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What Comes After Gender?

Robert S. Chang*

While I was watching the second presidential debate between Senators Barack Obama and John McCain with my family, my then three-year-old asked, "Who's winning?" My brother-in-law, who was watching with us, said, "The black guy." My three-year-old inquired, "Which one?" We had to puzzle about this for a moment. What in the world did he mean by "which one"? There was a White guy on stage, John McCain, and a Black guy, Barack Obama. Finally, we figured it out; my son was talking about their suits. They were both wearing dark suits.

I do not mean to suggest that my then-three-year-old is part of a younger generation that just "gets" this post-racial thing, because clearly the presidential debate for my son was a *pre-racial* moment. It was a time of innocence. What bothers me, though, is that this time of innocence was probably not going to last very long, as he was likely to learn too soon about the original sin that is the stain upon this nation. As we can never return to this point of innocence, the post-racial offers the romantic notion that we can get beyond race.

This Symposium, provocatively entitled *After Gender?*, at some level links up with a book project at Seattle University's Korematsu Center entitled the "After Race" Project.[1] Professor Darren Rosenblum, this Symposium's organizer, noted as much

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These remarks are based on what I presented on a panel, *What Role for "Women," "Men," and Transpeople/Intersex People in Gender Equality?* at a Symposium, *After Gender? Examining International Enterprises*, at Pace Law School in White Plains, New York, on November 12, 2010. Thanks to Darren Rosenblum for organizing the event and inviting my participation.

1. *The "After Race" Project*, SEATTLE U. SCH. OF L., http://www.law.seattleu.edu/x6238.xml (last visited Aug. 2, 2011). The group of scholars involved in this book project include Mario Barnes, Laura Gómez, Angela Harris, Jennifer Hochschild, Kevin Johnson, Zeus Leonardo, Angela Onwuachi-Willig, and Vesla Weaver.

this morning during his introductory remarks when he said that he drew his title, in part, from the Korematsu Center book project. My sense, though, is that these projects are very different. The "After Race" Project is situated in the conversation around post-racialism, a conversation that gained strong momentum during the Obama presidential campaign and with his election.[2] The "After Race" Project is meant to rebut the notion that we have arrived at the promised land where, as a society, we have finally moved beyond race. But this notion of getting beyond race at this juncture in history is not part of a liberatory or equality project but signifies instead that society no longer has to talk about race and, more dangerously, is relieved of its remedial responsibilities to address racial inequality. Post-racialism is a new racial project that follows and builds on colorblindness in order to manage diversity to maintain the racial status quo.[3]

I see the "after gender" conversation as having a very different narrative and theoretical arc, with liberation from constrictive binary gender categories as its goal. If this is correct, one question is whether liberation takes one of the following forms:

(1) the abolition of gender itself as a social category;

(2) the move to a multiplicity of gender formations, with liberation taking the form of permitting more choice; or

(3) perhaps a hybrid where multiplicity of gender formations might be a way station on the way to abolition the abolition of gender.

If we have multiplicity, what might this mean? Rosenblum defines gender as possessing "a utility beyond serving as a substitute for the word 'sex.' Gender not only refers to one's

2. *See, e.g.*, Sumi Cho, *Post-Racialism*, 94 IOWA L. REV. 1589 (2009).

3. For a general discussion of racial projects, see MICHAEL OMI & HOWARD WINANT, RACIAL FORMATION IN THE UNITED STATES: FROM THE 1960S TO THE 1990S (1994).

social identity as male or female but also incorporates masculinity and femininity as person traits."[4] Rosenblum is highly critical of "gender binarism" as "inconsistent with fundamental biological and psychological realities."[5] But do we go as far as some who "argue that there are as many genders as there are people"?[6] Will the weight of so many "in-between" people result in a category crisis that brings down gender binarism?[7] At this Symposium, Teemu Ruskola posed the provocative question: how might trans be expressed in a world where gender did not exist?

So far, I have explored the question of "after gender" at the level of description. But are there implications at the level of politics? Law? What might these be? Further, complexity comes from the questions unasked about the relationship between sex, gender, and sexuality.

To sum up briefly: the "after race" conversation is located within and against the claim of post-racialism, which I describe as a new racial project that is not about achieving freedom or equality. I am less sure of the political and legal implications of the "after gender" conversation. At first blush, it seems to be about liberation. I would ask where equality lies in the discussion. Without knowing that, it is impossible to know what might come after gender, or whether it is even a place we want to go.

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4. Darren Rosenblum, *Feminizing Capital: A Corporate Imperative*, 6 BERKELEY BUS. L.J. 55, 74 n.101 (2009).

5. Darren Rosenblum, *"Trapped" in Sing Sing: Transgendered Prisoners Caught in the Gender Binarism*, 6 MICH. J. L. & GENDER 499, 503 (2000).

6. *Id.* at 504 (citing JOHN STOLTENBERG, REFUSING TO BE A MAN 28 (1989)).

7. *Cf.* MARJORIE B. GARBER, VESTED INTERESTS: CROSS-DRESSING AND CULTURAL ANXIETY (1997); MARJORIE B. GARBER, VICE VERSA: BISEXUALITY AND THE EROTICISM OF EVERYDAY LIFE (1996).