
**Negotiating binary conceptions of sex/gender in a multi-gender world:
Response to ‘The challenge of same-sex provision: How many girls does a
girls’ school need?’****C.L. Quinan*****Introduction**

In “The challenge of same-sex provision: How many girls does a girls’ school need?” Flora Renz offers prescient commentary on the role that institutions – single-sex and otherwise – play in contesting binary conceptions of sex and gender in a multi-gender world. In the context of single-sex services broadly and single-sex education specifically, the paper interrogates existing aims of and challenges to gender differentiation while also raising the question of the extent to which recent developments in the realm of legal gender could challenge wider gender norms – or whether instead power structures become further solidified in this process. The case study of girls’ schools who have negotiated the presence of trans and non-binary students offers insight into what tensions may emerge in this area if broader changes to legal gender were enacted in England and Wales. While the Future of Legal Gender project is invested in tracing how potential changes to the existing framework for assigning and recognising legal gender would impact all people (not only trans and non-binary people), Renz’s examination provides a preliminary understanding of the effects of accommodations for gender-diverse populations, with data gathered from interviews suggesting that trans students will not be barred from single-sex schools (or at least girls’ schools). Indeed, these schools have been able to grapple with their own mandate of single-sex education in a changing gender landscape.

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Renz's paper also asks if single-sex education, and specifically female single-sex education, has an inherent value that is different to that of mixed education. This is not a question about whether girls' schools should exist, or even how a change in the law would or could adapt to such single-sex facilities. Although they are currently small in number, girls' schools most certainly should be allowed to exist even if the law accommodated more than two sexes/genders or if decertification were to occur. Historically, girls' schools and women's colleges have worked to combat the marginalization of girls and women in primary, secondary and higher education and have impacted gender-based income inequality by fostering women's training and career prospects and channeling resources to underserved populations. Single-sex education is not the only manner in which to address these gender-based disparities, but it is one way. In this sense, single-sex education could be considered aspirational in being committed to serving communities who are often neglected.

This brings me to the broader political context, which must also be considered in this discussion. In Europe and elsewhere, gender ideology debates have proliferated (Kuhar and Paternotte, 2017), while globally an uptick in trans visibility has perversely translated into increased violence towards trans and gender-diverse people (Truitt, 2016). Rather than widescale acceptance, trans people are constantly forced to prove they are who they say they are, that is, to "provide evidence of their very existence" (Ahmed, 2016: 228). In the United States, so-called bathroom bills, which criminalize trans people for using the restroom that aligns with their gender identity, have abounded. Even before these bills, trans people were targeted and courts ruled in at least two cases that trans individuals were required to use public restrooms according to birth-assigned gender, despite equality-based protections (Spade, 2008; Katyal, 2017). What insight might this example offer for the case of single-sex schools in England, where – in line with the requirements of the *Equality Act 2010* – there is a clear legal basis for non-discrimination and inclusion of trans students?

This could in fact indicate that there is reason to be skeptical of the law as enacting change and embracing diversity.

Returning to the paper, I would like to focus my remaining comments around three main themes – belonging, safe spaces, and institutions – each of which I will briefly touch upon in order to further reflect on the central questions that Renz provokes:

1. Belonging

Renz acknowledges the adaptability of schools in that they enact a more flexible reading of gender than is currently being accommodated in law. This also echoes Dean Spade’s point that in sex-segregated facilities, “[s]uch determinations about what constitutes ‘male’ or ‘female’ for purposes of placement are more frequently made through on-the-spot judgments or assessments of low-level decision-makers” (2008: 775). As Renz’s analysis of the interview material highlights, decision-making is not always transparent and is made on a case-by-case approach, partially to align with the importance placed on inclusivity and community. However, because of this lack of transparency, it also forces us to ask what exactly is happening on the ground, especially given that in many contexts, as academic and activist work has shown, LGBT students are treated differently by students and teachers from their cisgender, heterosexual peers. Being part of a community means ensuring that students feel valued within their school environment, but feeling valued means being accepted in one’s gender identity. Do trans and non-binary students feel a sense of belonging at single-sex institutions?

Moreover, in terms of inclusivity and community values, it makes sense that single-sex institutions find solutions for when a member of the community transitions, but what about when a trans student tries to gain entry into this institution either (1) based on their gender identity but that

gender not matching their birth certificate (for example, a trans girl wanting to enroll in a girls' school), or (2) based on their sex assigned at birth but not their gender identity (for example, a student assigned female at birth who identifies as a boy, as non-binary, or as agender, attempting to attend a girls' school)? While a student transitioning to a gender that does not align with a school's single-sex mission often continues to belong to the school community, I wonder about students who transition *prior* to arriving at that school and want to be part of this single-sex environment based on their gender identity. That is, what mechanisms are at play before they become part of the community?

2. Safe spaces

It is perhaps ironic that girls' schools could be positioned as a site to instigate broader societal change given that the notion of women's spaces has been – and continues to be – so vitriolically debated in England and elsewhere. The paper puts forth the idea that spaces that are designated as single sex could actually “allow greater freedom from gender binaries without an opposite ‘other’ to serve as an explicit boundary of gender norms”. While on some levels this may be true, there is also a long-standing past and present of women's spaces not accommodating individuals outside “women-born women”. While women's spaces may often allow trans men in, trans women continue to be marked as suspicious or deceptive and are often barred entry into women-only spaces (Bettcher, 2007). Furthermore, when discussing single-sex institutions – which we might also call sex-segregated spaces – it seems to me that we cannot draw conclusions only based on schools but must also look to other places in which binary gender structures and limits our worlds, including bathrooms, domestic violence shelters, homeless shelters, and prisons, most of which might be

more hostile to and would create more unsafe environments for trans and gender-diverse communities.

3. Institutions

When it comes to the role of institutions, including schools, and, I would add, gender itself, we must acknowledge that one of their primary functions or impacts is that they discipline (Foucault, 1990). For example, Renz mentions that one interviewee expressed regret at their inability to change a student's name. Instead of asking what this example might indicate about single-sex schools, it seems worth shifting attention in order to question how the school *as an institution* always already plays a significant role in the disciplining and policing of genders. And here, it is also critical to examine boys' schools and how they might offer a very different approach to the inclusion of trans and non-binary students. In this respect, the move to co-ed schools could be seen as, in part, instigated to mitigate a hyper-masculine culture of boys' schools, to say nothing of the harm they could inflict on trans children assigned male at birth but who identify with another gender. So perhaps girls' schools have a benefit in empowering girls, but in looking at the full picture by including boys' school, this single-sex focus might also translate into further entrenchment of gender norms, toxic masculinity, and the social and institutional fixity of binary gender. On this note, Renz points out that many girls' schools follow an ethos of empowering girls. In thinking about empowerment in the context of the institution, what strategies are used, what values are instilled, and what pedagogical strategies are drawn upon? In terms of structural change, it is this that would be worth devoting attention to on a societal level in order to give us tools to combat transphobia and cissexism as well as general micro- and macro-aggressions built into any system or institution

that is reliant, explicitly or implicitly, on binary gender – which is to say, *every* institution in one way or another.

Conclusion

To conclude, taking a prefigurative approach – as the Future of Legal Gender project does – and putting things on the table that are not yet there means asking what the law can do for us in enacting the kind of world in which we want to live. Feminist and queer scholarship and activism, which has consistently argued that the state doesn't tell us what gender is or can be, might continue to serve as inspiration for critically analyzing how multiple and multiplying configurations of gender and social distributions of power shape and are shaped by law, resistance and emancipation. In this respect, “The challenge of same-sex provision: How many girls does a girls' school need?” concludes with an important question: if “disruption of gender norms or boundaries only takes place within very narrow and specific spaces, then are the same norms and boundaries left unchallenged in other contexts?” Perhaps this is utopian on my part, but I would argue that disrupting gender norms and boundaries in this one location – the single-sex school – is destined to have effects elsewhere. And if single-sex education is – as Renz seems to argue – a project that is against gender oppression and is committed to respecting diversity, then single-sex schools make sense. But only if they do not tell us what gender is or can be.

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