

THE USES AND ABUSES OF GENDER

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The category of gender has had many uses since its feminist formulation in the 1970's. The essay looks at its radical challenges to conventional notions of the differences between women and men as well as at the ways in which gender has been recuperated in recent years by various state and international agencies such as NGO's and the UN. Even so, gender remains a site of struggle about what counts as natural and what counts as social. Scott links the instability of the term and its continued usefulness for feminist politics to the instability of the facts of sexual difference itself. Gender as our object of study is, in effect, the answers (contingent, contentious, mutable) offered to the unanswerable questions of sexual difference (what do these bodies mean? how do I understand desire?). Regulations that establish gender roles are attempts to make the questions unaskable. As a result, gender is a perpetual site for political contestation, one of those locations for the deployment of knowledge in the interests of power.

Over the past few years I had begun to lose interest in gender. For one thing, it seemed to be a settled question, a word that had become part of a common vocabulary. The hot debates about whether renaming women's studies programs gender studies was a realization or a violation of feminist principles seemed resolved (if not in the same way in all places), intense discussions of the untranslatability of the term had given way to its frequent use either in English or as a neologism in various languages of the world, and its acceptance by national and international agencies as the rubric under which are gathered statistics on the situation of women usually in comparison to that of men was a sign both of its transformational impact and of its susceptibility to recuperation. I had also begun to conclude that as a settled term it could no longer do the work of radically destabilizing presumptions about the relationship between biological sex and culturally constructed roles for women and men, work it had done in the 1970's when American and English feminists appropriated the term from sexologists and psychiatrists such as John Money and Robert Stoller.¹ When the *American Historical Review* proposed a forum on the twentieth anniversary of the publication of my 1986 essay, "Gender: A Useful Category of Historical Analysis," I was both flattered and bored—flattered because it turns out that the essay is still useful for historians and bored because I felt I had exhausted all I had to say on the topic.²

Then last spring my interest was piqued by an outbreak of controversy in France—the country whose history I study—in which gender was the focus of attention. A manual of instruction preparing students for the baccalaureate exams in the biological sciences which was approved by the minister of education, included a unit on human biology called "Devenir Homme ou Femme" (becoming a man or a woman) that Catholic politicians, parents, and educators found

objectionable. The first page of the unit, under the heading “une grande diversité d’hommes et de femmes,” had three photos of couples: two men, one leaning lovingly on the other; a man and a woman hugging; and two women holding hands.³ The caption said that it seemed easy, when one walked down the street, to know which sex was which, but really, what did it *mean* to be a woman or a man? This provocative question was answered by reams of information about hormones; diagrams of reproductive organs; sonograms of fetuses; electron microscopic photographs of genes, chromosomes, zygotes, spermatazoa, and ova; graphs of menstrual cycles; drawings of the human brain with the zones of pleasure and control marked in different colors; a discussion of the differences between animal and human sexual activity—with a reminder that humans can responsibly control procreation using various contraceptive methods as well as abortion and new reproductive technologies; a discussion of whether or not there is a gene for homosexuality (the scientific evidence, readers are told, has not proven this to be the case). If sexual identity was established physiologically, by the operation of chromosomes and hormones, the text said, sexual orientation was another matter entirely. This was a function of intimate choices that might be heterosexual, homosexual, or bisexual, and they had to do with the private, not the public sphere. But were women and men anymore or less women and men in private than in public? What might this distinction between private choice and public appearance say about our ability to specify the meanings of ‘women’ and ‘men’?

The word gender (*genre* in French) was used only once in the thirty pages of text. It was presented as a technical term employed by sociologists to denote the social recognition of individuals, mainly the ascription of sexed identity by others, but also the description offered by individuals of themselves.⁴ Nonetheless it was gender that the people who organized a massive campaign against the manual made the focus of their objection. The former senator and mouthpiece for the Vatican, Christine Boutin, drawing almost word-for-word on the Pope’s 2008 Christmas message, penned an open letter to the Minister of National Education, denouncing “a pedagogy directly and explicitly inspired by the theory of gender.”⁵ This theory she deemed an “ideology” (thereby conjuring a kind of Marxist bogey-man) that didn’t belong in a science curriculum because it “denies the reality of the difference of women from men.”⁶

There followed a petition signed by more than a hundred deputies and senators demanding retraction of the manual, an on-line campaign with thousands of signatures addressed to the minister of education from parents demanding respect for their religious liberty of conscience and condemning a teaching that would surely corrupt their adolescent children by suggesting they had a choice about their sexuality. ⁷ The textbook was deemed a product of the “gay lobby”

and reviled as an import from the United States, specifically influenced by Judith Butler, who was dubbed “la papesse de la théorie du genre” in one newspaper article.⁸ Although the title of the manual’s chapter echoed Simone de Beauvoir (“one is not born, one becomes a woman”), the phrase was decried as a foreign invasion, another sign that American imperialism had penetrated deeply into French life.⁹

Throughout the summer and into the fall, the dispute about gender filled the columns of newspapers and on-line blogs. There was even a protest organized against the awarding of an honorary degree by the University of Bordeaux 3 to Butler in September. She was described by her critics as “the creator of the theory of gender, according to which people are no longer defined as men and women, but as practitioners of certain forms of sexuality: homosexual, heterosexual, bisexual, transsexual! ...For her, gender is a social and cultural construction in the service of the domination of women by men.”¹⁰ How could the university honor such a person, the Catholic group protesting the event asked, whose theories “by denying sexual difference, overturn the organization of our society and call into question its very foundations?”¹¹

One group of demonstrators used the occasion to enact the transgression they were protesting. They cross-dressed, holding signs warning against the castration that would follow from the indifferentiation that Butler was supposedly preaching. The campiness of the scene they staged suggested that the American philosopher had given some French Catholic boys permission to have a really good time.¹²

There is a lot more to tell about the French explosion of gender talk in the spring, summer, and fall of 2011, but I don’t want to go into that now. Suffice it to say that the Minister of National Education, Luc Chatel, held his ground. His reply to Boutin insisted on the scientific seriousness of the curriculum: “The ‘theory of gender’ does not appear in the text....The program is centered on biological phenomena, studying the genetic determination of sex and the development from embryo to adolescent. Complementing these biological aspects, the program brings in a sociological dimension on sexual differentiation that distinguishes sexual identity from sexual orientation.”¹³ The manual was not withdrawn and, presumably, its teachings will now be required for students who take the baccalaureate exams. In one way the whole affair was a tempest in a teapot, a brief outburst by organized Catholics who have only a minority voice in this militantly secular nation. In another way, though, the affair suggests that despite widespread dissemination of the term, the meanings of gender are far from settled. Indeed, the protesters’ objections lumped into the one word very different matters of social power (male domination), sexual orientation (heterosexuality, homosexuality, bisexuality, transsexuality),

and the undeniability of anatomical difference. For all the care the French minister of education took in clarifying those definitions, the language escaped his best efforts at containment.

This should not be surprising since words have histories and multiple uses. They are not only crafted to express certain concepts, they also have different rhetorical effects. Although my first reaction to the French controversy about gender last summer was to dismiss the confusion of the Catholic critics, I found myself drawn to thinking about the multiple and conflicting meanings that gender has acquired in the course of its relatively recent adaptation from a grammatical reference to a term denoting the social relations of the sexes. Rather than (as I had mistakenly thought) becoming clearer over time, gender has become more elusive; the site of contestation, a disputed concept in the arena of politics. There are, of course, still feminist uses of the word, but it is now a term of reference across the political spectrum, with effects sometimes very different from the ones feminists originally intended.

The elusiveness of a settled meaning for gender is nicely illustrated by the “Statement on the Commonly Understood Meaning of the Term ‘Gender’,” drafted by a special contact group within the United Nations Commission on the Status of Women in preparation for the Beijing Conference in 1995. The group was set up to resolve heated conflicts between feminists and right-wing, primarily religious organizations about the appearance of the term on the program and in the final report of the conference. While the spokesmen for the Right insisted on a strictly biological definition of the roles of women and men, feminists argued for the socially constructed origins of those roles. The resolution of the dispute, which appeared as an appendix to the Program of Action of the Beijing Conference, effectively offered no definition at all:

Having considered the issue thoroughly, the contact group noted that:

1) the word ‘gender’ had been commonly used and understood in its ordinary, generally accepted usage in numerous other United Nations forums and conferences; 2) there was no indication that any new meaning or connotation of the term, different from accepted prior usage, was intended in the Platform for Action...Accordingly, the contact group reaffirmed that the word ‘gender’ as used in the Platform for Action was intended to be interpreted and understood as it was in ordinary, generally accepted usage.¹⁴

That nothing certain can be named here but “ordinary, generally accepted usage” suggests that the meaning of gender depends on who uses the word, in what context and for what ends.¹⁵ In the rest of this essay, I will argue that there is no “ordinary, generally accepted usage” for gender; instead it is a site for intense debate. What exactly does gender refer to: is it a matter of women, or inequality, or sexual difference or some combination of these? How have its uses in all sorts

of social and political struggles inflected its meanings? There seems to be no single ground upon which gender can comfortably or finally rest. And this is precisely why these debates are political. The political contests that follow from the uncertainty about gender lead to a proliferation of its meanings, and, in this way, (in Barbara Johnson's words) "exceed the boundaries of stable control or coherence. It becomes something to be endlessly struggled over."¹⁶ It is that political struggle that I think ought to command our attention, because gender is the perceptual lens through which we are taught the meanings of male/female, masculine/feminine. A "gender analysis" constitutes our critical engagement with those meanings and our attempt to reveal their contradictions and instabilities as they are manifest in the lives of those we study.

Women

Women were the explicit concern of the feminists who began referring to gender in the 1970's. Gender refused the idea that woman's anatomy was her destiny, insisting instead that the roles allocated to women (as to men) were social conventions, not biological dictates. Since genital physiology was rarely invoked to explain why men did what they did, the sex/gender, nature/culture distinction was a critical wedge in the effort to counter discrimination against women, their exclusion from the worlds of men.¹⁷ In its early feminist articulations, the notion of gender as a social construction aimed at analyzing the relation of women to men in terms of inequality and power. The idea was that gender applied to everyone, that it was a system of social organization that no one was outside it. Gender was about women and men, about how the traits attributed to each sex justified the different treatments each received, how they naturalized what were in fact social, economic, and political inequalities, how they condensed varieties of femininity and masculinity into a binary system, hierarchically arranged.

Yet the focus of much of the academic and policy work, to say nothing of media coverage, done under the sign of gender has been almost exclusively women. This is in part a result of a tension within the feminist movement--a movement that sought to mobilize women by providing them with a common history, experience, and interest and by offering exemplary role models to inspire activism. From this perspective, it was enough to assume that 'men' or 'patriarchy' were the source of women's mistreatment; close analysis of how power systems operated were beside the point. The tension, then, was between the pressing need for political mobilization, on the one hand, and the more deliberative action of critique, on the other hand. For some feminists, gender was a distraction from the real business of righting wrongs against women ("an imperialist scheme for co-opting the world's women" in the words of some activists from the

global South).¹⁸ For others it was simply a synonym for that business, and this was true both of activists and scholars. (I'm not arguing for a theory vs. politics, scholarship vs. activist divide, but for the different ways both groups thought about the word.) Among historians, for example, gender in the title of books and articles indicated that the social situation of women was under consideration, that their action (or inaction) was taken to be the result of changing (and changeable) conditions, that no inherent female physical or mental incapacity shaped the way they lived their lives. In these studies, women's relation to men was usually presumed rather than explored as variable, as depending for its meaning on specific contexts and conditions. Women across the ages were implicitly understood to be defined by their shared biology.

Similarly, in the language of international organizations such as the United Nations and many NGO's, "gender awareness" means paying attention to what women do, what resources they command, what roles they play in families, localities, and states. When left at a purely descriptive level, the data collected produces a sociological category—'women'—with discernable qualities into which are grouped biological females according to age and marital status. Here gender becomes facts about women (as different from men). Thus a recent World Bank World Development Report was based on qualitative assessments in 19 countries to "hear first-hand how men and women 'do gender' in their everyday lives." The goal was to develop "policy interventions that advance gender equality and women's empowerment"—women's empowerment is not defined and seems to presume a universal understanding that is actually based on neo-liberal models of individual self-determination.¹⁹ There well might be objections that cultural differences are neglected in this kind of technical survey. But the attention to culture and tradition isn't always a corrective to the universalizing of the category of women. The terms simply refer to how women, understood as biological females, are treated differently—the very meaning of women isn't thought to change at all.

Popular association of the words gender and women is evident as well in the news media. The "gender gap" refers to women's voting preferences. During the Arab uprisings, journalists signaled out "women protestors" as a startling phenomenon, but they never qualified their reference to "protestors" as male.²⁰

The tension between what I've referred to as mobilization and critique is evident in this work. In the language much debated in the 1990's, gender was synonymous with anti-essentialism, that is with the idea that women's anatomy was not their destiny. This most often meant—following the thinking of social scientists—that the roles assigned to women (even as mothers) differed according to time and place and had little direct relation to their biology. At the same time,

however, the category women itself presumed a shared identity across cultures, what Linda Nicholson once referred to as “biological foundationalism,” by which she meant that biology remained the ground on which any definition of women rested.²¹ This “biological foundationalism” is evident in feminist claims for the commonality of women across the ages: for example, the French revolutionary, Olympe de Gouges, speaking in 1791 in the name of “the sex superior in beauty as it is in courage during childbirth.”²² Similarly, the leaders of the women’s anti-war effort in 1914 appealed “to all women of all nations, who suffer childbirth with the same pain and who, when their sons die in war, shed the same tears;”²³ and Robin Morgan asked, in the introduction to *Sisterhood is Global* in 1996, “do we not, after all, easily recognize one another?” Despite all sorts of differences among women, there was, she said, “the same basic story: one of deep suffering but also of a love—for life, children, men, other women, the land of one’s birth, humanity itself—a love fierce enough to cleanse the world.”²⁴ Over the course of many decades, feminist movements have formulated a common identity for women (based on “biological foundationalism”) even as they have sought to de-essentialize and particularize our appreciation of women’s experience according to place and time. Most recently, in an effort to ban trans-sexuals from its ranks, a radical feminist group in London declared that its 2012 conference was open only to “women born women, living as women.”²⁵ The resort to biology suggests the difficulty of otherwise specifying a settled meaning for women. And, while it may acknowledge differences of religion, race, ethnicity, and sexuality, as well as class and urban/rural divides, it overrides these differences with the claim of an inherent sameness, most often linked to reproduction. It also complicates appeals to equality: if women are essentially different, then on what basis can they be considered equal to (the same as) men?

Yet the term gender itself isn’t responsible for this dilemma. The women to which it refers is, as Denise Riley put it, “historically, discursively constructed, and always relatively to other categories which themselves change; ‘women’ is a volatile collectivity in which female persons can be very differently positioned, so that the apparent continuity of the subject of ‘women’ isn’t to be relied on; ‘women’ is both synchronically and diachronically erratic as a collectivity, while for the individual, ‘being a woman’ is also inconstant, and can’t provide an ontological foundation.”²⁶ This means that at some periods in history women are defined primarily as reproductive agents, at others as the educators of the nation’s children, at still others as enforcers of morality, and yet again as subverters of reason. They are sometimes equated with nature; at other times identified with culture. In some periods they have been understood to have the same souls as men, in others they have been distinguished by their lack of reason. Women became “the sex” sometime in eighteenth century Europe, a tag that has been difficult to

detach to this day in some areas of the world. Riley's approach asks for history, not to tell us about the same women moving through different times, but to situate when and how different historical contexts have come to understand the category of women itself. When gender is posed as a set of questions about what we don't yet know and when women is understood as itself a construction (not the roles of women, but 'women'), then gender becomes a way of interrogating the complex sources that make women a "fluctuating collectivity" worthy of scholarly and political attention.

Arguably, it is the very identity of women that is up for grabs in debates about gender. It's not simply a matter of biology versus sociology. Indeed current scholarship tells us that it is hard to separate the biological from the sociological because each is so inextricably tied to the other. One of the problems of focusing on social construction is that this takes the identity of women for granted and only looks at the roles they are variously assigned. In that way, biology is imagined to be outside of social context (as in Nicholson's "biological foundationalism"); religious conservatives and liberal feminists end up arguing about what a female body should or should not be allowed to do, but the body as determining the meaning of women remains in place.

While we can't exactly detach our bodies from ourselves, we can entertain the idea that bodies aren't enough to provide a sure definition of identity, roles, and sexual orientations. The more radical idea of gender understands it to be about the conception of various definitions of male/female, masculine/feminine, in their complexity and their instability. It is about struggles to hold meanings in place (to impose and enforce norms) and struggles to resist or overturn them. It is about the interests that motivate these struggles, the stakes and the stakeholders. Its purview extends beyond women and men, masculine and feminine to take in the large structures and processes (such as capitalism and nationalism) within and by which social relations are formed and political boundaries patrolled. From this perspective, gender reminds us that there is no unambiguous representation of women, it is always already a matter of politics.

Inequality

One of the objections of French Catholics last summer to the word gender was that it wrongly implied that men unjustly dominate women, confusing the natural order of things in which men and women are not equal, but have complementary roles to play, with unwarranted exercises of force. One of the objections of some feminist activists at Beijing and elsewhere to the word gender has been that it is so depoliticized by international and government agencies, as well as

some NGO's, that it no longer carries a critique of male domination. These diametrically opposed responses to gender contain the same association of the term with the problem of inequality. It was, after all, the inequality between women and men—an inequality typically attributed to nature—that feminists wanted to challenge with gender.

It is true that there is nothing in the original grammatical reference that suggests a relationship of power, nor for that matter in the adaptation of the word by sexologists in the 1960's. Those usages did, however, insist on the arbitrary assignment of masculine, feminine (and in some languages neuter) to nouns, and (in the case of the sexologists) on the purely social origins of the distinction between anatomy and sexed identity. It was precisely the arbitrary nature of those linguistic and social distinctions that feminists seized on to challenge the asymmetrical relations between the sexes. Gender was our instrument for diagnosing and excising inequality.

These days the rhetorical association between gender and inequality is a strong one. Witness the use of the two terms as if they were synonymous in reports and policy recommendations from the United Nations and major international development agencies. The purported aim of these recommendations is to end, or at least correct, the gender inequalities that have been discerned in statistics disaggregated by sex. The goals of the programs that follow from these reports are far-reaching. One of my friends who is a delegate to the United Nations Commission on the Status of Women says that if they were implemented there would be massive improvements in women's access to health care, education, jobs and other economic resources; violence against women would be punished and political inclusion encouraged. The endorsement of the principle that women's rights are human rights has, in her view, defined women as equivalent persons to men in the realm of law. The Commission on the Status of Women and the organization that monitors the CEDAW convention (the convention to end all forms of discrimination against women) work tirelessly to bring about the realization of these goals, but there are a number of obstacles in their path.

The first and most obvious is the resistance of governments in what amounts to the protection of male privilege usually in the name of culture. If culture and tradition can explain male/female asymmetries, then, they argue, inequality is not the issue. Here a form of cultural relativism refuses to address issues of power. The second, and more difficult, is to establish what equality between the sexes might mean. Are we talking about the formal equality of abstract individuals before the law—as in voting rights, or the prohibition of discrimination between the sexes in family law codes? Does equality extend to social rights and are these the same for women and men? Is the issue equivalence rather than equality and how can that be measured? (In some

cases, when statistics have revealed “men at risk,” gender policy has been addressed to them with resources diverted from women’s causes.)²⁷ What is the standard by which equality is measured? Some governments and activists have objected to what appears to be a Western bias in standards offered as universal: they argue, for example, that when a liberal notion of individual rights replaces a sense of community divisions of labor, the positive value of complementary relations between the sexes is denied.

A third obstacle is material: the emphasis on gender narrows our vision to locally visible inequalities between women and men. We don’t see that those are often generated or perpetuated by the structures of global labor markets, manufacturing, and finance capital—and are insoluble without attention to their operations and impacts. So, for example, the focus on reproductive rights, domestic violence, girls’ education, and sex trafficking, while of crucial importance for improving the quality of some women’s lives, nonetheless downplays or ignores the economic structures that shape these lives, transforming cultures as well as material conditions. Without changes in these structures—the ones that underlie poverty and inequality by seeking out impoverished (often rural) women as a source of cheap labor, by causing large flows of international migration and massive transfers of population and wealth—it is difficult to imagine how long-term reform can be secured.²⁸ From this perspective, gender is a distraction from the more immediate and fundamental causes of inequality among peoples and nations, as well as between the sexes. In Arundathi Roy’s words, it is like putting “a band-aid on the mortally wounded.”²⁹

A further complication to the idea that gender equality as a clear principle with global application has emerged in the rhetoric of a “clash of civilizations.” In the context of struggles over the place of Muslims in the nations of the West, gender equality has been trumpeted as one of the West’s primordial values. Male domination, violence against women, their sexual exploitation and repression, have all been lined up on the side of Islam, wiping clean the Western slate on these issues. Listen to the head of the commission recommending a ban on headscarves in French public schools: “France cannot allow Muslims to undermine its core values, which include a strict separation of religion and state, equality between the sexes and freedom for all.” Or, the judges in a Swiss federal court ruling against a teacher who wore a *hijab* to class: “It is difficult to reconcile the wearing of a headscarf with the principle of gender equality—which is a fundamental value of our society enshrined in a specific provision of the Federal constitution.”³⁰ It is not as if these “fundamental values” have been put into practice in France or Switzerland, as a glance at gender statistics (on women in political office, domestic

violence, wage differentials) in those countries indicates.³¹ But the contrast with the Muslim other has drawn attention (including some feminist attention) to the status of women in Islam (as if there was one status that applied to all the variants—theological, institutional, and national) and away from the continuing problem of inequality for the women of the secular/Christian West. In the current civilizational discourse, the recourse to “gender inequality” has become a way of justifying discrimination—the unequal treatment of Muslim minorities in Western European democracies. The assumption of inequality that adheres to gender is at once affirmed and denied—affirmed when it comes to assessing Muslim suitability for membership in the nations of the West; denied as an issue for the West in the Manichean contrast with Islam.³²

Sexual difference

The careful distinction between gender as a social category--the attribution of meaning to sexed bodies--and sex--the anatomical difference between men and women--has done important work. It has allowed feminists to refuse the idea that ‘anatomy is destiny,’ (meaning that their anatomical difference from men justified their unequal treatment) and has produced historical and anthropological scholarship on the varieties of capacities and roles that different women have enjoyed in different places at different times. It has even called into question the transparent meaning of anatomy itself. Judith Butler, for example, suggests that sex is gender’s referent, but has no prior meaning apart from that.³³ Perhaps for that reason, it has been almost impossible to keep gender and sex apart in ordinary usage.

The 1992 edition of the *American Heritage Dictionary of the English Language* offered this special note on the term:

Traditionally, *gender* has been used primarily to refer to the grammatical categories of “masculine,” “feminine,” and “neuter;” but in recent years the word has become well established in its use to refer to sex-based categories, as in phrases such as *gender gap* and *the politics of gender*. This usage is supported by the practice of many anthropologists, who reserve *sex* for reference to biological categories, while using *gender* to refer to social or cultural categories. According to this rule, one would say *the effectiveness of the medication appears to depend on the sex (not gender) of the patient*, but *in peasant societies, gender (not sex) roles are likely to be more clearly defined*. This distinction is useful in principle, but it is by no means widely observed, and considerable variation in usage occurs at all levels.³⁴

The conclusion is that the meanings of sex and of gender keep sliding into one another, blurring the boundaries that were established to keep them apart.

Sometimes gender is simply a euphemism for sex, a polite alternative to a word that has too many evocative implications. Sometimes it creates confusion about appropriate terminology. So, for example, the French Commission on Terminology and Neology argued in 2005 that “the substitution of gender for sex responds to no linguistic need” and so had no place in the French lexicon—sex was just fine for signifying cultural as well as biological difference.³⁵ Despite this warning, however, the word gender proliferated in areas as diverse as the academy, the media, and the National Assembly. At the same time, some French feminist scholars resisted the word, referring instead to “the social relations of the sexes,” or to “the power relations of sex.”³⁶

Other feminist efforts to translate the term have revealed a similar slippage. In the Bulgarian case, for example, there was a grammatical term *rod*, an “unmistakeably asexual” referent (it was a synonym for words like motherland, nation, or people). Feminists preferred *pol*, the Bulgarian word for sex, whose most common clinical definition referred “very narrowly...to the sexual organs, the sexual act, or to sexually transmitted diseases.” But *pol* was also etymologically close to the Bulgarian word for ‘half’ and ‘divide.’” In this way the notion of sexual difference was elided with (or incorporated into) gender difference, at once avoiding and acknowledging the essentialist meanings feminists wanted to contest. Finally, some groups, notably NGO’s simply used the English word ‘gender.’³⁷

In his rebuttal to his Catholic critics last summer, the French minister of education, deemed gender a sociological term that, like race or religion, could be employed without much controversy. It was, he said, about social roles, their economic and political advantages and disadvantages, and not about sexual behavior or sexual orientation—that was a separate issue, a personal choice, determined by neither biology nor sociology.

In fact, the purely sociological status of gender has been impossible to maintain. It seems to have no fixed meaning and it’s hard to determine exactly what it refers to. For example, during the discussions of the drafting of the Rome Statute which created the International Criminal Court (ICC) in 1998, ‘gender’ was singled out for special definition, while terms like ‘political,’ ‘racial,’ ‘national,’ ‘ethnic,’ ‘cultural,’ ‘religious,’ ‘wealth,’ ‘birth,’ and ‘age,’ were taken to be self-evident and in need of no clarification.³⁸ Long negotiations were required to find exactly the right wording—a wording whose awkwardness reflects the controversies they were crafted to resolve. Article 7(3) of the Rome Statute defines gender this way:

For the purposes of this Statute, it is understood that the term ‘gender’ refers to the two sexes, male and female, within the context of society. The term ‘gender’ does not indicate any meaning different from the above.³⁹

The phrase “two sexes” was a concession to the Right; “within the context of society” was meant to mollify social constructionists. The final sentence seems to me to convey everyone’s deep anxiety about the uncontrollable nature of gender. It could mean everything and nothing; its exact referent had to be repeatedly specified and even that might not be enough.

At Beijing in 1995, even after the phrase “generally accepted usage” was accepted, several Latin American delegates, apparently concerned about the normalization of homosexuality, felt compelled to say exactly what they thought gender meant. “Guatemala interprets the concept of gender solely as female and male gender in reference to women and men.” Peru’s delegate insisted that “sexual rights refer solely to heterosexual relationships. The Vatican expressed a more general anxiety about the breaking apart of society’s very foundations: it took the meaning of gender to be “grounded in biological sexual identity, male or female.”⁴⁰ During the ICC debates one commentator noted that if gender was allowed to refer to anything beyond male and female, the Court would be in the position of “drastically restructuring societies throughout the world. “⁴¹ This same concern about the radical potential of the word was expressed by the opponents of the French curriculum I referred to earlier. The “theory of gender,” they argued, “by denying sexual difference, [would] overturn the organization of our society and call into question its very foundations.”⁴² Speaking at the Vatican in November 2011, the French priest and psychoanalyst Tony Anatrella warned that the “ideology of gender” would “transform the meaning of the relations between women and men, the meaning of sexuality, and even the meaning of the family and procreation.”⁴³

What is so odd about these frantic efforts to limit gender to the two sexes (male and female) is that gender has always referred to precisely that: to sexual difference. Indeed, queer critics of the term have rejected the use of gender because, they say, it is anchored in a hetero-normative conception of relationships that excludes the recognition of the fact that there are sexualities (and relationships among them) that exceed all permutations of the male/female binary.⁴⁴ If “queer” is going to overturn society’s foundations, these critics argue, it will not be by wielding the cudgel of gender.

The anxiety expressed in the critics’ comments is, I suggest, symptomatic of a larger anxiety about the difficulty of pinning down any sure, certain, and enduring meaning for sexual difference itself. It is also the result of a conflation—one the French science manual tried to avoid—between sexual difference (the male/female distinction) and sexual orientation (the choice of a sexual partner). This is true both of those who find gender too radical and those who find it not radical enough.

Those who find gender not radical enough ought to listen to those who fear its radical potential. For the opponents of gender, the word conjures fantasies of desire run wild, sexuality unleashed. If, as they maintain, heterosexuality and social order are intimately linked, the one providing the natural foundation for the other, then gender—the arbitrary and contingent assignment of roles to sexed bodies—inverts the relationship (making society the determinant of sexual identity). Even if the referents are restricted to men and women, the idea that they are defined “within the context of society” calls into question any self-evident biological claim. In the logic of its critics, then, gender leads inexorably to freedom of sexual orientation, the detachment of desire from its reproductive mandate. Once desire is freed in this way, it seemingly has no limits. Homosexuals, bisexuals, transsexuals are the phantasmatic incarnation of the end of man.⁴⁵ If the term gender was meant to install a wall of separation between social roles and biological sex, its critics see instead a proliferation of sexualities; the replacement of the simple male/female binary by three, four, even five sexes (or genders). The distinctions we want gender to make between bodies, desires, and social roles get collapsed when sexual difference and sexual orientation are taken to be synonymous, that is when anatomy and desire are taken to determine one another and so one’s very identity. No amount of negotiation seems to resolve this trouble.

From one perspective this “gender trouble” is said to be a function of a world historic confrontation between the forces of order and the champions of change, the conservative defenders of patriarchy and the progressive proponents of “sexual democracy.”⁴⁶ I think the politics are actually more complicated than that simple opposition implies. Gender is a site of struggle about what counts as natural and what counts as social and these don’t divide simply along Right and Left lines. But there’s also something else going on that has to do with the relationship between gender and sexual difference, which is what I want to talk about now. This moves us from the social to the psychic register, and to the relationship between them. If, as Freud, Lacan, and others have suggested, sexual difference is psychically an enigmatic issue, ambiguous, puzzling, never finally or satisfactorily understood, impossible to symbolize, then the rules and ideals, the myths and folktales offered to account for it can never fully do their job. Sexual difference takes us, in Joan Copjec’s formulation, to the “impossibility of meaning.”⁴⁷ Elizabeth Weed explains it this way: “The psychical rupture constitutive of Freud’s and Lacan’s theories of sexuality, what Lacan calls the real, what cannot be known, cannot be symbolized, is this impossibility.”⁴⁸ Sexual difference raises the questions of the origin of life (where do I come from?); the reasons for our divided bodies (why are there men and women? must I be one or the other, why not both?); the nature of the attraction between these bodies (what is this desire I feel?); and the mystery of our mortality.⁴⁹ These are questions for which no single rational or

unconscious answers are exhaustive or satisfactory. Social and political institutions work relentlessly to provide the answers, holding them in place, erecting massive structures on what are always tentative foundations. Their aim is to contain or at least to redirect the fantasies that individuals entertain about the differences of sexed bodies (and what desires they can or cannot follow), and to bring them collectively under control through various forms of normative regulation. Gender as an analytic category may seem to be directed at the arena we call the social, but the object of its analysis (historical constructions of the relations between the sexes) is irrevocably connected to the psychosexual realm. It is for that reason that gender can never be free of its association with sex, that is with sexual difference. Since sexual difference is gender's referent, and since sexual difference has no inherent, fixed meaning, gender remains an open question, a site of conflict about the definitions we (and others) attribute to it. Or, as Weed puts it, "It is, in fact, the impossibility of sexual difference that guarantees that gender will never be fully knowable or semantically stable."⁵⁰

Gender—the social and cultural practice that is the object of study—is, then, always an attempt to assuage collective anxieties about the meanings of sexual difference, to fix these necessarily elusive meanings once and for all. Elusive because despite the visible anatomical differences between bodies (whatever their variations), our imaginations cannot be limited in the assignment of meaning to them. Questions about sexually indeterminate bodies and trans sexuality only compound the difficulty. Butler (referring to Levi Strauss) puts it this way: "Sexual difference is the site where a question concerning the relation of the biological to the cultural is posed and reposed, where it must and can be posed, but where it cannot, strictly speaking, be answered."⁵¹ Gender, as our object of study, is, in effect, the answers (contingent, contentious, and mutable) offered to that unanswerable question. Indeed, the normative regulations that establish gender roles are attempts to make the question itself unaskable. As a result, gender is a perpetual site for political contestation, one of those locations for the deployment of knowledge in the interests of power.

It is for that reason that gender remains a useful concept for critical analysis. If we take gender as a guide not simply to how men and women are being defined in relation to one another, but also to what visions of social order are being contested, built upon, resisted, and defended in terms of those male/female definitions, we arrive at new insight into the various societies, cultures, histories, and policies we want to investigate. Gender becomes not a guide to static categories of sexed identity, but to the dynamic interplay of imagination, regulation, and transgression in the societies and cultures we study. There's a politics of gender and a gendering

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of politics that commands our attention—in the form of an unending set of questions about how, when, where, and under what conditions individuals, societies and cultures have tried to answer what cannot finally and definitively be answered (or even asked). Far from being an exercise in frustration, this approach opens the way to new thinking, new interpretations, and perhaps even to new policies. And far from being settled, as I once thought it was, gender is a perpetually open issue; when we think it has been settled, we know we're on the wrong track.

NOTES

My thanks for their comments and criticisms to Elizabeth Weed and Sara Farris, as well as to the members of the seminar at Södertörn University in Sweden and at the American University in Cairo, Egypt.

¹ John Money and Anke Ehrhart, *Man and Woman, Boy and Girl*. Baltimore: Johns Hopkins University Press, 1972; Robert Stoller, *Sex and Gender: On the Development of Masculinity and Femininity*. N.Y., Science House, 1968.

² “Forum: Revisiting ‘Gender: A Useful Category of Historical Analysis,’” *American Historical Review* 113:5 (December 2008).

³ Monique Dupuis, ed. *SVT Physique-Chimie: Sciences Programme 2011*. Paris: Hatier, chapter 10, p. 174.

⁴ “La question de l’identité sexuelle. En sociologie, l’identité sexuelle (ou identité de genre or identité sexuée) se réfère au genre par lequel une personne est socialement reconnue; c’est-à-dire que certaines personnes parlent d’elles-mêmes comme étant un homme ou une femme ou se décrivent de façon moins conventionnelle, mais ce term peut aussi faire référence au genre que les autres personne attribue à quelqu’un sur la base de ce qu’ils connaissent des indicateurs sociaux de genre (vêtements, coiffure, démarche, etc.),” *Ibid*, p. 177.

⁵ See, <http://www.independent.co.uk/news/world/europe/meditation-on-gender-lands-pope-in-hot-water-1210064.html> and the Pope’s 2008 Christmas message: http://www.vatican.va/holy_father/benedict_xvi/speeches/2008/december/documents/hf_ben-xvi_spe_20081222_curia-romana_en.html.

⁶ Christine Boutin, “Lettre ouverte au Luc Chatel,” May 31, 2011. http://www.partichretien-democrate.fr/index.php/acces-presse/index.php?option=com_content&view=article&id=594:lettre-ouverte-de-christine-boutin-a-luc-chatel-sur-le-gender&catid=13&Itemid=96

A counter letter organized by the Institute Emilie Châtelet, appeared on June 14. See http://www.lemonde.fr/idees/article/2011/06/14/enseigner-le-genre-contre-une-censure-archaïque_1535573_3232.html. See also, “Manuels de sciences: c’est une polémique créée de toutes pièces,” *Libération* September 2, 2011; and “Après l’introduction de la théorie du genre dans les manuels scolaires, l’Eglise catholique organise la riposte,” *Le Monde* September 12, 2011. Boutin is the spokeswoman for a larger Vatican project. On this, see Mary Ann Case, “After Gender The Destruction of Man? The Vatican’s Nightmare Vision of the ‘Gender Agenda’ for Law,” *Pace Law Review*, 31:3 (2011), pp 802-17.

⁷ The petition was called “Défendons la liberté de conscience à l’école”. <http://www.afc-france.org/societe/actions-et-outils/petition-education> (consulted January 13, 2012.) See also <http://un-ministre-irresponsable.org>. (consulted Dec. 16, 2011) A chronicle of lectures and events protesting the manual can be found at <http://www.evangelium-vitae.org/actualite/1751/le-genre-demasque>. (consulted January 13, 2012).

⁸ “La ‘papesse’ de la théorie du Genre à Bordeaux!” *Infos Bordeaux*, September 21, 2011. <http://www.inforx-bordeaux.fr/2011/actualites/la-“papesse”-de-la-theories> (accessed November 23, 2011) See also, « Mauvais genre, » and the interview with Butler, « Judith Butler : Comprendre plutôt que classer, » *Le Monde : Culture et idées* 1 October 2011.

⁹ Simone de Beauvoir, *Le deuxième sexe*, Paris : Gallimard, 1949. (« On ne naît pas femme : on le devient. »)

¹⁰ “La ‘papesse’...” *Infos Bordeaux*, September 21, 2011.

¹¹ “La Théoricienne du gender honoré par l’université Bordeaux 3,” a protest circulated by the Association pour la Fondation de Service politique, a Catholic organization, protesting the award to Butler. www.libertepolitique.com (consulted November 23, 2011).

¹² Christophe Lucet, “Judith Butler honoré,” *Le Sud Ouest*, October 6, 2011. <http://www.sudouest.fr/dyn/imprimer.php?link> (consulted November 23, 2011).

¹³ Letter of Minister of National Education, Luc Chatel, to Christine Boutin, July 27, 2011.

¹⁴ United Nations Commission on the Status of Women. *Report of the United Nations Conference on Human Settlements (Habitat II), Istanbul, 3-14 June 1996*. "Annex V: Statement on the Commonly Understood Meaning of the Term 'Gender.'" <http://www.undp.org/un/habitat/agenda/annex.html>

¹⁵ Commenting on this passage, Elizabeth Weed notes, "...the statement ...offer[s] a stunningly candid glimpse at the *aporia* that is gender. Ideally, the contact group's statement would like to be able to appeal to some kind of apodictic truth. That not being available, it appeals to 'ordinary, generally accepted usage,' a usage that is...validated by past custom (no matter that 'gender' as something other than a grammatical term has existed scarcely more than several decades). In short, all the statement can offer is a language that *stands in* for a referent that can't be named. And whatever that unnamed referent is, it must always depend on the power of customary usage and the meanings it evokes. In other words, in lieu of demonstrable truth, language does its work." Elizabeth Weed, "From the 'Useful' to the 'Impossible' in the Work of Joan W. Scott," in Judith Butler and Elizabeth Weed, eds. *The Question of Gender*. Joan W. Scott's *Critical Feminism*. Bloomington: Indiana University Press, 2011, p. 289.

¹⁶ Barbara Johnson, *The Wake of Deconstruction*. Blackwell USA, 1994, p.p 48-9.

¹⁷ So the French socialist Jeanne Deroin, responding to Proudhon's quip that a female legislator made as much sense as a male wetnurse, asked him to specify which organs were necessary for the functions of the legislator. Cited in Joan W. Scott, *Only Paradoxes to Offer: French Feminists and the Rights of Man*. Cambridge, MA: Harvard University Press, 1996, p. 78.

¹⁸ Pamphlet by the Revolutionary Women of the Philippines, cited in Sally Baden and Anne Marie Goetz, "Who Needs [Sex] when you can have [Gender]? Conflicting Discourses on Gender at Beijing," *Feminist Review* 56 (Summer 1997), p. 6

¹⁹ From an announcement of the Bellagio Conference Center for a World Bank Writing Workshop, "Defining Gender for the 21st Century."

²⁰ Maya Mikdashi, "The Uprisings will be Gendered," *Jadaliyya*, February 28, 2012. <http://www.jadaliyya.com> (consulted March 30, 2012).

²¹ Linda Nicholson, "Interpreting Gender," *Signs*, 20:1 (Autumn 1994), p. 82.

²² Olympe de Gouges, *La Déclaration des droits de femme et de citoyenne*, 1791.

²³ Quoted in Christine Bard, *Les filles de Marianne: histoire des féminismes 1914-1940*. Paris: Fayard, 1995, p. 45.

²⁴ Robin Morgan, "Introduction," *Sisterhood is Global: the International Women's Anthology* New York: The Feminist Press, 1996, p. 36.

²⁵ Roz Kaveney, "Radical feminists are acting like a cult," *Guardian*, May 25, 2012. <http://www.guardian.co.uk/commentisfree/2012/may/25/radical-feminists...>

²⁶ Denise Riley, "Am I That Name?" *Feminism and the Category of 'Women' in History*. London: Macmillan, 1988, p. 17.

²⁷ Cited in Baden and Goetz, "Who Needs [Sex]" p. 6.

²⁸ On these issues see, Elizabeth Bernstein, *Temporarily Yours: Intimacy, Authenticity, and the Commerce of Sex*. Chicago: University of Chicago Press, 2007; and Sara Farris, "Femonationalism and the 'Regular' Army of Labor Called Migrant Women," *History of the Present* 3.1 (Fall 2012).

²⁹ Comments by Roy at her Edward Said lecture, Princeton University, March 7, 2012.

³⁰ Both quotes are cited in Dominic McGoldrick, *Human Rights and Religion: The Islamic Debate in Europe*. Portland, OR: Hart, 2006, pp. 89 and 128.

³¹ Manuela Picq, "Women in Parliaments: Contested geographies." <http://www.aljazeera.com/indepth/opinion/2012/03/20123881930115>

³² Joan Wallach Scott, "Sexualism: On Secularism and Gender Equality," in Scott, *The Fantasy of Feminist History*. Durham, NC: Duke University Press, 2011.

³³ Judith Butler, *Gender Trouble: Feminism and the Subversion of Identity*. New York: Routledge, 1990, p. 7.

³⁴ *American Heritage Dictionary of the English Language*. (3rd ed. 1992), p. 754.

³⁵ *Journal Officiel de la République Française*, Avis et communications, Commission Générale de Terminologie et de Néologie, "Recommandation sur les équivalents français du mot *gender*." Texte 107 sur 115, July 22, 2005.

³⁶ For examples, see the various propositions de loi of the French National Assembly in the category of “genre.” See also the discussions in Dominique Fougeyrollas-Schwebel, Christine Planté, Michèle Riot-Sarcey et Claude Zaidman, eds. *Le Genre comme catégorie d'analyse: sociologie, histoire, littérature*. Paris: L'Harmattan, 2003. See especially the comments of Eliane Viennot, pp. 164-65. “J'utilise donc toujours les périphrases traditionnelles, qui ont le mérite d'être claires: rapports sociaux de sexe, rapports de pouvoir, contraintes à la féminité/à la masculinité, délimitation idéologique des frontières de sexes, etc.”

³⁷ Miglena Nikolchina “Translating Gender: the Bulgarian Case,” in Rosi Braidotti, Ilse Lazaroms, and Esther Vonk, eds., *The Making of European Women's Studies*, 3, Utrecht: Utrecht University, 2001, pp. 92-94. See also, Samia Mehrez, “Translating Gender,” *Journal of Middle East Women's Studies* 3:1 (Winter 2007), pp. 106-27.

³⁸ Valerie Oosterveld, “The Definition of ‘Gender’ in the Rome Statute of the International Criminal Court: A Step Forward or Back for International Criminal Justice?” *Harvard Human Rights Journal* 18 Spring 2005, pp. 55-84.

³⁹ Rome Statute of the International Criminal Court, July 17, 1998.

⁴⁰ United Nations, *Report of the Fourth World Conference on Women, Beijing, 4-15 September 1995*. Chapter V, section 10(b), iii; section 25, iii; section 11. [Gopher://gopher.undp.org:70/oo/unconfs/women/off/a--20.en](http://gopher://gopher.undp.org:70/oo/unconfs/women/off/a--20.en).

(Consulted in 1999).

⁴¹ This comes from an unpublished position paper cited in Oosterveld, “The Definition of ‘Gender’ in the Rome Statute.” Note 51. The paper was submitted to the conference by the David M. Kennedy Center for International Studies and is contained in Oosterveld's files.

⁴² See note x above.

⁴³ Cited in Case, “Who Needs [Sex]”, p. 805.

⁴⁴ See the introduction and the essays in Henry Abelove, Michèle Aina Barale, and David M. Halperin, eds. *The Lesbian and Gay Studies Reader*. N.Y. Routledge, 1993.

⁴⁵ Lee Edelman, *No Future: Queer Theory and the Death Drive*. Durham, N.C. Duke University Press, 2004.

⁴⁶ On sexual democracy, see Eric Fassin, “National Identities and Transnational Intimacies: Sexual Democracy and the Politics of Immigration in Europe,” *Public Culture* 22:3 (Fall 2010), pp. 507-29.

⁴⁷ Joan Copjec, “Cutting Up,” in Teresa Brennan, ed. *Between Psychoanalysis and Feminism*. N.Y. Routledge, 1989, pp. 227-46.

⁴⁸ Elizabeth Weed, “From the ‘Useful’ to the ‘Impossible,’” p. 303.

⁴⁹ Jean Laplanche and Jean-Bertrand Pontalis, “Fantasy and the Origins of Sexuality,” in Victor Burgin, James Donald, and Cora Kaplan, eds. *Formations of Fantasy*. London: Routledge, 1986, pp. 5-34.

⁵⁰ Weed, “From the ‘Useful’ to the ‘Impossible,’” p. 307.

⁵¹ Judith Butler, *Undoing Gender*, N.Y. Routledge, 2004, p. 16.

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