

GENDER PANIC, GENDER POLICY

ADVANCES IN GENDER RESEARCH

Series Editors: Marcia Texler Segal and Vasilikie Demos

Recent Volumes:

- Volume 11: Sustainable Feminisms – Edited by Sonita Sarker, 2007
- Volume 12: Advancing Gender Research from the Nineteenth to the Twenty-first Centuries – Edited by Vasilikie Demos and Marcia Texler Segal, 2008
- Volume 13: Perceiving Gender Locally, Globally, and Intersectionally – Edited by Vasilikie Demos and Marcia Texler Segal, 2009
- Volume 14: Interactions and Intersections of Gendered Bodies at Work, at Home, and at Play – Edited by Marcia Texler Segal, 2010
- Volume 15: Analyzing Gender, Intersectionality, and Multiple Inequalities: Global, Transnational and Local Contexts – Edited by Esther Ngan-Ling Chow, Marcia Texler Segal and Lin Tan, 2011
- Volume 16: Social Production and Reproduction at the Interface of Public and Private Spheres – Edited by Marcia Texler Segal, Esther Ngan-Ling Chow and Vasilikie Demos, 2012
- Volume 17: Notions of Family: Intersectional Perspectives – Edited by Marla H. Kohlman, Dana B. Krieg and Bette J. Dickerson, 2013
- Volume 18 A: Gendered Perspectives on Conflict and Violence: Part A – Edited by Marcia Texler Segal and Vasilikie Demos, 2013
- Volume 18 B: Gendered Perspectives on Conflict and Violence: Part B – Edited by Marcia Texler Segal and Vasilikie Demos, 2014
- Volume 19: Gender Transformation in the Academy – Edited by Marcia Texler Segal and Vasilikie Demos, 2014
- Volume 20: At the Center: Feminism, Social Science and Knowledge – Edited by Vasilikie Demos and Marcia Texler Segal, 2015
- Volume 21: Gender and Race Matter: Global Perspectives on Being a Woman – Edited by Shaminder Takhar, 2016
- Volume 22: Gender and Food: From Production to Consumption and After – Edited by Marcia Texler Segal and Vasilikie Demos, 2016
- Volume 23: Discourses of Gender and Sexual Inequality: The Legacy of Sanra L Bem – Edited by Marcia Texler Segal and Vasilikie Demos, 2016

ADVANCES IN GENDER RESEARCH VOLUME 24

GENDER PANIC, GENDER POLICY

EDITED BY

VASILIKIE DEMOS

*Division of the Social Sciences
University of Minnesota, Morris
Morris, MN, USA*

MARCIA TEXLER SEGAL

*School of Social Science
Indiana University Southeast
New Albany, IN, USA*



United Kingdom – North America – Japan
India – Malaysia – China

Emerald Publishing Limited
Howard House, Wagon Lane, Bingley BD16 1WA, UK

First edition 2017

Copyright © 2017 Emerald Publishing Limited

Reprints and permissions service

Contact: permissions@emeraldinsight.com

No part of this book may be reproduced, stored in a retrieval system, transmitted in any form or by any means electronic, mechanical, photocopying, recording or otherwise without either the prior written permission of the publisher or a licence permitting restricted copying issued in the UK by The Copyright Licensing Agency and in the USA by The Copyright Clearance Center. Any opinions expressed in the chapters are those of the authors. Whilst Emerald makes every effort to ensure the quality and accuracy of its content, Emerald makes no representation implied or otherwise, as to the chapters' suitability and application and disclaims any warranties, express or implied, to their use.

British Library Cataloguing in Publication Data

A catalogue record for this book is available from the British Library

ISBN: 978-1-78743-203-1 (Print)

ISBN: 978-1-78743-202-4 (Online)

ISBN: 978-1-78743-260-4 (Epub)

ISSN: 1529-2126 (Series)



ISOQAR certified
Management System,
awarded to Emerald
for adherence to
Environmental
standard
ISO 14001:2004.

Certificate Number 1985
ISO 14001



INVESTOR IN PEOPLE

INFORMATION FOR AUTHORS

Series Editors: Vasilikie Demos and Marcia Texler Segal

We seek original manuscripts dealing with new developments in the study of gender informed by a variety of feminist frameworks and methodologies. Essays that are empirical, theoretical or applied, dealing with any nation or region or offering a comparative perspective are welcome.

Authors from all parts of the world are invited to submit inquiries. However, all manuscripts must be in English and submitted electronically in an editable format and all contributors must be able to communicate with the editors and the publisher via e-mail. Inquires, one page abstracts or drafts of papers are welcome. These should be sent to v.demos.agr@gmail.com and mtsegal.agr@gmail.com.

This page intentionally left blank

CONTENTS

LIST OF CONTRIBUTORS	<i>xi</i>
EDITORIAL ADVISORY BOARD	<i>xiii</i>
ABOUT THE AUTHORS	<i>xv</i>

GENDER PANIC, GENDER POLICY: AN INTRODUCTION	<i>1</i>
<i>Marcia Texler Segal and Vasilikie Demos</i>	

PART I TRADITION, WOMEN, AND THE PLACE OF REPRODUCTION

WOMEN IN THE MILITARY IN ARGENTINA: NATIONALISM, GENDER, AND ETHNICITY	<i>23</i>
<i>Laura E. Masson</i>	

WOMEN'S HEALTH—NATION'S HEALTH: THE POLICIES OF REPRODUCTION IN POST-SOVIET BELARUS	<i>45</i>
<i>Tatsiana Shchurko</i>	

ANOTHER SCIENCE WAR: FICTITIOUS EVIDENCE ON WOMEN'S FERTILITY AND THE "EGG AGING" PANIC IN 2010s JAPAN	<i>67</i>
<i>Sigeto Tanaka</i>	

BOYS WILL BE BOYS, SO GIRLS WILL BE GIRLS: THE RESURGENCE OF FEMININITY AMONG SINGLE WOMEN	93
<i>Summer Qassim</i>	

PART II QUESTIONING THE GENDER BINARY

SUBVERTING THE DOMINANT PARADIGM: CROSS-CULTURAL APPROACHES TO UNDERSTANDING GENDER	117
<i>Edwin S. Segal</i>	

“I’M PART OF THE COMMUNITY, TOO”: WOMEN’S COLLEGE ALUMNAE RESPONSES TO TRANSGENDER ADMITTANCE POLICIES	133
<i>Megan Nanney</i>	

HYBRIDS, HERMAPHRODITES, AND SEX METAMORPHOSES: GENDERED ANXIETIES AND SEX TESTING IN ELITE SPORT, 1937–1968	155
<i>Sonja Erikainen</i>	

THE FAIREST OF THEM ALL: GENDER- DETERMINING INSTITUTIONS AND THE SCIENCE OF SEX TESTING	177
<i>Madeleine Pape</i>	

PART III POLICING GENDER: RULES, REGULATIONS, AND LAWS

“DEAR COLLEAGUE LETTER ON TRANSGENDER STUDENTS”: TITLE IX RIGHTS AND REGULATIONS ON GENDER	203
<i>Jo Teut</i>	

THE NORMATIVITY OF RECOGNITION: NON-BINARY GENDER MARKERS IN AUSTRALIAN LAW AND POLICY	227
<i>Dylan Amy Davis</i>	
GENDERED PRISONS, GENDERED POLICY: GENDERED SUBTEXT AND THE PRISON RAPE ELIMINATION ACT	251
<i>Allison N. Gorga and Nicole Bouxsein Oehmen</i>	
THE UNITED STATES' INTERNATIONAL VALUING OF ANTI-RACISM NORMS OVER GENDER EQUALITY NORMS	273
<i>Malia Lee Womack</i>	
MONITORING THE WORLD SOCIETY: LGBT HUMAN RIGHTS IN RUSSIA AND SWEDEN	309
<i>Danielle MacCartney</i>	
INDEX	333

This page intentionally left blank

LIST OF CONTRIBUTORS

<i>Dylan Amy Davis</i>	Faculty of Law, Humanities and the Arts, University of Wollongong, Wollongong, Australia
<i>Vasilikie Demos</i>	Division of the Social Sciences, University of Minnesota, Morris, Morris, MN, USA
<i>Sonja Erikainen</i>	School of Sociology and Social Policy, University of Leeds, Leeds, UK
<i>Allison N. Gorga</i>	Department of Sociology, University of Iowa, Iowa City, IA, USA
<i>Danielle MacCartney</i>	Department of Anthropology and Sociology, Webster University, St. Louis, MO, USA
<i>Laura E. Masson</i>	Instituto de Altos Estudios, National University of San Martin, Buenos Aires, Argentina
<i>Megan Nanney</i>	Department of Sociology, Virginia Tech, Blacksburg, VA, USA
<i>Nicole Bouxsein Oehmen</i>	Department of Sociology, University of Iowa, Iowa City, IA, USA
<i>Madeleine Pape</i>	Department of Sociology, University of Wisconsin-Madison, Madison, WI, USA
<i>Summer Qassim</i>	Department of Social Sciences and Liberal Arts, Institute of Business Administration (IBA), Karachi, Pakistan
<i>Edwin S. Segal</i>	Department of Anthropology, University of Louisville, Louisville, KY, USA
<i>Marcia Texler Segal</i>	School of Social Science, Indiana University Southeast, New Albany, IN, USA
<i>Tatsiana Shchurko</i>	Department of Women's, Gender and Sexuality Studies, The Ohio State University, Columbus, OH, USA
<i>Sigeto Tanaka</i>	Graduate School of Arts and Letters, Tohoku University, Sendai, Japan
<i>Jo Teut</i>	Office of Equity, Diversity, and Inclusion, University of Wisconsin Colleges and Extension, Madison, WI, USA
<i>Malia Lee Womack</i>	Department of Women's, Gender and Sexuality Studies, The Ohio State University, Columbus, OH, USA

This page intentionally left blank

EDITORIAL ADVISORY BOARD

Miriam Adelman
*Universidade Federal do
Paraná, Brazil*

Franca Bimbi
*Universita Degli Studi di
Padova, Italy*

Max Greenberg
*University of Southern California
Los Angeles, USA*

Marla Kohlman
Kenyon College, USA

Chika Shinohara
*Momoyama Gakuin University
(St. Andrew's University), Japan*

Tiffany Taylor
Kent State University, USA

This page intentionally left blank

ABOUT THE AUTHORS

Dylan Amy Davis is a PhD candidate in the School of the Arts, English and Media at the University of Wollongong, Australia. Dylan's thesis research examines the erasure of bisexuality as a category within contemporary Western discourses with a focus on compulsory monogamy, queer temporality, and the life narratives of bisexual individuals. Dylan's other research interests include trans politics, feminism, non-human animals, ethics, and law.

Sonja Erikainen is a doctoral researcher at the University of Leeds, United Kingdom. Her research focuses on the ontology and epistemology of sex difference, especially in the context of scientific knowledge production and sport. Her interdisciplinary PhD thesis, titled "Policing the Sex Binary: Gender Verification and the Boundaries of Female Embodiment in Elite Sport," examines the genealogy of the female category and the history of "sex testing" in elite sport from the 1930s till the present.

Allison N. Gorga is a PhD candidate in the Department of Sociology at the University of Iowa. Her research interests include masculinities, sexualities, incarceration, and gendered organizations. Her previous research has examined how sororities contain "other" non-traditional women in the Greek system. Her master's thesis sought to understand gender dynamics and hierarchies among women prisoners, particularly for those who identified as masculine. Her work has been published in *Sexualities* and *Social Currents*. Allison's dissertation examines how employees and service providers in a women's prison understand and frame rehabilitative efforts and how assumptions about women and femininity are subtly woven into the rationale for these practices. She plans to continue to conduct research on prison organizational practices, gendered styles of punishment, and penal reform.

Danielle MacCartney is an associate professor of sociology, a fellow of the Institute for Human Rights and Humanitarian Studies, the chair of the Women, Gender, and Sexuality Studies program, and a former associate dean of the College of Arts and Sciences at Webster University in Saint Louis, MO. Her research focuses on race, class, gender, and sexual orientation inequality, particularly in law and public policy. As a post-doctoral public

policy fellow with the Williams Institute at the UCLA School of Law, she co-authored reports assessing state-level economic impacts of same-sex marriage legislation and contributed to policy analyses on hate crimes. She has authored papers and reports on same-sex marriage in the United States for international audiences, on diversity awareness campaigns and youth violence prevention programs for local organizations, and on rape on college campuses and teaching effectiveness for interdisciplinary academic audiences. Her ongoing research agenda encompasses international lesbian, *gay*, bisexual and transgender (LGBT) victimization, advocacy, and mobilizing.

Laura E. Masson, PhD, is a professor at the National University of San Martín, Argentina, and a member of the Gender Policy Council of the Argentine Ministry of Defense. She holds a doctorate (2007) and a master's degree (1999) in social anthropology from the Federal University of Rio de Janeiro (FURJ), Brazil. She is the author of *Feminine Politics: Gender and Power in the Province of Buenos Aires* (La Política en Femenino, Género y Poder en la Provincia de Buenos Aires) and *Feminists Everywhere: An Ethnography of Feminist Spaces and Narratives in Argentina* (Feministas en Todas Partes, Una Etnografía de Espacios y Narrativas Feministas en Argentina).

Megan Nanney (she/her pronouns) is a doctoral student in the Department of Sociology with a concentration in women's and gender studies at Virginia Tech. Driven by the question *Who is a woman?*, Megan's research applies critical trans and queer perspectives to gender-based social movements, communities, social panics, and policies. She is particularly interested in the ways in which womanhood is institutionalized and naturalized through the essentialization of gender. Her current projects examine gender nonconformity and transgender admissions policies at women's colleges, (il)logics of trans exclusionary radical feminism (TERF) and gender critical perspectives, and women's experiences within craft beer culture. Her work can be found in the April 2017 issue of *Gender & Society*. In her spare time, Megan is the founding managing editor of *Sociology of Race and Ethnicity* and enjoys serving as the editor-in-chief for VT's LGBTQ magazine, *The Interloper*.

Nicole Boussein Oehmen is a PhD candidate in the Department of Sociology at the University of Iowa and holds a graduate certificate in gender, women's, and sexuality studies. Her areas of substantive interest include sexual violence and harassment, criminology, masculinities, sexualities, group threat, and public policy. Nicole's master's thesis, which will extend into her dissertation, explored state-level variation in sex-based discrimination reported to the Equal Employment Opportunity Commission. Other projects underway

include an exploration of legal consciousness and the role of sexual violence in masculinity construction among convicted sex offenders, a state-level analysis of women's political participation and mental health outcomes, and a comparative analysis of sexual harassment resistance strategies across job type.

Madeleine Pape is a PhD candidate in sociology at the University of Wisconsin-Madison. Her research is located at the intersection of sociology of gender and science and technology studies, with a particular interest in the institutional reproduction of binary models of sex and gender. Pape's dissertation focuses on two contexts where governance of the science of sex difference takes place: the National Institutes of Health in the United States, where various policies address the inclusion of sex and gender in funded research; and Olympic sport, where women's participation is regulated on the basis of certain biological characteristics. Previously, Pape represented Australia in the sport of track-and-field at the 2008 Olympic Games and 2009 World Championships.

Summer Qassim is a lecturer of anthropology in the Department of Social Sciences and Liberal Arts at the Institute of Business Administration (IBA) in Karachi, Pakistan. She holds a BA in political science from the University of California, Los Angeles (UCLA) and an MA in humanities and social theory, specializing in anthropology from New York University (NYU). She was a 2005 Fulbright grant recipient for research in Syria and lived in the Levant long-term. Her broad interest is the comparative study of Middle Eastern/Islamic cultures and secularism. She has pursued this in different intellectual projects, with special attention to Islam and human rights, the anthropology of piety groups in southern Beirut, and female Sufis in Damascus. Currently, she is exploring issues of gender and sexuality through a comprehensive comparative study of the resurgence of femininity among secular Euro-American and Muslim women and its relationship to feminist theory, neoliberalism, and postcolonialism.

Edwin S. Segal is a professor emeritus of anthropology at the University of Louisville, Louisville, KY. He has done research in Nigeria, Kenya, Tanzania, Malawi, South Africa, and Kyrgyzstan. His research has focused on gender and ethnicity. Professor Segal has academic publications in a number of venues and has also published a variety of poems both online and in print. He has also published a chapbook of some of his poetry. In his career, he has served twice as the department chair, received a Fulbright Lectureship Award, which was renewed for the second year, served as a professor of

sociology at Chancellor's College, the University of Malawi, and was an academic consultant and a professor at the American University Bishkek (now the American University Central Asia).

Tatsiana Shchurko is a researcher and feminist activist from Belarus. She graduated from Belarusian State University (Minsk, Belarus) with a degree in psychology in 2006 and completed the master's program in gender studies from the European Humanities University (Vilnius, Lithuania) in 2008. Since 2008, Tatsiana has been working as an independent researcher, lecturer and analytic writer, feminist art curator, and activist in Minsk (Belarus). In 2011, she completed an informal post-graduate program at the European Humanities University in Vilnius, Lithuania. From 2011 to 2014, she had been a participant of the project "Gender, Sexuality, and Power" in the program on Higher Education Support Regional Seminars for Excellence in Teaching (ReSET HESP). In 2016, Tatsiana became a PhD student at the Department of Women's, Gender and Sexuality Studies at the Ohio State University. Her research interests include politics of reproduction, gender and nation, queer studies, postcolonial and decolonial theories, soviet, and post-soviet studies.

Sigeto Tanaka is an associate professor at the Department of Applied Japanese Linguistics, Graduate School of Arts and Letters, Tohoku University, Japan, specializing in sociological study of gender and family issues, particularly in sexual division of labor and economic outcomes of divorce in Japan. He is the editor of a book, *A Quantitative Picture of Contemporary Japanese Families: Tradition and Modernity in the 21st Century* (Tohoku University Press, 2013), based on the results from the National Family Research of Japan (NFRJ) project by the Japan Society of Family Sociology. Recently, his research interests have included population policy and political discourses on medicine, biology, and demography related to declining fertility.

Jo Teut provides educational training and outreach to all of the University of Wisconsin Colleges and Extension, with a focus on Title IX, LGBTQ+ individuals, and intersectionality. Teut earned her MA degree from the Women's, Gender, and Sexuality Studies Department at the University of Cincinnati, with her thesis, *Beyond the True Asexual: Queer Diversity and Inclusion within the Asexual Community*. Teut also worked in the UC Title IX Office, providing educational training and outreach across the university, and volunteered as a peer facilitator of Safe Zone, Trans*, and Asexuality 101 trainings for the UC LGBTQ Center. Teut's primary academic focus is queer identity formation, literary representation, and federal/institutional protection within higher education.

Malia Lee Womack earned a BA degree from UC Berkeley in gender and women's studies with a minor in Global Poverty and Practice, and an MA degree from Columbia University in human rights studies with an emphasis in women's, gender, and sexuality studies. She is pursuing a joint MA/PhD degree at Ohio State University in Latin American studies and women's, gender, and sexuality studies, respectively. Womack interrogates human rights from an anti-racist and intersectional transnational feminist perspective. She challenges the field of human right's normative discourses and advocates for revisions that take into account globalized power inequalities and the complex needs of marginalized communities and individuals. Throughout her studies she has remained engaged in social justice activism. Her work experience ranges from community outreach and education, striving to diminish sexual, relationship, and domestic violence; working with the United Nations; and spearheading initiatives locally and abroad to advance the positioning of disadvantaged communities.

This page intentionally left blank

GENDER PANIC, GENDER POLICY: AN INTRODUCTION

Marcia Texler Segal and Vasilikie Demos

ABSTRACT

Purpose/approach: *This introduction provides an overview of the themes and chapters of this volume.*

Research implications: *The chapters in this volume present original research employing empirical and textual methods illustrating the complex responses and policy challenges posed by contemporary understandings and misunderstandings of the nature of gender. Various forms of gender panic and responses to it within individuals, institutions, national states, and the world society are explored.*

Practical and social implications: *Research demonstrates that gender panic can lead to potentially harmful reactions and fruitless policies that reinforce rather than dismantle the gender binary, thereby, impacting vulnerable members of societies.*

Value of the chapter: *The chapter and the volume are intended to illustrate the nature of current gender panics and related policies and to encourage further scholarship with the goal of promoting greater understanding as well as developing constructive solutions to issues raised.*

Gender Panic, Gender Policy
Advances in Gender Research, Volume 24, 1–19
Copyright © 2017 by Emerald Publishing Limited
All rights of reproduction in any form reserved
ISSN: 1529-2126/doi:[10.1108/S1529-212620170000024019](https://doi.org/10.1108/S1529-212620170000024019)

Keywords: Gender panic; gender policy; gender binary; heteronormative; non-binary; transgender; elite sport

Throughout the world and particularly in western nations, the blurring and challenging of heteronormative gender boundaries have created panic. In the United States, a plethora of recent articles and books shows how widespread gender panic and the attempt to create gender policy is. The January 2017 special issue of *National Geographic* is called “Gender Revolution.” Its cover features 9-year-old Avery Jackson of Kansas City, Missouri, who is quoted saying, “the best thing about being a girl is, now I don’t have to pretend to be a boy” (Conant, cover & p. 31). In pictures and text, her peers from around the world reflect on the meaning of gender for them. In a lengthy feature titled “Rethinking Gender,” the magazine asks “Freed from the binary of boy and girl, gender identity is a shifting landscape. Can science help us navigate?” (Henig, 2017, p. 49). In the March 27, 2017, *Time* cover story, author Katy Steinmetz profiles gender-fluid young adults. In a story about another gender panic issue, Richard Wolf in *USA Today* reports on a U.S. federal appeals court decision that discrimination on the basis of sexual orientation is a form of sex discrimination and is covered by Title VII of the 1964 Civil Rights Act quoting chief judge Diane Wood, “It would require considerable calisthenics to remove the ‘sex’ from ‘sexual orientation’” (April 5, 2017, p. B1). Among many stories about how college campuses handle rape cases, Joe Drape and Marc Tracy (2017) follow up on an allegation at Stanford.

Gender panic is present on university campuses and workplaces. It has even spawned a cottage industry in advice for how to deal with it. For example, a recent email from Education Admin WebAdvisor offered this webinar: “Claims of Student Harassment in Colleges and Universities: Understand the Law & How to Respond. Step-by-step guidance through Title IX, including the types of procedures you should put in place for responding and investigating student harassment claims.” Another offered, “Transgender Students in College: Navigating Requirements, Accommodations and Avoiding Litigation. Step-by-step guidance through the legal and practical issues associated with your transgender student population.” Gender panic is also present in survey research. Both academics and those doing market surveys are pondering if and how to measure gender. A guide to best practices can be downloaded from the Williams Institute, UCLA School of Law (2014) and Survey Gizmo has helpful advice in an on-line blog (Fryrear, 2016). In their

article in *Gender & Society* (2015), Laurel Westbrook and Alyia Saperstein point out that gender is not restricted to questions about gender identity but typically infused throughout surveys with questions about siblings, spouses, and children.

Contributors to this volume challenge the nature of gender in multiple ways. The chapters overlap in their concerns and arguments rendering our attempts to group them in subsets somewhat arbitrary. Several question the empirical and conceptual reality of a gender binary. Some focus on attempts to enact or preserve traditional heteronormative female roles and embodiment, often in the service of state goals. Still others interrogate laws and policies, both domestic and transnational, that are based on or challenge assumptions about gender. Several institutions figure in the discourse: the military, the family, prisons, sport, education, and science. The actions and impact of international bodies including the United Nations, International Olympic Committee (IOC), and International Association of Athletic Federations (IAAF) are examined and questions of sexual citizenship are raised with reference to several nations, primarily Argentina, Australia, Belarus, Indonesia, Japan, Russia, Sweden, and the United States as well as others in passing.

The editors of this volume are both heteronormative cis gender women. We acknowledge our limited personal experience with some types of gender panic though we are all too familiar with others. We also recognize that both scholarship and societies must deal with these issues and knowledge is needed to craft and critique effective social policies to address them.

We are indebted to our Editorial Advisory Board member Max Greenberg for the title of this volume. The term “gender panic” was originally used by Laurel Westbrook and Kristen Schilt to refer to “situations where people react to disruptions to biology-based gender ideology by frantically reasserting the naturalness of a male-female binary” (2014; p. 34). The kinds of situations they had in mind are policies like the “Dear Colleague Letter” discussed by KJ Teut in this volume directing educational institutions to allow individuals to use restrooms and locker rooms consistent with their gender identities or the question of how to define “women” for purposes of admission to women’s colleges as discussed by Megan Nanney. These situations, they suggest, might easily be called “penis panics” since they are ostensibly concerned with the potential danger transwomen who have not undergone surgery, i.e., people with penises pose to cis women. We have extended the metaphor to encompass a wide range of situations where the binary is challenged or reinforced. Both Tatsiana Shchurko and Sigeto Tanaka, for example, discuss the reassertion of heteronormative femininity in the context of

population concerns while Summer Qassim shows its impact on advice to romance-seeking women. Sonja Erikainen and Madeleine Pape each look at sex testing in elite sport, and Dylan Amy Davis turns the question inside out looking at how trying to add a gender in some Australian legal contexts creates more problems than it solves. Laura E. Masson shows the impact on matters of class and ethnicity when the composition of a gendered institution, the Argentine military, is changed.

Writing in *Contexts*, Georgiann Davis and Sharon Preves (2017) discuss the fact that not all bodies are clearly male or female, and Edwin S. Segal in this volume points out that a few subnational entities recognize a wider range. Nevertheless, the assumption that gender is binary is so pervasive in most societies that it frustrates and confounds attempts to create gender-neutral or gender-fair policies or spaces. Once you allow for the possibility that individuals can be neither X nor Y, you reify not only X and Y but also create and reify Z, which is neither X nor Y ignoring the possibility that gender can be fluid or continuous. One area where attempts have been made to recognize new possibilities is in the development of English language personal pronouns that designate person and number without specifying gender. Use of the third person plural (they, them) for both singular and plural has become acceptable in many contexts but does not solve the number problem. Neologisms have been adopted in some academic settings (see, for example, the list and discussion provided by the University of Wisconsin-Milwaukee LGBT Resource Center, 2011), but no clear consensus has, yet, emerged. In this volume, we have used gendered pronouns unless a contributor or an individual being referenced has indicated an alternative preference.

Issues arise whether one is trying to challenge the binary or preserve it. It may be easy enough to construct restrooms and locker rooms with single stalls to respect the gender identities and privacy concerns of everyone, and people might be allowed to join sports teams on the basis of their abilities and performances, but how do you decide who may attend a woman's college or how do you affirm the gender identities of the individuals who wish to be recognized as female or male as well as those who do not? In a recent comment in the *New York Times* (April 18), Lisa Selin Davis a mother, lamented that trans-supportive people keep asking her daughter, who prefers to wear a gender-neutral hairstyle and gender-neutral clothing, if she really is or really wants to be a boy. The mother reports that the child clearly identifies as a girl and wishes to continue to be a non-stereotypical girl, but some people appear to have added new gender categories while narrowing the signifiers of those that previously existed. Related to this is the position taken by the women Qassim studied who in rejecting hook-up

culture were desperately learning how to “lean back,” that is, become more traditionally feminine to attract men. Interestingly, it has been observed that among college students, it is the ones who participate in a series of hook-ups who ultimately form relationships, and college women’s participation in the hook-up culture is generally judged no less harshly than men who participate (Cooper, May 3, 2017).

Questions regarding gender have been medicalized. As both Erikainen and Pape report, sports authorities have attempted to find medically reliable ways of determining who may compete in women’s events and Davis highlights laws that base ability to change gender on official documents or records on medical opinions or procedures. However, gender is a social construct only partially associated with biology which itself is a social construct, and in the matter of gender identity may variously involve psychiatric opinion and hormonal or surgical intervention, but, at the same time, may not address the relevant issues. In 2013 in the 5th edition of *Diagnostic and Statistical Manual of Mental Disorders (DSM-5)*, the American Psychiatric Association (APA) changed the diagnostic name for people who identify with a gender different from the one they were assigned at birth from “gender identity disorder” to “gender dysphoria” and created a separate chapter in the manual in order to avoid grouping such people with those regarded as having sexual disorders. In its publication about the change, the APA points out that while people with gender dysphoria are not mentally ill, they may experience distress and including them in the DSM is necessary to provide access to treatment options (APA, 2013, *Gender Dysphoria DSM5*).

As indicated by the mass media, a companion of gender panic is gender violence. Masson’s finding that women’s inclusion in the Argentine military has precipitated men’s harassment of them has many parallels among the trans population. In its report based on a survey of nearly 28,000 trans people in the 50 states of the United States, the District of Columbia and U.S. territories, the National Center for Transgender Equality (NCTE) (James et al., 2016, p. 8), found that trans people experience “pervasive mistreatment and violence” in “every aspect of life.” Among its findings, the report shows that 10% of trans who were out to their families reported a family member being violent to them and 8% reported they had been kicked out of the house. The majority, 54%, of those who were out or were perceived as trans while in school (K-12) experienced some form of attack including verbal harassment, physical attack, and sexual assault, with 17% leaving school because of the severity of the attacks. Almost half reported being sexually assaulted at some point in their life. Regarding mental health, 39% reported being seriously psychologically distressed in the month prior to the survey, and 40% reported

having attempted suicide. In addition, negative experiences associated with being trans are compounded by such factors as race, poverty, disability status, undocumented status, and unemployment.

Overt gender violence—verbal harassment, physical, and sexual attacks—the type exemplified above, is relatively easy to identify. More difficult to identify is the structural gender-based violence, that is, psychological or physical gender-based violence stemming from institutions and social policy. In identifying various ways in which the Belarusian population growth policy serves to stigmatize single women and other women who are not actively engaged in motherhood activities, Shchurko documents a type of gender-based structural violence as does Tanaka who analyzes an ad campaign, based on questionable data, meant to increase the birthrate by encouraging young women to marry and have children, and thus closing off to them the opportunity for an early start in a career. Pape analyzes the situation of an Olympic sprinter, Dutee Chand, raised and self-identifying as a woman, but finding herself fighting to be seen as such by an Olympic committee that, on the basis of Chand's high testosterone level, questions whether she can compete as a female athlete. Similarly, Nanney suggests that trans students at women's colleges experience structural violence in the form of exclusion depending on how the college defines a "woman," and at what point they may be in "transition" (also see [Nanney & Brunsma, 2017](#)).

Structural violence is present, too, when the state demands physical examinations, hospitalization, surgery, or mental health observation as a way of monitoring reproductive health or as a condition of legal trans recognition. Thus, Shchurko notes that pregnant women in Belarus must report for observation every week or two to ensure the birth of a "healthy" child. In Ukraine, a trans individual wishing legal recognition must undergo a 45-day stay in a mental institution for observation, and in Vietnam, a new law recognizing trans identity stipulates surgery and sterilization as a condition of legal trans recognition ([United Nations Commission on the Status of Women, March 13, 2017](#)).

Official insistence on a binary definition of trans identity requiring identification as either a woman or a man, discussed in this volume by Teut, is still another, and particularly insidious source of structural gender violence, permeating private and public spaces including bathrooms, locker rooms, prisons, colleges, and the very language we use. Micah Grzywnowicz, an advocacy advisor for Swedish Federation for Lesbian Gay Bisexual Transgender and Queer Rights ([United Nations Commission on the Status of Women, March 13, 2017](#)) notes that compared with trans people generally, non-binary trans individuals are more likely to be physically assaulted, the target of police brutality and medically maltreated.

TRADITION, WOMEN, AND THE PLACE OF REPRODUCTION

The chapters in this volume have been grouped into three parts. In the first, contributors discuss panics and policies related to the traditional places of women within societies. More gender-egalitarian policies create panic in institutions such as the military that have traditionally been highly gendered. Societies facing demographic panics adopt policies that encourage women to marry early, form heteronormative two parent families and have multiple children; among women having difficulty in finding partners, panic leads them to seek post-feminist dating advice.

Laura E. Masson bases Chapter 1, “Women in the Military in Argentina: Nationalism, Gender, and Ethnicity,” on history and on fieldwork carried out in an official capacity. Framing her discussion in terms of post-colonial and intersectional scholarship, she looks at gender relationships in the military historically and after women were admitted to full participation in the early 2000s. Prior to the current period, the military forces were virtually all-male and the role of the military was to socialize conscripted young men from lower class or minority ethnic backgrounds, symbolize the nation, and maintain its racial/ethnic and class structure. Commissioned and non-commissioned officers were trained separately and drawn from different backgrounds. Service members were expected to marry and commanders had the right of approval of potential spouses. The Catholic Church had a strong influence in maintaining traditional gender boundaries, and women were praised for their gender-specific contributions. After incorporation of women as soldiers, many of the structure-maintaining regulations were repealed, but the women who enlist face rejection by their male counterparts based on race/ethnicity, class, and physical appearance.

In Chapter 2, Tatsiana Shchurko identifies a panic, defined as a demographic and hence national security concern, around the issue of the declining birthrate. She notes the reaction to this situation is to turn attention to woman and the idea of compulsory motherhood. Describing post-Soviet societies as representing a combination of neo-liberal, democratic, and Soviet influences, Shchurko focuses on the discourse in legislative documents dealing with various reproductive and health policies in Belarus and shows they promote the healthy two parent family with three children and stigmatize single women, single parent families, and poor families. She explains that women’s control over their bodies is limited by state-regulated birth control and that most reasons for which abortions after 12 weeks of pregnancy were permitted during the time of the Soviet Union have been eliminated as has been for the

most part state responsibility for the cost. At the same time, through eugenic policies, the state fosters the abortion of “abnormal” fetuses.

In Chapter 3, Sigeto Tanaka points to the fact that Japan has had a relatively low birth rate since just before World War II (WWII); this is a cause for concern in an aging population. With the social legislative progress in gender equality following Japan’s adoption of the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) and efforts made by the women’s movement as background, he considers a backlash guided by a conservative government in cooperation with academic and medical authorities who circulated erroneous graphs depicting a sharp age-related decline in fertility thereby creating a panic about delaying pregnancy beyond the early 20s and promoting early marriage and childbearing. The panic-causing information was widespread in the media and incorporated into a supplementary textbook aimed at high school students. Tanaka presents the graphs in question detailing how they are based on improperly designed cross-national research, inappropriate statistical methods, improper alterations from original sources, and faulty interpretations of what they imply. These shortcomings were ignored or denied by policy makers, academics, and media.

In Chapter 4, Summer Qassim conducts a content analysis of the website of Katarina Phang, a heteronormative dating coach for women who have opted out of the hook-up culture. Phang takes what she says is a “postfeminist” stance counseling women in “feminine magnetism,” urging them to “lean back,” thus allowing themselves to be feminine and men to be masculine. Qassim reveals that women following Phang *learn* how to be feminine including how to clothe themselves, how to appear, and how to walk. Qassim compares Phang’s lean back philosophy about dating, Sheryl Sandberg’s “lean in” advice for women wanting to advance their careers, and Rebecca Colesworthy’s analysis of Virginia Woolf’s feminism as a lean back approach that allows Woolf to critique society because of her detachment from it. For Qassim, all three perspectives on women are at their base neo-liberal with the conception of the self as divided into the workplace and the private self, a focus on the individual as the agent of social change, and a disinterest in structures that support and maintain gender inequality.

Tradition figures in these chapters in multiple ways, most obviously in terms of the heteronormative roles of women, which is a focus of each of them, and also in terms of the ways in which women are viewed by their societies as the upholders of established rituals and norms and the ways in which institutions such as the military are steeped in history. Tanaka shows that successful challenges to the traditional roles of Japanese women are in part responsible for increased fears about population decline and the ready

acceptance and promulgation of faulty information on how to counter it. Shchurko also discusses population panic in the post-Soviet era where policy is in flux. A reversion to very traditional families and control of women's fertility are the responses. While the state exerts more control, it notably provides less support for women to carry out their responsibilities. Masson interrogates military tradition as well as the traditional place of women showing how they are intertwined with each other and other institutions such as the Catholic Church. For Tanaka, Shchurko, and Masson, sexual citizenship and the responsibilities of women as child-bearers and culture-bearers figure prominently. In Chapter 4, by contrast the emphasis is on the individual, not the nation or its institutions. Qassim shows how a certain segment of young women respond to changing roles and dating patterns by focusing on themselves and adopting the attitudes, behaviors, and appearances of traditional femininity in the hopes of enhancing traditional masculinity. In her chapter, panic can be seen as intermediate between individual women's rejection of the contemporary western dating scene and their turn to Phang's site for guidance in becoming a traditional feminine woman.

QUESTIONING THE GENDER BINARY

In many societies, people who challenge the gender binary in appearance or behavior that does not conform to hegemonic heteronormative gender expectations create panic. Authors in this section address the challenges posed in general or in specific institutions.

In Chapter 5, Edwin S. Segal takes on the difficult task of reviewing anthropological studies of subnational entities in which sex-gender-sexuality systems differ from the dominant Western heteronormative gender binary system. He begins by noting that the position one holds, that is, relative cultural insider or outsider, or place on the emic-etic continuum, represents a vantage point in understanding gender. Language as a conveyer of gender presents a major challenge in understanding behavior in a culture different from that of the observer. As an example, Segal expresses a hesitation in using the word "transvestite" to identify an individual simply because that individual has the outward appearance of what in western culture is perceived as a man dressed as a woman. Further, he notes that among the Bugis, an Indonesian group, there is no term for sister or brother as siblinghood is age-based, not as is in western cultures and many others, based on a gender binary. Segal's goal is to broaden our view of sex-gender-sexuality systems and develop an understanding of the wide variation existing among humans; he shows patterns

that may be the source of gender panic in western societies to be perfectly acceptable in other parts of the world.

Framing her analysis using Joshua Gamson's work on boundary negotiation, Megan Nanney follows Facebook discussion threads by alumnae from a women's college she calls Athena between 2013 and 2016 in "I'm Part of the Community, Too": Women's College Alumnae Responses to Transgender Admittance Policies (Chapter 6) to show responses to gender panic over the question of whether the college should admit transwomen. This is essentially a question about who is a woman or what criteria should be used to define womanhood, but it also becomes a question of whether those with different definitions, especially those of trans exclusive radical feminists or TREFs, should be included in the Athena community and how the community deals with those offering definitions outside the limits or using language unacceptable within the group. Her excerpts from the discussion threads illustrate how the alumnae affirmed the community as inclusive, called out hate and offered actionable steps for cis alumnae to become allies for trans alumnae.

In Chapter 7, Sonja Erikainen provides a context for the examination of contemporary sex testing in elite sport. Her analysis begins in the 1930s when newspapers carried stories of new scientific findings based on a quantitative view of hormonal composition indicating that the sex of a person is a relative matter. In response to these reports as well as to stories of women transforming into men, sex testing was first implemented by Olympic game officials. She concludes her analysis in the 1960s when ideas about sex testing became intersected with Cold War ideology. Using a Foucauldian genealogical analysis to examine primary sources and consider sex testing in historical context, Erikainen provides insight into the way in which female bodies have been policed over time, revealing the anxiety or panic prompted by a threat to the binary system of sex and gender and shows that sex testing was initially directed toward "purifying" the female category by eliminating "pollution" from "hybrid bodies."

In Chapter 7, Madeleine Pape also focuses on elite sport taking up the case of Indian sprinter Dutee Chand. The International Association of Athletic Federations (IAAF) and the IOC stipulated that only athletes whose naturally occurring testosterone fell below the start of the normal male range could compete with other women. Following Chand's appeal, the Court of Arbitration for Sport (CAS) concluded that the IAAF and IOC did not (yet) have sufficient scientific evidence for their claim and suspended the ruling for 2 years. Pape shows that each of three gender-determining institutions—science, law, and sport—seek to simplify or clarify rather than acknowledge complexity. She points out that the CAS tilted the playing field toward

biological definitions of gender and the maintenance of a binary conception of sex/gender whereas Chand's team offered a broader perspective. The IAAF/IOC team argued that it was not denying Chand's identity as a woman or testing her gender, claiming their concern was only whether it would be "fair" for her to compete against other women.

E.S. Segal's work, showing that gender is not always and everywhere considered binary and that it can be embodied in sex-gender-sexuality systems in different ways offers a perspective within which to consider more familiar gender panics and policies such as those in elite sport and women's colleges. Suppose neither sex nor gender is binary but continuous or arbitrary? Who is a woman (or a man)? What is such an individual supposed to look like? Can that be determined by appearance? By science? By documents? By institutional policies? Does it depend on up-bring, on family or community acceptance or on self-definition? Pape and Erikainen even ask if a person's gender be accepted in one context and not in another or if fairness allows or requires exclusions. Nanney shows that these questions can lead to hostility, even violence and both Erikainen and Pape make clear that an element of racism underlies these questions as individuals who differ from the stereotypical western image of women are more likely to have their eligibility to participate in elite sport questioned.

POLICING GENDER: RULES, REGULATIONS, AND LAWS

Each of the chapters in this section deals with legislation meant to protect the human rights of all people, regardless of sex-gender-sexuality, and provides an understanding of the difficulties involved in promoting fairness and equality from the local level to the global. The chapters cover legislation in Australia, Russia, Sweden, and the United States.

In Chapter 9, Jo Teut critically examines an official document, intended to destigmatize trans people and affirm their legal right to publicly exist, and reveals that it inadvertently succeeds in re-stigmatizing non-binary trans individuals by privileging a binary definition. Ze identifies as problematic an underlying ciscentricity, that is, the viewpoint that privileges the heteronormative binary gender system as well as trans normativity, the expectation that all trans people will transition from one normative sex to another; and genderism, that is, negative attitudes or behavior directed toward perceived gender non-conformity or incongruity between sex and gender. Teut reviews the terminology used and the positions taken by three trans organizations as

a basis for examining the Dear Colleague letter. Ze indicates that the failure to recognize non-binary trans people is not insignificant, noting that in a 2015 US survey of trans people, 31% identified as non-binary.

In Chapter 10, Dylan Amy Davis looks at the introduction of a third gender (X) category in two Australian jurisdictions and asks whether this is a step toward recognizing non-binary individuals. They conclude that the gender binary is reinforced by the pathologizing and essentializing of non-binary people and the conflating of intersex and trans. Further, where tried, third categories have not been widely or uniformly applied and are probably not practical. Arguing that gender should not be used as a basis for assigning rights, they look at places where there is or might be a legitimate need to segregate or classify by gender and shows that in most instances there are alternatives (e.g., collecting data on uterine cancer from individuals who actually have uteruses rather than from all women or using retinal scans for identity), really no need for gendered segregation (e.g., single stall toilets) or, where data are needed (e.g., evidence of discrimination), using self-identification with flexible categories. They acknowledge that some non-binary individuals, especially those with other minority statuses, might wish to try to conform as closely as possible to binary norms to reduce risk of discrimination.

Allison N. Gorga and Nicole Boussein Oehmen consider the implementation of an ostensibly gender neutral law in Chapter 11. Using multiple sources of quantitative and qualitative data, they focus their study on the Midwestern Correctional Facility for Women (MCFW) and the Iowa Correctional Institution for Women (ICIW). They identify both structural (physical structure, segregation by assigned sex, and gender division of labor) and cultural (assessments of women and men based on normative stereotypes, staff's pathologizing of nonhegemonic sex acts, and the tendency to view women as giving false reports) gendered prison subtexts that challenge a gender-neutral application of the law. Their analysis reveals that a heteronormative binary system of gender is continually affirmed as exemplified by the practice of prison sex segregation based on the idea of men's greater aggression and women's weakness with the possession of a penis providing the boundary between the two and the tendency to see all men as predators and all women as victims as well as the view that same sex sexual relationships are pathological.

Malia Lee Womack compares the United States' ratification of the International Convention on the Elimination of All Forms of Racial Discrimination (ICERD) with the failure to ratify CEDAW in Chapter 12. She identifies three explanations of the ratification of the one, but not the

other: the power explanation holds that the ratification of ICERD strengthened the United States' position in the world while also reinforcing its sovereignty, an outcome not expected of the ratification of CEDAW; according to the compliance explanation, United States' practices were already in line with ICERD, indicating no need to change domestic norms while significant change would have been necessary to ratify CEDAW. The misinterpretation explanation holds that articles of CEDAW are "misinterpreted" to mean larger differences between the convention's provisions and actual U.S. practices than were interpreted as existing between articles of ICERD and U.S. practices. In addition, Womack analyzes the two conventions and discussions pertaining to them in terms of "relative cost." She argues that ICERD is more broadly written and thus more adaptable to on-going domestic practices than is CEDAW which calls for instituting new highly specified practices that would cost the nation considerably more money. This fourth explanation involves both the (mis)interpretation and the compliance views.

In Chapter 13, Danielle MacCartney explains that as nation-states accept human rights values they exert pressure on the acceptance of those values by other nation-states, thereby fostering a sense of membership in the world. Using the Universal Periodic Review (UPR) created in 2007 by the United Nations Human Rights Council, she compares Sweden and Russia with respect to implementation of LGBT human rights values and reveals that Sweden has been very successful while Russia stands out with respect to its non-compliance. MacCartney notes that non-compliance involves a "decoupling" from the practices of other nations and an assertion of sovereignty. She explains that under Vladimir Putin with the passage of "Anti-Gay Propaganda Legislation," Russia's decoupling and sovereignty stance has meant an increase in anti-LGBT violence with an official position taken that LGBT rights are a Western construct. MacCartney reveals the importance of knowing the role the world society plays in the implementation of domestic human rights programs. For Sweden, transnational organizations provide additional support for domestic programs that comply with United Nations' human rights programs for LGBT people. In Russia, LGBT transnational organizations provide a source of support to LGBT people they would not otherwise have from their own domestic institutions.

The chapters in Part III reveal that legislation intended to affirm gender equality including the rights of gender variant, intersex, and trans people may be dismissed out of hand or when adopted may lead to unintended negative consequences. To the extent this holds true, those left unprotected and unrecognized by law are also left vulnerable to structural or individual violence, conditions conducive to panic.

Teut's and Davis's chapters as well as that of Gorga and Oehmen discuss recent laws meant to be fair with respect to gender issues, but, in fact, present complications that have negative consequences. Presumably, the problem Teut points to—the assumption of a trans-normative binary system—might be solved if there were three legally recognized gender categories in the United States, rather than the two currently recognized, but Davis, shows that the creation of a “non-specific” gender category in Australia, also serves to validate the male/female binary. Both Davis and Teut point to the invisibility of and subsequent violence toward non-binary individuals not included in trans law. In line with the legal trans activist, Dean [Spade \(2015\)](#), Teut recommends administrators and advocates go beyond trans legal compliance in their efforts to be inclusive of all students, and Davis questions the necessity of gender altogether. Davis points to the problem of implementing new gender legislation in traditionally defined gendered situations, and Gorga and Oehmen show the adoption of gender-neutral rape legislation does not produce gender-neutral results in prisons that are structurally gendered. What the three chapters clearly reveal is that laws are not enough to bring about equality, they can further complicate sex-gender-sexuality, and in their vagueness, they expand the basis for fear and anxiety associated with panic.

Womack and MacCartney each consider international human rights law pertaining to sex-gender-sexuality, and they provide an understanding of the highly dynamic context of adopting United Nations (UN) recommendations and treaties, each showing that nations may resist a wholehearted adoption of a UN mandate as they consider the domestic implications or consequences of such adoptions as well as the global effects.

Policy Matters

Each of the chapters in this volume address both gender panic and gender policy, some explicitly, others more implicitly. What we conclude from these discussions is that gender policy is in flux at this point in time. Various sites of panic such as gender-based violence, gender bias including bias directed at members of the lesbian, gay, bisexual, transgender, and queer (LGBTQ) communities, changing gendered behaviors and institutions and the number and definitions of gender categories have been identified, and the need for policies to address them in institutions, nation states and the world society is clear. At the same time, how to address the need has, itself, becomes a form of gender panic. A headline-grabbing case in point is the controversy over

public bathroom use playing out throughout the United States including in Alabama, Arkansas, Kansas, Minnesota, Virginia, and quite dramatically in North Carolina.

In their initial discussion, Westbrook and Schilt show that gender panics trigger defenses of the naturalness of a biologically based gender binary. Given our extended range of gender panics, we have observed additional defensive responses. As respect and protection for the rights of LGBTQ communities and of the reproductive choices of women have expanded, rights of privacy and religious freedom have been invoked. Privacy is generally cited as the central issue in so-called bathroom bills. Numerous religious claims have been offered in response to mandates for employers to provide contraception in employee medical insurance packages (see [Burwell v. Hobby Lobby](#), 573 U.S. 2014), for service providers such as photographers and florists or adoption agencies to treat straight and gay families equally or for equal treatment of employees regardless of gender expression or sexual orientation (see, for example, the proposed First Amendment Defense Act as described in [Michaelson, 2016](#)). Eliza Collins reports in *USA Today* (April 25, 2017, pp. 1B, 2B) that a significant number of Republican members of the U.S. Congress have written to the president asking him to sign a draft executive order "...to protect millions of Americans whose religious freedom has been attacked or threatened over the last eight years" (p. 1B). The threat is alleged to come from previous executive orders, legislation, and court decisions that conflict with Christian beliefs or doctrines related to gender panics.

The corporate policy for dealing with the sexually predatory behavior of prominent personalities such as Fox News broadcaster Bill O'Reilly has been private financial settlements with accusers. More recently reports of such behavior has caused public panic and led to the dismissal of the alleged perpetrators (Lanktree, 2017). The *New York Times* took advantage of the panic generated by the O'Reilly case to editorialize about a broad range of gender equity issues with policy implications (Editorial p. 10, April 23, 2017). Globalization has resulted in policies to quell gender panics and caused the development of policies in response to them. Same sex relationships are a case in point. Wider acceptance of variety in sex-gender-sexuality systems has produced policies to protect LGBTQ people from various forms of discrimination and the legalization of same sex marriage in many places.

At the same time, the greater freedom of expression has led some regimes to make panic-driven claims such as that there are no gay people in a particular

country, region, or religion and to the enforcement of repressive legislation prohibiting even the dissemination of relevant information. (See, for example, the article in the *Boston Globe* on April 23, 2017 highlighting recent events in Chechnya and summarizing the policy toward gay and lesbian individuals and activities in Russia more broadly.) Changing gender roles, especially the expansion of women's participation in the public sphere, is a source of panic that may lead to regressive policies such as limiting education for women and girls or curtailing women's freedom of movement or freedom to control their fertility as Shchurko demonstrates in this volume.

Yet, while individual jurisdictions have acted in panic to impose restrictions or reinforce older, binary concepts of gender, others have responded by marshaling legislative support for more affirmative responses. For example, among the priorities of the Massachusetts Commission on the Status of Women (2017) are guarantees of employer contraceptive coverage, protections for pregnant workers, and protection of girls from female genital mutilation.

On a larger scale, organizations that affect social policy across national boundaries include the Parliamentary Assembly of the Council of Europe. According to the current version of Transgender Europe's Toolkit (2017a)

In 2015, the Parliamentary Assembly of the Council of Europe welcomed the emergence of a right to gender identity, which gives every individual the right to recognition of their gender identity. We have witnessed a paradigm shift from medicalized procedures to a generation of laws with human rights as a major yardstick.

Most recently, the European Court of Human Rights affirmed this by striking down a French requirement that persons wishing to have their gender officially changed must undergo sterilization or other surgery. The decision affects 22 European nation states mandating such surgery ([Transgender Europe, 2017b](#)).

As both Womack and MacCarthy indicate, the UN maintains the position that gender rights including LGBT rights are human rights. It has produced a convention, recommendations, and guidelines to insure these rights. Through its member-state reports and international meetings, the UN remains the highest moral authority globally. Nation-state compliance with UN initiatives, however, does not always occur. The United States' non-ratification of CEDAW, for example, is outstanding, making it one of a handful of nations that has not adopted the women's treaty. At the same time, many organizations within the United States support ratification of the treaty and have joined the Cities for CEDAW movement, a city-by-city effort to adopt the UN convention as an ordinance ([Lee, 2016](#)).

IN A GALAXY FAR AWAY

As E. S. Segal demonstrates in this volume, ethnography can provide an opportunity to see alternative sex-gender-sexuality systems in action. Speculative fiction can provide even wider scope to envision alternatives. Two classic examples can be found in the work of Ursula Kroeber LeGuin and Marion Zimmer Bradley. In the novel *The Left Hand of Darkness* (1969) and the short story “Winter’s King” (1976), LeGuin created Gethen or Winter, a world where humanoids have no permanent sex and, consequently, no apparent gender. When sexual relations and procreation become cyclically possible either of the partners may conceive. LeGuin used the premise to explore the connection between the sex/gender binary and dualistic structures within a society suggesting that dualism might not exist in such a world. In many of the novels Bradley set on the fictional planet Darkover, the original humanoids, the chieri, were hermaphrodites. A few survive in the fictional present and in *The World Wreckers* (1971) one develops an emotional and sexual relationship with a homophobic human cis male. Despite himself, this man says he cannot think of his lover as anything but male except at the moment when he learns they are expecting a baby. Bradley uses this relationship and others in the series to decouple maleness and femaleness from sexuality.

Viewing these classic works from a contemporary sensibility is revelatory. In a recent example, the Ancillary trilogy (2013, 2014, 2015) Ann Leckie creates Radch, an interplanetary empire whose language is not gendered. For convenience, she uses female nouns and pronouns throughout the text, but they offer no clues about the genders of the characters except in rare instances when that information becomes important for a specific reason. In this passage from early in the first volume *Breq*, the protagonist observes

I turned to look at her, to study her face. She was taller than most Nilters, but fat and pale as any of them. She out-bulked me, but I was taller, and I was also considerably stronger than I looked. She didn’t realize what she was playing with. She was probably male, to judge from the angular maze-like patterns quilting her shirt. I wasn’t entirely certain. It wouldn’t have mattered if I had been in Radch space. Radchaai don’t care much about gender, and the language they speak—my own first language—doesn’t mark gender in any way. The language we were speaking now did, and I could make trouble for myself if I used the wrong forms. It didn’t help that the cues meant to distinguish gender changed from place to place, sometimes radically, and rarely made much sense to me. (2013, pp. 6–7)

In the worlds created in speculative fiction, people’s behavior and their languages are not necessarily bound by binary assumptions and expectations are not tied to their bodies. Visiting those worlds allows us to imagine options for our own.

REFERENCES

- American Psychiatric Association (2013). *Gender dysphoria DSM5*. PDF.
- Bradley, M. Z. (1971). *The world wreckers*. NY: Ace Books.
- BostonGlobe. (2017). *The anti-gay purge in Chechnya must be stopped*. April 23. Retrieved from <https://www.bostonglobe.com/opinion/editorials/2017/04/22/the-anti-gay-purge-chechnya-must-stopped/dq0WH7QdHklwVppOWgFgVP/story.html>. Accessed on May 3, 2017.
- Burwell v. Hobby Lobby, 573 U.S. 2014.
- Collins, E. (2017). Gays face reversal of anti-bias protection. *USA Today*. April 25, B 1, 2.
- Conant, E. (2017). I am nine years old: children across the world tell us how gender affects their lives. *National Geographic*, January, 30–47.
- Cooper, S., & L. Wade. (May 3, 2017) Sex and love in and after college, a Q&A exchange. In *Sociological images: Seeing is believing*. Retrieved from https://thesocietypages.org/socimages/2017/05/03/sex-and-love-in-and-after-college-a-qa-exchange/?utm_source=feedburner&utm_medium=email&utm_campaign=Feed%3A+SociologicalImagesSeeingIsBelieving+%28Sociological+Images%3A+Seeing+Is+Believing%29. Accessed on May 16, 2017.
- Davis, G., & Preves, S. (2017). Intersex and the social construction of sex. *Contexts*, 16(1), 80.
- Davis, L. S. (2017). *My daughter is not transgender. She's a tomboy*. Retrieved from https://www.nytimes.com/2017/04/18/opinion/my-daughter-is-not-transgender-shes-a-tomboy.html?_r=1. Accessed on April 25, 2017.
- Drape, J., & Tracy, M. (2016). A majority ruled it was rape, that isn't enough at Stanford. *New York Times*, December 30, B1, 8.
- Education Admin Web Advisor (2017). *Claims of student sexual harassment in colleges and universities: Understand the law and how to respond*. Retrieved from https://www.magnetmail.net/actions/email_web_version.cfm?recipient_id=1297355594&message_id=14151917&user_id=DKMEDIA%5F4&group_id=3360135&jobid=37088061i.
- Education Admin Web Advisor (2017). *LGBTQ students in higher education. State, federal and college interests*. Retrieved from https://www.magnetmail.net/actions/email_web_version.cfm?recipient_id=1297355594&message_id=14171616&user_id=DKMEDIA%5F4&group_id=3360135&jobid=37153988
- Fryrear, A. (2016). *How to write gender questions for a survey*. Retrieved from <https://www.surveygizmo.com/survey-blog/how-to-write-survey-gender-questions/>. Accessed on May 3, 2017.
- Gamson, J. (1997). Messages of exclusion: Gender, movements, and symbolic boundaries. *Gender & Society*, 11(2), 178–199.
- Henig, R. M. (2017). Rethinking gender. *National Geographic*. January, 48–73.
- James, S. E., Herman, J. L., Rankin, S., Keisling, M., Mottet, L., & Anafi, M. (2016). *The report of the 2015 U.S. transgender survey*. Washington, DC: National Center for Transgender Equality.
- Lanktree, G. (2017). *21st Century Fox payouts over Fox News sexual harassment claims risk to over \$85 million*. Retrieved from <http://www.newsweek.com/fox-news-payouts-rise-85-million-over-sexual-harassment-claims-587361>. Accessed on April 26, 2017.
- Leckie, A. (2013). *Ancillary justice*. NY: Orbitbooks.
- Leckie, A. (2014). *Ancillary sword*. NY: Orbitbooks.
- Leckie, A. (2015). *Ancillary mercy*. NY: Orbitbooks.
- Lee, S. H. (2016). Thinking globally, acting locally: CEDAW and women's human rights in San Francisco. Paper presented at the American Sociological Association Annual Meeting, Seattle, WA.

- LeGuin, U. K. (1969). *The left hand of darkness*. NY: Ace Books.
- LeGuin, U. K. (1976). *Winter's king in the wind's twelve quarters*. NY: Bantam Books.
- Massachusetts Commission on the Status of Women. (2017). Priority legislation. Retrieved from <http://www.mass.gov/women/legislation/priority-legislation-for-2017-2018-legislative-session.html>. Accessed on May 2, 2017.
- Michaelson, J. (2016). The GOP's anti-LGBT, anti-woman, 'religious freedom' law on steroids. Retrieved from <http://www.thedailybeast.com/articles/2016/11/16/the-gop-s-anti-lgbt-anti-women-religious-freedom-law-on-steroids.html>. Accessed on April 26, 2017.
- Nanney, M., & Brunsma, D. L. (2017). Moving beyond cis-terhood: determining gender through transgender admittance policies at U.S. women's colleges. *Gender & Society*, 31(2), 145–170.
- New York Times. (2017). It's not just the O'Reilly problem. *New York Times*, April 23, 10.
- Spade, D. (2015). *Normal life: Administrative violence, critical trans politics, and the limits of law*. Durham, NC: Duke University Press.
- Steinmetz, K. (2017). Beyond he or she: How a new generation is redefining the meaning of gender. *Time*, March 27, 49–54.
- Transgender Europe. (2017a). Legal recognition of gender in Europe Toolkit, 2nd revised version. Transgender Europe posted February 13, 2017. Retrieved from http://tgeu.org/toolkit_legal_gender_recognition_in_europe/. Accessed on May 3, 2017.
- Transgender Europe. (2017b). European court: Sterilization violates human rights. Retrieved from http://tgeu.org/echr_end-sterilisation/. Accessed on April 26, 2017.
- United Nations Commission on the Status of Women (UN WEB TV). (2017, March 13). Legal reforms to protect the human rights of trans, intersex and gender variant people. Retrieved from <http://webtv.un.org/search/legal-reforms-to-protect-the-human-rights-of-trans-intersex-and-gender-variant-people/5358349636001?term=trans>. Accessed on April 15, 2017.
- University of Wisconsin-Milwaukee LGBT Resource Center. (2011). *Pronouns – A how to guide*. Retrieved from http://dc.uwm.edu/cgi/viewcontent.cgi?article=1000&context=lgbt_instruct/. Accessed on May 3, 2017.
- Westbrook, L., & Schilt, K. (2014). Doing gender, determining gender: Transgender people, gender panics, and the maintenance of the sex/gender/sexuality system. *Gender & Society*, 28(1), 32–57.
- Westbrook, L., & Saperstein, A. (2015). New categories are not enough: Rethinking the measurement of sex and gender in social surveys. *Gender & Society*, 29(4), 534–560.
- Williams Institute, UCLA School of Law. (2014). *Best practices for asking questions to identify transgender and other gender minority respondents on population-based surveys*. Retrieved from <https://williamsinstitute.law.ucla.edu/wp-content/uploads/geniuss-report-sep-2014.pdf>
- Wolf, R. (2017). Gay workers clear key civil rights hurdle. *USA Today*, April 5, B1,2.