

“Being Without Restriction”:
Contemporary Sociological Theory and the Gender Anti-Binary

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I am quantum physics

My witness brings me into existence

— Will Wood, “I / Me / Myself”

In the last few years, we have seen a dramatic increase in anti-transgender attitudes, both socially and politically. Globally, hundreds of trans people have been killed for their trans identities since October 2022 (Wareham, 2023, para. 1-2), and both cisgender and transgender people have been targets of transphobia-fuelled harassment (Alfonseca, 2023, para. 9). Here in Alberta, we witnessed the 1 Million March 4 Children in late 2023, protesting against “introducing young children to adult concepts” such as “gender ideology” (Mertz, 2023, para. 12-14), as well as the recent unveiling of provincial policies around gender-affirming medical care for youth, and name and pronoun changes in grade schools (French, 2024, para. 6). In a seemingly progressive, post-modern era, many people still refuse to learn past their biases against queer people. Even the mention of transgender people, or “gender ideology,” causes uproar. That uproar over the mere mention of queerness is where our obstacle to queer liberation lies. Because current LGBTQ+ discourse focuses on language and loaded terms such as “gender ideology,” we have lost sight of the issue at hand: anti-queer dogmas and the violence they incite. Using the works of various contemporary sociologists, I argue that queer liberation must be preceded by the dissolution of language-based culture and debates. Viewing queerness as

experiential rather than *categorical* will deconstruct the harmful narratives about queer people and redefine queerness as a universal, embodied mode of self-expression.

First, we must define the word ‘queer’ for this argument, as counterproductive as it sounds. Like concepts such as youth and womanhood, queerness is socially constructed and dependent on the surrounding social contexts, such that everyone has a different idea of what it means. Even within the LGBTQ+ community, opinions on the word ‘queer’ are divided; some still maintain it as a slur, while others use it as a source of empowerment. Herein, I use ‘queer’ out of necessity; it is the most commonly used term in academia, and the most concise. I define ‘queer’ as describing anyone that is not cisgender or heterosexual (furthermore, ‘cishet’) and ‘queerness’ as the varied, subjective experiences of being non-cishet. Keeping this definition open is integral to understanding it through Merleau-Ponty’s theory of depth.

French phenomenologist Maurice Merleau-Ponty (1964) argued that science as a mode of thinking is limited in scope; it will never accurately explain everything the natural world and human experience have to offer. In his words, “[science] deliberately reduces itself to a set of data-collecting techniques which it has invented. To think is thus to test out, to operate, to transform” (p. 1). We have seen how science and rationality can misrepresent the queer and trans experience. Previous editions of the DSM have listed ‘transsexualism’ and ‘gender identity disorder’ in their diagnoses; both have faced backlash, leading to the current diagnosis being titled ‘gender dysphoria’ (American Psychiatric Association, 2017, “History” section, para. 3-4). Even with that improvement, we still have other issues to contend with— namely, the gender binary. Coupled with a strictly biomedical approach to queerness, the gender binary reduces trans people to

problems that need solving. What surgeries does the patient want or need? How will their body react to various treatments? How can we ensure that they pass as a man or woman? Through this lens, the label ‘transgender’ becomes another box to fit into, more than a tool for understanding, and can only take us so far in vying for queer rights.

This is not to say that we should dismiss science entirely, says Merleau-Ponty. Rather, science can do as science does, and any gaps left behind should be explored through other, less structured methods. Those gaps compose something that cannot be named or quantified, but that he calls “depth” for his argument (p. 9). Depth prioritizes embodiment; that is, what one feels when moving through the world and interacting with others. It moves outside scientific discourse and takes a more artistic approach. For example, I could explain that a painting makes me sad, or I could describe how the painting throws stones into my stomach. The latter phrase, based on bodily sensation, offers a more vivid and personal experience beyond the word ‘sad.’ Through this depth-based, phenomenological lens, we can understand queerness beyond its labels. We can describe how one’s queerness boils under their skin, itching and begging to be expressed, or the burst of colour and saturation one sees when they can finally express it. Further, we can describe the warmth in queer people’s chests when they meet others who understand what it’s like, even if they don’t use the same labels. Vocabulary becomes secondary to the *feeling* of being queer, and the communities that people build around that shared experience.

We have seen some movement away from standardized gender as we expand beyond the binary of male/female, though not to the degree necessary for widespread, permanent change. Although society is generally more aware of trans and nonbinary people, some

would argue that we are going backwards in terms of trans rights and politics, as mentioned before. As well, categories remain the focus of debate. Anti-trans activists often assume that all trans people are pedophiles, groomers, and dangerous to cis people, which leaves trans people and allies stuck explaining why those assumptions are inaccurate. Under this impasse, nothing moves forward.

This political impasse has been written about before, albeit regarding a different social group. In *Gender Trouble*, feminist scholar Judith Butler (2007) argued that the label of ‘woman’ is too vague to be anything but controversial when pursuing women’s rights. It is “impossible to separate out ‘gender’ from the political gender trouble and cultural intersections in which it is invariably produced and maintained” (p. 4-5). Gender does not exist in a vacuum, but is constructed by the surrounding social circumstances. As well, other social positions such as race, economic class, and disability complicate women’s lives such that their experiences cannot be homogenized under the word ‘woman’ (p. 6). The same can be said about trans and queer rights today. The term ‘transgender’ cannot describe the experience of all queer-gendered people (and perhaps, neither can ‘queer’), and it has acquired such baggage that debates are focused more on debunking stereotypes rather than making changes to improve the lives of trans people.

The solution for feminism, Butler argues, is to consider it without women as its subject (2007, p. 8). Now, that might sound contradictory at first; how do we examine feminism without women, or trans rights without trans people? As argued above through Merleau-Ponty’s theory of depth, we need to explore queerness as an individual experience rather than a collective one. By that notion, we should examine what social forces impose a collective identity onto people; then, the oppressor is subject to debate,

rather than the oppressed. For queer rights, that means dissecting the various social institutions that reproduce categorical understandings of gender.

Expanding our metaphor of queerness as art requires us to include social forces that impose meaning onto art; our guiding force here will be the work of the Frankfurt School. Walter Benjamin (1936) argued that the mechanical reproduction of art destroys the original piece's "aura;" that is, its unique presence in a culture (p. 364). By destroying auras and getting people acclimated to aura-less art and culture, they lose their ability to think critically and thus become a "collectivity in a state of distraction" (p. 377). In our case, 'mechanical reproduction' refers to the words and labels surrounding queerness. The more they are used and spread around, the more vague and inauthentic those words become, paving the way for stereotypes and misunderstandings. Now, labels do have their benefits, as Benjamin argues further: "technical reproduction [of art] can put the copy... into situations which would be out of reach for the original... it enables the original to meet the beholder halfway" (1936, p. 364). In other words, technical reproduction makes art accessible to the masses. Queer vocabulary fulfills the same function: accessibility. They give queer people the words with which to understand themselves, such as 'transgender' and 'nonbinary,' and phrases to rally behind as a group, such as 'protect trans kids.' The issue arises when we fuss over which labels to use instead of letting queerness exist without them. Then the debate turns into who counts as 'transgender' or whether those identities and experiences even exist.

Current debates depend on this misconstrued idea of queerness; any talk of queerness and queer rights is "made to pass through the filter of the culture industry" (Adorno & Horkheimer, 1944, p. 387). The culture industry, as described by Theodor Adorno and

Max Horkheimer (1944), is the process by which art and culture are standardized and commercialized, to standardize society at large. This control is justified by saying that “because millions participate in it, certain reproduction processes are necessary” to satisfy their needs (p. 386). In our case, if society’s percentage of queer people, or its awareness of them, keeps increasing, we *must* homogenize their experiences under one or a few words. How else will they understand themselves and find community? Labels are treated as a necessity rather than a shorthand for something complex and personal, and leave “no room for imagination or reflection on the part of the audience [both queer and cishet people]” (1944, p. 387).

I could go on about labels, but I will instead expand our scope and briefly discuss the standardized *image* of queerness, too. What better way to discuss standardized, reproduced queerness than exploring rainbow capitalism? This term describes many things: company-sponsored floats in pride parades, rainbow profile pictures on social media during June, and pride-themed products lining store shelves, among others. Journalists and activists have discussed rainbow capitalism for years now, giving it due criticism: “Major corporations have turned LGBT struggles into marketing moments to make themselves look good... [pride-themed products are] a distraction” (Dobnik, 2019, para. 10). Beyond the generalization of vocabulary, rainbow capitalism further reduces queerness to its few profitable parts. When commercial queerness is all that others can learn from, they essentially learn nothing. That is why recent protests, and transphobic debates as a whole, rely on an imagined ‘gender ideology’ to make their point; those involved have nothing else as widespread to learn from. As such, the two sides of the

culture industry—homogenization and commercialization—feed into each other to remove all nuance from the queer experience.

One might think that our solution is to use the term I have been using: queer. As stated before, I use ‘queer’ to cover all experiences of non-cisnet people, and as a reclaimed slur, it acknowledges the struggles that queer people have faced for their queerness. However, ‘queer’ still puts their experiences into one box and builds an in-group out-group mentality between queer and cisnet people. By insisting that cisnet people are the standard and queer people are inherently different, we leave the door open for discrimination. Again, I use ‘queer’ for the same reason that Merleau-Ponty uses ‘depth;’ I cannot concisely make my argument without a stand-in term. Our inability to picture an alternative to reductive labels is also the fault of the culture industry. The need for categories “[has] been so thoroughly reified that the idea of anything specific to [individuals] now persists only as an utterly abstract notion” (Adorno & Horkheimer, 1944, p. 389). Though queer people might know that our current labels do not encompass all that their identity constitutes, what else is available to them? Trying to create the vocabulary for every individual experience will get convoluted and likely cause more confusion than self-understanding. Reductive words seem like the only possible option.

I offer this: no words should be needed. Rather than trying to make queer identity digestible through language, we should never even consider language as part of the issue. Gender and sexuality should “[scramble] all our categories, spreading out before us its oneiric universe of carnal essences, actualized resemblances, mute meanings” (Merleau-Ponty, 1964, p. 7). Under this non-definition, queerness means nothing and everything; any attempts to define it or homogenize queer people under certain

stereotypes will ultimately fail. By prioritizing feelings over words—experiential queerness over categorical queerness—we will eventually lose the need for labels altogether. This dissolution of queer identity labels will then remove the queer-cis het dichotomy, cementing queerness as a natural human thing rather than the antithesis to ‘straightness.’ In this way, *everyone* will be queer somehow, having the freedom to express their gender and sexuality “without being obliged to appraise what [they see]” (Merleau-Ponty, 1964, p. 2). Then, queerness will no longer be a basis for discrimination; if everyone is queer, then no one is.

This anti-binary, anti-category mindset is our way out of the queer culture industry. As Merleau-Ponty puts it, being anti-binary is “Being without restriction;” it dismisses the categories we have imposed on queerness, which is meant to be unexplainable (1964, p. 9). Admittedly, we may not see the application of this mindset for another few years, if not decades or even longer. As demonstrated by recent protests and legislation, cisheteronormativity still holds hegemonic weight, such that resistance feels out of reach or nonexistent to most. However, anti-binary calls to action like this one are acts of resistance in and of themselves. By planting the seeds in our minds that change is possible and that there are alternatives, we are already closer to true queer liberation than we think. It is then on us to enact this anti-binary: to actively reject labelling our experiences, to live according to our joy rather than society’s prescribed gender roles, and to embody queerness in its most enigmatic and individual sense.

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