Beyond Binary:
Genderqueer as Critical Gender Kind

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“When gender is a binary, it’s a battlefield. When you get rid of the binary, gender becomes a playground.”
— Kate Bornstein

We want to know what gender is. But metaphysical approaches to this question solely have focused on the binary gender kinds men and women. By overlooking those who identify outside of the binary—the group I call ‘genderqueer’—we are left without tools for understanding these new and quickly growing gender identifications. This metaphysical gap in turn creates a conceptual lacuna that contributes to systematic misunderstanding of genderqueer persons. In this paper, I argue that to better understand genderqueer identities, we must recognize a new type of gender kind: critical gender kinds, or kinds whose members resist dominant gender ideology. After developing a model of critical gender kinds, I suggest that genderqueer is best modeled as one such kind. In particular, I propose that its members are united by resisting ‘the binary assumption’, or the prevalent assumption that they must comply with binary gender classification.

1 Introduction

Dissatisfaction with strict binary gender systems is nothing new. Nor is the creation of language, modes of expression, and body modifications aimed at transgressing this binary. What is new, however, are widespread and legitimized conversations surrounding this dissatisfaction.¹ Just in the last ten years, web searches for ‘genderqueer’ and ‘nonbinary’ have grown by a magnitude of at least ten times.² Merriam-Webster’s dictionary added both terms, the Associated Press Stylebook embraces ‘they’ as a singular gender-neutral pronoun, and highly visible popular publications such as Teen Vogue and The New York Times have run articles exploring the concept of identifying outside the gender

¹See, e.g., White et al (2018, 244) for empirical evidence supporting this claim.
²Data source: Google Trends (www.google.com/trends).
This is to mention that multiple US states now offer nonbinary gender markers on government identification, with ever more municipalities and states following suit.

Despite this public attention, nonbinary gender kinds have been an afterthought within philosophy of gender, and especially metaphysical discussions of gender. The central phenomenon under consideration has been the binary genders men and women. Narrowing the target phenomenon in this way has generated two problems—one metaphysical and the other political.

First, by overlooking nonbinary identities, existing metaphysical approaches to gender are insufficient for capturing persons who reject (exclusive) categorization as either men or women (see §3). This creates a gap of metaphysical explanation and understanding. For example, what is the relationship between gender neutral language and being nonbinary? Or between androgyny and being nonbinary? What (if anything) unifies the vast variety of nonbinary identifications? Is there anything more to being nonbinary than calling oneself by a nonbinary label? These questions are metaphysically significant, but the theories on offer provide no answers.

Second, without the resources for understanding nonbinary gender identities, we sustain a conceptual lacuna surrounding nonbinary persons. This lacuna does not only reflect a gap in philosophical understanding: it contributes to a hermeneutical injustice that arises from the failure to spread and charitably analyze the concepts and practices underlying nonbinary classifications. In the wake of this conceptual silence, misunderstandings (both blatant and subtle) arise in droves—misunderstandings that undermine recognition and respect of nonbinary persons.

These two problems can be ameliorated by an account of genderqueer as what I call a ‘critical gender kind’, or a kind whose members enact resistance against dominant gender ideology. To be genderqueer, on my proposed model, is to manifest resistance to the binary assumption, or the assumption that the only possible genders are the exclusive and exhaustive kinds men and women,

4See, e.g., Haslanger (2000), Jenkins (2016), Åsta (2011), and Barnes (forthcoming). Even discussions of gender that purport to be trans inclusive typically overlook the experiences and concepts underlying genderqueer identity. See, e.g., Betcher (2009, 2013), Jenkins (2016), Briggs and George (manuscript), and McKitrick (2015). This is especially striking given that 26% of respondents to the 2015 United States Transgender Survey self-identified as ‘genderqueer’. James, et al. (2016). Philosophy is not alone in this oversight. See Salamon (2010, 95) for a similar criticism of Women’s Studies.
5Though see Dembrouf & Wodak (2018) as an exception.
6Hermeneutical injustice, as defined in Fricker (2007, 1), occurs “when a gap in collective interpretive resources puts someone at an unfair disadvantage when it comes to making sense of their social experiences.” More extended notions of hermeneutical injustice are explored in Medina (2012) and Appiah (1994), which include cases (such as white ignorance) when a gap in the collective interpretive resources regarding an oppressed group perpetuates the social disadvantage of that group. I take it that the lacuna at issue concerning nonbinary kinds manifests in both ways.
7Using Fraser’s (1998) account, this might be understood in terms of genderqueers’ access to ‘participatory parity’, or the conditions needed to interact with others as peers in social and political settings.
and to do so based on one’s self-perceived or claimed ontological position. I unpack this proposal in §4. My model has many implications, and no doubt will inspire as many worries. Like most philosophical theories, mine probably is wrong. But I believe it is closer to the truth than analytic philosophers have come so far, if only because we have had little to say about nonbinary identifications. What’s more, it is clear that this theorizing is overdue: even empirical social research on trans identities frequently lumps together trans binary and genderqueer persons, making it difficult to use this data to explain why, for example, genderqueer persons overall face heightened discrimination and psychological distress compared to trans binary persons, and also differ with respect to attitudes toward medical interventions such as hormone therapy. If I am right—or even close to it—this heterogeneity should come as no surprise, since genderqueer conjoins persons who are extremely diverse with respect to such features.

2 Terminology & Methodology

‘Genderqueer’ was first coined in the 1990’s by trans activist Riki Wilchins in an attempt to describe those who were both queer with respect to their sexuality and “the kind of gendertrash society rejected” with respect to their gender intelligibility in public spaces. Since then, use has shifted away from mere description and towards identity: in particular, it often functions as an umbrella term for a range of gender identities outside of the binary. I will use the term in keeping with this recent shift, but my primary concern is not with articulating “the true meaning of ‘genderqueer’ ”, but rather with articulating a gender phenomenon that has been ignored in analytic philosophy.

My analysis relies heavily on personal testimony from genderqueer persons. This is not only because there is a scant amount of academic research about genderqueer persons, but also because I share the familiar feminist commitment to begin theorizing from the perspective of the marginalized. In what follows, I distinguish between two kinds of personal testimony. The first concerns genderqueer individuals’ intuitions about paradigm or uncontested examples of genderqueer persons, as well as their personal motivations for not identifying

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8I use the word ‘model’ very intentionally. Following Paul (2012), I endorse a method of metaphysics focused on building theoretical models for certain purposes, rather constructing (real) definitions.

9I am not interested in settling debates about ‘what gender is’. I suspect this question must be split into many, more tractable questions. Insofar as my project is negative, it is merely to show that the most common approaches to gender are inadequate for capturing nonbinary gender kinds.

10See Rimes, et al., (2018), Galupo et al. (2018), 5, Bradford et a. (2018), 8, and Warren et al. (2016). Following Heyes (2003), cf Stryker (1994), I use ‘trans’ to refer to the “multiple forms of sex and gender crossing and mixing that are taken by their practitioners to be significant life projects.” I use ‘trans binary’ to prefer to persons who are trans but identify exclusively within the male/female binary.


exclusively as a man or a woman. The second concerns these individuals’ views about metaphysical questions concerning what, more generally, it means to be genderqueer. I rely on the first kind of testimony and not the second. Substantive metaphysical questions about genderqueer deserve careful analysis in just the same way that women and men have been given careful metaphysical analysis. In this, I follow Bettcher (2004) in relying on persons’ first-person authority over their own gender, while simultaneously allowing for substantive disagreement about the conditions for kind membership. My central concern, in other words, is not individuals’ experiences, but rather the larger concepts that frame genderqueer identity – in particular, the concepts that structure commonality among the language, aesthetic expressions, values, and actions found among those who (within contemporary western societies) identify as neither solely male nor female.

Finally, I am not concerned with how genderqueers are understood within dominant contexts, which typically have no or a distorted understanding of nonbinary persons. Rather, I focus exclusively on the features and extension of genderqueer as they are understood and practiced within trans-friendly communities, and especially by genderqueers themselves. Here I again follow Bettcher (2013, 234-5), who argues that assuming dominant gender meanings and concepts is a “bad place” to start feminist theorizing, as it “effectively yield[s] political ground from the very beginning.” With Bettcher, I instead begin by assuming the gender meanings and concepts within trans-friendly communities.

3 First Attempts

Within popular culture, most proposed definitions of genderqueer fall into one of two camps. On one approach, someone is genderqueer because they have certain external features—typically, because they are androgynous, gender fluid, or otherwise violate gender norms. On another approach, someone is genderqueer because of a particular internal feature—namely, self-identification—leaving open what, exactly, it might mean to ‘identify’ outside of the binary.

It is instructive to note that most available metaphysical analyses of gender also take one of these two approaches. On externalist approaches, someone’s gender is determined by social factors that are external to them: for example, being perceived as androgynous or otherwise gender non-conforming. In contrast, internalist approaches focus on articulating more concretely what it means to ‘identify’ with a particular gender. On these accounts, someone’s gender is determined not by how they are perceived by others, but rather by whatever internal features (e.g., self-understanding, dispositions) constitute their gender identity.

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13I here focus on constructionist accounts of gender, setting aside biological essentialism. Even if one is a biological essentialist, though, it is hopefully obvious that this approach will not suffice to analyze genderqueer. While some intersex persons are genderqueer, being intersex is neither sufficient nor necessary for being genderqueer. See, e.g. Weiss (2018).

14As Barnes (forthcoming) notes, while these are the main approaches, some theories fall
I argue that neither an externalist nor internalist approach will provide a satisfactory account of genderqueer. Both misclassify paradigm cases of genderqueer (and non-genderqueer) individuals. Examining closely why this is the case is instructive. Not only will it clear the ground for my own proposal, but it also provides an opportunity to examine these paradigm cases, as well as genderqueer persons’ testimony concerning their own identities. Such testimony illuminates not only why externalist and internalist approaches fall short, but also why genderqueer is best understood as a political gender category.

3.1 An Externalist Approach

External theories of gender, sometimes also called social position theories—focus on gender as a social structure that advantages or disadvantages individuals according to the collective norms, expectations, and stereotypes surrounding the features that an individual is perceived to have. Externalist theories have been proposed or defended by Haslanger (2000), Barnes (forthcoming), Witt (2011), and Ásta (2011), among others. There are many potential ways to spell out what external social factors determine an individual’s gender. For my purposes, the details of various externalist accounts is not centrally important. What is important, rather, is to see a trend among all of them: namely, that membership in a given gender kind is based by factors that are external to any given individual—e.g., social roles, perception, or treatment.

In light of this, what would be the best externalist approach to genderqueer? Whatever it is, it must highlight features that are external to genderqueer persons, while also meeting two basic criteria for any successful account of genderqueer: it must respect first-person accounts about what it means to be genderqueer, and it must capture paradigm cases of genderqueer as it exists within trans-friendly communities. These two criteria are, of course, related, though it would be possible to satisfy one without the other.

The most common—and, I think, plausible—externalist approach to genderqueer focuses on someone’s perceived relation to gender norms and roles, and especially to masculine and feminist gender presentation. Indeed, a brief foray into popular media might suggest that someone is genderqueer because they “do things that are outside of the norm of their actual or perceived gender identity,” or because they “express a combination of masculinity and femininity, or neither, in their gender expression.” A similar idea is echoed by popular outside this taxonomy, such as Stoljar (2011), Briggs and George (manuscript), and Bach (2012).

Theodore Bach (2012) defends a view of gender on which genders are ‘natural kinds with historical essences’—a view that is difficult to place within the external/internalist taxonomy. On Bach’s view, to be, e.g., a woman, is to molded by conscious and unconscious social mechanisms into a reproduction of historical exemplars of women so as to perform the social function corresponding to women. On Bach’s view, then, someone might be a trans man and yet—according to Bach’s analysis—be “construed as a woman” (260). Moreover, given that man and woman are the only kinds into which one can be socialized (within Western cultures), all genderqueer persons (who have been socialized as either women or men) will not be represented within Bach’s analysis.

See Clements (2017) and the entry for “Genderqueer” on Wikipedia.
articles, books, and visual media that equivocate between or constantly associate being nonbinary with androgyny or gender non-conformity.\textsuperscript{17} Admittedly, this thinking is reinforced by the observation that many genderqueers fit this description: it is common for persons who identify outside the binary to adopt an aesthetic that defies gender expectations—often, one that is androgynous or is fluid between masculine and feminine elements.\textsuperscript{18} Add to this that other behaviors often associated with nonbinary persons also break gender norms, such as using gender-neutral pronouns or refusing classification as either ‘straight’ or ‘gay’.\textsuperscript{19} With these considerations, it might seem that the best way to analyze genderqueer will be something like the following:

**Genderqueer ( externalist):** A person is genderqueer in a context iff
(i) They are reliably perceived as attempting to not exclusively adopt either a feminized or masculinized gender expression;
or:
(ii) Their body cannot be reliably coded in that context as either male or female.\textsuperscript{20}

In other words, on this proposal, someone is genderqueer in a context just in case they either are perceived as transgressing binary norms of gender expression—for example, by adopting a gender fluid or agender aesthetic—or their body is perceived as androgynous, where this is understood as one’s body being ‘unreadable’ as male or female.

Despite the many merits of this approach, I think it fails both of the above criteria for a successful account genderqueer, and we ultimately should reject it. Seeing why, I think, also will show that any externalist approach will be dissatisfactory. While many genderqueers do meet the above proposed condition, two further things are true. First, genderqueers often describe their androgyny or rejection of traditional gender aesthetic norms as either the motivation for or effect of being genderqueer, but not as essential to being genderqueer. When asked to describe their experience of being genderqueer, in fact, there is repeated and explicit rejection of the idea that being genderqueer is based on their gender presentation or indeed on others’ perceptions in any way. In their article “This Is What Gender-Nonbinary People Look Like”, trans activist Meridith Talusan

\textsuperscript{17}See, e.g., Dowling (2017), Ferguson (2017), Petrow (2016).
\textsuperscript{18}See the Instagram hashtag “#thisiswhatnblookslike.”
\textsuperscript{19}For more evidence on the connection between trans identifications and violating heteronormative gender expectations and roles, see Diamond and Butterworth (2008) and Green (2004). See also Nagoshi, et al. (2012), in which participants took their sexual orientation to be “dynamically related” to their gender identity, suggesting that being nonbinary often rules out, for these persons, being either ‘straight’ or ‘gay’.
\textsuperscript{20}These descriptions bear similarity to Elizabeth Barnes’s (forthcoming) description of the ‘gender outlier’ and ‘gender confounder’. Barnes, who is sympathetic to Sally Haslanger’s (2012) picture on which gender is a hierarchical system that socially positions persons in different ways based on their perceived features, describes the gender outlier and confounder as those who are systematically subordinated due to being perceived (respectively) as attempting to switch between binary gender roles or as androgynous.
asked genderqueer persons to describe their experience of identifying outside of the gender binary. While answers varied in their details, a common theme emerged: being genderqueer is not based on being perceived in any particular way. One interviewee, Rowan Keeney, put this quite bluntly:

My expression and my socialization falls on the femme side, but being nonbinary is not about what is perceived of me. Nonbinary is the liberation from the need to make myself smaller to fit into preconceived ideas of who and what I am.\(^{21}\)

Keeney’s point is independently reiterated by other genderqueer persons, who express that “there is no one way to be nonbinary”, that “name[s], pronouns, and presentation does not define [a nonbinary individual’s] gender”, and that genderqueers “have all types of gender presentations”, “identify as feminine and masculine to different degrees”, and “don’t need to look or act or be a certain way to be nonbinary”.\(^{22}\) Susanna Weiss, a writer for Teen Vogue who identifies as both genderqueer and a woman, is particularly explicit on this point:

Many people seem to believe you need an androgynous style to be non-binary, creating the assumption that I and other non-binary people who wear women’s clothes must be women... But you can’t tell how someone identifies based on what they look like.\(^{23}\)

A theme clearly emerges from these statements: those who are genderqueer reject the idea that their being genderqueer is explained by being perceived to fall outside of binary gender roles, or as having an androgynous presentation. Whatever it is to be genderqueer, then, seems that it cannot be captured in terms of others’ perceptions.

Complimenting this point is the observation that the externalist approach would produce the wrong extension. Many individuals who do not identify as and would not be considered genderqueer either defy binary gender roles or maintain androgyny.\(^{24}\) Butch lesbians, queens, cross-dressing men and women, trans men and women who do not ‘blend’ as cisgender, and the variety of men and women whose bodies and presentations are androgynous are but a few examples of this. Lori Watson, examining shared experiences between gender nonconforming persons, trans and not, vividly captures this point:

Trans women and I share an especially acute problem. [W]e both want our gender to be seen as a way of being a woman...who doesn’t have to offer up her bona fides to the world anytime someone is confused, perplexed or unsettled when they perceive our gender and sex as incongruous or ambiguous.\(^{25}\)

\(^{21}\)Talusan (2017), emphasis added.
\(^{22}\)Talusan (2017), Weiss (2018).
\(^{23}\)Weiss (2018).
\(^{24}\)For empirical discussion, see Bradford, et al. (2018).
In short, genderqueers do not have a monopoly on being perceived as violating gender roles, much less on androgyny: plenty of non-genderqueer men and women share in this experience.

We can add to this that, within genderqueer communities, being perceived in either of these ways is not taken to be a requirement for being genderqueer. Weiss, for example, notes that after they began identifying as genderqueer, they did not change anything about their (feminine) gender expression. Two of Weiss’s interviewees, Kelley Cantrell and Alaina Leary, articulated similar experiences. Both were assigned female at birth and have feminine gender presentations, and thereby are perceived regularly as gender conforming women. Nevertheless, both identify outside of the gender binary. Importantly, their identities would not (in general) be taken as delusional or otherwise mistaken in trans-friendly contexts: Weiss presents Cantrell and Leary as unquestionably genderqueer, despite being routinely read as gender conforming women.

While taking *genderqueer* as separable from any particular social perceptions may seem initially odd, it comes into better focus when we take seriously that being genderqueer is not so much about rejecting femininity and masculinity *de re*, but rather rejecting them as concepts that always are appropriate for interpreting an individual’s behavior or aesthetic. That is, according to genderqueer persons, being genderqueer need not be about refusing clothing, behaviors, speech, or roles that typically would be read as feminine, masculine, or any combination of the two. Rather, it often concerns rejecting the binary at a conceptual level – that is, rejecting the idea that their way of being in the world should be understood via the binary concepts of ‘feminine’ and ‘masculine’. In an interview with The Washington Post, 18-year-old Kelsey Beckham, who identifies as nonbinary, states:

> I don’t want to be a girl wearing boy’s clothes, nor do I want to be a girl who presents as a boy. I just want to be a person who is recognized as a person. That’s how I’m most comfortable. *I’m just a person wearing people clothes.*

The bold assertion of being ‘just a person wearing people clothes’ strikes as the heart of any attempt to analyze *genderqueer* in terms of external perceptions. Genderqueers differ widely with respect to their assigned sex, perceived

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26 Weiss (2018)
27 A further, normative worry arises for taking *genderqueer* in terms of androgyny in particular: for many body sizes and shapes, androgyny is difficult if not impossible to access. Persons in this position would be simply barred from access to *genderqueer*.
28 See, e.g., Weiss (2018) who writes that being gender, for them, mean “reject[ing] the whole concept of gender.”
29 For example, Weiss quotes Cantrell as saying “I wish that people wouldn’t automatically use she/her pronouns just because of how I present... They need to stop gendering people’s presentations.” As Naomi Scheman pointed out to me, the plea to end gendering based on presentation is important, as it reveals a political stance that-intentionally or not-queers everyone’s gender.
30 Hesse (2014), my emphasis.
sex, and whether or not they function within traditionally masculinized or feminized gender roles. If anything holds them in common with respect to gender presentation, it is only a general rejection of being understood through a binary lens.\footnote{See also “Gender Can Be Both Liberating And Stifling At The Same Time” (2018), in which one interviewee comments, “Just because I put on lipstick doesn’t mean I am one thing or the other, because someone decide a piece of paint ‘belonged’ to a gender.”}

### 3.2 An Internalist Approach

If looking only to external features will not provide an adequate analysis of genderqueer, what about looking to internal features? Perhaps an internalist approach, or an approach on which being genderqueer is determined primarily by one’s internal features, has more promise. In favor of this approach, it at least appears to align nicely with what is by far the most common popular definition of being genderqueer as ‘identifying as genderqueer’.\footnote{The language of ‘gender identity’ as a determiner of one’s gender—and, in particular, of being genderqueer, is standard within trans-friendly contexts. See Weiss (2018) and Talusan (2017), as well as genderqueer networking platforms such as http://genderqueer.me or http://beyondthebinary.co.uk.} If we assume ‘identification’ is best understood as a wholly internal feature—i.e., a psychological state that an individual can be in without any material manifestations—then an internalist approach to genderqueer would be on the right track. I’ll propose in §4 that we should prefer a different, political model of genderqueer. But let’s examine the merits of an internalist account.

The first and most important question for an internalist approach to genderqueer is what internal features we are referring to when we talk about ‘gender identity’. Since the concept of gender identity—and in particular, genderqueer identity—is used to determine the extension of genderqueer, it is crucial to understand what genderqueer identity amount to. What’s more, as Jenkins (forthcoming) points out, the most common ‘folk’ definition of gender identity—“a sense of oneself as a man, woman, or some other gender”—does not appear promising. Jenkins writes:

> Many people who use the language of gender identity hold...the view that gender terms such as ‘man’ and ‘woman’ ought to be understood in terms of gender identity: [e.g.] to be a woman is to identify as a woman (or, to have a female gender identity)... The combination of this view with the folk definition of gender identity gives rise to a circularity: someone who asks what it means to say that a certain person ‘has a female gender identity’ will be told that it means that that person has a sense of herself ‘as a woman’ — but if the questioner then asks what a ‘woman’ is, they will be told that a woman is ‘a person with a female gender identity’.

Jenkins’s point about ‘woman’ similarly applies to ‘genderqueer’. The combination of two popular notions—that being genderqueer is identifying as genderqueer, and identifying as genderqueer is being genderqueer—leaves us in a
hopeless and unhelpful circularity. Whatever it means to ‘identify as genderqueer’—if indeed this is the basis for being genderqueer, must be something some more substantive.

Within analytic philosophy, two internalist proposals have emerged as to what this more substantive notion of gender identity amounts to.\(^{33}\)

At first, a substantive internalism might seem to worryingly essentialize gender by pointing to a mysterious, innate sense of one’s own gender that exists independently of external social factors. But, in fact, philosophical accounts of gender identity avoid this worry: gender identity, on these accounts, is internal, but it is based on one’s internal or subjective way of relating to societies’ gender norms, structures, and interpretive guides.\(^{34}\) One one approach, defended by Jennifer McKitrick (2015), someone’s gender in a given context is determined by their behavioral dispositions, along with how those behaviors—if manifested—would be socially interpreted. In a given context, McKitrick argues, someone who is disposed to behave in ways that others would take to be indicative of a woman, has a woman’s gender identity (and so, is a woman) in that context.\(^{35}\) Like McKitrick, Jenkins’s (2016, forthcoming) account of gender identity emphasizes an individual’s relationship to external gender norms. Jenkins proposes a ‘norm relevance’ account, on which an individual’s gender identity is determined by what norms that are associated with a particular gender they experience as relevant to them.\(^{36}\) That is, for example, someone has a female gender identity—and so is a woman—on this account if they experience norms associated with women in their social context as relevant to them. Moreover, norm relevance can take on a variety of forms. A female gender identity for one person may amount to feeling like others should refer to her with feminine pronouns and a certain name, whereas for someone else, it may amount to having the sense that her physical features ought to be a certain way—e.g., ought to include a vulva, and not a penis.\(^{37}\)

Gender identities, on both approaches, have subjective and objective elements: they are subjective insofar as they concern internal dispositions or senses of norm relevance, but objective insofar as these dispositions or senses must relate to norms or behaviors that are externally, socially associated with a certain gender group.\(^{38}\) Both McKitrick’s and Jenkins’s approaches could be applied to ‘genderqueer identity’. In fact, Jenkins explicitly proposes one such application: someone is genderqueer if they do not consider the norms

\(^{33}\)On Talia Bettcher’s (2009), (2013) view, a person’s gender is based on sincere self-identification, understood in terms of ‘living as’ the gender with which one identifies, I will not address this view in what follows because, while Bettcher’s view may be the best way to understand binary gender identities, it runs into many of the same concerns I raise for McKitrick’s (2015) and Jenkins’s (2016) accounts when applied to genderqueer.

\(^{34}\)See, e.g., McKitrick (2015), 2580 for an explicit rejection of the essentialism worry.

\(^{35}\)The precise formulation of this idea is as follows: “x is gender G iff x has (sufficiently many, sufficiently strong) dispositions D1-Dn to behave in ways B1-Bn in situations S1-Sn, and the relevant social group considers behaving in ways B1-Bn in situations S1-Sn to be G.” McKitrick (2015), 2581.

\(^{36}\)Jenkins (forthcoming).

\(^{37}\)Jenkins (2016), 413.

\(^{38}\)Jenkins (2016), 412.
socially associated with men, nor the norms socially associated with women, to be relevant to them. To illustrate, Jenkins uses the example of a building that contains only men’s and women’s toilets. Someone who is nonbinary, because they do not consider the norms governing social spaces for either men nor women as relevant to them, may “have all toilets marked as uncomfortable places fraught with stress and danger.”

The first thing to notice is that Jenkins’s norm relevancy approach to male and female gender identity differs dramatically from the approach to nonbinary gender identity. On this account, so long as someone considers some of the female-coded (or male-coded) norms as relevant to them, they have a female (or male) gender identity. After all, the number of men and women who take all of the norms associated with men or women as relevant to them likely is few and far between. But notice that this feature is taken to immediately constrain the proposed definition of nonbinary (or, in my terms, genderqueer) identities: according to Jenkins, it cannot simply be the case that nonbinary persons do not take some or even most of the binary-coded norms as relevant to them. Rather, they must take none of those norms as relevant to them. Here, the definition begins to generate serious worries.

First, this proposal rules out the possibility of having a genderqueer identity as well as a male or female identity. But some persons who identify as genderqueer also identify as women or men. Weiss (2018), for example, writes:

I personally identify as a non-binary woman... [T]o me, this identity acknowledges both that I don’t have an innate identification with any gender and that I’ve been socialized as a woman. Having more than one gender identity means different things to others, though.

Weiss is not alone. In the same article, they interview 24-year-old Rey Noble, who identifies as non-binary and a woman. According to Noble, this is to “acknowledge that she loves her female-coded body but doesn’t always feel it accurately represents her.” Similarly, Laurie Penny, a UK based journalist, articulates having distinct but compatible reasons for identifying as genderqueer and as a women. “My identity is more complex than simply female or male,” Penny writes, “but...I am a woman, politically because that’s how people see me and that’s how the state treats me.”

Weiss’s, Noble’s, and Penny’s testimonies are in tune with empirical research on genderqueer identities: In Galupo, et al’s

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39 Jenkins uses the term ‘nonbinary’ rather than genderqueer, and more formally puts this idea as follows: “S has a nonbinary gender identity iff S’s internal ‘map’ is neither formed so as to guide someone marked as a woman through the social or material realities that are, in that context, characteristic of women as a class nor formed to guide someone classed as a man through the social or material realities that are, in that context, characteristic of men as a class. Jenkins ((2016), 411, fn 40). See also Jenkins (forthcoming).
40 Jenkins (forthcoming).
41 Jenkins thinks that someone could have, for this reason, more than one gender identity in a given context.
42 Weiss (2018).
43 Weiss (2018).
(2018) study of genderqueer persons, many participants described their gender in ways that include, but are not bound by only one of the binary options:

“My gender changes. Sometimes I am female, sometimes I am a boy, sometimes I am both, and sometimes I am neither.” (genderfluid)

“Sometimes I feel like I am completely a man. Sometimes I feel like I am mostly a man, with some woman/agender mixed in.” (demiguy)

“I can switch in between a variety of genders (man, woman, androgynne, agender, third gender, polygender, etc.) day by day.” (genderfluid)

In short, many persons who identify outside a single binary option also might identify as a woman and/or man, in Jenkins’s sense. For this reason, these testimonies run counter to Jenkins’s proposal. This empirical research, then, suggests that “[genderqueer] participants’ gender identity could not be discretely conceptualized as ‘male’ ‘female’ ‘neither’ or ‘both’.” While Jenkins take the ‘neither’ approach, this way of thinking maintains binary gender options, and does not align with data concerning how nonbinary individuals describe their identities.

But suppose explicit disavowal of being a man or woman is not necessary for having a genderqueer identity, because such avowals are outside of the realm of male- and female-coded norms. Even this weakened understanding of genderqueer identity would be inadequate, for reasons that also appear in Penny’s and Weiss’s recognition of how ‘socialization’ as a woman, and being seen as a woman by the state and others impacts one’s ability to move through the world. Genderqueers frequently maintain, if only out of necessity, a sense of what binary-coded norms are relevant for them in spaces where there is no alternative to these norms. Rejecting binary-coded norms altogether is simply not an option when the social world is saturated in exclusive, binary divisions. Public spaces, such as restrooms and locker rooms, legal institutions, social clubs, language, and marketing, to name but a few, are heavily gendered, and gendered not only according to the binary, but in a way that leaves someone attempting to navigate these structure no choice but to ‘pick a side’. That is, because all (or nearly all) genderqueer persons were socialized as either men or women, and are perceived as men or women, only self-applying the norms of ‘a person wearing people clothes’ is not possible. Genderqueers who wish to navigate the world at all, much less safely, have no option but to see binary-norms as more or less relevant to them.

At this point, someone might protest that genderqueer identity is marked by a feeling of discomfort or inauthenticity with (complying with) those norms.

48Andler (2017) raises similar worries for Jenkins’s account of gender identity.
But this dramatically over-generates: many non-genderqueer men or women also feel discomfort and inauthenticity complying with the gender norms that they are socially coerced to obey.\footnote{Recall that Jenkins (forthcoming) suggests that a nonbinary person would uniquely feel that gender-marked toilets are “uncomfortable places fraught with stress and danger.” Notice this would also be true for a gender non-conforming woman or man, an androgynous woman or man, or perhaps even just a woman or man who dislikes being in gender-marked spaces.}

Setting aside a norm-relevancy approach to genderqueer identity, then, what about a dispositional approach? Why not think that being genderqueer is less about what norms one’s consider relevant to oneself, but rather about what one is internally disposed \textit{to do}—e.g., use gender neutral pronouns, assert ‘I am genderqueer’, and so on? Such an approach might amount to something along the following lines:

\begin{quote}
S is genderqueer in a context C iff S is sufficiently disposed to behave in C in ways that would (in trans-friendly contexts) mark S as genderqueer.\footnote{This proposal is an adaption from McKitrick (2016), who does not emphasize trans-friendly contexts. This proposal would, for reasons that are hopefully clear, be even further off target: in dominant context, no behaviors would mark someone as genderqueer, because this category is not recognized in these contexts.}
\end{quote}

What might the behaviors be? On a one interpretation, the relevant behaviors for being \textit{genderqueer} would be different in content, but not in kind from those for being \textit{men} and \textit{women}. That is, the behavioral dispositions relevant to being genderqueer would include dispositions toward things like “modes of dress, posture and mannerisms, productive and leisure time activities, styles of communication and social interaction.”\footnote{Although not framed dispositionally, a similar proposal was suggested by Riki Wilchins (2017), 101: “With nonbinary people, it is the identifying act of saying one is ‘nonbinary’...which is central to identity?”} But, as we already saw in §3.1, no such external behaviors decidedly mark someone as genderqueer.

Given this, the scope of relevant behaviors is significantly constrained. In fact, it seems that the only behaviors that would decidedly mark someone as genderqueer in a trans-friendly context is them (sincerely) \textit{saying so}.\footnote{I don’t leave open that assertion occurs in many ways, including writing, sign-language, etc. Many nonbinary youth depend on social media, such as Twitter, Facebook, or YouTube, to communicate their gender identification. See Singh (2013), 698.} On this account then, someone is genderqueer so long as they are sufficiently disposed to assert that they do not exclusively identify as a man or a woman: e.g., ‘I am genderqueer’, ‘I am nonbinary’, ‘I am gender fluid’.\footnote{McKitrick (2016), 2581.}

Here, two further worries arise. The first concerns the manifestation conditions for these dispositions. I suspect that much of the motivation for adopting a dispositionalist account of genderqueer identity is gaining the ability to count persons as genderqueer even when these dispositions are masked or counteracted by social costs, such as the threat of bullying, discrimination, being fired, assaulted, or simply misunderstood. Rather than seeing someone as genderqueer
only in contexts where they in fact say so, a dispositionalist approach would allow us to count as genderqueer anyone considers themself genderqueer, such that they would—under certain conditions—assert that they are genderqueer. Someone who is prevented from openly asserting a genderqueer identity due social costs, then, can still be genderqueer.

Given this, the thought goes, we should privilege how that person would be, were it less-or-not-at-all socially costly, to be genderqueer. From here, we arrive at the idea that someone is genderqueer just in case, were the social costs sufficiently low, they would assert that they do not (or do not exclusively) identify exclusively as a man or a woman. But what are these conditions? If they are ones where some social costs remain, then it would seem to prevent those with low risk tolerance from being genderqueer: some people who might be willing to assert a genderqueer identity under no social costs might be unwilling to do so even in the face of small or infrequent costs. So leaving any social costs in the manifestation conditions means that only some people, but not others, can have internalized genderqueer identity.

Suppose, then, the manifestation conditions are ones with no social costs. First, it seems likely that, in such a scenario, many persons who currently and comfortably identify exclusively within the binary might begin to assert other, nonbinary identities. That is, if being nonbinary were completely socially accepted, such that no difficulties or prejudices faced those resisting binary categorization, why think that only those who under actual conditions do not consider themselves nonbinary would continue to do so? Regardless of which way we go, then, it seems this view gets the extension of genderqueer wrong even by its own lights: it will either exclude anyone with a low risk tolerance with respect to asserting a genderqueer identity, or extend the category to persons who in fact take themselves to have (only) a binary identity, but might think otherwise in lieu of social repercussions.

The second, and I think even more important worry for this dispositional account is that it metaphysically trivializes being genderqueer. Regardless of the manifestation conditions for a dispositional account, we’ve seen that the most plausible behaviors that, when manifested, would be socially considered determinative of being genderqueer are assertions that one is genderqueer. But, in that case, being genderqueer amounts to nothing more than a linguistic construction: there is nothing substantively different between someone who is and someone who is not genderqueer. The only difference is that one, but not the other, is disposed to use certain terms to describe themself. On this dispositional account, no difference other than this, is necessary (or sufficient) for being genderqueer. It is hard to see, for this reason, what the content of such terms might be, or what the difference between ‘sincere’ and ‘non-sincere’ assertion of identity might amount to. Genderqueer seems reduced to an empty (or at least opaque) label.

It may turn out, in the end, that genderqueer identity amounts to nothing
\footnote{The same point holds for the scenario with very low social costs, but is more obvious when all costs are removed.}
more than self-describing using certain terms. But if possible, we should—and I think can—do better. To that end, I turn now to a new proposal: genderqueer as a critical gender kind.

4 A New Approach: Critical Gender Kinds

What explains being genderqueer? Is asserting one’s preferred gender label sufficient? Is it necessary? Is gender non-conformity or androgyny sufficient, even if not necessary? These questions are complicated by the fact that, as we've seen, purely external factors are insufficient for understanding genderqueer, and appealing instead to gender identity only pushes us to ask what might constitute a genderqueer identity. While it is tempting to think of this identity in terms of wholly internal features, such as a sense of norm relevance or a disposition to assert an identity claim, we've seen why these approaches fall short. So what could the difference between genderqueer and non-genderqueer persons amount to?

The solution, I suggest, lies in seeing genderqueer as designated not in terms of external or internal features, but rather in terms of political features. In particular, I suggest that being genderqueer is based on manifesting a particular kind of resistance to the assumption that one’s exclusive and exhaustive gender options are being a man or being a woman. To be genderqueer, on this view, is to resist the ideology that demands that one exclusively be either a man or a woman, and do so based on one’s sense of one’s own gendered ontological position.

What is the best way to understand a gender kind of this sort? I propose that, to do so, we must recognize a new type of gender kind: critical gender kinds.

Critical Gender Kinds: For some kind X, X is a critical gender kind relative to a given society iff membership in X is predicated on manifesting personal resistance against the dominant gender ideology in that society.55

Note that, on this definition, members of critical gender kinds not only externalize resistance to dominant gender ideology, but do so in a personal way—that is, resistance motivated by personal reasons for opposing the dominant gender ideology. Personal resistance is, on my view, a broad category that contains at least two importantly distinct, but compatible modes of resistance: ideological personal resistance and existential personal resistance. We can understand these as follows:

Ideological Personal Resistance: To manifest ideological personal resistance to dominant gender ideology is to engage in behavior that challenges that ideology, where this behavior stems from or otherwise expresses one’s ideological commitments.

55 Following Haslanger (manuscript), I here use ‘ideology’ to mark a nefarious system of social meaning that guides practical life.
Existential Personal Resistance: To manifest existential personal resistance to dominant gender ideology is to engage in behavior that challenges that ideology, where this behavior stems from or otherwise expresses one’s own perceived or claimed gendered categorization (or lack thereof).

Ideological personal resistance is a common practice, shared among a variety of activists, allies, and members of gender and sexual minority groups. For example, whenever someone speaks out against sexist, transphobic, or heteronormative practices and does so from their ideological commitment to gender or sexual equality, this person enacts ideological personal resistance to dominant gender ideology. Attending take Back the Night marches or gay pride parades, voting for politicians who support trans-rights, donating to organizations that advocate for women’s reproductive rights, using gender-neutral pronouns, or having a gender non-conforming aesthetic are just a few examples of resistant behaviors that are open to everyone. Many engage in these behaviors not (or not only) because of their own gendered position, but (also) because they have values and beliefs that commit them to resist dominant assumptions, norms, and practices concerning gender. These persons are, in my view, jointly engaged in ideological personal resistance to dominant gender ideology.

More can and should be said about ideological personal resistance. But because my account of genderqueer relies on the notion of existential personal resistance, I devote my attention to explicating this notion. Unlike its sibling, existential personal resistance stems from one’s sensed or claimed place within gender categories—typically, a position that is deviant given the practices, norms, and structures that arise from and sustain dominant gender ideology.

To more sharply distinguish between these modes of resistance, suppose you meet two persons who use the gender neutral pronouns ‘they/them’. One does not consider themself nonbinary in any sense, but uses these pronouns because they are committed to making English more hospitable for nonbinary persons. The other uses these pronouns because they consider themself genderqueer, and so take ‘she’ and ‘he’ to misdescribe their sensed or claimed gender. In this case, it may be that both persons manifest ideological person-personal resistance to the dominant gender assumption that everyone is either as a man or a woman. But only the second person manifests existential personal resistance to this assumption. And this is because the second, but not the first, engages in resistant behavior—i.e., their use of gender neutral pronouns—that stems from their sensed or claimed ontological position as neither a woman nor a man. In line with this example, I propose that the key mark of existential personal resistance is the source of one’s resistant behaviors: namely, as stemming from or expressing one’s own sensed or claimed gendered categorization.

The distinction between ideological and existential personal resistance helps us articulate the difference between allies of and members of gender kinds such as genderqueer, trans, androgyne, etc.: while both resist dominant gender ideology, members of these kinds resist (at least in part) because they take themselves to occupy a deviant ontological position. Who they take themselves to be is
itself incompatible with or otherwise does not conform to normative ontological positions within dominant gender ideology. Importantly, though, this is not an internalistic notion of kind membership: while a sensed or claimed gender categorization goes into critical gender kind membership, it is not sufficient for kind membership. Manifested resistance is also required. Moreover, by including ‘claimed’ alongside ‘sensed’, I am not attempting to capture gender identity in Jenkins’s or McKitrick’s sense. This ‘claiming’ can be based on political (or perhaps religious) motivations, as well as based on an internal felt sense of gender authenticity, relevance, or belonging.56

To be clear, critical gender kinds are not the only political gender kinds—i.e., the only gender kinds whose members stand in personal, reactive relationships to dominant gender ideology. Everyone manifests some personal reactions—both existential and ideological—to gender ideology. When these reactions affirms dominant ideology, we can describe those who manifest them as belonging to non-critical gender kinds:

**Non-Critical Gender Kinds:** For some kind X, X is a non-critical gender kind relative to a given society iff membership in X is predicted on manifesting personal reinforcement of the dominant gender ideology in that society.

As above, we can divide personal reinforcement into both ideological and existential modes. Someone who considers themself a man and on this basis enacts a hegemonic masculinity (relational to his class, race, etc.) manifests existential personal reinforcement of the dominant assumption that men ought to behave in stereotypically masculine ways. In contrast, someone who considers themself a woman but supports men’s rights groups or uses slurs to describe gay men, and does so on the basis of their beliefs about how men (and women) ought to behave, manifests ideological, but not existential personal reinforcement of this dominant assumption.

A single individual can belong to a variety of gender kinds. The critical/non-critical distinction is not a further binary into which individuals can be exclusively sorter. We all belong to a variety of political gender kinds—e.g., critical and non-critical—as well as externalist and internalist gender kinds. My focus here is on genderqueer as a particular, critical gender kind. But my account does not preclude that genderqueer persons simultaneously belong to many more gender kinds.

Of course, saying that genderqueer is a critical gender kind is nowhere near the level of specificity needed to understand this kind. Even once we narrow our scope to dominant Western contexts, we find there are many possible critical gender kinds, and they can be identified to various degrees of specificity, relative to how fine-grained one describes (an aspect of) the dominant gender ideology.57

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56 Thanks to Alicia Fowler for alerting me to the possibility of religious-based resistance to the binary assumption.

57 Some may not want to count these kinds as gender kinds: again, I am uninterested in fighting over ‘what gender is’ as if it must be one thing. It is plain that critical gender kinds are an important part of the social landscape related to gender, and that is enough for me.
To draw this out, and begin to motivate thinking of genderqueer as a critical gender kind, let’s consider the gender ideology that dominates in most Western societies. Very broadly speaking, a vast number of social groups resist this ideology (often/always in a personal way): to name but a name, trans men, trans women, abortion rights activists, butch dykes, drag queens, genderqueers, stay-at-home dads, female powerlifters, tomboys, polyamorous persons and on and on. Many groups and individuals, and in many ways, resist normative, gendered social expectations regarding their bodies, presentations, gender roles, and other ways of being.

On one way of thinking about critical gender kinds, then, all of these various and sundry groups might be classified together within one kind:

(\textbf{Western) Gender Defiers}: Someone is a (Western) gender defier just in case they enact personal resistance against the dominant gender ideology in Western societies.

In at least two ways, this definition is not particularly illuminating. First, how might one go about deciding who does or does not count as a gender defier without a more detailed analysis of what composes the dominant gender ideology in question? Second, with respect to genderqueer, if genderqueers make up but one piece of gender defiers, this does not illuminate what is unique to genderqueer. It seems that, in order to give an analysis of genderqueer, we need a better idea of what aspect of dominant gender ideology genderqueers resist, as well as how they do so. All in all: more details are needed.

To this end, I propose a more (but still not very) fine-grained, tripartite picture of Western dominant gender ideology.\footnote{This picture diverges from, but was inspired by a description of ‘the postcolonial understanding of gender’ in Tan (manuscript).} On this picture, the ideology can be thought of as having three distinct, but interconnected and mutually reinforcing axes: the genital assumption, the binary assumption, and the so-sociocultural assumption. While no one of these axes can be fully understood apart from the others, for the sake of analysis we can somewhat artificially take each individually:
The genital assumption: Someone’s gender is determined by their natal anatomical reproductive features.

The binary assumption: The only possible genders are the binary, exclusive, and exhaustive kinds men and women.59

The social assumption: Someone’s gender determines what their social role ought to be.60

All three axes together establish an ideology that exclusively divides bodies into two categories, and establishes a self-perpetuating hierarchy between them with those sexed as males placed in a position of dominance over those sexed as females.62 With this framework, we could spell out a variety of (non-exclusive!) critical gender kinds that existentially or ideologically resist the genital and social assumptions. For example, anyone resisting the assumption that they belong

59The binary assumption builds normative social roles into men and women (perhaps in addition to genital information). A genderqueer person does not reject the idea that they must have, e.g., either a penis or a vagina: in rejecting the binary assumption, they are rejecting the notion that they must exclusively belong to one of two kinds with normative social roles.

60By this, I do not mean to imply that gender is assumed to ‘wholly determine’ one’s social role, given that even within this ideology, people often assume that other, intersecting social identities—such as race, class, and ability—also determine someone’s social role.

61Here I follow, but make a tripartite distinction within feminist theories on which gender within Western contexts is “traditionally assumed to be based on a binary, mandatory system that attributes social characteristics to sexed anatomy, with humans categorized from birth as male vs female based on their external genitalia.” See Nagoshi, et al. (2012), 407, referencing Hausman (2001).

62Though, of course, much more goes into the social assumptions for ‘females’ and ‘males’ than things that establish or perpetuate this hierarchy. Indeed, I do not mean to suggest that (many aspects of) masculinity and femininity per se are problematic—an unfortunate suggestion of previous versions of feminism—but rather that gendered social roles are problematic when policed along the lines of binary, biological categories.
to the gender that they were assigned based on natal reproductive features—a property I consider sufficient for being trans—manifests existential personal resistance to the genital assumption. Similarly, anyone who considers themself a butch lesbian, defying social expectations with respect to their presentation and gender role, resists the social assumption.63

I propose that *genderqueer* is best understood as a critical gender kind that resists the binary assumption. More specifically, I propose that its members manifest existential personal resistance against the assumption that they must belong to one of two (and only two!) gender kinds that do not overlap (discrete), and where everyone fall into one of these two kinds (exhaustive). Moreover, they do so on the basis of a sensed or claimed gender categorization that is ontologically incompatible with this assumption. We can put this more formally as follows:

**Genderqueer:** *Genderqueer* is a critical gender kind, such that its members have a sensed or claimed gender categorization that conflicts with the binary assumption, and on this basis enact resistance against this assumption.64

On this proposed understanding of *genderqueer*, genderqueers externalize resistance to the binary assumption, and do so in an existentially based, personal way.65 Such resistance entails a disposition to interpretation of one’s resistant behaviors as behaviors stemming from or otherwise expressing one’s ontological position as in tension with this assumption. This point is important because it demarcates *genderqueer* as a kind such that self-perception, and not external interpretation, is central to membership. Without this feature of the account, *genderqueer* would not exist in dominant contexts where the majority of people lack awareness of gender possibilities outside the binary. In these contexts, no particular presentation, use of language, and so on—short of explicit assertions such as “I am not a man or a woman!”—would be interpreted as resisting the binary assumption. Moreover, as we’ve seen in §3.1, no particular external features make someone genderqueer. Androgyny, use of gender neutral pronouns, etc. are features that not only are not universal among genderqueers, but also

63 While various targets of resistance are compatible, in principle one might resist only one axis. In fact, one way of interpreting the position of ‘radical feminists’ who discount trans identities is that, while they resist the social assumption, they reinforce the genital and binary assumptions.

64 I do not mean to suggest that all genderqueers resist the binary assumption under this theoretical guise. Most often, they intentionally reject the idea that they must be neatly and permanently categorized as either a man or woman—that they must comply with the system of gender classification—and I suggest this amounts to resisting the binary assumption. This rejection is still very much ideological resistance, even if not conceptualized that way. This is the familiar feminist point that the ‘personal is political’: even if a genderqueer person does not conceptualize (e.g.) use of gender-neutral pronouns as ideological resistance, it is.

65 As the binary assumption is stated, someone who moves between male and female identity, but never rejects or accepts both simultaneously, is not in conflict with the binary assumption. I am torn about this case: if one thinks that such a person does resist the binary assumption, ‘inflexibility’ or ‘permanence’ of one’s gender could be added to the binary assumption.
are shared by some person who are not genderqueer. No particular external feature(s) are either necessary or sufficient to be genderqueer.

Nor do I think any internal feature—for example, a dislike of being gendered within the binary, or an intention to resist the binary assumption—is sufficient. Genderqueer, for better and worse, isn’t simply in the head. For one thing, this would overextend genderqueer. No doubt, many people who would not consider themselves (or be considered) genderqueer dislike being gendered within the binary, but have resigned themselves to it or otherwise accepted it as part of their lives. For another, this would remove the force of queer within genderqueer. If being genderqueer were simply in the head, a world functioning smoothly according to the binary assumption, with no one ever materially challenging this binary, could very well be a world full of genderqueers. This, to me, seems like a reductio: resistance to gender binary systems requires more than mere thought. This point aligns with genderqueers’ description of being nonbinary as a way of “reject[ing] such [binary] systems that lead to harmful stereotypes and oppression” and “breaking down what it means to be a gendered person in the world.”

Neither resistance nor breaking down others’ assumptions can occur merely within one’s own head.

Lastly, and perhaps most importantly, I am skeptical that any single mental content accompanies sensing or claiming gender categorization outside of the binary. Most obviously, the construction of binary gender kinds (men/women), as well as the latitude individuals have within them and how individuals are socialized into them, vary dramatically across intersections with other social identities, such as race, class, and ability. For this reason as well, then, my model intentionally leaves open that within the group of genderqueer persons, one can (and I suspect will) find a vast range of concepts about and attitudes towards these binary kinds.

What does matter, then? Genderqueer, I suggest, is found at the intersection of external and internal features. In particular, it is a certain way of being in the world—namely, enacting existential personal resistance to the practices and structures that arise from and reinforce the binary assumption. This enacting is multiply realizable: again, there is no one, much less one right way to be genderqueer. Many forms of enactment are possible, so long as they are taken from an existential stance. Some common ways will be familiar: using gender-neutral pronouns (and other terms, like titles), cultivating gender non-conforming aesthetics, asserting one’s gender status, queering personal relationships, defying sexual binaries, and what I’ll call ‘space switching’, or moving between male and female gendered spaces. While, again, none of these features is unique to or required in order to be genderqueer, they are familiar tools that genderqueers use to resist the idea that they themselves fall into one of two discrete, exhaustive gender kinds. What they share—and what is, I think, a constraint on behaviors that resist dominant gender ideology—is that they violate what Kate Bornstein (1994) call the ‘gender rules’: the binary set of norms that are imposed and en-

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67 Thanks to Jorge Meneses for raising this point.
forced (via social practices and material structures) upon individuals according to the sexed interpretation of their bodies.68 Violating these rules challenges or defies such practices and structures. As these practices and structures are many, so too are the possible modes of resistance, which we again can expect to vary widely across intersectional contexts and individuals. To name but a few:

1. **Gender-neutral pronouns**: Communicating that one uses gender neutral pronouns (e.g., ze/zim/zis, they/them/theirs) rather than a gender specific pronoun (e.g., he/him/his, she/her/hers).69

2. **Gender non-conforming aesthetic**: Gender presentations that violate cultural gendered expectations (e.g., cross-dressing, androgyny).70

3. **Gender status assertion**: Articulating one’s own sense of gender kind membership (e.g., ‘I am nonbinary’, ‘I am genderfluid’).

4. **Queering personal relationships**: Fluidity between or violation of traditional gender roles within personal relationships (e.g., taking on certain traditional female parenting roles as well as male roles, gender play in sexual relationships).71 72

5. **Defying sexual binary**: Identifying one’s sexuality outside of the ‘gay’, ‘straight’, or ‘bisexual’ taxonomy, which is based on a binary gender system.73

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68 This approach, I think, nicely aligns with genderqueers persons shared sense of ignoring and/or breaking gender rules. As one genderqueer person comments in “Gender Can Be Both Liberating And Stifling At The Same Time” (2018): “I’m what people would be if gender rules didn’t really exist.”

69 And similarly for other gender neutral language—e.g., ‘Mx.’ over ‘Mr.’ or ‘Ms.’, ‘parent’ over ‘mother’ or ‘father’, or using a chosen, gender ambiguous name over one’s birth name. The importance of generating gender neutral language in the service of breaking down the binary assumption cannot, I think, be understated, given the close relationship between language and available concepts. See, e.g., Wittig (1992), 55: “We must produce a political transformation of the key concepts, that is of the concepts which are strategic for us. For there is another order of materiality, that of language, and language is worked upon from within by these strategic concepts.”

70 Transgressive gender aesthetics are a long standing tradition of queering gender. Marjorie Garber (1992), for example, discusses transvestism as a way to not only create a crisis not only for the gender binary, but for the stability of gender categorization altogether.

71 Mo, a female-assigned genderqueer person describes this enactment of genderqueerness. “My feelings about my gender are not dependent on [how I am perceived],” they say, “but are more tied in to how I identify with people (men as much as women, and trans people of all kinds) and how I relate to my family (as a husband and dad), etc.” Mo Interview (2018). (Mo’s last name has been omitted to maintain anonymity.)

72 Any queering of sexual relationships is typically met with the strongest negative reaction from dominant culture. According to Murray David (1983), this is because these gender violations directly challenge others’ pervasive reliance on binary sexual norms to organize their lives. Cited in Bornstein (1994), 72.

73 Nagoshi, et al. (2012) provides qualitative empirical data concerning the close relationship between gender and sexual identities. At one genderqueer participant, AJ, reported, “I identify as queer as my sexual identity... I don’t really see that there really is a binary. So I wouldn’t even say bisexual, because that’s still acknowledging that there’s a binary system.” (217). For further empirical discussion, see Bradford, et al. (2018), p. 5. See also Dembroff (2016) for philosophical discussion on the relationship between gender and sexual identity.
6. **Space switching**: Fluidity between female and male coded spaces in situations with no gender neutral alternative (e.g. using both men’s and women’s bathrooms, moving between male and female friend groups).\(^74\)

This list is by no means exhaustive of the many ways in which genderqueer people manifest resistance to being held captive within the gender binary.\(^75\) My purpose is not to provide an exhaustive list of ways to be genderqueer, but rather to illustrate the multifarious nature of genderqueer. While some of these enactments (e.g. assertion) will be easily interpretable by other persons, some (e.g., gender non-conformity) will not. Moreover, genderqueers will not use the same or perhaps any of these enactments at all times or spaces. Someone who uses gender-neutral pronouns with friends may not do so at work. Someone who will assert a genderqueer identity in explicitly trans-inclusive groups may not do so outside of these groups. Genderqueers enact their identity in multitude ways because being genderqueer is not about creating and obeying a new set of gender norms: it is about throwing out gender norms. That is: genderqueer is not about maintaining a grey, androgynous middle ground between ‘masculine’ and ‘feminine’, ‘man’ and ‘woman’, but rather resisting the command to accept these binary concepts as the concepts by which one must be identified, labeled, and evaluated. This point is further reinforced by qualitative empirical research on genderqueer identities. Bradford et al (2018) notes that while models of gender typically expected gender to be stable and predictable, “having the agency to make decisions regarding one’s body and identity may be an integral component of genderqueer identity development” – one that often results in a “process of experimentation.”\(^76\)

Here, two key upshots of the proposed view comes into focus. First, being genderqueer is context sensitive.\(^77\) Because genderqueer, on my proposal, includes personal resistance to the binary assumption, it is largely constrained to contexts where Western gender ideology is dominant.\(^78\) This is not to preclude that there may be a closely related kind–one whose members challenge–personally or not–the binary assumption. Such a category would unify genderqueer with the variety of genders beyond male and female recognized in other societies, such as Indonesia’s waria, Native American two-spirit, and Samoan.

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\(^74\)Like all of the above, space switching is a way of breaking and also fluidly navigating binary gender rules. “[Fluidity across gender rules generates] the ability to freely and knowingly become one or many of a limitless number of gender for any length of time, at any rate of change. Gender fluidity recognises no borders or rules of gender.” (Bornstein (1994), 52.)

\(^75\)For empirical data on the various strategies toward genderqueer expression, see Richard et al. (2016).

\(^76\)Bradford (2018), 8.

\(^77\)As stated, the proposal also leaves open the possibility of being genderqueer to different degrees. While I’m open to this possibility, I will set it aside, as I think a framework that pronounces who is more (or less) genderqueer would not be productive.

\(^78\)With perhaps a few exceptions: it seems possible that an individual who is from a Western context might travel to a context where the binary assumption is not part of the dominant gender ideology, and yet retain their intentional resistance to that assumption. It also seems possible that someone outside of a Western context might nevertheless have exposure to and so adopt a genderqueer identity. I do not have strong views about these borderline cases.
fa’afafine.⁷⁹

Second, being genderqueer, on my proposal, requires that an individual must—to some extent and in some context—manifest personal resistance to the binary assumption.⁸⁰ No doubt, some will find this result unpalatable, for reasons discussed in §3.2. Many people prefer to think of being genderqueer as something that is wholly internal, such that someone could be entirely closeted and remain genderqueer. This internalized approach is reified by common narratives of ‘discovering’ or ‘realizing’ that one is genderqueer, as opposed to ‘choosing to be’ or ‘becoming’ genderqueer. At the same time, these narratives are counterbalanced by other, also common narratives such as, “I [finally] get to be who I want to be,” or “I... try to get to a place where I can safely be myself.”⁸¹

One might worry that my account precludes those in hostile environments with heavy costs of defying gender rules from being genderqueer.

In response, I first want to emphasize that, on my proposal, manifesting resistance is multiply realizable and not based on others’ reactions or interpretations. There are myriad ways that someone could manifest resistance to the gender binary without incurring heavy social costs, even in hostile environments. While pronoun pins, cultivating androgyny, or bare assertion are all clear potential ways of resisting the binary assumption, nothing so loud is required on my proposal, which emphasizes self-perception over others’ perceptions. As one agender person put this, “[S]ometimes when we dress ourselves, or when we find...moments of authenticity, they are acts of resistance even when they’re small.”⁸² My proposal leaves these ‘small acts of resistance’ open to genderqueer persons, and does not require social uptake of any given individual’s acts of resistance.⁸³

That said, it is at least possible that social costs could prevent someone from enacting resistance to the binary in any way. Where I diverge, though, is in the interpretation of this situation: the standard reading says that someone is ‘truly’ genderqueer, and unjustly prevented from self-expression. In contrast, I read the situation as one in which someone is unjustly prevented from being genderqueer. Referring to someone as a ‘closeted’ genderqueer—rather than someone who is forced into binary classification against their wishes—downplays both the power of social forces over our access to social identities as well as how oppressive

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⁷⁹This feature of my proposal allows us to compare critical gender kinds in a given context with gender kinds across contexts. This is important, as it gives us a framework for interpreting common claims about the universality of nonbinary and trans identities. For example, if we interpret ‘trans’, in such a claim, as anyone whose existence challenges the genital assumption, then we can look for any time or society to identify such persons. If we interpret it as concerning existential personal resistance to the genital assumption, then our search will be constrained to contexts where this assumption is dominant.

⁸⁰My proposal might, in this sense, be thought in the spirit of Butler’s (1997) ‘symbolic interactionism’, or the idea that an individual’s gender is created an sustained through “reflecting back images of the self as objects.” Hird (2012), 585.

⁸¹“Gender Can Be Both Liberating And Stifling At The Same Time” (2018), Brehob (2018).

⁸²“Gender Can Be Both Liberating And Stifling At The Same Time” (2018)

⁸³That said, given the political nature of this category, some degree of social uptake of its members’ collective resistant actions does seem required for the category’s existence.
that power can be.\textsuperscript{84} Someone who is forced to follow all the gender rules out of fear is, by my lights, prevented by an unjust social system from being genderqueer—the cost of ideological resistance is untenable. This is not merely a stifling of self-expression, but a stifling of self-realization: if genderqueer is centrally about ideological resistance, oppressive social factors have the potential to prevent its realization. In contexts where someone who wants to resist binary classification faces with untenable costs of doing so, the central injustice of is not, I think, a lack of recognition. Rather, it is a lack of autonomy over one’s gender classification. Emily Brehob, who identifies as intersex and nonbinary, describes being caught in such a situation:

Now that I live in Texas, I find it more difficult to walk the line of affirming my identity to myself while remaining safe. I find myself reverting to the mean: growing my hair long, letting it slide when people call me a woman... Is my identity even real if I don’t express it? ... There something incredibly powerful—revolutionary, even—about challenging someone’s understanding of gender with your very existence.\textsuperscript{85}

Understanding genderqueer as a critical gender kind whose members manifest existential resistance to the binary assumption helps us understand the experiences of persons like Brehob. Being genderqueer is not simply in the head: it challenges dominant gender ideology ‘with one’s very existence’. To understand this gender kind, we needed a new model—one that captures the interplay between ideological resistance and gender identification. I’ve proposed one such model, and no doubt there are others. But if one thing is clear, it is that if we are to understand this cultural revolution, we need new concepts, new language, and new metaphysics. Armed with these tools, we can join Riki Wilchins in wondering if we are “unconsciously and finally treading towards the end of gender categories as we know them.”\textsuperscript{86} Either way, I agree with Wilchins: “It will be fun finding out.”\textsuperscript{87 88}

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\textsuperscript{84}I do not suggest this point applies to woman and man, which might be best understood as internalist kinds.

\textsuperscript{85}Brehob (2018)

\textsuperscript{86}Wilchins (2017), 102.

\textsuperscript{87}Wilchins (2017), 102.

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