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What About Sex?

One of the main contentions of feminist anti-gender activists is that the facts of "sex" are being denied by gender theorists. Sometimes we are accused of refusing to accept biological differences, or of eradicating biological differences in the effort to defeat forms of biological determinism. A third accusation is that sex-based claims, including claims of discrimination, will become impossible if gender takes the place of sex. We have touched upon the question of what is meant by a "sex-based" claim and will explore it further below.

In the preceding chapter, I underscored that sex assignment is the initial and powerful practice through which the facts of sex are established and reestablished. I also maintained that "sex-based" forms of discrimination are usually wrong about sex, relying on ideas, say, of what work a woman can effectively do or how an employee is supposed to look or act, or how an employer makes decisions about the workplace. The denial of a position is based on an idea that the sex of the person makes them incompetent, or that the position ought to go to someone else because they are a man or because their gender conforms with normative expectations. Let's remember that basing a decision on a person's sex is considered to be discriminatory, since it is based on certain misconceptions about what people sexed in a certain way can do. The idea of "sex" on which discriminatory actions are based usually

turns out to be false or irrelevant. Removing preconceptions about sex from employment decisions is usually, in fact, the aim. To say that we must define sex to understand sex discrimination generally fails to recognize that we are trying to get preconceptions of sex out of the picture, and have no wish to ground our feminism on those preconceptions. We also maintain that sex is not denied if we ask about the mechanisms by which it is established. Sex assignment has a long history, and in many traditions, room is made for people who from the start do not fit neatly into the binary frame. To deny the existence of intersex people to make a polemical point about "facts" is, indeed, to deny the facts in the service of a political agenda to conserve the binary.

Arguments about biological differences are often based on the presence or lack of distinct reproductive capacities, but such claims tend to rest on a conception of differentiated bodies that are stopped in time. Women cannot be defined by their reproductive capacity for all the reasons that feminists have taught us over the years. Frankly put, not all women have reproductive capacity, and it would be foolish and cruel to say that these women are, therefore, not really women, especially if they understand themselves that way. And if some people with the capacity to reproduce are not women, that is, if having that biological capacity does not define their gender identity, and yet they want the right to give birth or have an abortion for all the reasons that others do, then why should they not be included in the class of people who ought to be able to claim such a right?

Interestingly, the argument that reproductive capacities differentiate the sexes idealizes reproduction as the defining moment of sex. That social ideal thus governs the way that facts are established. But once sex is considered outside the reproductive frame, we can see how social ideals have constrained the kinds of facts generally considered to be salient. As we know, many women may be too young, or too old, to become pregnant, and some never had that capacity for other reasons, or that capacity ceased to exist as a result of aging, hormonal problems,

medical interventions, lack of access to assisted reproductive technology, or exposure to environmental toxins. Some women do not even know if they have that capacity because they simply never wanted to have children or had sex with people with whom they could not become pregnant, and so their fertility was never tested. Despite the conservative idealization of women as mothers, it has always been the case that only some women can, or would, be able to become pregnant. They are no more and no less women than those who did become pregnant. And since some people, including trans men or non-binary people, may have that capacity, it makes sense to expand our frameworks, our vocabularies, and our minds to take in the facts as they stand. Given the range of capacities, desires, and gender identities, it makes no sense to identify *a specific biological capacity as defining gender, which should never serve as the exclusive or fundamental criterion by which gender is determined*. Feminists have taught us this, insisting that not all women want to become mothers, and if they do, they are not necessarily defined by that fact. A "sex-based" anti-discrimination law has to make this point every time a woman is denied a position or an advancement on the grounds that she is pregnant or deemed likely to bear children.

The insistence on reproductive capacity to differentiate the sexes not only assumes that the sex assigned at birth remains the sex assumed in time but also highlights the years of presumptive fertility as definitive. In other words, if reproductive capacity defines one's sex, then one becomes that sex most fully and unambiguously in sexual reproduction, and one loses that sex, or never arrives at that sex, if one cannot or does not engage in sexual reproduction. The norm once again proves to be cruel, distinguishing between the more and less sexed, the very real and the less real. That criterion communicates an expectation to women to become reproductive even when they cannot, or will not, and effaces the ways that the capacity to become pregnant can be important for those who live outside the category of women or at its margins.

The point is that social norms are already operating when reproduc-

tive capacity is used as the criterion to make factual distinctions. The facts are gathered and presented according to a frame that is clearly soaked in power, biological determinism, and normativity. This does not mean that facts don't exist; it just means that they are invariably presented within a certain frame, and that the frame contributes to what we can see and consider as facts, and, as a result, what we come to support and fear.

Some feminists will argue that we need to be able to rely on sex difference in order to defend reproductive rights. They think of sex difference as the foundation in an argument: women are a certain way, and social policy should base itself on that difference. That kind of argument can be found in claims such as this one, which was published in *The Guardian*: "The patriarchal oppression of women is heavily rooted in our reproductive systems."¹ That argument suggests that the reproductive system gives rise to patriarchal oppression, but isn't the reverse more likely the case? It is the patriarchal social organization of reproduction that leads to the conclusion that states should decide whether or not abortion is appropriate, rebuffing the autonomy of those who are pregnant to decide how best to conduct their lives. Of course, we need to understand why pregnancy is not always wanted and how it can, under some circumstances, threaten the life of the pregnant person or their very possibility of flourishing. But for that we need a commitment to reproductive freedom as a value, right, and norm that organizes our social worlds. It would be counterproductive and wrong to attribute the existence of oppressive systems to biology, when instead we should be asking how those oppressive systems *contort* biological matters to achieve their own unjust ends.

Is reproductive freedom related to the freedom of gender self-determination? If so, there are good grounds for a form of solidarity that links feminist, trans, and non-binary struggles. Feminism rightly fights against the state's interest in the wombs of pregnant people on the grounds that those who are pregnant should be able to determine

whether or not to bring that pregnancy to term. That struggle often relies on the political principles of self-determination and collective freedom. When the self-declaration model for sex reclassification is at issue, however, some of those same feminists believe that the state, through its gender policies, should undercut the rights of those seeking reassignment, and that the state has a justified interest in limiting their freedom. But why accept that the state has legitimate interests in curtailing freedom when it comes to sex assignment? What would happen if we opposed the notion that the state has legitimate interests in limiting the freedom of those who seek sex reassignment or an abortion? It would establish an alliance based on a concerted opposition to the state's intrusion into the trajectory of our embodied lives understood as patriarchal, transphobic, and wrong.

Even if the above arguments prove to be persuasive, there are still those who maintain that "gender" departs from common sense, echoing the Trumpian argument that genitals and plain language provide adequate criteria for determining sex. Still others claim that gender denies the materiality of the body or that it elevates language and culture over the biological sciences. Let us, then, ask whether this characterization has merit, or whether, in fact, it engages in a fantasy about what gender does, including the threat to nature and biology it apparently poses. The argument against gender as culturalist ignores the prevalent view that gender is a site where biological and social realities interact with one another. Those who would separate biological and social realities in their accounts of sex or gender tend to discount the enormously important interactive, dynamic, and co-constructivist positions developed by feminist philosophers and historians of science that seek to undo what Donna Haraway calls the "antagonistic dualisms" of second-wave feminist theory.²

Some argue that the materiality of sex is established by science and that we should base our views on established scientific paradigms. But others claim that we just need to return to "common sense" and debunk

speculative theories to confirm the matter of sex. But how many people feel that the "common sense" idea of how they should live their assigned sex, or presumed gender, actually does violence to who they are? It used to be "common sense" for white people to enslave Black people, and "common sense" for marriage to be understood as an exclusively heterosexual union. Shon Faye, the British author, reminds us that gender-critical feminists are not critical at all in claiming that "common sense" is sufficient for normative thinking since it fails to call into question the presuppositions it mobilizes. In *The Transgender Issue*, Faye writes:

What it means to be a woman or a man (or neither) is not a fixed and stable entity, but a complex constellation of biological, political, economic and cultural factors, which may shift over time. In contrast to this complexity, British anti-trans feminism—now known by its disciples, with unintentional irony, as 'gender critical' feminism (despite its lack of critical interest in how gender arises and varies according to time and place)—has tended to market itself as a common-sense approach that breezily waves nuance away.³

This call to return to common sense on the part of gender-critical feminists turns out not to be as critical or sensible as it should be. The phobic focus on the penis, which vacates common sense, is a case in point, as we have discussed. The organ is not a simple appendage in these descriptions, but an instrument of attack. This attribution of dangerous power may well draw upon terrible experiences of rape and assault, yet that is not reason enough to generalize. Such generalizations, when they do occur, tend to be phantasmatic projections that rely on generalizing a first-person account to all women, and to cast all people with penises on the model of the rapist. The phobic or panicked relation to "the penis" as such separates the organ from the person and from the entire life-world in which it makes sense. The subsequent attribution

of dangerousness to trans women who have penises relies on a phobic transposition of the organ—which is, by the way, often flaccid, which is sometimes quite deliberately put out of play by transfeminine people, which is sometimes a source of pleasure for all those involved in the scene without the threat of harm, and sometimes the source of passive pleasure for the one who bears it. So, on the one hand, realism or common sense tells us that there are two sexes and that they can be identified unambiguously by their organs, but on the other hand, it turns out that the commonsense descriptions often veer into phantasmatic zones, following a syntax that belongs more to dreams and fantasy than to arguments and coherent demonstrations. Apparently, those very organs can be sites of intense phantasmatic investment, apparently pitching some of us into zones of unreality almost as soon as we near them. Those kinds of associations proliferate not in narrative accounts of wanted and unwanted sexual contact, but in various “common sense” descriptions of the facts of sex.

The argument that “gender theory” denies science fails to take into account the important work in science on gender itself, mainly undertaken by feminist scholars. The trans-exclusionary feminists tend to repeat the claim that disputing biological determinism should not lead to a refutation of biology. I agree. What is called gender theory has in fact been arguing that for some time. If we shift, for instance, from a deterministic model to an interactive one, as Anne Fausto-Sterling and other scholars of science have been doing for some time, it turns out that what we call our biology is *always* interacting with social and environmental forces, and that we cannot really think about biological facts outside of this interaction.⁴ It is not as if biological causes stream in from one source and through a specific channel whereas social determinants flow from another location only to meet up at some third site called the body. Biological and social forces are together interacting in embodied life. The development, or formation, of the organism presumes that the biological requires the social to be activated, and the

social requires the biological to produce its effects. The one cannot act as a formative power without the other.

The point can be simply made by considering how bodies are formed by the kinds of foods that are ingested, which, in turn, depend on what kinds of foods are produced and available. The social and economic infrastructure of food, including supply chains and unequal distribution, inhabits the materiality of the bodies in which we live. As should be obvious, nutrition affects the growth and density of our bones, the composition of our blood, and mortality rates. Nutrition may be one site where the co-construction of material and social lives is most obvious. But another example would be the effect of clean or polluted air on the body, its very capacity to breathe. As noted above, “reproductive capacities” cannot always be assumed, and some of them have to be activated for reproduction to occur. One of several reasons we cannot assume that women are defined by their reproductive capacity is simply that not everyone living in the category has that capacity or is compelled to make use of it. Both environment and desire are already at work in the making and unmaking of capacities. Sometimes a “capacity” only gets activated with a technological intervention, at which point the gestation can be understood as emerging from more than one agent, a complex interplay of human and technological powers.⁵ The model of co-construction comes into play here, too. In any case, it is not to be assumed that a “natural” capacity is actually there, and it often turns out to be cruel to make that assumption.

Sometimes the recourse to biological facts by anti-gender partisans is combined with the call to return to common sense. Occasionally, there is a pounding on the table that goes along with the insistent repetition of the claim of purely biological differences, as if pounding and repetition make it so. The pounding is a way of building a fact through a repetitive exercise, perhaps even an operation of gestic performativity. The effort to separate out the biological body from its environment presupposes that the environment is not already in the body, part of its

very formation. If “the environment” is understood as a surrounding external reality, separate and distanced from that biological self, then no account of the development or formation of that biological self is really possible. That world of social and economic infrastructure and living processes is one in which the biological body lives, stays alive. It is one in which life is already bound up with social and economic institutions linked with other forms of life. Indeed, the biological body lives only to the extent that it is connected to other life-forms and an array of social systems and powers. Those interactions are formative and, ideally, sustaining. The body would not “be” what it is without those connections staying alive, without those related lives, which means that the life of the body is already, and continuously, linked to other living forms. That formative interplay more closely describes what a body “is,” that is, its growth and mode of becoming and its constitutive relationality.⁶

By that last phrase, I mean only “the relations without which a body cannot be at all.” The outside is constantly taken in in order to live, which is why the politics of food, water, air, and shelter are crucial to living, to living on, and to living well. In its porosity, the body lets in the external world in order to survive, and when its boundaries are fully closed off from what is outside, it falters. It cannot breathe or eat; it cannot expel what it no longer needs. Thus, it makes no sense to think of the body as a bounded entity which bears its sex as a simple attribute. If the body and its sex are both understood as relational, then the social has enveloped and entered us way before we enter into any deliberate relation with the social. We are, as it were, from the start, outside ourselves, in the hands of others, exposed to elements, such as air, nourishment, and shelter, and all of these externals become part of biological life—ingested, inhaled, incorporated, reproducing cells and sometimes damaging them. If we care about eradicating environmental toxins and environmental racism, then we know that it is at the level of the particle that passes between the external world and

the body that matters of life and death come to the fore. As a result, it makes no sense to think of the body as over here, and the environment as over there, and then ask how the two come together. We have to start with the scene of interaction, interdependency, and reciprocal permeability and then ask how the idea of a primary ontological separation between body and world came to be accepted as “common sense” in certain parts of the Western world. A living body is alive only by virtue of sustaining relations, so when we think about the body, or gendered embodiment, we are always talking about those relations as well. Indeed, if we are not acted upon in some ways, if we do not take the external world in, or find a way to be lodged there, we don't stand much chance of living on.

The “environment” is, thus, not just “over there” at a distance from our bodies. We take in that environment as it takes us up and the environment is fundamentally altered by human interventions and extractions—and climate change is a stark testimony to how those interventions can become destructive. None of us can be formed without a set of interventions, and those external impingements become the conditions of our emergence; they become part of who we are, intrinsic to our forms of becoming, which follow no one trajectory.

In what follows, there are three points worth considering more closely in order to respond to the question “Does gender deny the materiality of sex?” First, social and material construction (or formation) have to be thought of as interactive, and as supported by several scientific frameworks. Second, the distinction between nature and culture that presumes that sex is natural and gender is cultural or social does not work within such frameworks because the relation between the two refuses that very division (a historically established one that needs to be rethought in light of both social theory and science). Third, sex assignment is one place where we can see quite clearly the social powers that operate on bodies to establish sex in reference to dimorphic ideals and an array of associated social expectations. If we think that sex

assignment simply names what already exists, we refuse to consider the ways established and obligatory categories describe and form bodies at the same time, and how these descriptive and formative powers can exclude and efface the sexed bodies that emerge in time. To argue that a number of formative powers act upon the matter of sex, including our own self-formative powers, is not to deny sex, but to offer an alternative way of understanding its reality apart from a natural-law thesis of complementarity or any form of biological determinism.⁷



Let us start with sex assignment and work back to the nature/culture distinction, and then consider the interactive frame in which both social and material construction operate. Some trans-exclusionary feminists have returned to positivism in their opposition to gender, specifying that the denial of the materiality of the body is the same as the denial of the facts of sex. Positivists argue that the facts are the facts and that only a fool would deny them. Our task, according to their view, is to measure the value of what we have to say against the facts, and to let the facts determine what is right and wrong in our various opinions and theories. Some suggest that gender theorists are suffering from delusions by not relying on the clear observation of the facts at hand. Eyebrows are regularly raised. But what if we are observing through a lens or framework that has cultivated the habits and rules governing observation? Or, what if we need to know how the field of observation is circumscribed to know what we are observing, or from what perspective our sight is being directed, if we are sighted? How was that observational field made? What does it not let us see, and how does the nonobservable determine, to some extent, the field of the observable? If we agree that ways of seeing affect what we see (John Berger's important point not only about painting but also about everyday life), and that there are different ways of observing the body as well as different frameworks within which

observation occurs, is the result pure chaos and denialism, or is it the condition of possibility for a more capacious way of knowing? What if those various ways of seeing and sensing are, in fact, laden with presuppositions about the meaning of what there is to be known, such as the idea that dimorphism operates as a sufficient criterion for distinguishing between the sexes, and that the binary relation is always clear, with no other formations existing outside of that frame? How often in seeing the primary sexual characteristics of an infant do we also see, at the very same time, the normative social trajectory of that child, the gendered and reproductive life of the infant's future, its eventual materialization as a girl or a boy, a woman or a man? Those thoughts don't just dawn on us at the time. They are part of the very framework through which many people see, sense, and confirm the sex of the infant.

One question is whether sex assignment ever takes place *without* an imaginative framework or one that actively helps to craft what there is to be seen. Is the naming of an infant's sex already a defining moment of the adult imagining of that life? The imaginative anticipation of normative gender is already there in the framework through which sex assignment takes place. Positivism, however, has never been able to account for that imaginative and interpretive framework through which facts are determined and valued. At the same time, positivism operates within its own imaginary. It imagines that facts appear as they are, as long as we deploy the best method for discovering them. But what if that method of discovery is also, to some extent, determining what is already deemed valuable to see and name, what value what is observed has for us, or should have? No one is denying the facts when asking such questions. No one denies facts when one asks, "Which facts are salient?" Or even, "What has made them salient?" None of this means that "sex" is an artificial effect of some framework or that a framework *causes* "sex" to come into being, or that sex is nothing but an interpretation or somehow composed of linguistic stuff. Rather, it means only that the frameworks that arrange sexed phenomena for us are part of

what is observed and named, and that it is not always easy, or possible, to disentangle the two.

It is not only possible to take account of the material dimensions of the body without positivism—it is necessary. Materialism is not positivism, and Marx, for instance, was clear that any form of materialism had to conduct a critique of positivism. For Marx, the social relations that help to organize material reality configure not only the knowable world in a certain way but also our ways of knowing. Positivism considers the body as a fact, lifeless and decontextualized. But once we consider the lived body, that is, the laboring body, or the sexual body, the body that appears for others, the body on the surgical table or the body appearing before the court, then the matter of the body is caught up in social relations and institutions, and cannot be known without reference to them. The gendered body takes form within institutions like the family, or the workplace, and to extricate it from its defining social forms is to lose its historical definition in favor of a “fact,” one that is abstracted from lived relations and historical realities.



Indeed, historically speaking, sex assignment and sex as a category both belong to systems of classification. Paisley Currah, for example, makes a useful point about sex classification and reclassification in relation to the law. In his extraordinary book *Sex Is as Sex Does: Governing Transgender Identity*, he shows how legal classifications depend on, and produce, some strange contradictions.⁸ He writes, “Perhaps because sex is thought to be prior to or outside of politics, unearthing its production as a legal classification seems qualitatively different than thinking through the politics of many other sorts of classifications.” Different sorts of classifications are used by different government agencies to “decide” the sex of a person. Two people assigned male at birth may come to have the same gender identity, but depending on which agency they

confront, or which region, they may well end up with different legal sex classifications. A particular agency’s rule for deciding M or F (if those two are the only options) is linked with what Currah calls its “governance project.” Although it appears to be a matter of someone checking a box on the basis of noninterpretive facts, the box serves certain government policies, and depending on which policy a particular agency serves, the boxes checked may be different. The box and the policy should be considered together, and which box is checked—and which boxes exist—depends on the policy it serves.

Although we may imagine that the state orders sex in a coherent way, or that it seeks to exercise sovereign control over what sex can be, the situation turns out to be more complicated. A power we expect to be sovereign and calculating is distributed and relatively incoherent, so that no single operation of power reigns. Its regulatory function regularly fails because one regulation conflicts with another. Currah points out that a variety of terms are used to tether a person to the state through the box that is checked. The M or the F is said to be “indicating,” “describing,” “listing,” and “stating,” which surely makes it appear that the box selected is simply and only registering a fact. But there is “an authorizing power” that stands behind this connection. Currah cites Gayle Salamon: “Sex is something that the documents themselves enact, and sex becomes performative in the sense that the ‘m’ or the ‘f’ on the document does not merely report on the sex of its bearer but becomes the truth of and bestows the bearer’s sex.”¹⁰

The use of “performative” in this quotation raises some questions. For now, let’s make a distinction that hopefully proves useful. Sometimes in popular language in recent years, to say something is “performative” means that it is mere show, a surface phenomenon, something fully artificial and not quite real. But when the law names you in a certain way, cornering you into a box, then the force of language actually does create a new situation: a legal status is conferred. In these contexts, “a performative use of language brings about the reality that it names.”¹¹

When a judge declares you married or dead, that is not just artificial fluff. Something very real has happened. And yet performative power does not operate exclusively through the law. A performative reality is one that is expressed in, and actualized by, the enactment itself, whether it takes place in language or gesture or movement. Sometimes what is enacted is a form of effacement and other times it is a life-affirming discourse or practice. For instance, the introduction of X as a box that one can check in a wide range of countries along with M and F now produces social legibility of genderqueer and non-binary people, or trans people who understand themselves to be outside the binary. Indeed, when one is called male when one is a woman, or called female when one is a man, the calling is an effacement of what one is. That effacement is an actual effect, a modification of reality, and its own specific form of violence. None of these instances of performativity should be called “merely theatrical” or “fake”—they are lived enactments that do change the way in which we live and breathe, determining conditions of livability and unlivability. To say that performative enactments do nothing is to deprive those who require them of breath and life in the world.

Consider that sex assignment, the complex act by which medical and legal authorities determine the sex we are, foregrounds certain aspects of the body to comply with prevailing criteria that differentiates one sex from another within a binary framework. Can we distinguish between the powers that generally assign sex at the outset of life and the sex itself? Can we discover what that sex is without using criteria of some kind? And if we do need those criteria, it follows that they guide, even limit, what we come to identify as sex. Can we decide what being or having a sex means outside of a framework that establishes and reestablishes sex, that is, a framework that has to be imposed with regularity through time, one where the power to self-assign is exercised by those who have already *been* assigned? Some trans people turn against all assignment, claiming that it invariably works in the service of hierarchy.¹²

When health and legal authorities certify a sex at birth, we assume that they generally do so on the basis of observation. Nothing about what they observe, however, will tell us how the person whose sex they have assigned will come to understand and name themselves, or whether that sex assignment will prove workable through time. A certain gap persists between that assignment and the way the person assigned comes to locate themselves within the categories of sex. Even for those who like and keep their first sex assignment, they still have to establish a relation to that assignment, which means that they pass through an imaginary relation to their sex. If they seek to be at one with the assignment, or feel themselves always to have been one with the assignment, they take up a relation to that identity, repeating it in some way, and finding a way, sometimes quite happily, to live inside its terms. For some, that means living up to the social mandate that sex assignment seems to imply and living within the imaginary that surrounds that sex, and for others, the only way to live is to struggle with or against that mandate, to expand the meaning of what it means to live a body in this world. As long as we agree that the category of sex arrives in our lives with an imaginary, a mandate, a complex frame, an implicit set of criteria, then there is from the start a phantasmatic condition that informs the fact of sex, actualized in its delimitation, and this means that gender is already doing its work.

In much contemporary popular culture, we understand “gender” as shorthand for “gender identity,” but “gender identity” is neither the only usage for the term nor even the primary one. “Gender identity” is a deeply felt sense of how one fits in the gendered scheme of things, the lived reality of one’s own body in the world. “Gender *expression*” refers to all the manifest characteristics that are socially defined as masculine, feminine, or another gendered category. One problem with defining such terms is that a given gender expression that reads one place in the world reads another way in a different part, or is so entangled with class or *race* that it does not read the same way in the same place, depending

on the perspective from which it is read. "Gender," on the other hand, is a much larger term, and it does not always refer to a particular person, their deeply held sense of self, or the way that they manifest certain readable characteristics. According to Joan W. Scott, for instance, to say that the way we see the world is gendered means that we make presumptions about how the world is ordered according to gender.¹³ It does not necessarily mean that we see the world only according to the gender that we are (which would establish gender as a perspective, an identity, or a standpoint, which is precisely not her view). For Scott, revisiting her groundbreaking article in 2010, "gender" is not what one is, but is a way of interrogating the various meanings that pervade the relationship between the sexes. Her view of gender requires a notion of sexual difference, and that notion, rather than any kind of biological essentialism, has to be interrogated as well for its historical and phantasmatic meanings. She writes:

Too often, "gender" connotes a programmatic or methodological approach in which the meanings of "men" and "women" are taken as fixed; the point is to describe differing roles, not to interrogate them. I think gender continues to be useful only if it goes beyond that approach, if it is taken as an invitation to think critically about *how the meanings of sexed bodies are produced in relation to one another, how these meanings are deployed and changed* [my emphasis]. The focus ought to be not on the roles assigned to women and men, but on the construction of sexual difference itself.¹⁴

Sometimes gender identity and this broader sense of gender work together. For instance, gender, as a form of power, elaborates those classificatory schemes from which we draw when seeking to understand gender identity. Working together with race, class, disability, and personal and national histories, gender saturates how we see, feel, and

sense ourselves in the world. It is decidedly not a timeless reality. This structure that saturates the world goes largely unexamined unless we explore its pervasive operation in presenting the way things are. Gender affects the way we understand the profession of medicine; the vocation of science; economics, especially the delimitation of the public and private domains, the organization of labor, the distribution of poverty, and structural inequalities; and the modalities of violence and war. But it can also name one of the most intimate and abiding senses of who we are in relation to others, to history, and to language. If it did not raise this intimate question of who we are and how we relate to others, of permeability and survival, we would not be having any of these arguments, and they would not be as urgent as they clearly are.

7

for gender?

What Gender Are You?

Rather than regard gender as the cultural or social version of biological sex, we should ask whether gender is operating as the framework that tends to establish the sexes within specific classificatory schemes. If so, gender is then already operative as the scheme of power within which sex assignment takes place. When a designated official assigns a sex on the basis of observation, they rely on a mode of observation generally structured by the anticipation of the binary option: male or female. They do not answer the question “What gender?” Rather, they answer the question “Which gender?” The marking of sex is the first operation of gender, even though that obligatory binary option of “male” or “female” has prepared the scene. In this sense, gender might be said to *precede* sex assignment, functioning as a structural anticipation of the binary that organizes observable facts and regulates the act of assignment itself.

The theories in the 1980s and '90s in Anglophone gender theory, mainly forms of white feminism, do call to be revised for many reasons, but not in the direction that “gender-critical” feminists demand. For instance, there are several revisions of the sex/gender distinction that now seem important. First, gender is not to culture as sex is to nature: co-construction is a better way to understand the dynamic relation between the social and the biological on matters of sex. Second, although gender may be one of the apparatuses by which sex is established, it is

important to understand racial and colonial legacies of the sex/gender distinction to chronicle the conditions under which idealized dimorphism emerged.

Anne Fausto-Sterling, professor of molecular biology, cell biology, and biochemistry at Brown University, argued in 2021 that “a dynamic systems framework” is necessary to account for “gender/sex” subjectivity.¹ A dynamic systems framework, in her view, moves beyond the nature/nurture debate, which assumes a contrast between internal and external factors. Those who stay within that model imagine that the inside is not formed in part by the outside, that is, by interaction, even though biological concepts such as “self-organization, complexity, embodiment, continuity in time and dynamic stability” all encompass “multiple levels of biological and social organization.” The “dynamic systems” perspective, elaborated by a host of scholars in addition to Fausto-Sterling, considers embodiment not as a discrete and bounded phenomenon, but as the effect of a complex set of interactions of an organism with an environment over time, some of which are more accelerated than others.² When someone presents with a “gender/sex identity” that is the result of a complex and dynamic process, biological and social forces have already interacted. Our treasured identities, if we have them, are the stabilized result of those intricate processes. Karen Barad, feminist and physicist, argues that even the dynamic character of the “matter” of sex is regularly overlooked both by forms of positivism (sex is a fact) and linguistic constructivism (sex is a linguistic effect).³

If we seek to separate the biological causes from the social causes of what Fausto-Sterling calls “gender/sex,” admitting as an afterthought the interaction between them, we lose track of the very framework that establishes interaction as the condition of development and life itself. Fausto-Sterling cites Sari M. van Anders and Emily J. Dunn, who published influentially on hormones in 2009.⁴ They were convinced of this interactive process, concluding that “differences cannot knowingly be attributed to biology or gender socialization” except in

rare cases. Similarly, if we claim that a person is born with a specific hormonal constitution, or we identify what happened in infancy or in puberty, and conclude that what happens later in life—in sports, for example—is determined by those prior levels, we fail to account for all the interactions that activated and made sense of those hormones in specific social relationships. One reason we cannot be satisfied with explanations that reduce adult athletic capacities and self-understanding to prior developmental stages is that we have no idea what the interactive life of that hormonal situation was in the interim. And without that knowledge, we cannot say much about the interaction of biological and social forces on any given person, including athletes.

In debates about who can compete in women's sports, the matter of sex becomes quite complicated. In those deliberations, "sex" is disarticulated into hormonal, anatomical, biological, and chromosomal features that do not always line up according to common expectations. In a study funded by the International Olympic Committee (IOC) in 2014 and the World Anti-Doping Agency, testosterone levels were tested in nearly seven hundred athletes who played professionally in fifteen different kinds of sports. *The New York Times* reports that the study found "that 16.5 percent of men had low testosterone levels and 13.7 percent of women had high testosterone levels, with considerable overlap between the two groups."⁵ If "sex" proves to be a spectrum or a mosaic,⁶ as some scientists have argued, the so-called facts of sex prove to be more complicated than the simple binary would imply.⁷ If we accept that testosterone levels are meaningful in sports only when they interact with training, and accept that training often depends on access to sports clubs and gyms, then it is the interaction of testosterone with a wide range of social practices and institutions, many of which are class-based, that makes for strong muscle, good bone density, and endurance. When the IOC in 2021 revised its 2015 guidelines that required women, including those who are trans and intersex, to lower their testosterone levels to below 10 nanomoles per liter for twelve months, it cited studies

that showed that testosterone levels among women and men can overlap, and that many women already have greater testosterone levels than many men. In 2015, the 10 nanomoles per liter level was thought to be the lowest for men, but even among men assigned male at birth who are playing elite sports, that was simply not the case—the level could be as low as 7 nanomoles per liter. Dr. Richard Budgett, the IOC medical and science director, acknowledged that "the science has moved on" and that it would simply not be possible to agree on another number since sports performance does not correlate in predictable ways with endogenous testosterone levels. As different sports in different localities formulate their guidelines, testosterone levels and male puberty can be two factors among many, but neither can be the sole or determining one.⁸

Those who claim that trans women have an advantage on the playing field because of their hormonal constitution do not take into account the complexity of hormonal interaction with the environment or the range of endogenous testosterone levels. Undergoing male puberty does not suffice to make anyone into a great athlete. Male puberty and free access to tennis courts change the picture. Male puberty and a private trainer change it yet again. What intervenes in the biological life of a person undergoing male puberty to make that an advantage, and what do we make of the fact that similar kinds of backgrounds and testosterone levels don't always make for similar results? Apart from the outmoded science that has supported the exclusion, monitoring, and regulation of intersex and trans athletes competing in women's sports, the IOC points to the harm that surveillance, reporting, and lowering endogenous testosterone levels have on the bodies of athletes. What drives the exclusion of trans athletes from sport seems driven by other sorts of passions, ones unsupported by the science at hand. Eligibility to play in women's sports or in men's, for that matter, should depend not on establishing gender, but on criteria that are both inclusive and fair. In defense of the IOC's new policy, Budgett pointed out that many factors go into making an athlete, including "a lot of aspects of physiology and

anatomy and the mental side,” so it is difficult to point to male puberty as the definitive reason why someone excels. Indeed, we can imagine that every time a trans person excels in sport, the hormones are credited, but every time a trans person does not win a race, hormones fall out of the picture. Once the developmental and hormonal arguments fall away, we are left with a clearer picture of discrimination against trans people that seeks to exclude their participation in sports. For if there is always an advantage (which there is not) that trans women enjoy, then no trans women should ever participate. And yet the disadvantage they suffer by not playing at all hardly comes into focus.

Although the participation of intersex and trans women in sports has sometimes been framed as a problem of inclusion versus fairness, it is imperative to recognize the harm that the process of “qualifying” to play in women’s sports has done to those who were told, in accord with the 2003 policy, that they had to have surgery and undergo hormone replacement therapy for at least twelve months. Those athletes, like the runner Caster Semenya, are understood to have hyperandrogenism, and many were for years asked to take medication that would lower testosterone levels at the risk of their own health and well-being, leading to weight gain and illness that produce fevers as well as abdominal pain.⁹ Semenya was compelled to undergo extensive testing after she won the African Junior Championships in 2009.¹⁰ She was not told what these tests were about, and assumed that they were regular doping tests that most professional athletes undergo on a regular basis. After she won the world championship in Berlin later that year, Semenya was once again subject to extensive testing and inspection at a local hospital. The news media gave itself over to a predictable frenzy, circulating leaks and rumors, and Semenya, upon reflection, claimed that this was “the most profound and humiliating experience of my life.”¹¹

Although the IOC did well to withdraw the requirements to lower testosterone levels and to make sure that women with high levels of testosterone were not excluded from the sports, their standards function

only as recommendations for specific sports organizations and regional authorities. The IOC also wisely decided to withdraw the mandatory requirements that affected both the mental and physical health of the athletes singled out for scrutiny. Regulations that insist on producing a norm out of a complex form of embodiment impose a binary ideal on a spectrum. As Canela Lopez argues, the spate of new bills in the United States that seek to control or exclude trans women from sports wrongly assume that testosterone alone accounts for differences in athletic performance: “There are no studies that indicate that trans women’s levels of testosterone—which vary widely—afford them an advantage over their cis competitors. What’s more, many cis women have testosterone levels higher than what many consider to be the ‘female’ average, meaning that wide hormonal variations are already an intrinsic element of women’s sports.”

The debate about trans women’s participation in sports opens up the very definition of what it is to be a woman, and one would be refusing reality to shut it down. One thing we know is that the hormonal spectrum is large, and that we cannot decide who is and is not a woman on the basis of testosterone levels alone. Some have sought to distinguish normal and excessive ranges, but that is a pathologizing way to refuse a fundamental complexity. If we are in favor of women’s sports, and women are complex, we should be affirming that complexity. In response to the fear that trans women will always win over women assigned female at birth, the statistics don’t exactly support the claim. As Lopez puts it, “Far from dominating sports, trans athletes remain woefully underrepresented in elite competitions. Of the ten thousand athletes in Tokyo for this year’s Olympics, only three are trans—even though trans people make up approximately 1 percent of the world’s population. When the New Zealand powerlifter Laurel Hubbard qualified for the games [in 2021], she became the first openly trans woman to earn the right to compete in the Olympics.”¹² In the context in which it is argued that being trans produces an unfair advantage for players, let

us consider the reverse risk that trans players are willing to take. In 2022, the Olympic champion Ellia Green let people know he was trans, having competed effectively in women's rugby for years. His story suggests that the sex assigned at birth does not tell anyone who they will be in this life or with what advantage or disadvantage they will play.¹³

Sexual dimorphism is neither a simple fact nor an innocent hypothesis. It functions as a norm, if not a demand, that orders the way we see, nearly determines what we will find, and sometimes compels people to deny a host of hormonal and neurological overlaps and complexities rather than accept any challenge to that hallowed framework. What makes that framework hallowed if not a phantasmatic investment of some kind? Obviously, any number of generalizations can be made about how various diseases and medical conditions, for instance, affect women and girls assigned female at birth, but when we subsume those sorts of studies under the rubric of "dimorphism" we assume that they confirm another thesis, namely, that there are only two forms for bodies, masculine and feminine, and that the binary is not to be called into question by any of the evidence that we find.¹⁴ In such cases, the hypothesis is not revised by the evidence that is found; it forecloses that evidence, revealing itself as an obligatory epistemic norm, a compulsory phantasm, rather than good science. In fact, it is not a science-based argument, but a form of institutionalized cruelty based on a skewing of evidence.

The relationship between science, medical research and experimentation, and cruelty is a long one. The efforts to exclude an entire class of people from participation in sports is but one example of rights-stripping, one that assumes either that no one will care if that group cannot play, or that that group is a pernicious one, exploiting their putative advantage to undermine feminist goals of gender equality. Either way, rights-stripping with impunity is at work in such decisions, and using science to support cruelty is but one chapter in a longer history in which science itself becomes the instrument of oppression.

The corrective surgeries performed during the operation of John Money's Gender Identity Clinic at Johns Hopkins (1966–1979) were

exercises in cruelty, now criticized by trans advocates and anti-trans critics alike. Money proposed that gender identity did not always correlate with sex assignment and so further contested forms of biological determinism. Yet he still imposed regulatory norms of gender through surgical procedures to accomplish social "adaptation," that is, forcible compliance, and those procedures fell woefully short of contemporary standards for health care. Some critics claim that Money is responsible for "gender ideology," while LGBTQIA+ advocates object to his brutalization of intersex infants through surgical means.

It is true that Money brought "gender" into contemporary parlance, but that hardly means that gender theory and gender studies follow from Money's framework. Indeed, it may well be the *critique* of Money that allowed gender to become part of a struggle for freedom and justice. Through the mid-1950s, as Jennifer Germon has shown, gender signified only a relation between words, a question of grammatical rules, but this changed with the publication of Money's Harvard dissertation on what he called "hermaphrodites" in the late 1940s.¹⁵ In the subsequent years, Money used the term "gender" to describe what a person is, giving it an ontological status.¹⁶ His dissertation, "Hermaphroditism: An Inquiry into the Nature of a Human Paradox," as cited by the cultural anthropologist Katrina Karkazis, observed past surgical interventions as faulty because of their focus on gonadal tissue.¹⁷ Money challenged this criterion, recommending instead a focus on the psychological dispositions of a person and physical developments at puberty, both of which could change. In order to prove his point, writes Karkazis, "Money did a comparative analysis of 248 published and unpublished case histories (from 1895 to 1951) and patient files, as well as an in-depth assessment of ten living individuals classed as hermaphrodites."¹⁸ Although Money found the mix of psychological and developmental factors to be primary, his formulated protocol in no way affirmed humane values. His version of social constructionism was faulted for arguing that gender could change, not only by those committed to the immutability thesis but also because it served as the basis of his profoundly unethical social

engineering projects, including corrective surgery for intersex infants. In subsequent years, social construction as a theory turned against social engineering, rejecting both Money's psychological thesis and the cruelty of his procedures. The social constructionist thesis, once taken out of the hands of Money, came to serve a counter-conclusion, namely, a radical rejection of compulsory gender dimorphism in the service of greater claims of autonomy and richer languages of self-affirmation for intersex people, for those who seek to change their sex assignment, and for those who seek to challenge gender norms surgically or otherwise.

Money endeavored to identify and correct people with intersex conditions because he thought that living with mixed sexual characteristics posed a serious problem of social adaptation and appearance. In the spirit of the 1950s, he posited happiness and fulfillment as requiring conformity to gender norms, although he recognized that many people did not, and could not, do that. In his view, surgical correction was called forth to bring nonnormative bodies in alignment with gender norms. In some cases, the social appearance of the person post-surgery was considered by him to be more important than the fact that person's capacity to feel sexual pleasure was surgically destroyed. That which Money called to be "managed" was seen as a disturbance in the expected developmental history of the child. The beginning of that developmental story was supposed to be different; that trajectory could not begin with this disturbance at its origin, or so they thought. A perceived failure to conform to the expectation of what a sexed infant should be is what first brought the term "gender" into contemporary discourse. It was not an identity, but a gap, or the name for a noncoincidence. The discourse on gender began, then, in Money's framework, as a way of naming a problem, and as an indication that developmental expectations were *not* being met, or that they were confounded. Thus, gender marks not normative identity, but the deviant or queer beginning that Money thought had to be corrected so that normative gender binary could stay in place.¹⁹

For Money, medical knowledge was expected to serve the task of social normalization. He and his fellow researchers presumed something was wrong with the body that had to be fixed or corrected; they did not question whether something might be wrong with the normative phantasms suffusing sex assignment practices. The latter were considered obligatory, if not compulsory, norms. And though medical professionals and families made constant and anxious reference to the "future of the child" when surgeries were imposed upon intersex infants, there was no reflection on the adult anxieties fueling and enforcing these obligatory gender norms.²⁰ There was no understanding that the person they were naming might at some point decide how they might like to be named, and how they might like to understand themselves, and even whether or not they wanted surgery.

For Money, sex assignment was not a simple act of describing what one sees: the assigned category functioned as a predictor of normalcy, if not a guarantor of adaptation. Sex was not a natural fact, but a normative ideal. Instead of criticizing the cruelty of those norms, however, Money undertook to "fix" and "correct" nonnormative bodies through cruel and hideous means that left lasting scars. Not only were such procedures unethical, but in some cases they constituted criminal acts committed by sexologists and other health professionals until new ethical standards were adopted with the help of intersex activists.²¹

The anticipation of a "happy" normalcy—not self-determination—was built into this understanding of sex assignment, and Money sought to fulfill that expectation through surgical means, or to change the primary sexual characteristics to bring about that fulfillment. His practice demonstrates how anticipatory structures and psychosocial fears are built into the practice of sex assignment. For instance, contemporary prenatal technology not only seeks to determine sex but also initiates an exclamatory set of expectations prior to birth. The anticipation of what one will see on the ultrasound screen structures observation within a perceptual field framed by technology prior to birth.²² Do

those acts of observation lay the ground for the subsequent linguistic assignment of sex, as is generally believed, or are both perception and language oriented in advance, orchestrating how we can see and what kinds of names or categories are available? If the latter, it makes sense to ask about the *social crafting* of observation as well as the *social norms* governing linguistic assignment. The act of assignment draws on the history of these kinds of practices. They are all at play at the moment of first assignment, even when the first of such moments takes place through prenatal medical technology. Consider as well the “gender reveal” party, which is full of anticipation and excitement not because a simple fact is disclosed, but because the realization of an imagined gendered life according to preconceived norms can begin.

Significantly, Money’s rationale lets us see the phantasmatic scene at work in sex assignment, the way that gender norms seek to still anxiety about the possibility that not everyone belongs to one at first. The use of the term “gender” was meant to name a problem and to formulate a question, and sought to resolve both with crafting social identities according to preestablished gender norms. With intersex infants, there was, in his view, a mistake or a deviation, the failure of a perceived body to conform to existing categories that alone would actualize the developmental norms for becoming a woman or a man. Gender thus named a problem of incommensurability and, in his view, it named the failure to realize parental, social, and medical expectations of what sex should be. Specifically, this morphological or chromosomal complexity counts as “failure” only when measured by fixed norms. The anxiety lets us know that Money clearly knew that there was nothing that guaranteed that a body would fit a sex assignment, or that a sex assignment would lead to fulfilling the mandate of gender norms. For that anxiety always and only exists in relation to the expectation of normalcy, that is, an anxiety about whether the life of the child would successfully unfold as the life of a discrete and recognizable man or woman. Instead of quelling the anxiety of the parent and defending the child, instead of challenging

those norms, as contemporary theorists of gender tend to do, Money became an enforcer, a major actor in the scene of surgical cruelty and social policing.

Today some of us might talk about “queer failure,” following Jack Halberstam, in relation to those trajectories of life that do not fulfill social expectations. Or some of us might underscore the radical “potentials,” in José Muñoz’s terms, unleashed precisely by dashing or refusing the expectations of gendered life imposed upon us by parental, legal, psychiatric, and medical powers. We can now ask whether these categories are necessary or exhaustive and then set about to coin or make our own. But decades ago, and still now in the anti-gender movement, no one was asking how gender categories could be changed to accommodate and support the life of an intersex infant. No, the infant had to be “fixed.” That was, and remains, an ethical failure. The body had to change to support the binary expectation, but the existence of nonconforming bodies in no way called the binary expectation into question. Gender assignment thus operated in the service of gender regulation and the idea of normalcy bound up with heteronormative ideas of the family and reproduction. And while surgical practices like Money’s are thankfully no longer accepted in many places, these same ideas, fears, and expectations fuel contemporary reactions against gender theory, transfeminism, and intersex activism.

As horrific as Money’s practices surely were, he offered a useful insight even as he then put it in the service of a vicious social conformism. Gender named a problem arising from a discrepancy between bodies and sex assignment, which means that sex assignment does not only or always describe the preexisting reality of sex. Gender in this context emerged not primarily as an identity but as a problem that sought to address that gap, a project to overcome that gap, and the termination of the process when gender is achieved or accomplished. Gender began, then, as a word to describe this very difficulty in assigning sex, establishing sex assignment as a social practice. In that sense, gender

named the various medical-legal practices involved in investigating and executing an assignment. In a way, the sexologists of the time were onto something that Joan W. Scott clarified later. Gender is not a noun, but a framework for

think[ing] critically about *how the meanings of sexed bodies are produced in relation to one another, how these meanings are deployed and changed* [my emphasis]. The focus ought to be not on the roles assigned to women and men, but on the construction of sexual difference itself.²³

Money is no model at all, for he sought to close down this open inquiry by imposing a new grammatical function that would let gender drift into a noun form, securing gender as the ontological effect of surgical or psychiatric treatment. For Money, gender assignment led to normalization protocols that included unwanted surgeries for the infant and the failure to consult parents on what operations were to be given to their kids in the name of normalization. As we also know, some of those surgeries on intersex kids left them without the capacity for sexual pleasure or orgasm. Again, it bears repeating: for Money and many others, the appearance of gender normalcy in the supposed service of social conformity was more important than the present and future sexual life of intersex kids. He imagined that to be fulfilled in life meant fulfilling social expectations without considering the happiness that comes with producing new ways of doing gender, historical change in the ways gender is lived and named, or an embodied life that remains uncapturable by every naming practice.²⁴

Some people have argued that if gender has such a nefarious beginning in sexology (despite its earlier grammatical history), we should refuse gender altogether. This argument has been made by some trans-exclusionary feminists who maintain that trans identity and gender are but an effect of these practices and should thus be opposed.²⁵ It is also

an argument represented by Gabriele Kuby, an enthusiast of the anti-gender ideology movement on the Right in Germany, as Eva von Redecker has persuasively shown.²⁶ Kuby identifies “gender” as the coming totalitarianism, as if it were a social project of control rather than freedom. Her right-wing caricatures are not so different from the trans-exclusionary accusation that gender theory remains ensconced in Money’s cruelty. The trans-exclusionary case against gender, however, assumes that if Money supported social engineering in “making” gender then all theories that consider gender to be socially constructed are guilty by association. But that account does not recognize how gender studies has rejected Money, social engineering, and the compulsory norms he imposed. Indeed, those who claim that there are only two life trajectories associated with gender, those who insist on dimorphism at all costs, are, in fact, closer to Money than any contemporary gender theorist.

I understand the reasons for condemning Money, and I unequivocally condemn his corrective surgeries and his brutal norms. Other scholars have argued that his work, taken as a whole, should be treated as neither fully nefarious nor liberatory.²⁷ That kind of waffling, in my view, constitutes a moral failure to condemn the cruelty of his procedures. What is less often recognized, however, is that he opened up a theoretical framework whose promise he failed to pursue. Simply put, gender names the potential incommensurability of bodies with their categories. We should continue to condemn Money’s tactics of forcible alignment imposed on intersex kids but still take this one crucial insight from his work to reimagine sex assignment and reassignment. In effect, our obligation is to take this insight in a direction that he himself failed to go.

At every stage in this process of becoming gendered, a persistent incommensurability exists between the lived body and the category under which it is to be understood. Money sought to overcome that incommensurability, imagining it as an exception rather than a rule.

But what if incommensurability, as specific as it is in the case of intersex people, is also a more general structure of gender, thus establishing a continuity between the normative and nonnormative forms of gender? The gap between the perceived or lived body and prevailing social norms can never fully be closed, which is why even those who happily embrace their sex assigned at birth still have to do performative work to embody that assignment in social life. Genders are not just assigned. They have to be realized or undertaken, or done, and no single act of doing secures the deal. Have I finally achieved the gender I have been seeking to become, or is becoming the name of the game, the temporality of gender itself?

What we can take from Money and turn toward more emancipatory purposes is the notion that gender introduces an incommensurability of bodies with assigned categories. Money saw himself as "correcting" exceptional cases, but here the exception proves to be no different from the norm in at least one key respect: sex assignment seeks to cover over the potential that the bodies may well not be aligned with how they are classified.

The sex/gender distinction proposed by Money was very different from the one formulated a decade or so later by feminist anthropologists, historians, and sociologists. Whereas for Money, a person's life was imagined as governed by a goal-driven process that would ideally express or realize gender ideals, equating the adaptation to social norms with individual "happiness."²⁸ Whereas for feminists in anthropology and history who developed the idea of gender as part of feminism, it was precisely the *contestation* of the norms that constrained women's lives that had to be exposed and changed for women to flourish and for their work to be properly recognized and compensated. The gap between sex and gender was supposed to secure the promise of transformation, although, as we will see, it introduced new problems. Still, challenging the expectations of gendered life became possible once gender, and the demands for normalcy that drove its "development," was

no longer constrained by natural laws or biological imperatives. There became no one goal for women to achieve in life, and failing to adapt to expectations gave way to their greater equality and freedom. Gender gave rise to new forms of feminist critique and new horizons of social transformation, including the transformation of kinship in queer directions and the transformation of the gender binary itself. Gender was for decades, and continues to be, an integral part of feminism, including some of the radical feminist positions now rejected by some of its contemporary representatives. It misrepresents both the history and promise of feminism to pit feminism against gender.