

# GENDER SELF-IDENTIFICATION

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**DISCUSSIONS ABOUT GENDER** self-identification have been raging in social media, political activism, and scholarly forums at least as of the past decade. A recent conversation on *Inside Higher Ed*, on the issue of whether or not it is transphobic to question gender self-identification offers a take on this challenge. Twelve philosophers argue that academic freedom is compromised if scholars are sanctioned for expressing “skepticism about the concept of gender identity or opposition to replacing biological sex with gender identity in institutional policy making” (Bermudez et al. 2019). The concept of gender identity – and by extension the notion that gender identity is a matter of self-definition – is here portrayed as a theoretical standpoint that ought to be open for intellectual scrutiny and debate. In a response, professor of philosophy Mark Lance (2019), echoes some of the main arguments that trans activists and scholars have put forward for many years (e.g., Stone 1992; Stryker 1994), that dismissal of gender self-definition is a not an innocent intellectual stance. Rather, it is complicit with “systemic violence and active encouragement of oppression” of gender variant people since it is often used as part of a particular political agenda, that of denying gender variant people basic human rights, such as the right to self-determination, recognition, respect and personal integrity (Lance 2019). This exchange, as an example of the broader – oftentimes polarised – terrain of “gender struggles,” demonstrates the point that gender self-identification is conceptualised by different actors either as an individual right or as a ques-

tion of overriding biological categorisation presumed to be objective. Shared is the notion that gender self-identification is a political matter, or at least has political implications, and hence also ethical connotations.

To this end, a key issue in the current political and scholarly landscape is the growing convergence, and sometimes conscious alliances, between “gender-critical” feminists (sometimes known as TERFs – Trans-Exclusionary Radical Feminists), religious and social conservatives, as well as right-wing politics and even neo-Nazi and fascist movements. Their target are transgender people, queer activism and theorising that support an expansive approach to gender identity. An example from the USA is the colloquium, “The Inequality of the Equality Act: Concerns from the Left,” sponsored by the conservative Heritage Foundation (2019), a think tank that is promoting tough immigration politics, traditional marriage laws (keeping it heterosexual), and stricter abortion legislation. The panellists were gender critical feminists, firmly established in the political left, describing the perils of what they called the gender ideology of struggles for trans rights. The same type of rhetoric can be found in European contexts, and has resulted in conversations about so called “no-platforming” in the U.K., when trans activists and feminists have challenged universities and media platforms for lending their space to discriminatory speech. It is a paradox of sorts that strands of self-defined feminism enter into alliances with forces that also work to dismantle same-sex marriage rights and abortion and that support deeply racist nationalist agendas. What unite these three strands of anti-gender ideologies, and the basis of their scepticism towards the notion of gender self-identification, is their reliance on an essentialised and binary understanding of sex and/or gender, often termed “bio-essentialism.” Gender critics rely on an analysis of patriarchy as the source of women’s – or the “female sex-class” – oppression, religious and normative conservatives on the heteronormative family as the only legitimate cornerstone of a stable society, and right-wing populists and neo-Nazi activists treasure the combination of traditional gender norms and family values as the core of national values. These positions and ideologies overlap and converge at particular moments,

for example in Nordic and transnational critiques of Pride parades, their relevance, propriety and possible threat; and of course, debates over gender self-identification in relation to formal documents (passports), and public restrooms. The group GENID, Gender Identity Challenge Scandinavia, (2020) claims to have members in Norway, Sweden, Denmark and Finland, and its profile shows that these sentiments are being effectively shared through international organising, which is importantly facilitated by online reach and personal anonymity, with translations into English for even further reach and community-building.

There now exists an extensive catalogue of – largely US-based – scholarly work on the administrative governance of gender categories and transgender rights more broadly under neoliberalism's ethos of inclusion and incorporation. This work typically emphasises legal reforms that centre individual rights in relation to pre-existing anti-discrimination and hate-crime legislation, and may critique how, as a result, broader inequalities remain unaddressed. This includes the deeply racist legacies of gender binarism and the ways in which they are intertwined with poverty, incarceration, and death (Spade 2011). In terms of the Nordic region, we would argue that legal reforms extend this legal framework, to centre other issues – such as accessing health and social care, the possibility to change one's legal gender without psychiatric diagnosis, and ending the requirement of sterilisation. Perhaps social-democratic traditions and the paradigm of Nordic equality and welfare enable a broader terrain for inclusive politics. Still, operating within neoliberalism's reformist frameworks limit meaningful structural transformation, and risk reproducing violent structures that in effect legitimate perspectives that seek to eliminate the very existence of gender-variant peoples, or at least severely limit life possibilities beyond rigid boundaries, whether categorical, legal, or national.

In the Nordic context the notion of gender self-definition has created particular types of tensions given that legislative systems, medical institutions, and social norms uphold a strict binary gender logic (e.g., de los Reyes 2017, 30; Lie and Slagstad 2018). There is a “Nordic paradox” here: on the one hand, the right to have one's gender identity recognised

by the state is secured by law. On the other hand, gender equality policies – long considered the virtue of Nordic national and regional identity – have drawn from gender-critical feminist analyses that take the exploitation of women’s reproduction and sexuality as its departure; this is an analysis that fundamentally pose assigned sex as the foundation of the juridical gender marker. Therefore, it can be argued that juridical gender self-definition is simply the exception that reinstates cisgender as the norm. This binary model has been thoroughly challenged by intersectional politics and scholarship across the Nordic region, but the current political landscape of traditionalist, nationalist and right-wing populism has at the same time reinvigorated a backlash against minorities, especially targeting trans and nonbinary gender expressions. For example, gender critical feminists claim that accommodating gender self-definition risk undoing feminist social justice work; such arguments can be found in the Swedish lobby organisation gathering different organisations for women’s rights Sveriges Kvinnolobby’s response to a legislative proposal that suggests that the Swedish Gender Recognition Act ought to be reformed so that the process of changing one’s juridical gender marker is a simple procedure based on gender self-definition.

In terms of the medical sector, recent changes to the longstanding pathologisation of nonbinary gender further support the authority of gender self-identification above assigned sex. In 2019, the WHO officially adopted the ICD-11 (the International Classification of Diseases, 11<sup>th</sup> edition). In this edition, the diagnosis of gender incongruence has been moved from the chapter on mental and behavioural disorders to the one on sexual health, which means that trans experiences no longer are pathologised as a mental disorder in the ICD-11. In an insightful essay titled “ICD-11: Helse til alle kjønn” [“ICD-11: Health to All Genders”], Norwegian psychologist Silje-Håvard Bolstad (2019) argues that the recent changes to the ICD classificatory system mirror changes in the international scholarly consensus, and symbolise a global trend towards recognising greater gender diversity. This trend is reflected in a recent editorial in Norway’s flagship medical journal, *Tidsskriftet for Den norske legeförening*, which argues that ICD-11 recognises trans

people's fundamental right to decide for themselves who they are: "den nye diagnosen kjønnskongruens er en anerkjennelse av transpersoners rett til selv å bestemme hvem de vil være" (Lie and Slagstad 2018). Another editorial in the same journal argues for introducing a third gender category in order to secure appropriate health care and recognise scientific knowledge on gender diversity (Slagstad 2018). However, as France Rose Hartline (2019) shows in their research on the Norwegian system, powerful state-sponsored gatekeepers in the medical establishment still monopolise and police trans health care access. Recent developments in the Swedish context provide examples of how the notion of gender self-definition and self-determination is not only implemented in gender affirming health care, but also questioned by other physicians. Physicians, and parents of youths that have been in contact with the trans specific health care teams, have, in a series of debate articles and critical television programs, argued that there is a lack of scientific evidence for the standards of care for trans youth, especially for the provision of hormone blockers, mastectomy, and hormone treatment; despite these being in line with international guidelines and protocols (see for example the TV-program *Uppdrag granskning* 2019a; 2019b). Clinicians working with trans youth as well as medical ethicists have pointed out that medical practice in large parts are based on proven experience rather than scientific evidence, due to the ethical problems with double blind studies (Garland 2019). The criteria for scientific evidence used by the critics of gender affirming care are hard to fulfil, since they would demand that studies be done with a placebo element in which a control group of trans youth would not be given the needed care. This is a study design that most ethical councils would find highly problematic.

The examples discussed above, taken from legislative and medical institutional practices, illustrate broader challenges to normative paradigms that rest on the premises of values such as corporate feminism and gender mainstreaming in the Nordic countries (Gunnarsson Payne 2019). The contemporary struggles for recognising gender self-identification, in the context of rising anti-gender politics globally, shows the limit of national policy strategies located in a conformist

binary gender logic, which is the basis of “state feminism.” Approaching anti-gender politics as a challenge to democracy, Jenny Gunnarsson Payne (2019) argues that differences and diversity amongst *the people* [*demos*] is not an obstacle to overcome, but a necessary starting point for building alliances and working in solidarity. This further recognises the principal issue to be one of demands, not identities as such, Payne (2019) argues, with references to Chantal Mouffe and Ernesto Laclau.

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What, then, lies ahead for queer theory? It is clear that the concept of gender self-identification and the political terrain it indexes, pose urgent challenges for queer theory and gender-political activism ahead. If queer theory emerged at a crisis point in the late 1980s and early 1990s – with the HIV/AIDS epidemic rampaging our communities, and conservatism winning terrain in politics and society – it could be argued that we are at a similar turning point today (Bradway and McCallum 2019). Targeting gender non-normativity in general and transgender expression in particular, and championing a gender-binary ideology based on claims to scientific legitimacy, is a central tactic of a range of powerful institutions today. The ambition is to claim and maintain power and to destabilise meaningful democratic participation, including that of governments. As gender equality and welfare are typically touted as fundamental values of Nordic social-democratic exceptionalism, we question the extent to which binary gender norms, as they have been stabilised within state feminism, will prevail rather than transform into new modalities in the current moment of anti-gender politics and right-wing populism (Gunnarsson Payne 2019)

Perhaps a principal challenge ahead for queer theorists is the extent to which the anti-normative and anti-institutional ethos of “early” queer theory can revitalise already existing movements and academic practices. To be sure, the project of challenging gender and sex-based oppression as a social structure and mode of governance, is not new to the political labour and vision of queer theory today. Thinking along the queer

strands of José Esteban Muñoz's (2009) utopian futurity, on the queerness that is not yet here, perhaps the contemporary convergences of anti-gender politics show us that the heterosexual matrix a.k.a. patriarchal structures are, potentially, near crumbling. One way to begin is, plainly speaking, by looking back, by remembering. Given that systematic forgetting – historical amnesia – is central to the attempt to preserve contemporary neoliberal governance, one way to begin the collaborative visionary work of making social change is to centre and do the hard work of memory work and storytelling so as to connect current struggles to past ones (Dixon 2014). This starting point makes it possible to build a long-term and broad-based vision of, and critical scholarship on, social change that must be based, firstly, in a refusal of accommodative strategies and short-term reforms, and secondly, in the establishing of a baseline of decolonising ethics of political and social transformation: the ecology of life, feminist indigenous epistememes, interspecies subsistence and re-existences, visionary forms of desire and radical care (see e.g., Laula 1904; Kuokkanen 2007; Lugones 2007; Mortimer-Sandilands and Erickson eds. 2010).

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