

Working decertification, sensing reproduction

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I have responded, perhaps a bit too slowly, to FLaG's invitation to comment on 'Pulling the Thread of Decertification' (Cooper and Emerton, this issue) by organizing my thoughts into three sensings, or felt steps in the engagement of the academic witness. In using the word 'sensing' I have Cooper's explanation of withdrawal (2019b: 328-51) in mind as I think about how the pull of decertification is sensed, but other academic and activist touches are also present in that use. For Cooper, withdrawals, such as those of religious conservatives refusing to provide public services, are not 'mere subtractions from what once was' (2019b: 49). Rather they are contacts whose acts of refusal acknowledge multiple sources of authority. Sensing where the pulling might go as a kind of withdrawal is a way to bring a reproductive feminist critique to bear on making such multiple sources visible as sensings have 'messy genealogies' (Fletcher, 2020: 127). They knot and hold together different sources of feminist knowledge, while arranging different elements of reactions that reason through their feeling.

I use experiments, adaptations, and repetitions in the sensual labour of social reproduction to imagine where the pull could lead. The commitment to flexibility in the work/life balancing act (Grabham, 2011; Fraser, 2013; Rottenberg, 2014) and the emerging international collection of women's strikes (Gago, 2018; Arruzza, 2019) provide particular sites of contested social reproduction that help us think about what decertification might mean. But the form of this arrangement is also prompted by Barbara Baird's 'a meditation in eight parts' (2019), a response given to the launch of Emma Russell's new book, *Queer Histories and the Politics of Policing* (2019), which I had the

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pleasure of witnessing recently. You had to be there, but perhaps this piece can also archive and keep alive the energizing effect of listening to Barbara's feminism-in-action as she witnessed the value of Russell's book. Baird's weaving of an eight-part narrative out of a history of scholarship, activism, training, kinship, being an interviewee, receiving the book, and more, demonstrated joyously the multi-dimensionality of feminist academic form, a multi-dimensionality that holds feminism together while it regenerates.

Sensing One: The relief of a prefigurative approach

In asking "what is the point of this book?" Baird began her response with a nod to the alleged short attention span of the neoliberal figure of the millennial student. But she redirected that nod so that it became a connection with colleagues and a burst of intellectual questioning energy. Thinking about 'the point of' this paper made me want to focus first on the method of prefiguration as a point of connection beyond the project and second on relief as a felt response to the paper. What is the point of taking a prefigurative approach to feminist concern over removing sex/gender as a *legal status*? This status is attributed to people by the state at birth, takes a binary female or male form, uses perceived sexual characteristics for criteria, and can only be changed by a formal legal process. What difference would it make if sex/gender was simply not certified by the state at birth, and became a matter of social negotiation rather than legal approval? The paper, and the project, build on theoretical and methodological approaches that Cooper developed in *Everyday Utopias* (2013), where the oscillation between imagining and actualizing the 'as if' keeps the utopian grounded. The prefiguration of everyday utopias shows how collective projects, from feminist bathhouses to local exchanges, take politics down a different path to the ones oriented by questions of identity or totality. Instead the everyday utopian focuses on the

practices, which work on gender and other axes of social difference indirectly, by imagining and actualizing a set of activities which generate and sustain, as they respond to depletion and exhaustion.

This is the first way then that this paper matters; it takes an unusual approach to a possible question of legal reform, namely whether the state should stop legally constituting gender as a status acquired at birth and marked by the sex one is perceived to have. The paper says, what if scholars sidestepped thinking about these issues from an advocacy or reform-oriented perspective, and instead considered them from a prefigurative perspective? Why not claim the freedom to think what decertification might mean without limiting the possibilities to the practicable before we even start? In this era when feminist practices of public engagement and impact have been repurposed by the conduct of conduct in universities, it is a refreshing relief to find an intellectual space which makes utopian imaginings the heart of the funded project, with all the tensions and contradictions that come with that. Sutherland and Vischmidt (2015) have cautioned recently, when evaluating social reproduction theory (with a particular focus on Vogel and Federici), that prefiguration turns too quickly into moral prescription and romanticisation as women's ways of generating a reproductive commons are valorized, and reproduction is re-naturalized. The prefiguration that is practised in this project however, avoids that possibility by generating its own experiment, and by learning from other experiments along the way.

Sensing Two: The commitment to move beyond a very binary drama by taking others' concerns seriously

When it comes to the substance of the paper, Cooper and Emerton contribute to the development of the FLaG project, by taking feminist worries about decertification seriously and moving beyond what is being currently conducted in the UK as a 'very

binary drama' (Cooper, 2019a). To do this, to worry through why feminism might be invested in gender as a status that is attributed at birth, they adopt a three dimensional approach to gender, and think about gender as the experience of social harm (e.g. gendered violence), as a concept or an abstract way of understanding how gender works in society (e.g. identity, but also system, performance, regime), and as a strategy or means of remedying gender-based harms. The paper reports that their 80 informants focused particularly on worries that women-only spaces, affirmative action, and the collection of gender-based statistics could be jeopardized or made more difficult by decertification. This seems to mean that the informants focused on concerns about the strategy dimension of gender, and the possibility that the social harms of gender would not be eroded or challenged, and might even expand, if these strategies were weakened. The paper works on these concerns about gender, drawing out their significance in terms of the three-dimensional approach (with each dimension in turn having a number of aspects). In effect, the paper uses other non-identity based ways of conceptualizing gender to question whether decertification might bring with it, not the abolition of sex/gender as a social practice, but the enlivening of other actually existing ways of thinking and living through gender.

One gendered harm that gets a bit blurry and recedes into the background, given this paper's focus on the possible harms of decertification, is the gendered harm of certification. What do feminism and critical gender-oriented analysis lose as a result of certification? What are the different ways in which certification produces harms for people or inhibits the everyday reproduction of life on terms that are potentially pleasurable and at least sustainable? If certification is a fixing of status that gets in the way of making life better, then that is likely enough of a gendered harm to trouble feminism. In those moments when certification's harms and obstructions appear in the

paper, they come forward as the worry over the damaging exposure to the scrutiny and enforcement of gender categories.

Giles (2019) writes about this damaging exposure and the labour of the trans community in mitigating and challenging it. In reflecting on the work of gender transition as social reproduction, they make visible the work that members of the trans community do for each other, and for the world at large, in making transition liveable. This work of transition includes the education of medical staff, the caring for those taking hormones or having surgery, and the soothing of anxiety. But more than that they talk about how transition is not a change from one gender to another, but engages “with dubious agency and fraught embodiment the ongoing work of being gendered”. This kind of materialist displacement of the liberal as the paradigm through which to understand self-realisation joins up with feminist critical race work on the profound acts of labour that sometimes pass as ‘mere’ survival strategies (Hill Collins, 2000; Emejulu and Sobande, 2019). Echoing ‘Wages for Housework’ Giles demands ‘Wages for Transition’ for the work of being trans and absorbing “the hate and shame of our antagonists... the sexual anxiety and gender horror of a society sickened by its own creations”. Understanding and representing trans living as one kind of non-binary gendered life and a matter of social reproduction is itself generative in moving beyond the normal/exceptional binary of gender distinctions to identify the different kinds of labour required by being in the world.

Sensing Three: The energy to reclaim and recuperate flexibility on feminist terms, or, learning from women’s strikes

In pressing on the need for gathering together a collection of labours and goods, which move beyond the reproduction of stereotypes as evidence of lived gender, I want to pick up on flexibility as a generative but problematic policy which might help us think about

the good of de/certification. Flexibility is a legal norm which has a significant feminist legacy given its association with the claim that the paid workplace needed, and needs, to be more flexible in accommodating the unpaid work of care. Flexibility measures have included job-shares, working from home, and irregular hours. But flexibility is also a concept and a practice, which has become tainted by its neoliberal mobilisation (Rottenberg, 2014; Fraser, 2013) and constitution as a kind of adaptation to working conditions which stretches women to breaking point (Grabham, 2011; 2016: 158-163). For Fraser, neoliberal articulations of flexibility trouble feminist attachments and might entail the abandoning of flexibility as a legal requirement of a workplace. Moreover, she thinks that feminism needs to take some of the blame for the harmful effects which flexibility policies have had on gendered and poor workforces. We might say that this kind of questioning sees flexibility as a feminist good, which has been co-opted and compromised beyond repair.

As a feminist good, flexibility emerges out of a concern for valuing social reproduction, and conjures up legal requirements, adaptations, and even potential transformations of workplaces as they interact with whole lives. Fraser's critique is that some of those rules and adaptations have ended up being used in ways which work against many workers. But that does not mean that there wasn't a moment where those rules and adaptations provided feminist relief. Moreover, the critique also does not negate the aspiration to transform work, which has also been part of flexibility's legacy, in those moments when communal childcare became the model to be reproduced, even if that has not been realized. In other words, the attachment to flexibility was a gendered norm and practice produced at least partially by feminism, which moved across generative, adaptive, and transformative instances in particular cultural and historical contexts. But 'certification' does not seem to me to be a feminist good in the same way.

The attachment to legal gender as birth status was not produced by feminism. Rather this feminist attachment to certification seems to be a by-product of engagement with a patriarchal order. This engagement has produced creative strategies and a repository of responses, as the authors acknowledge. So yes, feminism needs to be careful and thoughtful about what might take the place of legal gender. But treating legal birth status *as if* it was the product of feminist theoretical and practical innovation values an adaptation as if it was a feminist innovation with transformative potential. Surely feminism can value the adaptations that make uncomfortable worlds more liveable (e.g. Fletcher et al, 2017) without identifying adaptations as transformations.

Women's strikes are one set of feminist activities which are currently enacting a pull on flexibility and its place in the struggle over how to value social reproduction (Gago, 2018; Kubisa and Rakowska, 2019). Such strikes encompass withdrawal of paid labour but also a refusal to perform unpaid care labour, usually alongside collective acts of communication such as public protest and acts of solidarity such as the wearing of indicia of support (e.g. the colour black in the case of the Polish strikes). In this way they combine different practices on the way to gender transformation and connect up micro level actions which might seem more adaptive or individualistic if they were left on their own. Since the Polish Black protests in 2016, and remembering the Icelandic women's strike of 1975, women's strikes have been taken up by feminists around the world, most notably in Argentina and Italy, but also in Ireland, the UK and the US, as they make gendered violence and reproductive discipline visible, accountable, and changeable (Arruzza, 2019; Enright, 2017). For Barbagallo (2018; see also Barbagallo and Federici, 2012), it is the very impossibility of the women's strike as a 'social strike' that makes it so necessary. The withdrawal of everyday caring labour makes this strike distinctive in taking it away from the site of union organising, as feminists draw attention to the

necessity of this labour for the continuation of the racial, gendered, capitalist world. For many, this withdrawal is impossible because it would mean the neglect of vulnerable loved ones. This impossibility is generative, even as it is also exploitative, as the strikes respond by welcoming the kinds of actions that may be possible for people, such as wearing a sign of participation and solidarity. On their own, such micro-actions might seem individualist, frivolous even. But as evidence of connection with those who are withdrawing from paid and unpaid work, they become part of something bigger, something with a multidimensional form and a messy genealogy. These collective activities organise in women's name, but combine a number of different practices as they reinvent the strike, and intervene in the social reproduction of gender. They take the name 'women' as those who make and remake feminism, not as those who owe their status to the state.

References

- Arruzza, C. 2019. From social reproduction feminism to the women's strike, in T. Bhattacharya ed. *Social Reproduction Theory*. London: Pluto 192-196.
- Baird, B. 2019. A meditation in 8 parts. Speech at the launch of Emma Russell's *Queer Histories of the Politics of Policing*. Centre for Health, Law and Society, La Trobe University, Melbourne, 4 November 2019 (on file with author).
- Barbagallo, C. 2018. Women's strike: It is impossible that is why it is necessary. 14 January 2018 <https://womenstrike.org.uk/2018/01/14/the-impossibility-of-the-international-womens-strike-is-exactly-why-its-so-necessary/>
- Barbagallo, C. and S. Federici. 2012. Introduction to care work and the commons. *The Commoner* 15 <https://libcom.org/library/commoner-15-care-work-commons>
- Cooper, D. 2019a. A very binary drama. *feminists@law* 9(1) <https://journals.kent.ac.uk/index.php/feministsatlaw/article/view/655>
- Cooper, D. 2019b. *Feeling like a State*. Durham: Duke University Press.
- Cooper, D. 2013. *Everyday Utopias*. Durham: Duke University Press.
- Emejulu, A. and F. Sobande eds. 2019. *To Exist is to Resist*. London: Pluto.
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- Enright, M. 2017. #Strike4Repeal: Ireland's women's strike. *Critical Legal Thinking* 8 March <https://criticallegalthinking.com/2017/03/08/strike4repeal-irelands-womens-strike/>
- Fletcher, R. 2020. Cheeky witnessing. *Feminist Review* 124: 124-141.
- Fletcher, R. et al. 2017. Wench tactics? *Feminist Legal Studies* 25(1): 1-23 <https://link.springer.com/article/10.1007/s10691-017-9355-y>
- Fraser, N. 2013. *Fortunes of Feminism*. London: Verso.
- Gago, V. 2018. #WeStrike: Notes towards a political theory of the feminist strike. *South Atlantic Quarterly* 117(3): 660-670.
- Giles, H.J. 2019. Wages for transition. *Medium* 16 December <https://medium.com/@harrygiles/wages-for-transition-dce2b246b9b7>
- Grabham, E. 2016. *Brewing Legal Times*. Toronto: University of Toronto Press.
- Grabham, E. 2011. Doing things with time: Flexibility, adaptability and elasticity in UK equality cases. *Canadian Journal of Law and Society* 26(3): 485–508
- Hill Collins, P. 2000. *Black Feminist Thought: Knowledge, Consciousness, and the Politics of Empowerment*. 2nd edition, New York: Routledge
- Kubisa J. and K. Rakowska. 2018. Was it a strike? Notes on the Polish women's strike and the strike of persons with disabilities. *Praktyka Teoretyczna* 30(4): 15-50 <https://pressto.amu.edu.pl/index.php/prt/article/view/19007>
- Rottenberg, C. 2014. The rise of neoliberal feminism. *Cultural Studies* 28(3): 418-437
- Russell, E. 2019. *Queer Histories and the Politics of Policing*. New York: Routledge.
- Sutherland, Z. and M. Vischmidt. 2015. The soft disappointment of prefiguration: A critique of social reproduction theories. Paper presented to the Society of Social and Political Thought Conference, University of Sussex, 15 June.
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