

On the recognition of the non-binary gender identity

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Abstract

The term 'non-binary' became increasingly well-known and widely spread over the past few years, this however does not mean that it has been properly recognized, let alone emancipated. This essay looks at the recognition of the non-binary gender identity by dominant systems and its shortcomings on a structural level. A focus is put on the history of non-binary identities around the world, the influence of Western-(European) culture and imperialism and the structural flaws of a system that uses an 'X' or 'other' gender category. Examining these reveals that non-binary approaches of gender have existed for a long time but were largely dominated by (Western) binary power structures and imperialist tendencies. The decisions made by dominant systems to acknowledge the rising demand for recognition of these identities has been counterproductive and confines people back into a binary rather than granting them the emancipation they long for.

Keywords

Gender identity, non-binary approach, gender category, emancipation



Introduction

Washington, 27th of October 2021, the U.S. government issues the first passport with an 'X' gender marker. This change in government policy was already announced in June that year by Secretary of State Antony Blinken following other countries like Germany, Canada, Australia and India (Reuters, 2021). This, however, does not mean that the non-binary gender identity has been properly recognized, let alone emancipated.

Napoleon Bonaparte was the one who introduced the need for a person's sex on their birth certificate in the early 19th century in an attempt to "know how many soldiers he could count on in the future", according to Marjolein van den Brink, a law lecturer at Utrecht University (2020, p. 13). Sex was not even added to passports until 1974 when the ICAO, short for International Civil Aviation Organisation, said the rise in "unisex attire and hairstyles" meant photographs had become a less reliable way of determining a traveler's sex (Reuters, 2020).

This essay looks at the recognition of the non-binary gender identity by dominant systems and its shortcomings on a structural level. A focus will be put on the history of non-binary identities around the world, the influence of Western-(European) culture and imperialism and the structural flaws of a system that uses an 'X' or 'other' gender category.



What is non-binary?

The non-binary gender identity is an umbrella term most often associated with people that neither identify as male nor female. As the name suggests, it goes against the idea of a binary system of gender and rather refers to a spectrum with an infinite number of possibilities. Other terms or identifiers that are commonly used but do not necessarily mean the same are (gender)queer, agender and genderfluid (Richards, et al., 2016). In this essay, the term non-binary will mostly be used. This, however, does not mean the exclusion of anyone identifying with a different identity outside of the binary, like for example the previously mentioned ones, but rather aims at ensuring cohesion throughout the essay.

Something we should also not forget is that there is – contrary to popular belief – a big difference between sex and gender. Sex is generally assigned at birth and (mostly) refers to physical and biological attributes such as a penis, vulva, double X-chromosomes or an X and Y

chromosome. This has very little to do with gender. Gender is a social construction that differs from culture to culture. A person's gender refers to how they identify within this construction. Many people that identify as non-binary call for a demolition of this structure as it strongly enforces the binary of '(cis-)man' and '(cis-)woman'. The term 'cis' is used as a prefix, just like the term 'trans', and is derived from the Latin language meaning: "on the same side as", with on the other hand 'trans' meaning: "on the opposite side of". People that identify with the gender that was assigned to them at birth, which is based on their sex, are therefore called cisgender (Gavriel & Berger, 2016).



Historical examples

Historically there have been multiple recordings of non-binary-like approaches of gender. Dating back as far as 400 B.C. to 200 A.D. In ancient Hindu texts researchers found observations of people called 'Hijra', who explicitly identified as neither male nor female. They were often referred to as people that transcended gender. They are therefore not necessarily the same as the non-binary identity but do also exist outside of the male-female binary. India and a few other South-Asian countries still recognize these individuals in their language and vocabulary, but not in a social context anymore as they are not as accepted nowadays as they used to be (Abrams, 2018). The biggest reason for this is the shift in culture and cultural identity caused by Western imperialism and colonization (Campbell, 2021).

A similar case can be found with the 'niizh manidoowag' or translated: 'two-spirit'-identifying people within indigenous, native American and Alaskan communities. This term refers to a wide array of genders and sexual orientations that cannot be described within the gender binary. Their communities and culture were also the victim of Western imperialism and colonialism that actively tried erasing their norms, values and traditions under the pretext of 'civilizing them' (Fewster, n.d.).

It is very hard, if not impossible, to find ancient European texts regarding an equivalent of the 'Hijras', 'niizh manidoowag' or the non-binary gender identity. One plausible explanation could be the then already existing patriarchal regime mostly introduced and enforced through religion (Hawthorne, 2005). This resulted not only in the stigmatization of non-binary gender identities but even oppressed women within the

binary system for centuries – and it still does to this day. A lot can be learned from ancient and indigenous cultures around the world and an attempt should be made to overcome the Western binary-dominated culture that enforces these fabricated values.



The third gender

If you look at the Eurocentric perspective and position regarding the recognition of non-binary (and other non-normative) gender identities, one can clearly see there is still a long way to go (Vijlbrief, Saharso, & Ghorashi, 2019). Online services like Google and Facebook have been offering a third gender option called “other” for years, this is however just another way of putting them back into a binary box. Even though Facebook updated its gender catalogue in 2014 to allow 58 different genders, this still does not solve the issue of the non-binary gender identity because it does not recognize it as an umbrella term or the spectrum that it is (Bivens, 2015).

The recognition of the non-binary gender identity on a political level, by government bodies for example, is not much different. It did not lead to the gender freedom most people were hoping for but rather confines the identity back into a binary. Therefore, putting an ‘X’ on a passport is counterproductive and is, much like Google’s “other”, an attempt to appease without taking the time to look at and recognize the actual issue: the binary.



The way forward

This add-on approach regarding the toleration – and not acceptance – of more identities within a minority model is counterproductive since it will always be finite and preserve the tone or notion of a ‘constitutive outside’, which means in this context that the person will still be seen and defined as what it is not, hence “the other” (Butler, 1999; Nicholas, 2018).

Instead, we should put more focus on the binary population, the ones that have day-to-day interactions with non-binary or non-normative gender identifying people. By addressing the mindsets and power structures behind their thinking, we can devise educational and structural changes

that will have an impact in the long run (Nicholas, Queer Post-Gender Ethics, 2014). These will not only help destigmatize but also create a safer and more pleasant environment for everyone.

In that regard, the proposal of the Belgian government to eradicate gender or sex from id-cards, instead of just allowing an 'X' possibility in addition to the binary 'male' and 'female', is a step in the right direction (De Morgen, 2021). This small change can have a big impact on the acceptance and well-being of people with non-binary gender identities by allowing less focus on gender and more on the individual's unique identity. It, however, offers little to no direct awareness nor does it address the power structures that keep the binary in place.



Conclusion

Non-binary approaches of gender have existed for a long time but were largely dominated by (Western) binary power structures and imperialist tendencies. The decisions made by dominant systems to acknowledge the rising demand for recognition of these identities has been counterproductive and confines people back into a binary rather than granting them the emancipation they long for. Although it does not take power structures, like the patriarchy, and mindsets of the binary population into consideration yet, structural changes like the abandonment of sex and gender on passports are a small step in the right direction. This is not a solution, but rather a start for dismantling the oppressive binary system.



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