



# Queering Gender Equality: UN SDG 5 Beyond the Sex\_Gender Binary

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## 1. Introduction

Equality and difference have long been decisive political challenges. Yet, convincing answers on how to respect difference while striving for equality are still lacking. At the moment, the United Nations (UN), like other transnational organizations, corporations and state actors, seem to face an irresolvable dilemma between gender equality politics, holding on to a binary sexual difference and gender diversity politics, creating an ever-increasing list of gender and sexual minorities in need for protection. On one hand, one refers to the empowerment of women and girls as the promising remedy against inequality and violence, and on the other hand, self-determination is the key to the universality of human rights. On both sides, the fight against discrimination is a driving force, though for gender equality politics the focus is on structural discrimination along the axis of male versus female, while gender and sexual diversity concerns individual and group discrimination, underlining the exclusionary effects of the binary distinction. From this perspective the insistence on a clear-cut and exclusionary sexual difference of women and men is in itself discriminatory against non-binary genders and sexes. The individualizing argument, however, with its focus on personality rights and self-determination tends to overlook or underestimate the ongoing effects of structural discrimination with regard to the male/female distinction or other categorizing differences.

Thus, there is a need to reconceptualize sex\_gender in UN politics in a way that neither simply diversifies the existing categories from within while upholding the binary distinction nor proposes a potentially endless diversification that loses the capacity to address patterns of structural inequality and violence.<sup>1</sup> Once inter\*,

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<sup>1</sup> I use the term sex\_gender (in German, simply *Geschlecht*) in order to signify an integral simultaneity rather than a distinction between its two elements: There is no social subjectivity, which is not always also embodied, and there is no embodiment, which does not carry socio-historical, epistemic, discursive and biographical traces.

trans\*, non-binary\* or third\* sexes\_genders speak up,<sup>2</sup> gain public attention and state or legal recognition as those who do not fit the binary order of sex and gender difference, it will no longer be convincing to state that women and men each form half of humanity. Yet, is there indeed an irresolvable dilemma concerning gender equality and diversity politics? Or are we facing a false alternative between only two options? My thesis is that queer theory and the principle of queersiversity may instead provide an overarching perspective of intersectional justice,<sup>3</sup> one that does not overcome all tensions, but allows conflicts over diverging opinions, values or resources to be addressed in transparent and productive ways.

What does a queer perspective in UN politics mean? I will argue that it differs from merely taking on issues of LGBTI+ subjectivities and communities. A more thorough understanding of queerness and queering refers to an analytical and transformative intersectional approach that is not adding to but questioning the binary order of sexual difference that underlies the UN gender equality goal (SDG 3). This article begins with a critical consideration of programmatic material found online on websites of UN bodies concerned with gender equality or LGBTI+ rights and recognition (SDG 2). This includes reference to the Yogyakarta Principles, which promote the application of international human rights law in relation to sexual orientation, gender identity, gender expression and sex characteristics (SOGIEC). In order to propose a queer reconceptualization of UN politics, I will discuss the potential of SOGIEC offering abstract criteria rather than minority rights (SDG 2.2), and consider this in reference to recent reforms of German Civil Status law (SDG 4). My conclusion builds on queersiversity, a principle that fosters difference, but fights inequalities (SDG 5).

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<sup>2</sup> The asterisk (\*) functions as an equivocating and denaturalizing marker, inserted either at the end or within a word that names an embodied classification (or a phenomenon whose status as nature and/or culture is contested). It indicates genderings not reducible to the binary (e.g., women\*, or *Freund\*innen* = friends, of any gender) or also, e.g., racializations such as white\*ness/white\*, or abilities, e.g., deaf\*ness/deaf\*. For English usage, see (Halberstam 2018). Furthermore, I use LGBTI+ in order to refer to lobby politics with an extendable clientele.

<sup>3</sup> The concept of intersectional justice was proposed by Emilia Roig, who, in close collaboration with Kimberley Crenshaw, founded the Center for Intersectional Justice (cij) in Berlin. Available online: <https://www.intersectionaljustice.org/> (accessed on 20 December 2019).

## 2. Gender Equality and Gender Diversity in UN Politics

### 2.1. Politics of Representation and Figuration

“Human Rights belong to everyone, no matter who you are or whom you love”.<sup>4</sup> This is a slogan from UN Free & Equal, an online platform, which was launched in 2013 by the Office of the United Nations High Commissioner for Human Rights (OHCHR) in order to foster global public information aimed at promoting the equal rights and fair treatment of LGBTI people. It has initiated various campaigns, addressing general publics and multipliers in widely accessible modes.<sup>5</sup> UN Free & Equal promotes a Human Rights (HRs) approach that combines the protection of minorities with a declaration of the universal reach of HRs: “no one will be free before all are free” (cf. f.n. 3). Already in its first year, Free & Equal launched a public relations campaign in order to raise intersex awareness, plus another one with a focus on the courage it takes to live a transgender life.<sup>6</sup>

Both topics, inter\* and trans\* rights/lives, are clearly relevant for gender politics; they propound indispensable material about discrimination and violence on the basis of gender. However, the Free & Equal campaigns as well as the work of the “Independent expert on sexual orientation and gender identity” do (to date) not provide a significant reference point for UN gender equality politics or the SDG 5, which work on the basis of a binary distinction of female and male, women and men.<sup>7,8</sup> In fact, the demands for gender equality and those for LGBTI+ equality

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<sup>4</sup> United Nations. Free & Equal. Available online: <https://www.unfe.org/freedom/> (accessed on 18 December 2019).

<sup>5</sup> According to its own website, in 2017, UN Free & Equal reached 2.4 billion social media feeds around the world. It is accessible, because it provides material in graphic and video formats as well as in plain language, making use of photography, animation, and personal stories, involving also VIP artists, actors, and musicians; cf. <https://www.unfe.org/about/> (accessed on 18 December 2019).

<sup>6</sup> United Nations. Free & Equal, Intersex Awareness. Available online: <https://www.unfe.org/intersex-awareness/> and <https://www.unfe.org/transvisibility/> (accessed 18 December 2019).

<sup>7</sup> An “independent expert” is a mandate holder, who works for the UN independently of governments and without compensation. The “Independent expert on sexual orientation and gender identity” has been Victor Madrigal-Borloz since January 2018, and from August 2016 to October 2017, it was Vítit Muntarhorn.

<sup>8</sup> For example, the page on violence against women, last updated in November 2019, does not capture violence against lbt women in its thirteen detailed paragraphs on “Various forms of violence”. There is one single mention of “non-heterosexual women (those who identified their sexual orientation as lesbian, bisexual or other” in reference to a particular study explicitly limited to the European Union; Facts and figures: Ending violence against women. Available online: <https://www.unwomen.org/en/what-we-do/ending-violence-against-women/facts-and-figures> (accessed 18 December 2019). Additionally, “The Gender Snapshot 2019”, a 24-page brochure about progress on SDG, does not mention sexual orientation as a reason of discrimination, or lbt women, not even concerning access to

coexist without any intentional systematic links (apart from article 1 of the UDHR). UN Women very rarely references on its website the discrimination of women on the basis of sexual orientation and gender identity or points out the criminalization of same-sex relationships.<sup>9</sup> If there is any mention of non-normative genders or sexualities, this is usually presented as extending the understanding of gender, but keeping binary sexual difference intact.

One notable exception is that UN Women signed the joint statement of eleven UN bodies for “Ending Violence and Discrimination Against Lesbian, Gay, Bisexual, Transgender and Intersex People” of 2015.<sup>10</sup> A more wide-ranging formulation can be found on the November 2019 page against rape culture, which problematizes “restrictive definitions of gender and sexuality that limit a person’s right to define or express themselves” and asks its readers to “promote acceptance of all gender identities and sexualities”.<sup>11</sup> Nevertheless, the overall impression is that UN Women puts much effort into maintaining the image of heterosexual cis-genders being meant when the terms women and girls are used in statements by UN Women or, for that matter, concerning the SDG 5.

One might come up with various pragmatic, historical or strategic arguments for the omission of non-normative sexual orientations, gender identities and embodiments. A well-meaning view would, maybe, point out that UN Women, similar to its intersectional gender equality goals, successfully differentiates the category/ies of women (and men) from within, and as such covers a heterogeneity of factors leading to disadvantages or privileges. However, such internal differentiations of the two sex\_gender categories can never acknowledge as free and equal those who

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health care or education; Progress on the Sustainable Development Goals: The gender snapshot 2019. Available online: <https://www.unwomen.org/en/digital-library/publications/2019/09/progress-on-the-sustainable-development-goals-the-gender-snapshot-2019> (accessed 18 December 2019).

<sup>9</sup> Infographic: Human Rights of Women. Available online: <https://www.unwomen.org/en/digital-library/multimedia/2019/12/infographic-human-rights> (accessed on 13 December 2019). When searching “lesbian” on the UN Women, one current 2019 news compilation appears: <https://www.unwomen.org/en/news/stories/2019/5/compilation-lgbti-activists-to-know> (accessed on 13 December 2019), plus one more recent article, indicating the appointment of a LGBTIQ+ Policy Specialist at UN Women in 2020, an important step that took place after my article had been finalized: <https://www.unwomen.org/en/news/stories/2020/6/take-five-sophie-browne-pride-2020> (accessed 19 April 2021).

<sup>10</sup> Joint UN statement on Ending violence and discrimination against lesbian, gay, bisexual, transgender and intersex people. Available online: <https://www.unwomen.org/en/news/stories/2015/10/lgbt-joint-statement> (accessed on 13 December 2019).

<sup>11</sup> Cf. point 7. and 9. of “16 ways you can stand up against rape culture”. Available online: <https://www.unwomen.org/en/news/stories/2019/11/compilation-ways-you-can-stand-against-rape-culture> (accessed 18 December 2019).

do not fit the binary order. Yet, since the term “women” is integral to UN gender equality politics, written into the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), adopted in 1979, and situated under the auspices of the Commission on the Status of Women (CSW), established in 1946, how would one proceed from herstory to theirstory? How can this take place without losing sight of the fact that the binary sex\_gender axis is a powerful structuring moment of social and global inequalities?

The fact that structural inequalities, discrimination and violence keep taking shape along the binary sex\_gender axis also points to the limits of LGBTI+ minority politics. The latter usually avoids addressing this problem, which not only indicates a lack of solidarity with feminist politics but fails to acknowledge how LGBTI+ people are themselves perceived within and thus affected by the binary sex\_gender order. Since such ignorance may lead to the reproduction of masculinist privileges and hierarchies within its own constituencies, one might even like to formulate a wider critique: any kind of politics that argues in favor of individualized differences or single issue antidiscrimination measures runs the risk of losing sight of intersectional structural inequalities.<sup>12</sup> In contrast, the work of UN Women has focused, since the adoption of CEDAW by the UN General Assembly in 1979, on abolishing the powerful social and cultural factors that produce inequalities. In understanding inequalities as being the outcome of processes of discrimination, oppression and violence, it clearly stands for politics and policies that counter the naturalization of womanhood. The concepts of gender and “gender equality goals” introduced by the 1995 Beijing conference underline such a social constructivist epistemology.

Underlying the critique of socio-sexual and gender hierarchies is, however, an unquestioned sex/gender distinction, which states a universal sexual difference built on an exclusionary opposition of either male or female embodiment (sex). In order to overcome its inherent cis- and heteronormative assumptions, it is important to understand that the universal sexual difference is not adequately captured as a biological one. Rather, it is a naturalization colluding with a hierarchical symbolic order that installs a norm and its others.<sup>13</sup> The decisive challenge lies in unpacking the complex relations of power, domination and desire that invest sexual difference—or,

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<sup>12</sup> A limited understanding of personal or group-based rather than structural discrimination can be found in the Free & Equal appeals to business companies as agents of change, whose role is simply seen in respecting the human rights of their LGBTI staff and clients. Standards of Conduct for Business. Available online: <https://www.unfe.org/standards/> (accessed 18 December 2019).

<sup>13</sup> On the controversial understandings of the terms gender and sexual difference in the context of the UN Beijing conference see Judith Butler’s essay “The end of sexual difference” in Butler 2004.

for that matter, sexual and gender diversity—with normativity and processes of exclusion or normalization.

## 2.2. *The SOGIESC Approach*

A promising advance that avoids categorizing identities lies in the introduction of the abstract, universalizing criteria of sexual orientation, gender identity and expression and sex characteristics (SOGIESC). SOGIESC are features of all human beings, thus universal, integral to human rights, and allowing us to formulate an inclusive reach of sexual and gender justice rather than minority protection. If UN Secretary General António Guterres says we need “... to build a world where no one has to be afraid because of their sexual orientation or their gender identity”,<sup>14</sup> this clearly also implies women’s, or rather women\*’s rights and empowerment. The 2006 Yogyakarta Principles and their 2017 supplement make use of SOGIESC’s universal reach and formulate state obligations for implementing them into constitutional laws and securing their value for personal dignity.<sup>15</sup>

Instead of criticizing discrimination through pointing out vulnerable groups (LGBTI+) and accepting the risk of re-stigmatizing them, the SOGIESC approach shifts the focus towards the criteria that are employed in installing or legitimizing discrimination or privileges. In reference to these criteria, the processes of normative exclusions, normalization and hierarchization can be analyzed, without their effects being presumed due to group membership. Instead, actual (socio-economic, cultural and geo-political) conditions or intersectional specificity/distinctiveness can and need to be considered. While the Yogyakarta Principles are constricted to the legal sphere, disregarding social and cultural politics, a wider UN equality framework carries the potential of applying the SOGIESC approach of inclusive protection also to, e.g., education, the medical field, security and military politics and economic sustainability. This allows for structural analysis, examining legislation, public discourses, socio-economic conditions or cultural imagery and habits, which either explicitly carry discriminating moments or raise the probability of its occurrence.

Except for these potentials, however, within the UN framework, the SOGIESC criteria often seem to be reserved to special interest groups and thus reaffirm minority politics (Free & Equal), or as in the case of UN Women, are subsumed as secondary differences under the more general and overarching category of women.

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<sup>14</sup> Mission statement. Available online: <https://www.unfe.org/about/> (accessed on 13 December 2019).

<sup>15</sup> The Yogyakarta Principles. Available online: <https://yogyakartaprinciples.org/> (accessed on 13 December 2019).

Thus, in order to capture SOGIESC's abstract, non-identitarian, yet universalizing potential, intersectional queer theory is required: "Queer", in order to consider political practices that focus on processes of normalization, hierarchization and exclusion (Engel 2002, 2013); "intersectional", in order to consider the interplay with other distinguishing criteria. Here, the interest lies in avoiding the prioritization or isolation of sex, gender and sexuality as categories of analysis and critique, overlooking, for example, their inevitable racialization (Cohen 1997; Ferguson 2004), but also in avoiding an understanding of queer theory as a critique of identity in general or any kind of normativity or normality, respectively (Weber 2016). Concerning both aspects, critique has been articulated by Black and Queer of Color scholars as well as other minoritized subjects within the global queer movements, who insist on recognizing the importance of coloniality (Ruvalcaba 2016; Castro Varela and Dhawan 2016; Xiang 2018), racism (Puar 2007; Ferguson 2004; Haritaworn 2015), capitalist exploitation (Manalansan and Cruz 2002) and compulsory ablebodiedness (McRuer 2018) as structuring queer people's lives. This delegitimizes a queer theoretical analysis, which would limit itself to a homo versus hetero or straight versus queer opposition (Cohen 1997).

### **3. Intersectional Queerness and Queering in Theory and Politics**

#### *3.1. Queer Intersectional*

Concerning the analytics of power and domination, queer intersectional approaches take into account how classification and hierarchization work together in particular contexts. A current discussion asks whether heteronormativity and intersectionality should be treated as two different approaches, which have their own ways of problematizing the exclusionary and hierarchizing effects of identity logic, binary thinking and additive diversity. While some scholars are suggesting that heteronormativity and intersectionality may function as a mutual corrective for each other (Haschemi Yekani et al. 2011), others insist on an integral understanding that would or should lay out the critique of heteronormativity as a mode of intersectional thinking (Mesquita 2016). In any case, it should be considered that diversities or extendable, individualized differences can very well be hierarchized without referencing a single dominant norm. Furthermore, any dominant norm might take on a complex, multidimensional form (e.g., the idealized combination of white, cis, able bodied, affluent, heterosexual and Christian). It becomes necessary to rethink how the notion of heteronormativity fosters particular constellations of sexual orientation, gender identity, gender expression and sex characteristics, and disavows others.

The term heteronormativity was originally coined as the mutual constitution of compulsory heterosexuality and a rigid binary gender order, as well as its flipside, the abjection or at least marginalization of all identities and desires that do not fit the norm (Warner 1993; Jagose 1996). However, within an intersectional frame, one needs to consider how heteronormativity also undergoes historical transformation and takes on particular socio-geo-political forms. Questioning the current formations of SOGIESC allows us to acknowledge changes—for example, the decriminalization of homosexuality; the legal recognition of same-sex partnerships; the opening of the marriage institute to all genders; egalitarian civil status for cis\*, trans\*, and inter\* persons. These are clearly contested developments, but they have become social realities of the 21st century in different countries of different continents around the world. Envisioning fights for intersectional justice only becomes possible when queer theory addresses complex relations of power and domination, and acknowledges that an additive diversification does not fundamentally question but simply renews the privileging and idealization of certain forms of hetero- or homosexuality and cis-binary sexes\_genders, supplementing it with forms of homonormativity (Duggan 2002) and homonationalism (Puar 2007).

Therefore, I argue that the focus of queer theory is not on gender and sexuality per se, but how they are involved in (are the product of, are upholding or are transforming) power, domination, exploitation and violence—including social relations, e.g., capitalist economy, individual rights, asylum systems, artistic and cultural production—which at first sight might seem to be beyond a heteronormative structuring (Carver and Chambers 2008). Queer theory as an analytics and a critique of macropolitical and global relations of power and domination asks the following question: what is the role of sex, gender, sexuality, and desire in upholding the complexity of current and historical, geo-politically and culturally differentiated relations of power and regimes of domination? (Weber 2016; Richter-Montpetit 2018).

### 3.2. *Queering: Thinking Difference Differently*

The view on queer theory and politics that I promote combines an analytical with a transformative approach; that is, a critique of heteronormativity with a desire for intersectional justice.<sup>16</sup> The latter articulates itself in practices of queering current regimes of normalcy, and the exclusions, normalizations, hierarchies and forms of violence that go along with it. In this sense, queer politics is not primarily concerned

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<sup>16</sup> See f.n. 3, and for a comparable use of queering, (El-Tayeb 2011).



with fighting homo- and transphobia, or demanding the legal equality of lesbians, gays, bisexuals, transgender and intersex people. Rather, the focus is on dismantling a hierarchical binary order and fighting the violence that goes along with regimes of normality in all their complexity. In other words, queer theory is looking for ways of thinking difference differently than according to the logic of categorization (Probyn 1996). For this matter, I suggest the “queer strategy of equivocation” or “undisambiguation” (*VerUneindeutigung*) as an alternative to proliferating or abolishing the sex\_gender binary (Engel 2002, 2013). Where a clear-cut identity, meaning or norm is installed, naturalized or made unquestionable, the strategy of equivocation renders it ambiguous. Equivocation is a procedural measure that does not pursue a specific ideal of organizing relations of gender, sexuality and desire. Instead, it aims to disrupt concrete and historically changing norms in a flexible and context-specific way. Equivocation employs representations and practices that resist being pinned down to a single meaning, yet are not arbitrary but oriented along the criteria of dehierarchizing, denormalizing and non-violence.

In a similar way, Xiang (2018) proposes to think below rather than beyond the either/or model in order to not repeat the same exclusionary gesture one is criticizing. Xiang introduces the notion of “transdualism”, which is not meant to overcome masculine and feminine genders but to involve them in dynamic processes of becoming. In a decolonial queer mode, Xiang employs the “illegitimate pairing ‘either ... and’” (p. 437), which simultaneously combines “difference” (either) and a capacity of “transing” (and). Mergings, diversions, crossings or passages may turn both sides of a duality from one into the other; they may allow for neutral spaces, or lead to formerly unexpected directions: “dissenting and *transing* queerly at any given moment of fixity that would become an orthodoxy, naturalized or essentialized” (p. 437). Since for Xiang, in any process of change, there are moments of distinguishing, yet the distinctions undergo a continuous change, I would add that transdualism means inhabiting a “paradoxical tension”: a simultaneity of “as well as” and “neither/nor” (female as well as male while simultaneously neither female nor male) (Engel 2013).

Weber (2016), queering international relations, calls this a plural logoi, which she explains as upholding the simultaneity of and/or (rather than either/or) in thinking difference. This means understanding social/global realities as social/global complexities. Gender, for example, does not necessarily follow the pattern of either female or male, but might be articulated as female and/or male. You might like to call this transgender; yet, if you prefer to avoid another label (which would, anyway, only return to an either/logic—either female or male or trans), you would instead

claim undecidable simultaneity: “both *either* one thing *or* another or possibly another while ... simultaneously ... one thing *and* another *and* possibly another” (Weber 2016, p. 196). Transdualism, plural logoi, and the strategy of equivocation consider the powerful (and sometimes violent) effects of dual thinking, but insist that they do not need to lead into an exclusionary and hierarchical A/non-A logic. They may dissolve as multiplicities or manifest themselves in processes of becoming that attend to nuances and transitions, avoiding categorical thinking in favor of non-hierarchical differences and singularities, or, as Catherine Keller puts it, being “resistant to any fixed difference as well as to any indifference to difference” (Keller 2003, p. 166; cf. Xiang 2018, p. 432).

How does this kind of queering translate from an epistemological project into politics? Obviously, it does not cohere with the longing for a minority status, which would risk further stigmatization or normalizing integration according to the dominant order, nor would it support a pluralizing of sexes and genders that corresponds to more differentiated hierarchies. Does it fit with demands for self-determination? Or would this presume a free choice that overlooks how structural inequalities and normative violence but also relationships of care and dependency predetermine any agency? Let us further examine this by considering a concrete example.

#### 4. How Queer Is “Diverse” in German Civil Status Law?

In December 2018, a new paragraph was introduced into German Civil Status Law (PStG §45 b),<sup>17</sup> which opens the option of registering as “diverse”, as well as possibilities of deleting or changing the sex registration of the birth certificate. Long-lasting struggles of inter\* movements, queer activism and a groundbreaking decision by the Constitutional Court made this possible. Despite breaking the monopoly of the binary sex\_gender order, the reform is still critiqued as halfhearted: the process is bound to a doctor’s certificate confirming a “variation in sex development”, a condition not further defined, but still inserting a moment of pathologization or at least medicalization. Furthermore, the current reform maintains legal inequality, because the so-called Transsexual Law with its complicated and

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<sup>17</sup> Official German version, no translation available. Available online: [https://www.gesetze-im-internet.de/pstg/\\_45b.html](https://www.gesetze-im-internet.de/pstg/_45b.html) (accessed 18 December 2019). For an introduction to the legal argumentation behind the new paragraph, see the press release of the German Constitutional court from 2017. Available online: [https://www.bundesverfassungsgericht.de/SharedDocs/Pressemitteilungen/EN/2017/bvg17-095.html?jsessionid=5419390A194C3385C23D3034F27D300F.1\\_cid370](https://www.bundesverfassungsgericht.de/SharedDocs/Pressemitteilungen/EN/2017/bvg17-095.html?jsessionid=5419390A194C3385C23D3034F27D300F.1_cid370) (accessed 18 December 2019).

expensive court procedures, exists parallel to and claims cognizance in regulating sex changes. Concerning the administrative application of § 45 b, a controversy has developed whether it is meant exclusively for intersex\* or open to trans\* and non-binary\* people, or whoever desires its use. Conservative forces try to limit its reach and secure cis-gender privileges. However, notably, the wording of the paragraph as well as legal reasoning avoids delineating minorities; instead of installing a special law, it follows an egalitarian approach that defends personality rights and sex\_gender self-determination.<sup>18</sup> Yet, also within activist contexts or among liberal reformers, no consensus exists as to whether “diverse” provides for a promising political step: Is it convincing as a catchall term open to interpretation? Or is it a pathetic notion that no one identifies with and that creates a subordinated “deviant other”?

Answers depend, among others, on whether people read “diverse” as indicating a “third sex” (as most of the media coverage suggested), thus naturalizing it as “the other of the norm” (biological), as a third option of classification (linguistic) or simply of registering (juridical-administrative). It is only the latter interpretation that reduces the risk of stigmatization and could, as a positive side-effect, also lead to acknowledging the variability and multifariousness of “female” and “male”. After all, it is by no means clear whether those who register as female or male self-identify as trans\*, inter\* or cis\*. While it would have been a more radical step to abolish sex registration altogether, the existing law nevertheless undermines the exclusionary status of male and female as the only state-recognized sexes, and forces administration as well as the civil public to question and/or extend the binary sex\_gender order.

I see queer potential in the entry “diverse”, precisely because it is a vague notion and hardly used by anyone for self-description or identification. The third option is neither a third gender nor a clearly defined category, but a designation of multiplicity and processuality. It shows that a non-identitarian, non-binary and polysemic expression, such as “diverse”, can articulate a “positive” understanding of difference. As soon as no doctor’s certificate claims authority, but individuals themselves decide whether they want to be registered as female, male, a variation of sex\_gender development (diverse) or no gender registration at all (x), the latter

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<sup>18</sup> A recent legal opinion commissioned by the Federal Government states that any distinguishing of groups non-/eligible to the law violates the equality principle, and up-to-date biological and medical research does not allow for a definition of sex other than based on self-identification (Mangold et al. 2019)—a position explicitly contradicting current pronouncements of the Ministry of the Interior, but important for grounding further reform steps.

two entries become statements that explicitly denounce the exclusivity of the binary sex\_gender order.

Since estimating the queer potential of the law would be a longer discussion, I will limit myself here to some comments on its relevance for gender equality politics: Once a third option is available, affirmative action, empowerment and antidiscrimination measures become more complicated, because discrimination on the basis of gender turns multidimensional. Thus, what is needed in order to avoid a competition unfolding between cis\* women and girls and inter\* and trans\* persons of various genders? Proposals are made that, rather than identifying vulnerable groups, one should focus on the question as to whether discrimination occurs, which form it takes and what conditions its probability (Baer 2010). In order to avoid using identity categories, one could instead talk about socially structured biographical starting positions and ongoing experiences of discrimination. An intersectional understanding of gender equality insists on not only acknowledging trans\*, inter\* and non-binary\* positions but to assess particularities.

I see the debate about the PStG § 45 b as a controversy that is at the core of queer politics. It signals towards the following question of strategy: Should we ground the fight for equality on arguments that denaturalize the binary, but naturalize variety, or build on politicizing the binary (or any other way of conceptualizing difference)? The latter would draw attention to the functions that “difference” takes on in organizing social relations and institutions. Instead of looking for one single or final answer, what is needed is the (self-)critical discussion whether certain measures reduce or reinforce inequalities and violence, and whether they have repressive or liberating, empowering or discriminatory effects (and on whom).

Such critical reflection points out a second challenge taken on by queer theory and politics, namely, the desire to recognize differences that resist classification and acknowledge their political relevance. Accordingly, struggles over the distribution of resources (in the case discussed: who gains the privilege of an acknowledged sex registration, or even a self-defined sex registration?) should be seen as connected to conflicts over those dimensions of difference that escape definition, remain unintelligible or provide confusion. This is when queerversity comes into play as a principle of orienting queer theory and politics towards the “the aporia of difference”: fighting difference as inequality, but fostering difference as particularity and uniqueness—a tension that should be upheld rather than solved.

## 5. The Principle of Queerversity

Queerversity is meant to provide a modification of diversity politics, which is criticized for either building on classification or on a neoliberal paradigm that depoliticizes and individualizes social differences (Ahmed 2012; Castro Varela and Dhawan 2016). In contrast, queerversity, in recognizing differences that resist classification or even escape intelligibility, embraces ambiguity, doubt and confusion as politically relevant, namely, as a means of disrupting common regimes of normality. Queerversity is not a description of a given reality, but a principle that directs political practice towards an ongoing process of reducing violence (including the symbolic and epistemic violence of “the normal”) and increasing intersectional justice.

Thus, confronted with structural discrimination and violence, queerversity aims at dehierarchizing social inequalities and denormalizing rigid categories simultaneously. In accordance with a non-additive intersectional framework, it shifts the focus from diversity to the question as to how dynamics of power, desire and belonging (Probyn 1996; Yuval-Davis 2011) entangle different relations of domination in complex ways. As such, queerversity necessarily demands a historically and geo-politically specific analysis of relations of power and domination. Differences are to be examined as always framed, if not constituted, by contingent social conditions, which become the objects of contestation. Whereas neoliberal diversity approaches embrace differences according to their utility, queerversity addresses the power inequalities of social differences in order to face the conflicts that correspond to social heterogeneity—conflicts over opinions, values and desires, but also over limited resources, diverging interests, the will to power and the readiness for violence.

As a political corrective, an ethical attitude and an aesthetic strategy, the principle of queerversity combines the avowal of multiplicity, ambiguity and alterity with struggles against discrimination, social inequalities and the intersectional complexity of regimes of domination. Queerversity as a political corrective criticizes the exclusions, normalizations and hierarchizations that correspond to particular measures and institutional formations built on categorization. As an ethical attitude in social relationships, queerversity invites multiple perspectives as well as a readiness for confusion resulting from encounters with the other, or the Other of the Other (Butler 2004) that cannot be contained in any category. The aesthetic strategy of queerversity draws attention to the sonic and visual modes of articulating difference differently to the logic of categorization or the binary oppositions deriving from that. Sounds, colors and shape-shifting forms function as models of difference, which allow for nuances, oscillation, fluidity and liminality. Literary and poetic writing creates ambiguities, ambivalences and absurdities; seeks polysemy; and accepts paradoxes.

Hence, what is particular about queerversity is its capacity to acknowledge and articulate differences as simultaneously conflictual heterogeneity, internal multiplicity and irreducible alterity: Queerversity introduces “the difference of the different” into diversity. Let me provide a clarification of the terms: Multiplicity draws attention to the uncountable—whenever one proposes a category, a whole range of differences unfolds from within, which can neither be contained nor excluded. Ambiguity points out that there are (at least) two sides to each phenomenon, each meaning and each feeling. Therefore, it becomes impossible to stick to a single truth—at least not if one allows for standpoints, contexts and different perspectives. Alterity is a positive expression for what in a rigid identitarian order is excluded as the abject that is not allowed to claim reality, is called “unintelligible”, is suppressed or disavowed—that which upholds the norm, as long as it functions as its constitutive other. Combining these three elements puts a socio-cultural order on the horizon, which disregards the illusion of homogeneity and finds pleasure in complexity and confusion.

However, what makes queerversity politically interesting is that it does not follow the either/or logic but installs an ongoing tension, a conflictual interplay between social heterogeneity (built on identity categories and classifications) with multiplicity, ambiguity, and alterity. This combination will never settle into harmony, because multiplicity, ambiguity, and the abject rub against each other while together carrying the potential of interrupting classifications and binaries. Yet, this is exactly what secures the political as an open potentiality. My proposal is to understand desire, or rather the tensions inherent to desire, or the contingent dynamics of power and desire, as what is mobilizing queerversity. While desire may, of course, also have most conservative effects, providing the libidinal investment that upholds binary, heteronormative, racist and ableist orders, queer reconceptualizations and rearrangements of desire allow for drawing new and unexpected connections (Engel 2011).<sup>19</sup> These are not limited to intimate relations but unfold in the social and the global context (Spivak [2012] 2013; Dhawan et al. 2015). Queering desire/desire as queering not only challenges the heterosexual norm built on the premise of binary sex\_gender difference but undermines the hierarchical divide of “subject” and “object” that invests desire with the power of producing relations of appropriation, domination

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<sup>19</sup> Queer theories of desire are various and incompatible, but generally challenge the hierarchical pattern of subject-desires-object while focusing instead on the relationality of desire, its readiness to engage with a multiplicity of identifications as well as disidentifications, the way it is bound to and may evolve from fantasy and may be lived in shared fantasy scenarios. For an overview, see (Dhawan et al. 2015).

and submission. The principle of queersity translates desire's queer/ing potential into politics.

Questioning normalcy has become almost a routine in queer politics fighting normative, epistemic and structural violence. However, the redistribution of power and resources remains another crucial task, if non-categorizable difference or alterity are seen as contributing to the rearrangements of power, desire and belonging, without being defined by or reproducing social and global hierarchies and inequalities. Politics built on queersity aim at extending the chances of social, cultural and political participation further than what is already acknowledged as social heterogeneity. Accordingly, dehierarchizing differences and fighting social inequalities are vital—for (gender) equality as much as for (gender) diversity politics. Therefore, I argue that queersity may function as an operationalization of queer theory for state and international politics. Claiming more than the position of critical reflection, but functioning as a principle guiding political practice, it introduces the queer critique of identity categories into consultancy and political decision making.<sup>20</sup> Equality as well as antidiscrimination measures may build on the complex, dynamic and conflictual understanding of differences as ongoing processes or becoming. Thus, queersity undermines the idea of an unmarked norm and its others, but instead makes everyone accountable for the relations of power and desire pervading social and global heterogeneity, creating the possibility of non-hierarchical differences and singularities.

## 6. Conclusions

We are, historically, at a point where it is possible to develop a queer-intersectional understanding of equality, which overcomes the existing tension between single axis equality politics and complex diversity and antidiscrimination politics. This, however, is by no means a politics without tension, but open to contradictions and competitions over opinions, values, resources and desires. Thus, UN Women's focus on gender equality based on sexual difference may remain on the agenda and inspire the search for convincing measures of extending rights, fostering equality and freedom, fighting violence and empowering populations who have been disenfranchised and disadvantaged due to being perceived and designated as

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<sup>20</sup> I started using the term and developing the concept in 2010 with a group of colleagues working at the Gender Competence Center in Berlin, an organization which at that time did consultancy work for ministries and state administration on gender and diversity mainstreaming and antidiscrimination politics.

female. This, however, demands that the meaning of "female" is openly contested and its extension into female\* is not limited to a symbolic gesture but designates a notion of sex\_gender which immediately politicizes the binary, e.g., through the principle of queerversity. Politicizing the binary means being transparent about and problematizing a framework that subsumes the vast array of differences of its constituency called "half of humanity" on the basis of a second-order status, while essentializing the distinction between "women" and "men". Furthermore, politicizing the binary means underlining its constructed character and its functionality for upholding heteronormativity and intersectional dimensions of power and domination. Working with a politicized rather than an essentialized binary indicates its limits and the fact that it does not cover the entirety of lived or potentially livable and desired sexes\_genders and sexualities. Transdualism undermines its exclusionary either/or logic.

As such, the sex\_gender binary can be activated for the analysis and critique of a given system of power and domination, but it cannot function as its cure. Positive measures, subsidies and gender equality or empowerment programs can no longer be awarded on the criteria that someone "is a woman". An in-between step one could say is when someone is "discriminated as a woman". However, the more precise formulation from a queer intersectional perspective would be when someone is discriminated against "due to their gender", or simply is discriminated against. This acknowledges that it is very often unclear whether a person is discriminated against as a woman, or a trans or an inter person, or a man, because discrimination may occur due to an entanglement of racism, capitalism, ableism, coloniality and heteronormativity. Any of these dimensions has particular effects on living a sexed, gendered, or sexual life; yet, it is impossible to disentangle their complex interplay.

Rather, there is a need for spaces of self-naming, solidarity and collective organizing from which political demands can be defined, negotiated, issued, re-negotiated and re-defined. It might very well be the case that persons designated as, among other things, "masculine" make a claim for and gain support under a gender equality framework. Under the headline "empowering women and girls", this would be impossible, because it is built on the premise of an overarching structural disadvantage of women compared to men. Yet, on the one hand, it is necessary to acknowledge that there are persons designated as women who are so privileged (and, possibly, in powerful positions, and/or positions from where they can enact violence) that no social equality framework would justify reinforcing their privilege through affirmative action. On the other hand, it is as important to recognize that there are masculinities (or people whose masculinity is put into question) that are



vulnerable to all kinds of discrimination and violence. While facing this might seem discomfiting and arduous, it brings us closer to the realization of intersectional justice. Queerversity—as a political corrective, an ethical attitude and an aesthetic strategy—is the principle needed to live the aporia of difference, that is, to respect difference while striving for equality.

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## References

- Ahmed, Sara. 2012. *On Being Included: Racism and Diversity in Institutional Life*. Durham and London: Duke University Press.
- Baer, Susanne. 2010. A closer look at law: Human rights as multi-level sites of struggle over multi-dimensional equality. *Utrecht Law Review* 6: 56–76. [CrossRef]
- Butler, Judith. 2004. *Undoing Gender*. New York and London: Routledge.
- Carver, Terrell, and Samuel Allen Chambers, eds. 2008. *Judith Butler's Precarious Politics: Critical Encounters*. London and New York: Routledge.
- Castro Varela, Maria do Mar, and Nikita Dhawan. 2016. What Differences Does Difference Make?: Diversity, Intersectionality, and Transnational Feminist Politics. *Wagadu: A Journal of Transnational Women's and Gender Studies* 16: 9–43.
- Cohen, Cathy. 1997. Punks, Bulldaggers, and Welfare Queens: The Radical Potential of Queer Politics? *GLQ: A Journal of Lesbian and Gay Studies* 3: 437–65. [CrossRef]
- Dhawan, Nikita, Antke Engel, Christoph F. E. Holzhey, and Volker Woltersdorff, eds. 2015. *Global Justice and Desire: Queering Economy*. Social Justice. London: Routledge, New York: Taylor & Francis Group.
- Duggan, Lisa. 2002. The New Homonormativity: The Sexual Politics of Neoliberalism. In *Materializing Democracy: Toward a Revitalized Cultural Politics*. Edited by Russ Castranovo and Dana D. Nelson. Durham: Duke University Press, pp. 175–94.
- El-Tayeb, Fatima. 2011. *European Others: Queering Ethnicity in Postnational Europe*. Minneapolis: University of Minnesota Press.
- Engel, Antke. 2002. *Wider die Eindeutigkeit: Sexualität und Geschlecht im Fokus queerer Politik der Repräsentation*. Politik der Geschlechterverhältnisse 20. Frankfurt/Main: Campus-Verl.
- Engel, Antke. 2011. Queer/Assemblage. Desire as Crossing Multiple Power Relations. Transl. by Aileen Derieg. *eipcp*. 8. Available online: <http://eipcp.net/transversal/0811/engel/en> (accessed on 27 July 2020).

- Engel, Antke. 2013. The Surplus of Paradoxes: Queer/Ing Images of Sexuality and Economy. In *Social Inequality & The Politics of Representation: A Global Landscape*. Edited by Celine-Marie Pascale. Thousand Oaks: Sage, pp. 176–88.
- Ferguson, Roderick A. 2004. *Aberrations in Black: Toward a Queer of Color Critique*. Critical American Studies Series; Minneapolis: University of Minnesota Press.
- Halberstam, Judith. 2018. *Trans\*: A Quick and Quirky Account of Gender Variability*. Oakland: University of California Press.
- Haritaworn, Jin, ed. 2015. *Queer Lovers and Hateful Others: Regenerating Violent Times and Places*. London: Pluto Press.
- Haschemi Yekani, Elahe, Beatrice Michaelis, and Gabriele Dietze. 2011. Try Again. Fail Again. Fail Better.' Queer Interdependencies as Corrective Methodologies. In *Theorizing Intersectionality and Sexuality*. Edited by Yvette Taylor, Sally Hines and Mark E. Casey. New York: Palgrave Macmillan, pp. 78–94.
- Jagose, Annamarie. 1996. *Queer Theory: An Introduction*. New York: New York University Press.
- Keller, Katherine. 2003. *Face of the Deep. A Theology of Becoming*. London: Routledge.
- Manalansan, Martin F., and Arnaldo Cruz. 2002. *Queer Globalizations: Citizenship and the Afterlife of Colonialism*. New York: New York University Press.
- Mangold, Anna Katharina, Maya Markwald, and Cara Röhner. 2019. Rechtsgutachten zum Verständnis von 'Varianten der Geschlechtsentwicklung' in § 45 b Personenstandsgesetz. Flensburg, Berlin, and Frankfurt. Available online: <https://eufbox.uni-flensburg.de/index.php/s/WwkHJkHaEaHpkQk#pdfviewer> (accessed on 27 July 2020).
- McRuer, Robert. 2018. *Crip Times: Disability, Globalization, and Resistance*. New Directions in Disability Studies. New York: New York University Press.
- Mesquita, Sushila. 2016. Eine "Ein-Thema-Methodologie"? Epistemologische Überlegungen zum Heteronormativitätskonzept. In *Wandel und Kontinuität Heteronormativer Geschlechterverhältnisse*. Edited by Maria Teresa Herrera Vivar, Uta Schirmer, Karen Wagels and Petra Rostock. Münster: Westphalisches Dampfboot, pp. S.89–S.105.
- Probyn, Elspeth. 1996. *Outside Belongings*. New York: Routledge.
- Puar, Jasbir K. 2007. *Terrorist Assemblages: Homonationalism in Queer Times*. Next Wave. Durham: Duke University Press.
- Richter-Montpetit, Melanie. 2018. Everything You Always Wanted to Know about Sex (in IR) But Were Afraid to Ask: The 'Queer Turn' in International Relations. *Millennium: Journal of International Studies* 46: 220–40. [CrossRef]
- Ruvalcaba, Hector Dominguez. 2016. *Translating the Queer*. London: Zed Books Ltd.
- Spivak, Gayatri Chakravorty. 2013. *An Aesthetic Education in the Era of Globalization*. Cambridge, Massachusetts and London: Harvard University Press. First published 2012.
- Warner, Michael, ed. 1993. *Fear of a Queer Planet: Queer Politics and Social Theory*. Cultural Politics, v. 6. Minneapolis: University of Minnesota Press.

- Weber, Cynthia. 2016. *Queer International Relations: Sovereignty, Sexuality and the Will to Knowledge*. Oxford Studies in Gender and International Relations. New York: Oxford University Press.
- Xiang, Zairong. 2018. *Queer Ancient Ways: A Decolonial Exploration*, 1st ed. Santa Barbara: Punctum Books.
- Yuval-Davis, Nira. 2011. *The Politics of Belonging: Intersectional Contestations*. London: Sage.

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