

**UNDOING GENDER**  
JUDITH BUTLER

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# 1. Beside Oneself: On the Limits of Sexual Autonomy

What makes for a livable world is no idle question. It is not merely a question for philosophers. It is posed in various idioms all the time by people in various walks of life. If that makes them all philosophers, then that is a conclusion I am happy to embrace. It becomes a question for ethics, I think, not only when we ask the personal question, what makes my own life bearable, but when we ask, from a position of power, and from the point of view of distributive justice, what makes, or ought to make, the lives of others bearable? Somewhere in the answer we find ourselves not only committed to a certain view of what life is, and what it should be, but also of what constitutes the human, the distinctively human life, and what does not. There is always a risk of anthropocentrism here if one assumes that the distinctively human life is valuable—or most valuable—or is the only way to think the problem of value. But perhaps to counter that tendency it is necessary to ask both the question of life and the question of the human, and not to let them fully collapse into one another.

I would like to start, and to end, with the question of the human, of who counts as the human, and the related question of whose lives count as lives, and with a question that has preoccupied many of us for

years: what makes for a grievable life? I believe that whatever differences exist within the international gay and lesbian community, and there are many, we all have some notion of what it is to have lost somebody. And if we've lost, then it seems to follow that we have had, that we have desired and loved, and struggled to find the conditions for our desire. We have all lost someone in recent decades from AIDS, but there are other losses that inflict us, other diseases; moreover, we are, as a community, subjected to violence, even if some of us individually have not been. And this means that we are constituted politically in part by virtue of the social vulnerability of our bodies; we are constituted as fields of desire and physical vulnerability, at once publicly assertive and vulnerable.

I am not sure I know when mourning is successful, or when one has fully mourned another human being. I'm certain, though, that it does not mean that one has forgotten the person, or that something else comes along to take his or her place. I don't think it works that way. I think instead that one mourns when one accepts the fact that the loss one undergoes will be one that changes you, changes you possibly forever, and that mourning has to do with agreeing to undergo a transformation the full result of which you cannot know in advance. So there is losing, and there is the transformative effect of loss, and this latter cannot be charted or planned. I don't think, for instance, you can invoke a Protestant ethic when it comes to loss. You can't say, "Oh, I'll go through loss this way, and that will be the result, and I'll apply myself to the task, and I'll endeavor to achieve the resolution of grief that is before me." I think one is hit by waves, and that one starts out the day with an aim, a project, a plan, and one finds oneself foiled. One finds oneself fallen. One is exhausted but does not know why. Something is larger than one's own deliberate plan or project, larger than one's own knowing. Something takes hold, but is this something coming from the self, from the outside, or from some region where the difference between the two is indeterminable? What is it that claims us at such moments, such that we are not the masters of ourselves? To what are we tied? And by what are we seized?

It may seem that one is undergoing something temporary, but it could be that in this experience something about who we are is revealed, something that delineates the ties we have to others, that shows us that those ties constitute a sense of self, compose who we are, and that

when we lose them, we lose our composure in some fundamental sense: we do not know who we are or what to do. Many people think that grief is privatizing, that it returns us to a solitary situation, but I think it exposes the constitutive sociality of the self, a basis for thinking a political community of a complex order.

It is not just that I might be said to “have” these relations, or that I might sit back and view them at a distance, enumerating them, explaining what this friendship means, what that lover meant or means to me. On the contrary, grief displays the way in which we are in the thrall of our relations with others that we cannot always recount or explain, that often interrupts the self-conscious account of ourselves we might try to provide in ways that challenge the very notion of ourselves as autonomous and in control. I might try to tell a story about what I am feeling, but it would have to be a story in which the very “I” who seeks to tell the story is stopped in the midst of the telling. The very “I” is called into question by its relation to the one to whom I address myself. This relation to the Other does not precisely ruin my story or reduce me to speechlessness, but it does, invariably, clutter my speech with signs of its undoing.

Let’s face it. We’re undone by each other. And if we’re not, we’re missing something. If this seems so clearly the case with grief, it is only because it was already the case with desire. One does not always stay intact. It may be that one wants to, or does, but it may also be that despite one’s best efforts, one is undone, in the face of the other, by the touch, by the scent, by the feel, by the prospect of the touch, by the memory of the feel. And so when we speak about *my* sexuality or *my* gender, as we do (and as we must) we mean something complicated by it. Neither of these is precisely a possession, but both are to be understood as *modes of being dispossessed*, ways of being for another or, indeed, by virtue of another. It does not suffice to say that I am promoting a relational view of the self over an autonomous one, or trying to redescribe autonomy in terms of relationality. The term “relationality” sutures the rupture in the relation we seek to describe, a rupture that is constitutive of identity itself. This means that we will have to approach the problem of conceptualizing dispossession with circumspection. One way of doing this is through the notion of ecstasy.

We tend to narrate the history of the broader movement for sexual freedom in such a way that ecstasy figures in the 60s and 70s and

persists midway through the 80s. But maybe ecstasy is more historically persistent than that, maybe it is with us all along. To be ec-static means, literally, to be outside oneself, and this can have several meanings: to be transported beyond oneself by a passion, but also to be *beside oneself* with rage or grief. I think that if I can still speak to a “we,” and include myself within its terms, I am speaking to those of us who are living in certain ways *beside ourselves*, whether it is in sexual passion, or emotional grief, or political rage. In a sense, the predicament is to understand what kind of community is composed of those who are beside themselves.

We have an interesting political predicament, since most of the time when we hear about “rights,” we understand them as pertaining to individuals, or when we argue for protection against discrimination, we argue as a group or a class. And in that language and in that context, we have to present ourselves as bounded beings, distinct, recognizable, delineated, subjects before the law, a community defined by sameness. Indeed, we had better be able to use that language to secure legal protections and entitlements. But perhaps we make a mistake if we take the definitions of who we are, legally, to be adequate descriptions of what we are about. Although this language might well establish our legitimacy within a legal framework ensconced in liberal versions of human ontology, it fails to do justice to passion and grief and rage, all of which tear us from ourselves, bind us to others, transport us, undo us, and implicate us in lives that are not our own, sometimes fatally, irreversibly.

It is not easy to understand how a political community is wrought from such ties. One speaks, and one speaks for another, to another, and yet there is no way to collapse the distinction between the other and myself. When we say “we” we do nothing more than designate this as very problematic. We do not solve it. And perhaps it is, and ought to be, insoluble. We ask that the state, for instance, keep its laws off our bodies, and we call for principles of bodily self-defense and bodily integrity to be accepted as political goods. Yet, it is through the body that gender and sexuality become exposed to others, implicated in social processes, inscribed by cultural norms, and apprehended in their social meanings. In a sense, to be a body is to be given over to others even as a body is, emphatically, “one’s own,” that over which we must claim rights of autonomy. This is as true for the claims made

by lesbians, gays, and bisexuals in favor of sexual freedom as it is for transsexual and transgender claims to self-determination; as it is for intersex claims to be free of coerced medical, surgical, and psychiatric interventions; as it is for all claims to be free from racist attacks, physical and verbal; and as it is for feminism's claim to reproductive freedom. It is difficult, if not impossible, to make these claims without recourse to autonomy and, specifically, a sense of bodily autonomy. Bodily autonomy, however, is a lively paradox. I am not suggesting, though, that we cease to make these claims. We have to, we must. And I'm not saying that we have to make these claims reluctantly or strategically. They are part of the normative aspiration of any movement that seeks to maximize the protection and the freedoms of sexual and gender minorities, of women, defined with the broadest possible compass, of racial and ethnic minorities, especially as they cut across all the other categories. But is there another normative aspiration that we must also seek to articulate and to defend? Is there a way in which the place of the body in all of these struggles opens up a different conception of politics?

The body implies mortality, vulnerability, agency: the skin and the flesh expose us to the gaze of others but also to touch and to violence. The body can be the agency and instrument of all these as well, or the site where "doing" and "being done to" become equivocal. Although we struggle for rights over our own bodies, the very bodies for which we struggle are not quite ever only our own. The body has its invariably public dimension; constituted as a social phenomenon in the public sphere, my body is and is not mine. Given over from the start to the world of others, bearing their imprint, formed within the crucible of social life, the body is only later, and with some uncertainty, that to which I lay claim as my own. Indeed, if I seek to deny the fact that my body relates me—against my will and from the start—to others I do not choose to have in proximity to myself (the subway or the tube are excellent examples of this dimension of sociality), and if I build a notion of "autonomy" on the basis of the denial of this sphere or a primary and unwilling physical proximity with others, then do I precisely deny the social and political conditions of my embodiment in the name of autonomy? If I am struggling *for* autonomy, do I not need to be struggling for something else as well, a conception of myself as invariably in community, impressed upon by others, impressing them as well,



and in ways that are not always clearly delineable, in forms that are not fully predictable?

Is there a way that we might struggle for autonomy in many spheres but also consider the demands that are imposed upon us by living in a world of beings who are, by definition, physically dependent on one another, physically vulnerable to one another. Is this not another way of imagining community in such a way that it becomes incumbent upon us to consider very carefully when and where we engage violence, for violence is, always, an exploitation of that primary tie, that primary way in which we are, as bodies, outside ourselves, for one another.

If we might then return to the problem of grief, to the moments in which one undergoes something outside of one's control and finds that one is beside oneself, not at one with oneself, we can say grief contains within it the possibility of apprehending the fundamental sociality of embodied life, the ways in which we are from the start, and by virtue of being a bodily being, already given over, beyond ourselves, implicated in lives that are not our own. Can this situation, one that is so dramatic for sexual minorities, one that establishes a very specific political perspective for anyone who works in the field of sexual and gender politics, supply a perspective with which to begin to apprehend the contemporary global situation?

Mourning, fear, anxiety, rage. In the United States after September 11, 2001, we have been everywhere surrounded with violence, of having perpetrated it, having suffered it, living in fear of it, planning more of it. Violence is surely a touch of the worst order, a way in which the human vulnerability to other humans is exposed in its most terrifying way, a way in which we are given over, without control, to the will of another, the way in which life itself can be expunged by the willful action of another. To the extent that we commit violence, we are acting upon another, putting others at risk, causing damage to others. In a way, we all live with this particular vulnerability, a vulnerability to the other that is part of bodily life, but this vulnerability becomes highly exacerbated under certain social and political conditions. Although the dominant mode in the United States has been to shore up sovereignty and security to minimize or, indeed, foreclose this vulnerability, it can serve another function and another ideal. The fact that our lives are dependent on others can become the basis of claims for nonmilitaristic political solutions, one which we cannot will away, one which we must

attend to, even abide by, as we begin to think about what politics might be implied by staying with the thought of corporeal vulnerability itself.

Is there something to be gained from grieving, from tarrying with grief, remaining exposed to its apparent tolerability and not endeavoring to seek a resolution for grief through violence? Is there something to be gained in the political domain by maintaining grief as part of the framework by which we think our international ties? If we stay with the sense of loss, are we left feeling only passive and powerless, as some fear? Or are we, rather, returned to a sense of human vulnerability, to our collective responsibility for the physical lives of one another? The attempt to foreclose that vulnerability, to banish it, to make ourselves secure at the expense every other human consideration, is surely also to eradicate one of the most important resources from which we must take our bearings and find our way.

To grieve, and to make grief itself into a resource for politics, is not to be resigned to a simple passivity or powerlessness. It is, rather, to allow oneself to extrapolate from this experience of vulnerability to the vulnerability that others suffer through military incursions, occupations, suddenly declared wars, and police brutality. That our very survival can be determined by those we do not know and over whom there is no final control means that life is precarious, and that politics must consider what forms of social and political organization seek best to sustain precarious lives across the globe.

There is a more general conception of the human at work here, one in which we are, from the start, given over to the other, one in which we are, from the start, even prior to individuation itself, and by virtue of our embodiment, given over to an other: this makes us vulnerable to violence, but also to another range of touch, a range that includes the eradication of our being at the one end, and the physical support for our lives, at the other.

We cannot endeavor to “rectify” this situation. And we cannot recover the source of this vulnerability, for it precedes the formation of “I.” This condition of being laid bare from the start, dependent on those we do not know is, one with which we cannot precisely argue. We come into the world unknowing and dependent, and, to a certain degree, we remain that way. We can try, from the point of view of autonomy, to argue with this situation, but we are perhaps foolish, if not dangerous, when we do. Of course, we can say that for some this

primary scene is extraordinary, loving, and receptive, a warm tissue of relations that support and nurture life in its infancy. For others, this is, however, a scene of abandonment or violence or starvation; they are bodies given over to nothing, or to brutality, or to no sustenance. No matter what the valence of that scene is, however, the fact remains that infancy constitutes a necessary dependency, one that we never fully leave behind. Bodies still must be apprehended as given over. Part of understanding the oppression of lives is precisely to understand that there is no way to argue away this condition of a primary vulnerability, of being given over to the touch of the other, even if, or precisely when, there is no other there, and no support for our lives. To counter oppression requires that one understand that lives are supported and maintained differentially, that there are radically different ways in which human physical vulnerability is distributed across the globe. Certain lives will be highly protected, and the abrogation of their claims to sanctity will be sufficient to mobilize the forces of war. And other lives will not find such fast and furious support and will not even qualify as “grievable.”

What are the cultural contours of the notion of the human at work here? And how do the contours that we accept as the cultural frame for the human limit the extent to which we can avow loss as loss? This is surely a question that lesbian, gay, and bi-studies has asked in relation to violence against sexual minorities, and that transgendered people have asked as they have been singled out for harassment and sometimes murder, and that intersexed people have asked, whose formative years have so often been marked by an unwanted violence against their bodies in the name of a normative notion of human morphology. This is no doubt as well the basis of a profound affinity between movements centered on gender and sexuality with efforts to counter the normative human morphologies and capacities that condemn or efface those who are physically challenged. It must, as well, also be part of the affinity with antiracist struggles, given the racial differential that undergirds the culturally viable notions of the human—ones that we see acted out in dramatic and terrifying ways in the global arena at the present time.

So what is the relation between violence and what is “unreal,” between violence and unreality that attends to those who become the victims of violence, and where does the notion of the ungrievable life

come in? On the level of discourse, certain lives are not considered lives at all, they cannot be humanized; they fit no dominant frame for the human, and their dehumanization occurs first, at this level. This level then gives rise to a physical violence that in some sense delivers the message of dehumanization which is already at work in the culture.

So it is not just that a discourse exists in which there is no frame and no story and no name for such a life, or that violence might be said to realize or apply this discourse. Violence against those who are already not quite lives, who are living in a state of suspension between life and death, leaves a mark that is no mark. If there is a discourse, it is a silent and melancholic writing in which there have been no lives, and no losses, there has been no common physical condition, no vulnerability that serves as the basis for an apprehension of our commonality, and there has been no sundering of that commonality. None of this takes place on the order of the event. None of this takes place. How many lives have been lost from AIDS in Africa in the last few years? Where are the media representations of this loss, the discursive elaborations of what these losses mean for communities there?

I began this chapter with a suggestion that perhaps the interrelated movements and modes of inquiry that collect here might need to consider autonomy as one dimension of their normative aspirations, one value to realize when we ask ourselves, in what direction ought we to proceed, and what kinds of values ought we to be realizing? I suggested as well that the way in which the body figures in gender and sexuality studies, and in the struggles for a less oppressive social world for the otherwise gendered and for sexual minorities of all kinds, is precisely to underscore the value of being beside oneself, of being a porous boundary, given over to others, finding oneself in a trajectory of desire in which one is taken out of oneself, and resituated irreversibly in a field of others in which one is not the presumptive center. The particular sociality that belongs to bodily life, to sexual life, and to becoming gendered (which is always, to a certain extent, becoming gendered *for others*) establishes a field of ethical enmeshment with others and a sense of disorientation for the first-person, that is, the perspective of the ego. As bodies, we are always for something more than, and other than, ourselves. To articulate this as an entitlement is not always easy, but perhaps not impossible. It suggests, for instance, that "association"

is not a luxury, but one of the very conditions and prerogatives of freedom. Indeed, the kinds of associations we maintain importantly take many forms. It will not do to extol the marriage norm as the new ideal for this movement, as the Human Rights Campaign has erroneously done.<sup>1</sup> No doubt, marriage and same-sex domestic partnerships should certainly be available as options, but to install either as a model for sexual legitimacy is precisely to constrain the sociality of the body in acceptable ways. In light of seriously damaging judicial decisions against second parent adoptions in recent years, it is crucial to expand our notions of kinship beyond the heterosexual frame. It would be a mistake, however, to reduce kinship to family, or to assume that all sustaining community and friendship ties are extrapolations of kin relations.

I make the argument in “Is Kinship Always Already Heterosexual” in this volume that kinship ties that bind persons to one another may well be no more or less than the intensification of community ties, may or may not be based on enduring or exclusive sexual relations, may well consist of ex-lovers, nonlovers, friends, and community members. The relations of kinship cross the boundaries between community and family and sometimes redefine the meaning of friendship as well. When these modes of intimate association produce sustaining webs of relationships, they constitute a “breakdown” of traditional kinship that displaces the presumption that biological and sexual relations structure kinship centrally. In addition, the incest taboo that governs kinship ties, producing a necessary exogamy, does not necessarily operate among friends in the same way or, for that matter, in networks of communities. Within these frames, sexuality is no longer exclusively regulated by the rules of kinship at the same time that the durable tie can be situated outside of the conjugal frame. Sexuality becomes open to a number of social articulations that do not always imply binding relations or conjugal ties. That not all of our relations last or are meant to, however, does not mean that we are immune to grief. On the contrary, sexuality outside the field of monogamy well may open us to a different sense of community, intensifying the question of where one finds enduring ties, and so become the condition for an attunement to losses that exceed a discretely private realm.

Nevertheless, those who live outside the conjugal frame or maintain modes of social organization for sexuality that are neither monogamous nor quasi-marital are more and more considered unreal, and their loves

and losses less than “true” loves and “true” losses. The derealization of this domain of human intimacy and sociality works by denying reality and truth to the relations at issue.

The question of who and what is considered real and true is apparently a question of knowledge. But it is also, as Michel Foucault makes plain, a question of power. Having or bearing “truth” and “reality” is an enormously powerful prerogative within the social world, one way that power dissimulates as ontology. According to Foucault, one of the first tasks of a radical critique is to discern the relation “between mechanisms of coercion and elements of knowledge.”<sup>2</sup> Here we are confronted with the limits of what is knowable, limits that exercise a certain force, but are not grounded in any necessity, limits that can only be tread or interrogated by risking a certain security through departing from an established ontology: “[N]othing can exist as an element of knowledge if, on the one hand, it . . . does not conform to a set of rules and constraints characteristic, for example, of a given type of scientific discourse in a given period, and if, on the other hand, it does not possess the effects of coercion or simply the incentives peculiar to what is scientifically validated or simply rational or simply generally accepted, etc.”<sup>3</sup> Knowledge and power are not finally separable but work together to establish a set of subtle and explicit criteria for thinking the world: “It is therefore not a matter of describing what knowledge is and what power is and how one would repress the other or how the other would abuse the one, but rather, a nexus of knowledge-power has to be described so that we can grasp what constitutes the acceptability of a system . . .”<sup>4</sup>

What this means is that one looks *both* for the conditions by which the object field is constituted, and for *the limits* of those conditions. The limits are to be found where the reproducibility of the conditions is not secure, the site where conditions are contingent, transformable. In Foucault’s terms, “schematically speaking, we have perpetual mobility, essential fragility or rather the complex interplay between what replicates the same process and what transforms it.”<sup>5</sup> To intervene in the name of transformation means precisely to disrupt what has become settled knowledge and knowable reality, and to use, as it were, one’s unreality to make an otherwise impossible or illegible claim. I think that when the unreal lays claim to reality, or enters into its domain, something other than a simple assimilation into prevailing norms can and does take place. The norms themselves

can become rattled, display their instability, and become open to resignification.

In recent years, the new gender politics has offered numerous challenges from transgendered and transsexual peoples to established feminist and lesbian/gay frameworks, and the intersex movement has rendered more complex the concerns and demands of sexual rights advocates. If some on the Left thought that these concerns were not properly or substantively political, they have been under pressure to rethink the political sphere in terms of its gendered and sexual presuppositions. The suggestion that butch, femme, and transgendered lives are not essential referents for a refashioning of political life, and for a more just and equitable society, fails to acknowledge the violence that the otherwise gendered suffer in the public world and fails as well to recognize that embodiment denotes a contested set of norms governing who will count as a viable subject within the sphere of politics. Indeed, if we consider that human bodies are not experienced without recourse to some ideality, some frame for experience itself, and that this is as true for the experience of one's own body as it is for experiencing another, and if we accept that that ideality and frame are socially articulated, we can see how it is that embodiment is not thinkable without a relation to a norm, or a set of norms. The struggle to rework the norms by which bodies are experienced is thus crucial not only to disability politics, but to the intersex and transgendered movements as they contest forcibly imposed ideals of what bodies ought to be like. The embodied relation to the norm exercises a transformative potential. To posit possibilities beyond the norm or, indeed, a different future for the norm itself, is part of the work of fantasy when we understand fantasy as taking the body as a point of departure for an articulation that is not always constrained by the body as it is. If we accept that altering these norms that decide normative human morphology give differential "reality" to different kinds of humans as a result, then we are compelled to affirm that transgendered lives have a potential and actual impact on political life at its most fundamental level, that is, who counts as a human, and what norms govern the appearance of "real" humanness.

Moreover, fantasy is part of the articulation of the possible; it moves us beyond what is merely actual and present into a realm of possibility, the not yet actualized or the not actualizable. The struggle

to survive is not really separable from the cultural life of fantasy, and the foreclosure of fantasy—through censorship, degradation, or other means—is one strategy for providing for the social death of persons. Fantasy is not the opposite of reality; it is what reality forecloses, and, as a result, it defines the limits of reality, constituting it as its constitutive outside. The critical promise of fantasy, when and where it exists, is to challenge the contingent limits of what will and will not be called reality. Fantasy is what allows us to imagine ourselves and others otherwise; it establishes the possible in excess of the real; it points elsewhere, and when it is embodied, it brings the elsewhere home.

How do drag, butch, femme, transgender, transsexual persons enter into the political field? They make us not only question what is real, and what “must” be, but they also show us how the norms that govern contemporary notions of reality can be questioned and how new modes of reality can become instituted. These practices of instituting new modes of reality take place in part through the scene of embodiment, where the body is not understood as a static and accomplished fact, but as an aging process, a mode of becoming that, in becoming otherwise, exceeds the norm, reworks the norm, and makes us see how realities to which we thought we were confined are not written in stone. Some people have asked me what is the use of increasing possibilities for gender. I tend to answer: Possibility is not a luxury; it is as crucial as bread. I think we should not underestimate what the thought of the possible does for those for whom the very issue of survival is most urgent. If the answer to the question, is life possible, is yes, that is surely something significant. It cannot, however, be taken for granted as the answer. That is a question whose answer is sometimes “no,” or one that has no ready answer, or one that bespeaks an ongoing agony. For many who can and do answer the question in the affirmative, that answer is hard won, if won at all, an accomplishment that is fundamentally conditioned by reality being structured or restructured in such a way that the affirmation becomes possible.

One of the central tasks of lesbian and gay international rights is to assert in clear and public terms the reality of homosexuality, not as an inner truth, not as a sexual practice, but as one of the defining features of the social world in its very intelligibility. In other words, it is one thing to assert the reality of lesbian and gay lives as a reality, and to insist that these are lives worthy of protection in



their specificity and commonality; but it is quite another to insist that the very public assertion of gayness calls into question what counts as reality and what counts as a human life. Indeed, the task of international lesbian and gay politics is no less than a remaking of reality, a reconstituting of the human, and a brokering of the question, what is and is not livable? So what is the injustice opposed by such work? I would put it this way: to be called unreal and to have that call, as it were, institutionalized as a form of differential treatment, is to become the other against whom (or against which) the human is made. It is the inhuman, the beyond the human, the less than human, the border that secures the human in its ostensible reality. To be called a copy, to be called unreal, is one way in which one can be oppressed, but consider that it is more fundamental than that. To be oppressed means that you already exist as a subject of some kind, you are there as the visible and oppressed other for the master subject, as a possible or potential subject, but to be unreal is something else again. To be oppressed you must first become intelligible. To find that you are fundamentally unintelligible (indeed, that the laws of culture and of language find you to be an impossibility) is to find that you have not yet achieved access to the human, to find yourself speaking only and always *as if you were* human, but with the sense that you are not, to find that your language is hollow, that no recognition is forthcoming because the norms by which recognition takes place are not in your favor.

We might think that the question of how one does one's gender is a merely cultural question, or an indulgence on the part of those who insist on exercising bourgeois freedom in excessive dimensions. To say, however, that gender is performative is not simply to insist on a right to produce a pleasurable and subversive spectacle but to allegorize the spectacular and consequential ways in which reality is both reproduced and contested. This has consequences for how gender presentations are criminalized and pathologized, how subjects who cross gender risk internment and imprisonment, why violence against transgendered subjects is not recognized as violence, and why this violence is sometimes inflicted by the very states that should be offering such subjects protection from violence.

What if new forms of gender are possible? How does this affect the ways that we live and the concrete needs of the human community? And how are we to distinguish between forms of gender possibility that are

valuable and those that are not? I would say that it is not a question merely of producing a new future for genders that do not yet exist. The genders I have in mind have been in existence for a long time, but they have not been admitted into the terms that govern reality. So it is a question of developing within law, psychiatry, social, and literary theory a new legitimating lexicon for the gender complexity that we have been living for a long time. Because the norms governing reality have not admitted these forms to be real, we will, of necessity, call them “new.”

What place does the thinking of the possible have within political theorizing? Is the problem that we have no norm to distinguish among kinds of possibility, or does that only appear to be a problem if we fail to comprehend “possibility” itself as a norm? Possibility is an aspiration, something we might hope will be equitably distributed, something that might be socially secured, something that cannot be taken for granted, especially if it is apprehended phenomenologically. The point is not to prescribe new gender norms, as if one were under an obligation to supply a measure, gauge, or norm for the adjudication of competing gender presentations. The normative aspiration at work here has to do with the ability to live and breathe and move and would no doubt belong somewhere in what is called a philosophy of freedom. The thought of a possible life is only an indulgence for those who already know themselves to be possible. For those who are still looking to become possible, possibility is a necessity.

It was Spinoza who claimed that every human being seeks to persist in his own being, and he made this principle of self-persistence, the *conatus*, into the basis of his ethics and, indeed, his politics. When Hegel made the claim that desire is always a desire for recognition, he was, in a way, extrapolating upon this Spinozistic point, telling us, effectively, that to persist in one’s own being is only possible on the condition that we are engaged in receiving and offering recognition. If we are not recognizable, if there are no norms of recognition by which we are recognizable, then it is not possible to persist in one’s own being, and we are not possible beings; we have been foreclosed from possibility. We think of norms of recognition perhaps as residing already in a cultural world into which we are born, but these norms change, and with the changes in these norms come changes in what does and does not count as recognizably human. To twist the Hegelian argument in a Foucaultian direction: norms of recognition function to

produce and to deproduce the notion of the human. This is made true in a specific way when we consider how international norms work in the context of lesbian and gay human rights, especially as they insist that certain kinds of violences are impermissible, that certain lives are vulnerable and worthy of protection, that certain deaths are grievable and worthy of public recognition.

To say that the desire to persist in one's own being depends on norms of recognition is to say that the basis of one's autonomy, one's persistence as an "I" through time, depends fundamentally on a social norm that exceeds that "I," that positions that "I" ec-statically, outside of itself in a world of complex and historically changing norms. In effect, our lives, our very persistence, depend upon such norms or, at least, on the possibility that we will be able to negotiate within them, derive our agency from the field of their operation. In our very ability to persist, we are dependent on what is outside of us, on a broader sociality, and this dependency is the basis of our endurance and survivability. When we assert our "right," as we do and we must, we are not carving out a place for our autonomy—if by autonomy we mean a state of individuation, taken as self-persisting prior to and apart from any relations of dependency on the world of others. We do not negotiate with norms or with Others subsequent to our coming into the world. We come into the world on the condition that the social world is already there, laying the groundwork for us. This implies that I cannot persist without norms of recognition that support my persistence: the sense of possibility pertaining to me must first be imagined from somewhere else before I can begin to imagine myself. My reflexivity is not only socially mediated, but socially constituted. I cannot be who I am without drawing upon the sociality of norms that precede and exceed me. In this sense, I am outside myself from the outset, and must be, in order to survive, and in order to enter into the realm of the possible.

To assert sexual rights, then, takes on a specific meaning against this background. It means, for instance, that when we struggle for rights, we are not simply struggling for rights that attach to my person, but we are struggling *to be conceived as persons*. And there is a difference between the former and the latter. If we are struggling for rights that attach, or should attach, to my personhood, then we assume that personhood as already constituted. But if we are struggling not only to be conceived as persons, but to create a social transformation of

the very meaning of personhood, then the assertion of rights becomes a way of intervening into the social and political process by which the human is articulated. International human rights is always in the process of subjecting the human to redefinition and renegotiation. It mobilizes the human in the service of rights, but also rewrites the human and rearticulates the human when it comes up against the cultural limits of its working conception of the human, as it does and must.

Lesbian and gay human rights takes sexuality, in some sense, to be its issue. Sexuality is not simply an attribute one has or a disposition or patterned set of inclinations. It is a mode of being disposed toward others, including in the mode of fantasy, and sometimes only in the mode of fantasy. If we are outside of ourselves as sexual beings, given over from the start, crafted in part through primary relations of dependency and attachment, then it would seem that our being beside ourselves, outside ourselves, is there as a function of sexuality itself, where sexuality is not this or that dimension of our existence, not the key or bedrock of our existence, but, rather, as coextensive with existence, as Merleau-Ponty once aptly suggested.<sup>6</sup>

I have tried here to argue that our very sense of personhood is linked to the desire for recognition, and that desire places us outside ourselves, in a realm of social norms that we do not fully choose, but that provides the horizon and the resource for any sense of choice that we have. *This means that the ec-static character of our existence is essential to the possibility of persisting as human.* In this sense, we can see how sexual rights brings together two related domains of ec-stasy, two connected ways of being outside of ourselves. As sexual, we are dependent on a world of others, vulnerable to need, violence, betrayal, compulsion, fantasy; we project desire, and we have it projected onto us. To be part of a sexual minority means, most emphatically, that we are also dependent on the protection of public and private spaces, on legal sanctions that protect us from violence, on safeguards of various institutional kinds against unwanted aggression imposed upon us, and the violent actions they sometimes instigate. In this sense, our very lives, and the persistence of our desire, depend on there being norms of recognition that produce and sustain our viability as human. Thus, when we speak about sexual rights, we are not merely talking about rights that pertain to our individual desires but to the norms on which our very individuality depends. That means that the discourse of rights

avows our dependency, the mode of our being in the hands of others, a mode of being with and for others without which we cannot be.

I served for a few years on the board of the International Gay and Lesbian Human Rights Commission, a group that is located in San Francisco. It is part of a broad international coalition of groups and individuals who struggle to establish both equality and justice for sexual minorities, including transgender and intersexed individuals as well as persons with HIV or AIDS.<sup>7</sup> What astonished me time and again was how often the organization was asked to respond to immediate acts of violence against sexual minorities, especially when that violence was not redressed in any way by local police or government in various places in the globe. I had to reflect on what sort of anxiety is prompted by the public appearance of someone who is openly gay, or presumed to be gay, someone whose gender does not conform to norms, someone whose sexuality defies public prohibitions, someone whose body does not conform with certain morphological ideals. What motivates those who are driven to kill someone for being gay, to threaten to kill someone for being intersexed, or would be driven to kill because of the public appearance of someone who is transgendered?

The desire to kill someone, or killing someone, for not conforming to the gender norm by which a person is “supposed” to live suggests that life itself requires a set of sheltering norms, and that to be outside it, to live outside it, is to court death. The person who threatens violence proceeds from the anxious and rigid belief that a sense of world and a sense of self will be radically undermined if such a being, uncategorizable, is permitted to live within the social world. The negation, through violence, of that body is a vain and violent effort to restore order, to renew the social world on the basis of intelligible gender, and to refuse the challenge to rethink that world as something other than natural or necessary. This is not far removed from the threat of death, or the murder itself, of transsexuals in various countries, and of gay men who read as “feminine” or gay women who read as “masculine.” These crimes are not always immediately recognized as criminal acts. Sometimes they are denounced by governments and international agencies; sometimes they are not included as legible or real crimes against humanity by those very institutions.

If we oppose this violence, then we oppose it in the name of what? What is the alternative to this violence, and for what transformation

of the social world do I call? This violence emerges from a profound desire to keep the order of binary gender natural or necessary, to make of it a structure, either natural or cultural, or both, that no human can oppose, and still remain human. If a person opposes norms of binary gender not just by having a critical point of view about them, but by incorporating norms critically, and that stylized opposition is legible, then it seems that violence emerges precisely as the demand to undo that legibility, to question its possibility, to render it unreal and impossible in the face of its appearance to the contrary. This is, then, no simple difference in points of view. To counter that embodied opposition by violence is to say, effectively, that this body, this challenge to an accepted version of the world is and shall be unthinkable. The effort to enforce the boundaries of what will be regarded as real requires stalling what is contingent, frail, open to fundamental transformation in the gendered order of things.

An ethical query emerges in light of such an analysis: how might we encounter the difference that calls our grids of intelligibility into question without trying to foreclose the challenge that the difference delivers? What might it mean to learn to live in the anxiety of that challenge, to feel the surety of one's epistemological and ontological anchor go, but to be willing, in the name of the human, to allow the human to become something other than what it is traditionally assumed to be? This means that we must learn to live and to embrace the destruction and rearticulation of the human in the name of a more capacious and, finally, less violent world, not knowing in advance what precise form our humanness does and will take. It means we must be open to its permutations, in the name of nonviolence. As Adriana Cavarero points out, paraphrasing Arendt, the question we pose to the Other is simple and unanswerable: "who are you?"<sup>8</sup> The violent response is the one that does not ask, and does not seek to know. It wants to shore up what it knows, to expunge what threatens it with not-knowing, what forces it to reconsider the presuppositions of its world, their contingency, their malleability. The nonviolent response lives with its unknowingness about the Other in the face of the Other, since sustaining the bond that the question opens is finally more valuable than knowing in advance what holds us in common, as if we already have all the resources we need to know what defines the human, what its future life might be.

That we cannot predict or control what permutations of the human might arise does not mean that we must value all possible permutations of the human; it does not mean that we cannot struggle for the realization of certain values, democratic and nonviolent, international and antiracist. The point is only that to struggle for those values is precisely to avow that one's own position is not sufficient to elaborate the spectrum of the human, that one must enter into a collective work in which one's own status as a subject must, for democratic reasons, become disoriented, exposed to what it does not know.

The point is not to apply social norms to lived social instances, to order and define them (as Foucault has criticized), nor is it to find justificatory mechanisms for the grounding of social norms that are extra-social (even as they operate under the name of the social). There are times when both of these activities do and must take place: we level judgments against criminals for illegal acts, and so subject them to a normalizing procedure; we consider our grounds for action in collective contexts and try to find modes of deliberation and reflection about which we can agree. But neither of these is all we do with norms. Through recourse to norms, the sphere of the humanly intelligible is circumscribed, and this circumscription is consequential for any ethics and any conception of social transformation. We might try to claim that we must *first* know the fundamentals of the human in order to preserve and promote human life as we know it. But what if the very categories of the human have excluded those who should be described and sheltered within its terms? What if those who ought to belong to the human do not operate within the modes of reasoning and justifying validity claims that have been proffered by western forms of rationalism? Have we ever yet known the human? And what might it take to approach that knowing? Should we be wary of knowing it too soon or of any final or definitive knowing? If we take the field of the human for granted, then we fail to think critically and ethically about the consequential ways that the human is being produced, reproduced, and deproduced. This latter inquiry does not exhaust the field of ethics, but I cannot imagine a responsible ethics or theory of social transformation operating without it.

The necessity of keeping our notion of the human open to a future articulation is essential to the project of international human rights discourse and politics. We see this time and again when the very notion of the human is presupposed; the human is defined in advance, in terms

that are distinctively western, very often American, and, therefore, partial and parochial. When we start with the human as a foundation, then the human at issue in human rights is already known, already defined. And yet, the human is supposed to be the ground for a set of rights and obligations that are global in reach. How we move from the local to the international (conceived globally in such a way that it does not recirculate the presumption that all humans belong to established nation-states) is a major question for international politics, but it takes a specific form for international lesbian, gay, bi-, trans-, and intersex struggles as well as for feminism. An anti-imperialist or, minimally, nonimperialist conception of international human rights must call into question what is meant by the human and learn from the various ways and means by which it is defined across cultural venues. This means that local conceptions of what is human or, indeed, of what the basic conditions and needs of human life are, must be subjected to reinterpretation, since there are historical and cultural circumstances in which the human is defined differently. Its basic needs and, hence, basic entitlements are made known through various media, through various kinds of practices, spoken and performed.

A reductive relativism would say that we cannot speak of the human or of international human rights, since there are only and always local and provisional understandings of these terms, and that the generalizations themselves do violence to the specificity of the meanings in question. This is not my view. I'm not ready to rest there. Indeed, I think we are compelled to speak of the human, and of the international, and to find out in particular how human rights do and do not work, for example, in favor of women, of what women are, and what they are not. But to speak in this way, and to call for social transformations in the name of women, we must also be part of a critical democratic project. Moreover, the category of women has been used differentially and with exclusionary aims, and not all women have been included within its terms; women have not been fully incorporated into the human. Both categories are still in process, underway, unfulfilled, thus we do not yet know and cannot ever definitively know in what the human finally consists. This means that we must follow a double path in politics: we must use this language to assert an entitlement to conditions of life in ways that affirm the constitutive role of sexuality and gender in political life, and we must also subject our very



categories to critical scrutiny. We must find out the limits of their inclusivity and translatability, the presuppositions they include, the ways in which they must be expanded, destroyed, or reworked both to encompass and open up what it is to be human and gendered. When the United Nations conference at Beijing met a few years ago, there was a discourse on “women’s human rights” (or when we hear of the International Gay and Lesbian Human Rights Commission), which strikes many people as a paradox. Women’s human rights? Lesbian and gay human rights? But think about what this coupling actually does. It performs the human as contingent, a category that has in the past, and continues in the present, to define a variable and restricted population, which may or may not include lesbians and gays, may or may not include women, which has several racial and ethnic differentials at work in its operation. It says that such groups have their own set of human rights, that what human may mean when we think about the humanness of women is perhaps different from what human has meant when it has functioned as presumptively male. It also says that these terms are defined, variably, in relation to one another. And we could certainly make a similar argument about race. Which populations have qualified as the human and which have not? What is the history of this category? Where are we in its history at this time?

I would suggest that in this last process, we can only rearticulate or resignify the basic categories of ontology, of being human, of being gendered, of being recognizably sexual, to the extent that we submit ourselves to a process of cultural translation. The point is not to assimilate foreign or unfamiliar notions of gender or humanness into our own as if it is simply a matter of incorporation alienness into an established lexicon. Cultural translation is also a process of yielding our most fundamental categories, that is, seeing how and why they break up, require resignification when they encounter the limits of an available episteme: what is unknown or not yet known. It is crucial to recognize that the notion of the human will only be built over time in and by the process of cultural translation, where it is not a translation between two languages that stay enclosed, distinct, unified. But rather, *translation will compel each language to change in order to apprehend the other*, and this apprehension, at the limit of what is familiar, parochial, and already known, will be the occasion for both an ethical and social transformation. It will constitute a loss, a disorientation,

but one in which the human stands a chance of coming into being anew.

When we ask what makes a life livable, we are asking about certain normative conditions that must be fulfilled for life to become life. And so there are at least two senses of life, the one that refers to the minimum biological form of living, and another that intervenes at the start, which establishes minimum conditions for a livable life with regard to human life.<sup>9</sup> And this does not imply that we can disregard the merely living in favor of the livable life, but that we must ask, as we asked about gender violence, what humans require in order to maintain and reproduce the conditions of their own livability. And what are our politics such that we are, in whatever way is possible, both conceptualizing the possibility of the livable life, and arranging for its institutional support? There will always be disagreement about what this means, and those who claim that a single political direction is necessitated by virtue of this commitment will be mistaken. But this is only because to live is to live a life politically, in relation to power, in relation to others, in the act of assuming responsibility for a collective future. To assume responsibility for a future, however, is not to know its direction fully in advance, since the future, especially the future with and for others, requires a certain openness and unknowingness; it implies becoming part of a process the outcome of which no one subject can surely predict. It also implies that a certain agonism and contestation over the course of direction will and must be in play. Contestation must be in play for politics to become democratic. Democracy does not speak in unison; its tunes are dissonant, and necessarily so. It is not a predictable process; it must be undergone, like a passion must be undergone. It may also be that life itself becomes foreclosed when the right way is decided in advance, when we impose what is right for everyone and without finding a way to enter into community, and to discover there the “right” in the midst of cultural translation. It may be that what is right and what is good consist in staying open to the tensions that beset the most fundamental categories we require, in knowing unknowingness at the core of what we know, and what we need, and in recognizing the sign of life in what we undergo without certainty about what will come.

## Notes

### Introduction: Acting in Concert

1. The Human Rights Campaign, situated in Washington, D.C., is the main lobbying organization for lesbian and gay rights in the United States. It has maintained that gay marriage is the number one priority of lesbian and gay politics in the U.S. See [www.hrc.org](http://www.hrc.org). See also the The Intersex Society of North America at [www.isna.org](http://www.isna.org).

2. Brandon Teena was killed on December 30, 1993, in Falls City, Nebraska after being raped and assaulted a week earlier for being transgendered. Mathew Shephard was killed (beaten and tied to a post) in Laramie Wyoming on October 12, 1998, for being a “feminine” gay man. Gwen Araujo, a transgendered woman, was found dead in the foothills of the Sierra mountains after being assaulted at a party in Newark, California, on October 2, 2002.

3. See Kate Bornstein, *Gender Outlaw*.

4. Frantz Fanon, *Black Skin, White Masks*, 8.

5. Sylvia Wynter, “Disenchanted Discourse: ‘Minority’ Literary Criticism and Beyond,” in Abdul JanMohammed and David Lloyd, *The Nature and Context of Minority Discourse*.

6. See Sigmund Freud, “Instincts and their Vicissitudes.”

7. See Maurice Merleau-Ponty, “The Body in its Sexual Being,” in *The Phenomenology of Perception*, 154–73.

### 1. Beside Oneself: On the Limits of Sexual Autonomy

1. The Human Rights Campaign is the main lobbying organization for lesbian and gay rights in the United States. Situated in Washington, D.C. it has maintained that gay marriage is the number one priority of lesbian and gay politics in the U.S. See [www.hrc.org](http://www.hrc.org).

2. Michel Foucault, “What is Critique?” in *The Politics of Truth*, 50. This essay is reprinted with an essay by me entitled “Critique as Virtue” in David Ingram, *The Political*.

3. “What is Critique?” 52

4. *Ibid.*, 52–3

5. *Ibid.*, 58.

6. Maurice Merleau-Ponty, *The Phenomenology of Perception*.
7. See [www.iglhrc.org](http://www.iglhrc.org) for more information on the mission and accomplishments of this organization.
8. See Adriana Cavarero, *Relating Narratives*, 20–29 and 87–92.
9. See Giorgio Agamben, *Homo Sacer: Sovereign Power and Bare Life*, 1–12.

## 2. Gender Regulations

1. See Carol Smart, ed., *Regulating Womanhood*.
2. See François Ewald, “Norms, Discipline, and the Law”; “A Concept of Social Law”; “A Power Without an Exterior”; and Charles Taylor, “To Follow a Rule . . .”
3. See, for instance, the scholarship of Randolph Trumbach and Anne Fausto-Sterling.
4. See Luce Irigaray, *This Sex Which Is Not One*.
5. See Kate Bornstein, *Gender Outlaw*.
6. Dylan Evans, *An Introductory Dictionary of Lacanian Psychoanalysis*, 202, my emphasis.
7. See Vikki Bell, *Interrogating Incest*.
8. Juliet Mitchell, *Psychoanalysis and Feminism: A Radical Reassessment of Freudian Psychoanalysis*, 370.
9. On the relation between the social and the symbolic in relation to kinship, see Michel Tort, “Artifices du père”; “Le Différend” (on file with author); and *Le nom du père incertain*.
10. Jean Laplanche and J.-B. Pontalis write under the entry, “Symbolique” in *Vocabulaire de la Psychanalyse* (439–441) that, “The idea of a symbolic order structuring intersubjective reality was introduced into the social sciences most notably by Claude Lévi-Strauss who based his view on the model of structural linguistics taught by F. de Saussure. The thesis of *The Course in General Linguistics* (1955) is that the linguistic signified does not take place internally to the signifier; it produces a signification because it is part of a system of signifieds characterized by differential oppositions.”

They cite Lévi-Strauss: “[E]very culture may be considered as an ensemble of symbolic systems which in the first instance regulate the taking place of language, matrimonial rules, economic relations, art, science, and religion.” Lacan makes use of the symbolic, according to the above authors, to establish that the unconscious is structured like a language and to show the linguistic fecundity of the unconscious. The second use to which it is put, however, bears more directly on our inquiry: “to show that the human subject is inserted in a pre-established order which is itself a symbolic nature, in the sense that Lévi-Strauss describes.”

In this view, one which is distinguished from other Lacanian expositors such as Malcolm Bowie, the sense of the symbolic as a preestablished order is in tension with Lacan’s insistence that there be an arbitrary relation between signifier and signified. On some occasions, it seems, Lacan uses “the symbolic” to describe the discrete elements that function as signifieds, but other times he appears to use the term to describe the more general register in which those elements function. In addition, Laplanche and Pontalis argue that Lacan uses “the symbolic” “to designate the law (*la loi*) that founds this order.” The foreclosure of the “symbolic father” or “the Name of the Father” is such an instance of founding that is irreducible to an imaginary or real