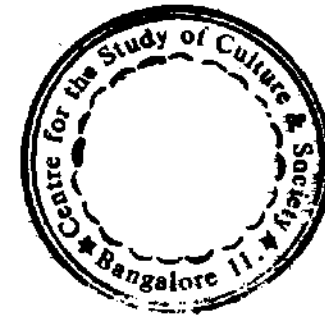


*What is a Woman?
And Other Essays*

TORIL MOI



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What Is a Woman? Sex, Gender, and the Body in Feminist Theory

INTRODUCTION

Since the 1960s English-speaking feminists have routinely distinguished between *sex* as a biological and *gender* as a social or cultural category. The sex/gender distinction provides the basic framework for a great deal of feminist theory, and it has become widely accepted in society at large.¹ Over the past ten years or so, the distinction has nevertheless become highly contentious among feminist theorists. Feminists inspired by psychoanalysis, French feminist theory, and queer theory have questioned its value.² Poststructuralist theorists of sex and gender such as Donna Haraway and Judith Butler have subjected it to merciless critique.³

I want to thank Kate Bartlett, Sarah Beckwith, Sara Danius, Terry Eagleton, Maria Farland, Sibylle Fischer, Sally Haslanger, Julia Hell, Alice Kaplan, Eva Lundgren-Gothlin, Diana Knight, Walter Benn Michaels, Mats Rosengren, Vigdis Songe-Møller, Martin Stone, Lisa Van Alstyne, and Jennifer Wicke for much needed critical feedback on earlier versions of this essay. The fabulous participants in my seminar on 'Sex, Gender and the Body' at the School of Criticism and Theory at Cornell University in the summer of 1997 helped me to put the finishing touches to this paper.

¹ Handbooks in non-sexist usage routinely recommend that we use 'sex to mean the biological categories of male and female and gender to designate the cultural and other kinds of identities and attributions associated with each sex' (Frank and Treichler 14).

² Moira Gatens's eloquent 1983 defence of the concept of sexuality is the best and earliest example of a psychoanalytic critique of the sex/gender distinction. Eve Sedgwick's discussion of the distinction in *Epistemology of the Closet* exemplifies the queer critique. Tina Chanter argues that the sex/gender distinction makes it impossible to understand French psychoanalytically inspired feminism, and particularly the work of Luce Irigaray.

³ Here and throughout this essay, I use the term 'poststructuralist' to indicate English-language critics working on the sex/gender distinction from a poststructuralist perspective. (For obvious reasons, theorists who do not write in

For them, the original 1960s understanding of the concepts has the merit of stressing that gender is a social construction and the demerit of turning sex into an essence. Considered as an essence, sex becomes immobile, stable, coherent, fixed, prediscursive, natural, and ahistorical: the mere surface on which the script of gender is written. Poststructuralist theorists of sex and gender reject this picture of sex. Their aim is to understand 'sex or the body' as a concrete, historical and social phenomenon, not as an essence.⁴ Although they want radically to change our understanding of sex and gender, they retain these concepts as starting points for their theories of subjectivity, identity, and bodily sexual difference. With respect to sex and gender poststructuralists are reformist rather than revolutionary.⁵

In this paper I too am trying to work out a theory of the sexually different body. Unlike the poststructuralist theorists of sex and gender, however, I have come to the conclusion that no amount of rethinking of the concepts of sex and gender will produce a good theory of the body or subjectivity. The distinction between sex and gender is simply irrelevant to the task of producing a concrete, historical understanding of what it means to be a woman (or a

English usually do not discuss this particular distinction. Foucault, for example, uses the word *sexe* in much the same way as Beauvoir.) I take the most influential of these theorists to be Judith Butler and Donna Haraway. Their analyses of sex and gender have been accepted by a great number of contemporary feminist critics and theorists. I also draw on Elizabeth Grosz's work on the body, since it provides a particularly clear example of the way Butler and Haraway's critiques of the sex/gender distinction have been taken up by other theorists.

⁴ The formulation 'sex or the body' is widely used in poststructuralist theory. It is theoretically confusing in that it makes us believe that it makes sense to ask questions such as 'Is sex the same thing as the body?', 'Will a theory of "sex" be the same thing as a theory of the "body"?' As this paper will show, such questions are based on a confused picture of sex, gender, and the body, and can have no clear answer.

⁵ Donna Haraway dreams of a deconstructed and reconfigured understanding of sex and gender (see 148). Judith Butler's two books *Gender Trouble* and *Bodies That Matter* come across as massive attempts to hammer the sex/gender distinction into poststructuralist shape. After showing that *gender* is performative, Butler aims to prove that *sex* is as constructed as gender. In her pursuit of a historical and political understanding of the body, Butler never asks whether the sex/gender distinction actually is the best framework for her own project.

man) in a given society. No feminist has produced a better theory of the embodied, sexually different human being than Simone de Beauvoir in *The Second Sex*. Because contemporary English-language critics have read Beauvoir's 1949 essay through the lens of the 1960s sex/gender distinction, they have failed to see that her essay provides exactly the kind of non-essentialist, concrete, historical and social understanding of the body that so many contemporary feminists are looking for. In short, Beauvoir's claim that 'one is not born, but rather becomes a woman' has been sorely misunderstood by contemporary feminists.⁶ Lacan returned to Freud; it is time for feminist theorists to return to Beauvoir.

I do not mean to say that the distinction between sex and gender does no useful work at all. That we sometimes need to distinguish between natural and cultural sex differences is obvious. The feminists who first appropriated the sex/gender distinction for their own political purposes were looking for a strong defence against biological determinism, and in many cases the sex/gender distinction delivered precisely that. I agree that feminists have to reject the claims of biological determinism in order to produce a forceful defence of women's freedom. But feminists managed to make a convincing case against biological determinism long before they had two different words for sex to choose from. Even in a language without the sex/gender distinction it is not difficult to convey one's opposition to the idea that people in possession of ovaries are naturally unsuited to sports, intellectual work, or public careers. From the fact that Norwegian or French have only one word for sex (*kjønn*; *sexe*), it hardly follows that Norwegian or French feminists are unable to distinguish between sex and gender.⁷ Working in German, another language with only

⁶ Sara Heinämaa is an exception to this rule. See her excellent critique of the tendency to project the sex/gender distinction on to Beauvoir, particularly in 'What Is a Woman?'

⁷ In much feminist work in Norway expressions such as 'social sex' and 'biological sex' have been used. Swedish feminist theorists on the other hand introduced a distinction between *kön* and *genus* modelled on the English distinction in the 1980s. For a Swedish discussion of sex and gender, see Danius. In French neither Simone de Beauvoir nor Monique Wittig have had any trouble criticizing the belief that sex alone can explain social behaviour. Recently, however, Christine Delphy and other feminists have been struggling to introduce

one word for sex, in 1920 Freud had already developed a theory of subjectivity that explicitly distinguished between 'physical sexual characters', 'mental sexual characters', and 'kind of [sexual] object choice' ('The Psychogenesis of a Case of Homosexuality in a Woman', *SE* 18: 170).

I do not claim, then, that a distinction between sex and gender is irrelevant to every feminist project. Rather I start my investigation of sex and gender in feminist theory by asking: In what circumstances do we need to draw on distinctions of this kind? In this essay, my main project is to show that there is at least one case in which the distinction does no useful work at all, and that is when it comes to producing a good theory of subjectivity. In other contexts the sex/gender distinction nevertheless remains of crucial importance to feminism. In the first part of this essay I discuss biological determinism such as it emerged towards the end of the nineteenth century. At this time biological determinism is characterized by two features: (1) a sexual ideology which I shall label the 'pervasive picture of sex'; and (2) the belief that science in general and biology in particular both could and should settle questions about women's role in society. In my view, the combination of these two features created a historical and conceptual situation which made it necessary and urgent to respond by distinguishing between nature and social norms. I return to some significant texts from the late nineteenth century because Simone de Beauvoir still finds it necessary to argue against them, and because I think that the sex/gender distinction in contemporary feminist theory is designed to counter this kind of biological determinism. It follows that the distinction may not work as well for other purposes as it does for this one.

My account of biological determinism is followed by a discussion of the 1960s and 1970s formulation of the sex/gender distinction, particularly in the influential work of Gayle Rubin. In Section III the poststructuralist attempt to revise the 1960s formulation

the word *genre* as an equivalent to the English gender (see Delphy, 'Rapports'). Whatever one thinks of this as a feminist strategy, the attempt shows that in the 1990s the sex/gender distinction is still not operative in ordinary French language.

becomes the subject of critical analysis. In Section IV I show that Simone de Beauvoir's understanding of the body as a situation offers a powerful alternative to sex/gender theories, and in Section V I bring the Beauvoirean approach to bear on some legal cases. The point of this section is to show through concrete examples that Simone de Beauvoir's understanding of what a woman is makes a political and practical difference in the conflicts of everyday life. In contemporary feminist theory so much energy is spent keeping the spectre of biologically based essentialism at bay that it is easy to forget that generalizations about gender may be just as oppressive as generalizations about sex. In many situations today biological determinism is not the most pressing obstacle to an emancipatory understanding of what a woman is. *The Second Sex* shows that every general theory of gender or 'femininity' will produce a reified and clichéd view of women. The final afterword is subtitled 'The Point of Theory'. Here I summarize some of my findings, and ask what concrete investigations the theoretical work in this essay might lead to. I end by asking what kind of work feminist theory might usefully carry out, and what we need it for.

Finally, I want to say a few words about the wider feminist and theoretical issues I seek to engage with. Taking Wittgenstein's deceptively simple phrase 'the meaning of a word is its use in the language' (*PI* §43) as my source of inspiration,⁸ I have tried to show that what Susan Gubar has wittily labelled feminist theory's 'bad case of critical anorexia', namely the tendency to make the word woman slim down to nothing (901), is a problem of our own (I mean 'us feminist theorists' own) making. Through a careful investigation of the concepts of sex and gender, this essay tries to show (rather than just claim) that the belief that any use of the word 'woman' (and any answer to the question 'What is a woman?') must entail a philosophical commitment to metaphysics and essentialism, is mistaken. It follows that efforts to rescue the word 'woman' from its so-called inherent essentialism, for instance

⁸ To be exact, what Wittgenstein actually writes is this: 'For a *large* class of cases—though not for all—in which we employ the word "meaning" it can be defined thus: the meaning of a word is its use in the language.' In my view, all the cases in which feminists discuss the meaning of the words *woman*, *sex*, and *gender* belong to the 'large class of cases' Wittgenstein has in mind.

by claiming that one only uses it 'strategically', or that one really thinks of it as an 'umbrella term', or that one really ought only to speak of various *kinds* of women, or that one always mentally must add quotation marks to the word in order to place it under deconstructive erasure, are misguided because they are unnecessary.

Whether it is to reaffirm or to deconstruct the concept, most feminist theories today rely on a universalized and reified concept of 'femininity'. In this essay I first show that a feminist theory that starts from an ordinary understanding of what a woman is, namely a person with a female body, will not necessarily be either metaphysical or essentialist. I also show that such a theory does not have to be committed to the belief that sex and/or gender differences always manifest themselves in all cultural and personal activities, or that whenever they do, then they are always the most important features of a person or a practice. Women's bodies are human as well as female.⁹ Women have interests, capacities, and ambitions that reach far beyond the realm of sexual differences, however one defines these. Investigations of the meaning of femininity in specific historical and theoretical contexts are indispensable to the feminist project of understanding and transforming sexist cultural practices and traditions. Yet any given woman will transcend the category of femininity, however it is defined. A feminism that reduces women to their sexual difference can only ever be the negative mirror image of sexism. It is because Simone de Beauvoir never forgot that one of the many possible answers to the question 'What is a woman?' is 'a human being', that I have been able to make such extensive use of *The Second Sex* in this essay. Yet it is as oppressive and theoretically unsatisfactory to reduce women to their 'general humanity' as it is to reduce them to their femininity. Beauvoir herself writes: 'Surely woman is, like man, a human being, but such a declaration is abstract. The fact is that every concrete human being is always in a specific situation' (SS xx; DSA 13; TA).¹⁰

⁹ None of this is meant to block serious inquiry into the question of sexually ambiguous or intersexed bodies. For a beginning of such discussions, see the analysis of various questions raised by the existence of transsexuals in this essay.

¹⁰ In French: 'le fait est que tout être humain concret est toujours *singulièrement situé* (my emphasis). Parshley translates this as 'The fact is that every concrete human being is always a singular, separate individual'.

As Beauvoir shows, the question of what a woman is instantly raises the question of the relationship between the particular and the general.¹¹

The answer to the question of what a woman is, is not one. To say this, moreover, is specifically to deny that the answer is that woman is not one.¹² It may be that, in some situations, it makes sense to understand a given woman or a given group of women as, say, plural and decentred. Yet to generalize this or any other view is to fabricate yet another reified concept of femininity. Too many forms of contemporary feminism appear unable to understand women who do not conform to their own more or less narrow vision of what a woman is or ought to be. The predictable result is the proliferation of accusations of 'exclusionism' against this or that theory. What we need today more than ever is a feminism committed to seeking justice and equality for women, in the most ordinary sense of the word. Only such a feminism will be able adequately to grasp the complexity of women's concrete, everyday concerns. That feminism, I am happy to say, exists. Moreover, usually even the most anti-metaphysical feminist theorists support it in practice. No feminist I know is incapable of understanding what it means to say that the Taliban are depriving Afghan women of their most elementary human rights just because they are women. The problem is not the meaning of these words, but the fact that too many academic feminists, whether students or professors, fear that if they were to use such sentences in their intellectual work, they would sound dreadfully naive and unsophisticated. Such fear, incidentally, is not only grounded on a certain theoretical confusion about sex and gender, but also on the idea that academic writing and ordinary language and experiences are somehow opposed to each other. (In a somewhat oblique way, Chapter 2 in this book is an attempt to undo the second belief; this essay is trying to deal with the first.)

This essay, academic and theoretical as it is, won't tell anyone

¹¹ I discuss this question at some length in Ch. 2, below.

¹² *Ce sexe qui n'en est pas un* (*This Sex Which Is Not One*) is the title of one of Luce Irigaray's most influential books.

what to do about the Taliban. It does show, however, that we do not have to believe that the word 'woman' always carries heavy metaphysical baggage. If I am right about this, then it follows that an anti-essentialist feminist may very well claim that the point of feminism is to make the world a better place for women without being caught in the slightest theoretical contradiction. For me, at least, this is an immensely liberating conclusion. My aim in this essay, then, is to show that the question of what a woman is, is crucial to feminist theory, and that anyone who is willing to think it through once more from the beginning stands to gain a real sense of intellectual freedom.

1. BIOLOGY AND SOCIAL NORMS

What was decided among the prehistoric Protozoa cannot be annulled by Act of Parliament.

Geddes and Thomson, 1889

Pervasive Sex

'Sometime in the eighteenth century, sex as we know it was invented', Thomas Laqueur writes in his illuminating study *Making Sex* (149). At this time Western culture was moving from what Laqueur calls a 'one-sex model' to a 'two-sex model' of sexual difference. From Antiquity to the Middle Ages women's anatomy was not seen as inherently different from men's, only as a different arrangement of the same parts: 'all parts that are in men are present in woman', wrote the sixteenth-century doctor Fallopius (Laqueur 97). The vagina was considered an inverted penis, the womb an interior scrotum. Since male and female reproductive organs were not taken to be fundamentally different, anatomical differences were pictured as hierarchical as opposed to complementary. Man was on top and woman at the bottom of the same scale of values. In this picture, biology or anatomy did not ground the social and cultural differences between the sexes. If the social order was a manifestation of God's plan for mankind, there was no need to appeal to biology to explain why women could not preach or inherit property. As

Laqueur puts it, in this situation gender precedes sex.¹³ Although Lacqueur does not say so, the implication is that sexist ideologies based on appeals to what feminists today call gender are no less oppressive than those based on appeals to biological, anatomical, or genetic sex differences.

Under the 'one-sex model' anatomy and biology were ideologically insignificant compared to, say, theology. This changed dramatically with the shift to the 'two-sex model'. In 1913 a British doctor named Walter Heape produced a particularly representative expression of the 'two-sex' view of sexual difference:

the reproductive system is not only structurally but functionally fundamentally different in the Male and the Female; and since all other organs and systems of organs are affected by this system, it is certain that the Male and Female are essentially different throughout. . . . [They are] complementary, in no sense the same, in no sense equal to one another; the accurate adjustment of society depends on proper observation of this fact (quoted in Laqueur 220).

Science has taken the place of theology or natural philosophy, and biology, as the science of the body, has been drafted into ideological service. Scientific truth, not divine revelation, is supposed to keep women in their place.

I am not turning to Laqueur because I am certain that he is right in his analysis of the history of sex. For all I know, the whole idea of a shift from a 'one-sex' to a 'two-sex model' is wrong. What interests me in Laqueur's fascinating book, however, is the way the 'two-sex model' produces accounts which over and over again picture biological sex as something that seeps out from the ovaries and the testicles and into every cell in the body until it has saturated the whole person. What this shows, to my mind, is that in the nineteenth century, biological sex is pictured as *pervasive*.¹⁴ My

¹³ '[I]n these pre-enlightenment texts, and even some later ones, *sex*, or the body, must be understood as the epiphenomenon, while *gender*, what we would take to be a cultural category, was primary or "real"' (8). The formulation is helpful for contemporary readers, but should not be taken to mean that people actually thought in terms of a distinction between sex and gender in pre-modern times.

¹⁴ Laqueur does not use the expression 'pervasive sex': I take responsibility for this interpretation.

claim is not that this was never the case before (I am not a historian and have not done the research to be able to say whether it was or not). My claim, rather, is that precisely at the time that modern feminism is born (in the period stretching from Mary Wollstonecraft through John Stuart Mill to Henrik Ibsen and the first women's movement) it does seem to be the case that sex is pictured as pervasive. Every feminist from Wollstonecraft onwards finds it necessary to oppose this idea. It is in the encounter with the pervasive picture of sex that the need for something like the sex/gender distinction is born.¹⁵

In the pervasive picture of sex, then, a woman becomes a woman to her fingertips: this is biological determinism with a vengeance. Because sexual desire is considered to trickle out from the reproductive glands, heterosexuality is taken for granted. Pervasive sex saturates not only the person, but everything the person touches. If housework, childcare, and selfless devotion are female, heroic exploits are male, and so are science and philosophy. Whole classes of activities are now endowed with a sex. The modern world is a world steeped in sex: every habit, gesture, and activity is sexualized and categorized as male or female, masculine or feminine. In the transition to the 'two-sex model', man and woman emerge as two different species.

Strindberg's 1887 play *The Father* provides a vivid example of this way of thinking about sexual difference. An avid reader of contemporary science, Strindberg was particularly well informed about contemporary debates concerning the nature of women and men.¹⁶ In *The Father* man and woman, husband and wife, are two different species, the sexual relationship does not exist, and the truth of sexual difference is a struggle until death, where the most powerful wins:

¹⁵ I am grateful to Chris Vanden Bossche at the University of Notre Dame for helping me to clarify what I want and do not want to use Laqueur for, and to Vigdis Songe-Møller for sharing with me her doubts about Laqueur's validity for Ancient Greek society.

¹⁶ It is no coincidence that the Captain in the play is a scientist, whose work his wife Laura is not only incapable of understanding, but considers as a sign of his madness.

THE CAPTAIN. One last word about reality. Do you hate me?

LAURA. Yes, sometimes! When you are a man.¹⁷

THE CAPTAIN. This is like race hatred. If it is true that we're descended from apes, then it must have been from two different species. We're simply not like each other, are we?

LAURA. What is all this supposed to mean?

THE CAPTAIN. I realize that in this struggle one of us must go under.

LAURA. Which one?

THE CAPTAIN. The weaker, naturally!

LAURA. And the stronger is right?

THE CAPTAIN. He's always right, since he has the power!

LAURA. Then I'm right!¹⁸

If sexual difference produces two different species, then only power—sexual warfare—will resolve the resulting impasse, Strindberg concludes. Either radical patriarchy or—as Strindberg feared—radical matriarchy would do the trick. The two-sex model, Strindberg realized, cannot produce a relationship between the sexes, at least not if the word 'relationship' implies mutual trust and understanding.

In the picture of sex resulting from the 'two-sex model' any transgression against sexual norms seems 'unnatural'. Since an 'unnatural' man or a woman is no longer a 'real' man or a woman, moreover, different concepts have to be forged to cover the proliferation of new sexual species: Krafft-Ebing's fabulous catalogues of sexual perversions come to mind. Foucault illustrates this logic in his stunning account of the invention of the modern homosexual:

The nineteenth-century homosexual became a personage, a past, a case history, and a childhood, in addition to being a type of life, a life form, and a morphology, with an indiscreet anatomy and possibly a mysterious physiology. Nothing that went into his total composition was unaffected by his sexuality. It was everywhere present in him: at the root of all his actions because it was their insidious and indefinitely active principle; written immodestly on

¹⁷ The play shows that in his relations to his wife, the Captain oscillates between behaving as a phallic, sexual male and regressing to a baby-like state. Laura's 'when you are a man' alludes to her impression that when he isn't a man, he is a baby.

¹⁸ My translation from Strindberg, *Fadren* 72. A somewhat different translation may be consulted in *Strindberg: Five Plays* 35.

his face and body because it was a secret that always gave itself away. It was consubstantial with him, less as a habitual sin than as a singular nature. . . . The sodomite had been a temporary aberration; the homosexual was now a species (43).

The pervasive picture of sex gives rise to essentialism, biologism, accusations of degeneration and 'unnatural' behaviour. It can certainly only consider two sexes. It sexualizes not only the whole person, whether this person is a woman, a man, or a so-called 'pervert', but the whole world of human activities. This is the picture of sex that the great majority of contemporary feminists, gays, and lesbians rightly oppose.

When one pictures sex as pervasive, there can be no difference between male and masculine, female and feminine, sex and gender. This would also, incidentally, be true for a pervasive picture of *gender*. As Laqueur's research shows, modern feminist theory was born at a time when sexist ideology often grounded its claims about the subordination of women on appeals to the sciences of the body, particularly biology. This explains why the question of the relationship between nature and social norms has become so important in modern feminist theory. But feminists have no reason to feel more sanguine about ideologies that ground their claims about sexual difference on gender, such as appeals to God's plan for women, or the belief that 'femininity' (whatever this is taken to mean) is eternally subversive because it is eternally 'outside discourse'. Whether it is gender or sex that is pictured as pervasive, the result is an unwarranted sexualization (or 'genderization') of women, and occasionally also of men.¹⁹

The encounter between the pervasive picture of sex and modern feminism produced the sex/gender distinction and its equivalents. (Here it does not matter what words one uses to express the distinction between these two ways of understanding sexual difference.) Trusting in the authority of science, however, many nineteenth-century biological determinists hoped that the question of women's rights, capacities, and duties could be settled

¹⁹ See Sect. V, below, for a more extensive discussion of generalizations about gender.

once and for all. But the more science they read, the less obvious the meaning of the body became. For scientists disagreed about the scientific interpretation of the body, and even more about the correct *social* interpretation of the biological facts established by science (see Laqueur 193): 'The body could mean almost anything and hence almost nothing at all', Laqueur writes (217). Once the body was taken to be meaningful, it became possible for feminists, gays, and others to fight over its interpretation, to dispute just how much or how little meaning the body has in human society. Historically, then, *gender* emerged as an attempt to give to biology what belongs to biology, no more and no less. Gender may be pictured as a barricade thrown up against the insidious pervasiveness of sex.

Biological Determinism

Late nineteenth-century biological determinists drew on the pervasive picture of sex. A quick look at the claims such scientists routinely made about women and men will make it resplendently clear why feminists needed to introduce a distinction between biology and social norms. In 1883 W. K. Brooks, Professor of Biology at Johns Hopkins University, published a book entitled *The Law of Heredity*. The chapter discussing the intellectual differences between men and women was first published in the anti-feminist *Popular Science Monthly* in 1879.²⁰ Much quoted and much debated, Brooks's views were at the forefront of discussions of biology and women's rights in the last two decades of the nineteenth century.²¹ His starting point was the observation that 'among the higher animals . . . the males are more variable than the females' (326). According to Brooks, this 'law is so pronounced and conspicuous that its existence has long been

²⁰ According to Cynthia Eagle Russett, the editor of the *Popular Science Monthly* scolded people promoting women's rights for their refusal to be guided by science: 'And yet the fundamental questions of this important movement belong solely to scientific investigators' (quoted in Russett 13).

²¹ Russett discusses Brooks's influence on G. Stanley Hall, Havelock Ellis, and others (see Russett 92-6).

recognized by all naturalists' (323).²² This 'fact' can best be explained, he writes, by assuming that the ovum transmits hereditary characteristics and sperm cells transmit acquired characteristics:²³

According to this view, the male element is the originating and the female is the perpetuating factor; the ovum is conservative, the male cell progressive. Heredity or adherence to type is brought about by the ovum; variation and adaptation through the male element; and the ovum is the essential, the male cell the secondary factor in heredity. . . . Like Aristotle and the ancients, we must believe that the two reproductive elements play widely different parts. Like Bonnet and Haller, we see that the structure of the adult is latent in the egg (84–5).

For Brooks it is obvious that social differences between the sexes are caused by their physiological differences: 'If there is fundamental difference in the sociological influence of the sexes, its origin must be sought in the physiological differences between them' (243).²⁴ Moving on to the intellectual differences between men and women, he claims that men's brains enable them to grasp the unknown: discoveries, science, the highest artistic and philosophical insights are reserved for them. Women's brains can deal with the known, the ordinary, and the everyday, keep track of traditions and social customs; in short, take care of everything

²² The variability hypothesis, as it was called, was in fact widely accepted at the time. In *The Descent of Man* (1871) Darwin wrote that 'Numerous measurements were carefully made of the stature, the circumference of the neck and chest, the length of the back-bone and of the arms, in various races; and nearly all these measurements show that the males differ much more from one another than do the females. This fact indicates that, as far as these characters are concerned, it is the male which has been chiefly modified, since the several races diverged from their common stock' (638). Numerous commentators concluded that males were simply 'higher' on the evolutionary ladder than females.

²³ As Brooks himself points out, this theory, which sounds so bizarre to modern ears, positions him 'midway between Darwin's theory of natural selection and Lamarckianism' (80).

²⁴ He also writes that 'Our examination of the origin and significance of the physiological differences between the sexes, and of the parts which they have taken in the progress of the past, would therefore lead us to expect certain profound and fundamental psychological differences, having the same importance' (257).

that requires 'rational action without reflection' (258). Women preserve the old, men discover the new; 'the ovum is conservative, the male cell progressive'.

Science, Brooks continues, ought to determine social policy concerning women: 'If there is . . . a fundamental and constantly increasing difference between the sexes . . . the clear recognition of this difference must form both the foundation and super-structure of all plans for the improvement of women' (242–3). If his scientific conclusions give comfort to adherents of the status quo, this cannot be helped:

It is hardly necessary to call attention to the obvious fact that our conclusions have a strong leaning to the conservative or old-fashioned view of the subject,—to what many will call the 'male' view of women. The positions which women already occupy in society and the duties which they perform are, in the main, what they should be if our view is correct; and any attempt to improve the condition of women by ignoring or obliterating the intellectual differences between them and men must result in disaster to the race (263).

Although it is tempting to continue by quoting Brooks's account of women's intellectual inferiority, his gloating over the fact that there has been no female Shakespeare, Raphael, or Handel, or his insistence that women cannot manage intellectual 'reflection', I shall restrain myself, since these themes do not add anything new to his general thesis of male variability and female stability.

Another influential text from the same period is *The Evolution of Sex* by the Scottish researchers Patrick Geddes and J. Arthur Thomson, first published in Britain in 1889. Geddes and Thomson's central claim is that males and females exhibit different 'metabolisms'. Females are 'anabolic', males 'katabolic'; males tend to expend, and females to conserve, energy. Males 'live at a loss', Geddes and Thomson write, 'females . . . live at a profit' (26); or in even more colourful language, males exhibit 'a preponderance of waste over repair' (50). Discussing Brooks's views, they stress that their own thesis is entirely compatible with his: 'The greater variability of the males is indeed natural, if they be the more katabolic sex' (29).

Working their way from a consideration of the adult organism

down through the sexual organs and tissues, Geddes and Thomson finally arrive at the sex-cells themselves, or rather at the protoplasm 'that makes them what they are' (81). This induces them to launch into a lengthy discussion of protozoa (unicellular organisms): 'It is among the Protozoa that we must presently look, if we hope to understand the origin and import either of "male and female" or of fertilization' (89). If the protozoa contain the secret of sexual difference, it is because Geddes and Thomson believe that the ovum and the sperm cell *are* protozoa, the only cells in the body that date back to the earliest evolutionary stages. This is how they picture the reproductive cells:

Just as the ovum, large, well nourished, and passive, is a cellular expression of female characteristics, so the smaller size, less nutritive habit, and predominant activities of the male are summed up in the sperm. As the ovum is usually one of the largest, the sperm is one of the smallest of cells (109).

Geddes and Thomson then drive the point home: 'If the anabolic and katabolic contrast, so plainly seen in the sex-elements, be the fundamental one, we must expect to find it saturating through the entire organism' (130). This is true for all higher animals as well as for humans. The conclusion is inevitable: 'It is generally true that the males are more active, energetic, eager, passionate, and variable; the females more passive, conservative, sluggish, and stable' (270). In other words: the world is full of hungry, lean males in energetic pursuit of large, sluggish females (who, by the sound of it, must be sorely tempted to gobble the little man up for breakfast: there is more than a little fear of the female in this picture).

Geddes and Thomson do not doubt that their theory has clear social and political consequences:

We have seen that a deep difference in constitution expresses itself in the distinction between male and female, whether these be physical or mental. The differences may be exaggerated or lessened, but to obliterate them it would be necessary to have all the evolution over again on a new basis. What was decided among the prehistoric Protozoa cannot be annulled by Act of Parliament (267).

They deplore the fact that so many contemporary writers completely neglect 'the biological considerations underlying the

relations of the sexes' (267). Politics and economics cannot solve the question of the 'subjection of women':

The reader need not be reminded of . . . the attitude of the ordinary politician, who supposes that the matter is one essentially to be settled by the giving or withholding of the franchise. The exclusively political view of the problem has in turn been to a large extent subordinated to that of economic *laissez-faire*, from which of course it consistently appeared that all things would be settled as soon as women were sufficiently plunged into the competitive industrial struggle for their own daily bread. While, as the complexly ruinous results of this inter-sexual competition for subsistence upon both sexes and upon family life have begun to become manifest, the more recent economic panacea of redistribution of wealth has naturally been invoked, and we have merely somehow to raise women's wages (268).

Giving women the vote, or—even more thoughtlessly—paying them decent wages, are misguided attempts to impose a social order without foundation in nature. Just as Brooks predicts the end of the 'race' if women's position were to change, Geddes and Thomson believe that the 'species' will come to a ruinous end unless women are kept out of economic competition with men.²⁵

Although Brooks and Geddes and Thomson harp on different leitmotifs (male variability versus anabolic and catabolic protozoa), the structure of their arguments is remarkably similar:

(1) the characteristics of the reproductive cells saturate the adult human organism (this is the pervasive—and obviously heterosexual—picture of sex)

AND

(2a) biological facts justify social norms;²⁶

or

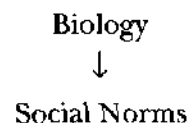
²⁵ Russett discusses Geddes and Thomson at length (see esp. 89–92), as does Sayers (see 38–50).

²⁶ By 'social norms' here and in the following I mean 'social norms concerning sex roles and the relationship between the sexes'. I supply six different variations of the three authors' view of the relationship between biological facts and social norms since they seem to wander between all of them without much consistency, often producing circular arguments (first existing social norms are taken to be the aim of evolution, then evolution is used to prove that existing social norms are indeed the result of evolution).

- (2b) science both can and should tell us what our social norms should be;
or
- (2c) social norms are expressions of biological facts;
or
- (2d) social norms have their cause and origin in nature;
or
- (2e) attempts to change the existing social norms will have disastrous consequences for humanity, since they are against the natural law (the biological facts);
or
- (2f) unless social norms are brought back into harmony with the natural law (the biological facts), there will be disastrous consequences for humanity.

The claims listed from 2b to 2f are really just variations on 2a, the idea that *biological facts justify social norms*. In Brooks's and Geddes and Thomson's texts, this belief draws massive support from the pervasive picture of sex (claim 1). This picture of sex enables them to overlook the difference between Plato and the protozoa, between Raphael and the rhizopods, barnacles, beetles, and butterflies that provide the evidence for their theses about human sexual difference. For these writers, a man is essentially an enormous sperm cell, a woman a giant ovum.

Biological determinism presupposes a pervasive picture of sex and considers that biology grounds and justifies social norms:



There is no distinction between male (sex) and masculine (gender) or between female and feminine. Whatever a woman does is, as it were, an expression of the ovum in her. This view, clearly, is essentialist and heterosexist, and I take as given that all feminists will want to oppose it.²⁷ I shall now examine three

²⁷ I am aware of the fact that some late 19th-cent. women tried to ground their feminism on biological determinism. There are also feminists today who remain biological determinists. Such feminists usually believe that women's biology make

different ways of responding to the biological determinists' pervasive picture of sex.

II. SEX AND GENDER IN THE 1960S AND 1970S

[I dream of] an androgynous and genderless (though not sexless) society, in which one's sexual anatomy is irrelevant to who one is, what one does, and with whom one makes love.

Gayle Rubin, 1975

Stoller and Rubin

The English-language distinction between the words sex and gender was first developed in the 1950s and 1960s by psychiatrists and other medical personnel working with intersexed and transsexual patients. The transsexuals' dilemma has been summed up as a sense of being 'trapped in the wrong body'. Transsexuals feel that the sex of their body does not correspond to the sex of their mind. Psychiatrists were intrigued by the question of how transsexuals came to develop their sense of belonging to the 'wrong sex'. Once the terms sex and gender had been introduced, doctors could claim that transsexuals suffered from a 'mismatch' between their sex and their gender. This had the advantage of making it look as if the solution to the problem was straightforward. All that needed to be done to cure transsexuals was to bring their sex and their gender into harmonious correspondence with each other by changing the body through surgery and hormone treatment. Why most doctors and all transsexuals consider that the obvious way to achieve this is to change the body and not the mind, is a question I shall not go into here.²⁸

Thus, the distinction between sex and gender emerged from a

them superior to men, or if not superior, then fundamentally different from men spiritually, mentally, and ethically. They usually wish to inhabit a more 'natural' social order. I do not intend to discuss biological determinist forms of feminism any further in this essay.

²⁸ I doubt that the distinction between sex and gender actually explains very much about transsexuality, but that is another matter. For a good account of the medicalization of transsexual identity, see Hausman.

concern with individual identity. At its inception, the distinction medicalizes 'sex' and turns 'gender' into a purely psychological category. In 1963 the American psychoanalyst Robert Stoller first formulated a concept of *gender identity* in a paper presented at the 23rd International Psycho-Analytical Congress in Stockholm: 'Gender identity is the sense of knowing to which sex one belongs, that is, the awareness "I am a male" or "I am a female". . . . The advantage of the phrase "gender identity" lies in the fact that it clearly refers to one's self-image as belonging to a specific sex' ('A Contribution' 220).²⁹ But 'gender identity' is a term concerned only with a person's psychological experience of belonging to one sex or another. By 1968 Stoller had expanded his insights and developed four different concepts:

I prefer to restrict the term *sex* to a biological connotation. Thus, with few exceptions, there are two sexes, male and female. . . . *Gender* is a term that has psychological or cultural rather than biological connotations. If the proper terms for sex are 'male' and 'female', the corresponding terms for gender are 'masculine' and 'feminine'; these latter may be quite independent of (biological) sex. . . . *Gender identity* starts with the knowledge and awareness, whether conscious or unconscious, that one belongs to one sex and not to the other, though as one develops, gender identity becomes much more complicated, so that, for example, one may sense himself as not only a male but a masculine man or an effeminate man or even a man who fantasies being a woman. *Gender role* is the overt behavior one displays in society, the role which he plays, especially with other people, to establish his position with them insofar as his and their evaluation of his gender is concerned (*Sex and Gender* 9-10).

Although the term 'gender role' soon faded from view in feminist theory, Stoller's other three concepts were quickly appropriated

²⁹ Although John Money and his colleagues coined the phrase 'gender role' as early as 1955 (see Money, Hampson, and Hampson 302), it was Stoller's explicit contrast between sex and gender that fired feminists' imagination. In fact, in 1985, Money polemicized against Stoller's definitions of sex and gender on the grounds that it destroyed his own original concept of 'gender role': 'Its outcome was to restore the metaphysical partitioning of body and mind. Sex was ceded to biology. Gender was ceded to psychology and social science. The ancient regime was restored!' (282).

by feminists. Crucial to Stoller's distinction between sex and gender is the idea that sex belongs to the realm of science, to biology and medicine. Sex is a category that requires scientific description. All the 1960s and 1970s feminist elaborations of the distinction between sex and gender, including that of Gayle Rubin, incorporate this understanding of sex.³⁰ The 1960s view of sex, then, is clearly at odds with the traditional or pre-feminist meaning of the word in English, where a reference to someone's sex is simply a reference to their being a man or a woman.³¹

When Gayle Rubin, in her path-breaking 1975 essay 'The Traffic in Women', appropriated Stoller's categories for her own feminist purposes, her aim was to develop conceptual tools that would combat sexism by explaining why and how women's oppression was maintained in widely different cultures:

[Feminists need to] build descriptions of the part of social life which is the locus of the oppression of women, of sexual minorities, and of certain aspects of human personality within individuals. I call that part of social life the 'sex/gender system', for lack of a more elegant term. As a preliminary definition, a 'sex/gender system' is the set of arrangements by which a society transforms biological sexuality into products of human activity, and in which these transformed sexual needs are satisfied (159).

Rejecting the term 'patriarchy' on the grounds that not all sexist systems are ruled by fathers, Rubin nevertheless considers that 'sex/gender system' designates a system that oppresses women. For Rubin, bodily sexual differences and the sex drive are 'biological', the 'raw material' for the production of gender:

Hunger is hunger, but what counts as food is culturally determined and obtained. Every society has some form of organized economic activity. Sex is sex, but what counts as sex is equally culturally determined and obtained. Every society also has a sex/gender system—a set of arrangements by which the biological raw material of human sex and procreation is shaped by human, social intervention and satisfied in a conventional manner, no matter how bizarre some of the conventions may be (165).

³⁰ Heinämaa ('Woman—Nature, Product, Style'), Chanter, and Gatens all discuss Stoller's sex/gender distinction.

³¹ This, moreover, is also the meaning of *sexe* in French, as Beauvoir's title *La deuxième sexe* makes clear.

What interests Rubin is not sex, but gender. For her, the fundamental meaning of gender is oppressive social norms: gender is the oppressive result of a *social* production process.³² On the structural level, Rubin takes sex to mean biological sexual differences and gender to mean the oppressive social norms brought to bear on these differences. This is a classic example of a feminist rejection of biological determinism. It is important to stress that on Rubin's definition, gender is always oppressive, that in human society there can be no such thing as non-oppressive gender differences.

This assumption has been exceptionally influential in US feminism. Ideologically, it has been used to justify the idea that women are above all victims of male power. Perhaps the clearest intellectual elaboration of Rubin's view can be found in Catherine MacKinnon's understanding of what a woman is, namely the effect of the 'organized expropriation of the sexuality of some for the use of others'.³³ When Judith Butler

³² Rubin's essay triggered much debate among Marxist and socialist feminists in the 1970s and 1980s. The question was whether her understanding of how the sex/gender system works was compatible with a Marxist analysis of production, economic relationships, and so on. As recently as 1996, Teresa Ebert claimed that Rubin's understanding of sex and gender allowed feminists to '[suppress] any knowledge of the economic relations of production in their theories of gender and sexuality' (47). It is certainly true that much recent US feminist work in the humanities has been spectacularly unconcerned by questions of class, economic production, conditions of labour, and so on. Whether this is a necessary consequence of Rubin's way of thinking about sex and gender, is a question I shall not venture into here.

³³ MacKinnon writes: 'the organized expropriation of the sexuality of some for the use of others defines the sex, woman' ('Feminism, Marxism' 2). I am not implying that Gayle Rubin would necessarily have to agree with such a radicalization of her own views. The problem with MacKinnon's definition of woman is that she tries to define woman in a structural way, to make the concept correspond to the Marxist concept of class. For Marx classes are fully defined by their antagonism to each other: the working class is per definition the class that is structurally bound to struggle against the bourgeoisie. Without the concept of class struggle, there is no proletariat. It hardly seems satisfactory, however, to define men and women simply in terms of their structural antagonism to each other. Such a definition makes any hope of non-patriarchy or reconciliation between the sexes meaningless. Or rather, a more complex understanding of how the power relations between the sexes

considers sex to be an effect of power, she too becomes one of Rubin's inheritors.³⁴ While such structural theories of what a woman is enable feminists to produce quite remarkable critiques of sexist ideology and misogynist abuse of power, they have notorious difficulties in explaining what the sexually different body has to do with being a woman, or with women's oppression, and in providing a sufficiently nuanced account of individual subjectivity. Nor are they well placed to provide analyses of power relations more complex than that of domination and subordination.

Although Rubin emphasizes structural social and cultural formations, she also includes personal identity within the sex/gender system. While immensely influential, it would seem that Rubin's attempt to theorize individual subjectivity introduces a number of unacknowledged ambiguities in her understanding of sex and gender. This is how Rubin's argument about individuals goes. All societies turn biological sex into gender in one way or another, she writes: 'Human sexual life will always be subject to convention and human intervention. It will never be completely "natural", if only because our species is social, cultural, and articulate. The wild profusion of infantile sexuality will always be tamed' (199). The individual men and women we meet in everyday life are products of the sex/gender system; no human being exemplifies 'raw' or 'natural' sex.

The problem with this observation is that it makes it all too easy to think of sex as a Kantian *Ding an sich* beyond the reach of

actually work, will not be able to use such a definition of gender. In *The Second Sex* Beauvoir compares the oppression of women to that of Jews, Blacks in America, and the proletariat. Unlike MacKinnon she concludes that while the oppression of women shares some features with all of these forms of oppression, it is nevertheless not theorizable in exactly the same terms: 'The proletariat can propose to massacre the ruling class . . . but woman cannot even dream of exterminating the males. The bond that unites [woman] to her oppressors is not comparable to any other. The division of the sexes is a biological fact, not an event in human history. Their conflict has emerged from within a primordial *Mitsein*, and woman has not broken it' (SS xxv; *DSa* 19; TA).

³⁴ See Sect. III, below for an extensive discussion of Butler's work.

ordinary human experience.³⁵ To say that sex means chromosomal, hormonal, and anatomical sexual differences is perfectly meaningful. But chromosomes are hardly the *Ding an sich*. Yet, in poststructuralist sex and gender theory, such statements have frequently given rise to the idea that there is an alarming conceptual gap between sex (chromosomes, hormones, etc.) and the body (the concrete, historically and geographically situated entity) that feminist theory now must bridge. Labouring under this picture of sex, some feminists seem to believe that as soon as the body acts, walks, and talks it becomes gender, that is to say an entity *not* produced by chromosomes, hormones, and so on. Interpreted in this way, sex becomes a uselessly abstract category, whereas gender slides towards the traditional prefeminist sense of sex, and so towards a usage in which the sex/gender distinction is not operative. Recent poststructuralist theorists relentlessly criticize this understanding of the sex/gender distinction. Yet they also promote it.³⁶ Spellbound by this understanding of sex and gender, they labour to make its abstract and scientific understanding of sex yield a good theory of the concrete body. As I shall go on to show, this is a hopeless task.³⁷

'Gender is between the ears, sex is between the legs', is a slogan much used by contemporary transsexuals. In this slogan another common feminist interpretation of the 1960s sex/gender distinction is at work: sex is the body, gender is the mind.³⁸ The philosophical and political drawbacks of this reintroduction of the

³⁵ Rubin herself never explicitly says that sex is 'outside language' or 'outside history'. Such phrases are nevertheless common—and it has to be said, well-founded—interpretations of her views. In her pioneering 1984 essay 'Thinking Sex', Rubin herself criticizes 'The Traffic in Women' for not drawing a distinction between gender and sexual desire (what some would call sexual orientation). On my reading, Rubin is a little too hard on her earlier essay here.

³⁶ Eve Sedgwick generally refers to 'sex' in its 1960s sense as 'chromosomal sex' (*Epistemology* 27). She also writes: 'M. saw that the person who approached was of the opposite sex.' Genders . . . may be said to be opposite; but in what sense is XX the opposite of XY?' (*Epistemology* 28).

³⁷ I discuss poststructuralist accounts of sex and gender in Sect. III, below.

³⁸ Here and in the rest of this essay I will refer to the '1960s distinction' for short. I really mean to indicate the theories of sex and gender developed on the basis of Stoller and Rubin's theories, which in fact date back to the 1950s and find their fullest feminist expression in the 1970s and early 1980s.

body/mind distinction are only too apparent. Entirely divorced from the mind, the body is perceived as a mere object, subject to the mind's decisions, a blank slate on which gender writes its script. In this idealist view, the body (nature) is entirely subordinated to the mind. No contemporary feminist theorists favour this interpretation of the sex/gender distinction, and I will not discuss it further here.³⁹

Rubin's pioneering work is more convincing as an analysis of social norms and practices than as a theory of individual subjectivity. In particular, Rubin's understanding of what would count as social liberation for women is suggestive. Armed with much anthropological data, Rubin denies that *any* social configuration of sex is based on or caused by biological facts. Whatever social norms rule the expressions we give to our sex and our sexuality, they are completely arbitrary and usually oppressive to women. Thorough understanding of the social relations of sex and gender will contribute to the feminist task of 'eliminating the social system which creates sexism and gender' (204). But this is not enough:

I personally feel that the feminist movement must dream of even more than the elimination of the oppression of women. It must dream of the elimination of obligatory sexualities and sex roles. The dream I find most compelling is one of an androgynous and genderless (though not sexless) society, in which one's sexual anatomy is irrelevant to who one is, what one does, and with whom one makes love (204).

In Rubin's utopia gender would disappear. There would be *no* social norms for correct sexual and sexed behaviour. Moving beyond the question of the oppression of women towards a vision of a society where all sexualities may be freely expressed, she embraces a utopia that inspired many 1960s and 1970s critiques of stereotyped images of women.⁴⁰ To expect someone to be masculine (which here means 'to conform to socially normative notions of what a man should be like'), just because he is male, or to deny

³⁹ Moira Gatens 1983 essay on sex and gender contains an excellent critique of the body/mind reading of sex and gender.

⁴⁰ Mary Ellmann's *Thinking About Women* remains the best and most entertaining example of this trend.

someone the right to behave in 'masculine' ways just because she is female, is to reinforce the sex/gender system. Such stereotyping is oppressive to women, and also, albeit to a lesser degree, to men.⁴¹

Winning the right to mix and match stereotypes (so that a woman may choose between traditional femininity and traditional masculinity) does not liberate us from gender. When Rubin wishes to 'get rid of gender', she wishes for a society without *any* sexual stereotypes. Gender in her view is a negative term referring to arbitrary and oppressive social norms imposed upon sex and sexuality. While sex and sexuality will always be socialized in some way or other, there is no reason to pretend that the biological differences between men and women furnish the 'natural' organizing principles for that socialization. In so far as the word 'gender' refers to the systematic social organization of sexual difference—the imposition of only two general categories of being as normative for all people—in a non-sexist society gender will simply have to go. In Rubin's utopian world, instead of describing a specific behaviour as masculine or feminine, we would have to come up with more precise descriptions, to consider whether we think of the behaviour as wise, kind, selfish, expressive, or destructive *without* thinking of any of these terms as sex-specific.

In her essay 'Interpreting Gender' Linda Nicholson claims that Gayle Rubin is a 'biological foundationalist' (as opposed to a biological determinist). According to Nicholson, 'biological foundationalism' includes some measure of 'social constructionism', yet it still claims that there are 'real biological phenomena differentiating women and men that are used *in all societies in similar ways* to generate a male/female distinction' (80; my emphasis). Given that Rubin never claims that some aspects of gender are

⁴¹ Perhaps one still needs to explain this point: feminists have usually not denied that men too may suffer from a sex/gender system that oppresses women. The point is that since the system fundamentally favours males, for instance by assuring them a better material situation, better working conditions, greater sexual freedom, and so on, it is not necessarily in most men's *interest* to oppose a system that in other ways may weigh heavily on them, for instance because it requires that men live up to stereotypical standards of masculinity.

absolutely invariable in all cultures, this is an unfair description of 'The Traffic in Women'. In fact, Rubin and Nicholson would seem to have a very similar understanding of the role of biological sexual differences. '[T]he position I would like feminists to endorse [is] that biology cannot be used to ground claims about "women" or "men" transculturally', Nicholson writes (89). The only difference between this formulation and Rubin's denial that biology grounds social norms is the word 'transculturally', which is superfluous in this context. To deny that biology grounds social norms is to deny that our sexed bodies produce *any* gender norms in whatever context.⁴²

Politically, Rubin inherits Simone de Beauvoir's hope for a society where women will no longer be cast as Other. Like Beauvoir's critique of patriarchal femininity, Rubin's critique of gender bears a strong family resemblance to Marxist and socialist critiques of ideology. Gender is ideological in the precise sense that it tries to pass social arrangements off as natural.⁴³ Common to Rubin and Beauvoir's idea of what a non-oppressive society would look like is the thought that whatever biological differences exist between the sexes, they cannot ground any particular social norms or structures. Any attempt to invoke sex (biological or anatomical sex differences) as a pretext for imposing any specific social arrangement (gender) is ideological and ultimately oppressive. In this theory, a firm line is drawn between biology and social norms:

$$\frac{\text{Biology}}{\text{Social Norms}} \rightarrow \frac{\text{Sex}}{\text{Gender}}$$

⁴² Nicholson is right to say that some so-called 'social constructionist' theories produce deeply oppressive generalizations about female or feminine difference (see 97). But such oppressive effects will be generated by any theory that reifies femininity or masculinity, regardless of its ideas about the role of biological, anatomical, or genetic sexual differences. If I believe that biological sex differences are an effect of 'regulatory discourses' and picture such discourses as all-encompassing, I am going to have just as oppressive a theory of femininity as if I were a biological determinist. I discuss the problems arising from generalizations about femininity in Sect. V below.

⁴³ I discuss Beauvoir's critique of 'patriarchal femininity' in Ch. 7 of my *Simone de Beauvoir*. Roland Barthes's critique of bourgeois ideology in *Mythologies* is written in the same spirit as Beauvoir's anti-naturalizing critique of sexism.

This figure works well on the general social level. Here 'sex' means something like men and women, or male and female bodies, and 'gender' means general social norms. Yet, as I have shown, Rubin does not fully acknowledge that she also uses sex and gender in a different, and far more problematic, sense. Applied to individual human beings gender appears to mean both individual gender identity and social gender norms, and the meaning of sex emigrates to the far reaches of hormones and chromosomes. Soon theorists following in Rubin's footsteps will think of sex as an ungraspable entity outside history and culture, and of gender as the only relevant term for sexual difference. This appears to leave a gap where the historical and socialized body should be, a gap taken to call out for theorization. But this is a theoretical problem that only arises if one assumes that the sex/gender distinction *must* be the axiomatic starting point for any theory of embodied and sexually differentiated subjectivity. It is this spurious gap that the powerful poststructuralist revision of the sex/gender paradigm steps in to fill.

III. THE POSTSTRUCTURALIST PICTURE OF SEX AND GENDER

If the immutable character of sex is contested, perhaps this construct called sex is as culturally constructed as gender; indeed, perhaps it was always already gender, with the consequence that the distinction between sex and gender turns out to be no distinction at all.

Judith Butler, 1990

Sex, Gender, and Sexual Difference

Poststructuralist theorists of sex and gender are unhappy with the way the 1960s understanding of sex and gender accounts for personal identity and the body. They consider, much as I do, that the 1960s understanding of sex easily turns sex into an ahistorical and curiously disembodied entity divorced from concrete historical and social meanings. Their critique of the sex/gender distinction has two major objectives: (1) to avoid biological determinism;

and (2) to develop a fully historical and non-essentialist understanding of sex or the body. These are aims shared by the great majority of contemporary feminists. The problem with the poststructuralist critique of sex and gender is not its ultimate goal. Rather, my argument is that the goal is not achieved, for two reasons: because the starting point for the poststructuralists' analysis is singularly unpromising; and because the theoretical machinery they bring to bear on the question of sex and gender generates a panoply of new theoretical problems that poststructuralists feel compelled to resolve, but which no longer have any connection with bodies, sex, or gender. The result is work that reaches fantastic levels of abstraction without delivering the concrete, situated, and materialist understanding of the body it leads us to expect.

Before showing how I reach these conclusions, I should stress that my subject in this section is the way the distinction between sex and gender works in poststructuralist feminist theory. I do not pretend to comment on all poststructuralist theory or on all poststructuralist feminist theory. In particular I am not going to analyse the many different ways in which poststructuralists have used the word 'gender'. The most common poststructuralist way of using the word is exemplified in Joan Scott's epochal essay 'Gender: A Useful Category of Historical Analysis'. 'The word [gender] denoted a rejection of the biological determinism implicit in the use of such terms as "sex" and "sexual difference"', she writes (29). Scott's concern is to analyse the historical and social effects of sexual difference. When she calls this subject matter 'gender', she is not necessarily opposing it to 'sex'. In her usage, the word 'gender' does the same work as the French *sexe* and the Norwegian *kjønn*, or the English *sex* in its traditional, pre-1960s meaning. Where Scott writes 'gender', Virginia Woolf would no doubt have written 'sex', and in all probability they would have meant pretty much the same thing.⁴⁴ In contemporary American academic language, Scott's usage has long since become normative, and I see no reason to deplore this.

The grounds on which Scott chooses 'gender' over 'sex' or

⁴⁴ '[I]t is fatal for anyone who writes to think of their sex', Virginia Woolf writes in *A Room of One's Own* (99).

'sexual difference' are nevertheless dubious. It appears that, for her, the word 'gender' in itself signals rejection of biological determinism, whereas the words 'sex' and 'sexual difference' in and by themselves signal acceptance of it.⁴⁵ In my view, no one word can serve as talismanic protection against ideological danger. The proof of resistance to biological determinism has to be established in the text as a whole. (Scott herself does so with elegance and verve.) And as soon as opposition to biological determinism has been established, it really does not matter whether one writes 'sex', 'gender', or 'sexual difference'. *The Second Sex* proves that one can be radically opposed to biological determinism without using the word 'gender' once. Conversely, it is obviously easy to say 'gender' and still be a biological determinist. Recent work in sociobiology tends to do precisely this.

In psychoanalytic theory, as opposed to poststructuralist theory, the most widely used concept is sexual difference, not sex or gender. As Moira Gatens has pointed out, the sex/gender distinction is incompatible with the psychoanalytic understanding—be it poststructuralist or not—of sexual difference. The psychoanalytic understanding of the sexually different body offers a challenging alternative to sex and gender thinking. When I started working on this essay, my intention was to include a long section on psychoanalysis. What interests me is the question of what 'femininity' means to different psychoanalytic theorists, and how different psychoanalytic views relate to Beauvoir's understanding of the body as a situation. Unfortunately, I soon realized that these are exceptionally difficult questions, and that I most certainly could not do them justice within the framework of this essay. I will return to them in another context.⁴⁶

So far, I have shown that in Gayle Rubin's work the sex/gender distinction operates on two different levels: on a general social level, where gender becomes synonymous with

⁴⁵ I am not denying that words such as 'sex' or 'sexual difference' often are steeped in biological determinism, but the same is actually true for gender these days, particularly in everyday American usage. My point is that these words need not have such connotations, and that in some situations they do not have them.

⁴⁶ See Ch. 8, below, for a modest first step towards such a project.

social norms or ideology and sex means concrete human bodies; and on an individual level, where gender gets interpreted as personal identity or subjectivity, and sex is imagined to be an elusive entity inside or beyond the actual body. Although it is difficult to imagine a more unpromising point of departure, Butler and Haraway insist on taking the second, highly problematic understanding of sex and gender as the starting point for their attempts to escape identity politics, undo naive conceptions of subjectivity, and develop a concrete, materialist understanding of the body. As I will show, the theoretical difficulties produced by this choice are overwhelming. It is particularly surprising to note that poststructuralists entirely overlook Simone de Beauvoir's originality. They do not discover the enormous differences between *The Second Sex* and the 1960s understanding of sex and gender, and thus fail to appreciate that Beauvoir's understanding of subjectivity and the body offers exactly what they are looking for (see Section IV, below).

Here is a checklist of terms that regularly recur in Judith Butler, Donna Haraway, and Elizabeth Grosz's discussions of sex and gender:

SEX	GENDER
biological	political
natural	cultural
essence	construction
essentialist	constructionist
body	mind
passive	active
base	superstructure
being	doing
substance	performance
fixed	{mobile; variable}
stable	unstable
coherent	non-coherent
prediscursive	discursive
prelinguistic	linguistic
presocial	social
ahistorical	historical

The first thing to be stressed is that poststructuralists are *unhappy* with these dichotomies.⁴⁷ They take this binary structure to be inherent in the 1960s understanding of sex and gender, and see their own project as an immense effort to get out of this straitjacket. Judith Butler's project is to make us realize that sex is 'as culturally constructed as gender' (*Gender Trouble* 7). In terms of the checklist above, this means that we should realize that sex is as cultural, performative, unstable, discursive (and so on) as gender. In much the same way, Donna Haraway wants to 'historicize and relativize sex' (136), and also frequently refers to the need to deconstruct various binary oppositions relating to sex, gender, and the body:

In all their versions, feminist gender theories attempt to articulate the specificity of the oppressions of women in the context of cultures which make a distinction between sex and gender salient. That salience depends on a related system of meanings clustered around a family of binary pairs: nature/culture, nature/history, natural/human, resource/product (130).

While this is an accurate account of Gayle Rubin's sex/gender system, Haraway's formulation leaves it unclear whether the terms sex and gender are themselves part of the objectionable 'family of binary pairs'. Poststructuralists certainly often interpret the pair as a variation on clear-cut binary oppositions, such as nature/culture, coherent/non-coherent, stable/unstable, and so on. Yet Gayle Rubin neither thinks of gender as the *opposite* of sex, nor does she define it as the *absence* of sex. The distinction between sex and gender cannot easily be assimilated to the kind of binary opposition that deconstructionists need to work on.

Here one might object that the distinction between writing and speech, which Derrida so memorably deconstructs, is not a binary opposition either. Yet whatever we make of Derrida's analysis of writing and speech, we may agree that these words *are* the key

⁴⁷ The words listed above are taken from Judith Butler, *Gender Trouble* (6–7, 24–5); Donna Haraway (134–5, 147); and Elizabeth Grosz, *Volatile Bodies* (17–18). I have suggested 'mobile' or 'variable' as the positive opposites of 'fixed'. Both terms are regularly used by poststructuralist theorists of subjectivity, but unlike 'unstable' and 'non-coherent' they do not occur on the pages I consulted.

terms in the field he is dealing with. This is not the case for sex and gender. Many non-English-speaking feminists manage very well without these particular terms, without becoming biological determinists for all that. If we find these words to be particularly troublesome for feminist theory, as many poststructuralist feminists do, the obvious strategy is to look around for a better set of concepts before investing an enormous amount of time and energy deconstructing the bad existing concepts.

The concepts sex and gender represent two different ways of thinking about sexual difference. They do not pretend to explain class, race, or nationality, or anything else. When it comes to thinking about what a woman is, therefore, the sex/gender distinction is woefully inadequate. Many critics appear to believe that a sexed human being is made up of the sum of sex plus gender. From such a perspective it does look as if everything in a woman or man that is not sex must be gender, and vice versa. Suddenly sex and gender start to look like a deconstructable 'pair'. But this analysis forgets that a sexed human being (man or woman) is more than sex and gender, and that race, age, class, sexual orientation, nationality, and idiosyncratic personal experience are other categories that always shape the experience of being of one sex or another.⁴⁸

Whether I consider a woman to be the sum of sex plus gender, to be nothing but sex, or nothing but gender, I reduce her to her sexual difference. Such reductionism is the antithesis of everything feminism ought to stand for. In this context it makes no difference at all whether the woman's difference is taken to be natural or cultural, essential or constructed. All forms of sexual reductionism implicitly deny that a woman is a concrete, embodied human being (of a certain age, nationality, race, class, and with a wholly unique store of experiences) and not just a human

⁴⁸ No wonder that Haraway criticizes feminists who think in terms of sex and gender for being unable to include race in the category of gender. We shall only succeed in historicizing 'the categories of sex, flesh, body, biology, race, and nature', Haraway writes, if we ensure that 'the binary, universalizing opposition that spawned the concept of the sex/gender system . . . implodes into articulated, differentiated, accountable, located, and consequential theories of embodiment, where nature is no longer imagined and enacted as resource to culture and sex to gender' (148).

being sexed in a particular way. The narrow parameters of sex and gender will never adequately explain the experience and meaning of sexual difference in human beings. This shortcoming is not repaired by adding on new factors. To think of a woman as sex plus gender plus race and so on is to miss the fact that the experience of being white or black is not detachable from the experience of being male or female.⁴⁹

A major source of confusion in poststructuralist writings on sex and gender is the fact that many critics appear to think of the terms on each side of the checklist (see above) as interchangeable, or rather as one tightly packed bundle of concepts which can never be unpacked. All the terms on the left side of the checklist are projected on to anyone who uses the word sex, all the terms on the right side to anyone who uses the word gender. Particularly widespread is the assumption that anyone who says sex *must* be thinking of it as an essence or a substance, as ahistorical and prediscursive, and so on. There is often the implication that anyone who thinks of biology (or other sciences of the body) as producing valuable and reliable insights must be an essentialist too. In further elaborations, it usually appears that such poststructuralists think of anything natural as stable, fixed, and unchanging, and since sex in their scheme of things is natural, they assume that it follows that sex, unlike gender, is outside history, discourse, and politics. The next step, of course, is to propose various solutions to this 'problem'. The most common suggestion is that 'sex' itself must be considered to be as variable and historical as gender. My point is not that this is false, but that it is a solution to a problem produced by the poststructuralist reading of the sex/gender distinction in the first place.

The idea that sex *must* be ahistorical and outside discourse, for example, is not grounded in an analysis of the concept of sex itself. There is no good reason to assume that someone who thinks that it makes sense to speak of sex as natural must therefore be an essentialist in the bad, metaphysical, and political sense that poststructuralist feminists give the term. The kind of essentialism that

⁴⁹ Linda Nicholson also discusses the shortcomings of what she calls the 'additive' view of race and gender (see 83).

feminists usually worry about is the kind that claims that women's bodies inevitably give rise to and justify specific cultural and psychological norms. Poststructuralists are right to object to this view, but this is biological determinism, and although Simone de Beauvoir does believe that a woman can be defined by reference to the usual primary and secondary sexual characteristics, it is ludicrous to characterize her (or Gayle Rubin for that matter) as an 'essentialist' in this sense. For Beauvoir, the possession of the usual biological and anatomical sexual characteristics is what makes a woman a woman.⁵⁰ But given that she firmly demonstrates that this has no *necessary* social and political consequences, this is a kind of essentialism that has no negative consequences whatsoever for feminist politics. The only kind of essentialism that feminists need to reject is biological determinism.⁵¹

The fact that the usual understanding of sex often treats the concept as an ahistorical entity is no reason to think that it therefore must be 'outside discourse', or that it must operate as a Kantian *Ding an sich*. If we look at the way feminists use the terms feminine (gender) and female (sex), it is clear that they usually function as two different criteria of selection. Feminists assume that the word 'female' picks out a certain group of people, and that the word 'feminine' will not pick out exactly the same group

⁵⁰ It doesn't follow that there will be no ambiguous or difficult cases (see Sect. V, below, for some further discussion of transsexuality).

⁵¹ Gayatri Spivak's famous injunctions to 'take the risk of essence', or to consider the 'strategic use of essentialism' ('In a Word', *Outside* 3-4) may be read in the light of this sentence. Perhaps Spivak may be taken to mean that not all essentialisms are *politically* equally harmful. I think that is right. But if that is so, it follows that there may be cases and situations where essence is no risk at all. Spivak's work on essentialism, particularly in the interview with Ellen Rooney entitled 'In a Word' exemplifies the tension between her allegiance to Derridean deconstruction on the one hand and her admirable grasp of concrete political situations on the other. Spivak's work is a remarkable attempt to hold these two ways of thinking about the world together without falling into theoreticism. The difficulty of the project—the tension between deconstruction and concrete political analysis—surfaces when she asks: 'Is essentialism a code word for a feeling for the empirical, sometimes?' (*Outside* 6), or when she writes: 'if one doesn't . . . consolidate ways of gathering the empirical, antiessentialism versus essentialism can prove a red herring' (*Outside* 7). Spivak's understanding of the relationship between theory and politics in general would be well worth further study.

of people. Why many poststructuralists believe that feminists who use the words in this way secretly consider 'female' the ground and essence of 'feminine' remains a mystery to me.⁵²

In such claims there is a pronounced tendency to believe that if we accept that there are biological facts, then they somehow will become the ground of social norms. Consider the common post-structuralist argument that the belief that there are only two sexes, men and women, *must* be heterosexist.⁵³ This would be true if the speaker making the claim were a biological determinist. Given Rubin's or Beauvoir's—or indeed most feminists'—understanding of the relationship between biology and social norms, however, this critique makes no sense at all. To deny that biology grounds social norms is to deny that the existence of two biological sexes justifies any specific socio-sexual arrangements, be they heterosexist or not.⁵⁴

In fact, the idea that there must be something heterosexist about the belief that there are only two sexes presupposes that biology somehow gives rise to social norms. The same is true for the belief that if we can just turn sex into a more 'multiple' or 'diverse' category than it has been so far, then social norms will be relaxed. This is nothing but biological determinism with a liberal face. Even if we all agreed to have five sexes—Anne Fausto-Sterling has proposed adding 'herms', 'ferms', and 'merms' to the usual two—nothing guarantees that we would get more than two genders, or that we wouldn't be stuck with five sets of oppressive gender norms instead of two.⁵⁵ And what are the grounds for believing that a system of three, five, or ten genders (regardless of the number of sexes we decide there are) will be more liberating than two?

Sometimes the argument for a multiplicity of sexes is based on the idea that we have to challenge the oppressive binary opposition

⁵² I don't mean to say that this usage is unproblematic, just that the problem with it has nothing to do with grounds and essences (see my discussion of feminist treatment of words such as 'femininity' and 'masculinity' in Sect. V, below).

⁵³ See Sedgwick, *Epistemology* 31; Sedgwick, 'Gender Criticism' 276 (essentially a reprint of the same passage); Butler, *Gender Trouble* 22, 33 (*et passim*).

⁵⁴ Joan Copjec has given a thoughtful critique of Butler's claims about heterosexism from a Lacanian perspective (see esp. 201–11).

⁵⁵ Fausto-Sterling proposes these terms as a way of acknowledging the main forms of intersexuality that naturally occur in human beings (see 21).

man/woman. The assumption is that if we can only show that there are third terms, categories that fall outside the two master terms, then the very meaning of man and woman, male and female will be shaken to the core. One example of this widespread belief may be found in Marjorie Garber's *Vested Interests*, where she claims that transvestism is a sign of a 'category crisis', that is to say that it represents

a failure of definitional distinction, a borderline that becomes permeable, that permits border crossings from one (apparently distinct) category to another. . . . The binarism male/female . . . is itself put under erasure in transvestism, and a transvestite figure, or a transvestite mode, will always function as a sign of overdetermination—a mechanism of displacement from one blurred boundary to another (16).

Yet a concept ('man', 'woman') that is blurred at the edges is neither meaningless nor useless. Wittgenstein writes:

One might say that the concept 'game' is a concept with blurred edges.—'But is a blurred concept a concept at all?'—Is an indistinct photograph a picture of a person at all? Is it even always an advantage to replace an indistinct picture by a sharp one? Isn't the indistinct one often exactly what we need?

Frege compares a concept to an area and says that an area with vague boundaries cannot be called an area at all. This presumably means that we cannot do anything with it.—But is it senseless to say 'Stand roughly there'? (*PI* §71).

Hermaphroditism, transvestism, transsexuality, and so on show up the fuzziness at the edges of sexual difference, but the concepts 'man' and 'woman' or the opposition between them are not thereby threatened by disintegration. Nor have all the usual ways of using the words suddenly become impossible: from the fact that the word 'game' doesn't have a clear and essential definition outside every language game, it does not follow that it does not have one within specific language games, nor does it follow that the absence of a clear definition makes the word 'game' more difficult to use, more ambiguous, more unstable, or more transgressive than other words. The existence of hermaphrodites and transsexuals proves that not all human beings can be easily categorized as either male or female, that there will always be

ambiguous, unclear, or borderline cases, but I have not noticed that this has made our everyday handling of the terms 'man' and 'woman' more difficult, or the meaning of those words more inherently unstable or obscure. The fact that there are difficult cases doesn't prove that there are no easy ones. If gays, lesbians, transvestites, transsexuals, and intersexed people suffer discrimination in contemporary society, this is the fault of our social norms and ideologies concerning human sex and sexuality, not of the assumption that biologically speaking, there are only two sexes.⁵⁶

If we are serious about denying that biology can justify social norms, it follows that the question of how many sexes there are or ought to be has *no necessary* ideological or political consequences whatsoever. It does not follow, however, that the material structure of our bodies has no impact on our way of being in the world. There is every reason to believe that the world would be vastly different if human beings had three arms and an extra pair of eyes in the back of the head. But bodily structures have no absolute meaning. For Simone de Beauvoir our bodies are an outline or sketch of the kind of projects it is possible for us to have, but it doesn't follow from this that individual choices or social and ethical norms can be deduced from the structure of the human body (see Section IV, below).

In a 1993 interview with Peter Osborne and Lynne Segal, Judith Butler demonstrates just how close the poststructuralist critique of the idea that there are only two sexes comes to biological determinism. Wondering whether Butler doesn't fail to register the 'constraints coming from the body itself', Osborne and Segal ask: 'Why is it that male bodies don't get produced as child-bearing?' (Osborne 112). In her reply Butler speaks of the social ideology that makes women feel they are failures if they do not have children:

Why shouldn't it be that a woman who wants to have some part in child-rearing, but doesn't want to have a part in child-bearing, or who wants to have nothing to do with either, can inhabit her gender without an implicit sense of failure or inadequacy? When

⁵⁶ Suzanne Kessler has written a strong indictment of the thoughtless and ideologically suspect ways in which contemporary medicine treats intersexed infants.

people ask the question 'Aren't *these* biological differences?', they're not really asking a question about the materiality of the body. They're actually asking whether or not the social institution of reproduction is the most salient one for thinking about gender. In that sense, there is a discursive enforcement of a norm (Osborne 113).

Butler is perfectly right to stress that motherhood is a socially constructed institution regularly used to legitimize women's oppression. But her answer says more than this. It makes a second claim, one that I, unlike Butler, think is not necessary to secure the first. For Butler also insists that to define biological sex by reference to testicles and ovaries *is* to enforce the norm that only mothers are 'real women'. The question of biological sex differences is taken to be exactly the same as the question of social ideology ('discursive norms'). But this is precisely the assumption Geddes and Thomson make when they claim that the social roles of the sexes can be read off from the structure of the ovum and the sperm cell. Butler seems to believe that if one takes sexual difference to be determined by reference to the potential reproductive function of the body, then one simply *must* be caught up in repressive sexist ideology. Yet the whole of *The Second Sex* is evidence to the contrary. As a result, Butler ends up implying that most past and contemporary feminists (including Simone de Beauvoir) and just about all medical researchers and biologists are sexist oppressors, just because they accept that there are biological bases for the categorization of human beings into two sexes. Although Butler struggles against the social norm whereas Geddes and Thomson joyfully embrace it, the fundamental logic of their arguments appear to be perilously similar.

I am of course not claiming that poststructuralists working on sex and gender are biological determinists. The widespread tendency to criticize anyone who thinks that biological facts exist for their 'essentialism' or 'biologism' is best understood as a *recoil* from the thought that biological facts can ground social values.⁵⁷

⁵⁷ In a seminar at UNC-Chapel Hill in Sept. 1996, Anne Balsamo told the audience that after a lecture where she had shown slides of bodies in the process of undergoing various technological interventions, someone came up to her and said: 'But you know, the body is only a *hypothesis*.'

Instead of denying that biological facts ground any such thing, as Beauvoir and Rubin do, poststructuralists prefer to deny that there *are* biological facts independent of our social and political norms.⁵⁸ To put this more clearly: I get the impression that poststructuralists believe that if there *were* biological facts, then they would indeed give rise to social norms. In this way, they paradoxically share the fundamental belief of biological determinists (Figure A1). In their flight from such unpalatable company they go to the other extreme, placing biological facts under a kind of mental erasure (Figure A2):

(A1) Since:

Biological facts
↓
Social Norms

(A2) Therefore:

~~Biological facts~~
↓
Social Norms

Caught in the fantasy of a nightmarish, immobile, and timeless monster called sex, poststructuralists roll out the heavy theoretical artillery for an all-out counterattack. Against what they take to be the bad 1960s picture of sex, they mobilize their own good 1990s picture of gender. No wonder that so many poststructuralists express their misgivings about the very act of distinguishing between sex and gender. Thus Elizabeth Grosz rightly wants to *escape the distinction by turning to theories of the 'lived body' or the 'social body'*, yet she does so seemingly without any awareness

⁵⁸ In the Osborne/Segal interview, Butler gives a fuzzy reply to the question of whether there are biological sex differences or not. On the one hand she '[does] not deny certain kinds of biological differences', on the other she claims that she is 'not sure that [the problematic of reproduction] is, or ought to be, what is absolutely salient or primary in the sexing of the body'. What is remarkable here is that it remains entirely unclear *what* 'kinds of biological differences' Butler accepts, or what *other* criteria for biological sexual differences she might want to propose. In the next sentence, she returns to the idea that reproductive differences are always the effect of social norms. If reproduction is central to the 'sexing of the body', she adds, 'I think it's the imposition of a norm, not a neutral description of biological constraints' (Osborne 113).

that Simone de Beauvoir's concept of the body as a situation provides exactly what she is looking for.⁵⁹ Others seek a more radical solution and claim that sex is constructed by gender, or by the same regulatory discourses that produce gender, so that, ultimately, there is no difference between sex and gender; sex turns out to have been gender all along:

(B)

Biological facts \Leftrightarrow Social Norms
Sex \Leftrightarrow Gender

Because they think that to speak about biological facts is the same as to speak about essences or metaphysical grounds, many poststructuralists believe that in order to avoid biological determinism one has to be a philosophical nominalist of some kind. In their texts, philosophical realism becomes a *politically* negative term. This is obviously absurd. To avoid biological determinism all we need to do is to deny that biological facts justify social values, and even the most recalcitrant realist can do that. In a parallel move, poststructuralists often conflate a nominalist position concerning the *general* relationship between our categories and the world with a *specific political* interpretation of the world. The assumption is always that if only we would become aware of exceptions and hard cases, then we would necessarily be led to question the very meaning of our concepts, politically as well as theoretically. Or to put it the other way round: the assumption is that *political* exclusion is coded into the very concepts we use to *make sense of the world*. It is this idea that makes some poststructuralists assume that the word 'woman' can never be used in non-ideological ways, that 'woman' *must* mean 'heterosexual, feminine and female'.⁶⁰ In this view, all concepts become bundle concepts: mention one word and hosts of others are taken to be implied.

But if political oppression is taken to follow from the fact that every concept draws a boundary, and thus necessarily excludes

⁵⁹ See Grosz, *Volatile* 18; on Beauvoir see esp. 15–16.

⁶⁰ Carrie L. Hull gives a clear, critical account of why Judith Butler thinks that every positive statement will be performative of a political exclusion (see esp. 29–30).

something—i.e. from the very fact that words have a meaning, and that meaning is normative—then it becomes difficult to see what political alternative poststructuralists intend to propose. The incessant poststructuralist invocations of the slippage, instability, and non-fixity of meaning are clearly intended as a way to soften the exclusionary blow of concepts, but unfortunately even concepts such as ‘slippage’ and ‘instability’ have fairly stable meanings in most contexts. It follows from the poststructuralists’ own logic that if we were all mired in exclusionary politics just by having concepts, we would not be able to perceive the world in terms other than the ones laid out by our contaminated concepts.⁶¹ If oppressive social norms are embedded in our concepts, just because they are concepts, we would all be striving to preserve existing social norms. As a result poststructuralists have difficulty explaining how it can be that a fair number of people *fail* to become ‘suddenly and significantly upset’ when they encounter phenomena that deviate from conservative (normative) expectations about gender.⁶²

Of course language in general and concepts in particular often carry ideological implications. But as Wittgenstein puts it, in most cases the meaning of a word is its use.⁶³ Used in different situations by different speakers, the word ‘woman’ takes on very different implications. If we want to combat sexism and heterosexism, we should examine what work words are made to do in different speech acts, not leap to the conclusion that the same word must mean the same oppressive thing every time it occurs, or that

⁶¹ Diana Fuss exemplifies the belief that there is something *politically* wrong with the very word woman, whether it occurs in the singular or the plural: ‘hasty attempts to pluralize do not operate as sufficient defenses or safeguards against essentialism. The plural category “women”, for instance, though conceptually signaling heterogeneity nonetheless semantically marks a collectivity; constructed or not, “women” still occupies the space of a linguistic unity’ (4). Fuss believes that the very existence of a concept ‘woman’ or ‘women’ must be essentializing, exclusionary, and therefore politically oppressive simply by virtue of being a word (‘a linguistic unity’). No wonder she argues that we can’t ever fully escape essentialism.

⁶² The quotation is from Butler, *Gender Trouble* 110.

⁶³ ‘For a *large* class of cases—though not for all—in which we employ the word “meaning” it can be defined thus: the meaning of a word is its use in the language’ (*PI* §13).

words oppress us simply by having determinate meanings, regardless of what those meanings are.⁶⁴

Perhaps Sex Was Always Already Gender?

The subheading is taken from Judith Butler’s *Gender Trouble*, and this section will focus on her attempt to show that sex is a cultural construct, the effect of regulatory discourses. Judith Butler has produced by far the most important work on sex and gender in the 1990s. Precisely because her work is such a principled development of poststructuralist thought, it enables me to show why I think alternatives are needed. My analysis of Butler’s understanding of sex and gender does not entail a critique of her politics. Butler’s important work has given an intellectual voice to gay and lesbian critics. Her critique of heterosexism and homophobia has inspired thousands, and for good reason. Writing as I am in a country where gays and lesbians are shot, tortured, and beaten to death by rabidly homophobic terrorists, I fully realize the importance of Butler’s political task. What concerns me in this essay, however, is not Butler’s powerful account of heterosexism, homophobia, and of various forms of homosexual and lesbian sexuality, but the question of how she understands sex, gender, and the body. In my view, but possibly not in Butler’s, her understanding of the sex/gender distinction and the body does not, or not to any significant extent, ground either her account of sexuality or her politics. In my view, then, Butler’s political aims are not

⁶⁴ As I will show below, for the purposes of understanding how and when the body is political and historical it is not necessary to enter into protracted arguments about the nature of meaning and reference. If I reject the poststructuralist insistence on entering into this problematic when they discuss sex, gender, and the body, it is because I think that certain readings of Wittgenstein propose convincing philosophical alternatives to their post-Saussurean view of language. In a forthcoming book, tentatively entitled *Wittgenstein and Deconstruction*, Martin Stone shows what the differences between Derrida’s and Wittgenstein’s understanding of language, meaning, and interpretation actually are. I should add that Martin Stone’s graduate seminar on Wittgenstein at Duke in the spring of 1997, as well as my many conversations with him about Wittgenstein have been immensely helpful to my work. Over the past few years my understanding of Wittgenstein has also been deepened through discussions with Richard Moran and David Finkelstein.

threatened by my project, which is to show that one may arrive at a highly historicized and concrete understanding of bodies and subjectivity without relying on the sex/gender distinction that Butler takes as axiomatic, and particularly without entering into the obscure and theoreticist debates about materiality and meaning that her understanding of sex and gender compels her to engage with.

In my view, poststructuralist theorists of sex and gender are held prisoners by theoretical mirages of their own making. This becomes starkly evident in Butler's attempt to show that 'sex' or 'nature' or 'biology' or 'the body' is as constructed as gender:

If the immutable character of sex is contested, perhaps this construct called sex is as culturally constructed as gender; indeed, perhaps it was always already gender, with the consequence that the distinction between sex and gender turns out to be no distinction at all. . . . The production of sex as the prediscursive ought to be understood as the effect of the apparatus of cultural construction designated by *gender* (*Gender Trouble* 7).

When sex is seen as a cultural construct, Butler argues, the traditional sex/gender distinction has been undone. Both are now the product of the same discursive norms; sex is not the ground of gender, but the effect of it. This analysis presupposes the 'bad' picture of sex and the 'good' picture of gender discussed above. Anyone who doubts that sex and gender *have* to be described in this way, or anyone who thinks that sex and gender are useless starting points for a theory of the body and subjectivity will find Butler's theoretical exercise empty.

If we enter into the poststructuralist perspective outlined by Butler, it now looks as if we have to solve a new problem. For if sex is as 'discursive' as gender, it becomes difficult to see how this fits in with the widespread belief that sex or the body is concrete and material, whereas social gender norms (discourses) are abstract and immaterial. This is the starting point for Butler's extraordinary attempt, in *Bodies That Matter*, to show by theoretical argument that the body is material and yet constructed. Her major claims concerning the body may be summarized as follows: (1) Essentialists claim that sex determines gender. Butler opposes them by claiming that 'regulatory discourses' determine biological

facts: sex is the performative effect of gender. (2) In order to explain how this can be, she concludes that a general theory of 'materiality' is required. (3) Butler then provides one by claiming that matter is an effect of power. (4) This proves that the body is material and constructed, and that it is therefore inside culture, history, and society as well. According to Butler, the body has now been shown to be at once an effect of regulatory norms, concretely material, and fully historical.

I shall take a closer look at some of these arguments. Butler believes that unless she can show that matter (the matter the body is made of) doesn't exist in the form of brute given facts, she will be stuck with an essentialist picture of sex or the body. In her recoil from positivism and biological determinism, she insists that matter cannot possibly be natural or given:

What I would propose . . . is a return to the notion of matter, not as site or surface, but as a *process of materialization that stabilizes over time to produce the effect of boundary, fixity, and surface we call matter*. That matter is always materialized has, I think, to be thought in relation to the productive and, indeed materializing effects of regulatory power in the Foucaultian sense (*Bodies* 9–10).⁶⁵

By proposing that power produces matter, Butler makes 'power' sound a little like the *élan vital*, or God, for that matter; power becomes a principle that works in mysterious ways behind the veil of appearances.⁶⁶ Whether power is of God or man, it does sound as if it ought to be capable of producing any number of differently sexed bodies, and not only two. The question of why we stubbornly think there are only two sexes is not answered by appeals

⁶⁵ John McDowell's analysis of the consequences of either denying or accepting the 'myth of the given' might apply to Butler's understanding of the relationship between concepts and world (see John McDowell, esp. chs. 1–2).

⁶⁶ I would like to acknowledge here my debt to Sara Danius's instructive essay on the sex/gender distinction in poststructuralist theory. In her essay 'Själen är kroppens fängelse' ('The soul is the prison of the body') Danius discusses Foucault, Laqueur, Butler, and queer theory, and although she is more optimistic about the philosophical value of Butler's arguments than I am, Danius too questions the political value of Butler's understanding of 'materialization' precisely because she can't quite see how the theoretical understanding of matter solves the difficulties that Butler thinks that the distinction between sex and gender produces (see esp. 162–3).

to 'power'. (It remains unclear to me whether Butler thinks that our discursive concepts—'regulatory power'—produce the material world, or whether they just organize it.⁶⁷)

A far better starting point would be to ask *when* (under what circumstances) the problem of the 'materiality of the body' might arise. Imagine an inebriated reveller desperately trying to figure out whether those pink elephants really are material. Or a computer specialist who on finding herself face to face with a space invader, starts to wonder whether she really turned off the virtual reality equipment she was testing. The inebriated reveller will perhaps find that the problematic elephants go away when she sobers up, whereas a good night's sleep and a strong cup of coffee will do nothing to solve the other woman's problem. As Stanley Cavell puts it: 'how I make sure is dictated by what I want to know, which in turn is dictated by what special reason there is for raising the question' (*Claim of Reason* 59). Different reasons for raising a question require different kinds of answers.

Butler's reason for asking about the materiality of the body is that her own theoretical description of sex and gender has made this look like a compelling necessity. In the preface to *Bodies That Matter*, Butler writes: 'This text is offered, then, in part as a rethinking of some parts of *Gender Trouble* that have caused confusion' (xii). In *Gender Trouble* Butler claimed that sex was as constructed as gender. In the preface to *Bodies That Matter*, Butler writes that readers of her previous book constantly asked: 'What about the materiality of the body?' (ix). She continues: 'if I persisted in this notion that bodies were in some way constructed, perhaps I really thought that words alone had the power to craft bodies from their own linguistic substance?' (x). *Bodies That Matter* comes across as the author's attempt to deny that she ever denied that the body was material.⁶⁸

Although there clearly are situations in which we need to

⁶⁷ Sally Haslanger discusses the obscurity of Butler's view at length in her paper 'Natural Kinds'.

⁶⁸ In *The Claim of Reason* Stanley Cavell writes: 'And it is startling to remember how many modern philosophers have seemed to be denying the obvious, and then denied they were denying it. Nothing is more characteristic of the skeptic's position' (103).

establish whether a body is material, it is significant that Butler does not mention any. On the contrary, to her, the 'materiality of the body' is a problem situated outside any conceivable situation, an assumption that makes her treat the body as an abstract epistemological object, that is to say that she treats it just like traditional epistemologists treat their 'material objects' (a table, a tomato, a bit of wax, and so on). What she is interested in is 'materiality' in its purest and most general form, not anything specific about any particular body. Stanley Cavell suggests that such an approach turns objects into 'generic objects': 'What is at stake . . . in the object is materiality as such, externality altogether' (*Claim of Reason* 53). The 'materiality of the body' is a problem produced by the poststructuralist picture of sex and gender, not by any concrete question feminists have asked about sex or the body. Ultimately, Butler loses sight of the body that her work tries to account for: the concrete, historical body that loves, suffers, and dies.

One of Butler's attempts to explain the 'materiality' of the body nevertheless deserves some attention, since it relies on one of the most widespread—and most mistaken—poststructuralist arguments around: I am referring to the old cliché about the 'materiality of the signifier'. At one point in *Bodies That Matter*, Butler tries to show that there is no reason to worry that 'linguistic constructivism' turns the body into nothing but a linguistic effect. Because the language in which we speak of the body is material, her argument goes, there can be no opposition between the body and language:

the materiality of the signifier . . . implies that there can be no reference to a pure materiality except via materiality. Hence, it is not that one cannot get outside of language in order to grasp materiality in and of itself; rather, every effort to refer to materiality takes place through a signifying process which, in its phenomenality, is always already material. In this sense, then, language and materiality are not opposed, for language both is and refers to that which is material, and what is material never fully escapes from the process by which it is signified (*Bodies* 68).

But this is implausible, to say the least. Butler would seem to have been led astray by the assumption that the word 'materiality'

means the same thing in relation to language as in relation to the body or other material phenomena. Clearly, signifiers consist of acoustic waves or black marks on a page, and, clearly, nobody would deny that such traces or patterns are material. But Saussure never thought that language was a matter of signifiers alone. Merleau-Ponty tells a good story about this:

Language takes on a meaning for the child when it *establishes a situation* for him. A story is told in a children's book of the disappointment of a small boy who put on his grand-mother's spectacles and took up her book in the expectation of being able himself to find in it the stories which she used to tell him. The tale ends with these words: 'Well, what a fraud! Where's the story? I can see nothing but black and white!' (*Phenomenology*, 101).

In themselves, the black and white patterns on the page signify nothing. It is only by leaving out that which gives our sounds and signs meaning—that is to say, that which makes them *language*—that Butler can persuade herself that she has proved her point. If one really wants to know what makes the body similar to language, or what makes language similar to the body, the answer that both are material is not going to give much satisfaction.

The belief that since language or discourse are material, then any discourse-based theory must be materialist has a long tradition in feminist theory by now. One example that comes to my mind is Elizabeth Grosz's claim that Luce Irigaray's discursive strategies amount to 'a strikingly materialist position, at least insofar as language is regarded as material' (*Sexual Subversions* 241). This is taken to be a conclusive counterargument to my own observation that 'the material conditions of women's oppression are spectacularly absent from [Irigaray's] work' (*Sexual/Textual Politics* 147). The point I was making was that Irigaray spends no time at all discussing the specific ways in which patriarchy oppresses women. To her, both patriarchy and the feminine work in much the same ways in Freud's Vienna as in Plato's Athens. In Grosz's response, clearly, the argument about the materiality of the signifier is at work. But even if language and discourse were material in the sense Butler and Grosz suggest, they surely would not be material in quite the same way as educational institutions, women's wages, women's legal and political status, or women's

access to contraception and abortion.⁶⁹ The belief that the words 'material' or 'materialist' alone, without further specification, can secure any political claims is destructive to serious discussion of feminist politics.

Butler's intense labours to show that sex is as discursively constructed as gender are symptomatic of the common post-structuralist belief that if something is not discursively constructed, then it must be natural. In keeping with the checklist of terms listed under 'sex' above, nature is taken to be immutable, unchanging, fixed, stable, and somehow 'essentialist'.⁷⁰ It is also assumed that everything cultural is linguistic, discursive, constructed, and so on. When sex is claimed to be 'as constructed as gender', this is an attempt to help nature escape from the tyranny of fixed identities and stable essences. This is also taken to be a radical political claim. The hypothesis is that if something is constructed, then it will be cultural as opposed to natural, and therefore easy to change by political action. But this is a rash conclusion, since it seems far easier to transform a peninsula into an island or turn a mountain into a molehill than to change our understanding of, say, what is to count as giving directions to a stranger. Furthermore, natural processes are certainly not always calm and stable, but often violent and radically transformative. They may be destructive or productive, and—importantly—they do not always resist human intervention.⁷¹ As for the idea that sex is immutable and gender wholly changeable, we should at least note that transsexuals vehemently insist that it is their *gender* that is immutable, and not their sex.

Poststructuralist critics, then, tend to believe that if they can only show that the body or sex is part of discourse, then they have also shown that it is a fully historical phenomenon, situated in the

⁶⁹ Comparing Butler's account of materiality to that of Adorno, Carrie Hull concludes that 'Butler cannot address social and economic injustice without the addition of materialism to her paradigm' (32). Hull also shows that Butler does not distinguish between different kinds of materiality (see esp. 30).

⁷⁰ Kate Soper, *What Is Nature?* gives a good critique of such views. See esp. Ch. 4.

⁷¹ The biologist Helen Lambert reminds us that some biological differences may in fact be changed, and that others can be compensated for by social measures (see esp. 141–5).

realm of power and politics. (This is the effect of taking all the elements in the 'good' 1990s picture of gender to be interchangeable.) The belief is, in fact, that the first claim (the body is discursive) secures the others, for the usual poststructuralist assumption is that history, politics, power, and discourse are linked in some necessary and intrinsic way.⁷² Let us grant, for the sake of the argument, that this may be true on a highly abstract, general level. Yet even so it does not follow that the claim that 'sex is as constructed as gender' thereby becomes meaningful in terms of the politics of everyday life. For we still do not know whether the body is political in the same way that Sinn Fein is political, or in the way that the stock market or Bill Clinton are political, or in some other way altogether. Nor is it clear that the mere invocation of 'history' always secures the desired connection with power and politics. One may, after all, write a fairly adequate history of goldfish-keeping in America without getting into deep political waters.⁷³ The general claim that a phenomenon is perceived differently in different historical epochs is not in itself enough to tie that phenomenon to questions of power and resistance. What is missing in so much poststructuralist theory is some awareness of the *specific ways* in which the body may be political and historical and discursive, and so on.

After so many attempts to prove that sex is as discursive as gender, that is to say to prove that 'the distinction between sex and gender turns out to be no distinction at all', as Butler puts it (*Gender Trouble* 7), it is disconcerting to discover that poststructuralists still insist that it is politically important, first, to distinguish between male and masculine, female and feminine, and, second, to accept that these terms vary freely in relation to each

⁷² Teresa Ebert claims that for Butler power enters into a list of interchangeable terms: 'through a series of tropic slippages, *power is materiality is discourse is citationality is performativity*' (214).

⁷³ For the record, I am not claiming that goldfish-keeping could never be politically significant under any historical conditions. Ecological activists might, for all I know, make a very good case for its world-historical consequences. My point is rather that there is a kind of history that isn't always political, or is only ambiguously or innocuously political, or, perhaps, political in an insignificant and uninteresting way. If the goldfish example offends, one might substitute another.

other.⁷⁴ In *Gender Trouble* Butler considers male drag shows to be subversive of social gender norms. But, as she herself stresses, any politically or socially subversive effects of male drag shows depend on the contrast ('gender dissonance') between male bodies (sex) and feminine clothes and behaviour (gender). It appears that the original 1960s sex/gender distinction is, after all, quite essential to Butler's political case.⁷⁵

The same tendency to return to the 1960s distinction between sex and gender for political effect is apparent in Butler's discussion of a case where a group of scientists decided to categorize an XX individual as male:

The task of distinguishing sex from gender becomes all the more difficult once we understand that gendered meanings frame the hypothesis and the reasoning of those biomedical inquiries that seek to establish 'sex' for us as it is prior to the cultural meanings that it acquires. Indeed, the task is even more complicated when we realize that the language of biology participates in other kinds of languages and reproduces that cultural sedimentation in the objects it purports to discover and neutrally describe.

Is it not a purely cultural convention to which [the scientists] refer when they decide that an anatomically ambiguous XX individual is male, a convention that takes genitalia to be the definitive 'sign' of sex? (*Gender Trouble* 109).⁷⁶

⁷⁴ 'When the constructed status of gender is theorized as radically independent of sex, gender itself becomes a free-floating artifice, with the consequence that *man* and *masculine* might just as easily signify a female body as a male one, and *woman* and *feminine* a male body as easily as a female one' (Butler, *Gender Trouble* 6).

⁷⁵ The usual distinction between sex and gender is clearly marked and categorized as politically radical in Butler's account of drag: 'The performance of drag plays upon the distinction between the anatomy of the performer and the gender that is being performed. But we are actually in the presence of three contingent dimensions of significant corporeality: anatomical sex, gender identity, and gender performance . . . the performance suggests a dissonance not only between sex and performance, but sex and gender, and gender and performance' (*Gender Trouble* 137).

⁷⁶ See also Butler's conclusion concerning this example: 'The desire to determine sex once and for all, and to determine it as one sex rather than the other, thus seems to issue from the social organization of sexual reproduction through the construction of the clear and unequivocal identities and positions of sexed bodies with respect to each other' (*Gender Trouble* 110).

On the one hand Butler's point is that these scientists produce their understanding of sex by reference to cultural conventions of gender; on the other, she seems to imply that there is something scandalous, oppressive, and heterosexist about this.⁷⁷ But what else would someone who believes that sex is the effect of gender, of 'regulatory discourses' expect? If sex is and must be an effect of social norms, the scientists simply could not behave any differently. But if, on the other hand, sex (nature) is to be strictly distinguished from gender (cultural norms), then they have indeed behaved objectionably, by imposing their own ideology on scientific research. There is no need to become a 'radical linguistic constructivist' to reach this conclusion: Simone de Beauvoir as well as Gayle Rubin would have been perfectly capable of producing a succinct critique of sexist scientific practices.⁷⁸ Insofar as poststructuralist work on sex and gender denounces the 1960s understanding of sex and gender while relying on the same distinction for political effects, it is deeply incoherent.

Gender, Performativity, Subjectivity

Perhaps the most famous claim in poststructuralist understanding of sex and gender is Judith Butler's contention that gender is performative (see *Gender Trouble* 25, 141). Sometimes this has been taken to mean that we are all constantly performing our gender, in a way that produces either sex or gender identity, or both. At other times critics speak of the 'performance of gender' and actually mean performances on stage or screen. Expressions such as

⁷⁷ Butler introduces the case by quoting feminist researchers who have attacked these scientists for displaying 'cultural prejudice [and] gendered assumptions about sex', adding—somewhat confusingly, but clearly critically—that 'the [scientists'] concentration on the "master gene" suggests that femaleness ought to be understood as the presence [*sic*] or absence of maleness or, at best the presence of a passivity that, in man, would invariably be active' (*Gender Trouble* 108 and 109).

⁷⁸ In fact, feminists from Ruth Bleier (*Science and Gender*) to Evelyn Fox Keller (*Reflections on Gender and Science*) and Sandra Harding (*The Science Question in Feminism*), just to mention a few, have done fundamental work on sexism in science precisely by drawing on the usual sex/gender distinction. Harding and O'Barr (eds.), *Sex and Scientific Inquiry* remains a valuable starting point for further inquiry into feminist critiques of science.

'gender performativity' or just 'performativity' abound in contemporary literary criticism and theory, and innumerable confusing claims have been made about the relationship between 'performativity' and the work of J. L. Austin on the one hand and Jacques Derrida on the other.⁷⁹ I shall not venture into this theoretical wilderness. Nor will I spend any time wondering what 'gender' means in this context (social norms? personal identity? the compulsory internalization of norms?). Instead I shall work from the assumption that when a critic speaks of 'gender performativity' she intends to oppose 'gender essentialism'; that against the being of sex, she is asserting the doing of gender. To say that one performs one's gender is to say that gender is an act, and not a thing.⁸⁰ As Judith Butler acknowledges, this is an idea that has close affinities with Sartre and Beauvoir's thought. For the French existentialists, our acts do indeed define us, we are what we do.⁸¹ There is a sense, then, in which 'gender performativity' is a 1990s way of speaking of how we fashion ourselves through our acts and choices. On this interpretation, the claim that we all perform our gender might mean, for example, that when a man behaves in ways that are socially acceptable for men, then he feels more convinced than ever that he is a 'real' man. It might also mean that if the man behaves in idiosyncratic ways, he helps to transform our previous understanding of how men behave. More generally, we might conclude that 'gender performativity' means that when most people behave according to certain gender norms, this ensures that the norms are maintained and reinforced. On this interpretation, Judith Butler inherits Simone de Beauvoir's understanding of how sexual difference is produced. The important difference is that Butler translates Beauvoir's anti-essentialism into the conceptual register of sex and gender. To

⁷⁹ See Sedgwick, 'Queer Performativity' 1. For an incisive critique of the poststructuralist reading of J. L. Austin, see Timothy Gould, 'The Unhappy Performative'. Poststructuralists usually draw on Derrida's reading of Austin in *Limited Inc*. For a philosophical critique of Derrida's reading of Austin, see Cavell, *A Pitch of Philosophy*, Ch. 2.

⁸⁰ See Sedgwick, 'Queer Performativity' 2.

⁸¹ See Butler, *Gender Trouble* 112 for the recognition that for Beauvoir woman is a 'becoming'.

speak about gender as something we *do*, rather than as something we *are*, may not be an entirely new idea, but it is a good one, and I have no difficulty in understanding its appeal.⁸²

Unfortunately, from my point of view, Judith Butler struggles to free herself from her existentialist heritage. She would resist my interpretation of performativity on the grounds that it presupposes a 'doer behind the deed', an agent who actually makes choices. Shifting her ground from Sartre to Foucault, Butler insists that 'Gender is performative insofar as it is the effect of a regulatory regime of gender differences in which genders are divided and hierarchized under constraint. . . . There is no subject who precedes or enacts this repetition of norms.'⁸³ Whatever we make of this, it is clear that gender performativity is a term designed to ensure that we don't think of identity and subjectivity as something that precedes social norms. But why do we have to make a choice between a 'discursive' and 'prediscursive' subject? Beauvoir, for one, would resist the dichotomy proposed by Butler. Lived experience, she would say, is an open-ended, ongoing interaction between the subject and the world, where each term continuously constructs the other.

In spite of her attempts to free herself from identity politics, it appears that, for Butler, the question of gender remains intrinsically bound up with the question of identity. In fact, poststructuralists regularly denounce any belief in a 'coherent inner self' or in 'coherent categories called women and men' as theoretically unsound and politically reactionary.⁸⁴ According to some critics, if we think of the self as coherent, stable, or in any way unified, we will fall back into the bad picture of sex, and therefore somehow become unable to resist racism and capitalism. Politically speaking,

⁸² In the USA, West and Zimmerman's essay 'Doing Gender' made a similar point in 1987.

⁸³ 'Critically Queer' 21. Butler continues in this way: 'performativity is a matter of reiterating or repeating the norms by which one is constituted: it is not a radical fabrication of the gendered self. It is a compulsory production of prior and subjectivating norms, ones which cannot be thrown off at will, but which work, animate, and constrain the gendered subject, and which are also the resources from which resistance, subversion, displacement are to be forged' ('Critically Queer' 21-2). This essay was reprinted in *Bodies That Matter* 223-42.

⁸⁴ The quotations come from Haraway, 'Gender' 135, 147.

these are puzzling claims, since the whole liberal tradition and indeed the Marxist humanist tradition, with their antediluvian views on individual agency, freedom, and choice, were quite capable of fighting racism, sexism, and capitalism before post-structuralism came along.

On the theoretical level it is necessary to ask whether different pictures of subjectivity and identity actually have any necessary relationship with different theories of sex and gender. The answer seems to be yes in only one case, that of the pervasive picture of sex. Brooks and Geddes and Thomson imagine that a woman is saturated through and through by her womanness. In this picture a woman is reduced to nothing but sexual difference ('a giant ovum', Beauvoir writes). There seems to be no opportunity here for thinking that a woman's social class, race, nationality, or age might profoundly affect her way of being a woman. The poststructuralist critics are right, therefore, to assume that biological determinism is intrinsically bound up with a stable, unitary, coherent, fixed, immobile (and so on) picture of subjectivity. What they overlook is that no particular understanding of subjectivity or identity follows from the fact of denying that biological facts justify social norms. Beauvoir and Carol Gilligan both reject biological determinism, but they have very different views of subjectivity and consciousness. To Beauvoir consciousness is not a unified, coherent, and stable entity; yet Gilligan, who carefully distinguishes between sex and gender in the 1960s way, seems to imagine the female subject in much the same terms as traditional liberal humanists do.⁸⁵

Liberation, Subversion—Same Thing?

Poststructuralists usually consider emancipation and liberation unfortunate Enlightenment terms, and believe that Foucault's denunciation of the 'repressive hypothesis' about sex shows that we can never speak of oppression and liberation without revealing that we actually believe in a true human nature shackled and bound by social norms. For them, anyone speaking of women's liberation must believe that it consists in letting our true, essential sexual

⁸⁵ For the existentialist understanding of consciousness, see Howells. See also Gilligan.

nature shine forth unfettered by social norms. Yet feminists ranging from Simone de Beauvoir to Juliet Mitchell have believed that oppression is a concrete historical situation that it is in our interest to change. Once the unfair, unjust, and exploitative conditions in question have been eliminated, it is quite justified to speak of liberation: no metaphysics about true nature needs to be implied.

Poststructuralist theorists of sex and gender, however, prefer to think in terms of *subversion* of dominant social norms. Since we cannot escape power, we can only undermine it from within. For this reason they have often invoked the male drag artist as a particularly subversive figure. By parodying dominant gender norms, he shows them up as conventional and artificial, and thus enables us to maintain a critical or ironic distance to them. Unlike Gayle Rubin, poststructuralists do not explicitly dream of a society without gender; rather, they seem to hope that greater freedom or justice or happiness will arise when we are able freely to mix and match socially normative concepts of masculinity and femininity as we like. Perhaps the idea is that this will eventually so weaken the impact of the dominant social norms that gender might ultimately wither away after all. Politically, the hopes and aspirations of Simone de Beauvoir, Gayle Rubin, and the poststructuralist theorists of sex and gender do not seem to be all that different. It would seem that we all wish for a society unmarred by repressive norms legislating politically correct sexuality and gender behaviour for women and men. Poststructuralists have yet to show how their politics (as opposed to their theory) differ from that of their feminist predecessors.

Imprisoned in their own theoretical framework, poststructuralist theorists of sex and gender have largely forgotten that the distinction was supposed to carry out a specific task, namely that of opposing biological determinism (which includes the essentialism and heterosexism produced by the pervasive picture of sex). On my analysis, poststructuralists have yet to show what questions concerning materiality, reference, essence, realism, nominalism, and the inside and outside of discourse have to do with bodies, sex, or gender, or with biology and social norms. In short, I find poststructuralist work on sex and gender to be obscure, theoreticist, plagued by internal contradictions, mired

in unnecessary philosophical and theoretical elaborations, and dependent on the 1960s sex/gender distinction for political effect.⁸⁶ As for the positive objectives that the poststructuralists wish to achieve, Simone de Beauvoir achieved them first, and with considerably greater philosophical elegance, clarity, and wit.

IV. 'THE BODY IS A SITUATION': SIMONE DE BEAUVOIR

The body is not a thing, it is a *situation*: it is our grasp on the world and a sketch of our projects.

Simone de Beauvoir, 1949

The Body as an Object and the Body as a Situation

'The body is a situation', Simone de Beauvoir writes in *The Second Sex*. I now want to show that this is not only a completely original contribution to feminist theory, but a powerful and sophisticated alternative to contemporary sex and gender theories. Let me stress that Beauvoir's claim is that the body *is* a situation. Some critics have taken this to mean that 'the physical capacities of either sex gain meaning only when placed in a cultural and historical context'.⁸⁷ But this is to miss the point, to reduce Beauvoir's claim that the body *is* a situation back to the more familiar idea that the body is always *in* a situation. For Beauvoir these are different claims, equally important and equally true, but not reducible to one another.⁸⁸ For Beauvoir, the body

⁸⁶ 'Theoreticism' refers to the belief that theoretical correctness somehow guarantees political correctness.

⁸⁷ I am quoting Julie Ward. Her sentence continues as follows: 'this, I argue, is what Beauvoir means by saying that the body is to be seen as a *situation*' (225).

⁸⁸ My assumption is that I do not need to explain the claim that the body is *in* a situation all that thoroughly, since most feminists are familiar with this kind of argument. What requires investigation, is the claim that the body *is* a situation. In this section I shall therefore emphasize the phenomenological philosophy that underpins Beauvoir's claim. As I will try to make clear in the text, it should nevertheless be understood throughout that, for Beauvoir as for Merleau-Ponty, the phenomenological experience of the body is always historically situated, always engaged in interaction with ideologies and other social practices. In *Sex and Existence* Lundgren-Gothlin makes the case for Beauvoir's historical understanding of 'situation' with great clarity.

perceived as a situation is deeply related to the individual woman's (or man's) subjectivity.⁸⁹

In the first chapter of *The Second Sex* Simone de Beauvoir asks what a woman is. In the next chapter she turns her attention to attempts to answer by pointing to women's biological and anatomical differences from men. This chapter has been severely criticized by contemporary feminists: 'in turning (apparently at Sartre's suggestion) to an examination of the biological differences between the sexes, [Beauvoir] adopts something of an essentialist view of biology', one critic writes (Evans 61–2). Nothing could be further from the truth. There is no evidence that Sartre directed Beauvoir to write about biology. Moreover, it is in the chapter on biology that she first claims that the sexed body is a situation. In fact, this is a claim specifically designed to *refute* the kind of biological determinism espoused by scientists such as Brooks and Geddes and Thomson. This is how the chapter begins:

Woman? [*La femme?*] Very simple, say the fanciers of simple formulas: she is a womb, an ovary; she is a female [*femelle*]—this word is sufficient to define her. In the mouth of a man the epithet *female* [*femelle*] has the sound of an insult, yet he is not ashamed of his animal nature; on the contrary, he is proud if someone says of him: 'He is a male!' The term 'female' [*femelle*] is derogatory not because it grounds [*enracine*] woman in nature, but because it imprisons her in her sex; and if this sex seems to man to be contemptible and inimical even in harmless animals, it is because of the uneasy hostility stirred up in him by woman. Nevertheless he wishes to find in biology a justification for this sentiment. The word *female* [*femelle*] brings up in his mind a saraband of imagery—a vast, round ovum engulfs and castrates the agile spermatozoon; the monstrous and swollen termite queen rules over the enslaved males; the female praying mantis and the spider, satiated with love, crush and devour their partners . . . (SS 3; *DSa* 35; TA).

This passage may seem puzzling to some readers. Why does Beauvoir leap to the conclusion that to be called a female must be an insult? Why does the word female conjure up in her mind

⁸⁹ I want to signal here that in *The Second Sex* Beauvoir also defines the body as *background*. See Ch. 2, below for a discussion of this understanding of the body.

pictures of insatiable and monstrous termites and spiders? In English, this does sound somewhat exaggerated; in French, the passage depends for its effect on the distinction between *femme* and *femelle*, a distinction that is not fully conveyed by the words *woman* and *female*. Although both the English *female* and the French *femelle* designate 'the sex which can bear offspring, or produce eggs', *female* refers to 'women, girls, and animals', as opposed to *femelle*, which refers exclusively to animals: its meaning is 'she-animal', not 'human female'. Precisely because of its association with she-animals, *femelle* is regularly used as a pejorative term for woman. In French, Beauvoir's point is clear: by refusing to reduce the woman (*femme*) to the she-animal (*femelle*), she takes a strong stance against the misogynist ideology which can only picture a woman as a monstrous ovum. Her imagery is a send-up of the pervasive picture of sex.

Beauvoir in fact discusses many of the theses put forward by Brooks and Geddes and Thomson, usually without quoting any particular source for them. Janet Sayers writes that Geddes and Thomson's book was quickly translated into French, and that their arguments turn up in A. J. E. Fouillée's *Tempérament et caractère selon les individus, les sexes et les races* from 1895 (see Sayers 41). Beauvoir comments directly on Fouillée's theses:

In his book *Le tempérament et le caractère*, Alfred Fouillée undertakes to found his definition of woman *in toto* upon the ovum and that of man upon the spermatozoon; and a number of supposedly profound theories rest upon this play of doubtful analogies. It is a question to what philosophy of nature these dubious ideas pertain; not to the laws of heredity, certainly, for, according to these laws, men and women alike develop from an ovum and a sperm. I can only suppose that in such misty minds there still float shreds of the old philosophy of the Middle Ages which taught that the cosmos is an exact reflection of a microcosm—the ovum is imagined to be a female homunculus, the woman a giant ovum . . . (SS 14; *DSa* 47–8; TA).

After refuting the claims put forward by biological determinists, Beauvoir describes the facts of female sexual and reproductive development.⁹⁰ Overall, she concludes that women's role in the

⁹⁰ She tends to interpret them from a Hegelian perspective. For two serious, but divergent, accounts of Beauvoir's understanding of Hegel, see Lundgren-Gothlin, *Sex and Existence*, esp. 33–82, and Bauer, esp. Chs. 3–6.

reproduction of the species is more onerous, more time-consuming, and more dangerous than men's. A man can father a hundred children without any physical damage to himself, a woman cannot even have ten children without running considerable risks of lasting physical impairment and even death. For Beauvoir, such biological facts are 'extremely important. In the history of woman they play a part of the first rank and constitute an essential element in her situation' (SS 32; *DSa* 71). Her conclusions are nevertheless strikingly different from those of Brooks and Geddes and Thomson:

But I deny that [the biological facts] establish for her a fixed and inevitable destiny. They are insufficient for setting up a hierarchy of the sexes; they fail to explain why woman is the Other; they do not condemn her to remain in this subordinate role for ever (SS 32-3; *DSa* 71).

How can Beauvoir maintain both that biology is extremely important to women's situation and that it is not destiny? To answer this question, we need to consider Beauvoir's existentialist understanding of what a human being is:

But man is defined as a being who is not given, who makes himself what he is. As Merleau-Ponty very justly puts it, man is not a natural species; he is a historical idea. Woman is not a fixed reality, but rather a becoming, and it is in her becoming that she should be compared with man; that is to say her possibilities should be defined. . . . [A]s viewed in the perspective that I am adopting—that of Heidegger, Sartre, and Merleau-Ponty— . . . the body is not a thing, it is a *situation*: it is our grasp on the world and a sketch [*esquisse*] of our projects (SS 34; *DSa* 73; TA)⁹¹

To say that 'woman is not a fixed reality' is to say that as human beings (and unlike animals) women are always in the process of

⁹¹ The published English translation of the last sentence is particularly egregious: '[Le corps] est notre prise sur le monde et l'esquisse de nos projets', Beauvoir writes. '[The body] is the instrument of our grasp upon the world, a limiting factor for our projects', Parshley translates, thereby introducing (1) the wholly erroneous idea of the body as an *instrument* for a grasp, rather than as the 'grasp [*prise*]' itself; and (2) the idea of the body as a *limitation*, as something that necessarily hampers our projects. Both thoughts correspond to the traditional picture of a *consciousness inhabiting the body*, but this, precisely, is the picture Beauvoir wants to resist.

making themselves what they are. We give meaning to our lives by our actions. Only death puts an end to the creation of meaning. As the famous existentialist slogan has it: 'Existence precedes essence'. For Beauvoir and Merleau-Ponty, human transcendence—human freedom—is always incarnated, that is to say that it always presents itself in the shape of a human body. My body is a situation, but it is a fundamental kind of situation, in that it founds my experience of myself and the world. This is a situation that always enters my lived experience. This is why the body can never be just brute matter to me. Only the dead body is a thing, but when I am dead I am lost to the world, and the world is lost to me: 'The body is our general medium for having a world', Merleau-Ponty writes (*Phenomenology* 146).

I just used the term *lived experience*. This is a central existentialist concept. The situation is not coextensive with lived experience, nor reducible to it. In many ways 'lived experience' designates the whole of a person's subjectivity. More particularly the term describes the way an individual makes sense of her situation and actions. Because the concept also comprises my freedom, my lived experience is not wholly determined by the various situations I may be a part of. Rather lived experience is, as it were, sedimented over time through my interactions with the world, and thus itself becomes part of my situatedness.

Beauvoir and Merleau-Ponty do not deny that there is anything object-like about my body.⁹² It is quite possible to study it scientifically, to measure it, to predict how it will react to antibiotics, and so on. Both Beauvoir and Merleau-Ponty are happy to accept scientific data in their analyses of the body. Yet, for them, scientific methodology cannot yield a valid philosophy of human existence.

⁹² Sara Heinämaa's useful account of Beauvoir's view of the body stresses that Simone de Beauvoir's phenomenological understanding of the body falls outside the parameters of the sex/gender distinction, since it doesn't consider the body as an object (see 'Woman—Nature, Product, Style'). Following Sonia Kruks's lead, Heinämaa also reminds us of Merleau-Ponty's importance for Beauvoir, who actually reviewed the *Phenomenology of Perception* in the second issue of *Les temps modernes* in Nov. 1945. See Kruks, 'Simone de Beauvoir: Between Sartre and Merleau-Ponty'; Kruks, 'Simone de Beauvoir: Teaching Sartre about Freedom'; and Heinämaa, 'What Is a Woman?', as well as 'Woman—Nature, Product, Style'.

In *Phenomenology of Perception*, Merleau-Ponty denounces what he calls the 'objective' way of looking at the world, exemplified by science on the one hand and common sense on the other. In turning the world into an object, the 'objective' perspective represses the fact that human consciousness is part of every human experience:

Obsessed with being, and forgetful of the perspectivism of my experience, I henceforth treat it as an object and deduce it from a relationship between objects. I regard my body, which is my point of view upon the world, as one of the objects of that world. My recent awareness of my gaze as a means of knowledge I now repress, and treat my eyes as bits of matter. . . . I now refer to my body only as an idea. . . . Thus 'objective' thought . . . is formed—being that of common sense and of science—which finally causes us to lose contact with perceptual experience, of which it is nevertheless the outcome and the natural sequel (70–1).

By placing 'objective' in inverted commas, Merleau-Ponty indicates that *he* doesn't believe that the scientific (or the commonsensical) point of view is 'objective' in the positivist sense of bearing no trace of the human consciousness that produced it. On the contrary, even scientific research presupposes human experience:

I am not the outcome or the meeting-point of numerous causal agencies which determine my bodily or psychological make-up. I cannot conceive myself as nothing but a bit of the world, a mere object of biological, psychological or sociological investigation. I cannot shut myself up within the realm of science. All my knowledge of the world, even my scientific knowledge, is gained from my own particular point of view, or from some experience of the world without which the symbols of science would be meaningless. . . . Scientific points of view, according to which my existence is a moment of the world's, are always both naive and at the same time dishonest, because they take for granted, without explicitly mentioning it, the other point of view, namely that of consciousness, through which from the outset a world forms itself round me and begins to exist for me (viii–ix).

To say that science presupposes a human perspective is not to reject its insights about the human body, but rather to reject

scientism, positivism, empiricism, and other would-be 'objectivist' world-views. This is why Merleau-Ponty feels free to draw copiously on psychological and biological research concerning perception and brain functioning.

The body, then, does not carry its meaning on its surface. It is not a thing, but a situation. In *Being and Nothingness* Sartre claims that all human beings are always situated—*en situation*, as he puts it. The concept of the *situation* deserves a more thorough discussion than I can give it here. Sartre devotes over a hundred pages to it in *Being and Nothingness*. Merleau-Ponty understands it, after Sartre, as an irreducible category between subjectivity and objectivity. For Sartre, Beauvoir, and Merleau-Ponty, the concept of the situation is crucial, since they need it in order to avoid dividing lived experience up in the traditional subject/object opposition.⁹³ For Sartre my class, my place, my race, my nationality, my body, my past, my position, and my relationship to others are so many different situations.⁹⁴ To claim that the body is a situation is not the same thing as to say that it is placed *within* some other situation. The body both is a situation *and* is placed within other situations. For Sartre, a situation is a structural relationship between our projects (our freedom) and the world (which includes our bodies). If I want to climb a crag, my situation is my project as it exists in the encounter with the brute facticity of the crag. In this view, the crag alone is not a situation. My situation is not *outside* me, it does not relate to me as an object to a subject; it is a synthesis of facticity and freedom. If your project is to climb, and my project is to enjoy the mountain views, then the very same crag would present itself to you as being easy or difficult to scale, and to me as 'imposing' or 'unremarkable'. Faced with the same crag, our situations would be different because our projects are different. We are always in a situation, but the situation is always part of us.

To claim that the body is a situation is to acknowledge that the meaning of a woman's body is bound up with the way she uses her freedom. For Beauvoir, our freedom is *not* absolute,

⁹³ For an illuminating discussion of the successes and failures of the concept in the works of these writers, see Kruks, *Situation*.

⁹⁴ See *Being and Nothingness* 619–707; *L'être et le néant* 538–612.

but situated. Other situations as well as our particular lived experience will influence our projects, which in turn will shape our experience of the body. In this way, each woman's experience of her body is bound up with her projects in the world. There are innumerable different ways of living with one's specific bodily potential as a woman. I may devote myself to mountain climbing, become a ballet dancer, a model, a nurse, or a nun. I may have lots of sexual relations or none at all, have five children or none, or I may discover that such choices are not mine to make.

Many critics of Beauvoir would disagree with my analysis. In their view, Beauvoir sees the female reproductive body as inherently oppressive. In an interesting essay on Beauvoir and Hegel, Catriona Mackenzie considers that Beauvoir's understanding of the body forces us to accept the conclusion that 'the reproductive body must be denied' (156). I do not want to contest the idea that Beauvoir herself was highly ambivalent about mothers, motherhood, and pregnancy. In my view, almost all her texts, including *The Second Sex*, are haunted by a destructive mother imago.⁹⁵ Yet whenever Beauvoir's unconscious horror of the mother surfaces, far from spelling out the inner logic of her argument it places her understanding of the body as a situation in contradiction with itself. For the logic of her argument is that greater freedom will produce new ways of being a woman, new ways of experiencing the possibilities of a woman's body, not that women will for ever be slaves to the inherently oppressive experience of childbearing. At the end of *The Second Sex* Beauvoir writes: 'Once again, in order to explain her limitations it is woman's situation that must be invoked and not a mysterious essence; thus the future remains largely open. . . . The free woman is just being born' (SS 714-15; DSb 640-1). In a non-sexist future, women's freedom will lead to changes we cannot even imagine: 'New relations of flesh and sentiment of which we have no conception will arise between the sexes' (SS 730; DSb 661). Beauvoir's belief in social and individual

⁹⁵ I discuss the negative mother imago in Beauvoir's texts at length in my *Simone de Beauvoir* (see esp. Chs. 4, 6, and 8).

transformation is the logical outcome of the double claim that the body *is* a situation and that it always is *in* a situation, not of the belief that women will always be oppressed by their reproductive capacities.⁹⁶

Some critics gloss Beauvoir's claim that the body is a situation by saying that for her, 'the body is a social construction'.⁹⁷ Without a clearer understanding of what 'social construction' means I can't say whether this is a helpful formulation. If 'social construction' is no more than convenient shorthand for 'non-essentialist', then Beauvoir's understanding of the body as a situation counts as 'constructionist'. Insofar as Beauvoir's understanding of situation includes the freedom of the subject, it clashes with the extreme determinism of some contemporary ideas of how 'social construction' works. When it comes to the body, 'social construction' is a nebulous concept which there is no reason to prefer to Beauvoir's precisely defined and highly productive concept of situation.

When Beauvoir writes that the body is not a thing, but a situation, she means that the body-in-the-world that we are, is an embodied intentional relationship to the world.⁹⁸ Understood as a situation in its own right, the body places us in the middle of many other situations. Our subjectivity is always embodied, but our bodies do not only bear the mark of sex. In *Black Skin, White Masks* (1952) Frantz Fanon analyses race as a bodily situation, drawing on exactly the same concepts as Beauvoir, and in

⁹⁶ In her well-known essay 'French Feminism Revisited' Gayatri Spivak rightly stresses that 'Beauvoir sees the Mother as a situation' (*Outside* 149). In fact, most of the chapters of the second volume of *The Second Sex* are devoted to a different situation. Thus the chapter entitled 'The Mother' describes different women's reactions to the situation of motherhood, the chapter entitled 'The Married Woman' discusses different ways of living the experience of marriage, and so on.

⁹⁷ I am quoting Julie Ward's valuable essay on 'Beauvoir's Two Senses of Body' (231).

⁹⁸ In her valuable essay 'Throwing Like a Girl', Iris Marion Young combines Merleau-Ponty and Beauvoir's analysis of the body to explore a certain 'feminine' style of orienting the body in space. Echoing Beauvoir, Young stresses that a woman under patriarchy often ends up living her body *as* a thing (see esp. 150).

Phenomenology of Perception Merleau-Ponty discusses class as a historical and bodily situation (see 442–50).⁹⁹

'The body is to be compared, not to a physical object, but rather to a work of art', Merleau-Ponty writes (*Phenomenology* 150). Perceived as part of lived experience, the body is a style of being, an intonation, a specific way of being present in the world, but it does not for that reason cease to be an object with its own specific physical properties. Considered as a situation, the body encompasses both the objective and the subjective aspects of experience. To Merleau-Ponty and Beauvoir, the body is our perspective on the world, and at the same time that body is engaged in a dialectical interaction with its surroundings, that is to say with all the other situations in which the body is placed. The way we experience—live—our bodies is shaped by this interaction. The body is a historical sedimentation of our way of living in the world, and of the world's way of living with us.¹⁰⁰

The body matters to Simone de Beauvoir. If I have to negotiate the world in a crippled body or sick body I am not going to have the same experience of the world or of myself as if I had a healthy or particularly athletic body. Nor will the world react to me in the way it would if I had a different body.¹⁰¹ To deny this is to be guilty

⁹⁹ The achievement of Simone de Beauvoir consists in having shown that bodily sexual difference makes the body a potentially different situation for men and women. (I write 'potentially different' because Beauvoir does not believe that sexual differences always and everywhere matter more than other situations: she does not have a pervasive picture of sex.) Unfortunately neither Fanon (who writes after her) nor Merleau-Ponty (who writes before her) manage to discuss sexual difference as a situation that interacts with that of race and class. For a brief comparison of Fanon and Beauvoir, see my *Simone de Beauvoir*, Ch. 7.

¹⁰⁰ As we have seen, Beauvoir's understanding of the body is explicitly and obviously phenomenological. I am therefore struck by the fact that Elizabeth Grosz, who in *Volatile Bodies* devotes a whole chapter to Merleau-Ponty, in the subsection entitled 'Feminist Phenomenology?' makes no reference at all to Simone de Beauvoir (103–7).

¹⁰¹ The medievalist Caroline Bynum complains that feminists nowadays reduce the body to sexual difference: 'an extraordinarily large amount of [the] recent discussion of the body is in fact a discussion of sex and gender'. One recent book on theology and the body, she notes, 'devotes only about seventeen pages to what was surely, in earlier times, theology's major preoccupation with bodies: suffering and death' (5). As my examples show, Beauvoir's understanding of the body would not lead to this problem.

of idealist subjectivism. To assume that the meaning of a sick or a healthy body is written on its surface, that it is and will be the same for all human beings, is to fall prey to empiricism or what Merleau-Ponty calls 'objectivism'.¹⁰² As Fanon has shown, the same logic applies to the difference between a black body and a white body.

Although our biology is fundamental to the way we live in the world, biological facts alone give us no grounds for concluding anything at all about the *meaning* and *value* they will have for the individual and for society. At the same time, however, biological facts cannot be placed outside the realm of meaning. For Beauvoir and Merleau-Ponty, the human body is fundamentally *ambiguous*: it is subject at once to natural laws and to the human production of meaning, and it can never be reduced to either one of these elements. Because the body is neither pure nature nor pure meaning, neither empiricism nor idealism will ever be able to grasp the specific nature of human existence. When Merleau-Ponty claims that 'Man is a historical idea' he is not trying to disavow nature, but rather to expand our understanding of what nature is. Instead of accepting the scientific and empiricist concept of nature, he wants to stress that nature also belongs to the order of meaning. 'Man is a historical idea' means that our nature is to be historical. As Merleau-Ponty goes on to say:

Everything is both manufactured and natural in man, as it were, in the sense that there is not a word, not a form of behaviour which does not owe something to purely biological being—and which at the same time does not elude the simplicity of animal life, and cause forms of vital behaviour to deviate from their pre-ordained direction, through a sort of *leakage* and through a genius for ambiguity which might serve to define man (189).

Following Merleau-Ponty and Sartre, Beauvoir repeatedly stresses that biological facts cannot ground human values:

¹⁰² Merleau-Ponty's discussion of 'objective' thought occurs in the context of his effort to put shortcomings of subjectivism as well as of objectivism behind him: 'We cannot remain in this dilemma of having to fail to understand either the subject or the object. We must discover the origin of the object at the very center of our experience; we must describe the emergence of being and we must understand how, paradoxically, there is for us an *in-itself*' (*Phenomenology* 71).

But in truth a society is not a species; for it is in society that the species realises itself as existence—transcending itself toward the world and toward the future. Its ways and customs cannot be deduced from biology, for individuals are never abandoned to their nature; rather they obey that second nature which is custom, in which the desires and fears that express their ontological attitude are reflected.¹⁰³ It is not merely as a body, but rather as a body subject to taboos, to laws, that the subject becomes conscious of himself and attains fulfillment [*s'accomplit*]¹⁰³—it is with reference to certain values that he valorizes himself. To repeat once more: physiology cannot ground any values; rather, the facts of biology take on the values that the existent bestows upon them (SS 36; DSA 76; TA).

Beauvoir makes a number of claims amounting to a flat rejection of the theses of the biological determinists:

- (1) sex is not pervasive: a woman is not a giant ovum;
- (2) biology (science) cannot justify social norms;
- (3) social norms are not the expression of biological facts;
- (4) social hierarchy (subjection, oppression) can never be explained or justified by biology.

Beauvoir's rejection of biological determinism resembles Gayle Rubin's distinction between gender as social norms and sex as the concrete human body. Beauvoir's understanding of individual subjectivity, on the other hand, is vastly different from sex and gender theories. First of all, it never occurs to her that an individual human being can be divided into a natural and a cultural part, in the way suggested by the sex/gender distinction. Merleau-Ponty actually spells this point out with particular clarity when he writes that 'It is impossible to superimpose on man a lower layer of behaviour which one chooses to call "natural", followed by a manufactured cultural or spiritual world' (189). That Beauvoir shares this point of view becomes clear in the very last lines of her chapter on biology:

Thus we shall have to view the facts of biology in the light of an ontological, economic, social and psychological context. The

¹⁰³ In French: *leur attitude ontologique*. The English text, unfortunately, translates this as 'their essential nature', thus giving rise to many misunderstandings.

enslavement of the female to the species and the limitations of her various powers are extremely important facts; the body of woman is one of the essential elements in her situation in the world. But that body is not enough to define her; it does not gain lived reality [*réalité vécue*] unless it is taken on [*assumé*] by consciousness through activities and in the bosom of a society. Biology is not enough to give an answer to the question that is before us: why is woman the *Other*? We need to find out how nature has been taken up [*reprise*] in her throughout the course of history; we need to find out what humanity has made of the human female [*la femelle humaine*] (SS 37; DSA 77; TA).¹⁰⁴

In this passage Beauvoir makes the following claims: (1) biological facts only take on meaning when they are situated within economic, social, and psychological contexts; (2) biological facts are nevertheless important elements in women's situation; (3) biological facts alone cannot define a woman; (4) the body alone does not define a woman, on the contrary, she needs to make it her own, turn it into 'lived reality',¹⁰⁵ a process that is always accomplished in interaction with the woman's socially situated, conscious choices and activities; and (5) biology cannot explain the social subordination of women.

When Beauvoir writes, 'But that body is not enough to define her,' she means to reject the biological determinist theories of

¹⁰⁴ This passage sounds very different in Parshley's translation. Failing to grasp Beauvoir's syntax and philosophical vocabulary, he translates 'Mais ce n'est pas non plus lui [le corps] qui suffit à la définir, il n'a de réalité vécue qu'en tant qu'assumé par la conscience à travers des actions et au sein d'une société' as 'But that body is not enough to define her as a woman; there is no true living reality except as manifested by the conscious individual through activities and in the bosom of society'. It is clear that Parshley reads Beauvoir's 'il [ce corps] n'a de réalité' as 'il n'y a de réalité', and doesn't understand the idea that consciousness must 'shoulder' or 'take on' the body for it to become part of lived experience. The last sentence in French contains the phrase 'savoir comment en elle la nature a été reprise au cours de l'histoire'. This gets translated as 'discover how the nature of woman has been affected throughout the course of history'. No wonder so many Anglophone readers of *The Second Sex* have felt that Beauvoir's understanding of the body is incoherent, or worse.

¹⁰⁵ Let me note that although Beauvoir here uses the expression *réalité vécue*, elsewhere she writes about *expérience vécue*: the body gains lived reality when it becomes (part of) lived experience.

sexual difference she has spent most of the chapter discussing. The formulation 'not enough' signals that she also means to reject purely idealist constructions of what a woman is. The female body is a necessary part of the definition of 'woman', but to take it to be sufficient to define the meaning of the word is to fall back into 'objectivism'. The difference between the body considered as a situation and the body considered as an object is not homologous with that between sex and gender. We are, rather, dealing with two different perspectives on the body: the empiricist or scientific perspective on the one hand, and the phenomenological on the other. The implication is that we have to choose between them. The one cannot somehow be added on to the other without forcing us into an unsatisfactory see-saw movement between empiricism and idealism, or between objectivism and subjectivism. As Merleau-Ponty reminds us, it makes no sense to think of human beings as consisting of two superimposed layers, one which we choose to call 'natural' and another that we consider 'cultural' or 'spiritual'. For Beauvoir and Merleau-Ponty, then, the body perceived as an object is *not* the ground on which the body as a situation is constructed; a woman is *not* the sum of the 'objective' and the situational perspective on the body. For Beauvoir, a woman defines herself through the way she lives her embodied situation in the world, or in other words, through the way in which she makes something of what the world makes of her. The process of making and being made is open-ended: it only ends with death. In the analysis of lived experience, the sex/gender distinction simply *does not apply*.¹⁰⁶ I shall now go on to show that the opposition between 'essentialism' and 'constructionism' that has plagued contemporary feminist theory in the 1980s and 1990s does not apply either.

One Is Not Born a Woman: Biology and Lived Experience

'One is not born, but rather becomes, a woman', Beauvoir writes. Many contemporary feminists have assumed that this means that Beauvoir is opposing sex to gender, or biological essence to social

¹⁰⁶ On this point, I agree completely with Sara Heinämaa (see 'Woman—Nature, Product, Style').

construction. This is not the case. Anyone who tries to read *The Second Sex* through the lens of the sex/gender distinction is bound to misunderstand Beauvoir. Judith Butler's 1986 commentary on Beauvoir's famous sentence is a good example of such a misreading:

'One is not born, but rather becomes, a woman'—Simone de Beauvoir's formulation distinguishes sex from gender and suggests that gender is an aspect of identity gradually acquired. The distinction between sex and gender has been crucial to the long-standing feminist effort to debunk the claim that anatomy is destiny; sex is understood to be the invariant, anatomically distinct, and factic aspects of the female body, whereas gender is the cultural meaning and form that that body acquires, the variable modes of that body's acculturation. . . . Moreover, if the distinction is consistently applied, it becomes unclear whether being a given sex has any necessary consequence for becoming a given gender. The presumption of a causal or mimetic relation between sex and gender is undermined. . . . At its limit, then, the sex/gender distinction implies a radical heteronomy of natural bodies and constructed genders with the consequence that 'being' female and 'being' a woman are two very different sorts of being. This last insight, I would suggest, is the distinguished contribution of Simone de Beauvoir's formulation, 'one is not born, but rather becomes, a woman' ('Sex and Gender' 35).

In this passage, Butler shows herself to be an extremely acute reader of Beauvoir's phenomenological feminism, but her close affinities with Beauvoir are, as it were, derailed by Butler's fundamental commitment to the sex/gender distinction. Beauvoir's view would presumably be that the category of 'sex' is scientific, and therefore useless as an explanation of what a woman is. From a Beauvoirean perspective, then, the trouble with the sex/gender distinction is that it upholds the 'objective' or 'scientific' view of the body as the ground on which gender is developed. To consider the body as a situation, on the other hand, is to refuse to break it down into an 'objective' and a 'subjective' component; we don't first consider it scientifically, and then add cultural experience. For Butler in 1986, sex or the body is an object, for Beauvoir 'sex' could only be seen as the

philosophically misguided act of perceiving the body as an object.¹⁰⁷

Rejecting biological determinism (anatomy is destiny), Butler denies that the objectively described ('factic') body gives rise to values. On this point, she follows Beauvoir. When Butler conceives of gender as a category that does *not include* the body, however, she loses touch with Beauvoir's category of 'lived experience'.¹⁰⁸ As a result, she is left with only one way of conceptualizing the body, namely as sex. In order to avoid biological determinism, Butler is then forced to claim that a woman is gender, and that the category of gender varies freely in relation to a narrowly scientific understanding of sex. In Butler's picture of sex and gender, sex becomes the inaccessible ground of gender, gender becomes completely disembodied, and the body itself is divorced from all meaning.

For Beauvoir, on the other hand, the body is a situation, and as such, a crucial part of lived experience. Just as the world constantly makes me, I constantly make myself the woman I am. As we have seen, a situation is not an 'external' structure that imposes itself on the individual subject, but rather an irreducible amalgam of the freedom (projects) of that subject and the conditions in which that freedom finds itself. The body as a situation is the concrete body experienced as meaningful, and socially and historically situated. It is *this* concept of the body that disappears entirely from Butler's account of sex and gender.

¹⁰⁷ As Mary McIntosh has pointed out, Butler's use of the word 'gender' in relation to a number of French thinkers (including, I should add, Beauvoir and Wittig) is not very helpful: 'I find Butler's use of the sex/gender distinction confusing. This distinction . . . does not sit well with any of the French work that Butler engages with. Those writers in the French tradition who have problematized the category of "woman" have not used the term gender. What they have done is to question whether the biological category "woman" has any stable social significance, not to question the biological category as such' (McIntosh 114).

¹⁰⁸ Heinämaa's 'What Is a Woman?' convincingly demonstrates that Judith Butler misreads Beauvoir by reading her through the lens of the traditional understanding of sex and gender. Her 'Woman—Nature. Product. Style' argues that Beauvoir's phenomenological understanding of the body cannot be reduced to the common feminist sex/gender distinction. If she means that the sex/gender distinction is not at work *inside* Beauvoir's concepts of 'lived experience' or 'body as situation', I agree with her.

Butler returns to Beauvoir's famous sentence in *Gender Trouble* (1990). She writes that 'it follows that *woman* itself is a term in process, a becoming, a constructing that cannot rightfully be said to originate or to end' (*Gender Trouble* 33). This strikes me as a good interpretation of Beauvoir's view. But then Butler continues:

As an ongoing discursive practice, it [the term *woman*] is open to intervention and resignification. Even when gender seems to congeal into the most reified forms, the 'congealing' is itself an insistent and insidious practice, sustained and regulated by various social means. It is, for Beauvoir, never possible finally to become a woman, as if there were a *telos* that governs the process of acculturation and construction. Gender is the repeated stylization of the body, a set of repeated acts within a highly rigid regulatory frame that congeal over time to produce the appearance of substance, of a natural sort of being (*Gender Trouble* 33).

The slippage from Beauvoir's 'woman' to Butler's 'gender' is obvious. Here Butler leaps from the thought that for Beauvoir, a woman is always becoming, always in the process of making herself what she is, to the rather different idea that, for Beauvoir, a woman must therefore be *gender*, that is to say, an 'ongoing discursive practice', a continuous production of a 'congealed' social form.¹⁰⁹ Butler and Beauvoir are both anti-essentialist. But whereas Beauvoir works with a non-normative understanding of what a woman is, Butler thinks of a woman as the ongoing production of a congealed ideological construct. For Butler a woman is gender, and gender is simply an effect of an oppressive social power structure. In short, Butler's concept of gender does not encompass the concrete, historical and experiencing body. This is a particularly clear example of the way in which Butler inherits Gayle Rubin's understanding of gender as an intrinsically oppressive social construct.¹¹⁰

Whereas Butler finds oppressive social norms at work in the

¹⁰⁹ We might note that for Beauvoir, a woman is not a particularly incomplete term: if a woman is in continuous process, it is because *all* human beings are. Since nothing (with the exception of death), could count as 'completion' for an existentialist, the claim that all human beings are 'incomplete' doesn't actually have much force.

¹¹⁰ See my discussion of Rubin's work in Sect. II, above.

very concept of woman, Beauvoir takes the female body as a non-normative starting point for her phenomenological analysis of what a woman is. By 'non-normative' I mean that Beauvoir considers that only the study of concrete cases—of lived experience—will tell us exactly what it means to be a woman in a given context. For her it is impossible to derive the definition of 'woman' from an account of social norms alone, just as it is impossible to derive the definition of 'woman' from an account of biological facts alone. Butler's understanding of gender as an effect of power ends up reducing 'woman' to 'power'. This is why it becomes impossible for her and her followers to imagine that the word 'woman' could ever be used in ways that fail to reproduce oppressive power structures. In such an analysis 'power' is opposed to 'sex' or 'the body' and the result is a theory of 'woman' that is structurally similar to the transcendental idealism Beauvoir and Merleau-Ponty want to avoid. Or in other words, for Butler 'power' functions as the secret principle of all meaning, just as 'spirit' does for an idealist philosopher. In short, taking woman to mean gender, Butler thinks of the female body as sex, and assumes that there is a radical divorce between sex and woman/gender. It is *this* move that effectively exiles sex from history and society in Butler's work. However much Butler analyses women and men, she will never believe herself to be saying anything at all about sex, or about the body. For Beauvoir women exist, for Butler they must be deconstructed.¹¹¹

As a result of her understanding of sex, Butler ends up arguing that Beauvoir thinks that anyone—regardless of whether they have a penis or not—can become a woman. This is simply not the case. For Beauvoir, a woman is someone with a female body from beginning to end, from the moment she is born until the moment she dies, but that body is her situation, not her destiny.

¹¹¹ Butler's belief that 'woman' or 'women' must be deconstructed is everywhere apparent: 'the category of women does not become useless through deconstruction, but becomes one . . . which stands a chance of being opened up, indeed of coming to signify in ways that none of us can predict in advance', she writes in *Bodies* (28–9). Beauvoir would say that because we define ourselves through our existence, all human beings are in principle unpredictable as long as they live. Only death deprives us of the possibility of change.

For Beauvoir people with female bodies do not have to fulfil any special requirements to be considered women. They do not have to conform either to sexist stereotypes, or to feminist ideals of womanhood. However bizarrely a woman may behave, Beauvoir would not dream of denying her the name of woman. The logic of Butler's argument, on the other hand, implies that someone who does not behave according to the dominant 'regulatory discourse(s)' for femininity, is not a woman. To behave like a woman comes to mean 'to behave like an effect of patriarchal power'. In this way the term 'woman' is surrendered to the patriarchal powers feminists wish to oppose. The fact that Beauvoir refuses to hand the concept of 'woman' over to the opposition, is precisely what makes *The Second Sex* such a liberating read. Here, finally, is a book that does not require women somehow to prove that they are 'real' women, to prove that they can conform to someone else's criteria for what a woman should be like.

I want to bring out the implications of Beauvoir's views by turning to the passage where she makes her most famous claim:

One is not born, but rather becomes, a woman [*femme*]. No biological, psychological, or economic destiny defines the figure that the human female [*la femelle humaine*] acquires in society; it is civilization as a whole that develops this product, intermediate between male and eunuch, which one calls feminine [*féminin*]. Only the mediation of another [*autrui*] can establish an individual as an *Other*. In so far as he exists for himself, the child would not be able to understand himself as sexually differentiated. In girls as in boys the body is first of all the radiation of a subjectivity, the instrument that accomplishes the comprehension of the world: it is through the eyes, the hands, and not through the sexual parts that children apprehend the universe (SS 267; *Dsb* 13; TA).

In this passage, Beauvoir is not distinguishing between sex and gender but between *femme* and *femelle*, between human and animal, between the world of values and meaning (lived experience) and the scientific account of our biology (the 'objective' view of the body). The female of the human species, Beauvoir claims, cannot be understood simply as a natural kind, as a *femelle*; it is by virtue of being *human* that she is a product of civilization. In Beauvoir's reminder that a child explores the world with her

whole body, and not with the sexual parts alone, we find another echo of her refusal to consider a woman a giant ovum or a monstrous vagina. If sex is not pervasive, sexual difference does not saturate a woman through and through. Rather, our lived experience encompasses bodily sexual difference, but it is also built up by many other things that per se have nothing to do with sexual difference.

If a little girl reads a book about birds, this is not in itself a sexed or gendered activity; any child can read about birds. The beauty of Beauvoir's theory is that she does not have to claim that the reading takes place in a disembodied space. She would insist on the fact that the situation of the reading is the little girl's body. Even if the girl's experience of reading initially is no different from that of her little brother, depending on the social context there is a greater or smaller chance that the gaze of the Other will fall differently on the spectacle of a little girl reading as opposed to the spectacle of a little boy reading. Some girls may not be treated differently from boys in such a context, but others will, and from such different experiences the girls' different relationship to boys and books will be forged.

'One is not born, but rather becomes, a woman': the woman that I have become is clearly not just sex. To think so, is to fall back on the pervasive picture of sex. A pervasive picture of gender, on the other hand, would be no better. The woman I have become is more than just gender, she is a fully embodied human being whose being cannot be reduced to her sexual difference, be it natural or cultural. I have said that for Beauvoir only people with female bodies become women. Writing in 1949, she does not mention sex-change operations. There is fascinating work to be done on the question of what Beauvoir's phenomenological perspective would have to say about the lived experience of transsexuals (see Section V, below, for some discussion of this.) Here I shall just note that nothing in Beauvoir's view commits her to claiming that there are no unclear cases, or that no human baby was ever miscategorized at birth, and thus brought up to become a woman regardless of its XY chromosomes. To repeat a point I have made before: the existence of hard cases does not necessarily change our perception of the easy ones.

Beauvoir does not deny that our biology fundamentally shapes the human world. But to say so is not to reduce social life to biological facts. It means, rather, that as long as technology has not made the usual method of human reproduction obsolete, the biological requirements of pregnancy, childbirth, and childcare will have to be accommodated within any social structure. In this sense, sex is different from both race and class. We can very well imagine societies in which race and class no longer exist as social categories, but it is impossible to imagine a society that has ceased to acknowledge that human babies are helpless little creatures. It follows from Beauvoir's analysis that although our biology forces us to organize human societies with child-rearing in mind, it does not impose any specific way of doing this.¹¹² There is nothing to prevent us from placing an extremely high or an extremely low social value on the task. We may assign it to any social group we like, make it the task exclusively of people with brown eyes, or of people between the ages of 40 and 50, or of anyone living in Manchester or Minnesota. What we may not do, is to claim that it follows from the fact that women give birth that they should therefore spend twenty years of their lives doing nothing but child-rearing. One might just as well claim that since men impregnate women, they should spend the rest of their lives looking after their offspring. Although our biology places certain limitations on culture, our specific cultural arrangements cannot be read off from our biology.

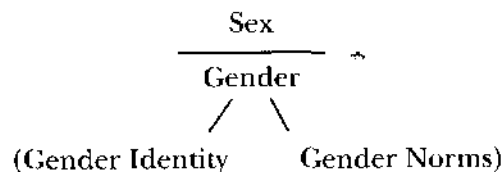
For Beauvoir, then, the question is not how someone of any sex becomes a woman, but what values, norms, and demands the female human being—precisely because she is female—comes up against in her encounter with the Other (society). In order to understand what it means for the individual woman to encounter the Other, we must investigate her concrete lived experience. It is no coincidence that the sentence 'One is not born, but rather becomes, a woman' introduces the volume of *The Second Sex* that bears the title 'Lived Experience'.

¹¹² Terry Eagleton puts a similar point very nicely: 'It is important to see . . . that we are not "cultural" rather than "natural" creatures, but cultural beings by virtue of our nature, which is to say by virtue of the sorts of bodies we have and the kind of world to which they belong' (*Illusions* 72–3).

Sex and Gender in Beauvoir?

In her pioneering essay on gender, Donna Haraway writes that 'Despite important differences, all the modern feminist meanings of gender have roots in Simone de Beauvoir's claim that "one is not born a woman" ' (131).¹¹³ This can be a misleading statement unless one is firmly aware of what the differences are. Although no feminist draws a clearer line between biology and social norms than Simone de Beauvoir, the concepts of sex and gender cannot be superimposed on her categories. Given the vast proliferation of 'gender theory' in contemporary feminism, gender itself has become a concept that defies easy definition.¹¹⁴ The word is nevertheless mainly used in two different ways: to refer to 'sexual stereotypes' or 'dominant gender norms', or to an individual's qualities and ways of being ('gender identity'). The figures below summarize the difference between various sex/gender theories and Beauvoir's categories:

(1960s:)



The mainstream model of sex and gender corresponds neatly to nature and culture, biology and social norms. Beauvoir's categories, on the other hand, cannot be reduced to such binary opposites:

(Beauvoir:)

- Body as object
- Body as situation
- Lived experience (subjectivity)
- Myths of femininity (ideology; norms)
- Sex (the fact of being a man or a woman)

¹¹³ See also Haraway 133 and 147-8.

¹¹⁴ In a talk entitled 'Disembodying Race and Gender' given at Duke University in Mar. 1996, Sally Haslanger made an interesting contribution to a clarifying analysis of gender and race.

To Beauvoir, the category of the body perceived as an object is 'objectivist' and 'scientistic'. For this reason this category resembles the 1960s understanding of sex. We have seen that Beauvoir rejects this category as a useless starting point for any attempt to understand what a woman is. To consider the body as a situation, on the other hand, is to consider both the fact of having a specific kind of body and the meaning that concrete body has for the situated individual. This is not the equivalent of either sex or gender. The same is true for 'lived experience' which encompasses our experience of all kinds of situations (race, class, nationality, etc.), and is a far more wide-ranging concept than the highly psychologizing concept of gender identity. Beauvoir's 'myths of femininity' closely resemble the concept of gender stereotypes or norms.¹¹⁵ Roland Barthes uses the same meaning of 'myth' in *Mythologies*. I take this to be an entirely social category, with strong family resemblances to the Marxist concept of ideology. When Gayle Rubin writes that she wishes for a society without gender, I assume that she means a society without oppressive stereotypes of femininity and masculinity, not a society without the lived experience of sexual difference. In short, Beauvoir's concepts are capable of drawing more nuanced and precise distinctions than the sex/gender distinction can provide.

A comparison of the two sets of categories also reveals that the 1960s concept that is most foreign to Beauvoir's thought is that of gender identity. In *The Second Sex*, Beauvoir never discusses identity because she thinks of the individual's subjectivity as interwoven with the conditions in which she lives. To analyse lived experience is to take as one's starting point the experiencing subject, understood as always situated, always embodied, but also as always having a dimension of freedom. Subjectivity is neither a thing nor an inner, emotional world; it is, rather, our way of being in the world. Thus there can be no 'identity' divorced from the world the subject is experiencing. To speak of a generalized 'gender identity' is to impose a reifying or objectifying closure on

¹¹⁵ This category requires some updating. We would probably want to add 'and masculinity', and explore its relationship to a concept such as ideology. The title of the first volume of *The Second Sex* is 'Les faits et les mythes': 'Facts and Myths'.

our steadily changing and fluctuating experience of ourselves in the world. If we use the words 'femininity' and 'masculinity' to designate anything other than sex-based stereotypes, we may find that we have locked ourselves into precisely such a reified concept of gender.¹¹⁶

Beauvoir believes that the fact of being born with a female body starts a process which will have specific, yet unforeseeable consequences. Each woman will make something out of what the world makes out of her: this phrase captures at once a sense of limitations and a sense of freedom. To Beauvoir the relationship between one's body and one's subjectivity is neither necessary nor arbitrary, but contingent.¹¹⁷ If we want to understand what a woman is, generalizations about sexual difference will never be enough, whether this is understood in terms of sex, gender or both. Instead Beauvoir invites us to study the varieties of women's lived experience. One aspect of that lived experience will be the way in which the individual woman encounters, internalizes, or rejects dominant gender norms. But this encounter is always inflected by the woman's situation, and that means by her personal and idiosyncratic history as this is interwoven with other historical situations such as her age, race, class, and nationality, and the particular political conflicts in which she may be involved.

Beauvoir's conceptual distinctions are more nuanced and carry out more work than the usual feminist distinction between sex and gender, and they do their work with greater finesse and sophistication. Rejecting the pervasive picture of sex, Beauvoir does not reduce the *femme* to the *femelle*, does not consider that a woman can

¹¹⁶ I return to this point in some detail at the end of this essay.

¹¹⁷ Moira Gatens's excellent essay on sex and gender makes the point that a psychoanalytic understanding of the body casts the relationship between the body and the psyche as contingent: 'it is also clear that there is a contingent, though not arbitrary, relation between the male body and masculinity and the female body and femininity. To claim this is neither biologism nor essentialism but is rather to acknowledge the importance of complex and ubiquitous networks of signification to the historically, psychologically and culturally variable ways of being a man or a woman' (*Imaginary Bodies* 13). This contrasts with the widespread poststructuralist belief that if something isn't necessary, then it must be arbitrary. (I have also noticed, in some recent theoretical contexts, a confusing tendency to take the word 'contingent' to mean 'arbitrary'.)

only be defined within the narrow semantic register of sex, sexuality, or sexual difference. For Beauvoir, a woman is a human being as much as she is a woman: women too embody humanity. Because Beauvoir's theory denies that biological differences justify social norms, there is no risk of biological determinism. By considering the body as a situation, *The Second Sex* lays the groundwork for a thoroughly historical understanding of the body, one that steers clear of the Scylla of empiricism as well as the Charybdis of idealism. By stressing the oppressive function of sexual ideology and social norms, *The Second Sex* develops a devastating critique of sexism. By stressing the fact that women's freedom and agency only rarely disappear entirely, even under severely oppressive conditions, Beauvoir produces a powerful vision of liberation: Beauvoir's women are victims of sexism, but potential revolutionaries too. Her feminism, like that of Gayle Rubin, is emancipatory. By accepting that bodily differences of all kinds contribute to the meaning of our lived experience, Beauvoir indicates that she has a proper respect for biology and other sciences of the body: she is not against science, but against scientism. Beauvoir's account of woman as an open-ended becoming gives us the tools we need to dismantle every reifying gender theory. In short, because it rejects both biological determinism and the limiting distinction between sex and gender, *The Second Sex* provides a brilliant starting point for future feminist investigations of the body, agency, and freedom.

V. DOES IT MAKE A DIFFERENCE? SEX, GENDER, AND THE LAW

In the law a constant stream of actual cases, more novel and more tortuous than the mere imagination could contrive, are brought up for decision—that is, formulae for docketing them must somehow be found.

J. L. Austin, 1956¹¹⁸

Nothing will help us more to get clear on a subject than 'cases [imagined] with vividness and fullness', J. L. Austin writes (198). In

¹¹⁸ The quotation comes from the essay with the wonderful title 'A Plea for Excuses' (186).

the last main section of this essay I want to ask what a discussion of concrete cases can tell us about the body, sex, and gender. I shall use as my examples a few cases that have been brought forward by two feminist lawyers working on sex and gender, namely Mary Ann Case who takes a 1960s view of gender, and Katherine Franke who works with the poststructuralist picture of sex.¹¹⁹ Their discussions will be contrasted with my own, Beauvoir-inspired perspective.

As American legal theorists Case and Franke have to propose solutions that will work with the wording of current US law. Their project is to show how the law can be made to yield a fair treatment of women and sexual minorities. Whatever their own views on sexual difference may be, their essays would not be taken seriously by other lawyers if they failed to remain responsive to the way American law is currently practised and understood. I am not bound by such concerns. In drawing attention to some of the theoretical and political implications of Case and Franke's analyses of sex and gender in the law, I am implicitly commenting on the way US law makes feminists think about sexual difference.

How would the law have to change to take account of a Beauvoiran feminist perspective? This is a fascinating question, but it is not one that I have the competence to answer. The answer would in any case be different in different legal systems. At one point below I question employers' right to fire or promote whoever they want. American law might find it harder to accommodate such ideas than the law in, say, Scandinavia, which traditionally has provided quite extensive protection of workers' rights.¹²⁰ My thoughts about a few legal cases are no more than an invitation to a conversation. Further discussion, whether of the same cases, or of different cases in different contexts, would be an immensely helpful contribution to the project of developing a feminist theory inspired by *The Second Sex*.

¹¹⁹ Although Franke does discuss gender to some extent, Case does not focus on sex. I am grateful to Professor Katharine Bartlett at Duke Law School for drawing my attention to the essays by Franke and Case, and also for helping me to see more clearly what feminist legal theorists (as opposed to an ordinary feminist theorist such as myself) try to do.

¹²⁰ On this point, Katharine Bartlett's comments on a draft of this paper were immensely helpful to me.

Discrimination on the Basis of Sex

US anti-discrimination law states that it is unlawful to discriminate against someone 'on the basis of sex'. Here the word sex is used in its traditional pre-1960s sense: it means 'because of being a man or woman'. The law is intended to protect us from discrimination based solely on our *status* as male or female. 'What was decided among the prehistoric Protozoa cannot be annulled by Act of Parliament', Geddes and Thomson wrote (267). It seems almost too obvious to mention, but the very fact of *having* legislation outlawing sex discrimination means that the law is not committed to *biological determinism*. If someone wanted to fire me from my job at Duke University on the grounds that my female biology makes me unsuited to intellectual work, Geddes and Thomson would not object to the principle of it, but contemporary US law most certainly would. The introduction of anti-sex-discrimination legislation in the United States represented a major victory for feminists who deny that biology grounds social norms.¹²¹

The traditional sense of sex invoked by US law is not necessarily complicit with sexual conservatism. In the traditional sense, sex does not mean just chromosomal and hormonal sexual differences, it means the fact of being a man or a woman. '[I]t is fatal for anyone who writes to think of their sex', Virginia Woolf writes (*Room* 99). For Woolf as for Beauvoir it is self-evident that men and women are always situated in a particular time and place. Used in this sense, sex does not necessarily refer to some ahistorical entity. It does not prevent us from denying that biology grounds social norms, nor does it commit us to any particular view of what a man or a woman is. As Simone de Beauvoir's usage shows, the traditional meaning of sex does not oblige us to define a woman as someone who is female, feminine, and heterosexual. More open than the 1960s understanding of the term, the traditional meaning of sex has the advantage of not forcing us to classify every ordinary action or

¹²¹ The question of whether the courts accept *some* biologically based generalizations about women and men remains open. Katherine Franke writes: 'We have inherited a jurisprudence of sexual equality that seeks to distinguish, as its primary function, inaccurate myths about sexual identity from true—and therefore prepolitical—characteristics of sex that are factually significant' (29).

quality as belonging either to sex or to gender. If I lose my job because I am a woman it would in most cases be a complete waste of time to try to decide whether I lost my job because of my sex or because of my gender.

Among US lawyers there is currently some confusion of usage concerning sex and gender. Although the majority of courts speak of discrimination on the basis of *sex*, the US Supreme Court Justice Ruth Bader Ginsburg usually speaks of discrimination on the basis of *gender*. For her, this is not a conceptual distinction, but a matter of convenience:

[Ginsburg] stopped talking about sex discrimination years ago. . . . [S]he explained that a secretary once told her, 'I'm typing all these briefs and articles for you and the word sex, sex, sex, is on every page. Don't you know those nine men [on the Supreme Court], they hear that word and their first association is not the way you want them to be thinking? Why don't you use the word "gender"? It is a grammatical term and it will ward off distracting associations'.¹²²

When she says 'gender', Ginsburg in fact means sex in the traditional sense. Many legislators now follow her example. Thus the Pentagon's 'Don't ask, don't tell' policy on homosexuality states that it will discharge members of the military who marry or attempt to marry 'someone of the same gender'.¹²³ In the United States, this usage is becoming increasingly accepted in everyday life, where all sorts of forms and questionnaires routinely require us to tick the box for male or female gender. Everyday references to gender to mean 'sex' or 'the fact of being a man or a woman' are now too numerous to count.¹²⁴ Ginsburg's secretary surely

¹²² An interview with Justice Ginsburg, as quoted by Case (10).

¹²³ 'Sexual orientation will not be a bar to service unless manifested by homosexual conduct. The military will discharge members who engage in homosexual conduct, defined as a homosexual act, a statement that the member is homosexual or bisexual, or a marriage or attempted marriage to someone of the same gender' (quoted in Parker and Sedgwick, 'Introduction' 5).

¹²⁴ One recent handbook on non-sexist usage summarizes this usage as follows: 'The terms *sex* and *gender* . . . are often used synonymously in contemporary writing to denote biological femaleness or maleness (with *gender* seen by some as merely a way to avoid the word *sex*, which also designates, of course, sexual intercourse and related activities)' (Frank and Treichler 10).

provides the major explanation for this: in the latest puritanical backlash, the very word 'sex' appears to have gained pornographic connotations. Insofar as the new usage simply substitutes 'gender' for 'sex' in the traditional sense, it does not owe much to the feminist understanding of the sex/gender distinction.¹²⁵ Just as one cannot assume that someone who refers to a person's 'sex' means to espouse biological essentialism, one cannot assume, either, that someone who refers to a person's 'gender' means to reject biological determinism.

The question of what sex or gender means in US courts is complicated by the fact that one of Justice Ginsburg's more conservative colleagues on the Supreme Court, Justice Antonin Scalia, insists on distinguishing between sex and gender. In a 1994 minority opinion Scalia wrote:

Throughout this opinion, I shall refer to the issue as sex discrimination rather than (as the Court does) gender discrimination. The word 'gender' has acquired the new and useful connotation of cultural and attitudinal characteristics (as opposed to physical characteristics) distinctive to the sexes. That is to say, gender is to sex as feminine is to female and masculine to male.¹²⁶

The case in question was one where the prosecution in a paternity suit had used peremptory challenges to eliminate men from the jury. Scalia's point was that the case should be considered one of sex (and not gender) discrimination because it did not involve 'peremptory strikes exercised on the basis of femininity and masculinity (as far as it appears, effeminate men did not survive the prosecution's peremptories)'.¹²⁷ Any teacher of women's studies might agree. Scalia's discovery of the sex/gender distinction nevertheless produces new legal ambiguities. Does he believe that the law makes it illegal to discriminate on the basis of *gender* as well as of sex? Does he still think of sex as the fact of being a man or a woman? Or would he accept that sex means chromosomes

¹²⁵ Some speakers may of course have a vague idea that gender somehow is a 'more feminist' word than sex, but this does not necessarily change the way they use it. See also my discussion of Joan Scott's use of the word gender in Sect. III, above.

¹²⁶ Quoted in Franke 9 (also in Case 12).

¹²⁷ Scalia, quoted in Case 12.

and hormones and nothing else? To judge from the example Scalia gives—*men* were struck off the jury regardless of their *gender*—I would say he still assumes that sex means ‘the fact of being a man or a woman’, but the text does not explicitly address the issue.¹²⁸ The fact that such questions of interpretation arise all the way up to the US Supreme Court, shows that the question of what exactly sex discrimination means is far from settled.

Poststructuralism, Sex Discrimination, and the Sex of Transsexuals

Katherine Franke is a poststructuralist feminist lawyer. Her essay on why the law should not distinguish between sex and gender is based on the assumption that sex means ‘body parts’ or ‘chromosomes’ and that such things are entirely natural, completely outside society and culture.¹²⁹ She declares that it is oppressive and essentialist to ‘conceive of sex biologically—to carve up the population into two different kinds of people’ (92). Since sex is natural, whereas all discriminatory practices per definition are social, there is *no* such thing as *sex* discrimination:

When women are denied employment, for instance, it is not because the discriminator is thinking ‘a Y chromosome is necessary in order to perform this kind of work.’ Only in very rare cases can sex discrimination be reduced to a question of body parts (36).

If *sex* discrimination does not exist, there is no point in distinguishing between sex and gender. What there is, and what the law should recognize, Franke claims, is *gender* discrimination.

In order to fend off the ‘ludicrous’ and ‘absurd’ idea that there is a biological foundation to sex discrimination, Franke denies that biological facts are relevant to any human activity whatsoever.¹³⁰ To her, any acknowledgment of biological sexual differences *must* give

¹²⁸ According to both Franke and Case, Scalia’s opinion does not spell out his views on discrimination on the basis of gender (see Case 12; Franke 9–10).

¹²⁹ Attributing her own interpretation of sex to Scalia, Franke takes him to mean that ‘gender-based distinctions are *not* what “discrimination on the basis of sex” was intended to reach’ (9–10). Franke cites no evidence in support of her interpretation that Scalia intends to exclude gender. Mary Anne Case does not think that Scalia’s distinction is necessarily ominous (see Case 4).

¹³⁰ See Franke 31 (‘absurdity’); 40 (‘indeed almost ludicrous’).

rise to socially oppressive norms. Sexual equality jurisprudence in America, she writes, has accepted ‘a fundamental belief in the truth of biological sexual difference’ (3), and is therefore contradictory. ‘How can the Court at once tolerate sexual differentiation and proscribe sexual discrimination?’, Franke asks (31). The alternative is to think of biological differences as an ‘effect of normative gender ideology’ (2).¹³¹ In her poststructuralist recoil from the bad picture of sex, she recommends that we proceed as if bodies did not exist. Bodies should simply ‘drop out of’ the legal picture.¹³²

There is an obvious tension between Franke’s unproblematic use of the words women and men, and her resolute denial that the population consists of two biologically different kinds of people, namely women and men. At times she appears simultaneously to deny and affirm that sexism consists in the oppression of women just because they are (biological) women:

Women who are sexually harassed in the workplace do not experience discriminatory harm because of their biology but because of the manner in which sex is used to exploit a relationship of power between victim and harasser. This relationship of power is based either upon supervisor/subordinate roles or upon cultural gender roles which encourage men to use sex to subordinate women. Biology has absolutely nothing to do with either one of these material grounds for workplace sexual harassment (91).

Franke is making two fundamental assumptions. First, that *sex must* mean biology, which must mean essence, nature, and ground, which can have nothing to do with social practices; and, second, that a ‘man’ or a ‘woman’ is nothing but gender. Women and men are best understood not as bodies, but as the ‘congealed ideological constructs’ conjured up by Judith Butler. The question of why we persist in thinking in terms of two sexes and not one or ten remains unexplored.

¹³¹ ‘Ultimately’, Franke writes, ‘there is no principled way to distinguish sex from gender, and concomitantly, sexual differentiation from sexual discrimination’ (5). She also writes that ‘By accepting [biological sexual differences], equality jurisprudence reifies as foundational *fact* that which is really an *effect* of normative gender ideology’ (2).

¹³² ‘[E]quality jurisprudence must abandon its reliance upon a biological definition of sexual identity and sex discrimination and instead . . . adopt a more behavioral or performative conception of sex’ (8).

Franke's attitude to the sex/gender distinction is as inconsistent as that of other poststructuralists. Although the title of her essay claims that the 'central mistake of sex discrimination law [is] the disaggregation of sex from gender' (1), she is not actually against distinguishing between sex and gender at all. What she is against, is the belief that sex *determines* gender, and what she explicitly wants to escape is the 'death grip that *unifies* sex and gender' (90; my emphasis). Hers is a case against the pervasive picture of sex, and against biological determinism, but not against the distinction between sex and gender. In practice, Franke distinguishes between male and masculine, female and feminine, and even hails as 'revolutionary' the attempt to create 'the cultural conditions for masculinity to be separated from maleness and be remapped onto the female body' (87). This is the equivalent of Judith Butler's celebration of the subversive potential of men in drag.¹³³ When pushed to make a concrete political or legal claim, the poststructuralist theorist finds herself returning to the 1960s distinction between sex and gender that she otherwise denounces. When Mary Ann Case denounces 'gender conformity', which she defines as the belief that one's gender and one's sexual orientation *must* correspond to one's sex, she is saying exactly the same thing as Franke when she criticizes the belief that sex determines gender.¹³⁴ On this point, then, Franke's political argument is exactly the same as that of just about every other contemporary feminist.

Much of Franke's essay is devoted to extensive discussion of the dilemmas of transsexuals.¹³⁵ In the case known as *Ulane v. Eastern Airlines* (1984 and 1985), the plaintiff had been hired as a male pilot by Eastern Airlines. Here is Franke's account of the case:

Ulane later took a leave of absence to undergo sexual reassignment surgery and was fired by Eastern when she returned to work as a woman. She then filed a Title VII [employment-related] sex discrimination action against her employer, alleging that she 'was fired by Eastern Airlines for no reason other than the fact that she ceased being a male and became a female' (Franke 33).

¹³³ This claim is made in the context of a discussion of Shannon Faulkner's brief attendance at the Citadel. I shall return to this case below.

¹³⁴ I discuss Case's views below.

¹³⁵ Franke prefers to speak of 'transgendered people' (see 32–3 n. 130).

The court dismissed Ulane's claim, reasoning that

it is unlawful to discriminate against women because they are women, and against men because they are men. . . . [E]ven if one believes that a woman can be so easily created from what remains of a man, that does not decide this case. If Eastern had considered Ulane to be female and had discriminated against her because she was female . . . then the argument might be made that Title VII applied (cited in Franke 33).

Franke does not provide a clear discussion of this case, but the drift of her argument is that the court was wrong to dismiss Ulane's claim, and in particular wrong not to accept that Ulane had become a woman: '[on a foundational level, they all [all courts] embrace an essentially biological definition of the two sexual categories' (35).

But, as the court indicated, Ulane's problem would not necessarily have been solved if the court had thought of her as a woman, rather than as a strangely equipped man. She wasn't fired, one might argue, because of her *status* as male or female, but because she had undergone a sex-change operation (i.e. because of something she had *done*, rather than something she *was*). To this one might object that the fact of submitting to surgery is virtually part of the definition of the term 'transsexual'. It may seem just as plausible to claim that Ulane was dismissed for *being* a transsexual as to say that she was dismissed for *having* a sex-change operation. This argument implicitly recommends that transsexuals should be considered neither male or female, but a third (or third and fourth) sex. The court seems to have recognized this option, since it adds that 'if the term "sex" . . . is to mean more than biological male and biological female, the new definition must come from Congress' (cited in Franke 33). As US law currently stands, however, there is no protection for transsexuals qua transsexuals.¹³⁶

Many transsexuals, however, do not want to be recognized *as* transsexuals. What they want is to have their *new* sex recognized by the law.¹³⁷ This seems to be Franke's view too. Let us assume for

¹³⁶ So far at least, nothing indicates that US law, or indeed any country's law, has developed a coherent doctrine concerning sex change (see Rogers).

¹³⁷ An increasing number of transsexuals disagree with this, however. Sandy Stone and Kate Bornstein both make powerful cases for their right to be recognized as *transsexual women*.

the moment that Ulane's sex was not in doubt, and that all parties agreed to consider her a bona fide woman. In order to get protection under the law, Ulane would then have had to show that she was fired because of being a woman. But if she was fired not for *being* a woman, but for the *act* of changing her sex in order to *become* one, general recognition of her new sex would still not advance her case. What I am trying to show is that if we believe that transsexuals should be protected under sex discrimination law, there is no need first to dismiss the belief that there are biological differences between men and women. After all, transsexuals themselves go to painful lengths to acquire the sex organs of the 'target sex'.¹³⁸ Rather than denouncing the belief in biological sex differences, Franke ought to denounce the belief that the very fact of wanting a sex-change operation is a symptom of the kind of mental instability that makes one unsuitable for a responsible job.

Let us suspend legal and political disbelief for a moment, and assume that US legislators had just happily voted to amend current Title VII (employment related) law to the effect that nobody should be discriminated against 'because of his sex *or because of changing his sex*'.¹³⁹ Depending on the circumstances of her case, the new wording might have saved the unfortunate Ulane. The new wording does not require us to reject the traditional meaning of sex, or to accept that sex is an effect of the performance of gender. Nor does the distinction between sex and gender come up. In this case, there is no necessary link between our political aim (recognition of the rights of transsexuals) and

¹³⁸ Some poststructuralists have concluded that it follows that drag artists are radical and transsexuals are conservative, or, in somewhat attenuated terms, that drag artists are 'queer' (they unsettle categories), whereas transsexuals risk turning themselves into 'essentialists'. In an essay on Leslie Feinberg's fine novel *Stone Butch Blues*, Jay Prosser writes: '[In *Stone Butch Blues*] becoming fully one sex is mythicized as rightful and crucially inextricable from transsexual identity; the trope of a gendered home structures the transsexual story. In spite of the difference of its story line, *Stone Butch Blues* participates in this transsexual version of the narrative of gendered belonging and becoming which it can't quite give up in a distinctly unqueer fashion. . . . Transsexuality is a narrative of essentialist constructionism . . .' (49).

¹³⁹ I use 'his' here, because that is the wording of the law.

our beliefs about biological facts. In the case of *Ulane v. Eastern Airlines*, poststructuralist theory seems to make no difference at all.

But Franke is not mainly concerned with transsexuals filing Title VII cases. Her most detailed discussion of the situation of transsexuals focuses on cases involving marriage, divorce, and alimony. Her principal case is the famous British case known as *Corbett v. Corbett* (1971), concerning the marriage between Arthur Corbett, who had at times considered himself a male transvestite, and April Ashley, a male-to-female transsexual. They courted each other for three years, and were married in Gibraltar in September 1963. '[T]hey separated after only fourteen days', Franke writes, 'in part because Corbett was unable fully to consummate the marriage' (44).¹⁴⁰ Corbett challenged the legal validity of the marriage. The main question to be decided was whether April Ashley was a woman at the time of the marriage. If she was not, the marriage was never valid, and no divorce would be necessary; if she was, usual divorce proceedings would have to be undertaken.¹⁴¹

To make a long story short: in 1971 Judge Ormrod ruled that April Ashley was born male, and that subsequent surgery and hormone treatment failed to change this fact.¹⁴² Franke denounces this as 'biological essentialism' (50), and at the end of her paper she concludes that 'Ultimately, sexual equality jurisprudence must abandon its reliance upon biology in favor of an underlying fundamental right to determine gender independent of biological sex' (99). Taken in the poststructuralist spirit in which it is written, this means that courts should accept that someone's gender *is* their sex, that the performance of gender produces sex, and that no biological facts can override this

¹⁴⁰ Franke adds her own analysis of what destroyed the relationship of this couple: 'And so the couple split, the normalizing and liberalizing effect of the institution of marriage having destroyed the fantasy that had made the relationship initially so powerful for both parties' (44).

¹⁴¹ Needless to say, the court and all the parties in this 1960s case took for granted that a married couple had to be of different sex.

¹⁴² 'The correct criteria for "womanness" should be "the chromosomal, gonadal and genital tests. . . [But] the greater weight would probably be given to the genital criteria than to the other two"' (Franke 46).

conclusion. Applied to the case of *Corbett v. Corbett*, it follows that because April Ashley 'performed her gender' to perfection, the court should accept that she was a woman. (According to the medical experts in the case, Ashley had 'remarkably good' female genitals, and there was no physical impediment to full penetration.) Franke's argument assumes that the claim that gender is performative secures the conclusion that transsexuals should *always* be legally recognized as being their 'target sex'.

To accept that anyone who performs femininity is a woman, is to blur the difference between a woman who performs femininity, a man (drag artist or cross-dresser) who does it, and a transsexual who has changed his or her body in order to achieve a more convincing 'performance'. Is the 'gender' performed really the same in each case? Even if we assume that these three people all perform the same script (which is by no means a foregone conclusion), does a different body really make no difference at all as to the effect of the performance? Fortunately there is no need to make a final decision about the performativity or otherwise of sex and gender in order to accept the claim that male-to-female transsexuals should be legally recognized as women. All that is required is that we deny that biology grounds social norms. It is neither politically reactionary nor philosophically inconsistent to believe both that a male-to-female transsexual remains a biological male *and* that this is no reason to deny 'him' the legal right to be reclassified as a woman. This would be in keeping both with Gayle Rubin's wish to get rid of social gender norms, and with Beauvoir's emphasis on women's (and men's) freedom to define their sex as they please.

Some judges—including Judge Ormrod—have decided that whatever some people get up to with their bodies, the sex assigned at birth remains the only sex of the person unless there is evidence that a mistake has been made. This corresponds exactly to the views of some feminist and lesbian activists, particularly with regard to male-to-female transsexuals who claim that they are lesbians and wish to participate in lesbian women-only organizations and meetings. Some lesbians are adamant that the male-to-female transsexual remains a male, who insofar as he is trying to infiltrate lesbian organizations, is no better than a fifth columnist, an agent of

homophobic patriarchy.¹⁴³ In all these cases the question at stake is the same: when deciding what sex someone is, how much importance are we to attach to genital surgery and hormone treatment—to body parts—and how much to a person's lived experience?

Some courts have decided that while individuals have a legitimate right to have their wish to *pass* as a man or a woman accepted by society, and so allow transsexuals to change their first names and get a new driver's licence, it doesn't follow that they actually *have changed* their biological sex. They cannot marry a 'same-sex' partner, or change their birth certificates.¹⁴⁴ Many transsexuals consider that this produces a completely absurd situation, since the same person now has documents declaring *him or her to be male in some cases and female in others*. I imagine that many judges and radical lesbians would agree with Franke that what is needed is a clear-cut decision about the person's sex, whether this is taken to be based on biology or performativity. But this is not an obvious conclusion.

Let us imagine that I wake up tomorrow with a fully male body, but with exactly the same memories and life experiences as I have today. Would I then be a man? First of all, we need to note that this question is formulated in a way that tempts us to think that there must be something deeply mysterious and difficult about the answer, that to find an answer requires some special insight into what it means to *be* a man or a woman, in some *deep* sense. The belief is that no ordinary considerations could possibly help us to answer the question.¹⁴⁵ Moreover, we may be inclined to

¹⁴³ See e.g. Janice Raymond, *The Transsexual Empire* and Christine Burton, 'Golden Threads'. For vociferous counterarguments, from a broadly poststructuralist perspective, see Sandy Stone, 'The Empire Strikes Back', and Kate Bornstein, *Gender Outlaw*. Leslie Feinberg's interesting new book *Transgender Warrior* shows discontent with the poststructuralist paradigm, and lack of certainty about possible alternatives.

¹⁴⁴ Franke quotes one decision that granted a petition to change an obviously male name to a female one, but then added that 'the order shall not be used or relied upon by petitioner as any evidence or judicial determination that the sex of the petitioner has in fact been changed' (54).

¹⁴⁵ My analysis here is inspired by Martin Stone's 'Focusing the Law'. Drawing on Wittgenstein, Stone shows that the temptation to invest certain questions or expressions with a mysterious strangeness leads us away from the ordinary and everyday and towards metaphysics (see esp. 44–57).

think that the question has to be settled once and for all by a clear yes or no. This is where Simone de Beauvoir teaches us to think differently. As she points out, it is the Other who assigns my sex to me. We cannot determine someone's sex in abstraction from any human situation. If I lived in perfect isolation from all other human beings, I would never even know what sex I was.

If we assume, for the sake of the argument, that my new male body was perfect, right down to the XY chromosomes, to insist that I was still simply a woman would be somewhat odd.¹⁴⁶ It is not enough to think of oneself as a woman in order to become one. Like most of us, Beauvoir would presumably take someone with a male body to be a man, unless she had good reason to think otherwise. Confronted with my case, she would, I imagine, agree that my brand-new male body represented a radical change of situation for me. The unsuspecting world would see nothing but a man wherever I turned up, and I would be treated accordingly. If, from old habit, I still tried to use the women's toilets, for instance, I would surely be shown the door. Under the circumstances, it is difficult to see that there would be anything wrong in this. For the purpose of using public toilets I would definitely be a man. (This is not to claim that the current sex segregation of public toilet facilities should be maintained for ever.) A different situation might produce a different answer to the question of what my sex was. If I were asked to speak at a women-only conference, it would seem unfair to exclude me on the grounds that I no longer was a woman. Should all my female experiences and work on feminist theory count for nothing just because I had woken up to find myself equipped with a penis? And what if some committee needed expertise on sex changes? Would I not be perfectly entitled to claim that I was an ex-woman, a member of the select group of people who have changed their sex? Over time my new situation would affect my general sense of identity. I

¹⁴⁶ This is precisely the problem that confronts the protagonist of Angela Carter's profound novel *The Passion of New Eve* (1977). Having been transformed into a perfect woman, Evelyn/Eve has to learn through experience what it might mean to be a woman in different situations. At the end of the novel, Eve has become a woman, and for Carter that means no more and no less mythological than any other incarnation of femininity.

would steadily gain more male experiences, yet for a very long time (and possibly always), I would have to consider the answer to the question of which sex I belonged to, as relatively open to variation.

On my reading of feminist theory, poststructuralists and other sex/gender feminists have failed to address the question of transsexuals adequately because they have no concept of the body as a situation, or of lived experience, and because they tend to look for one final answer to the question of what sex a transsexual is. Moreover, because they tend to understand sex as a matter of a few narrowly defined biological criteria, they forget that the meaning of the words man and woman is produced in concrete human situations. That is, feminists and transsexuals have overlooked the fact that what counts as being a woman for the purpose of marriage is not necessarily the same thing as what counts as being a woman for the purpose of participating in a lesbian activist group. To ask courts to have a clear-cut, all-purpose 'line' on sex changes is to ask them *not* to engage in new interpretations of the purpose of the different human institutions and practices which are brought into conflict by the arrival of transsexuals. I can't see how this could be in the interest either of feminists or of transsexuals.

All this, of course, leaves the question of whether April Ashley should be considered a man or a woman at the time of her marriage to Arthur Corbett unresolved. The fact is that I find it extremely difficult to come up with an answer. A closer reading of the case nevertheless provides some revealing information. First of all, Judge Ormrod stresses over and over again that he is only concerned with determining the sex of April Ashley for the purposes of marriage: 'The question then becomes', he writes, 'what is meant by the word "woman" in the context of a marriage, for I am not concerned to determine the "legal sex" of the respondent at large'.¹⁴⁷ Judge Ormrod, in my view, is clearly right to frame his decision in this narrow way. By asking 'what is April Ashley's sex for the purposes of marriage?' he helps us to see that the ideological difficulties arising from his decision have

¹⁴⁷ The legal reference to this British case is *Corbett v. Corbett* [1971]: 83-119.

little to do with the way he thinks about sex, and rather more to do with the way he thinks about marriage. Let us accept that a British court in 1971 had to define marriage as a relationship between a man and a woman. But even given this assumption, Judge Ormrod's understanding of what matters in a marriage is, to say the least, contentious. 'Marriage is a relationship which depends on sex and not on gender', he writes (107):

Having regard to the essentially hetero-sexual character of the relationship which is called marriage, the criteria [of April Ashley's sex] must, in my judgment, be biological, for even the most extreme degree of transsexualism in a male or the most severe hormonal imbalance which can exist in a person with male chromosomes, male gonads and male genitalia cannot reproduce a person who is naturally capable of performing the essential role of a woman in marriage (106).

This raises the delicate question of exactly what the 'essential role of a woman in marriage' is, and what the difference between performing it 'naturally' or in some other way might be. My impression is that Judge Ormrod takes the fundamental purpose of marriage to be procreation. In order to procreate one needs a real vagina, as opposed to 'an artificial cavity': 'When such a cavity has been constructed in a male, the difference between sexual intercourse using it and anal or intra-cruval intercourse is, in my judgment, to be measured in centimetres' (107). But if the decisive criterion for being a woman for the purposes of marriage is the ability to be able to reproduce 'naturally', then infertile or post-menopausal women, or women born without a vagina do not qualify as women for the purposes of marriage. A question mark must also be raised about women who get married without the slightest intention of having children. If we take Judge Ormrod's understanding of marriage to imply, at the very least, the requirement that there has to be vaginal sexual intercourse, whether it has a chance of leading to reproduction or not, then married couples who prefer not to indulge in this activity, for one reason or another, also need to ask themselves whether they are genuinely married.

Judge Ormrod took a view of marriage consonant with that of the Catholic Church. He would not have needed to wait for

the gay marriage debates of the 1990s to find alternative views. In his 1643 tract on divorce, Milton writes: 'God in the first ordaining of marriage taught us to what end he did it, in words expressly implying the apt and cheerful conversation of man with woman, to comfort and refresh him against the evil of solitary life, not mentioning the purpose of generation till afterwards, as being but a secondary end in dignity . . .' (183). Although Milton's editors note that 'conversation' in 1643 signified intimacy and/or cohabitation, I think Milton is saying that there is no intimacy, and therefore no marriage, without loving and joyful conversation between the spouses. As Ibsen's *A Doll's House* (1879) teaches us, if the criterion for a genuine marriage were 'apt and cheerful conversation', then few could claim to be married. When Nora discovers that she has never really known her husband, that Thorvald is not the hero she took him to be, she says: 'In that moment I realized that for eight years I have been living here with a strange man, and that I have had three children— Oh, I can't bear to think of it! I could tear myself to bits and pieces' (85; my translation). Nora's conclusion is that regardless of their lawfully wedded legal status, and regardless of the fact that they have fulfilled the injunction to procreate, the two of them have never actually been married at all. Her famous exit line insists precisely on this point. She would only ever come back, she says, if 'our life together could become a marriage' (86). If we want to determine whether April Ashley was a woman for the purposes of marriage, we may want to leave questions of identity and essence behind and instead ask what it might mean to be married in contemporary Western society.

Against Femininity: Gender, Stereotypes, and Feminist Politics

Mary Ann Case's thoughtful analysis of gender and the law provides an exemplary starting point for further exploration of feminist gender theory. Case's essay 'Disaggregating Gender from Sex and Sexual Orientation: The Effeminate Man in the Law and Feminist Jurisprudence' is interesting both because it brings the concept of gender to bear on legal cases, and because

it uses the concept in a way that is representative for feminist theory and criticism in the United States.¹⁴⁸

Case's main concern is the fate of traditionally feminine qualities in present-day society. '[W]omen in this society are . . . moving closer to the masculine standard, and . . . are rewarded for so doing', she writes (29). Current interpretation of the law has permitted discrimination against the 'stereotypically feminine, especially when manifested by men, but also when manifested by women' (3). This amounts to permitting *gender* discrimination (as opposed to *sex* discrimination), that is to say discrimination that favours the 'masculine over the feminine rather than the male over the female' (33). Case shows that courts consistently favour employers who refuse to hire or promote someone who is too 'feminine', whether that person is male or female. It follows that both feminine women and effeminate men have a hard time making their Title VII claims heard. Because many courts confuse gender (effeminacy) and sexual orientation or desire (homosexuality), effeminate men suffer doubly from the present law.¹⁴⁹ Although the law may protect us against gender discrimination, it extends no such protection to homosexuals. A man fired because he wears an earring to work may have standing to claim sex discrimination, but if the same man also turns out to be gay he may have no recourse. In keeping with the feminist wish to analyse sexuality as an issue separate from gender and sex, Case concludes that we need a separate law for claims based on sexual orientation.

It is against this background that Case turns to her major case study: *Price Waterhouse v. Hopkins* (1989). This is a rather unusual case, in that it expands the standards for what is to count as discrimination on the basis of sex. So far, it has only rarely been taken as a precedent by other courts. In 1982 Ann Hopkins sued

¹⁴⁸ When it comes to gender, Franke agrees with Case's analysis whenever they discuss the same case. I therefore make no further reference to Franke's essay in this section.

¹⁴⁹ 'Thus, discriminating against the effeminate man may be overdetermined, and effeminacy conflated with gayness' (34).—Case tends to use 'feminine' about women and 'effeminate' about men. I am not sure how to take this usage.

the accounting firm of Price Waterhouse for not promoting her to a partnership on the grounds that she did not behave in a feminine fashion. Case writes:

Ann Hopkins was the only woman among eighty-eight persons considered for partnership. . . . She had at that point worked at the firm for five years, and she had 'generated more business for Price Waterhouse' and 'billed more hours than any of the other candidates under consideration' that year. The Policy Board . . . recommended that Ann Hopkins's candidacy be placed on hold. . . . Both her supporters and her detractors in the partnership, as well as her clients, described Hopkins as manifesting stereotypically masculine qualities, for better and for worse. She was praised for, among other things, a 'strong character, independence and integrity', 'decisiveness, broadmindedness, and intellectual clarity' and for being 'extremely competent, intelligent', 'strong and forthright, very productive, energetic and creative' (41–2).

Other partners took a different view of the same aspects of Hopkins's personality:

One partner described her as 'macho'; another suggested that she 'overcompensated for being a woman'; a third advised her to take 'a course at charm school.' Several partners criticized her use of profanity; in response, one partner suggested that those partners objected to her swearing only 'because it's a lady using foul language' . . . [T]he man who . . . bore responsibility for explaining to Hopkins the reasons for the Policy Board's decision . . . delivered the *coup de grace*: in order to improve her chances for partnership, [he] advised, Hopkins should 'walk more femininely, talk more femininely, dress more femininely, wear make-up, have her hair styled, and wear jewelry' (42).

In 1989 the Supreme Court found that to refuse to promote a 'masculine' woman accountant unless she became more 'feminine' was prohibited sex discrimination. Justice Brennan wrote for the majority: 'As for the legal relevance of sex stereotyping, we are beyond the day when an employer could evaluate employees by insisting they matched the stereotype associated with their group' (quoted by Case 95).

According to Case, Ann Hopkins was not refused promotion because of her sex, but because of her gender. *Hopkins* shows that

the courts accept that sex discrimination includes gender discrimination. Case concludes that there is no need to add the word 'and gender' to existing sex discrimination law (see Case 4). Yet she still finds a problem in *Price Waterhouse v. Hopkins*. The court seems to have accepted that Hopkins needed to display stereotypically 'masculine' traits in order to do well at her job; the 'gendering' of the job was not questioned at all.¹⁵⁰ Would a traditionally feminine woman have recourse under the law if she were fired for not being aggressive enough? '[A]n unquestioning acceptance of the current gendered requirements for most jobs hurts women', Case writes. (46). At first glance, her point seems valuable. If putting 'masculine' job requirements in place enables employers to fire traditionally 'feminine' women, then feminists should surely demand that the employers demonstrate why 'feminine' qualities will not be just as effective when it comes to getting the job done.

The more I consider Case's arguments, however, the more her understanding of gender (an understanding US law no doubt obliges her to work with) appears problematic to me. As we have seen, Case herself characterizes the following list of Hopkins's qualities as 'masculine': strong character, independence, integrity, decisiveness, broad-mindedness, intellectual clarity, extreme competence, intelligence, strength, forthrightness, productivity, energy, and creativity.¹⁵¹ But all of my women friends display some or all of these traits, and it has never occurred to me to consider them 'masculine' for all that. (I don't think of them as 'feminine' either.) Why does Case concur in labelling all these characteristics masculine? Does she want to challenge job descriptions that require decisiveness, intellectual clarity, energy, and creativity on the grounds that traditionally feminine women have none of these qualities?

When Case speaks of gender, she usually means sex-based

¹⁵⁰ Part of the reason why Hopkins won her case was actually that the firm placed her in an impossible double bind: she was effectively asked to tread an impossibly narrow line between being masculine enough to do her job well and feminine enough to conform to some of the partners' aesthetic requirements of a woman.

¹⁵¹ See the quotation from Case 41-2 given above. I have rewritten some of the adjectives as nouns, and removed superfluous conjunctions.

stereotypes. Her admirable research provides expert guidance on what these are. Drawing on the so-called Bem Sex-Role Inventory (BSRI), Case lists a number of adjectives that psychologists and other researchers regularly consider coded masculine and feminine in contemporary American culture:¹⁵²

MASCULINE

aggressive
ambitious
analytical
assertive
athletic
competitive
dominant
forceful
independent
individualistic
self-reliant
self-sufficient
strong

FEMININE

affectionate
cheerful
childlike
compassionate
flatterable
gentle
gullible
loyal
sensitive
shy
soft-spoken
sympathetic
tender
understanding
warm
yielding

Another 'femininity scale' lists the following items:

FEMININITY

emotional
gentle
kind
understanding
warm
able to devote oneself completely to others
helpful to others
aware of others' feelings.

No wonder that Case concludes that 'There can be, I would contend, a world of difference between being female and being

¹⁵² See Case 12, including n. 20.

feminine' (11).¹⁵³ Adamantly opposed to 'gender conformity', Case insists that we should not expect sex to determine gender or sexual orientation.¹⁵⁴ Among feminists of all persuasions today this is a completely uncontroversial position.¹⁵⁵ To a Beauvoirean feminist, however, Case's *conclusion* is not uncontroversial at all. Her aim is to 'focus attention on the reasons why the feminine might have been devalued in both women and men . . . to protect what is valuable about the traditionally feminine without essentializing it, limiting it to women, or limiting women to it' (105). I take this to require that we *show* what is valuable about traditional femininity. In order to do so we need some general criteria for what is to count as 'valuable'. It would also seem arbitrary to refuse to assess traditional masculinity according to the same criteria, first because we might find something valuable there too, and second because we can't very well let traditional stereotypes of femininity determine what phenomena feminists should investigate. If we decide that it is valuable to be 'helpful to others' (just to take one item from the femininity scale), then it surely must be valuable for men as well as for women.

If we grant these claims, then the question of why we would still want to label the fact of being 'helpful to others' *feminine* becomes urgent. If we still intend to call qualities such as 'tenderness', 'warmth', and 'loyalty' feminine, how do we expect to get rid of the idea that they have or ought to have some special connection with women? If we believe that such qualities have no intrinsic or necessary, but only an ideological, connection with women or female bodies, what reason do feminists have for continuing to call them feminine? Would this not imply that sex determines gender after all? (This is where the spectre of 'gender conformity' returns to haunt us.)

¹⁵³ The preceding scale is quoted by Case as the 'femininity scale' of Spence, Helmreich and Stapps's 1974 Personal Attributes Questionnaire (PAQ). See Case 13 and n. 24.

¹⁵⁴ Judith Butler's critique of the belief that there must be 'coherence and continuity among sex, gender, sexual practice and desire' is entirely in keeping with Case's critique of 'gender conformity' (see *Gender Trouble* 17).

¹⁵⁵ As I have shown above, Katherine Franke is utterly in agreement with the critique of 'gender conformity', and the same, I imagine, would be true for Simone de Beauvoir.

Even if we make every effort to distinguish between female and feminine, sex and gender, the problem does not go away. Let us say that I declare that to me, 'feminine characteristics' only mean those characteristics conventionally categorized as feminine, not an eternal feminine essence. This amounts to saying that, ultimately, the word feminine has no necessary relation to the word female.¹⁵⁶ I obviously have the right to define my terms any way I want, but I ought not to be surprised if people fail to get my point. The problem is that once I have said that 'feminine' does not *have to mean* 'pertaining to women', or 'associated with females', it becomes difficult to explain what it *is* supposed to mean. If I speak of a 'feminine mind', and stress (a) that both men and women can have this kind of mind, and (b) that in a just world women will not have it more often than men, then what exactly am I talking about? Why can't I just say 'a subtle mind', 'a forceful mind', or whatever it was that I meant? The only useful answer is that when I say a 'feminine mind' I am referring to some stereotype attributed to women by a certain social group at a certain time. To make myself understood, I shall have to specify what the relevant associations to the word are. A retired woman officer interviewed on National Public Radio about what it was like to join the US Army in 1957 told the journalist: 'I didn't mind when they said I couldn't do this or that because I was too short, or because my eyesight was not good enough, but I always protested when they said I couldn't do something because I was a woman, or because they didn't have enough lavatories.'¹⁵⁷ This woman drew exactly the same distinction I am trying to draw between unwarranted generalizations about women and attention to individual specificity. Like Simone de Beauvoir this woman demonstrates that one does not need to imagine that only people situated entirely beyond sexism, in a space outside our common sexist history, could possibly manage to break the hold of sexist ways of speaking.

¹⁵⁶ Feminists have made a similar criticism of the claim put forward by some Lacanians, namely that the phallus has absolutely nothing to do with the penis. 'Why call it phallus, then?' is the logical reply. To my mind the Lacanians who accept that the phallus does have *something* to do with the penis are on stronger ground than those who don't.

¹⁵⁷ I heard this interview on Sunday 18 Oct. 1997.

If I say 'a woman's mind' or a 'womanly mind' the same questions arise as in the case of 'a feminine mind'. On the other hand, none of this implies that I shouldn't use the word *woman* when I need it. I can happily speak of Simone de Beauvoir as an intellectual *woman*, and of her 'femaleness' or 'femininity' (*féminité* in French, *kvinnelighet* in Norwegian) when I mean the simple fact of being a woman, not some phenomenon that is taken to be an inexorable consequence of this fact. The word 'woman' (or 'women') does not commit me to any specific view as to what women should be like. The problems only start if, like so many critics, we feel compelled to refer to Beauvoir's 'masculine intelligence' or 'feminine anxiety'. The term 'male-identified' is just as ideologically loaded, since it too implies that Beauvoir fails to live up to some stereotypical standard of femininity. But why should feminists want to uphold *any* standard of femininity? There are many good reasons to criticize Beauvoir. But such criticism can only be effective if it formulates specific charges: in my own book on Beauvoir I have claimed, among other things, that she idealizes men; that her fear and loathing of her own mother resurfaces in her theory; that she generalizes more than her own theory would seem to allow her to do; that her use of the concept of 'immanence' is philosophically unsatisfactory. To replace such specific criticisms by general references to Beauvoir's failure or success in conforming to more or less elaborate notions of femininity and masculinity is to contribute to the production of sexist ideology.

'Feminine' and 'masculine' are excellent terms of critique, but I would hesitate to use them positively, to take them as guidelines for my own work. So far at least, it looks as if even the most unsexist search for 'femininity' in literature, film, or other cultural phenomena ends up producing fairly predictable clichés. Seen in the light of such considerations the psychoanalytic concept of femininity becomes terribly difficult to categorize. Should I consider it simply as another reified ideological generalization? Or is it a serious attempt to understand what it might mean to be a woman in the modern world? As Freud himself puts it: "It is essential to understand clearly that the concepts of "masculine" and "feminine", whose meaning seems so unambiguous to ordinary

people, are among the most confused that occur in science' (*Three Essays*, SE 7: 219 n). What phenomenon is a psychoanalyst trying to account for when she speaks about femininity? To what question is 'femininity' the answer? Can all psychoanalytic theorizing about femininity be written off as so much ideological nonsense? Or is that an unfair generalization? There are clear parallels between Freud's case histories and Beauvoir's phenomenological descriptions in *The Second Sex* of the situation of married women, young girls, prostitutes, and so on. Would it be true to say that psychoanalytic theory is simply trying to understand and describe the psychological effects of living in the world in a female body? If so, is the body a situation for Freud as for Beauvoir? But in that case, how general are psychoanalytic accounts of femininity supposed to be? Are they examples of phenomenological descriptions or normative moralizing? And what are we to make of the many different psychoanalytic accounts of femininity, not least those produced by women analysts from Karen Horney, Joan Rivière, and Helene Deutsch to Juliet Mitchell, Françoise Dolto, and Julia Kristeva? Any feminist reassessment of psychoanalytic theory will require answers to such questions, and all I am capable of saying here is that the task of providing them will not be easy.

Beauvoir's denunciation of femininity as a patriarchal concept is a critique of ideology. As such it is still as valid as when it was written. Regardless of whether we believe that masculinity and femininity are manifestations of deep sexual essences or the products of dazzling discursive performances, the very fact of continuing to label qualities and behaviours as 'masculine' and 'feminine' will foster sex-based stereotypes. In *this* context the essence/construction or sex/gender opposition is irrelevant.¹⁵⁸ What I am criticizing here, then, is the belief that the sex/gender

¹⁵⁸ French and Norwegian do not have two words for 'feminine': *kvinnelig* and *féminin* mean both 'female' and 'feminine'. Feminists who generalize about *féminité* or *kvinnelighet* encounter exactly the same problems as those who generalize about femininity. The difference is that the speaker cannot assume that the very word she uses automatically signals opposition to biological determinism. This may either make her more careful to specify exactly what she means, or completely oblivious to the whole question.

distinction somehow protects us against oppressive generalizations about sexual difference. The only thing it is designed to protect us against is biological determinism. This it does quite efficiently. In contemporary English, feminists are right to think that although a 'female mind' and a 'feminine mind' may refer to exactly the same awful beliefs, the two expressions *may* still signal a different attitude to biology.¹⁵⁹ Oppressive generalizations, however, are not only produced by the likes of Geddes and Thomson. Contemporary feminist gender theory runs a close second when it comes to contributing to our general stock of nonsensical ideas about 'femininity'.

Here is one example. The Virginia Military Institute (VMI) and the Citadel are two state-funded military-style American colleges that until 1996 steadfastly refused to admit women. When they were sued by rejected female candidates, both schools proposed to set up new, parallel institutions for women. These would offer a more 'feminine' leadership training, which although different in style, would be equal in quality to the training received by the men. In 1996 the US Supreme Court decided that the proposed parallel institutions for women did not offer equal educational opportunities. The schools would have to admit women or lose their state funding. Case, who was writing before this opinion was handed down, considers that it would be acceptable to open up the VMI and the Citadel to members of either sex 'who are appropriately gendered, thus both masculine men and masculine women could attend VMI or the Citadel, while [the parallel institutions] could admit those of both sexes more suited to or attracted by a more feminine approach' (105). She is surely right to say that this would be compatible with current US law. My question, which Case may not be free to address in the context of a legal essay, is whether this really is desirable feminist politics.

Imagine a scenario in which two schools specializing in 'leadership' are open to both sexes. One school provides a stereotypically 'masculine' education, the other a stereotypically 'feminine'

¹⁵⁹ Many speakers of English do not try to distinguish between female and feminine. In order to find out what words such as feminine and female mean in a given case, we need to analyse the whole speech act that produced them (to consider what was said when, to paraphrase J. L. Austin).

education. At the same time, young men and women are classified as being either 'gendered masculine' or 'gendered feminine'. As a result of the classification they will be encouraged to apply to the relevant institution. It is difficult to understand why this will not reinforce stereotypes of femininity and masculinity. Do feminists really want to strengthen the belief that the world contains only two, clearly separable styles of gendered behaviour? (In my experience, even under patriarchy most men and women do not conform to one of two gender stereotypes.) What is feminist about having a system of feminine schools training people of both sexes to become kind and helpful to others, and masculine schools training them to become aggressive, dominant, and competitive? Do we want *anyone* to be trained in any of these ways? How could such institutions avoid reifying and perpetuating the very sex-based stereotypes feminists have argued against for centuries?

For more than twenty years now feminist theorists have characterized women as relational, caring, and nurturing; as mumbling and incoherent; or as always seething with feminist rage, just to mention a few well-known leitmotifs. Since nothing distinguishes them from traditional stereotypes, such 'gender theories' are all too easy to appropriate for sexist purposes. Carol Gilligan's research opposing a masculine 'ethics of justice' to a feminine 'ethics of care' is a good example of this. In the cases against the Citadel and VMI her research was used by the *defence*, in spite of Gilligan's protestations that she in no way intended her research to support all-male institutions.¹⁶⁰ The American broadcasting network NBC drew on the same kind of theories when it planned its condescending, vacuous, and self-styled 'feminine' coverage of the 1996 Summer Olympics. Specially designed to appeal to women, the resulting programming was long on tear-jerking profiles of athletes overcoming everything from cancer to criminal grandparents, and short on actual sports

¹⁶⁰ Case is sensitive to the problems raised by Gilligan's theories, but, again, considers that as long as one stresses that one speaks of gender and not sex (masculine and not male), this is not a serious obstacle to agreeing with Gilligan, who did file a brief *against* the all-male schools, protesting against the way they used her research (see Case 98 and n. 345 and 346).

coverage.¹⁶¹ I hope that the feminist future does not lie with gender stereotypes, however influential they may currently be.

So what is the alternative? Let me suggest that we reconsider Simone de Beauvoir's distinction between detrimental social norms ('myths') incarnated in other people and in institutions, and the individual human being's lived experience. Case writes that she does not 'have as a normative goal the preservation of gender any more than its abolition'.¹⁶² Here it is not clear what gender means: is it stereotypes or lived experience? The same ambiguity runs through all contemporary 'gender theories'. Feminists want to get rid of stereotypes, but nobody has ever proposed giving up lived experience. Sexist ideology attempts to reduce our lived experience to two simple sex-based categories. Beauvoir teaches us that to accept such categorization is alienating and destructive of freedom.¹⁶³

The accountancy firm Price Waterhouse wanted Ann Hopkins to go to 'charm school' before making her a partner. The US Supreme Court found that this was unacceptable, and rightly so. Under contemporary social conditions I have no doubt that male partners in an accountancy firm would be far more likely to require a potential female colleague to be charming than a man. In the social context where the requirement was made, 'charm' was indeed gendered feminine. Yet it is also true that in present-day society 'charm' is not in fact a characteristic that is unique to women, nor one that somehow makes a man less masculine were he to display it. Feminists are not well advised to encourage the belief that there is something particularly feminine about charm. Instead of protecting stereotypically feminine values we should argue that to require an *accountant* to be charming is an irrelevant job requirement, regardless of the sex of the accountant.

¹⁶¹ In a scathing *New Yorker* review of NBC's coverage, David Remnick writes: 'In fact, the NBC creed does not depart so much in spirit from a range of feminist theories about differences in gender and narrative' (27). Then follow references to Carol Gilligan, Tania Modleski, and Hélène Cixous (27-8).

¹⁶² Case 76 n. 258.

¹⁶³ For a more thorough analysis of Beauvoir's concept of alienation, see ch. 6 of my *Simone de Beauvoir*.

Case proposes a strategy in which feminists ask the courts to protect traditionally feminine qualities in men as well as women. To my mind this will have the reactionary effect of forcing more courts, and more people generally, to classify more actions and behaviours as either masculine and feminine. In the attempt to avoid gender stereotyping we will produce more of it. In employment cases, it seems that feminists can only escape this vicious circle by proposing that we should be protected under the law against employers who fire *anyone* (man, woman, gay, heterosexual, transsexual, black, white, working class, disabled, and so on) for reasons that have nothing to do with the requirements of the job. Instead of protecting traditional femininity just because it happens to be traditional femininity, feminists should challenge all unreasonable job requirements. (I realize that US law such as it is today may not allow this.) I agree with Case that it is difficult to believe that an accountant really needs to be 'aggressive' and 'abrasive' to get her job done, I just don't think it will advance our case to harp on the idea that to be aggressive and abrasive is 'unfeminine'. Nor should we go along with the idea that any quality that is not feminine must be masculine. The world is full of more interesting adjectives.

It is by no means certain that it makes sense to try to separate Hopkins's gender from her sex. Feminists have known for years that the same qualities are perceived differently in men and women.¹⁶⁴ It is impossible to categorize any specific quality as masculine or feminine without 'objectifying' it, Beauvoir would say. To imagine that I can determine what counts as feminine in isolation from any particular human situation, is to reify 'femininity'. This is why the lists of 'gender characteristics' quoted above look so absurd. When I meet a charming man or a charming woman, I am incapable of separating the quality of their charm from the fact that the charm comes from a man or a woman. In itself charm is neither feminine nor masculine, neither female nor male. This is what Beauvoir means when she says that the body—the sexually different

¹⁶⁴ Case is very well aware of this: 'The same degree of masculinity and femininity is read quite differently in a man and in a woman, as Ann Hopkins learned to her cost' (23).

body—is a fundamental human situation. The meaning of my charm cannot be determined by reference to my body alone, but nor can it be assessed without taking my body into account.¹⁶⁵ The problem with so many contemporary gender theories is that they take a number of qualities that, at best, have been associated with a specific group of women at a specific time and turn them into reified stereotypes, in effect creating new social norms for women to be oppressed by. No wonder such theories are eagerly seized upon by sexists looking for simple solutions to difficult questions.

Because it can refer to 'social stereotypes' or 'dominant gender norms' as well as to an individual's qualities and ways of being, the very word gender lends itself to such reification, in a way that Simone de Beauvoir's distinction between 'lived experience' and 'myths' does not. Ultimately, I think we should follow Gayle Rubin's suggestion and stop thinking in terms of gender altogether. To me, that means trying to produce a society without sexist ideology or gender norms, without oppressive myths of masculinity and femininity. It does not mean that we should stop thinking of the sexually different human body as a fundamental situation that tends to leave its trace on the meaning of our words and actions.¹⁶⁶ The old choice between sameness and difference does not apply here. *The Second Sex* doesn't ask us to choose between a society with or without sexual difference but between one with or without sex-based oppression.

AFTERWORD: THE POINT OF THEORY

In this paper I have asked whether the sex/gender distinction is helpful to a project shared by most contemporary feminist theorists, namely the wish to elaborate a concrete, historically

¹⁶⁵ As discussed above (Sect. IV), *within* the category of the body as a situation, or the category of lived experience, Beauvoir does not distinguish between sex and gender.

¹⁶⁶ 'Beauvoir's final message is that sexual difference should be eradicated and women must become like men', Tina Chanter writes (76). That such a good reader of Irigaray can be such a bad reader of Beauvoir indicates that like so many other contemporary feminists, Chanter does not take Beauvoir seriously as a philosopher.

grounded and socially situated understanding of what it means to have a human body. I have shown that the distinction usually dissolves into a scientific understanding of 'sex' and an idealist understanding of 'gender', and that although poststructuralist sex and gender theorists strive to overcome this problem, they remain caught in the see-saw between scientism and idealism set up by their own understanding of the distinction. By turning to the phenomenological approach of Merleau-Ponty and Beauvoir, I hope to have shown that there are ways to answer the question 'What is a woman?' that escape the constraints both of the sex/gender distinction and the essence/construction opposition. By reflecting on what it means to say that the body is a situation, I have shown that for Beauvoir the question of what a woman is can never have just one answer. *The Second Sex* shows us that what it means to be called a woman, or to call oneself a woman, is a question that cannot be settled once and for all.¹⁶⁷ There is, then, no reason to believe that the word woman is always inherently metaphysical or essentialist. 'In a large class of cases . . . the meaning of a word is its use' (*PI* §43).

Poststructuralist theorists declare that the relationship between sex and gender is arbitrary, usually because they see this as the only alternative to the idea that sex necessarily determines gender. Against this, I have claimed that the best defence against biological determinism is to deny that biology grounds or justifies social norms. If we consistently deny this, we do not have to assume that the idea that there are only two sexes must be steeped in sexism and heterosexism. This is not to deny that invocations of nature usually come wrapped up in sexist or heterosexist ideology. To show that ideology is at work in such contexts remains a necessary feminist task. But to claim that sexist and heterosexist ideology often seeks to justify its claims by naturalizing them—by representing social relations as if they were given in nature—is precisely to assume that there is nothing in nature that actually justifies the ideological claims of biological determinists. To be even more precise: my argument is *not* that there is nothing in

¹⁶⁷ I investigate some situations in which Beauvoir calls herself a woman, or imagines being called one by others in Ch. 2, below.

nature (i.e. that we have to deny the existence of biological facts), but that whatever there is in nature (whatever facts we may discover about human biology and genetic structure) is never going to justify any *particular* social arrangement. Even if we assume that there are only two sexes, this is no reason not to construct a society with three or five or ten genders, or indeed without gender at all. Or in other words, on my understanding of what the biological facts are, we can never get rid of sex, but we can certainly hope to produce societies that either multiply or eliminate gender. This, precisely, is the logical consequence of denying that biology justifies social norms. The power of the sex/gender distinction is that it is one way of saying precisely this. What the sex/gender distinction does not provide, however, is a good theory of subjectivity or a useful understanding of the body.

Instead of speaking in terms of sex and gender, I have found it useful to speak in terms of bodies and subjectivity. What Merleau-Ponty and Beauvoir show is that the relationship between body and subjectivity is neither necessary nor arbitrary, but contingent. For these thinkers the body is fundamentally ambiguous, neither simply subject to the natural laws of cause and effect that science might uncover, nor simply an effect of consciousness (or of power, ideology, or regulatory discourses, for that matter). When Merleau-Ponty writes that 'man is a historical idea and not a natural species', he does not mean to say that human bodies are not natural at all, but rather that our nature is to be historical beings. His project is to expand our understanding of nature, to wrench it away from the deadening hand of positivism and scientism by showing that in so far as the human body is concerned, one can draw no clear-cut line between that which belongs to the realm of nature and that which belongs to the realm of meaning. This is what he means when he speaks of the *ambiguity* of human existence. On this account, the human body is neither sex nor gender, neither nature nor culture. To say that my subjectivity stands in a contingent relationship to my body is to acknowledge that my body will significantly influence both what society—others—make of me, and the kind of choices I will make in response to the Other's image of me, but it is also to acknowledge that no specific form of subjectivity is ever a necessary consequence of having a particular body.

No theory of bodies and subjectivity is of any use if it does not yield significant understanding of concrete cases. To challenge the ideas in this essay, it would be useful to see if they would help to understand transsexuality. Transsexuals are usually defined as persons who feel that their sex does not correspond to their gender, and who wish to undergo hormone treatment and surgery in order to align their sex with their gender. As I have shown, the sex/gender distinction was first invented by medical personnel working with transsexuals and intersexed persons. The distinction emerged in the 1950s and early 1960s in response to the new medical technologies developed after World War II (hormone treatment, new and improved techniques of plastic surgery). Thus the very existence of the concept of the 'transsexual' depends on a distinction I think is useless for the understanding of lived experience. What would happen if one tried to understand transsexuality in completely different terms?

This is a more contentious question than it might seem. For the very language of sex and gender is a language that implies that sex is a matter of body parts, and that gender is 'everything else'. This language produces a picture of human bodies and subjectivity that makes it appear meaningful to call a certain number of medical procedures a sex change. Many transsexuals fear that unless one accepts the standard definitions of sex and gender and also believes that the relationship between sex and gender is absolutely arbitrary, it will become impossible to justify their demand for surgical transformation of the body. My critique of the sex/gender distinction, on the other hand, makes the very meaning of the term *sex change* problematic. When the sex/gender distinction disappears, it is no longer obvious what one desires when one desires a sex change. It does not follow, of course, that so-called sex-change operations are unjustified. What their purpose and meaning might be, would precisely be the subject of a phenomenological account of transsexuality.

The method such an account would employ would have much in common with Simone de Beauvoir's method in *The Second Sex*. One would have to study historical and legal material in order to establish what social norms and expectations transsexuals encounter, read fiction and watch films to discover something

about the cultural signification of sex changes, and examine medical material in order to understand what interventions a sex change requires, and what the medical consequences actually are. Psychoanalytic and psychiatric case studies would be central to the project. Perhaps most important of all would be autobiographies, memoirs, and other texts written by transsexuals, as well as interviews and conversations with them. It goes without saying that the differences between transsexuals, transvestites, and other transgendered people would need to be taken into account. Such an investigation might help explain why it is that the number of people who want to change their sex is steadily increasing. If one could understand what the wish to become a woman represents for someone who started out in life as a man, one would perhaps also understand why it is that so many women never wish to change their sex. In short, a serious attempt to understand the transsexual's project and situation in the world would provide a deeper understanding than a purely theoretical essay like this one of what it means to claim that the sexed body is a situation.

I just mentioned psychoanalytic theory and case studies as a valuable source of insight about transsexuality. Among transsexuals, however, there is considerable hostility towards psychoanalysis. I suspect that some transsexuals' worries are based on the fact that, like existentialism, psychoanalysis has no use for the sex/gender distinction. The fear is that any psychoanalytic account of the desire to change one's sex *must* lead to the conclusion that transsexuality is a psychiatric condition, and that all that is required to make the transsexual 'normal' is a good bout of analytic therapy. I don't think this is necessarily the case.¹⁶⁸ In general, transsexual arguments against psychoanalysis are similar to feminist arguments against psychoanalysis, and I shall not go into them here.

¹⁶⁸ Even Catherine Millot, a French psychoanalyst highly sceptical of the transsexual's claim to have a firm and non-contradictory gender identity, does not doubt that surgical interventions can have psychological effects: 'Gabriel's [Gabriel is the pseudonym of a female-to-male transsexual] operations seem in any case to have modified his subjective position. . . . The possibility of intervention in the real having effects on the symbolic plane cannot be excluded' (135-6).

Just as I have not engaged with psychoanalysis in this paper, I have not discussed sexuality in the sense of sexual desire or sexual orientation. This is because I consider the relationship between the body and sexuality to be as contingent as the rest. Neither heterosexuality nor homosexuality is inscribed in the structure of our bodies. Even if scientists were to find the infamous 'gay gene', it would not follow that everyone who had it would choose the same sexual practices, or that sexuality would have the same meaning for them. This is what Merleau-Ponty means when he says that the body—including our genes and chromosomes—is fundamentally ambiguous. Precisely because Beauvoir stresses over and over again that biology provides no foundation for social norms, her understanding of the body provides no justification for sexual bigotry and oppressive gender norms.

Since heterosexism and homophobia are the effects of social norms for sexuality and sexual practices, it makes a great deal of sense to consider such questions under the rubric of 'gender', as long as we are aware that 'gender' here means 'social norms', 'ideology', 'power', or 'regulatory discourses', and that such terms do not tell us all that much about bodies. That an individual's encounter with such social norms has consequences for the way she will experience her body and for the kind of subjectivity she will develop is precisely Beauvoir's and Merleau-Ponty's point. But their point is also that different individuals will respond in different ways to the same coercive pressure. Freud could have said the same thing. To put this in Beauvoir's terms: although social norms concerning sex and sexuality are of crucial importance to the formation of a given person's subjectivity, an account of such norms and regulations will not in itself explain that person's lived experience. We are continuously making something of what the world continuously makes of us: our subjectivity is always a becoming that neither precedes nor follows from the encounter with the Other.

When Beauvoir says 'I am a woman', she is not saying that she is a creature that in every respect conforms to the dominant gender norms of her society. She is making the verb signify existence, and existence is always a becoming, a process that only comes to an end in death. To say that existence precedes essence

is not to say that it replaces or obliterates it. 'I am a woman' also means 'There are women in the world, and I am one of them'.¹⁶⁹ Given that existence precedes essence, however, the fact that I am a woman does not tell you what kind of a woman I am. Stereotyping of any kind is incompatible with Beauvoir's understanding of what a woman is. The opposition between identity and difference is not central to Beauvoir's feminism; the concepts of freedom, alienation, and oppression are. Beauvoir's fundamental value is not identity, but freedom, and for Beauvoir freedom is a universal value: if it is good for women and feminists, it is because it is good for everyone.

In my discussion of poststructuralist sex and gender theory I have not been trying to contest the political aims of the theorists in question: my argument is, on the contrary, that those aims appear to be compatible with those of non-poststructuralist feminists from Beauvoir to Rubin. For this very reason it becomes important to challenge the theoreticism of poststructuralist feminist theory, that is to say the belief that certain theoretical positions function as guarantees of one's radical political credentials. The poststructuralist theorists who appear to believe that a general account of meaning or reference (interpretivism, realism, nominalism, etc.) *must* have a necessary set of political implications have yet to make a convincing case for their claims. They also have yet to show why questions of materiality and the inside and outside of discourse must be settled in the correct way in order to enable us to make politically acceptable claims about bodies, sex, and gender. The attempt to lay down theoretical requirements for what politically 'good' theory *must* look like regardless of the actual situation in which one is trying to intervene, is idealist and metaphysical to the core.

The point of doing a critical analysis of some of the presuppositions of poststructuralist thinking about sex, gender, and the body is to free us (I mean anyone who has ever been caught up in it, including myself) from a theoretical picture that tells us how things *must* be, and so blinds us to alternative ways of thinking. One such picture is the idea that we *must* think in terms of the

sex/gender distinction as soon as we are interested in questions of sexual difference. What I have done here is to show that in the case of a question that truly matters to me, namely 'What is a woman?', there are good reasons to consider alternatives to the sex/gender distinction. I have not tried to lay down some *other* set of requirements for how things must be. In particular, I have not suggested—and I do not think—that the sex/gender distinction is always useless. On the contrary, I think it is useful when it comes to opposing biological determinism à la Geddes and Thomson, for example. Others may be able to show that it also excels in other, specific contexts.

For Wittgenstein, the role of philosophy is to be therapeutic, to produce a diagnosis of the theoretical pictures that hold us captive, not in order to refute them, but in order to make us aware of other options: 'A picture held us captive. And we could not get outside it, for it lay in our language and language seemed to repeat it to us inexorably' (*PI* §115). The aim of his own thought is to reach 'perspicuous representation [*übersichtliche Darstellung*]' (*PI* §122). Once we see things clearly, Wittgenstein believes, all specifically philosophical problems fall away. 'For the clarity that we are aiming at is indeed complete clarity. But this simply means that the philosophical problems should completely disappear' (*PI* §133). Here it may be useful to recall that Wittgenstein thinks of a philosophical problem as a question that arises when we are lost in a kind of linguistic fog. What characterizes such questions is that they have no satisfactory answer because they have no clear meaning (see *PI* §5). Wittgenstein pictures the clearing of the fog as an intellectual liberation: we are released from the linguistic shackles that hold us captive. There is no loss here, since all that has disappeared is nonsense. Once we manage to escape from the picture that held us captive, we are released from the futile task of trying to answer questions that can have no answers because they do not make sense. Rather than solving the problem we struggled with, Wittgenstein's therapy makes it fall away. We see, as it were, that the problem was the way we posed the problem. Once we realize this, it is pointless to remain obsessed with the old problem. We find that we are free to ask new questions. To anyone who has experienced the effects of

¹⁶⁹ I return to this claim in Ch. 2, below.

psychoanalysis, Wittgenstein's account of how philosophical therapy works will sound quite familiar.

Yet Wittgenstein does not believe that the fog can be cleared once and for all. New situations and new confusions will always arise. There will always be a need for philosophical therapy. This means that in the very act of asking a new question we risk succumbing to new confusions, to lock ourselves up in new prison-houses of language. The task is always to try to produce language that makes sense as opposed to what Wittgenstein calls 'language on holiday', that is to say, language that does no work for us (see *PI* §38).¹⁷⁰ The way I understand Wittgenstein, this task is at once intellectual and ethical; it is always with us; it can never be done once and for all. Serious intellectual work would seem to have much in common with housework.¹⁷¹

It would be nice if 'feminist theory' could eventually come to mean a kind of thought that seeks to dispel confusions concerning bodies, sex, sexuality, sexual difference, and the power relations between and among women and men, heterosexuals and homosexuals. Such theory would aim to release us from the metaphysical pictures that hold us captive, and so return our words to the sphere of the ordinary, that is to say the sphere in which our political and personal struggles actually take place. 'What *we* do is to bring words back from their metaphysical to their everyday use' (*PI* §116). Such a course of philosophical therapy would help feminist critics and theorists not to get lost in meaningless questions and pointless arguments, and enable us instead to raise *genuine questions about things that really matter*.

¹⁷⁰ Specialized languages—those of chemistry and infinitesimal calculus, for example—are part of ordinary language. Such languages are to be pictured as 'suburbs of our language', Wittgenstein writes in a passage where he likens our language to an 'ancient city': 'a maze of little streets and squares, of old and new houses, and of houses with additions from various periods; and this surrounded by a multitude of new boroughs with straight regular streets and uniform houses' (*PI* §18). I discuss the meaning of 'ordinary language' more fully in Ch. 2, below.

¹⁷¹ New paths seem to have led me back to an old idea. In the introduction to my *Simone de Beauvoir* I also compare my intellectual approach to housework (see 8).

'I Am a Woman': The Personal and the Philosophical

If any individual—Samuel Pepys or Jean-Jacques Rousseau, mediocre or exceptional—reveals himself with sincerity, almost everyone is called into question. It is impossible to shed light on one's own life without at some point illuminating the life of others.

Simone de Beauvoir¹

All the philosopher, this kind of philosopher, can do is to express, as fully as he can, his world, and attract our undivided attention to our own.

Stanley Cavell²

INTRODUCTION

I now tend to think that theory itself, at least as it is usually practiced, may be one of the patriarchal gestures women *and* men ought to avoid', Jane Tompkins writes in 'Me and My Shadow', her controversial defence of the inclusion of the personal in *literary criticism* (122). *I am writing this essay because I am a woman and a feminist who has written and intends to continue to write theory. If I were to accept Jane Tompkins's view, I would have to give up writing theory altogether.*³ 'But Tompkins is just

I am grateful to Stanley Cavell for his generous response to this essay. Terry Eagleton, Hazel Rowley, Kate Soper, Martin Stone, and Lisa Van Alstyne also provided valuable last minute feedback.

¹ I have translated Beauvoir's 'tout le monde, plus ou moins, se trouve mis en jeu' as 'almost everyone is called into question' (*PL* 10; *FA* 1; *TA*).

² 'Aesthetic Problems of Modern Philosophy', in *Must We Obey?*

³ The title of this essay is 'The Personal and the Philosophical'. It could just as well have been called 'The Personal and the Theoretical'. The former is more suitable for the second half dealing with Simone de Beauvoir, the latter would