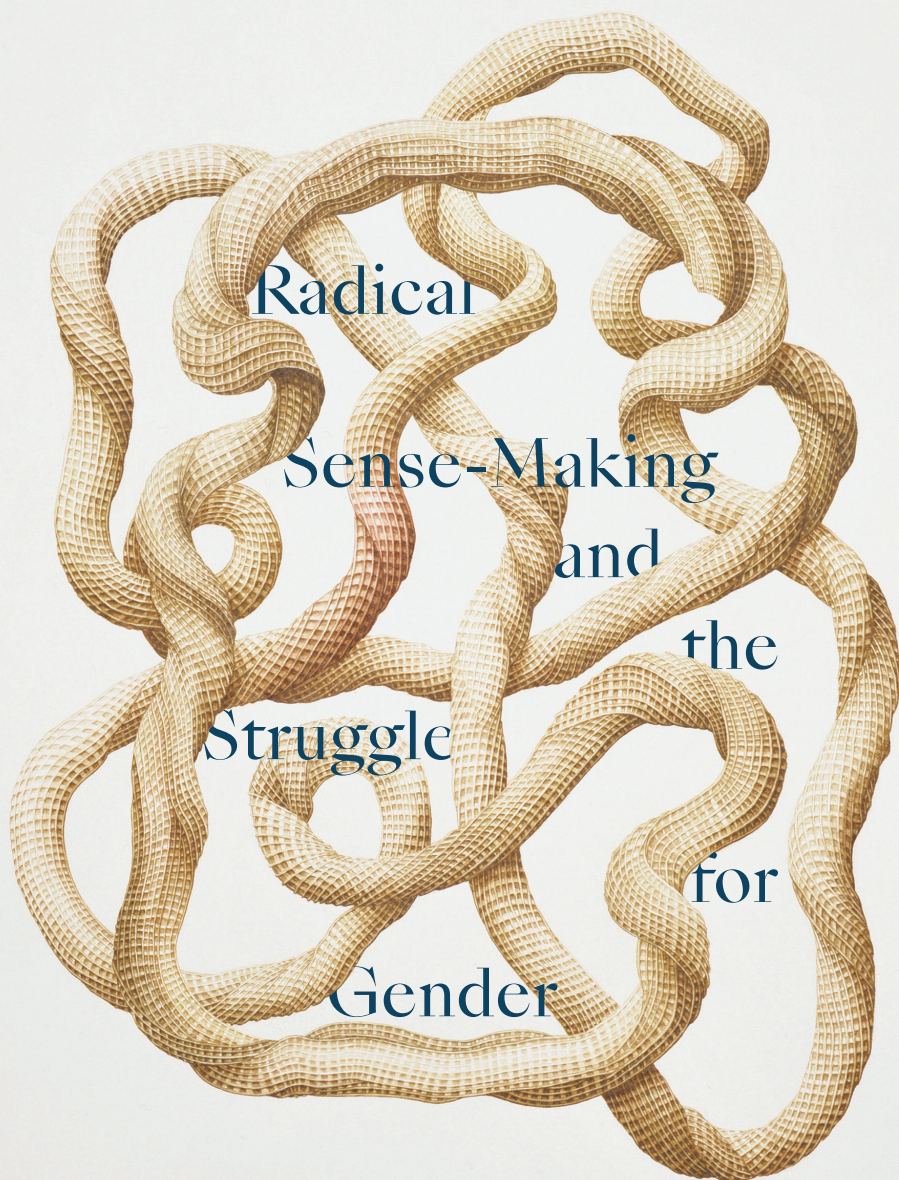


Conceptual Activism



Radical Sense-Making and the Struggle for Gender

Davina Cooper

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*Radical Sense-Making and the Struggle
for Gender*

DAVINA COOPER

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Introduction

The capture of the collective imagination is undoubtedly one of the most fundamental ways in which power is exercised. —MAARTEN HAJER AND WYTSKE VERSTEEG, “Imagining the Post-Fossil City”

Something pulsed in the silver—something alive, something forceful and bold; a gale of wind, a crashing wave; and in that fraction of a second Robin felt the source of its power, that sublime, unnameable place where meaning was created, that place which words approximated but could not, could never pin down; the place which could only be invoked, imperfectly, but even so would make its presence felt. —R. F. KUANG, *Babel*

In R. F. Kuang’s speculative novel *Babel* (2022),¹ a student-led group from Oxford’s Royal Institute of Translation tries to stop Britain’s aggressive nineteenth-century war with China over opium. Their field of action is silver translation bars, a magical energy source that is powering Britain’s socioeconomic and colonial dominance. The Oxford translation institute is a lead player in this imagined sector. Here, translators find English words to match selected terms from other languages. The power of the bars resides in those source language meanings not carried into their English equivalents. These “surplus” meanings then act through the bar. So, if two words mean “power,” but the original word also contains the meaning “to hold up a building”—unconveyed by the English translation into *power*—this physical capacity enters the silver bar and can be harnessed and deployed.

The allegory of silver bars in Kuang’s novel provides an inventive way of exploring colonial exploitation. Here, not only raw materials and colonial subjects but also meanings are extracted and forced to work in the service of imperial government. Politics, power, materiality, and meaning are at the heart of

Kuang's novel. They are also central elements in this book, which, like Kuang's, attends to the work, force, and deployment of concepts. But while Kuang focuses on the oppressive and violent use of concepts to sustain imperial hegemony, this book focuses on progressive and critical conceptual praxis, in the form of conceptual activism.

Struggles over meaning are a common aspect of sociopolitical praxis and have been extensively studied. What this book contributes is a framework and set of thoughtways for exploring them that pay particular attention to the concept as materially organized meaning. Concepts are typically understood as *imagined* meaning, with all the values, understandings, beliefs, ideas, and feelings that this entails. But in this book, I approach concepts also in terms of what is done—what materializes. Conceptual meanings are expressed in words and actions; they are also manifested and realized in laws, policies, buildings, services, and more, infinitely more. These diverse forms of materialization organize meaning, explicitly or tacitly, and as such form an essential part of the terrain of conceptual activism.

To explore conceptual activism, I examine one specific contemporary struggle: the conflict over the meaning of sex and gender, and the categories that make these concepts up. This conflict has been very public and transnational, but this book focuses on one specific place and time—Britain between 2018 and 2025, where intense disagreement erupted over who counts as a woman (and, to a far lesser degree, a man) and over the scope, relationship, and boundaries between the concepts of sex and gender. This period was also pivotal as the high-water mark of a more flexible and plural approach to gender as intense and sustained pushback from opponents, including through litigation, reinstitutionalized sex, rather than gender, as the primary legal and policy term, a sex reaffirmed as binary and individually immutable.² In April 2025, the Supreme Court decision in *For Women Scotland Ltd* was handed down.³ Proclaimed by both supporters and critics as momentous, this decision by the highest court in Britain held that *sex* (at least for equality law purposes) meant biological sex—“the sex of a person at birth” (para. 7).

This book explores the conceptual activism over sex and gender that led to this point. However, the book is not a study of a social movement, nor is it an analysis of the conditions that caused gender-(as)-diversity to bed in and then recede in Britain's institutional spaces during this period.⁴ While conceptual activism is a way of exploring the conflict over sex and gender through the stressed enactment of competing meanings by public bodies and others, the emphasis of this book is on how this conflict helps us to understand and think about conceptual activism. Here, the book interweaves and moves between the concept of

conceptual activism, the concept in conceptual activism, and a series of partner concepts (including economy, property, activism, and play), which I draw on to explore the conflict over sex and gender. Imagined but also materializing, these partner concepts shape how sex and gender meanings are organized, while also being shaped and reshaped in turn.

Together, they bring the concept of the concept to the fore. Progressive work on concepts, from sex and gender to property, state, and play, typically addresses the substance and meaning of specific concepts, and how this might and should change. However, what often remains insufficiently attended to is the concept itself. This book approaches the concept as the relationship between the imaginary and material (re)organization of meaning, where meaning consists of definition, value, significance, understanding, and sense-making. In foregrounding both epistemic and ontological dimensions—how meaning is understood and felt, and how it is manifested—this book's approach is deliberately heterodox, refusing to treat concepts as abstract ideational devices lodged in the world of thought, whether individual or collective. The impetus for adopting a more material approach to the concept, one that foregrounds how meaning is shaped by social relations, and how meaning is expressed and realized through networks of things and processes, is indebted to Marxist, feminist, and new materialist traditions. It is also shaped by the book's focus on conceptual activism. While we could think of concepts as exclusively ideational—abstract ways of slicing or organizing social life, including into categories such as man, violence, or equality—doing so sustains and reinforces the ontological division between what is imagined and what materializes (see chapter 1). Approaching concepts, in contrast, as incorporating the material organization of meaning, which includes how meaning is expressed, represented, pursued, and realized, a more dynamic relationship emerges between changes in imagining and changes in what is actualized.⁵ Here, the concept of the concept confronts and is located at the crux of this inter- (and intra)relationship rather than on one side of it.⁶ This makes concepts more exciting, useful, and intricate sites of sociopolitical change.

In the rest of this chapter, I introduce conceptual activism and address its relationship to prefiguration—the anticipatory enactment of sought-after meanings—before turning to the book's methodological ambition. This is a book about studying conceptual activism, about undertaking it, and about the value of reflexively tracing the processes involved in doing both. But it is also a book about a specific conceptual conflict. This conflict matters because of what it is doing to gender, feminist, trans, and queer politics, as well as for the glimpses (and sometimes pathways) it provides of a radically different gender landscape. The struggle over sex and gender also demonstrates the significance

of conceptual activism as a mode of social activity and as an interpretive frame.⁷ As such, it reveals the force and agility of concepts, their power to reach toward new horizons and reanchor previous ones.

Struggling over Gender: In Flight from and Captured by Sex

Struggles over the meaning of gender and sex, and how to access and exit their categories, have been long-standing in feminist politics, as social movement actors (collectively and as individuals) parse concepts of woman, gender, lesbian, sex, and more, using these concepts to secure competing political projects and to secure competing understandings of oppression, how to undo it, and the character of the group or class whose oppression is to be centered. In Britain, these conceptual struggles continue to mesh with others, over racism, socioeconomic class, queerness, disability, sex work, and trans politics, giving rise to different divisions and different sites of conflict. Taking place in the late 2010s and early 2020s in Britain, the struggle at the center of this book concerns the definition of woman and man, male and female, sex and gender, and the relationship between these concepts.⁸ While various opinions got voiced during this period, the primary division to mobilize and solidify across British public arenas was between gender-critical feminism, with its conception of sex as biological, binary, individually unchanging, and central to women's subordination and vulnerability, and a politics of gender-(as)-diversity, oriented to gender as an open-ended series of identity categories that are normatively equivalent and self-authorized.⁹ Outside Britain, right-wing forces, including conservative Christians, have been central players in opposing gender's reconceptualization as plural, flexible, and self-identified.¹⁰ However, strikingly, in the British context, they proved much less conspicuous. Instead, public leadership in opposing gender-(as)-diversity came from feminist and other women's organizations.¹¹

Older terms like the slur TERF (trans-exclusionary radical feminist), as well as gender-critical, can seem to imply that those named shared a stable common political project. But as this book explores, what coalesced at this time into a sex-based politics involved different conceptual threads. One thread was the long-standing feminist impetus to free people, women in particular, from gender-specific roles and inequalities. However, in the late 2010s, gender-critical approaches proved increasingly responsive to a different pressure, one we might describe as "sex nativism" (Cooper 2024), that was more concerned to revalue and naturalize sex than to dismantle gender as a social structure of unequal difference. While not all gender-critical feminists, at this time, were sex nativists,

it formed a significant tendency—sometimes explicit and sometimes latent—among opponents of gender-(as)-diversity. This was a tendency that privileged “first entrants” (those designated female at birth), with a skeptical resistance that often bled into outright hostility toward those joining the category “woman” through other routes. As such, it resonated with ethnic forms of nativism, mobilized in the lead-up to the 2016 Brexit vote and in its aftermath (see also John Clarke 2023). This nativism treats later entrants as always outsiders, whose attempts to belong (socially and culturally) threaten “real” members’ well-being, not least, it is claimed, by remaking what the category is and stands for (see also Franklin 2022). Sex nativism captures how the category of woman—and, sometimes, “sex” too—gets deemed to belong. Here national territory threatened with invasion combines with property discourse to characterize access by others, attempting to share the category, as a form of illegitimate seizure, taking over the category and depleting what remains for its rightful members (see chapter 3).¹²

The conservative resonance of sex nativism is strong. Yet, in attending to gender-critical politics in Britain, a distinctive feature has been the presence and active participation of women who self-identify as socialist or progressive.¹³ Concerned with the importance of sexed embodiment to women’s long histories of subordination and male power, and the need for women to organize as a sex-based class, gender-critical feminists have, at times, vehemently disputed the notion that recognizing the significance of sexed embodiment to women’s inequality is inherently antitrans or reactionary.¹⁴ Instead, they emphasize the importance of definitional clarity (in who counts as a woman or man) to equality laws and policies, how treatment as a woman depends on others’ perceptions rather than self-description, and the need to recognize the material reality (centered on the reproductive reality) of sex and sex-based subordination against what they perceive as the illusions and delusions of gender. Gender-critical feminism, for the most part, has also relied on a sharp division between meaning and materiality, with concepts approached as ideational tenets, validated by their capacity to depict a material reality that is distinct and separate (see chapter 1). As such, their conceptual ontology diverges significantly from the approach of this book, which understands the relationship between how meaning is imagined and materialized as far more enmeshed and coproduced. Given gender-critical reliance on the material/imaginary division, and the primacy they afford to sex (and given also the fact that others are critical of gender without being gender-critical), I use the term *sex realism* for this political project, to emphasize its reliance on the perceived reality and truth of sex as binary, individually fixed, and politically foundational.

Trans politics today stands as the protagonist of sex realism, including in ways that can problematically assume that trans and feminism are antithetical.

While the volume of recent writing on trans feminism (and transfeminism) counters this latter assumption, the terrain of this book is one in which trans women have become the very public target and impetus for sex-realist feminism's development, with trans men largely ignored. Defending trans people and trans rights, while opposing the precepts of sex-nativist expression and gender-critical sex realism, is what gender-(as)-diversity politics stands for.¹⁵ However, despite a shared commitment to this defense, as a conceptual constellation gender-(as)-diversity also faces competing pulls—from a multicultural politics of benign variety, committed to extending gender's categories, along with a deconstructive radical politics that, in different ways, seeks to disrupt, dismantle, or abolish the institution of gender and the meaningful distinctions that gender categories articulate.¹⁶ Since the conflict with sex realism has strongly influenced the public parameters of this politics—so that an affirmative, at times realist, approach to gender holds public sway—in this book gender-(as)-diversity refers to a political project that views minoritized and dissident genders as entitled to rights and protection, where equality consists of equal recognition and acceptance of different gender identities and expressions, and where gender diversity is seen to nourish social life and expression, and so is entitled to survive and thrive on its own terms. More generally, gender-(as)-diversity approaches gender as a valuable register of self-expression and social difference. Whether or not gender—as a way of ordering or making sense of difference—should be dismantled in the future remains open. But while gender remains a central aspect of everyday life, political agendas need to support self-definition and address the injuries that people with nonconforming gender identities and expressions face (see also Renz 2024). Sociocultural erasure, discrimination, and violence here form central addressable harms in an account of gender that is also about more than harm. In a social world that places tremendous stock on gender belonging, where personhood continues to be formed through gender, where gender remains a terrain of necessary self-expression and identification, along with pleasure for some (see chapter 5), gender's social affirmation is deemed essential. This point was underscored by a staff member at a trans organization who was interviewed for the Future of Legal Gender Project (introduced later in this chapter): “There is a spectrum, a wonderful spectrum of gender identities, including those gender identities that mean someone who doesn't have a gender as well.”

To the extent that gender-critical and gender-(as)-diversity politics (along with forerunners such as sex-positive and queer feminists, and revolutionary and radical lesbians) remained relatively insulated from one another, they could coexist, embedded within different communities of interest. Certainly, there were flashpoints, including over sex work, pornography, and BDSM, when laws,

policies, community organizing, and retail strategies propelled proponents of different sex and gender projects into confrontation. But the sustained and public contemporary struggle of this book, with its legal, political, social, and philosophical conflicts and dramas, is distinct—in its scale, visibility, fields and sites of power, enrollment of publics (including parents, children, religious women, sportswomen, sporting bodies, and women prisoners), and continuously escalating duration. Between 2018 and 2025, conflict over whether to informalize or reformatize gender, to render it more institutionally flexible or inflexible, crisscrossed a series of spaces, including government consultations on reforming the Gender Recognition Act 2004;¹⁷ school policies on sex-segregated toilets, sports, residential accommodation, and sex education;¹⁸ adolescents' access to trans-affirming health care;¹⁹ legal freedoms and equality law protections for gender-critical workers and speech acts in workplaces and social media;²⁰ trans women's placement in women's refuges and prisons;²¹ how to talk about the body in health care settings (e.g., "people with penises" rather than "men");²² trans women's access to positive action initiatives for women (such as all-women parliamentary shortlists);²³ the decennial census (specifically, how to ask about sex and gender, and what guidance to provide; see chapter 1); and trans-inclusive accreditation and benchmarking schemes for women's equality.²⁴

At one level, these different conflicts concerned gender transitioning and how it should be treated and regulated, as sex realists mobilized against liberalizing the procedure for formally changing one's legal sex and gender status (by means of a Gender Recognition Certificate), sought to curtail both formal and informal transitioning by young people (including at school), and aimed to limit the contexts in which a change in sex and gender would be treated as determinative, particularly when it came to positive action, sports, prisons, and women's refuges.²⁵ Thanks to gender-critical actions, a legal distinction, sex, that had been growing increasingly dim was recharged as those committed to excluding trans women from the category of woman mobilized. But, directly and indirectly, the battle was also about the conceptual meaning, more generally, of gender and sex, its categories, foundations, and normative valence; the conceptual relationship of gender inequality to other social relations (particularly race, class, and sexuality); the power and authority of different conceptions of gender and sex when it came to structuring law, policy, and social provision; and ontology, as the reality claimed for gender was pitted against the reality claimed for sex.

This book takes up the conceptual struggle over gender and sex, as a struggle between divergent activist projects that, thanks to media, law, and social movement activism, congealed into two opposing forces, to think about the politics and meaning of gender politics and change, including in relation to gender's

affirmation, proliferation, equalization, and abolition. To do so, it also pulls in conceptions of gender marginalized in this publicly staged conflict, particularly of gender as an institution (and so not simply about how other institutions are gendered). Approached institutionally, gender constitutes an assemblage (formal and informal) of practices, roles, procedures, rules, norms, embodied agents, tangible things, spaces and places, relations of power, and self-legitimizing ideologies persisting across space and time (see P. Martin 2004).²⁶ Institutional thinking has been criticized for being overly monolithic and structuralist, and these critiques are important. There is no single institutional order, such as The Patriarchy, or even a multitude of discrete stable patterns—gender formations and regimes change, subordinate and dissident forms exist, practices and projects push away from institutional norm founding and norm maintenance.²⁷ However, what an institutional account offers, against the prevailing focus on gender and sex as attributes of individuals, groups, and classes, is a depiction of gender and sex as patterned and societal, with some degree of stability, replenishment, power, and coherence. This pushes toward a politics that refuses current frameworks of interests and rights where identities, such as gender, constitute possessions or property deemed to belong and to accrue value (see chapters 3–5). However, while an institutional account supports society-level understandings of gender, gender's form may exceed even this framing. What if conceptual activism reimagines gender as monstrous—not that specific gender identities are monstrous, but that gender's form is one that cannot be pinned down to an existing and recognized shape?

Conceptual Activism and the Prefiguring of Meaning

The question of how to think about gender's form takes us to the ontology and politics of concepts. Conceptual meanings evolve and fluctuate thanks to the structural processes through which power relations of wealth, race, empire, gender, and more are expressed and formed. At the same time, conceptual meanings can be deliberately advanced and resisted.²⁸ Recognizing both structural and agentic aspects is important for conceptual activism. Without the former, conceptual activism can appear unlimited and unrestrained, a voluntaristic activity capable of expressing (and enacting) the infinite creative possibilities of human minds. Without the latter, conceptual activism is limited to the play of structural contradictions without the possibility for meaning to be deliberately reshaped, including against and away from dominant meanings. As both structured and agentic, conceptual activism takes a range of forms. It can involve deliberately destabilizing established meanings, which may involve excavating benign-seeming

concepts for the “bad” meanings they hold—markets, competition, and individualism, for example. It can involve developing new meanings that are imagined, sought after, and campaigned for; or enacting new meanings, materially, through forms of representation and accomplishment that anticipate or realize the meanings sought. Conceptual activism can involve changes in a concept’s register—tying concepts like gender and property to play, for example, to remove some of their gravity and significance (see chapter 5). It can involve practically developing meanings that seem extraordinary or bizarre, and treating them as if they were true; and it can involve recognizing practices through meanings that solidify and mark alternative sociomaterial cuts and joins (for instance, families of choice, or gender divorced from sex).

Conceptual activism is integral to social movement activity and to political projects—on the left and right: feminist, communist, anarchist, ecological, neoliberal, and neofascist, among others. And since development, resistance, and engagement with conceptual meaning are central to the tacit politics of everyday social practices, professional conduct, and state administration, conceptual activism is found in these spaces also. It is tempting to see conceptual activism as being about overt conflict and how meanings are deliberately (re)imagined, but one aim of this book is to expand this envisioning to take in the everyday and not overtly conflictual as well as how conceptual meanings materialize and are realized, whether as laws and policies or in living a nonbinary or agender life.

There are many critical frameworks for approaching the politics of conceptual meaning and the development of alternative understandings, knowledges, narratives, and discourse. Thus it may seem somewhat surprising that this book takes conceptual engineering as its springboard—a flourishing field, associated with analytic philosophy, that studies the deliberate recrafting of concepts (chapter 1)—since this book is not a work of analytic philosophy. Conceptual engineering, however, offers some helpful prompts and lines of analysis for thinking about the intentional recrafting of conceptual meaning, including the difficulties of doing so. It also offers an important foil for the approach to concepts and conceptual activism taken in this book.

Conceptual engineering involves assessing, improving, and replacing concepts for semantic and political reasons (see Burgess and Plunkett 2020), and conceptual activism focuses on the latter. Elizabeth Cantalamessa (2021, 49, 70) describes conceptual activism as taking place when “speakers make claims that they believe to be trivial, overstated, incomplete, or simply false as a means of pragmatically subverting the received use of a term or concept and to encourage their audience to lower their degree of confidence in their current concept or conceptual framework. . . . What matters in these cases is how someone’s use of a

term or concept aims to change how others use that term.” Cantalamessa’s (2021) account of conceptual activism focuses on the destabilization of existing meanings, anchored in conceptual engineering’s concern with concepts as tools designed by academics and others. In her work, concepts appear as linguistic devices that speakers deploy to affect how audiences think about and use a term (see Cantalamessa 2021, 54; also Sterken 2020 on strategic “linguistic interventions”).²⁹ This book carves some distance from conceptual engineering. It departs from the presupposition that conceptual activism is necessarily about more accurate representations or linguistic action, that it concerns meanings within an ideational realm distinct from material reality, or that it is principally undertaken by academics.³⁰ Challenging these precepts takes us to the ground of conceptual prefiguration.

Conceptual activism can be critical or hopeful, challenging or protective; it can be explicitly undertaken, or it can be the effects of institutional practices and currents. Yet across these different forms and registers, this book is oriented to conceptual activism informed by prefiguration—a mode of activity that treats conceptual meanings as if they were already otherwise, an otherwise that pulls against the grain of dominant existing understandings. Conceptual prefiguration is a bridge between conceptual activism and prefigurative politics, undertaking the former in ways informed by the latter. Prefiguration has become a revitalized site of political and academic attention in recent years as sociopolitical projects enact in the present the values, practices, and institutions associated with sought-after ends that may be (but don’t have to be) distant future ends, such as participatory democracy, ecological care, noncompetitive economic relations, communal property, and consensual nonmonogamy.³¹ As such, prefiguration rejects the transactional contract of representative politics, where activists campaign and pressure others—including governments but not only them—to introduce changes on their behalf.³² Prefiguration also opposes the notion that meaningful change cascades down. Instead, sought-after changes, including in meaning, are introduced and practiced, typically in small-scale, often dissident, ways to rehearse, advance, or experience the norms and practices of desired social life.

Conceptual prefiguration is both a new idea and an old one. Prefigurative politics has long involved the destabilization and dismantling of hegemonic meanings and understandings—countering and refusing the propertied individualism underpinning liberal notions of freedom, for example, or the heteronormative conjugal relationship underpinning imaginings of romantic or sexual intimacy. But in its concern with practice and the materialization of counterhegemonic social processes (from democratic people’s assemblies to communes), prefiguration has not given conceptual meaning a central spot. Prefiguring

targets new ways of living and organizing rather than their abstract contemplation; yet concepts are not just about abstract contemplation, and prefigurative politics also relies on new conceptual imaginaries. For instance, altered meanings of what democracy and households are help to transform, and provide the impetus for changing, how democracy or domestic households are practically done; while changing how democracy or households are done—reorganizing the materiality of these practices—changes what they mean.³³ This is an interactive process, but it is also more than that. As such, it complicates the tendency within some prefigurative thinking to aim for new forms of correspondence between reimagining and realizing concepts, where the lagging partner in the relationship is obliged (or compelled) to catch up.

Conventional conceptual work assumes that modes of thinking represent (or should represent) the world as it is and so are in a constant game of catch-up to be adequate to what is (where thinking and what is are clearly and stably differentiated). Conceptual prefiguration extends this relationship of correspondence to a hoped-for future, but it also recognizes that meanings which appear (especially to critics) to deliberately misrepresent the world may do politically valuable stuff.³⁴ Discussing trans-positive conceptions of gender, Robin Dembroff (2018) suggests that transgender politics should explicitly take up novel gender categories and meanings rather than rely on arguments grounded in the “real.” For Dembroff (2018) and other critical scholars working in this vein, privileging conceptual alignment in the present naturalizes (and so reinforces) oppressive relations and practices since these tend to be caught or supported by the “best” meaning. Dembroff (2018, 42) writes, “Identifying as having a gender that does not yet exist, even when these claims are false and largely unintelligible, can be a way to advocate for the construction of new gender kinds.” If concepts like the state, property, and gender remain tethered to established understandings, change may be possible, but it is limited. If gender, for instance, is held to a conventional meaning-account of woman and man as natural stable categories, progressive politics can reach for gender equality, but this is an equality predicated on the categories remaining in place, where $m > f$ in Janet Halley’s (2006) terms becomes, at best, $m = f$. However, if it is recognized, instead, that gender’s meanings can and will also change, that they do not correspond neatly and simply to what is “out there”—an out there that, like gender’s meaning, is also fractured, changing, uneven, and disputed—political possibilities become far more extensive: New gender identities emerge, new accounts arise about how gender is taken up (and what concept of gender is taken up), and the possibilities for gender as an institutional formation (or as a set of sociolegal categories) to be deproduced or dismantled surface (see chapter 3).³⁵

I have suggested that conceptual prefiguration foregrounds the importance of new conceptual meanings, but it also demonstrates the importance of practice to remaking meaning. Conceptual prefiguration does not take shape as a hope or wish for meanings to change, as in, “Wouldn’t it be wonderful if gender was understood as a plural, flexible form of self-expression devoid of asymmetrical power?” Nor does conceptual prefiguration operate through forms of activism that campaign for meaning to change. Conceptual prefiguration enacts meaning as if the change *has already happened*. Doing so—enacting new meanings of democracy, care, family, or the state—may be undertaken to anticipate their realization; it may also be done for other ends: to prompt, stimulate, and challenge, for instance, as I explore in chapter 3.³⁶ Nevertheless, across these different intentions, meanings remain prefigurative to the extent that they have not been ontologically realized, that their materialization remains illustrative, small-scale, or incomplete—out of joint with dominant regimes and, perhaps, out of joint too with prefigurative conceptual imaginaries as both continue to evolve.

Participatory democracy, ecological care, gender diversity: these compound terms can suggest that conceptual prefiguration remakes concepts in ways that stretch them toward positive meanings or versions of themselves. Thus, for leftists, the state might be reimagined as egalitarian, responsible, caring, nonsovereign, and democratic. But conceptual prefiguration also has a critical dimension when subjects act as if the negative meanings of objected-to concepts already formed part of the collective conceptual imagination.³⁷ Critical prefiguration advances the negative meanings of concepts such as property, individualism, and punishment that it would like to see installed, acting as if such meanings were already in place. Unlike positive conceptual prefiguration, the intention here is not to realize such meanings ontologically (however imperfect and temporary such realization is) but to create conceptual imaginaries that recognize and respond to already existing harms so that they can be identified and addressed. Michelle Dempsey and Matthew Lister (2016), for instance, explore sexual harassment and intersectionality as examples of a critical form of conceptual activism that creates new concepts to capture negative or problematic practices, enabling them to be discussed, analyzed, and framed as targets for legal and social remedies. Critical prefiguration may seek to eliminate concepts whose imaginaries appear irretrievably toxic (racist terms, for instance); or it may replace one concept by another as gender-critical feminists have done with sex and gender—where the cuts and joins organizing gender as a social concept of difference have been displaced by performatively biological ones of sex (see chapter 1). This gender-critical move has been enacted in grassroots publications and social media discourse; it has

also been enacted in litigation to reinterpret trans women as men and trans men as women, and to discount other gender identities.

Prefiguring negative meanings as well as positive ones can be done in the service of progressive or rightist political projects. This book focuses on conceptual meanings that seek to express more equal, freer, caring, ecologically sustainable worlds—or that are, at least, sufficiently expansive to encompass them.³⁸ Like other forms of prefigurative politics, prefigurative conceptualizing is an invitation. It is a stimulation and prompt—not a directive—of what concepts could come to mean, one that materializes in practices that treat the conceptual meanings in question as already valid (while knowing this may prove contentious). Conceptual prefiguration is part of a wider transformative politics, not a discrete isolated act, and, as an anticipatory change-based praxis, it is forward-facing, sometimes backward-facing (when justice is found in past places and times), and constantly on the move. Meanings may be described as new because they have not yet become institutionalized, but when it comes to institutions, there is no single, ultimate, progressive variant to install.³⁹ What appears reactionary or progressive keeps evolving (including as seemingly radical concepts—gay pride, rights of nature, for instance—get appropriated by powerful establishment bodies). Thus, while prefigurative talk of enacting sought-after ends may seem to signal ambitious meanings associated with a time ahead, for contemporary secular versions of prefiguration, such meanings do not fly back from a settled future but are “ends” that are thinkable and desired in the present. We do not know what aspirational progressive meanings (if any) will be carried by concepts, such as gender, property, or the state, across the coming decades.

Conceptual prefiguration works from the premise that conceptual meanings are plural and mutating. But does this approach cause problems for progressive politics given the strategic, evaluative, and transformative imperative to pin down relations of power and meaning? In the struggle over sex and gender, there have been several tense pressure points. One is the relationship between meanings that prefigure new possibilities and meanings that support critical understandings of current harms and exploitation. If gender is seen as elective and diverse, for example, can this sit comfortably alongside critical understandings of gender as a socially imposed, oppressive structure subjecting women and others to various forms of inequality? This question surfaced, with heat, during research I was undertaking with colleagues on the abolition of legal sex status (“decertification”), which I explore in chapter 3. Designing decertification as a speculative law reform proposal also had to confront a second pressure point, concerned with (in)stability and (in)consistency of status. Should conceptions of gender and

sex, and the categories they give rise to, be standardized and so consistent across different fields and sectors, or can it make sense, from a progressive conceptual activist perspective, for them to vary—so that how a person is hailed or categorized may diverge according to the context, as what it is to be a category member changes?⁴⁰ A third tension arising from conceptual plurality and change concerns the place of loose, uncertain, and discrepant definitions. In the conflict over gender, some gender-critical feminists argued sharply for stable common meanings of key terms. Kathleen Stock (2022, 34), for instance, criticized the reengineering tendencies of “ameliorative definitions,” “attempts to improve our concepts according to certain corrective visions, and to say what those meanings should be but currently are not.”⁴¹ Yet several policymakers and others interviewed for this book spoke in favor of less tied-down concepts, allowing meaning to change and diverge among stakeholders (see chapter 4). The stakes in this dispute over the specificity and looseness of conceptual meaning (whether concepts should be narrowly and explicitly tailored or more expansive and flexible) came vividly to the fore in the conflict over the 2021 Census for England and Wales and how to ask about sex and gender (see chapter 1).

Developing Conceptual Activist Methods

This book approaches progressive conceptual activism from a prefigurative vantage point, concerned with how meaning gets remade. Caitlin Gunn (2019, 16) talks about “radical speculation” within Black emancipatory politics, stating that it “enables us to imagine futures, reclaim histories, and create alternate realities.” Prefigurative conceptual activism does something similar. Against the depiction of concepts as arid, siloed, eviscerated abstractions, it retrieves and resituates concepts as lively, evolving, material, and powerful (see chapter 2).

More generally, conceptual activism becomes something to study and undertake (a studying that can also be an undertaking and vice versa). As a site of study, conceptual activism provides a way of understanding political projects and their conflicts that foregrounds change, resilience, and disputes in how concepts are imagined and enacted. By focusing on specific concepts, such as gender, property, play, and economy, studying conceptual activism brings to the fore the networks of meaning that concepts consist of and that they carry. Sometimes these come publicly and vocally to the fore, as with the conceptual relationship of woman to sex, protection, and girls, which gender-critical feminism asserts and, also, has materially advanced (see chapter 1). But conceptual activism can also identify quieter, more tacit practices that fortify conceptual connections, including new ones, and that naturalize them as common sense (chapter 4).

This book addresses the conceptual activism of different bodies, including trade unions, community organizations, local government, and regulatory agencies. It also explores academic conceptual activism, both as a concept adopted to study the meaning-politics of others and as something to undertake. But what does it mean to undertake academic conceptual activism? Does it mean academics engaging in grassroots activism or, conversely, pursuing abstract explorations of concepts? Academics can do conceptual activism on their computers, on the committees they sit on, on marches and protests, in interactions with state officials, and in their food shopping and traveling, among other sites and activities. But the academic conceptual activism on which I focus concerns the development of new conceptual imaginaries and the material processes involved.⁴² I want to approach this way of doing academic conceptual activism as a “manner of proceeding” (Holbraad and Pedersen 2017, 41) attuned to what Klag and Langley (2013, 151, 161) describe as “conceptual leaps,” where “dialectic tensions: between deliberation and serendipity; between engagement and detachment; between knowing and not knowing; and between self-expression and social connection” pull thinking away from “well-worn” grooves (see also Wicker 1985).

Social justice and progressive scholarship, more generally, have long confronted the challenge of how to imagine concepts against (and beyond) the grain of current hegemonic understandings and away from methods that focus on immanent reparative work (identifying and repairing internal contradictions and slides in meaning).⁴³ J. K. Gibson-Graham (2008, 620), the pen name of social geographers Katherine Gibson and Julie Graham, suggest “thinking techniques” that include “ontological reframing to produce the ground of possibility; re-reading to uncover or excavate the possible; and creativity to generate actual possibilities where none formerly existed.” Gibson-Graham use these techniques to rethink economy, to demonstrate how expansive noncapitalist economies already are, refusing to let capitalism monopolize its conceptual terrain (see chapter 3).

When it comes to academics developing alternative conceptual meanings, small-scale enactments often play an important role. This is where much work on everyday utopias and prefigurative practice sits. While there is a tendency to focus on the meanings that alternative communities explicitly invoke, minor-stream social practices can also prompt new academic imaginaries, including by partnering sites with incongruous-seeming concepts. In *Everyday Utopias*, I adopted this method to study, among other things, equality through nudism, care at a casual sex place for women, and property at a democratic free school (see Cooper 2014). Orthogonal pairings can prove

fruitful for reimagining concepts—not least because the concepts in question have not been publicly and explicitly labored over in relation to the space or organization studied. As a result, good-sense and commonsense conceptual grooves have not hardened and deepened (at least not in relation to this specific concept). This makes it easier to consider different cuts and joins, and to stretch or fold a concept into new shapes. This facility also applies to unlikely conceptual pairs. Lack of an immediate and obvious connection draws contact along new pathways—for instance, when concepts of touch and equality connect, or markets and play.

With their practical and imaginative resources for progressive change, including conceptual change, alternative micro-spaces and practices have been subject to a proliferation of studies in recent years. While oversaturation does not appear to be a problem, academic conceptual activism can also benefit from a wider array of research resources, including sites and practices that do not seem, straightforwardly, to support progressive conceptual development. One I turned to, in the late 2010s, was a transnational legal drama then taking place as conservative Christian organizations and businesses withdrew membership, goods, and services from lesbians and gay men, and liberal governmental bodies, in response, withdrew contracts, promotions, subsidies, and recognition from conservative Christians. Drawing on a strikingly large number of legal cases from the US, Canada, and the UK, I considered whether such a legal drama could prompt innovative progressive ways of reimagining the state.⁴⁴ This was not through revaluing conservative accounts of the state, nor through siding with conservative Christian anxieties, but by adopting a queer, utopian method that worked with the legal drama and, particularly, the judicial narratives it generated to reimagine what it could mean to be a state, a journey routed through state heterogeneity, plurality, playfulness, and the erotic.⁴⁵

Building on the conceptual methods developed in relation to everyday utopias, on the one hand, and conservative (dissident) minor-stream practices, on the other, this book attends to the practices of academics, policymakers, and others who use their institutional position in mainstream public bodies for progressive praxis (see also J. Newman 2012). In other words, this book is about everyday conceptual activism in spaces that are not normally associated with it (since conceptual activism is more commonly associated with nonstate social movements, or the conceptual creativity of theorists). Conceptual activism by academics, policymakers, trade unionists, and others does not necessarily collide with the bodies that host it. While it may do so, mainstream public organizations, such as universities, local government, and trade unions, often authorize (or at least don't fight) the take-up of progressive meanings that are emerging as new

common sense, including in public service provision, positive action initiatives, funding decisions, academic writing, and publicly funded speculative projects. But as this book explores, such authorizations cannot be assumed and may not last. Mainstream public organizations may resist or shut down specific avenues of conceptual activist practice (often alongside or while opening others), particularly when the costs (and not just the financial costs) of a particular conceptual activist project appear too high.

In the chapters that follow, I weave together three primary threads: the concept in and of conceptual activism, gender-based conceptual activism in Britain in the late 2010s and early 2020s, and prefigurative conceptual methods, focusing particularly on the place of partner concepts. These last enter as analytical aids but quickly get lifted, turned around, and transformed as they become sites, themselves, of political reimagining. In this book, I explore the interactions between these partner concepts through the figure of the dance. This figure provides a way of tracing how concepts move in relation to each other, especially when new or unexpected partnerships are introduced, such as between property and play. These introductions may prompt thinking about new dances—new ways of organizing the imagined and material relationship between concepts—but they also trace dances already underway, understood in other terms.

To undertake this conceptual engagement, I draw on a diverse set of academic literatures on gender politics, regulation, concept-making, speculative law, policy practice, cooperative economies, property, and play. I also draw on three sets of interviews with actors studying and engaged in conceptual activism. Between 2022 and 2024, I conducted twenty-three interviews with academics whose work involved (and combined) progressive conceptual analysis, empirical research, and utopian or prefigurative studies.⁴⁶ From 2023 to 2024, I also undertook twelve interviews with (mainly senior) staff working in equality governance in local governments, trade unions, and regulatory bodies in Britain. This supplemented a third, earlier set of about seventy interviews with equality governance actors carried out between 2018 and 2021, for a prior collaborative research project, the Future of Legal Gender.⁴⁷ This project also generated other data, drawn on in this book, specifically a speculative legislative proposal to “decertify” sex and gender. This imaginary legal proposal sought to abolish the formal legal status accorded to both sex and gender as aspects of legal personhood (while leaving the concepts of sex and, more particularly, gender available for progressive legal uses).⁴⁸ In conditions of decertification, people would no longer have a legally imposed or secured sex or gender, something currently experienced through birth certificate registration and, for some people, through formal revision later on. However, it would not stop law and government

from using these (or similar) categories for reparative purposes. Role-playing institutional processes is a conventional method for learning how institutions, such as Parliament, the United Nations, or courts, work. Elsewhere, I have explored institutional role-play-with-revisions—where tribunals, legal judgments, and claims to statehood have been politically, sometimes wittily, appropriated to advance social justice projects—a form of institutional appropriation that, daringly but also caringly, tends to an apparatus ostensibly owned by others.⁴⁹ Here I consider what designing a speculative radical law might contribute to deproducing gender, and what the limits and challenges of deproducing gender might be.

Chapter Outlines

Chapter 1 begins by locating conceptual activism within the explosion of recent literature on conceptual engineering. Work on conceptual engineering addresses the different ways that concepts can be revised, and the challenges such revisions face. While some work in this field recognizes the impact of material conditions on conceptual engineering—depressing, for instance, the likelihood that new meanings will be taken up—conceptual engineering tends to presume a clear and settled distinction between meaning and materiality, with concepts assigned to the domain of the former. Chapter 1 argues for a different understanding. It unpicks the meaning/materiality distinction to suggest an approach that foregrounds the multifaceted and complex relations between how conceptual meaning is imagined and how it materializes over time, then explores this approach through a study of the conceptual conflict that arose over how to ask about sex and gender in the 2021 Census in England and Wales. This conflict ended up in court, as gender-critical forces challenged the proposed official guidance on answering the sex question, claiming it improperly permitted informal sex identifications to be given. Tracing this conflict, through its escalation over several years, reveals the different conceptual activisms in play, and the contribution that interactions and contexts made to how sex and gender meanings got manifested. In other words, conceptual meanings cannot simply be tracked back to organizational and movement actors holding independent, stable, antagonistic understandings.

Conceptual activism takes shape in and through specific concepts: gender, property, the state, economy, and so on. While attention usually centers on those specific concepts, an important dimension of how concepts are imagined and actualized concerns the imagining and actualization of the concept *qua* concept itself. Chapter 1 addresses the concept in terms of the relationship between

meaning's imagining and materiality; chapter 2 turns to a different conceptual dimension, namely of form, and the work that conceptual form does. Drawing on interviews with twenty-three academics, the chapter considers four forms (or shapes) that concepts assume—of aid, world, current, and cell—and explores how conceptual activism works with these different forms. The concept as aid focuses on what concepts do as instruments of use; the world approaches concepts as spaces of inhabitation, of tending, remaking, and occupation; the current foregrounds the force of concepts as they shape and sustain their environment and affect what actors do; and the cell offers a bounded form that moves and travels within a host environment that it nourishes, protects, and sometimes attacks. These figures can be read as metaphors for the concept, but this chapter offers a different approach. Taking up the idea of dance, it treats these four figures as different moves that the concept in conceptual activism assumes, both concurrently and sequentially. In other words, the concept does not come to these figures already formed but takes its shape and affordances from the ways that these figures are enacted and combine.

While chapter 2 focuses on the solo dance, chapter 3 takes up the figure of the dance as a partnering—here with the concepts of gender, decertification, and economy. It explores this partnership through three different dances that the proposal to abolish legal sex status brings into play: the speculative law reform proposal, imagined regulatory reform, and gender's hoped-for future. Decertification of sex and gender is typically approached as a governmental and administrative concern; this chapter approaches it, instead, as an economic move. Central to this chapter's analysis is an account of economy that reaches beyond capitalist markets to foreground relations of making, allocating, holding, using, and disposing that can be applied to a wide variety of things, including relations, statuses, policies, proposals, and values. Bringing economy in demonstrates aspects of dismantling a governmental mechanism, like legal sex, that can be missed in other conceptual partnerships. The commercial literature on certification is useful here in understanding what the decertification of sex and gender takes away. But the concept of economy does not just offer an analytical vantage point or interpretive tool. It also poses questions and thoughtways for gender politics: What should be done when gender is approached as something that is made, allocated, acquired, and used? In turn, this partnership also poses questions and thoughtways for the concept of economy. Approaching economy through decertification demonstrates a form of conceptual activism that reimagines what economy means through forms of making, allocating, holding, and using not typically thought of as economic. Building on the work of J. K. Gibson-Graham and others, this account extends ways of thinking about economy—and what

economic relations could entail—beyond capitalism’s exploitative relations of production, exchange, waste, and competition.

Chapter 3 focuses on ways of reimagining gender, decertification, and the concept of economy; chapter 4, by contrast, turns to gender’s rematerialization through the policy practice of British public bodies between 2018 and 2025. At the heart of this chapter are the new gender meanings actualized in policies, provisions, and ad hoc initiatives—of gender as self-declared, changeable, and plural—the resistance and opposition that materializing these meanings faced, and the consequences of such resistance, including for trans, nonbinary, genderqueer, and agender subjects. Conceptual meaning is not epiphenomenal. The stakes can be high in how concepts are manifested and in what follows—in terms of what is made available, prohibited, expected, and produced, thanks to the meanings of sex and gender that materialize. To explore this interplay, I approach the purposive activities of public bodies and their staff as a form of activism. Describing public bodies in this way is not uncontentious given the more familiar tendency in critical scholarship to tie activism to partisan grassroots practice, and to see public bodies’ emphasis on balance and common sense as diluting activism, especially the activism of radical beyond-the-state projects. Without negating the value of this critique, the chapter considers a more expansive concept of activism. It draws on writing about tacit, quiet, and institutional activism to explore public bodies’ conduct and the different repertoires of resources and techniques that they accessed. My discussion centers on three features of public bodies’ activism: reliance on common sense to legitimize and give direction to action, a care-full attention toward contrasting views, and relations of responsible attachment toward the objected-to meanings that also get expressed. This last emphasizes an important aspect of conceptual activism. While conceptual activism can involve advancing meanings that an organizational body or actors are committed to, it can also involve responding to the manifestation of meanings that a body or its actors oppose but that takes place within it, as responsibility is collectively taken for meanings as troublesome attachments. In studying how bodies do conceptual activism and how they respond to the conceptual activism of others, the chapter also turns to slow activism as a form of activism that is hesitant, ambitious, persistent, and care-full against the spectacular, explicitly adversarial character of its faster counterparts.

Chapters 1–4 approach conceptual activism as something undertaken seriously—whether in critiquing and practically dismantling the institutionalization of oppressive meanings or in designing and manifesting more progressive ones. But conceptual activism can also assume other registers, and chapter 5 explores one instance of this with play. The chapter considers what play brings

to gender-based conceptual activism, starting with the question of whether play might provide a bounded, contained space within which gender could endure in conditions of its wider overcoming. In other words, if gender were to be severed from institutionalized relations of power, where might it then reside for those who continue to find it pleasurable and meaningful? The notion of gender being cubbyholed by play, however, is problematic on several fronts, as the chapter explores. But if this is the case, what can play offer? To explore this question, the chapter turns to a parallel institutional concept—property. Using examples of property play, from graffitiing and trespassing to PARK(ing) Day events, state free-running, and urban gardening, the chapter explores how play can help to resist property, establish currents that carry property’s repurposing, and form cells of activity that validate and animate property’s reimagining. In the final discussion, I turn to the prompts that property play offers for thinking about gender play as a form of conceptual activism, attending to the strengths and challenges of play as a polymorphic concept. The concluding chapter draws together the book’s main threads: the struggle for gender’s future, the morphology of concepts, and methods for undertaking and studying conceptual activism. In doing so, I consider the relationship and tension between conceptual activism oriented to gender’s overcoming and gender dissidence; the moves, economies, and meta-categories that gender concepts relate to; and the value of solo, coupled, and larger dances for prefigurative conceptual studies.

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Notes

INTRODUCTION

1. The full title of Kuang's novel is *Babel: Or the Necessity of Violence: An Arcane History of the Oxford Translators' Revolution*.

2. See, for instance, *Phoenix v. The Open University* ET 3322700/2021 & 3323841/2021, para. 559, describing the claimant's gender-critical beliefs.

3. For *Women Scotland Ltd v. The Scottish Ministers* [2025] UKSC 16.

4. The term gender-(as)-diversity captures both the notion that gender gives rise to diverse subcategories (which, despite their unequal power, should be treated as equally legitimate) and the notion that gender itself is valued as an expression of diversity.

5. When concepts are depicted as purely ideational, the question of conceptual materiality sits outside the contours of the concept—often emerging as a question of implementation, with all the challenges that uptake of new meanings face (see chapter 1). If the concept, by contrast, is formed around and in the relationship between imagining and actualization, complex questions about materiality and materialization become constitutive of the concept itself. This becomes apparent in relation to conceptual activism. Reconceptualization is not an act of reinterpretation in which the targets of conceptualization form stable objects that are then viewed through a multiplicity of lenses. Reconceptualization reworks ontological boundaries, cuts, and joins also. This involves changes in understanding—collective as well as individual (or individual-in-relation). It also involves material social practices. The social fabric can be ideationally cut and joined in multiple ways (for instance, the elements deemed to compose sex), but material cuts and joins will also play a part here in shaping which imagined cuts and joins seem more useful or resonant, even as forces will disagree and struggle over what these are.

6. The relationship (including intrarelationship) of imagining and materiality developed in this book draws on Karen Barad's work: see Barad 2007, 2014; also Barad and Gandorfer 2021.

7. In this conflict, conceptual activism centers categories and boundaries, and how they are produced, accessed, gained, and used. At the same time, struggles such as this one

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over categories and boundaries also draw in other aspects of how meaning is organized, including beliefs about the real, and how concepts are felt, heard, and seen.

8. For different perspectives on the British conflict, see Butler 2025; Cooper 2019b; Hines 2020; Pearce et al. 2020; A. Sullivan 2021.

9. I have briefly explained my use of gender-(as)-diversity in note 4. For gender-critical approaches to gender and sex, see, for instance, Lawford-Smith 2022; Stock 2021. Use of the term gender-critical to describe this politics is itself contested. Objectors argue that other feminist politics are also critical of gender and prefer to use other terms for sex-realist accounts. In this book, I use the term gender-critical when referring to proponents' self-identification. My use of the hyphen indicates a distinct political project rather than simply being a critical account of gender.

10. There is a rapidly growing literature on conservative antitrans politics—framed also as antigender or as “heteroactivism.” See, for instance, K. Browne and Nash 2017; Butler 2025; Lamble 2024; Nash and Browne 2020.

11. See, for instance, Woman's Place UK, home page, accessed December 4, 2025, <https://womansplaceuk.org/>; Fair Play for Women, home page, accessed December 4, 2025, <https://fairplayforwomen.com/>; Sex Matters, home page, accessed December 4, 2025, <https://sex-matters.org/>.

12. For further discussion on gender as property, see Cooper and Renz 2016; Davies 1994; Decoster 2024. This line of thinking is indebted to Cheryl Harris's (1993) work on whiteness as property. For an interesting account exploring feelings of loss of power among those opposing gender-(as)-diversity, see K. Browne and Nash 2023.

13. See, for instance, Pedersen (2022) discussing the views and mobilization among Scottish feminists against liberalization of the procedure for gender transitioning in Scotland.

14. Meanwhile others have drawn parallels and connections between some strands of gender-critical politics and transnational, largely right-wing, “antigender” politics: see Bassi and LaFleur 2022; Hemmings 2022; Lamble 2024; Thurlow 2022. In Britain, rightist support for a binary, sex-based account of women and men got publicly demonstrated through conservative Christian litigation, government policy decisions, and coverage of gender-critical feminist perspectives in rightist newspapers and online platforms. For discussion of the links in Britain between gender-critical and rightist politics, see also Hines 2025.

15. Some trans activists also use the concept of sex but have interpreted it in more fluid and plural ways than sex-realist politics does; see also chapter 1.

16. On gender abolition and its stakes within left materialist and contemporary communist politics, see discussion in Belinsky 2019; Escalante 2018; Gleeson 2017. For other work on disrupting gender within gender-(as)-diversity politics, see discussion in Bey 2022; Wang 2023.

17. See Fairbairn et al. 2022.

18. See also Mermaids, an organization “supporting trans, non-binary and gender-diverse children, young people and their families,” and Transgender Trend, a British organization that collates resources and produces materials offering counterperspectives to those seen as trans-affirming for children and teenagers: Mermaids, home page,

accessed December 4, 2025, <https://mermaidsuk.org.uk/>; Transgender Trend, home page, accessed December 4, 2025, <https://www.transgendertrend.com/>.

19. See Chua 2023; Garland and Travis 2025; Cass 2024.

20. Gender-critical beliefs have been legally recognized as “philosophical beliefs.” This makes them a “protected characteristic” within British equality law, entitled to protection from discrimination and harassment (broadly analogous to religious belief). The leading case is *Forstater v. CGD Europe and Others* UKEAT/0105/20/101; see also *Phoenix v. The Open University* 3322700/2021 & 3323841/2021; *Pitt v. Cambridgeshire County Council* 3311160/2023; *Adams v. Edinburgh Rape Crisis Centre* 4102236/2023 & 4103479/2023; *Esses v. The Metanoia Institute* 2206164/2021 & 2206708/2021; *Bailey v. Stonewall Equality Limited and Garden Court Chambers Limited* [2024] EAT 119, see also [2025] EWC Civ 1662; *Orwin v. East Riding of Yorkshire Council* 6000146/2022; *Lister v. New College Swindon* 1404223/2022; *Ali v. Reason and Nott* 100CL858; *Meade v. Westminster City Council and Social Work England* 2201792/2022 & 2211483/2022. For discussion of newspaper support for gender-critical politics and academics in Britain, see Shaw 2023.

21. In relation to prison policy during this period, see *R (FDJ) v. Secretary of State for Justice* [2021] EWHC 1746 (Admin); see also Lamble 2025. On women’s refuges, see Renz 2023.

22. For example, see “Brighton NHS Trust Introduces New Trans-Friendly Terms,” BBC, February 10, 2021, <https://www.bbc.co.uk/news/uk-england-sussex-56007728>.

23. I discuss this further in Cooper 2022.

24. Opposition was expressed toward schemes run by Stonewall, an organization that advocated for equal rights for LGBTQ+ people, and Advance HE’s Athena Swan, an accreditation framework to support and advance gender equality within higher education and research. For a critical account of Athena Swan’s take-up of gender identity, as “policy capture” by activists, see Armstrong and Sullivan 2023; and for a critical account of participation in Stonewall’s trans-positive scheme for employers, see Cunningham 2021.

25. See, for instance, the Supreme Court decision in *For Women Scotland Ltd v. The Scottish Ministers* [2025] UKSC 16.

26. For other accounts of gender in this vein, see Cooper 2020a; Lorber 2000; Risman 2004. Approached institutionally, gender coexists with other institutional concepts, such as law, property, and the state, which it helps to shape, is shaped by, and meshes with.

27. For a concept like gender, in contemporary Britain, it is more helpful to see institutionalization as a process that evolves, that is plural—with dominant and minor variations emerging—and that is held in place but also subject to destabilizations.

28. Conflict over conceptual meaning is explored through Gallie’s (1955–56) frame of “essentially contested concepts” (e.g., see Reitan 2001). But it is also explored through other concepts and frameworks, including agonism, discourse, dissensus, and ideology.

29. In a footnote, Cantalamessa (2021, 57) notes that conceptual activism may also be done nonverbally.

30. Explored more fully in chapter 1, my approach to concepts and their development avoids treating them just as units of language or ways of using language. Concepts have a material dimension, as meaning gets enacted and manifested, while also being materially shaped, prompted, and pressed on by inequalities of power, exploitation, and oppression, as well as by resistance, political struggle, and prefigurative practices.

31. Viviana Asara and Giorgos Kallis (2023) provide a helpful account of key elements of prefigurative politics. These are (1) the refusal to divide means from ends. Political ends (or objectives) operate as means, while the means of sociopolitical change are lived as a kind of end. Prefiguration offers a counterpoint to the conventional political logic, exemplified by militaristic and vanguard strategies, that the ends can justify the means and so rationalize violent, cruel, undemocratic processes and practices. Prefigurative politics argues that the dangers of violent, cruel, and undemocratic “means” lie not only in how they damagingly shape what ensues but in how they cannot be distinguished from what ensues since there is no final “ends” vantage point from which prior action can be assessed. (2) The future can be rehearsed or anticipated. This typically involves small-scale or representational practices. (3) The present is lived as if it were otherwise. While the “as if” gestures to the fictive or simulated character of what is done, it also signals an assertive refusal to conform to and sustain hegemonic practices. Instead, the world that is sought is attempted. This is closely linked to the anarchist principle of building something new in the skin of the old. Rather than approach change as a top-down governmental process or as necessitating the direct dismantling of a society’s established shape, new practices develop subdermally, causing the old skin of society to eventually wither and die as nothing within its casing any longer sustains it. In its place, a new societal skin emerges. For contemporary scholarship on prefigurative politics, see, for example, Ashar 2023; Maeckelbergh 2011; Monticelli 2022; Swain 2019; Yates 2021.

32. Tom Kemp (2023) develops a parallel analysis in his account of postrepresentational refugee detention politics.

33. Conceptual prefiguration could tie democracy to participatory rather than representative practices, or to lottery-based selections rather than elections (Gibbons 2024). It could revise the acts that constitute a democratic taking part or the scale and spatial boundaries of participation (extending electoral democracy, for instance, to all those affected by an election’s outcome rather than those living in a narrowly defined territorial space). It might also extend democratic participation to nonhuman forms of life.

34. At the same time, conceptual engineering tends to rely on relations of correspondence (if not present, then optimistically anticipated) to explain what concepts are and do (see chapter 1).

35. We can observe something similar with the institutional concept of the state. If the state remains conceptually imagined as a hierarchical apparatus of governmental bodies within a defined national territory, it can be reformed, but more radical ways of doing government remain outside the conceptual parameters of stateness (see Cooper 2019a). Some may argue that this is right; that there is no good reason to draw more radical forms of governance into a state imaginary—better to abandon or limit the concept of the state and recognize radical governing possibilities in other ways. Yet established terms like the state—or gender or property—have authority and familiarity, and this can sometimes prove beneficial. Refusing to take up a revised concept of the state, for instance, for progressive politics may not only perpetuate a politics of purity (as concepts that are deemed contaminated become abandoned) but also romanticize the outside (civil society, grass roots) while depending on and reinforcing the distinction between state and nonstate. This leaves dominant concepts of the state, with all their power and eminence, free for

conservatives to monopolize. In analytic philosophy, some suggest that reconceptualizing produces new concepts and so, while the same term is used—for example, the state—this is not the same concept. I agree that, in reimagining the state, the concept of the state has changed; yet this state concept is not a bounded thing, sitting within a solar system of similarly bounded conceptual things. Concepts carry complex networks in ways that can make an investment in sharp boundary-drawing, between overlapping and changing concepts, unproductive. At the same time, when it comes to material forms of manifestation, such boundary-drawing is at the heart of many political struggles, as this book explores.

36. Jacques Derrida's work on unconditional concepts also reaches toward utopian notions of what concepts could mean—simultaneously depicting such limitless and unthinkable meanings as both impossible and necessary. In relation to justice and law, Derrida (2001) writes, "Despite this absolute radical heterogeneity between the two, they are indissociable. . . . Why? Because if you want to be just, you have to improve the law. And if you improve the law—that is, deconstruct the previous system—it is in order to be more just, to tend to justice." More generally, we might think of unconditional concepts as social imaginaries that guide, stretch, inspire, and counter the conditional practical ways in which certain normative concepts become operationalized or manifested.

37. Feminist writers and activists, for instance, have sought to redefine concepts, for reparative or ameliorative purposes, in ways that make negative qualities constitutive of what it is to be that thing. Sally Haslanger's (2000) subordination-based approach to what it is to be a woman is a good example of this, causing some to ask whether the UK's late Queen Elizabeth II would fall outside, and so not count as a woman (e.g., Carlson 2010, 63; see further discussion in chapter 1). Other feminist scholars, emerging from different traditions, have also treated oppression as determinative of the conceptual categories of woman and man. Monique Wittig (1996, 26), for instance, writes, "It is oppression that creates sex and not the contrary."

38. Importantly, a critical relationship to objected-to concepts is different from conceptual prefiguration undertaken by right-wing forces—who act as if the meanings that they seek (such as the neoliberal corporate state) are right and proper, as they combine new imaginaries and practical policy agendas. Prefiguration, it is important to note, is not the exclusive preserve of progressive or leftist forces.

39. Judith Butler (2004, 204) writes, "It is not a question merely of producing a new future for genders that do not yet exist. . . . It is a question of developing, within law, within psychiatry, within social and literary theory, a new legitimating lexicon for the gender complexity that we have always been living. Because the norms governing reality have not admitted these forms to be real, we will, of necessity, call them new."

40. This contextuality is commonplace for some social categories, such as disability; yet, as critics have argued, it has proved immensely harmful for people faced with nonhegemonic gender and sex identity statuses; see, for instance, Currah 2022; Spade 2015.

41. Kathleen Stock (2022, 41) proposes instead that sex-based concepts are needed "as traditionally understood, for efficient causal explanation and prediction."

42. These material processes include the vast networks of things that shape academic work, from places and temporal rhythms to news stories, events, and dreams. This book, however, focuses on created academic data, particularly empirical data—including

interviews, observations, legal judgments, and the experience of producing a speculative legal proposal.

43. These ideas are also developed in work on the utopian imagination; see, for instance, Salmenniemi et al. 2024.

44. The account focused on English-speaking common-law jurisdictions. A small handful of cases also arose in Australia and South Africa. See Cooper 2019a.

45. For further discussion along similar lines, see Locke 2007.

46. Interviewees varied in their methodological orientation, and not all undertook empirical research. Conversations with them do not appear, in this book, as findings that bring us closer to the truth of academic or policy practice, but as stimuli to think with and alongside—a method indebted to John Clarke’s (2019a) “critical dialogues” project.

47. The main body of interviews are now in the public domain. See Cooper et al. 2023.

48. Publications from the project included two special issues, one in *Feminists@Law*, the other in *Feminist Legal Studies*; see Cooper et al. 2020; Cooper and Renz 2023.

49. See, for instance, Cooper 2016, 2019a.

I. MATERIALIZING THE CONCEPT

1. See also English 2025; A. Sullivan 2021. And see Vivienne et al. 2021 on how other contemporary censuses are approaching sex and gender.

2. See “Question 2—Your Sex,” 2011 Census in England, National Archives, https://webarchive.nationalarchives.gov.uk/ukgwa/20110324104313/http://help.census.gov.uk/wales/help/help-and-information/Aboutthequestions/Individualquestions1to15/Topics/Question2Yoursex_U0002B.html; see also Duke-Williams, n.d.

3. See “Information Pertaining to the ONS Roundtable on 24 June 2020,” ONS, August 12, 2020, <https://www.ons.gov.uk/aboutus/transparencyandgovernance/freedomofinformationfoi/informationpertainingtotheonsroundtableon24june2020>.

4. This chapter draws primarily on more general work on conceptual engineering rather than discussions specific to concepts of woman, gender identity, sex, and so on. For further philosophical discussion within this vein (and related ones) on who counts as a woman and how woman is defined, or otherwise approached, see, for instance, Barnes 2019; Haslanger 2000; Jenkins 2016, 2023; Simion 2018a. There is also a contemporary literature on how to define and conceptually approach gender identity: for example, Cosker-Rowland 2023.

5. For further discussion on the challenges and value of “conceptual disruption,” see Löhr 2022; and on concerns about “linguistic confusion,” see Mikkola 2009, 569–72.

6. Mona Simion (2018b, 924, 921) suggests one solution is to “give[] primacy to epistemic normative constraints in setting the normative boundaries for the ameliorative ambition.” She writes, “If the conceptual engineering program is likely to leave us with concepts that fail us epistemically, devoid of representational devices that we can employ in exploring the world around us, then maybe we should set our engineering ambitions aside. What the program needs is a normative limiting recipe.” However, Simion recognizes that social justice reasons for engineering cannot always be disentangled from epistemic ones since injustices typically shape our conceptual repertoire and perspectives.