Abstract and Keywords

This essay discusses the complex relations between feminist theory and trans and intersex theory and politics. It charts the emergence of a “beyond-the-binary” model of oppression that frames trans and intersex oppression in terms of a hostile binary—a binary that forces out anything in-between the categories male/man and female/woman. This chapter shows how this model has unfortunately resulted in political impasse, particularly in articulating a feminism that sees trans and intersex oppression as intersecting with sexist oppression. The chapter excavates and interrogates the roots of this model in, for example, the responses of Sandy Stone and Kate Bornstein to the transphobic feminism of Janice Raymond, and provides an alternative way of conceptualizing trans and intersex oppression more congenial to an intersectional framework. It proceeds by taking seriously a specific form of transphobic sexual violation, namely, “reality enforcement.”

Keywords: feminism, intersectionality, intersex, intersexuality, oppression, trans, trans*, trans feminism, transgender, transsexuality

Introduction

Feminism recognizes multiple forms of oppression beyond sexism and illuminates how these different oppressions can be deeply intermeshed; yet specific issues arise when trans and intersex experience are theorized because they foreground different forms of sex/gender-based oppression. Trans and intersex are, far from mere feminist topics, “political locations” that reveal discrete forms of oppression and resistance, which demonstrate that sex/gender-based oppression is not reducible to sexist oppression. Placing trans and intersex experience at the center of analysis raises important concerns about how the intersecting oppressions of women, intersex people, and transsexual/transgender people are to be understood.

In this chapter, I engage in a historical retrieval, examining the early roots of intersex and trans politics and theory, arguing that a particular explanatory account, the “beyond-the-binary model,” which came to dominate transgender politics in particular, sidesteps rather than adequately addresses an important radical feminist argument about the connection between resistant identities and oppression. As a consequence, the beyond-the-binary model has foreclosed a genuinely intersectional trans feminism and intersex feminism, leaving the former mired in a politically impoverished individualism. From the outset, the beyond-the-binary model was, in part, a reaction to specific vices in Janice Raymond’s radical feminism. By returning to and resisting multiple troubling aspects of Raymond’s work, I offer a more sophisticated account of transphobia in the radical feminist argument, which illuminates unique dimensions of trans and intersex oppression, and lays the groundwork for genuinely intersectional trans and intersex feminisms.

Preliminaries
Intersexuality, Transgender, and Transsexuality

Since at least the 1990s, transgender has been used as an umbrella term to group together a number of “gender variant people” such as transsexuals, cross-dressers, and drag queens (Bettcher 2014b). It also refers more narrowly to people who live permanently in a gender “opposite” to birth-assigned sex. Transsexual was originally used in a medical context to refer to individuals with gender identities incongruent with the sex assigned at birth who sought medical technologies to alter their bodies. The term has recently been used to flag opposition to the politics of transgenders. The term trans* has recently been deployed because of worries that transgender has failed to be sufficiently broad. I will use the expression trans as a means to preserve neutrality on the politics surrounding certain transsexual/transgender debates.

The expressions hemaphrodite and intersex have a long history, and both have been used in medical and activist ways (Chase 1998b). The more recent, controversial expression “individuals with disorders of sex development,” while it is apparently pathologizing, notably avoids any commitment to the view that such people are in-between male and female (for discussion of the controversy, see Dreger and Herndon 2009; Karkazis 2008; Reis 2009; Holmes 2009). I use the expression people with intersex conditions, or intersex people for short, to avoid attributing an identity category, and I follow Dreger and Herndon (2009, 200) in defining “intersex” context specifically as “variations in congenital sex anatomy that are considered atypical for females or males.”. In all cases I recognize that both the meaning and the range of application of these expressions are subject to contestation. Finally, I take intersex and transsexualism/transgender to be distinct phenomena. Some transsexual individuals have claimed transsexuality as a kind of intersex condition. As far we as we know, such claims have not been substantiated.

Both transgender and intersex politics/theory emerged in the United States during the heady 1990s. Transgender politics/theory was articulated by theorists such as Sandy Stone (1991), Kate Bornstein (1994), and Leslie Feinberg (1992), while the latter was driven largely through the work of Cheryl Chase and the Intersex Society of North American (formed in 1993).1 Both transgender and intersex politics arose in reaction to the problematic medicalization of, respectively, transsexual and intersex people.

Under the influence of John Money, a model for the treatment of intersex individuals emerged in the mid-1950s, and moved quickly into dominance (Karkazis 2008). This model held that rather than gonads or chromosomes, gender of rearing was the most reliable factor in determining the gender identity of an intersex individual, as long as the gender was properly assigned before the ages of eighteen to twenty-four months (Dreger and Herndon 2009, 202; Reis 2009, 135). The required parental consistency in the gender of rearing and a lack of confusion in the child created by knowledge of their intersex past. In practice, this led to clinicians deceiving patients about their intersex conditions (Dreger and Herndon, 2009, 202; Reis 2009, 145–148). Central to this model was the view that medical interventions on the body were necessary to facilitate the appropriate identity development and overall happiness of the patient (Karkazis 2008). Crudely put, this involved the view that “congruent” genitals were necessary to successful gender-identity development (Dreger and Herndon 2009, 202). This intervention involved genital surgery (to approximate the genalia of the assigned gender), gonadal removal (if the gonads disagreed with the assigned gender), and subsequent hormone therapy when the patient reached the age of puberty (202). The gender of rearing was largely determined by the likelihood of surgical success, and, as a consequence, most intersex infants were socially and surgically assigned female (202).

In 1966, the same year Harry Benjamin published the landmark The Transsexual Phenomenon, the Johns Hopkins Hospital of Johns Hopkins University became the first to offer a program for sex-reassignment surgery (with Money as the lead), ushering in an era of large-university gender-identity clinics that would last to the end of the seventies (Meyerowitz 2002, 218). Specific treatment criteria for genital reconstruction surgery began to be formulated to guard against the specter of "surgery on demand," including psychological evaluations to determine long-standing "cross-gender" identification, living full-time as the "opposite" gender for a period of time, and taking hormones for a period of time prior to surgery (Meyerowitz 2002, 224). Patients were selected partly based on their ability to pass (as nontranssexual), willingness to fade into the background of everyday life, and compliance with a heteronormative lifestyle (Meyerowitz 2002, 225). Criteria were further refined and standardized in 1979 in the Harry Benjamin Standards of Care, and in 1980, “transsexualism” was added to the DSM-III as a mental disorder. The core idea, championed by Harry Benjamin, was that while the gender identity of transsexuals was pathological, it was impervious to alteration. If the mind cannot be changed, according to this logic, the body must be changed to alleviate the suffering of the patient (Benjamin 1966, 91).
In opposing this medical model, transgender politics attempted to subsume transsexuality under an umbrella of “gender variance.” The effect was to yield depathologized conceptions of transsexuality that replaced the “trapped in the wrong body” metaphor with “trapped in the wrong culture.” Recently, there have been some modest gains on this front. The Harry Benjamin International Gender Dysphoria Association (HIBIGDA) became the World Professional Association of Transgender Health in 2006, and in 2013, the newer DSM-V replaced the diagnostic category gender identity disorder with gender dysphoria.

Intersex activism has also had some success, though it has diverged significantly from its earlier ties with transgender activism. In opposing the Money protocols, intersex politics aimed to end the era of secrecy and shame and, most of all, to end these nonconsensual surgeries. In 2005, the Lawson Wilkins Pediatric Endocrine Society and the European Society for Pediatric Endocrinology held a consensus-building meeting that, according to Dreger and Herndon, “resulted in a hopeful degree of movement toward providing more psychosocial care, peer support, truth telling, informed consent, and outcomes data,” while the Consortium on the Management of Disorders of Sex Development developed clinical guidelines for a patient-centered model of care (Dreger and Herndon 2009, 205). Although the deployment of “disorders of sex development” remains controversial, there is clearly a new willingness among clinicians to move away from the Money protocols (207). In 2008, the Intersex Society of North America (ISNA) closed its doors, transferring assets to the newly formed nonprofit organization Accord Alliance (219).

**Radical Feminism Unanswered**

In a decade dominated by the enormously influential work of Judith Butler (1990), early transgender and intersex theory/politics were inevitably facilitated by the queer theory and politics of the day. Yet the genealogy is also longer and more complex. From the beginning, there were some trans thinkers who worried that trans theory and politics were too closely wedded to queer theory and politics (Namaste 2000; Prosser 1998; Rubin 1998). Consequently, the relation between trans theory/politics and queer theory/politics developed in a way that was both symbiotic and tense. Intersex theory/politics, while queer-inflected, arose in very close relation to the newly emerging trans theory/politics. Cheryl Chase (1998a, 196–197) speaks of a political/theoretical context inhabited by organizations, such as Transgender Nation, and of individuals, such as Kate Bornstein, Leslie Feinberg, Sandy Stone, and Susan Stryker, who, Chase says, played a significant role in shaping her politics after she moved to San Francisco in 1992.

Moreover, while both intersex theory and transgender theory almost invariably cite queer-theoretical work (principally Butler’s), it’s important to note that they derive from other feminist sources. Stone’s (1991) founding “Posttranssexual Manifesto” is largely informed by the works of Donna Haraway (1991) and Gloria Anzaldúa (1987). Bornstein’s (1994) Gender Outlaw is clearly indebted to Stone’s work. Bornstein also draws significantly on the groundbreaking feminist ethnomethodological work of Suzanne Kessler and Wendy McKenna (1978, 7), who had undermined the sex-gender distinction long before Butler arrived on the scene. Similarly, Chase (1998a, 201) cites the importance of feminist thinkers, such as Anne Fausto-Sterling, Suzanne Kessler, and Alice Dreger.

While aided by feminist theory, however, transgender studies/politics developed as a very strong reaction against a version of feminism, primarily lesbian separatism, which viewed trans women in hostile ways. That hostility had a long history. In 1973, there was heated controversy over Beth Elliott’s participation in the West Coast Lesbian Conference at the University of California, Los Angeles (UCLA) not long after she had been expelled from the Daughters of Bilitis in San Francisco (Stryker 2008). At UCLA, Robin Morgan (1973, 32) publicly denounced Elliott “as an opportunist, an infiltrator, and a destroyer with the mentality of a rapist.” Then, in 1977 controversy raged over Sandy Stone’s participation in Olivia, an all-woman’s music collective (Stryker 2008, 105). Stone was subsequently singled out in Janice Raymond’s influential Transsexual Empire (1979, 101–103). And in 1991, the same year Stone published her manifesto, Nancy Jean Burkholder was denied entrance to the Land at Michigan Womyn’s Music Festival, leading to trans protests the following year and the formation of Camp Trans in 1994 (Koyama 2006, 699).

Underlying this hostility is the premise that trans women are actually men. Two, possibly inconsistent, claims, often blurred together, motivate that position. The first is the essentialist view that chromosomes determine sex (Raymond 1979, 114). This obviously undercuts the feminist view that “one is not born a woman.” It does,
however, reflect the traditional (“everyday”) sense in which “woman” is understood as referring to “adult, female human being,” where “female” denotes a biological characteristic. The second, more sophisticated view reflects a decidedly political sense of “woman,” insisting that one’s history with respect to sex role privilege and oppression determines sex (Raymond 1979, 116). The latter view appears more important in Raymond’s work, as she acknowledges that a person born with an intersex condition who did not have XX chromosomes but did have a history of oppression as a woman would be “practically, a woman” (115). And the latter view is crucial to lesbian feminism and the woman-identified woman as a political project of self-definition (Radicalesbians 1988). In this view, women have long had their self-identities colonized by men. The solution is to become woman-identified, to begin to see oneself through the loving eyes of another woman. Crucially, this involves a political redefinition of one’s self-identity. Indeed, categories such as “woman/women” can be shed in favor of “woman/womyn.” Little wonder, then, that Raymond was intent upon criticizing Money’s view that gender identity is fixed by the age of two, a view that would make the development of liberatory identities impossible (Bettcher 2014b).

Given that Raymond allows for the possibility of self-definition, the question arises of why it is not possible for trans women to self-define as women. Drawing analogies with race, Raymond argues that one’s history of oppression/privilege places ethical constraints on the possibilities of self-definition. Just as it would be questionable for a white person to claim to be black as a way of resisting racism, so it is questionable for a man to define himself as a woman to adopt a pro-feminist stance (Raymond 1979, 116). Since a person who has been assigned male at birth and who has had the history of a male in society has not been subject to a lifetime of sexist oppression, the possibilities of self-definition that accrue to the category “woman” aren’t available to him. An appeal to woman-identification could not possibly have the same meaning of resistance for a man because he has not experienced sexist oppression in the first place—the oppression from which the necessity for meaningful resistance arises. To the extent that “woman” is used politically to name a horizon of possibilities for self-redefinition that arise out of and are constrained by a history of sexist oppression, “woman” is not an available category for individuals who have not had that history. Indeed, for a man to claim a resistant category of womanhood or feminist lesbianism seems altogether beyond the pale. I will call this the radical feminist argument.

Unfortunately the argument, already buried in an ocean of hostile representations of trans women, was subsequently de-emphasized in what appears to have been a deeper plunge into essentialism. In her introduction to the 1994 edition of The Transsexual Empire, Raymond pointed to the importance of history—but this time to the history of bodily events (as determined by XX chromosomes)—menstruation, childbirth, and certain bodily cycles and life changes came to the fore (Raymond 1994, xx). While Raymond denied any essentialism, one wonders what she would say about individuals who did not experience such a history but were nonetheless raised as girls and subjected to sexist oppression. Germaine Greer adopted similar logic in her critique of male-to-female transsexuals in The Whole Woman (1999). There she argued that intersex individuals with complete androgen insensitivity syndrome (CAIS) are male despite the fact that most individuals with the CAIS condition are raised as female and self-identify as females (Greer 1999, 74–79). According to Greer, that they don’t experience the type of bodily events listed by Raymond makes them ineligible for womanhood (and for femaleness), despite the fact that such individuals experience sexism from a very young age. This dismissive attitude evoked responses by many in the CAIS community as well as by sexologist Milton Diamond, which were subsequently mocked by Greer in the book’s second edition (Dreger and Herndon 2008, 215).

Although some individuals with intersex conditions had to contend with such identity-invalidating attitudes from feminists, this confrontation played a much more formative role in trans theory/politics. The feminists who critiqued the medical protocols for the treatment of people with intersex conditions, allied themselves with intersex activism and contributed to the theoretical context of its development. Chase reached out to Kessler in 1993, leading to a correspondence between the two. Around the same time, Anne Fausto-Sterling’s “The Five Sexes” was published, and Chase wrote a letter to the editor, praising the article and announcing the formation of the group that would soon become ISNA. Chase also found a devoted ally in Alice Dreger a few years later (Karkazis 2008).² There was, however, no such ally to be found in the person of Janice Raymond. To be sure, there is a perverse sense in which the emerging transgender politics of the nineties endorsed many of the points that Raymond herself had made. There was agreement that the medical model of transsexuality serves to perpetuate sexist norms (Raymond 1979, 92; Stone 1991, 290), and that transsexuality is not a pathological condition but arises, rather, as a consequence of an oppressive gender system (Raymond 1979, 115; Bornstein 1994, 118). There was even agreement that bodily dysphoria, which motivates surgical intervention, would disappear in a culture that had no gender
oppression (Raymond 1979, 119; Bornstein 1994, 70). But Raymond represented the hostile face of feminism in opposition to which trans studies and politics arose. Her transphobia had to be named and analyzed. This process generated efforts to articulate a notion of trans oppression and resistance that did not reduce to sexist oppression. In carving out a space for (post)transsexual resistance, Stone confronted both the medical model and Raymond’s feminist starting point.

Raymond’s transphobia was named a crime of “totalization,” and fear of “border-dwellers,” which in combination transform insistence on a sharp gender binary into a source of oppression (Stone 1991, 208; Bornstein 1994, 74). When Raymond (1979, 155) represents postoperative trans people as synthetically hermaphroditic, she construes trans women as hybrids who take up feminine stereotypes while retaining aspects of masculine sex role and privilege (165). She contrasts such integration (the putting together of parts) with integrity, represented as the transcendence of sex roles altogether (163–164). Trans studies/politics responded to Raymond’s claims concerning the replication and perpetuation of harmful sex roles. Drawing on Haraway and Anzaldúa, Stone celebrated the mixture of incongruent parts. In contrast to Raymond’s representation of “post-operative” trans women as “synthetic hermaphrodites,” who were inescapably male, Stone challenged the gender binary:

But the transsexual currently occupies a position which is nowhere, which is outside the binary oppositions of gendered discourse. For a transsexual, as a transsexual, to generate a true, effective and representational counter-discourse is to speak from outside the boundaries of gender, beyond the constructed oppositional nodes which have been predefined as the only positions from which discourse is possible.

(Stone 1991, 230)

For Stone, this means that transsexuals ought not construct plausible histories of their past. Instead, they ought to own their transsexual pasts and integrate that into their current self-identities. In the case of male-to-female transsexuals, such an embrace involves accepting one’s male past, and by implication, accepting both one’s history as oppressor and as oppressed, in much the way that Anzaldúa’s (1987) mestiza is a mixture. In opposing Raymond’s adherence to strict binarism, Stone also managed to sidestep the radical feminist argument by moving beyond the binary, a move exemplified in Bornstein’s politics:

Years earlier, when I went through my gender change from male to female, I glided through life under the commonly accepted assumption: I was finally a real woman! That worked for me until I ran into a group of politically smart lesbians who told me that I wasn’t allowed to co-opt the word “woman.” Woman was not a family word that included me. My answer to this exclusion was to call myself a gender outlaw: I wasn’t a man, I wasn’t a woman.

(Bornstein 2010)³

Although there are different variants of the beyond-the-binary model, a common denominator is a characterization of sharp splits between two oppositional gender extremes as the source of oppression. As articulated by intersex theorist/activist Chase,

The insistence on two clearly distinguished sexes has calamitous personal consequences for the many individuals who arrive in the world with sexual anatomy that fails to be easily distinguished into male or female. Though the male/female binary is constructed as natural and presumed to be immutable, the phenomenon of intersexuality offers clear evidence to the contrary and furnishes an opportunity to deploy “nature” strategically to disrupt heteronormative systems of sex, gender, and sexuality.

(Chase 1998a, 189)

This model has left many unhappy as it invalidates trans people who identify within the binary. As Namaste (2005, 7) notes, “Most transsexuals I know, and most I have interviewed, describe themselves as men or women. And there is a sense in which this position cannot be understood in relation to the question posed, ‘What is the significance of the challenge to the two gendered dichotomous system that transsexual and transgendered people raise?’ Because transsexuals seek to have a different embodied position within that system.” It likewise invalidates the many intersex people who identify within the binary. In Herndon’s (2006) words, “At ISNA, we’ve learned that many intersex people are perfectly comfortable adopting either a male or female gender identity and are not
seeking a genderless society or to label themselves as a member of a third gender class... Intersex people don’t tell us that the very concept of gender is oppressive to them. Instead, it’s the childhood surgeries performed on them and the accompanying lies and shame that are problematic.” Moreover, it appears to represent such people as being in some ways political retrograde. Henry Rubin (1998, 276) remarks, “Queer appropriations and the new movement among some transgenders to resignify themselves in a queer register carry an implicit critique of transsexuals who choose not to queer their identities. These more traditional transsexuals... choose to ‘play it straight’—to pass, to assimilate. They refuse the confessional strategy of coming out.” In a similar vein, Morgan Holmes critiques the feminist work of Sharon Preves by saying that Preves’s position “lacks compassion for those who do not maintain a critical relationship to the operation of gender norms or of heteronormativity. For this reader, it feels as though having been identified as a statistical outlier, I and others like me, it seems to say, cannot be permitted to want simply to be like all the other girls and boys” (Holmes 2008, 15). To characterize “their position as a normative capitulation misses the point: they are seeking a place where they will no longer be called upon to support other people’s ideals” (16).

Underlying trans reactions to Raymond’s hostility is the belief that the only mode of resistance is one that celebrates identities beyond the binary. To formulate an alternative that avoids the marginalizing effects of the beyond-the-binary model, I would suggest a return to Raymond’s view to examine transphobic aspects that are not adequately captured by the arguments advanced by the pioneers of the beyond-the-binary model. Consider the following well-known passage from Raymond:

> All transsexuals rape women’s bodies by reducing the real female form to an artifact, appropriating this body for themselves. However, the transsexually constructed lesbian-feminist violates women’s sexuality and spirit, as well. Rape, although it is usually done by force, can also be accomplished by deception. It is significant that in the case of the transsexually constructed lesbian-feminist, often he is able to gain entrance and a dominant position in women’s spaces because the women involved do not know he is a transsexual and he just does not happen to mention it

(Raymond 1979, 104).

Raymond suggests that the sheer act of surgically altering one’s body to a female form constitutes an act of rape (cf. 108, 118). This is clearly an extreme transphobic claim, but one that requires additional theorization. The claim that postoperative male-to-female transsexuals are, from their sheer existence, inherently rapists was not fully addressed in the beyond the binary model. The frequently deployed representation of trans women as deceptive has also escaped scrutiny (102, 104, 116, 119). Raymond’s conflation of deceptiveness with sexual violence (104, 112) articulates a particular kind of transphobic invalidation that confronts trans people on a daily basis. By understanding the nature of this transphobia, and how trans people contest it, it is possible to answer the radical feminist argument.

**Intersectionality Foreclosed**

Although Kimberlé Crenshaw (1989) coined the term *intersectionality*, the concept was inherent in early writings of women of color who critiqued feminism as racially biased (e.g., Combahee River Collective 1981). Emphasizing the mutual constitution of racial and sexist oppression and the importance of investigating systems of advantage and disadvantage, the concept of intersectionality seems to provide an attractive basis for trans feminism. Certainly, intersectionality is key to Emi Koyama’s coalitional trans feminism. In her manifesto, Koyama (2003, 244) defines trans feminism as “primarily a movement by and for trans women who view their liberation to be intrinsically linked to the liberation of all women and beyond.” She later recognized the importance of trans feminism for trans men (who have lived part of their lives as women). Not only does her trans feminism concern both trans-specific oppression and sexist oppression and the ways in which these oppressions can be integrally linked, Koyama (2006) also argued that any form of trans feminism which fails to centralize other forms of oppression (such as racism and classism) through an intersectional lens does so at its own peril. Julia Serano (2007) also defended a form of trans/feminism that foregrounds the intersection of trans oppression (“oppositional sexism”) and the oppression of women (“traditional sexism”).

But how is the intersection between sexist and trans oppression to be understood? The beyond-the-binary model cannot sustain such an intersection. The central formulation of the model claims that trans (and intersex) people
are positioned problematically with respect to the binary categories man/woman and male/female. A specific version notes that there are intersex and transgender people who do not fit neatly into the binary categories, therefore the insistence that every person be categorized as either a male/man or female/woman is a source of oppression. A general version suggests that the very categories male/man and female/woman are inherently oppressive and ought to be rejected. But in developing a politics based on rejecting gendered binaries, this model precludes the possibility of an intersectional trans or intersex feminism.

A broad rejection of identity-based politics makes it difficult to launch a trans feminist politics in the absence of the categories “trans” and “woman.” And trans women who have been fighting to hang on to their self-identity in a hostile culture have been dismayed by discourses that evaporate their identity. It is possible to advance a critique similar to that raised by Paula Moya (1997), by suggesting that there is a distinction between oppressive identity categories grounded in essentialist views of gender and race and resistant ones, which are open-ended political projects, grounded in real social locations. Indeed, the presumption that an anti-identity stance is a good political strategy runs afoot of intersectional concerns. As Cathy Cohen notes,

Class or material privilege is a cornerstone of much of queer politics and theory as they exist today. Queer theorizing that calls for the elimination of fixed categories of sexual identity seems to ignore the ways in which some traditional social identities and communal ties can, in fact, be important to one’s survival.

(Cohen 2005, 34).

Cohen endorses a politics “built not exclusively on identities but rather on identities as they are invested with varying degrees of normative power” (37). This idea seems likewise applicable to trans theory and politics. Within that frame, a trans feminist politics must provide for the possibility of “trans woman” as a resistant identity.

Trans as resistant identity raises interesting conundrums, however. Consider, for example, when trans and intersex women are recognized as hybrid or “in-between” categories, they are subjected to a particular form of discrimination. For example, the categorical liminality of a trans woman might be recognized by referring to her as “it.” This denial of personhood is oppressive. But in this instance, she is not oppressed as a woman, because she is not even recognized as one. Alternately, a trans woman may be recognized as a woman, which also constitutes a form of trans oppression insofar as her liminal status has been erased precisely by thrusting her into one of two hegemonic categories. In this case, she is oppressed first through the erasure of her liminal status, and second through standard forms of sexism once she is regarded as woman. In neither instance can trans woman (or intersex woman) be properly understood as a resistant category on par with, say, woman of color, however. For to place oneself in the category woman, and hence in the binary, is precisely to be complicit in trans or intersex oppression. What she ought to claim, by way of resistance, is a categorically liminal status (not the category “woman”). In this respect, there is a fundamental disanalogy between trans or intersex feminism and say, black feminism (in which “black woman” can serve as a resistant identity). Something more than analogy is needed as a basis for trans and intersex feminism.

This theoretical inadequacy haunts Gayle Salamon’s (2010) recent discussion of trans feminism and women’s studies. According to Salamon, “If it is to reemerge as a vital discipline, women’s studies must become more responsive to emerging genders. Genders beyond the binary of male and female are neither fictive nor futural but are embodied and lived. Women’s studies has not yet taken account of this and is thus unable to assess the present state of gender as it is lived” (95). In her view, it’s not merely an empirical matter that trans identities have not yet been incorporated into women’s studies—in that long line of adjective-identities finally recognized within the category of women (e.g., lesbian, black, disabled, and so forth). Rather, the nonbinary nature of many trans identities threatens the stability of “woman” as a coherent category. Thus, rather than reckoning with lived subjectivities beyond the binary, women’s studies harnesses transgender phenomena as “the constitutive outside of binary gender” to preserve the coherence and persistence of the category “woman” (98).

Intersex activists and theorists have raised related concerns about feminist theorizing and teaching on intersex issues (see Rosario 2006).4 Koyama and Weasel (2002, 176) write, “Too often, exploration of the political and practical issues relating to intersex lives have been marginalized in feminist scholars’ use of intersex existence in support of their theoretical and pedagogical deconstructions.” They point specifically to Fausto-Sterling’s famous “The Five Sexes,” noting that the article continues to be used frequently in classrooms as a way to “deconstruct” the gender binary, despite Fausto-Sterling’s subsequent departure from it, while the voices of intersex people are
seldom presented (171).

Similar complaints have made in trans studies. Both Jay Prosser (1998, 47–55) and Viviane Namaste (2000, 13–14) raised serious concerns about Butler’s use of transsexuality as nothing more than a theoretical tool or rhetorical device to make her points. Butler’s (1993) discussion of Venus Xtravaganza’s death in the film Paris Is Burning came under particular fire for allegorizing death while obscuring the basis for the violence—violence against a transsexual sex worker. Namaste has continued to press her concerns against Butler’s (2004) recent claims about “undoing gender,” as well as “Anglo American Feminism” more generally. According to Namaste (2009), “Anglo American Feminism” has for the past twenty years asked “The Transgender Question”—that is, it has asked questions about trans people’s lives in order to answer its own epistemological questions, rather than investigate questions posed in collaboration with actual trans people to produce knowledge that improves the life of trans people. Namaste’s view sheds light on Salamon’s complaint that trans people have been used as the constitutive outside binary gender to bolster women’s studies own agenda.

In may be, however, that trans and intersex identities (e.g., trans women and some women with intersex conditions) have not been added to the category woman, in part, because the beyond-the-binary model has foreclosed that possibility. Once such a model is endorsed, we have seen, it isn’t possible to add trans people to the category, never mind explore any of the intersectional possibilities that might arise were they to be “added.”

It is worth noting that there has not been a parade of adjectives acknowledged under the category woman. Rather than merely adding “lesbian” to “woman,” a lesbian feminist paradigm was created that saw lesbianism (women loving woman) as the literal answer to sexism. Rather than merely add “woman of color” to “woman,” the entire framework of intersectionality came to overhaul women’s studies. Rather than add queer sexuality, Butler’s queer theory opened possibilities for a radically free-floating feminism. In aiming for a genuinely intersectional trans feminism, then, perhaps a transformative model might be preferable. By theorizing trans in ways that do not rely on the beyond-the-binary model, it is possible to move beyond nonbinary subjectivities as flattened theories and tired tropes to see real flesh and blood people who live outside the binary.

Trans Feminism Unmoored

To provide a basis for trans feminism, the first order of business is to answer the radical feminist argument. Such a response would begin by noting that many trans women do experience sexist oppression after transitioning, and many trans women transition quite early. As a consequence, it seems possible for trans women to become “women” (in the feminist sense) after a time. The problem, however, is that that a trans woman still couldn’t begin her transition by self-defining as woman. And she certainly couldn’t so self-define well before her transition. And that raises a problem in thinking through the idea that trans women are oppressed as trans most of their lives.

One possibility is to turn to the “wrong body” account to validate trans identities. The wrong-body model is premised on the assumption that gender identity is not only inalterable but also innate (Bettcher 2014a). There are two possible variations. The first stipulates that innate gender identity determines one’s sex/gender even prior to genital reconstruction surgery. One is always a woman: “gender confirmation” surgery simply changes the wrong body into the right body. A weaker view is that one begins as a transsexual (as a kind of quasi-intersex condition) and then, through “sex-change” surgery, becomes a woman. It is not clear that either variant of the wrong-body model can sustain the claim that one is a woman, however, particularly if it is assumed that sex/gender is determined by chromosomes. Even if a more sophisticated conception of sex/gender is adopted, it is difficult to see how a postoperative transsexual woman is going to be perceived as more than a mix of sex features. More importantly, once “woman” is understood in a feminist sense as naming a social category, the appeal to an innate gender identity violates basic feminist principles by presupposing that the category woman is not a social one.

What is needed is an underlying account of trans oppression out of which woman can emerge as a resistant category from the very beginning. Koyama (2003, 250) explicitly grounds the validity of any self-identity in a prior political vision: “Trans liberation is about taking back the right to define ourselves from medical, religious, and political authorities. Transfeminism views any method of assigned sex as socially and politically constructed, and advocates a social arrangement in which one is free to assign her or his own sex (or non-sex, for that matter).”

Thus, Koyama contrasts nonconsensual sex assignment with a liberated view according to which sex is voluntarily chosen. Koyama is quite right to condemn the nonconsensual surgical alteration of intersex infants and sex
reassignment in medical contexts. But there are problems with the alternative construction of gender as freely chosen, a form of voluntarism that is incompatible with understandings of the power of regulative gender and sexual norms and which is incapable of providing an adequate conception of gender oppression.

To see this, consider a variant of the beyond-the-binary model that we have not yet discussed. According to “the expressive variant,” various forms of gender expression are restricted in a system that expects all males to be highly masculine and all females to be highly feminine. Liberation, in this view, requires that all forms of gender expression be recognized as acceptable. The problem, particularly when it’s framed generally, is that the sheer existence of gender norms that regulate certain forms of expression is insufficient to yield an account of gender oppression. Marilyn Frye (1983) shows why norms forbidding men from being emotionally vulnerable do not by themselves constitute the oppression of men. Such norms need to be examined within the larger social context to determine who is advantaged and who is disadvantaged by them.

To provide a compelling account of trans and intersex oppression, it is not enough to claim there are people who are unhappy with their sex assignment at birth. Even men may have some grounds for complaint with the way sex is socially constituted. This does not, by itself, yield a theory of oppression, since when considered within a larger context, it’s clear that men are ultimately advantaged by this system. By contrast, the ways in which intersex people are indeed oppressed are evident. The problem is that her account doesn’t provide any specificity with regard to trans oppression. Both non-trans women and intersexuals may be likewise viewed as oppressed as a consequence of the nonconsensual nature of sex-assignment. They, too, may wish to change this. While it is useful to find common cause, there is also a danger in collapsing different types of oppression and representing certain people as oppressed when they are not.

And there are deeper worries. The view that it’s acceptable to express whatever gender one wants because it “feels right” simply cannot be sustained in any serious form of feminism. Cressida Heyes (2003, 1111–1114) raises legitimate worries about a transgender politics, which proclaims all individual gender expression good. She rightly observes that gender is not merely an aesthetic style or the expression of an isolated self. It is relational and embedded in systems of oppression. For example, forms of masculinity involve interacting with women, in particular ways. Certain forms of masculinity involve misogyny. Such gender behavior is morally problematic. And what is missing from accounts that merely tout gender freedom of expression, Heyes argues, is a rich “ethics of transformation,” which distinguishes progressive transformations from those that are oppressive, marginalizing, or hegemonic (1111–1113).

Just as there are concerns about the relational nature of gender expression, so there are concerns about the relational nature of gender identity. Is any gender identity valid? Koyama (2003, 245) writes, “It is our belief that each individual has the right to define her or his own identity and to expect society to respect it.” But certainly Koyama would not countenance gender identities that were built on sexist views of the world. And once we grant these ethical constraints, the radical feminist argument that self-definition is subject to constraints arising out of one’s history of oppression gains a clear foothold. Simply saying that one has the right to define oneself as a woman simply doesn’t address political concern about the resistant force (or lack thereof) of one’s self-definition. What we need is an account of trans oppression out of which the category woman can arise as a resistant option. To accomplish that, we now return to the transphobic representations of trans women as deceivers that we earlier found in Raymond’s work.

Reality Contested

What is needed, I believe, is a deeper account of the sort of resistance at work in trans identities. I want to show that trans uses of “woman” can be seen as resistant uses that emerge out of and respond to a form of oppression that is, in some sense, prior to the resistant identities. In doing so, I will also show that this form of oppression opens up clear possibilities for understanding the intersections of trans, intersex, and sexist oppressions.

Issues around “identity-invalidation” are often inherent in the actual lives of trans people. Transsexuality is about having one’s sex doubted, challenged, or impugned in manifold daily transactions. It’s about going out on a date and worrying about when to tell one’s date that one is trans. It is about harassment by the police who treat trans prostitutes as “really men.” It is about the risks of “being exposed as a man” in a commercial sexual encounter. It is about how pervasive identity-invalidation contributes to HIV-prevalence among trans women (cf. Bettcher
Identity-invalidation is not the only social obstacle that trans people face, but it is an extremely expansive and important one (Bettcher 2014a). Rather than focusing on broad notions of identity-specific oppressions (oppression of trans people, oppression of women), therefore, I prefer to start “one level down” in the order of abstraction by examining significant organized practices of violence and domination that inhere in various different social practices and institutional settings, selecting people according to the mechanics of the practices. By abandoning any monolithic account of trans oppression, it is possible to focus on the cross-institutional phenomenon of identity invalidation.

*Reality enforcement* is one treacherous form of identity invalidation; it turns “appearance/reality” incongruence into a perceived misalignment between the public gender presentation and the private sexed body (Bettcher 2014a). It is not merely that a trans woman is called a man. It is that she is called “really a man who appears to be a woman,” where *sartorial practices provide social content to such locutions*. This appearance-reality contrast is manifested in two ways, both to the detriment of trans identity. When a trans person passes as non-trans, the possibility of exposure as “really” a different gender is established; and if such an exposure occurs, the trans person is viewed as a deceiver. By contrast, when it’s known that the trans person is trans, the trans person is often viewed as merely playing make-believe, a practice that again is said to involve deception or self-delusion.

Exposure of trans people as deceivers is the point of “reality” enforcement, which is often accompanied by graphic genital verification: somebody physically exposes a trans person’s genitals. Such practices are clearly abusive. But even in the absence of physical abuse, certain *discursive* practices deploy euphemism to invalidate trans identity. For example, a trans woman might be asked whether she has had “the surgery” or not. That question clearly concerns whether the trans woman has a penis. Such privacy invading questions are never asked of cisgendered people, and questions about genitalia are not normally demanded in polite conversation, the euphemistic quality of the query does not mitigate the sexually invasive character of the question.

But if trans people are deceivers in “misaligning” public gender presentation with private genital status, it follows that cis people are truth-tellers in correctly aligning public gender presentation with private genitalia, and that therefore public gender presentation systematically communicates private genital status in a euphemistic way (Bettcher 2014a). Yet, we’ve already seen that demands for information about genitalia are abusive. Therefore the entire system of communicating genital status through public gender presentation must be viewed as inherently abusive. Thus, even cis people are subject to this abuse in their daily disclosures of genital status through gender presentation. What makes it particularly abusive is that it is a form of *mandatory boundary violation*. Trans people oppose this systematically abusive system by refusing the mandate to disclose their genital status. Such opposition comes into immediate conflict with violent forces that aim to secure public disclosure of genital status, of course, often through violent means of reality enforcement. In this way the mandatory quality of the system becomes visible. What makes trans identities resistant, in my view, is not only a stand against reality enforcement but transformative practice in trans communities where public gender presentation is re-signified within many trans subcultures. In such contexts, gender presentation simply provides no information at all about genital status. It no longer means genital status.

In their everyday sense, *man* and *woman*, and the entire binary gender system are sustained by the practice of communicating private genital status through public presentation (Bettcher 2009). Euphemistic references to trans women as “really a man, disguised as a woman” depend upon and shore up links between gender performance and genitalia. When trans subcultures deploy “woman” with new meaning, they engage in transformative practices that resist trans and intersex oppression. By disrupting hegemonic gender signification, various features (such as possessing a penis) thought to count against a trans woman being a woman no longer do. Within trans subcultures, being a trans woman is a sufficient condition for being a woman. Within such resignifications, trans identities are resistant not merely in their opposition to dominant concepts, but by disabling the capacity of gender euphemisms to communicate genital status. Once gender presentation no longer communicates genital status, it is not clear just what one is doing when one performs gender or why gender performance is undertaken, much less mandated (Bettcher 2009). In such transformative contexts, terms such as *woman* and *man* can function to illuminate the significance of the presentation, particularly when underwritten by narratives that elucidate what *woman* means to the person who uses it. When viewed in this way, resistant identities are afforded to “women” and “men” that flow from *prior* trans resistance to the structure of reality enforcement (the enforcement of a sexually abusive system).
Any identity category predicated upon a gender presentation that does not communicate genital status is resistant in this way.

It is worth noting that the beyond-the-binary model capitulates to this abusive representational system. As part of its commitment to the politics of visibility, it endorses the view that passing (as non-trans) is ultimately deceptive. As Stone (1991, 298) has noted, “Transsexuals who pass seem able to ignore the fact that by creating totalized, monistic identities, forgoing physical and subjective intertextuality, they have foreclosed the possibility of authentic relationships. Under the principle of passing, denying the destabilizing power of being ‘read,’ relationships begin as lies.” Similarly, Bornstein (1994, 76) has suggested that “Raymond and her supporters bring up the subject of, deception. Personally, I agree that hiding, and not proclaiming one’s transsexual status is an unworthy stance.” Within the frame of resistant identities, by contrast, trans people who come out merely fall prey to the other side of the bind, obeying the mandate to “disclose the truth” about genitals.

The traditional “trapped in the wrong body” discourse can be viewed as resistant insofar as it inverts the appearance/reality contrast. Rather than suggesting a man disguised as a woman, it posits a woman trapped in a body that appears to be a man’s (Bettcher 2014a). To be sure, the account is limited in that it does not attend to the intersection of multiple oppressions. But both the beyond-the-binary account’s partial complicity in trans oppression and the resistant character of the long-standing “wrong body” discourse flip a particular script central to reality enforcement. The identity-invalidation dimension of oppression illuminates complementary aspects of oppression and resistance in the beyond-the-binary model.

When situated in relation to Kessler and McKenna’s (1978) ethnomethodological approach to gender, this theoretical perspective offers new insights into the intersections among trans, intersex, and sexist oppression. Kessler and McKenna build upon Harold Garfinkel’s insight that “biological sex” is often treated as a moral notion. In cases of genital amputation, Garfinkel (1967, 127) noted, we speak of penises and vaginas to which we are entitled or were meant to have. I will call this moral genitalia. Kessler’s and McKenna’s (1978) conceptualization of “cultural genitalia” supplements moral genitalia (the genitalia to which one is entitled) with an analysis of the genitalia one is presumed to have on the basis of gender performance in public (154). In everyday life, gender attribution turns on how one is dressed, the make-up one wears, the accessories one sports, how one moves in public space, that is, on the basis of cultural genitalia. What enables them to wed moral and presumed genitalia together is their view that once a genital/gender attribution is made, it becomes very difficult to overturn that initial attribution (17).

The frequency and severity of “reality enforcement,” however, demonstrates that Kessler’s and McKenna’s convictions about the stability of cultural genitalia fail to withstand scrutiny (Bettcher 2014a). For trans people, the cultural genitalia imputed from gender performance can come apart from disclosed moral genitalia. That is why even transsexuals who have had genital reconstruction surgery. As their surgically constructed genitalia are dismissed as fraudulent, they are charged with deception about their moral genitalia. Oppressive reality enforcement makes clear that public gender presentation communicates moral genitalia (2014a). When radical feminists of Raymond’s ilk lapse into essentialist appeals to chromosomes as the invariant determinants of sex, they do so as a way to challenge postoperative trans women’s moral genitalia.

In the case of intersex theory, Suzanne Kessler again figures prominently. She has argued that “the belief that gender consists of two exclusive types is maintained and perpetuated by the medical community in the face of incontrovertible physical evidence that this is not mandated by biology” (1990, 25). Responding to Fausto-Sterling’s “modest proposal” for the existence of five sexes, Kessler argued (and Fausto-Sterling [2000, 134] came to agree) that rather than multiplying categories beyond the binary, it is important to “expand” the existing categories so as to defeat the equation of gender with genitalia (Kessler 1998, 90). Drawing on her notion of cultural genitalia, Kessler insists: “There is no sex, only gender, and what has primacy in everyday life is the gender that is performed, regardless of the flesh’s configuration under the clothes” (1998, 90). Arguing against the early intersex activist desire to promote a pan-intersex identity (Chase 1998a), Kessler suggests that a better strategy is to adapt the two binary categories, expanding them in ways that make genitalis irrelevant. Kessler’s strategy is congruent with the desire among some individuals with intersex conditions to refuse “intersex” as an identity category. And it parallels practices in trans subcultures that resignify the meaning of “man” and “woman.”

What is odd in Kessler’s strategy, however, is that the actual genitalia of intersex people (or of anybody for that
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matter) do not count as “cultural genitalia.” Physical embodiment is dismissed because it purportedly does not figure prominently in gender attribution in “everyday life.” But as reality enforcement and intimacy demonstrate, exposed bodies do play a very important part in our intimate lives. Although intimacy is often relegated to the private sphere, our private lives are very much a part of the everyday. Kessler’s mistake is to conflate the everyday with the public.

Nakedness itself can be viewed as a social construct, where the intimate presentation of a person is structured in accordance with moral boundaries related to certain body parts (breasts, buttocks, genitals)—boundaries that determine what counts as violations of privacy and decency (Bettcher 2012). Clearly, there are at least two different kinds of socially constituted nakedness, male and female, associated with distinct moral boundaries. For “women,” nakedness is more highly regulated in many cultures (e.g., toplessness is prohibited). And moral boundaries pertaining to privacy are thoroughly gendered. For example, a male voyeur who secretly observes a naked female will be guilty of violating her privacy; a female who is exposed involuntarily to a naked male will have her decency boundaries violated. Victorian norms in Anglo-American cultures often construct moral boundaries that position men as violators and women as violated (Bettcher 2012).

Indeed, such intimate modes of self-presentation are central to the notion of moral genitalia. That is, moral genitalia are integrally related to sex-differentiated bodily privacy/decency boundaries (Bettcher 2012). It is within this context that Raymond constructs trans women as inherently rapists. Viewing them as morally male, she situates them within a male boundary-structure of nakedness, which overrides surgically constructed female embodiment. Invalidating their gender identities by insisting that trans women inescapably fall within male boundaries of nakedness, Raymond construes trans women as the personification of rape.

Attending to gender presentation in intimate contexts also reframes the non-consensual surgeries performed on intersex infants, which provide a person with a socially-constituted mode of intimate self-presentation. Given the non-consensual nature of surgery on intersex infants, these operations could be construed not only as a violation of physical integrity, but also as a kind of sexual violation. Such a reframing illuminates claims made by some intersex people. For example, Preves (2003, 73) cites one woman who said, “I was forced to be surgically mutilated and medically raped at the age of fourteen.” Intersex children often find themselves subjected to abusive genital scrutiny (Preves 2003, 66–73). As Chase (2003, 240) noted, “This misplaced focus on gender distorts the perspective of clinicians in many ways that are harmful to patients. Intersex patients have frequently been subjected to repeated genital examinations, which creates a feeling of freakishness and unacceptableness.” When issues of intimacy and privacy are taken into account, John Money’s protocols constitute a system of violence analogous to “reality enforcement.” They conveniently secure the alignment of public gender presentation with private self-presentation, thereby ensuring that genitals are ever communicated through public gender presentation. In so doing, the Money protocols perpetuate the abusive system of genital representation that oppresses trans and intersex people whose identities do not require any “genital congruence.”

The oppressive dynamics of identity invalidation and reality enforcement provide one basis for coalition among intersex and trans activists and suggest possibilities for understanding the intersections of intersex, trans, and sexist oppressions. The differential structuring of female and male forms of nakedness constitute women—particularly white, privileged women—as “the violated” (Bettcher 2012). The public communication of private genital status is central to the manipulative character of compulsory heterosexual sexuality, which accredits certain nonverbal gestures and behaviors such as attire, accepting drinks, dinner or a movie as communicating consent to sexual encounters (Bettcher 2007). Hegemonic assumptions about such tacit communication link sexual violence to this system of genital representation, illuminating connections between violence against trans and intersex people and violence against women. And these connections provide a ground for coalition among intersex, trans women and non-intersex, non-trans women—a coalition grounded in resistance against multiple modalities of sexual violence. Perhaps transformative conceptions of womanhood generated within trans politics can contribute to gendered identities that are not only resistant, but genuinely coalitional. As Stone (1991, 299) has suggested, “Perhaps it’s time to begin laying the groundwork for the next transformation.” But perhaps this time the next transformation will give rise to a new kind of feminism.

References


Rubin, David. 2010. *Intersex before and after Gender.* dissertation. Emory University.


Notes:

(1) For far more detailed accounts of the development of intersex politics, see Chase (1998a); Karkazis (2008).

(2) Oddly, however, Karkazis omits any reference to the transgender politics in San Francisco that Chase cites as so important to her development.

(3) I don’t know what argument convinced Bornstein that she wasn’t a woman, but I suspect it was at least a good one—probably something like the radical feminist argument discussed earlier.

(4) For a full discussion, see Rubin (2010).

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