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David Rubin	April 15, 2010

Intersex Before and After Gender

By

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Doctor of Philosophy

Women's Studies

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An abstract of
a dissertation submitted to the Faculty of the
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Abstract

Intersex Before and After Gender
By David Rubin

The term intersex names the myriad conditions and features of people born with sexual anatomies that society considers to be nonstandard. This dissertation exposes the logic of gender as it emerges through a detailed examination of the normalization of intersex bodies. While women's studies scholars were among the first to critique the medical model of intersex management for its complicity with processes of gender regulation, recent intersex scholarship and activism has focused almost exclusively on the negative impacts of surgical normalization. One effect of this focus has been a lack of attention to other important considerations, such as the ways in which the medical management of intersexuality is linked with the biopolitical regulation of gender difference more broadly. This dissertation argues that the theories of women's and gender studies reveal that current understandings of intersex are inextricable from gendered relations of power and knowledge. Developing an innovative interdisciplinary methodology that draws upon feminist, queer, and disability theories, textual, discursive, institutional, and genealogical analysis, as well as social movement history, the history of science, and transnational cultural studies, this dissertation's particular contributions lay in its insistence that intersex has fundamentally shaped the history of gender as a concept and practice in twentieth and twenty-first century Western culture; that a critical attention to the history and politics of intersex phenomena productively complicates and reframes dominant understandings of gender, sex, sexuality, and embodiment in biomedical, women's studies, and activist discourses; that feminist, queer, and disability studies frameworks shed new light on key dilemmas and debates in intersex activism and advocacy work; and that historicizing intersex as a category that both precedes and, to a significant degree, inaugurates late modern understandings of gender opens up new perspectives on body politics, health, and normality.

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Introduction

Intersex Before and After Gender

> There are humans, in other words, who live and breathe in the interstices of this binary relation, showing that it is not exhaustive; it is not necessary.—Judith Butler[1]

I. Overview

The term intersex names the myriad conditions and features of people born with sexual anatomies that society considers to be nonstandard. I say "sexual anatomies that society considers to be nonstandard" rather than simply "nonstandard sexual anatomies" to call attention to the social overdetermination of the meaning of intersexuality. The prefix *inter-* literally means "among, between, in the midst of." But it would not be quite right to say that people with intersex exist "between" the sexes, nor that all those diagnosed or self-identified as intersex live and breathe in what Butler calls "the interstices" of the "binary relation" of gender, though some surely do. Rather, it is at the level of social and cultural intelligibility, broadly construed, that intersexuality disrupts binary schemas of sex and gender. For this reason, intersex has not been accepted as part of the order of things. Society—medicine in particular—has managed these interstitial conditions through surgery.

The surgical normalization of intersex infants did not become standard practice in Western medicine until the mid-twentieth century. During the early 1990s, an activist critique of the surgical model of intersex management emerged in the United States and,

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[1] Judith Butler, *Undoing Gender* (New York: Routledge, 2004), 65.

as the millennium approached, in other parts of the globe.[2] Inspired in part by the work of intersex activists, scholars from across the humanities and social sciences have shown a growing interest in intersex issues in recent years, and have sought to understand intersexuality from perspectives other than those which dominate the biomedical sciences.[3]

Within this expanding body of work, women's and gender studies scholarship has played a crucial but often misunderstood role. While feminist theorists were among the first to critique the medical model of intersex management for its complicity with processes of gender regulation and to lend their support to the burgeoning intersex movement of the early 1990s,[4] recent intersex scholarship and activism has focused almost exclusively on the negative impacts of surgical normalization and the need for medical reform.[5] One effect of this focus has been a lack of attention to other important

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[2] Cheryl Chase, "Hermaphrodites with Attitude: Mapping the Emergence of Intersex Political Activism," *GLQ* 4.2 (1998): 189-211.

[3] See, among others, Anne Fausto-Sterling, *Sexing the Body: Gender Politics and the Construction of Sexuality* (New York: Basic Books, 2000); Lorraine Daston and Katherine Park. "The Hermaphrodite and the Orders of Nature: Sexual Ambiguity in Early Modern France," *GLQ* 1.4 (1995): 419-438; Suzanne J. Kessler, *Lessons from the Intersexed* (New Brunswick: Rutgers University Press, 1998); Stephanie Turner, "Intersex Identities: Locating New Intersections of Sex and Gender," *Gender & Society* 13 (1999): 457-479; Iain Morland, "Is Intersexuality Real?", *Textual Practice* 15.3 (2001): 527-547; David Hester, "Intersexes and the End of Gender: Corporeal Ethics and Postgender Bodies," *Journal of Gender Studies* 13.3 (2004): 215-225; and Morgan Holmes, *Intersex: A Perilous Difference* (Selinsgrove: Susquehanna University Press, 2008).

[4] On this point, see Alice D. Dreger and April M. Herndon, "Progress and Politics in the Intersex Rights Movement: Feminist Theory in Action," *GLQ* 15.2 (2009): 199-224.

[5] See, for instance, Alice D. Dreger, *Hermaphrodites and the Medical Invention of Sex* (Cambridge: Harvard University Press, 2000); Sharon E. Preves, *Intersex and Identity: the Contested Self* (New Brunswick: Rutgers University Press, 2003); Katrina Karkazis, *Fixing Sex: Intersex, Medical Authority,*

considerations, such as the ways in which the medical management of intersexuality is linked with the biopolitical regulation of gender difference more broadly. This dissertation argues that the theories and perspectives of women's and gender studies reveal that current understandings of intersex are inextricable from gendered relations of knowledge and power.

Locating itself within the field of women's and gender studies, "Intersex Before and After Gender" suggests that intersex has something important to tell us about gender, and, conversely, that gender has something important to tell us about intersex. More specifically, while scholars in the emerging field of interdisciplinary intersex studies have begun to analyze the medical, juridical, and social paradigms that have informed different cultural responses to and understandings of intersexuality, I argue that not enough attention has been paid to two specific interrelated issues: on the one hand, the ways in which presumptions about gender have shaped the meanings and materialities of intersex phenomena within and across the domains of biomedicine, activism, social relations, cultural representation, and critical and cultural theory; and, on the other hand, the ways intersexuality has shaped concepts and practices of gender. Bringing together the history of science, social movement history, and transnational cultural studies with feminist, queer, and disability theories, "Intersex Before and After Gender" seeks to trouble received understandings of intersex *and* gender; and it also asks how a critical genealogy of intersex can reorient and reframe gender as an historical and political concept, analytic category, set of practices, and institutionalized matrix of knowledge and power in late modernity. In short, this dissertation exposes the logic of gender as it emerges through a

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and Lived Experience (Durham: Duke University Press, 2008); and Sharon E. Sytsma, ed., *Ethics and Intersex* (Netherlands: Springer, 2006).

detailed examination of the normalization of intersex bodies. At issue are assumptions about an interconnected set of terms: gender, intersex, and "natural" sexual dimorphism.

In what follows I use the term *gender* to refer to the wide variety of practices which assign values and characteristics to bodies on the basis of their presumed "sex."[6] Gender is not merely a set of performances or prescribed roles but also a complex structure of feeling; an ideological apparatus; a form of social, political, institutional, and psychic organization; and a technology of self- and other-making.[7] Recent work in feminist, queer, critical race, postcolonial, and disability theory suggests that gender norms operate in concert with other forms of sociopolitical regulation (including racism, nationalism, classism, homophobia, transphobia, and ableism) to determine which lives get to count as intelligible and valuable and which do not.[8] This scholarship challenges the naturalization of gender by revealing it to be historically and socially overdetermined

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[6] See Fausto-Sterling, *Sexing the Body*.

[7] See Raymond Williams, *Keywords: A Vocabulary of Culture and Society* (Oxford: Oxford University Press, 1985); Teresa De Lauretis, *Technologies of Gender: Essays on Theory, Film, and Fiction* (Bloomington: Indiana University Press, 1987); and Judith Butler, *Gender Trouble: Feminism and the Subversion of Identity*, 10th Anniversary Edition (New York: Routledge, 1999).

[8] For works that examine the interconnections between gender and other categories of difference, see, among many others: Kimberle Crenshaw, "Mapping the Margins: Intersectionality, Identity Politics, and Violence against Women of Color," *Stanford Law Review* 43 (1991): 1241-52; Norma Alarcón, "The Theoretical Subject(s) of *This Bridge called My Back* and Anglo-American Feminism" in *Haciendo Caras: Making Face, Making Soul: Creative and Critical Perspectives by Feminists of Color*, ed., Gloria Anzaldua (San Francisco: Aunt Lute Books, 1990), 356-369; Patricia Hill Collins, *Black Feminist Thought: Knowledge, Consciousness, and the Politics of Empowerment* (New York: Routledge, 1990); Trinh T. Minh-ha, *Woman, Native, Other: Writing Postcoloniality and Feminism* (Bloomington: Indiana University Press, 1989); Lauren Berlant, *The Queen of America Goes to Washington City: Essays on Sex and Citizenship* (Durham: Duke University Press, 1997); Judith Halberstam, *Female Masculinity* (Durham: Duke University Press, 1998); and Bonnie G. Smith and Beth Hutchison, eds., *Gendering Disability* (New Brunswick: Rutgers University Press, 2004).

in ways that crucially interconnect with other categories and mechanisms of classification, stratification, and power. It is through this theoretical lens that my dissertation asks, specifically: What is the relation between intersex and dominant, residual, and emergent configurations of gender, sex, and sexuality? How might thinking critically about the codes, norms, and structures which regulate embodiment enable a critical rethinking of intersex, and vice versa? How do contestations over intersex converge and diverge with ongoing debates about the politics of difference and struggles for sexual and gender justice in a multicultural, transnational world?

For introductory purposes, I defer to a working definition of "intersex" provided by one of the most well-known and influential intersex activist organizations, the now defunct Intersex Society of North America (ISNA): "people born with an anatomy that *someone* decided is not standard for male or female."[9] ISNA's definition suggests that the categories *male* and *female* are not self-evident, objective labels. ISNA asserts that the criterion for determining who counts as *male* and *female* is not anatomy alone, but rather what "*someone* decided" gets to count as "standard" for anatomy. The phrasing "*someone* decided" highlights the cultural contingency and arbitrariness of dominant definitions of maleness and femaleness. Though many people today are accustomed to thinking of the male/female distinction as the primordial dimorphic division of humankind, ISNA suggests something quite different—that labeling someone as male, female, or intersex is a social *decision*. Crucially, the "*someone*" ISNA names in italics is anonymous: it could be *anyone*. ISNA thereby implicates a broad range of parties, not only doctors and parents, as accountable for participating in the stigmatization and exclusion of people

[9] This definition is taken from ISNA's website: http://www.isna.org/ (last accessed March 16, 2010).

with anatomies that society deems to be nonstandard from belonging to the domain of the intelligibly human. This stigmatization and exclusion calls for critical reflection on the place of intersex in the gendered order of things.

In the early 1990s, women's and gender studies scholars such as Suzanne J. Kessler, Anne Fausto-Sterling, and others began to pursue such work by analyzing how Western biomedical approaches to intersex draw upon and reinforce dominant ideologies of sexed embodiment. While Kessler was one of the first to argue that normative gender is consolidated through the medical management of intersex infants,[10] her argument in particular and the contributions of women's and gender studies more generally to a critical understanding of intersex have been obscured as the developing field of intersex studies has turned its attention toward the stigma and trauma associated with surgical normalization.[11] While this focus surely represents an important area of research, taken on its own it cannot account for the ways in which the medicalization of intersexuality has been shaped by a larger and longer history which includes the rise of Western biomedical institutions and the emergence and expansion of biopower—defined by Michel Foucault as "an explosion of numerous and diverse techniques for achieving the subjugations of bodies and the control of populations"—a history which, crucially, has a lot to do, both theoretically and practically, with the consolidation of gender as a binary regime.[12] In this regard, "Intersex Before and After Gender" reasserts the centrality of intersex to gender, and vice versa, to show that the medicalization of intersexuality as

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[10] Suzanne Kessler "The Medical Construction of Gender: Case Management of Intersexed Infants," *Signs* 16.1 (1990): 33-38.

[11] See Dreger, *Hermaphrodites and the Medical Invention of Sex*; and Karkazis, *Fixing Sex*.

[12] Michel Foucault, *The History of Sexuality, Vol. 1: An Introduction*, trans. Robert Hurley (New York: Vintage, 1990), 140.

well as activist critiques of medicalization are inextricable from biopower in late modernity. The story of intersex is not only, as ISNA asserts, a story about "shame, secrecy, and unwanted genital surgeries," a story about "stigma and trauma," but also a story about the regulation of embodied difference through biopolitical discourses, practices, and technologies of gender normalization.[13]

In addition to framing the regulation of corporeal life as an issue of broad social relevance, ISNA's definition of intersex implicitly puts critical pressure on a distinction which became, during the twentieth century, widely accepted in Western biomedical discourse and also in the English-speaking world more broadly: the sex/gender distinction. This distinction has informed not only mainstream cultural understandings of gender, but has also been used as a grounding assumption of the late-twentieth century feminist articulation of the social construction of gender.[14] According to the predominant understanding of this distinction, sex is biological. It is said to consist of the chromosomal, hormonal, genetic, and internal and external morphogenic features which characterize the so-called natural binary division of humanity into males and females. Gender, by contrast, is defined as social and cultural. It is said to refer to the *learned* behaviors, roles, identities, and ways of being and acting in the world that particular societies differentiate and distribute asymmetrically along the masculine/feminine axis. Many people assume that there is a natural alignment and causality between sex and gender, such that one's gender is thought to essentially follow from one's sex. This line

[13] These quotations are taken from the ISNA homepage: www.isna.org (last accessed March 16, 2009).

[14] The feminist literature on the social construction of gender is so large as to render a footnote of the relevant citations beyond enormous. For a useful summary and review of this literature up to the mid-nineties, see Judith Lorber, *Paradoxes of Gender* (New Brunswick: Yale University Press, 1995). For a more up to date account, see Raewyn Connell, *A Short Introduction to Gender* (Cambridge: Polity, 2009).

of thought holds that biological *males* are supposed to form *masculine* gender identities, and biological *females*, *feminine* gender identities. From this standpoint, when a child is born with an anatomy that does not readily conform with normative expectations about sexed embodiment, the child's prospective identity and status as a coherently gendered subject is, at least momentarily, thrown into question. Based on an epistemological paradigm which opposes nature to culture, the dominant reiteration of the sex/gender distinction accords to sex a status so foundational as to make subjectivity itself seem unimaginable in the absence of the binary schema of sex.

As this discussion makes clear, the standard version of the sex/gender distinction posits "nature" as the foundation of sex. If, however, sex categories—male, female, *and* intersex—are overdetermined by social logics, as ISNA seems to suggest, then the foundational status of sex can no longer be taken for granted. To be sure, not all intersex activists and theorists agree that intersexuality calls the foundational status of sex into question, nor would it be possible to say that people working on intersex issues were the first to challenge assumptions about "nature" and sexual dimorphism.[15] Such challenges emerged explicitly in feminist scholarship in the late 1980s and early 1990s, when Monique Wittig, Dianna Fuss, Donna Haraway, and other theorists began subjecting the "nature" of sex to critical interrogation.[16] After Judith Butler hit the scene with her 1990

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[15] See Alice Dreger, ed., *Intersex in the Age of Ethics* (Hagerstown: University Publishing Group, 1999); and Morgan Holms, ed., *Critical Intersex* (London: Ashgate, 2009).

[16] Monique Wittig, "One is Not Born a Woman," in *The Lesbian and Gay Studies Reader*, eds., Henry Abelove, Michele Aina Barale, and David M. Halperin (New York: Roultedge, 1993), 103-109; Diana Fuss, *Essentially Speaking: Feminism, Nature, and Difference* (New York: Routledge, 1989); and Donna Harraway, "The Cyborg Manifesto: Science, Technology, and Socialist-Feminism in the Late Twentieth Century," in *Simians, Cyborgs, and Women: The Reinvention of Nature* (New York: Routledge, 1991), 149-182.

monograph *Gender Trouble*, it became evident that ideas of natural sexual dimorphism were in deep, deep trouble.[17] However, despite these influential critiques of natural sexual dimorphism, the intersex movement critique of coercive genital surgery deserves special attention for its challenge to writers like Butler specifically, and, more generally, for the ways in which it draws upon and diverges from feminist, queer, transgender, and disability theories and activisms. I examine the relation between intersex critiques and the critical perspectives which inform women's and gender studies, as well as queer, disability, and transgender studies, throughout this dissertation. Connecting issues of theoretical production to activism and situating activism as an important site of knowledge production in its own right, throughout the dissertation I also examine the relation between the intersex movement and other struggles for diverse sexual and gender justice.

"Intersex Before and After Gender" takes up these issues by interrogating the relations among gender, intersex, and sexual dimorphism, as well as sexuality and other categories of difference, in a variety of historical and contemporary sites. It does so by critically analyzing the ways these categories inform one another as concepts and practices in the history of twentieth and twenty-first century science and medicine, women's studies scholarship, and intersex scholarship and activism. Chapter 1 sets up the theoretical and genealogical framework of the dissertation by examining the overlooked and under-interrogated significance of psychoendocrinologist John Money's mid-twentieth century research on intersex for the emergence of modern sexological *and* feminist theories of the sex/gender distinction. Chapter 2 argues that women's studies

[17] See Butler, *Gender Trouble*.

scholarship on intersexuality enables us to appreciate the uncertainties of gender, sex, and embodiment in new and productive ways. Chapter 3 challenges the emergent consensus in intersex scholarship and activism which posits women's studies as antithetical to the progress of the intersex movement. Chapter 4 investigates the transnational implications of intersex activisms for developing new conceptions of human rights and also looks critically at the limitations of human rights as a mode of political redress. In closing, the Conclusion suggests that this dissertation's focus on the centrality of intersex to gender and the ways women's studies enhances a critical perspective on intersex issues can help to reframe the controversy over the recent effort to rename intersex conditions DSDs or "disorders of sex development."

While each chapter stages a particular argument to intervene in specific debates, collectively the chapters seek to reassert the relevance of women's studies to critically understanding the history and politics of intersex phenomena. Developing an innovative interdisciplinary methodology that draws upon textual, discursive, institutional, and genealogical analysis as well as social movement history, the history of science, and transnational cultural studies, my particular contributions lay in my insistence that intersex has fundamentally shaped the history of gender as a concept and practice in twentieth and twenty-first century Western culture; that a critical attention to the history and politics of intersex phenomena productively complicates and reframes dominant understandings of gender, sex, sexuality, and embodiment in biomedical, women's and gender studies, and activist discourses; that feminist, queer, and disability studies frameworks shed new light on key dilemmas and debates in intersex activism and advocacy work; and that historicizing intersex as a category that both precedes and, to a

significant degree, inaugurates late modern understandings of gender opens up new perspectives on body politics, health, and normality.

II. Motivations of the Project

My interest in intersex issues began in 2004 when I was pursuing my Master's degree in Women's Studies at the University of Arizona. Studying women's, gender, and LGBTQ studies by day and frequenting Tucson's bar and music scene by night, one evening I ended up meeting two queer feminist musicians/performance artists who were passing through town with their band. After their performance, we ended up having a drink. Upon learning that I was a women's studies graduate student, we embarked upon a discussion of our shared interests in feminist and queer politics, at which point they began to tell me about how their political commitments had expanded in recent years to include working on issues of cross-border, transgender, and intersex activism. At the time, I only had passing acquaintance with the subject of intersex, having first encountered it, I think, in a feminist theory class where we read a 1993 essay on intersex that is still widely taught today, Anne Fausto-Sterling's "The Five Sexes: Why Male and Female Are Not Enough."[18]

Meeting these politicized musicians piqued my curiosity about the intersex movement. I began to frequent ISNA's website and read works by Chase, Dreger, Kessler, Fausto-Sterling and other activists and scholars. I found myself increasingly compelled by the intersex critique of medicalization, touched by the depth of the activist response to the profound social, familial, and personal stigma and physical and psychic trauma caused by unnecessary infant genital surgeries, and interested in exploring the

[18] Anne Fausto-Sterling, "The Five Sexes: Why Male and Female Are Not Enough," *The Sciences* (March-April, 1993): 20-24.

potential links between the intersex movement and the queer and feminist activisms and theories I was studying in school. Intersex, I can say in retrospect, challenged and continues to challenge me to rethink the regulatory workings of binary gender, its privileges and its costs.

In deciding to write my dissertation on intersex while pursuing my Ph.D. in Women's Studies at Emory University, I have faced and continue to face the challenge of critically reading across and translating between diverse intellectual and political domains. Today it is often the case that working in women's, gender, and LGBTQ studies means working with bodies, categories, identities, and theories that, at one point or another, begin to trouble the apparent coherence of binary systems. In the ongoing recognition of the intellectual, cultural, and political value of human diversity, material on intersex is now regularly taught in a variety of women's, gender, and LGBTQ studies courses. And it is most often taught as a way of suggesting that the normative categories of "male" and "female" are inadequate to describing the incredible heterogeneity of bodies and identities that have come to exist uncomfortably and without identitarian coherence in the contemporary historical moment as well as previous historical periods.

In seeking to trouble binary gender, scholars in women's studies as well as other fields have simultaneously been pursuing what I would call, to borrow and modify a phrase from Robyn Wiegman, the desire for queer gender.[19] While women's studies practitioners have thought deeply about why gender is worth troubling, we have perhaps thought less critically about the implications of the "examples" we use to trouble gender. Perhaps we have also not thought hard enough about what it is, precisely, that we want

[19] Robyn Wiegman, "The Desire for Gender," in *A Companion to Lesbian, Gay, Bisexual, Transgender, and Queer Studies*, eds., George E. Haggerty and Molly McGarry (London: Blackwell, 2007), 217-236.

our desire for queer gender *to do, for whom, and in what contexts*. Studying the intersex movement, I have come to learn that the desire for queer gender does not translate easily into the political or personal meanings of intersex (or transgender, for that matter), and that the conflation of the two problematically objectifies and exoticizes intersexual difference. Many have noted that there is a gap between lived experience and work that attempts to account for that experience. Rather than trying to cover over that gap, my dissertation seeks to dwell upon how that gap is negotiated in both scholarship and activism in an effort to find alternatives to the reductive and anti-intellectual habit of bifurcating "theory" against "practice."

As a US-born, white, Jewish, male-identified, middle-class, pansexual, semi-genderqueer historical subject who is also a developing scholar and teacher of feminist, queer, and disability studies, my relation to intersex is not one of identification but rather one of affiliation. Studying the history and politics of intersex has allowed me to engage in dialogue with intersex activists and theorists, and I have begun to recognize my own desire to become a kind of critical ally for the intersex movement by contributing what I can to intersex scholarship. In the process, I have felt the need not only to listen to the intersex critique of medicalization, but also to the intersex critiques of feminism and social constructionist theory. At the same time, as a scholar committed to the intellectual life of feminist, queer, and disability studies, I have listened and continue to listen to what these fields might have to contribute to broader conversations about intersex. These fields offer ways of historicizing identity categories, knowledges, and structures of power. They offer critical analyses of the ways essentialist, biologizing, *and* constructionist discourses are used to support social and political processes of regulation and normalization as well

as resistance and social transformation. I thus view these fields as offering highly relevant tools for thinking about the relays and tensions between knowledge production, activist practice, and social change. Recognizing that the meanings and materialities of intersex are contested, "Intersex Before and After Gender" seeks to think critically about why this term in particular has come to be at the center of current disputes over the nature of embodiment, the politics of medicine, bioethics, social relations, and human rights.

III. Literature Review

According to a 2000 paper published in the *American Journal of Human Biology*, normalizing genital surgeries are performed on approximately one or two infants per every 2000 born in North America.[20] Many intersex activists and cultural workers have used this statistic to suggest that intersex conditions are not as rare as some might think and, further, to call attention to the scope of medical normalization.[21] However, the frequency of intersex births is difficult to estimate for several reasons, and may be even greater than this statistic suggests. First, there is the lack of reliable data. As Noah Ben-Asher points out, the one or two in 2000 figure does not include the many individuals born with *subtler* corporeal variations, such as Klinefelter syndrome, Turner syndrome, or vaginal agenisis, some of which do not appear or are not diagnosed until later in life.[22] Second, because the category *intersex* encompasses a wide variety of disparate conditions and anatomical differences which are neither causally nor necessarily correlatively

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[20] Melanie Blackless, Anthony Charuvastra, Amanda Derryck, Anne Fausto-Sterling, Karl Lauzanne, and Ellen Lee**,** "How Sexually Dimorphic Are We? Review and Synthesis," *American Journal of Human Biology* 12.2 (March/April 2000): 151-166.

[21] See, for instance, Ajae Clearway (dir.), *One in 2000* (Polyvinal Pictures, 2006).

[22] Noah Ben-Asher, "The Necessity of Sex Change: A Struggle for Intersex and Transsex Liberties," *Harvard Journal of Law and Gender* 29.1 (2006): 51-98.

linked—for instance, congenital adrenal hyperplasia (CAH), androgen insensitivity syndrome (AIS), hypospadias, 5-alpha reductase deficiency, and a variety of others[23]—intersexuality is by definition an imprecise label. Taken on its own, it is more of a catchall or generalization than a rigorous diagnosis. Third and most importantly, according to Ben-Asher, the frequency of intersex births depends on how intersex is defined. And how intersex is defined, Ben-Asher perspicuously observes, "depends on what counts as 'male' and what counts as 'female' in a given society at a given time" (80).

From this perspective, what counts as intersexuality takes shape in relation to and against normative conceptions of male and female embodiment. As Katrina Karkazis, drawing on Morgan Holmes, argues, "whatever intersexuality may be physiologically (and it is many things), intersexuality as a category of person (requiring medical treatment) is not natural."[24] That is, the meaning of intersexuality is shaped by cultural discourses. As such, intersex is, like male and female, a cultural interpretation of

[23] Biologically speaking, intersex conditions have a range of causes and effects. Some entail morphogenic differences in internal or external genitalia, and some affect the chromosomes, adrenal system, or the capacity for virilization. Klinefelter syndrome involves the presence of an extra X chromosome. People with Turner syndrome have only one fully functioning X chromosome. Vaginal agenisis involves the absence or only partial formation of a vagina. Congenital adrenal hyperplasia (CAH) is a deficiency of the adrenal glands and is one of the only intersex conditions which can cause serious health problems. Androgen insensitivity syndrome (AIS) is a condition in which the body's cells have difficulty responding, or are unable to respond at all, to androgen. Hypospadias refers to a urethral meatus which is located along the underside, rather than at the tip of the penis. 5-alpha reductase deficiency is an autosomal recessive intersex condition caused by a mutation (on a chromosome other than the X or Y chromosomes). The protagonist in Jeffrey Eugenides's Pulitzer Prize-winning novel *Middlesex* has this condition. See Eugenides, *Middlesex* (New York: Farrar, Strauss, and Giroux, 2002). Those interested in learning more about the specificity and diversity of intersex conditions should consult ISNA's webpage on the topic: http://www.isna.org/faq/conditions (last visited 3/10/10).

[24] Karkazis, *Fixing Sex*, 11.

particular "kinds" of bodies. Yet unlike male and female, intersex is presumed (by dominant discourses) to be not only nonstandard, but also abnormal. For particular historical and cultural reasons, intersexuality has become one of the key "others" against which hegemonic notions of binary sex and gender have been defined.

While physicians use surgery as a "corrective" measure, it is important to note that the surgical aim of producing "normal-looking" genitals can entail problematic consequences for patients.[25] For instance, normalizing genital surgeries often lead to patients' partial or total loss of capacity for genital sensation.[26] According to Sharon E. Preves's ethnography of contemporary North American intersex persons' experiences of treatment, as well as numerous testimonies by intersex activists and their allies, infant genital surgeries cause considerable physical, psychological, personal, and familial pain and distress for affected parties.[27] Despite recent studies which suggest that the vast majority of intersex conditions pose little or no biological threat to infants' health, and despite the fact that almost no statistical evidence exists demonstrating that infant genital surgeries lead to problem-free outcomes, normalizing genital surgeries are still performed

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[25] See N.S. Crouch, C.L., Minto, L-M Laio, C.R.J Woodhouse, and S.M. Creighton. "Genital Sensation after Feminizing Genitoplasty for Congenital Adrenal Hyperplasia: A Pilot Study," *BJU International* 93 (2004): 135-138; M. Diamond, and H. K. Sigmundson, "Sex Reassignment at Birth: Long-term Review and Implications," *Archives of Pediatric and Adolescent Medicine* 151 (October 1997): 298-304; John Coltapinto, *As Nature Made Him: The Boy Who Was Raised a Girl* (New York: Harper Collins, 2000); Amy Bloom, *Normal: Transsexual CEOs, Crossdressing Cops, and Hermaphrodites with Attitude* (New York: Vintage, 2003); and Eric Parens, ed., *Surgically Shaping Children: Technology, Ethics, and the Pursuit of Normality* (Baltimore: Johns Hopkins University Press, 2006).

[26] See Sarah M. Creighton, Catherine L. Minto, and Stuart J. Steele, "Objective Cosmetic and Anatomical Outcomes at Adolescence of Feminising Surgery for Ambiguous Genitalia Done in Childhood," *Lancet* 358 (2001): 124-125.

[27] See Preves, *Intersex and Identity*; Dreger, ed., *Intersex in the Age of Ethics*; and Holmes, *Intersex*.

today.[28] According to feminist theorist Suzanne J. Kessler, genital surgeries are performed not because intersex is threatening to the infant's health, but because intersex is threatening to the infant's culture.[29]

The study of intersex has a long and complex history. Locating itself within the field of women's and gender studies, my dissertation puts pressure on the ways in which intersex lives and discourses have been articulated in that field. Kessler was among the first women's and gender studies scholars to suggest that matters of gender provide insights into the social and medical treatment of intersexuality. In her 1990 *Signs* essay "The Medical Construction of Gender: Case Management of Intersexed Infants," Kessler uses ethnography and analyses of the medical literature on intersex to argue that the medical management of intersex infants upholds practices which socially construct gender in normative ways. In her 1993 essay, "The Five Sexes: Why Male and Female Are Not Enough," Anne Fausto-Sterling stages a related argument. Fausto-Sterling uses data from her expertise in the fields of feminist science studies and biology to challenge the presumption of natural sexual dimorphism, contending that, "biologically speaking, there are many gradations running from female to male; and depending on how one calls the shots, one can argue that along that spectrum lie at least five sexes—and perhaps even more" (21). Both Kessler and Fausto-Sterling utilize intersex activist critiques of medicalization to think critically about the politics of sex and gender at play in the medicalization of intersex. While Kessler's work focuses on the development of what we might think of as a social constructionist approach to intersexuality, Fausto-Sterling seeks instead to develop an interactionist model which can account for the impacts of both

[28] See Fausto-Sterling, *Sexing the Body*.

[29] Kessler, *Lessons of the Intersexed*, 32.

biology and culture on the ways medicine in particular and society in general understand intersexuality. In the late 1990s, both Kessler and Fausto-Sterling expanded their early articles into books which extended and deepened their initial findings and arguments.[30]

A related but different approach to intersex can be found in medical historian Alice Dreger's 2000 monograph *Hermaphrodites and the Medical Invention of Sex*. Though not a scholar of women's and gender studies, Dreger's work is significant for that field because she stresses the role played by normative ideas about biological sex in shaping the cultural and medical treatment of hermaphroditism in the nineteenth and twentieth centuries.[31] Dreger argues that the "history of hermaphroditism is largely the history of struggles over the 'realities' of sex—the nature of 'true' sex, the proper roles of the sexes, the question of what sex can, should, or must mean" (15). According to Dreger, as ideas of "sex" vary according to culture, likewise, "the understanding and treatment of hermaphrodites varies according to culture" (24). Dreger suggests that nineteenth and early twentieth century French and British medical researchers studied hermaphroditism to develop the modern gonadal definition of binary sex and the science of biomedical sexology more broadly. By the late nineteenth century, Dreger writes, "hermaphroditism was understood by scientists and medical men as a phenomenon to be fully explained by the natural sciences, one existing within the realm of natural law," an understanding which made hermaphroditism into a subject of "simultaneous normalization and pathologization" (35).

Subsequent engagements with intersexuality in the field of women's and gender studies have followed Kessler's, Fausto-Sterling's, and Dreger's leads by examining in

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[30] See Kessler, *Lessons of the Intersexed*; and Fausto-Sterling, *Sexing the Body*.

[31] Dreger, *Hermaphrodites and the Medical Invention of Sex*, 8.

greater detail not only the cultural logics of the medicalization of intersexuality, but also the implications of intersex activist critiques of medicalization. In her 2003 text *Intersex and Identity: The Contested Self* Sharon E. Preves uses ethnography in combination with sociological theory to analyze the experiences of intersex people as well as the ethical and political rationales underlying the intersex movement's critique of genital surgery.[32] Adopting a social scientific perspective, medical anthropologist Katrina Karkazis's 2008 monograph *Fixing Sex: Intersex, Medical Authority, and Lived Experience* likewise examines the ways in which the lived experiences of people with intersex challenge medical authority, but also provides a more comprehensive account of the emergence of the surgical model of intersex management and highlights the importance of John Money's research in the formulation of that model.[33] Like Kessler and Fausto-Sterling, Preves and Karkazis seek to rethink the medicalization of intersexuality by drawing upon insights garnered from attending carefully to the experiences and voices of people with intersex.

In addition to using critical science studies and ethnographic methodologies, women's and gender studies scholars have also drawn upon disability studies, queer theory, and poststructuralism to analyze intersex issues. In her 2002 essay "Why the Intersexed Shouldn't Be Fixed: Insights from Queer Theory and Disability Studies," Sumi Colligan reads intersex activist discourse in relation to queer theory and disability studies to sketch a critique of practices of bodily normalization, arguing against the

[32] Preves, *Intersex and Identity*.

[33] See Karkazis, *Fixing Sex*.

desexualization of the disabled and the disablement of the intersexed.[34] In a related but different trajectory of analysis, Myra J. Hird, Iain Morland, and Emily Grabham have made use of poststructuralism to question the ways in which intersexuality challenges dominant notions of "nature" in biomedical, feminist, and state discourses.[35] In her 2008 monograph *Intersex: A Perilous Difference*, Morgan Homes also makes use of poststructuralism, as well as feminist and queer theory, to ask why intersexuals have been made to bear the burden of cultural anxieties over sexual difference.[36] Despite their differences, these works make clear the intellectual import of queer, disability, and poststructuralist theories for thinking critically about the intersections between the medical management of intersexuality and heteronormativity, compulsory able-bodied-ness, and phallogocentrism.

Two more recent interventions are worth briefly discussing here. In 2009 the journal *GLQ* published a special issue called "Intersex and After," edited by Iain Morland.[37] (This special issue inspired, in part, the title I have given to this dissertation.) "Intersex and After" includes essays by Alice Dreger and April Herndon, Ellen K. Feder, Vernon Rosario, Morland and others which address topics as diverse as the history of the

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[34] Sumi Colligan, "Why the Intersexed Shouldn't Be Fixed: Insights from Queer Theory and Disability Studies," in *Gendering Disability*, eds., Bonnie G. Smith and Beth Hutchison (New Brunswick: Rutgers University Press, 2004), 45-60.

[35] See Myra J. Hird, "Gender's Nature: Intersexuality, Transsexualism and the 'Sex'/'Gender' Binary," *Feminist Theory* 1.3 (2000): 347- 363; Iain Morland, "Feminism and Intersexuality: A Response to Myra J. Hird's "Feminism's 'Nature'," *Feminist Theory* 2.3 (2001): 362–366; Morland, "'The Glans Opens Like a Book': Writing and Reading the Intersexed Body," *Continuum: Journal of Media and Cultural Studies* 19:3 (2005): 335–348; and Emily Grabham, "Citizen Bodies, Intersex Citizenship," *Sexualities* 10.1 (2007): 29-48.

[36] Morgan Homes, *Intersex*.

[37] See Iain Morland, ed., "Intersex and After" (spec. issue) *GLQ* 15.2 (2009).

intersex movement, the relation between the medicalization of homosexuality and the medicalization of intersex, the challenge intersex poses to genetic sex research, intersex performance art, the debate over the DSD nomenclature, and the limitations of queer theory for intersex. In 2009, a collection of essays edited by Morgan Holmes entitled *Critical Intersex* was also published.[38] The essays in this collection span topics including the connections between clinical practices of intersex management and colonial practices of racialization and population control, various challenges to identity claims within the spheres of intersex activism, the law, and biomedicine, and intersex and post-human studies. These two collections have significantly advanced the state of current scholarship on intersex by thinking deeply about while also attempting to move beyond the activist critique of medical normalization, pursuing new directions of research that demonstrate the fully interdisciplinary, cross-disciplinary, and transnational relevance of intersex issues.

As these two collections suggest, some of the new work in intersex studies has emerged not only under the auspicious of women's and gender studies, but also in relation to the rise of queer studies. As is well-known, the roots of queer theory can be traced to feminist thinkers such as Gayle Rubin, Eve Sedgwick, and Judith Butler.[39] Though key tensions have emerged between feminist and queer camps during the past

[38] Morgan Holmes, ed., *Critical Intersex*.

[39] Gayle Rubin, "Thinking Sex: Gayle Rubin, "Thinking Sex: Notes for a Radical Theory of the Politics of Sexuality," in *The Lesbian and Gay Studies Reader*, eds., Henry Abelove, Michele Aina Barale, and David M. Halperin (New York: Roultedge, 1993), 3-44; Eve Kosofsky Sedgwick, *Epistemology of the Closet* (Berkeley: University of California Press, 1991); and Butler, *Gender Trouble*.

two decades,[40] much of the scholarship in intersex studies challenges this split, refusing the simple bifurcations of "queer" from "feminist" and gender from sexuality as theoretical domains and categories of analysis.

In recent years, the overlapping concerns of feminist and queer studies have generated an interest in diverse forms of sexual and gendered being, doing, and knowing, helping to promote discussions of the connections between transgender and intersex studies.[41] While transgender and intersex studies are sometimes grouped together as academic rubrics (presumably because both denote so-called atypical forms of embodiment and identification), it is important to note here that, in contemporary scholarship and popular culture, intersex is often wrongly conflated with transgender and transsexuality. Though all these terms are contested, transgender is generally taken to refer to persons who alter their gender presentation in some way, whereas transsexuality is said to denote persons who alter their anatomical sex via surgical means.[42] Intersex, by contrast, has been used interchangeably with and then in place of "hermaphroditism" since the early twentieth century to refer to people born with "nonstandard" anatomies.

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[40] See, for instance, Biddy Martin, "Sexualities without Genders and Other Queer Utopias," *Diacritics* 24.2/3 (Summer-Autumn 1994): 104-121; and Janet Halley, *Split Decisions: How and Why to Take a Break from Feminism* (Durham: Duke University Press, 2006).

[41] See Paisley Currah, Richard M. Juang, and Shannon Price Minter, "Introduction," in Paisley Currah, Richard M. Juang, and Shannon Price Minter, ed., *Transgender Rights* (Minneapolis: University of Minnesota Press, 2006), xii-xxiv; Susan Stryker, "(De)Subjugated Knowledges: An Introduction to Transgender Studies," in *The Transgender Studies Reader*, eds., Susan Stryker and and Stephen Whittle (New York: Routledge, 2006), 1-18; and David Valentine, *Imagining Transgender: An Ethnography of a Category* (Durham: Duke University Press, 2007.

[42] See Kate Bornstein, *Gender Outlaw: On Men, Women, and the Rest of Us* (New York: Vintage, 1995); Pat Califia, *Sex Changes: The Politics of Transgenderism* (San Francisco: Cleis Press, 1997); and Judith Halberstam, *In a Queer Time and Place: Transgender Bodies, Subcultural Lives* (Durham: Duke University Press, 2005).

These distinctions are important because they articulate different modes of identity formation, different political communities, and different configurations of subjectivity and embodiment. Intersex and transgender communities also have different relations to, investments in, and critiques of the institution of biomedicine. As such, it is crucial to neither collapse their differences nor ignore their unique particularities. At the same time, due to the historical connections between the medicalization of intersex bodies and the medicalization of trans- bodies, it is important to interrogate the ways in which trans- issues converge and diverge with intersex issues.[43]

IV. Terminologies and Theoretical Frameworks

Before further detailing my primary arguments in this dissertation, I would like to briefly address several terminological issues, issues which connect to the theoretical frameworks this dissertation adopts to address its subject matter. In this dissertation I use the terms *intersex*, *people with intersex*, and *intersex people*. I use the term *intersex* when discussing how a diverse collection of non-standard anatomical configurations came to be grouped together as a single concept. Many usages of the term frame intersex as an object, not as a characteristic of a person, and its unmodified usage has been critiqued by some intersex theorists and activists for its objectifying implications.[44] However, I still use the term unmodified when I find it necessary to foreground the conceptual work intersex does in biomedical, activist, and women's and gender studies discourses. In certain contexts I also use the term *people with intersex*, which highlights the personhood

[43] For a brief discussion of these connections, see Joanne Meyerowitz, *How Sex Changed: A History of Transsexuality in the United States* (Cambridge: Harvard University Press, 2002), 114-146.

[44] Emi Koyama and Lisa Weasel, "From Social Construction to Social Justice: Transforming How We Teach about Intersexuality," *Women's Studies Quarterly* 30.3-4 (Fall 2002): 169-178.

of individuals affected by intersex conditions. The semantic logic of *people with intersex* privileges the universality of human subjectivity over the particularity of intersex embodiment and identification. While I appreciate the universalizing political import of this term, I also recognize its potential for cooptation by liberal humanist ideologies. Finally, I also deploy the term *intersex people* in some contexts. *Intersex people*, in contrast with *people with intersex*, frames intersexuality as a modifier of personhood, as a unique form of human difference. Some scholars and activists have critiqued this term because it seems to suggest that intersexuality makes an individual "less human," while others have argued that the term highlights the ways in which intersexuality shifts the terms of subjectivity to mark important differences in what it means to be human. Like any name for an irreducibly heterogeneous grouping of subjects who nevertheless share some common experiences, identifications, concerns, and histories, all three terms have their advantages and limitations. I use these terms in this dissertation, attempting to attend to both their promises and their inadequacies, because the texts and discourses I analyze use those terms.

A second point about terminology I wish to make here has to do with the polysemy of intersex. Because the term *intersex* means different things in different contexts, attending to these differences requires an analysis of how the meaning of intersex changes as it travels between medical, social, intellectual, cultural, and political domains. Tracking the term's usage in medical contexts, Katrina Karkazis observes that

> Intersex is a catchall category that encompasses dozens of medical diagnoses, but the defining feature is that intersex bodies in some way violate the commonly understood biological differences between males

> and females. Intersexuality does not represent a point of pure liminality between the sexes. The category intersex relies on the very categories of the medicalization of sex, and it is meant to cover a range of disparate diagnoses and biologically diverse individuals. But the breadth of human physical variance is far more complex than the category allows for.[45]

As Karkazis suggests, struggles over terminology mark a gap between "the breadth of human physical variance" and a language inadequate to name it. Just as hermaphroditism was rejected in favor of intersex over the course of the twentieth century, so too, almost two decades after the adoption of intersex as a term within the context of activism and scholarship critical of the surgical model, there is now a strong pressure to replace intersex with another term, DSD. As Karkazis explains, in the late twentieth century crucial tensions emerged between the ways medical practitioners, on the one hand, and some affected persons, parents, activists, and their allies, on the other hand, came to understand the meaning of intersex.

> The term *intersex* is used by…clinicians, but not by all parents or affected persons. Part of the debate concerns precisely what conditions or types of body count as intersex. Some people consider the label *intersex* as central to their sense of self; for others it holds no personal relevance, and yet others see it as incorrect and deeply offensive…Although some…have recently begun using the phrase *disorders of sex development* (DSD) in an effort to lessen the stigma tied to *intersex*, my sense is that this term, though in some ways less culturally loaded than *intersex*, still leaves

[45] Karkazis, *Fixing Sex*, 9.

> intersexuality fully medicalized and construes gender difference as a disorder requiring treatment. (emphasis in original, 18)

Agreeing with Karkazis's suggestion that the rubric of DSD "still leaves intersexuality fully medicalized and construes gender difference as a disorder requiring treatment," I argue in the Conclusion to this dissertation that the DSD nomenclature can be understood as an attempt to control and to obscure the polysemy and polyvalence of intersex.

The problem of intersex as a contested term exposes the main theoretical and conceptual knots this dissertation attempts to unravel. What is the relation between intersex and other categories of difference and power such as gender, sex, and sexuality? How does intersex disrupt dominant binary understandings of human morphology and embodiment? How does biopower shape the medicalization of intersex as well as activist critiques of medicalization? How might an attention to gender and biopower enable intersex studies to expand its analytic frames beyond the field's predominant concern with stigma and trauma?

My dissertation draws on a number of frameworks to unravel these theoretical knots. I utilize feminist analyses of the history of science and critiques of sexism, masculinism, and the asymmetrical construction of inequalities based on gender and other categories of difference and power to situate debates about intersexuality in terms of their social and cultural contexts. In particular, I draw upon feminist science studies scholars such as Kessler and Fausto-Sterling to dwell upon the logics of gender regulation at stake in the medicalization of intersexuality as well as the uncertainties that a feminist engagement with intersexuality uncovers regarding the unstable meanings of sex, gender, and sexuality.

I also bring Eve Sedgwick's analysis of minoritarian versus majoritarian approaches to (homo)sexuality to bear on intersexuality.[46] A minoritizing view suggests that intersexuality is an active issue of importance only for a relatively small portion of the population; by contrast, a universalizing or majoritarian view maintains that sexed and gendered norms are, to borrow Sedgwick's formulation, an "unpredictably powerful solvent of stable identities" (85) and that intersexuality "is an issue of continuing, determinative importance in the lives of people across the spectrum of sexualities," sexes, and genders (1). Adopting a majoritarian perspective helps me to argue that issues of intersexuality hold relevance not merely for a small subset of the population, but rather for all subjects whose experiences are shaped by sex and gender.

Likewise, I also draw upon queer critiques of heteronormativity to think critically about the ways in which the medical regulation of intersexuality upholds social formations which privilege not only heterosexual family forms but also various dualisms (including homo/hetero, male/female, white/nonwhite, developed/underdeveloped, mind/body, and normal/abnormal) which saturate and structure neoliberal cultural politics in the age of globalization.[47] Finally, I also follow critical and cultural theorists of

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[46] Sedgwick, *Epistemology of the Closet*, 1-66

[47] See Lauren Berlant and Michael Warner, "What Does Queer Theory Teach Us about X?" *PMLA* 110.3 (1995): 343-349; Berlant and Warner, "Sex in Public," *Critical Inquiry* 24.2 (1998): 547-566; Michael Warner, "Introduction," in *Fear of a Queer Planet: Queer Politics and Social Theory*, ed., Michael Warner, (Minneapolis: University of Minnesota Press, 1993), vii-xxxi; Warner, *The Trouble with Normal* (New York: The Free Press, 1999); Janet R. Jacobson, "Queer Is? Queer Does? Normativity and the Problem of Resistance," *GLQ* 4.4 (1998): 511-536; Ann Cvetkovich, *An Archive of Feelings: Trauma, Sexuality, and Lesbian Public Cultures* (Durham: Duke Universitty Press, 2003); Roderick Ferguson, *Aberrations in Black: Toward a Queer of Color Critique* (Minneapolis: University of Minnesota Press, 2003); Lisa Duggan, *The Twilight of Equality? Neoliberalism, Cultural Politics, and the Attack on Democracy* (Boston:

intersex such as Sumi Colligan, Morgan Holmes, and Jennifer Germon who have used what has become known as the social model of disability to foreground the ways in which medical institutions and practices actively work to construct intersexuality in terms of pathology.[48] As Rosemarie Garland-Thomson argues in *Extraordinary Bodies: Figuring Physical Disability in American Culture and Literature*, "the meanings attributed to extraordinary bodies reside not in inherent physical flaws, but in social relationships in which one group is legitimated by possessing valued physical characteristics and maintains its self-ascendancy and its self-identity by systematically imposing the role of cultural or corporeal inferiority on others."[49] Disability studies approaches, including Garland-Thomson's work on the normate, freakery, and staring, Lennard J. Davis's analysis of normalcy, and Robert McRuer's account of the mutually constitutive relationship between compulsory heterosexuality and compulsory able-bodiedness, offer different yet overlapping analytic perspectives that reveal conceptions of nonnormative embodiment and personhood to be culturally particular and variable.[50]

Beacon Press, 2003); and Lee Edelman, *No Future: Queer Theory and the Death Drive* (Durham: Duke University Press, 2004).

[48] Colligan, "Why the Intersexed Shouldn't Be Fixed;" Morgan Holmes, "Mind the Gaps: Intersex and (Re-Productive) Spaces in Disability Studies and Bioethics," *Bioethical Inquiry* 5.203 (2008): 169-181; and Jennifer Germon, *Gender: A Genealogy of an Idea* (New York: Palgrave Macmilllan, 2009).

[49] Rosemarie Garland-Thomson, *Extraordinary Bodies: Figuring Physical Disability in American Culture and Literature* (New York: Columbia University Press, 1997).

[50] Garland-Thomson, *Extraordinary Bodies*, 8; Garland-Thomson, ed., *Freakery: Cultural Spectacles of the Extraordinary Body* (New York: New York University Press, 1996); Garland-Thomson, *Staring: How We Look* (New York: Oxford University Press, 2009); Lennard J. Davis, *Enforcing Normalcy: Disability, Deafness, and the Body* (London: Verso, 1995), 23; and Robert McRuer, *Crip Theory: Cultural Signs of Queerness and Disability* (New York: New York University Press, 2006), 8.

By bringing together insights from feminist theory, a Sedwickian majoritarian perspective, queer theory, and disability studies, my dissertation seeks to address the various ways in which the meaning of intersexuality has undergone certain key shifts in the twentieth century, shifts that have a great deal to do with gender as a concept, practice, biopolitical technology of normalization, and mode of self- and other-making.

V. Conceptual Architecture

Though this is not a historical dissertation (that is, it does not trace the history of intersex from the earliest myth of Hermaphroditus to the contemporary moment), historical considerations are nevertheless crucial to my project. Even over the course of the short period I cover (from the 1950s to the present, the period which saw the development of the surgical model of intersex management, the emergence of women's studies, the growth of thinking about gender more generally, and the inauguration of the intersex movement), there are significant shifts that radically change the meanings of intersex. For instance, in Chapter 1 I examine the shift in John Money's mid-twentieth century biomedical research from understanding intersexuality as emblematic of the biological instability of sex to understanding intersex as a correctable anatomical pathology. Likewise, in Chapter 3 I trace the shift from early 1990s to recent intersex activist approaches wherein a focus on gender is supplanted by a focus on stigma and trauma, and, as I show in Chapter 4, human rights. And in the Conclusion I analyze and the terminological shift from intersex to DSD. Because the social, political, and cultural forces underlying these historical shifts are a key focus of my dissertation, it is useful to get a sense of a longer view of the history of hermaphroditism and the medicalization of intersex in order to frame the dissertation as a whole. In this section, I specify the

conceptual architecture of my dissertation. In the next section, I examine some key moments within that longer history in light of this conceptual architecture to set the stage for the arguments I forward in the chapters of the dissertation itself.

As I suggested above, what intersex means, for whom, and in what contexts is a topic of ongoing debate. Karkazis contends that "the category *intersex* blurs as soon as one attempts to draw its borders, and this uncertainty itself makes for a component of and a complication in the debates" over its meaning (18-19). Intersexuality is an unstable term, rife with uncertainties and ambiguities, and even a brief sketch of the history of hermaphroditism and the medicalization of intersex demonstrates the term's instability. To apprehend the instability of intersexuality's meaning, I draw upon Jacques Derrida and Judith Butler to think about the linguistic and social structures and processes through which meanings are shaped and changed. I not only utilize their various analyses and reformulations of J.L. Austin's theory of performativity, but also draw upon Butler's work on gender trouble and discursivity, as well as Derrida's philosophical reflections on the trace, supplementarity, and différance.[51]

While the instability of meaning generally is crucial to the story I tell about intersex, it is still important to ground that assertion in the particularity of specific moments in history. I enlist the work of Michel Foucault for precisely such a purpose. Foucault's work attends to the materiality of history's traces as well as the specific

[51] Butler, *Gender Trouble*; Butler, *Bodies that Matter: On the Discursive Limits of "Sex"* (New York: Routledge, 1993); Butler, *Undoing Gender*; J.L. Austin, *How to Do Things with Words*, eds., J. O. Urmson and Marina Sibsa (Cambridge: Harvard University Press, 1975); Jacques Derrida, *Of Grammatology*, trans. Gayatri Chakravorty Spivak (Baltimore: Johns Hopkins University Press, 1974); and Derrida, *Limited Inc.*, trans. Jeffrey Mehlmen and Samuel Weber (Evanston: Northwestern University Press, 1988).

differences between different historical periods.[52] Those differences are not just discursive but also non-discursive—that is, they involve technologies and practices as well as discourses. Foucault's attention to power and the materiality of history's traces (as they are found in the archive) thus enables one to understand the history of medicalization in its discursive and non-discursive richness.

In addition, Foucault's account of the emergence of modern sexual subjects highlights the centrality of processes of normalization to any consideration of bodies and their regulation. For Foucault, normalization is not simply one process among others but rather a set of complicated biopolitical and disciplinary techniques which aim to produce "docile bodies."[53] As is well known, Foucault theorized disciplinary power as pertaining specifically to the regulation of individual bodies, whereas he framed biopower as having to do with the ordering of life and the management of populations. The twin poles of disciplinary power and biopower provide for Foucault a compelling way of arguing that practices of normalization do not merely repress or contain minoritized subjects and desires, but rather actively produce them in a complex force field of multiple, overlapping, yet often contradictory power-knowledge relations.

Foucault's approach to the operations of disciplinary power and biopower in the realm of sexuality generally and hermaphroditism specifically also demonstrates the relevance of Georges Canguilhem's analysis of the political function of norms, which I draw on throughout this dissertation. In *The Normal and the Pathological*, originally

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[52] Foucault, *The History of Sexuality, Vol. 1*; Foucault, *The Order of Things: An Archeology of the Human Sciences* (New York: Routledge, 1989); and Foucault, *History of Madness* (New York: Routledge, 2006).
[53] Michel Foucault, *Discipline and Punish: The Birth of the Prison*, trans. Alan Sheridan (New York: Penguin, 1977).

published in 1966, Canguilhem argues that the concepts of the normal and the pathological cannot be interpreted in a straightforward positivist and empirical manner.[54] According to Canguilhem,

> It is the abnormal which arouses theoretical interest in the normal. Norms are recognized as such only when they are broken. Functions are revealed only when they fail. (208-209)

Canguilhem suggests that the normal and the abnormal are not, strictly speaking, opposed but rather interdependent categorical evaluations. Rather than being a pure statistical mean, the normal is defined against and in relation to the pathological in and through value determinations that carry with them specific political, economic, and technological imperatives. Questioning the notion that the normal/abnormal distinction refers to objective aspects of human biology, Canguilhem uses case studies from the history of science in France to trace the formation and naturalization of the normal/abnormal distinction. From this he concludes that neither health nor disease constitute fixed, unchanging states; instead, Canguilhem conceptualizes health and disease as variable cultural constructs. By framing norms as political, Canguilhem enables us to appreciate both the non-naturalness and the cultural contingency of normalizing processes.

By weaving together a conceptual architecture that draws on strands of Butler, Derrida, Foucault, and Canguilhem, my dissertation seeks, at its broadest, to build on their critiques of the scientific/rationalist desire to form clear and distinct ideas about things in order to make stable truth claims. Their theories help me to meditate upon the discursive and non-discursive struggles that take place over intersex as a site of

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[54] Georges Canguilhem, *The Normal and the Pathological*, trans. Carolyn R. Fawcett (London: Zone Books, 1991).

uncertainty and ambiguity—a site where the messiness of things and the words that name them is revealed. However, I recognize that this dissertation's Derridean focus on the instability of meaning and its Foucauldian focus on a genealogical approach to history produces a certain tension. That tension comes out in Butler's reading of Foucault's "Introduction" to the journals of Herculine Barbin in *Gender Trouble*, which I explore in Chapter 2. (In the historical section below, I also include Barbin in a discussion of what Foucault brings to my genealogical and conceptual frame). As Gayatri Spivak has argued since the early 1990s,[55] there is a tendency in the humanities and social sciences to reduce the differences and tensions between Derridean and Foucauldian approaches to an overplayed caricature: a poststructuralist showdown between structure and history, synchrony and diachrony, deconstruction and genealogy. Rather than playing into these theory turf wars, "choosing sides," or attempting to bring the tensions between Derrida and Foucault into dialectical resolution (a move which would go against the intellectual spirit of both Derrida and Foucault), my dissertation seeks to mobilize elements of both Foucauldian and Derridean approaches to tell a more complex story about the history and meaning of intersex. In short, I pursue both genealogies and close readings, and their threads are deeply interwoven.[56]

VI. The History of Hermaphroditism and the Medicalization of Intersex

A certain history of hermaphroditism/intersex can be read within the conceptual architecture specified in the previous section to show that the meaning of intersex is

[55] Gayatri Chakravorty Spivak, *Outside in the Teaching Machine* (New York: Routledge, 1993).

[56] Some might argue that this implicitly places me on the side of Derrida, though I would kindly reject this reading on the following grounds: first, it reiterates the very opposition I wish to question; and second, it ignores the way my project uses a genealogical approach to historicize the exclusions, foreclosures, and forms of normalization entailed by such oppositional modes of thinking.

historically and culturally unstable. To demonstrate this instability, I now turn to four particular key historical moments (the ancient myth of Hermaphroditus, the Renaissance, Foucault's analysis of hermaphroditism in the seventeenth through the nineteenth centuries, and modern twentieth century medicalization). These four moments enable me to read the history of hermaphroditism as the story of a struggle between the discursive destabilization of meanings, on the one hand, and a scientific attempt to pin meanings down, on the other. This approach foregrounds one of the central arguments I make in this dissertation, an argument which forms the implicit foundation of my reading of Money in Chapter 1, emerges explicitly in Chapter 2, and is carried forward in Chapters 3 and 4: that a critical attention to intersexuality's relation to gender allows us to explore, preserve, and utilize the uncertainties and ambiguities of embodied differences as political and intellectual resources.

References to intersex, or "hermaphroditism" as it was largely known until the early twentieth century, can be found in history as far back as ancient Greece.[57] Book IV of Ovid's *Metamorphoses* recounts the tale of Hermaphroditus, son of the Olympian god of speed, travel, and boundary-crossing, Hermes, and the Goddess of beauty and form, Aphrodite. Regarded by some classicists as a retelling of the Narcissus myth, the myth of Hermaphroditus can also be understood as an allegory about sexual difference, desire, divine law, the relation between self and other, and radical alterity.[58]

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[57] Joan Cadden, *Meanings of Sex Difference in the Middle Ages: Medicine, Science, and Culture* (New York: Cambridge University Press, 1993); and Daston and Park. "The Hermaphrodite and the Orders of Nature."

[58] Leonard Barkan, *The Gods Made Flesh: Metamorphosis and the Pursuit of Paganism* (New Haven: Yale University Press, 1986); and James Stone, "The Mirror of Hermaphroditus," *Style* 36.1 (Spring 2002): 169-185.

The story, in brief, goes something like this. At the age of 15, Hermaphroditus, a particularly handsome and self-absorbed young man, was walking by a lake when the nymph of the lake, Salmacis, fell in love with him. She made advances which Hermaphroditus rebuffed. Thinking Salmacis had left him alone, Hermaphroditus was attracted by the clear water and dove into the lake. Salmacis was secretly hiding nearby, spying on Hermaphroditus, and when she could no longer contain her desire, moved to embrace him. Hermaphroditus struggled to get away. Salmacis then prayed to the gods that they should never be separated, and the gods granted this wish in a particularly strange—perhaps even queer—fashion:

> They grew one body, one face, one pair of arms
> And legs, as one might graft branches upon
> A tree, so two became nor boy nor girl,
> Neither yet both within a single body.[59]

According to James Stone's reading of the myth, "it is ambiguous whether the hermaphroditic mixing of male and female creates a one or a none, a union or a dissolution, a blessing or a curse" (182). Figuring the morphological breakdown of the boundaries between male and female, form and matter, and self and other, Ovid's text implies that these boundaries, over-determined as they are by history, culture, and language, are nevertheless not absolute.

As a boundary-crossing figure, hermaphroditism has long been a source of cultural anxieties, stigma, and fascination in Western and some non-Western cultures.[60] According to Thomas Laqueur, Renaissance medical texts reveal some of the ways in

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[59] Ovid, *Metamorphoses*, trans. David Raeburn (New York: Penguin, 2004), 122.

[60] See Holmes, ed., *Critical Intersex.*

which social and cultural discourses have shaped scientific classifications not only of hermaphroditism, but also of sex more generally.[61] Laqueur argues that the expansion of the sciences during the Enlightenment brought about a shift in European culture from what he calls a "one-sex" to a "two-sex" model. Laqueur positions the historical development of the one-sex model in the long stretch from ancient Greece to seventeenth century Europe just before the dawn of the Age of Reason, and finds the two-sex model developing from the birth of Enlightened humanism in the heyday of imperialism through to more or less the late-capitalist, postmodern present. The one-sex model, "in which men and women were arrayed according to their degree of metaphysical perfection, their vital heat, along an axis whose telos was male, gave way by the late eighteenth century to a model of radical dimorphism, of biological divergence. An anatomy and physiology of incommensurability replaced a metaphysics of hierarchy in the representation of women in relation to man" (5-6). Within this anatomy and physiology of incommensurability, late eighteenth and early nineteenth century physicians largely understood hermaphroditism not as a radical challenge to the dimorphic model, but rather as a *natural* aberration which could be explained by science. The exception thus gave birth to the rule.

According to Foucault's lectures at the Collège de France from 1974-75, *Abnormal*, hermaphroditism played a crucial role in the formation of modern juridical and medico-scientific conceptions of the normal/abnormal distinction.[62] In *Abnormal*,

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[61] Thomas Laqueur, *Making Sex: Body and Gender from the Greeks to Freud* (Cambridge: Harvard University Press, 1992), 135.

[62] Michel Foucault, "22 January 1975," in *Abnormal: Lectures at the Collège de France, 1974-1975*, trans., Graham Burchell (Picador, 2004), 55-81.

Foucault analyzes three figures "in which the problem of abnormality is gradually posed" from the medieval period to the nineteenth century: the "human monster," the "individual to be corrected," and the "masturbator" (55-59). In his "22 January 1975" lecture, Foucault locates hermaphroditism as a transition point between first two categories, following Canguilhem's suggestion that the normal/abnormal distinction in European medicine and law cannot be understood critically without paying close attention to the history of teratology, the study of "monstrosities." Teratology takes on a special importance in Foucault's genealogy of abnormality because the figure of the human monster represents the crossing or "mixing" of domains that were thought to be naturally separate.

Foucault pinpoints a case known as "the Rouen hermaphrodite," from 1614-1615, as a key genealogical moment in the medicalization not only of hermaphroditism, but also sexuality more generally. This case concerned

> someone who was baptized as Marie Lemarcis and who gradually became a man, wore men's cloths, and married a widow who was already the mother of three children. There was a denunciation. Marie Lemarcis, who had taken the name of Martin Lemarcis, came before the court and the first judges called for a medical examination by a doctor, an apothecary, and two surgeons. They found no sign of virility. Marie Lemarcis was sentenced to be hung, burned, and her ashes scattered in the wind. His wife, or the woman who lived with him or her, was sentenced to witness the execution of her husband and to be thrashed at the town's crossroads. (68)

When the judges consulted physicians for their expert opinion, one doctor, Duval, presented what Foucault calls "the very first rudiments of a clinical approach to sexuality" (68-69). Duval's examination of Lemarcis, Foucault argues, represents "the first medial text in which the sexual organization of the human body is not given in its general form but rather in clinical detail and with regard to a particular case" (69). The significance of Duval's examination for Foucault lies not only in Duval's individualization of the human body, but also in what Foucault calls the "juridico-natural" conception of the subject that Duval's examination exemplifies. Later case studies, such as those of the seventeenth century French physician and teratologist Riolan continued to describe hermaphroditism as an *unnatural* aberration and as quintessentially monstrous. According to Foucault, for both Duval and Riolan, "the hermaphrodite is a monster because he/she is counter to the order and general rule of nature that has divided humankind into two: male and female" (71).

By the late eighteenth century, however, Foucault locates a genealogical point of rupture wherein the emergent medical discourse on sexuality undergoes an epistemic shift. In place of framing hermaphroditism as an unnatural "mixture" of the sexes and in terms of a juridico-natural model, the medical discourse on sexuality begins to posit any notion of such mixture as an impossibility. What emerges in place of that juridico-natural model, Foucault tells us, is a *juridico-moral* model which understands hermaphrodites in terms of their abnormality. To illustrate this shift, Foucault examines the case of Anne Grandjean, from 1765, who was baptized as a girl, but at puberty discovered an attraction to young girls, "decided to wear boy's clothes, move to another town, and settle in Lyon, where she married someone called Francoise Lambert" (71).

> After being exposed, she was brought before the courts. She was seen by the surgeon who concluded that she was a woman and could be tried since she had lived with another woman. She had, then, used the sex that was not dominant in her, and the first judges sentenced her to the pillory with this inscription: "She profaned the marriage sacrament." The pillory, whip, and cane. In this case, too, there was an appeal before the Dauphine court. Her case was dismissed, that is to say, she was released, with the requirement that she wear women's clothes and that she associate with neither Francoise Lambert nor any other woman. (71-72)

In this case, unlike that of the "Rouen hermaphrodite," hermaphroditism was no longer conceived as the ontological transgression of nature but rather as the occurrence of abnormality. Instead of framing hermaphroditism as a "mixture of the sexes," the Grandjean case defined hermaphroditism in terms of dominant and subordinate female versus male sexual characteristics (Grandjean was medically and juridically certified as a "woman," despite her so-called sexual irregularity), such that "monstrosity as the mix of sexes, as the transgression of everything that separates one sex from another, disappears" with the Grandjean case (72). Due to this disappearance, "monstrosity is no longer the undue mixture of what should be separated by nature. It is simply an irregularity, a slight deviation, but one that makes possible something that will really be a monstrosity, that is to say, the monstrosity of character" (73). Foucault concludes that the Grandjean case prefigures the beginnings of a new phase in the medicalization of sexuality, a process that combines "the monstrous individual and the sexual deviant" into one figure, a figure whose last installment Foucault locates in the discourse of the masturbator in the

Victorian era (55). This shift, Foucault contends, makes evident "a change that is, so to speak, the atonomization of a moral monstrosity, of a monstrosity of behavior that transposes the old category of the monster from the domain of somatic and natural disorder to the domain of pure and simple criminality" (76). In the shift from the juridico-natural to the juridico-moral model, the discourse of scientific naturalism is supplanted by the modern normal/abnormal distinction.

Read in the light of *Abnormal*, Foucault's 1980 "Introduction" to the memoirs of nineteenth century French hermaphrodite Herculine Barbin both extends and reframes his approach to historical shifts in sexuality's political function.[63] In this text, which I explore in greater detail in Chapter 2, Foucault explores the genealogy of hermaphroditism as a question of the link between the deployment of sexuality and regimes of truth, asking, as he also does in a slightly different way in *The History of Sexuality, Volume One*, how modern medico-psychiatric and juridical regimes of power/knowledge made sexuality into an object of biopower.[64]

All three stories about hermaphroditism that Foucault analyzes (Rouen, Grandjean, and Barbin) tell the story in relation to the question of sexual relations. All three demonstrate that hermaphroditism as it is constructed in the West is inextricably connected to questions of sexual relations. Beyond the Grandjean case (i.e., the late nineteenth and early twentieth century), Foucault famously describes a shift in power away from the juridical and toward what he calls biopower. As I noted above, biopower is connected with modern medicalization and has to do with the ordering of life and the

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[63] Michel Foucault, *Herculine Barbin: Being the Recently Discovered Memoirs of a Nineteenth-Century French Hermaphrodite* (New York: Pantheon, 1980).

[64] See Foucault, *The History of Sexuality, Vol. 1*.

management of populations. If Foucault helps us to understand important shifts that proliferate the meanings of hermaphroditism (from the juridico-natural to the juridico-moral), it's also important to follow him away from the juridical in order to frame an examination of human rights discourse (which I pursue in Chapter 4) and the DSD nomenclature (which I take up in the Conclusion). While the language of human rights has helped intersex activists to take a stand against practices of medical normalization, the limitations of the human rights approach have not received as much attention as they deserve. Within women's and gender studies, human rights discourse has been critiqued for its complicity with Western universalism and imperialism, neoliberalism, and US-exceptionalism.[65] The problem with human rights discourse is not only the liberal humanism that undergirds it, but also, from a Foucauldian perspective, the ways in which human rights arguments target a potentially outmoded, less relevant mode of power (juridical) in a time of the diffusion of power through governmentality and biopower. In other words, the turn to human rights may obscure other forms of power that inform the medicalization of people with intersex, forms of power that operate through practices of gender normalization in the name of the management of populations.

In this way and others, Foucault thus helps me to argue that sexuality and gender are deeply intertwined with historical shifts in the meaning of intersexuality. This point is essential to my project because, as I argue in Chapter 3, contra Cheryl Chase's later work and the recent work of other intersex scholars and activists, gender—by which I mean not only social roles but also the complex web of sex, sexuality, desire, and power that forms

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[65] See Inderpal Grewal, *Transnational America: Feminisms, Diasporas, Neoliberalisms* (Durham: Duke University Press, 2005); and Jasbir K. Puar, *Terrorist Assemblages: Homonationalism in Queer Times* (Durham: Duke University Press, 2007).

the basis of modern subjectivity—does matter to intersex. Foucault demonstrates that we can't simply leap outside of history by declaring intersex to be only about stigma and trauma and not about gender. Even in biopower, gender remains important. Gender's centrality to intersex is one reason why women's studies is so crucial as a frame for understanding what is happening now in the context of this longer history.

The centrality of gender and sexuality to the modern medicalization of intersexuality can also be seen by examining the history of the term *intersex* itself. According to Vernon A. Rosario, the term *intersex* was first used by late nineteenth century sexologists to refer to the phenomenon of "psychosexual hermaphroditism" or "sexual inversion."[66] British sexologist Havelock Ellis's 1897 monograph *Sexual Inversion* queried the basis of "intersexual love," a term he used to denote same-sex desire.[67] American psychologist G. Stanley Hall's 1904 research investigated "intersexual attraction" between adolescent boys.[68] In 1908, Xavier Mayne (a pseudonym used by Edward I. P. Stevenson) published a defense of same-sex desire on biological grounds entitled *The Intersexes: A History of Similisexualism as a Problem in Social Life*.[69] In these works, "intersexuality" referred more or less to "homosexuality," a term which entered sexology through the work of nineteenth-century sexologist Richard von Krafft-

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[66] Vernon A. Rosario, "The History of Aphallia and the Intersexual Challenge to Sex/Gender," in *A Companion to Lesbian, Gay, Bisexual, Transgender, and Queer Studies*, eds., George E. Haggerty and Molly McGarry (London: Blackwell Press, 2007), 262-281.

[67] Havelock Ellis, *Sexual Inversion* (London: University Press, 1897).

[68] G. Stanley Hall, *Adolescence; Its Psychology and Its Relations to Physiology, Anthropology, Sociology, Sex, Crime, Religion and Education* (New York: D. Appleton and Company, 1904): 1:223.

[69] Xavier Mayne, (pseudonym of Edward I. P. Stevenson), *The Intersexes: A History of Similisexualism as a Problem in Social Life* (1908, reprinted New York: Arno, 1975).

Ebing, who had most likely borrowed the term from Gustav Jager.[70] Insofar as the term "intersex" was used at the end of the nineteenth century to refer to "same-sex desire," the term began its career as a signifier of sexual deviance.

However, another shift in intersexuality's meaning occurred at the start of the twentieth century. "The first use of the term 'intersexual' to denote diverse forms of anatomical ambiguity or atypicality," Rosario specifies, "was in 1917 by Richard Goldschmidt in an article on the endocrinology of hermaphroditism" (266).[71] Goldschmidt, a geneticist, inaugurated a renewed interest in Western sexology in anatomical abnormality. Through his work and the work of others scientists working on the genetic, chromosomal, and hormonal aspects of human biology, this interest became linked with a resurgent discourse of biological naturalism. At the precise moment Goldschmidt inaugurated a renewed interest in anatomical anomaly, it is worth noting, European and American sexologists were engaged in transnational efforts to flesh out the distinction between "sexuality" (sexual orientation), on the one hand, and "sex" (reproductive anatomy), on the other, as part of a larger project aimed at shoring up the epistemological foundations of the eugenic sciences.[72] However, at least two significant continuities ran through the shift in intersexuality's meaning. First, while intersexuality's

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[70] Richard von Krafft-Ebing, *Psychopathia Sexualis* (General Books LLC, 2009); Jean-Claude Feray and Manfred Herzer, "Homosexual Studies and Politics in the 19th Century: Karl Maria Kertbeny," *Journal of Homosexuality* 19.1 (1990): 23-48.

[71] Richard Goldschmidt, "Intersexuality and the Endocrine Aspect of Sex," *Endocrinology* 1 (1917): 433-456.

[72] See Alys Eve Weinbaum, *Wayward Reproductions: Genealogies of Race and Nation in Transatlantic Modern Thought* (Durham: Duke University Press, 2004); Wendy Kline, *Building a Better Race: Gender, Sexuality, and Eugenics from the Turn of the Century to the Baby Boom* (Berkeley: University of California Press, 2001); and Ladelle McWhorter, *Racism and Sexual Oppression in Anglo-America: A Genealogy* (Bloomington: Indiana University Press, 2009).

referent changed, the term remained caught within a scientific project organized around distinguishing the normal from the abnormal human subject. Second, just as scientists used the "sexual invert" to shore up heteronormative notions of "normal" sexuality, so too did scientists use the intersexual to stabilize the dominant scientific conception of "natural" sexual dimorphism. As I show in Chapter 1, in the research that John Money began as a graduate student at Harvard in the 1950s and then as a practicing psychoendocrinologist at Johns Hopkins University in subsequent years, the definition of intersex as an anatomical anomaly became linked explicitly with sex development and normative gender role and identity.[73] There I argue that intersex constitutes one of the under- and un-interrogated "origins" of what people today think of as gender.

VII. Intersex as Gender

Building upon the history and literature discussed above, my argument in this dissertation holds that the meaning of intersex hinges on and takes shape in relation to dominant discourses about the nature and meaning of sex, gender, and sexuality. In the early to mid-twentieth century medical experts began using the term "intersex" interchangeably with and then in place of "hermaphroditism" to classify individuals born with a variety of atypical congenital, gonadal, chromosomal, hormonal, and internal and external morphogenic "conditions"—and I put that term in quotation marks to mark its status as a biomedical construction—which were said to make it difficult to determine said individuals' true sex. According to Foucault, the notion that each person possesses a "true sex" has been pivotal to the disciplinary production of the modern subject.[74] In a

[73] John Money, "Hermaproditism, gender and precocity in hyperadrenocorticism: Psychologic findings," *Bulletin of the Johns Hopkins Hospital* 96 (1955): 253-64.

[74] Foucault, *The History of Sexuality, Vol. 1*.

frequently cited passage from the English translation of the first volume of *The History of Sexuality*, Foucault argues that

> the notion of "sex" made it possible to group together, in an artificial unity, anatomical elements, biological functions, conducts, sensations, and pleasures, and it enabled one to make use of this fictitious unity as a causal principle, an omnipresent meaning: sex was thus able to function as a unique signifier and as a universal signified. (154)

Reading the above passage, Judith Butler suggests in *Gender Trouble* that,

> for Foucault, the body is not "sexed" in any significant sense prior to its determination within a discourse through which it becomes invested with an "idea" of natural or essential sex. The body gains meaning within discourse only in the context of power relations. Sexuality is an historically specific organization of power, discourse, bodies, and affectivity. As such, sexuality is understood by Foucault to produce "sex" as an artificial concept which effectively extends and disguises the power relations responsible for its genesis.[75]

Butler does not suggest that sex is simply a product of language or discourse, but rather that the category sex becomes meaningful in and through a discursive framework which effaces its own historicity and artificiality. This does not mean that sex is immaterial; it only means that the materiality of sex takes shape, in part, in and through cultural and discursive practices. Butler's reading frames "sex" as an ideological backformation or retroactive effect of what Foucault calls the deployment of sexuality, which Butler

[75] Butler, *Gender Trouble*, 117.

retheorizes in terms of the cultural logic of binary gender. Butler thus uses Foucault to argue that cultural gender precedes, produces, and undoes the "fictitious unity" of biological sex.[76]

Butler's work has been tremendously influential in bringing "French poststructuralism" to bear on "American feminist theory," but critics have perhaps paid less attention to ways in which *Gender Trouble* participates in what we might call the Americanization of Foucault. In her 2010 monograph *Mad for Foucault: Rethinking the Foundations of Queer Theory* Lynne Huffer suggests that it is crucial to attend to the linguistic specificity of Foucault's argument in the first volume of *The History of Sexuality*.[77] In the original French version of the above passage from *Volume One,* Foucault uses the term *le sexe*. Huffer contends that the rendering of Foucault's *le sexe* into the English, and specifically American rubric of "sex" raises "a problem of translation" (47).

> As its linguistic ambiguity in French suggests, the "dense transfer point of power" Foucault calls *le sexe* includes within it all the meanings English

[76] Though some critics have charged Butler with failing to attend to the materiality of sexed bodies, many of these critiques rely upon frameworks that reinstate oppositions between sex and gender, nature and culture, and materiality and discourse—the very binaries Butler's work seeks to disarm and displace. See, for instance, Jay Prosser, *Second Skins* (New York: Columbia University Press, 1998); Ellen Jean Samuels, "Critical Divides: Judith Butler's Body Theory and the Question of Disability," *NWSA Journal* 14.3 (2002): 58-76; Fiona Webster, "The Politics of Sex and Gender: Benhabib and Butler Debate Subjectivity," *Hypatia* 15.1 (2000): 1-22; Jordana Rosenberg, "Butler's 'Lesbian Phallus'; or, What Can Deconstruction Feel?" *GLQ* 9/3 (2003): 393-414; and Pheng Cheah, "Mattering," *Diacritics* 26.1 (1996): 108-139. Butler has responded to some of these critiques in various publications, including *Bodies that Matter* and *Undoing Gender*.

[77] Lynne Huffer, *Mad for Foucault: Rethinking the Foundations of Queer Theory* (New York: Columbia University Press, 2010), 47.

> speakers differentiate into sex-as-organs, sex-as-biological-reproduction, sex-as-individual-gender-roles, sex-as-gendered-group-affiliation, sex-as-erotic-acts, and sex-as-lust. And if *le sexe* is produced by the dispositif of sexuality, this hardly means it supersedes or reverses the primacy of gender, as many queer theorists would like to claim. Sex, sexuality, and gender are inseparable and coextensive. (47)

Challenging queer accounts that privilege sexuality above gender, as well as feminist accounts that privilege gender above sexuality, Huffer usefully troubles the queer/feminist split, reading sex, sexuality, and gender as mutually constitutive categories.

Drawing upon Huffer's intervention, my dissertation seeks to hone in on the specific historical relationship between intersexuality, the sex/gender distinction, and sexuality. Theorizing as intersexuality an effect of "institutions, practices, [and] discourses with multiple and diffuse points of origin,"[78] I want to put pressure on the presumptions that leave the sex/gender, sex/sexuality, and sexuality/gender distinctions uninterrogated in order to inaugurate a queer feminist critique of the ways in which these distinctions regulate social and corporeal life. If gender, sex, and sexuality—understood here as ideological and historical categories and aggregates of social formations, technologies of selfhood and otherness, and performative practices—have been central to the administration of disciplinary power and biopower in modernity, then can the medical and social management of people with intersex in the twentieth and twenty-first centuries

[78] Butler, *Gender Trouble*, xxix.

be conceptualized as crucial to the working out and ongoing biopolitical regulation of dominant binary configurations of sex, gender, and sexuality?

VIII. Intersex Activism as a Site of Knowledge Production

To address this question, I not only turn to the history of biomedicine (Chapter 1) and women's and gender studies scholarship on intersex and sex and gender (Chapters 1 and 2), but also to the history and discourses of intersex activism (Chapters 3 and 4). Current interest in intersex beyond the purview of the medical and scientific professions would not have been possible without the efforts of one organization in particular, the Intersex Society of North America, whose history and activities underwrite the focus of my activist analysis. Founded in 1993, ISNA was the first organization dedicated explicitly to transforming the "standards of care" that have been applied for roughly the last half-century in the medical management of intersex. Disbanded in July of 2008, ISNA worked for a decade and a half to end unnecessary infant genital surgeries. The organization also helped form support groups for persons with intersex and their families in numerous locations around the globe, produced and maintained an extensive interdisciplinary archive of resources about intersex via its transnationally highly-trafficked website, lobbied for medical and legal reforms in the US and abroad, and worked to transform the stigma associated with intersexuality in society at large.

Following ISNA's lead and often adopting and modifying its strategies, since the millennium a variety of intersex activist groups have emerged in countries around the world, including Japan, India, Germany, the United Kingdom, France, New Zealand,

South Africa, China, Argentina, and elsewhere.[79] I attribute what is perceived as the transnational potential of ISNA's work to the organization's frequent theorization and deployment of intersex in terms of a discourse of liberal human rights. For instance, in the late 1990s ISNA wrote an amicus brief which helped decide an important 1999 legal case in Columbia which restricted physicians' ability to perform infant genital surgeries on the grounds that such surgeries potentially violate the child's inalienable human rights. In addition, in 2005, members of ISNA and the San Francisco Human Rights Commission produced a significant human rights report on intersex. These developments, which I analyze in Chapter 4, foreground the transnational significance of intersex activism. The Intersex Report argues that the state's juridical and political commitment to human rights should logically extend into a commitment to protect intersex persons from medical harm and to preserve their bodily integrity and autonomy. By staking a claim to the law, this report seeks to mobilize state power to institutionalize protections for people with intersex. However, in light of my earlier discussion of Foucault, I want to raises the question of whether or not this focus on protective capacity of the law obscures the regulatory characteristics of the law as well as other crucial forms of power, such as biopower, that do not operate through the law so much as they supersede it.

This question also has implications for the ways in which intersex activists have sought to appropriate not only the law, but also medicine and science to support their arguments for medical reform. In 2006, with the aid of progressive experts in endocrinology, genetics, psychology, pediatrics, and bioethics, ISNA formed an organization called the Consortium on the Management of Disorders of Sex Development

[79] See, for instance, Organisation Intersex International: http://www.intersexualite.org/ (last accessed September 9, 2009).

(referred to colloquially as "the DSD Consortium"). This organization advocates ending all unnecessary infant genital surgeries, shifting the terminology used in medical contexts from *intersex* to *DSD*, full disclosure as the best medical policy, and the use of peer support counseling services for parents and children dealing with DSDs. The cumulative intent of these recommendations is to better address the particular health needs of intersex infants and their families. However, some activist organizations, most notably Organisation Intersex International (OII), have been highly critical of the pathologizing aspects of the DSD rubric. In contrast with OII, which completely rejects the medical model of intersexuality, the DSD Consortium has undertaken an effort to strategically appropriate the rhetoric, techniques, and tools of medicalization in an effort to pressure medical institutions and practitioners as well as parents to approach infants and people with DSDs from a more humane perspective. Using the critical tools of women's and gender studies, I ask in the Conclusion to this dissertation how the DSD nomenclature negotiates the polysemy of intersex and the instability and uncertainties of sexed and gendered embodiment more generally.

The activist component of my dissertation focuses on ISNA, rather than other more recently emergent domestic or transnational intersex organizations, because ISNA was the first organization to figure intersex as a human rights issue and because ISNA's work has been transnationally influential. Human rights discourse enabled ISNA to challenge healthcare providers to live up to their commitment to the Hippocratic Oath while also appealing to a broader "mainstream" audience. However, ISNA's use of human rights discourse also raised questions about the organization's investment, or lack thereof, in a broader agenda of social, political, and cultural critique, and I address these

questions in Chapters 3 and 4. More generally, by approaching intersex activism as a site of knowledge production, my dissertation seeks not only to take seriously the activist critique of medicalization, but also to examine the ways in which intersex activism often simultaneously draws upon but also challenges other knowledge formations, including biomedicine, human rights, and women's and gender studies. Analyzing activism also allows me to explore the convergences and tensions between this and other bodies of intersex knowledge within and feminist, queer, and disability frameworks.

IX. Methodology and Chapter Outline

My dissertation theorizes "intersex" (both the term and its multiple meanings) as profoundly shaped *by* and at least partly constituted *not only* in the politics of representation *but also* in the discursive and non-discursive operations of specific histories, institutions, material practices, technologies, and regimes of power and knowledge. I critically examine diverse accounts and representations of intersex in terms of their underlying assumptions about the norms, "natures," and "nonnatures," as it were, of bodily differences, situating them within their broader socio-historical and institutional contexts. By paying attention to the rhetorical choices, genres, and specific discursive as well as non-discursive operations and material, political, and institutional practices that shape biomedical, feminist, and activist accounts of intersex, I seek to trace the ways in which intersex has come to mean and to do different things in different historical and contemporary contexts.

As an interdisciplinary project, "Intersex Before and After Gender" brings feminist, queer, and disability theories into conversation with critical science studies, the history of science, social movement history, and transnational cultural studies to think

carefully about diverse texts and contexts where the relation between intersex and gender is at stake. The texts, objects, practices, institutions, technologies, and genealogies that I critically examine are similarly diverse. I examine biomedical literature, the historiography of women's studies and feminist theory, the history of intersex activism, activist websites, state, policy, and NGO documents and practices, and material from print journalism and popular culture. Much as Ann Cvetkovich, Judith Halberstam , and Lisa Duggan have each sought to challenge sedimented understandings of sexuality and gender by drawing on diverse bodies of theory to read diverse texts, objects, histories, practices, and institutional networks, my engagement with intersex is informed by a broader analysis of the roles forms of embodied difference play in structuring current regimes of knowledge and power.[80]

The originality of my project lies not only in its exposure of the inextricable interconnections between intersex and gender, but also its use of comparative critical reading strategies that reveal the histories of biomedicine, feminism, and intersex activism to be deeply intertwined. The practice of analyzing intersex across the domains of biomedicine, feminist scholarship, and intersex activism—attending to the ways intersex has been linked to various practices, institutions, technologies, genealogies, and understandings of sex, gender, sexuality, and embodiment—is what makes this dissertation uniquely an interdisciplinary women's studies project. My interdisciplinary methodology not only allows me to bring out the specific differences and tensions between particular approaches to intersex, but also allows me to address general

[80] Cvetkovich, *An Archive of Feelings*; Halberstam, *Female Masculinity*; and Duggan, *The Twilight of Equality?*.

questions about the politics and ethics of biomedicine, activism, and knowledge production.

Chapter 1, "'An Unnamed Blank that Craved a Name': A Genealogy of Intersex as Gender" traces a genealogy which attends to intersexuality's crucial but often overlooked place in the "invention" of gender as a concept in mid-twentieth century biomedical discourse. This chapter's genealogy pushes beyond current scholarship on intersexuality to suggest that the meaning of intersex has been and continues to be contingent upon dominant understandings of sex and gender, even as, historically speaking, the intersex concept both preceded and inaugurated what we would today call the sex/gender distinction. Through a critical analysis of John Money's biomedical research on intersex and his formulation of "gender" as a diagnostic and treatment protocol for intersex patients, I show that the intersex concept was integral to the historical emergence of the category "gender" as distinct from "sex" in the mid-twentieth century. I also trace the often overlooked but crucial legacy of Money's research in feminist scholarship from the 1970s through the present, focusing on the significance of the work of Ann Oakley, who drew upon Money to formulate a specifically feminist account of gender; and I also trace the impact of Oakley's work on subsequent feminist theories of sex and gender. This genealogy enables me to suggest that the category intersex has haunted and continues to haunt twentieth century institutional projects and movements (including but not limited to feminism) that have invested heavily in gender's ability to name, describe, analyze, politicize, or consolidate the inequalities, regulatory processes, and forms of agency, resistance, and subjugation produced by gender-stratified social relations.

Chapter 2, "The Gender Trouble with Intersex in Women's Studies," critically analyzes the past two decades of feminist scholarship on intersexuality to suggest that the study of intersex does not merely represent an expansion of the range of subjects studied in women's and gender studies, but in fact reformulates the field's key analytic concepts: sex, gender, the sex/gender distinction, sexuality, embodiment, and the politics of difference more broadly. In so doing, I argue that the critical tools of women's studies make it possible to apprehend and preserve what Iain Morland calls the uncertainties intersex bodies provoke. Closely reading the work of Suzanne J. Kessler, Anne Fausto-Sterling, Judith Butler, and others, I argue that feminist analyses of intersex have productively rethought the sex/gender, nature/culture, and gender/sexuality distinctions, interrupting heteronormativity's equation of genitalia with sex and with gender, and have thereby begun to conceive the matter of bodies as inextricable from the biopolitical processes which position human anatomy and morphology as objects of regulation.

Chapter 3, "The Gender Trouble with Women's Studies in Intersex Activism and Scholarship" examines the flipside of the subject-matter of Chapter 2: the relations and tensions between women's studies scholarship on intersex and recent writings by intersex activists and scholars who articulate a critical position on women's studies, including Cheryl Chase, Alice Dreger and April Herndon, Emi Koyama and Lisa Weasel, Vernon Rosario, and Katrina Karkazis. These writers critique women's studies for appropriating intersex for gender theory and for over-investing in social constructionism at the expense of the lived realities of people with intersex. Taking stock of these critiques, I suggest that, despite otherwise significant differences, they tend to conflate feminist theory, queer theory, and women's studies, constructing them as red herrings or straw women of sorts,

effacing the intellectual and political diversity of these fields, in order to paint the intersex movement as politically progressive against the backdrop of a theoretically obscure and misguided academic feminism. Through a variety of close readings, I argue that these critiques only "work" to the extent that they perform several key erasures: of intersex embodiment as a question of the medical regulation of sex and gender; of the diversity of feminist understandings of gender; and of the historical linkages between the medical management of intersex and the social regulation of sex, gender, and sexuality across diverse domains of contemporary everyday life. Contra the intersex critiques, I contend that women's studies provides invaluable intellectual resources for broadening and deepening a critical understanding of the historical and political forces which have shaped both the medicalization of intersexuality and activist challenges to medicalization in twentieth and twenty-first century Western culture.

Pursuing several of the themes raised but not fully addressed in Chapter 3, Chapter 4, "Intersex Activism, Medical 'Normalization,' and Human Rights in a Transnational Frame," takes a closer look at the genealogy of intersex activism, focusing on the development of intersex human rights discourse in the late twentieth and early twenty-first century. Using a transnational feminist, queer, and disability studies framework to analyze the U.S. "origins" and rapid global expansion of intersex activisms in the 1990s and 2000s, this chapter examines: 1) the founding of ISNA in 1990s and the domestic and transnational circuits of culture, discourse, and technology through which the organization took shape; 2) ISNA's failed attempt to lobby for the inclusion of normalizing intersex surgeries in the 1997 federal ban on FGM; 3) ISNA's decisive influence upon a 1999 decision by the Constitutional Court of Columbia to expand the

definition of informed consent and to limit the capacity of doctors to perform normalizing genital surgeries; and 4) the San Francisco Human Rights Commission's 2005 report "A Human Rights Investigation into the Medical 'Normalization' of Intersex People"—the first, and, to this date, the *only* report by an official US agency to suggest that the standard medical approach to intersex conditions leads pediatric specialists to violate their patients' human rights.[81] By examining these topics, this chapter seeks to think critically about the following questions: what insights might feminist, queer, and disability theories bring to contemporary transnational biomedical and political debates about the ethics of intersex treatment? How does the declaration of intersex peoples' human rights reconfigure the criteria of intelligible and legible humanity and personhood? And what are the limitations of an exclusive focus on human rights as a mode of political redress?

In my Conclusion, "Gender and the Future of Intersex," I offer a critical reflection on two recent events which are likely to significantly affect future considerations of the relation between intersex and gender. First, I reflect on the 2005 proposal by the DSD Consortium to rename intersex conditions with the acronym DSD, arguing that the DSD nomenclature can be understood as an attempt to control and obscure the polysemy and uncertainties of intersex and the messiness of bodies and the words that name them more generally. Second, I interrogate the 2009 media firestorm over Caster Semenya, the 18 year-old South African middle-distance runner who won the gold medal in the women's

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[81] Marcus Arana with the San Francisco Human Rights Commission, "A Human Rights Investigation into the Medical 'Normalization' of Intersex People: A Report of a Public Hearing by the Human Rights Commission of the City and County of San Francisco" (2005): http://www.sfgov.org/site/uploadedfiles/sfhumanrights/Committee_Meetings/Lesbian_Gay_Bisexual_Transgender/SFHRC%20Intersex%20Report(1).pdf (last accessed September 9, 2009).

800-meter competition at the International Association of Athletics Federations World Championship in track and field on August 19, 2009. In light of the centrality of matters of gender to intersex issues that I argue for throughout the dissertation, I conclude by reiterating why women's studies provides such a crucial frame for critically understanding how such current events are shaped by gendered relations of knowledge and power in the context of a larger history.

Taken as a whole, this dissertation interrogates the relation between intersex and gender in a variety of texts, contexts, institutions, and practices to show how forms of medical expertise, political discourse, intellectual labor, activism, and cultural representation overlap and also contradict one another in various efforts to manage the transnational meanings and materialities of gender, sex, sexuality, and embodiment. Reasserting the relevance of women's and gender studies to the critical study of intersex, I hope to show why gender matters to intersex, and why intersex matters to gender, across the domains of biomedicine, feminism, intersex activism, social relations, and critical and cultural theory. In so doing, "Intersex Before and After Gender" seeks to foreground the fundamentally political character of binary schemas of sex, gender, and sexuality. The point isn't merely that we need more categorical options, as there are no guarantees that the expansion of categories beyond the number two would necessarily be any less regulatory than the binary. Rather, I mean to suggest that attending carefully to intersex issues reveals the broad social relevance of issues of bodily regulation and highlights the hidden normativities of received ideas about embodiment. Loosening the hold of those normativities requires a commitment to persistent critique, a commitment based in an intellectual politics and ethics that affirms and proliferates the uncertainties

that occasions of gender trouble sometimes, remarkably and against the odds, bring to life.

Chapter 1

"An Unnamed Blank that Craved a Name": A Genealogy of Intersex as Gender

> People often assume that if something is social it is also somehow fragile and can be changed quickly.—Gayle Rubin[82]
>
> Even the notion of a continuum is not a good model for sexual variations; one needs one of those mathematical models they do now with strange topologies and convoluted shapes. There needs to be some kind of model that is not binary, because sexual variation is a system of many differences, not just a couple of salient ones.—Gayle Rubin[83]

In the Introduction, I asked: What is the relation between intersex and dominant, residual, and emergent configurations of sex, sexuality, and gender? How might thinking critically about the codes, norms, and structures which regulate embodiment enable a critical rethinking of intersex, and vice versa? How do contestations over intersex converge and/or diverge with ongoing debates about the politics of difference and struggles for sexual and gender justice in a multicultural, transnational world?

This chapter engages these questions by tracing a genealogy which attends to intersexuality's crucial but often overlooked place in the "invention" of gender as a

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[82] Gayle Rubin with Judith Butler, "Sexual Traffic. Interview," *differences* 6.2-3 (1994): 69-70.

[83] Rubin, "Sexual Traffic," 70-71.

concept in mid-twentieth century biomedical and feminist discourses. This genealogy establishes the theoretical and historical framework within which to understand the questions of detail that emerge in the subsequent chapters: How does feminist theory transform current understandings of intersexuality and, conversely, how does intersexuality enable a rethinking of the central analytic categories and paradigms of feminist theory and women's studies (Chapter 2)? What are the convergences, divergences, and tensions between intersex activism and scholarship and women's, gender, and queer studies (Chapter 3)? What are the possibilities and limitations of the turn to human rights discourse in transnational intersex activisms (Chapter 4)? And how might a critical consideration of gender reframe the controversy over the recent effort to shift the nomenclature from "intersex" to "disorders of sex development" (DSD) (Conclusion)? Here, in this chapter, I use evidence from the history of feminist thought, on the one hand, and the history of biomedical science, on the other, to argue that intersex has been and remains central to the history of gender as a concept, organizing framework of social relations, set of practices, and institutionalized matrix of power and knowledge in late modernity.

This chapter's genealogy of the intersex concept—a genealogy which reveals some surprising complicities between twentieth century biomedical and feminist discourses—pushes beyond current scholarship on intersexuality to suggest that the meaning of intersex has been and continues to be contingent on dominant understandings of sex and gender, even as, historically speaking, the intersex concept both preceded and, in a significant sense, inaugurated what we would today call the sex/gender distinction. I show that the intersex concept was integral to the historical emergence of the category

"gender" as distinct from "sex" in mid-twentieth century biomedical research. I also show that, because of this historical relation, the category intersex has haunted and continues to haunt twentieth century discourses and movements (including but not limited to feminism) which have invested heavily in gender's ability to name, describe, analyze, politicize, or consolidate the inequalities, regulatory processes, and forms of agency, resistance, and subjectivity produced by gender-stratified social relations. Intersex troubles gender not only conceptually but also genealogically. That is, intersex not only disrupts and displaces gender's presumed coherence and meaning, revealing that gender cannot be reduced to either a transhistorical given or simply an abstract analytic category, but also exposes the complex historical processes and antagonisms that have shaped the development of gender as a concept and practice. Each usage of gender entails a particular set of intellectual, cultural, and ideological commitments, and a critical attention to intersexuality can make the political, ethical, and epistemological implications of these commitments more apparent.

While the medical and social treatment of people with intersex is not reducible to gender dynamics alone, the significance of gender for intersex, and vice versa, has yet to be fully recognized. Due in no small part to its considerable explanatory power, over the last four decades gender has become one of the central analytic categories in feminist theory and practice. However, the history of the term itself—where it came from, who coined it, and how it came to mean something other than "sex"—has been under-interrogated. There is an assumption in much feminist discourse that gender has always existed, as if its meaning transcends history and culture (even if its specific manifestations are theorized as culturally contingent and historically particular).

However, as Jennifer Germon argues, gender does in fact have a history, and "a controversial one at that."[84]

In her 2009 monograph *Gender: A Genealogy of an Idea*, Germon draws on Bernice L. Hausman[85] to argue that it was not until the mid-twentieth century that English-speakers began using gender as an *ontological* category, a category said to denote masculine and feminine forms of subjective being. In particular, Germon shows that psychoendocrinologist John Money's influence upon the history and career of the gender concept has been decisive. Through careful readings of primary texts, she argues that it was through the work that Money began on hermaphroditism as a graduate student at Harvard University in the 1950s, and subsequently pursued at Johns Hopkins University, that the gender concept came to be popularized as an explanatory measure of human behavior in the hard and soft social sciences. In a 1955 article, Money coined the term "gender role" as an organizing concept to refer to one's internal sense and outward manifestation of masculinity or femininity in the medical lexicon he developed at Johns Hopkins University for treating intersex patients.[86] In addition, Germon pinpoints the significance of the work of psychoanalyst Robert Stoller, who drew upon and modified Money's conception of gender, and helped to export gender to a broader, more popular audience.

Germon's analysis of Money is not only critical but also reparative. To the degree that Money has become the proverbial arch-nemesis of the intersex movement, and

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[84] Jennifer Germon, *Gender: A Genealogy of an Idea* (New York: Palgrave Macmillan, 2009), 1.

[85] Bernice Hausman, *Changing Sex: Transsexualism, Technology, and the Idea of Gender* (Durham, Duke University Press, 1995).

[86] John Money, "Hermaproditism, gender and precocity in hyperadrenocorticism: Psychologic findings," *Bulletin of the Johns Hopkins Hospital* 96 (1955): 253-64.

insofar as scholars in intersex studies have sought to support the intersex movement's critique of coercive genital surgery, Money has more often than not been critiqued but not read closely. Germon's work counters this trend by demonstrating that Money was hardly the hard-line constructionist his detractors often paint him as. In addition, Germon shows that Money's ideas, despite their problematic investments in binary forms of sexual difference, nevertheless manifest a strong interest in seeking to understand nature and culture within a more complex interactionist model.

Germon's analysis converges with my own in highlighting the significance of Money's research, second-wave feminist appropriations of that research, and the centrality of the intersexed to the history and politics of gender. However, my analysis moves beyond Germon's by suggesting not only that intersexuality played a crucial role in the "invention" of gender as a category in mid-twentieth century biomedical and, subsequently, feminist discourses, but also that Money used the concept of gender to displace and cover over the biological instability of the body he discovered through his research on intersex.

With the exception of Hausman's and Germon's scholarship, the significance of Money's research for the development and dissemination of the modern conception of gender has not received sustained feminist attention for at least two reasons. On the one hand, Money has been widely critiqued (though, as I suggested above, infrequently read closely) by contemporary intersex activists and scholars for his complicity with intersexism (bias against those with nonstandard sexual anatomies) and heteronormativity. On the other hand, and more to the point, feminism's tense and complex relationships with biomedicine and intersexuality complicate the standard

feminist "origin stories" about the gender concept. This chapter shows that second-wave feminist Ann Oakley, who was one of the first feminist scholars to propose an analytic distinction between sex and gender (in her1972 monograph *Sex, Gender and Society*), directly appropriated Money's work and put it to use for very different political and theoretical ends. In the first section below, I offer an analysis of the history of the sex/gender distinction in twentieth century feminist thought, focusing on the significance of the work of Oakley and Gayle Rubin for subsequent feminist accounts of sex and gender. I then explore Money's mid-twentieth century research as a genealogical point of rupture wherein gender attained a meaning distinct from sex in and through Money's research on intersexuality. Specifically, I show how Money's deliberations on intersex prompted him to formulate "gender role" as a psychosocial concept, a concept that would irrevocably change the courses of twentieth century biomedicine and feminism. I conclude by asking what this genealogy might mean for contemporary research in women's and gender studies.

I. Gender as an Analytic Category in the History of Feminism

The story of the emergence of sex and gender as categories of analysis has been told many times in feminist discourse. As with all stories that obtain the status of fact through repetition, the "truth" of this story has largely been uncontested. Though the terms sex and gender are often used interchangeably in some contemporary feminist as well as popular discourses, a look at the history of these categories reveals that they have taken on a variety of different and sometimes contradictory meanings throughout their existence. The *OED* defines "sex" as: "Either of the two main categories (male and female) into which humans and many other living things are divided on the basis of their

reproductive functions." The etymology of sex can be traced back to the Latin verb *sexus*, which the *OED* translates as "to divide." By contrast, gender comes from the Latin *genre*, which in turn comes from *genus*, meaning "kind, sort, or class." "Kind, sort, or class" is also the first definition the *OED* provides for gender. The second definition pertains specifically to grammar: "Each of the three (or in some languages two) grammatical 'kinds', corresponding more or less to distinctions of sex (and absence of sex) in the objects denoted."

The third definition of "gender" the *OED* offers concerns feminism: "in the "mod. (esp. feminist) use, a *euphemism* for the sex of a human being, often intended to emphasize the social and cultural, as opposed to the biological, distinctions between the sexes" (emphasis added). The *OED* cites Ann Oakley's 1972 *Sex, Gender, and Society*, to which I will turn shortly, as the first feminist text that used "gender" in this way. This definition of gender is founded on an epistemological paradigm that opposes culture to nature and, via analogy, gender to sex. Moreover, even as the definition frames gender as opposed to sex, it simultaneously figures gender as a euphemism for sex. A "euphemism," the *OED* explains, is a figure of speech wherein "a less distasteful word or phrase is used as a substitute for something harsher or more offensive." That the *OED* tacitly defines gender as a "less distasteful" substitute for sex suggests that there is something about gender which allows it to cover over or obfuscate an aspect of sex which is "harsher or more offensive." I will return to this point below.

In her now classic 1986 essay "Gender: A Useful Category of Historical Analysis," Joan Scott observes that, "in its most recent usage, 'gender' seems to have first appeared among American feminists who wanted to insist on the fundamentally

social quality of distinctions based on sex."[87] "Although gender in this usage asserts that relationships between the sexes are social," Scott continues, "it says nothing about why these relationships are constructed as they are, how they work, how they change" (32-33). For Scott, the insistence on the social *nature* (I use that term purposely) of gender cannot, taken on its own, marshal the explanatory power to account for the ways in which gender overdetermines and is overdetermined by micro- and macroscopic political, economic, cultural, and historical forces and processes. To critically understand the formative elements of those forces and processes, Scott argues, it is imperative to theorize gender not only as "a constitutive element of social relationships based on perceived differences between the sexes, [but also as] a primary way of signifying relationships of power" (42). In this formulation, gender names both a fundamental component of social relations and the means or antagonisms by which those relations are constituted.

Scott's analysis frames gender as a complex and culturally pervasive system of stratification. According to Laura Briggs, Gladys McCormick, and J.T. Way, Scott's intervention enabled feminist theorists to track the relationships among:

> four elements of gender: (1) culturally available symbols; (2) normative concepts that set forth interpretations of the meaning of the symbols; (3) social institutions and organizations thus conditioned (ranging from

[87] Joan W. Scott, "Gender: A Useful Category of Historical Analysis," *American Historical Review* 91.5 (December 1986), 1053-75, at 1067. Reprinted in Scott, *Gender and the Politics of History* (New York: Columbia University Press, 1988), 29. In what follows I cite the version from *Gender and the Politics of History*.

> kinship, the household, and the family to more formal institutions); and, finally, (4) subjective identity.[88]

By emphasizing the power dynamics that gender signifies at multiple levels of analysis, Scott demonstrated that the study of gender holds relevance far beyond the level of "perceived differences between the sexes." The past several decades of women's studies and feminist research have confirmed the prescience of Scott's argument, proving that the use of gender as an analytic category transforms the ways scholars across the disciplines understand and produce knowledges, not only about women and men as subjects, but also about power relations, about the relation between gender and other categories of difference (race, sexuality, nation, age, class, and ability), and about the structuring role gender plays in shaping social, political, cultural, and economic formations.

Alongside the expanding body of feminist work that treats gender as the social meaning attached to sex differences, a number of feminists have contested, on both epistemological and political grounds, the binary logics that distinguish sex from gender in terms of a paradigm which opposes nature to culture.[89] I explore some of these contestations below, as well as in Chapter 2. Before attending to those interventions, it is important to recognize that the deployment of gender as a category which insists on the "fundamentally social quality of distinctions based upon sex" has nevertheless become ubiquitous not only in mainstream feminism, but also across a variety of contemporary

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[88] Laura Briggs, Gladys McCormick, and J.T. Way, "Transnationalism: A Category of Analysis," *American Quarterly* 60.3 (September 2008): 637.

[89] See, for instance, Judith Butler, *Gender Trouble: Feminism and the Subversion of Identity*, 10th Anniversary Edition (New York: Routledge, 1999); Diane Elam, *Feminism and Deconstruction: Ms. en Abyme* (New York: Routledge, 1994); and Robyn Wiegman, "The Progress of Gender: Whither 'Women'?" in *Women's Studies on Its Own*, ed., Robyn Wiegman (Durham: Duke University Press, 2002), 121.

political and intellectual discourses in the U.S. and around the globe. The leverage many feminist projects marshal out of "gender" as an analytic category depends on the supposition that gender relations are social and therefore changeable. This point partly explains the popularity and rapid institutionalization of gender as an identity category and field of knowledge production in contemporary feminisms. Further, the fact that gender has become institutionalized as a category of description and analysis within the nation-state, transnational capitalism, and other key institutional networks of late modernity reveals the degree to which hegemonic institutional projects have, from a cynical point of view, felt the need to at least appear to register the impact and significance of feminism, or, from a more optimistic perspective, to incorporate feminist ideas and practices in the ongoing work of democratization and social justice.

The assumption that American feminists were the first to use the gender concept in this way has also become ubiquitous in feminist and other twentieth and twenty-first century intellectual and political discourses. In their 2003 anthology *Feminist Theory Reader: Local and Global Perspectives*, Carole R. McCann and Seung-Kyung Kim sketch a classic version of gender's origin story:

> Prior to the 1970s, gender was a concept that had no social meaning in English; it was merely a grammatical feature of some European languages. But in the 1970s, feminist theorists began to use the concept to ground their arguments that biology (sex) is not destiny, and to assert, instead, that meanings attributed to sex differences (gender) are defined in historically specific ways through culture and politics and, as "man-made" interpretations, secure male dominance over women…[T]he concept of

> gender ignited an explosion of feminist scholarship in the 1970s that continues today. The concept and analyses using it in interdisciplinary perspectives provide the foundation of the field of Women's Studies internationally.[90]

Defining "gender" as the "meanings attributed to sex differences," narratives of gender's origin like McCann and Kim's can be found in numerous feminist texts.[91] Though earlier in the anthology McCann and Kim argue that the development of feminist theory has not been "linear or unidirectional" (3), the narrative they offer in the above passage is not only linear and unidirectional, but also U.S.-centric, generational, and universalizing. It is one thing to say that American feminists played a unique role in the formulation of the gender concept. It is quite another to posit the second-wave American feminist conception of gender as the foundational and universal principle of women's studies internationally.[92]

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[90] Carole R. McCann and Seung-Kyung Kim, eds., *Feminist Theory Reader: Local and Global Perspectives* (New York: Routledge, 1993), 13.

[91] This story can be found within and across diverse texts, from women's studies textbooks to scholarly monographs to works of popular non-fiction. See, for instance, Inderpal Grewal and Caren Kaplan, eds., *An Introduction to Women's Studies: Gender in a Transnational World*, 2nd edition (McGraw-Hill, 2002); Joan Z. Spade and Catherine G. Valentine, eds., *The Kaleidoscope of Gender: Prisms, Patterns, and Possibilities* (Belmont: Wadsworth, 2004); Chris Weedon, *Feminist Practice and Poststructuralist Theory*, Second Edition (London: Blackwell, 1997); Ellen Messer-Davidow, *Disciplining Feminism: From Social Activism to Academic Discourse* (Durham: Duke University Press, 2002); and Jennifer Baumgardner and Amy Richards, *Manifesta: Young Women, Feminism, and the Future* (New York: Farar, Straus, and Giroux, 2000). For an altogether different version of the story of gender which attends, albeit too briefly, to questions of intersexuality and transsexuality, see Donna Haraway, "'Gender' for a Marxist Dictionary," in *Simians, Cyborgs, and Women: The Reinvention of Nature* (New York: Routledge, 1991), 133-134.

[92] For variously contrasting accounts of the institutional formation of women's studies, see Marilyn Jacoby Boxer, *When Women Ask the Questions: Creating Women's Studies in America* (Baltimore: Johns Hopkins University Press, 1998); Wendy Brown, "The Impossibility of Women's Studies," *Differences* 9.3 (1997):

In fact, the question of the "origins" of the gender concept is a loaded one. Yet it is a crucial question in the historiography of women's studies— where claims of authorship, originality, influence, and legacy are complicated by the field's drive to historicize, to acknowledge feminisms' non-self-identicality, multiplicity, and heterogeneity within and across space and time, and the recurrent calls to critical positionality and self-reflexivity in feminist scholarship. The ongoing institutional history of the field is shaped not only by past, present, and future events but also by the plot-lines, narrative exclusions, and tropes its practitioners uphold in publications, the classroom, and departmental culture. In addition to revealing some of the problems U.S.-centrism, the "wave" metaphor, and teleological thinking present for efforts to historicize feminist concepts, McCann and Kim's narrative, framed as an "Introduction" to a feminist theory anthology, foregrounds the challenges of approaching feminist theory's history transnationally. McCann and Kim locate gender as the unique contribution of American feminist theory to women's studies globally, yet the narrative sequence they present starts to unravel when they stipulate that "some, such as Simone de Beauvoir had presented such ideas earlier in the century." This claim's object, "such ideas," is vague enough to be taken to imply that, even if Beauvoir did not invent the social concept of gender (in fact, she never used the term in the text McCann and Kim are presumably referring to, *Le Deuxieme Sexe*, from 1949), Beauvoir's work can nevertheless still be considered a precursor to American feminist theorizations of gender from the 1970s

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79-101; and Inderpal Grewal and Caren Kaplan, "Transnational Practices and Interdisciplinary Feminist Scholarship: Refiguring Women's and Gender Studies," in *Women's Studies on Its Own*, ed., Robyn Wiegman (Durham: Duke University Press, 2002), 66-81.

onward.[93] To support this claim, feminists often cite Beauvoir's most famous thesis: "One is not born, but rather becomes, a woman" (267).

Beauvoir's legacy in American feminist theorizations of gender has been widely discussed in feminist scholarship over the past several decades; and the influence of Beauvoir's "social constructionist" thought on modern feminisms has been considered at length.[94] Though some have held, as McCann and Kim do, that the conceptual sense of "gender" was implicit in Beauvoir's text even though she never used the word (and until fairly recently "le genre" was not used to refer to persons in French), such readings fail to grapple with the problematic implications of the Americanization of Beauvoir's work. Judith Butler, in her influential reading of Beauvoir's thesis about becoming a woman cited above participates in this misleading figuration by suggesting that "for Beauvoir, gender is 'constructed'."[95] An attention to linguistic specificity, I would suggest, works to clarify what Butler and others obfuscate: that Beauvoir offers a theory of sex which cannot be easily translated into an American feminist epistemology of gender.

In *Le Deuxieme Sexe* Beauvoir used the French term *le sexe* to theorize embodiment as situational and to stage a philosophical critique of the ways in which "woman" is made, by Western science, culture, history, philosophy, and politics, into the subordinate Other of "man." For Beauvoir, *le sexe* was both a phenomenological and an existential term, and referred to a particular conception of subjectivity, embodiment, and ethics grounded in the recognition of sexed inequality. According to Penelope Deutscher,

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[93] Simone de Beauvoir, *The Second Sex*, trans. H. M. Parshley (New York: Vintage, 1989).

[94] See, for instance, Nancy Bauer, *Simone de Beauvoir, Philosophy, and Feminism* (New York: Columbia University Press, 2001); and Toril Moi, *What Is a Woman? And Other Essays* (Oxford: Oxford University Press, 2001).

[95] Judith Butler, *Gender Trouble*, 12.

Beauvoir's *sexe* did not presume a strict distinction or opposition between nature and culture, and thus its translation into the English "sex" *or* "gender" is more properly understood as a mistranslation.[96]

However, Deutscher points out that Beauvoir did stress the social aspects of sexual hierarchy to challenge biological determinism—to critique, that is to say, the notion that biology *is* destiny. For Beauvoir, the hierarchy of the sexes is a human creation, not a natural one. Beauvoir's focus on the social character of sexual hierarchy led her to formulate a novel conception of embodiment. To understand the process of Othering on which the hierarchy of the sexes is based, Beauvoir turned to phenomenology. Following Merleau-Ponty, she argued that "the body…is a situation" (34). With this claim, Beauvoir sought to rethink a foundational operating assumption of much modern science and philosophy, namely, the idea that the body is an objectively quantifiable thing. Figuring the body as being, rather than as *being in*, a situation, Beauvoir did not approach the body as an ontological substance. Instead, she stressed that the body *is* a process or happening, an event that takes place in history, an occurrence staged through social relations (an argument which would, despite Butler's obfuscation noted above, become crucial to the theory of gender performativity elaborated in *Gender Trouble*). It is on this basis that Beauvoir famously argued that "being a woman" is not at all a natural state: "One is not born, but rather becomes, a woman. No biological, psychological or economic fate determines the figure that the human female presents in society; it is civilization as a whole that produces this creature…as an *Other*" (267). In

[96] Penelope Deutscher, *The Philosophy of Simone de Beauvoir: Ambiguity, Conversion, Resistance* (Cambridge: Cambridge University Press, 2008).

denaturalizing sexual hierarchy, Beauvoir challenged feminists to think more precisely about the social and cultural logics underlying women's subordination.

I have belabored the specifics of Beauvoir's contributions to feminist theory here because she has often been and continues to be figured—although misleadingly, I have argued—as the originary thinker of the gender concept. Though Beauvoir's work continues to hold a privileged place in diverse feminist discourses, I would suggest that the sex/gender distinction particular to American second-wave feminism, which Scott and McCann and Kim reference, finds its roots more directly in the work of Ann Oakley and Gayle Rubin. Although she has for the most part dropped out of the feminist canon, Oakley was one of the first feminist thinkers to explicitly contrast sex with gender. In her 1972 monograph *Sex, Gender and Society*, Oakley drew upon American psychological and sociological discourse to argue that gender "is a matter of culture: it refers to the social classification into 'masculine' and 'feminine'."[97] As John Hood-Williams argues in an analysis of the significance of her early work, Oakley's sex/gender distinction "enabled an oppositional stance to biologisms that attempted to tie women to subordinate positions on account of a largely immutable biology" (1).[98] Defining sex as biological and gender as cultural, Oakley drew her conception of the sex/gender distinction directly from the work of psychoanalyst Robert Stoller and psychoendocrinologist John Money and his colleagues John and Joan Hampson in the Endocrine clinic of the Johns Hopkins Hospital. Summarizing their research, Oakley writes,

> While Stoller talks about "gender identity," Money and the Hampsons refer to "psychosexual orientation": the meaning of both terms is the sense

[97] Ann Oakley, *Sex, Gender and Society* (London: Maurice Temple Smith, 1972), 16.

[98] John Hood-Williams, "Goodbye to Sex and Gender," *Sociological Review* 44.1 (1996): 1-16.

> an individual has of himself or herself as male or female, of belonging to one or other group. The development of this sense is essentially the same for both biologically normal and abnormal individuals, but the study of the biologically abnormal can tell us a great deal about the relative parts played by biology and social rearing: there are a multitude of ways in which it can illuminate the debate abut the origin of sex differences. (159)

Oakley's uncritical acceptance of the normal/abnormal distinction as a biological given reiterates a foundational epistemological presumption underlying Stoller's, Money's, and the Hampsons' research and scientific research more generally: that humans may be naturally divided into clear and discernable normal and pathological "types."[99] Over the last several decades, scholarship in feminist, queer, and disability studies has shown this presumption to be culturally and politically motivated.[100]

The pathologizing aspects of Oakley's account become particularly evident in the way she frames intersexuality. Analyzing several case studies drawn from Stoller's 1968 *Sex and Gender*,[101] Oakley argues that "parents' attitudes in rearing" (160) have a strong effect on a child's gender presentation. She then turns to Money and the Hampsons, suggesting that

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[99] See Georges Canguilhem, *The Normal and the Pathological*, trans. Carolyn R. Fawcett (London: Zone Books, 1991).

[100] See Robert McRuer, *Crip Theory: Cultural Signs of Queerness and Disability* (New York: New York University Press, 2006); Rosemarie Garland-Thomson, *Extraordinary Bodies: Figuring Physical Disability in American Culture and Literature* (New York: Columbia University Press, 1997); and Sumi Colligan, "Why the Intersexed Shouldn't Be Fixed: Insights from Queer Theory and Disability Studies," in *Gendering Disability*, eds., Bonnie G. Smith and Beth Hutchinson (New Brunswick: Rutgers University Press, 2004), 45-60.

[101] Robert Stoller, *Sex and Gender: On the Development of Masculinity and Femininity* (New York: Science House, 1968).

> Case studies of individuals, though fascinating, cannot alone support sweeping generalizations about the lack of identity between sex and gender. A large group of hermaphroditic patients have been studied by Money and the Hampsons, and in 95% of all the cases (totaling 113, which is a large number for this sort of abnormality) *the sex of rearing corresponded to gender identity*. Most significantly, the correspondence held even for those individuals whose sex of rearing contradicted their biological sex as determined by chromosomes, hormones, gonads and the formations of the internal and external genitals. (emphasis in original, 164)

As this passage makes clear, Oakley used Money and the Hampsons's data on intersexual patients to forward a theory of gender's social construction. This theory was important to her project because Oakley's larger thesis was that gender is social and therefore changeable. Of course, later studies of intersexuality and gender roles, including those which reported on the highly publicized case of David Reimer, would call into question Money and the Hampsons' initial findings regarding the plasticity of gender.[102] From today's perspective, it is possible to see the leap in logic underlying both Money and the Hampsons' thesis and Oakley's feminist appropriation of it. To say that gender is constructed does not at all necessarily imply that rearing has a mono-causal effect upon gender presentation or identification. According to Vernon A. Rosario, recent research suggests that biology and culture intertwine in complex ways in the formation of gender

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[102] See John Coltapinto, *As Nature Made Him: The Boy Who Was Raised a Girl* (New York: Harper Collins, 2000); M. Diamond and H. K. Sigmundson, "Sex Reassignment at Birth: Long-term Review and Implications," *Archives of Pediatric and Adolescent Medicine* 151 (October 1997): 298-304; and Judith Butler, "Doing Justice to Someone: Sex Reassignment and Allegories of Transexuality," *Undoing Gender* (New York: Routledge, 2004), 57-76.

identity.[103] Recent work in feminist science studies, which I will turn to shortly, has also reached this conclusion.[104]

Working within a nature/culture paradigm that presumed the two terms to be strictly oppositional, Oakley put pressure on the culture side of the equation to stress that gender roles, most notably those which perpetuate male domination and female subordination, were learned, not inborn. "Sex differences may be 'natural'," Oakley postulated, "but gender differences have their source in culture, not nature" (189). Putting the "natural" in quotation marks, Oakley contended, as would many feminists who followed in her footsteps, that social structures perpetuate gender inequalities by naturalizing them as innate sex differences. This argument was founded on at least two assumptions that later feminists would call into question: first, that sex is purely biological; and second, that sex and gender are naturally and normatively dimorphic. Thus, even as she challenged the hegemonic claim that gender roles are a reflection of innate differences between the sexes, Oakley simultaneously consolidated a binary understanding of gender as the basis of a feminist politics of women's liberation. Concluding that "the aura of naturalness and inevitability that surrounds gender-differentiation in modern society comes, then, not from biological necessity but simply from the beliefs people hold about it" (189), Oakley was unable to question the full extent to which those beliefs are grounded in the assumption that binary ways of interpreting the world are both natural and normal.

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[103] See Vernon A. Rosario, "The History of Aphallia and the Intersexual Challenge to Sex/Gender," in *A Companion to Lesbian, Gay, Bisexual, Transgender, and Queer Studies*, eds., George E. Haggerty and Molly McGarry (London: Blackwell, 2007), 262-281.

[104] See, for instance, Anne Fausto-Sterling, *Sexing the Body: Gender Politics and the Construction of Sexuality* (New York: Basic Books, 2000).

While Oakley stressed her theoretical project's indebtedness to Stoller's and Money's work, feminists who followed in her wake tended to take it as a given that the sex/gender distinction originated with second-wave feminism. By the time Gayle Rubin hit the scene three years later with her highly influential 1975 article "The Traffic in Women: Notes on the 'Political Economy' of Sex,"[105] any trace of Money's and Stoller's influence had already begun to disappear from the citational chain. Often mistakenly read as the first feminist articulation of the sex/gender distinction,[106] "The Traffic in Women" at once deepened and modified Oakley's interpretation of the nature/culture opposition. Rubin concurred that gender is "a socially imposed division of the sexes," but further argued that gender is not simply a "social role" but rather a structuring element central to the power relations of patriarchal kinship (179). Rubin suggested that patriarchal heterosexuality can be best understood in terms of what she called the traffic in women: the use of women as exchangeable, as symbolic property, to secure the "male bond" and thus the structure of masculine hegemony. To arrive at this argument, Rubin hypothesized that the connection between sex and gender is a systematic one, forming

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[105] Gayle Rubin, "The Traffic in Women: Notes on the Political Economy of Sex," in Rayna R. Reiter, ed., *Toward an Anthropology of Women* (Boston: Monthly Review Press, 1975), 157-210.

[106] See Marilyn Jacoby Boxer, *When Women Ask the Questions*, 18-19; Eve Kosofsky Sedgwick, *Between Men: English Literature and Male Homosocial Desire* (New York: Columbia University Press, 1985), 26; Thomas W. Laqueur, "The Facts of Fatherhood," in *Conflicts in Feminism*, eds., Marianne Hirsch and Evelyn Fox Keller (New York: Routledge, 1990), 207; Teresa de Lauretis, *Technologies of Gender* (Bloomington: Indiana University Press, 1987), 27, n4; Heidi I. Hartmann, "The Family as the Locus of Gender, Class, and Political Struggle: The Example of Housework," in *Feminism and Methodology*, ed., Sandra Harding (Bloomington: Indiana University Press, 1987), 113; Rosemary Hennessy, *Profit and Pleasure: Sexual Identities in Late Capitalism* (New York: Routledge, 2000), 179; and Misha Kavka, "Introduction," in *Feminist Consequences: Theory for a New Century*, eds., Elisabeth Bronfen and Misha Kavka (New York: Columbia University Press, 2001), xiii.

what she called the "sex/gender system"—"the set of arrangements by which a society transforms biological sexuality into products of human activity" (159). Foregrounding the social and cultural aspects of gender allowed Rubin, like Oakley, to challenge the essentialist assumption that women's subordination is based in nature or biology. But more than this, by situating social and cultural practices at the center of her analysis, Rubin was able to contend that the "sex/gender system" "is itself a social product" (166) and that "oppression is not inevitable in that domain, but is the product of the specific social relations which organize it" (168). In challenging the naturalization of sex as gender, Rubin provided feminist theory with a dynamic understanding of gender itself—and not merely gender hierarchies— as constituted by sociocultural relations.

Much of the feminist scholarship in the wake of Oakley and Rubin would come to take it as axiomatic that "gender is…a social category imposed on a sexed body," as Scott summarizes this popular view in her 1988 book *Gender and the Politics of History*.[107] In this formulation, the notion of "a sexed body" persists as the unquestioned pre-social ground of gender. In other words, Oakley's and Rubin's theories retained a profound yet largely uncritical investment in the nature/culture opposition. In Rubin's case, the "slash" between "sex" and "gender" offered the seeming guarantee of a clear and distinct separation not only between the two terms, but also between the realms of biology and culture. In this regard Rubin's theory of the sex/gender system maintained an unmarked essentialism at the level of biological sex. In addition to being questioned by Butler, whom I discuss below, this essentialism has been interrogated in recent feminist

[107] Scott, *Gender and the Politics of History*, 32.

scholarship, especially work emerging from feminist science studies.[108] Like Oakley, Rubin assumed that biological sex was primarily "natural" and unchanging.

However, as a number of feminist theorists began to argue in the 1980s and 1990s, positing sex as the basis of gender fails to account for the sociocultural constitution of the category of biological sex itself. [109] The feminist most widely cited for formulating this argument is Judith Butler, whose 1990 monograph *Gender Trouble* offered critical interpretations of the work of Beauvoir, Foucault, Wittig, Irigaray, Cixous, Kristeva, and others to query how the regulatory operations of what she called "the heterosexual matrix" maintain various forms of sexual hierarchy.[110] Butler staged an important intervention into feminist debates over the sex/gender distinction by arguing against the claim that biological sex is the foundation of cultural gender. Challenging the assumption that sex forms the "natural" substance onto which the social meaning of gender is written, Butler proposed that "gender ought not to be conceived merely as the cultural inscription of meaning on a pregiven sex (a juridical conception); gender must also designate the very apparatus of production whereby the sexes themselves are established" (11). According to Butler, gender constitutes a social apparatus that naturalizes the illusion of a prediscursive sex. "Sex itself is a gendered category," Butler wrote, thereby defining "sex" as an effect rather than the cause or ground of gender (7).

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[108] See, for instance, Karen Barad, *Meeting the Universe Halfway: Quantum Physics and the Entanglement of Matter and Meaning* (Durham: Duke University Press, 2007).

[109] See, for instance, Monique Wittig, "One is Not Born a Woman," in *The Straight Mind and Other Essays* (Boston: Beacon Press, 1992), 9-20; Denise Riley, *Am I That Name? Feminism and the Category of Women in History* (Minneapolis: University of Minnesota Press, 1988); and Dianna Fuss, *Essentially Speaking: Feminism, Nature, and Difference* (New York: Routledge, 1989).

[110] Butler, *Gender Trouble*.

In arguing that gender produces the discursive and cultural notion of sex, Butler was also suggesting that gender should not be conceived as a substantive identity, but rather as a process, a kind of ongoing doing, what she calls "a constituted social *temporality*" (179). Gender, Butler powerfully proposed, is "performative" in the sense that it is tenuously constituted by the very acts that are said merely to "express" it. As she put it near the conclusion of *Gender Trouble*, "the very notion of an essential sex and a true or abiding masculinity or femininity are also constituted as part of the strategy that conceals gender's performative character and the performative possibilities for proliferating gender configurations outside the restricting frames of masculinist domination and compulsory heterosexuality" (180). As this quotation makes clear, Butler's influential work contrasts with Oakley's and Rubin's precisely by being a prime example of a feminist project that contests the presumption of natural sexual dimorphism by using a poststructuralist framework to destabilize foundationalist accounts of "nature."[111]

In the past two decades, and often following Butler's lead, a number of feminist scholars have problematized the theoretical underpinnings of the sex/gender distinction by attending to the ways in which sex and gender fail to neatly align both with one another and with the nature/culture distinction within and across a variety of historical and contemporary national and transnational contexts.[112] While Butler is just a single example of a feminist theorist who has productively troubled the presumed coherence and

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[111] See also Butler, *Bodies that Matter: On the Discursive Limits of "Sex"* (New York: Routledge, 1993); and Butler, *Undoing Gender*.

[112] For an analysis of many of these contributions, see Robyn Wiegman, "The Desire for Gender," in *The Blackwell Companion to Lesbian, Gay, Bisexual, Transgender, and Queer Studies*, eds., George E. Haggerty and Molly McGarry, (London: Blackwell, 2007), 217-236.

stability of the sex/gender distinction, her work usefully underlines the enduring legacies of earlier feminist theorists such as Beauvoir, Oakley, and Rubin. More recent theorists, especially those working between feminist and queer and trans- studies such as Judith Halberstam, Gayle Salamon, and Jean Bobby Noble, have drawn on even as they have transformed Beauvoir's, Oakley's, Rubin's, and Butler's prior analyses of sexual and gendered hierarchies into occasions for the radical denaturalization of gender *and* sex.[113] Read side by side, it seems important to note that the denaturalization effort would be impossible without the ongoing critique of the construction of hierarchies based on sex and gender.

In more recent years, there has also been what some have called a "return to biology" in feminist theory. Drawing on feminist science studies, the history of science, and actual scientific practice, scholars such as Anne Fausto-Sterling, Elizabeth A. Wilson, Karen Barad, Deboleena Roy, and others have asked what happens when feminist theory goes beyond the critique of the sciences and takes biological material and scientific practice seriously. [114] In Fausto-Sterling's case, which I examine in the next

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[113] Judith Halberstam, *In a Queer Time and Place: Transgender Bodies, Subcultural Lives* (Durham: Duke University Press, 2005); Gayle Salamon, "Transfeminism and the Future of Gender," in *Women's Studies on the Edge*, ed., Joan Wallach Scott (Durham: Duke University Press, 2008), 115-138; and Jean Bobby Noble, *Sons of the Movement: FtMs Risking Incoherence on a Post-Queer Cultural Landscape* (Toronto: Women's Press, 2006).

[114] See, Anne Fausto-Sterling, *Sexing the Body*; Elizabeth A. Wilson, *Neural Geographies: Feminism and the Microstructure of Cognition (*New York: Routledge, 1998); Wilson, *Psychosomatic: Feminism and the Neurological Body* (Durham: Duke University Press, 2004); Karen Barad, *Meeting the Universe Halfway*; Susan Oyama, Paul E. Griffiths, and Russell D. Grey, eds., *Cycles of Contingency: Developmental Systems and Evolution* (Massachusetts: MIT Press, 2003); and Deboleena Roy, "Somatic Matters: Becoming Molecular in Molecular Biology," *Rhizomes: Cultural Studies in Emerging Knowledge* 14 (Summer 2007): http://www.rhizomes.net/issue14/roy/roy.html (last accessed September 9, 2009).

chapter, feminist science studies enables a critical reconsideration of the constructionism/essentialism, biology/culture, male/female, and homo/heterosexual binaries within a perspective that remains attentive to the concerns animating feminist justice projects. Critiquing the impulse in feminist theory to constitute feminist projects against the domain of the biological, Elizabeth A. Wilson argues in *Psychosomatic: Feminism and the Neurological Body* that "certain fundamental aspects of the body, biology, and materiality have been foreclosed" (8). Working against that foreclosure, Wilson offers a reading of the relation between neurology and feminism that rethinks dominant accounts of the psyche, challenging standard accounts of the mind/body dualism. Using a deconstructive lens to read quantum theory, Karen Barad contends that "matter and meaning are not separate elements" and provides an account of mattering which uses insights from feminism and poststructuralism to tease out the philosophical implications of physics (3). Similarly, in her article "Somatic Matters: Becoming Molecular in Molecular Biology," published in the online journal *Rhizomes,* Deboleena Roy stresses "that feminists will not be able to redirect their tendencies of antibiologism by simply returning to or 'tolerating' such things as scientific reductionism." Rather, she contends, "we must develop new feminist practices for the natural sciences" in order to interrogate our assumptions about what "nature" is. Roy's work as a practicing molecular biologist is a case in point.[115] These scholars have offered important reconsiderations of entrenched epistemic paradigms in feminist theory *and* the sciences. Their work challenges the mind/body and nature/culture dualisms in ways that differ significantly from Butler. Rather than privileging discursivity, they adopt more of a "developmental

[115] Deboleena Roy, "Asking Different Questions: Feminist Practices for the Natural Sciences," *Hypatia* 23.4 (2008): 134-157.

systems theory" approach, an approach that figures biology and culture as tied together in a complex and multi-dimensional feedback loop.

This admittedly partial genealogy of the sex/gender distinction in twentieth and twenty-first century feminist thought demonstrates some of the diverse ways in which feminists have theorized the multiple, overlapping, and contradictory meanings of sex and gender, foregrounding both the structural and regulatory operations as well as symbolic and material inequalities, instabilities, and incoherences that attend to sexed and gendered social, political, economic, cultural, and subjective formations as they have been articulated, institutionalized, and interrogated in various twentieth and twenty-first century contexts. It also demonstrates that the definitional reduction of gender to a "euphemism for sex" (offered by the *OED*) is a disciplinary and political maneuver, one that deflects attention from the historically *variable* constitution of both gender and sex. In the section that follows, I draw on the work reviewed here to suggest, on the one hand, that the effort to conceptualize the relation between sex and gender systematically provides a critical basis for understanding how mid-twentieth century medical specialists came to formulate the dominant paradigm of intersex treatment; and, on the other hand, that the production of intersex as an object of biomedical regulation confirms the ongoing importance of critically rethinking the body politics of sex and gender normativities.

II. John Money and the Theory of Gender

Lurking within this feminist story is the figure of the psychoendocrinologist John Money, hardly someone feminists would want to claim as the origin of one of feminism's central terms and concepts. However, Money's role must be critically examined, not only because he invented the term "gender role," but also, especially for an exploration of

intersex in women's studies, because his work brings into focus the role of intersex as an *origin* of "gender" and the sex/gender distinction. Indeed, as I will argue in this section, 35 years before *Gender Trouble*, Money posits gender as *prior* to sex.

Though the *OED* attributes the formulation of gender as a concept which emphasizes the social and cultural domains to second-wave feminism, the term gender actually began to congeal as a category with a meaning distinct from biological sex in English at least twenty years earlier. As Bernice Hausman notes, in the mid-1950s psychoendocrinologist John Money coined the term "gender role" as an organizing concept to refer to a person's internal sense and outward manifestation of masculinity or femininity in the medical lexicon he developed at Johns Hopkins University for treating hermaphroditic patients.[116] Hausman argues that Money's research produced "a discourse about the body and human identity in sex that became powerful both as a justification for medical practices and as a generalized discourse available to the culture at large for identifying, describing, and regulating social behaviors" (107).

Curious about Money's role as a potential theoretical precursor to a key concept in contemporary feminist theory, I began to wonder why I had never encountered Money in my undergraduate and graduate courses in women's studies. I asked my peers if they had ever studied Money in their women's and gender studies courses. Though a few were familiar with his name, primarily via feminist critiques of the medicalization of intersexuality,[117] most were unaware that Money had proposed an analytic distinction

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[116] Hausman, *Changing Sex*.

[117] The two most widely cited and taught feminist analyses of intersex, which I analyze in detail in the next chapter, are Suzanne J. Kessler, *Lessons from the Intersexed* (New Brunswick: Rutgers University Press, 1998); and Fausto-Sterling, *Sexing the Body*.

between sex and gender twenty years before Gayle Rubin published "The Traffic in Women," the text which many regarded as the first account of the relation and difference between sex and gender. I then began to realize that standard modes of understanding the sex/gender distinction's significance in the history of feminist thought, such as McCann and Kim's, tend to rely on a fundamental elision: they presume that gender first became both theoretically and politically meaningful against or in relation to dominant mid-twentieth century scientific and cultural discourses which justified sex differences and inequalities between men and women on biological grounds. What this narrative occludes is a crucial fact: twenty years before gender became meaningful in the late 1960s and early 1970s as a critique of the naturalization of social inequalities between women and men, Money developed the concept of "gender" as a medical category through his research on hermaphroditism as a practicing psychoendocrinologist at Harvard and later at Johns Hopkins.

Specifically, Money used the term "gender role" as a diagnostic category and treatment protocol for patients whose anatomical configurations were regarded as unintelligible within the standard frame of dimorphic sex. For people with intersex, whose bodies Money read as improperly sexed, "gender role" became a way for Money to predict and, as we will see, to literally fashion the sex they were "supposed" to have all along. Money's typical scientific approach used the abnormal to "find" and define the normal.

Money first made reference to his theory of gender in a 1955 article published in the *Bulletin of the Johns Hopkins Hospital* entitled "Hermaproditism, gender and

precocity in hyperadrenocorticism: Psychologic findings."[118] In that paper, Money would later write in a 1995 essay, "the word *gender* made its first appearance in English as a human attribute, but it was not simply a synonym for *sex*. With specific reference to the genital birth defect of hermaphroditism, it signified the overall degree of masculinity and/or femininity that is privately experienced and publicly manifested in infancy, childhood, and adulthood, and that usually though not invariably correlates with the anatomy of the organs of procreation."[119]

This sentence is taken from the beginning of a retrospective essay Money wrote reflecting on his life's work entitled "Lexical History and Constructionist Ideology of Gender." It is included as the opening chapter of his 1995 collection of essays *Gendermaps: Social Constructionism, Feminism, and Sexosophical History*, a text which details Money's complicated, often convoluted, and quite frequently antagonistic viewpoints on the theory of social constructionism, the politics of feminism, and the history of psychosexual research. In his 1995 language, Money refers to hermaphroditism as a "genital birth defect," and this pathologizing rhetoric figures hermaphroditism to be primarily a problem of genital formation. However, in his earlier work Money clearly recognized the existence of a number of intersex conditions that are irreducible to

[118] John Money, "Hermaproditism, gender and precocity in hyperadrenocorticism: Psychologic findings."
[119] John Money, "Lexical History and Constructionist Ideology of Gender," in *Gendermaps: Social Consturctionism, Feminism, and Sexosophical History* (New York: Continuum, 1995), 18-19.

considerations of genital formation.[120] This reductionism reveals that what Morgan Holmes calls "genital determinism" came to play a significant role in Money's project.[121]

In their 1972 textbook *Man & Woman, Boy & Girl*, Money and Ehrhardt specify that during the 1950s, medical practitioners sometimes used "hermaphroditism" to refer to known etiologies and diagnoses, and "intersex" to indicate unknown etiologies and diagnoses. Intersex literally referred to, for a period of time at least, people whose bodies resisted diagnostic classification. However, Money and Ehrhardt go on to argue that this distinction was of limited value (for reasons they don't specify) and recommend that hermaphroditism and intersex can more or less be used interchangeably, as both refer to cases of atypical sex development.[122] Making hermaphroditism and intersex interchangeable as signifiers was a way for Money and Ehrhardt to contain the radical unintelligibility some researchers in the 1950s and 1960s attributed to intersex. According to Money and Ehrhardt, both intersex and "hermaphroditism mean…that a baby is born with the sexual anatomy improperly differentiated. The baby is, in other words, sexually unfinished" (5). In referring to hermaphroditic conditions as those in which "the sexual anatomy is improperly differentiated," and suggesting that a hermaphroditic baby is "sexually unfinished," Money and Ehrhardt expose two central presumptions that structured their work: first, that sexual anatomy has a *proper* mode of differentiation which, second and in turn, constitutes a complete or *finished* form of

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[120] See John Money, *Love and Love Sickness: The Science of Sex, Gender Difference, and Pair Bonding* (Baltimore: Johns Hopkins University Press, 1980).

[121] Morgan Holmes, *Intersex: A Perilous Difference* (Selinsgrove: Susquehanna University Press, 2008), 69.

[122] John Money and Anke E. Ehrhardt, *Man & Woman, Boy & Girl: The Differentiation and Dimorphism of gender Identity from Conception to Maturity* (Baltimore: Johns Hopkins University Press, 1972), 5.

sexual dimorphism. In addition, in referring to intersex infants as "sexually unfinished," Money and Ehrhardt reveal the persistence of the medico-scientific attitude toward abnormality analyzed by Foucault in *Abnormal*, which I addressed in the Introduction.[123] Recall that in his analysis of the Grandjean case, Foucault observes that hermaphroditism is no longer understood as a breach of nature but rather as a defective structure. Adopting such a view, Money and Ehrhardt's understanding of intersex was thus not only normative and pathologizing but also structured by a spatial and temporal logic of human development whose telos is wholeness. This perspective, as many intersex activists and feminists would subsequently point out, is deeply problematic in terms of its heteronormative and sexually dimorphic ideological investments and biases.[124] It is also fundamental to the logic of normalization Foucault discusses as emerging in the late eighteenth and nineteenth centuries in *Abnormal*.

These presuppositions were evident in Money's work from its beginnings onward. Money first became acquainted with the phenomenon of hermaphroditism in the Harvard psychological clinic, and the subject spurred his interest so much that he wrote his Ph.D. dissertation on "Hermaphroditism: An Inquiry into the Nature of a Human Paradox" in 1952.[125] In his dissertation research, Money conducted 10 case studies with interviews and collected 248 cases from a medical literature review to show that "psychosexual

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[123] Michel Foucault, *Abnormal: Lectures at the Collège de France*, *1974-1975*, trans., Graham Burchell (Picador, 2004).

[124] See, for instance, Cheryl Chase, "Hermaphrodites with Attitude: Mapping the Emergence of Intersex Political Activism," *GLQ* 4.2 (1998); Morgan Holmes, "Queer Cut Bodies," in *Queer Frontiers: Millennial Geographies, Genders and Generations*, ed., Joseph A Boone, et al. (Madison: University of Wisconsin Press, 2000), 84-110; Kessler, *Lessons from the Intersexed*; and Fausto-Sterling, *Sexing the Body*.

[125] John Money, "Hermaphroditism: An Inquiry into the Nature of a Human Paradox," Ph.D. Dissertation, Harvard University, 1952.

orientation bears a very strong relationship to teaching and the lessons of experience and should be conceived as a psychological phenomenon" (7). By "psychosexual orientation," Money meant "libidinal inclination, sexual outlook, and sexual behavior" (5). In "Lexical History and Constructionist Ideology of Gender" Money quotes his dissertation at length to reveal how his studies of hermaphroditism generated for him the following problem:

> For the name of a single conceptual entity, there are too many words in the expression "libidinal orientation, sexual outlook, and sexual behavior as masculine or feminine in both its general and its specifically erotic aspects." The challenge to give a unitary name to the concept embodied in these many words became pressing after my case load of hermaphrodites studied in person had, after 1951, expanded from ten to sixty in Lawson Wilkins' Pediatric Endocrine Clinic at the Johns Hopkins Hospital, at which time a concise report of the findings became essential. (20)

Studying individuals with atypical or anomalous bodies, Money's research initially and inadvertently proliferated diagnostic categories; his research generated, as he says "too many words." This factor in itself signifies the degree to which intersexuality troubled the symbolic and epistemic resources of Money's biomedical episteme. To overcome the discursive proliferation that his studies of intersexuality inaugurated, Money went in search of "a unitary name." In short, Money sought to establish an exhaustive, monolithic taxonomy that could explain and render intelligible the discursive excess generated by hermaphroditism. Money's project was to produce a coherent medical science of the abnormal along the lines discerned by Foucault.

Money's dissertation had suggested that psychosexual orientation is shaped by social and psychological factors, and in forwarding this thesis Money was staging an argument with early- to mid-twentieth century psychologists and sex researchers who held that psychosexual orientation was biological and innate. In the 1950s, a time when theories of biological determinism were dominant in the hard sciences,[126] Money's insistence that masculinity and femininity could not be reduced to biology alone remains quite remarkable. Summarizing his post-1951 findings, Money explains in "Lexical History and Constructionist Ideology of Gender" that:

> The first step was to abandon the unitary definition of sex as male or female, and to formulate a list of five prenatally determined variables of sex that hermaphroditic data had shown could be independent of one another, namely, chromosomal sex, gonadal sex, internal and external morphologic sex, and hormonal sex (prenatal and pubertal), to which was added a sixth postnatal determinant, the sex of assignment and rearing…The seventh place at the end of this list was *an unnamed blank that craved a name*. After several burnings of the midnight oil I arrived at the term, gender role, conceptualized jointly as private in imagery and ideation, and public in manifestation and expression. (emphasis added, 21)

The "hermaphroditic data" led Money to the hypothesis that biological sex is itself radically unstable, composed of heterogeneous elements that do not add up to a unitary conceptual entity. Reckoning with this instability in turn produced for Money a problem

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[126] This point is made in Sandra Harding, *The Science Question in Feminism* (Ithaca: Cornell University Press, 1986); and Evelyn Fox Keller, *Reflections on Gender and Science*, Tenth Anniversary Edition (New Haven: Yale University Press, 1995).

of language and reference, a problem of naming. The "unnamed blank that craved a name" that Money refers to in this passage can be read as a displacement of the biological instability prefigured by intersex. In other words, in recognizing "five prenatally determined variables of sex that hermaphroditic data had shown could be independent of one another, namely, chromosomal sex, gonadal sex, internal and external morphologic sex, and hormonal sex (prenatal and pubertal)," Money's research dismantled the unitary conception of sex and, in so doing, also produced an "unnamed blank" at the site of the body. That "unnamed blank" threatened the very semblance of sex. To contain that threat, Money "filled" the "blank" with "gender." That is, to control the effects of intersexuality's dismantling of sex, Money used the concept of "gender role" both to name and to "fill" the "blank" of intersexuality—to override the instability of sex and the unintelligibility of intersex in order to make intersex people's internal and external identification and manifestation of masculinity or femininity the defining feature of their personhood.

In defining "gender role" in terms of interior sense of self and exterior manifestation and expression as masculine or feminine, Money was in a sense extrapolating from what feminist scholars would later argue is a gendered political construction through and through: the public/private distinction that emerged in the Western world in 18th century social contract theory.[127] This uninterrogated public/private distinction also provided Money with a way of showing why gender role is itself not necessarily always unitary: one could privately identify as feminine, yet publicly manifest and express a masculine identity, or vice versa. This apparent contradiction suggested to

[127] See, among many others, Carole Pateman, *The Sexual Contract* (Stanford: Stanford University Press, 1988).

Money that, while a gender role may be acculturated in relation to learned understandings of masculinity and femininity, it is not for that reason necessarily acculturated in a monolithic way. Gender role, Money argued, was imprinted at multiple levels of a person's psychosexual orientation, and these levels were not necessarily coherent with one another.

However, in the above passage Money also reveals that his conceptualization additionally posited "gender role" as a "variable of sex." That is, though Money disaggregated gender role from sex, he also posited a structural connection between them. Gender role indicated for Money a factor which signified not only "masculine or feminine inclination, outlook, and behavior," but also the prospective sex that is *supposed* to coincide with a particular gender role. Though a foundational assumption in dominant twentieth and twenty-first century discourses holds that sex precedes gender, Money's work performed a significant reversal of this assumption. In Money's research on hermaphroditism, the notion of "gender role" was used as a predictive agent to determine the hermaphrodite's sex. In short, long before Butler, Money suggested, albeit inadvertently, that gender precedes sex.

In a certain sense, by determining a hermaphroditic person's "gender role," Money was then retroactively able to determine that person's sex, and this is why his treatment recommendations for hermaphroditism centered on surgical and hormonal normalization. In using "gender role" to "fill" the "unnamed blank" intersexuality represented, Money attempted to make individuals born with intersex characteristics *fit into* normative understandings of the roles usually played by people with dimorphic sex. At the very moment when his research pointed toward potentially radical instabilities

between gender and sex—and within gender and sex themselves—Money erased or overwrote those possibilities by reducing gender to being the performance of the roles and identifications he thought dimorphic sex *should* entail. As Hausman points out, what Money (and the Hampsons) "argued, in effect, was that those subjects unable to represent a sex 'authentically' could simulate one through adequate performances of gender that would fix one's identity irrevocably in a sex category. In other words, if you aren't born into a sex, you can always become one through being a gender" (107). Though I agree with Hausman that Money and the Hampsons used gender to restabilize sex, my analysis diverges from hers on the question of gender's so-called authenticity.

For Hausman, "the idea of gender" is a discursive construct produced by psychiatry. Hausman further suggests that gendered interiority is a product of technology and discourse and is therefore artificial (200). In his critical review of *Changing Sex*, Vernon Rosario rightly challenges Hausman on this point.[128] Rosario argues that Hausman ultimately "relies on a rigid internalist, technological-determinist historiography" (245). Rosario further contends that

> it is hard to give full credit to Money for inventing gender identity when late-nineteenth-century doctors, such as the Italian forensics expert Arrigo Tamassia, clearly defined the conflict between psychological gender identity and physical sex appearance in certain cases of "sexual inversion": "the individual, although recognizing himself of a given sex,

[128] Vernon Rosario, "Book Review: *Changing Sex: Transsexualism, Technology, and the Idea of Gender*," *Configurations* 4.2 (1996): 243-246.

> psychologically feels all the attributes of the opposite sex."[129] (Tamassia, of course, like the Italians and French of today, lacked a linguistic means of making the current, English "sex"/"gender" distinction). (244)

In Rosario's view, the category gender need not explicitly exist *as such* in a particular culture's language for the sex/gender distinction to be operative in that culture. While I would concede the plausibility of this point, I would also argue that it is important to pay attention to the ways in which presentism—the projection of present concerns onto the past, such that the past's alterity and difference from the present gets erased—can skew or reproduce anachronistic accounts of history.[130] I agree with Rosario that "gender" can be traced back to multiple points of origin, and that these multiple origins complicate linear and monolithic accounts of gender's social, political, and scientific history. However, as a matter of contextualization, Rosario's deflation of Money's importance to the modern history of gender seems questionable in light of the genealogy of gender in feminism I sketched above. That Anne Oakley directly drew from Money to formulate the sex/gender distinction in expressly feminist terms highlights a crucial linkage between mid-twentieth century biomedical and feminist discourses that Rosario leaves unremarked.

As Iain Morland points out his "Introduction" to a 2009 special issue of *GLQ* entitled "Intersex and After," the role of gender in the development of intersex treatment,

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[129] Arrigo Tamassia, "Sull'inversione dell'instinto sessuale," *Rivista sperimentale di freniatria e di medicina legale* 4 (1878): 99.

[130] For an analysis of presentism in women's studies, see Jane O. Newman, "The Present and Our Past: Simone de Beauvoir, Descartes, and Presentism in the Historiography of Feminism," in *Women's Studies on Its Own*, ed., Robyn Wiegman (Durham: Duke University Press, 2002), 141-173. For a consideration of the question of anachronism in sexuality and gender studies, see Valarie Rohy, "Ahistorical," *GLQ* 12.1 (2006): 61-83.

and in Money's research and diagnostic recommendations in particular, remains contentious.[131] In the original paragraph from his 1955 article "Hermaphroditism, gender, and precocity in hyperadrenocorticism" in which the term gender role first appeared, Money theorized gender role as pertaining specifically to the way in which behavior cannot be causally linked to biological sex.

> Cases of contradiction between gonadal sex and sex of rearing are tabulated… together with data on endogenous hormonal sex and gender role. The term gender role is used to signify all those things that person says or does to disclose himself or herself as having the status of boy or man, girl or woman, respectively. It includes, but is not restricted to sexuality in the sense of eroticism. (254)

Money then offered the following summary conclusion, and the passage is worth quoting at length:

> Chromosomal, gonadal, hormonal, and assigned sex, each of them interlinked, have all come under review as indices which may be used to predict an hermaphroditic person's gender—*his* or *her* outlook, demeanor, and orientation. Of the four, assigned sex stands up as the best indicator. Apparently, a person's gender role as boy or girl, man or woman, is built up cumulatively through the life experiences he [sic] encounters and through the life experiences he [sic] transacts. Gender role may be likened to a native language. Once ingrained, a person's native language may fall into disuse and be supplanted by another, but it is never entirely

[131] Iain Morland, "Introduction: Lessons from the Octopus," *GLQ* 15.2 (2009), 191-197.

> eradicated. So also a gender role may be changed or, resembling native bilingualism may be ambiguous, but it may also become so deeply ingrained that not even flagrant contradictions of body functioning and morphology may displace it. (258)

In stipulating that "gender role may be likened to a native language," Money invites the reader to take up the analogy, to imagine gender *as* a native language. Traditionally defined, a native language is the first language one learns. It is learned, but almost as soon as it is learned, it becomes ingrained. It becomes deep-rooted, habitual, reflexive, almost *as if* it were natural. Historically linked with the concepts of ethnicity and the "mother tongue," Robert Phillipson argues that European imperialism proceeded, in part, by way of a massive effort to categorize, systematize, and contain the "native languages" of the colonies.[132] The colonial implications of the figure are important because, in analogizing gender with a native language, Money figures gender as something that is *naturalized* by socialization, and simultaneously as changeable within certain conditions and limits. Here, Money simultaneously discloses and effaces an insight which has become central to a variety of poststructuralist feminisms: that gender is structured like a language, a system of differences without positive terms.[133] Yet Money's normative prerogative prevented him from seeing that there is no *scientific* or *cultural* reason to privilege any particular embodied differences, such as those that compose normative

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[132] Robert Phillipson, *Linguistic Imperialism* (Oxford: Oxford University Press, 1992).

[133] See Ferdinand de Saussure, *Course in General Linguistics*, trans. Roy Harris (Illinois: Open Court Publishing, 1998); see also Beatrice Hanssen, *Critique of Violence: Between Poststructuralism and Critical Theory* (New York: Routledge, 2000).

masculine and feminine roles and bodies, over and above alternative possibilities of comportment and embodiment.

Money's reference to "native bilingualism" as "ambiguous" is also noteworthy. The figure marks native bilingualism as indefinite, unclear, and confusing, when in fact native bilingualism just means the ability to speak within and across two languages. Native bilingualism opens up opportunities for translation, raises questions about cultural and linguistic difference, and reveals the promises of cultural border crossing. It destabilizes those nations or cultural traditions that privilege the idioms of monolingualism and ethnocentrism. Money codes categories and bodily configurations that trouble expected boundaries and forms, that disrupt cultural norms and preconceptions, as a threat to intelligibility. As with the "unnamed blank" analyzed above, Money's diagnostic effort becomes regulatory, an effort to contain that which generates ambiguities and proliferates languages and meanings.

This regulatory aspect of Money's work is also apparent in the gendered language that shapes the passage. Between the first and third sentence of the passage, there is a grammatical shift in from "his or her" to "he." The first sentence reads, "Chromosomal, gonadal, hormonal, and assigned sex, each of them interlinked, have all come under review as indices which may be used to predict an hermaphroditic person's gender—*his* or *her* outlook, demeanor, and orientation" (emphasis added). The third sentence reads: "Apparently, a person's gender role as boy or girl, man or woman, is built up cumulatively through the life experiences *he* encounters and through the life experiences *he* transacts" (emphasis added). Here, Money switches to the masculine singular pronoun, using it as the general form of personhood. This usage reveals the masculinism, or, more

precisely, masculine universalism that guides Money's project, a masculine universalism evident not only at the level of grammar but also in the conceptual transition from hermaphroditism to binary gender. Money resolves the tension between the destabilization and multiplication of sexes and sexed subject positions inaugurated by his research on intersexuality and binary grammar by privileging the masculine singular pronoun as the signifier of universal personhood.

In addition, the above passage highlights the ways in which the concept of gender role operated for Money as a category of *prediction*: "Chromosomal, gonadal, hormonal, and assigned sex, each of them interlinked, have all come under review as indices which may be used to *predict* an hermaphroditic person's gender—his or her outlook, demeanor, and orientation" (emphasis added). Money's theory of "gender role," which disaggregated masculine and feminine behaviors from biologically sexed bodies, provided a way to make the hermaphrodite's psychosocial identity intelligible in terms of the dominant ideological tropes of masculinity and femininity regardless of the individual's morphological "sex," but, and more importantly perhaps, also provided Money with a paradigm of treatment. Advances in surgery spawned, in part, by mid-twentieth century biomedical research on transsexualism, had enabled doctors to perform surgical sex-reassignments.[134] Yet surgical sex-reassignment could only be argued to be "medically necessary" in the case of intersex infants if it could be shown that the infant's gender could be *predicted*. Money's theory of "gender role" filled precisely that gap. He theorized sex as surgically malleable and gender as socially plastic up until two years of age.

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[134] See Joanne Meyerowitz, *How Sex Changed: A History of Transsexuality in the United States* (Cambridge: Harvard University Press, 2002).

In devising a set of treatment protocols for intersexuality, Money, along with fellow researchers at the Johns Hopkins Psychohormonal Research Unit, formulated what has come to be known as the "optimal gender paradigm." They held that

> the sex of assignment and rearing is consistently and conspicuously a more reliable prognosticator of a hermaphrodite's gender role and orientation than is the chromosomal sex, the gonadal sex, the hormonal sex, the accessory internal reproductive morphology, or the ambiguous morphology of the external genitalia.[135]

According to Rosario, the Hopkins team "argued that infants born with ambiguous genitalia could be surgically 'corrected' and then successfully raised as either males or females so long as certain conditions were met" (267). These conditions, Rosario notes, included gender assignment being performed before 18-24 months; that parents strictly enforced the gender of rearing; and that the children were "not confused by knowledge about their intersexed past" (267). According to Alice Dreger and April Herndon, the "optimal gender" paradigm "held that *all* sexually ambiguous children should—indeed must—be made into unambiguous-looking boys or girls to ensure unambiguous gender identities." [136] In other words, if gender is like language, and gender instability (changing genders) is like native bilingualism, Money's ultimate goal was to eradicate ambiguity in the name of promoting monolingualism. This seems to resolve the problem of both

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[135] Money and the Hampsons quoted in Rosario, "The History of Aphalia," 267. The original quotation can be found in John Money, J.G. Hampson, and J. L. Hampson, "Imprinting and the Establishment of Gender Role," *Archives of Neurology and Psychiatry* 77 (1957): 333-336.

[136] Alice D. Dreger and April M. Herndon, "Progress and Politics in the Intersex Rights Movement: Feminist Theory in Action," *GLQ* 15.2 (2009): 202.

discursive excess ("too many words") and linguistic inadequacy ("an unnamed blank that craved a name").

In recommending that intersex infants be treated with a combination of normalizing genital surgeries and/or hormonal treatments and psychosocial rearing into the "optimal gender," Money and his colleagues essentially designed a program of sex *and* gender normalization. This program of normalization can also be understood as a refinement of the masculinism (disguised as grammatical) inherent in Money's privileging of the masculine pronoun. As Katrina Karkazis points out, Money and other intersex medical specialists' intentions were, to some degree at least, beneficent. "Raising a child with a gender-atypical anatomy (read as gender ambiguity) is almost universally seen as untenable in North America: anguished parents and physicians have considered it essential to assign the infant definitively as male or female and to minimize any discordance between somatic traits and gender assignment."[137] Money and the Hopkins team thought that their treatment protocols would help intersex children to live "normal" lives; however, as I detail in the chapters that follow, their treatment protocols have been widely criticized by intersex adults, activists, and scholars, as well as feminist and queer theorists, for inflicting physical and psychological trauma, for upholding an unjust system of bodily and psychical regulation, and for perpetuating a binary gender regime that maintains sexism and heteronormativity by privileging heterosexual masculinity as the idealized form of human personhood and morphology.

III. Conclusion

In *Gender Trouble*, Judith Butler observes that

[137] Katrina Karkazis, *Fixing Sex: Intersex, Medical Authority, and Lived Experience* (Durham: Duke University Press, 2008), 7.

> the mark of gender appears to "qualify" bodies as human bodies; the moment in which an infant becomes humanized is when the question, "is it a boy or girl?" is answered. Those bodily figures who do not fit into either gender fall outside the human, indeed, constitute the domain of the dehumanized and the abject against which the human itself is constituted. (142)

Seen in this light, Money's project was essentially about the humanization of people with intersex, a project which unwittingly revealed how dehumanizing humanism can be for those born with anatomies that do not conform to a mythical norm.[138] Though Money's diagnostic and treatment paradigm has come under question in recent years, many medical practitioners continue to follow Money's guidelines, viewing intersex infants as corporeally unintelligible at the moment of birth, only to immediately transport them into intelligibility through surgical, medical, and psychosocial normalization. As my analysis has shown, these bodily interventions follow the strict, masculinist-as-universalizing constraints of a cultural grammar. Most parents and doctors are so overly invested in the question "Is it a boy or girl?" that they cannot imagine a world of other possibilities.

To move toward imagining those possibilities, it seems imperative to recognize that, despite significant differences in epistemological and sociopolitical orientation, aim, and method, contemporary feminist and biomedical discourses continue to share an investment in the presumption of gender's plasticity. While second-wave feminists theorized the social construction of gender to critique the determinist fallacy that "anatomy is destiny"—that biology predetermines social, psychological, and sexual

[138] On intersex and humanism, see Iain Morland, "Plastic Man: Intersex, Humanism, and the Reimer Case," *Subject Matters: A Journal of Communications and the Self* 3.2/4.1 (2007), 81-98.

roles—more recent feminist and queer scholars have pushed at the limits of gender constructionism, asking whether the very frame of binary gender naturalizes heteronormative structures, the essentialism of sexual dimorphism, and the relations of power that underlie those structures. In the process, the lines between feminist and queer projects have become productively blurry or plastic themselves. Meanwhile, since the 1950s, biomedical experts in intersex treatment have sought to rewrite the destiny of anatomy, using surgery, endocrinology, and psychosocial counseling to make "atypical" bodies conform to the regulatory codes of sexually dimorphic and heteronormative ideals. Paradoxically, then, Money and the physicians who came to widely embrace his paradigm during the twentieth century used the presumed plasticity of social gender and the surgical malleability of anatomical sex to reinforce the very ideologies that feminist and queer thinkers have attempted to contest by theorizing the plasticity of gender, sex, sexuality, and embodiment more generally.

When Oakley appropriated gender from Money to articulate a feminist project that would liberate women from biological determinism, she set into motion a historical process whose ramifications continue to reverberate today in feminist discourse and practice. That Oakley ultimately reduced gender to its most binary formulation is perhaps understandable considering her political aims, but the costs of this reduction were considerable. In subsequent feminist theories, intersexuality's place in the "invention" of gender was largely erased from feminism's historical archive. In "The Traffic in Women," Gayle Rubin theorized the sex/gender system to stress the systematic connection between bodies and socially regulated masculine and feminine roles and to critique structures of patriarchal domination. Despite her own tacit investments in gender

binarism, Rubin had the foresight to suggest that, "ultimately, a thoroughgoing feminist revolution would liberate more than women. It would liberate forms of sexual expression, and it would liberate human personality from the straightjacket of gender" (200). Recognizing with Foucault that there is no outside to power relations, and recognizing that gender is not merely a repressive technology but also a productive one, the effort to imagine what it might mean to express human potential in ways that do not consolidate the constraining and regulatory effects of gender normativity remains as pressing today as it was in 1975 when Rubin penned these sentences.

In conclusion, I would propose that the exclusion and erasure of intersexuality's importance to the early history of the development of gender as a socially meaningful concept from the dominant historical narrative of twentieth century feminism (such as the one McCann and Kim provide) is problematic for at least two reasons. First, and obviously, it is historically inaccurate. But second, and more importantly, it bypasses a profoundly unsettling historical and political paradox. On the one hand, the concept of gender enabled American feminists from the 1970s onward to challenge and resist biological essentialism and to analyze, politicize, and transform the social meanings of women's and men's lives. On the other hand, the term and concept of gender was originally born out of a regulatory, normative, and masculinist project—the medical management of intersexuality—that masked itself through the humanist language of the betterment of all peoples. In short, if the concept of gender as social has been perceived as having been liberatory for feminists (and each year, students in my "Introduction to Women's Studies" courses continue to initially perceive gender this way), specialists in intersex medicine have used the gender concept primarily (though by no means

exclusively) as a technology for the corporeal and psychosocial regulation of people with intersex in the name of recuperation and healing.[139] This paradox helps to explain the history of tensions between feminist and intersex activist projects that I explore in Chapters 3 and 4. As I have shown here, far from being a marginal topic, subfield, or specialization of inquiry within women's and gender studies, intersex is actually central to the history of the analytic categories that have fundamentally shaped the diverse intellectual trajectories, paradigms, pedagogies, and politics of the field. Intersex literally "gave birth" to gender.

[139] See, among others, Cheryl Chase, "Affronting Reason," in *Looking Queer: Body Image and Gay Identity in Lesbian, Bisexual, Gay, and Transgender Communities*, ed., Dawn Atkins (New York: Harrington Park Press, 1998), 205-219.

Chapter 2

The Gender Trouble with Intersex in Women's Studies

> The ethical way to treat intersexed individuals is to preserve, rather than surgically abolish, the uncertainties their bodies provoke.—Iain Morland[140]

A colleague recently told me the following story. She was doing a first-round interview for an assistant professor position in women's studies at a well-known, small liberal arts college. After she answered the standard questions about her dissertation, major fields of specialization, and pedagogical approach, a member of the search committee asked her what she thought would be the most significant areas of research in women's studies during the coming decade. My colleague named feminist science studies, sexuality studies, intersectional analysis, intersex studies and transgender studies, and was about to list several other areas and explain their importance when a senior faculty member on the committee abruptly interrupted her. "Intersex and transgender," the committee member said with a huff, rolling her eyes, and then jokingly added, "Soon, we won't even be allowed to talk about women anymore!" The other committee members laughed half-heartedly and nervously as they looked to my colleague, who smiled uncomfortably, to gauge her response. As my colleague later told me, to her this was no laughing matter at all.

This anecdote struck me for several reasons. It not only highlights the level of unease some women's studies practitioners feel in relation to the rise of interest in

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[140] Iain Morland, "Postmodern Intersex," in Sharon E. Sytsma, ed., *Ethics and Intersex* (Netherlands: Springer, 2006), 331.

intersex and transgender topics in the field of women's studies, but also reveals the political and intellectual stakes underlying that unease. Those stakes center in large part on the place of "women" in women's studies. That is, they have to do with the various forms of epistemic and political privilege that accrue to the sign *women*—not only as the field's "proper" object of study, but also as the field's *raison d'être*.[141] As an epistemological, pedagogical, institutional, and political formation, women's studies is, as Rachel Lee has argued, a site of regulation.[142] The pressure to police the field's boundaries, to maintain a certain feminist *status quo*, comes from multiple sources, within the field and beyond.[143] For the committee member who responded to my colleague's mention of intersex and transgender studies with such ostensibly playful hostility (not to mention unprofessionalism), it is as if the rise of interest in intersex and transgender in women's studies not only derails the field's focus on studying women's lives—as if trans- and intersex folks who identify as women are not *real* women—but also threatens, in an ironic twist of fate, to institute a moratorium on the usage of the word *women* in the context of women's studies itself.

This chapter seeks to show that the rise of interest in intersex in women's studies does not entail any such moratorium, though I do suggest that the gender trouble intersex occasions in that field deserves greater attention because it exposes certain uncertainties

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[141] For a queer feminist critique of the construction of proper objects, see Judith Butler, "Against Proper Objects," *differences* 6.2/3 (1994): 1-26.

[142] Rachel Lee, "Notes from the (Non)Field: Teaching and Theorizing Women of Color," in Robyn Wiegman, ed., *Women's Studies on Its Own* (Durham: Duke University Press, 2002), 82-105.

[143] See Robyn Wiegman, "Academic Feminism Against Itself," *NWSA Journal* 14.2 (2002): 18-34; see also David Rubin, "Women's Studies, Neoliberalism, and the Paradox of the 'Political'," in *Women's Studies for the Future: Foundations, Interrogations, Politics*, eds., Elizabeth Kennedy and Agatha Beins (New Brunswick: Rutgers University Press, 2005), 245-261.

about embodiment that haunt dominant, residual, and emergent modes of knowledge production about bodies within women's studies, the academy, and beyond. In Chapter 1 I argued that John Money used "gender" to fill the "unnamed blank" of intersexuality. Money's "unnamed blank that craved a name" is in many ways a story about the anxieties of uncertainties. In this chapter, I argue that the critical theories and tools of women's studies make a different approach to intersexuality possible, an approach that allows for the preservation of what Iain Morland calls the uncertainties intersex bodies provoke.

Analyzing the past two decades of feminist scholarship on intersexuality, I suggest that intersex does not merely represent an expansion of the range of subjects studied in women's studies, but rather critically reconfigures the field's key analytic concepts: sex, gender, the sex/gender distinction, sexuality, embodiment, and the politics of difference more broadly. I contend that feminist analyses of intersex have productively interrogated and reformulated the sex/gender, nature/culture, and gender/sexuality distinctions, interrupting heteronormativity's equation of genitalia with sex and with gender, and have thereby begun to conceive the matter of bodies as inextricable from biopolitical processes which position human anatomy and morphology as objects of regulation.

I. Intersex and the Problematization of Gender

The current interest in intersex phenomena in women's studies arises, in part, from the ways in which the topic is seen to generate key questions about the meaning and materiality of sex, gender, and sexuality in biomedical and sociocultural discourses and practices. As I demonstrated in the Introduction, the definition of "intersex" is highly

contested within and across contemporary domains of scholarship, activism, biomedicine, and popular culture. In a culture permeated and organized by strict ideas about sex and gender, intersex phenomena seem to unravel certainties about the nature of embodied difference. What defines a woman, what defines a man, and how do we know? These questions, arguably originary analytic points of departure for women's studies, are of inestimable value for investigating the relations of power and knowledge which inform gendered and sexed social, political, and subjective formations. When an infant is born with anatomical features that challenge accepted standards of sex/gender classification, with genitals, for instance, that are not readily readable in strictly dimorphic terms, naturalized presumptions about the ontology and epistemology of embodiment threaten to come undone. Entrenched gendered and sexed ways of being, knowing, and acting in the world are normative; they perform and participate in disciplinary operations that simultaneously produce and foreclose particular forms of life. As Judith Butler has argued, the undoing of restrictive conceptions of sexed and gendered existence is an important but tenuous prospect.[144] As much as the destabilization of sexed and gendered identities, meanings, and structures holds the potential to expand the range of possibilities for what gets to count as an intelligible, valuable life, so too does it harness the power to throw certain lives into crisis or render them inhabitable only under certain highly constricted conditions.

This point is well illustrated in Cheryl Chase's 1998 autobiographical essay "Affronting Reason."[145] There Chase recounts how, at the age of 21, she was able with

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[144] Judith Butler, *Undoing Gender* (New York: Routledge, 2004).

[145] Cheryl Chase, "Affronting Reason," in Dawn Atkins, ed., *Looking Queer: Body Image and Gay Identity in Lesbian, Bisexual, Gay, and Transgender Communities* (New York: Harrington Park Press, 1998), 205-

the help of a physician to obtain medical records from a hospitalization that occurred when she was an infant. “It seems that your parents weren’t sure for a time whether you were a girl or a boy,” Chase’s doctor explained (204). The doctor handed Chase her chart: “‘Diagnosis: true hermaphrodite. Operation: clitorectomy’.” “The hospital records showed Charlie admitted, age 18 months. His typewritten name had been crudely crossed out and ‘Cheryl’ scribbled over it” (204). Paradoxically, whoever crossed out “Charlie” and scribbled “Cheryl” over it (presumably, one of Chase’s physicians) had marked, in language, what the clitorectomy operation was supposed to hide or erase. “Though I recall clearly the scene of Dr. Christen handing me the records, dismissing me from her office,” Chase explains,

> I can recall nothing of my emotional reaction. How is it possible that I could be a *hermaphrodite*? The hermaphrodite is a mythological creature. I am a woman, a lesbian, though I lack a clitoris and inner labia. What did my genitals look like before the surgery? Was I born with a penis? (204)

The revelation of her hidden medical history was profoundly unsettling for Chase. Chase goes on to detail the way in which these questions quite literally brought her life into crisis.

> Fifteen years of emotional numbness passed before I was able to seek out the answers to these and many other questions. Then, four years ago, extreme emotional turmoil and suicidal despair arrived suddenly,

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219; reprinted in Joan Nestle, Clare Howell, and Riki Wilchins, ed., *GenderQueer: Voices from Beyond the Sexual Binary* (Los Angeles: Alyson Books, 2002), 204-219. Hereafter I cite the version from *GenderQueer*.

> threatening to crush me. *It's not possible*, I thought. *This cannot be anyone's story, much less mine. I don't want it. Yet it is mine.* (205)

Chase's sense of the sheer *im*possibility of her life's story highlights the degree to which this story was imposed on her, from the outside, as it were, inserting her into a discourse that she did not choose of her own volition but that she had no choice but to reckon with. "*This cannot be anyone's story, much less mine*," Chase stresses. "*I don't want it. Yet it is mine*." These comments narrate a split. It is simultaneously a split in narrative and a split in subjectivity. Chase declares, on the one hand, that "this cannot be anyone's story," that her story is impossible as a narrative, while on the other hand she claims it as her own, despite her own disdain for it. Chase thus expresses her story as both the doing and undoing of her subjectivity. The narrative Chase tells almost seems to call the very possibility of her existence into question.

In being forced to rethink the implications of her medicalization as an infant, Chase reveals that the politics of sex and gender shape the ways doctors and parents treat intersex children. She continues,

> I learned that I had been born not with a penis but with intersexed genitals: a typical vagina and outer labia, female urethra, and a very large clitoris. Mind you, "large" and "small," as applied to intersexed genitals, are judgments that exist in the eye of the beholder. From my birth until the surgery, while I was Charlie, my parents and doctors considered my penis to be very small and with the urethra in the "wrong" position.
>
> My parents were so traumatized by the appearance of my genitals that they allowed no one to see them: no baby-sitters, no helpful

> grandmother or aunt. Then, at the very moment the intersex specialist physicians pronounced my "true sex" as female, my clitoris was suddenly monstrously large. All this occurred without any change in the actual size or appearance of the appendage between my legs (207).

Chase's observation here is telling: prior to her surgical sex-reassignment, there was a radical shift in the way Chase's doctors and parents *perceived* Chase's infant body. Medical expertise transformed Chase's "small penis" into a "monstrously large clitoris," yet this transformation occurred "without any change in the actual size or appearance of" Chase's genitals. In other words, Chase's diagnosis as an intersexual changed the *gendered meaning* ascribed to Chase's body. In stressing that "'large' and 'small,' as applied to intersexed genitals, are judgments that exist in the eye of the beholder," Chase reveals the extent to which notions of what constitutes "normal" human genitals and anatomical configurations are culture-specific and ideologically saturated, not timeless, objective truths.

This point becomes more evident when Chase notes that, after her surgical sex-reassignment as female, as "Cheryl," her parents enforced a strict code of gender normativity. Just as John Money recommended for other infants with intersex, Chase's parents followed the doctors' recommendations and refused to disclose to Chase about her early medical history. "I know now," Chase writes,

> that after the clitorectomy my parents followed the physicians' advice, and discarded every scrap of evidence that Charlie had ever existed. They replaced all of the blue baby clothing with pink, discarded photos, birthday cards. When I look at grandparents, aunts, and uncles, I am aware

> that they must know how one day Charlie ceased to exist in my family, and Cheryl was there in his place. (205)

In noting that her extended family must be aware on some level that "one day Charlie ceased to exist in my family, and Cheryl was there in his place," Chase highlights her family's silent participation in the gendered regime of normality that conditioned Charlie's transformation into Cheryl.

For Chase's surgery and consequent re-socialization from "Charlie" to "Cheryl" to have seemed medically urgent and necessary, her doctors and parents had to presume not only that the intersexual genitals Chase was born with were pathological, but also that surgery and re-socialization could "correct" that pathology. This "correction" presupposed that genital appearance is equivalent with anatomical sex, which is in turn equivalent with social gender identity. This chain of equivalences was surgically inscribed onto Chase's body and personal history, and that inscription was profoundly disorienting and traumatic for Chase. "Who am I?" Chase wonders in "Affronting Reason" (211). What precisely had the surgery done to Chase's body? And what, thereby, had the surgery done to Chase's selfhood? After years of personal struggle, after searching out and finding other adults who had had similar experiences as infants and children, Chase came to identify as both female and "an avowed intersexual" (205).[146]

"The fact that my gender has been problematized," Chase writes in a sentence whose theoretical and political importance is difficult to overestimate, "is the source of

[146] At the conclusion of "Affronting Reason," Chase writes: "The time has come for intersexuals to denounce our treatment as abuse, to embrace and openly assert our identities as intersexuals, to intentionally affront the sort of reasoning that requires us to be mutilated and silenced" (213). Though she would later shift her position (as I detail in Chapter 3), Chase's early politicized understanding of intersex clearly informed her decision to found the Intersex Society of North America in 1993.

my intersexual identity" (211). During the last half-century, medical practitioners and society generally have treated intersexuality as the de facto *cause* of a gender problem. From the dominant medical point of view, the diagnosis of intersexuality implies that the infant's sex is "unclear" and that "his" or "her" gender, as it were, is "ambiguous." Reversing that conventional logic, Chase figures her intersexual identity not as an inborn state or condition, but rather as the result of a complicated social process: the problematization of her gender. At birth, Chase's sentence suggests, Chase's gender was not in and of itself a problem. Rather, *it was turned into a problem* by Chase's doctors and parents. This is crucial. Intersexuality, Chase argues, is not in and of itself problematic. What is problematic is a biomedical regime of knowledge and power that is incapable of interpellating intersexuality as anything but a problem. In short, Chase reveals that intersexuality only becomes a figure or occasion for what Judith Butler calls gender trouble—the trouble that emerges when gender and the power relations that underlie its presumed meaning are called into question—in a social system that enforces a strict code of binary gender normativity and sexual dimorphism.[147]

II. Kessler and Social Constructionism

Chase's essay sets the stage for the argument I develop over the course of this chapter: that the doing and undoing of gender are intensely political matters not only generally, but especially within the context of women's studies. That gender politics extend all the way down to the materiality of the body and the viability of particular forms of life is one of the reasons for the heightened attention given to intersexuality by women's studies scholars during the past two decades. As I detailed in Chapter 1, much

[147] Judith Butler, *Gender Trouble: Feminism and the Subversion of Identity*, 10th Anniversary Edition (New York: Routledge, 1999).

feminist discourse from the early 1970s through the present has adopted Gayle Rubin's influential sex/gender distinction, where gender is understood as the set of sociocultural meanings, roles, and behaviors codified along the axis of masculinity and femininity that are mapped onto biological sex.[148] By contrast, feminist engagements with intersex phenomena have problematized the assumptions that give the sex/gender distinction its analytic purchase and motility.[149] Suzanne J. Kessler was one of the first scholars to address the issue from a feminist perspective, and was also one of the first to put intersex on the agendas of feminist theory and women's and gender studies. In a 1990 *Signs* article entitled "The Medical Construction of Gender: Case Management of Intersexed Infants," which she later expanded into her 1998 book *Lessons of the Intersexed*, Kessler called attention to a practice that was, at the time, little discussed outside of specialized medical circles: the medical treatment of infants born with intersex features or "conditions."[150] As Kessler soon discovered researching the medical literature on intersexuality, most though not all intersex conditions pose little to no physiological health risk to the life of the infant.[151] This observation led Kessler to ask why healthcare experts view the birth of an infant with an intersex condition as a psychosocial

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[148] As I pointed out in Chapter 1, prior to Rubin, Ann Oakley was among the first feminists to draw a distinction between sex and gender in her 1972 *Sex, Gender and Society* (London: Maurice Temple Smith, 1972), where she used Money's research on hermaphroditism to forward a feminist theory of gender's social construction.

[149] Gayle Rubin, "The Traffic in Women: Notes on the Political Economy of Sex," in *Toward an Anthropology of Women*, ed., Rayna R. Reiter (Boston: Monthly Review Press, 1975), 157-210.

[150] Suzanne J. Kessler, "The Medical Construction of Gender: Case Management of Intersex Infants," *Signs: Journal of Women in Culture and Society* 16.1 (1990): 3-26; *Lessons from the Intersexed* (New Brunswick: Rutgers University Press, 1998).

[151] For an updated and expanded version of this aspect of Kessler's argument, see Katrina Karkazis, *Fixing Sex: Intersex, Medical Authority, and Lived Experience* (Durham: Duke University Press, 2008).

"emergency," one requiring swift surgical intervention. In Kessler's view, the medical management of intersex infants set into motion a coordinated effort of "crisis management," an effort aimed at containing the epistemological and ontological anxieties and uncertainties that arise when dominant presumptions about the meaning and materiality of sex and gender begin to display their contingency, precariousness, and instability.

According to Kessler, the medical management of intersex infants literalizes in a striking fashion an argument central to the history, practice, and theory of feminisms: that gender, contrary to popular belief, is made, not given. Analyzing the medical literature on intersexuality alongside material from interviews she conducted with surgeons and endocrinologists, Kessler argues that "medical teams have standard practices for managing intersexuality that rely ultimately on cultural understandings of gender" (4). The key phrase in Kessler's thesis is "cultural understandings of gender." It suggests that frameworks for making sense of gender have their basis in culture, an argument which, through the work of scholars like Judith Butler, Dianna Fuss, Donna Haraway, Diane Elam, and others, has become increasingly popular in feminist thinking since the early 1990s.[152]

Unlike many of her contemporaries in feminist theory and activism, however, Kessler did not take the cultural construction of gender to be analogous to what Gayle Rubin named in 1975 "the set of arrangements by which a society transforms biological

[152] See Judith Butler, *Gender Trouble*; Diana Fuss, *Essentially Speaking: Feminism, Nature, and Difference* (New York: Routledge, 1989); Donna Harraway, "The Cyborg Manifesto: Science, Technology, and Socialist-Feminism in the Late Twentieth Century," in *Simians, Cyborgs, and Women: The Reinvention of Nature* (New York: Routledge, 1991), 149-182; and Diane Elam, *Feminism and Deconstruction: Ms. en Abyme* (New York: Routledge, 1994).

sexuality into products of human activity."[153] That is, Kessler did not see the cultural construction of gender as arising out of a "sex/gender system" wherein "sex" functions as the pre-cultural, biological base upon which cultural (or superstructural) gender is overlaid. Rather, Kessler figured the concept of a foundational, essential, innate, true, and abiding "sex" as a backformation or retroactive effect of the cultural construction of gender. "Case management involves perpetuating the notion that good medical decisions are based on interpretations of the infant's real 'sex' rather than on cultural understandings of gender" (10). Yet ideas about what constitutes the appropriate shape, size, and function of "male" versus "female" genitals and anatomies are culturally determined. Kessler explains:

> [I]n the face of apparently incontrovertible evidence—infants born with some combination of "female" and "male" reproductive and sexual features—physicians hold an incorrigible belief in and insistence upon female and male as the only "natural" options. This paradox highlights and calls into question the idea that female and male are biological givens compelling a culture of two genders. (4)

For Kessler, the medical treatment of people with intersex is paradoxical because, on the one hand, it acknowledges that sexual dimorphism is not a given, while, on the other hand, it uses surgical and hormonal technologies to reshape non-dimorphic bodies to become dimorphic, literally engendering them. "The nonnormative is converted into the normative, and the normative state is considered natural" (24). Kessler concludes that, with the exception of rare cases where the health of the infant is genuinely threatened, in

[153] Gayle Rubin, "The Traffic in Women," 159.

general "genital ambiguity is 'corrected' not because it is threatening to the infant's life but because it is threatening to the infant's culture" (25).

From this perspective, what intersexuality threatens is not only the widely held cultural belief that sex is naturally dimorphic, that sexual dimorphism is mandated by biology, but, more radically perhaps, that dimorphic sex both precedes and is the origin of gender. What gets to count as an intelligible and legible "male" or "female" body, is, Kessler implies, constituted by culture rather than biology alone. By rethinking gender's cultural construction through gender's surgical reconstruction, Kessler seeks to link the ideological systems of meaning making that inform normative conceptions of gender with technological and biomedical developments that enable intervention into the materiality of bodies. Reading for ideology's material effects, Kessler's project not only stages an important intervention into feminist theories of sex/gender, but also counters the popular misconception that gender's cultural construction is either a purely discursive or sociological process. Gender is literally inscribed into the flesh of the body.

In making this claim, Kessler is staging an argument with fellow feminist theorists over how to conceptualize the sex/gender distinction in relation to (what she saw as) the false dichotomy of nature versus culture. Citing Sherry Ortner, Kessler points out that "the nature/culture distinction is itself a construction—a product of culture" (24-25). For Kessler, the point is not that bodies do not matter, literally or biologically speaking. Rather, the point is that biology is a discipline of knowledge produced by human activity, not a transcendent and transhistorical regime of truth. Etymologically, "biology" combines *bios* with log*o*s. As Foucault reminds us, biology becomes a modern science

and field of knowledge by targeting life as the object of techniques.[154] Drawing upon this important Foucauldian point, Kessler argues that the biomedical sciences produce knowledge of human bodies by interpreting and reading bodies through the cultural prism of gender norms. In the case of intersex infants, Kesler notes,

> Physicians…consider several factors beside biological ones in determining, assigning, and announcing the gender of a particular infant. Indeed, biological factors are often preempted in their deliberations by such *cultural* factors as the "correct" length of the penis and capacity of the vagina. (emphasis added, 3)

In naming "factors such as the 'correct' length of the penis and capacity of the vagina" as *cultural*, Kessler emphasizes that these factors are not naturally given but are rather arrived at via cultural conventions; and these conventions literally regulate what gets to count as an intelligible body.

Though she emphasizes the regulatory role played by the biomedical sciences in shaping what gets to count as a legibly gendered body, Kessler also gives attention to the possibilities of agency and transformation that arise in relation to the medical and cultural regulation of gender.

> If authenticity for gender resides not in a discoverable nature but in someone's proclamation, then the power to proclaim something else is available. If physicians recognized that implicit in their management of

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[154] See Michel Foucault, *The Order of Things: An Archeology of the Human Sciences* (New York: Routledge, 1989); Foucault, *The History of Sexuality, Vol. 1: An Introduction*, trans. Robert Hurley (New York: Vintage, 1990); and Foucault, *Abnormal: Lectures at the Collège de France, 1974-1975*, trans., Graham Burchell (Picador, 2004).

> gender is the notion that finally, and always, people construct gender as well as the social systems that are grounded in gender-based concepts, the possibilities for real societal transformations would be unlimited. (25)

Kessler goes on to suggest that the recognition of gender as culturally constructed has ethical consequences, specifically with regard to questions of accountability. In the conclusion to *Lessons of the Intersexed*, Kessler argues that the medical treatment of intersex persons reveals that gendering is a pervasive social practice which reproduces relations of power and historically contingent though profoundly real hierarchies of domination. "If intersexuality imparts any lesson," Kessler writes, "it is that gender is a responsibility and a burden—for those being categorized and for those doing the categorizing" (132). To be read as a gendered being, to attribute gender to others, is to participate in a signifying network where speech acts, categorical claims, behaviors, and actions have ethical and political implications. The intersexed are simultaneously posited as "other" to dominant understandings of sex and gender, and surgically normalized in the name of recuperation and health. In her polemically charged conclusion, Kessler calls on members of society "to use whatever means we have to give up on gender" (132), but she provides neither a concrete set of strategies for doing so nor a rationale for why this is the ultimate "lesson" she draws from the intersexed.

III. Fausto-Sterling and Developmental Systems Theory

Whereas Kessler theorizes "biological sex" as an effect of the cultural construction of gender, Anne Fausto-Sterling, another of the first feminist scholars to consider the implications of the medical management of intersexuality, uses the very data of biology to call the "nature" of sexual dimorphism into question. In her 1993 essay,

"The Five Sexes: Why Male and Female Are Not Enough," Fausto-Sterling observes that, "in the idealized, Platonic, biological world, human beings are divided into two kinds: a perfectly dimorphic species."[155] However, "on close inspection, absolute dimorphism disintegrates even at the level of basic biology." (20).

> If the state and the legal system have an interest in maintaining a two-party sexual system, they are in defiance of nature. For biologically speaking, there are many gradations running from female to male; and depending on how one calls the shots, one can argue that along that spectrum lie at least five sexes—and perhaps even more. (21)

Importantly, Kessler points out in *Lessons of the Intersexed* that Fausto-Sterling's 1993 five-sex model still gives precedence to genital morphology as the determining factor of sex (90). Thus, in her 2000 return to the topic, "The Five Sexes, Revisited," Fausto-Sterling recognizes the validity of Kessler's intervention and suggests that it would be better for intersex people and their supporters to "turn everyone's attention away from genitals," to acknowledge that peoples' anatomical morphologies are remarkably diverse, and that genitals alone cannot adequately define the meaning of gender or sex (22).[156]

Whereas Kessler privileges culture above biology in her analysis of the medical treatment and social significance of intersexuality, Fausto-Sterling's work articulates a strong concern with understanding the complex interactions between biology and culture. If Kessler adopts what we might call a radical constructionist framework, Fausto-

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[155] Anne Fausto-Sterling, "The Five Sexes: Why Male and Female Are Not Enough," *Sciences* 33.2 (1993): 21.

[156] Fausto-Sterling, "The Five Sexes, Reassessed," *Sciences* 40.4 (2000): 19-23.

Sterling, by contrast, has sought to offer an approach she calls interactive, focusing on how biological and cultural processes are mutually constitutive.

In her 2000 monograph *Sexing the Body: Gender Politics and the Construction of Sexuality*, Fausto-Sterling combines feminist theory with the history of science to investigate the ways in which various scientific disciplines—endocrinology, genetics, neuroscience, and other fields—produce knowledge about gender, sex, and sexuality and argues for the necessity of moving beyond the dualisms of nature/culture, sex/gender, male/female, and heterosexuality/homosexuality.[157] Using a "developmental systems theory" approach, Fausto-Sterling asks how sex, gender, and sexuality are shaped by interrelated and overlapping cultural and biological systems. Fausto-Sterling suggests that no account of embodiment can afford to simply discount the role played by biological processes, yet she is careful to point out that biological processes are in turn shaped by cultural contexts, institutions, and situated knowledge formations. For Fausto-Sterling, hormones, genes, chromosomes, and other biological features are real, material elements of human physiology. They are not simply products of ideology, but neither are the meanings they are given in any particular cultural and historical context free from ideological overdetermination. Drawing on her training as a biologist and pioneering theorist of feminist science studies, Fausto-Sterling contends that the relation between biology and culture is not a simple opposition. As she puts it in the introduction to *Sexing the Body*,

> truths about human sexuality created by scholars in general and biologists in particular are one component of political, social, and moral struggles

[157] Anne Fausto-Sterling, *Sexing the Body: Gender Politics and the Construction of Sexuality* (New York: Basic Books, 2000).

> about our cultures and economies. At the same time, components of our political, social, and moral struggles become, quite literally, embodied, incorporated into our very physiological being. My intent is to show how these mutually dependent claims work, in part by addressing issues such as how—through their daily lives, experiments, and medical practices—scientists create truths about human sexuality; how our bodies incorporate and confirm these truths; and how these truths, sculpted by the social milieu in which biologists practice their trade, in turn refashion our cultural environment. (5)

By foregrounding the ongoing chain of interactions between biology and culture, Fausto-Sterling offers a strikingly original and dynamic alternative to the standard framework of "nature versus nurture" or "essentialism versus constructionism." Her work makes it possible to see that the sexing of the body is a process wherein the biological becomes cultural and the cultural, in turn, becomes biological.

Biology, in this account, is something more than just the raw "stuff" bodies are made of. For Fausto-Sterling, biology refers not only to the materiality of bodies, but also to a scientific set of discourses and practices embodied in particular human institutions. Though Fausto-Sterling seeks to provide a more nuanced account of the role of biology in the sexing of the body, she concurs with Kessler about the social basis of ideas about sex and gender. A close reading of the history of the biological sciences reveals that

> labeling someone a man or a woman is a social decision. We may use scientific knowledge to help us make the decision, but only our beliefs about gender—not science—can define our sex. Furthermore, our beliefs

> about gender affect what kinds of knowledge scientists produce about sex in the first place. (3)

According to this line of thought, sex, even at the biological level, does not have a pure, unmediated, univocal referential meaning. It is constructed and coded by both the research process and the social and ideological contexts in which researchers live and breathe. "Beliefs about gender," Fausto-Sterling stresses in the above passage, are inseparable from the ways in which sex is defined. This does not imply that "sex" is either immaterial or unreal. On the contrary, it suggests that "sex" is a product of the material-ideological power structures that compose and regulate biocultural formations. In this sense, Fausto-Sterling's argument implies that sex and gender cannot be fully or finally unraveled from one another.

> Our bodies are too complex to provide clear-cut answers about sexual difference. The more we look for a simple physical basis for "sex," the more it becomes clear that "sex" is not a purely physical category. What bodily signals and functions we define as male or female come already entangled in our ideas about gender. (4)

Suggesting that sex cannot be definitively disentangled from gender, Fausto-Sterling turns to the history of the medicalization of people with intersex to show that research agendas are often shaped by both explicit and implicit cultural and political agendas, which in turn shape the very ways in which bodies come to matter.[158]

One of Fausto-Sterling's most important contributions to the story of sex and gender through the lens of intersex is her attention to the role played by changing

[158] This point also appears in Fausto-Sterling's previous book, *Myths of Gender: Biological Theories about Women and Men (*New York: Basic Books, 1985).

technologies and scientific practices in the shifts in our beliefs about sex and gender. Fausto-Sterling dedicates several chapters of *Sexing the Body* to the history and politics of biomedical research on intersexuality. She observes that it was not until the 1950s, which saw the development of surgical technologies capable of changing the body's morphology, that medical experts began to treat intersex as an anatomical pathology that could be surgically "corrected." Today, the dominant clinical view understands intersex conditions as "correctable" health "disorders," but Fausto-Sterling stresses that physicians could just as easily understand intersex states as an extension of human anatomical diversity. Training her attention on the power relations that structure scientific and medical discourses and practices, Fausto-Sterling argues that "intersexuals, seen as deviations from the norm who need to be 'fixed' in order to preserve a two-gender system, are also studied [by medical professionals] to prove how 'natural' the system is to begin with" (74). Contradictions such as this demonstrate the ways in which medical science does not so much reflect cultural norms as it does contribute to their production through its own supposedly "value-free" practices. Critically examining John Money's research on intersexuality, Fausto-Sterling emphasizes that sexual difference does not exist in a historical vacuum. Sexual difference is a practice, she argues, one that human institutions—biomedicine, in particular—have literally inscribed onto the body.

> Until very recently, the specter of intersexuality has spurred us to police bodies of indeterminate sex. Rather than force us to admit the social nature of our ideas about sexual difference, our ever more sophisticated medical technology has allowed us, by its attempt to render such bodies male or female, to insist that people are either naturally male or female. Such

> insistence occurs even though intersexual births occur with remarkably high frequency and may be on the increase. The paradoxes inherent in such reasoning, however, continue to haunt mainstream medicine, surfacing over and over in both scholarly debates and grassroots activism around sexual identities. (54)

Affirming intersex activist critiques of nonconsensual infant genital surgeries and hormonal treatments, Fausto-Sterling contends that the medical management of intersexual births needs to change to protect not only patients' rights but also patients' long-term health (79). She details the specific practices that activists are pursuing to institute those changes. And finally, Fausto-Sterling argues that a growing number of physicians have already begun to accept the criticisms of intersex adults and activists and have started to rethink the parameters of intersex medicine. These developments, Fausto-Sterling concludes in a somewhat utopian vein, suggest that "we are moving from an era of sexual dimorphism to one of variety beyond the number two" (77).

IV. Butler and Gender Performativity

In suggesting that contemporary social formations are already moving toward a more fluid and diverse understanding of gender, Fausto-Sterling implies that the proliferation of gender contestations—of occasions when dimorphic gender's meaning and materiality is thrown into radical question—holds the potential to profoundly reshape the terms of social relations. This point is at the heart of Judith Butler's highly influential 1990 monograph *Gender Trouble: Feminism and the Subversion of Identity*. Butler asks how the regulatory operations of what she calls, after Adrienne Rich, "compulsory heterosexuality" maintain various forms of sexual hierarchy. In so doing, she stages an

important intervention into feminist debates over the sex/gender distinction by arguing against the notion that biological sex is the foundation of cultural gender, that sex forms the "natural" substance onto which the social meaning of gender is written. Rather, "gender ought not to be conceived merely as the cultural inscription of meaning on a pregiven sex (a juridical conception); gender must also designate the very apparatus of production whereby the sexes themselves are established" (11). Butler continues in a sentence that has become famous: "As a result, gender is not to culture as sex is to nature; gender is also the discursive-cultural means by which 'sexed nature' or 'a natural sex' is produced and established as 'prediscursive', prior to culture, a politically neutral surface *on which* culture acts" (11). In these formulations, Butler suggests that gender constitutes a social apparatus which naturalizes the illusion of a prediscursive sex. "Sex itself is a gendered category," Butler writes, thereby defining "sex" as an effect rather than the cause or ground of gender (7).

In arguing that discursive gender produces the notion of prediscursive sex, and that gender is performative, Butler articulates a powerful deconstructive reading of the nature/culture opposition that differs in key respects from both Kessler's constructionist and Fausto-Sterling's interactionist approaches to the topic. As Diane Elam summarizes Butler's position, "nature [for Butler] is the retro-projected illusion of a real origin to culture, yet that illusion is *necessary* to culture, the very ground of its capacity to represent itself."[159] The deconstruction of the nature/culture opposition allows Butler to conclude that "the very notion of an essential sex and a true or abiding masculinity or femininity are also constituted as part of the strategy that conceals gender's performative

[159] Diane Elam, *Feminism and Deconstruction*, 50.

character and the performative possibilities for proliferating gender configurations outside the restricting frames of masculinist domination and compulsory heterosexuality" (180).

Gender Trouble is important not only for its demystification of sex/gender but also for its attention to intersex specifically. As Robyn Wiegman notes,[160] though most critical commentary on *Gender Trouble* has focused on Butler's usage of the figure of drag to explain the concept of performativity, Butler's account of gender performativity actually dedicates far more space to a consideration of the question of hermaphroditism in *Herculine Barbin, Being the Recently Discovered Memoirs of a Nineteenth Century Hermaphrodite*.[161] Butler encountered Barbin through the work of Michel Foucault, who published Barbin's autobiography along with an editorial "Introduction" in English in 1980. According to Wiegman, "Butler's discussion of Barbin…was crucial to *Gender Trouble*'s analysis of the heterosexual regulatory strategies that normatively align sex, gender, and sexuality" (122). Wiegman continues: "The intersexuality of Barbin's genitals and her/his passage in the course of a truncated lifetime through the categorical designations of both male and female challenged any definitive account of the trajectory of sexual desire—was she/he homosexual or heterosexual, seemingly 'normal' or sexually 'deviant'" (122)? Butler uses Barbin's narrative to provide a vivid illustration of the legal, medical, and psychosocial strategies of regulation that arise in relation to occasions of gender trouble. Further, she contends that Barbin's autobiography reveals

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[160] Robyn Wiegman, "The Progress of Gender: Whither 'Women'?" in *Women's Studies on Its Own*, ed., Robyn Wiegman (Durham: Duke University Press, 2002), 121.

[161] Michel Foucault, *Herculine Barbin: Being the Recently Discovered Memoirs of a Nineteenth-Century French Hermaphrodite*, trans. Richard McDougall (New York: Pantheon, 1980).

that gender should not be conceived as a substantive identity, but rather as a process, a kind of ongoing doing, what Butler calls "a constituted social *temporality*" (179). Through Barbin's narrative about life in a nineteenth century French convent and the legal and medical struggles that took place over her identity once it was discovered that she was not a "true" woman, Butler is able to argue that gender is "performative" in the sense that it is tenuously constituted by the very acts that are said merely to "express" it.

Importantly, Butler frames her argument as a repudiation of what she sees as the key claim of Foucault's editorial "Introduction" to the English-language edition of Barbin's autobiography: that hermaphroditism represents the "happy limbo of a non-identity" (Foucault, xiii), a claim which implies, according to Wiegman's reading of Butler, that Barbin existed "outside the law precisely because of the body's failure to conform to the law's regulatory schema of dimorphic sex" (122). Against this position, Butler contends that the legal regulation of Barbin's identity demonstrates precisely the performativity of gender. By theorizing hermaphroditism as central to questions of gender regulation, Butler suggests that normative conceptions of gender are tied to social and political processes which exclude particular forms of embodiment and personhood from the domain of the intelligibly human.

While it is clear that intersexuality plays a key role in Butler's account of gender performativity, it seems worth pausing here to contemplate whether Butler's reading of Foucault and Wiegman's reading of Butler accurately reflect Foucault's own position as staked out in his "Introduction" to Barbin's memoir. Interestingly, Foucault's "Introduction" to the volume was only published in the English edition of the book, translated by Richard McDougall, which appeared in 1980. The French edition, published

in 1978, only contains Barbin's text itself.[162] What became the "Introduction" to the English edition was originally published in French in a slightly but crucially different form in the journal *Arcadie* in 1980.[163] Considering Foucault's longstanding interest in theorizing the complexities of power relations, and considering his lectures at the Collège de France from 1974-75, *Abnormal*, published in English for the first time in 2004, where Foucault provides a detailed study of historical shifts in the medical regulation and juridical treatment of hermaphroditism, it never quite made sense to me that Foucault would frame hermaphroditism as existing outside of power relations, as Butler claims, as if Foucault had momentarily forgotten his own theory of power.

Specifically, Butler argues that the journals of Barbin and their "Introduction,"

> offer an occasion to consider Foucault's reading of Herculine against his theory of sexuality in *The History of Sexuality, Volume 1.* Although he argues in *The History of Sexuality* that sexuality is coextensive with power, he fails to recognize the concrete relations of power that both construct and condemn Herculine's sexuality. Indeed, he appears to romanticize h/er world as the "happy limbo of a non-identity" (xiii), a world that exceeds the categories of sex and identity. (120)

The line Butler highlights is framed within the following paragraph from Foucault's English "Introduction," which I quote in full.

> Alexina wrote her memoirs about [her former life] once her new identity had been discovered and established. Her "true" and "definitive" identity. But it is clear that she did not write them from the point of view of that sex

[162] Michel Foucault, *Herculine Barbin dite Alexina B.* (Paris: Gallimard, 1978).

[163] Michel Foucault, "Le Vrai sexe" *Arcadie* 323 (Novembre 1980): 617-625.

> which had at least been brought to light. It is not a man who is speaking, trying to recall his sensations and his life as they were at the time when he was not yet "himself." When Alexina composed her memoirs, she was not far from her suicide; for herself, she was still without a definite sex, but she was deprived of the delights she experienced in not having one, or in not entirely having the same sex as the girls among whom she lived and whom she loved and desired so much. And what she evokes in her past is the happy limbo of a non-identity, which was paradoxically protected by the life of those closed, narrow, and intimate societies where one has the strange happiness, which is at the same time obligatory and forbidden, of being acquainted with only one sex. (xiii)

The line "the happy limbo of non-identity" appears in French as "les limbes heureuses d'une non-identité."[164] The irony of a "happy limbo" is evident enough in the English, but has an even stronger resonance in the French. *Limbo*/*les/limbes* has a theological connotation (especially in French): etymologically, "limbo" means a state wherein one is at the edge of hell but locked out of paradise. It is a state of existence that is heavily constrained. From this perspective, it is hard to see how this state of being "locked up" in-between could be purely "happy." Indeed, the "locked up" state of a "happy limbo" can be read as a mirror of the "strange happiness" of the "closed, narrow" world of the convent in which Barbin lived and worked as "Alexina" until her hermaphroditism was discovered and she was obliged to make a legal change of sex to being a "man" after juridical proceedings. Foucault's characterization of Barbin's memoir as evoking "the

[164] "Le Vrai sexe" is reprinted in Foucault's *Dits et Écrits: 1976-1988* (Paris: Gallimard, 2001), 934-942. This quotation appears on 940.

happy limbo of a non-identity" thus contains within it an ironic acknowledgement of the circumscribed subject-position Barbin occupied in two spaces: both within the constrained, same-sex convent and outside of it, Barbin's life is ruled by the law of sexual dimorphism. In the former, it meant a world of "monosexuality" (a world only for women), whereas in the latter it meant a strict heterosexual binarism. In either case, Barbin's text hardly represents the bucolic, romantic vision Butler paints.

More interestingly, in the French original there is a long paragraph, completely omitted from the English translation, about the use of "discretion" by directors of conscience in religious institutions. Foucault describes "discretion" as having a double meaning: on the one hand, it means the capacity to perceive differences, to ferret out feelings and the impurity of souls, to separate the passion that comes from God and that which is inculcated by the Seducer (i.e., the Devil). At the same time, "discretion" also means for these directors of conscience the ability to maintain a certain measure, to restrain oneself, not go too far, to keep unspoken that which should not be spoken, to leave in the shadows that which would be dangerous in the light of day.

> One might say that Alexina was able to live for a long time in this chiaroscuro ["clair obscur," which literally translates as "light dark"] of a regime of "discretion" which was that of convents, boarding schools, and feminine Christian monosexuality. And then—this was her drama—she passed under another regime of "discretion." That of administration, justice, and medicine. The nuances, the subtle differences that were recognized in the first no longer held. But that which was kept silent in the

> first had to be clearly shared in the second. To tell the truth, this is no longer about discretion but analysis.[165]

In moving from one regime of "discretion" to another, Alexina moved from the rules of the convent to a world organized by "administration, justice, and medicine." This shift was both disciplinary and biopolitical. It was disciplinary in the sense that Barbin's individual identity and body became an object of explicit state and medical regulation. And it was biopolitical in that, by assigning Barbin a "true" and "definite" identity as a man, the magistrates maintained sexual dimorphism as the law of populations, even or perhaps particularly in "monosexual" spaces such as the convent. Thus Barbin, as a person assigned to the category of maleness, could no longer belong to the world of the convent. From this perspective, Foucault's claim that Barbin's narrative traces the "happy limbo of non-identity" does not ascribe to Barbin a status outside gender, sex, the law, and power relations, but rather frames Barbin's subject position *within the convent* as regulated precisely in terms of Barbin's status as an "other" of sexual difference, a subject position both produced and ultimately foreclosed by the cultural logic of sexual dimorphism.

My critique of the nuances of Butler's analysis notwithstanding, my reading of Foucault's "Introduction" seeks to build upon what I believe is ultimately Butler's larger point, that "concrete relations of power…both construct and condemn Herculine's sexuality" (120). In particular, it was the uncertainties Barbin's body provoked—was she/he female or male, and, as Wiegman asks, "homosexual or heterosexual, seemingly 'normal' or sexually 'deviant'" (122)?—that both medicine and the law refused to

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[165] I thank Lynne Huffer for translating this passage for me and for sharing and allowing me to draw upon her reading of Foucault's "Introduction."

tolerate. The Barbin case reveals the political stakes of the destabilization of sex, gender, and sexuality binaries and thereby opens the question of what types of social relations and modes of thought would enable society to preserve, rather than legally and medically abolish, those uncertainties.

V. Resurgent Essentialisms and Intersex Critiques

The three previous sections of this chapter have sought to demonstrate the specific ways in which Kessler, Fausto-Sterling, and Butler have utilized intersexuality to rethink and reformulate the sex/gender distinction. Despite their important interventions, Myra J. Hird suggests in her 2000 essay "Gender's Nature: Intersexuality, Transsexualism and the 'Sex'/'Gender' Binary," that much contemporary feminist discourse remains stubbornly attached to a conception of gender which dissimulates naturalized assumptions about sex.[166] For Hird, essentialism at the level of sex helps to maintain the "authentically experiencing woman" as the hegemonic subject of feminism, prevents feminists from responding to critiques of the culture/biology opposition, and makes it impossible to develop more nuanced feminist analyses of intersex and transgender phenomena. In order to critique the unmarked assumption of sexual dimorphism in varieties of theory and practice, Hird follows Fausto-Sterling in suggesting that it is imperative to think carefully about the multiple layers of interaction between culture, embodiment, and biology. As Iain Morland explains in a 2001 commentary entitled "Feminism and Intersexuality," Hird's critique "acknowledges the discrepancy between a future feminism, which might

[166] Myra J. Hird, "Gender's Nature: Intersexuality, Transsexualism and the 'Sex'/'Gender' Binary," *Feminist Theory* 1.3 (2000): 347- 363.

fully account for intersexuality, and 'feminism' as it has operated historically" (365).[167] Morland's point seems to be that "mainstream" feminism has yet to internalize the lessons of feminist science studies scholars like Kessler and Fausto-Sterling and feminist philosophers like Butler.

Drawing on Hird's analysis, Morland argues that the sex/gender distinction as operative in both dominant feminist and biomedical discourses presumes a foregone equivalence not only between sex and gender, but also between genitals and sex. At both the symbolic and the anatomical levels, Morland claims, intersex corporealities interrupt this equivalence: "intersexual bodies question the genital tissue that makes sexual difference possible, even thinkable, at all" (365). For Morland, the notion that genitals signify sex must be understood as a cultural ideology in its own right. Summarizing Morland's argument, Emily Grabham suggests in her 2007 article "Citizen Bodies, Intersex Citizenship" that it is because intersex challenges "the apparent alignment of genitals and sex" that feminisms which take sexual dimorphism for granted are "uncomfortable with it" (32).[168] According to Grabham, in calling the ontology of sexual difference into question, intersex bodies pose a critical challenge to a range of structures and institutions (including not only medicine but also citizenship and the global economy) which use the ideology of sexual dimorphism to regulate the boundaries of intelligible and legitimate forms of corporeality, personhood, community, and sociality.

VI. Intersexual Difference and Queer Gender

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[167] Iain Morland, "Feminism and Intersexuality: A Response to Myra J. Hird's "Feminism's 'Nature'," *Feminist Theory* 2.3 (2001): 362–366.

[168] Emily Grabham, "Citizen Bodies, Intersex Citizenship," *Sexualities* 10.1 (2007): 29-48.

While women's studies scholars have been critical of the medical and social regulation of intersex bodies, Emi Koyama and Lisa Weasel argue, in an article I examine in greater detail in the next chapter, that the ethical implications of the uses of intersex in women's studies contexts have not received enough attention.[169] In their 1997 essay "One Percent on the Burn Chart: Gender, Genitals, and Hermaphrodites with Attitude," David Valentine and Riki Anne Wilchins address this issue, calling on feminist and queer scholars to move "beyond thinking about intersex and transgender bodies as some kind of literal performative that neatly shows how gender and the body are discursively produced,"[170] suggesting that this position should be "a starting point for thinking about what all bodies mean and can mean in different contexts, and how this meaning is enforced," not the end point of analysis (220). "Bodies which are suspect…are not what have to be explained. Rather, the requirement that they explain themselves should itself be investigated" (221). The feminist literature on the medical management of intersexuality as exemplified by the above theorists can be understood, in part, as a critique of the notion that intersex bodies require explanation. Yet because feminist theorists have sought *to explain* how the meanings and materialities of intersex have been socially regulated, feminist scholarship has participated in the production of intersex as an object of intellectual discourse. Thus the ethical double bind of studying intersex phenomena: analyzing the requirements placed upon intersex bodies can also lead to the

[169] Emi Koyama and Lisa Weasel, "From Social Construction to Social Justice: Transforming How We Teach about Intersexuality," *Women's Studies Quarterly* 30.3-4 (Fall 2002): 169-178.

[170] David Valentine and Riki Anne Wilchins, "One Percent on the Burn Chart: Gender, Genitals, and Hermaphrodites with Attitude," *Social Text* 15.3-4 (1997): 215-222.

reproduction of the notion that intersex bodies are suspect, or to the reproduction of the logics that fetishize, commodify, or erase intersexual difference.

This double bind is evident, for instance, in Kessler's and Fausto-Sterling's work. While Fausto-Sterling and Kessler critique the medical normalization of persons with intersex and challenge medicine's appropriation of intersex bodies to ideologically naturalize sexual dimorphism, these theorists simultaneously use the category of intersexuality to substantiate, in Kessler's case, a constructionist framework, and in Fausto-Sterling's, an interactionist model of biocultural systems development. Kessler and Fausto-Sterling each treat intersex bodies as a kind of evidence, reading those bodies as "examples" which are said to demonstrate binary gender's historical contingency, constructedness, and changeability. In this respect, their arguments invert but do not displace the hegemonic medical paradigm which objectifies the materiality of intersex in pathological terms. Reversing the hierarchy, Kessler and Fausto-Sterling hold intersex bodies up as emblems of human variation. They each suggest in different ways that progressive thinkers and activists ought to embrace, even celebrate, anatomical variation in order to expand the range of possibilities for what gets to count as an intelligible and livable life.

This suggestion's political optimism situates gender diversity as a positive sociopolitical ideal aligned with multiculturalism more broadly. However, certain risks are inherent in the elevation of gender diversity into such an ideal. In her 2008 monograph *Intersex: A Perilous Difference*, Morgan Holmes suggests that there is a tendency in some feminist and queer work to fetishize intersexual difference as a form of

radical alterity.[171] Holmes argues that this fetishization presumes that intersex persons somehow have a more "natural" responsibility to be critical of sexual and gendered norms than others. In her reading of Sharon E. Preves's 2003 *Intersex and Identity: The Contested Self*,[172] an ethnographic sociology of the medicalization of intersex and the politics of intersex activism, Holmes takes issue with the way in which Preves valorizes "the intersexed subject as a kind of gender-savant" (Holmes, 15). According to Holmes, "it appears that Preves expects her intersexed participants to lead Western culture out of the darkness of a two-sex system" (15). Preves's argument, Holmes suggests, "creates an ideal intersexed subject whose perceptions of embodiment and ability to detect gender dogma will lead the way to enlightenment" (15). This position, Holmes concludes,

> 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; we must instead lead the charge against taking gender for granted. (15-16)

In holding up the category of intersex as an innately radical challenge to the binary sex/gender system, Holmes argues that Preves attributes to intersex persons an obligation "to willingly and gladly inhabit a space of resistant unintelligibility" (15).This attribution not only denies the agency and autonomy of intersex persons to articulate their own subject positions. It also frames those intersex folks who desire or attempt to live

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[171] Morgan Holmes, *Intersex: A Perilous Difference* (Selinsgrove: Susquehanna University Press, 2008).

[172] Sharon E. Preves, *Intersex and Identity: The Contested Self* (New Brunswick: Rutgers University Press, 2003).

"normal" lives, for instance, by organizing their daily existence around seemingly normative forms of gendered and sexual expression and seemingly normative cultural formations (such as the nuclear family, monogamy, consumer culture, et cetera) as being inherently politically out-of-touch or not-radical-enough. According to Holmes, Preves presumes that power is a zero-sum game. This leads her to make moralizing claims about intersex subjects who take part in normative behaviors and structures without providing an account of the complicated ways in which those subjects make negotiations and enact forms of agency in their daily lives that cannot be captured by an overarching binary of liberation versus subordination. In so doing, Holmes argues, Preves imposes a normative/non-normative binary as the exclusive means by which to understand the sociopolitical field, an imposition that forecloses an account of normativity's complexity and ultimately upholds the very logic of normalization her project seeks to call into question.

Holmes's analysis is useful because it gives pause to the tendency to read intersex embodiment as a simple synonym for queer gender. Holmes points out that "a critical relationship to the operation of gender norms or of heteronormativity" is not a necessary or essential feature of any particular form of embodiment. Rather, such a relationship, where developed, is possible because it is an outcome of particular processes of intellectual and political subject formation. "It is critical to remember," Holmes writes, "that whatever the perception of the individual regarding his/her condition and treatment, none is *obliged* to act as an advocate for non-normative agendas" (19). For Holmes, intersex, like any sexed or gendered category, does not *necessarily* prefigure any pre-determined political position, be it queer, feminist, in favor of medicalization, or of

medical reform, or some alternative to all of the above. Figuring intersex embodiment as intrinsically subversive treats intersex persons as objects but not subjects of politics. Paradoxically, this view ends up replicating the very structure of the subject/object division the medicalization of intersexuality is based on.

Though Holmes critiques the tendency to fetishize intersexual difference as radical alterity or as the teleology of a post-gender future, her work also confirms the usefulness of feminist and queer theory for articulating a non-pathologizing and critical perspective on intersexuality. For Holmes, one of the most invaluable interventions spawned at the conjunction of queer and feminist theory—she cites Judith Butler, among others—is to be found in the revelation that sex, like gender, is overdetermined by social relations even as that overdetermination makes sex a constitutionally unstable cultural signifier (18). Produced in and subject to changes in the ebb and flow of social relations, it is not only the meaning of sex but also its materiality that changes shape over space and time. This does not mean that sex is a purely discursive construct. But it does mean that it is social formations, and not some inherent features of bodies, that engender specific forms of sexual difference along the normal/pathological divide. The critical study of intersexuality gains its significance, in Holmes's argument, because it leads toward a re-evaluation of the regulatory norms of embodiment generally. How do bodies become meaningful? How do those meanings shape, and how are they shaped by, the regulatory norms that enable and constrain particular forms of life?

VII. Conclusion

The feminist scholarship I have reviewed here suggests in different ways that intersex phenomena bring the presumptions of sexual dimorphism into crisis. While some

might interpret this "crisis" as the epistemological undoing of feminism and/or women's studies,[173] I take another view. The troubling of sex/gender not only contests hegemonic and essentialist iterations of sexual difference, but also contributes to the broader effort to critically rethink feminism's and women's studies' complicated and fraught relationships with, and variegated investments in, sexual dimorphism as ground of knowing, being, desire, agency, and politics. Feminist engagements with intersexuality usher in a conceptual movement toward what trans- theorist Jean Bobby Noble calls, after Jordy Jones, "genders without genitals"—that is, a conception of gendered embodiment detached from the presumption of dimorphic genital referentiality.[174] Furthermore, by critically interrogating the sex/gender and biology/culture binaries and interrupting the equation of genitals with sex and with gender, feminist studies of intersex have emphasized both the contingency and the regulatory power of sexual dimorphism and heteronormativity, opening new possibilities for theorizing sex, gender, and sexuality as complexly constituted performative systems of corporeal inscription.

In productively challenging the conceptual coherence of the field, the gender trouble that intersex occasions in women's studies can be understood as a means by which women's studies practitioners have pursued and can continue to pursue the critical interrogation of entrenched certainties about embodiment. The gender trouble with intersex also exposes the importance of working towards alternative, nondualistic

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[173] For a representative example of the hypothesis that the destabilization of the subject women threatens to undo feminism and/or women's studies, see Ellen Messer-Davidow, *Disciplining Feminism*; for a critique of Messer-Davidow's position, see David Rubin, "Women's Studies, Neoliberalism, and the Paradox of the 'Political'."

[174] Jean Bobby Noble, *Sons of the Movement: FtMs Risking Incoherence on a Post-Queer Cultural Landscape* (Toronto: Women's Press, 2006), 42.

accounts of sex and gender. Rather than precluding the usage of the word *women*, as the search committee member from the anecdote I used to begin this chapter worried, the critical study of intersex complexifies the meaning of that word, calling attention to the exclusionary and regulatory effects of the social reproduction of sexual dimorphism, as well as the instability, porousness, and historical contingency of binary conceptions of sex and gender more broadly.

My argument here takes its inspiration, in part, from Gayle Salamon's 2008 essay "Transfeminism and the Future of Gender."[175] In her reading of the relation between contemporary women's studies and the nascent field of transgender studies, Salamon suggests that transgender phenomena can be read as a challenge to the definitional stability of women's studies as a disciplinary project. Explaining the resistance to transgender studies among some feminist academics, Salamon writes, "the category of 'woman', even if it is understood to be intersectional and historically contingent, must offer a certain persistence and coherence if it is to be not only the object of study but the foundation of a discipline, and a subject formation that describes a position of referential resistance might not be easily incorporated into such a schema" (117). Salamon's theorization suggests that some, but not all transgender phenomena can be interpreted as resisting the referential grid of binary gender. But rather than reading transgender studies as necessarily opposed to women's studies, Salamon argues that the intellectual domain of women's studies is open to critical re-signification, and that transgender studies has much to contribute to the project of rethinking and rearticulating the epistemological and political horizons of women's studies. Likewise, Salamon also argues that transgender

[175] Gayle Salamon, "Transfeminism and the Future of Gender," in *Women's Studies on the Edge*, ed., Joan W. Scott (Durham: Duke University Press, 2008), 115-138.

studies can benefit greatly from the rich history of feminist analyses of gender and related categories of difference and power.

Following Salamon, I would argue that the study of intersex has already begun to play a related role in reshaping the present state of women's and gender studies. As I suggested above, intersex phenomena do not merely call feminist categories of analysis into question; they also offer an opportunity to reformulate and redeploy those categories in new ways and in new contexts. Like trans- issues, intersex phenomena challenge us to rethink the ways in which gender, sex, and heteronormativity operate in biomedical knowledges, social formations, activist movements, and everyday practices. At the same time, it is important to acknowledge that intersex and transgender theories, activisms, subject formations, and analyses of medicalization and embodiment vary in significant ways. While they emerge from overlapping yet distinct histories of medicalization, intersex and transgender phenomena have materialized differently across various discursive, institutional, subjective, and geopolitical locations.[176] While they sometimes converge with feminist and queer theory and politics, they also often diverge (as I show in Chapter 3). From the perspective of women's studies, these divergences offer important opportunities to reconsider and rearticulate the analytic frameworks of both popular and institutionalized forms of feminist knowledge and practice. As I argued in Chapter 1, intersexuality can be understood as one of the under-interrogated "origins" of the gender concept. In this sense, feminist studies may have much yet to learn from the various "sexed others" against which and in relation to both hegemonic cultural systems of categorization and critical feminist theories take shape.

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[176] See Joanne Meyerowitz, *How Sex Changed: A History of Transsexuality in the United States* (Cambridge: Harvard University Press, 2002).

I have argued in this chapter that feminist research on intersex has challenged dominant, normalizing understandings of sex, gender, and embodiment, an effort whose political desire, while not always explicitly named, emerges from the view that the destabilization of normativity opens up positive or at least enabling political opportunities. The last twenty years of feminist scholarship on intersex reveal that women's studies scholars have and can continue to play a crucial role in producing knowledges which contest unjust forms of gendered and sexed regulation such as the nonconsensual surgical normalization of intersex infants. As Iain Morland puts it in the epigraph I used to open this chapter, this knowledge might be used to support an ethics that preserves the uncertainties intersex bodies provoke.

Chapter 3

The Gender Trouble with Women's Studies in Intersex Activism and Scholarship

> Since when are intersexuals necessarily interested in subverting anything?—Morgan Holmes[177]

In a 1998 essay published in the journal *GLQ* entitled "Hermaphrodites with Attitude," Cheryl Chase—the founder and longtime Executive Director of the Intersex Society of North America (ISNA) (disbanded in July of 2008)—sketched out a chronicle of the emergence of intersex political activism in the early 1990s, focusing on the struggle to garner a broad base of support for destigmatizing intersexuality and for reforming the dominant medical model of intersex management.[178] While the majority of healthcare professionals were wary of and sometimes outwardly hostile to the claims of the burgeoning intersex movement, Chase singled out "some gender theory scholars, feminist critics of science, medical historians, and anthropologists" as having been uniquely receptive to and "quick to understand and support intersex activism" (201). Chase cited, among others, Suzanne J. Kessler and Anne Fausto-Sterling. As I noted in the last chapter, Kessler was among the first to suggest, in a 1990 *Signs* essay, that gendered norms and expectations shape the medical treatment of intersex infants, while Fausto-Sterling's 1993 *Sciences* article "The Five Sexes" took issue with the presumption of sexual dimorphism in Western science and culture, thereby opening the door for

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[177] Morgan Holmes, "Queer Cut Bodies," in *Queer Frontiers: Millennial Geographies, Genders and Generations*, eds., Joseph A Boone, et al. (Madison: University of Wisconsin Press, 2000), 102.

[178] Cheryl Chase, "Hermaphrodites with Attitude: Mapping the Emergence of Intersex Political Activism," *GLQ* 4.2 (1998): 189-211.

Chase's inaugural public announcement of the formation of ISNA in a response letter published in the next issue of *The Sciences*.[179] Whereas more mainstream feminist organizations such as NOW and the Feminist Majority Foundation were slower to endorse the intersex movement,[180] Kessler, Fausto-Sterling, and a select few other scholars (including Alice Dreger) had been, in Chase's words, "early ISNA allies" (201). As I noted in the last chapter, these feminists questioned the assumptions underlying the dominant biomedical approach to treating infants and children with intersex. They suggested that the medical normalization of people diagnosed as intersex was part of a broader regulatory regime of power-knowledge for managing and containing the destabilization of dimorphic sex. According to Chase, the work of Kessler, Fausto-Sterling, Dreger, and others had provided crucial intellectual and political support for the intersex movement during its initial years, helping intersex activists to "command a measure of social legitimacy" during a time when there was tremendous resistance to any effort to critically rethink the medicalization of people with intersex conditions (201).

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[179] Suzanne J. Kessler, "The Medical Construction of Gender: Case Management of Intersex Infants," *Signs: Journal of Women in Culture and Society* 16.1 (1990): 3-26; Anne Fausto-Sterling, "The Five Sexes: Why Male and Female Are Not Enough," *Sciences* 33.2 (1993): 20-25; and Cheryl Chase, "Intersexual Rights," *Sciences* 33.4 (1993): 3.

[180] Since the turn of the millennium, several major US feminist organizations, including The National Organization for Women, Feminist Majority Foundation, *Ms. Magazine*, and V-Day, have publicly pledged their support for the intersex movement. See: "NOW Adopts Intersex Resolution," http://www.isna.org/node/170 (last accessed September 18, 2009); "Medical Violence against Intersex Individuals in the United States," http://www.feministcampus.org/fmla/printable-materials/v-day05/intersex_activism.pdf (last accessed September 18, 2009); Martha Coventry, "Making the Cut," *Ms. Magazine* (October-November, 2000): http://www.msmagazine.com/oct00/makingthecut.html (last accessed September 18, 2009); and "V-Day Endorses ISNA's Mission to End Violence against Intersex People," http://www.vday.org/contents/vday/press/alertsandpressrel/vdayendorsesisna (last accessed September 18, 2009).

Fast-forward just shy of a decade after "Hermaphrodites with Attitude" was published and Chase's view of the relationship between feminist scholarship and the intersex movement changes dramatically. In a 2006 interview, Chase calls out "people in queer theory and women's studies" for reducing intersex to a mere heuristic and for using intersex as an object of evidence to justify feminist and queer theorists' political desire for a radically different and differently gendered future.[181] In a 2002 essay published in *Women's Studies Quarterly* entitled "From Social Construction to Social Justice: Transforming How We Teach about Intersexuality," Emi Koyama and Lisa Weasel provide a background to Chase's assessment.[182] Questioning what they call the appropriation of intersex for gender theory, they argue that "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" (176). As I will discuss below, recent works by Alice Dreger and April Herndon, Vernon Rosario, and Katrina Karkazis echo and extend Chase's and Koyama and Weasel's critiques. In a paradoxical turn of events, Chase and a growing number of scholars and activists associated with the intersex movement have come to figure feminist scholarship—formerly understood as an "ally" to ISNA—as an obstacle to the intersex movement's political progress.

These charges expose a potentially profound rift emerging between intersex advocates, on the one hand, and, on the other, practitioners of feminist and queer theory

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[181] Vernon A. Rosario, "An Interview with Cheryl Chase," *Journal of Gay and Lesbian Psychotherapy* 10.2 (2006): 101.

[182] Emi Koyama and Lisa Weasel, "From Social Construction to Social Justice: Transforming How We Teach about Intersexuality," *Women's Studies Quarterly* 30.3-4 (Fall 2002): 169-178.

and women's studies. In an effort to rethink this divide, complicate the terms of the debate, and to formulate alternatives, this chapter offers a critical discourse analysis of what I will call emergent intersex critiques of feminist theory, queer theory, and women's studies. I say "feminist theory, queer theory, *and* women's studies" because the critics are not always clear about their target. My concern with these critiques is that, despite otherwise significant differences, they tend to conflate feminist theory, queer theory, and women's studies, constructing them as red herrings or straw women of sorts, effacing the intellectual and political diversity of these fields, in order to paint a politically progressive intersex movement against the backdrop of a theoretically abstruse, obscure, and misguided academic feminism. Through a variety of close readings, I argue that these critiques only "work" (only appear as coherent and sensible) to the extent that they perform several key erasures: of intersex embodiment as a question of the social and medical regulation of sex and gender normativity; of the diversity of feminist understandings of gender; and of the historical linkages between the medical management of intersex and the social regulation of sex, gender, and sexuality across diverse domains of contemporary everyday life. Contra the intersex critiques, I contend that women's studies and feminist and queer theory provide invaluable intellectual resources for interpreting the historical and political forces which have shaped both the medical treatment of intersex persons and activist responses to that treatment in twentieth and twenty-first century Western culture. Concurrently, I argue that the intersex movement, in its many forms, can become more dynamic by taking seriously what Gayle

Salamon calls "the systematic understanding that women's studies provides of the structures of gender—and the relations of power that underlie those structures."[183]

I. Chase's Shifting Views on Women's Studies

As noted above, Chase's understanding of the relation between feminist scholarship and the intersex movement has changed considerably over the years. To begin, it is worth examining the different views she has espoused and situating them in the context of her work as a founder of the intersex movement. Chase founded the Intersex Society of North America in San Francisco in 1993. ISNA started out as a grassroots support group but soon blossomed into a non-profit organization whose mission was dedicated to transforming the "standards of care" applied in the medical management of infants and persons with intersex. As the millennium drew closer, ISNA's work helped to spawn a broader movement, first in the US and increasingly in other locations around the globe. I trace a transnational genealogy of this movement in Chapter 4. During its 15-year existence, ISNA dedicated itself to providing advocacy for people with intersex, parents of intersex children, and their allies. From 1993 until its disbandment in July 2008, ISNA's activism included extensive media and web-based outreach, educational campaigns and publications, and direct engagement with lawmakers and healthcare providers, the end goal of which was to improve treatment outcomes for intersex infants and persons. To that end, ISNA steadfastly maintained throughout the decade and a half of its existence that early "normalizing" genital surgeries are, in the vast majority of cases, medically unnecessary and intensify rather

[183] Gayle Salamon, "Transfeminism and the Future of Gender," in *Women's Studies on the Edge*, ed., Joan W. Scott (Durham: Duke University Press, 2008), 117-116.

than redress the profound physical and psychological trauma and stigma experienced by persons with intersex.[184]

As Alice Dreger notes in a 2007 post on her blog, ISNA began by reappropriating the medical term "intersex" and giving it new meanings, much as the slur "queer" was reclaimed as a subversive form of dis/identification by activists and scholars working on issues of sexuality and gender in the 1990s.[185] Susan Stryker traces the roots of the intersex movement to "the queer politics of the 1990s."[186] In the early years of ISNA, Stryker suggests,

> Chase considered intersex politics to be related to queer and transgender politics not only because they all challenged medical authority and called for the reform of powerful social institutions, but also because the practice of normalizing surgery was such a visceral example of the idea that beliefs about gender actually produce the sex of the body, rather than the other way around. Bodies that did not originally fit the gender binary were literally cut to fit into it. (139)

Stryker's comment accurately characterizes Chase's analysis of the medical treatment of infants and persons with intersex during the initial years of ISNA. Rather than considering intersex issues in isolation or in terms of a single-issue agenda, Chase recognized connections and points of overlap between queer, transgender, and intersex politics. Moreover, Chase used these connections to frame an agenda for intersex

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[184] Alice Dreger, "Intersex and Human Rights: The Long View," in Sharon E. Sytsma, ed., *Ethics and Intersex* (Netherlands: Springer, 2006), 73-86.

[185] Alice Dreger, "Why 'Disorders of Sex Development'? (On Language and Life)," (2007): http://www.alicedreger.com/dsd.html (last accessed February 18, 2009).

[186] Susan Stryker, *Transgender History* (London: Seal Press, 2008), 139.

activism that questioned not only the implications and so-called necessity of pediatric genital surgeries, but also the broader medical and social enforcement of normative beliefs about gender, sex, and sexuality.

To further grasp Chase's understanding of intersex politics in the early years of ISNA, I want to return to her widely read 1998 essay, "Hermaphrodites with Attitude," in order to examine it in greater detail. "Hermaphrodites with Attitude" provides perhaps the clearest illustration of the way in which Chase used insights from queer, transgender, and feminist theory and politics to rethink the medicalization of people with intersex. In that essay, whose title Chase borrowed from the occasional newsletter published by ISNA from December 1994 through spring 2003, Chase begins by asking why physicians treat the birth of an infant with an intersex condition as a "medical emergency," one which requires swift surgical intervention. Chase writes, "Pediatric genital surgeries literalize what might otherwise be considered a theoretical operation: the attempted production of normatively sexed bodies and gendered subjects through constitutive acts of violence" (189). In polemically naming pediatric genital surgeries "constitutive acts of violence," Chase politicizes intersex medicine. By doing so, her aim in "Hermaphrodites with Attitude" is to expose the power relations underlying the medical management of people with intersex, power relations which literally enforce dominant ideas about sex and gender by attempting to materially inscribe those ideas on the flesh of the bodies of intersex infants.

After providing a brief history of her involvement with the founding of ISNA, Chase goes on to offer an analysis of what she sees as the significant achievements of intersex activism in the 1990s. In its first years, ISNA used various political tactics to call

attention to the medical management of persons with intersex. For instance, in 1996 ISNA members picketed the American Academy of Pediatrics Meeting in Boston. However, after much consideration ISNA decided to adopt a less "in your face" strategy and began to formulate a patient-centered activist platform geared toward achieving practical medical reforms, a platform that centered on ending unnecessary, non-consensual genital surgeries and improving medical care for intersex infants and their families. ISNA's medical reform agenda, as Chase puts it, was designed in an effort to speak to medical providers in a language they would understand. By tailoring its activism to particular constituencies, ISNA's approach to social change can be understood as contextual and strategic. According to Chase, ISNA's medical reform strategy co-existed alongside what we might think of as the more "queer" elements of intersex activism. In this vein, Chase argues that ISNA promoted intersex activism of many types, including those efforts of certain intersex activists to transform "intensely personal experiences of violation into collective opposition to the medical regulation of bodies that queer the foundations of heteronormative identifications and desires" (189).

As this last quotation from "Hermaphrodites with Attitude" indicates, Chase not only understands intersex activism as related to queer politics, but also adopts the language of queer theory to figure the existence of intersex people as a queer challenge to heteronormative worldviews and structures. Emphasizing that the birth of an infant with a nonstandard anatomy calls into question naturalized expectations and assumptions about the meaning and materiality of human bodies, Chase contends that intersex bodies call the "nature" of sexual dimorphism into question, challenging heteronormative presuppositions about the natural occurrence, binarism, complementarity, ordering, and

number of the sexes. Chase further hypothesizes that intersexuals "embody viscerally the truth of Judith Butler's dictum that 'sex', the concept that accomplishes the materialization and naturalization of power-laden, culturally constructed differences, has really been 'gender all along'" (208).[187]

In laying claim to this Butlerian "dictum," Chase reads the medical treatment of people with intersex as an exemplary case of the performativity of gendered embodiment. Pediatric genital surgeries do not merely normalize the genitals of the infant. They normalize the genitals of the infant in an effort to create the likeness of a supposed "natural" dimorphic sex, which is then taken as the basis for a stable binary gender identity. So when physicians surgically "correct" the so-called nonstandard genitals of an intersex infant into "normal" male or female genitals, they "reconstruct" the infant's sex in a way that will fundamentally structure the infant's life in myriad ways. Said differently, surgical normalization literally performs gender on the infant. For Chase, then, the medicalization of intersex people has to be understood as a specifically *gendered* phenomenon. In other words, Chase does not argue that intersex itself is a source of gender trouble, but rather that the medicalization of people with intersex figures the intersex body as an object of sex/gender trouble which medical practitioners attempt to manage and contain via surgical "correction." Accordingly, Chase theorizes intersex activism as a politicized struggle to achieve a broader revaluation of forms of human variation that exceed or cannot be easily categorized within the taxonomies of dimorphic sex and binary gender.

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[187] The original quotation can be found in Judith Butler, *Gender Trouble: Feminism and the Subversion of Identity* (New York: Routledge, 1990), 8.

As noted above, as the millennium came and went Chase began to significantly shift her views. In a 2006 interview with Vernon Rosario, Chase takes care to distance her work as the founder and Executive Director of ISNA from feminist and queer politics and theory. In contradistinction with her earlier argument in "Hermaphrodites with Attitude," in the 2006 interview Chase argues that a radical critique of sex/gender norms is neither implicit in nor particularly helpful for the intersex movement. In a remarkable departure from her earlier analysis, Chase now contends that "most intersex presentations are caused by underlying disorders" (104). This is a surprisingly different perspective on intersexuality than the feminist, queer poststructuralist one offered in "Hermaphrodites with Attitude." Chase continues, "I think that people in women's studies imagine that the existence of intersex people is a justification for creating a future that is radically different" (98).

Without noting that she herself had formerly staged precisely that argument, Chase goes on to express frustration with women's studies scholars who use intersex as an object of evidence to justify the queer and feminist political desire for a radically different and differently gendered future. The passage from the 2006 interview in which the above quotation appears reads, in its entirety, as follows.

> I think that people in women's studies imagine that the existence of intersex people is a justification for creating a future that is radically different. What I like to remind them is that intersex people have not been subjected to such an intense and harmful medicalization for very long. The ways that intersex people are treated by doctors—with shame and secrecy and unwanted genital surgeries—only became widespread in the 1960s.

> What that means is that there are lots of intersex people who were not treated that way. They made their way, for better or worse, in a world that was much more rigid about sex and gender than the one we live in today. So, radical social restructuring is not required in order for us to make the world an easier place for intersex people to live in. (98-99)

Chase's claim that the medicalization of intersex is a relatively recent phenomenon is a curious one. As I demonstrated in the Introduction to this dissertation, the medicalization of hermaphroditism can be traced back to at least the seventeenth century in European culture. Moreover, while Chase refuses the reduction of intersex to an object of evidence that can be used to justify radical social restructuring, she does use the claim that the medicalization of intersex is a so-called recent historical occurrence as evidence for a different, more moderate claim. In so doing, Chase distorts the history of medical science, on the one hand, and repeats of the very operation she critiques, on the other. I will address the former issue momentarily. Regarding the latter, Chase suggests that it is inappropriate to use intersex as evidence for arguments for radical social restructuring, but appropriate to use intersex as evidence in arguments for moderate medical reform. What remains unquestioned in Chase's claim is the presumption that proper political strategies are immanent in, determined by, or necessarily follow from the self-evidence of intersex.

Yet because the meaning of intersex, like all meanings, is neither self-evident nor transparent, it remains important to ask how its meaning is shaped by the particular claims and political desires that mobilize the category. According to Chase, despite their penchant for antiessentialism, feminist and queer theorists have been all too eager to

essentialize anatomical intersexuality as a culturally subversive queer identity. Chase rejects this essentialism on liberal grounds. Subtly turning feminism's historical critique of the notion that "anatomy is destiny" back onto women's studies and queer theory, Chase remarks,

> I think that it is presumptuous to tell anyone what their identity should be. I do not think it should be part of any liberal agenda to tell anyone that their identity should be determined by their anatomy. I do not understand why that is a position that is attractive to people in queer theory and women's studies: that intersex people's identity should be determined by their anatomy. (101)

According to this line of thought, "people in queer theory and women's studies" not only misconstrue the proper meaning of intersex, but also betray the political philosophy of liberalism, a philosophy which Chase now explicitly situates at the heart of intersex activism by invoking a "liberal agenda." Whereas Chase formerly understood intersex activism as a radical extension of queer politics, Chase now describes intersex activism as a liberal movement for medical reform. In this sense, Chase's interview with Rosario reveals that her critique of the uses of intersex in women's studies can also be read as a critique of her previous argument in "Hermaphrodites with Attitude."

More importantly, as I suggested above, Chase's reconstruction of the history of the medicalization of intersex obscures the much longer history of the medicalization of hermaphroditism. I believe this distortion is linked with Chase's understanding of the "facts" of history, which she seems to take as simply being givens rather than as chains-of-events that require critical interrogation. Much as the biomedical approach to intersex

objectifies people with nonstandard anatomies so as to construct sexual dimorphism as a natural "fact," foreclosing other classificatory schemas based on different interpretations of anatomical diversity, Chase's ahistorical view prevents her from seeing fundamental connections between the twentieth century medicalization of intersex and the longer history of the medicalization of gender, sex, and sexuality more broadly.

In other words, the claim that medicalization is a recent occurrence, like the activist focus on surgeries alone, produces an ahistorical view of medicalization. Chase's argument is significant not only as an example of single-issue liberal politics, but also because it denies a genealogical view of surgery (a la Foucault) as a key component of the modern technologies of sexual subjectivation that produce the idea of subjects with "insides" to be seen, subjects that hide the secrets of sex within.[188] Surgeries aren't just one technology among many—they are central to sexual subjectivation in modernity, and therefore inextricably connected to sex/gender.

II. Dreger and Herndon, "Some Feminists," and the Politics of Experience

In the interview, Chase stresses that it is not gender, but rather medicalization, defined as "unwanted genital surgeries," that is at the root of the problems people with intersex face. Alice D. Dreger and April M. Herndon reiterate this claim in a recent article entitled "Progress and Politics in the Intersex Rights Movement: Feminist Theory in Action," published in the 2009 *GLQ* special issue "Intersex and After."[189] Their article's title only covers part of their argument; Dreger and Herndon's specific thesis

[188] For a powerful Foucauldian critique of the notion of interiority in the context of queer theory, see Lynne Huffer, *Mad for Foucault: Rethinking the Foundations of Queer Theory* (New York: Columbia University Press, 2010).

[189] Alice D. Dreger and April M. Herndon, "Progress and Politics in the Intersex Rights Movement: Feminist Theory in Action," *GLQ* 15.2 (2009): 199-224.

holds that, "while feminist scholars have been critically important in developing the theoretical underpinnings of the intersex rights movement and sometimes in carrying out the day-to-day political work of that movement, there have been intellectual and political problems with some feminists' approaches to intersex" (199). Interestingly, Dreger and Herndon decline to name which particular feminists they are talking about, with two notable exceptions: Germaine Greer, who is discussed in the body of the text, and whose transphobia and intersexism have been well documented,[190] and Judith Butler, whom Dreger and Herndon briefly cite in an endnote. The sentence from the body of their essay to which that endnote is attached, wherein Dreger and Herndon take issue with "some feminists," reads as follows: "until relatively recently some feminists cited the alleged success of the OGR [Optimal Gender of Rearing] model as proof that gender is socially constructed" (214). The endnote attached to this sentence refers readers to Butler's 2001 essay, "Doing Justice to Someone: Sex Reassignment and Allegories of Transsexuality."[191] The implication of Dreger and Herndon's citation is that Butler, whose influence is well known, represents the dominant trend in contemporary feminist interpretations of intersex.

However, I cannot find any sentence in "Doing Justice to Someone" where Butler makes the claim Dreger and Herndon ascribe to her. Nowhere in "Doing Justice to Someone" does Butler cite the "alleged success of the OGR model as proof that gender is socially constructed." On the contrary, what Butler argues in that essay, by pursuing a

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[190] For a critique of Greer's work, see Iain Morland, "Postmodern Intersex," in *Ethics and Intersex*, ed. Sharon E. Sytsma (Dordrecht: Springer, 2006), 328-329.

[191] Judith Butler, "Doing Justice to Someone: Sex Reassignment and Allegories of Transsexuality," *GLQ* 7.4 (2001): 621-636. The essay was revised and reprinted in Judith Butler, *Undoing Gender* (New York: Routledge, 2002), 57-76, and hereafter I cite that version.

philosophical reading of various accounts of what has come to be infamously known as "the David Reimer case," is that "the story as we have it [as it has been rendered in the popular media, in scientific journals and teaching institutions, and in gender studies scholarship] does not actually supply evidence for either [the social constructionist or the essentialist] thesis" (66). Born a "normal" boy, Reimer's penis was accidentally ablated during a routine surgical operation; his parents subsequently found John Money and the Gender Identity Clinic at Johns Hopkins, and Money recommended that Reimer undergo genital normalization surgery to be reassigned as female. Reimer's parents followed Money's advice, but Reimer increasingly rejected that gender assignment during adolescence, and eventually decided to live as a man. Though the Reimer story has been used by diverse parties to provide evidence for constructionist and essentialist arguments, Butler contends that a close reading of the discourses surrounding Reimer (including his own) reveals that his life story does not actually confirm one particular theory of gender or another. It is only through distortion—that is, by glossing over Butler's precise argument—that Dreger and Herndon are able to use Butler as their foil, implying that her work demonstrates the complicity of feminist social constructionism with the OGR paradigm. Though Dreger and Herndon attempt to stage an ethical and political critique of "some feminists" through their citation of Butler, the discordance between the claim they offer, the citation offered as evidence for that claim, and the object they cite (Butler's essay) reveals the fragility of their argument. I highlight Dreger and Herndon's critique of Butler and feminist uses of intersex more generally to bring out what I call the politics of citation informing intersex critiques of feminism and women's studies. These

patterns of citation are fundamental to understanding the emergent resistance to feminist and queer theory in intersex activism and scholarship.

Patterns of citation—who gets cited and who doesn't, where, when, and how—can be read to reveal particular assumptions that underlie an author's argument. I don't only mean literal citations, as in Dreger and Herndon's endnote referring readers to Butler's "Doing Justice to Someone," but also more general references, such as when Dreger and Herndon refer to "some feminists" to imply that it is not just Butler, but others feminists as well, who have participated in the alleged practice they critique. Such references can be further explored by examining Dreger and Herndon's critique of women's studies in greater detail. According to Dreger and Herndon, the dominant medical model of intersex management, based on the research of psychoendocrinologist John Money I analyzed in Chapter 1, advocates early surgical intervention on the basis of a social constructionist hypothesis: that the infant's gender is more or less plastic up until roughly eighteen months after birth. As I demonstrated in Chapter 1, Money thought that a combination of surgery and hormonal treatments could "normalize" the infant's sex, giving the infant the basis upon which to form a "normal" gender identity. In a particularly striking passage in which the phrase "some feminists" reappears, Dreger and Herndon refer this history back to Chase:

> Chase has argued that it is the very obsession with "the gender question" that has led to so much harm for people with intersex. According to Chase, while some people (like Money and some feminists) have used intersex to sit around debating nature versus nurture, real people with intersex have been hurt by these theories and their manifestations. Chase has therefore

> argued that "intersex [has been] primarily a problem of stigma and trauma, not gender."[192] (216)

Dreger and Herndon use Chase to parenthetically group together John Money with "some feminists" (a generalized category they leave unspecified). This parenthetical reference reveals a slippage in Dreger and Herndon's account that allows them to conflate "some feminists" with social construction theory writ large, both of which they then conflate with the most vexed and harmful aspects of Money's paradigm.[193] In Chapter 2, I pointed out that feminist theorists such as Kessler and Fausto-Sterling were among the first to publicly criticize the oversights and shortcomings of Money's research and his inaugural distinction between sex and gender. In an ironic twist, by conflating "some feminists" with Money, this slippage leads Dreger and Herndon to confirm Chase's claim that intersex is not ultimately about gender, which in turn disclaims and contradicts Chase's earlier analysis of intersexuality in "Hermaphrodites with Attitude." But as I've shown in Chapters 1 and 2, intersex is irrevocably connected to matters of gender and sexual relations. Though I will have more to say about the activist proposition that intersex is not about gender in a moment, here I simply want to note that an implication of Dreger and Herndon's affirmative citation of Chase is that feminist analyses of intersex which have centered questions of gender have wittingly or unwittingly worked to undermine the progress of the intersex movement. This is why the subtitle of Dreger and Herndon's essay's ("Progress and Politics in the Intersex Rights Movement: Feminist Theory in

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[192] The original citation can be found in Cheryl Chase, "What Is the Agenda of the Intersex Patient Advocacy Movement?" *Endocrinologist* 13 (2003): 240.

[193] For an incisive critique of Money's work, see Anne Fausto-Sterling, S*exing the Body: Gender Politics and the Construction of Sexuality* (New York: Basic Books, 2000).

Action") begins, upon closer inspection, to appear disingenuous, at least insofar as it contradicts the specific argument elaborated in their essay. More importantly, it also denies the history of intersex as the concept that gives us gender, as my genealogy in Chapter 1 proposes.

This is also why Dreger and Herndon's recommendations for how feminists should reassess and reframe their approach to the study of intersex, while stated in a seemingly reasonable and politically sensitive vocabulary, are nevertheless both politically and intellectually problematic. Dreger and Herndon advise future feminists to address intersex issues by sidelining questions of gender and instead dedicating themselves to "listen[ing] carefully to intersex people in the same way they have listened to other marginalized groups, rather than assume they know what is true or right for intersex people" (218). This claim is surely well-intentioned, yet it implies that feminists have not already been listening carefully to intersex people, a claim contravened by the work of numerous feminist scholars of intersex, including Suzanne Kessler, Anne Fausto-Sterling, Emily Grabham, Iain Morland, and others. It also implies that "listening carefully" means not hearing gender at all—a questionable proposition in a gender-saturated universe. Dreger and Herndon go on to call on feminists "to help [the intersex movement] by doing more than theorizing," that is, "to write about intersex people on their own terms rather than just appropriate intersex for talking about other issues like the social construction of gender" (218). Like the previous suggestion, this proposal is misleading insofar as it obscures the numerous feminist works which have used ethnography and other methodologies to listen carefully to the claims of people with

intersex.[194] More broadly, Dreger and Herndon seem to assume that feminists have a moral obligation to support the intersex movement without hesitation and without question, regardless of the arguments and assumptions underlying the movement's politics.

In contradistinction with Dreger and Herndon, I would argue that one task of feminist theory involves reading the arguments and assumptions underlying the politics of diverse social movements, including the intersex movement, critically. Furthermore, I would argue that feminist theories of gender have tremendous critical relevance for understanding and interpreting the relations of power, knowledge, technology, and discourse that shape the experiences and lives of people with intersex. In a world where gender structures and the power relations that underlie those structures inform countless micro- and macroscopic aspects of social, political, cultural, and psychic life, it is not clear that gender can be easily disaggregated (either analytically or practically) from anyone's life, let alone the lives of people with intersex. We live in gender whether we're intersex or not.

To a large degree, Dreger and Herndon reiterate a claim made by Herndon when she was a member of ISNA and in 2006 posted an essay on the ISNA website entitled "Why Doesn't ISNA Want to Eradicate Gender?" There, Herndon explains ISNA's complicated position on gender. Herndon is worth quoting at length:

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[194] See, for instance, Suzanne Kessler, *Lessons of the Intersexed* (New Brunswick: Rutgers University Press, 1998); Sharon E. Preves, *Intersex and Identity: The Contested Self* (New Brunswick: Rutgers University Press, 2003); Morgan Holmes, *Intersex: A Perilous Difference* (Selinsgrove: Susquehanna University Press, 2008); and Katrina Karkazis, *Fixing Sex: Intersex, Medical Authority, and Lived Experience* (Durham: Duke University Press, 2008).

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.

Again, many of these surgeries are performed with the belief that these procedures will help a child settle into a gendered world, but that doesn't mean the whole system of gender must fall in order for people with intersex conditions to live happy, fulfilling lives. It simply means that these surgeries and the shame that surrounds them are an unfortunate instantiation of problematic gender norms and we should work on ending unwanted surgeries and stigma.

There are, of course, some people with intersex conditions who identify as a third gender or gender queer—just as there are some people with completely typical sex anatomies who don't identify as strictly male or female. Our aim at ISNA isn't to undermine these people's goals, or to suggest that people who identify as a third gender don't exist or don't matter, or to suggest that everyone must adopt a gender. Rather, we hope to end painful and unnecessary childhood surgeries that rob people of corporeal autonomy and sexual function because everyone—regardless of gender identity—deserves that. And we hope to end the shame and secrecy that cause so much pain for so many people with intersex conditions.

We hope that scholars, particularly those invested in helping members of marginalized groups gain a voice in conversations about themselves, will take seriously the concerns about surgery, secrecy, and

> shame raised by intersex people and understand that ISNA and the majority of its constituency don't necessarily share the goal of eradicating the very notion of gender.[195]

What I find most curious about Herndon's argument is the supposition that gender studies scholars all "share the goal of eradicating the very notion of gender." I will return to this supposition and its implications below. First it is worth noting that, like Chase, Herndon implicitly privileges liberalism—and its emphasis on individual autonomy and the right to define oneself free from the interference of others—as the defining political philosophy of ISNA's activism. Herndon repeatedly stresses the motif that it is "childhood surgeries…and the accompanying lies and shame" that cause "so much pain for so many people with intersex conditions" and, in this regard, she almost seems to define intersex activism in terms of a single-issue agenda, that of ending infant genital surgeries.[196] Explaining INSA's specific goals, Herndon underscores what she sees as the fundamental differences between ISNA's concerns with childhood surgeries, lies, and shame versus the concerns of "those who identify as a third gender or gender queer" or "share the goal of eradicating the very notion of gender." By juxtaposing ISNA's project with genderqueer activism, Herndon makes it appear as though any questioning of the relation between the situation of intersex people and the sociopolitical logic of gender regulation is inappropriate, a betrayal of what the intersex people ISNA represents feel

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[195] April Herndon, "Why Doesn't ISNA Want to Eradicate Gender?" (2006): http://www.isna.org/faq/not_eradicating_gender (last accessed February 18, 2009).

[196] For a comparative analysis of single-issue versus multi-issue organizing, see Urvashi Vaid, *Virtual Equality: The Mainstreaming of Lesbian and Gay Liberation* (New York: Anchor Books, 1996).

and experience. Thus Herndon's liberalism combines with an appeal to "experience" as the ground of truth about intersex conditions.

But as Joan W. Scott has argued, to construe "experience" as a transparent, unmediated source of truth about the world is to risk reifying, rather than disarming and displacing, entrenched ideological structures.[197]

> When experience is taken as the origin of knowledge, the vision of the individual subject (the person who had the experience or the historian who recounts it) becomes the bedrock of evidence on which explanation is built. Questions about the constructed nature of experience, about how subjects are constituted as different in the first place, about how one's vision is structured—about language (or discourse) and history—are left aside. The evidence of experience becomes evidence for the fact of difference, rather than a way of exploring how difference is established, how it operates, how and in what ways it constitutes subjects who see and act in the world.
>
> To put it another way, the evidence of experience, whether conceived through a metaphor of visibility or in any other way that takes meaning as transparent, reproduces rather than contests given ideological systems. (399-400).

The problem with the uncritical acceptance of the self-evidence of experience becomes clear in the way that Herndon simply assumes that, since "intersex people don't tell us that the very concept of gender is oppressive to them," then the irrelevance of gender as a

[197] Joan W. Scott, "Experience," in *The Lesbian and Gay Studies Reader*, eds., Henry Abelove, Michele Aina Barale, and David M. Halperin (New York: Routledge, 1993), 397-415.

claim about intersex generally must be de facto true. While the category of experience offers an important reservoir of insight and knowledge for understanding people's lives, the experiences of intersex people, like the experiences of anyone, are not self-evident, and it is important to engage critically with their underlying presuppositions.

Herndon's appeal to experience is a common move. It provides a way for minoritized subjects to contest accounts of the world that exclude or marginalize them. But, as Scott argues, the appeal to experience relies on the very epistemological presumptions that naturalize reigning ideological systems. This does not mean experience is irrelevant, but it does mean its status as evidence needs to be interrogated and historicized, as Scott suggests. This point becomes clear in the 2002 essay by Emi Koyama and Lisa Weasel entitled "From Social Construction to Social Justice: Transforming How We Teach about Intersexuality," mentioned at the outset of this chapter. Koyama and Weasel's essay not only provides some further background to Chase's and Herndon's arguments, but also highlights the dangers of dualistic modes of thought that would privilege the truth of experience over and against "theory." Koyama and Weasel suggest that, by treating intersex as evidence of the social construction of sex and/or gender, women's studies scholars obscure the real-world concerns and experiences of intersex persons. They argue that women's studies scholars need to "recognize that it is not the responsibility of intersex people to deconstruct binary gender-sex or to be used as guinea pigs to test out the latest theories about gender." "Do not be disappointed," they continue, echoing the claims of Chase and Herndon, "that many intersex people are not interested in becoming members of the third gender or overthrowing sex categories altogether" (176). The problem with the way intersex is taught in women's studies,

Koyama and Weasel conclude, is that "intersex existence is understood and presented largely as a scholarly object to be studied in order to deconstruct the notion of binary sexes (and thus sexism and homophobia) rather than as a subject that has real-world implications for real people" (170).

Koyama and Weasel's language reveals the centrality of the theory/real world binary to this and other experience-based critiques of gender studies. They insist repeatedly that intellectual abstraction in general and social construction theory in particular are a priori incapable of speaking to or shedding light on issues that have "real-world implications for real people." This premise reproduces a reductive opposition between the "socially constructed" (170) and the "real" wherein the former somehow exists independently of, and has no relation to, the latter. This binary in fact undercuts Koyama and Weasel's own argument, which ultimately seeks to hold women's studies scholarship and teaching accountable for the objectification of persons with intersex. Indeed, they blame women's studies for using intersex people as "guinea pigs," thus drawing on a metaphor from the world of science and biomedicine in order to subtly shift and displace the blame from science to women's studies.

In addition, it is the theory/real world binary that allows Koyama and Weasel to suggest that accounts of intersexuality which attend to the workings of "binary sexes (and thus sexism and homophobia)" lack real world relevance. This claim presupposes a contradictory and ultimately untenable understanding of theory's relation to sociopolitical life. According to Koyama and Weasel, theory somehow exists independently of the social and political conditions in which it is produced; and binary sex, sexism, and homophobia are purely theoretical constructs. For reasons they never openly state,

Koyama and Weasel hold that these terms are incapable of referring to real, material forces and forms of power that shape peoples' lives, especially the lives of persons with intersex conditions. In addition, Koyama and Weasel never address the problem of how to "get at" experience. They treat experience as an unmediated category, as if people's claims give transparent access to the "real."

By contrast, feminist thinkers from Butler to Spivak and Scott argue that experience does not exist independently of the social and political conditions in which it is produced, and that those conditions are themselves constituted, in part, through implicit and explicit theoretical practices and commitments. Further, feminists have long argued for the need to name and to analyze the ways in which power relations privilege some groups at the expense of others.[198] In this understanding, theory is a vehicle for naming and analyzing how material forces such as sexism and homophobia operate in the world, how they institutionalize and are institutionalized by particular structures of inequality, dominance, and subjugation.[199] From this perspective, Koyama and Weasel's argument for replacing the emphasis on "deconstruction" and "social construction" (170) in

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[198] See, for instance and among many others, Trinh T. Minh-ha, *Woman, Native, Other: Writing Postcoloniality and Feminism* (Bloomington: Indiana University Press, 1989); bell hooks, *Feminist Theory: From Margin to Center* (Boston: South End Press, 1984); Linda Alcoff, "The Problem of Speaking for Others," in *Who Can Speak? Authority and Critical Identity*, eds., Judith Roof and Robyn Wiegman (Urbana: University of Illinois Press, 1995), 97-119; and Norma Alarcón, "The Theoretical Subject(s) of *This Bridge called My Back* and Anglo-American Feminism" in *Haciendo Caras: Making Face, Making Soul: Creative and Critical Perspectives by Feminists of Color*, ed., Gloria Anzaldua (San Francisco: Aunt Lute Books, 1990), 356-369.

[199] See Eve Kosofsky Sedgwick, *Between Men: English Literature and Male Homosocial Desire* (New York: Columbia University Press, 1986); Monique Wittig, "One is Not Born a Woman," in *The Lesbian and Gay Studies Reader*, eds., Henry Abelove, Michele Aina Barale, and David M. Halperin (New York: Routledge, 1993), 103-109; Butler, *Gender Trouble*; and Judith Halberstam, *Female Masculinity* (Durham: Duke University Press, 1998).

women's studies with an emphasis on social justice has the effect of flattening out both the "social" and processes of social formation to little more than mere caricatures. To oppose "theory" to the "real world" or "practice" is to reify an illusory and anti-intellectual distinction between realms of praxis (broadly speaking, thought and action) that are in fact inextricably connected. The point is that what gets to count as "theory" versus "practice" is overdetermined by social relations. As I suggested in the previous chapter, feminist theories of the gendered regulation of intersex bodies, such as Kessler's and Fausto-Sterling's, are valuable precisely because they speak to the relays between theory and practice that inform the politics of the medical management of embodiment. By critically attending to such relays, it becomes possible to question the naturalization of the "authority" of institutions such as medicine— precisely those institutions that, unlike women's studies, literally use guinea pigs—to determine which bodies and forms of personhood get to count as normative, legible, and valuable, and which do not.

III. Intersex and Gender

I now want to turn to the claim, made above in different forms by Chase, Dreger and Herndon, and Koyama and Weasel, that gender is, in the final instance, peripheral to intersex issues. This claim also appears in Vernon A. Rosario's 2007 essay "The History of Aphallia and the Intersexual Challenge to Sex/Gender," which explores the ways in which the history of the medical treatment of hermaphroditism in previous centuries informs current treatment standards for intersex and extends Koyama and Weasel's argument that social constructionist gender theory obfuscates the material realities and

concerns faced by individuals with intersex conditions.[200] Rosario notes that "the mainstream intersex support groups centered around particular diagnoses (such as androgen insensitivity syndrome, hypospadias, or congenital adrenal hyperplasia) have intensely debated if not completely rejected the intersex label because the affected individuals feel their gender identity is either male or female and they do not want to be perceived as gender intermediates" (274). Rosario makes a similar point in his 2004 essay "The Biology of Gender and the Construction of Sex?"[201] There Rosario defines intersexuality as an "umbrella medical term" (282) for a variety of "objective, material conditions, not indications of an elective gender identity" (283-284). "Despite discordant sex chromosomes, genitals, and/or gonads," Rosario writes, "the vast majority of intersexed people have a definite gender identity as male or female; they are not inter-gendered" (284). The certainty with which Rosario distinguishes the "objective" biological aspects of intersexuality from the "merely cultural" or social aspects of male and female gender identities is striking.[202] Is a larger-than-standard clitoris an objectively measurable feature of certain bodies, or is it, rather, a cultural interpretation that not only presumes but also institutes a corporeal norm? Indeed, I would suggest that the difference between biological intersex conditions and social gender identity can only seem self-evident when we presume that the biological dimensions of life are not imbued with

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[200] Vernon A. Rosario, "The History of Aphallia and the Intersexual Challenge to Sex/Gender," in George E. Haggerty and Molly McGarry, ed., *A Companion to Lesbian, Gay, Bisexual, Transgender, and Queer Studies* (London: Blackwell, 2007), 262-281.

[201] Vernon A. Rosario, "The Biology of Gender and the Construction of Sex?" *GLQ* 10.2 (2004): 280-287.

[202] Rosario also seems to conflate "male" and "female" with gender identity as such, a conflation called into question by some work in the field of transgender studies. See Sandy Stone, "The Empire Strikes Back: A Posttransexual Manifesto," in *The Transgender Studies Reader*, eds., Susan Stryker and Stephen Whittle (New York: Routledge, 2006), 221-235.

symbolic value. However, as Morgan Holmes argues, "the biological sciences and biomedicine do not produce views of organic function or metaphors for embodiment apart from a cultural setting that provides the very possibility for their meaning."[203] Rosario's claim suggests that bodies do not have a history when in fact, as I demonstrated in Chapter 1, the history of the medicalization of intersex can be understood as a history of bodily regulation through the terms of gender.

As Holmes suggests, it is important to think carefully about how cultural settings shape the meanings attributed to intersex bodies. While Rosario is indeed correct that many affected parties and groups have rejected the intersex label and that many people with intersex conditions identify as male or female, his analysis overlooks the ways in which gender informs the medicalization and codification of intersex as a set of "particular diagnoses." This is not to say that these diagnoses are unreal or immaterial, far from it. But it is to suggest that it is important to ask how and whether the materiality of intersex conditions is shaped, in part, by gendered logics.

When physicians diagnose an infant with an intersex condition, for instance, when they consider an infant's genitalia to be atypical enough to require surgical intervention, do not normative gender assumptions about proper genital shape, size, and function inform such diagnoses and treatments? Furthermore, isn't it the case that many physicians and parents presume that "normal" looking genitals, even when arrived at by surgical intervention, are a precondition for normative and legible forms of gendered personhood? And what are we to make of the fact that "intersex" gave birth to gender not only conceptually but in the establishment of a history of treatment?

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[203] Morgan Holmes, *Intersex*, 23.

In “The History of Aphallia and the Intersexual Challenge to Sex/Gender,” Rosario situates his argument as an endorsement of ISNA’s agenda to end unnecessary infant genital surgeries and to make complete medical disclosure and patient and family counseling services central to future strategies for the medical management of intersexuality. But “ISNA,” Rosario writes, “has struggled to shift the focus of intersex politics from sex/gender theory battles to practical clinical concerns” (275). According to Rosario, this is not only because medical and media attention has tended to sensationalize intersexuality as a “gender crisis,” but also because feminist and queer theorists have used intersex predominantly “as an opportunity for destabilizing biological notions of sex and gender” (275). Rosario thereby suggests that “sex/gender theory battles” have gotten in the way of, or deflected much-needed attention from, the project of reforming the medical standards of intersex management.

For this reason, Rosario concludes “The History of Aphallia and the Intersexual Challenge to Sex/Gender” by singling out feminist and queer theorists, stating bluntly that,

> while the historical construction of sex, gender, and hermaphroditism certainly inform the current “optimal gender” paradigm of treatment, deconstructing these will not make intersexuality disappear any more than it will erase the categories of sex and gender. No amount of theorizing about intersex or its cultural impact on gender theory will eliminate the physical pain, infertility, endocrinological disorders, and emotional stress that burden many people with intersex conditions. (276)

In this passage, Rosario seeks to drive home the point that intersex is a real, material, physiologically embodied set of complex conditions, not a discursive fiction that can be rendered immaterial by the theoretical magic of "deconstruction," a term which Rosario, like Koyama and Weasel, uses as if it were a slur or profanity.[204] Contra its precise, technical meaning, for Rosario to "deconstruct" means to make "disappear" or to "erase." Rosario paints deconstruction as a purely negative activity, when in fact a more informed articulation of deconstruction grasps its productive as well as critical aspects.[205] Conflating "deconstruction" with the project of gender theory *tout court*, Rosario further elaborates a stark division between "theorizing about intersex" and the materiality of intersex bodies and experiences. He invokes the "physical pain, infertility, endocrinological disorders, and emotional stress that burden many people with intersex conditions" in a manner which suggests that these sensory and bodily experiences are at once prior to and fundamentally separate from gender as it is both lived and theorized. While Rosario is surely right that theorizing about intersexuality or its cultural impact on gender theory cannot in any immediate way alleviate the emotional and physical stress and suffering persons with intersex face, it is unclear why he needs to cast gender theory as purely discursive and out-of-touch with reality to buttress this claim. For Rosario, it would seem that the entire enterprise of gender theory is premised upon a delusion: that

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[204] In using "deconstruction," which is actually a technical term, in this way, these authors participate in a more general trend in the humanities and social sciences which Jean-Michel Rabate has analyzed as a backlash against poststructuralism. See Jean-Michel Rabate, *The Future of Theory* (London: Blackwell, 2002).

[205] Deconstruction names the instability of meaning that arises through the structure of the supplement, trace, or différance, the continuous process of difference-as-deferral through which binary, symmetrical meanings are shown to be asymmetrical. See, among many other texts, Jacques Derrida, *Of Grammatology*, trans. Gayatri Chakravorty Spivak (Baltimore: The Johns Hopkins University Press, 1976).

"deconstructing" categories will lead to their disappearance and erasure. However, it is important to ask whether this is an accurate description of the project of gender theory, a point I will follow up below. It is also important to ask who or what Koyama and Weasel and Rosario are implicitly targeting in their critiques of "deconstruction."[206]

The latest scholar to take on the tension between intersex activism and feminist and gender theory is Katrina Karkazis, whose 2008 monograph *Fixing Sex: Intersex, Medical Authority, and Lived Experience*, perhaps the most comprehensive evaluation to date of controversies surrounding the medical management of intersexuality in the United States, casts the tension in a slightly different light. Karkazis explains the tension in terms of a fundamental incongruence:

> Although in many respects activists' analyses of treatment for intersexuality draw on theories about the social construction of gender—and intersexuality has been used as a prime example of this phenomenon in women's studies and queer studies classes—the two fields' interests are not congruent. Most feminist interest in intersexuality stems from its value

[206] Koyama and Weasel's and Rosario's frequent, derogatory usage of the term "deconstruction" might be read to suggest the degree to which they have registered and reject to the impact of Judith Butler's work on thinking about intersex issues. While Koyama and Weasel do not cite Butler, Rosario does. In "The Biology of Gender and the Construction of Sex?" Rosario cites Butler's "Doing Justice to Someone" as he laments the ways in which, using the David Reimer case, "feminist and queer academics [have] turned intersex into the next great hope for deconstructing sex/gender" (283). From this perspective, Rosario's critique of "deconstruction," and perhaps Koyama and Weasel's as well, can be read as being primarily a critique of Butler, even though she is not named as the primary object of their critiques. If that is indeed case, Koyama and Weasel and Rosario are surely not alone in their dismissal of Butler's interventions. See, for instance, Martha Nussbaum, "The Professor of Parody," *The New Republic* 220.16 (22 Feb. 1999): 37-45. For a compelling critique of Nussbaum's position, see Robyn Wiegman, "Feminism, Institutionalism, and the Idiom of Failure," *differences* 11.3 (1999): 107-136.

> as a heuristic device, but the goal of many people with intersex conditions and activists is not to deconstruct or eliminate gender, or to advocate for a third sex or no sex, but rather to change treatment practices and improve the well being of others with these conditions. While this goal necessarily involves a broadened understanding of what it means to be male or female, the cornerstone of this argument does not center on gender: intersexuality, these activists argue, is primarily a problem of stigma and trauma, not of gender.[207]

Though Karkazis argues throughout *Fixing Sex* that "the lens of gender literally shapes the body" and that this shaping is particularly evident in the case of "individuals who undergo treatment procedures and interventions for intersexuality" (14), in the above passage Karkazis affirms the activist view that intersex is not primarily a problem of gender. In fact, the last sentence of the quotation is taken verbatim from ISNA's mission statement: "Intersexuality is primarily a problem of stigma and trauma, not gender." ISNA began asserting this claim on its homepage in the mid-1990s, adding, among other points, that "parents' distress must not be treated by surgery on the child," and that "all children should be assigned as boy or girl, without early surgery."[208] In paraphrasing ISNA's argument, Karkazis fulfills one of the main goals of her project, which is to validate the "lived experience" of persons with intersex and intersex activists *against* the dominant medical narrative of intersexuality. Yet in corroborating ISNA's position,

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[207] Karkazis, *Fixing Sex*, 247.

[208] See ISNA's homepage: http://www.isna.org (last accessed March 9, 2009).

Karkazis misses out on an important opportunity to critically engage the assumptions underpinning ISNA's analysis.[209]

With this background in mind, I now want to turn to ISNA's claim that "intersexuality is primarily a problem of stigma and trauma, not gender" to examine the claim's underlying assumptions. If "intersexuality is primarily a problem of stigma and trauma, not gender," then why does ISNA argue for the need to assign "all children as boy or girl," albeit with the important qualification, "without early surgery"? In short, if the problem of intersexuality is not gender but surgical sex assignment, then why must the answer to intersexuality still involve social gender assignment?

As Noah Ben-Asher points out, Judith Butler has recently implied but ultimately chosen to dismiss such a critique of intersex politics. Asking after the relation between queer theory and the intersex movement, Butler writes,

> It does not follow, therefore, that queer theory would oppose all gender assignment or cast doubt on the desires of those who wish to secure such assignments for intersex children…[T]he perfectly reasonable assumption here is that children do not need to take on the burden of being heroes for a movement without first assenting to such a role. In this sense,

[209] In addition, in reiterating ISNA's position, Karkazis also explicitly validates ISNA's view that "most feminist interest in intersexuality" is concerned "to deconstruct or eliminate gender, or to advocate for a third sex or no sex." As I suggested above, and as I will show below in greater detail, this claim is arguably an inaccurate characterization of feminist studies of intersex.

> categorization has its place and cannot be reduced to forms of anatomical essentialism.[210]

According to Butler, because nearly all children are raised in society as one of the two normative genders, it would be unethical to force some children to be "heroes for a movement" by raising them without a gender or as a third gender. "Although Butler's position makes intuitive sense," Ben-Asher suggests, "it relies on difficult reasoning" (72). "It seems," Ben-Asher continues,

> that Butler views the possibility of not assigning a gender to a child (or assigning a third or an intersex gender) as a possible source of social ostracism. But this same reasoning is used by John Money and others to justify intersex surgery: the child will adjust better to the environment with "normal" looking genitals than with genitals that are unintelligible. Therefore, challenging sex assignment while using the same logic to justify gender assignment deserves rethinking. (72)

By pointing out that the activist argument for the necessity of normative gender assignment relies upon the "same logic" both Butler and ISNA find problematic in surgical sex assignment, Ben-Asher indicates that gender assignment, like normalizing genital surgeries, may well also violate the liberal "autonomy" that Chase and Herndon invoke as the justification for their arguments against surgical intervention. In short, gender assignment too raises ethical and political concerns about the norms and regulations socialization imposes upon children's autonomy. The point is not that the

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[210] Butler, cited in Noah Ben-Asher, "The Necessity of Sex Change: A Struggle for Transsex and Intersex Liberties," *Harvard Journal of Law and Gender* 29.1 (2006): 71. Original in Butler, *Undoing Gender* (New York: Routledge, 2004), 7-8.

intersex critique of sex assignment is wrong, but rather that it perhaps does not go far enough. What forms of power underlie the pervasive social insistence upon the imperative to normatively gender subjects? What has gender become such that it repeatedly gets posited as a precondition without which human life as such is said to be unthinkable? Crucially, and contra Ben-Asher, I would argue that liberal humanism need not be the only resource we turn to as we contemplate these questions. For instance, Foucault provides a powerful way of thinking about technologies of the self and the erotic as practices of freedom.[211]

The claim that "intersexuality is primarily a problem of stigma and trauma, not gender" presumes that stigma and trauma are clearly separable from, and have no causal or correlative relation to gender. Considered generally, for example, in terms of contemporary male and female gendered identities and relations, this presumption would appear difficult to sustain. As diverse thinkers including Naomi Wolf, Judith Butler, Michael Kimmel, Judith Halberstam, and many others have argued, normative masculine and feminine behaviors and identities are constructed, to a large extent, in and through the policing and regulation of gender non-conforming behaviors, qualities, and attributes.[212] Effeminate boys and men, masculine girls and women, cross-dressers,

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[211] See Michel Foucault, *The History of Sexuality, Volume II: The Use of Pleasure*, trans. Robert Hurley (New York: Vintage Books, 1990); and Luther H. Martin, Huck Gutman, and Patrick H. Hutton, ed., *Technologies of the Self: A Seminar with Michel Foucault* (Massachusetts: University of Massachusetts Press, 1988). For a cogent analysis of Foucault's work on these topics, see Lynne Huffer, *Mad for Foucault.*

[212] See Naomi Wolf, *The Beauty Myth: How Images of Beauty Are Used against Women* (New York: Harper, 2004); Judith Butler, *Gender Trouble*; Michael Kimmel, *Guyland: The Perilous World Where Boys Become Men* (New York: Harper, 2006); and Judith Halberstam, *Female Masculinity* (Durham: Duke University Press, 1998).

transsexuals, transgendered persons, and a range of other "gender outlaws," as Kate Bornstein calls them, are regularly ostracized, stigmatized, and subjected to violence or the threat of violence for breaking with hegemonic regimes of gender normativity, intelligibility, embodiment, and comportment.[213]

These gender regimes are also heteronormative. As Dreger has shown in her detailed history of the medicalization of hermaphroditism during the nineteenth and twentieth centuries, "a significant motivation for the biomedical treatment of hermaphrodites is the desire to keep people straight."[214] Dreger means that phrase—"keeping people straight"—both literally and figuratively. As she puts it, "Many assume that if we don't keep males and females sorted, social institutions that we hold dear—including divisions into heterosexuality and homosexuality, into mothers and fathers, into women athletes and men athletes—will no longer be viable" (9). Hermaphroditism, as Dreger narrates its history, came to be seen by British and French medical specialists starting in the late 1800s as a threat to the social order, in particular, as a threat to naturalized gendered and sexual divisions and hierarchies of labor, identity, and sociality. To keep that threat at bay, twentieth century Western biomedical experts developed a range of surgical and hormonal techniques to "normalize" infants born with intersex conditions. In this sense, the stigma and trauma persons with intersex face, including unwanted genital surgeries, hormone treatments, repeated medical inspections, and family shame and secrecy, are fundamentally related to gender and sexuality as structures of social regulation, organization, and inequality.

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[213] Kate Bornstein, *Gender Outlaw: On Men, Women, and the Rest of Us* (New York: Vintage, 1995).

[214] Alice Dreger, *Hermaphrodites and the Medical Invention of Sex* (Cambridge: Harvard University Press, 1998), 8.

In other words, ISNA's argument that "intersexuality is primarily a problem of stigma and trauma, not gender" performs what Gayatri Spivak calls, in literary critical terms, a metalepsis: the "substitution of one figure for another," in this case, the substitution of "effect for cause."[215] While ISNA's metalepsis may be a strategic political move (a strategy designed to deflect attention from broader considerations of gender and to focus squarely upon the problems surrounding normalizing infant genital surgeries), the strategic function of the metalepsis doesn't contravene the fact that individuals with intersex are stigmatized and traumatized, not by pure historical accident, but for a particular set of historical reasons—because medicine in particular and society in general uphold a regulatory and often violent standard of gendered normativity.

To understand that intersex is not only a problem of stigma, trauma, and unwanted genital surgeries but *also* and *simultaneously* of gender is thus to begin to understand the potential significance of what Salamon, cited at the outset of this chapter, calls "the systematic understanding that women's studies provides of the structures of gender—and the relations of power that underlie those structures." From this perspective, it is significant that Chase, Dreger and Herndon, Koyama and Weasel, Rosario, and Karkazis all elaborate the meaning, parameters, and goals of intersex activism not only against the dominant medical view of intersexuality, but also, and crucially, *against* women's studies. Implicit in their critiques of the uses of intersex in women's studies is the presumption that women's studies is somehow driven *en total* by the desire for "radical social restructuring" (Chase, 99), the desire to "eradicate the very notion of gender" (Herndon), to "overthrow sex categories altogether" (Koyama and Weasel, 176),

[215] Gayatri Chakravorty Spivak, *The Postcolonial Critic: Interviews, Strategies, Dialogues*, ed., Sarah Harasym (New York: Routledge, 1990), 122.

to "make intersexuality disappear…[and] erase the categories of sex and gender" (Rosario, 276), and to "deconstruct or eliminate gender, or to advocate for a third sex or no sex" (Karkazis, 247). Taken together, these accusations paint women's studies as a site of negativity and even nihilism. It thus becomes urgent to ask what purposes are served by portraying women's studies in such terms. What is it about women's studies that occasions such responses?

To make their generalizations about women's studies compelling, these authors have to explicitly ignore the substantial history of feminist thinking that has sought to contest negative stereotypes of women (and men) by reclaiming and re-valuing "positive" forms of gendered expression, identity, and interaction. They have to brush off the many women's studies scholars who have been concerned not with eradicating gender but with analyzing, contesting, and transforming gendered structures of inequality. They have to overlook the many feminists whose work challenges not gender as such but rather *sexism, misogyny, and related forms of oppression* in education, healthcare, politics, the law, and the arts. They have to discount the diverse array of feminist theoretical schools—liberal, socialist, Marxist, lesbian, women of color, womanist, postcolonial, transnational, and disability—that do not argue for the elimination or overthrowing of sex and gender, but rather for a variety of critical perspectives on how sex, gender and related categories inform processes and structures of subject constitution, identity formation, psychic organization, social stratification, knowledge production, political economy, cultural production, and forms of resistance, ambivalence, complicity, and hegemony.[216] Chase,

[216] The list of feminist scholars whose work both falls within and extends beyond these rubrics is too large to cite here. For anthologies that evidence this diversity, see Linda Nicholson, ed., *The Second Wave: A Reader in Feminist Theory* (New York: Routledge, 1997); Carole R. McCann and Seung-Kyung Kim, eds.,

Dreger and Herndon, Koyama and Weasel, Rosario, and Karkazis have to disregard all this work in order to make a highly stereotyped and reductive misrepresentation of postmodern, poststructuralist, and queer feminist theory the synecdoche or stand in for the whole of women's studies scholarship and feminist thinking at large.[217]

This misrepresentation then allows these authors to posit intersex activism against women's studies. In so doing, they also elide significant questions about whether and how intersecting structures of gendered inequality—for instance, institutionalized sexism, homophobia, and transphobia, (as well as able-ism, racism, classism, and xenophobia, which contemporary feminists have theorized as differential contributing factors to gendered forms of inequality)—may inform the medical and social treatment of persons with intersex. What is troubling is not simply the inaccuracy of Chase's, Dreger and Herndon's, Koyama and Weasel's, Rosario's, and Karkazis's characterizations of women's studies, but also, and more importantly perhaps, the way these writers pit the intersex movement against women's studies in order to legitimize the former at the expense of the latter. As Ben-Asher points out, "there is an ethical concern when group projects of de-subjugation undercut each other" (75).

Thus, even as these authors highlight the importance of thinking critically about the ethics and politics of the uses of intersex in women's studies, so too do their writings inadvertently draw attention to questions about the ethics and politics of the uses of women's studies in intersex discourse. What kind of work gets done, and what projects

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Feminist Theory Reader: Local and Global Perspectives (New York: Routledge, 2002); and Robyn Wiegman, ed., *Women's Studies On Its Own* (Durham: Duke University Press, 2002.

[217] The dismissal of feminism on the basis of stereotypes of its postmodern and poststructuralist variations has been analyzed by several scholars. See, for instance, Robyn Wiegman, "What Ails Feminist Criticism? A Second Opinion," *Critical Inquiry* 25.2 (1999): 362-379.

and alliances are foreclosed, when the meaning of intersex activism is defined, at least in part, by delegitimating women's studies? What if, rather than understanding intersex activism and women's studies in oppositional and mutually exclusive terms, we understood them as non-analogous, divergent, yet relational and potentially productive interlocutors (as was at least once the case when Chase founded ISNA and began dialoguing with Kessler and Fausto-Sterling)?

While the authors whose work I have reviewed here clearly reduce women's studies to a one-dimensional caricature, they also importantly register the degree to which women's studies operates as a site of gender trouble for emergent intersex activism and scholarship. The problem these authors reveal, as I see it, is this: many (though by no means all) women's studies scholars are interested in producing scholarship which destabilizes gender itself, not only through feminist analyses of intersex, such as those I analyzed in the last chapter, but also through the philosophical critique of the coherent subject and the historicization of the emergence of modern subjectivity.[218] By subjecting the terms of subjectivity to critical interrogation, by asking what exclusions and presumptions condition the form and content of conceptions of personhood, identity, corporeality, and interiority, these women's studies scholars have challenged the fictions of coherence, wholeness, and stability that guide reigning understandings of what it means to be human. In one sense, then, the intersex activist critique of women's studies

[218] See, for instance, Wendy Brown, *States of Injury: Power and Freedom in Late Modernity* (Princeton: Princeton University Press, 1995); Donna Harraway, "The Cyborg Manifesto: Science, Technology, and Socialist-Feminism in the Late Twentieth Century," in *Simians, Cyborgs, and Women: The Reinvention of Nature* (New York: Routledge, 1991), 149-182; Diana Fuss, *Essentially Speaking: Feminism, Nature, and Difference* (New York: Routledge, 1989); Rey Chow, *Ethics After Idealism* (Bloomington: Indiana University Press, 1997); Judith Halberstam, *In a Queer Time and Place: Transgender Bodies, Subcultural Lives* (Durham: Duke University Press, 2005).

exposes a rift within women's studies between those who hold to the coherence of subjects and those who don't (to put it reductively). While my own investments lean toward risking the incoherence of subjects, to borrow Jean Bobby Noble's phrase,[219] to trouble the politics of institutions, practices, social movements, and worldviews which invest in paradigms of linear development, teleology, unity, universality and totality, it is clear that this view is not shared by many women's studies practitioners. What is troubling to those women's studies scholars who hold to coherence is perhaps also what is troubling to the intersex scholars and activists whose work I have analyzed in this chapter: the irresolution and uncertainties opened up by the revelation of the instability of meanings and the inability of words to adequately name what they refer to in the world.

IV. Conclusion

For the scholars and activists whose works I have analyzed in this chapter, it is almost as if, as Iain Morland puts it in a short 2001 essay, intersexuality "can only be misappropriated by feminism."[220] According to Morland, intersex bodies call the analytic constellation of terms through which feminism has come to constitute itself (his examples are sex, gender, knowledge, and nature) into question. This leads him to contend that feminist accounts of intersex misunderstand and misuse their subject, obscuring what he views as intersexuality's radical interruption of sexual difference. Yet Morland's understanding of feminism appears finally too one dimensional to grasp that diverse feminist projects have abandoned a unitary and essentialist understanding of gendered

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[219] Jean Bobby Noble, *Sons of the Movement: FtMs Risking Incoherence on a Post-Queer Cultural Landscape* (Toronto: Women's Press, 2006).

[220] Iain Morland, "Feminism and Intersexuality: A Response to Myra J. Hird's "Feminism's 'Nature'," *Feminist Theory* 2.3 (2001), 363.

subjects and have moved instead toward a thorough critique of binary approaches to sexed and gendered life. Like Chase and the other authors I have reviewed above, Morland reduces feminism to a caricature by presuming to know in advance what constitutes its "proper object" and proper modes of knowing. If feminist theory shows that the dominant understandings of gender and sex are regulatory even as they remain inadequate to the description of human anatomical diversity, then it also shows how entrenched those understandings can become, even in projects, like intersex activism, where gender is implicitly called into question in and through the actions of those who seek to end unnecessary genital surgeries and the stigma, shame, and secrecy that accompany them.

In this chapter, I have tried to underscore the ways in which the intersex critiques of women's studies end up confirming the relevance of the very positions they renounce. Nowhere is this more evident than in ISNA's central claim, that "intersexuality is primarily a problem of stigma and trauma, not gender," which, as I showed above, disavows the very social structure (heteronormative gender) that sustains, at least in large part, the cultural norms which hold that intersex bodies are shameful and sources of stigma and trauma. My point is that the intersex critiques of women's studies and feminist and queer theory are perhaps most revealing not in terms of what they tell us about women's studies or feminist and queer theory, but in terms of what they tell us about the political and intellectual presuppositions of contemporary intersex activism and scholarship. I say this not in any effort diminish the crucially important achievements of the intersex movement and intersex scholarship, but rather to suggest that as both continue to grow and to change, a self-reflexive critique of their underlying philosophies

and goals will enhance and expand the scope of dynamic intersex projects. Self-reflexivity is a theoretical gesture—thought thinking itself—and in that sense, theory should be understood not as an elitist preoccupation of the "Ivory Tower," but rather as invaluable resource for anyone invested in social transformation.

From that perspective, and in conclusion, it is worth reiterating why I have questioned the notion that women's studies, gender studies, feminist theory, queer theory, social constructionism, deconstruction, "pomo" theorizing, and the diverse array of feminist scholarship on various aspects of intersex phenomena are all reducible to one homogenous and monolithic theoretical behemoth. There are significant differences and disagreements among feminist theorists regarding how to understand the nature of intersex (see Chapter 2), differences and disagreements which call into question gross generalizations about how intersex is used in women's studies and feminist and queer theory. It is intellectually dishonest to accuse feminist scholars of appropriating intersex for purely "academic" reasons. More than any other field, women's studies has demonstrated that the personal and the political, the intellectual and the social, and the biological and the cultural are mutually constitutive. Indeed, ISNA's claim that "intersexuality is primarily a problem of stigma and trauma, not gender" is only possible in the context of a field (women's studies) that literally put gender on the map. While the feminist study of intersex may not always lead to immediately realizable political strategies, what it does have to offer is a set of critical perspectives that enable a broader consideration of the politics of sex and gender regulation. As Chase argued in "Hermaphrodites with Attitude," such critical perspectives can both enliven and enrich the scope of intersex activism and scholarship.

In making this argument, I have also attempted to show here that the history of intersex activism and scholarship constitutes a domain of diverse viewpoints with crucial disagreements even as I have highlighted the politics of an emergent contemporary consensus against women's studies in recent writings that seek to affirm the continuing importance of intersex activism. Despite my critical interrogation of the reductivism of the intersex critiques of women's studies and feminist and queer theory, at the end of the day I actually agree with Dreger and Herndon that debates over topics like nature and nurture have real world consequences, consequences which impact the treatment of people with intersex conditions as well as countless other groups of people who span the spectrum of those with and without access to power and privilege. But rather than seeing these consequences as cause for shutting down intellectual debate and writing off the intellectual value of feminist and queer thought, I would suggest that we need to do precisely the opposite, to encourage debate, contestation, the critical questioning of received ideas, and to embrace an intellectual politics and ethics that affirms and proliferates uncertainties.

Chapter 4

Intersex Activism, Medical "Normalization," and Human Rights in a Transnational Frame

> Do we really need to change some children to make them human enough to get human rights?—Alice Dreger[221]

"Intersex Declared a Human Rights Issue": so reads the headline of a March 5, 2005 press release issued by the Intersex Society of North America (ISNA) on the occasion of the San Francisco Human Rights Commission's (SFHRC) publication of the 110-page report, "A Human Rights Investigation into the Medical 'Normalization' of Intersex People" (following standard parlance in the intersex activist community, hereafter referred to as the Intersex Report).[222] ISNA's press release frames the publication of the Intersex Report as an historic event, as the first time an official US governmental agency has recognized "that the standard medical approach to intersex conditions leads pediatric specialists to violate their patients' human rights." "In issuing this report," the press release quotes Cheryl Chase, the Executive Director of ISNA, as saying,

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[221] Alice Dreger, "Intersex and Human Rights: The Long View," in *Ethics and Intersex*, ed., Sharon E. Sytsma (Netherlands: Springer, 2006), 79.

[222] ISNA Press Release, "Intersex Declared a Human Rights Issue" (2005): http://www.isna.org/node/841 (last accessed March 2, 2009); Marcus de Maria Arana (principle author), "A Human Rights Investigation into the Medical 'Normalization' of Intersex People: A Report of a Public Hearing by the Human Rights Commission of the City and County of San Francisco" (2005): http://www.sfgov.org/site/uploadedfiles/sfhumanrights/Committee_Meetings/Lesbian_Gay_Bisexual_Transgender/SFHRC%20Intersex%20Report(1).pdf (last accessed March 2, 2009).

> the San Francisco Human Rights Commission has essentially declared me a human being…They have agreed that I—and children born like me—deserve the same basic human rights as others…No longer should we be lied to, displayed, be injected with hormones for questionable purposes, and have our genitals cut to alleviate the anxieties of parents and doctors. Doctors' good intentions are not enough. Practices must now change.[223]

Chase's remarks foreground the high political stakes of the SFHRC's *declaration* of intersex peoples' human rights. As an office of the County and City of San Francisco charged with providing "leadership and advocacy to secure, protect and promote human rights for all people," the SFHRC works primarily at the local San Francisco level, but when it issues a far-reaching demand for action, a demand for medical reform and social change, people—not only Californians—tend to listen.[224]

Several commentators have noted that the 2005 publication of the Intersex Report may represent something like a watershed moment in the history of the intersex movement.[225] Since the early 1990s, intersex activists in the United States and, increasingly, in other countries around the globe, have worked to reform the "standards

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[223] ISNA Press Release, "Intersex Declared a Human Rights Issue."

[224] In its capacity as an official governmental organization, the SFHRC is charged with enforcing local anti-discrimination laws, mediating discrimination complaints, and resolving community disputes. The SFHRC also makes policy, legal, and legislative recommendations for the City and County of San Francisco. See the SFHRC website: http://www.sfgov.org/site/sfhumanrights_index.asp?id=4579 (last accessed March 2, 2009).

[225] Emily Grabham, "Citizen Bodies, Intersex Citizenship," *Sexualities* 10.1 (2007): 29-48; Anne Tamar Mattis, "Exceptions to the Rule: Curing the Law's Failure to Protect Intersex Infants," *Berkeley Journal of Gender, Law, and Justice* 21 (2006): 59-110; and Jennifer Rellis, "'Please Write 'E' in This Box': Toward Self-Identification and Recognition of a Third Gender: Approaches in the United States and India," *Michigan Journal of Gender & Law* 14.2 (2008): 223-258.

of care" applied in the medical management of infants and adults born with intersex conditions. According to Emily Grabham, the Intersex Report constitutes a touchstone political document, providing a possible template for future intersex human rights activism, litigation, and medical reform both domestically and abroad (33). Currently, the SFHRC is still in the process of considering how to move forward with the "Recommendations" proposed in the Intersex Report. At present, no case has come before a United States court dealing directly with the legality of the medical normalization of intersex children and/or adults, though, as I will discuss below, another nation's high court, the Constitutional Court of Columbia, weighed in on related matters in 1999. According to legal scholar and children's rights advocate Anne Tamar-Mattis, "the likelihood is increasing that a lawsuit by an intersex person dissatisfied with the long-term results of surgery could succeed [in the US judicial system]" (108).[226] If and when such a case is brought to court, the Intersex Report may prove pivotal for decisions regarding whether or not the medical management of intersexuality should be subject to legal regulation.

Chase's and ISNA's enthusiastic endorsements of the Intersex Report make palpable the power of the discourse of human rights as a generative and potentially transformative medium of political articulation and legislation. They also verify Foucault's argument (which I addressed in my Introduction) that hermaphroditism/

[226] In 2006, Tamar-Mattis founded the Institute for Intersex Children and the Law, which was later renamed Advocates for Informed Choice, a non-profit which bills itself as "the first organization in the [US] to undertake a coordinated strategy of legal advocacy for the rights of children with intersex conditions or DSDs." See the Advocates for Informed Choice website at: http://www.iiclaw.org/ (last accessed March 2, 2009).

intersex becomes a juridico-moral concern in the modern period.[227] Yet in framing human rights solely as a positive political good, as a protective shield from the intrusion of unjust exercises of power, this enthusiasm obscures the regulatory characteristics of the legal, political, and ethical standards of human rights, an issue brought to the fore when we consider the ways in which discourses of human rights interpellate or circumscribe the very subjects they seek to protect and represent. From a transnational feminist perspective—that is, a perspective attuned to how discourses of human rights operate unevenly within and across different national contexts—it becomes important to scrutinize the power structures that attend to particular framings of human rights. According to Inderpal Grewal, the concept of human rights in the era of globalization has become what she calls, after Michel Foucault, "a regime of truth" with its own distinct logic of "common sense."[228] Though recourse to human rights has helped many subjugated and marginalized subjects to challenge exclusionary and unjust political and social structures, Grewal suggests that human rights discourse in the twentieth and early twenty-first centuries has increasingly been appropriated by governmental and non-governmental agents in ways that mask and re-entrench rather than expose or challenge the asymmetries, inequalities, and interconnections between contemporary "developed" and "developing," Western and non-Western, and global and local power formations. Grewal is particularly critical of the universalism of human rights discourse, the manner in which the language of human rights tends to homogenize and to erase important differences among various political subjects, painting power relations as a narrative of

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[227] See Foucault, *Abnormal*, 73.

[228] Inderpal Grewal, *Transnational America: Feminisms, Diasporas, Neoliberalisms* (Durham: Duke University Press, 2005), 121.

"us" versus "them," victims versus victimizers, that provides no account of complicity and obscures the complexities of subject formation. Furthermore, Grewal observes that the United States frequently positions itself as both the authority on and exemplar of human rights, condemning human rights abuses in other countries while ignoring such abuses within the domestic context.

Building on Grewal's argument, Jasbir K. Puar discusses the US government's problematic use of Afghani and Iraqi women's human rights to justify the "war on terror."[229] According to Puar,

> The recent embrace of the case of Afghani and Iraqi women and Muslim women in general by Western feminists has generated many forms of U.S. gender exceptionalism. Gender exceptionalism works as a missionary discourse to rescue Muslim women from their oppressive male counterparts. It also works to suggest that, in contrast to women in the United States, Muslim women are, at the end of the day, unsaveable. More insidiously, these discourses of exceptionalism allude to the unsalvageable nature of Muslim women even by their own feminists, positioning the American feminist as the feminist subject par excellence. (5)

As Puar suggests, human rights discourse can promote forms of gender exceptionalism that reiterate ideologies and narratives of American and Western superiority and universalism. It therefore becomes urgent to ask who speaks in the name of human rights, where, when, and at what cost; and how, in and through that speaking, structures of

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[229] Jasbir K. Puar, *Terrorist Assemblages: Homonationalism in Queer Times* (Durham: Duke University Press, 2007).

privilege and subordination, discipline and normalization, may be reiterated rather than opened up to critique and intervention.

If we take seriously Foucault's argument about the productive nature of power, then human rights must be understood not merely as offering positive juridical protection to otherwise vulnerable subjects, but also as producing and intensifying individuals' distribution across the "dispositif" of modern disciplinary subjectivity and biopower.[230] From this perspective, the meaning or significance of the SFHRC's declaration of intersex people's human rights begins to appear far less transparent or self-evident than ISNA's press release would have it. As in all political matters, the promises of official state recognition are deeply intertwined with the complicities and contradictions of the history of nationalism and the domestic and global political economies and forms of governmentality that underwrite the nation-state's ability to define the formal and informal institutions and criteria of citizenship.[231] Human rights discourse holds at best an ambivalent place in this complex political matrix, where citizenship has been increasingly defined in consumerist terms and where the interests of the nation-state often

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[230] Michel Foucault, *The History of Sexuality, Vol. 1: An Introduction* (New York: Vintage, 1990); see also Wendy Brown, "'The Most We Can Hope For…': Human Rights and the Politics of Fatalism," *South Atlantic Quarterly* 103.2-3 (2004): 451-463.

[231] On citizenship, see Lauren Berlant, *The Queen of America Goes to Washington City: Essays on Sex and Citizenship* (Durham: Duke University Press, 1997); and Barbara Cruikshank, *The Will to Empower: Democratic Citizens and Other Subjects* (Ithaca: Cornell University Press, 1999). On governmentality, see Graham Burchell, Colin Gordon, and Peter Miller, ed., *The Foucault Effect: Studies in Governmentality* (Chicago: University of Chicago Press, 1991).

collude with the interests of contemporary transnational corporate entities to further uneven and unequal processes of neoliberal globalization.[232]

These caveats do not diminish but rather heighten the significance of the SFHRC's declaration of intersex peoples' human rights. Based upon extensive investigation into the medical management of intersex in contemporary US society, including written and oral testimonies by intersex persons, their families, and medical, legal, ethical, and academic experts, the Intersex Report, according to SFHRC staff-person and principle author and editor Marcus de Maria Arana, emerged out of a concern that "homophobia, transphobia, and heterosexism are strong social forces that contribute to the decision-making process for assigning sex and gender to intersex children through 'normalizing' genital surgeries and sex hormone treatments" (4). Corroborating Kessler's contention that intersexuality "is 'corrected', not because it is threatening to the infant's life but because it is threatening to the infant's culture,"[233] the authors of the Intersex Report argue that a human rights understanding of intersex highlights the need to address "the problem of social discrimination…rather than offer hormonal or surgical intervention" (26). To that end, the authors of the Intersex Report propose instituting a

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[232] For contrasting accounts of the relation between neoliberalism and the nation-state, see J.K. Gibson-Graham, *The End of Capitalism (As We Knew It): A Feminist Critique of Political Economy* (Minneapolis: University of Minnesota Press, 2006); Gibson-Graham, *A Postcapitalist Politics* (Minneapolis: University of Minnesota Press, 2006); David Harvey, *A Brief History of Neoliberalism* (Oxford: Oxford University Press, 2005); Aihwa Ong, *Neoliberalism as Exception: Mutations in Citizenship and Sovereignty* (Durham: Duke University Press, 2006); Lisa Duggan, *The Twilight of Equality? Neoliberalism, Cultural Politics, and the Attack on Democracy* (Boston: Beacon Press, 2004); and Miranda Joseph and David Rubin, "Promising Complicities: On the Sex, Race, and Globalization Project" in *A Companion to Lesbian, Gay, Bisexual, Transgender, and Queer Studies*, eds., George E. Haggerty and Molly McGarry (London: Blackwell, 2007), 430-451.

[233] Suzanne J. Kessler, *Lessons of the Intersexed* (New Brunswick: Rutgers University Press, 1998), 32.

moratorium on medically unnecessary, nonconsensual infant normalizing genital surgeries and hormone treatments, of which, researchers estimate, approximately 5 are performed each day in hospitals across the United States.[234]

In this chapter, I pose the following questions: how does the declaration of intersex peoples' human rights reconfigure the criteria of intelligible and legible humanity and personhood? If articulating intersex as a human rights issue challenges the biomedical, social, and political ideologies and institutional mechanisms that bar intersex people from being recognized as fully human, what structures and relations of power might nevertheless be reiterated—though perhaps with a difference—in the articulation of the human rights of people with intersex?

To begin answering these questions, I trace an admittedly partial genealogy of intersex human rights discourse in the late twentieth and early twenty-first centuries. Situating the U.S. "origins" and rapid global expansion of intersex activisms in a transnational frame, I offer a critique of American exceptionalist understandings of intersex politics. Following Laura Briggs, Gladys McKormick, and J.T. Way, I use the term "transnational" here to refer to the ways in which ideas, discourses, identities, and practices not only move across national borders but also reveal nations-states, political formations, subjects, and discourses to be fundamentally interconnected, contested, non-identical across space and time, non-natural, and shot through with contradictions.[235] In the first three sections of the chapter, I examine the emergence of intersex activism,

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[234] See Melanie Blackless, Anthony Charuvastra, Amanda Derryck, Anne Fausto-Sterling, Karl Lauzanne, and Ellen Lee, "How Sexually Dimorphic Are We? Review and Synthesis," *American Journal of Human Biology* 12.2 (March/April 2000): 151-166.

[235] Laura Briggs, Gladys McKormick, and J.T. Way, "Transnationalism: A Category of Analysis," *American Quarterly* 60.3 (2008): 625-648.

focusing on: 1) the founding of ISNA in the 1990s and the domestic and transnational circuits of culture, discourse, and technology through which the organization took shape; 2) ISNA's failed attempt to lobby for the inclusion of normalizing intersex surgeries in the 1997 federal ban on FGM; and 3) ISNA's decisive influence on a 1999 decision by the Constitutional Court of Columbia to expand the definition of informed consent and to limit the capacity of doctors to perform normalizing genital surgeries. In the fourth section, I offer a close reading of the Intersex Report, paying special attention to the implications of the report's critique of practices of medical "normalization" and its conceptual articulation of intersex human rights in light of some key arguments drawn from contemporary feminist, queer, and disability theories. In the fifth and concluding section, I raise some more general questions about how gender structures inform human rights discourse and the limitations those structures may impose on the possibilities of political articulation. There I ask: what happens if we read intersex not only as an anatomical configuration that has been used by biomedical authorities to exclude people with intersex from the reigning definition of the human, but also as a category that troubles and calls into question the universalizing presuppositions of human rights discourse? Overall, I argue that the discourse of human rights has enabled intersex activists to stake out important arguments for medical reform, but that the turn to human rights within intersex activism has also tended to obscure the regulatory effects of biomedicine, transnational capitalism, US hegemony, and liberal humanism on the formation of the intersex movement.

I. The Emergence of ISNA

It is crucial to note at the outset that there are many types of intersex activism, that what is called the "intersex movement" is both more diverse and more complex than many people assume. Though there is general agreement that the movement originated in the US in the early 1990s, in recent years intersex activist organizations and groups have been founded in numerous countries around the globe.[236] What defines intersex activism is not necessarily a common politics (intersex activists hold diverse political views), nor a common identity (many do not frame intersex in identitarian terms); nor is it, as medical anthropologist Katrina Karkazis points out, a common etiology (as intersex individuals vary greatly in terms of biological and morphological traits and characteristics).[237] "What underpins the collective action of intersex activists," Karkazis observes, "is [an awareness of] shared familial, social, and medical treatment experiences and subjective responses to these experiences—what medical anthropologists have broadly called the 'illness experience'" (246). As I noted in the previous chapters, since approximately the mid-twentieth century intersexuality has been understood by modern Western medicine

[236] According to Sharon E. Preves, condition specific support groups can be placed under the rubric of "intersex advocacy organizations." Such organizations are currently active in "India, Poland, New Zealand, Sweden Greece, Italy, the Netherlands, Norway, France, Spain, Switzerland, South Africa, Germany, and Australia" (Preves, 92) as well as in Israel, China, Brazil, Canada, Argentina, Brazil, and elsewhere. See Sharon E. Preves, *Intersex and Identity: The Contested Self* (New Brunswick: Rutgers University Press, 2003). Organisation Intersex International (OII), which bills itself as "the largest intersex organisation in the world with board members representing almost all known intersex variations," has board members in North and South America, Europe, the Mid-East, Africa, Asia, and Australia, and hosts its website in seven languages. See the OII website "FAQ": http://www.intersexualite.org/Organisation_Intersex_International.html (last accessed March 9, 2009).

[237] Katrina Karkazis, *Fixing Sex: Intersex, Medical Authority, and Lived Experience* (Durham: Duke University Press, 2008).

as a set of pathological conditions.[238] Reflecting critically on the shared experience of the pathologization and medicalization of intersexuality, intersex activists have challenged that view in a variety of ways. Some intersex activists have focused partly or exclusively on medical reform; others have worked primarily on issues of education, media, legal strategy and rights, artistic production, online activism, or cultural critique. As in any community, there has been and remains much disagreement among intersex activists over many of these issues, even over such seemingly "basic" matters as the meaning of "intersex," as well as over questions of organizing, outreach, movement- and coalition-building, and long- and short-term movement goals. Considering the sheer heterogeneity of intersex politics, any account of the movement's ongoing history will be necessarily partial, open to contestation and revision.

The concrete historical origins of the intersex movement are generally traced to 1993, the year Cheryl Chase founded the Intersex Society of North America in San Francisco. Though condition-specific support groups were founded as early as 1987,[239] ISNA was the first organization to dedicate itself to providing a support network and, as they expanded, a lobbying organization for individuals broadly conceived under the umbrella term "intersex." As Karkazis points out, whereas late 1980s and early 1990s condition-specific support groups for individuals with diagnoses such as Turner syndrome, Klinefelter syndrome, and AIS were largely focused on helping individuals adjust to their situations and working with clinicians to improve care and expand

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[238] Alice Dreger, *Hermaphrodites and the Medical Invention of Sex* (Cambridge: Harvard University Press, 2000).

[239] The Turner's Syndrome Society was founded in Minneapolis in 1987. The Androgen Insensitivity Syndrome Support Group (AISSG) was founded in the UK in 1988. See: http://www.aissg.org/INDEX.HTM (last accessed March 9, 2009).

research, under Chase's leadership ISNA initially opted for a more politicized approach (Karkazis, 252). At the time she founded ISNA, Chase later wrote, she "was less willing to think of intersexuality as a pathology or disability, more interested in challenging its medicalization entirely, and more interested still in politicizing a pan-intersexual identity across the divisions of particular etiologies."[240]

As I noted in Chapter 3, historians such as Alice Dreger and Susan Stryker locate the oppositional roots of the intersex movement in "the queer politics of the 1990s" (139).[241] Here it is worth reiterating Dreger's observation that ISNA began by reappropriating the medical terms "hermaphroditism" and "intersex" and resignifying them, much as the slur "queer" had been reclaimed in the 1990s by activists working on issues of sexuality as a defiant critique of heterosexist, homophobic, and heteronormative language, ideologies, institutions, and practices.[242] The occasional newsletter published by ISNA from December 1994 through spring 2003 was entitled *Hermaphrodites with Attitude* and, much like ISNA's 1996 picketing of the American Academy of Pediatrics annual meeting in Boston,[243] the newsletter made evident the in-your-face style of queer activism adopted by ISNA during its inaugural years.[244] Inspired by early 1990s activist

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[240] Chase, cited in Karkazis, *Fixing Sex*, 252. Original in Chase, "Hermaphrodites with Attitude: Mapping the Emergence of Intersex Political Activism," *GLQ* 4.2 (1998): 199.

[241] Susan Stryker, *Transgender History* (London: Seal Press, 2008).

[242] Alice Dreger, "Why 'Disorders of Sex Development'? (On Language and Life)" (2007): http://www.alicedreger.com/dsd.html (last accessed February 18, 2009). On the history and politics of the term "queer," see Judith Butler, "Critically Queer," *GLQ* 1.1 (1993): 17-32; and Eve Kosofsky Sedgwick, "Queer and Now," *Tendencies* (Durham: Duke University Press, 1994), 1-22.

[243] See Cheryl Chase, "Hermaphrodites with Attitude," 200.

[244] Back issues of *Hermaphrodites with Attitude* can be accessed via ISNA's website. See: http://www.isna.org/library/hwa (last accessed March 9, 2009).

groups such as Queer Nation, ACT UP, and Transgender Nation, much of ISNA's initial work explicitly sought to politicize the meaning of intersexuality.[245] As Dreger explains,

> "intersex" has been used in place of "hermaphroditism" steadily, though irregularly, in medical practice and the medical literature since the mid-twentieth century. When Cheryl Chase founded the Intersex Society of North America (ISNA) in 1993, she used that medical term, and in doing so, she and other early intersex activists gave the term a political valence it hadn't had before. Now "intersex" started to mean something other than—or something more than—a biological state, a medical condition. It began to carry with it a political identity. And that was an identity that was pretty firmly associated with queer rights, in part because most of the early intersex activists came out of a queer rights consciousness. (It was also because queer activists tended to really understand intersex issues, so we allied with them.)

"There was a built-in irony," Dreger concludes, "to early intersex rights activists using the term 'intersex,' since intersex was until [the early 1990s] pretty much a medical term, and one of the chief goals of intersex rights was de-medicalization."[246]

Central to the goal of de-medicalizing intersex has been the effort to question the current "standards of care" applied in the medical model of intersex management, a model which holds that infants born with intersex "conditions"—defined in terms of specific gonandal, hormonal, chromosomal, genital, or internal or external morphogenic

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[245] For an insightful analysis of Queer Nation, see Lauren Berlant and Elizabeth Freeman, "Queer Nationality," in Berlant, *The Queen of America Goes to Washington City*, 145-174.

[246] Dreger, "Why 'Disorders of Sex Development'? (On Language and Life)."

anomalies—should be treated with genital normalization surgeries and/or hormone treatments. As I have shown throughout this dissertation, intersex activists argue that such treatments are, in the vast majority of cases, medically unnecessary and profoundly physically and psychologically harmful, traumatizing, and stigmatizing.[247] From 1993 until its disbandment in July 2008, ISNA spearheaded a multi-pronged campaign that included media outreach, various lobbying efforts, and direct engagement with medical providers calling for the cessation of medically unnecessary infant genital surgeries. By using a variety of activist tools, ISNA sought to raise awareness about intersex issues and to instigate the reform of powerful medical institutions.

Karkazis argues that the emergence of the intersex movement in the 1990s was contingent upon a number of historical factors. As I noted in Chapter 1, the standard biomedical approach to treating intersex infants was developed by psychoendocrinologist John Money and his colleagues at Johns Hopkins University during the 1950s.[248] Money's paradigm, which has its own complicated history of development and contestation, was ultimately widely embraced by medical providers in the Western world during the latter half of the twentieth century. According to Karkazis's narrative, many individuals who were treated under Money's paradigm as infants, children, and adolescents during the 1960s and 1970s came into adulthood during the 1980s and 1990s. Inspired in part by the prominence and relative success of the LGBT and women's health movements from the 1970s through the early 1990s, these individuals engaged in shared reflection on their experiences of treatment and thereby began to question the medicalization of intersexuality. This led early intersex activists not only to rethink the

[247] See Alice Dreger, ed., *Intersex in the Age of Ethics* (Hagerstown: University Publishing Group, 1999).

[248] For an analysis of Money's paradigm for intersex treatment, see Karkazis, *Fixing Sex*, 47-62.

politics of surgical normalization in the social regulation of the "normal," "healthy" body, but also to articulate intersex as something other than a medical condition, that is, as Dreger suggests, as a politicized identity formation. It is worth stressing here that many affected parties and activists never fully embraced the view of intersex as a political identity. The identity versus "medical condition" debate has occupied a substantial place in the history of intersex politics.[249]

Though this debate today remains unresolved, it is clear that some intersex activists nevertheless have been influenced by other identity-based movements. By the early 1990s, activists working in the civil, women's, LGBT, and disability rights movements in the US and abroad had become increasingly visible in local and global political scenes. As sociologist Sharon Preves notes, the early ISNA activists drew on the epistemologies and strategies developed by these movements to frame their agenda.[250] Karkazis argues that "intersex activists and advocates may be seen as direct descendents of the earlier social movements concerning health" (245). "With its focus on questioning the necessity of medical treatment for gender-atypical bodies, intersex activism echoes the efforts of the women's health movement to demedicalize birth, gay activists' efforts to demedicalize homosexuality, and the campaign for the Deaf movement against cochlear implants" (246). By analogizing the intersex movement with the women's, gay, and disability movements, Karkazis theorizes intersex activism as being, at least in part, an identity-based struggle for recognition and rights.

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[249] On this debate, see Elisabeth Reis, "Divergence or Disorder? The Politics of Naming Intersex," *Perspectives in Biology and Medicine* 50.4 (2007): 535-543.

[250] Preves, *Intersex and Identity*, 88.

While some activists and affected parties have embraced intersex as a political and/or personal identity, others have been hesitant to endorse such a view. Though in its inaugural years ISNA often defined intersexuality through the language of identity politics, toward the turn of the millennium the organization undertook an effort to reach out to a broader audience, especially parents of intersex children and medical providers. ISNA thus increasingly began to reframe intersex as a discrete set of embodied conditions, less an identity than an etiology. As Noah Ben-Asher points out, in embracing this view ISNA at once implicitly reaffirmed the biomedical understanding of intersex as anatomically based even as it explicitly challenged the medical pathologization of atypical anatomies.[251] While physicians' justifications for early normalizing surgeries are premised upon the belief that intersex "conditions" are largely "correctable" health "defects," "ISNA and other intersex alliances [have] focused on the de-medicalization of a *physical* condition in order to stop surgeries and sex assignment" (62).

In an article published online, Dreger explains the anatomical definition of intersex regularly used by ISNA activists in the late 1990s and early 2000s as follows: "Intersex is neither a medical nor a social pathology." Rather, "intersex is a relatively common variation from the 'standard' male and female types; juts as skin color and hair color vary across a wide spectrum, so does sexual and reproductive anatomy."[252] In analogizing intersex with skin and hair color, Dreger tacitly sets up what Janet Halley

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[251] Noah Ben-Asher, "The Necessity of Sex Change: A Struggle for Transsex and Intersex Liberties," *Harvard Journal of Law and Gender* 29.1 (2006): 62.

[252] Alice Dreger, "Shifting the Paradigm of Intersex Treatment": http://www.isna.org/compare (last accessed March 9, 2009).

calls a "like race" argument.[253] Describing intersex as a "natural" form of human variation akin to skin and hair color, this definition aims to make intersex intelligible through already established, naturalized, or "common-sense" categories and modes of knowing. In so doing, however, this definition at once essentializes racial, sexual, and reproductive differences *and* obscures the role of cultural and social structures and relations of power-knowledge in the political and cultural normalization of of sexological and eugenic taxonomies of human types.

Thinking critically about these traces of sexological and eugenic logics in some activist understandings of intersex becomes even more important when we begin to situate the intersex movement within the circuits of transnational culture and capital. Because intersex activism emerged in the US at a time contemporaneous with the rapid development and growing availability of digital technologies, the Internet played a key role in the domestic and transnational dissemination of information and activism by intersex groups. The ISNA website was launched in 1996 and helped ISNA swiftly obtain high media exposure. As Karkazis notes, "due to Chase's facility with technology, she was able to manipulate search-engine rankings so that ISNA's website would appear first when intersex was used as the search term. Wikipedia only recently surpassed it" (256). Through online discussion forums and websites, ISNA and other groups such as Bodies Like Ours, founded in 2002 by Peter Trinkle, and Organisation Intersex International (OII), founded in 2003 by Curtis Hinkle, have created digital spaces where intersex

[253] See Janet Halley, "'Like Race' Arguments," in *What's Left of Theory?*, ed., Judith Butler, John Guilory, and Kendall Thomas (New York: Routledge, 2000), 40-74. On the problems of arguing through analogy, see Miranda Joseph, "Analogy and Complicity: Women's Studies, Lesbian/Gay/Bisexual Studies, and Capitalism," in *Women's Studies on Its Own*, ed., Robyn Wiegman (Durham: Duke University Press, 2002), 267-292.

people and their allies in diverse locations around the world can share information, reflect upon their experiences, debate pressing issues, strategize visions for change, and theorize political positions and movement goals. It is important to note here that the economic and cultural factors and structures which enable various people to access to information technology and the World Wide Web to engage in or learn about intersex and intersex activism also exclude particular groups and persons from such engagement.[254] The exclusionary and class-stratified aspects of transnational neoliberalism have thus played an influential role in the formation of the intersex movement.[255]

Today, due in part to development projects which have made possible the expanding availability of digital technologies around the world, intersex activist organizations and groups have achieved significant global media visibility. One reason for this, I think, is that intersex activists have been particularly adept at appropriating and capitalizing on transnational channels of discursive circulation. This is evident not only in the use of digital technology to facilitate intersex activism, but also in the adoption of human rights discourse by various intersex activist organizations, including ISNA.

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[254] See Brian Still, *Online Intersex Communities: Virtual Neighborhoods of Support and Activism* (New York: Cambria Press, 2008).

[255] On the complex relations among culture and capital that inform transnationalism and neoliberalism, see Miranda Joseph, *Against the Romance of Community* (Minneapolis: University of Minnesota Press, 2002); Lisa Lowe and David Lloyd, "Introduction" in *The Politics of Culture in the Shadow of Capital*, eds., Lowe and Lloyd (Durham: Duke University Press, 1997), 1-33; Aihwa Ong, *Flexible Citizenship: The Cultural Logics of Transnationality* (Durham: Duke University Press, 1999); Saskia Sassen, *Globalization and Its Discontents: Essays on the New Mobility of People and Money* (New York: The New Press, 1999); Carla Freeman, *High Tech and High Heels in the Global Economy: Women, Work, and Pink-Collar Identities in the Caribbean* (Durham: Duke University Press, 2000); and Lisa Rofel, *Desiring China: Experiments in Neoliberalism, Sexuality, and Public Culture* (Durham: Duke University Press, 2007).

As ISNA's campaign for de-medicalization evolved over the course of the 1990s, the organization began with some frequency to use the language of human rights to bolster the case for rethinking the "standards of care" applied in the medical management of intersex. ISNA's adoption of human rights discourse has seemed, to many, a triumph for both intersex persons in particular and for human rights generally. For instance, in 2000 the International Lesbian and Gay Human Rights Commission awarded ISNA the Felipa de Souza Award for making "significant contributions toward securing the human rights and freedoms of sexual minorities anywhere in the world."[256] While the human rights paradigm has not been embraced by all intersex activists, members of ISNA and OII in particular have found human rights discourse to be a dynamic political tool. The turn to human rights discourse within intersex activism follows a more general trend, which can be traced back to the new social movements of the 1960s, whereby various disenfranchised groups have laid claim to internationally recognized political mechanisms and instruments of human rights (including the Geneva Convention, the Nuremburg Code, the Universal Declaration of Human Rights, CEDAW, and the UN Convention on the Rights of the Child) to call for state-sanctioned political and legal protection. Here, I argue that the turn to human rights discourse among some elements of the intersex movement has not been unidirectional, but has been rather a back and forth movement across various national and transnational circuits in which US-based ISNA activists nevertheless have held a dominant position. This can be seen most clearly by looking at two particular events within the history of intersex activism: ISNA's failed attempt to lobby for the inclusion of normalizing intersex surgeries in the 1997 federal

[256] ISNA Press Release, "ISNA Honored with Human Rights Award," http://www.isna.org/node/15 (last accessed March 9, 2009).

ban on FGM and ISNA's decisive influence on two 1999 cases that came before the Constitutional Court of Columbia wherein the court articulated a critical position on normalizing genital surgeries.

II. The "FGM" Analogy

> Rights almost always serve as a mitigation—but not a resolution—of subordinating powers.—Wendy Brown[257]

In the late 1990s, some intersex activists began to compare intersex genital surgeries with a fraught and contested practice of some African traditions referred to in mainstream discourse as "female genital mutilation" or FGM. As Noah Ben-Asher notes, "to emphasize the likeness of intersex surgeries and female genital mutilation, ISNA's press releases in 1997 started referring to intersex surgeries as Intersex Genital Mutilation" or IGM (73). In adopting the rubric of IGM, ISNA sought to situate intersex surgeries in terms of highly politicized debates about women's autonomy and body politics within and across transnational contexts.

In 1997 members of ISNA lobbied the US Congress to include intersex as a protected category in a proposed federal statutory ban on "female genital mutilation." ISNA's argument was that American intersex genital surgery, like FGM, constitutes a violation of individual citizens' human rights to bodily integrity, informed consent, and individual autonomy. According to Chase, some anti-excision African migrant women in the United States were sympathetic to ISNA's argument, but many Western feminists were hesitant to include considerations of intersex issues in global efforts to call attention

[257] Wendy Brown, "Suffering the Paradoxes of Rights," in *Left Legalism/Left Critique*, eds., Wendy Brown and Janet Halley (Durham: Duke University Press, 2002), 422.

to female genital cutting. In a sub-section of her 1998 essay "Hermaphrodites with Attitude," entitled "First-World Feminism, African Clitorectomy, and Intersex Genital Mutilation," Chase discusses the relative lack of Western feminist and mainstream media attention to normalizing intersex surgeries in the context of high-profile debates about FGM (204). Chase argues that the "othering" of African cultural practices by "first-world feminists" functions as a mechanism to deflect attention away from genital cutting in the US.

In her 2002 essay entitled "'Cultural Practice' or 'Reconstructive Surgery'? US Genital Cutting, The Intersex Movement, and Medical Double Standards," Chase further suggests that the Western understanding of clitoridectomy as "culturally remote," always located "elsewhere," in distant geographic and temporal zones, "allows feminist outrage to be diverted into potentially colonialist meddling in the social affairs of others while hampering work for social justice at home."[258] Affirming postcolonial feminist critiques of Western feminist universalism, Chase importantly argues that genital normalization surgery in the United States must be understood as a cultural practice. However, as this quote indicates, Chase also seems to presume that the organic unity of the nation-state prescribes or predetermines the appropriate contours and needs of local social justice agendas. The underlying implication of her critique of "first world" feminist discourses on FGM is that "social justice at home" (in the US), while connected with social justice struggles abroad, is nevertheless politically more important than, and ought to be

[258] Cheryl Chase, "'Cultural Practice' or 'Reconstructive Surgery'? U.S. Genital Cutting, the Intersex Movement, and Medical Double Standards," in *Genital Cutting and Transnational Sisterhood: Disputing U.S. Polemics*, eds., Stanlie M. James and Claire C. Roberston (Urbana: University of Illinois Press, 2002), 144-145.

privileged above, concerns and issues that arise in foreign affairs. Yet the very presumption that FGM is a "social affair of others," a "foreign" matter in the American context, is called into question both by the long history of the migration of African cultural practices to the US and by Congress's and US feminist activists' declared interest in regulating and banning a set of practices they problematically deem "other" to the "American" way of life. From a transnational feminist perspective, neither "FGM" nor "IGM" can be said to discretely belong to a single nation-state or cultural tradition. By analogizing intersex surgery with FGM, Chase at once erases these complexities and reiterates rather than interrupts the "othering" of African cultural practices that she highlights. One might even say that the intersex surgery/FGM analogy works to foreground the former to some degree at the expense of the latter.

In addition, and as Ben-Asher argues, the intersex surgery/FGM analogy is problematic insofar as it reifies the Western/non-Western binary (73). During the 1980s and 1990s, Eurocentric discourses of so-called "global" or Western liberal feminism undertook a broad-based effort to dispute and denounce practices of FGM. FGM was sensationalized in the Western media and a number of Western feminists used FGM as a lever to call for the "liberation" of their "third-world sisters." One result of these efforts, Ben-Asher notes, was a sweeping criminalization of FGM in the United States and in many parts of the Western world. Ben-Asher goes on to cite a number of contemporary postcolonial feminist theorists who have argued that liberal Western feminist discourses about FGM often rely upon highly stereotypical representations of "African" female genital cutting. Such representations construct a monolithic account of FGM and African culture and subtend a series of problematic binaries which pit the "first world" against the

"third world," the "West" against the "non-West," and "enlightened" liberal humanism against "barbaric" or "backward" cultural formations.

These binaries erase the fraught and complex histories of colonialism, transnational capitalism, and modernity more broadly. They also re-inscribe a patently neocolonial narrative that secures even as it dissimulates the hegemony of contemporary American and European epistemic, cultural, and political economic formations. In the process, mainstream Western feminist discourses on FGM homogenize African culture and eclipse the diversity of African perspectives on genital cutting (many of which provide more complex and culturally-sensitive analyses).[259] As Claire C. Robertson argues, the rampant moralism of Western feminist debates on FGM prevents Western feminists from addressing African activists as legitimate political agents, deflects attention from questions of African women's general wellbeing, and forecloses opportunities to construct more genuinely transnational feminist alliances.[260] From this perspective, the intersex surgery/FGM analogy risks consolidating rather than intervening in the asymmetries of contemporary transnational power relations.

Furthermore, as Ben-Asher argues, the intersex surgery/FGM analogy obscures crucial differences between these disparate practices and their regulation in Western societies (73). Ben-Asher suggests that the intersex surgery/FGM analogy raises both strategic and ethical questions about intersex politics.

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[259] For such an analysis, see Rogaia Abusharaf, "Unmasking Tradition," *Sciences* (March/April 1998), 23-27.

[260] Claire C. Robertson, "Getting Beyond the Ew! Factor: Rethinking U.S. Approaches to African Genital Cutting," in *Genital Cutting and Transnational Sisterhood: Disputing U.S. Polemics*, eds., Stanlie M. James and Clair C. Robertson (Urbana: University of Illinois Press, 2002), 54-86.

> Strategically, it may shift the focus from the social-legal, historical shaping of intersex identities by Western medical institutions to the demonized African practice of female circumcision. These two types of genital surgeries are exceptionally different, in time, place, and ideology, and their merger in legal strategy erases these crucial differences. Furthermore, there is an ethical concern when group projects of de-subjugation undercut each other. Thus, intersex politics that is insensitive to the Western normalization of non-Western African traditions exchanges one social harm for another. (75).

For Ben-Asher, an attention to the regulatory operations of different forms of power compels the recognition that the politics of FGM and intersex surgeries are qualitatively and quantitatively different "in time, place, and ideology." By piggybacking onto anti-FGM campaigns, ISNA activists risk oversimplifying these differences, a gesture which, in turn, obscures the "Western normalization of non-Western African traditions." Finally, the analogy also presumes that the appropriate response to intersex surgery and FGM must be one and the same: the framework of liberal human rights. The intersex surgery/FGM analogy thus posits the liberal autonomous individual as the telos of both intersex and anti-FGM activisms.

ISNA's lobbying effort to include intersex surgery within the legislative ban on FGM ultimately failed. It failed, in part, because activists were unable to convince Congress that intersex surgeries fall under the category of "cultural practices" and are therefore not "medically necessary." The legislative ban explicitly makes an exception for cases of "medical necessity," stating in the pertinent section that "a surgical operation

is not a violation…if the operation is…necessary to the health of the person on whom it is performed and is performed by a person licensed in the place of its performance as a medical practitioner."[261] The ban presumes that the "health of the person" is objectively measurable, when in fact historians of medicine have shown that "health" is a variable cultural construction.[262] Instituting a binary opposition between health and culture, the statute bans genital surgeries that are performed for cultural reasons of tradition or ritual. In this, the statute maintains a more general distinction between culture and science that places intersex under the jurisdiction of biomedical expertise.

In a gesture which perhaps surprisingly reiterates this move, some activists and medical providers have since the millennium argued for the adoption of the language of DSD ("disorders of sex development") in favor of the term *intersex* and have advocated for a patient-centered model of care, developments which suggest that current activist efforts recognize and are indeed trying to actively appropriate the authority which is given to biomedical discourse. The risks of this appropriation are considerable, especially since it seems to imply that there are no alternatives to medicalization. Drawing upon Ben-Asher's argument, I will further discuss the risks of this strategy in the conclusion to this chapter.

III. The Columbian Constitutional Court

While ISNA was unsuccessful in its bid to convince the US Congress that intersex surgeries are medically unnecessary along the same lines as FGMs, in the late 1990s ISNA was able to exert its influence and expertise in other arenas. In 1999, ISNA

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[261] Cited in Ben-Asher, 73. Original in 18 U.S.C. § 116 (Supp. III 1997).

[262] See Cheryl Mattingly and Linda C. Garro, eds., *Narrative and the Cultural Construction of Illness and Healing* (Berkeley: University of California Press, 2000).

submitted an amicus brief to the Constitutional Court of Columbia that played a crucial role in two decisions by the court which proposed a new standard of informed consent and banned parents from giving consent to normalizing genital surgeries for minors age 5 and older.

ISNA issued a press release on the occasion of the Columbia decisions that opens with the following headline: "Columbia High Court Restricts Surgery on Intersex Children."[263] ISNA's characterization of the 1999 decisions as a "restriction" is somewhat misleading, however, as the Columbian Constitutional Court's 1999 rulings actually revised an earlier 1995 ruling by the court that banned normalizing infant genital surgeries across the board.

In 1995, a young male-identified petitioner whose penis had been accidentally ablated during what was presumably a rudimentary infant circumcision operation, and who was thereafter surgically reassigned as female, brought his case before the Columbian Constitutional Court. The petitioner, who said he never fully developed a female "gender identity," argued that the surgical sex assignment violated his inherent rights to bodily integrity and self-determination. The court ruled in favor of the plaintiff, finding that parents do not have the right to consent to cosmetic genital surgeries on a child. Summarizing this case, ISNA activists termed it "Colombia's own 'John/Joan' case," referring to the much publicized case of the person treated by John Money now known as David Reimer.[264] As this quotation reveals, ISNA implicitly viewed the 1995

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[263] ISNA Press Release, "Columbia High Court Restricts Surgery on Intersex Children": http://www.isna.org/colombia/ (last accessed March 9, 2009).

[264] Julie A. Greenberg and Cheryl Chase, "Background of the Columbia Decisions" (1999): http://www.isna.org/node/21 (last accessed March 9, 2009). Much has been written about the life of David Reimer. For a journalist's account, see John Coltapinto, *As Nature Made Him: The Boy Who Was Raised a*

Columbia decision through a US-centric lens that posited the North American experience of genital surgery and its intersex activist critique as the authoritative standard by which to comprehend and judge intersex issues internationally. The comparison is problematic not only because it obscures the particularities of Columbian citizens' distinct experiences and analyses of genital surgery and intersexuality, but also because it figures the US as both the origin and the defining horizon of intersex advocacy. I am not suggesting that such comparisons cannot be drawn, but that any effort to do so must account for the uneven positions of authority and enunciation adopted by US intersex activists vis-à-vis their Columbian counterparts.

In the wake of the 1995 ruling, Columbian surgeons specializing in intersex treatment found themselves in a difficult position. Paradoxically, they continued to recommend normalizing surgeries to parents of intersex children, but they refused to perform the surgeries in an effort to stave off the threat of legal retribution. This situation led, in 1999, to the filing of two lawsuits. In each case, the parents of a child diagnosed with an intersex condition asked the Constitutional Court of Columbia to approve normalizing genital surgeries. Ben-Asher summarizes the findings of the court as follows:

> The court once again invalidated parental consent, recognizing that: 1) intersexed people may constitute a minority entitled to protection by the state against discrimination; 2) "corrective" surgery may be a violation of autonomy and bodily integrity motivated by the intolerance of parents toward their children's anatomy; 3) parents are likely to make decisions

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Girl (New York: Harper Collins, 2000); for a more philosophical analysis, see Judith Butler, "Doing Justice to Someone: Sex Reassignment and Allegories of Transsexuality," in *Undoing Gender* (New York: Routledge, 2004), 57-74.

> based upon their own fears and concerns rather than what is best for the child, especially if they are pressed to decide quickly; 4) a new standard of consent, "qualified, persistent informed consent," must be adopted in order to force parental decisions to take into account only the child's interest; and 5) for children over five years old, parents cannot consent, because the child has achieved an "autonomy" that must be protected, and because the child has already developed a gender identity. Thus, the consent of the parents of an eight-year old was invalidated by the court because the child was too old for a surrogate to consent on her behalf. (66, n. 76)[265]

As a partial basis for its decisions, the Columbian Constitutional Court cited the amicus brief submitted to the court by ISNA. By referencing ISNA as a legitimate authority on the ethics of intersex treatment, the court gave important validation to ISNA's work. At the same time, the court departed from ISNA's view in making a provision for the validity of genital surgeries performed before age 5. As Morgan Holmes points out in her analysis of the case, "the court's decision is not made independently from the information it demands of the medical community, and its decision does not

[265] The Columbian Constitutional Court decisions are summarized on ISNA's website. See Greenberg and Chase, "Background of Columbia Decisions." A new partial translation of the court's decision in English has recently become available. See "The Rights of Intersexed Infants and Children: Decision of the Columbian Constitutional Court, Bogota, Columbia, 12 May 1999 (SU-337/99)," trans., Nohemy Solozano-Thompson, in *Transgender Rights*, eds., Paisley Currah, Richard M. Juang, and Shannon Price Minter (Minneapolis: University of Minnesota Press, 2006), 122-140.

supersede the authority of medicine to define what counts as sexual anomaly."[266] Holmes continues,

> The decision does not undermine the authority of medical knowledge or of practitioners to explain to parents and families what the proper course of action should be when an intersexed child *is born*. In its worst potential implications and uses, the court's decision may simply amplify the need to expedite procedures, making sure they take place in the neonatal period before the infant has acquired any self-awareness at all. (113)

For Holmes, the court's decision operates as a form of crisis management. While the court imposes restrictions on genital surgery for infants age 5 and older and offers an expanded definition of informed consent, the court still leaves it to biomedical experts to define, codify, and determine appropriate treatments for intersexuality. Furthermore, the court continues to privilege parental rights above children's rights (117-118). From this perspective, Holmes suggests that ISNA's enthusiastic endorsement of the court's decision as a victory for intersex peoples' human rights "neglect[s] the more subtle maneuvering of the court on this point" (117). By giving juridical legitimacy to infant genital surgeries performed under certain conditions, the court explicitly ignores, in Holmes's words, "every human being's right to bodily integrity" (117). That the court fails to recognize this right, Holmes concludes, "indicates that the court is not actually as interested in protecting children's autonomy as it first appears" (118-119). In agreement with Holmes, I would further argue that the court's decision may intensify the modes of

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[266] Morgan Holmes, "Deciding the Fate or Protecting a Developing Autonomy? Intersex Children and the Columbian Constitutional Court," in *Transgender Rights*, eds., Paisley Currah, Richard M. Juang, and Shannon Price Minter (Minneapolis: University of Minnesota Press, 2006), 112.

biopolitical regulation and disciplinary individualization intersex children are subject to by combining the institutional authority of the law with the discourse of medical expertise.

In summary, I have argued thus far that the genealogy of ISNA, the intersex surgery/FGM analogy, and the 1999 Columbia cases highlight the complex and overlapping transnational circuits of discourse, technology, law, culture, and medical science that have shaped the formation of the intersex movement. While I have critiqued ISNA's sometimes US-centric articulation of intersex issues, I have not argued that nationalism or narratives of exceptionalism necessarily foreclose the entire range of the political possibilities of intersex activism. To further explore these possibilities, I now turn to the Intersex Report to investigate how a more nuanced analysis of "normalization" can shed light on the promises and perils of articulating intersex as a human rights issue.

IV. The Intersex Report

> What we also need to consider is what happens in the process of learning the language of human rights, how subjects become changed, connected, "empowered."—Inderpal Grewal[267]

On May 27, 2004, the SFHRC held a public hearing on the human rights of people with intersex conditions. After the hearing, the SFHRC's Intersex Task Force developed the Intersex Report, which was adopted by the Human Rights Commission in

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[267] Inderpal Grewal, "Forward," in *Just Advocacy: Women's Human Rights, Transnational Feminisms, and the Politics of Representation*, eds., Wendy S. Hesford and Wendy Kozol (New Brunswick: Rutgers University Press, 2005), viii.

May 2005. In addition to various contributors' verbal and written testimonies, the centerpiece of the Intersex Report consists of 73 "Findings" and 23 "Recommendations." In what follows I want to highlight a few of these findings and recommendations in order to offer a critical reflection upon what I take to be their most significant and salient aspects in light of some of the central insights of feminist, queer, and disability theories. The first four Findings read as follows:

1. Infant genital surgeries and sex hormone treatments that are not performed for the treatment of physical illness, such as improving urinary tract or metabolic functioning, and have not been shown to alleviate pain or illness (hereafter referred to as "normalizing" interventions) are unnecessary and are not medical or social emergencies.
2. "Normalizing" interventions done without the patient's informed consent are inherent human rights abuses.
3. "Normalizing" interventions deprive intersex people of the opportunity to express their own identity and to experience their own intact physiology.
4. It is unethical to disregard a child's intrinsic human rights to privacy, dignity, autonomy, and physical integrity by altering genitals through irreversible surgeries for purely psychosocial and aesthetic rationales. It is wrong to deprive a person of the right to determine their sexual experience and identity. (17)

Finding 1 draws a distinction between medically "necessary" interventions and "normalizing" interventions. "Infant genital surgeries and sex hormone treatments that are not performed for the treatment of physical illness…and have not been shown to alleviate pain or illness" are, the report argues, medically unnecessary. To support this claim, the authors of the Intersex Report note that recent research indicates that most intersex conditions pose little to no health risk to the life of the infant.[268] Of course, the line separating medically "necessary" from "unnecessary" interventions must itself be understood as culturally and historically variable. In this regard, even as Finding 1 questions the cultural logics of the medicalization of people with intersex, it also ultimately upholds a binary opposition between medically "necessary" versus "normalizing" interventions (or between scientific versus cultural interventions) which paradoxically leaves medicine intact as the ultimate authority over what constitutes health, illness, and treatment. Though the Intersex Report questions the social and ideological overdetermination of infant genital surgeries and hormone treatments, and questions the conflation of the "normal" with the "healthy," this questioning seems to fall short when it comes to the biology/culture opposition, an opposition the report reverses but does not displace.

Nevertheless, by referring to intersex medical treatments as "normalizing" interventions the Intersex Report does some important political and theoretical work by figuring the "normal" as being something other, and something more, than simply a statistical mean; it figures the "normal" as the result of a complicated social process. In the Introduction I noted that Georges Canguilhem theorizes the "normal" as a polemical

[268] See Anne Fausto-Sterling, *Sexing the Body: Gender Politics and the Construction of Sexuality* (New York: Basic Books, 2000).

and therefore political concept.[269] Much as Canguilhem challenges the "objectivity" of medical understandings of the "normal," the Intersex Report calls to attention to social processes to question the "moral" value conventionally attributed to anatomical normality, suggesting that processes of normalization have serious political and corporeal effects on children and persons whose bodies are labeled as incongruent, if not incommensurable, with dominant assumptions about sex and gender. By adopting a critical perspective on "normalization" (in quotation marks), the Intersex Report foregrounds citationality and discursive reiteration—the capacity to place other texts and the texts of others' in new con*texts*—as integral to forging a critical understanding of intersex issues in terms other than those set by dominant medical narratives. The Intersex Report thus implicitly stresses the inseparability of language and politics in the determination and regulation of the boundaries of political identity, community, and citizenship. In addition, the report challenges the notion that medical normalization produces a "healthy" or "good" result for the patient by including many first-person accounts by people with intersex whose experiences of surgery and medical intervention were extremely traumatic, harmful, and painful.

Using these first-person accounts to argue for the immediate cessation of all medically unnecessary infant genital surgeries and hormone treatments, the report goes on to reiterate the importance of expanding the frame of ongoing debates about intersex issues beyond a purely biomedical perspective toward a social understanding of intersex issues. The report thus suggests that conceptualizing intersex as a human rights issue requires, as stated in Recommendation 13, that "the problem of social discrimination

[269] See Georges Canguilhem, *The Normal and the Pathological*, trans. Carolyn R. Fawcett (London: Zone Books, 1991), 208-209.

should be addressed rather than offer hormonal or surgical intervention" (26). Here, the Intersex Report adopts a framework akin to what many disability studies scholars have called the "social model of disability." [270]

Summarizing the work of founding theorists of disability studies including Rosemarie Garland-Thomson, Lennard Davis, Susan Wendell, Marta Russell, and others, Tobin Siebers argues in his book *Disability Theory* that the social model of disability "defines disability not as an individual defect but as a product of social injustice, one that requires not the cure or elimination of the defective person but significant changes in the social and built environment" (3). Though the Intersex Report does not frame intersex in terms of disability issues, the report's adoption of a social understanding of intersex is clearly indebted to, even as it differs in important ways from, the theories of the social and socialization articulated by those working on disability, feminist, and queer issues.

As I noted at the outset of this chapter, Marcus Arana, the principle author of the report, describes the motivations of the Intersex Report as emerging out of a concern that "homophobia, transphobia, and heterosexism are strong social forces that contribute to the decision-making process for assigning sex and gender to intersex children through 'normalizing' genital surgeries and sex hormone treatments" (4). In naming "homophobia, transphobia, and heterosexism" as "strong social forces that contribute to the decision-making process for assigning sex and gender to intersex children through 'normalizing' genital surgeries and sex hormone treatments," Arana foregrounds the importance of understanding medical "normalization" as a regulatory process. Finding 52

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[270] C. Thomas, "Disability and Impairment," in *Disabling Barriers – Enabling Environments*, eds., J. Swain, S. French, C. Barnes and C. Thomas (London: SAGE, 2004), 21-27; Tobin Siebers, *Disability Theory* (Ann Arbor: University of Michigan Press, 2008).

suggests that "current treatment protocols are homophobic in that they use heterosexuality as the measure of a successful gender assignment. Homosexuality is considered an undesired or unsuccessful outcome" (22); and Finding 54 suggests that "prejudice against people with nonstandard genitals is culturally determined, and this negative bias does not exist in every culture" (23). By figuring prejudice against homosexuals as well as people with nonstandard genitals as "culturally determined," the Intersex Report further fleshes out a social understanding of intersex, a model that situates heteronormativity and genital dimorphism as cultural structures, not biological givens.

In approaching the medical "normalization" of intersex people through these lenses, the Intersex Report focalizes the ways in which people with intersex bodies potentially challenge or queer heteronormative and able-bodied assumptions about the "natural" occurrence, binarism, complementarity, ordering, and number of the sexes. Recommendation 14 holds that "intersex children should be encouraged to think positively about their bodies even if those bodies are different in some ways from others" (26). Similar in form to multicultural arguments for the value of ethnic, racial, and cultural diversity, this proposal offers a concrete method for promoting the cultural and social value of anatomical diversity.

To counter the medical normalization of intersexuality, the Intersex Report proposes a number of additional Recommendations, including:

1. "Normalizing" interventions should not occur in infancy or childhood. Any procedures that are not medically necessary should not be performed unless the patient gives their legal consent.

2. A patient-centered treatment model should be implemented which emphasizes peer support, access to information, openness, treating the child as the patient, honoring the person's right to make informed choices abut their own bodies, and delaying treatment until the patient can make informed consent. (25)

The Intersex Report's recommendations largely follow ISNA's proposals for what to do in place of surgery. During its tenure, ISNA advocated that "all children should be raised as boy or girl, without early surgery," parenthetically noting that gender assignments should always be understood as provisional and subject to the changing needs and desires of individuals.[271] Recommendation 15 of the Intersex Report holds that "an intersex child should be raised as male or female without 'normalizing' interventions, accepting that their gender may change as the child's own sense of gender identity emerges" (26). The Report's usage of the terms "male or female," rather than "boy or girl," is significant in this context. It figures maleness and femaleness as more or less stable sex categories, while conversely positing that gender is a fluid or potentially changeable identity construction which is imprinted upon and performed by sexed subjects. While this position suggests that intersex children ought not to be denied human rights on the basis of their anatomical differences from a presumed norm, and simultaneously admits and even to some degree encourages the plasticity of gender, it also leaves the normativity and regulatory power of the binary gender system largely intact. In other words, though this argument challenges surgical normalization at the anatomical level, it does not significantly challenge gender normalization at the social, structural, or institutional level.

[271] See the ISNA website: http://isna.org/ (last accessed March 9, 2009).

According to Judith Butler, "a restrictive discourse on gender that insists on the binary of man and woman as the exclusive way to understand the gender field performs a regulatory operation of power that naturalizes the hegemonic instance and forecloses the thinkability of its disruption."[272] The authors of the Intersex Report do provide some indication that they recognize this limitation. With two additional recommendations, the authors of the Intersex Report gesture toward the need for a political analysis of intersexuality that goes beyond ISNA's position by questioning why normative gender is needed as a marker of citizenship in the first place. Recommendation 16 suggests that "local, state and federal legislators should investigate the question of necessity for having gender markers as a requirement for legal identification." And Recommendation 17 proposes that "local, state, and federal entities should investigate the need to include intersex as a protected category in anti-discrimination laws" (26). The authors of the Intersex Report leave unclear how such inclusion would concretely impact both the medical and social standing of people with intersex, but the overall logic of the report implies that legal protection offers the strongest means available for enforcing and protecting intersex persons' human rights. The paradox of this position is that institutionalizing intersex as a legal category of personhood in anti-discrimination provisions could conceivably work to shore up rather than to call into question "the necessity for having gender markers as a requirement for legal identification." Indeed, the institutionalization of intersex as a legal category might well intensify the juridical and disciplinary regulation of non-normative forms of embodiment.

[272] Judith Butler, *Undoing Gender* (New York: Routledge, 2004), 43.

A related but more general problem here has to do with how, as a strategy of political redress, an exclusive focus on human rights obscures the ways in which power has become diffuse in late modernity, operating through governmentality and biopower in ways that supersede the law. According to Foucault, many institutions are part of the development of governmentality and biopower, including those that deal with public health, housing, migration, problems of birthrate, longevity, demography, the relationship between resources and inhabitants, wealth and its circulation, and the great technology of sexuality. In his discussion of biopower at the end of the first volume of the *History of Sexuality*, Foucault does not suggest that the law has become irrelevant (obviously it has not); but he does argue that it becomes one element among many. This is the point of Foucault's concept of governmentality, which he defines as the organized practices (mentalities, rationalities, and techniques) through which subjects are governed.[273] Governmentality extends beyond the nation-state and the mechanisms of citizenship to include forms of local and global governance that are exercised by non-state or extra-national institutions, agencies, discourses, and technologies.

And yet, many of our political interventions (especially those we might label as coming out of a liberal political tradition) continue to target the juridical realm (that is, the law, both courts and legislation) as the primary site for our liberation/transformation. The Foucauldian point is that because the law is one element among many, and increasingly one that is less important than the other sites where biopower functions, to target the law is to miss a large swathe of the field of power. With the emergence of biopower, what is at stake is no longer "the juridical existence of sovereignty" but rather

[273] See Graham Burchell, Colin Gordon, and Peter Miller, ed., *The Foucault Effect*.

"the biological existence of a population."[274] This is why biopower is linked to holocausts, eugenics, and why, as Foucault puts it, "wars are no longer waged in the name of a sovereign who must be defended" but rather "on behalf of the existence of everyone" (137). Regimes wage wars "as managers of life and survival, of bodies and the race" (137), and this waging of wars goes beyond the law or the juridical apparatus strictly speaking. (Consider the invasion of Iraq as a prime example, and all of the extra-juridical ways in which the invasion was justified and carried out).

From this perspective, while the turn to human rights has clearly enabled intersex activists to raise awareness and generate crucial momentum in the struggle against medical normalization, it is worth exploring how that turn forecloses or forestalls an analysis of the ways in which the medicalization of intersex is inextricable from the emergence and expansion of biopower in the contemporary age.

V. Conclusion: The Right to (and from) Gender

> Human rights only become political when "the idea of humanity" becomes contestable, when appeals to human nature or some secure ground lose their authority—which is to say, when we start to take inhumanity seriously, rather than simply using it as an epithet.—Thomas Keenan[275]

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[274] Foucault, *The History of Sexuality, Volume 1*, 136.

[275] Thomas Keenan, *Fables of Responsibility: Aberrations and Predicaments in Ethics and Politics* (Stanford: Stanford University Press, 1997), 194, n. 4.

> Who slips into the place of the "human" of "humanism" at the end of the day?—Gayatri Chakravorty Spivak[276]

With its final recommendations, the Intersex Report raises but does not fully answer a variety of additional questions, including the following: if the gender binary is one of the sociocultural mechanisms that circumscribes the dominant understanding of the human subject, is normative gender expression a precondition of human rights? Clearly the authors of the Intersex Report do not think so, but their findings and recommendations are ultimately ambiguous as to whether the human rights of people with intersex may or may not be contingent upon a critique of gender binarism. This ambiguity leads to some larger, more difficult questions: how do gender non-conforming subjects challenge the presuppositions of human rights discourse? If gender expression is a human right, as recent arguments in transgender theory and politics suggest, then to what degree would it make sense to speak of the need for another human right, the right to live freely (whether temporarily or permanently) *from* gender?[277] Might declarations of the human rights of people with intersex, such as the SFHRC's, disclose precisely such a need?

In her important article "Citizen Bodies, Intersex Citizenship," which I cited at the outset of this chapter, Emily Grabham observes that claims for citizenship are claims over who will count as "the people" (38). Analyzing the intersex movement in terms of

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[276] Gayatri Chakravorty Spivak, *Death of a Discipline* (New York: Columbia University Press, 2003), 26.

[277] See Kendal Thomas, "Afterword: Are Transgender Rights *In*human Rights?" in Paisley Currah, Richard M. Juang, and Shannon Price Minter, eds., *Transgender Rights* (Minneapolis: University of Minnesota Press, 2006), 310-326.

questions of citizenship and embodiment, Grabham suggests that "dilemmas within intersex activism resonate with recent work examining the intersection of rights claims with neoliberal discourses of consumerism" (40). According to Grabham, the "person-centered" or "patient-centered" discourse adopted by ISNA (a discourse also advocated by the Intersex Report) "uses the rhetoric of the patient as consumer: a service-user who expects a certain standard of care, and who should expect a range of treatment options and the opportunity to exercise their personal choice in making treatment decisions" (40). Grabham contends that this discourse problematically conflates consumerism with citizenship in ways that have the potential to "re-embed material inequalities" (38). Grabham continues,

> The rhetoric on which [the patient-centered model] is based is, arguably, the neoliberal rhetoric of an autonomous intersex individual who, given the current socio-medical context, simply does not exist…Gaining consumer citizenship on the back of postponing "consent" to intersex surgeries or other forms of non-medically necessary intersex treatments to later in the child's life, as advocated by the patient-centered model, does not fundamentally challenge the disciplinary function of medical constructions of sex. It does not contest the idea that the medical sphere is in fact the correct sphere for intersex issues to be negotiated. At some future point, a more radical non-interventionist strategy might work to contest the privileging of medical discourses in responding to intersex issues in the first place. Thinking through these issues illuminates the significance of a critical approach to rights in the intersex context. (40)

For Grabham, the central question is whether and how advocates of human rights for people with intersex might evade "the disciplinary effects of their strategic claims for consumer citizenship" (45). Is there a viable alternative to the "patient-centered" and consumerist model of intersex advocacy?

Ben-Asher suggests one such possibility. Critically examining recent intersex activist attempts to re-appropriate scientific and medical authority in the name of medical reform, Ben-Asher argues in "The Necessity of Sex Change: A Struggle for Intersex and Transsex Liberties" that these efforts risk re-medicalizing intersex and thereby deflating the struggle for intersex peoples' human rights. As an alternative, Ben-Asher proposes the usefulness of a radical critique of Western medicine's assumed epistemic and ethical authority, a critique that would enable a delinking of intersex from biomedical epistemology and would make it possible to connect intersex embodiment directly with questions of democratic freedom. Ben-Asher suggests that an analysis of intersex phenomena in terms of negative versus positive liberties (freedom from versus freedom to) offers a more politically dynamic framework for challenging the disciplinary effects of the medical and social regulation of sex and gender.[278]

Binary gender is so naturalized in contemporary societies as to make the spaces where subjects can exercise freedom *from* gender norms seem few and far between. But a critical attention to issues of negative liberty can help to open such spaces, and can also help us to reframe the rhetorical question I used as an epigraph to open this chapter. Dreger asks: "Do we really need to change some children to make them human enough to get human rights?" Like all rhetorical questions, Dreger's is less a question seeking an

[278] On the concept of negative versus positive liberties, see Isaiah Berlin, *Four Essays on Liberty* (London: Oxford University Press, 2002).

answer than it is a pointed statement: we *really* don't need to change some children, as all children deserve human rights automatically, from birth onward. Dreger implies that all children should be accepted, loved, and respected, regardless of the anatomical features with which they are born. By "change," then, Dreger means primarily surgery, not socialization, and in this respect her analysis is perhaps finally too one-dimensional to grasp the fact that, from the moment of birth onward (and even before), social institutions and structures have already begun the long, complex, and contradictory process of gearing up to shape, to engender, and *to change* children's lives, identities, and bodies in particular ways. Sex reassignment surgery is surely one of the forms that society's desire to regulate children's bodies literally takes, but it is hardly the only one. Dreger glosses over the fact that the difference between surgically normalizing children's sexed bodies and socially normalizing their gender identities may be a difference of degree, not kind. If we are to take seriously an insight found across recent feminist, queer, transgender, intersex, and disability theories—that anatomy is fundamentally shaped by social relations—then it becomes even more important to radically question the sex/gender, biology/culture, corporeality/identity, body/mind, and materiality/discourse binaries.[279] In short, surgical normalization is but one facet of gender normalization. By placing medical normalization within a wider frame that considers the uneven processes and effects of gender normalization across the social field, future intersex activist work on human rights might be able to offer a more robust critique of the relations of power-knowledge that

[279] See Judith Butler, *Bodies that Matter: On the Discursive Limits of "Sex"* (New York: Routledge, 1993); Gayle Salamon, "The Boys of the Lex: Transgenderism and the Rhetorics of Materiality," *GLQ* 12.4 (2006): 575-597; Morgan Holmes, *Intersex: A Perilous Difference* (Selinsgrove: Susquehanna University Press, 2008); and Robert McRuer, *Crip Theory: Cultural Signs of Queerness and Disability* (New York: New York University Press, 2006).

enforce sexually dimorphic normalcy. In so doing, transnational activism can lead to better theories of the politics of embodiment and more dynamic strategies of social change.

Ongoing debates about the ethics of intersex treatment reveal that the humanity of the child with an intersex condition is at stake for nearly all parties involved in these debates: doctors, parents, activists, scholars, and, last but certainly not least, the children themselves. Physicians presume that the surgical and hormonal "correction" of a child's intersex condition is necessary to ensure the best health outcomes for the patient and "her" or "his" family. From this perspective, the treatments clinicians offer and that parents often uncritically consent to intend to *humanize* the child with an intersex condition. By contrast, as this chapter has detailed, many intersex activists and affected parties consider infant genital surgeries and hormone treatments to be not only medically unnecessary and physically and psychologically damaging, but also violations of what are, in many if not most other realms of medicine, widely accepted and enforced "standards of care." From this vantage point, early infant genital surgeries and hormone treatments look like potentially serious violations of the ethical standards of "informed consent" and the Hippocratic Oath ("first do no harm") because they arguably *dehumanize* the child with an intersex condition.

Both the traditional biomedical and the activist perspectives stake their positions on the terrain of human rights, yet these perspectives do so in and through diametrically opposed arguments. The traditional biomedical perspective tacitly articulates a claim to the protection of human rights through the unmarked assumption of medicine's beneficence, while the activist perspective makes the claim explicit through its stated

opposition to the surgical normalization of intersex infants. Both groups claim to prioritize the wellbeing of the intersex child, but I wonder if it would be more accurate to say that their opposing positions speak more to the contradictions and paradoxes that ensue when a society uses children's bodies to work out and to manage its own anxieties over the uncertainties of sex, gender, and embodiment. Paradoxically, when taken on its own, the discourse of human rights cannot explain why there is a debate in the first place about how medicine, society, and/or the law should treat persons with intersex anatomies, or whether intersexuality needs to be treated at all. In short, although questions of human rights are absolutely essential for addressing the politics and ethics of intersex and its medical normalization, human rights alone are not enough. Indeed, in their current forms human rights displace critical attention away from biopower back onto the old model of juridical power.

As the genealogy of intersex activism I have traced here suggests, the category of the "human" has historically functioned in an exclusionary manner. When that category is opened up, when its contingent and shifting borders are redrawn to include new subjects and forms of personhood, it becomes imperative to critically question the structures and relations of power and privilege that underlie this logic of inclusion. This is precisely why the conflation of the patient with the consumer, the consumer with the citizen, the clinically "healthy" with the socially normative, the US with the global, the ethical with the neoliberal, the field of human rights with the totality of power relations, and the anatomically different with either the inhuman *or* the human will continue to require patient and persistent critique.

Conclusion

Gender and the Future of Intersex

> What if we were to reach, what if we were to approach here (for one does not arrive at this as one would a determined location) the area of a relationship to the other where the code of sexual marks would no longer be discriminating?—Jacques Derrida[280]

In July 2008, the Intersex Society of North America was dissolved. Founded in 1993, ISNA was the first and, at the time of its closure, perhaps the most widely recognized and influential intersex activist organization in the world. The factors underlying ISNA's closure are multidimensional and complex. While over its fifteen-year history the organization pursued many successful initiatives to raise awareness about the medical treatment of infants and persons with intersex conditions, by the early 2000s a number of ISNA board members, including its founder and longtime Executive Director, Cheryl Chase, began to feel that the organization's previous politicized activist efforts had not been effective enough and that a new approach was needed.

That new approach was unveiled to the world at a 2005 conference in held Chicago hosted by the Lawson Wilkins Pediatric Endocrine Society and the European Society for Pediatric Endocrinology. At the conference, a range of medical specialists in intersex treatment gathered alongside representatives from ISNA to publicly announce that the term *intersex* had outlived its usefulness. In place of *intersex,* they proposed a

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[280] Jacques Derrida, "Choreographies," *Diacritics* 12.2 (1982): 76.

new term, *disorders of sex development*, frequently referred to by the acronym *DSD*. As a result of that conference, in 2005 I. A. Hughes, et. al., published a "Consensus Statement on Management of Intersex Disorders" in the *Archives of Disease in Childhood* which argued that the DSD nomenclature avoids the confusion and stigma associated with *intersex* and will thereby facilitate improvements in clinical care.[281] A series of events followed which quickly sought to legitimize and institutionalize the DSD nomenclature. First, in 2006 historian of medicine and then current member of ISNA Alice Dreger, under the auspicious of an organization called the Consortium on the Management of Disorders of Sex Development, published the twin pamphlets "Clinical Guidelines for the Management of Disorders of Sex Development in Childhood" and "Handbook for Parents."[282] Working in partnership with a new non-profit organization called Accord Alliance, which opened its doors in 2008, the Consortium adopts medicalized language and strategies to approach treatment in terms of what they call "patient-centered care." As the Accord Alliance mission statement explains, their goal is to "promote comprehensive and integrated approaches to care that enhance the health and well-being of people and families affected by disorders of sex development (DSD, which includes some conditions referred to as 'intersex')."[283]

The DSD nomenclature has generated significant debate. Advocates argue that the terminological shift will enable physicians to focus on what Ellen K. Feder and Katrina

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[281] I. A. Hughes, et al., "Consensus Statement on Management of Intersex Disorders," *Arch Dis Child* 91 (2005):554–63.

[282] See DSD Consortium, "Clinical Guidelines for the Management of Disorders of Sex Development in Childhood" (2006): http://www.dsdguidelines.org/htdocs/clinical/index.html (last accessed January 29, 2010); and DSD Consortium, "Handbook for Parents" (2006): http://www.dsdguidelines.org/files/parents.pdf (last accessed January 29, 2010).

[283] See the Accord Alliance website at: http://www.accordalliance.org/ (last accessed January 29, 2010).

Karkazis call "the genuine medical issues associated with intersex conditions" and will lead to more successful treatment outcomes.[284] Feder, a feminist philosopher, further contends that the move to DSD can be understood as "progressive" because it will allow medical practitioners to shift away from the concern with maintaining normative gender and genitalia toward a focus on the actual health-risks associated with some intersex conditions.[285] Feder's argument reflects widely held views. As historian Elizabeth Reis notes, the DSD nomenclature has been rapidly embraced by medical providers, parents, and some persons with intersex conditions in North America, Europe, and elsewhere.[286]

However, what quickly becomes apparent from an examination of the debates over DSD is that conscious efforts to shift language do not always have to the specific consequences their authors intend. Indeed, a growing number of intersex activists and their allies around the globe have voiced concerns about the DSD nomenclature. For instance, Organisation Intersex International (OII) questions the implications of the shift to DSD. Adopting a political critique of medicalization that shares some similarities with Chase's early views (which I discussed in Chapter 3),[287] OII argues that the language of "disorders" repathologizes intersexuality and human anatomical diversity more broadly. Members of OII have created posters and broadsides that polemically challenge what they see as the assumptions underlying the DSD nomenclature. One declares, "Sorry,

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[284] Ellen K. Feder and Katrina Karkazis, "What's in a Name? The Controversy over Disorders of Sex Development," *Hastings Center Report* 38.5 (2008): 35.

[285] See Ellen K. Feder, "Imperatives of Normality: From 'Intersex' to 'Disorders of Sex Development'," *GLQ* 15.2 (2009): 225-247.

[286] Elizabeth Reis, "Divergence or Disorder? The Politics of Naming Intersex," *Perspectives in Biology and Medicine* 50.4 (2007): 535-543;

[287] See Cheryl Chase, "Hermaphrodites with Attitude: Mapping the Emergence of Intersex Political Activism," *GLQ* 4.2 (1998): 189-211.

We're Not Disordered," while another contains a "Warning" sign and skull and crossbones placed next to text which reads: "DSD: Death to Sex Differences. DSD = Eugenics, DSD = Heterosexism, DSD = Transphobia, DSD = Homophobia."[288] OII's in-your-face critique of the DSD nomenclature frames the medicalization of intersex as fundamentally linked with multiple forms of power-knowledge. As OII points out, the term *disorder* presumes that sex has a natural, proper, or "ordered" form of dimorphic development. Challenging this view, OII opposes the claim that intersex bodies are inherently "disordered." Over the past few years, a number of cultural and critical theorists have built on and extended OII's analysis to call attention to the ways in which the DSD nomenclature naturalizes the normal/pathological distinction.[289]

What has received less attention in the DSD debates concerns the ways in which the DSD nomenclature attempts to shift concern away from the polysemy of intersex. Within the context of this dissertation, I would suggest that the turn to DSD can be understood as a medico-scientific attempt to pin meanings down. It is interesting to note that the DSD advocates propose a change in nomenclature—a change in language—as a means toward making improvements in medical practice. They imply that the term intersex disrupted or got in the way of the effort to institute these improvements. The change in language they recommend is not about replacing one term with another term that basically means the same thing; rather, it is about instituting a new term (DSD) with a different and highly specific medical meaning to control and cover over the semantic

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[288] See http://www.intersexualite.org/DSD_warnings.html (last accessed March 10, 2010).

[289] See Morgan Holmes, "Mind the Gaps: Intersex and (Re-Productive) Spaces in Disability Studies and Bioethics," Bioethical Inquiry 5.203 (2008): 169-181; and Jennifer Germon, *Gender: A Genealogy of an Idea* (New York: Palgrave Macmilllan, 2009).

volatility, instability, and ambiguity of an older term (intersex). Rather than critically interrogating the sources and effects of the instability of the meaning of intersex, the DSD advocates seem to presume that replacing intersex with a more "scientific" term will somehow ameliorate the uncertainties occasioned by intersexuality's unstable meaning. It is almost as if what the DSD advocates object to is precisely the messiness of bodies and the words that name them.

Throughout this dissertation I have argued that women's studies provides a crucial frame for understanding the centrality of gender to intersex issues. I have also suggested that feminist, queer, and disability theories can help us to appreciate and to begin cultivating an ethicopolitics that embraces the enduring uncertainties about embodiment that intersex bodies expose. By way of conclusion, I would like to reiterate why women's studies is so crucial for critically understanding debates about the messiness of bodies and the words that name them, using the DSD debate, on the one hand, and the recent media coverage of Caster Semenya, on the other, as vehicles to reflect upon why gender continues to matter to intersex.

I. The Trials of Caster Semenya

Controversy erupted late in the summer of 2009 when the international media broke the story of Caster Semenya, the 18 year-old South African middle-distance runner who won the gold medal in the women's 800-meter competition at the International Association of Athletics Federations (IAAF) World Championship in track and field on August 19. In a *New York Times* article published the following day entitled "Gender Test after a Gold-Medal Finish," sports journalist Christopher Clarey reported that, in the wake of Semenya's striking win by a margin of more than 2 seconds (still 2 seconds

below the world record), the IAAF, under pressure from fellow competitors, required Semenya to undergo a barrage of "sex-determination testing to confirm her eligibility to race as a woman," which some experts quoted in the *Times* also called a "gender test."[290]

At least two trends were immediately apparent in the reportage on Semenya. On the one hand, there was a conflation of sex and gender, which highlighted the widespread cultural assumption that gender and sex are more or less the same, interchangeable terms that both denote a common, supposedly universal characteristic of humankind. In this view, sex and gender both refer to the "natural" division of humans into what Anne Fausto-Sterling once called, tongue in cheek, "a perfectly dimorphic species."[291] On the other hand, some journalists' accounts implicitly called this conflation into question, revealing the persistence of widespread confusion over what the difference between sex and gender might be, over where that difference might be located, and over how one could come know that difference. But rather than sorting out the distinction between sex and gender, journalists' uncritical approach to these binaries worked to muddy the already muddy waters. The biology/culture opposition and its various reiterations struggled in vain to contain Semenya's narrative. Between nature and nurture, between the body and the mind, between anatomy and the meanings it takes on in language and society, between identities and acts, between ontology and performativity—a whirlpool of uncertainty opened up, and it became difficult to tell where biology ends, where

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[290] Christopher Clarey, "Gender Test after Gold Medal Finish," *New York Times* (August 19, 2009): http://www.nytimes.com/2009/08/20/sports/20runner.html (last accessed September 3, 2009).

[291] Anne Fausto-Sterling, "The Five Sexes: Why Male and Female Are Not Enough," *Sciences* 33.2 (1993): 21.

culture begins, and where those beginnings and endings would leave the fate and career of Caster Semenya.

Faced with ambiguity and uncertainty, medicine was enlisted to produce clarity. Especially interesting in the reportage was the proposition that sex and/or gender can be ascertained by a simple medical test, or set of tests, a proposition which presumes that gender and sex are self-evident, straightforward, objective aspects of being human. Mainstream reporters sought to give medical science credibility, but in living rooms, chat rooms, and classrooms, bloggers, activists, students of gender, and perhaps even some physicians and scientists began to ask: Upon what criteria does an expert perform a sex or gender test? What factors determine the expert's expertise in sex and gender?

As I've noted in the previous chapters, though some in the field of women's studies continue to hold that sex and gender are analytically distinct categories, the former said to refer to the biological features of men and women, the latter to social and cultural roles, a growing number of feminists have begun to theorize "sex" as inextricable from culture.[292] Some, such as Fausto-Sterling, in fact argue that culture and biology are constitutionally inseparable when it comes to the matter of bodies.[293] In her 1993 follow up to *Gender Trouble*, *Bodies that Matter*, Butler examined various challenges that had emerged in response to her theory of gender performativity. Attending to the criticism that her earlier theorization of gender did not adequately address the materiality of bodies, specifically the materiality of sex, Butler argued that "the regulatory norms of

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[292] See, for instance, Judith Butler, *Gender Trouble: Feminism and the Subversion of Identity*, 10th Anniversary Edition (New York: Routledge, 1999).

[293] Anne Fausto-Sterling, *Sexing the Body: Gender Politics and the Construction of Sexuality* (New York: Basic Books, 2000).

'sex' work in a performative fashion to constitute the materiality of bodies and, more specifically, to materialize the body's sex, to materialize sexual difference in the consolidation of the heterosexual imperative."[294] In this formulation, bodies do not precede the norms of sex but are rather materialized through them in a regulatory fashion. "To what extent is 'sex'," Butler asked, "a constrained production, a forcible effect, one which sets the limits to what will qualify as a body by regulating the terms by which bodies are and are not sustained" (23)?

Butler's question helps me to interrogate the implications of the IAAF's highly publicized investigation into Semenya's so-called sexual ambiguity. Clarey of the *New York Times* reports that Pier Weiss, the general secretary of the IAAF, was quick to stress that the testing of Semenya had been initiated because of "ambiguity, not because we believe she is cheating." The perceived ambiguity or incoherence between what some observers have called Semenya's "masculine-appearing" comportment and her identity as a female competitor was used to call her sex and gender into question. In suggesting that it is ambiguity, not cheating, that is at stake for the IAAF, Weiss attempts to frame the two as completely separate matters. Yet there is an important sense in which Semenya's "ambiguity" has become, in the discourse of the IAAF and in the popular press, precisely a figure for cheating. The implication is that, if her gender is ambiguous, she may then have what some commentators have called an "unfair masculine advantage," and in that regard would be considered a cheater. As Fausto-Sterling has demonstrated in an incisive

[294] Judith Butler, *Bodies that* Matter: *On the Discursive Limits of "Sex"* (New York: Routledge, 1993), 2.

reading of the history of international Olympic sport, the gender divide in professional athletics has long been a source of anxieties over gender's proper norms and forms.[295]

The preoccupation with gender propriety and its transgression in the media reveals that conceptions of otherness and difference play a formative role in shaping the exclusionary matrix by which some bodies become regarded as legible and valuable while others do not. Clarey's article provides a set of examples of how officials and fellow athletes have responded to Semenya's "ambiguity." According to Clarey,

> Weiss said that… if the investigation proves Semenya is not a woman, she would be stripped of the gold and the other medalists elevated. The investigation could take weeks, he said.
>
> "But today there is no proof and the benefit of the doubt must always be in favor of the athlete," he said. "Which is why we had no reason, nothing in our hands, to forbid the athlete to compete today."
>
> Not all of the finalists agreed. "These kind of people should not run with us," Elisa Cusma of Italy, who finished sixth, said in a postrace interview with Italian journalists. "For me, she's not a woman. She's a man."
>
> Mariya Savinova, a Russian who finished fifth, told Russian journalists that she did not believe Semenya would be able to pass a test. "Just look at her," Savinova said.[296]

In the first quotation Clarey provides, Weiss plays down the IAAF's investigation, asserting that the "benefit of the doubt must always be in favor of the athlete" even as his

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[295] See Fausto-Sterling, *Sexing the Body*.

[296] Clarey, "Gender Test after Gold Medal Finish."

handling of the IAAF's investigation and its "unfortunate" and improper disclosure to the international press arguably violated Semenya's right to individual privacy. Failing to acknowledge this possibility, Weiss assumes the role of the dispassionate and objective official who claims to reserve judgment, yet that very claim implies that at least one judgment has already been made, a judgment regarding the so-called fact of Semenya's ambiguity. Moreover, Weiss provides no recognition that the controversy over Semenya's sex/gender may well have already irreversibly marred her career, even despite the fact that the results of the test were, at the time he was interviewed by the *New York Times*, still pending.

Meanwhile, Cusma's remarks foreground the discriminatory attitudes that often emerge in response to persons who are seen to complicate dominant understandings of sex and gender. In her remarks, Cusma positions Semenya as a particular "kind" of person, the kind of person who should not compete in women's sport because, according to Cusma, "she's not a woman." Semenya becomes for Cusma a source and site of gender trouble. Here, gender trouble involves not simply the calling into question of gender norms, but a questioning that triggers the alarm system protecting binary gender's normalizing but tenuous structure of power, setting into motion a complicated machinery of crisis management to regulate and contain the epistemological and ontological anxieties and opportunities for critical intervention that arise when the meanings and materialities of sex and gender are revealed to be irreducibly heterogeneous, contingent, flexible, and precarious: in a word, ambiguous. At the precise moment when Cusma announces with unshakeable conviction a truth claim about Semenya ("She's not a woman. She's a man."), the gender trouble that Semenya becomes an occasion or figure

for comes to infect or permeate Cusma's own language, disclaiming the certainty she declares. That is, Cusma uses the feminine pronoun to refer to Semenya at the very same time that she denies Semenia's womanhood. Both sentences, "she's not a woman" and "she's a man" refute the very claim that they assert. Cusma's language thus sustains the very confusion over Semenya's sex/gender that Cusma claims to have seen through.

Further, the politics of vision are crucial here, as revealed by Savinova's comment, "Just look at her." As in the case of Cusma's remarks, the grammar of Savinova's sentence affirms the very proposition it denies, naming Semenya with the feminine pronoun while simultaneously disclaiming Semenya's legitimacy as a woman. But more than this, Savinova's comment reveals the fallibility of the widely held suspicion that a person's status as male or female can be plainly and objectively ascertained by visually inspecting the individual's body. What is seeable depends as much if not more on who's looking, and through which cultural lenses, as it does on the object of the gaze. Indeed, as Jasbir Puar argues, "the act of seeing is simultaneously an act of reading, a specific interpretation of the visual. But this reading passes itself off as a seeing, a natural activity, hiding the 'contestable construal' of what is seen."[297] In short, the gaze is not passive; rather, gazing actively produces a reading of the beheld.[298]

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[297] Jasbir Puar, *Terrorist Assemblages: Homonationalism in Queer Times* (Durham: Duke University Press, 2007), 183.

[298] Raising issues that go beyond the scope of this dissertation, Savinova's remarks suggest that the act of gazing takes place not only through a gendered lens, but also a racial and national lens. "Just look at her" seems to first refer to Semenya's gender, but it can also be read as referring to Semenya's status as a black South African. The racial and national politics of the white European gendered gaze construct Semenya as uniquely other, as alien to the cultured normativity which once, prior to the onset of decolonization and "development" in the third-world, dominated Anglo-European international sport. Likewise, it is important to notice the racial and national resonances of Cusma's comments, cited earlier. "For me, she's not a

In "Situated Knowledges: The Science Question in Feminism and the Privilege of Partial Perspective," Donna Haraway contends that the field of vision does not merely reflect but is in fact constituted by the technologies of seeing and structures of meaning making—the ocular, linguistic, cultural, and ideological cues or sign systems—that condition it.[299] From this perspective, Savinova's comment, "Just look at her," figures the truth of sex/gender as if it were transparently written on Semenya's body. It is as if, for Savinova, the act of looking at Semenya performs a sex/gender test of its own. But what standard is Semenya being judged by? According to whose eyes does Semenya not qualify as a woman? As in all matters of sex and gender, things turn out to be far more complicated than they may appear at first sight.

"The only thing we know for sure about Caster Semenya, the world-champion runner from South Africa," writes historian of science Alice Dreger in an August 21, 2009 *New York Times* essay, "is that she will live the rest of her life under a cloud of suspicion after track and field's governing body announced it was investigating her sex."[300] According to Dreger, the IAAF's decision to subject Semenya to sex testing was disingenuous for several reasons, foremost among them being that the organization "has not sorted out the rules for sex typing and is relying on unstated, shifting standards." Furthermore, Dreger observes, "the biology of sex is a lot more complicated than the average fan believes." While many people believe that the biology of sex is a simple

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woman. She's a man." When Cusma makes this claim, she speaks for herself as an Italian, which implicitly highlights Semenya's South African national identity.

[299] See Donna Haraway, "Situated Knowledges: The Science Question in Feminism and the Privilege of Partial Perspective," *Simians, Cyborgs, and Women: The Reinvention of Nature* (New York: Routledge, 1991), 183-202.

[300] Alice Dreger, "Where's the Rulebook for Sex Verification Testing?" *New York Times* (August 21, 2009): http://www.nytimes.com/2009/08/22/sports/22runner.html (last accessed September 3, 2009).

matter of XX or XY chromosomes, and/or genitalia and reproductive organs, Dreger argues that what we call "sex" has no single, unitary, overarching biological cause. As Dreger tells Clarey, "At the end of the day, [the officials] are going to have to make a social decision on what counts as male and female, and they will wrap it up as if it is simply a scientific decision…And the science actually tells us sex is messy. Or as I like to say, 'Humans like categories neat, but nature is a slob.'"

Contemporary biomedical experts study the chromosomal, genetic, hormonal, gonadal, genital, and internal and external morphogenic aspects of sex, but none of these, as psychoendocrinologist John Money pointed out as early as 1955, are necessarily causally related to one another.[301] The medical team assigned to Semenya has likely examined all these factors to determine whether she can compete as a "real" woman. That determination has yet to be officially made. But the very fact that womanhood can be judged by a criterion of realness indicates the extent to which sexed and gendered embodiment is an effect of regulatory norms. That is, the criteria these tests are based upon, the criteria said to determine what makes a woman a woman, constitute subjects along an axis which excludes certain bodies from counting as normatively human. It is also particularly significant that the IAAF has never once performed a scientific test to figure out what makes a man a man. There is a long history of various groups accusing female athletes of having "unfair masculine advantage," but one never hears of, for instance, a professional basketball player of average height (and keep in mind that the height of pro basketball players is anything but "average") accusing Shaquil O'Neal of having "unfair masculine advantage" because of Shaq's seven foot one inch stature.

[301] John Money, "Hermaproditism, gender and precocity in hyperadrenocorticism: Psychologic findings," *Bulletin of the Johns Hopkins Hospital* 96 (1955): 253-64.

In a provocative analysis of the Semenya controversy, sports writers Dave Zirin and Sherry Wolf of *The Nation* argue what fans and officials still don't understand, "or will not confront, is that gender—that is, how we comport and conceive of ourselves—is a remarkably fluid social construction. Even our physical sex is far more ambiguous and fluid than is often imagined or taught."[302] In foregrounding the ambiguity of physical sex, Zirin and Wolf highlight a central issue at stake in the Semenya case. At the time Zirin and Wolf penned these lines, no evidence had yet been presented that Semenya has an intersex condition. Shortly thereafter, a leak of a preliminary medical report commissioned by the IAAF suggested as much to the international press. Confirming the prescience of Zirin and Wolf's argument, the leak not only once again betrayed Semenya's right to privacy, but also further solidified the media's sensationalistic portrayal of Semenya as an object of popular fascination, spectacle, and freakery. Upon news of the leak, a few papers and blogs reported that Semenya was deeply distressed over these matters, and that her coach and parents had felt it necessary to place her on "suicide watch." Painted by the press as little more than a "freak of nature," it was not merely Semenya's sex/gender that was questioned, but her humanity as such.

On January 20, 2010, Gina Kolata of the *New York Times* reported that the IOC had convened a panel of medical experts from around the world to meet in Florida to devise a "treatment plan" for athletes with so-called ambiguous sex characteristics.[303] As Kolata notes,

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[302] Dave Zirin and Sherry Wolf, "Caster Semenya: The Idiocy of Sex Testing," *The Nation* (August 21, 2009): http://www.thenation.com/doc/20090831/zirin_wolf (last accessed September 3, 2009).

[303] Gina Kolata, "I.O.C. Panel Calls for Treatment in Sex Ambiguity Cases," *New York Times* (January 20, 2010: http://www.nytimes.com/2010/01/21/sports/olympics/21ioc.html?hp (last accessed January 29, 2010).

> Athletes who identify themselves as female but have medical disorders that give them masculine characteristics should have their disorders diagnosed and treated, the group concluded after two days of meetings in Miami Beach. The experts also said that rules should be put in place for determining an athlete's eligibility to compete on a case-by-case basis—but they did not indicate what those rules should be.

The use of the phrase "disorders" is significant in this context, as it draws upon the DSD nomenclature referenced at the outset of this Conclusion. The term disorder locates pathology within the body of the individual, not as a product of a social system. Also crucial is the IOC's asymmetrical focus on "athlete's who identify themselves as female but have disorders that give them masculine characteristics." The IOC posits that certain sex "disorders" give female athletes "masculine characteristics," but, as noted above, they do not take a similar position on, say, athletes who identify as male and have disorders that give them "feminine characteristics," because "feminine characteristics" are not considered advantageous in the vast majority of sports. Masculinity is once again framed as both the standard and the ideal of athletic competition. Assuming that masculinity naturally accrues to certain bodies and not to others, assuming that "sex" follows a natural course of dimorphic development, assuming that what defines women is their asymmetrical difference from men, the IOC naturalizes gender *as* sex. Moreover, in proposing that athletes with intersex must be treated in order to compete, the IOC's decision further entrenches a biopolitical regime of gender regulation, wrapping up a social decision about what counts as sex, as Dreger put it above, "as if it is simply a scientific decision." Indeed, the usage of the term "disorder" to refer to athletes with

intersex conditions in fact reiterates gender normativity as a precondition for social intelligibility within the world of professional athletics.

II. Closing Remarks

The existence of people for whom the standard sex and gender classification system falls short brings into sharp relief the arbitrary-ness and the fundamentally political character of binary schemas of sex and gender. As a figure those regulatory schemas have struggled to contain, Semenya's story brings to light the powers and the violences of binary worldviews. As I've suggested throughout this dissertation, making the world a little more inhabitable for people whose anatomies, by no fault of their own, and for purely historical and cultural reasons, call heteronormative, masculinist technologies of gender regulation into question will require learning to see the bodies of others—and ourselves—in new ways.

Rather than reading Semenya's story as an unfortunate but rare case in the history of professional sport and medical science, we should rather focus on the ways in which the story foregrounds the broad social relevance of issues of bodily regulation. Likewise, from a perspective attuned to the ways in which the normalization of intersex bodies is part of a larger process that involves biopower's targeting of the field of gender difference broadly construed, it becomes possible to ask critical questions about the regulatory aspects of the DSD nomenclature. As the Semenya story makes clear, contra Feder's argument cited above, the language of pathology can legitimate a medical system of gender normalization, a system where particular subjects have to "prove" their femaleness or maleness to scientific authorities, even to the point of undergoing treatment, in order to qualify as intelligibly human. Indeed, both the Semenya story and

the DSD debates expose the persistence of a medico-scientific desire to control the messiness of bodies and the words that name them. They reveal a widespread social intolerance for embodied differences that cannot be contained within the cultural logic of binary gender and dimorphic sex.

This is precisely why women's studies provides a crucial frame for approaching intersex issues with a critical eye to the social foundations and political implications of anxieties over bodily uncertainties and ambiguities. By calling attention to the political effects of sexed and gendered norms, by revealing the asymmetries and exclusions of binary systems, women's studies opens up an expanded perspective on the relations of power-knowledge that produce intersex and DSDs (and other categories, including trans- and queer) as sites of gender trouble. I stake my claim on the side of uncertainty and ambiguity not only because women's studies has taught me the intellectual value of questioning how bodies come to matter; not only because the philosophical critique of the coherent subject disarms and displaces the desire for singular truths and stable meanings; but also because I'm compelled by those who are struggling to create spaces where the meaning of gender and other categories of difference need not always be known and circumscribed in advance.

In light of the above discussion, I would like to conclude by posing several questions that this dissertation has raised but not fully answered and that may be useful for future research. Considering the historical and political centrality of intersex to gender, and vice versa, that I have demonstrated throughout this dissertation, what other categories of difference and systems of power are implicated in the production of intersex as the constitutive outside of sexual dimorphism? If the DSD rubric treats gender

difference as a pathology requiring specialized medical treatment, what are the progressive and conservative aspects of the medicalization of gender *writ large*? Does the DSD rubric significantly alter the way physicians and members of society more generally understand the meaning of anatomical normality and abnormality? Considering that intersex activism first emerged in the early 1990s as a critique of medicalization, what are the implications of the adoption of medicalized language by some current advocacy organizations for people with intersex conditions or DSDs? What perspectives might allow activists and theorists to embrace a broader vision of sexual and gender justice, one attentive to the asymmetries and inequalities of a transnational world? How do structures of class, race, nationality, and ability differently affect the medicalization of persons with intersex and DSDs as well as activist and cultural responses to medicalization in different locations around the globe? In a neoliberal world order unevenly saturated by the discourses, practices, and technologies of vast biomedical networks, what possibilities might be opened up by rejuvenating the critique of medicalization? What roles can feminist, queer, and disability studies play not only in contesting but also in reshaping dominant ideas about embodiment in biomedicine, the law, and social relations? What forms of ethics and politics will generate alternatives to current regimes of corporeal regulation? And what new configurations of bodies, subjectivities, and social relations might enable nondualistic modes of thought and life?

Finally, rather than asking why people *are* the sexes and/or genders they are—that is, rather than asking after the ontological basis of sex and gender—perhaps it would be more worthwhile to ask what effects particular modes of gendered and sexed being have upon diverse people's lives, including the lives of people in our local communities and,

just as importantly, and the lives of heterogeneous others around the globe. Learning to live and to embrace the uncertainties that occasions of gender trouble sometimes summon is no easy task. It is a challenge that requires a renewed commitment to thinking critically about gender's remarkable capacity to make, unmake, and remake human lives.

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