specific problems for translation. There is no noun form for “gender” in Japanese, Chinese, and Korean. There are words for women and for men, but not for the concept of gender itself. In Japanese, for instance, linguistic self-reference is gendered: the terms *ore* and *boku* are informal ways of referring to the first-person singular “I” of a man, while *atashi* and *watashi* are first-person references for a woman. The use of each of these terms, however, is inflected by social class, educational background, cultural conventions, and, importantly, the relation to the one who is addressed. The closest Japanese gets to approaching this nontranslatable English word is *jen-daa*, which is not unlike the French coinage *gen-daire*, by seeking a phonetic echo with gender. Where gender cannot enter, it is coined, but that has always been true, given that the term “gender,” as mentioned before, came into being as a coinage itself.

In Chinese, the grammar of gender is variously expressed by the conjunction of phonemes and numbers: the term for gender is *xing* (4) *bie* (2). The numbers denote which of the Chinese language’s four “tones” is used for each syllable in *xing-bie*. *Xing* (2) means something different from *xing* (4). Indeed, this Roman system is *already* a translation/transliteration of Chinese characters, so it makes something of a grid out of a graphic sign. *Xing* (4) is a term meaning “category or kind,” but it also means “sex” and so sustains a relation with those languages that link sex to species. Only at the beginning of the twentieth century did the term begin to mean “gender,” so to distinguish gender from sex, some feminist scholars in China put the term “social” (*she* [4] *hui* [4]) before the term *xing* (4) *bie* (2). *Bie* (2) means “difference,” thereby linking with those formulations of gender as sexual difference. Thus, in contact with a number of global discourses, Chinese developed coinages in response to the demand for translation. This happens not only in non-Anglophone settings but in English as well. Coinage and translation seem to be the ongoing predicament of gender theory. And telling the story of how gender enters—or why it becomes

proscribed—gives us a new itinerary not just for gender studies and its academic justification but also for living together in a multilingual world where some foreign words appear to wield a disturbing force, carrying much more than what they could possibly mean.³

Some feminists and gender theorists have argued about whether there can be genders that go beyond man and woman, or whether gender itself should be transcended or abolished, and whether we should live in a world without gender categories at all. My own view is that we should seek to bring about a world where the many relations to being socially embodied that exist become more livable, and people generally become more open to the ways that gender can be done and lived without judgment, fear, or hatred. Some people love the binary character of gender and do not want it changed. Some trans people affirm the binary and only want to find their rightful place either as a man or as a woman and to live peaceably, if not joyously, in that linguistic abode. For them, securing a place in the language of gender is a prerequisite for inhabiting the world. Ethically considered, such a desire is to be honored—radically and without qualification. At the same time, there are others who cannot live very well within those binary terms, including trans people who understand “trans” to exist at a critical angle to the binary, and for them other gender vocabularies, including pronouns, are required for inhabiting the world and feeling at home, or relatively at home, in the language they use, or in refusing the language that negates who they are; that refusal is also an opening onto a habitable world, and those who oppose it are opposing a livable life for a group of people who have made their livable conditions clear. And so, reasonably enough, there are some who ask for new lexicons, or for ways of living outside received categories of gender altogether, as non-binary people sometimes do, for instance: they press coinage to a further extreme and for another purpose, refining their vocabulary for self-reference within a monolingual frame, or they abandon the practice of a new naming, undertaking a linguistic and embodied strike against gender categories as we know them.

All of these are legitimate positions because each of them tells us about a group of people who are searching for livable lives within the language that they find or make or refuse. One cannot be “against” any of these

positions, if each of them opens up a different trajectory of hope for a livable life. Given that not everyone finds the same terms livable, we have to be careful not to impose a new gender norm that generalizes the conditions of livability, or that decides without consultation what someone else should be called (some of the debates about whose perception defines “cisgender” bring this to the fore).⁴ We have to be prepared to translate between a language in which we live, the one that we require to live, and another’s language that dispossesses us from that sure sense of things that comes with monolingual conviction. After all, some find life and breath by escaping the terms by which gender recognition is conferred, and others find life and breath precisely through feeling recognized by existing terms, and some welcome or make the foreign term as a way of contesting the naturalizing function of language, or of English in particular.

If the task is not to generalize a way of life, but to become attuned to the various vocabularies that make life more livable, then a transphobic feminism is out of the question. Indeed, a transphobic feminism is no feminism, and it allies with forms of coercive gender norms that call for paternalistic or authoritarian enforcement. An anti-feminist trans position also has to rethink the history of feminism, especially Black feminism, for the profound and difficult alliances formed among all those emerging from subjugation who seek to have their claims for political recognition registered and honored. Those who should be most enraged by my argument are those who believe that the gender binary is mandated by a version of natural law referenced or occasioned by the Bible, or mandated by an Anglophone understanding of gender dimorphism crafted according to white ideals. They have a great deal to lose, and they should start that process of mourning. Let’s hope their destructive rage turns to productive grief so that they can emerge into a world committed to cohabitation and equality across difference.

I myself have been figured as a devil, a witch, a trans person, a Jew with exorbitant features in the propaganda offered by the anti-gender ideology movement. I have found my name circulating in ways I can barely understand, and part of the motivation for this book has been to try to fathom how one’s arguments become distorted phantasms, how one’s name

can become transfigured into a nearly unrecognizable phantasm.⁵ If I try to counter that form of dispossession in order to give a more just presentation of who I am, then I have to remember that the alternative to defamation is not mastery. The language I use to declare who I am turns out fundamentally not to be my own, but that does not mean that I cannot, or will not, contest its signification. Gender introduces a problem of translation under the best of circumstances, but it can also be the source of skepticism for those who fear another imperial incursion of English into contexts that understandably resist the syntactical disturbances it introduces. The answer, however, is not to recede into national languages untouched or untransformed in the course of linguistic exchange, an impulse that is dangerously nationalist at its core. One has to stay with the struggle of translation. Joan W. Scott writes, “The issue is, of course, partly linguistic—is there an equivalent word for the English ‘gender’ in other languages? But it is also political and philosophical—a matter of contested meanings both explicit and implicit that (in Barbara Johnson’s words) ‘exceed the boundaries of stable control or coherence. It becomes something to be endlessly struggled over.’”⁶

Jacques Derrida refers to “monolingual obstinacy” to describe the “resistance to translation” in his monograph *Monolingualism of the Other*. There he describes the conviction that strengthens as one enters ever more deeply into one’s one language to argue a point or to hone a description. One not only inhabits that specific language as one’s home but also becomes convinced that only in *that* language can one make sense and communicate the sense of things.⁷ So, I not only speak this language, but this language is my way of inhabiting the world and may even seem to be, or to furnish, the very essence of who I am, the sense I make of the world and, hence, the sense of the world itself. And yet the language in which I affirm my gendered life is not always one that I myself have made. I was, as it were, entered into a language I never chose, dispossessed in the very language that makes my life possible. And when I seek to say who I am, I do so within a language that proves to be untranslatable or that is, in important respects, already foreign to me.

Only by seeing the matter *this* way can we escape the intensification of an ever more refined monolingualism as we seek to make ourselves known. As much as we seek to own and master the language of the self to contest the assignments we refuse, we are still dispossessed within the very language that gives us our sense of mastery. The task, as it were, is to break out of monolingualism by suffering the humiliations of translation, to refuse the implicit nationalism implied by a singular and hegemonic language, and to reach, and be reached by, a broader world, one that is multilingual and multisyntactical, and where the linguistic conditions of livability always differ. Thus, the most treasured of our self-proclaimed nouns may well come apart as we come to value translation and the important possibilities that the loss of mastery opens up for the making and sustaining of a livable world.⁸

Even within the monolingual frame, the foreign is there from the start. In being named, in being assigned a sex at birth, someone else's desire is lodged in this name, if not a whole history of desires coming from elsewhere. Is there not a phantasmatic and foreign element also lodged in that assigned name and gender that one is left to decipher or live with or change?

Jean Laplanche maintained that gender assignment is the situation in which the infant receives an enigmatic desire from the adult world: What are they calling me?⁹ What is that name? What does gender want of me? And how does gender's desire enter into my own?

Hence, gender assignment does not mechanically or inevitably produce the creature who will conform to the category they are called. Interpellation does not work without a potential or actual disturbance of some kind. Indeed, gender assignment emerges, for Laplanche, at the very outset as enigmatic and foreign. Gender poses a task of translation for the infant, and that task is never quite completed in life. For Laplanche, one never fully overcomes the foreignness of the language in which one dwells—perhaps this is an alliance he has with the work of Derrida (and Theodor Adorno). These lifelong efforts to decipher and translate a demand imposed by categories and names do nothing more than open up a zone of provisional freedom where we claim or coin a language of our own in the midst of a

linguistic dispossession for which there is no remedy and no exit. For what we call our language both is and is not our own; the terms by which we seize ourselves may or may not be translatable, even to ourselves. The untranslatable may be another name for the desire that exceeds every effort at lexical capture and normative control. It may constitute that pause or break in language that asks us to attend ethically to one another across languages. It may also, for those of us who live in English, point to the value of faltering in a foreign language, ceding the mastery of monolingualism for a world in which we are, luckily, dispossessed together, fathoming gender, as we can, through terms we both find and make, in order to find a more livable way of inhabiting the multilingual world with all its promising disturbances. It matters, however, how we conceive of this multilingualism, since the ideal of “inclusion” fails to understand the problem of knowledge that translation poses.¹⁰

For the literary and cultural theorist Gayatri Chakravorty Spivak, the failure of translation opens up a space of new reflection on geopolitical life, exposing the limits of any ideal of a market-driven globalized language as expanding uniformization:

The task of translation in the global context should be thought in this frame, where the learning of languages is the first imperative—the production of translation an activism—and not simply a giving in to the demand for convenience in a country where multiculturalism goes hand in hand with monolingualism. Our obligation to translate should be recognized as, at the deepest level, determined by “the idea of the untranslatable as not something that one cannot translate but something one never stops (not) translating,” a persistent epistemological preparation rather than merely a response to a global market understood as a call to equitable pluralism.¹¹

What Spivak calls “a persistent epistemological preparation” might be understood as a way of readying oneself for an impasse, that is, for the discovery that translation is not quite possible or, indeed, impossible. Although that impasse is a disappointment, one can also find in what is untranslatable an insight into the specific way of knowing that expects to be all-powerful. “Equitable pluralism” may sound like a decent ideal, but

Spivak asks us to consider that words exchanged are precisely *not* like coins. When translation proves to be obdurate or impossible, then the provisional character of the source language can be revealed, its epistemic limit, or its incapacity to include all possible ways of organizing the world. The sense of linguistic humility that follows runs counter to the cultural and linguistic imperialism that drives monolingualism, that is, the belief that any and all possible meaning can be, or should be, capturable by one's own language, by English or French or another language that presumes its universal reach.

Translation opens up the productive potential of coinage and errancy, challenging ideals of linguistic mastery, offering a path of linguistic humility especially for those who work exclusively in English, and a possibility for encounter that underscores the untranslatable dimension of any language. The untranslatable dimension of gender opens up the question of how to cohabit a world when conceptual nonequivalence is a condition of the increasingly global feminist and gender conversation. None of us can think or speak globally. Only through a partial perspective do any of us enter into the transnational conversation.¹² And once we are entered there, we find ourselves derailed by what we find, dislocated in the worlds we seek to know, productively disturbed to think otherwise.

I have tried to argue that there is no monolingualism undisrupted by what is "foreign." Those who prize the purity of a language imagine the expulsion of foreign words, but they would have to redo their entire histories to achieve the "purity" they imagine. It matters whether the language is a vanishing one, conquered and effaced by colonial languages. But the opposition to gender tends to emerge from forms of nationalism that seek to keep the foreign out, including the return of the colonized to the metropolises of Europe—what the social theorist Stuart Hall rightly characterized as a scandal for the colonizers.

When gender is thus figured as a foreign invader or the invasion itself, those battling gender reveal that they are in the business of nation-building and border patrol. The nation for which they are fighting is often built upon white supremacy or its furtive legacy, the heteronormative family, and a resistance to all critical questioning of norms that have clearly restricted the

freedoms and imperiled the lives of so many people. To defend the use of gender in education and in everyday life, in policy and politics, is to affirm the value of openness and alliance, and to question monolingual imperative that is the legacy of imperialism.



As important as it is to understand the Eurocentric fictions that have organized gendered language into fixed and normative binaries, it is equally important to ask what an anti-colonial account of gender looks like. Gender can be the point of departure for a critique of monolingualism, nationalism, and colonial powers, and should be. And when it fails to take all those issues into account, it becomes complicit.¹³ Because no national language can supply an adequate framework for understanding gender, translation becomes one important scene for an anti-colonial alliance. Gender is foreign to English and foreign everywhere it goes. It does not travel without carrying all the associations that the foreign carries. Its meaning has become redoubled and compressed, which is why it is always a condensation of meanings, and always also a displacement. A clear threat for some, but for others, a sign of hope, even a site of gathering, “gender” is in the process of getting queered, reworked and revised, twisted and replaced.¹⁴ As Theodor Adorno wrote against German fascism, “The power of an unknown, genuine language that is not open to any calculus, a language that arises only in pieces and out of the disintegration of the existing one; this negative, dangerous, and yet assuredly promised power is the true justification of foreign words.”¹⁵ For those who fear gender, the danger seems to outweigh the promise, so our task is to make gender promising again, but that can happen only through alliance, translation, and a counter-imaginary.

The objection to translating the English “gender” is not only voiced by conservative and reactionary forces. It can be part of the critique of colonialism, as we have seen. And yet there is a difference between the heteronormative framework for binary gender imposed by colonial powers and the critique of that binary framework imposed by colonialism. The version of binary “gender” imposed by colonial authorities cannot be

effectively countered by a human rights framework that understands itself as a universal. Gender then becomes identified with that form of cultural imperialism, and it loses allies on the Left and further antagonizes the Right. Gender has to remain relatively wild in relation to all those who claim to possess its correct definition. Only then can we track all the powers and fears that “gender” has attracted, and what it now comes to represent.

When the Vatican expresses concerns about gender as a colonizing force, it worries about all that gender allows: abortion, contraception, sex education, sex reassignment, gay and lesbian rights, queer and trans life. It wants to install the very binary that colonial authorities, with the help of religious ones, brought upon the Global South. In effect, it wants to continue the forms of colonization that the Vatican has helped to impose in the past. It objects to any human rights frameworks or social movements that seek to undo “the natural [heteronormative] family” as a colonial form, making clear that the Vatican is in the business of preserving colonial understandings of gender. Just as translation is the condition of possibility of gender theory in a global frame, the critique of colonial impositions is also a requirement. To do the latter well, however, we have to distinguish between the colonizing effects produced by religious authorities like the Vatican that call their agenda “natural law,” and those that are imposed by monolingual obstinacy and imperial presumption. Those who fear gender know that it also holds out a promise of freedom, a freedom from fear and discrimination, homophobic violence and murder, femicide, incarceration, restriction from public life, failed health care, either permitted or enforced by expanding state powers. The vision of alliance and empowerment required to defeat these toxic phantasms installed in policy, platform, and policing will be one that artists help us to make, a form of imagining that emerges from gatherings authored by no one, the ones that are already alive, and whose promise strikes fear into the hearts of those who would impose their reactionary politics through state powers, including violence. Although the movements they oppose are cast as destructive, sometimes the most destructive powers in the world, we can perhaps show them what a radical affirmation of shared life looks like. That, at least, seems to be the common task before us.

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Conclusion

The Fear of Destruction, the Struggle to Imagine

If you're in a coalition and you're comfortable, you know it's not a broad enough coalition.

—BERNICE JOHNSON REAGON

No one is imagining the future very well. And when we try, it feels like a nightmare. The specter of fascism is often invoked on the Left, yet we are no longer sure whether that is the right name. On the one hand, the term is bandied about too easily. On the other hand, we would be wrong to think that all its possible forms have already existed and that we can call something “fascist” only if it conforms to established models. Imagining the future is not precisely a prediction. Imagining does not take place only in the mind. It requires an object, a medium, a sensuous form of expression. Imagining the future is more like the release of a potential through a sensuous medium, where the medium is not a simple vehicle for an already formed idea, but an idea that takes hold and assumes shape, sound, and texture, releasing a potential of its own.

No one really wants to imagine the future except those who foresee their businesses expanding and their capital accumulating, who see the future as the horizon of their own increasing power. To think that way is to not care whether that form of accumulation comes at the expense of the earth, other lives, or life in all its forms. And yet, in our acts and practices, we do implicitly reproduce an idea of the future, whether or not we know

precisely what it is. We live this way now, assuming that living this way is the way to live, and once that repeated practice becomes a way of life, it comes to look like the way things simply are, or ought to be. But when the way of life that is reproduced destroys *all* ways of life, including its own, one has to ask how the pursuit of destruction is carried out by practices that are considered to be the way things just are, or have to be. Climate destruction is the most terrifying example. It teaches us, however, not only that many now live with a fear of destruction that their way of life has helped to produce. It teaches us also that many have no idea *how* to live with that fear of destruction, which is a fear not only about the future in which events can happen at all but also about what is happening now, and what has been happening for some time. We look, we look away; we know, we fail to know. We live in the anxiety produced by knowing that we are not knowing what we secretly should and do know.

And what about war, like the actual one waged against Ukraine: Do those of us who live outside that region know that destruction? What does it mean *not* to know it, even to know that it is unfathomable, exceeding the reach of knowledge? Or the decimation of peoples in the Amazon who are dying and predicted to die off, by virtue of corporate extractivism? And what about this pandemic still churning along at reduced rates, and the ones to come, which have so many people living with a sense of ambient death that they know neither how to mark nor how to mourn? And consider neoliberalism and the decimation of social and public services, the increasingly precarious character of work, the withdrawal of health care, retirement, rights to be protected against eviction: all of this underscores the increasing dispensability of lives, their induced precarity. At this writing, over eighty million people globally are forcibly displaced from their homes, and approximately one in eight live in slums. The devastations of capitalism would take many books to catalog, and yet the sense of destruction, the destruction of what is most valuable, is with us all the time, either as an accomplished reality, an ongoing process, or a terrifying prospect. Many of us live with this sense that our lives, too, are dispensable, or could become so at a moment's notice or eventually, that we could find, or already have found, ourselves with unpayable debts, bound to banks for life, securing

their profits without being able to afford shelter. And what about all of us who do not know whether the future will provide affordable or accessible health care or any prospect of stable work that would secure the conditions of life for ourselves and those with whom we are interdependent?

Maybe all this seems far from gender. But when gender is figured as a threat to humanity, civilization, “man,” and nature, when gender is likened to a nuclear catastrophe, the Ebola virus, or full-blown demonic power, then it is this escalating fear of destruction to which political actors appeal. They see the escalating fear and know that they can make use of it for their own purposes, so they escalate it even more. There is the ready and continuous fear of destruction, the source of which is difficult to name, which is solicited and spiked to fortify both religious authorities and state powers—or their strengthening alliance, as we see in Putin’s Russia, the Republican Party in the United States, and various countries in Eastern Europe, East Asia, and Africa. The displacement of this fear of destruction from its identifiable conditions of production—climate disaster, systemic racism, capitalism, carceral powers, extractivism, patriarchal social and state forms—results in the production of “cultural” figures or phantasms invested with the power to destroy the earth and the fundamental structures of human societies. Precisely because that destruction is happening without its sources being named and checked, the fear and anxiety congeal without a proper vocabulary or analysis, and “gender” and “critical race theory” are produced and targeted as the causes of destruction. Gender is not just a matter of individual identity, but a category that describes the division of labor, the organization of states, the unequal distribution of power. Gender has never been “merely cultural” but has been cast that way by opponents who want to regard gender as a secondary concern or those who believe that cultural pathologies are responsible for social worlds breaking apart. Once identified as a cause of destruction, gender itself must be destroyed, and what follows is censorship, the de-departmentalization of gender studies and women’s studies, the stripping of rights of health care, increased pathologization, restricting spaces for public gathering, the repeal or rejection of laws that protect against discrimination, and the passing of laws that segregate, silence, and criminalize those who are trying to live their

lives without fear. All those laws say: No, you will live your lives with fear, or perhaps you will not even count as a life at all.

Let us remember that the killing of women and trans, queer, bisexual, and intersex people is an actual form of destruction taking place in the world. The killing of Black women, the killing of Black queer and trans people, the killing of migrants, including queer and trans migrants—all these are destructive acts. As the numbers increase, it becomes increasingly apparent whose lives are considered dispensable, and whose lives are not. The inequality of the grievable makes itself known. Once gender, in its phantasmatic and abbreviated form, comes to include abortion rights, access to reproductive technology, sexual and gender health services, rights for trans people of any age, women's freedom and equality, queers of color's freedom struggles, single parenting, gay parenting, new kinship outside of heteronormative models, adoption rights, sex reassignment, gender-confirming surgery, sex education, books for young people, books for adults, and images of nudity, then it represents a wide range of political struggles that its opponents seek to shut down in their effort to restore a patriarchal order for the state, religion, and the family, an authoritarianism for the present. The only way forward is for all those targeted to gather themselves more effectively than their enemies have, to recognize their alliance, and to fight the phantasms prepared for them with a powerful and regenerative imaginary that can distinguish between the destruction of life and a collective life-affirmation defined by struggle and even irresolution.

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It seems clear that fascist passions or political trends are those that seek to strip people of the basic rights they require to live, and to do so either without regard for their probable demise, or because fascism is an effective mode of annihilating those lives, or establishing their dispensability. By contrast, authoritarianism is usually understood as a form of state power, but authoritarians emerge from within democratic regimes, elected precisely by stoking fascist passions, escalating the fear of destruction by social movements that converts into a moral alibi to destroy other people's lives. The authoritarian who seeks to stoke fascist passions knows too well that

the fear of destruction already courses through those who have seen the destruction of the climate, the environment, labor unions, and prospects for financial security. When that fear is both inflamed and organized by the syntax of the phantasm, “destruction” is located externally, in foreign people or languages, in elite powers, both of which are packed into “gender,” which threatens to invade and destroy. The attack on gender engages age-old conspiratorial logics to prop up anti-democratic regimes. If the foreign sources are characterized as Jewish, then that is apparently all the more effective in converting the fear of destruction into fascist passion.

Perhaps arguments do not have the power to address the fear of destruction that motivates the anti-gender ideology movement. The movement taps into a sense of a world on its way to immolation, and incites that fear to rally support for its “moral” plan for destruction. There is hardly an instance of the anti-gender movement that does not claim to be saving the children—from harm. The movement finds, stokes, and organizes that fear wherever it can. The tactic is clever and effective, for few things could be more personal and singular than the fear for one’s bodily safety or that of one’s children or those who are most proximate. But as one fear is allayed for some, another is escalated for those who are targeted: the fear of being injured, killed, pathologized, or incarcerated seizes trans and queer kids, adolescents in search of health care, and young people, including girls, in need of reproductive health services, who are hurt by this movement that claims to be “saving the children.” Equally painful is the fear that women feel on the streets as they seek simply to live their lives and move freely without fear. To realize how many women and LGBTQIA+ people are seized with fear on the street, in the workplace, or in their homes is to begin to know how pervasive and corrosive that fear can be. It matters how many Black and brown people undergo that fear in proximity to the police or the storeowner who regards them with suspicion, how many young Black people in the United States, for instance, have their breath choked out of them by police who know in advance that they will be exonerated. It is a singular fear for one’s life, and at the same time, it is also someone else’s, the fear that someone else felt before they died, the one a parent felt when they sent their kid for groceries at the corner store. What if political

movements were forged from all those who fear discrimination and violence in public and private spaces, who demand to live and love freely without fear of violence? Perhaps then “the fear of destruction” could be identified in a way that shows how its fascist exploitation is so egregiously wrong.

Consider the operative fantasies about migrants elaborated in support for xenophobic and racist migration policy, or the operative fantasies about women as child murderers in the anti-abortion rhetoric, or those that figure trans women as cis rapists infiltrating bathrooms. In each of these instances, we are encountering phenomena that are at once social and psychological. When fear runs through a targeted population, when hatred is stoked against a concept or idea such as “gender” that is said to wield the power of total destruction, then the tools we need to understand, deflate, and oppose such a movement are drawn from media with the power to occupy and deflate the phantasm in the service of another way of imagining, the one required to build vibrant and transnational alliance. We need this way of imagining solidarity going forward as much as we need air to breathe, for living on, and living on together, requires solidarity in the midst of breathable air, and a sense of living that includes and exceeds human life to include other living beings and processes. If something or someone seeks to take away what we need to live, we begin to fight for survival, but fighting alone never gets anyone very far. The helplessness one feels recalls the primary helplessness of the infant and the clear insight that without supportive infrastructure, no one’s life is livable.

When the anti-gender movement says that gender will strip you of your sexed identity, they are trying to strip a group of people of their sexed identity. Their inversion and externalization should be read as a confession: it is rights-stripping that they are advocating. They warn against “recruiting” by gay and lesbian teachers or books, but they are recruiting the public into a phantasmatic scene in which they are the ones who are being stripped of a sexed identity by progressive laws. Now, one might expect that identifying with such a position might expand powers of sympathy or concern, but in this case, the rights-stripping of trans people is fully absorbed and occluded by the identification that the public is asked to

feel. In other words, they are the only ones at risk of losing their sexed identity. The only way out for them is apparently to deny the rights of sex assignment to trans people. Yet trans rights to self-determination take no one else's rights away. Self-assignment is a form of freedom to live a livable life, a collective freedom that has been achieved through struggle. It is, however, twisted into a rights-stripping activity in order to justify stripping trans people of their rights. Similarly, queer families do not negate heterosexual ones. They only dispute the inevitability and superiority of the heteronormative family form.

Those who defend “the family” are being asked to accept a world in which families take various forms, and to understand that they are living in only one such form. This world of complex kinship and intimate association is not a future world, but *this* world, the one in which we actually live. How to call all the ruses of the anti-gender movement out in the most public of terms? Can the psychosocial dimension of this new fascism become known in terms that everyone will understand? Without that psychosocial inquiry, we cannot come to know how the most intimate fears and desires are woven into the social fabric in which we live—including the social ruptures and conflicts, the tears in that social fabric that pitch so many into precarity. Perhaps we can find in any number of religious traditions and ethical forms of life the simple precept that we can live through perilous and vicious times only if there are those who do not let us fall away.



As I have tried to argue, this heightened focus on “gender” by the Right deflects from the various social and political forces that are, in fact, destroying the world as we know it: climate destruction, war, capitalist exploitation and social and economic inequality, intensifying precarity and economic abandonment, global slums, homelessness, detention camps, systemic forms of racism, deregulation, neoliberalism, authoritarianism, and new forms of fascism. Even so, we cannot conclude that “gender” is only a way of deflecting attention from these other and more truly destructive forces, for gender relates to an intimate sense of lived bodily experience, a sense of who one is, the embodied contours of a self, and, for some, the

sense of an anchor that holds the architecture of the ego together. To be told that sex assigned at birth is not necessarily the same as a sex assumed in time is unsettling only for those who want to think of their own sex assignment less as a legal act conducted in relation to codified norms than as an immutable truth of the self. Maybe some do live gender as immutable, and that is surely acceptable. But to derive from that experience a theoretical generalization or, indeed, a universal rule is to impose a cruel falsehood on those who are living gender differently. And yet gender is presented by the Right as frightening not only because it exposes as mutable what was once taken to be immutable, but because if others can engage in gay sex or sex reassignment or enjoy sexual imagery that those on the Right either deny themselves or treat as unthinkable, then the other is living out a human possibility that redefines what counts as human. That denial of human possibilities becomes, paradoxically, a requirement of normative selfhood under such conditions, and so these lives over there, *they* are living out what has been established as unthinkable for oneself. To make them unthinkable means that they cannot be imagined, so when they do appear, they appear as phantasms with the power to destroy a heteronormative self anchored in a primary sex assignment that has grounded itself on their denial. Of course, trans people are thinkable and imaginable by many who are not trans. The same applies to abortion, or to lesbian and gay sexuality. But for those who are transphobic, once trans lives become thinkable, public, and imaginable, they appear not as human possibilities to be affirmed, but as threats to the human: monsters, phantasms aimed at destroying the sexual order that tacitly reproduces the architecture of the transphobic ego. The foreclosure of the very thought of trans leads to its return in paranoid phantasms. In turn, it produces the paradoxical situation in which the Right, and their trans-exclusionary feminist allies, are apparently thinking about them all the time. And under certain political conditions, those phantasms can be circulated to gain support for movements that target “gender” and promise to restore patriarchal orders that thrive on vibrant and toxic tautologies: sex is sex, and no debates or changes are allowed.

In May 2022, just prior to her election as Italy's prime minister from the right-wing party, Giorgia Meloni attended a rally in Marbella, Spain, by Vox, the Andalusian reactionary party, to warn against the threat to Spain and to Europe more generally by the "Greta Thunberg ideology," the "Green New Deal," and other forms of "climate fundamentalism." But the worst threat, she intoned, remains the "ideología del gender," which suppresses the difference between masculine and feminine, which is dedicated to the disappearance of women and the death of the mother, and she then called on women and mothers to rise up and fight for their "sexed identities." Her discourse then veered into a vicious caricature of North African migrants abusing children. The ideology of gender is like the migrant "invasion," since both threaten the traditional family and its task of reproducing the ethnically pure family and nation. The slide from one topic to the next without transition suggests a metonymic link between the two: gender is an unwanted and abusive migrant, and North Africans are bringing abuse to Europe, and both are threatening the nation and Europe itself. Gender and race intertwine as a phantasm that threatens national identity. Only toward the end of her remarks did she add an apparently obligatory reference to "Goldman Sachs," which, she argues, has no place in Italy. Meloni entered politics at age fifteen by joining a group of ex-fascists, the Youth Front of the Italian Social Movement. In her speech she moves from mentioning Jewish finance to progressive intellectuals, Islamic fundamentalism, and the secular Left, in the name of "the people," understood as Western, Christian, and European. Along the way she yelled out a few times, as if singing a high-pitched national anthem, "No to gender ideology, yes to sexed identity!"

In 2020, Meloni gave a speech at the National Conservatism Conference in Rome titled "God, Homeland, Family," in which she defended "the natural family," opposing gay and lesbian parenting as well as surrogacy as inhumane. In her view:

They would like us to give up defending the family, considering it to be an archaic and backward concept to be superseded. They would like to convince us that a family is any emotional bond between sentient beings,

that it is a sign of great civil and moral progress to pay a poor mother to keep her child in her womb for nine months and then snatch it from her arms to give it away to whoever has bought it. We reject all this, without a moment's hesitation, even though today it is considered highly scandalous and even revolutionary to say that a family is made up of a man and a woman, and any son they may have.

It is not scandalous, but it is surely false. Here is a fascist rhetoric emerging from a candidate subsequently elected through democratic voting procedures, warning against the powers of those "gender ideologists" who will destroy the social bedrock of the self and its most intimate relations, parenting rights, and the right to live in the sex that one is. And yet these are among the very rights for which most gender advocates are struggling and which she has proposed to revoke.

The anti-gender movements stoke the fear that ordinary people, gender-conforming and hetero, will be stripped of their status as mother, father, man, or woman, that such words will no longer be speakable, or that others will have taken them over for nefarious purposes. But the call to deny the rights of trans people to their self-designated sex is reversed within the phantasmatic scenario, producing the idea that permitting such rights will entail being stripped of them. Here the Right shares a supposition with the trans-exclusionary feminists: sex is a property to which one has exclusive rights, and any effort to challenge the property framework is a ruse of those seeking to steal or appropriate what is not rightfully their own.

Throughout the anti-gender ideology movement, a morally righteous sadism has triumphed over the powers of capacious alliance or any commitment to cohabitation on the basis of equality. This form of sadism rides on the conviction that fueling hatred is the only way to save the world, that only by destroying will destruction come to an end. Such a formulation, of course, intensifies destructiveness in the world in the name of saving the world from destruction. This attack on the health care rights of trans youth is undertaken in the name of saving children from harm. But here again, the attack on the right to health care is itself the harm; the claim to be "saving" youth facilitates sadism with a moral alibi.

Let's be clear: there are many reasons to fear destruction, including intensified neoliberalism, the widening gap between rich and poor, the increasing numbers of people who are poor and living in global slums, the attack on the environment and the felt sense that the earth as we know it will not be able to survive climate destruction. Sometimes the fear is more intimate: one's family, or one's very sense of family, is radically challenged by the intimate associations that other people make, or even those that are made by younger people in one's own family. The fear of poverty and the experience of living in poverty are always visceral, felt at a bodily level as hunger and fear and rage, the prospect or reality of living unsheltered, the prospect or reality of never making enough money for rent, or never being able to pay debts whose life lasts longer than one's own.

The conservative groups that oppose gender as a grave danger, a monstrous phantasm, are already beset by phantasmatic tremors, that is, by living in a world whose future is radically uncertain. It is against this background that apocalyptic fears of gender emerge, where the sense of imminent destruction is localized in the term, the form of study, the public policies against discrimination and violence that use the word.

There is a reason that it is "gender" that attracts specific anxieties rather than some other term. Even if its opponents have not read much, they understand that gender relates to their embodiment, their forms of intimacy, their sexual way of life, the limits under which they live and imagine, the potential ways of living or loving that prohibitions make more vivid and frightening. If the taboo against homosexuality is trespassed, does that mean that sexual taboos, including those that rule out sex with children and animals, will also be lifted? Some fear the flood of unlicensed sexuality will follow from the lifting of taboos that have no reason to exist. This sliding from one topic to another belongs to the metonymy of the phantasmatic scene that lets associations take precedence over what we might still call "facts." The fear cascades from one taboo to another, liberating the sexual imagination into specters of terror, until a fully lawless sexuality or unbridled sense of entitlement is imagined that will destroy all social bonds.

To think of the anti-gender movement only as a "culture war" would be mistaken. The movement is clearly responding to economic formations that

have left many people radically insecure about their futures, sensing that the conditions of their lives are deteriorating. The Polish scholars Agnieszka Graff and Elżbieta Korolczuk have argued that we make a mistake by imagining that critics of gender are simply cultural conservatives bearing deep feelings about preserving the traditional family. They are, in the view of these authors, actually responding to the displacement and insecurity that result from neoliberalism. They discuss the case of Poland and adjacent Eastern European countries: “Anti-gender actors consistently position themselves as warriors for justice and defenders of ordinary people against the corporate greed of global capital. Thus, they list among their enemies not only transnational institutions such as the UN and World Health Organization, but also iconic figures of global capitalism such as George Soros and Bill Gates, pharmaceutical companies seeking to sell contraception and the medical establishment offering abortion and IVF.”¹ They oppose forms of individualism, privatization, and the destruction of public services brought about by an austerity politics understood to be imposed by the European Union and major banking institutions. It is not only the Left that opposes the ravaging effects of neoliberalism, including the saturation of market values into everyday life. Graff and Korolczuk argue:

In Eastern and Central Europe, the neoliberal revolution—the dismantling of the socialist welfare state with its generous universal health care system, job security and state support for families—took place as part of the systemic transformation in the 1990s and was accompanied by a re-traditionalization of gender roles ... The important difference between the post-socialist and the American contexts is that whereas in the U.S. the return to “family values” was conceived of mostly in terms of strengthening individual responsibility and was thus fully compatible with the neoliberal ethos, in post-socialist countries the neoliberal revolution was experienced by many as a destruction of community and tradition.²

In the anti-gender ideology movement, however, conservative traditionalists (distinct from neoconservatives) emerge as a political force opposed to neoliberalism, and in Eastern Europe that opposition focuses on

forms of individualism (and its entrepreneurial imperative) that are seen to shred social relations and traditional ties. As social services are withdrawn and dismantled under neoliberalism (and as the ideal of social welfare is dissolved in favor of privatized markets), the family becomes all the more important, overdetermined and overburdened as the proxy social state. The individualism perceived as flowing freely from Brussels or Washington, DC, is countered not by the revival of socialist ideals absent totalitarian state structures, but by gender traditionalism and the restoration of the patriarchal family and state apparatus. Conservative women rejected feminism because it seemed to represent a model of individual freedom that would wrest them from their most important social ties, including ties to churches that seek to defend them against feminism and “gender.” And since those ties are now the site of social support, individualism of the kind associated with liberal feminism and with gender seemed like a force of social destruction. The opposition to economic devastation, debt, and neoliberal saturation of market values in everyday life was thus linked to the opposition to “gender,” understood as a neoliberal force with the power to tear traditional families apart.

Neville Hoad lets us know how this opposition plays out in Africa, where dependency on wealthy nations and institutions creates skepticism about the selective version of basic rights and liberal values imposed in exchange for basic goods:

Under globalization, national programs for redistribution of social surpluses are hamstrung. The provision of basic services, such as food, water, shelter, medication, an abundant and clean water supply, are increasingly dependent on donor countries (although it is important to remember that through debt service Africa is a net exporter of capital). These donor countries are, or are imagined as, the custodians of liberal values, with tolerance of homosexuality among them. Yet, the selectivity of these ostensibly universal rights and values must be noticed as propaganda. They ignore the very rights ... such as the right to eat, the right to shelter, the right to clean water, and the right to health care.³

It is, then, crucial that gender politics oppose neoliberalism and other forms of capitalist devastation and not become their instrument, that it opposes the continuing of colonization and all forms of racism, including those afflicting migrants, and that it takes its stand within expanding alliances. Gender politics is not rightly described as “identity” politics if its ultimate goal is to create the world in which we all want to live. It is by virtue of our interdependency that we stand a chance of surviving and flourishing. Can we make alliances that reflect that interdependency with both human and nonhuman life, that will oppose climate destruction and stand for a radical democracy informed by socialist ideals?

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When gender politics remain restricted to the liberal sphere of individual rights, it cannot address the basic rights to housing, food, nontoxic environments, unpayable debt, and health care that should belong to any struggle for social and economic justice. When countries and regions are coerced into accepting a version of rights that leaves their basic needs unaddressed, it is no wonder that skepticism emerges about those very rights. And when those rights are framed in terms that do not translate well into local cultures, then the critique of cultural imperialism is not without justification. For the critique of financial coercion and cultural imperialism to become an integral part of a transnational gender politics, we will need to remind people why and how they desire to live, reclaiming life for the Left, finding life in the relations that sustain us, the alliances formed among all those who seek to realize equality and freedom within a livable world, an enduring and regenerative earth. This means living with our profound differences without succumbing to the destructive forms we must oppose.

The only way out of this bind is to ally the struggle for gender freedoms and rights with the critique of capitalism, to formulate the freedoms for which we struggle as collective ones, and to let gender become part of a broader struggle for a social and economic world that eliminates precarity and provides health care, shelter, and food across all regions. Such an agenda would develop an understanding of the formation of the individual within a social world, the individual body as bearing the

trace of the social in its relations with others, both actual and implied—a body at once porous and interdependent. It would mean accepting that, as human creatures, we persist only to the extent that we are bound up with one another. When we say *I want to be free* or *I want you to be free*, we are speaking about these distinct selves but also about social freedoms that should be accorded to everyone as long as no real harm is done. And for that caveat to work, we have to expose the fearmongering that would recast fundamental freedoms as harms, and make freedom into a new and vital object of desire. To live according to such a maxim means that we must distinguish between actual harms and those that grip the imagination as imminent possibilities, manufactured by those in the business of inciting hatred. But we cannot learn how not to cause harm if freedom itself is regarded as a harm, or if we become convinced that struggles for equality, freedom, and justice are hurting the world. Let us show instead that the world, the earth, depends upon our freedoms, and that freedom makes no sense when it fails to be collective, no matter how difficult staying in emancipatory collectivities might be.

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In these pages, I have sought to provide arguments against some of the key claims of the anti–gender ideology movement, including the idea that gender is a fabrication and only “natural” sex is real, that gender belongs to a totalitarian regime or will bring one about, that it exemplifies hyper-capitalism and has stolen creative powers from the divine, that it is a force of destruction comparable to Ebola or a nuclear war, that it is a form of colonization, that it harms children. The arguments I have provided work together with a reading of the phantasmatic overdetermination of “gender” as a term, seeking to locate some of the fears and anxieties, but also the hatreds, that enter into the political rhetoric turned against gender. The fact that “gender” is called an ideology is an example of the kind of externalization, projection, and inversion of meanings that take place in the zone of the phantasmatic. By calling gender an ideological construct or formation, opponents have sought to associate gender with false beliefs, which support totalitarianism or state communism, on the one hand, but

also, with imperialism and the destruction of local cultures, on the other. This critique, in other words, borrows from, and nullifies, the history of the concept of ideology itself to wage a battle against “gender,” which is, in their hands, an abbreviation for a set of social and political movements that have yet to find the form of a durable and powerful countermovement. If successful, that alliance would open up new forms of life affirmation in the wake of patriarchal downfall.

For those who think that gender is a secondary oppression or that feminists should get in line behind the presumptively masculine Left, it is time to rethink the coordinates of the contemporary political map. Gender is not a secondary issue for Orbán, Putin, or Meloni, but a key rallying point in the defense of national values and even national security. For feminists who think that trans rights or LGBTQIA+ mobilizations are a distraction or a menace, they should, quite frankly, realize that all of our struggles are now linked as we seek to overcome the powers seeking to deprive us of basic conditions of livability. There can be no successful struggle against the forces denying women basic rights without recognizing everyone who is a woman, without acknowledging that these same forces are closing down borders in the name of racist and nationalist ideals, and targeting lesbian, gay, gender nonconforming, and trans youth, especially youth of color.

We may think that the anti-gender ideology movement is wrong, but why maintain that it is fascist as well? As I insisted at the outset of this book, fascism names the passions, but authoritarianism the emerging, if not accomplished, political reality. On *The Michael Knowles Show* online, which attracts hundreds of thousands of listeners, Knowles, a right-wing commentator and featured speaker at the Conservative Political Action Conference in the United States, stated the following:

If transgenderism [*sic*] is false, as it is, then we should not indulge it, especially since that indulgence requires taking away the rights and customs of so many people. If it is false, then for the good of society, and especially for the good of the poor people who have fallen prey to this confusion, *transgenderism must be eradicated from public life entirely*. The whole preposterous ideology—at every level.⁴

The language of eradication belongs to fascism, and today it is directed not only against trans people but against all those who have been clustered under the signs of “gender” and “critical race theory” and “wokism.” The ready definitions for fascism tend to rely on the study of its twentieth-century form, so new vocabularies are required to understand new iterations of fascism that have emerged in the last decades. Given the shifting character of economies and the contemporary ways of extending militarized forms of power to the police, prison, and the patrolling of national borders, we are faced with a combination of neoliberalism and intensified forms of security that rationalize the destruction of lives and livelihoods.⁵ Contemporary authoritarians may not consider themselves to be fascists, but they rely on fascist technique and stoking fascist passions to stay in power. The new authoritarians rail against social movements, including feminism, multiculturalism, and LGBTQIA+ rights and freedoms, against civil rights and the protection of the rights of migrants and refugees, all of which are cast as internal enemies threatening the nation, or as external ones about to break down the door and threaten the phantasmatic purity of the nation.

Perhaps it is in the exhilarations of shameless sadism that one finds fascist potentials in the present. All of the contemporary authoritarians promise a “liberation” from a leftist superego that would affirm trans lives, “woke” culture, and feminist and anti-racist struggles. This shameless attack on progressive social movements unleashed a “liberation” from moral accountability and an entitlement to privilege and power that, in turn, demonstrated its triumph by destroying the basic rights of migrants, queer people, women, Black and brown people, and the Indigenous. These authoritarians seek to bolster their public support by destroying any sense of common political belonging in favor of nationalist, racist, patriarchal, and religious forms of sociopolitical supremacy, subordination, and dispossession.

The posture and practice of impunity and shamelessness that we find in the figures of Trump, Bolsonaro, Orbán, Meloni, and Erdoğan, for example, are distinctly different from so-called charismatic fascists of the twentieth century. The contemporary fascist trends—ones that engage in death-

dealing and rights-stripping in the name of defending the family, the state, and other patriarchal institutions—support ever-strengthening forms of authoritarianism. That is why it makes no sense for “gender-critical” feminists to ally with reactionary powers in targeting trans, non-binary, and genderqueer people. Despite our differences, we have to create a struggle across differences that keeps the source of oppression in focus, testing our theories about the other by listening and reading, remaining open to having one’s traditional suppositions challenged, and finding ways to build alliances that allow our antagonisms not to replicate the destructive cycles we oppose. We cannot oppose discrimination against ourselves only to support it for others. We cannot oppose systematic forms of hatred against one group by allying with those who would intensify that hatred in multiple directions. We cannot censor each other’s positions just because we do not want to hear them. It is no time for any of the targets of this movement to be petty and divisive, for to defend gender studies and the importance of gender to any concept of justice, freedom, and equality is to ally with the fight against censorship and fascism.

Admittedly, we are not seeing fascist states on the order of Nazi Germany, but even that history advises us not to look away from the fascist potentials that are increasingly actualized in several regions of the world through the anti-gender ideology movement. Since fascism emerges over time, we need to know the steps by which it emerges and to identify fascist potentials when they appear. None of this implies that fascist potentials will materialize as fascist regimes, but if readiness to resist is imperative, which it is, then we have to identify those potentials and act against their escalating momentum. We can stop that momentum, but only by intervening as an alliance that does not destroy its own bonds. For that would be to reiterate the logic that we oppose, or that we should oppose. Rather, releasing radical democratic potentials from our own expanding alliances can show we are on the side of livable life, love in all its difficulties, and freedom, making those ideals so compelling that no one can look away, making desire desirable again in such a way that people want to live, and want others to live, in the world we envision, where gender and desire belong to what we mean by freedom and equality. What if we make

freedom into the air we together breathe? After all, that is the air that belongs to us all, sustaining our lives, unless, of course, the toxins—and there are many—pervade the atmosphere.

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Notes

Introduction: Gender Ideology and the Fear of Destruction

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3. See my “Moral Sadism and Doubting One’s Own Love: Kleinian Reflections on Melancholia,” in *Reading Melanie Klein*, ed. John Phillips and Lyndsey Stonebridge (London: Routledge, 1998), 179–89.
4. “There are codes furnished by the culture and those codes take the place of the primal fantasmatic.” Jean Laplanche, “The Other Within,” *Radical Philosophy* 102 (July/August 2000): 33.
5. Agnieszka Graff and Elżbieta Korolczuk, *Anti-Gender Politics in the Populist Moment* (London: Routledge, 2021).
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9. Even when the opponents of gender accept that gender studies students and scholars do engage in forms of critical reading, they construe “critique” as pure destruction, calling into question the very authorities the opponents regard as unquestionable. If this last point proves to be right, then according to their own logic, those who engage in gender studies engage in forms of critical reading and are, therefore, precisely *not* ideological.
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- [14.](#) See Leticia Sabsay, "Body Matters: From Autonomy to Relationality," in *The Political Imaginary of Sexual Freedom: Subjectivity and Power in the New Sexual Democratic Turn* (London: Palgrave Macmillan, 2016), 165–212.
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- [18.](#) Riley C. Snorton, "Anatomically Speaking: Ungendered Flesh and the Science of Sex," in *Black on Both Sides: A Racial History of Trans Identity* (Minneapolis: University of Minnesota Press, 2017), 17–53.

1. The Global Scene

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2. See Elizabeth A. Johnson, *Quest for the Living God: Mapping Frontiers in the Theology of God* (London: Bloomsbury, 2007), which offers a Catholic feminist critique of Vatican doctrine, showing how the Bible’s key concepts, including creation, can be reread for their feminist potentials. The book was denounced by Pope Benedict XVI and became the subject of an inquiry conducted by the Committee on Doctrine of the US Conference of Catholic Bishops in 2011. See also Yannik Thiem, “The Art of Queer Rejections: The Everyday Life of Biblical Discourse,” *Neotestamentica* 48, no. 1 (2014): 33–56.
3. See Sara Garbagnoli, “Against the Heresy of Immanence: Vatican’s ‘Gender’ as a New Rhetorical Device Against the Denaturalization of the Sexual Order,” *Religion and Gender* 6, no. 2 (2016): 187–204.
4. See Sarah Bracke and David Paternotte, eds., “Habemus Gender! The Catholic Church and ‘Gender Ideology,’” special issue, *Religion and Gender* 6, no. 2 (2016).
5. See “Letter to the Bishops of the Catholic Church on the Collaboration of Men and Women in the Church and in the World.” See the Vatican’s current policy as well, where male and female are said to define every cell in the body, here: <https://www.frc.org/sexuality>. See also Garbagnoli, “Against the Heresy of Immanence.”
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10. See DignityUSA (website), <https://www.dignityusa.org/>.
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- [47.](#) See Palecek and Tozlar, “Limiting of the Impact of Proxy Culture Wars by Religious Sensitivity.”
- [48.](#) Lucí Cavallero and Verónica Gago, *A Feminist Reading of Debt*, trans. Liz Mason-Deese (London: Pluto Press, 2021).
- [49.](#) Kapyra Kaoma, “Globalizing the Culture Wars: U.S. Conservatives, African Churches, and Homophobia,” Political Research Associates, 2009.
- [50.](#) Kapyra Kaoma and Petronella Chalwe, “The Good Samaritan and Sexual Minorities in Africa: Christianity, the US Christian Right and the Dialogical Ethics of Ubuntu,” in “Sexuality in Africa,” special issue, *Journal of Theology for Southern Africa* 155 (2016): 176–95.
- [51.](#) “Report: Scott Lively and the Export of Hate,” Human Rights Campaign Foundation (website), <https://www.hrc.org/resources/report-scott-lively-and-the-exportation-of-hate>.
- [52.](#) Although “gender” is not a diabolical category in India, it is clear that gendered oppositions and hierarchies are part of what stokes Hindu nationalism and its violent attacks on Muslims. See Soumi Banerjee, “The New Age Politics of Gender in the Hindutva Movement and Faith-Based Identity Contestation,” *openDemocracy*, December 16, 2019, <https://www.opendemocracy.net/en/rethinking-populism/new-age-politics-gender-hindutva-movement-and-faith-based-identity-contestation/>.
- [53.](#) So Yun Alysha Park, “A Move Forward for the Korean Women’s Movement,” Verso Books (blog), October 4 2018, <https://www.versobooks.com/blogs/4064-a-move-forward-for-the>

korean-women-s-movement; Karen Yamanaka, "Women's Movement in South Korea: How to Break Structural Oppression," *Europe Solidaire Sans Frontières*, May 16, 2022, <http://www.europe-solidaire.org/spip.php?article62499#nh5>.

54. Pei-Ru Liao, "'Only Filial Piety Can Produce Heirs, Not Homosexuals!': An Exploration of the Globalised Rhetoric of the Pro-Family Movement in Taiwan," *Culture and Religion* 21, no. 2 (2020): 139–56.
55. W. C. A. Wong, "The Politics of Sexual Morality and Evangelical Activism in Hong Kong," *Inter-Asian Cultural Studies* 14, no. 3 (2013): 340–60.
56. Liao, "'Only Filial Piety Can Produce Heirs, Not Homosexuals!,'" 151–52.
57. *Ibid.*, 147.
58. Ludvig Goldschmidt Pedersen, "The Academic Culture War Comes to Denmark," *Jacobin*, June 12, 2021; and David Matthews, "Danish Academics Fear for Freedom After MPs Condemn Activism," *Times Higher Education*, June 11, 2021.
59. The Istanbul Convention includes measures such as training professionals, awareness-raising campaigns, and treatment programs. It emphasizes tools for the protection of women such as granting police the power to remove perpetrators from the family home and ensuring access to information, shelters, telephone helplines, and referral centers. It also criminalizes various forms of violence to facilitate the prosecution of offenders. Finally, the convention encourages the integration of all policies through the concerted action of government agencies, NGOs, and national, regional, and local authorities.
60. See Claudia Ciobanu, "Ordo Iuris: The Ultra-Conservative Organisation Transforming Poland," *Balkan Insight: Reporting Democracy*, June 22, 2021, <https://balkaninsight.com/2021/06/22/ordo-iuris-the-ultra-conservative-organisation-transforming-poland/>. Ciobanu writes, "A report published on May 15 by the European Parliamentary Forum for Sexual and Reproductive Rights, titled 'Tip of the Iceberg,' documents how funding for ultra-conservative groups active in Europe has steadily increased over the last decade. The report's author, Neil Datta, identifies over 700 million dollars that poured into anti-gender groups in Europe between 2009 and 2018, 11 per cent of that from US sources, 26 per cent from Russian ones, and the rest from Europe."
61. Adam Liptak, "In Narrow Decision, Supreme Court Sides with Baker Who Turned Away Gay Couple," *The New York Times*, June 4, 2018, <https://www.nytimes.com/2018/06/04/us/politics/supreme-court-sides-with-baker-who-turned-away-gay-couple.html>. Five years later, in June 2023, the Supreme Court ruled that the state of Colorado cannot enforce an antidiscrimination law against a web designer who refused to create a gay wedding site on the grounds that it violates her First Amendment rights. In the latter case, religious freedom to discriminate was absorbed into free speech rights and was held to preempt antidiscrimination law. This result was made possible in part by claiming that the website builder should not have to propound a message that violates that person's rights of free expression. Thus, they could argue that the message was the problem, not the gay clients. Justice Sotomayor objected, reminding the court that no business open to the public has the right to discriminate against a protected class. See Amy Howe, "Supreme Court Rules Website Designer Can Decline to Create Same-Sex Wedding Websites," *SCOTUSblog*, June 30, 2023.
62. Agnieszka Graff and Elżbieta Korolczuk, *Anti-Gender Politics in the Populist Moment* (London: Routledge, 2021).
63. See Maryna Shevtsova, "Religion, Nation, State, and Anti-Gender Politics in Georgia and Ukraine," *Problems of Post-Communism* 70, no. 2 (2022): 163–74.
64. *Ibid.*, 166–67, 172.

- [65.](#) Nikita Sleptcov, “Political Homophobia as a State Strategy in Russia,” *Journal of Global Initiatives: Policy, Pedagogy, Perspective* 12, no.1 (2017): 140–61.

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2. Vatican Views

1. See Mary Anne Case, “After Gender the Destruction of Man? The Vatican’s Nightmare Vision of the ‘Gender Agenda’ for Law,” *Pace Law Review* 31, no. 3 (June 2021): 808. See also the comprehensive history offered by Sara Garbagnoli, “Against the Heresy of Immanence: Vatican’s ‘Gender’ as a New Rhetorical Device Against the Denaturalization of the Sexual Order,” *Religion and Gender* 6, no. 2 (2016): 189.
2. Joseph Cardinal Ratzinger with Vittorio Messori, *The Ratzinger Report* (San Francisco: Ignatius Press, 1985), 15, as cited in Case.
3. See Mary Anne Case, “The Role of the Popes in the Invention of Complementarity and the Vatican’s Anathematization of Gender,” *Religion and Gender* 6, no. 2 (2016): 155. Case writes, “For the Vatican, complementarity entails that ‘man and woman’ have ‘equal dignity as persons’ but that this equal dignity is premised on and manifest in essential and complementary differences, ‘physical, psychological and ontological’ (Ratzinger 2004). The differences the Vatican has in mind as essential include most of what secular law would characterize as sex stereotypes, a term many activist proponents of complementarity embrace rather than repudiate (Kuby 2008).” According to Case, it was “in the course of the last half century that brought the Vatican first to embrace sexual complementarity as the foundation of its theological anthropology and then to mobilize that anthropology in an attempt to influence secular law in settings as diverse as the United Nations’ 1995 Beijing Conference on Women and *La manif pour tous*, the protest movement that brought thousands of French citizens out to demonstrate against the inclusion of same-sex couples in a law extending ‘mariage pour tous’ (Marriage for Everyone) in the spring of 2013.”
4. Pope Francis, “Address of His Holiness Pope Francis to Participants in the International Colloquium on the Complementarity Between Man and Woman Sponsored by the Congregation for the Doctrine of the Faith,” (speech, Vatican City, November 17, 2014), https://www.vatican.va/content/francesco/en/speeches/2014/november/documents/papa-francesco_20141117_congregazione-dottrina-fede.html.
5. Congregation for Catholic Education, “‘Male and Female He Created Them’: Towards a Path of Dialogue on the Question of Gender Theory in Education,” Vatican City, 2019, http://www.educatio.va/content/dam/cec/Documenti/19_0997_INGLESE.pdf. See also in this same document the argument that the real problem is “*the separation of sex from gender*,” which continues:

This separation is at the root of the distinctions proposed between various “sexual orientations” which are no longer defined by the sexual difference between male and female, and can then assume other forms, determined solely by the individual, who is seen as radically autonomous. Further, the concept of gender is seen as dependent upon the subjective mindset of each person, who can choose a gender not corresponding to his or her biological sex, and therefore with the way others see that person (*transgenderism*). In a growing contraposition between nature and culture, the propositions of gender theory converge in the concept of “queer,” which refers to dimensions of sexuality that are extremely fluid, flexible, and as it were, nomadic. This culminates in the assertion of the complete emancipation of the individual from any *a priori* given sexual definition, and the disappearance of classifications seen as overly rigid. This would create a new range of

nuances that vary in degree and intensity according to both sexual orientation and the gender one has identified oneself with.

6. Ibid., 14.

7. Ibid., 5.

8. Ibid.

9. See the work of Juliet Mitchell, Jacqueline Rose, Elizabeth Weed, and Rosi Braidotti, among others, for alternative notions of sexual difference. See also Mary C. Rawlinson and James Sares, eds., *What Is Sexual Difference? Thinking with Irigaray* (New York: Columbia University Press, 2023).

10. Daniel P. Horan, “The Truth about So-called ‘Gender Ideology,’” *National Catholic Reporter*, June 24, 2020, <https://www.ncronline.org/news/opinion/faith-seeking-understanding/truth-about-so-called-gender-ideology>.

11. Congregation for Catholic Education, “‘Male and Female He Created Them,’” 11.

12. Ibid.

13. Mary Ann Glendon, opening address (speech, UN Conference on Women, Beijing, China, September 5, 1996), <https://www.ewtn.com/catholicism/library/opening-address-of-mary-ann-glendon-2492>.

14. Mary Anne Case, “Trans Formations in the Vatican’s War on ‘Gender Ideology,’” *Signs: Journal of Women in Culture and Society* 44, no. 3 (2019): 643–44.

15. See the Survivors Network of those Abused by Priests (SNAP) website for current statistics and stories: <https://www.snapnetwork.org/>.

16. Rhuaridh Marr, “Anti-Gay Catholic Priest Accused of Having Sex with Men to ‘Heal’ Their Homosexuality,” *Metro Weekly*, July 8, 2021, <https://www.metroweekly.com/2021/07/anti-gay-catholic-priest-accused-of-having-sex-with-men-to-heal-their-homosexuality/>.

17. Elisabeth Auvillain, “French Priest, Former Vatican Adviser, to Face Church Trial on Abuse Claims,” *National Catholic Reporter*, July 1, 2021, <https://www.ncronline.org/news/accountability/french-priest-former-vatican-adviser-face-church-trial-abuse-claims>.

18. Alison Mutler, “First Russia, Then Hungary, Now Romania Is Considering a ‘Gay Propaganda’ Law,” Radio Free Europe, June 26, 2022, <https://www.rferl.org/a/romania-lgbtq-rights-bill-gay-propaganda-law/31915661.html>.

19. Madelin Necsutu, “Romanian Hungarians Advocate Laws to Stop ‘Gender Ideology Assault,’” *Balkan Insight*, February 16, 2022, <https://balkaninsight.com/2022/02/16/romanian-hungarians-advocate-laws-to-stop-gender-ideology-assault/>.

20. Edward Graham, “Who Is Behind the Attacks on Educators and Public Schools?,” *NEA Today*, December 14, 2021, <https://www.nea.org/advocating-for-change/new-from-nea/who-behind-attacks-educators-and-public-schools>.

21. See Paul B. Preciado, *Can the Monster Speak? Report to an Academy of Psychoanalysts*, trans. Frank Wynne (South Pasadena, CA: Semiotext(e), 2021).

22. As Jacques Lacan puts it, “Just as after it is effaced, what remains, if there is a text, namely if this signifier is inscribed among other signifiers, what remains, is the place where it has been effaced, and it is indeed this place also which sustains the transmission, which is this essential thing thanks to which that which succeeds it in the passage takes on the consistency of something that can be trusted” (*Seminar V*, 23.04.58, 8–10).

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3. Contemporary Attacks on Gender in the United States

1. Mary Anne Case credits the American College of Pediatricians, pointing out that its website warns that “Gender Ideology Harms Children.” She also remarks that “gender ideology” became a popular term at the 2018 Values Voter Summit, whose keynote speaker that year was Mike Pence. She also rightly notes that it is partly the responsibility of Pope Francis, “whose popularity attracted attention and whose apparent openness to gay and trans individuals seemingly made his condemnation of their rights more palatable.” Mary Anne Case, “Trans Formations in the Vatican’s War on ‘Gender Ideology,’” *Signs: Journal of Women in Culture and Society* 44, no. 3 (2019): 657.
2. “Human Rights Campaign Working to Defeat 340 Anti-LGBTQ+ Bills at State Level Already, 150 of Which Target Transgender People—Highest Number on Record,” Human Rights Campaign, press release, February 15, 2023, <https://www.hrc.org/press-releases/human-rights-campaign-working-to-defeat-340-anti-lgbtq-bills-at-state-level-already-150-of-which-target-transgender-people-highest-number-on-record>.
3. “‘Gender theory’ ‘Gender ideology’—Select Teaching Resources,” *United States Conference of Catholic Bishops*, updated August 7, 2019, https://www.usccb.org/resources/Gender-Ideology-Select-Teaching-Resources_0.pdf.
4. “New USCCB Document Seeks to Stop Transgender Healthcare at Catholic Institutions,” New Ways Ministry (website), <https://www.newwaysministry.org/2023/03/22/new-usccb-document-seeks-to-stop-transgender-healthcare-at-catholic-institutions/>.
5. Bella DuBalle, “I’m a Drag Queen in Tennessee. The State’s Anti-Drag Law Is Silly, Nasty and Wrong,” *The Guardian*, May 15, 2023, https://www.theguardian.com/commentisfree/2023/may/15/im-a-drag-queen-in-tennessee-the-states-anti-drag-law-is-silly-nasty-and-wrong?CMP=Share_iOSApp_Other.
6. The UCLA Williams Institute reports that as of March 2023, thirty states in the United States have restricted access to gender-affirming care, carrying penalties for health care providers who contravene the law. See their “Prohibiting Gender-Affirming Medical Care for Youth” at <https://williamsinstitute.law.ucla.edu/publications/bans-trans-youth-health-care/>. Five states consider it a felony to provide some forms of affirmative care to minors, and nineteen states in the first half of 2023 have passed bans on care; see Annette Choi and Will Mullery, “19 States Have Laws Restricting Gender-Affirming Care, Some with the Possibility of a Felony Charge,” CNN, June 6, 2023, www.cnn.com/2023/06/06/politics/states-banned-medical-transitioning-for-transgender-youth-dg/index.html
7. The Human Rights Campaign reports an explosion of accusations online after the passing of the “Don’t Say Gay” bill in Florida; see Henry Berg-Brousseau, “NEW REPORT: Anti-LGBTQ+ Grooming Narrative Surged More Than 400% on Social Media Following Florida’s ‘Don’t Say Gay or Trans’ Law, as Social Platforms Enabled Extremist Politicians and Their Allies to Peddle Inflammatory, Discriminatory Rhetoric,” Human Rights Campaign, August 10, 2022, <https://www.hrc.org/press-releases/new-report-anti-lgbtq-grooming-narrative-surged-more-than-400-on-social-media-following-floridas-dont-say-gay-or-trans-law-as-social-platforms-enabled-extremist-politicians-and-their-allies-to-peddle-inflammatory-discriminatory-rhetoric>. See also Hannah Nathanson and Moriah Balingit, “Teachers Who Mention Sexuality Are Grooming Kids,” *The Washington Post*, April 5, 2022, <https://www.washingtonpost.com/education/2022/04/05/teachers-groomers-pedophiles-dont-say-gay/>.

8. Kinzi Sparks, “Higher Education Institutions (HEIs) and Crisis Services,” The Trevor Project and Active Minds (website), www.thetrevorproject.org/wp-content/uploads/2021/12/Higher-Education-Institution1.pdf.
9. “Amicus Briefs,” American Psychiatric Association (website), <https://www.psychiatry.org/psychiatrists/search-directories-databases/library-and-archive/amicus-briefs>.
10. Sarah Schulman, *Conflict Is Not Abuse: Overstating Harm, Community Responsibility and the Duty of Repair* (Vancouver, BC: Arsenal Pulp Press, 2016).
11. Khalil Gibran Muhammad, *The Condemnation of Blackness: Race, Crime, and the Making of Modern Urban America* (Cambridge, MA: Harvard University Press, 2019).
12. Maureen R. Benjamins, Abigail Silva, Nazia S. Saiyed, and Fernando G. De Maio, “Comparison of All-Cause Mortality Rates and Inequities Between Black and White Populations Across the 30 Most Populous US Cities,” *JAMA Network* 4, no. 1 (2021), <https://jamanetwork.com/journals/jamanetworkopen/fullarticle/2775299>.
13. Sarah Schwartz, “Map: Where Critical Race Theory Is Under Attack,” *Education Week*, June 11, 2021, <https://www.edweek.org/policy-politics/map-where-critical-race-theory-is-under-attack/2021/06>.
14. See Do No Harm’s website at <https://donoharmmedicine.org/>.
15. Rufo was appointed to the board of trustees at New College in Florida by Governor Ron DeSantis to reverse the “woke ideology” apparently taking over the school. In 2023, faculty were fired from their positions for teaching “woke” subjects, and the curriculum was gutted.
16. See Joan W. Scott, *Knowledge, Power, and Academic Freedom* (New York: Columbia University Press, 2019).
17. Susan Ellingwood, “What Is Critical Race Theory, and Why Is Everyone Talking About It?,” *Columbia University News*, July 1, 2021, <https://news.columbia.edu/news/what-critical-race-theory-and-why-everyone-talking-about-it-0>.
18. Wendy Brown, “Wounded Attachments,” in *States of Injury: Power and Freedom in Late Modernity* (Princeton, NJ: Princeton University Press, 1995): 52–76.
19. Candace Bond-Theriault, “The Right Targets Queer Theory,” *The Nation*, April 19, 2022.

4. Trump, Sex, and the Supreme Court

1. The memo was quoted in Kerensa Cadenas, “The Trump Administration Wants to Define Gender as Biological Sex at Birth,” *Vanity Fair*, October 21, 2018, <https://www.vanityfair.com/news/2018/10/the-trump-administration-wants-to-define-gender-at-birth>. “Sex is based on immutable biological traits identifiable by or before birth,” the memo says. “The sex listed on a person’s birth certificate, as originally issued, shall constitute definitive proof of a person’s sex, unless rebutted by reliable genetic evidence.”
2. For a thorough and incisive review of this decision and its place in related jurisprudence, please see Ido Katri, “Transitions in Sex Reclassification Law,” *UCLA Law Review* 70, no. 1 (March 2021).
3. On the 1987 Supreme Court case *Oncale v. Sundowner Offshore, Inc.*, see Katherine M. Franke, “What’s Wrong with Sexual Harassment?,” *Stanford Law Review* 49, no. 4 (April 1997): 691–772, https://scholarship.law.columbia.edu/faculty_scholarship/716.
4. *Bostock v. Clayton County*, 590, U.S. ____ (2020).
5. *Ibid.*, 10.
6. See my *Excitable Speech: A Politics of the Performative* (New York: Routledge, 1997).
7. See the Palm Center’s extensive research and policy formulations on this issue: <https://palmcenterlegacy.org/>.
8. *Bostock v. Clayton County*, 10.
9. *Ibid.*, 19.
10. See Rachel Slepoy, “Bostock’s Inclusive Queer Frame,” *Virginia Law Review Online* 107 (January 2021).
11. Discrimination on the basis of sex can include reference to the sex one is presumed to be on the basis of appearance or legal status, or the sex one claims to be through a change in status. In neither case is sex secured through biological references, although prejudicial assumptions about women’s capacities based on flawed biological assumptions surely count as sex discrimination.
12. *Bostock v. Clayton County*, 19.
13. “Anatomy Does Not Define Gender,” *Nature* 563 (November 2018): 5.
14. This discussion of *Dobbs* appeared in altered form on the Verso Books Blog, June 2022.
15. See Orlando Patterson, “Freedom, Slavery, and the Modern Construction of Rights,” in *The Cultural Values of Europe*, ed. Hans Joas and Klaus Wiegant, trans. Alex Skinner (Liverpool, UK: Liverpool University Press, 2008): 115–51.
16. Wendy Brown, *In the Ruins of Neoliberalism: The Rise of Anti-Democratic Politics in the West* (New York: Columbia University Press, 2019).

5. TERFs and British Matters of Sex

1. See Lucí Cavallero and Verónica Gago, *A Feminist Reading of Debt*, trans. Liz Mason-Deese (London: Pluto Press, 2021).
2. Alyosxa Tudor, “The Anti-Feminism of Anti-Trans Feminism,” *European Journal of Women’s Studies* 30, no. 2 (2023): 290–302.
3. Joan W. Scott, *Gender and the Politics of History* (New York: Columbia University Press, 1988), 49.
4. Holly Lawford-Smith, “What Is Gender Critical Feminism (And Why Is Everyone So Mad About It?),” Holly Lawford-Smith: Political Philosopher (personal website), <https://hollylawford-smith.org/what-is-gender-critical-feminism-and-why-is-everyone-so-mad-about-it/>.
5. John Stoltenberg, “Andrea Dworkin Was a Trans Ally,” *Boston Review*, April 8, 2020, <https://www.bostonreview.net/articles/john-stoltenberg-andrew-dworkin-was-trans-ally/>.
6. “The sentiments that [Janice] Raymond expressed in *The Transsexual Empire* were representative of only a fairly small—albeit vocal and powerful—group of women in the 1970s, which also included Sheila Jeffreys and Mary Daly. Tragically, this antipathy between some second-wave feminists and trans*women has significantly contoured the terrain of contemporary trans* activism, presenting a stumbling block for coalition building in the United States. It has come at the expense of embracing the many radical feminists from the 1970s and ’80s, such as Andrea Dworkin, who did not see trans*women as enemies, who understood the category of ‘woman’ to include trans*women, and even in some cases advocated for free hormones and surgery.” Jack Halberstam, “Toward a Trans*feminism,” *Boston Review*, January 18, 2018, and “Trans* - Gender Transitivity and New Configurations of Body, History, Memory and Kinship,” *Parallax* 22, no. 3 (2016).
7. Catharine A. MacKinnon, “Amici Brief for Petitioner,” reprinted in *UCLA Journal of Gender and Law* 8, no. 9 (1997): 15.
8. *Ibid.*, 32.
9. Catharine A. MacKinnon, “Feminism, Marxism, Method, and the State: An Agenda for Theory,” *Signs* 7, no. 3 (Spring 1982): 533.
10. See Janet Halley, “Sexuality Harassment,” in *Left Legalism/Left Critique*, ed. Janet Halley and Wendy Brown (Durham, NC: Duke University Press, 2002). See also Katherine M. Franke, “What’s Wrong with Sexual Harassment?,” *Stanford Law Review* 49, no. 4 (April 1997): 735–36, <https://scholarship.law.columbia.edu/facultyscholarship/716>.
11. See Sophie Lewis, “How British Feminism Became Anti-Trans,” *The New York Times*, February 7, 2019. Lewis references Enze Han and Joseph O’Mahoney’s *British Colonialism and the Criminalization of Homosexuality* (London: Routledge, 2018).
12. This is true not just in the United Kingdom but in Japan as well.
13. Nan Hunter and Lisa Duggan, *Sex Wars: Sexual Dissent and Political Cultures* (New York: Routledge, 2006).
14. Sandrine Morel, “Spain Approves Gender Self-Determination with ‘Trans Equality Law,’” *Le Monde*, February 17, 2023, https://www.lemonde.fr/en/international/article/2023/02/17/spain-approves-gender-self-determination-with-trans-equality-law_6016193_4.html.
15. Gender Recognition Act 2004, UK Public General Acts, UK Parliament, <https://www.legislation.gov.uk/ukpga/2004/7/contents>.
16. See the Yogyakarta Principles, <https://yogyakartaprinciples.org/>.

- [17.](#) Shon Faye, “A Brief History of the Gender Recognition Act,” *Vice*, October 16, 2018, <https://www.vice.com/en/article/negm4k/a-brief-history-of-the-gender-recognition-act>; cf. Stephen Whittle, “The Gender Recognition Act 2004,” in *Transsexual and Other Disorders of Gender Identity*, ed. James Barrett (Oxford: CRC Press, 2007).
- [18.](#) When lagging behind in the polls, Rishi Sunak decided to rally crowd support by exclaiming that new woke culture makes it impossible to use plain words like “woman” or “man” or “mother” without offending someone. Liz Truss herself refused to ban trans conversion therapy, widely understood as a cruel and harmful protocol if not a paradigmatic instance of moral sadism.
- [19.](#) Kathleen Stock, “I Came Out Late—Only to Find That Lesbians Had Slipped to the Back of the Queue,” *The Guardian*, March 12, 2023, <https://www.theguardian.com/commentisfree/2023/mar/12/i-came-out-late-only-to-findlesbians-slipped-back-of-queue>.
- [20.](#) After the announcement of the Gender Critical Network at the Open University, many asked whether that university could still reasonably be called “open.” In “Is This What ‘Open’ Means?,” *Medium*, June 18, 2021, S. J. Ashworth, a former student there, wrote:
- I believe, as I think many people do, that if you come for any one of us, you come for us all. This doesn’t just apply to the LGBTQ+ community either, although of course it does most profoundly there. Gender-critical beliefs—or as they are more commonly known, transphobia—are based in misogyny. They’re being used as a tool not just to divide and destroy the LGBTQ+ community, but to bring down feminism too. They prey on old fears and bogeymen, resurrecting the moral panics of the past and planting seeds of distrust in every crack and cranny. *Trans women are all predatory men! Trans men are just confused lesbians! These confused kids and their new fads for gender fluid, demi boi, non binary whatever, it’s all about how toxic gender stereotypes have become! Why do they need to be equal...?*
- [21.](#) Gender-critical research seeks to debunk forms of gender studies that rely on theories of social construction or that query how the materiality of bodies comes to signify in historical contexts. Even though it seeks to rid institutions of higher education of an “ideology” that it claims has damaged the field of gender studies, it has also been accused of engaging in discriminatory behavior against trans and non-binary people by refusing the very work that theorizes their lives, or that interrogates the way that binary logics have framed investigations into sex. “Gender critical” appears to be synonymous with “trans-exclusionary,” which is why many have argued that its main aims are political and discriminatory. See the argument against discrimination in “Gender Critical Research Network: Letter to the Open University,” Gender GP, June 29, 2021, <https://www.gendergp.com/open-university-letter-condemns-gender-critical-research-network/>. For a consideration of trans-exclusionary feminism and its alliance with the global Right, see Sophie Lewis and Asa Seresin, “Fascist Feminism: A Dialogue,” and Hidenobu Yamada, “GID as an Acceptable Minority: or, The Alliance Between Moral Conservatives and ‘Gender Critical’ Feminists in Japan,” in “Trans-Exclusionary Feminisms and the Global New Right,” special issue, *TSQ* 9, no. 3 (2022).
- [22.](#) See Aleardo Zanghellini, “Philosophical Problems with the Gender-Critical Feminist Argument Against Trans Inclusion,” *SAGE Open* 10, no. 2 (April–June 2020): 1–14.
- [23.](#) See Stoltenberg, “Andrea Dworkin Was a Trans Ally.”

24. Valeria Bustos et al., “Regret After Gender-Affirmation Surgery: A Systematic Review and Meta-analysis of Prevalence,” *Plastic and Reconstructive Surgery* 9, no. 3 (March 2021), https://journals.lww.com/prsgo/fulltext/2021/03000/regret_after_gender_affirmation_surgery__a.22.aspx. See also “Regret Rates and Long-Term Mental Health,” Gender Health Query (website), <https://www.genderhq.org/trans-youth-regret-rates-long-term-mental-health>.
25. “AMA to States: Stop Interfering in Health Care of Transgender Children,” American Medical Association, press release, April 26, 2021, <https://www.ama-assn.org/press-center/press-releases/ama-states-stop-interfering-health-care-transgender-children>.
26. Michelle Johns et al., “Transgender Identity and Experiences of Violence Victimization, Substance Use, Suicide Risk, and Sexual Risk Behaviors Among High School Students—19 States and Large Urban School Districts, 2017,” *Morbidity and Mortality Weekly Report* 68 (2019): 67–71, <https://www.cdc.gov/mmwr/volumes/68/wr/mm6803a3.htm>. See also “Facts About LGBTQ Youth Suicide,” The Trevor Project (website), December 15, 2021, <https://www.thetrevorproject.org/resources/article/facts-about-lgbtq-youth-suicide/>.
27. Azeen Ghorayshi, “England Overhauls Medical Care for Transgender Youth,” *The New York Times*, July 8, 2021, <https://www.nytimes.com/2022/07/28/health/transgender-youth-uk-tavistock.html>.
28. Paisley Currah, *Sex Is as Sex Does: Governing Transgender Identity* (New York: New York University Press, 2022).
29. Andrea Long Chu, *Females* (New York: Verso, 2019).
30. Nazia Parveen, “Karen White: How ‘Manipulative’ Transgender Inmate Attacked Again,” *The Guardian*, October 11, 2018, <https://www.theguardian.com/society/2018/oct/11/karen-white-how-manipulative-and-controlling-offender-attacked-again-transgender-prison>.
31. Vic Parsons, “Ministry of Justice Dispels Bigoted Myths Around Trans Prisoners and Sexual Assault with Cold, Hard and Indisputable Facts,” *Pink News*, May 21, 2020, <https://www.pinknews.co.uk/2020/05/21/trans-prisoners-victims-sexual-assault-more-than-perpetrators-ministry-of-justice-liz-truss/>.
32. The feminist account of rape as an act of domination relied on ideas of masculine power that remained largely indifferent to the way that rape functions at the intersection of race and colonial power. See, for instance, Angela Y. Davis’s pathbreaking essay, “Rape, Racism, and the Capitalist Setting,” *The Black Scholar* 12, no. 6 (December 1981): 39–45, reprinted from *The Black Scholar* 9, no. 7 (April 1978). See also Elizabeth Thornberry, *Colonizing Consent: Rape and Governance in South Africa’s Eastern Cape* (Cambridge, UK: Cambridge University Press, 2018).
33. See, for instance, Karin Stögner, “Von ‘Geldjuden’ und ‘Huren’—Kritik der antisemitisch-sexistischen Ideologie,” in *Wissen schafft Demokratie*, vol. 8: *Schwerpunkt: Antisemitismus* (Jena, Germany: Institut für Demokratie und Zivilgesellschaft, 2020), 86–93.
34. See Marquis Bey, *Black Trans Feminism* (Durham, NC: Duke University Press, 2022); Emy Koyama, “The Transfeminist Manifesto,” in *Catching a Wave: Reclaiming Feminism for the 21st Century*, ed. Rory Dicker and Alison Piepmeier (Evanston, IL: Northwestern University Press, 2003), 244–62; Talia Mae Betcher, “Trans Feminism: Recent Philosophical Developments,” in *Philosophy Compass* 12, no. 11 (November 2017); and Susan Stryker and V. Varun Chaudry, “Ask a Feminist: Susan Stryker Discusses Trans Studies, Trans Feminism, and a More Trans Future,” *Signs: Journal of Women in Culture and Society* 47, no. 3 (2022): 789–800.
35. See “Open Letter to JK Rowling” from Mermaids, a group that supports gender diverse children and their families, <https://mermaidsuk.org.uk/news/dear-jk-rowling>:

Yes, there is the case of Karen White, a transgender woman who sexually assaulted two women while on remand at New Hall jail in Wakefield, but it cannot be ignored that this represented an inexcusable breakdown in prison safeguarding security and processes rather than a reason to class transgender women as a threat. Abusive women are usually placed within male prisons due to the increased security measures in place. We agree that more should be done to keep female prisoners safe from attack from all inmates, cis or trans ... It is a common, inaccurate and ultimately destructive trope to use such limited instances to impute criminality on all trans people and to portray them as a sexual threat to cis women.

- [36.](#) Cressida Hayes, “Feminist Solidarity After Queer Theory: The Case of Transgender,” *Signs: Journal of Women in Culture and Society* 28, no. 4 (2003): 1100: “Feminists writing about transgender are, as Ludwig Wittgenstein would say, held captive by a picture within which the history of fetishizing trans people combines with a lack of critical attention to the privilege of being stably gendered to erase the possibility of a transfeminist politics, and, hence, the possibility of alliance between trans and non-trans feminists. This picture needs to be made visible as a picture before it can be dispelled.”
- [37.](#) The changing statistics on assaults committed by trans women in prison should surely be compared with assaults by, for instance, men who are prison guards against women inmates, and assaults against trans people in prison more generally.
- [38.](#) Nora Neus, “Trans Women Are Still Incarcerated with Men and It’s Putting Their Lives at Risk,” CNN, June 23, 2021, <https://www.cnn.com/2021/06/23/us/trans-women-incarceration/index.html>. See also Valerie Jenness, Cheryl L. Maxson, Kristy N. Matsuda, and Jennifer Macy Sumner, “Violence in California Correctional Facilities: An Empirical Examination of Sexual Assault,” UC Irvine Center for Evidence-Based Corrections, *The Bulletin* 2, no. 2 (June 2007), <https://cpb-us-e2.wpmucdn.com/sites.uci.edu/dist/0/1149/files/2013/06/BulletinVol2Issue2.pdf>.
- [39.](#) S Kara, “Depathologizing Gender Identity Through Law,” GATE (2020), https://gate.ngo/wp-content/uploads/2021/11/GATE_Legal-Depath_1_Depath-GI-Through-Law.pdf.
- [40.](#) Gail Lewis and Clare Hemmings, “‘Where Might We Go If We Dare’: Moving Beyond the ‘Thick, Suffocating Fog of Whiteness’ in Feminism,” *Feminist Theory* 20, no. 4 (2019): 405–21. See also Clare Hemmings, “‘But I Thought We’d Already Won That Argument!’: ‘Anti-Gender’ Mobilizations, Affect, and Temporality,” *Feminist Studies* 48, no. 3 (2022): 594–615.

6. What About Sex?

1. Sonia Sodha, "Women Must Be Allowed to Defend Abortion as a Sex-Based Right," *The Guardian*, June 26, 2022, <https://www.theguardian.com/commentisfree/2022/jun/26/women-must-be-allowed-to-defend-abortion-as-a-sex-based-right>.
2. See Donna J. Haraway, "A Cyborg Manifesto: Science, Technology, and Socialist-Feminism in the Late Twentieth Century," in *Simians, Cyborgs, and Women: The Reinvention of Nature* (New York: Routledge, 1991), 149–82, for the discussion of unproductive dualisms, and Donna J. Haraway, "The Promise of Monsters: A Regenerated Politics for Inappropriate/d Others," in *Cultural Studies*, ed. Lawrence Grossberg, Cary Nelson, and Paula A. Treicher (New York: Routledge, 1991), 295–337, where she writes that "nature" does not exist as some essential, eternal, or exploitable material or form but instead is "artifactual," something made, but "not entirely by humans; it is a co-construction among humans and nonhumans." See also Esther Thelen, "Dynamic Systems Theory and the Complexity of Change," *Psychoanalytic Dialogues* 15, no. 2 (2005): 255–283; and Karen Barad, "Agential Realism—A Relation Ontology Interpretation of Quantum Physics," in *The Oxford Handbook of the History of Quantum Interpretations*, ed. Olival Freire, online edition (Oxford Academic Publishing, 2022).
3. Shon Faye, *The Transgender Issue: Trans Justice Is Justice for All* (London: Verso, 2022), 239.
4. Anne Fausto-Sterling, *Sexing the Body: Gender Politics and the Construction of Sexuality* (New York: Basic Books, 2000).
5. Charis Thompson, *Making Parents: The Ontological Choreography of Reproductive Technology* (Cambridge, MA: MIT Press, 2005); Rayna Rapp, "Reproductive Entanglements: Body, State, and Culture in the Dys/Regulation of Child-Bearing," *Social Research* 78, no. 3 (Fall 2011): 693–718.
6. Elsa Dorlin, "What a Body Can Do," *Radical Philosophy* 2, no. 5 (Fall 2019): 3–9.
7. For one persuasive and influential account, see Sally Haslanger, *Resisting Reality: Social Construction and Social Critique* (Oxford: Oxford University Press, 2012), 83–138.
8. Paisley Currah, *Sex Is as Sex Does: Governing Transgender Identity* (New York: New York University Press, 2022).
9. *Ibid.*, xvi.
10. *Ibid.*
11. J. L. Austin, in *How to Do Things with Words* (Oxford: Oxford University Press, 1962), distinguished between illocutionary performatives that bring about the situation they name and perlocutionary performatives in which a set of consequences can follow from the utterance of a speech act, like calling "fire" in the cinema and seeing people head swiftly toward the exit. Legal classifications are supposed to instate what they name, and this implies that sex classification is performative in that illocutionary sense. But if different parts of a legal system insist on different kinds of classificatory schemes, then under one part of the law one can be regarded as one sex and under another legal order, a different sex. The power of the law is no longer unified, and the contingent character of sex classification is illuminated.
12. See Ido Katri, "Transitions in Sex Reclassification Law," *UCLA Law Review* 70, no. 1 (2022): 1–79.
13. Joan W. Scott, "Gender as a Useful Category of Analysis," in *Gender and the Politics of History* (New York: Columbia University Press, 1989), first published in *The American Historical Review* 91, no. 5 (1986): 1053–75.
14. Joan W. Scott, "Gender: Still a Useful Category of Analysis?," *Diogenes* 57, no. 1 (2010): 10.

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7. What Gender Are You?

1. Anne Fausto-Sterling, "A Dynamic Systems Framework for Gender/Sex Development: From Sensory Input in Infancy to Subjective Certainty in Toddlerhood," *Frontiers in Human Neuroscience* 9, no. 15 (April 2021).
2. Fausto-Sterling's approach draws on Linda B. Smith and Esther Thelen, eds., *A Dynamic Systems Approach to Development: Applications* (Cambridge, MA: MIT Press, 1996), which had implications for moving beyond the nature/culture opposition in psychology and biology. See also Esther Thelen, Karen E. Adolph, and Arnold L. Gesell, "The Paradox of Nature and Nurture," *Developmental Psychology* 28, no. 3 (1992): 368–80.
3. Karen Barad, "Posthumanist Performativity: Toward an Understanding of How Matter Comes to Matter," *Signs: Journal of Women in Culture and Society* 28, no. 3 (2003): 801–31.
4. Sari M. van Anders and Emily J. Dunn, "Are Gonadal Steroids Linked with Orgasm Perceptions and Sexual Assertiveness in Women and Men?," *Hormones and Behavior* 56, no. 2 (August 2009): 206–13.
5. See M. L. Healy, J. Gibney, C. Pentecost, M. J. Wheeler, and P. H. Sonksen, "Endocrine Profiles in 693 Elite Athletes in the Postcompetition Setting," *Clinical Endocrinology* 81, no. 2 (August 2014): 294–305, <https://pubmed.ncbi.nlm.nih.gov/24593684/>. See also Azeen Ghorayshi, "Trans Swimmer Revives an Old Debate in Elite Sports: What Defines a Woman?," *The New York Times*, updated February 18, 2022, <https://www.nytimes.com/2022/02/16/science/lia-thomas-testosterone-womens-sports.html>.
6. Daphna Joel and Luba Vikhanski, *Gender Mosaic: Beyond the Myth of the Male and Female Brain* (New York: Little, Brown Spark, 2019).
7. Claire Ainsworth, "Sex Redefined: The Idea of 2 Sexes Is Overly Simplistic," *Nature* 518 (February 2015): 288–91.
8. See International Olympic Committee, "IOC Releases Framework on Fairness, Inclusion and Non-Discrimination on the Basis of Gender Identity and Sex Variations," press release, November 16, 2021, <https://olympics.com/ioc/news/ioc-releases-framework-on-fairness-inclusion-and-non-discrimination-on-the-basis-of-gender-identity-and-sex-variations>.
9. Associated Press, "Track Officials Called Caster Semenya 'Biologically Male,' Newly Released Documents Show," *The New York Times*, June 18, 2019, <https://www.nytimes.com/2019/06/18/sports/track-officials-called-caster-semenya-biologically-male-newly-released-documents-show.html>.
10. See also the case of Dutee Chand from India: Smriti Sinha, "A Sprinter's Fight to Prove She's a Woman," *Vice*, February 26, 2015, <https://www.vice.com/en/article/qkq9wp/a-sprinters-fight-to-prove-shes-a-woman>.
11. Gerald Imray, "IAAF Argued in Court That Caster Semenya Is 'Biologically Male,'" CBC, June 18, 2019, <https://www.cbc.ca/sports/olympics/summer/trackandfield/caster-semenya-iaaf-1.5179748>.
12. Quispe López, "'Sex Tests' on Athletes Rely on Faulty Beliefs About Testosterone as a Magical Strength Hormone," *Business Insider*, August 1, 2021, <https://www.businessinsider.com/the-olympics-uses-testosterone-to-treat-trans-athletes-like-cheaters-2021-7>. At the Tokyo Olympics, openly trans and non-binary athletes, including Laurel Hubbard, Quinn, and Alana Smith, competed in the Games for the first time.
13. For an important scholarly statement opposing the exclusion of trans youth from participation in sports in the United States, see Elana Redfield, Christy Mallory, and Will Tentindo, "Title IX

Sports Participation: Public Comment,” UCLA School of Law Williams Institute, May 2023, <https://williamsinstitute.law.ucla.edu/publications/title-ix-sports-comment/>.

- [14.](#) See, for instance, Katherine Bryant, Giordana Grossi, and Anelis Kaiser, “Feminist Interventions on the Sex/Gender Question in Neuroimaging Research,” in the “Neurogenderings” issue of *The Scholar and the Feminist Online* 15, no. 2 (2019). In their introduction, the authors show how “pretheoretical assumptions regarding sex/gender” threaten research with a lack of scientific rigor:

Feminist scientists have already started to tackle these and other questions pertaining to the neuroscience of sex/gender. Their approaches have been inspired by feminist science and technology studies, which aim to identify and interrogate pretheoretical assumptions regarding sex/gender (e.g., equation of femaleness with passivity, assumption of male-typical traits and behaviors as normative or superior, the notion that biological sex determines social expressions and institutional arrangements of gender, and the assumption that sex/gender generally sorts bodies and behavior into only two dimorphic groups). The work of feminist neuroscientists is driven by a commitment to scientific rigor, not a commitment to a particular ideology. Their critique has focused on issues of statistics, measurement, methodology, and replication; it has offered alternative explanations and contributed to new interpretations of empirical neuroscientific data. In a nutshell, by critically analyzing the field’s dominant assumptions, theories, and practices, feminist scientists call for more rigorous science. We, as feminist scientists, see our work situated in this tradition.

- [15.](#) Jennifer Germon, *Gender: A Genealogy of an Idea* (London: Palgrave Macmillan, 2009).
- [16.](#) John Money and Anke Ehrhart, *Man and Woman, Boy and Girl* (Baltimore, MD: Johns Hopkins University Press, 1972); Robert Stoller, *Sex and Gender: On the Development of Masculinity and Femininity* (New York: Science House, 1968). See also Terry Goldie, *The Man Who Invented Gender: Engaging the Ideas of John Money* (Vancouver: University of British Columbia Press, 2014), who dates the first usage of “gender” to Money in 1955 even as gender functioned in grammar as a way of linking persons to social norms in romance languages, regulating correct reference, in ways that suggest gender was always a problem of regulation and rule.
- [17.](#) Katrina Karkazis, *Fixing Sex: Intersex, Medical Authority, and Lived Experience* (Durham, NC: Duke University Press, 2008), 48.
- [18.](#) *Ibid.*, 49.
- [19.](#) The expectation of the normal life involves the imagining of the future life of the infant; intersex was considered a block against that imagining of the normal life—indeed, as a term it emerges at about the same time as the films of Douglas Sirk, who in films such as *Written on the Wind* (1956) documented the various sexual errancies that confounded the imagined normality of gendered behavior in the postwar years.
- [20.](#) See Lee Edelman, *No Future: Queer Theory and the Death Drive* (Durham, NC: Duke University Press, 2004).
- [21.](#) See the Intersex Justice Project website, which makes the case against surgery from the perspective of intersex activists of color: <https://www.intersexjusticeproject.org/about.html>. See also the Organization Intersex International (OII) Network at <http://oiiinternational.com>; David A. Rubin, *Intersex Matters: Biomedical Embodiment, Gender Regulation, and Transnational Activism* (Albany: SUNY Press, 2017); Catherine Clune-Taylor, “Securing Cisgendered Futures:

- Managing Gender in the Twenty-First Century,” *Hypatia* 34, no. 4 (2019): 690–712; and Angelika von Wahl, “From Object to Subject: Intersex Activism and the Rise and Fall of the Gender Binary in Germany,” *Social Politics* 28, no. 3 (2019): 1–23. For why the “I” should be included in “LGBTQIA+,” see David Andrew Griffiths, “Georgina Somerset, British Intersex History, and the ‘I’ in LGBTQI,” *Journal of Homosexuality* online (January 23, 2023); see also *TSQ* 1, nos. 1–2 (2014), especially Iain Morland, “Intersex,” 111–20.
- [22.](#) See Valerie Hartouni, *Cultural Conceptions: On Reproductive Technologies and the Reproduction of Life* (Minneapolis: University of Minnesota Press, 1997).
 - [23.](#) Joan W. Scott, “Gender: Still a Useful Category of Analysis?,” *Diogenes* 57, no. 1 (2010): 10.
 - [24.](#) For a directory of intersex advocacy groups on several continents, see “Intersex Support and Advocacy Groups,” InterACT, <https://interactadvocates.org/resources/intersex-organizations/>.
 - [25.](#) Prefiguring a position later taken on by some gender-critical feminists, Bernice L. Hausman argues in *Changing Sex: Transsexualism, Technology, and the Idea of Gender* (Durham, NC: Duke University Press, 1995) that transsexuals are produced by the very technologies that facilitate their transition, concluding that their identities are “fictitious” and alienated from a natal materiality. Clare Hemmings points out in a review of Hausman’s work, in *Feminist Review* 58 (1998): 107–10, that “Hausman cannot conceive of transsexual subjectivity outside the production of gender identity through technology.” Although basing her analysis on a Foucaultian account of the disciplinary production of subjects, Hausman neglects or refuses Foucault’s key insight into power: the origin of a power regime is not the same as its end, and power is not unitary, but multiple in its origins and directions. In other words, technologies can admit of multiple life trajectories and enter subject formation in complex ways, as Paul Preciado has shown in *Testo Junkie* (New York: Feminist Press, 2013). Hausman’s refusal to imagine that transsexuals may emerge (be formed or made) though any number of influences and factors indicates that she has reduced power to one source and understands it to produce one result, and that those results are merely fictitious.
 - [26.](#) Eva von Redecker, “Anti-Genderismus and Right-Wing Hegemony,” *Radical Philosophy* 198 (July/August 2016), <https://www.radicalphilosophyarchive.com/commentary/anti-genderismus-and-righte28091wing-hegemony/>.
 - [27.](#) See Lisa Downing, Iain Morland, and Nikki Sullivan, eds., *Fuckology: Critical Essays on John Money’s Diagnostic Concepts* (Chicago: University of Chicago Press, 2014).
 - [28.](#) See Sara Ahmed, *The Promise of Happiness* (Durham, NC: Duke University Press, 2010), for an acute reflection on how “happiness” emerges as a cultural and discursive imperative that supports existing hierarchies that suppress both women and queers.

8. Nature/Culture: Toward Co-Construction

1. Sherry Ortner, *Making Gender: The Politics and Erotics of Culture* (Boston: Beacon Press, 1997). Ortner makes clear that women's agency, especially that of the Sherpa women of Tibet, relies more on entering into social organizations of practice than on transcending nature.
2. Ortner's view takes nature as material on which humans are expected to act in order to liberate themselves. This idea of liberation as overcoming nature was sharply criticized by Donna Haraway, who objected to nature conceived as a resource for social control. In her view, this view denied the liberatory possibilities of science and technique, and was based on a dualism between nature and culture that could only undercut ethical and liberatory positions.
3. Donna J. Haraway, *Simians, Cyborgs, and Women: The Reinvention of Nature* (New York: Routledge, 1991), 208.
4. See Nikki Sullivan, "Reorienting Transsexualism," in *Fuckology: Critical Essays on John Money's Diagnostic Concepts*, ed. Lisa Downing, Iain Morland, and Nikki Sullivan (Chicago: University of Chicago Press, 2015), 129–30. Sullivan quotes from Ruth Doell, "Sexuality in the Brain," *Journal of Homosexuality* 28, nos. 3–4 (1995): 345–54.
5. Thomas Pradeu, "The Organism in Developmental Systems Theory," *Biological Theory* 5 (2010): 218.
6. See also Richard Lewontin, "The Organism as the Subject and Object of Evolution," *Scientia* 118 (1983): 63–82.
7. Helen Longino and Ruth Doell, "Body, Bias, and Behavior: A Comparative Analysis of Reasoning in Two Areas of Biological Science," *Signs: Journal of Women in Culture and Society* 9, no. 2 (1983). See also Cynthia Kraus, "Naked Sex in Exile: On the Paradox of the 'Sex Question' in Feminism in Science," *NWSA Journal* 12, no. 3 (2000): 151–76, and "What Is the Feminist Critique of Neuroscience?," in *Neuroscience and Critique: Exploring the Limits of the Neurological Turn*, ed. Jan De Vos and Ed Pluth (New York: Routledge, 2015), 100–116.

9. Racial and Colonial Legacies of Gender Dimorphism

- [1.](#) Lisa Lowe, *The Intimacies of Four Continents* (Durham, NC: Duke University Press, 2015).
- [2.](#) See Greg Thomas, *The Sexual Demon of Colonial Power: Pan-African Embodiment and Erotic Schemes of Empire* (Bloomington: Indiana University Press, 2007); Camilla de Magalhães Gomes, “Gênero como categoria de análise decolonial,” *Civitas, Porto Alegre* 18, no.1 (2018): 65–82; and Oyèrónké Oyewùmí, “Conceptualizing Gender: The Eurocentric Foundations of Feminist Concepts and the Challenge of African Epistemologies,” *JENdA: A Journal of Culture and African Women Studies* 2, no. 1 (2002): 1–9.
- [3.](#) Joan Roughgarden, *Evolution’s Rainbow: Diversity, Gender, and Sexuality in Nature and People* (Berkeley: University of California Press, 2004), 24, as cited in Catherine Clune-Taylor, “Is Sex Socially Constructed?,” in *The Routledge Handbook of Feminist Philosophy of Science*, ed. Sharon Crasnow and Kristen Intemann (London: Routledge, 2021), 187–200.
- [4.](#) Roughgarden, *Evolution’s Rainbow*, 23–24.
- [5.](#) Clune-Taylor, “Is Sex Socially Constructed?,” 187–200.
- [6.](#) *Ibid.*, 193.
- [7.](#) Anne Fausto-Sterling, “Race and Bones (The Bare Bones of Sex Part 2),” *Women’s Studies Quarterly* 30–32 (1985): 657–94.
- [8.](#) Anne Fausto-Sterling, “The Bare Bones of Race,” *Race, Genomics, and Biomedicine* 38, no. 5 (October 2008): 658.
- [9.](#) Donna J. Haraway, *Simians, Cyborgs, and Women: The Reinvention of Nature* (New York: Routledge, 1991), 13: “These sciences will have liberating functions in so far as we build them on social relations not based on domination.”
- [10.](#) Sally Markowitz, “Pelvic Politics: Sexual Dimorphism and Racial Difference,” *Signs: Journal of Women in Culture and Society* 26, no. 2 (2001): 391.
- [11.](#) Clune-Taylor, “Is Sex Socially Constructed?,” 187–200.
- [12.](#) C. Riley Snorton, *Black on Both Sides: A Racial History of Trans Identity* (Minneapolis: University of Minnesota, 2017). See also Deirdre Cooper Owens, *Medical Bondage: Race, Gender and the Origins of American Gynecology* (Atlanta: University of Georgia Press, 2018).
- [13.](#) Hortense Spillers, “Mama’s Baby, Papa’s Maybe: An American Grammar Book,” *Diacritics* 17, no. 2, Culture and Countermemory: The “American” Connection (Summer 1987): 64–81.
- [14.](#) *Ibid.*, 67.
- [15.](#) *Ibid.*, 68.
- [16.](#) *Ibid.*, 80.
- [17.](#) Snorton, *Black on Both Sides*, 12.
- [18.](#) *Ibid.*, 11.
- [19.](#) *Ibid.*, 58.
- [20.](#) Ronald Judy, *Sentient Flesh: Thinking in Disorder, Poiesis in Black* (Durham, NC: Duke University Press, 2020); and Alexander G. Weheliye, *Habeas Viscus: Racializing Assemblages, Biopolitics, and Black Feminist Theories of the Human* (Durham, NC: Duke University Press, 2014).
- [21.](#) See Françoise Vergès on the coerced termination of pregnancies in Reunion for a similar kind of argument: *The Wombs of Women: Race, Capital, Feminism* (Durham, NC: Duke University Press, 2020).
- [22.](#) Aníbal Quijano and Michael Ennis, “Coloniality of Power, Eurocentrism, and Latin America,” *Nepantla: Views from South* 1, no. 3 (2000): 533–80; and Aníbal Quijano, “Colonialty and

- Modernity/Rationality,” *Cultural Studies* 21, no. 2 (2007): 168–78.
- [23.](#) Maria Lugones, “The Coloniality of Gender,” *Worlds & Knowledges Otherwise* (Spring 2008), https://globalstudies.trinity.duke.edu/sites/globalstudies.trinity.duke.edu/files/file-attachments/v2d2_Lugones.pdf.
 - [24.](#) Lugones, “The Coloniality of Gender,” 7.
 - [25.](#) *Ibid.*, 2.
 - [26.](#) Quijano and Ennis, “Coloniality of Power, Eurocentrism, and Latin America,” 556.
 - [27.](#) Mahmood Mamdani, “The African University,” *London Review of Books* 40, no. 14 (July 18, 2019).
 - [28.](#) Zethu Matebeni, “*Nongayindoda*: Moving Beyond Gender in a South African Context,” *Journal of Contemporary African Studies* 39, no. 4 (2021): 565–75; and Zethu Matebeni and Thabo Msibi, “Vocabularies of the Non-normative,” *Agenda* 29, no. 1 (2015): 3–9.
 - [29.](#) Leticia Sabsay makes a similar kind of argument in her excellent essay “Bodies as Territories: Revisiting the Coloniality of Gender” (on file with author).
 - [30.](#) Matebeni, “*Nongayindoda*,” 566.
 - [31.](#) Mohammed Elnaiem, “The ‘Deviant’ African Genders That Colonialism Condemned,” *JSTOR Daily*, April 29, 2021, <https://daily.jstor.org/the-deviant-african-genders-that-colonialism-condemned>; Boris Certolt, “Thinking Otherwise: Theorizing the Colonial/Modern Gender System in Africa,” *African Sociological Review* 22, no. 1 (2018).
 - [32.](#) Matebeni, “*Nongayindoda*,” 571.
 - [33.](#) Matebeni shows how Nicholas Hlobo’s 2006 installation *Unongayindoda* supports the unpredictable generativity of the term.
 - [34.](#) Neville Hoad, *African Intimacies: Race, Homosexuality, and Globalization* (Minneapolis: University of Minnesota, 2007).
 - [35.](#) Stella Nyanzi, “Queering Queer Africa,” in *Reclaiming Afrikan: Queer Perspectives on Sexual and Gender Identities*, curated by Zethu Matebeni (Cape Town: Modjaji Books, 2014), 65–68.
 - [36.](#) Zethu Matebeni, “Gogo: On the Limits of Gender on African Spirituality and Language,” presentation, Traffic in Gender: Political Uses of Translation Within and Outside Academia conference, Université Paris 8, Paris, France, April 14, 2022.
 - [37.](#) Sarah Hunt, “An Introduction to the Health of TwoSpirit People: Historical, Contemporary, and Emergent Issues,” National Collaborating Centre for Aboriginal Health, 2016, <https://www.nccih.ca/docs/emerging/RPT-HealthTwoSpirit-Hunt-EN.pdf>. See also Manuela L. Picq and Josi Tikuna, “Indigenous Sexualities: Resisting Conquest and Translation,” *Sexuality and Translation in World Politics*, ed. Caroline Cottet and Manuela Lavinias Picq (E-International Relations, 2019), 57–71, <https://www.e-ir.info/wp-content/uploads/2019/08/Sexuality-and-Translation-in-World-Politics-%E2%80%93-E-IR.pdf>.

10. Foreign Terms, or the Disturbance of Translation

1. See Gayatri Reddy, *With Respect to Sex: Negotiating Hijra Identity in South India* (Chicago: University of Chicago, 2005). See also Max Bearak, "Why Terms Like 'Transgender' Don't Work for India's 'Third-Gender' Communities," *The Washington Post*, April 23, 2016, <https://www.washingtonpost.com/news/worldviews/wp/2016/04/23/why-terms-like-transgender-dont-work-for-indias-third-gender-communities/>.
2. See Jasbir Puar, "Rethinking Homonationalism," *International Journal of Middle East Studies* 45, no. 2 (2013): 336–39. For the relation between migration, gay and lesbian parenting, and citizenship, see Bruno Perreau, *The Politics of Adoption: Gender and the Making of French Citizenship* (Cambridge, MA: MIT Press, 2014).
3. Li Xiao-Jian, "Xingbie or Gender," trans. Wang Bin, in *Keywords: Gender*, ed. Nadia Tazi (Boston: The Other Press, 2004), 87–102.
4. See B. Aultman, "Cisgender," and Erica Lennon and Brian J. Mistler, "Cisgenderism," *TSQ* 1, nos. 1–2 (May 2014): 61–64.
5. For a thoughtful and timely consideration of this alienation of the name under contemporary political conditions, see Naomi Klein, *Doppelganger* (New York: Farrar, Straus and Giroux, 2023).
6. Joan W. Scott and Luise von Flotow, "Gender Studies and Translation Studies: 'Entre braguette'—Connecting the Transdisciplines," in *Border Crossings: Translations Studies and Other Disciplines*, ed. Yves Gambier and Luc van Doorslaer (Amsterdam: John Benjamins Publishing Co., 2016), 358.
7. Jacques Derrida ventriloquizes the defensive posture of the monolinguist when he writes the following (I am using the English translation here): "Not only am I lost, fallen, and condemned outside the French language, I have the feeling of honoring or serving all *idioms*, in a word, of writing the 'most' and the 'best' when I sharpen the resistance of *my* French, the secret 'purity' of my French ... hence, its resistance, its relentless resistance to translation; translation into all languages, including another such French." In *Monolingualism of the Other; or, The Prosthesis of Origin*, trans. Patrick Mensah (Stanford, CA: Stanford University Press, 1998), 56.
8. The paradox involved in all acts of public claiming is what we call performative. That does not mean that all gender is chosen, or that it is a voluntaristic expression of individuality. The performative act by which gender is publicly claimed communicates the conditions of livability for the one who claims it. This is perhaps the more important sense of gender performativity to be preserved for the present.
9. See John Fletcher and Nicholas Ray, eds., *Seductions and Enigmas: Cultural Readings with Laplanche* (London: Lawrence and Wishart, 2014).
10. David Gramling, *The Invention of Multilingualism* (Cambridge: Cambridge University Press, 2021); and Emily Apter, *The Translation Zone: A New Comparative Literature* (Princeton, NJ: Princeton University Press, 2006).
11. Gayatri Chakravorty Spivak, "Translating in a World of Languages," *Profession* (2010): 35–43. Spivak cites her own formulation in "Planetary," in *Dictionary of Untranslatables: A Philosophical Lexicon*, ed. Barbara Cassin (Princeton, NJ: Princeton University Press, 2014), 1223, crediting Alexandra Russo for the formulation. See also Gayatri Chakravorty Spivak, *Living Translation*, ed. Emily Apter, Avishek Ganguly, Mauro Pala, and Surya Parekh (Kolkata, India: Seagull Books, 2022).

- [12.](#) See Gayatri Chakravorty Spivak, *An Aesthetic Education in the Era of Globalization* (Cambridge, MA: Harvard University Press, 2013).
- [13.](#) See Lila Abu-Lughod and Rema Hammami, *The Cunning of Gender Violence* (Durham, NC: Duke University Press, 2023).
- [14.](#) Kathryn Bond Stockton, *Gender(s)* (Cambridge, MA: MIT Press, 2022).
- [15.](#) See Theodor W. Adorno, “On the Use of Foreign Words,” in *Notes to Literature*, ed. Rolf Tiedemann, trans. Shierry Weber NicholSEN (New York: Columbia University Press, 1992), 2:290–91, where he notes the importance of the breakdown of the organic and pure idea of language with foreign words. He was most probably thinking about the undoing of German nationalism, not the problem of imperial incursion.

Conclusion: The Fear of Destruction, the Struggle to Imagine

- [1.](#) Agnieszka Graff and Elżbieta Korolczuk, *Anti-Gender Politics in the Populist Moment* (London: Routledge, 2021), 7.
- [2.](#) Ibid., 31.
- [3.](#) Neville Hoad, *African Intimacies: Race, Homosexuality, and Globalization* (Minneapolis: University of Minnesota Press, 2007), 85.
- [4.](#) See Emile Torres, “Are Conservatives at the Daily Wire Really Calling for Trans ‘Genocide’?,” *Truthdig.com*, May 22, 2023, <https://www.truthdig.com/articles/is-the-conservative-daily-wire-really-calling-for-trans-genocide/>.
- [5.](#) See Zeynep Gambetti and Marcial Godoy-Anativia, eds., *Rhetorics of Insecurity: Belonging and Violence in the Neoliberal Era* (New York: New York University Press, 2013).

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