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Preface to Transgender: Fractures of the Wrong Body

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Preface to Transgender: Fractures of the Wrong Body

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An abstract of
A dissertation submitted to the Faculty of the
James T. Laney School of Graduate Studies of Emory University
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in Women's, Gender, and Sexuality Studies
2012

Abstract

Preface to Transgender: Fractures of the Wrong Body
By A. Rez Pullen

In recent years, transgender people have garnered significant media attention forcing the general public to consider the ways sex and gender are not always congruent. Contemporary descriptions position transgenderism as a state in which one occupies the "wrong body" yet there is little consensus as to what this trope actually signifies or where it originates. This dissertation seeks to fill this scholarly void by examining and complicating the "origins" of the wrong body discourse to uncover the discursive conditions that led to its association with the category transgender. By way of offering a genealogy of the wrong body trope and the category transgender, this dissertation offers the following interventions: First, it proposes that scholarly references to the "trope of the wrong body" are misleading because they presume that the trope has a linear history. Rather, this dissertation proposes that it is more appropriate to configure the wrong body as it appears in what many have called Karl Ulrichs' 1862 writings on "homosexuality" as wrong body$_{\#1}$ and the wrong body as it appears in transgender discourse as wrong body$_{\#2}$. Second, this dissertation argues that contemporary notions of transgender which define transgender in relation to the wrong body assume sex and gender to be inherently distinct and erase the discursive conditions that contribute to sex and gender as differentiable concepts. In so doing, it illustrates how the notion of a discordant sex/gender can be linked back to medical notions of "gender identity," a term that arises amidst a surge in treatment protocols of intersex bodies. Third, given that transgender as it is currently understood remains tied to these pathologizing medical accounts which posit sex and gender identity as distinct, this dissertation offers a novel way to rethink "transgender" apart from medical discourse by returning to Michel Foucault's writings on transgression. In so doing, this dissertation attempts to theorize transgender from a position that critiques medical protocol and embraces Foucault's writings on transgression.

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For Becket and Chatham--both the people and the places

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PREFACE TO TRANSGENDER:
FRACTURES OF THE WRONG BODY

INTRODUCTION

In 2008, MSNBC produced and released a documentary series titled "Born in the Wrong Body," which captured the experiences of transgender persons as they navigate the challenges of living in a society predicated on binary gender norms. Aside from offering viewers an "insider" glimpse into the realities of *real* transgender lives, the series not only corroborated stereotypical depictions of transgender persons as self-involved and consumed with inner turmoil but, more importantly, positioned transgender as a medical condition defined by and mediated through the discourse of wrongness. As the title of the documentary suggests and the testimonies of the series' participants affirm, transgender emerges as a condition best described as the discordance between one's biological sex and one's gender expression or identity.[1] The series confirmed, at least rhetorically, that to be transgender is to be of the wrong body—emotionally trapped *within* the physical walls of one's body.

Likewise earlier this year, in response to her daughter-now-son Chaz's recent transition, Cher proclaimed in an interview with David Letterman that "it's not the same thing as being a homosexual, you feel as if you're in the wrong body."[2] Cher's statement buttresses typical definitions of transgender like those offered by the documentary above, demonstrating the frequency with which the wrong body trope is used to represent the

1. It is worth noting that conventional definitions of "sex" describe the physical anatomy of the body as either male or female. As I note in more depth in the first chapter, "gender" is used to refer to both the socially constructed expectations attributed to individuals on the basis of their sex and also (especially by those in transgender studies) to refer to the innate feeling that one's emotional/mental "sex" is contradictory to the physical sex of one's body.

2. *Late Night with David Letterman*, Season 18, episode 40, November 11, 2010.

experiences of transgender individuals. Her assumingly banal remark positions both homosexuality and transgenderism as having *always* been conceptually distinct because, as she suggests, they *just are* different. Within the framework Cher puts forth, transgenderism, not homosexuality, is marked by corporeal wrongness. Based on Cher's logic, then, it is the state of "being in the wrong body" which distinguishes transgender from homosexual.

But what exactly does it mean to be "born in the wrong body?" Why are some bodies configured as "wrong"? To which bodies is this trope applied? At what point does this trope emerge discursively? What is the relationship between homosexual bodies, which are "right," and transgender bodies, which are somehow "wrong?" How has the wrong body been rendered exemplary of transgender subjectivity? Upon what configuration of sex and gender is the wrong body trope predicated? And in what ways are proclamations of being in the wrong body performative speech acts? With these questions as my starting place, this dissertation attempts to ascertain and complicate the "origins" of the wrong body discourse and decipher how it emerged as a primary descriptor of contemporary notions of transgender. My primary interest is in the ways wrongness is ascribed to specific bodies that question the presumed naturalness of the sex/gender duality, and how certain connotations of wrongness are created and sustained through their ascription to transgender bodies. The discourse of wrongness as it is used to describe transgender bodies appears to be a sensical, almost natural linguistic representation, but its discursive genealogy reveals that its relationship to transgender bodies is a much more recent affiliation than is often assumed.

Although contemporary representations of transgenderism in both popular and academic culture suggest otherwise, the wrong body has a discursive lineage of its own which has gone largely unexplored by scholars in transgender studies and related fields such as women's studies and queer theory. Jay Prosser and Nikki Sullivan independently explore the rhetorical dimensions of contemporary articulations of the wrong body trope, but neither Prosser nor Sullivan investigates the theoretical underpinnings of the wrong body trope or the discursive context in which it emerges in relation to the transgender body. Similarly, David Valentine's ethnographic exploration of the category transgender highlights its conceptual overlaps with former notions of homosexuality, but neglects to consider how contemporary understandings of transgender remain intellectually intertwined with the wrong body trope. As I will discuss more specifically in the chapters that follow, Valentine, Prosser, and Sullivan, among others, offer important theoretical interventions that have contributed to the growth of transgender studies as a unique field of intellectual inquiry, but pay little attention to the interconnections between the wrong body trope, the sex/gender distinction, contemporary definitions of transgender, and its categorical emergence as distinct from homosexual.

This project draws from the aforementioned theorists but departs from them in its examination of the rhetorical dimensions of the wrong body trope as they relate to the distinction between sex and gender that emerges within intersex protocol. By delineating the wrong body's genealogy, the discursive conditions which enabled its emergence within transgender studies become apparent. The wrong body, within the transgender context, remains predicated on a particular understanding of sex and its relationship to gender that arises within intersex treatment protocols established in the 1960's.

Previously, transgender as a concept was not positioned around the sex/gender distinction but rather configured within the framework of hermaphroditism. The wrong body trope, whose "origins" are often attributed to early writings on homosexuality, arose within a context that did not delineate between behaviors we would differentiate as either homosexuality or transgenderism. As I demonstrate, the wrong body trope which has become illustrative of transgender is conceptually distinct from the wrong body trope that appears in 19th-century sexology. To imply, as many scholars have, that the wrong body trope can be traced back to 19th-century sexology masks the fractures and conceptual distinctions within the wrong body trope's complex genealogy. In an attempt to rectify the assumption that the wrong body trope of contemporary transgender rhetoric is akin to the discourse of the wrong body used in 19th-century sexology, I refer to the pre-transgender, 19th-century wrong body trope as wrong body$_{\#1}$ and contemporary uses of the trope as wrong body$_{\#2}$.

Although this project is explicitly concerned with producing a genealogy of the wrong body trope, I do not simply engage in a rhetorical analysis for the sake of unearthing an "untouched" linguistic origin. I am interested in tracing a genealogy—*not* a history—of the wrong body trope to illustrate not only how it *became* exemplary of transgenderism but also in reconfiguring the category transgender as a critique rather than consequence of the pathologizing language of medical discourse. While scholars like Sandy Stone and Susan Stryker have appropriately argued that transgender persons' use of the wrong body trope reflects a rhetorical strategy as opposed to a candid reflection, their work fails to examine how the wrong body trope *informs* and *substantiates* the ways we define, understand, and configure the category transgender as distinct from

homosexual. The conceptual underlay of contemporary notions of transgender not only goes unnoted, but the pervasiveness of the wrong body trope regarding how we think and conceptualize transgender remains unmarked in these analyses. The wrong body trope, which has been adequately "troubled" on rhetorical grounds by scholars like Stone and Stryker, continues to dominate contemporary conceptualizations of transgender and transsexual. As a result, the category transgender remain grounded in a narrow version of identity politics that inevitably constructs the wrong body as central to the transgender "experience."

The reconstructive elements of this project stem from my personal and intellectual desire to reconceptualize transgender in a way that contests the pathologizing nature of medical discourse, to draw attention to the inherent limitations of the wrong body discourse and its deeply intricate theoretical correlation with the sex/gender distinction, and to offer a novel way to rethink transgender as a concept aside from the logic of the sex/gender split. The process of rethinking transgender and the act of thinking through what it means to discursively position transgender in a manner that does not utilize the sex/gender distinction forces one to consider how certain bodies have come to be symbolic of this distinction and particularly how transgender can be rethought in a way that does not buttress the configuration of gender as constructed and sex as biological. The following questions emerge at the forefront of my reconstructive efforts: Is there a way to rethink the "trans" in transgender to signify something other than the linear crossing between two distinct sexes? Or does transgender lose its conceptual meaning when the sex/gender distinction is undone and dismantled? Does a reconstituted notion of

transgender demand a new understanding of experience as it relates to transgender subjectivity?

The resignified configuration of transgender that I offer in this dissertation marks *one* particular way to rethink transgender apart from the confines of the sex/gender distinction. In part because my critique of traditional definitions of transgender exposes the inherent limitations and exclusionary violence that results from the imposition of *any* category, I offer a new way of thinking transgender without insisting that this is *the* or *only* way to do so. By broadening transgender to account for individuals who do not necessarily employ the wrong body trope and sex/gender distinction, I produce a new paradigm for configuring transgender through the language of transgression that both shatters traditional categorical confines and remains under a continual categorical transformation of its own.[3] The "transgender-as-transgression," that I offer in the last chapter not only repositions transgender away from a sex/gender distinction, but also exposes the inherent conceptual violence and limitations of any classificatory schema that remains stagnant and immutable.

My critique of the sex/gender distinction, my attempts to uncover its discursive genealogy in connection to the wrong body discourse, and my efforts to reconceive transgender emerge primarily out of my studies of Judith Butler and Michel Foucault. Butler's influential early texts *Gender Trouble* and *Bodies That Matter* provided compelling analyses of how feminism has been haunted by the rigid distinction between sex-as-natural and gender-as-constructed. At the same time, as Vernon Rosario notes, for transgender studies the opposite holds true: while sex is mutable and changeable as the

3. It is worth noting that even though transgender is often used as an umbrella term to account for a variety of persons who engage in non-normative gender presentations/behaviors, it is still rooted in a conceptual distinction between sex and gender that stems from the discourse of the wrong body.

nomenclature MTF (male to female) and FTM (female to male) suggest, gender emerges as fixed and constant.[4] Yet even though transgender studies positions the male/female corporeal distinction as [surgically] constructed, gender remains static and conceptually distinct from sex. While important, Rosario's observation does not consider how the cyclical relationship between the sex/gender distinction and the wrong body trope serve as the underlying theoretical framework for how we think about transgender bodies. As this dissertation argues, Butler's early work not only has grave implications for feminist theory but also for burgeoning work in transgender studies where the wrong body discourse is pervasive.

My study of Foucault influences the reformulated version of transgender I propose in the final chapter of this dissertation. Foucault's critical inquiry into the limitations of discourse and the exclusionary implications of categorical constructs forced me to consider whether it was possible to actually reconstitute transgender as a challenge to rather than consequence of medical discourse. Following Foucault, I became interested in not simply what concepts were signified by and through certain categorical constructs but also what was inevitably excluded from these frameworks. My consideration of the exclusionary framework of the wrong body discourse was influenced in large part by Foucault's insistence that discourse in modernity is never neutral but rather the product of a historically specific confluence of disciplinary and bio-powers.[5] Foucault's essay "Preface to Transgression" provided an exciting framework from which to theorize the relationship between transgender bodies and normative sex/gender constructs, and the

4. Vernon Rosario, "The Biology of Gender and the Social Construction of Sex?" *GLQ* 10, no. 2 (2004): 280.

5. Michel Foucault, *An Introduction*, vol. 1 of *The History of Sexuality*, trans. Robert Hurley (New York: Vintage, 1990), 133-161.

ways certain bodies solicit attention from legal and medical institutions while others do not. As the final chapter explicates in greater detail, Foucault's "Preface" offers a theoretical framework within which to construct transgender within an alternative paradigm that critiques normative cultural binaries, brackets the sex/gender distinction, and deemphasizes the wrong body as transgender's constitutive trope.

However, my theoretical investments do not stem from a totalistic embrace of either Foucault or Butler. Butler's work on the sex/gender distinction provides an invitation to revisit the way these terms are used to uphold the logic of the wrong body whereas I use Foucault primarily to reconfigure transgender through the discourse of transgression. Even though I use both Butler and Foucault, I do not suggest that their ideas are necessarily always commensurate. As I discuss in the fourth chapter, Butler's readings of Foucault deserve close scrutiny. For instance, Butler's skewed reading of Foucault's text on Herculine Barbin offers an important glimpse into the theoretical relationship between intelligibility and representation. The work of Foucault and Butler—including Butler's compelling theoretical interventions as well as her problematic readings of Foucault—remain vital to the arguments delineated in this dissertation.

In part because this dissertation exposes the interconnections between discursive representation and modes of intelligibility, it is worth detailing the potential limitations of the signifying practices I engage in this dissertation. I resist using the term "metaphor" to describe the wrong body discourse even though many, like Kate Bornstein, continue to refer to the wrong body as a metaphoric representation of transgenderism. I do so precisely because although "metaphor" is a subset of "trope" it has a slightly different

connotation than trope. As Hugh Bredin explains, "sometimes trope is thought to be, or to involve, a transfer or alteration of meaning, but this is clearly wrong [because] trope is not a change in meaning but the change in object to which it refers."[6] By contrast, metaphor is used to denote a similarity between two presumed unlikely referents.

Bredin's observation is helpful when thinking about the circuitous deployment of the wrong body in sexology. The wrong body trope functions as a trope precisely because the body—or what Bredin calls the "object"—to which it refers has shifted over time. In addition, the wrong body discourse has been so heavily allied with transgender that it no longer represents a relationship between two distinct entities. Rather, the wrong body trope and transgender have become synonymous with one another. It is these discursive processes, those through which the wrong body trope and the concept transgender have become intertwined, that this dissertation examines. It is incomplete and misleading to simply refer to the wrong body as a metaphor for transgender, since to be transgender is *quite literally* to be of the wrong body. The wrong body isn't a simple metaphorical representation but rather a trope whose object shifted historically. Specifically, as sexology produced new schemas for organizing and conceiving aberrant sex/gender presentations and embodiments, the trope that referred to homosexual bodies (wrong body$_{\#1}$) came to refer to transgender ones (wrong body$_{\#2}$).[7]

Throughout the dissertation, I trace the changing usage and logic of the wrong body and consider its various theoretical implications. In the first chapter "Rupturing the Sex/Gender Distinction: Traces of the Wrong Body Discourse in Contemporary

6. Hugh Bredin. "Metonymy," *Poetics Today* 5, no. 1(1984): 45.

7. I place "homosexual" in quotations because as I describe in the second chapter, the act of labeling the sex/gender acts Ulrichs and Krafft-Ebing depict as "homosexual" ignores the differences in how they conceived sex in relation to gender when compared with contemporary usage of these terms.

Articulations of Transgender," I examine the prevalence of the wrong body trope in contemporary transgender memoirs and medical definitions, and illustrate how its usage remains conceptually contingent upon a sex/gender distinction. Although scholars such as Stryker, Sullivan, Bornstein, and Stone have noted the rhetorical dimensions of transgender persons' use of the wrong body trope, I demonstrate how the discourse of the wrong body and the sex/gender distinction also undergird how transgender is conceptualized as distinct from homosexuality. As a result, the wrong body discourse, whose meaning crystallizes around the sex/gender distinction, continues to inform the theoretical arguments proffered by those in transgender studies. Instead of critically interrogating who "counts" as transgender and why certain forms of body modifications require a diagnosis, transgender studies remains invested in describing the unique experiences of transgender persons at the expense of carefully considering how this category has been and continues to be deployed.

Borrowing from Butler and Joan Scott, I argue that this investment in and dependence on experience obfuscates important questions as to why certain bodies are privy to the transgender diagnosis and why other forms of corporeal modification do not require such diagnoses: For instance, why does a female who wants a "masculine" looking chest need a diagnosis of gender identity disorder to obtain surgery, but a woman who wants a breast enhancement can receive one without a diagnosis or referral? In the former situation, the transgender person details the struggles of being transgender, which in turn justifies surgical intervention. In the latter instance, the woman seeking a breast enhancement is not asked to detail her experience in the same way. This reliance on experience as the justification for medical intervention both corroborates the wrong body

discourse and ignores the discursive conditions that enable the wrong body to emerge as representative of transgenderism, neglecting to consider why certain bodies warrant medical diagnoses and others do not. Furthermore, when transgender experience is constructed as univocal and homogenous, it is easy to ignore the ways all experience, as Scott argues, is subject to and constructed by the discursive tools available.

In the second chapter, "The Birth of the Wrong Body and the Demystification of Binary Sex," I offer a genealogy of the wrong body trope to ascertain the discursive conditions that constitute its conceptual hegemony within scholarly accounts of "transgender." The wrong body trope, often represented as an early descriptor of "homosexuality," cannot be compared to contemporary deployments of the trope. Although scholars such as George Chauncey, Vern Bullough, and Jason Cromwell stipulate that the wrong body trope can be traced back to Karl Ulrichs, who used it to describe the experiences of "homosexuals," these claims mark Ulrichs' conceptualization of the relationship between sex, desire, and gender as akin to contemporary understandings of these categories. In contrast to these claims, I argue that Ulrichs did not position sex and gender as disparate categories. Ulrichs' configuration and deployment of the wrong body trope was based on an entirely different notion of sex than ours whereby sex itself was a notion *determined by* the classification of one's sexual desires. Although the origins of the wrong body trope are often attributed to Ulrichs, I demonstrate how the wrong body$_{\#1}$of the 19th century, anchored in the discourse of inversion, was used in reference to bodies that cannot be understood through contemporary notions of either homosexual or transsexual. Furthermore, because the wrong body$_{\#1}$ remains grounded in a different conceptual framework, it is misleading to suggest that the wrong body trope$_{\#1}$

of the 19th century is commensurate with the wrong body$_{\#2}$ discourse in contemporary configurations of transgender.

In the third chapter, "Displacing the Discourse of Inversion and the Rise of Gender," I analyze the rhetoric employed to signify emerging notions of transsexual and its relation to the category homosexual. Early descriptions of transsexual utilized the discourse of hermaphroditism and did not make explicit reference to the wrong body. The wrong body trope$_{\#2}$ appears explicitly in transgender discourse alongside the introduction of the term gender identity, which arises in relation to the development of intersex protocols of the 1960's. Through close readings of sexologists like Havelock Ellis, John Money, and Robert Stoller, as well as texts considered to be early transsexual memoirs, I demonstrate how the term gender identity coincided with the presence of the wrong body trope$_{\#2}$ in transgender memoirs. A rhetorical analysis of early descriptions of transsexuality illustrates the interconnected dynamics between the emergence of the wrong body as a primary descriptor and its relation to the creation of sex and gender as disparate concepts. Unlike previous constructions of the wrong body used to reference early notions of homosexuality, wrongness in the transgender context signifies an internal discordance as opposed to a contestation of social norms. The discourse of wrongness is used in reference to the transgender body not to signify the ways transgender bodies complicate heteronormative ideals of gender, but rather as a way to highlight the incongruous relationship between an individual's sex and gender.

In the fourth chapter, "*Trans* as Transgression: The Limit and the Law" I offer a different way of thinking about transgender that does not buttress the pathologizing logic of the wrong body trope. Drawing from Butler's work on resignification and Foucault's

and Bataille's writings on transgression, I rethink transgender to represent bodies who unearth the social and historical contingency of sex and gender categories but resist defining transgender according to this distinction. I draw from two contemporary legal rulings to exemplify the varying and often contradictory treatment of bodies which, complicate normative notions of sex and gender. I analyze these cases because they provide concrete examples as to how transgender bodies transgress cultural ideas about the stability of sex and gender categories. These cases also demonstrate the ways sexological understandings of gender and sex permeate legal arguments.

In addition, this chapter pays close attention to the limitations of resignification and the inherent exclusionary practices of categories more generally. I invoke a notion of transgender, which I call *trans,* that is not stagnant but in flux: one which responds to and accounts for the continual changing dynamics of discursive disciplinary power. I ground this new version of transgender in an analysis of two contemporary legal cases to illustrate how the transgender body (as defined through the trans-as-transgression model) questions the authoritative capacity of the law and forces us to reconsider the validity and practicality of hegemonic configurations of sex, gender, desire that remained tied to medical discourse.

Returning to the question of experience I examine in the first chapter, in the conclusion I consider how the category of experience can be rethought in relation to transgender bodies. I offer my own experience and complicated relationship to the category transgender to demonstrate the instability of identificatory practices more broadly and consider how transgender experience can be rethought as a form of self-undoing. In the process, I attempt to offer a brief transgender narrative that does not

assume my own stability as an author or subject. I examine how the process of writing this dissertation has upset and uprooted my *self* in the process of its production. I use the conclusion to explore the ways transgender experience can be thought of as an undoing rather than as the resolution of a discordant sex and gender.

Due to the theoretical challenges this project poses to contemporary articulations of transgender and its more specific interrogation of the sex/gender distinction, I use the terms transgender and transsexual somewhat interchangeably in the reconstructed notion of transgender that I offer in the final chapter. Throughout the genealogy of the wrong body I produce in chapters two and three, I use transgender and transsexual as they are designated by the specific theorists and sexologists I examine. It is only when engaging my own reconstruction of transgender that I intentionally muddy this distinction to produce a nuanced notion of *trans* that resists the logic of the wrong body in its numerous manifestations and implications.

This dissertation takes a novel approach to thinking about the relationship between the wrong body trope, the sex/gender distinction, and the relationship between unintelligibility and categories of identity. By tracing the genealogy of the wrong body trope, which allows me to interrogate how the concept transgender *produced* a new kind of subject, I illustrate how the pathologization of the transgender body remains tied to a distinction between sex and gender that has gone uncontested by scholars invested in affirming the experiences of transgender persons. The revised notion of transgender that I produce resists locating the sex/gender distinction at its center and makes discursive room for interrogating how the discourse of wrongness (as it applies to transgender bodies) is buttressed by the sex/gender distinction. It is my hope that this dissertation will contribute

to the field of transgender studies by producing a new way to conceive the category transgender, thus critiquing the pathologizing language of medical discourse and highlighting the ways transgender bodies complicate society's multiple investments in the sex/gender distinction.

CHAPTER ONE

RUPTURING THE SEX/GENDER DISTINCTION: TRACES OF THE WRONG BODY DISCOURSE IN CONTEMPORARY CONCEPTIONS OF TRANSGENDER

As Cher's remarks in the introduction illustrate, current mainstream discourse in the United States deploys the term transgender to describe individuals who are "born of the wrong body," noting the ways these individuals have a gender presentation or expression that is in contradistinction to their biological sex. This understanding of transgender assumes that sex and gender are disparate, mutually exclusive categories where one is fixed and the other is constructed. Although contemporary scholarship within transgender studies continues to examine the rhetorical aspects of transgender persons' deployment of the wrong body trope, scholars such as Sandy Stone, Kate Bornstein, Leslie Feinberg, Riki Wilchins, Nikki Sullivan, and Dean Spade have paid virtually no attention to the ways that the wrong body discourse remains steeped in a particular distinction between sex and gender, which not only goes uncomplicated but is also further corroborated by definitions of transgender which treat these concepts as inherently distinct.[1] In addition, existing scholarship fails to examine how the wrong body discourse informs contemporary definitions of transgender which place identitarian notions of personhood at their center. As a result, the logic of the wrong body remains virtually untouched and its ramifications remain largely unexplored.

Drawing on Butler's groundbreaking critique of the sex/gender distinction, this chapter examines how sex and gender are configured within contemporary transgender scholarship, its relationship to the wrong body discourse, and the subsequent ways both

1. I use the term "field" loosely to designate the recent barrage of scholarship focused on transgender identities. While the "field" of transgender studies is very much a space of contestation, publications such as the *Transgender Studies Reader* inevitably contribute to the canonization of certain texts as exemplary of transgender scholarship.

the sex/gender distinction and the wrong body discourse inform contemporary constructions of transgender. By returning to Butler's work on the sex/gender distinction, I illustrate how anti-foundationalist feminist theoretical concerns are not inherently antithetical to transgender studies as some scholars like Viviane Namaste and Julia Serano have implied. Rather, as I argue, Butler's work provides an opportunity to critically examine the ways the sex/gender distinction upholds contemporary definitions of transgender and contributes to the marginalization of bodies which question the hegemony of the gender/sex dichotomy. When put in conversation with current intellectual trends in transgender studies, Butler's work serves as an invitation to examine the conceptual limitations of current understandings and definitions of transgender.

I. THE TROUBLE WITH BUTLER

Although Butler is primarily concerned with the adverse consequences that emerge from feminist claims concerning the social construction of gender, her early work offers a valuable theoretical framework for considering the limitations of current conceptions of transgender. Scholars in transgender studies such as Namaste and Serano remain hesitant to apply Butler's work to transgender studies on the grounds that it minimizes the struggles of individuals who do not simply "perform" drag, but rather live full-time as members of the opposite sex. For these reasons, among others, Serano and Namaste dismiss Butler as transphobic and intellectually irrelevant. Serano's and Namaste's concerns allude to the legitimate tensions between the activist roots of transgender scholarship and the highly abstract theoretical tradition of antifoundationalist feminist scholarship, yet their critiques rest primarily on mis-readings of Butler's

arguments. As a result they not only ignore the potentially transformative implications of Butler's work for rethinking transgender as a contestation of medical discourse but when they do entertain her work, they problematically dismiss the philosophical elements of her project as abstractions that bear little relevance for supporting a movement aimed at affirming the experiences of transgender people.

Butler's early work—namely *Gender Trouble* (1990) and *Bodies that Matter* (1993)—interrogates the deleterious effects of intellectual projects that neglect to examine the discursive construction of "sex" in relation to gender and the theoretical dangers that result when this relationship goes uninterrogated.[2] *Gender Trouble*, which has assumed a canonical status in the fields of queer and feminist theory, forces us to consider the relationship between sex, gender, desire and various matrices of power and intelligibility. As a result of feminist theory's preoccupation with the social construction of gender, Butler notes an unforeseen and duly problematic consequence: feminist theory's myopic focus on the ways gender is socially constructed has inadvertently perpetrated an understanding of sex as a fixed, pre-discursive, natural category that exists outside the linguistic realm. In the process of theorizing gender as a social construction in an attempt to discredit patriarchal structures that argue "women" are biologically predisposed to passive occupations and subservient roles, feminists inevitably reified "sex" as a stable entity that exists prior to discursive formulations, leaving uninterrogated the theory that gender is constructed and sex is natural.

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2. Although Butler's later work, specifically *Undoing Gender,* deals explicitly with transgender issues, I focus predominantly on her early work because I think it provides a more theoretically rich framework from which to think about the confining nature of current configurations of transgender. My interest is not in Butler's writings on transgender issues per se, but rather how her early work can be used to rethink the category transgender and the ways its serves as an impetus to question the discursive conditions that enable transgender to emerge as an intelligible category.

The prevailing idea that gender is constructed and sex is biological dates back to Rubin's notion of the sex/gender system which she introduces in the essay, "The Traffic in Women: Notes on the Political Economy of Sex." In this essay Rubin uses the "sex/gender system" as a replacement for "patriarchy" in order to document the ways women are systematically devalued through kinship and cultural systems. For Rubin, women's oppression is not the result of biology but social practices that position women as inferior and "other." As she notes, gender "is a socially imposed division of the sexes" and as a system it "transforms males and females into men and women."[3] If gender is a system then, for Rubin, sex is the biological component, which determines its rules and regulations.

Butler takes particular issue with theories like Rubin's because they falsely suggest that sex does not have a discursive history of its own. For Butler, the following questions are not and should not be impervious to careful scrutiny: "Does sex have a history? Does each sex have a different history, or histories? Is there a history of how the duality of sex was established, a genealogy that might expose the binary options as variable construction?"[4] Through a careful deployment of Irigaray, Beauvoir, Wittig and Foucault, Butler launches her argument that it "makes no sense then to define gender as the cultural interpretation of sex, if sex itself is a gendered category."[5] For Butler, if all sex is gender anyways and vice versa then we must turn our attention to the ways the category sex has assumed and been configured as a concept immune to the conditioning effects of linguistic protocol, assuming its pre-discursive state.

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3. Gayle Rubin. "The Traffic in Women: Notes on the Political Economy of Sex" in *Toward an Anthropology of Women*, ed. Rayna Reiter (New York, NY: Monthly Review Press, 1975), 179.

4. Judith Butler, *Gender Trouble,* 2nd ed. (New York: Routledge, 1999), 10.

5. Ibid.

In offering this argument Butler turns to Foucault, although again not without mediated skepticism, to illustrate the ways that ideas regarding sexuality have produced sex as a "fictive category" (117). She juxtaposes Foucault's ideas in *History of Sexuality 1* with Foucault's introduction to the *Diaries of Herculine Barbin* to elucidate what she argues are inconsistencies embedded within Foucault's writings. As I discuss in more detail in the fourth chapter, Butler's critique of Foucault's reading of Barbin ignores the nuances within Foucault's conception of the law and its relationship to power. Furthermore, given the relationship between Butler's argument on the fictitious coupling of gender with sex and with desire and the obvious ways that the figure of Barbin elucidates such fictions, it is surprising that Barbin does not figure more prominently in Butler's ruminations on drag specifically and throughout *Gender Trouble* more generally. Nevertheless, Butler's arguments in *Gender Trouble* remain useful for rethinking transgender.

In *Bodies that Matter*, Butler both modifies and expands the tenets of *Gender Trouble* and specifically attempts to delineate the ways that "all sex is gender anyways" through an appeal to linguistic deconstruction. She explains that sex is not that which exists as an entity prior to the mark of language nor is it possible for discourse to actually encompass its excess—there is after all, according to Butler, a certain degree of corporeal excess that can never be fully captured within the regulatory function of discourse itself. She critiques earlier feminist postulations that inadvertently constructed sex as that which is "before discourse" and in need of the "mark" of gender because such positions belie the productive power of discourse and its relationship to the way certain bodies are made culturally intelligible. For Butler the repercussions of such early feminist arguments

regarding the relationship between sex and gender are severe: "if sex is a contrived premise, a fiction, then gender does not presume a sex which it acts upon but rather gender produces the misnomer of a pre-discursive 'sex' and the meanings of construction become that of linguistic monism."[6] The "misnomer of a prediscursive 'sex'" becomes a central postulation throughout the essays featured in *Bodies that Matter*.

Butler's central concern is with how sex becomes materialized through discourse and not necessarily with the ways that gender acts become normalized through repetitive performances. This is not to say that the projects of both texts are mutually exclusive. In fact the opposite is true. But what Butler offers us in *Bodies that Matter* is a nuanced argument of the ways language operates with relation to gender and sex, and the ways language holds the possibility for norms to be subverted through acts that question the relationship between signifier, signified, and referent. The process of resignification allows for normative claims to be overturned, making room for acts, desires, pleasures, and identities that through their subjugation have been marginalized by heterosexism. For Butler, resignification depends on performativity, which she reminds us repeatedly is not simply "free play."[7] As I discuss more specifically in the last chapter, despite its limitations, resignification offers a viable paradigm for rethinking "transgender" in a manner that does not rely on the sex/gender distinction.

Butler's work forces us to consider how terms like "sex" and "gender" undergird how we conceive "transgender" and categorize these "socially aberrant" bodies. Butler aptly argues that the distinction between sex and gender *appears* natural but in reality is the product of discursive power. Although Butler does not turn her attention to the ways

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6. Judith Butler, *Bodies that Matter* (New York: Routledge, 1993), 6.
7 . Ibid, 128.

the sex/gender distinction operates in transgender scholarship, her critique of feminist theory exposes the problems with contemporary definitions of transgender and raises the question as to whether transgender as a concept remains antithetical to anti-foundationalist claims in feminist theory. The questions Butler poses in *Gender Trouble* and *Bodies that Matter* compel us to consider exactly how the sex/gender distinction is sustained by current conceptualizations of transgender and how it has materialized on the transgender body. Despite the fact that these questions interrogate the foundation of contemporary notions of transgender, I argue that they are not incommensurate with a rethinking of the category transgender. They simply offer a new theoretical lens from which to consider the shortcomings of current paradigms of transgender.

Along similar lines, in her article "TransFeminism and the Future of Gender," Gayle Salamon indirectly draws from Butler to note some of the limitations of current work in transgender studies, paying particular attention to the pervasive dismissal and disavowal of social constructionism by some of the field's foremost thinkers.[8] Given the field's general concerns about "theories" of social constructionism, which some like Namaste and Serano, argue can't account for the ways "gender" is central to [many] transgender person's self-identity, one might expect scholars to exhibit some unease around Butler's critique of the sex/gender distinction because it gets to the conceptual root of contemporary articulations of transgender. As Salamon declares, "trans studies in its current, nascent state is often dominated by a liberal individualistic notion of

8. Salamon admittedly constructs the field of transgender studies around the publication of *The Transgender Studies Reader*. By extension, for Salamon, the field's foremost thinkers include Stryker, Whittle, Spade, Bornstein and Feinberg among the many other scholars published in the volume.

subjectivity" and thus would benefit from feminist critiques of subjectivation.[9] Salamon's observation points to the legitimate tensions between feminist antifoundationalism and transgender studies' embrace of identity politics, tensions which contribute to the skepticism many transgender scholars have towards queer theoretical paradigms.[10] Although Salamon's remarks are relevant and compelling, neither she nor the scholarship she criticizes consider how Butler's work provides an opportunity to interrogate and radically transform the category transgender away from the sex/gender distinction.

Like Salamon, Stryker has also taken stock of the less than welcome reception Butler has received by scholars in transgender studies. In the introduction to *The Transgender Studies Reader* (2008), Stryker mentions that Butler is critiqued, "somewhat misguidedly" but does not elaborate on these misreadings nor implicate any particular theorist.[11] Stryker's observation is critical in re-establishing the importance of Butler for transgender studies, but her claim that these critiques are only somewhat misguided minimizes the extent to which critiques like Namaste's and Serano's consist of a complete disregard for Butler's philosophical project. In so doing, both Namaste and Serano ignore the importance of philosophical arguments for thinking about "transgender," its relationship to "aberrantly" gendered bodies, and the role of medical discourse in the configuration of the category "transgender." Not only do Serano and Namaste fail to consider the limitations of medical paradigms for conceiving transgender, but their critiques of Butler are unconvincing because they severely misread

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9. 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.

10. Namaste is one of the most vocal critics of queer theory, but concerns about the ways transgender bodies are appropriated by queer theory persist in the work of scholars like Pat Califia, Emi Koyama, Leslie Feinberg, Julia Serano, Jenny Boylan, and Kate Bornstein.

11. Susan Stryker, "(De)Subjugted Knowledges" in The Transgender Studies Reader, ed. Susan Stryker and Stephen Whittle (New York: Routledge, 2006), 10.

performativity, which they construe as whimsical and chosen at will. As I discuss in the pages that follow, Namaste's misreading of Butler revolves around the erroneous dichotomy of "performance" and "non-performance" while Serano insists that endemic to Butler's notion of "performance' is the idea that there are "good" and "bad" performances.

In what was one of the first texts to address the treatment of transgender by queer theory, Namaste's *Invisible Lives* (1994) calls on queer theory to pay greater attention to the lived realities and hardships transgender people face. Namaste contends that in queer theory's embrace of the malleability of gender as a social construct, the "experience" of transgender subjects has been virtually ignored by such scholars. She attempts to bridge her own position as a sociologist invested in poststructuralism with queer discourse to produce a novel account of transgender personhood that both critiques and contributes to current paradigms in queer theory. The text appropriately demands that scholarly attention must be turned to the actual needs and disenfranchisement of transgender persons, but in the process it misrepresents the important theoretical contributions of queer theory to critique the very systems of power that uphold the discriminatory schemas which result in the oppression and pathologization of transgender bodies. In part because she associates Butler with the "evils" of queer theory, Namaste never considers the possible contributions of Butler's work to the poststructuralist sociological paradigm she tries to erect.

In fashioning her poststructuralist sociology of transgender persons, Namaste claims that Butler's work too easily assumes that drag practices inevitably lead to liberation. She positions Butler's work on performance as something that is only

relegated to the stage: "That gay men can accommodate the presence of drag queens on stage does not mean that gender liberation has arrived. Indeed relegating such gender performances to the stage implies that gay men do not 'perform' their identities: they just are."[12] Namaste specifically interrogates Butler's construction of drag as a practice that leads to liberation because, as Namaste argues, this position implies that transgender persons who live full-time in genders that do not correspond to their biological sex occupy a social position not necessarily invested in subversive politics. For Namaste, critiquing theoretical positions that posit drag as a transgressive and liberating practice (and by extension situate transsexualism as regressive) is theoretically pertinent for the development of a trans-affirmative theory of gender and sex.

Namaste's critique of Butler can be characterized as a concern about the "politics of non-performance," which misses the fact that nowhere in Butler's work does performativity refer to a literal performance, as she infers. Drag functions as a particular *example* in which traditional notions of sex and gender become unhinged, but not as the only moment where categorical subversion is possible. As the rest of the context of *Gender Trouble* illustrates, performativity does not simply refer to those literal performances that occur on stage. Rather, drawing on J. L Austin's speech act theory, Butler's performativity refers to the ways all of us, as intelligible subjects, subscribe to certain practices that make gender and sex norms appear "natural" and tenable.[13] In keeping with Austin, for Butler, there is no state of "just being" in which gay men "just are," as Namaste posits. It is precisely that which appears natural or that which "just is" that performativity seeks to explain. Namaste's obsessive fixation on Butler's so-called

12. Viviane Namaste, *Invisible Lives* (Chicago: University of Chicago Press, 1994), 11.

13. Also see Eve Sedgwick and Andrew Parker, "Introduction" in *Performativity and Performance* (New York: Routledge, 1995), 1-19.

"subversive politics" combined with her refusal to delineate what she actually deems "subversive," ignores Butler's own clarification regarding her usage of "subversive" in later editions of *Gender Trouble*.[14] Namaste's disregard for the specific context and nuances of Butler's use of terms like "subversion" and "performance," and lack of attention to Butler's use of Austin, contributes to her overall misrepresentation of Butler's work and detracts from the larger argument she puts forth in *Invisible Lives*.

Although Serano's *Whipping Girl: A Transsexual Woman on Sexism and the Scapegoating of Femininity* (2007) was published roughly fifteen years after Namaste's *Invisible Lives*, it approaches queer and feminist theory, especially Butler, with similar suspicion and unease. In *Whipping Girl* Serano argues that feminism is central to advocating for the needs of transwomen, because the discrimination transwomen face results from the sexism embedded within cultural attitudes and beliefs that posit women as inferior to men. In order to cultivate a transgender movement that appropriately addresses the needs of transwomen, Serano advocates for a return to feminist ideals. However, Serano's argument that feminism has important contributions to make to platforms aimed at garnering transgender equality relies on a narrow, oversimplified, universal, and monolithic conception of feminist thought. To her credit, Serano attempts to briefly address the different "schools" of feminist inquiry, judging which contributions are more valuable than others to transgender studies. However in the process, she ends up configuring all feminist ideals and political objectives as akin. Through her recitation of

14. In the second edition of *Gender Trouble*, Butler explicitly addresses this misreading. She notes that she did not intend to use "subversive" to imply that there is a certain formula that makes something subversive. Rather she explains that it is impossible to know whether an act will have a subversive effect before it actually happens. As I address in the fourth chapter, Butler also addresses the ways "subversion" has been read as an "escape" from structures of power—a concern she attempts to dispel in later editions of the text.

these "schools," Serano ignores the diverse competing and conflicting theories and positions that contribute to the range of the feminist theories we know today. Her superficial treatment of feminism disregards the more complicated and abstract theoretical paradigms, including those of Butler, by positioning them as counterproductive to addressing the needs of biological women and transgender women. Serano not only misrepresents Butler, but dismisses the possibility that her ideas may actually be relevant to critiquing the pathologization of transgender bodies.

While Namaste is concerned with what I refer to as the "politics of non-performance," Serano finds problems with what she calls Butler's "good" and "bad" performances: the "good" ones referring to those that facilitate subversive goals and the "bad" ones which simply reinforce hegemonic norms. Armed with this logic, Serano extends Butler's remarks to argue that Butler and other "deconstructive feminists" insinuate that women who uncritically embrace femininity remain dupes of heterosexist and patriarchal constructions of sex and gender: "Both deconstructive and unilateral feminisms share the belief that femininity is not a natural form of expression."[15] She goes on to write that "because feminine women choose not to adopt these supposedly radical anti-sexist gender expressions they may be seen as enabling sexism and thus collaborating in their own oppression."[16] For Serano, "deconstructive feminists" like Butler do a disservice to feminism because their work dismisses femininity as anything other than a "gender identity" made possible by patriarchal, heterosexist discourses and practices. She is quite clear about the relationship between "femininity" and "identity:"

15. Julia Serano, *Whipping Girl: A Transsexual Woman on Sexism and the Scapegoating of Femininity* (San Francisco: Seal Press, 2007), 336.

16. Ibid., 337.

femininity is not a socially constructed, culturally contingent concept but a term used to describe an inner predilection that is firmly rooted in the biology of the individual.

Not only does Serano neglect to buttress her argument with nuanced close readings of the so-called "deconstructive and unilateral feminists" she argues against, but her argument is also symbolic of a refusal to closely engage with Butler because, presumably, her early work has done a disservice to transgender persons. Whiles scholars like Namaste have attempted to document the ways queer theory has paid scant attention to the real life challenges many transgender persons face, her claim that Butler's work alone is guilty of propagating transphobic sentiments that simultaneously deride femininity lacks validity and only widens the chasm between transgender studies and feminist and queer theories.[17] I agree that it is important to chronicle the shortcomings of theoretical frameworks that tokenize or negate certain schemas of identity, but it is equally valuable, if not more so, to consider what it would mean to engage Butler's critique of the sex/gender distinction and consider its ramifications for thinking "transgender" apart from the prevailing sex/gender paradigm. These questions which neither Namaste nor Serano entertains, are important when considering Butler's relationship to transgender studies: What *does* Butler's work offer transgender studies? How does Butler's critique of the sex/gender distinction compel the production of

17. For a personal account of the ways transgender issues have been ignored by queer theory, see Stryker's introduction to *The Transgender Studies Reader*. Leslie Feinberg has also written on this topic in hir edited collection, *TransLiberation.* In a less formal context, Emi Koyama has also critiqued the limitations of theoretical discourse for dealing with the real-life experiences of transgender and intersex persons. For more information on Koyama's writings, see her blog http://www.eminism.org. Although I find Namaste's work problematic for the aforementioned reasons, *Invisible Lives* appropriately addresses the ways queer theory has ignored transgender experience even though it has taken a theoretical interest in the deconstruction of binaries. For Namaste, this theoretical interest ignores the ways some transgender persons actually desire to live as part of a dichotomous gender schema. It is also worth noting that each of these scholars suggest that queer theory is a field with easily determined parameters. Given its amorphous configuration, exactly what constitutes queer theory as a field is always up for debate even though this has gone unacknowledged by its critics.

theoretical work that questions the ways "sex" and "gender" are naturalized by prevailing frameworks of transgender? And does this refusal to closely engage Butler further signal a reliance on conceptualizations of transgender that place a stable notion of the subject at the forefront?

One could argue that the reluctance by some in transgender studies to engage Butler's work on a sophisticated level points to an inherent discordance between Butler's ideas and the field of transgender studies. And while this claim speaks to some tensions between transgender studies and queer theory, I want to suggest that Namaste's and Serano's rejection and dismissal of Butler is, more importantly, symbolic of transgender studies' stake in identity politics and its rigid configuration of "transgender," which continues to place a stable notion of the subject and the wrong body at its center. This distinction between sex and gender remains the prevalent framework for understanding which bodies and acts are constitutive of the term transgender to critique this distinction is for some, also to question the legitimacy of transgenderism more broadly. But why must the act of affirming transgender lives be contingent upon reproducing a narrow framework of transgender that buttresses medicalized accounts of sex and gender? The production of a trans-affirmative account of "transgender" is possible *even if* the conceptual underlay of transgender is questioned. As I argue throughout this dissertation, Butler's work serves as an invitation to create a more robust version of transgender that both affirms the existence of transgender individuals and interrogates the conditions that contribute to the marginalization they endure.

II. TRANSGENDER STUDIES AND THE RHETORIC OF THE WRONG BODY

Aside from Salamon's account of transgender studies' erroneous representation of social constructionism, Butler's work on the sex/gender distinction has not been put in conversation with contemporary transgender scholarship on the wrong body trope as a descriptor of transgender experience. Early scholars such as Stone, Bornstein, and Wilchins questioned the frequency with which the wrong body trope is deployed, while Spade and Sullivan expanded their observations to question specifically why the conceptual intelligibility of transgender is tied to a medicalized account of the wrong body, but all of them have ignored the ways the wrong body rests on the differentiation between sex and gender. By highlighting the socio-political circumstances that enable the emergence and dissemination of the wrong body trope, each of these scholars considers the prevalence of the wrong body trope and how it has come to stand as the dominant discursive *metaphor* of transgenderism. Although the aforementioned theorists have appropriately noted the strategic elements behind transpersons' deployment of the wrong body trope, they have (1) ignored the discursive conditions that enabled its emergence as exemplary of transgender and (2) have overlooked the ways that the wrong body trope remains predicated on a particular conceptual relationship between sex and gender. In so doing, scholarship which examines the rhetorical dimensions of the wrong body trope has neglected to interrogate the complicated and tenuous interconnections between nascent notions of homosexuality, transgender and contemporary uses of the wrong body.

In her legendary article "The Empire Strikes Back," Stone became one of the first transgender persons to investigate the widespread popularity of the wrong body trope, declaring that its frequency was not simply representative of an "inner truth' which all

transgender persons share but, rather, was the result of certain modes of intelligibility that construct the wrong body trope as emblematic and representative of transgenderism. Stone constructs her essay as a reply to Janice Raymond, whose vitriolic statements about transwomen's appropriation of feminism contributed to tensions between transwomen and second wave feminists.[18] In response to Raymond's assertion that transwomen claim to be in the wrong body so that they can infiltrate women's only spaces, Stone argues that transwomen's embrace of the wrong body trope functions as a rhetorical strategy used to gain access to certain surgical measures.

Through an examination of four transgender autobiographies, Stone notes that in all of these texts it was at precisely the same moment that each author produced a stereotypical account of womanhood to rationalize her transition from one sex to another. This uncanny similarity forced Stone to consider exactly "who is telling the story for whom, and how the storytellers differentiate the story they'll tell and the story they'll hear."[19] Upon further consideration of the relationship between discourse and experience, Stone notes that it became clear from the evidence she gathered that transpersons were studying the medical criteria which sexologists had established for sex reassignment surgeries. She concluded that it was through transpersons' critical examination of medical protocol that the wrong body syndrome had assumed such discursive prominence. Stone notes that once the above material was established as a necessary criterion for transgender persons to obtain surgery, it became difficult if not impossible for a counter

18. Although many of Raymond's ideas have been discounted, her publication *The Transsexual Empire: The Making of the She-Male* (1979) remains one of the first "feminist" analyses of transsexualism. See Janice Raymond, *The Transsexual Empire*: *The Making of the She-Male* (New York: Teacher's College Press, 1994).

19. Sandy Stone, "The Empire Strikes Back: A Posttranssexual Manifesto," in *The Transgender Studies Reader*, ed. Susan Stryker and Stephen Whittle (New York: Routledge, 2006), 228.

discourse to emerge without as Stone writes being, "programmed to disappear."[20] Her postulation that the popularity of the wrong body trope could not be considered apart from an analysis of its rhetorical and strategic dimensions gave rise to burgeoning work that interrogated the efficacy of the wrong body trope for explaining "the transgender experience."[21]

Influenced in part by Stone's groundbreaking analysis of the rhetorical strategies deployed by transsexuals, Kate Bornstein's *Gender Outlaw* (1994) was one of the first texts to critique the logic of sex "crossing." In *Gender Outlaw*, Bornstein declared that she did not consider herself to be solely female or male and in effect, troubled the configuration of transsexuals as "trapped" in bodies of the wrong sex. Bornstein describes the process by which she decided to transition, but does so in a manner that critiques the underlying logic of the wrong body discourse. Although Bornstein's work is not directly in conversation with Raymond per se, she provides another important counter-narrative to the image of transsexuals Raymond depicts and points to the ways sex categories are stabilized in these accounts.

In an attempt to fashion her own self-understanding of transgenderism in a manner that rejects the wrong body trope, Bornstein argues that the trope serves as a metaphor which, while apt for describing the experiences of some transsexuals, is not necessarily a direct reflection of a transgender person's "true feelings." She does not explain what she means by "true feelings" but this assertion implies that for Bornstein there is some pre-discursive emotional "truth" which determines one's transgenderism.

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20. Ibid., 230.

21. I use quotation marks here to signify the ways "the transgender experience" is both constructed through the discourse of the wrong body and rendered monolithic. I am not suggesting that there is a universal transgender experience, but rather wish to point out the ways the wrong body discourse has *come* to represent a presumably universal experience which all transgender persons share.

These feelings lead to a recognition of the state of being transgender and become universal as transgender feelings. She also asserts that, while she understands that many transgender persons succumb to the logic of the wrong body when describing their pre-operative lives, that "it's more likely an unfortunate metaphor that conveniently conforms to cultural expectations rather than an honest reflection of our transgendered feelings." [22] By urging transgender persons to find new metaphors that speak to their experiences, Bornstein argues that we can create new forms of speech to make visible the obstacles transgender persons face. Although Bornstein suggests that the creation of new metaphors would contribute to a more heterogeneous discourse of transgender experience, she does not explore the institutional forces that have rendered the wrong body as a pervasive trope for discussing and theorizing transgenderism in the first place. Her argument, while influential for the time it was written, still posits a collective transgender emotional experience and, in the process, ends up obfuscating intra-group difference.

Most importantly for the purposes of this dissertation, Bornstein's contention that the wrong body trope merely serves as an "unfortunate metaphor" ignores the ways the wrong body trope has come to actually define, not simply represent, the category "transgender." Bornstein's remark that the wrong body trope is *just* a metaphor colludes with the sex/gender distinction as the foundation of transgender. Her assertion that the wrong body trope is an "unfortunate metaphor," while true in many respects, does not account for its discursive legacy and conceptual hegemony within contemporary articulations of the category transgender. The wrong body trope does not simply appear

22. Kate Bornstein, *Gender Outlaw: On Men, Women and the Rest of Us* (New York: Routledge, 1994), 66.

in contemporary transgender discourse as one descriptor among many but, rather, remains fundamental to how we understand and conceive of the category transgender.

While Stone and Bornstein focus on the rhetorical dimensions of the wrong body trope, Riki Wilchins describes how the wrong body trope naturalizes the male/female sex dichotomy. In the preface to her edited collection *Genderqueer*, Wilchins articulates the necessary criteria transgender persons must assume with regard to the "original" state of their body in order to obtain sex reassignment surgery. Noting a direct correlation between the trope of the wrong body and the likelihood of obtaining desired surgical intervention, Wilchins flippantly asserts that if she'd "worn [her] intersex society of North America Hermaphrodites with Attitude T-Shirt" and told them "I feel like a herm trapped in a man's body they wouldn't have understood and would have shipped me off to a rubber room."[23] As Wilchins' poignant remark indicates, the criteria for sex reassignment surgery rest not only on a willingness to embrace the language of the "wrong body," but also on a particular configuration of the pre-transition body in which the discrete lines of "male" and "female" are not categorically threatened. Intersex bodies or those that deviate from these norms at birth remain ineligible for sex reassignment surgery because, as the third chapter examines in more detail, if doctors were to surgically operate on intersex adults, such an act might imply that the initial surgery aimed to correct intersexuality had been a mistake.

Stone, Wilchins, and Bornstein laid important groundwork by citing and noting the prevalence of the wrong body trope and the problematic assumptions embedded within it. Expanding upon these observations, Spade and Sullivan both draw on Foucault

23. Riki Wilchins, "It's Your Gender, Stupid!" in *Genderqueer*, ed. Joan Nestle, Clare Howell and Riki Wilchins (Los Angeles: Alyson Books, 2002), 25.

to examine the correlation between the wrong body trope and biopower as it relates to the creation of the category transgender. Spade's precarious relationship to the category "transgender" and his constant interrogation of its discursive limits produces an analysis that questions medicalized accounts as to what it means to be living in the wrong body. However he does not push beyond this to consider how transgender might be rethought apart from medical discourse. By contrast, Sullivan's critique of the wrong body logic as it corresponds to self-demand amputees indirectly points to the ways the logic of the wrong body is tied to the sex/gender distinction, although without examining this correlation explicitly.

In his essay "Mutilating Gender," (2006) Spade draws from Foucault and documents the ways biopower impels transgender persons to adopt certain speech patterns in order to achieve surgical measures. Spade critiques Bernice Hausman, whose book, *Changing Sex* (1994), concluded that if it weren't for medical advancements in medical technology and endocrinology, transsexuals would cease to exist. In response to Hausman, Spade posits that there is an alternative relationship between medical protocol and the transsexual identity: "I've quickly learned that the converse is also true, in order to obtain the medical intervention I am seeking, I need to prove my membership in the category 'transsexual'—prove that I have GID [gender identity disorder]—to the proper authorities."[24] Although many have cited Hausman's work as exemplary of transphobia within the academy, Spade expands on these critiques to note that Hausman's logic neglects to consider the ways medical discourse mandates transgender persons to adopt the language of the wrong body trope and other corresponding discourses.

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24. Dean Spade, "Mutilating Gender" in *The Transgender Studies Reader*, ed. Susan Stryker and Stephen Whittle (New York: Routledge, 2006), 317.

Spade develops his critique of Hausman by detailing his own quest for chest reconstruction surgery and the challenges he endured in the process. Through his attempts to convince doctors to surgically modify his body, Spade notes the difficulties he had in obtaining a male chest and, as a result offers a counter-narrative to the prevailing medicalized notion of transsexual. Spade's emphatic quest for a male chest and his insistence that this is all he wants produces an account of transgender that complicates the prevailing trope of the wrong body: for Spade, it isn't his body that is wrong but only his chest. As his own recitation of his experiences demonstrates, Spade's request for chest surgery could not be heard because he refused to claim a particular subjectivity based on the wrongness of his entire body.

Spade's re-enactments of his sessions with counselors and medical professionals point to the narrow framework transgender persons need to employ in order to gain surgical interventions that complicate sex/gender binaries. He critiques the medical profession for controlling paradigms of transgender embodiment which insist that transgender persons who desire surgical intervention must intend to "fully" transition to one sex or another. As Spade argues, these paradigms not only govern who constitutes the category transsexual, but also dictate what forms of gender or sex transgression are permissible and, in effect, create new forms of intelligible bodies: those who accept and deploy the wrong body paradigm. As a result, the category transgender implicitly excludes gender-transgressive performances that do not conform to the medical discourse of the wrong body.

While Spade offers an important critique of Hausman and appropriately notes the restrictive frameworks deployed by the medical industry, he does not consider the ways

the distinction between transgender and transsexual is dependent on a specific deployment of the wrong body, and a differentiation of sex from gender. Through the process by which he argues that the medical profession is responsible for current conceptualizations of transgender, Spade invariably configures transsexual as a category that is contingent upon and a consequence of pathologizing accounts of transgender. Hence, for Spade, transsexual will always be determined by medical discourse in so far as that in order to be "read" as transsexual one must ascribe to the logic of the wrong body. Spade's implication that transsexual is a term contingent upon medical discourse, which is consequentially responsible for its widespread circulation, leaves no room for reconfiguring *both* transsexual and transgender as categories that resist medical discourse.

In her essay, "The Role of (Trans)Formation of 'Wrong Bodies,'" Nikki Sullivan also uses a Foucauldian critique of biopower to ascertain the rhetorical contingency of the wrong body trope. She considers why the wrong body works in the transgender context but not in the cases of "wannabes" or "self-demand amputees."[25] Sullivan argues that to assume that the logic of the wrong body would work within the wannabe context not only configures this concept as universal and abstract, but also suggests that transgender discourse remains situated within a discourse of personal autonomy and not medical pathologization. Since wannabes are not diagnosed with a medical condition, their deployment of the wrong body remains unconvincing to a medical industry which insists that medical procedures only occur to amend or fix pre-existing physical conditions. For

25. Self-demand amputees, often referred to as "wannabes," are individuals who seek the removal of healthy, functioning limbs. As depicted in the documentary *Whole*, self-demand amputees often go to great lengths to have their limbs removed and even resort to painful measures to remove their limbs when medical providers refuse to do so.

wannabes, the removal of a healthy limb creates, as opposed to fixes, a physical abnormality and disability. The logic of feeling trapped in a two-armed body when a wannabe claims s/he should only have one arm remains almost universally unintelligible because the experience of wannabes exists outside of medical pathology and diagnosis.[26] Although Sullivan's emphasis is on how the wrong body trope is *not* an effective rhetorical strategy for wannabes, her analysis also points to the reasons why it prevails within transsexual discourse. As Sullivan notes, the wrong body discourse works for transsexuals because the desire to be "male" or "female" is culturally understood, which positions transsexual as an intelligible category of personhood. In the case of wannabes, by contrast, the process of becoming "disabled" is deemed as culturally undesirable and virtually incomprehensible.[27]

While Sullivan appropriately and compellingly notes the limitations of the wrong body logic within the context of wannabes, she, like Spade, neglects to examine how the wrong body logic also rests on a particular construction of sex and gender which undergirds its usage and circulation within the transgender context. The logic of the wrong body discourse not only fails in this particular context because wannabes desire an inferior social status as disabled, but also because the wrong body trope is directly connected to a specific distinction between sex and gender upon which the category transsexual remains contingent. As the third chapter explores in greater detail, contemporary usage of the wrong body discourse to describe transgender bodies circulates within a larger scientific discourse invested in maintaining heteronormative

26. See Nikki Sullivan, "The Role of (Trans)Formation of 'Wrong Bodies,'" *Body and Society* 14 no. 1 (2008): 105.

27. Although she does not address "wannabees" specifically, Rosemarie Garland-Thomson's work offers an excellent analysis of the social construction of "ability." For a good introduction to her work, see Rosemarie Garland-Thomson, "Feminist Disability Studies," *Signs* 30 no. 2 (2005): 1557.

ideals of sexual behavior. One's willingness to assume a heterosexual lifestyle influences the likelihood of receiving a transgender diagnosis. The wrong body trope remains illogical for thinking about the particular plight of wannabes because wannabes are not framed by the sex/gender paradigm.

The aforementioned theorists have provided valuable insights into the ways the wrong body trope can be used as a strategic intervention, highlighting the fact that it is not necessarily derivative of the inner sentiments of transgender persons. However the relationship between the wrong body trope and the sex/gender distinction in conceptual frames for understanding transgender remains largely unexplored. In spite of the theoretical interventions by the aforementioned scholars, the wrong body discourse and the distinction between sex and gender remain largely unexplored and persist as the primary mode for thinking about transgender. As the next section demonstrates, the wrong body trope not only dominates transgender theory, but also remains a popular literary trope for authenticating the author as a transgender subject.

III. NARRATING THE WRONG BODY, "BECOMING" TRANSGENDER

Although the following memoirs offer personalized accounts of transgender, they are not immune to the prevailing logic and discourse that surrounds transgender and the wrong body. Again and again, transgender memoirs conjure an image of transgender that supports the logic of the wrong body and depend on a distinction between sex and gender, whereby the individual has a biological predisposition to male or female. In the following section I examine the narratives of Jenny Boylan, a self-described MTF transsexual, and Chaz Bono, daughter-now-son of Sonny and Cher, to illustrate the ways

the wrong body both functions as a primary descriptor of transsexuality and requires an analytical differentiation between sex and gender.[28] I analyze precisely what sex and gender signify for each of these authors and demonstrate how their use of the wrong body trope informs how they understand transgender as an identity-based category. For both Boylan and Bono, the process of transitioning from one sex to the other is linear and straightforward whereby dichotomous sex is re-established as natural and pre-discursive. My goal here is not to produce a detailed analysis of each author's memoir nor to reveal the inconsistencies and slippages between the aforementioned authors' uses of the trope. Rather I draw on these memoirs because they offer clear examples of the literary prevalence of the wrong body trope and demonstrate its theoretical consequences for contemporary definitions of transgender. Furthermore, within each of these narratives the historical and cultural production of the relationship between sex and gender is not only obscured, but sex itself is assumed to be a natural category that is always intelligible as male or female.

As a close reading of both of these texts will make clear, there is considerable variation as to what constitutes gender and sex for both Boylan and Bono. For Boylan, gender is both that which is socially constructed but also that which is a predetermined orientation to male or female. In contrast for Bono, gender refers primarily to the individual's sense as being either male or female. The emphasis that both Boylan and Bono place on the idea that gender has a biological component differs from Rubin's original understanding of gender as the social components of a "sex/gender system." And yet, even though gender is used to signify something different for Bono and Boylan than

28. I use the shorthand MTF and FTM to refer to male to female transsexuals and female to male transsexuals, respectively.

it is for Rubin, the idea that sex and gender are mutually exclusive categories persists throughout all of these examples.

In her memoir *She's Not There: A Life in Two Genders*, Boylan describes her transition from male to female and the process of self-actualization which influenced her decision to "come out" as transgendered. She describes the ensuing process of hormone treatments, surgical interventions, and psychological examinations that accompanied her journey from living as a man to physically and emotionally assuming a new life as a woman and the professional and personal ramifications that followed. Although not always the explicit focus of the events she recounts, Boylan emphasizes that she had always known she was different from her peers—something she attributes to her desire to assume female roles in imaginative play and her deeply-felt conviction that she was actually female. The text itself, which clearly marks her transition as a pivotal moment in Boylan's lifetime, addresses the personal and professional implications of her decision to transition as well as the tensions caused by the hidden, prior truth she held prior to "coming out."[29] For Boylan, the process of coming out allowed for the revelation of an internal unchanging identity.

Boylan's testimony to her life as a transsexual and the process of self-discovery and self-actualization that accompanied her transition substantiates hegemonic understandings of transgender which position the wrong body as the essential component of transgender subjectivity. She describes the intense feeling that something in her life simply wasn't right and the painful emotional consequences that resulted from banishing

29. Although not the focus of this dissertation, following Foucault it is important to consider the ways "coming out" discourse is a ruse insofar as it suggest the revelation of an inner truth that is itself the consequence of the repressive hypothesis. See Michel Foucault, *History of Sexuality, Volume One*, trans. Robert Hurley(New York: Vintage, 1990). Also, for a classic investigation of secrecy as sexual see Eve Sedgwick, *Epistemology of the Closet* (Berkeley: University of California Press, 1990).

and ignoring her transsexuality. Upon reflecting on her childhood, Boylan writes that: "since then the awareness that I was in the wrong body, living the wrong life, was never out of my conscious mind—*never*, although my understanding of what it meant to be a boy or a girl was something that changed over time."[30] For Boylan it was this emotional disconnection from her physical body and what she refers to as her "spirit" that eventually led her to question the congruity between her gender and sex.

Boylan describes this incongruity by remarking that she always felt "female," asserting that this inner feeling of being "female" is proof that her male sex did not correspond with her gender. In response to the array of questions she received about her transsexuality, Boylan explains that these questions were always difficult to answer because she "could hardly imagine what it would be like *not* to know what your gender was." Boylan continues: "it seemed obvious to me that this was something you understood intuitively, not on the basis of what was between your legs, but because of what you felt in your heart. Remember when you woke up this morning—I'd say to my female friends—and you knew you were female? *That's* how I felt. *That's* how I knew."[31] For Boylan, gender signifies an innate core feeling that one only had to uncover when a feeling of "wrongness" or incongruity was apparent to the individual.

The distinction Boylan draws between gender and sex cannot be conceptually rendered apart from the precise criteria Boylan offers as to what it *means* to be a boy or girl. Although Boylan contends that her own sentiments as to what constitutes a boy or a girl have shifted over time and throughout the course of her transition, her prose is rife with gendered statements that are worthy of closer investigation. The demarcations

30. Jennifer Finney Boylan, *She's Not There: A Life in Two Genders* (New York: Broadway Books, 2003), 19.

31. Ibid., 22.

Boylan proposes between what it means to be either a boy or a girl constitute a certain act of gendering that Boylan neither opposes nor deconstructs, but rather to which she contributes. She attributes gendered characteristics to mundane acts such as hiking and cooking—neither of which necessarily have anything to do with the gender one assumes. But for Boylan her interest in traditionally "female" activities was directly related to her inner belief that she was actually a woman. Upon reflecting on her childhood, Boylan writes that "still this conviction was present…when my father and I shot off model rockets," suggesting that no amount of exposure to traditionally masculine activities could change her deep-seated belief that she was female.[32] For Boylan, "model rockets" aren't simply a gender-neutral activity that interests some children and not others, but rather an inherently masculine enterprise whereby an individual's interest results from a biological predisposition to a particular sex.

As the previous examples stipulate, on the one hand Boylan constructs her childhood interests as evidence of her deeply felt transgender identity to suggest that transgenderism as a condition cannot be cured through counseling. And yet, on the other hand, at different points in the text Boylan affirms gender stereotypes by contending that men's and women's interests remain distinct on account of differences in hormone levels, which she constructs as partially indicative of an individual's sex. Within this paradigm, Boylan suggests that an individual's levels of testosterone and estrogen influence his or her desires and tastes. In response to questions she received regarding the effects of hormone treatment, Boylan quips that "when people asked me, later, what the effects of the pills were, I cleverly said, 'Well, the one pill makes you want to talk about

32. Ibid., 20.

relationships and eat salad. The other pill makes you *dislike* the Three Stooges.'"[33] This remark not only buttresses stereotypical depictions of men and women, but more importantly implies that such desires have a gendered component that can be linked to the levels of testosterone and estrogen present in one's body.

Although Boylan suggests that the increased levels of estrogen in her body influenced her desires, she states that her "sense of having a woman's spirit [had] almost never left."[34] Boylan's use of "spirit" and its relationship to "gender" warrants further reflection. The term spirit in this context is particularly interesting because it configures gender as something innate that extends beyond the realm of intelligible discourse. Gender has an ethereal, spirit-like quality that cannot be reduced discursively and yet, as the previous example suggests, it may also be modifiable through exposure to certain hormones. These examples offer two different configurations as to what gender is and what it contains. In the first example, Boylan positions gender to signify one's inner desires (which she proposes are unchanging and immune to changes in hormone levels) whereas, in the second example, one's gender can be modified when one augments one's hormone levels. These competing understandings of gender in turn not only support stereotypical accounts of masculinity and femininity, but also point to important tensions in the text. For Boylan, gender emerges as something that at certain times is the result of hormones and at other moments the result of an inner, unchangeable predilection to a particular sensibility.

Even though Boylan suggests that gender results from an innate sensibility *and* hormonal configuration, the one thing that remains constant in her conception of gender

33. Ibid., 140.
34. Ibid., 130.

is its distinction from sex. For Boylan, "sex" is the biological reality of having been born male. Her transition represents a literal "crossing" from "male" to "female" and, as a result, these categories are configured as disparate and pre-discursively distinct. At no point does Boylan question her birth sex as anything other than male even though she notes the ways hormone levels can augment the classification of one's hormonal sex. Boylan draws on a distinction between sex and gender in which she claims that living as an "effeminate man" simply "wasn't good enough," since her emotional and physical livelihood depend[ed] upon her ability to become not only feminine but female as well.[35] In drawing this distinction, she implies that she already has and has always had a feminine gender identity, but that she could not feel like a complete woman without transforming her sex to align with her gender.

Boylan's insistence that living as an "effeminate man" simply "wasn't good enough" constructs transsexualism as a condition more extreme than a mere transvestitic fetish for dressing up as the opposite sex. For Boylan, what delineates the transsexual from the transvestite is both a desire to live full-time as a member of the opposite sex and having a gender identity that is in contradistinction with the physical sex of one's body. As a result, being female emerges as the ultimate, most extreme representation of femininity. Throughout the text she attempts to deconstruct the presumption that male bodies always assume masculine gender presentations and yet, Boylan's emphasis on being female seems to suggest the opposite. She implies that in order to be *the most* feminine one has to also be female.[36] Hence, for Boylan, the goal is to move from being

35. Ibid., 22.

36. As my analysis of Christine Jorgenson's memoir in the third chapter will suggest, the idea that the most extreme form of femininity can only be accomplished through a female body persists throughout multiple texts. I want to be clear, however, that by marking this configuration of sex and gender, I am not

transsexual, which she constructs categorically through a sex/gender distinction, to being female, which she inherently defines as the convergence of a female body with a feminine gender presentation.

The aforementioned example illustrates the ways Boylan configures a distinction between feminine and female, thus marking a conceptual split between sex and gender, as central to her own understanding of self and of transsexuality more broadly. Although Boylan posits this distinction, she often conflates the gendered terms of masculine and feminine with the sexed terms of male and female as evidenced by the following example: "Gender is many things, but one thing it is surely not is a hobby….Being female is not something you do because it's clever or postmodern."[37] In addition to treating postmodernism as "faddish" and "irrelevant" in the similar way Namaste configures postmodernism, Boylan implies that "being female" is a gendered sensibility. Linguistically, "female" is an example of "sex," not gender, but Boylan implies that "being female" is actually a form of gender. This distinction remains important because Boylan positions sex as something that can be modified and gender as something largely innate. Within this framework, gender signifies the process of self-exploration whereby one comes to know one's internal psychic sex. Hence Boylan's use of gender refers to a medical understanding of gender in which gender is shorthand for gender identity and the social characteristics attributed to persons based on the biological composition of their bodies. She suggests that sex, while naturally distinguishable as male or female at birth, can also be modified appropriately via surgical and hormonal measures. For Boylan,

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suggesting as Bernice Hausman does that these women are dupes of the sex/gender system. Rather my focus is on how the distinction between "female" and "feminine" undergirds the self-identificatory practices in these particular texts.

37. Ibid., 22.

transsexuality reflects the discordance between sex ("the biological reality") and gender (the process of knowing an innate and inner "truth."), which reproduces the classic Western binarism between body and spirit.

Boylan positions her transsexual identity and female gender identity as a fact—neither of which can be altered since transsexuality is not a preference nor a social predilection but a matter of biology: "My conviction had nothing to do with a desire to be feminine, but it had everything to do with being female…being transgendered is about identity. It is a fact."[38] She contrasts transsexuality with homosexuality, implying that while transsexuality is a fact, homosexuality is culturally contingent. Boylan explains that "being gay or lesbian is about sexual orientation [while] being transgendered is about identity."[39] The implication is that "identity" is always a fact. By positioning transgenderism as a fact that is distinct from homosexuality, Boylan configures transgender as a particular identity that emerges out of sex/gender discordance. Boylan's insistence on the factuality of transgender identity produces an understanding of transgender that is grounded in an uncritical, uninterrogated notion of identity as something that pre-exists cultural intervention. Her emphatic assertion that transgenderism is a "fact" not only dehistoricizes transgender as a term, but also situates transgender within a conceptual framework that is tied to a problematic notion of identity, whereby identity categories are not socially contingent but assumed apriori.

When analyzed alongside her use of sex and gender, Boylan's insistence that she "was in the wrong body [and] living the wrong life" speaks to the various ways the sex/gender distinction is used to uphold the cultural intelligibility of the wrong body

38. Ibid., 21.
39. Ibid.

trope. For Boylan, living in the "wrong body" is defined by the fact that her "sex" and "gender" did not correlate, even though gender signifies both a biological predisposition and the ways certain activities are gendered through cultural conventions. The discordance between sex and gender contributes to Boylan's insistence that her transgenderism is a fact—an identity which is rooted in biology and not the result of cultural norms and historically specific notions of sex and gender.

In similar ways to Boylan, Chaz Bono's description of transsexuality in his memoir *Transition: The Story of How I Became a Man* (2011), remains tethered to the wrong body trope and what he posits as a distinction between "sex" and "gender." For Bono, sex is modifiable and gender is innate. Bono's version of sex-as-modifiable and gender-as-innate echoes Vernon Rosario's early observation in his essay, "The Biology of Gender and the Construction of Sex?" that "transsexualism suggests the material (re)construction of sex" which is based on the individual's understanding of gender as an innate predilection towards male or female.[40] While Boylan's use of gender is multifaceted in that he uses it to refer to social roles and an individual's biological predisposition, Bono use of gender strictly echoes Rosario's observation that transgender discourse, unlike feminist theory, situates gender as an identity that is constant and fixed.

In his memoir Bono traces his life growing up as the daughter of the famous couple Sonny and Cher. Throughout his memoir Bono explains that he never felt like a girl and from a young age knew with great clarity that he was actually a boy. Bono draws from his childhood and young adult years growing up in the lesbian community, to explore the reasons that led to his decision to physically transition from "female" to

40. Vernon Rosario, "The Biology of Gender and the Social Construction of Sex?" *GLQ* 10, no. 2 (2004), 285.

"male." Ultimately Bono describes the decision to transition as not a matter of choice but rather one of life and death. Bono explains that he was never a lesbian but rather a heterosexual man, who could no longer go on living with a female body. For Bono, the category lesbian was a misnomer since he understands himself as having always been a heterosexual man.

As he recounts his years living as female, Bono mourns his lost boyhood and grieves the many years he spent in angst before he decided to transition: "Along with going through all of the changes that have happened as a result of transitioning, I have also experienced a deep sense of loss and profound sadness for the forty years of life I spent inside of the wrong body."[41] Bono's use of the wrong body trope suggests that it was the physical reality of his body that contributed to his malaise—precisely because it did not correspond with his internal sense of self—and not the social or political circumstances that construe feelings of gender/sex difference as aberrant. Bono's own transition is marked by a persistent feeling of having been born into the wrong body—something he positions as akin to a cleft palate or any "birth defect." The implication then, is that transgender remains a condition that results from *biological* abnormality. It is the fault of the individual and not the result of certain systems of power responsible for marking some bodies as normal and others as abnormal. Bono's use of the wrong body positions transgender as a biological reality and not as a term that is socially and culturally contingent. In effect, Bono erases the discursive history of the term transsexual

41. Chaz Bono, *Transition: The Story of How I Became a Man*. (New York, NY: Dutton Press, 2011), 240.

and obfuscates the conceptual shifts within the category that have occurred since Harry Benjamin first used the term transsexual in 1953.[42]

Bono explains that transgender persons are acutely aware of the fact that their sex and gender [identity] do not correlate. He states that "many people may not understand how, being born female, I can state with total clarity and certainty that as a child I felt like a boy." Persons who aren't transgender have difficulty understanding this because, according to Bono, "most people don't know the difference between gender and gender identity." He explains that "gender is the sex that one is born as, and for most of us that sex is either female or male. Your gender identity, however, is based on cognitive feelings and not biology. I like to say that your gender identity is between your ears, not between your legs."[43] Bono insists that by clarifying the relationship between "gender" and "gender identity" the confusion surrounding transgenderism will dissipate. However, the aforementioned quotation provides an understanding of sex, gender and gender identity that is far from straightforward. Bono's authoritative claim that transgenderism is an easily understood phenomenon when the difference between "gender" and "gender identity" is carefully delineated obscures the discursive histories of these terms. It also both redeploys and reverses the sex/gender distinction as it relates to the wrong body trope and his understanding of transgender.

For Bono gender serves as a synonym for anatomical sex, and gender identity functions similarly to Boylan's primary use of gender as something innate and unchanging. Bono explicitly states that "gender is the sex that one is born," collapsing gender and sex into one category. In addition, he ignores an entire history of feminist

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42. Joanne Meyerowitz. *How Sex Changed*. (Cambridge, MA: Harvard University Press, 2004), 102.

43. Bono, 21.

arguments regarding the social constructionism of gender and the ways gender regulations are culturally mandated. He also gives no evidence that his collapsing of gender and sex is an intended extension of Butler's critique regarding the ways this distinction is erroneously applied. Rather he construes gender and sex as synonymous solely to demonstrate that like sex, gender too is a biological fact, even if it is malleable through hormonal and surgical measures.

Bono's insistence that "gender identity is based on feelings and not biology" positions gender identity as something that cannot be located physically on the body. It is an innate, internal sense that one is either male or female. For non-transgender persons this aligns with their gender or sex while for transgender persons it remains in contradistinction to the physical reality of their body. Although not necessarily clear from this particular sentence, the "feelings" to which Bono refers, are also implicitly biologically rooted. As he makes clear in the following sentence and elsewhere in the text, gender identity is a persistent and unrelenting quality which cannot be altered even if it is between your "ears" and not your "legs." Bono explains that "for transgender people, whose bodies are one gender and brains another, life is usually very challenging."[44] The challenges that result, however, are not due to society's intolerance of gender aberrancy but from the hardship of having a body and "gender identity" that do not correlate.

At the center of Bono's memoir is his insistence that sex and gender are conceptually distinct and their misalignment determines one's transgender status. For both Bono and Boylan, the discourse of the wrong body names this discordance. The

44. Ibid.

wrong body functions as a primary descriptor for both Boylan and Bono, but neither of them consider the discursive consequences of their use of this trope, nor do they address the logical consequences that result when the wrong body trope is deployed. They do not consider the ways a medicalized notion of transgender curtails and constricts their own representations of their experiences. As they retell their stories through memoir, both Boylan and Bono establish themselves as stable subjects who just happen to be transgender.

It is worth pausing for a moment to consider the following questions with regard to the depictions of transgenderism Boylan and Bono provide: if one is trapped in one's body, then how is the self defined? By one's body? Or by that which is trapped within one's body? Or as Jason Cromwell asks "If I have the wrong body, whose body do I have and where is my body?"[45] Boylan's and Bono's accounts not only produce confusing and problematic understandings of gender and sex, but also have larger theoretical consequences for how the body is conceived in relation to the self. The logic of the wrong body marks a distinction between gender and sex *and* body and soul, whereby the body becomes the container in which gender is housed. In the process of producing their accounts, both Boylan and Bono ignore these subtle implications and the nuances raised by these questions. Boylan's somewhat inconsistent use of gender, which she uses to mark both social roles and norms as well as an innate sense of spirit in contradistinction to the physicality of her body, remains fundamental to how she understands transgenderism. Likewise, Bono's assertion that his gender and sex did not align with something nonphysical he calls gender identity, serves as the explanation for his own

45. Jason Cromwell, *TransMen and FTM's* (Chicago: University of Illinois Press, 1999), 117.

self-identification as transgender. For both of these authors, the logic of the wrong body explicitly determines not only how they configure transgenderism and position sex and gender as independent and conceptually distinct entities, but also how they understand the relationship between gender and the body.

Importantly, memoir serves as a vehicle for the articulation of the truth of one's experience. Boylan and Bono's use of gender as it relates to sex, the body, and the definitions of transgender that each of them deploys remains entrenched in an analysis whereby experience functions as a privileged means of access to "truth." Both draw on their experience as transgender to offer an insider account of transgenderism that ignores the ways their stories remain contingent upon the regulatory effects of discourse more broadly. Further for Boylan and Bono, the process by which they tell their experience is tied to a stable notion of author as subject. Although, as Joan Scott argues, experience is certainly a category we cannot do without, truth claims made in the name of experience often obfuscate the role discursive power plays in the production of knowledge claims. Scott's concerns with regard to how experience often goes uncontested in historical accounts can also be applied to rethinking how the experience of the wrong body contributes to the pervasiveness of certain truth claims made in the name of transgender. This is evidenced not only by Boylan and Bono's narratives, but also by the burgeoning genre of transgender memoirs more generally.

In her landmark essay "The Evidence of Experience," Scott writes that the evidence of experience "reproduces rather than contests given ideological systems—those that assume that the facts of history speak for themselves and, in the case of histories of gender, those that rest on the notions of a natural or established opposition

between sexual practices and social conventions."[46] Simply because one speaks from a place of experience does not mean that one's prose is immune to the conventions of power that render certain speech acts intelligible and others illegitimate. For Scott, experience and identity are "linguistic event[s]." Both experience and identity obtain their meanings within specific contexts: "Identities are not waiting to be discovered but rather formed and created during certain particular moments."[47]

Scott reiterates that "identities have their own discursive history," which as the following chapters illustrate for the term "transgender," includes a complicated relationship to the historical production of early sexology's interests in hermaphroditism and its later attempts to "correct" intersex bodies.[48] Even though experience is a category we cannot do without, we must appropriately trouble the stakes we have in relying on experience and identity as mechanisms to produce truth claims. Drawing from Scott, it is clear how certain experiences have contributed to the production of a hegemonic conception of transgender—a hegemony that upholds the trope of the wrong body as useful and even exemplary of who "counts" as transgender.

The process of troubling the relationship between identity and knowledge production specifically within these personal accounts of transgender allows us to consider the discursive mechanisms that contribute to current formulations of transgender and highlight the various apparatuses of social power that enable its understanding. For instance, neither Boylan nor Bono critically interrogate how their own experiences as transgender remain tied to discursive modes of intelligibility that position their

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46. Joan Scott, "The Evidence of Experience" in *Feminists Theorize the Political*, ed. Judith Butler and Joan Scott (New York: Routledge, 1992), 25.

47. Ibid., 33.

48. Ibid.

experiences as illustrative of the category transgender. Although I do not mean to devalue Boylan's, Bono's or anyone's right to self-definition, especially because, as Stone and Spade as well as many others note, the voices of transgender persons have been routinely dismissed and obliterated from historical, medical, and academic discourse, the discursive conditions that influence how certain individuals come to identify as "transgender" and the logic that undergirds the term must be scrutinized. While transgender persons must continue to tell their stories to counteract representations produced through popular discourse, we must also pay attention to how all perspectives are inflected by cultural norms that render certain speech acts intelligible.

IV. RE-DEFINING TRANSGENDER

Not only has "experience," as rendered in transgender memoirs, yet to be troubled as a viable starting point from which to think and define transgender, from within the genre of memoir, but the wrong body discourse continues to implicitly inform scholarly definitions of transgender and its relation to non-transgender bodies, as well. The wrong body continues to haunt the category transgender and its differentiation from homosexual. Transgender functions as an umbrella term to describe persons whose gender performance challenges and disrupts normative conceptions of sex and gender, while the term transsexual marks a subset of transgender persons who believe their sex (genital anatomy) is at odds with their gender.[49] As a category, transsexual is usually marked by a desire to undergo surgical and/or hormonal measures which would alter an individual's secondary sex characteristics. Even though scholars such as Spade and

49. See Leslie Feinberg, *TransLiberation: Beyond Pink or Blue* (Boston: Beacon Press, 1999); Susan Stryker, *Transgender History* (San Francisco: Seal Press, 2008).

Sullivan continue to question the prominence of medical pathology, transgender remains conceptually configured within medical discourse and not as a contestation of these frameworks. Furthermore, scholarly attempts (such as Stryker et al's) to reorient transgender away from binary logic fail to examine how the wrong body trope facilitates identity-based paradigms of transgender and how these definitions are rooted in a particular configuration of sex and gender as disparate categories.

Precisely what gender is used to signify differs within scholarly definitions of transgender. Most often, gender is either used in reference to psychological sex, described as the manifestation of an inner feeling, or in reference to the social roles and structures society attributes to individuals based on their sex. The distinction between those who treat gender as the manifestation of something innate (Green, Namaste, Serano) and those who deploy gender to represent the social expectations society assigns based on sex (Feinberg and Stryker) must be noted. [50] In these instances and in the cases of Bono and Boylan, gender takes on a very different meaning than it does in feminist work like Rubin's. In contrast, Feinberg's and Stryker's use of gender resonates with feminist understandings that emphasize the ways gender roles and expectations are determined by societal norms. Yet again in all of these instances, even though what gender is used to signify ranges, the idea that sex and gender are mutually exclusive and differentiable concepts persists.

While it is worth noting the different understandings of sex and its relationship to gender, in all of the examples I mention gender and sex even when they overlap are

50. Feinberg's work is particularly interesting because even though *Stone Butch Blues* can be read as a text which rejects the wrong body trope, Feinberg positions transgender and transsexual as concepts whose meanings are contingent upon a distinction between sex and gender. For an account of transgender that does not explicitly deploy the wrong body, see Leslie Feinberg, *Stone Butch Blues* (New York: Firebrand Books, 1993).

configured as conceptually distinct. It is the theoretical consequences of this differentiation which are of most interest to me and not the actual differences themselves. In all of these instances, gender and sex are configured as two unique and discernible concepts. Even though Butler is concerned with feminist deployments of gender, her critique illuminates the ease with which the sex/gender distinction is deployed and the ways the histories of these terms are obscured. In one way or another, each of these configurations of transgender suggest that the distinction between sex and gender is rooted in scientific fact and as a result the histories of these terms and the medical protocol used to substantiate this differentiation, is eclipsed.

As a close reading of the following texts illustrates, the language of the wrong body and most explicitly the sex/gender distinction dictates contemporary definitions of transgender. In *Becoming a Visible Man*, which details the experiences of female to male transsexuals, James Green offers the following analogy:

> think of sex as the hardware, gender as the software. In between there is an operating system that allows the software and the hardware to give meaningful instructions to each other so they work together to accomplish tasks. It's easy to see how that works if a person's sex and gender are aligned, but what happens if your body doesn't match your sense of self. Imagine what it would feel like to live with that discrepancy. That's something like what many transgender people feel, what they have to deal with every day.[51]

Green's use of "self" suggests that at the core of one's personality is a predilection for one gender or another, and his personal sense of "self" is inherently gendered. Such an assertion not only problematically positions the self as intrinsically gendered but also posits the distinction between sex and gender as that which pre-exists discursive and regulatory inventions. Green's emphasis on the misalignment between one's "hardware" and "software" as a condition unique to transgenderism inadvertently places the

51. Jamison Green, *Becoming A Visible Man* (Nashville: Vanderbilt University Press, 2004), 27.

sex/gender division at the foundation for understanding and defining transgenderism as independent from homosexuality.

Although the theoretical aims of Namaste's *Invisible Lives* vastly differ from Green's *Becoming a Visible Man*, Namaste too configures transgender within a theoretical schema that situates sex and gender as independent categories. Namaste notes the cultural factors that influence gender designations and aligns herself with social constructionist positions, yet she offers an understanding of transgender that treats sex and gender as distinct. Given Namaste's thorough disregard for Butler, it is not surprising that she configures transgender in a manner that directly opposes Butler's troubling of the sex/gender distinction. In her assessment of the shortcomings of sociological work that designates sex on surveys by "male," "female," and "other," Namaste argues that "a statistical invocation of a 'transgender' category [represented by the category "other"] does not resolve these methodological difficulties, since it does not necessarily adequately conceptualize the relations between sex and gender and can in fact obscure the diverse array of experiences among transgendered people."[52] While Namaste is concerned with the differences between the experiences of persons who wish to surgically alter their sex and those of cross-dressers, she suggests that the relationship between sex and gender is essential to the differentiation of transgender from transsexual by focusing solely on the ways drag queens occupy the category transgender. By extension, for Namaste sex and gender remain two conceptually distinct phenomena and the relationship between these two terms undergirds her understanding of the category transsexual and its relationship to the overarching category transgender.

52. Namaste, *Invisible*, 44.

In addition to constructing transgender according to what this dissertation argues is a fictitious distinction between sex and gender produced by the medical establishment, Namaste, like Boylan, employs the term "gender identity" with the same type of disregard for the historical and cultural components that necessitated its categorical emergence. In her critique of queer theory's use of "drag" as exemplary of gender transgression, Namaste claims that "framed as pure spectacle, this [drag] negates a variety of reasons why people might choose to cross-dress in a club: an exploration of one's *gender identity*, a gesture of political intervention, a creative solution to boredom, and/or a way to pay the rent."[53] For Namaste, gender when used with "identity" not only represents something innate and inborn, but also functions as the reason why someone might engage in drag or any other gender transgressive behavior that falls under the rubric of transgender.

Not surprisingly, Serano also configures gender in a manner that ignores the multiple forms of power that render it intelligible and sets up a distinction between sex and gender as fundamental to her understanding of transgender and its conceptual distinction from homosexual. In *Whipping Girl* Serano explains that she uses "the word trans to refer to people who (to varying degrees) struggle with a subconscious understanding or intuition that there is something 'wrong' with the sex they were assigned at birth and/or who feel that they should have been born as they wish they could be the other sex."[54] Serano configures "subconscious sex" as a functional equivalent for what Green refers to as gender or an individual's "software." According to Serano, even though everyone has a subconscious sex, one becomes aware that sex and gender are

53. Ibid., 11, my emphasis.
54. Serano, *Whipping*, 11.

different when one's subconscious sex clashes with one's anatomical sex. Within the theoretical schema Serano erects, transgender functions as the discursive term that represents individuals whose subconscious sex and gender identity are misaligned.

Serano's distinction between "subconscious sex" and "anatomical sex" is central to her term "cissexual," which she develops to account for the inherent differences between transgender persons and "non-transgender" persons. Serano uses this neologism to mark the privileged social positions of persons who do not question their "subconscious sex." She argues that the term, cissexual, also serves to highlight the unique experiences and corresponding discrimination transgender persons encounter, remarking that "cissexuals have only ever experienced their subconscious and physical sexes as being aligned."[55] Like contemporary notions of transgender, cissexual, by assuming the sex/gender alignment, reinforces a narrative that binarizes the subject into mind and body.

In some respects, Serano's neologism provides an important discursive device to mark the inherent social privilege of persons who are not transgender. Although there is value in noting such privilege, Serano ends up creating a version of transgender which cannot account for the many different types of embodiment that may transgress normative notions of gender but are not labeled as "transgender." This type of thinking ignores several conceptual nuances; namely the fact that most transgender people did at some point experience the world as cissexuals, receiving social privileges afforded to persons with normative genders. In addition, "cissexual" creates a sharp delineation between transgender and non-transgender, which in turn negates the discursive conditions

55. Ibid., 174.

responsible for the emergence of transgender. As the following chapters detail, certain cultural conditions--namely the medicalization of intersex—greatly contributed to transgender as distinct from homosexual.

Serano's use of "subconscious sex" also speaks to the ways that individuals are hardwired to be either male or female, which resonates with both Green and Namaste. As these descriptions suggest, even though Namaste uses the phrase "gender identity" while Serano and Green use the language of "sex," each of these theorists posits the relationship between sex and gender as a condition where the desire to be male or female is innate and biological—something which can be achieved through the augmentation of secondary sex characteristics. My point here is that even though Green, Namaste and Serano use different terminology, transgenderism is conceptually rooted in a notion of sex and gender, whereby an individual's emotional state of being is unchangeable and classifiable as either male or female. Neither Green, Namaste nor Serano use gender to mark its social and cultural contingency, but rather use it in reference to a biological predilection.

Even though Leslie Feinberg and Susan Stryker directly interrogate the type of binary thinking produced by scholars like Serano, Namaste and Green, they too, offer definitions of transgender that, while more expansive in their conceptions, still depend on the sex/gender distinction. Both Stryker's and Feinberg's uses of "gender" differ from the aforementioned theorists in the sense that they both pay considerably more attention to the social roles attributed to individuals based on their sex than Green, Namaste and Serano. For Stryker and Feinberg the word gender signifies something in addition to a simple internal predilection for the behaviors of one sex over the other. They

acknowledge the multiple social forces that dictate how we think about gender and yet they still produce definitions of transgender which treat sex and gender as distinct conceptual components. For both Stryker and Feinberg, the sex/gender distinction also serves as the basis for conceiving transgender as distinct from homosexual.

Credited with having popularized the term "transgender" in hir 1990 publication "TransLiberation: A Movement Whose Time Has Come," Feinberg notes that transgender persons challenge normative conceptions of sex and gender, illustrating that "sex" in relation to "gender" is much more complex than the terms "male" and "female" suggest.[56] Feinberg uses "transgender" to encompass individuals whose gender expression remains at odds with their physical sex, regardless of whether they wish to surgically alter their bodies. In a description of hir own transgenderism, Feinberg notes that "millions of females and millions of males in this country do not fit the cramped compartments of gender that we have been taught are 'natural' and 'normal.' For many of us, the words woman or man, ma'am and or sir, she or he—in and of ourselves—do not total up the sum of our identities or our oppressions."[57] Thus, transgender serves as a "catch-all" phrase that highlights the identities and resulting oppression of persons whose gender expression deviates from their birth sex.

Stryker articulates the growing analytical importance of transgender studies to expose the socially constructed relationship between gender and sex. From a theoretical perspective, transgender bodies "make visible the normative linkages we generally assume to exist between the biological specificity of the sexually differentiated human

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56. In *TransLiberation* Feinberg introduces the gender-neutral pronouns "ze and hir" and thus when referring to Feinberg I use them accordingly. For an account of Feinberg's pronoun preference, see Leslie Feinberg, *TransLiberation* (Boston: Beacon Press, 1998), 15-35.

57. Feinberg, *TransLiberation*, 7.

body (and) the social roles and statuses that a particular form of body is expected to occupy".[58] While Stryker's primary concern is with the ways transgender bodies remain oppressed by social institutions and current paradigms in queer theory, her remarks imply a particular definition of transgender that rests on a sharp distinction between what she refers to as "biological specificity" and "social roles and statuses," or in colloquial terms "sex" and "gender." Stryker's use of "gender" as the representation of "social roles and statuses" resonates with feminist social constructionist positions and as a result configures "sex" and "gender" as distinct entities in the exact manner that Butler demonstrates is problematic. For Stryker in particular, biological specificity (ie sex) emerges as a static and always dichotomous, pre-discursive construct while "social roles" are subject to cultural influence and societal paradigms. By extension then "transgender" functions conceptually to represent bodies that illuminate the distinction between "sex" and "gender."

To be fair, Stryker has intentionally complicated previous theoretical work on transgender, including her own, to argue against paradigms that construct the process of transitioning as a linear narrative where one transitions away from a static starting point of gender towards the desired final destination (ie. the gender of one's choice). According to Stryker, current work which emphasizes transition as a necessary conceptual feature of transgender inadvertently suggests that one moves from one static gender to another. Hence, this notion of transgender belies the ways all bodies are in constant states of transition—an argument which also sheds light on the shortcomings of Serano's configuration of cissexual.

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58. Susan Stryker, "(De)Subjugated Knowledges" in *The Transgender Studies Reader*, ed. Susan Stryker and Stephen Whittle (New York: Routledge, 2006), 3.

In an effort to complicate these paradigms, Stryker along with Paisley Currah and Lisa Jean Moore in the introduction to a special *Women's Studies Quarterly* issue devoted to transgenderism, title the special issue *trans-* as opposed to "transgender" to make room for "categorical crossings, leakages, and slips of all sorts" and to highlight the relational dimensions of transgender subjectivity.[59] Drawing from their work in feminist theory, Stryker, Currah, and Moore argue for a conception of transgender that acknowledges and accounts for the ways transgender intersects with race, class, and ability. What we consider transgender, they argue, functions as a form of social discipline that ignores the ways gender is always in relation to other social categories. In order to call attention to the ways biopower influences the social deployment of the category transgender, Stryker, Currah, and Moore use the phrase "transing," which they suggest can function as a way of "reading" certain acts: "Transing in short, is a practice that takes place within as well as across or between gendered spaces. It is a practice that assembles gender into contingent structures of association with other attributes of bodily being, and that allows for their reassembly."[60] "Transing" can also operate as "an escape vector, line of flight or pathway toward liberation."[61] By positioning "trans" as a technique of reading various social and political circumstances and acts, "trans" functions in a similar way to "queer" in the sense that both function as particular theoretical lens that bring into focus the ways gender interacts with other social categories. They gesture towards the creation of a transgender politics that acknowledges the personal triumphs and difficulties gender-aberrant individuals face, while also summoning a new political framework that

59. Susan Stryker, Paisley Currah and Lisa Jean Moore "Introduction: Trans-, Trans, or Transgender?," *Women's Studies Quarterly* 36, Nos. 3 & 4 (2008):11.

60. Ibid.,13.

61. Ibid.

examines the stifling and confining nature of identity categories more broadly. For Stryker, Currah, and Moore, "trans" operates as a lens with which to read the ways some acts of gender transgression become medicalized while others are socially acceptable.

In an attempt to draw attention to the centrality of identity politics in transgender studies, they appropriately ask "how might we move between the necessary places of identity where we plant our feet and the simultaneous imperative to resist those ways in which identities become the vectors through which we are taken up by projects not of our own making?[62] Stryker, Currah, and Moore's assertion that identity is a "necessary place where we plant our feet" raises the following important questions: Is conjuring a new politic that actually *displaces* identity futile? Is identity necessary as they imply? In what particular contexts do identity politics secure certain rights? And for what purposes *might* identity be necessary?[63] How does the deployment of the wrong body trope contribute to a notion of transgender that remains steeped in a narrow version of identity politics and a stable notion of the subject? Their work points to the limitations of definitions of transgender that posits identity at the forefront and points to the shortsightedness of current scholarly approaches to transgender which buttress medical notions of sex and gender and simultaneously treat this sex as inherently distinct from gender.

Stryker, Currah and Moore offer some important initial steps for thinking about how to position "trans" as a contesting of, rather than complying with a dichotomous gender binary. Yet their newly formed construction "trans" belies the fact that a distinction between sex and gender still functions as a primary conceptual framework for

62. Ibid.,14.

63. Although I do not address Wendy Brown's work explicitly, my own thinking has been influenced by Brown's critique of feminist identity politics. See Wendy Brown, *States of Injury* (Princeton, NJ: Princeton University Press, 1995).

conceiving of transgender as independent from homosexual. The task it seems then is not simply to reposition transgender away from a static notion of personhood as Stryker, Currah and Moore have done, but rather to consider how transgender can be reconfigured independently of the sex/gender distinction. In response to Stryker, Currah, and Moore's invitation to reconceive transgender, it is critical to consider the ways that contemporary configurations of transgender encompass identitarian notions of personhood *and* remain reliant on the sex/gender distinction.

Even though Stryker, Currah, and Moore do not examine the ways the sex/gender distinction or the wrong body discourse contribute to problematic accounts of transgender, their newly conceived notion of "trans" provides an important opening for reconfiguring transgender apart from the sex/gender distinction. In order to combat the pathologization of transgender bodies, the discursive as well as institutional forces responsible for the medicalization of transgenderism must be questioned, and the conceptual logic that underpins the rationalization for surgical measures must be interrogated. By applying Butler's critique of the sex/gender distinction to current formulations of transgender, we can begin the process of exposing and excavating the conceptual bedrock of the wrong body discourse and the ways it continues to constrain our ability to imagine transgender as a contestation of medical protocol. The sex/gender distinction and the ways it assumes its cultural intelligibility in relation to the wrong body trope has a rhetorical history which must be traced before we can consider ways to reconstruct transgender apart from the prevailing pathologizing conception.

CHAPTER TWO

THE BIRTH OF WRONG BODY AND THE DEMYSTIFICATION OF BINARY SEX

"As sexologists delineated the differences among categories of homosexuals, it became clear that some individuals were insistent about being women in male bodies and men in female bodies."

--Jason Cromwell, *Transmen and FTMs*, 104

Contemporary transgender scholarship has largely ignored the discursive conditions that contribute to the emergence of the wrong body trope and, for the most part, as Cromwell's own words illustrate, accepted historical analyses which position the wrong body trope as an early descriptor of homosexuality. Cromwell's implication that the wrong body trope emerges within early sexological writings that are synonymous with homosexuality centers around the faulty presupposition that sex and gender operated in a way that is akin to contemporary usage of these terms. His insinuation that the wrong body was first deployed as (what Bornstein would call a metaphor) to describe homosexual sentiments collapses the discursive histories of transgender and homosexual and assumes that sex has always been configured within a dichotomous schema that can be reduced to terms comparable to those of our contemporary discourse. In so doing, he positions the legacy of the wrong body trope as that which can be traced by a single historical trajectory. I will argue, by contrast, that the wrong body of the 19th century is not the same as the "wrong body" of today because sex was understood differently. To counter the temptation to view the wrong body trope as a conceptual entity with a singular, linear history, as Cromwell does, I will refer to the wrong body trope of 19th century sexology as wrong body$_{\#1}$.

As this chapter illustrates, the conceptual logic that undergirds the "original" use of the wrong body trope, which is attributed to the 19th century sexologist Karl Heinrich Ulrichs, vastly differs from contemporary articulations of the trope which posits a distinction between sex and gender at its center. The discourse of inversion and the emergence of the wrong body trope$_{\#1}$ in particular cannot be conceptually reduced to the rhetoric of either homosexuality *or* transgender because, as I will demonstrate, the discourse of inversion treated sex and (what we think of as) gender as co-constitutive, commingled concepts and not as discursively distinct entities. Within the discourse of inversion, the wrong body trope$_{\#1}$ described a vast array of behaviors but did not distinguish among them through the use of terms like sexuality and gender. Not only did early deployments of the wrong body trope reject distinctions between gender sex and sexuality but, for Ulrichs in particular, sex extended beyond the categories male and female. The discourse of hermaphroditism, although it did not function as the primary framework for theorizing inversion, contributed to how Ulrichs configured sex and provided the rationalization for arguments aimed at decriminalizing acts of inversion. For Ulrichs, sex was not static and immutable but rather determined by an individual's sexual desires and behaviors.

The first section of this chapter examines the rhetorical consequences and reductionist implications of claims which position Ulrichs and his successor Richard Von Krafft-Ebing as early thinkers of homosexuality. As I demonstrate through a close reading of both Ulrichs and Krafft-Ebing, wrong body trope$_{\#1}$ did not emerge specifically within a discourse that can be reduced to either homosexuality or transsexuality as previous scholarship has suggested. The implication that the wrong body trope can be

traced to early writings on homosexuality ignores the conceptual nuances of these early sexological texts and, as a result, obscures the discursive conditions in which homosexuality as a unique concept emerged. The wrong body trope first appears within a framework that treated sex as a mutable category, whereby sex itself was determined by an individual's sexual desires and everyday behaviors. For Ulrichs, the direction of one's desires in particular was the decisive factor in how one's sex was classified.[1] In contrast to our contemporary discourse whereby sex is stable and desire is classified according to whether one's sexual desires are for the opposite or same sex, Ulrichs viewed sex as something that was determined by the orientation of one's sexual desires and behaviors.[2]

In the second portion of this chapter I turn specifically to the work of Ulrichs and Krafft-Ebbing to illustrate how early sexological writings on inversion deployed the wrong body trope and configured sex and desire in ways that are not commensurate with contemporary understandings of these terms. For Ulrichs, one's sexual love—whether it was directed towards men or women—largely determined one's sex classification. Although for Krafft-Ebing the relationship between sex and desire is more akin to contemporary conceptions, he deployed the wrong body discourse to highlight *multiple* archetypes of inversion—all of which he configured within a rubric that situated the discourse of inversion at its center. Close textual readings of both Ulrichs and Krafft-Ebing illustrate that arguments which even implicitly situate homosexuality and inversion

1. The exception to this claim is the case of MT v. JT, which determined a transsexual woman's sex on the basis of her sexual habits. I explore this case in greater detail in the fourth chapter.

2. The term "orientation" is somewhat misleading here because this term becomes popular only after Freud. I use the term "orientation" to signal the object of one's desires, while fully noting that "object choice" was not the dominant paradigm during the time in which Ulrichs wrote. See George Chauncey, "From Sexual Inversion to Homosexuality: Medicine and the Changing Conceptualization of Female Deviance," *Salmagundi* 58 (Fall 1982).

as interchangeable phenomena muddle the specific definitions of sex that coincided with the deployment of the wrong body discourse.

I. TOWARDS A GENEALOGY OF THE WRONG BODY

In *Imagining Transgender* David Valentine focuses on the conceptual overlaps between transgender and homosexual, situating the emergence of the category transgender within an analysis of the gender dynamics of social movements aimed at lesbian and gay equality. As Valentine suggests, transgender as a category is historically and culturally contingent. Its origins must be analyzed within a greater framework that tracks the shifts in how gender, sex, and desire have been constructed within and in relation to various claims for equality. Valentine illustrates how individuals we now consider transgender would have been deemed homosexual several decades ago. Even though his focus is specifically on how the category transgender fails to encompass the experiences of his informants—all of whom express some sort of aberrant gender performance—his remarks regarding the complex history of transgender and homosexuality further illustrate the problems with any argument that erases the discursive histories of these terms and the elasticity of the term transgender more broadly. Valentine's observations regarding the overarching categories of "homo" and "trans" further reiterate the need for a genealogy which critically examines the discursive conditions that contributed to this distinction and the development of the wrong body trope.

Valentine concludes that transgender studies remains encumbered by scientific understandings of gender and sex which are the product of sexological discourse. As a

result, scholarly work on transgender fails both to adequately challenge the productive power of sexological discourse and to affirm nonpathologizing conceptions of transgender subjectivity because, as Valentine suggests, "the 'gender' that underpins 'transgender' and marks it as distinct from the 'sexuality' of mainstream gay and lesbian politics is one rooted in a sexological rather than feminist tradition."[3] Valentine himself does not detail what a "feminist" notion of transgender looks like, but his remarks serve as a provocation to reimagine transgender within feminist paradigms of gender that takes seriously the theoretical interventions of scholars like Butler.

Valentine's own history of the complex relationship between homosexuality and transgenderism, which as he shows is anything *but* linear, illustrates the importance of tracing the wrong body trope in a way that makes note of the rhetorical shifts within and between terms like homosexual and transgender. Valentines emphasis is specifically on how these categories have shifted in relation to social movements aimed at sexual equality. On the contrary, my focus is on how the contemporary understanding of transgender as the state of being in the wrong body remains tied to conceptual shifts in notions of sex and gender. Unlike Valentine, I pay specific attention to how transsexual, as a subset of transgender, assumes the language of the wrong body once sex and gender are configured as distinct.

The shifts I trace in configurations of sex and gender exemplify the historically varying criteria that have marked bodies and experiences we now deem transgender and demonstrate that these criteria has never been constant or steady. Rather, descriptions of the transgender subject result from the continuously morphing relationship between

3. David Valentine, *Imagining Transgender: An Ethnography of A Category* (Durham: Duke University Press, 2007), 59.

cultural conceptions of sex and gender. By tracing how and when transgender emerges as independent from homosexual and other derivations of "inversion," as well as by analyzing within which contexts the wrong body trope is and is not deployed, I unearth the underpinnings of this trope to reveal specific configurations of sex, gender, and desire which were the conditions of its so-called emergence. By interrogating the wrong body trope and its relationship to contemporary notions of sex and gender, generative space emerges to theorize transgender in a manner that questions the prevailing logic of medical discourse.

The move to uncover the multiple discourses in which the wrong body first appears is not the same as attempting to produce a comprehensive historical documentation of when and by whom the trope is used.[4] My focus here is not on establishing a "truth" or asserting "facts" about the wrong body trope's origins, nor is it on simply 0furnishing a rhetorical history of the wrong body. As Foucault reminds us, "truth" is always inflected by the subject's relationship to the object of inquiry determined by the play of forces which shape any given episteme. Our interest in historical and material origins, Foucault writes, is based on the notion that "we tend to think that this is the moment of their greatest perfection, when they emerged dazzling from the hands of a creator or in the shadowless light of a first morning."[5] I use the phrase "origin" not to signal the beginnings of this particular trope's usage, but to mark what many have historically rendered, albeit problematically, a concrete beginning or the

4. My own work on the genealogy of the wrong body has been deeply influenced by the work of Mark Jordan, whose work on sodomy rejects a linear account of the term and instead investigates the often competing and contextual circumstances of its usage. See Mark Jordan, *The Invention of Sodomy* (Chicago: University of Chicago Press, 1997).

5. Michel Foucault, "Nietzsche, Genealogy, History" in *The Essential Foucault*, ed. Paul Rabinow (New York: The New Press, 1994), 353.

"moment of greatest perfection." Furthermore, the conceptual premise of this presumed discursive origin has gone largely uninterrogated. The discursive conditions that contribute to both its representation as *the* origin and the logic that underpins it have been ignored. Given this, I am as interested in what early sexologists used the wrong body trope to signify as I am in how their work has been used to assert the univocal omni-presence of homosexuality and transsexuality respectively. My interest in these particular "origins" is deeply connected to my personal and political commitment to untether transgender from the wrong body trope, as well as to demonstrate the discursive shifts in categories like sex which are often rendered as pre-discursive.

As Foucault declares, the genealogist, unlike the historian, is not concerned with ascertaining an untouched origin or beginning but rather is focused on highlighting the multiple material, discursive, and contextual apparatuses that make such beginnings possible. The genealogist "must be able to recognize the events of history, its jolts, its surprises, its unsteady victories and unpalatable defeats—the basis of all beginnings, atavisms and heredities."[6] For Foucault, an "event" is not a particular moment or circumstance etched in time, but "the reversal of a relationship that forces the usurpation of power, the appropriation of a vocabulary turned against those who had once used it, a domination that grows feeble, poisons itself, grows slack, the entry of a masked 'other.'" Event emphasizes rupture and dispersion, not cohesion and coherence. As Lynne Huffer writes in her book *Mad for Foucault* which calls for a queer return to Foucault's *History of Madness*, the Foucauldian concept event "crystallized history as discontinuity and rupture, rather than as a progressive narrative based on the logic of cause and effect."[7]

6. Ibid., 354.
7. Lynne Huffer, *Mad for Foucault* (New York, NY: Columbia University Press, 2010), xii.

Foucault's notion of event and his rejection of histories that are concerned with the excavation of a singular truth, point to the problematic assumptions which guide remarks like Cromwell's that assert a singular progressive narrative of the wrong body.

The Foucauldian notion of event is helpful particularly because it can be used to demonstrate the ways the conceptual logic of wrong body trope$_{\#1}$ as it appears in early sexology is not the same as the logic of the wrong body trope that reemerges as the dominant paradigm for conceptualizing transgender. An excavation of this trope and a nuanced reading of its significations sheds light on the discursive circumstances that contributed to its entanglement with particular configurations of the relationship between sex, gender, and desire. Although the logic of the wrong body trope in contemporary deployments of transgender remains tied to conceptual "advancements" in sexology, my work attempts to mark these similarities as just that-*similarities.* The fact that wrong body$_{\#2}$ appears in transgender discourse after the sex/gender distinction has been established in sexology points to the prevalence of new modes for thinking sex in relation to gender but not as the *raison d'etre* for its emergence.

In the following sections, I am equally concerned with what wrong body trope$_{\#1}$ signifies as well as the slippages and inconsistencies that stem from its usage. The varying degrees to which the wrong body trope is deployed, demonstrate the problem with analyses which posits its origins as singular. I am also interested in not only when wrong body trope$_{\#2}$ emerges as *the* signifier of transsexualism and transgenderism but also in how specific configurations of sex, gender, and desire set the conceptual framework for wrong body$_{\#2}$ to emerge as the primary descriptive portrayal of transsexuality. While this chapter focuses on the specific conception of sex and its

relation to desire that anchors wrong body trope$_{\#1}$, the following chapter will examine the tropes used to signal transsexualism before wrong body trope$_{\#2}$ emerged in the context of modern transsexualism and explores the rhetorical conditions that facilitated the emergence of the wrong body in contemporary transgender discourse. The sometimes receding presence of overt references to the wrong body remains equally important to my study as do the moments in which the presence of the trope can be clearly marked and documented. The genealogy of the wrong body trope which this dissertation offers, then, attempts to document its conceptual inconsistencies and discursive absences, while striving to uncover the material circumstances of its conceptual underpinnings.

II. SITUATING INVERSION AND THE PROBLEM WITH HOMOSEXUALITY

As I have already suggested, historical studies that highlight 19th century descriptions of homosexuality often claim that the wrong body trope first originated in discursive contexts equivalent to modern day discourses of homosexuality. When scholars like Cromwell use the term homosexual to represent the context in which the wrong body trope presumably emerged, they unwittingly construe these discourses as interchangeable and synonymous. The emphasis Cromwell places on the origins of the wrong body is a ruse insofar as it assumes that a singular origin can be detected. Conversely, claims like Jay Prosser's, which I discuss in greater detail below, fail to register the differing conceptions of sex and desire present in early sexology. As I argue, homosexuality cannot be used as a placeholder to represent sexology's writings on inversion nor is it interchangeable with the contemporary rhetoric of transsexuality. In the following section, I offer a brief overview of how Ulrichs has been configured as the

founding father of modern day discourse on homosexuality and note the conceptual shortcomings of these positions. These assertions erroneously imply that Ulrichs configured the categories sex, gender, and desire in ways that are comparable to contemporary notions when, in fact, as I illustrate in the last section of this chapter, Ulrichs' configuration of sex complicates the contemporary sex dichotomy of male and female.[8]

In his own quest to dislodge the trope of the wrong body from current conceptualizations of transgender, Cromwell notes that the discourse of the wrong body dates back to Ulrichs' work which, for Cromwell, epitomized the fact that "in the late 1890's homosexuals were in the wrong body."[9] Cromwell explains that "homosexuals" were constructed as "men in female bodies [and] women in male bodies" and that it was not until the 1950's that the language of the wrong body was used to describe transsexuality. His argument that the wrong body trope emerges as a descriptor of homosexuality and not transsexuality buttresses his larger theoretical goal of highlighting the circumstantial as opposed to natural correlation between the wrong body and the category "transsexual." By illustrating the ways the wrong body trope emerges in configurations of homosexuality, Cromwell attempts to detach "transsexual" from the discourse of the wrong body in hopes of depathologizing transgender bodies.

Cromwell's implication that the deployment of the wrong body discourse to describe transsexuality is a fairly recent invention appropriately troubles the assumption

8. I want to briefly highlight the distinctions among the terms dichotomy, duality, and binary. I use the term "dichotomy" to refer to any concept that is rendered into two distinct halves with no remainder. When I claim that Ulrichs did not construct sex as a dichotomy, I am not necessarily suggesting that he did not see sex as a duality. Rather while Ulrichs constructed sex in a manner that complicated the assumption that there were only two sexes, he did not configure his notion of a "third sex" as completely distinct from male and female. He used the term "third sex" to account for bodies/acts, etc. which contained aspects of both "males" and "females."

9. Cromwell, *TransMen and FTMS*, 103.

that the wrong body discourse has always been a marker of transsexuality but his assertion that it can be traced back to homosexuality overlooks the conditions and circumstances which contribute to the creation of the concept homosexual. He implies that the term homosexual was in circulation in the early 1860's during the time in which Ulrichs was writing. However, as scholars have documented, Karoly Maria Kertbeny first proposed the term homosexual to Ulrichs in a private letter in 1869 to refer to the types of "man-manly" love Ulrichs had written about earlier.[10] Yet, the word only gained popularity in 1879 when Richard Von Krafft-Ebing deployed the term in his own research.[11] Since the term homosexuality emerged slightly after Ulrichs had already written some of his most comprehensive work on uranism (the term Ulrichs used to describe sexual relations between "men"), it is unclear whether Kertbeny's neologism had any influence on Ulrichs' own work following his correspondence with Kertbeny.[12] Cromwell's argument, which insinuates that Ulrichs' writings on uranism were fully translatable by Kertbeny's neologism "homosexual," disregards the conceptual nuances of Ulrichs' writings. In addition, Cromwell's argument ignores the multiple forms of juridical and medical powers responsible for the production of identity categories and

10. Michael Lombardi-Nash, "Foreword" in *Sodomites and Urnings: Homosexual Representations in Classic German Journals*, ed. Michael Lombardi-Nash (New York: Harrington Park Press, 2006); Gert Hekma, "A Female Soul in a Male Body: Sexual Inversion as Gender Inversion in Nineteen-Century Sexology" in *Third Sex, Third Gender: Beyond Sexual Dimorphism in Culture and History*, ed. Gilbert Herdt (New York: Zone Books, 1994), 213-239.

11. The term homosexual is often attributed to Carl Westphal. While Westphal did reference behaviors we associate with homosexuality, he deployed the phrase "contrary sexual instinct," not homosexuality. As Lombard-Nash notes, the origins of homosexuality date back to Kertbeny—although credit is often given to Krafft-Ebing and Westphal. Also, as I will discuss in the last section of this chapter, it is important to note that Krafft-Ebing uses 'homo-sexual," not" homosexual."

12. It is interesting to note that even though Ulrichs was aware of Kertbeny's phrase "homosexual," he continued to use the language of urnings and uranism in his work. While it is impossible to ascertain why Ulrichs rejected the term "homosexual," one reason may be that Kertbeny's construction of homosexual reduced uranism purely to sexual desire.

their corresponding classificatory schemas, which accounted for various culturally aberrant acts of sex/gender transgression.

The brief history of the wrong body trope that Cromwell produces also fails to account for the nuances of inversion and its distinction from modern-day discourse of homosexuality. As the historian of sexuality George Chauncey argues, such paradigms ignore the multiple and competing forces responsible for the emergence of homosexuality as a unique phenomenon. In an attempt to emphasize these differences, Chauncey explains that "sexual inversion, the term used most commonly in the nineteenth century, did not denote the same conceptual phenomenon as homosexuality."[13] He continues by arguing that "the differentiation of homosexual desire from 'deviant' gender behavior at the turn of the century reflects a major reconceptualization of the nature of human sexuality, its relation to gender, and its role in one's social definition."[14] Chauncey's emphasis on the distinctions between homosexuality and inversion not only provides a more nuanced account of inversion, but further illustrates the misconceptions that arise when scholarship position the "origins" of the wrong body trope within the context of homosexuality and assumes that its history is linear.

Although the distinctions between inversion and homosexuality have been noted by scholars like Chauncey, the following examples, which draw from the work of Vern Bullough, Rictor Norton and Michael Lombardi-Nash, illustrate the pervasive association of homosexuality with Ulrichs' writings on uranism. Bullough contends in the introduction to the English translation of Ulrich's *The Riddle of Man-Manly Love*, that "he [Ulrichs] was the first major figure to proclaim himself a homosexual and to devote

13. George Chauncey, "From Sexual Inversion to Homosexuality: Medicine and the Changing Conceptualization of Female Deviance," *Salmagundi* 58 (Fall 1982): 115.

14. Ibid., 116.

his life to trying to explain the subject."[15] In his accolades of Bullough, Lombardi-Nash notes that Bullough established the historical importance of Ulrichs within the field of sexology, stating that Ulrichs "is thought to be the first gay person to speak and write in defense of uranism, Ulrichs' term for what we now know as homosexuality."[16] In the same vein, Norton maintains that Ulrichs was "the one person most responsible for the creation of the labels to be used in the discourse about homosexuality."[17] In each of these quotations, Ulrichs is configured as the founder of modern-day conceptions of homosexuality. Each scholar draws this conclusion on the basis that Ulrichs' understanding of the relationship between sex, gender, and sexuality is analogous to contemporary articulations of these categories.

In an effort to complicate the paradigms set forth by Cromwell, Norton, Lombardi-Nash and Bullough, Prosser (1998) argues that even though scholars such as Chauncey have emphasized the conceptual distinctions between homosexuality and inversion, "homosexuality has continued to dominate work uncovering the invert."[18] Through a careful consideration of historical analyses of inversion, Prosser demonstrates that while the relationship between inversion and homosexuality has been complicated, gender transgression continues to be read as symptomatic of homosexuality. He explains that early sexology operated within a conceptual schema that placed gender transgression at the forefront, and not homosexuality: "if sexual inversion is key to late nineteenth and early twentieth century sexology, the dominant and most enduring category of this

15. Vern Bullough, "Foreword" in *The Riddle of Man-Manly Love*, Karl Ulrichs, trans. Michael Lombardi-Nash (Buffalo, NY: Prometheus Books, 1994), 21.

16. Lombardi-Nash, *Sodomites*, 1.

17. Rictor Norton, "A Critique of Social Constructionism and Postmodern Queer Theory: The Term 'Homosexual'" http://www.rictornorton.co.uk/social14.htm (accessed 11.15.2010), 1.

18. Jay Prosser, "Transsexuals and the Transsexologists: Inversion and the Emergence of Transsexual Subjectivity" in *Sexology in Culture*, ed. Lucy Bland and Laura Doan (Chicago: University of Chicago Press, 1998), 116.

extensive field, then the dynamic of transgender, of gender identifications that cross ('trans)' at angles to bodily sex, is arguably sexology's main subject."[19] He concludes that the category homosexual thus dictates how scholars understand and analyze the stories of inverts. For Prosser, "trans" is a more accurate descriptor of inversion because the discourse of homosexuality is less relevant to descriptions of early sexological phenomena.

Although not concerned with readings of Ulrichs per se, Prosser's contention that the myopic focus of historical analyses about early sexology assume that the discourse of inversion is both symptomatic of and interchangeable with modern day conceptions of homosexuality should not go unnoted. As Prosser notes, transgender has "thus been configured as homosexuality's fictional construct: not referential of actual transgender subjects but metaphoric of homosexuals falsely transgendered."[20] The examples I have cited further corroborate Prosser's argument that homosexuality remains *the* linguistic signifier even when the relationship between inversion and homosexuality continues to be troubled by scholars like Chauncey. But what Prosser ignores is that transgender has been configured as symptomatic of homosexuality in part because, as my close reading of Ulrichs will illustrate, sex, gender and desire were not configured as ontologically distinct conceptual entities. The division between "transgenderism" and homosexuality supposes a conceptual differentiation of sex, gender and desire which did not exist for Ulrichs. His assertion that "trans" "is arguably sexology's main subject" must also be interrogated. To suggest as Prosser does that early discursive frameworks of inversion are *more* representative of transsexuality remains as problematic as arguments which position

19. Ibid.
20 . Ibid., 117.

homosexuality as analogous with inversion. Prosser's insinuation that the discourse of inversion must be read within the paradigm of transsexualism ignores the political and discursive powers which enabled the production and dissemination of the category transsexual and the specificities of how Ulrichs and Krafft-Ebing configured sex in relation to desire. In addition, his contention that transgender was the overarching category produces a trans-historical account of the relationship between transgender and bodies that defy heteronormative ideals. For Prosser, "trans" transcends cultural specificity and historical context. As a result of Prosser's logic, the trans body will always be relegated to an aberrant state since he cannot account for the variances and nuances regarding how transgenderism has been configured cross-culturally and within various historical periods.

Prosser goes on to write that "such subjects [transsexuals] need to be mapped along the axis of gender, and as it re-emerges as an identity category in our *fin de siècle* in a striking echo of sexual inversion in the last, specifically along the axis of transgender."[21] While contemporary discourse might describe some of these behaviors as "gender transgressive," Prosser's use of gender is problematic insofar as gender as distinct from sex was not established until the mid 1950's when Robert Stoller and John Money used it, in reference to treatment protocols aimed at "ameliorating" intersexuality.[22] Prosser's assumption that "gender transgression" was central to early uses of the wrong body trope ignores the discursive history of gender, and its correlation

21. Ibid., 117.

22. As the following chapter examines in greater detail, it is worth noting that this is not the same as saying that gender as a term was not used prior to Stoller. Rather my point is that gender was not used to signal an identity (as in the phrase gender identity) until Stoller. As the last part of the third chapter investigates, gender [identity] emerges within intersex protocol in Stoller's work and appears in transsexual discourse around the same time.

with sex, as it is configured within transgender discourse. Like gender, sex has a particular discursive history whereby previous configurations of sex not only differed from our contemporary understandings, but also influenced how and within what contexts the trope of the wrong body was deployed.

While Prosser appropriately points to the problematic implications of scholarship that posits homosexuality and inversion as interchangeable, even the title of his essay connotes a problematic configuration of subjectivity as it relates to transgender. By titling his article "Transsexuals and the Transsexologists: Inversion and the Emergence of Transsexual Subjectivity," Prosser effectively reads the category "transsexual" back into the sexological accounts he analyzes. While the category 'trans" may be helpful for thinking about how aberrant social behavior was catalogued, to suggest as Prosser does that this marks the emergence of transsexual subjectivity is to ignore the discursive conditions which gave rise to the category "transsexual" and its proliferation. The emergence of "trans" does not simply represent the development of a distinct neologism. Rather it contributed to the creation of a new subject that arose in conjunction with a specific constitution of the relationship between sex, gender and desire.[23] This is not to say though that that transsexual has "origins" that can be easily attributed to a particular date or time period. More specifically, as the next chapter will examine in greater detail, the wrong body$_{\#2}$ becomes emblematic of "trans" only after certain conceptual shifts in sex occur and "gender identity" emerges as a concept in intersex protocol.

Even though Prosser's argument that homosexuality has become the universal concept for conceptualizing "inversion," his argument that "trans" is actually the more

23. My concern is not with origins but rather with the conditions that enabled "transsexual" to emerge as a distinct concept from "homosexuality." Hence my interest is in how this term achieved its widespread circulation within the context of the wrong body narrative.

pertinent framework from which to analyze early sexological accounts ignores the ways a distinction between sex and gender (which was not conceptually relevant to these sexologists) undergirds conceptual differences between homosexuality and transsexuality. Prosser's intervention appropriately signals the problems which arise when homosexual and inversion are used as interchangeable terms, but Prosser also ignores the fundamental differences between how Ulrichs and Krafft-Ebing construct the category "sex." While Prosser's work appropriately troubles the totalizing nature of overarching schemas of homosexuality, it contributes to the problematic deployment of contemporary terms like "homo" and "trans" by ignoring the conceptual nuances of the relationship between sex and desire for both Ulrichs and Krafft-Ebing, and by discounting the discursive conditions that contributed to early representations of the wrong body discourse.

III. THE "GRANDFATHERS" OF THE WRONG BODY$_{\#1}$: ULRICHS AND KRAFFT-EBING

For both Ulrichs and Krafft-Ebing, the wrong body trope functioned as the primary framework for thinking about uranism and homo-sexuality respectively. Ulrichs used the phrase in reference to his writings on "man-manly love," while Krafft-Ebing deployed the trope in a comprehensive manner to describe the behaviors and desires of individuals he listed within each subcategory of "homo-sexual"—a term he used to account for a variety of same sex and/or aberrant gender behavior that could be classified as either "learned" or "inherited." For Krafft-Ebing, "homo-sexuals" did not represent a "third sex" in the same way that they did for Ulrichs. In Ulrichs' schema, sex was neither

fixed nor determined by one's genitals but rather constituted by the label ascribed to one's sexual desires and behaviors.[24] He conceptualized sex as a triad whereby, conceptually, one could occupy a sexed status that was male, female or neither. In contrast, Krafft-Ebing did not configure "homo-sexuals" as members of a third sex. As evidenced in his case studies, the presence or absence of physical transformation served as the determinative factor regarding which subcategory of "homo-sexuality" an individual would belong.

In *The Riddle of Man-Manly Love*, Ulrichs proclaims himself an "urning," which was the term he gave to men who had a sexual affinity for other men. The text itself, composed of multiple volumes, offers a detailed depiction of men who sexually desire other men, noting that their desires are indicative of the fact that they actually aren't men after all, but rather members of a third sex. Unlike Krafft-Ebing's work and material produced by later sexologists, Ulrichs' text offers both a description of the phenomenon he calls uranism and functions as a performative proclamation of his own self-identification with uranism.

As Chauncey notes, Ulrichs was partially responsible for shifting the discourse of inversion away from one anchored in sin and religious moral rhetoric to one grounded in scientific explanation and reasoning. During the time in which Ulrichs wrote, sexology as a field was primarily interested in deciphering why certain bodies deviated from normative standards and what could be done to prevent and eradicate such sinful

24. This is not to say that through the course of an individual's lifetime, sex was in flux and constantly changing. Rather sex was not a fixed axis which determined how one's desires were categorized. As I mention above and elsewhere, desire was fixed and sex was categorized accordingly.

behaviors.[25] While future paradigms in sexology were eventually concerned with devising explanatory paradigms that could point to the motivations behind such aberrant acts, Ulrichs focused on presenting a logical argument that situated the acts of urnings as a natural variation from the heteronormative order.[26] Since such acts were naturally occurring, he argued that it was inhumane to punish individuals who could not help having been born into these differing circumstances. Ulrichs believed love between "men" resulted from natural variation within the scientific order and remained stigmatized because it posed a "riddle" that could only be solved by science.[27] For Ulrichs, liberation, including his own, could only result from compelling scientific paradigms that emphasized the naturalness of love between "men."[28]

In his descriptions of individuals who represented a natural variation within the scientific order, Ulrichs described "urnings" as persons who were socially regarded as "males" but who desired other males and acted like "women," and "dioning" to represent men who desired women.[29] Ulrichs referred to love between men and urnings as uranism, insisting that uranism was a natural variation of sexual relations between men and women. He secured the logic of his argument by drawing on Plato's *Symposium*, insisting that since there were two goddesses there must be two different types of love which

25. Chauncey, "From Sexual Inversion to Object Choice," 115-146; Jeffrey Weeks, *Sex, Politics and Society: The Regulation of Sexuality Since 1800*, 2nd ed. (Harlow Essex, England: Longman Group, 1989), 104.

26. Vern Bullough and Bonnie Bullough, *Cross Dressing Sex, and Gender* (Philadelphia: University of Pennsylvania Press, 1993); Michael Lombardi-Nash, ed., *Sodomites and Urnings: Homosexual Representations in Classic German Journals* (New York: Harrington Park Press, 2006); Joanne Meyerowitz, *How Sex Changed: A History of Transsexuality in the United States* (Cambridge: Harvard University Press, 2002).

27. Ulrichs, *Riddle*, 38-40.

28. In this particular instance, I place quotation marks around "men" to point out that for Ulrichs this term is insufficient sine Ulrichs considered them to be members of a third sex.

29. Hekma, "A Female Soul in a Male Body," 23.

society must accept.[30] Likewise, in describing his own identity as an urning, Ulrichs wrote in a letter to his sister that God "gave [him] the tendency to love men as women love men" and that to "pray to God to change this bent would be very unchristian."[31]

Ulrichs remains not only one of the first sexologists to catalogue and theorize socially aberrant desires and behaviors, but his own relationship as an urning to the behaviors and desires he documents is worthy of further investigation. Ulrichs' emphatic contention that uranism should not be criminalized as well as his own performative assertions that he, too, was an urning sets him apart from future sexologists like Krafft-Ebing whose sole focus was on cataloguing these deviant behaviors. In the process of writing on uranism and recording his own relationship to this category that he had developed, Ulrichs in effect literally *becomes* an urning through his own writings and declarations. Unlike other sexologists who were primarily invested in categorizing these behaviors, Ulrichs' writings on the subject of uranism represent a *becoming* in which his performative declaration that he is an urning signifies something that extends beyond mere description.

Although the scholars I have considered in this chapter situate Ulrichs' definition of "urning" as indicative of modern conceptions of homosexual, Ulrichs did not describe urnings solely in terms of their sexual desires, as a close reading of his work makes clear. The term homosexual misrepresents uranism because Ulrichs did not construct sex as a simple dichotomy between male and female. Ulrichs' formulation of sex as a non-dichotomous entity in turn produced a radically different configuration of desire and a

30. Introduction in *Sodomites and Urnings*, ed. Michael Lombardi-Nash (New York: Harrington Park Press, 2006), xxvi.

31. Karl Ulrichs, "Letter to Sister, Frankfurt, September 22, 1862," in *Sodomites and Urnings*, ed. Michael Lombardi-Nash (New York: Harrington Park Press, 2006), 2.

distinct way of thinking about sex in relation to desire. In part, as a consequence of his pluralistic configuration of sex, Ulrichs did not constitute uranism solely in relation to desire. As a result, the wrong body trope did not arise within the context of "homosexuality," as Norton, Bullough, and Lombardi-Nash assert nor within "transgenderism" as Prosser would like to believe. The trope of the wrong body$_{\#1}$ as utilized by Ulrichs remains deeply intertwined with a specific, non-dichotomous classification of sex which signaled a phenomenon that is irreducible to the discourses of either homosexuality or transsexuality.

Throughout *The Riddle*, Ulrichs positions sex as non-dyadic. With regard to the desires of urnings, Ulrichs stipulated that urnings represented a "class of individuals who are born with the sexual desires of women and who have male bodies."[32] He argued that urnings were neither male nor female but rather representative of a third sex, in which their resulting behaviors and desires complicated the traditional male/female binary. Since urnings were neither male nor female, they could not be expected to act in accordance with normative social expectations. Rather, an urning was "acting according to his own nature, namely, the nature…which is in conformity with the third sex, following not only his nature but the nature of his kind."[33] Ulrichs' insistence that urnings were a third sex offered a different conceptual schema of sex, whereby sex itself as a category could not be reduced to the simple dichotomy of male and female. Ulrichs uses the term third sex to include individuals who express traits ascribed to both the male and female sex, and in the process conceives of sex as a spectrum with male and female on the ends and "urning" in the middle.

32. Ulrichs, *Riddle*, 35-36.
33. Ibid., 37.

Ulrichs configured his notion of a third sex by drawing from the logic of hermaphroditism.[34] Although Ulrichs did not suggest that urnings could be conceived as a subgroup of hermaphrodites, he positioned hermaphrodites as concrete proof that within nature there are bodies and acts which complicate presumed dichotomies. He used the hermaphrodite to assert that biological difference as it pertains to both bodies and sexual acts must not be criminalized or even stigmatized. While it was the bodies of hermaphrodites that complicated traditional physical demarcations of male and female, Ulrichs argued that it was the emotions and behaviors of urnings which strayed from the normative male/female dichotomy. Through his application of hermaphroditism to urnings, Ulrichs situated sex as a scale in which there are males and females, and urnings who reside in between these two categories.[35] By borrowing from the discourse of hermaphroditism to make the case that it was foolhardy to employ the same standards of procreation to hermaphroditic bodies which were unable to reproduce, Ulrichs concluded that it was similarly ridiculous to use this logic to evaluate the behaviors of urnings, noting that in both cases one "cannot study fish by comparing them to birds or vice versa because they belong to different species."[36] The discourse of hermaphroditism offered a conceptual framework for Ulrichs to uphold the logic of his argument that urnings could be considered both a different species and a third sex.

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34. As the following chapter will explore in more detail, the discourse of hermaphroditism emerged in the early to mid-1900s as the primary marker of transsexuality, replacing both the discourse of inversion and the wrong body trope. The difference here is that Ulrichs used the discourse of hermaphroditism in conjunction with the discourse of inversion as proof that urnings were of a third sex. He did not use it to describe individuals whose minds were at odds with their bodies.

35. It is worth noting that from the outset, Ulrichs' notion of sex as a triad appears similar to Hirschfeld's contention that sex is a spectrum. As the next chapter will investigate more closely, Hirschfeld's configuration of sex as spectrum did not assume that there were only three sexes. Rather Hirschfeld, unlike Ulrichs, proposed that numerous configurations of sex were possible and that male and female were simply on opposing ends of the spectrum.

36. Ibid., 36.

Ulrichs' analogical use of the hermaphrodite is noteworthy for several reasons, especially given that intersex treatment protocol relies on a differentiation between sex and gender which was not present in Ulrichs' writings.[37] As the next chapter explicates in greater detail, the presence of indiscriminate secondary sex characteristics and behaviors will serve as the justification *for* the transformation of bodies and desires and *not* as the rationalization for leaving certain desires and/or bodies as they appear in their given or natural state. By contrast, Ulrichs treated hermaphroditism as a natural variation of the biological order and not as a deviation from a biological norm. He offered this as a reason for the acceptance of urnings as they were. The distinction between "natural variation" and "deviation from a biological norm" is important in so far as Ulrichs' use of "natural variation" buttressed his formulation of sex as non-dichotomous. Interventions to change or convert urnings ran counter to the fact that their presence remains an immutable gift of nature that was in accordance with the naturalness of a third sex. Most importantly, Ulrichs used the figure of the hermaphrodite in this context to counter arguments which stipulated that the desires and behaviors of urnings must be modified to better align with social norms of sex. The hermaphrodite functioned as the reason why urnings should be left as they were, and not as the rationalization for altering the bodies of individuals who assume an intermediary sex.[38]

Ulrichs' use of hermaphroditism as well as his contention that sex itself could not be reduced to dichotomous terms must be considered when analyzing the applicability of the terms homosexual and "transsexual" to describe uranism precisely because urnings

37. I use the respective terms "intersex" and "hermaphrodite" when historically appropriate. I avoid using them as synonyms since they have separate conceptual histories.

38. I use the term "intermediary sex" in reference to Hirschfeld's work on "sexual intermediaries," which I will examine more closely in the following chapter.

were not defined solely in terms of the physical desire for men. In addition to his descriptions of urnings as individuals who expressed feminine tendencies and/or love for other men, he described urnings as individuals with a "feminine soul confined by a masculine body."[39] Ulrichs also emphasized the intricate relationship between behavior and desire, but did not sharply distinguish between the two. Noting that urnings could not be defined solely by their physical desire for men, Ulrichs declared that "the feminine nature of a uranian does not solely consist of his sexual love for men and his sexual aversion to women. Besides these, he also has a so-called feminine mannerism which, since he was a child, can be observed in an inclination to girlish preoccupations in shyness, in play, in not scuffing or throwing snowballs as boys do, in manners, gestures and a certain gentleness of character etc."[40] Within the category urning, Ulrichs included individuals whose behaviors corresponded to those of another sex, encompassing one's affinity for "girlish" activities—behaviors we would associate with cross-gender identification. A male's desire for feminine activities and his love for men were co-constitutive of his classification as an urning, demonstrating that the category "urning" was not simply based on one's sexual desires but rather also encompassed behaviors commonly configured within our contemporary discourse as constitutive of cross-gender identification.[41]

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39. Ibid., 289.

40. Ibid., 9.

41. I want to be clear that I am not implying that transgender is an adequate descriptor. As the above descriptions illustrate, Ulrichs refrained from using the terms male and female in reference to the *sex* of urnings. One could argue that Ulrichs' use of the word "child" in his descriptions of the behaviors and predilections of urnings further indicates that the gendered denotation "man" was an inaccurate description of the phenomena he was exploring. Although he explains that their interests are "girlish" and that they do not engage in typical "boy" behavior, Ulrichs does not actually identify their sex in these terms. This is not to say that Ulrichs never uses traditional language of male and female but his use of the gender-neutral phrase "child" must not be overlooked. For Ulrichs urnings weren't simply "gay," but rather constitutive of an entirely new sex category that both complicated and challenged normative ascriptions of male and

The idea that urnings had a "feminine soul in a masculine body" signals a specific relationship between "soul" and "body" that is both commensurate with and radically different from contemporary notions of gender and sex. Like the contemporary categorization of one's gender identification as either masculine or feminine, the very notion that one's soul could have a sex inadvertently expanded the category sex to account for more than just the physical nature of one's genitals. If souls could be sexed, as Ulrichs implies, then sex as a category no longer accounted solely for the physicality of one's body. Although Ulrichs configured urnings as a third sex which was determined by the direction of their love and behavior, sex as a category extended beyond the physicality of one's body and desire to also describe the [sexed] character of one's soul.

Ulrichs remains an instrumental figure in early sexology not simply because the wrong body trope has been traced back to his work but also because his writings point to the cultural contingency of current notions of sex. He remains a particularly salient thinker for both transgender studies and queer theory because his work demonstrates an alternative conceptual configuration of sex, gender, and desire whereby sex is not reducible to the categories male and female. For Ulrichs, sex and desire were not distinct conceptual entities; that is, sex was not independent from desire.[42] Rather, a male's desire for another male contributed to his *sex* classification as an urning. The object of an urning's desire remained one of the quintessential markers of his sex as an urning. Ulrichs' writings on uranism pointed to an alternative schema whereby uranism included individuals who transgressed what our contemporary discourse would refer to as gender,

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"female." In addition, Ulrichs implies that even though the "feminine nature" of the urning actually precedes puberty, sex itself is not determined until the individual expresses sexual desire.

42. I do not mean to imply that sex and desire do not overlap in contemporary discourse. Rather I attempt to mark the confluence of these terms to the extent that for Ulrichs desire and sex are not even rendered as linguistically distinct.

as well as individuals whose desires extended beyond heterosexual paradigms. As a close reading of Ulrichs' work makes clear, the context in which the wrong body allegedly originates is within a schema that (1) did not differentiate between gender and desire in ways that are similar to our modern understandings of these terms and (2) configured sex as a non-dichotomous entity.

Although for Ulrichs sex does not exist as a dyad, he constructs desire in a way that is mediated through a stringent notion of sex as either male or female. Desire, or more precisely the orientation of desire, is regarded as something that can only be directed towards either males or females. Ulrichs does not allow for the possibility that desire *could* be directed towards either a hermaphrodite or the urning. Interestingly, while Ulrichs configures sex along a spectrum, he circumscribes the possibilities of desire within the male/female sex dichotomy. It is unclear why Ulrichs does not account for other forms of desire, but the fact that this schema is closely entangled with his own modes of self-identification may suggest that he does not do so simply because he only sought to explain his own feelings for other men. Since Ulrichs' primary attraction was to male bodies, it is quite likely that he may have never considered the possibility that one could be attracted to a body that physically defied the male/female dichotomy.

While Ulrichs focused predominantly on providing descriptive accounts of uranism that could explain his own feelings of sexual aberrancy, Krafft-Ebing produced a detailed taxonomy of the non-normative sexual behaviors he encountered in his clients. He chronicled these socially aberrant behaviors in order to provide doctors and other medical professionals with a sound reference book they could consult when they came across these conditions in their own patients, which resulted in the publication of

Psychopathia Sexualis. Krafft-Ebing explicitly wrote for an audience of highly-educated medical professionals with the intent of recording the multiple forms of sex/gender deviance he had encountered. Although Krafft-Ebing, like Ulrichs, argued that these behaviors should not be considered criminal offenses, he stipulated that such behaviors represented profound disorders of the psyche.[43]

In response to a letter he received from Ulrichs twenty years earlier, Krafft-Ebing notes Ulrichs' influence on the production of *Psychopathia Sexualis*:

> The study of your writing on love between men interested me in the highest degree…since you… for the first time spoke openly about these matters. From that day on, when—I believe it was in 1866—you sent me your writing, I have devoted my full attention to this phenomenon which at the time was as puzzling to me as it was interesting; it was the knowledge of your writings alone which led to my studies in this highly important field.[44]

As this quotation suggests, there are similarities between Ulrichs notion of uranism and Krafft-Ebing's theory of "homo-sexuality." Among these similarities is the overarching belief that aberrant sexual acts and behaviors were a natural extension of human sexual variation, and not a criminal offense that should be prosecuted.[45] Most importantly for the purposes of this dissertation, both Krafft-Ebing and Ulrichs utilized the discourse of inversion, which they represented through the language of the wrong body, to encompass acts which contemporary linguistic paradigms would deem exemplary of *both* gender transgression and same sex behavior.

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43. Michael Lombardi-Nash, "Foreword" in *Sodomites and Urnings: Homosexual Representations in Classic German Journals*, ed. Michael Lombardi-Nash (New York: Harrington Park Press, 2006);.

44. Richard Krafft-Ebing, "Letter to Ulrichs," xxvi-xxvii, quoted in Michael Lombardi-Nash, *Sodomites and Urnings.*

45. As Lombardi-Nash points out, Ulrichs and Krafft-Ebing eventually became opponents. Ulrichs criticized Krafft-Ebing because in his view, Krafft-Ebing's studies did not draw from groups of "healthy" individuals since a number of Krafft-Ebing's respondents were incarcerated or had spent time in asylums.

If Krafft-Ebing assumed that he and Ulrichs were contemplating corresponding phenomena, a close reading of each of their respective works points out the following conceptual differences in their respective approaches to uranism and homo-sexuality: Ulrichs drew from the discourse of inversion to create a singular framework which did not delineate between various types of inversion and confine them to separate categories. In contrast, Krafft-Ebing used the discourse of inversion to conceptualize homo-sexuality as an umbrella term that contained multiple and differing forms of sex/gender transgression. Furthermore, Krafft-Ebing's accounts construct sex within a dichotomous framework, while Ulrichs declared that urnings occupied their own sex category. Kraft-Ebbing contended that a male's love for another male simply made him more like a woman as opposed to occupying a distinct third sex of his own. This distinction is important because Krafft-Ebing did not configure homo-sexuality as indicative of a third sex like Ulrichs. Although homo-sexuals were more akin to the opposite sex, Krafft-Ebing did not consider them members of a third sex. While Ulrichs configured sex in a way that expanded beyond the dichotomy of male and female, Krafft-Ebing maintained that there were only two sexes, but that sex could not necessarily be determined solely by the physicality of one's body. The distinctions between Ulrichs and Krafft-Ebing are important to note because analyses which emphasize their similarities inevitably obscure the differing configurations of sex present in each of their works.

Krafft-Ebing's theoretical dependence on a dichotomous sex is clearly evident within his descriptions of homo-sexuality, which highlights the inaccuracy of claims that position uranism and homo-sexuality as interchangeable. Within his definition of homo-sexuality, Krafft-Ebing implied that homo-sexuals were not indicative of a third sex

category, stating that "the determining factor [of homo-sexuality] is the demonstration of perverse feeling for the *same* sex."[46] For Krafft-Ebing, homo-sexuality was defined in part by an individual's attraction to a member of the same sex. His use of "same" not only circumscribes homo-sexuality within a framework of dichotomous sex but also positions sex as a stable category that is not inflected by the orientation of one's desire. More specifically, what Krafft-Ebing deemed the presence of "perverse feelings" within the context of "homo-sexuality" was categorized based on the assumption that one's anatomical sex can be characterized as either male or female. While Ulrichs drew most explicitly from the discourse of hermaphroditism to highlight the ways hermaphroditic bodies naturally challenge dichotomous sex categories, Krafft-Ebing constructed sex within binary terms that left no conceptual room for bodies that complicated the male/female dichotomy.

For both Krafft-Ebing and Ulrichs, "inversion" signified "same" sex acts and desires which could not be separated from cross-dressing behaviors and other forms of gender transgression. Although both Ulrichs and Krafft-Ebing constructed "cross-gendered" performances as conceptually intertwined with "same-sex" desires, Krafft-Ebing differentiated and classified various forms of sexual behaviors under the over-arching category of homo-sexuality while Ulrichs never sought to distinguish between various types of inversion. Krafft-Ebing distinguished between in-born and learned homosexuality, with the former including "psychosexual hermaphrodisy" and androgyny, and the latter referring to "metamorphosis sexualis paranoica." Psychosexual hermaphrodisy and metamorphosis sexualis paranoica, which within our contemporary

46. Richard Von Krafft-Ebing, *Psychopathia Sexualis*, trans. F.J. Rebman (New York: Physicians and Surgeons Book Company, 1924), 286, my emphasis.

schema would probably be diagnosed as bisexuality and transsexuality respectively, were understood differently. Within his theoretical schema, homo-sexuality served as an umbrella term, which included phenomena such as masochism and paranoia that contemporary articulations of homosexuality configure as entirely separate entities.[47]

Unlike Ulrichs, who focused mainly on espousing his own theory of uranism while simultaneously drawing from his own self-understanding as an urning, Krafft-Ebing's work offered a detailed typography and classificatory schema. Krafft-Ebing accumulated information through interviews with persons whose desires deviated from the heterosexual norm in order to produce a comprehensive understanding of a homo-sexual's motivations. Although Krafft-Ebing included case studies within *Psychopathia Sexualis* that ranged from masochism to antipathic sexual instinct, he deployed the wrong body discourse throughout his writings to describe an array of incidents he documents. The wrong body$_{\#1}$ trope functions as the primary descriptor in many of the cases Krafft-Ebing describes, but did not serve as a relevant criterion for distinguishing among the types of homo-sexuality Krafft-Ebing catalogues. Krafft-Ebing's broad use of wrong body$_{\#1}$ to describe an array of behaviors differs significantly from the wrong body$_{\#2}$ trope, which remains fundamental to distinguishing homosexuality from transsexuality.

As the following cases illustrate, claims of physical transformation appear in the cases but sentiments associated with the wrong body appear throughout the cases Krafft-Ebing presents in *Psychopathia Sexualis*. In case 139, Krafft-Ebing depicts one man's desire for other men, noting that "the sexual act with a woman appeared to him as a miserable substitute for the homo-sexual act." Given this individual's desire for other

47. Hekma, "A Female Soul in a Male Body;" 220.

men, Krafft-Ebing classified him generally under the broader category "homo-sexual." Like the other cases below, the individual indicates that he felt dissatisfied with his male sex: Krafft-Ebing writes that "at the age of six he felt annoyed at not being a girl. Dolls and girls' games he always preferred."[48] The author continues to note his propensity for feminine behaviors, alluding to the ways his social proclivities do not correlate with his biological sex. However, unlike in the following two cases, the author does not claim to have experienced any physical transformation even though he still exhibits a desire to live as a different sex.

In contrast to Case 139, the following two cases contain moments of perceived physical transformation in addition to sentiments associated with the language of the wrong body. As a result, in part because the author insists that she has undergone a physical transformation, Case 129 is often considered to be one of the earliest personal testimonies of transsexualism.[49] The author begins with a history of her childhood and her inclination for feminine attire and activities. The narrative proceeds with a detailed depiction of the physical changes she experienced at puberty, and the emerging social expectations that corresponded with the development of her male body. Throughout her childhood and early adolescence, the author maintains that even though her body underwent physical changes in accord with maleness, she always "preferred female attire" and her skin was more feminine than the skin of other men.[50] At some point during adulthood after healing from a case of gout, the author contends that she experienced "convulsive laughter, a feeling of unheard strength and swiftness [and] a peculiar feeling

48. Ibid., 368.

49. See Jonathan Ames ed., *Sexual Metamorphosis: An Anthology of Transsexual Memoirs* (New York: Vintage Books, 2005).

50. Krafft-Ebing, *Psychopathia*, 305.

in brain and eyes," resulting in a physical transformation into womanhood: "All at once I *saw* myself a woman from my toes to my breast- I felt, as before while in the bath that the genitals had shrunken, the pelvis broadened and the breasts swollen out."[51] The author experiences her cross-gender identification as a literal metamorphosis where she is physically transformed into a member of the opposite sex. After this "transition," she concludes that she "feel[s] like a woman in a man's form," even though she is sensible of the man's form, yet is always in a feminine sense."[52] For the author of Case 129, the physical changes she experienced served as the justification for her feminine sentiments and attributes.

Similarly in Case 130, Krafft-Ebing offers an account of a woman with a penchant for athleticism and male-oriented activities who desired to "live the life of a man."[53] As in Case 129, Krafft-Ebing describes a change in the woman's physical characteristics that might either explain or be the cause of her cross-gender identification. In Case 130, he notes that "she also perceived a change in her body" and that she was "horrified to notice her breasts disappearing, that her pelvis grew smaller and narrower, [and] that the bones became more massive, and her skin rougher and harder."[54] Once the patient started to recover physically from her illness, Krafft-Ebing notes that "her female gait had altered" and that she was no longer able to remain a woman. Due to the physical transformations, she was forced to assume the role of a man and continued to lead her life performing the respective masculine social roles and obligations. The physical changes

51 .Ibid., my emphasis.
52. Ibid., 314.
53. Ibid., 324.
54. Ibid., 326.

not only complimented her previous desire to live as male but now served as the rationale behind why such changes occurred.

Most importantly, while the specificities of the above circumstances differ, both cases contain a moment of [perceived] physical transformation in which sex characteristics associated with one's biological sex dissipate and ones attributed to the opposite sex emerge. Regardless of whether these physical changes actually occurred, the individual became fixated with and came to regard certain parts of their body in different ways. What were once breasts that solicited little attention from the individual, now not only started to vanish but also emerged as a mark of "manliness." As the following chapter demonstrates, once sex and gender are rendered as conceptually distinct, the wrong body discourse serves as the fundamental conceptual distinction between transgender and "homosexual."

What is particularly interesting about both of these cases is that the perceived physical transformations served as the rationalization for the individuals to act in accordance with the opposite sex. This suggests that the *desire* to live in accordance with the social roles of the opposite sex was not enough of a justification to legitimize such behaviors. Within these two cases, neither author suggests that one's behavior might not actually have to align with one's biological sex. The correlation between one's behaviors and one's sex is never troubled. As a result it is the perceived changes in the individual's body that serve as the legitimization for their occupation of a lifestyle that aligns with that expected of the opposite sex. Desire alone was not enough to warrant the occupation of the opposite sex; rather such behaviors are rationalized through the manifestation of physical bodily changes.

In the last two cases, claims of perceived physical transformation remain intertwined with the individual's assertion that s/he "feels" like s/he occupies a gendered state that contradicts the physiology of her/his body. Given the correlation of claims of physical transformation with the repeated insistence that the individual did not "feel" like the sex they were designated to be at birth, it is worth taking pause to consider what it might mean to "feel" one's gender so strongly that it actually results in perceived changes of the body. On the one hand, it is easy to dismiss these claims of physical transformation as mere instances of delusion and psychological distress because, as we know, bodies don't simply generate new genitalia over night. However, I suggest that we read these lines not as a claim that these changes actually occurred, but rather as confirmation and vindication of the unrelenting "feeling" of gender that pervaded each of the individuals in the cases Kraft-Ebing presents. In this context, feelings are in and of themselves gendered. It is by insisting on their morphing corporeality that these individuals are able to assert what Salamon calls, a "felt sense" of gender.

In *Assuming a Body*, Salamon introduces the notion of a "felt sense" to theorize the ways gender, or how one perceives of one's body, may not coincide with its physicality. Drawing on Freud, Butler and Merleau-Ponty, Salamon reports how individuals, not just ones labeled transgender, often feel themselves to have a body that is amiss with the ways their body is perceived by exterior forces. For Salamon then, what marks the transgender body apart from normatively gendered bodies is not pathology. Rather "the production of a normative gender itself relies on a disjunction between the 'felt sense' of the body and the body's corporeal contours." Unlike her theoretical predecessors, especially Prosser, Salamon seeks to locate transgender not in some

physical notion of "realness' whereby transgender can be defined by the presence or absence of certain bodily traits but rather in a notion of "felt sense" that places bodily perception at the forefront.

If we take Salamon's notion of a "felt sense" and apply it to the case studies Krafft-Ebing presents, then we can take seriously the ways these individuals perceive their bodies and not simply dismiss them as phantasmatic delusions. The value of phenomenology, Salamon writes, is that it "is a realm in which one's own perceptions retain pride of place as a means of determining truth."[55] The question then becomes not whether or not these individuals actually underwent the physical transformations they claim to have undergone, but how their stories can be read as testaments to an overwhelming and unrelenting personal truth. In the same way that contemporary surgical transitions justify the "realness" of the transgender subject's claims of feeling trapped in the wrong body, these transitions authenticate and legitimate sentiments that might otherwise be ignored or dismissed. Their personal *experience*, like the examples I draw from in chapter one, becomes tantamount to the social designation of the category homo-sexual.

The "wrong body" appears as a metaphorical representation of this "felt sense" and, in some instances, also signifies the perceived mutation of secondary sex characteristics as demonstrated by the cases catalogued under the label antipathic sexual instinct. Instances of what we might call cross-gender behavior can be found throughout the types of cases Krafft-Ebing offers as exemplary of homo-sexuality, further illustrating the problematic assumptions embedded within contemporary analyses of Ulrichs and

55. Gayle Salamon. *Assuming a Body* (New York, NY: Columbia University Press, 2010), 56.

Krafft-Ebing which delineate between "homo" and "trans." Through their use of the wrong body discourse both Ulrichs and Krafft-Ebing configured the relationship between sex and desire within the larger framework of inversion. While the details of their analyses differ, for both Ulrichs and Krafft-Ebing wrong body$_{\#1}$ accounted for a wide array of behaviors that we would distinguish along the lines of "gender transgression" and "sexual desire." The wrong body served as a descriptor of behaviors and desires that ran counter to hegemonic norms, but did not arise in any one set of behaviors/desires that can be adequately labeled as homosexual or transsexual. To suggest, as other scholars have, that the wrong body emerges within a particular phenomenon that can be delineated along these lines obscures the nuances of both Ulrichs' and Krafft-Ebing's paradigms as well as their respective theoretical and conceptual differences.

In this chapter I have highlighted the inadequacy of arguments which position the presumed origins of the wrong body trope as indicative of modern-day notions of homosexuality or transsexuality, and have illustrated the ways both Ulrichs and Krafft-Ebing secured an alternative paradigm for imagining the relationship between the categories of sex, gender and desire. Within the discourse of inversion the wrong body served as the primary descriptor for *all* forms of sex/gender deviance. Its deployment within the discourse of inversion remains intricately connected to the confluence of sex, gender, and desire—categories that could not be teased apart or rendered distinct from one another as they are in contemporary understandings. The trope of the wrong body$_{\#1}$ remains grounded upon a unique conception of sex/gender/desire that is not consistent with the trope of the wrong body$_{\#2}$ of contemporary transgender discourse. To imply, as Cromwell does as the beginning of this chapter, that the wrong body trope has a direct

and linear history, ignores the important conceptual differences between Ulrichs and Krafft-Ebing and the varying ways sex was configured apart from the dyadic version of the sex we know today.

CHAPTER THREE

DISPLACING THE DISCOURSE OF INVERSION AND THE RISE OF GENDER

"Each new truth destroys the one held before it. The jolting results collapse one upon the other when the foundation is shaken, the one upon which they were supported."
--Magnus Hirschfeld, *The Transvestites*, 17

Hirschfeld's remarks illuminate the ways that "truth" is a dubious fiction—always subject to the discursive and material contexts which enable certain ideas to emerge as *the* marker of a clearly identifiable objective truth. Although Hirschfeld's remarks point to shifting theories in scientific discourse, his comments also anticipate Foucault insofar as they point to the inadequacy of historical approaches that attempt to posit a singular origin and linear trajectory. In this chapter I focus not on uncovering a "true" definition of transsexual, but rather on exploring how discursive representations of transgender in the 20th century modified and upset previous "truths" about the assumed veracity of sexual behavior and in turn produced a more narrow configuration of the relationship between sex, gender, and desire. As I describe in the previous chapter, wrong body$_{\#1}$ signified acts and behaviors that cannot be reduced to contemporary notions of homosexuality *or* transsexuality. In this chapter I demonstrate how the figure of the hermaphrodite served as the primary framework for configuring transsexuality in the middle of the 20th century. During this period, explicit references to the wrong body trope were sparse.[1] Wrong body$_{\#2}$, which emerges amidst intersex protocol, is conceptually distinct from wrong body$_{\#1}$, which surfaced in the works of Ulrichs and Krafft-Ebing. I turn my attention to the conceptual shift from inversion to object choice, as documented by Chauncey, to examine the discourse used to describe emerging incarnations of "trans,"

1. I want to emphasize that I am referring to explicit claims of being of the wrong body. My focus here is on the performative act of stating one is of the wrong body, and not on more subtle references to inversion.

and the noticeable absence of overt claims to being of the wrong body prior to the emergence of the term gender identity in 1963.[2] As I argue in this chapter the emergence of wrong body$_{\#2}$ in contemporary transsexual discourse differs significantly from late 19th century usage and thus must be analyzed within the conceptual emergence of the neologism gender identity in intersex protocol.[3]

In the first portion of this chapter I interrogate the conceptual foundation of modern day notions of transsexual by exploring how Havelock Ellis' theories about eonism (1928) and Magnus Hirschfeld's work on transvestites (1910) arose as separate categories from homosexuality. I argue that these distinctions can be read as precursors to the concept "mental sex."[4] Within the frameworks Ellis and Hirschfeld set forth the discourse of hermaphroditism functioned as the primary framework for thinking about behaviors that contemporary discourse classifies as transsexual. I contrast Ellis with Hirschfeld to demonstrate how Hirschfeld utilized the discourse of hermaphroditism to signal a distinction between mind and body in a way that Ellis does not. As I illustrate in my analysis of Lili Elbe's memoir (1938), the discourse of hermaphroditism was not limited to sexological accounts but was also deployed by "transsexuals" as a means to analyze their own experiences.

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2. The "emerging incarnations of trans" to which I am referring are as follows: eonism, transvestite and trans-sexual. I do not mean to collapse these terms on to one another nor to imply that they are interchangeable. Rather I simply want to note the conceptual foundations of these terms and illustrate how they differ from and overlap with contemporary articulations of transgender and transsexual.

3. I want to emphasize that by "re-emergence" I do not mean to argue that the wrong body was never used prior to Money and Stoller in transgender discourse. As my analyses of Hirschfeld and Jorgenson suggest, there are traces of the wrong body trope that are present. The difference, however, is that these are infrequent and always circumscribed within a larger appeal to the rhetoric of hermaphroditism.

4. While Ellis' most important work on eonism (*Studies on the Psychology of Sex Volume 7*) was published eighteen years after Hirschfeld's *The Transvestites*, Hirschfeld and Ellis were working on eonism and transvestitism during the same time period-- from roughly the 1880's to the 1930's. These dates of publication are also misleading since as Meyerowitz notes, Ellis started writing on eonism in 1892 and Hirschfeld coined the term transvestite in 1910.

The second portion of this chapter examines the discursive context in which the wrong body trope$_{\#2}$ emerges as indicative of transsexual and transgender bodies. Specifically, I turn to Harry Benjamin (1954) to illustrate how the term "mental sex" was a theoretical harbinger of the concept of "gender identity." I explore the influence of Benjamin's work on Christine Jorgenson's memoir (1967) and note the context in which she refers to herself as a "psychic hermaphrodite." I contrast Jorgenson's memoir with Jan Morris' memoir *Conundrum* (1971), whose explicit use of the wrong body trope$_{\#2}$ denotes a distinction between sex and gender identity that coincides chronologically with treatment protocols aimed at "ameliorating" intersexuality.[5] After Robert Stoller and John Money introduced the neologism gender identity within intersex protocol in 1963 the trope of the wrong body$_{\#2}$—as configured through an appeal to the sex/gender distinction—became the primary framework for thinking about transgenderism. While the distinction between sex and gender serves as the conceptual foundation for modern deployments of wrong body$_{\#2}$ within contemporary transgender discourse, early descriptions of transgender utilized the figure of the hermaphrodite to explain such behaviors.

Since memoirs offer a different perspective on transgenderism than the medicalized accounts offered in the sexological texts I detail below, it is worth noting the different conceptual work done by each of these genres. Memoirs provide an in-depth, *presumably* more "authentic" vantage point, while the medicalized accounts offer explanatory paradigms for understanding these behaviors. Yet, as the writings of Elbe,

5. The term "intersex" has a specific history which is not the same as the discourse of hermaphroditism. While the goal of this project is not to produce a specific genealogy of "intersex" or "hermaphrodite," I want to emphasize the discontinuity between these two terms. For more information on the history of intersex, see Alice Dreger, *Hermaphrodites and the Medical Invention of Sex* (Cambridge, MA: Harvard University Press, 2000).

Jorgenson, and Morris attest, the similarities between each respective memoir and current trends within the sexology of this time are striking. This not only demonstrates Sandy Stone's argument that transgender persons were studying the available medical literature in order to garner desired surgical and medical interventions but also suggests that the genre of memoir itself does not necessarily provide a more authentic vantage point from which to consider transgender subjectivity. Memoirs may offer another vehicle from which to explore how transgender has been conceptualized but, to return to Scott, these perspectives remain encumbered by broader socio-cultural understandings of gender and its relationship to the body, which in turn remain circumscribed by heteronormative accounts of transgender.

I.FROM INVERSION TO OBJECT CHOICE: THE DISCURSIVE ROLE OF HERMAPHRODITISM IN EARLY ARTICULATIONS OF "TRANS"

In his essay "From Sexual Inversion to Object Choice," George Chauncey notes that by the early 1900's "a fundamental shift in conceptualization was underway, medicine began to specify and narrow the definition of the sexual, and to distinguish and classify sexual deviations in ever more discrete categories."[6] With the development of Freud's theories of universal bisexuality and the neologism "sexual object choice" in the early 1900's, scientific discourse categorized aberrant sexual and gender behavior as a deviation from "normal" object choice, which influenced the frequency and context for how and when the wrong body trope was deployed. The Freudian notion of "object choice" set the groundwork for differentiating between those who assumed roles and predilections associated with the opposite gender and those who simply desired members

6. George Chauncey, "From Sexual Inversion to Homosexuality: Medicine and the Changing Conceptualization of Female Deviance," *Salmagundi* 58 (Fall 1982): 115.

of the same sex. Thus inversion—at least in the ways it was configured by Ulrichs and Krafft-Ebing—was no longer the preferred schema for theorizing homosexuality. Chauncey adds that the shift from inversion to object choice "reflects a major reconceptualization of the nature of human sexuality, its relation to gender and its role in one's social definition."[7] The paradigm shift from inversion to object choice did not simply offer new frameworks to describe non-normative sexual behaviors but rather, as Chauncey suggests, provided a different schema in which sex and its relation to desire was reconstituted and reconceptualized. As a result, the shift from inversion to object choice offered the theoretical foundation for the modern distinction between transgenderism and homosexuality. Ulrichs' work supports Chauncey's claim insofar as for Ulrichs desire was a stable axis which influenced how one's sex was categorized whereas his successors did not position the relationship between sex and desire in this manner.

Chauncey attributes the shift from inversion to object choice to the work of Freud and Ellis, both of whom substantively changed the field of sexology. The conceptual framing of homosexuality through an appeal to object choice remains important for thinking about homosexuality as distinct from transsexuality and, most importantly, for theorizing sex as unique from gender (identity). The logic embedded in the distinction between transsexual and homosexual set the framework for thinking about sex and gender as unique, differentiated concepts. As Chauncey notes in detail, Ellis' contention that eonism could be practiced by men who desired women set the conceptual framework for Hirschfeld's work on transvestitism, which Hirschfeld insisted was a practice entirely

7. Ibid., 116.

apart from homosexuality. As Chauncey notes in detail, Freud's emphasis on "sexual object choice" as distinct from other types of inversion as well as Ellis' contention that eonism could be practiced by men who still desired women set the conceptual framework for Hirschfeld's work on transvestism. While Freud's work is important here, it is not the focus of this chapter. Rather I accept Chauncey's argument regarding the shift from inversion to object choice, and consider how this shift influenced the deployment of the wrong body trope.

Yet the discursive shifts that occurred were not absolute; traces of the discourse of object choice can be found in Ulrichs' work, while remnants of inversion are certainly present in texts written in the early 1900's. Chauncey notes that the discourses of inversion and object choice overlap significantly, with the invert signaling a biological predisposition and the homosexual connoting an individual's choice for certain sexual behaviors even as late as the mid 1900's. As I note in my analysis of Ellis, references to both inversion and object choice are present. I do not intend to oversimplify the discourses of either inversion or object choice by opposing them to one another. Instead, I emphasize the conceptual (as opposed to historical) shift from inversion to object choice that *coincided* with the development of new modes for thinking about emerging conceptualizations of eonism and transvestite as discrete from the categories of homo-sexuality and uranism. This is not the same as suggesting there is a causal relationship between the two. Rather I note the ways these developments coincided to demonstrate how this shift is reflected in burgeoning theories of transvestitism. As new theories situated eonism and transvestite as distinct from homosexual, subtle references to the discourse of inversion were present but literal claims to being in the wrong body trope

were absent. Instead, homosexual was constructed around Freudian discourses of object choice, while eonism and transvestite were theorized within a framework that positioned the hermaphrodite at its conceptual center.

As I demonstrate in the following section, although Ellis explicitly states that the hermaphrodite might not be an accurate descriptor of eonism, he nonetheless describes the behaviors and qualities of eonists by overtly documenting what he considers competing male and female characteristics. Ellis utilized the discourse of hermaphroditism to account for the ways eonists had both male and female qualities, but he did not use the figure of the hermaphrodite to distinguish between the sex of one's mind and the sex of one's body. This is not to say that Ellis did not appeal indirectly to a mind/body split in his descriptions of eonists but, rather, that he did not use the discourse of hermaphroditism to mark this split. In contrast with Ellis, Hirschfeld drew from the discourse of hermaphroditism to signal the ways transvestites' minds were in competition with their bodies, alluding to their "mental sex" as a way to reference the condition of their psyches. Hirschfeld's implicit use of the language of hermaphroditism to explain transvestitism remains grounded in an appeal to a "mental sex," which coincided with the discursive shift from paradigms of inversion to those of object choice. As the last section of this chapter will demonstrate, the logic that undergirds the concept "mental sex" is conceptually akin to the logic of gender identity.

In many ways Hirschfeld's use of the phrase mental sex resonates with Ulrichs' implication that all individuals had a "sexed soul." Both Hirschfeld and Ulrichs imply that individuals have an internal essence which has a particular sex and pre-exists discourse. In addition, sex as a category extended beyond the mere presence of certain

genitals. For Ulrichs, the soul had a particular sex and, for Hirschfeld, the mind could be thought of as having a sexed orientation as either male or female. Although it is clear that Ulrichs' insinuation that souls have sexes and Hirschfeld's use of the term mental sex clearly overlap, it is also worth noting the conceptual differences. For Ulrichs, one's sex was determined by both desire and behavior whereas for Hirschfeld, one's sex (even if one's mental and physical sexes were in contradiction) was fixed even though it influenced how one's sexual desires would be catalogued.

Although Ellis remarks that Krafft-Ebing had encountered a case that could be classified within the rubric of eonism he delineates, Chauncey positions Ellis as one of the first sexologists to theorize what we would call gender transgression apart from sexual desire.[8] In *Studies in the Psychology of Sex,* Ellis introduces the term eonist, to describe individuals who engage behaviors associated with the opposite sex.[9] Although similar in structure to Krafft-Ebing's treatise *Psychopathia Sexualis,* Ellis critiqued Krafft-Ebing's analysis on the grounds that Krafft-Ebing configured the eonist on the spectrum of insanity, thus ignoring the particularities of his unique experiences. Through his own re-reading of Krafft-Ebing's work, Ellis argued that the discourse of insanity could not represent the emotions or actions of persons who considered themselves members of the opposite sex. As Ellis writes, "to describe a mental condition which, though abnormal, is sane, by its relation to an insane state it never reaches, although such a method may be the most obvious to an alienist, is to assume too pathological a

8. Chauncey, "From Inversion to Object Choice,"118.
9. Havelock Ellis, *Studies in the Psychology of Sex* (New York: Random House, 1942), 26-28.

standpoint."[10] For Ellis, the pathologizing framework of insanity did not provide a compelling explanation for such aberrant behaviors.

In addition to his concerns about Krafft-Ebing's juxtaposition of eonism and insanity, Ellis argued that previous paradigms which delineated between different types of inversion did not account for the fact that the majority of eonists sexually desire members of the sex with which they identify. He stipulated that the "important point [of eonists] is that the impulse springs out of admiration and affection for the opposite sex, therefore the subject of it is not usually tempted to carry the inner imitation so far as to imitate the sexual desires of that sex and so to become unlike it by being homosexual."[11] From this Ellis concluded that even though eonists desired to be like members of the opposite sex in dress and appearance, their sexual desires were akin to the normal sexual desires shared by members of their biological sex.

I treat Ellis as a transitional figure because residual traces of the discourse of inversion are present in his descriptions of eonism and yet he configures eonism as conceptually distinct from inversion. Ellis describes eonists as individuals who are "behaving and dressing like the opposite sex, yet are not sexually inverted." A cursory assessment of this remark suggests that Ellis positions eonism as something other than inversion. Yet Ellis' implication that inversion is only about sexual desire misrepresents the discourse of inversion and ignores the nuances of Ulrich's and Krafft-Ebing's theories. His use of eonism and "sexo-aesthetic inversion" as interchangeable phrases also reiterates the conceptual overlap between eonism and inversion. Ellis' neologism eonism marks a discursive divergence from previous work on inversion which theorized

10. Ibid., 36.
11. Ibid., 28.

behavior and desire within the same over-arching framework (as the aforementioned examples indicate), and yet residual traces of the discourse of inversion are still present within Ellis' conceptualization of eonism.

In his descriptions of eonism, Ellis maintains that eonism results from a genetic predisposition which cannot be explained entirely by psychoanalysis. He emphasizes the unique psychic disposition of eonists and indirectly appeals to a distinction between mind and body but rejects Krafft-Ebing's phrase "psychic hermaphrodite" as an adequate descriptor of eonism on the following grounds: "these people [eonists] are not always conscious of possessing the psychic disposition of both sexes, but sometimes only of one, the opposite sex, the sex to which they are attracted."[12] Ellis' argument regarding the inaccuracy of the phrase "psychical hermaphrodite" is important because it demonstrates that he does not employ the discourse of hermaphroditism to represent a distinction between mind and body.[13] Unlike Hirschfeld, who utilizes the discourse of hermaphroditism to connote individuals whose minds are of one sex while their bodies are of another, Ellis draws on the hermaphrodite to signal the competing sex characteristics of eonists but does not use it in a manner to mark a distinction between mind and body.

This distinction may appear subtle but it speaks to the different representations of eonism in relation to later descriptions of transgenderism. Ellis' declaration that

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12. Ibid.

13. It is worth noting that the phrase "psychical hermaphrodite" appears briefly in Krafft-Ebing although Krafft-Ebing uses this to categorize individuals with sexual feelings for members of both sexes. He notes that "the characteristic mark of this degree of inversion [psychical hermaphroditism] of the sexual instinct is that, by the side of the pronounced sexual instinct and desire for the same sex, a desire toward the opposite sex is present…"(*Psychopathia Sexualis*, 352). Because I am concerned with how the discourse of hermaphroditism is used to mark early theorizations of transsexuality and not how it relates to sexuality in general, I do not include an analysis of Krafft-Ebing's use of the discourse of hermaphroditism in either this chapter or the previous one.

hermaphroditism is an unfit descriptor suggests that eonism is conceptually anchored in a framework that emphasizes the eonists' drive to live as a member of the sex he desires. It is not that Ellis rejects a depiction of the eonist through an appeal to a mind/body split, but rather that he does not use the discourse of hermaphroditism to mark this distinction. The fact that the eonist may not be aware of "possessing the psychic disposition of both sexes" further suggests that in this context hermaphroditism is used to represent the confluence of characteristics traditionally associated with both sexes and not as a metaphor for individuals whose minds are at odds with their physical bodies. It is worth noting that Ellis does not draw from the discourse of hermaphroditism to trouble binary notions of sex. Rather he uses the discourse of hermaphroditism to describe the conflicting male and female qualities of eonists, but does not explicitly trouble the sex duality as Ulrichs does. As I will examine more closely in the following section, later representations of transsexuality that draw from the discourse of hermaphroditism use it to signify a distinction between mental sex and physical sex—a distinction that is central to early configurations of the category transsexual.

Although Ellis points to what he considers conceptual flaws in the association of hermaphroditism with eonism, the cases he cites explicitly emphasize the male and female qualities present in eonists. In his assessment of the most profound case of eonism, Ellis turns to the case of R.M., a sixty-six- year-old man who states that he would prefer to be a woman, claiming that he "should like to be a woman in order to enter utterly into their lives…"[14] R.M. explains that after his wife died he desired to live his life as a woman, which he attributed to changes in his physical body. Noting that his beard

14. Ibid., 98.

and chest hair were more developed on the right side of his body, he explains that he thought there might be a "slight tendency to lateral hermaphroditism" in which the "right side [was] more masculine than the left." As R.M. goes on to note, his left side compensated for this deficiency and thus he had better eyesight in his left eye. In addition to these physical differences, R.M. contends that he started to develop breasts which was "accompanied by a titillating sensation in any part which was about to enlarge; also a throbbing feeling in the whole and a feeling of inflammation could often be induced by a voluntary contraction of the muscles" but was "not accompanied by any atrophy of the male organs."[15]

R.M writes that with regard to his situation, he does "not feel the double sex to be an evil, but rather an advantage" because it has allowed him to relate to his wife on multiple levels. R.M.'s use of "double sex" is important, for it suggests that his own self-perception remains fixed in the belief that he is not of one sex, but two. In this context, R.M.'s "double sex" refers to the multiple and competing physical characteristics and transformations of his body as opposed to the feeling that his sex is of one mind and his body is of another. Nowhere in the text does R.M. suggest that his "condition" is the result of his mind being at odds with his body, and as the aforementioned descriptions make clear, his use of "double sex" points to the combination of masculine and feminine qualities present in his body. Interestingly however, R.M offers no evidence that his "double sex" leads to sexual desires for both men and women.

Both R.M.'s self-description and Ellis' theorizations of eonism employ the discourse of hermaphroditism to account for the competing presence of male and female

15. Ibid., 97.

qualities. Eonism is represented through the discourse of hermaphroditism, but as Ellis and R.M.'s descriptions attest, the discourse of hermaphroditism is used to explain eonism within a paradigm that does not symbolize the discordance of an individual's mind and body. Rather it is used to illuminate the competing male and female components present in a body, which emerge as the constitutive and defining feature of eonism. What is most interesting here is not only that Ellis positions R.M.'s case as exemplary of eonism, but also that the discourse of hermaphroditism is used to represent the presence of competing secondary sex characteristics and the physical changes R.M. experiences. Within this framework, the discourse of hermaphroditism is deployed to signal individuals with competing sex characteristics as well as those who have undergone some sort of physical change as a result, but sex is not configured as non-dichotomous as it is for Ulrichs.

The similarities between Ellis' and Krafft-Ebing's descriptions of their respective case studies are worth noting. Both Ellis and Krafft-Ebing suggest that physical changes are either the cause or consequence of "sexual aesthetic inversion" and eonism respectively. Like Krafft-Ebing, Ellis marks the confluence of male and female characteristics and documents the physical ambiguities of persons who are representative of "sexual aesthetic inversion." However, for Krafft-Ebing the wrong body discourse functions as the primary descriptor of all forms of inversion, not simply sexual aesthetic inversion. In contrast, for Ellis explicit references to the wrong body are absent and the discourse of hermaphroditism exists apart from a direct appeal to inversion. For Ellis, although he does not use the discourse of hermaphroditism to mark this, the mind/body distinction plays a more prominent role in his analysis of eonism than it does in Krafft-

Ebing's work on inversion. For Krafft-Ebing, an account of physical transformation, and not a distinction between mind and body, is what distinguishes the sexual aesthetic invert from other types of inverts.

In the cases that both Krafft-Ebing and Ellis record, the moment of physical transformation is portrayed as a particular moment etched in a linear temporality and yet the physical changes themselves are also significant in that they allow for future transitions to follow. Although this physical transition is marked as a particular, bounded moment in which changes to one's body occur, they also suggest that these physical changes will continue to occur. This further demonstrates the need for the individual to live as the opposite sex and serves as confirmation of the individual's "felt sense." In both of these contexts, transition is not a singular event but an ongoing process.

Ellis' theorization of eonism and Hirschfeld's analysis of transvestites overlap in critical ways—most importantly, both Ellis and Hirschfeld argued that eonism and transvestitism, respectively, must be considered as distinct from homosexuality and inversion. While the similarities remain important, I am most interested in how the discourse of hermaphroditism functions in each of their works. Although their work overlapped chronologically and they both set out to differentiate eonism and transvestitism conceptually from homosexuality, a close reading reveals several important distinctions: First, Ellis implicitly employed the discourse of hermaphroditism in reference to the competing male and female traits present in eonists, while Hirschfeld's use of hermaphroditism remains connected to the idea that individuals have a mental sex. In his discussions of mental sex, Hirschfeld used the term transvestite to account for any individual who was unhappy with his/her birth sex designation and employed the figure

of the hermaphrodite to represent transvestites whose bodies were at odds with their minds. This specific usage, I argue, remains connected to his contention that sex had multiple elements and could not be determined simply through genitalia.

Hirschfeld's *The Transvestites* (1910) remains one of the first texts to chronicle the experiences of multiple cross-dressers and, as a result, produces both examples of various cases and an overview of his subjects' reasons for cross-dressing. Although Hirschfeld was interested in the motivations of his clients, he was equally invested in advocating tolerance on their behalf. As Vern Bullough notes, "he was no dogmatist pushing a set point of view but a clinician trying to explain and understand some of the behaviors he observed in his clients."[16] Through a study of roughly seventeen specific cases, Hirschfeld concluded that transvestitism is a phenomenon of its own which must be studied apart from previous theories of homo-sexuality.

Hirschfeld begins *The Transvestites* by presenting the following logical conundrum: if "not all homosexuals are effeminate [and] not all effeminate men are homosexual," then how can we explain the latter? Along with Ellis, Hirschfeld's insistence that effeminacy was not indicative of unacknowledged homosexuality rendered sex presentation/performance (what we would call gender) distinct from "same-sex" desire and provided a new conceptual framework within which to situate transvestitism as unique from homo-sexuality. By distinguishing between transvestitism and homo-sexuality, Hirschfeld was also able to logically conclude that transvestitism did not necessarily interfere with a [heterosexual] couple's ability to have a "healthy" and happy marriage, and thus was further evidence that transvestitism was not always in opposition

16. Vern Bullough "Introduction" in *The Transvestites* by Magnus Hirschfeld, trans. Michael Lombardi-Nash (Buffalo, NY: Prometheus Books), 12.

to heterosexuality.[17] Hirschfeld's distinction between homosexuality and transvestitism remained conceptually grounded in a version of homosexuality that was theorized through the language of object choice and not the discourse of inversion.

Although heavily influenced by Krafft-Ebing, Hirschfeld argued that Krafft-Ebing's formulation "homo-sexual" was conceptually too narrow and thus could not logically account for the phenomenon he referred to as transvestitism. Precisely because there were documented instances in which transvestitism did not always correspond with same-sex desires, the term homo-sexuality could not contain, at least linguistically, incidences of transvestitism: "The main marker of homosexuality, as its root word--homos, or 'same'—indicates, is the direction of the sex-drive toward the person of the same sex."[18] While it is unclear if Krafft-Ebing considered the narrow implications of homo-sexual, Hirschfeld distinguished transvestite from homosexual in part because homo-sexual—as a concept—could not account for transvestites who engage in heterosexually oriented behaviors and desires. As Hirschfeld's use of the words "sex-drive toward" demonstrates, the rhetoric of object choice was central to the meaning of homo-sexual. Hirschfeld determined then that the term transvestite would refer to individuals who cross-dressed and assumed the clothing and habits of the opposite sex, but without reference to whether they engaged in sexual acts with members of their sex.

Hirschfeld's critique of Krafft-Ebing's homo-sexual further exemplifies the shift from inversion to object choice, as documented by Chauncey. Embedded within Hirschfeld's re-statement of homo-sexuality is a direct emphasis on the "direction of sex-

17. As Vern Bullough notes in his introductory remarks to *The Transvestites*, although Hirschfeld advocated on behalf of transvestites, he did discourage unmarried transvestites from pursuing marriage because he felt that there would be adverse emotional consequences to the partners of transvestites.

18. Hirschfeld, Magnus. *The Transvestites: The Erotic Drive to Cross-Dress*, trans. Michael Lombardi-Nash (Buffalo, NY: Prometheus Books, 1991), 148.

drive," which contains a relational element that remained absent from previous theories of inversion. While Ulrichs frequently used the term "love" to represent the desires of urnings, Hirschfeld used the language of "drive." As Hirschfeld argues, sex drive always has an outward direction to another object. Although one could argue that Ulrichs' "love" also has a directional element, for Hirschfeld the direction of one's desires was the *sole* criterion for determining one's sexuality, whereas in Ulrichs, one's "love" (not choice) was only one of many components used to determine one's sex.

Hirschfeld further argued that sex was not a simple binary between male and female, but rather a spectrum in which some parts of men actually belonged to women and vice versa.[19] He postulated a "theory of intermediaries" to support this view: "absolute representatives of their sex are, however, first of all only abstractions, invented extremes; in reality they have not as yet been observed, but rather we have been able to prove that in every man, even if only to a small degree, there is his origin from the woman, in every woman the corresponding remains of manly origins."[20] Hirschfeld constructed sex as neither dyadic nor static and stipulated that an individual's homosexuality and/or transvestitism was innate, having resulted from a perverse mixture of four different elements which determined an individual's sex and corresponding sex/gender behaviors. These four elements— the physicality of one's sexual organs, secondary sex characteristics, sex drive, and "other emotional characteristics"— determined whether someone was an "absolute" man, a man with womanly tendencies, or a homosexual. Hirschfeld's attention to these four attributes buttressed his overarching

19. Meyerowitz, *How Sex Changed*, 106-108.
20. Hirschfeld, *The Transvestites*, 35.

theory that sex itself was a continuum in which all bodies possessed both male and female qualities.

As a result, Hirschfeld positioned transvestites within this spectrum of sexual intermediaries, claiming that they were "hermaphrodites of the mind." In *The Homosexuality of Men and Women* (1922), Hirschfeld explains that transvestites are a "third group that extends the sense of the word [Zwitter] even further and identifies Zwitter (translated as hermaphrodite) with sexual intermediary states [and] accordingly it distinguishes between hermaphrodites in body and hermaphrodites in mind."[21] Hirschfeld claims that the phrase "psychological hermaphroditism" is analogous to the transvestite since transvestites have a psychological sex that is in opposition to the physical sex of their bodies. In *The Transvestites,* Hirschfeld does not deploy the phrase "psychological hermaphrodite" in the cases he outlines, although he does emphasizes the discontinuity between transvestites' feminine inclinations and the physicality of their male sex.

Hirschfeld also differentiates between various forms of transvestite behavior, emphasizing that "sexual orientation" is not a marker of transvestitism. The structure of *The Transvestites* follows the format of previous sexological texts, which offer an "expert" opinion followed by the presentation of individual case studies. The majority of the cases Hirschfeld presents feature descriptions of individuals who assume the behaviors and manners culturally assigned to the opposite sex. In what are presumably his own words, the author of Case 12 describes several instances in which he dressed up like a woman during adolescence, donning wigs, woman's underwear, and a woman's coat. Likewise, the author of Case 4 remarks that his "emotions appear to [him] to be

21. Magnus Hirschfeld, *The Homosexuality of Men and Women*, trans. Michael Lombardi-Nash (Amherst, NY: Prometheus Books, 2000), 63.

totally feminine…Smoking, drinking, card playing and such, I hate them." [22] Here the author suggests that his behaviors are indicative of his emotions, blurring the conceptual boundary between emotion and behavior. For the author of Case 4, his emotional predilections for femininity are responsible for his lack of interest in predominantly male behaviors. Most importantly, however, both of these authors, along with the ones I mention below, construct their desire to cross-dress as distinct from their sexual desires.

Hirschfeld implies that these conditions result from a mental sex that is in contradistinction to a physical sex. He explains that in these cases "the inclinations for love are essentially adequate for the physical condition, while the mental condition agreed with the sex to which the ones in question felt themselves attracted."[23] In order to illustrate how one's mental condition differs from one's physical sex, Hirschfeld documents these cases within the larger framework of hermaphroditism and sexual intermediaries and points to the ways that his subjects share the mental qualities of the opposite sex.

Hirschfeld's use of the discourse of hermaphroditism in conjunction with his references to mental sex differentiates these cases from previous ones presented by Krafft-Ebing and Ellis. For Hirschfeld, descriptions of mental sex remain subsumed within a larger framework of hermaphroditism which serves as the explanatory paradigm for why one's mental sex might be in contradistinction with one's physical sex. In a letter to the publisher of a woman's magazine, the author of Case 13 writes that "your publication *Antenatal Care,* interests me so much that I have to keep it: I am physically a man, *mentally* a woman; for that reason I have a lot of sympathy for everything that is

22. Hirschfeld, *The Transvestites*, 34.
23. Ibid., 18.

womanly."[24] Similarly, the author of Case 9 writes that even though he knows he is physically male, he has "always felt deeply feminine."[25]

While one could argue that these statements suggest sentiments associated with the wrong body trope, my point here is to show how these feelings are part of a larger appeal to a discourse of hermaphroditism and a conviction that one has the emotional qualities of one sex and the physical qualities of the other, which is understood not as a conflict but as a doubling which does not need to be resolved. As the first chapter suggests, this differs from contemporary assertions in which transgender persons claim to be of the wrong body and appeal to a distinction between sex and gender.[26] The discursive presence of mental sex within these particular cases is important because it marks a specific way of thinking about "transvestitism" in a manner that is distinct from previous theorizations which did not collapse "cross-gender behavior" with "homo-sexuality." Furthermore, it also set the stage for thinking about "trans" within a framework that differentiates between physical and mental sex or later what is referred to as sex and gender identity. Even when the social aspects of gender are noted by contemporary theorists, the idea that one has a gendered core identity resonates with Hirschfeld's work on mental sex.

In addition to chronicling mental sex, Hirschfeld dutifully details the physical characteristics of each subject, noting that they often have secondary physical features of both sexes. In Case 1, Hirschfeld notes that the subject has "manly hips" and a quick gait,

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24. Ibid., 83, my emphasis.
25. Ibid., 60.
26 . Again, this is not to say that the sex/gender distinction means the same thing to every contemporary author I mention. As the examples I offer in the first chapter demonstrate, what gender means for Boylan is not necessarily the same for Bono. While what gender and sex mean for each author in chapter one differs, the distinction itself, is still present in these examples.

but a "high voice" and little body hair. Similarly, in Case 3, Hirschfeld notes that this subject is "sensitive to pain" but has the "speaking voice of a tenor," and that his muscles are "soft" but his frame is full. Hirschfeld emphasizes the competing male and female characteristics of hermaphrodites to signal their membership in both sexes. His description resonates with R.M's self-presentation in Ellis in that both Hirschfeld and Ellis emphasize the complementary presence of both male and female qualities. However, unlike R.M. in Ellis, Hirschfeld's descriptions explicitly draw on the discourse of hermaphroditism to signal the possibility that one's physical sex and one's mental sex might not be aligned.

Although Hirschfeld questions the plausibility of patient reports of physical transformation, Case 9 is reminiscent of Krafft-Ebing's Case 129 and Ellis' R.M. Case 9, which I detail below, describes a body that transformed from one sex to another. The physical changes the author of Case 9 experiences as well as those of Krafft-Ebing's Case 129 and Ellis' R.M, serve as the explanation for the subjects' emotional distress as well as the reason for medical attention. The author of Case 9 notes that as she continued to engage in cross-dressing behaviors, "it appeared to [her] in the course of time as if [her] body were becoming somewhat more feminine," noting that she now had "a thin waist, heavy hips, breasts like a fifteen year old girl, smooth, white skin and small feet."[27] Again whether or not the subject actually experienced a physical metamorphosis is unclear, but what is important about Case 9 as well as the cases mentioned by Krafft-Ebing and Ellis is that it introduces "sex change" as a viable possibility. These accounts

27. Ibid., 62.

further corroborated the notion that one's sex *could* actually change and that sex, itself, wasn't necessarily static throughout the course of one's life.

If sex could change or morph as the cases detailed by Krafft-Ebing and Ellis suggest, then it would seem that sex could also be modified intentionally through surgical means.[28] While most cases of sex "changes" were presented through medical accounts, Lili Elbe became the first transsexual to undergo surgery and publish a memoir regarding her medical experiences. Records indicate that Elbe was born in 1886 and was given the name Einar Wegener, although the details of her life remain unclear. In her memoir *Man Into Woman*, published posthumously in 1931, Elbe alternates between referring to herself as Lili and Andreas, in what can be read as an attempt to discursively mark the competing presence of her "male" and "female" personas. Her contention and rhetorical demonstration that "transvestites" might be of more than one sex served as the rationalization for their "aberrant" desires and behaviors. Elbe notes the ways her sex could not be reduced to the simplicity of "male" or "female" in a manner that is commensurate with Hirschfeld's insistence that the terms male and female are reductionist in so far as they cannot account for all of the complicated and sometimes competing characteristics that compose an individual's sex. Elbe constructs herself as a cross-dresser intent on "changing" her physical sex, arguing that the "problem" to be corrected lies in the physical configuration of her body and not in her mental state. Elbe insists that her situation can only be fixed if her female sex takes over which would in turn leave her male characteristics inoperative.

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28. For a more detailed discussion on the history of medical technologies and the impact of surgical developments, see Michel Foucault, *The Birth of the Clinic: An Archaeology of Medical Perception*, trans. A.M. Sheridan Smith (New York: Vintage, 1994).

In a vein similar to R.M., who claims that he is of a "double sex," Elbe refers to herself as a literal hermaphrodite, remarking that "Andreas was, in fact, two beings: a man, Andreas and a girl, Lili… they might even be called twins who had both taken possession of one body at the same time."[29] Upon the discovery of her hermaphroditism, Elbe acknowledges her male desires as a manifestation of her physical condition. Throughout the text, Elbe documents her propensity for femininity, noting that her "condition [was] gradually becoming intolerable."[30] This "intolerability" quickly became alleviated, according to Elbe, once doctors agreed to remove her ovaries and to replace them with the healthy ovaries of a twenty year-old female; a surgical procedure which eventually led to Elbe's untimely death at the age of forty-nine.[31]

Elbe's claims of physical transformation indicate the interconnections between the discourse of hermaphroditism and emerging definitions of transgender present in the mid 1930's. They also elucidate an early reliance on the discourse of hermaphroditism for transsexual subjectivity and illuminate the precarious position Elbe's work assumes as the "first" memoir written by a transgender person. Elbe insists that she came to believe that she "was both man and woman in one body" and that "the woman in this body was in the process of gaining the upper hand."[32] Elbe's contention that one sex was overpowering the other and her frequent references to her twin "Andreas" conjures a vastly different image of transgender than contemporary claims which position the wrong

29. Lili Elbe, *Man into Woman: An Authentic Record of a Change of Sex: The True Story of the Miraculous Transformation of the Danish Painter Einar Wegener (Andreas Sparre),* ed. Neils Hoyer, trans. HJ Stennings, (Boston: EP Dutton, 1933), 20.

30. Ibid., 16.

31. Jonathan Ames, "Introduction" in *Sexual Metamorphosis*, ed. Jonathan Ames (New York: Vintage, 2005), 23.

32. Ibid., 100.

body as central to transgender subjectivity.[33] Elbe's version of the wrong body positions hermaphroditism at its center whereby being in the wrong body consists of having a body that is both "man" and "woman."

Elbe's memoir elucidates the prevalence of the discourse of hermaphroditism in early descriptions of "trans" in scientific and popular discourse. Although Elbe does not configure her experiences within the rubric of mental sex, her emphasis on the competing presence of male and female characteristics whom she identifies as "Andreas" and "Lili" resonates with Hirschfeld's descriptions of transvestites as sexual intermediaries whose mental sex and physical sex that juxtapose these two ideal poles. Elbe's focus on the competing male and female components present in her body and the lack of attention she pays to issues of homosexuality further demonstrates how paradigms in the early to mid 1930's configured "trans" as conceptually distinct from "homosexual."

The notion that one's sexual desires were distinct from one's desire to live as a member of the opposite sex rationalized frameworks that differentiated between "trans" and "homo-sexuality." Within Ellis' configuration of eonism, Hirschfeld's analysis of "transvestitism," and Elbe's own writings, the discourse of hermaphroditism and *not* overt claims of being in the wrong body served as the fundamental framework from which to consider how these acts and behaviors were not always indicative of homo-sexuality. Ellis and Elbe drew from the discourse of hermaphroditism to signal competing masculine and feminine qualities, while Hirschfeld used it to allude to individuals whose mental sex did not correspond with their physical sex. In an effort to diagnose and produce explanatory paradigms for transvestite behavior, sexologists like Hirschfeld who

33. It is also worth considering why Elbe remains exemplary of transgender and has not been heralded as the first "intersex memoir," especially since she never concedes to feeling like she is in the wrong body.

remained devoted to studying the multiple elements that composed sex set the framework for emerging paradigms that differentiated between psychological sex and genital sex.[34] As the next section of this chapter will illustrate, the emergence of psychological sex as a concept set the groundwork for Money's and Stoller's notion of "gender identity," which arose as the conceptual basis for deployments of explicit references to the "wrong body" in contemporary transgender discourse.

II. MENTAL SEX AND THE PSYCHIC HERMAPHRODITE

The notion of mental sex emerged as a way to mark the discontinuity between the minds of transvestites and the configuration of their bodies. Although Ellis found the phrase "psychic hermaphrodite" to be an unfit descriptor of eonism and Hirschfeld only mentions it briefly, their successors, including Harry Benjamin, used the phrase "psychic hermaphrodite" frequently in reference to transvestites and later to those whom Benjamin would refer to as transsexuals. As an analysis of Benjamin and Jorgenson illuminates, the phrase "psychic hermaphrodite" served as the primary descriptor of transsexuals whose minds were at odds with their bodies. The discursive rise of "psychic hermaphrodite" and its pervasiveness in Benjamin and Jorgenson reflects trends in the development of new terminology like "mental sex" (also referred to as psychological sex). Subsequently, it was only after the phrase gender identity emerged in intersex discourse and was later applied to treatment protocols for transsexuals that the intentional claims of literally being in the wrong body emerged as primary descriptions of transsexuality. My goal here is not to offer a causal analysis that suggests intersex

34. Hausman, *Changing Sex*, 113.

protocol was solely responsible for contemporary notions of transgender, but rather to point to the conceptual and discursive conditions within intersex protocol that *coincided* with the wrong body trope's emergence as a primary descriptor of transgender.

Although Hirschfeld cited the case of an individual who used the term "mental sex" to refer to her transvestite desires, David Cauldwell was the first sexologist to deploy the phrase psychological sex in 1949. Cauldwell used the term to refer to "individuals who were physically of one sex and apparently psychologically of the opposite sex"—a term which in the coming years served as the rationalization for both intersex and transsexual surgeries.[35] Yet as research regarding the relationship between physical anatomy and "psychological sex" developed within intersex protocol, the distinction between transsexual and hermaphrodite remained nebulous: most adults who assumed cross-gendered behaviors (like Elbe) appropriated the rhetoric of hermaphroditism. Meanwhile, most doctors speculated that both transsexuality and transvestitism had a genetic component and the condition itself, like hermaphroditism, resulted from an irregular distribution of hormones.[36] With regard to how hermaphroditism (or what is later referred to as intersexuality) should be treated and what sex should be designated, sexology emphasized the importance of constructing bodies in alignment with psychological sex.[37]

Drawing from medical literature on "psychological sex," Michael Dillon, a British medical student who later identified as transsexual, argued that "in individuals where the presence of mixed tissue or mixed organ is obvious it is the psychological build that

35. Meyerowitz, *How Sex Changed*, 112.
36. Ibid.
37. The term "intersexuality" has its own discursive history that must be noted. For more information on the history of intersex, see Alice Dreger, *Hermaphroditism and the Medical Invention of Sex* (Cambridge, MA: Harvard University Press, 2000).

should be consulted and not the predominance of any physical structure."[38] While an emphasis on the sex orientation of one's psyche became the basis for discerning how to alter the sex of hermaphroditic adults, Dillon suggested that it should also serve as the fundamental criterion for altering the sex of transvestites who desired surgical interventions. Even though Dillon advocated that the logic used to treat hermaphroditic adults should also be used in cases where transvestites desired physical alterations, theories of psychological sex were mostly used only to rationalize the surgeries of hermaphrodites. However, as Meyerowitz notes, Harry Benjamin argued that transvestites should be allowed to live according to the sex they desired to be. This is not to say that theories about the psychological nature of transvestites were not made prior to Hirschfeld. In fact, as Cauldwell notes, Hirschfeld used the term "psychological male" in addition to the phrase "mental sex." What is important here is that Benjamin insisted that the desire to live as a particular sex and to have one's physical body conform was not result of environmental factors; he further argued that even though one's physical or gonadal sex could be transformed, one's psychological sex was immutable. Within this paradigm, one's sexual desires were indicative of one's psychic sex. Implicit in this claim is the idea that one's desires were an unquestionable expression of the unmodifiable nature of one's psychic sex.

According to Meyerowitz, Benjamin believed that individuals should have the right to do whatever they please with their bodies and that homosexuals should be free from prosecution. In the 1930's Benjamin encountered a patient who was a cross-dresser and treated this individual with an experimental mixture of estrogen. His experience with

38. Michael Dillon, *Self: A Study in Ethics and Endocrinology*. (London: Wiliam Heinemann, 1946): 53; quoted in Meyerowitz *How Sex Changed*, 113.

this patient in particular confirmed his belief that cross-dressing behaviors had an underlying physical cause that warranted medical action. Alfred Kinsey, among others, began referring cross-dressing clients to Benjamin who continued to advocate that the best treatment practices involved medical interventions. By the 1950's, Benjamin had amassed a following of cross-dressing clients who claimed to possess hermaphroditic traits.[39]

In his 1954 article, "Transsexualism and Transvestitism as Psycho-Somatic and Somato-Psychic Syndromes," Benjamin drew from Hirschfeld's work on transvestites and delineated between various acts of cross-dressing behavior.[40] He distinguished between transvestitism and extreme transvestitism--the former referring to acts of cross-dressing and the latter referring to people who wish to physically assume the other sex.[41] In documenting the differences between transvestitism and extreme transvestitism, or transsexualism, Benjamin argued that transsexualism consisted of "more than just playing a role."[42] Transsexuals were a subgroup of transvestites, which included persons who "live for the day when his organs can be removed, organs which to him are nothing but a dreadful deformity."[43] In addition, he remarked that "in transvestitism the sex organs are sources of pleasure [whereas] in transsexualism they are sources of disgust."[44] For Benjamin, an individual's relationship to his/her genitals was critical to the distinction

39. Meyerowitz, *How Sex Changed*, 46.

40. As Susan Stryker among others note, this essay later served as the basis for Benjamin's book *The Transsexual Phenomenon.* Even though Benjamin did not coin the term transsexual, its popularity resulted from the publication of this particular article. See Susan Stryker and Stephen Whittle "Introduction to Harry Benjamin" in *The Transgender Studies Reader,* ed. Susan Stryker and Stephen Whittle (New York: Routledge, 2006).

41. Hausman, *Changing Sex*, 133-134; Meyerowitz, *How Sex Changed,* 102.

42. Benjamin, Harry. "Transsexualism and Transvestitism as Psycho-Somatic and Somato-Psychic Syndromes" in *Transgender Studies Reader,* ed. Susan Stryker and Stephen Whittle (New York: Routledge, 2006), 46.

43. Ibid.

44. Ibid.

between transvestite and transsexual, whereas today this decision is largely based on whether one submits to the discourse of the wrong body. An individual was categorized as transsexual only once it was determined that an individual's mental sex could not be "brought into sufficient harmony with the soma."[45] Following this diagnosis Benjamin argued that surgery should be performed to alter the sex of an individual's body so that it corresponded with the sex of the psyche, thus insisting that the body and "soul" must correlate with one another.

Within the sub-category transsexual, Benjamin noted three different types which he distinguished according to level of severity: the psychogenic transvestite, the intermediate type, and the somatopsychic transsexualist. On one end of the spectrum were psychogenic transvestites, whom Benjamin used to account for individuals who wanted to live as women but not change their sex, while on the other end were somatopsychic transsexuals who desired physical changes to their genitals. Benjamin described somatopsychic transsexuals through the language of hermaphroditism: "here [with regard to somatopsychic transsexuality] psychic hermaphroditism seems to be an apt description."[46] While Ellis used the discourse of hermaphroditism to signal the contrasting male and female qualities present in eonists and not a distinction between mind and body, Benjamin, like Hirschfeld, argued that to be a transsexual was to have an inherent mental sex that was not in compliance with the sex of one's body. In Benjamin's writings, the phrase "psychic hermaphrodite" did not emphasize the competing physical characteristics of transsexuals, but rather pointed to the ways their

45. Ibid., 50.
46. Ibid., 49.

psyches were of one sex while their bodies were of another and implied both the need and possibility of a resolution.

As Benjamin's work demonstrates, the phrase "psychic hermaphrodite" functioned as a descriptor of transsexualism to represent individuals with a discordant sex/body at a particular cultural moment in which testaments to being of the wrong body were virtually absent from emerging discourse on transsexualism. The prevalence of the phrase "psychic hermaphrodite" extended beyond Benjamin's work and served well into the 1960's as the primary descriptor of transsexualism as evidenced in *Christine Jorgenson: A Personal Autobiography* (1967). Perhaps the most prolific transsexual person of her time, Jorgenson became an overnight media sensation as the first man to successfully change her sex in 1952.[47] Having worked closely with Benjamin, she contended that medical discourse could provide both a reason and cure for her feminine inclinations. In a letter to Benjamin, Jorgenson insisted that he provide medical intervention to cure what she referred to as "nature's mistake." Jorgenson's use of the phrase "nature's mistake" not only corroborates her insistence on the necessity of medical intervention, but also absolves her from any wrongdoing since her "condition" resulted from a mistake due to factors outside of her control. As a result, Benjamin used Jorgenson's case to buttress his own theories, declaring her an exemplar of somatopsychic transsexualism.[48]

Jorgenson explains that she first considered herself to be the victim of a hermaphroditic condition and therefore self-medicated with female hormones in hopes of

47. I want to emphasize that Jorgenson was the first man *reported by the media* to change her sex and not necessarily the first person to undergo sex reassignment surgery.

48. Benjamin, Harry. "Transsexualism and Transvestitism as Psycho-Somatic and Somato-Psychic Syndromes" in *Transgender Studies Reader*, ed. Susan Stryker and Stephen Whittle (New York: Routledge, 2006), 49.

restoring her hormonal balance. Although she continued to take female hormones and noticed an increase in the sensitivity of her breasts, she realized that she was never an "absolute" female or "absolute" male, but rather the victim of an underlying physical ambiguity that resulted in the presence of both the male and female sex characteristics. In some respects, Jorgenson's self-description here resonates with Ellis' descriptions of eonism. Yet the major difference between these is that Jorgenson deploys the phrase "psychic hermaphroditism" to describe a discordant relationship between mind and body.

Jorgenson acknowledged her "feminine feelings," and later ascribed these feelings to a genetic mix-up that resulted in chromosomal and gonadal incongruities. In a letter to her father, Jorgenson documents her condition as one in which the "male and female hormones act[ed] against each other," likening it to a "chemical war" occurring within her body.[49] Jorgenson's description of the "chemical war" occurring in her body resonates with Elbe's insistence that Andreas and Lili were constantly battling one another. But whereas Elbe positioned herself as the victim of a double sex with Lili as the ultimate victor, Jorgenson insisted that her hermaphroditism could only be cured through surgical and hormonal intervention.[50]

Even though Jorgenson articulated a position that placed an underlying hermaphroditic condition as the cause of her transsexuality, her insistence that doctors were correct with regard to their description of her condition as one of "psychic hermaphroditism" is worthy of investigation.[51] Her use of the phrase "psychic hermaphrodite" not only buttresses configurations of "trans" which rely on the concept of

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49. Christine Jorgenson, *A Personal Autobiography* (San Francisco: Cleis Press, 1967, 2000), 120.

50. It is interesting to note that intersex activists never claim Jorgenson as their own—perhaps because she demanded surgical intervention. The choice or desire for surgical intervention is a key distinguishing factor of intersex and transgender.

51. Ibid., 72, 163.

"mental sex," but also complicates her own sense that she was really a hermaphrodite suffering from a genetic or chromosomal imbalance. I want to emphasize Jorgenson's use of "psychic" here because it suggests that Jorgenson herself viewed her own experiences as akin to but ultimately different from the experiences of physical hermaphrodites. Although she references the competing presence of male and female characteristics, Jorgenson ultimately constructed her transsexualism as a problem that occurred within her psyche and not her body, stating that her "emotions were either those of a woman or a homosexual."[52]

Jorgenson's insistence that her emotional state was either indicative of being a woman or a homosexual and her ultimate actions to literally become a woman suggest that, in her own mind, it was better to be a woman than to be an effeminate gay man. Jorgenson's internalized hierarchy in which gay men are somehow below women speaks not only to a homophobic thread that runs throughout her work but also to a particular version of the sex/gender relationship in which female femininity is somehow more pure or "real" than the version of gay male femininity she constructs. Jorgenson's pursuit of a female body cannot be separated from her implicit assumption that femininity confined to the female body is somehow more genuine than femininity performed by male bodies. Furthermore, for Jorgenson the possibility that she could be *both* gay and transsexual is never even an option. The categories transsexual and "gay" are rendered as distinct and mutually exclusive, as well as positioned as inherently contradictory.

Jorgenson's own writings legitimated the work of sexologists like Benjamin who advocated for medical intervention in instances like Jorgenson's. In effect, her memoir

52. Ibid., 37.

justified the scientific interventions they proposed; after all, Jorgenson was "suffering" from a hermaphroditic condition and the medical industry could potentially solve her "woes." By drawing on personal experience, her memoir, along with Elbe's, positions personal experience as the ultimate bastion of truth. Jorgenson's "experiences" served to legitimate medical claims and in some ways gave credibility to the obscure "scientific" phenomenon that sexologists had been studying. Jorgenson's memoir, like the personal testimonies and cases I've addressed throughout this dissertation, provided a particular account of transgender that became construed as universal.

Not only does the discourse of hermpahroditism serve as the overarching conceptual framework for Jorgenson but, as Meyerowitz notes, albeit somewhat misleadingly, references to the wrong body remain absent from Jorgenson's memoir. Meyerowitz claims that Jorgenson "did not adopt the metaphor…of a woman 'trapped' in a male body [and] instead she referred to herself as 'lost between the sexes.'"[53] While Meyerowitz is correct in noting the overarching framework of the discourse of hermaphroditism in Jorgenson's work, the distinction she draws between "lost between the sexes" and "trapped in a male body" is not as clear cut in Jorgenson's memoir as she suggests. Jorgenson's declaration that "it was *possible* then, that I was an individual belonging to the highest degree of intersexuality: male organs in a female body" can be read as indicative of sentiments that could be associated with both of the frameworks Meyerowitz alludes to above. [54] Jorgenson situates her own understanding of self within a larger claim of intersexuality, while also implying that her body and organs were in competition with one another. She does not explicitly reference the wrong body narrative

53. Meyerowitz, *How Sex Changed*, 66.
54. Jorgenson, *Autobiography*, 162.

to signify a distinction between mind and body, but rather subtly draws on it to complicate the composition of bodies more broadly. Jorgenson forms a distinction between her "organs" and "body" that draws on the rhetoric of the hermaphrodite, which also contains traces of wrong body$_{\#2}$, whereas, for Jan Morris, as the next section demonstrates, the wrong body explicitly designates a distinction between mind and body in which one's body is defined by the presence or absence of certain physical organs.

In general, Jorgenson's ideas regarding the multiple components that constitute the category sex clearly echo Hirschfeld's theories of "sexual intermediaries." She constructs sex as a spectrum with few "absolute males" or "absolute females," acknowledging that like many others, she "was never an absolute male" nor would she ever be "an absolute female."[55] Jorgenson's disbelief in the presence of an absolute sex, as well as her insistence that her male and female hormones counteracted one another," further substantiates Benjamin's theory that sex was something more complex than the visible presence or absence of certain genitalia. With the exception of Jorgenson's differentiation between a body and its organs, her self-description not only positions the discourse of hermaphroditism at its center, but clearly points to the ways medical discourse framed early descriptions of transsexuality and shaped the rhetorical tools available to transsexual individuals to make sense of their own experience.

The metaphors Jorgenson deploys and her use of "mistake" and "victim" rationalized her desire for medical intervention and positioned her as an intelligible subject. These phrases, in conjunction with her ascription to the rhetoric of hermaphroditism, situate her not as irrational or insane, as Krafft-Ebing described

55. Ibid., 195.

"transsexuals," but as a subject who has unjustly suffered because of a biological "condition." Jorgenson rationalized her desire for surgery by proclaiming a "victim status" as opposed to procuring surgery through an appeal to personal autonomy. Even today claims in favor of transgender surgeries often rationalize such measures as a means to "cure" individuals in need of medical treatment and are rarely made on an appeal to personal autonomy. Jorgenson's construal of herself as a victim of an "underlying medical ambiguity" humanized her in a manner that allowed her to gain the surgery she so desired. Jorgenson's refusal to use the language of "personal choice" may have very well allowed her to garner sympathy and achieve medical intervention.

Jorgenson's use of the phrase "psychic hermaphroditism" not only resonated with Benjamin's writings on transsexualism but also remained tied to the production of discourse and medical technologies aimed at treating "intersexuality."[56] Her contention that she was *neither* male nor female differs in obvious ways from Elbe's declaration that she was *both* male and female and R.M's contention that he was of a "double sex." Jorgenson's claim that she was neither male nor female but something "in the middle" signals the conceptual difference between hermaphroditism and intersexuality. Etymologically, hermaphrodite refers to individuals who are of both sexes. On the other hand, the prefix *inter*, which refers to a state of in-between" is used to describe individuals whose sex is ambiguous and only determinable by medical intervention. Literally then, "inter-sex" can be thought of as "in between-sex." This distinction, while subtle, points to the ways that both Elbe's and R.M.'s statements echo the discourse of

56. Hausman, *Changing Sex*, 132-133.

hermaphroditism in the early 1900's while Jorgenson's assertion coincides with emerging definitions of "intersex."[57]

III. THE INVENTION OF GENDER

With the advent of new technologies and concepts in the mid 1950's targeted at making hermaphroditic bodies intelligible as either male or female, "intersex" was used to account for bodies that complicated the male/female binary. As medical technology advanced and sexology developed new concepts to assess the prevalence of intersexuality, the mind/body distinction which framed early conceptions of transsexual set the conceptual framework for distinguishing between an intersex person's sex and gender.[58] The wrong body$_{\#2}$ reemerged as the primary descriptor of transsexuality alongside the concept of gender identity which developed in intersex discourse. The wrong body, which was once grounded in the discourse of inversion, arose in transsexual discourse to describe an individual's discordant sex and "gender." This version of the wrong body remains conceptually linked to an understanding of sex and gender that was produced by sexologists interested in intersexuality and remains vastly different from versions of the wrong body that arose during the discourse of inversion.

Although as I describe in chapter one, Hausman's work has remained the subject of criticism by those in transgender studies on the grounds that it does not attribute any agency to transgender persons, her book *Changing Sex* remains important because it

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57. Although I do not provide a history of the relationship between the terms "hermaphrodite" and "intersex," I am interested in how the term hermaphrodite suggests that individuals are of both sexes while "intersex" suggests an in-between state. For more information on the history of the term "hermaphrodite" and its relationship to "intersex" see Anne Fausto-Sterling, *Sexing the Body: Gender Politics and the Construction of Sexuality* (New York, NY.: Basic Books, 2000).

58. Hausman, *Changing Sex*, 125-127.

illustrates the circumstantial and contextual—as opposed to biological and natural—relationship between gender and "sex."[59] Through detailed archival work, Hausman asserts that "gender was first produced as a [medical] concept in 1955 to describe how an intersex child came to establish particular behaviors that would indicate its assigned sex" and thus subsequently rationalized medical interventions aimed at regulating intersex bodies.[60] By creating a clear conceptual distinction between gender and sex doctors were able to create a logical framework that made plausible a definitive gender, which they used primarily to account for their decision to transform intersex genitals into those of a particular sex. As Hausman suggests, the conceptual division between gender and sex emerged in conjunction with the development of specific advancements in endocrinology.

Following Hausman, Toril Moi argues that any critique of the sex/gender distinction must also examine the relationship between the concept gender and intersex protocol. In *What is a Woman*?, Moi attempts to move towards a feminist theory of woman that rejects the sex/gender distinction as a starting place of analysis. In so doing, she traces the sex/gender distinction back to Robert Stoller's work on intersexuality, noting that "once the terms [sex as distinct from gender] had been introduced, doctors could claim that transsexuals suffered from a 'mismatch' between their sex and their gender."[61] Moi argues that gender—namely its distinction from sex—emerges out of

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59. It is worth briefly noting the numerous criticisms that transgender scholars have raised about Hausman's work. In particular, Hausman's assertion that transgender people remain "dupes of the sex/gender system" has caused a great deal of controversy. While I agree that the moralizing tone of Hausman's last chapter is problematic, she nonetheless provides a compelling medical history of transgender and "intersex." For a critique of Hausman see Jacob Hale, "Suggested Rules for Non-Transsexuals Writing about Transsexuality, Transsexuals, Transsexualism or Trans" http://www.sandystone.com/hale.rules.html (accessed November 15, 2011).

60. Hausman, *Changing Sex*, 187.

61. Toril Moi, *What is a Woman? And Other Essays* (Oxford: Oxford University Press, 1999), 21.

medical concerns with identity, which in turn produced a "purely psychological category."[62] Gender as it relates to the innate sense of "knowing" one is male or female arose within medical protocols aimed at promoting "solutions" to the corporeal "mismatch" of intersex and transgender bodies. The historical contingency and the discursive specificity which gave rise to gender as distinct from sex not only has lasting consequences for feminist theory, but also for the creation of a non-medicalized account of transgender.

David Rubin makes a similar contribution to the rhetorical history of the sex/gender distinction in his article, "'An Unnamed Blank that Craved a Name': A Genealogy of Intersex as Gender," where he contends that intersex was critical in conceptualizing current formulations of gender and its relation to sex.[63] David Rubin argues that the concept of gender as a social construct existed long before Gayle Rubin introduced this line of thought in her critically regarded article, "The Traffic in Women." As David Rubin illustrates through a careful study of John Money, Money argued that an individual's gender could be modified on account of social and cultural determinants. For David Rubin, Money remains a critical thinker insofar as "intersexuality played a crucial role in the "invention" of gender as a category in mid-twentieth century biomedical and, subsequently, feminist discourses [but] also [because] Money used the concept of gender to cover over and displace the biological instability of the body he discovered through his research."[64] Following David Rubin then, gender appears to have served as the

62. Ibid., 22.

63. David Rubin, "An Unnamed Blank that Craved a Name: A Genealogy of Intersex as Gender," Unpublished Manuscript.

64. Ibid., 7.

rationalization for treating and "normalizing" intersex bodies that threatened the hegemony of the male/female dyad.

As Hausman, Moi and, David Rubin demonstrate, the distinction between sex and gender remains grounded in medicalized accounts of intersex identity. Each of their respective arguments highlight the discursive and material conditions that gave rise to the phrase gender identity and the overall consideration that gender and sex could be theorized as independent terms. They describe a specific paradigmatic shift in approaches to intersexuality which Foucault characterizes as a shift from viewing the hermaphroditic body as an exception to one of pathology. In *Abnormal*, Foucault describes the shift that occurred in the late 18th century where the hermaphroditic body was no longer understood as a natural deviation that could be left in its current state, but rather became the subject of medical intervention aimed at normalizing and undoing its aberrant state. The result was a new set of norms that configured certain types of bodily comportment as normal and others in need of medical intervention to correct these deviations. Foucault's remarks on the paradigmatic shifts with regards to hermaphroditism illustrate that the conceptual shifts within the wrong body discourse remain tied to greater cultural efforts to curtail and limit other forms of social aberrancy that could be located on the body. This shift in logic—namely this new emphasis on pathologization and intervention—undergirded the discourse of wrong body$_{\#2}$ and its more recent emergence as a descriptor of "transgender."

As my analysis of Morris' autobiography will illustrate, the wrong body$_{\#2}$ appears with some regularity seemingly after Money and Stoller conceptualize gender as an identity that can be configured apart from one's biological sex. The wrong body$_{\#2}$, which

is grounded upon this specific version of sex as it relates to gender, remains tied to pathological accounts of intersexuality that advocated for the surgical modification of bodies and which highlighted how sex categories are implemented as a result of cultural attitudes and beliefs. Hence transgender, so long as it is configured around the sex/gender distinction, will continue to uphold a version of sex and gender that rationalizes the transformation of non-normative bodies solely for the sake of maintaining the myth that sex is a dichotomous category which speaks to the biological reality of all "normal" bodies.

The term "gender role," one that precipitated gender identity, first appears in John Money's work on intersexuality. Money, who in recent years has received numerous criticisms for his refusal to admit the physical and psychological harm that resulted from many of his practices, argued that a child's gender could be determined by his or her upbringing and social environment.[65] In the article "Hermaphroditism, Gender and Precocity in Hyperadrenocentrism," Money writes:

> By the term gender role, we mean all those things that a 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 eroticisms. Gender role is appraised in relation to the following: general mannerisms, deportment and demeanor; and playful preferences and recreational interests; spontaneous topics of talk in unprompted conversation and casual comment; content of dreams, daydreams and fantasies' replies to oblique inquiries and projective tests' evidence of erotic practices, and finally the person's own replies to direct inquiry.[66]

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65. Money has been the target of numerous criticisms for his unwillingness to consider the negative consequences that resulted from his theory that the success of intersex surgeries was contingent upon the degree to which the child's parents treated her as the sex to which her body had been surgically altered. Even though his claim that if society treated a child as a particular gender then that child would automatically assume the prescribed role has been discounted, Money's influence on treatment options for intersex children is worth noting. For more information on Money's ethical breaches, see Judith Butler "Doing Justice to Someone" in *Undoing Gender* (New York: Routledge, 2004) and John Colapinto, *As Nature Made Him.* (New York: Harper Collins, 2001).

66. John Money, "Hermaphroditism, Gender and Precocity in Hyperadrenocentrism" in *Bulletin of the Johns Hopkins Hospital* 96 (1955): 253–264.

Even though Money provides only general remarks as to what constitutes "general mannerisms" or "daydreams and fantasies," gender emerges as a catch-all term to mark an individual's desires, "recreational interests," and "playful preferences" in order to fashion a sex that remains congruent with these predilections.[67] Money neglects to offer more specific information on the particular content of *which* dreams would suggest one be ascribed a particular sex, however there is little doubt that this criterion remains part and parcel of broader sexist social expectations that normalize certain behaviors as masculine and others as feminine.[68]

This particular use of gender in conjunction with the term "role" produced a configuration of gender that accounted for the cultural roles assigned by society to individuals on the basis of sex. Money argued that since gender was elastic, any child could be raised as either a boy or a girl so long as the parents and community treated him/her as such. Within the context of intersex protocol, Money insisted that if a child received male genitalia then the social success of the surgery would be contingent upon whether the child was treated as "male." For Money, surgical "success" was determined in part by whether the male child embraced heterosexuality and engaged in normative sexual practices. Hence, intersex children who later expressed desire for individuals of the same sex were considered a failure from the perspective of the medical industry.[69]

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67. Suzanne Kessler, *Lessons from the Intersex* (Piscataway, NJ: Rutgers University Press, 1998); Anne Fausto-Sterling, *Sexing the Body: Gender Politics and the Construction of Sexuality* (New York: Basic Books, 2000); Dreger, *Hermaphrodites and the Medical Invention of Sex* (Cambridge: Harvard University Press, 2000)

68. Numerous intersex activists have criticized the sexist assumptions that guide intersex protocol. See the work of Sharon Preves, *Intersex and Identity: The Contested Self* (New Brunswick, NJ: Rutgers University Press, 2003); Suzanne Kessler, *Lessons from the Intersex* (New Brunswick, NJ: Rutgers University Press, 1998); Alice Dreger, *Hermaphrodites and the Medical Invention of Sex* (Cambridge, MA: Harvard University Press, 1998).

69. Kessler, *Lessons from the Intersex*, 15.

Money's writings on "gender roles" also influenced the development and deployment of the phrase "gender identity," which Robert Stoller coined in 1964.[70] In contrast to Money, Stoller, a psychoanalyst, stipulates that gender identity "is the sense of knowing to which sex one belongs, that is the awareness [of] 'I am a male' or 'I am a female,"—a "sense" that is rooted biologically (220).[71] In "A Contribution to the Study of Gender Identity" Stoller differentiates between males who don't "feel" masculine and males who believe that they are female. By distinguishing between effeminate men and men who believe that they are women, Stoller configures gender identity as a biological predisposition to disregard social cues regarding gender roles and expectations. For Stoller an individual's gender identity is determined by the following three criteria: the appearance of one's external genitals (ie. whether one has an intelligible vagina or penis), the pre-adolescent relationship one has with one's parents, and an innate "core" gender identity. In "normal" persons, these three elements align and thus an individual never questions the legitimacy of his/her gender identity.

Stoller's emphasis that individuals have an innate core gender identity introduced a new understanding of gender. Stoller's description of transvestites as "trapped" in the wrong body, illustrates a shift in thinking about individuals who occupy a sex that contradicts normative notions of male and female. Ulrichs' insistence that because the souls of urnings had a particular orientation, they were actually members of an entirely different sexual order remained grounded upon the assumption that an individual's soul could be classified as either masculine or feminine. While Ulrichs did not use the term gender to signify the sex of the individual's soul, the idea that souls, by nature, had a sex

70. Meyerowitz, *How Sex Changed,* 115.

71. Robert Stoller, "A Contribution to the Study of Gender Identity," *The International Journal of Psychoanalysis* 49 (1968): 364-368.

that pre-exists language offers the same conceptual intervention as Stoller's claim that individuals had a gender identity that was unalterable.[72]

Like Money, Stoller remained particularly interested in intersexuality in part because intersex individuals provided exceptional cases from which to explore the relationship between gender identity and sex.[73] In Case 1, Stoller describes a girl who was raised female but rejected feminine attire and the cultural norms associated with womanhood as proof that aspects of one's gender identity are innate. According to Stoller, the girls' parents treated her as female and though she maintained "normal" healthy relationships with both parents she always rejected feminine social roles. At puberty, a physical examination determined that she was not female, but rather a chromosomal male with hypospadias.[74] In this description, the characterization of the individual's body was determined by the fact that he was a chromosomal male and yet by scrutinizing his organs, it was determined that he had hypospadias. He remarks that upon learning of her condition, the girl was not surprised to hear that she was really "male," and did not express any ambivalence upon learning of her "true" physiological sex. Stoller argued that the girl's reaction to what under most circumstances would be surprising news, commingled with her "normal" upbringing, illustrates that aspects of her gender identity were innate and unalterable.

Stoller differentiated between individuals like the girl he describes in Case 1 and transvestites who "wish" to change their sex, claiming that the transsexual condition is

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72. In no way do I mean to suggest that Ulrichs and Stoller understand sex and gender in ways that are commensurate. Rather I am suggesting that traces of Ulrichs' conceptual frame can be found in Stoller. The discourse and the context in which the wrong body was deployed shifted significantly throughout this time and yet, the idea that there was something innately masculine or female about an individual can be found in both Ulrichs and Stoller.

73. Meyerowitz, *How Sex Changed*, 125-127.

74. Hypospadias refers to one of the most common types of intersexuality in which the opening of the urethra is on the side of the penis. See Kessler, *Lessons from the Intersex*, 42.

more complex than the aforementioned case. Although the trope of the wrong body as a descriptor of transsexualism remains virtually absent in previous texts, Stoller positions transvestites as those "who claim to be females trapped in male bodies."[75] He acknowledges that this sentiment emerges when one's gender identity is in conflict with one's biological sex. As Stoller's phrase suggests, the trope of the wrong body [re]emerges as a description of transsexualism within the greater context of intersex protocol. The wrong body$_{\#2}$ remains subsumed within a larger framework that marks a distinction between sex and gender identity as central to its usage in this particular context.

Stoller's description of transvestites as "females trapped in male bodies" represents a fundamental shift in the logic that undergirded earlier uses of wrong body$_{\#1}$ even though similarities between Ulrichs and Stoller's ideas about the sexed nature of "souls." As the use of the wrong body$_{\#1}$ in Ulrichs and Krafft-Ebing illustrates, wrong body$_{\#2}$ emerged after a discourse of inversion that did not distinguish between sex, gender and desire. Early descriptions of eonism, transvestitism and transsexualism dismissed the trope of the wrong body as an accurate descriptor and theorized "trans" by positioning the discourse of hermaphroditism as its conceptual center. Jorgenson's subtle use of the wrong body trope which remains subsumed within a larger discourse of hermaphroditism, serves as a complication rather than an affirmation of a mind/body split. In contrast, Stoller uses the wrong body trope as a metaphor to describe individuals with a conflicting sex and gender. Stoller's articulation of gender identity and his subsequent use of the wrong body trope coincided with new paradigms for constructing

75. Stoller, "A Contribution to the Study of Gender Identity," 221.

transsexualism as a condition defined by individuals with a sex that is both independent from and in opposition to their gender. This distinction between gender and sex, one that originated in 1963 within intersex protocol, continues to serve as the foundation for emerging discourses that situate the wrong body$_{\#2}$ as the fundamental marker of transsexualism.

Unlike the wrong body$_{\#1}$ which did not differentiate between gender and sex in ways similar to current understandings of these terms, wrong body$_{\#2}$ relies conceptually upon an understanding of sex as distinct from gender, where gender signals an internal, psychic predilection for either male or female. The wrong body$_{\#2}$ first appears in a published memoir written by a self-proclaimed "transsexual." In her 1971 memoir, *Conundrum*, Jan Morris offers an account of transsexualism which configures the wrong body narrative as central to her own understanding of transsexualism. Morris uses the wrong body trope in conjunction with a distinction between sex and gender in a mode that is commensurate with Stoller's aforementioned description of transsexuals. While it is unclear whether Morris was familiar with Money's and Stoller's work, her memoir illustrates how the tropes transsexuals used in 1971 differed from those used only a few years earlier. Unlike Jorgenson, Morris never uses the language of hermaphroditism or "psychic hermaphroditism" to describe her condition. Instead she describes her transsexualism as the product of an incongruous gender and sex: "So this was sex! I knew it [sex] at once to be a different thing from gender—or rather, a different thing from that inner factor which I identified in myself as femaleness."[76] Morris contrasts sex with gender, stating that sex is determined biologically by the appearance of one's genitals,

76. Jan Morris, *Conundrum: From James to Jan - An Extraordinary Personal Narrative of Transsexualism* (New York: New York Review of Books, 1974), 28.

but gender is "soul, talent, taste, environment…how one feels." By extension, Morris describes her transsexualism as resulting from a sex that is in competition with an internal gender.

In contrast with Jorgenson who describes her transsexualism through the discourse of hermaphroditism, Morris explicitly rejects the hermaphrodite as a conceptually useful figure from which to think about transsexualism. Not only is the discourse of hermaphroditism absent from Morris' prose, but she explicitly asserts that her transsexualism resulted from a discordant sex and gender and not from physical ambiguity. Morris' claim—"that my dilemma [transsexuality] actually emanated from my sexual organs did not cross my mind then, and seems unlikely to me even now"—suggests that she did not consider herself a hermaphrodite nor did she find this a useful framework from which to understand her own experiences. Furthermore, she does not describe her body as the confluence of masculine and feminine characteristics, like Jorgenson, nor does she note any involuntary physical transfigurations, like R.M. or Elbe. Morris' explicit rejection of the figure of the hermaphrodite as analogous to the transsexual and her use of the terms sex and gender to note her transsexuality exemplify how transsexual as a term has shifted and how contemporary articulations of transgender remain contingent upon a particular relationship between the categories of "sex," gender and "desire."

Morris' specific use of sex and gender as it relates to her own understanding of herself as a transsexual is intricately connected to her use of the wrong body trope. Morris remains one of the first writers of memoir to explicitly use the trope of the wrong body in reference to a distinction between sex and gender: "I was born with the wrong

body, being feminine by gender but male by sex, and I could achieve completeness only when one was adjusted to the other."[77] Elsewhere Morris notes that it was at age "three or perhaps four when I realized that I had been born into the wrong body, and should really be a girl."[78] What is important here is not simply that Morris deploys the trope of the wrong body, but that her use of the trope remains contingent upon a particular configuration of the relationship between sex and gender which coincide, both conceptually and chronologically, with Money's and Stoller's work on "gender roles" and gender identity in intersex protocol.

Stoller's and Money's work on gender identity not only overlaps conceptually with Morris' configuration of the wrong body as conceptually contingent upon a distinction between sex and "gender," but also resonates with the subsequent wording of the *Diagnostic and Statistical Manual* (DSM) classifications on transsexualism. In 1980 the term transsexual first appeared in the *DSM* to describe individuals who have a persistent "incongruence between anatomic sex and gender identity."[79] Included in this criterion is the profound "discomfort and inappropriateness about one's anatomic sex" and the desire to "be rid of one's own genitals and to live as a member of the opposite sex" [80] The idea that individuals had a core gender identity that could be characterized as either male or female remained central to conceptualizations of transsexual as a medical diagnosis. Similarly to Money's and Stoller's remarks on gender identity and "gender roles," the *DSM* defines gender identity as "the sense of knowing to which sex one

77. Ibid., 29.
78. Ibid., 9.
79. *Diagnostics and Statistical Manual III*, 1980, "Transsexual."
80. Ibid. The 1980 diagnosis mandated that medical professionals have some form of documentation that the individual in question has had this "disturbance" for a period greater than two years. According to the DSM, transsexualism as a condition is found much more often in males (8:1), whereas adult women who receive this diagnosis are much more likely to be "active" lesbians.

belongs." In turn, "gender role" is understood as the "public expression of gender identity," which includes "everything that one says and does, including sexual arousal, to indicate to others" whether one is "male" or "female." Gender becomes the master category with sexual desire as a fundamental component of gender more broadly.

While the parameters for assessing transsexualism differ slightly, the criteria used to diagnose intersexuality in children also position the incongruence between sex and gender identity as fundamental to the diagnosis. Not only does the *DSM* understand "gender role" as the public manifestation of an inner "truth" implicitly articulating "transsexualism" as conceptually contingent on an inner/outer, mind/body dichotomy, but the language of "gender role" is reminiscent of Stoller's conceptualization of gender from the 1950's. Just as Stoller understands "gender role" as "all things one does "to disclose himself or herself as having the status of boy or man, girl or woman, respectively" within the context of intersexuality, gender role as it appears in the 1980 *DSM* functions similarly.

Yet most noteworthy is a split that emerges from the mid-century configuration of intersexuality and transsexuality: even though "gender role" as it relates to gender identity functions in precisely the same way within intersex protocol and within the criteria for transsexual diagnoses, the *DSM* explicitly states that one can only be diagnosed as transsexual if there is an "absence of physical intersex or genetic abnormality"[81] In a reversal of 19th century sexology, the *DSM* treats transsexual and intersex as competing diagnoses which are conceptually incompatible with one another. As Kessler notes, to diagnose an intersex person as transsexual suggests that the medical

81. Ibid.

industry may have been mistaken in their initial diagnoses. In addition, by excluding intersex from transsexual diagnoses, doctors imply that these conditions are inherently distinct and never overlapping.

The entrance of the term "intersex" into the *DSM* also signals a reversal of 19th century descriptions of hermaphroditism in which the hermaphrodite was configured as a gradation between "male" and "female." For Ulrichs in particular, the category sex extended beyond the male/female duality. However, as contemporary descriptions of 20th century sexology illustrate, and the replacement of "hermaphrodite" with the neologism "intersex" attests, while in some cases an individual's sex was harder to determine, sex was constructed as inherently male or female. There was no room discursively for bodies to occupy a category that wasn't male or female. "Intersex" served as a temporary categorical placeholder until an individual's "real" sex could be determined, whereas "hermaphrodite" signified a natural variation from hegemonic norms. Furthermore, previous uses of "hermaphrodite" served as the rationalization for accepting bodies and acts that complicated binary categories, while the term "intersex" was used as the justification for altering aberrant bodies in order to surgically construct a "true sex" that matched the sex of an individual's psyche.

I draw on these *DSM* classifications to elucidate the way gender identity is used as a diagnostic tool in both intersex and transgender diagnosis. The distinction between sex and gender identity which undergirds Morris' deployment of the wrong body trope and contemporary articulations of the wrong body trope$_{\#2}$ remains tied to a specific conceptualization of gender and sex that emerges in treatment protocols aimed at ameliorating intersexuality. As a result, the conceptual relationship between transsexual

and intersex is one that is closely intertwined. The distinction between "trans" and "homo," which Ellis and Hirschfeld initiated, set the conceptual groundwork for conceiving of physical sex as distinct from mental sex, which coincided with the idea that one's gender identity was immutable. Interestingly, in the mind/body split, that which is immutable shifts from "body" to "mind."

The lack of explicit references to the wrong body and the pervasiveness of the discourse of hermaphroditism in Ellis, Hirschfeld, and Benjamin illustrate the problems that arise when configuring the discursive legacy of the wrong body through a transhistorical narrative. It is often assumed that the wrong body trope has always been the fundamental marker of transsexualism, but as this chapter illustrates, the wrong body trope[#2] emerges in transgender discourse alongside a specific configuration of sex in relation to gender identity that arises within intersex treatment protocols. And although the distinction between sex and gender marks a fundamental shift in rhetorical representations of transgender, vestiges of Ulrichs' notion of a sexed soul are apparent in contemporary articulations of the concept gender identity, thus demonstrating the fractures and splits within the genealogy of transgender. The wrong body that emerges amidst contemporary notions of transgender contains a different conceptual framework—one that is both more reductive and interventionist—than the wrong body discourse that can be located in Ulrichs' and Krafft-Ebing's early work. Even though sentiments of being in the wrong body remain fundamental to transgender subjectivity, as a genealogy of the term demonstrates, the affiliation of the wrong body with transgender is a recent one. Appeals to the wrong body in the name of transgender equality produce a subject

position which affirms medical configurations of sex and gender that stem from intersex protocol.

CHAPTER FOUR

TRANS AS TRANSGRESSION: FOUCAULT, BATAILLE, THE LIMIT AND THE LAW

The discursive distinction between sex and gender remains the theoretical bedrock for contemporary definitions of transgender and continues to frame conceptualizations of transgender personhood. As I have argued in the first three chapters, a critical interrogation of the conceptual prevalence of the distinction between sex and gender, the wrong body trope, and its discursive influence on theoretical configurations of transgender remains the first step in nurturing and sustaining an effective counter discourse that affirms transgender bodies against regulatory regimes of medical discourse. However, the question remains as to whether it is possible to rethink transgender so as not to comply with these pathologizing regimes. If so, then how does one go about rethinking transgender as a contestation rather than consequence of medical discourse? Can we even conceive of transgender if we reject a distinction between sex and gender? And if so, then what if any are the discursive terms and conditions we can use to demarcate which acts and bodies are indicative and emblematic of "transgender?"

These questions are important because they suggest the difficulty of conjuring transgender without an appeal to the wrong body discourse and reiterate the ways current conceptions of transgender treat sex and gender as conceptually distinct. One could conclude from the questions themselves and Namaste's and Serano's scathing criticisms of Butler, that given its discursive history, transgender is inherently at odds with anti-foundationalist arguments that unearth the falsity of the presumed natural distinction between sex and gender. Yet I contend that transgender as a concept can be reconfigured

even if the distinction between sex and gender is put to the side. Even though the sex/gender distinction and the wrong body trope undergird contemporary definitions of transgender, I maintain that discursive room exists for altering the foundation of transgender in a mode that repositions and reconstructs transgender as a challenge to rather than solidification of medical discourse. In so doing I propose that transgender can be refashioned as a critique of medical protocol rather than as a mere conceptual consequence of medical discourse responsible for producing the sex/gender distinction and the stabilization of non-normative bodies.

As I illustrated in the second and third chapters, the criteria used to signify transgender and its relationship to the wrong body discourse shifted throughout late 19th and 20th century sexology.[1] However, these shifts were not absolute or linear: For instance, Krafft-Ebing used the discourse of the wrong body and the term "eonism" to document whimsical sex transformation and the feminization of presumably male bodies, whereas for Benjamin transsexual evoked a specific form of hermaphroditism in which the sex of the mind was in contrast to the sex of one's body. A genealogy of the wrong body illustrates that the standards used to conceptualize transgender vacillated as new theories regarding the relationship between sex and gender emerged. Even though transgender currently derives its meaning from a differentiation between sex and gender—a division that must be questioned precisely because it undergirds the pathologization of both transgender and intersex—transgender as a concept is not *inherently* anchored in such a distinction. In this chapter I propose a new way for thinking about transgender—which I will call *trans*—that (1) does not hinge on the sex/gender

1. My use of transgender in this context is in reference to early derivations of "trans," including eonism and transsexualism.

distinction or the wrong body and (2) intentionally calls attention to the limitations of pathologizing and medicalizing notions of the wrong body discourse.

The following pages signal a start but by no means an end to one way we might think about transgender apart from the logic of the wrong body, which continues to dominate current understandings. In this chapter, I propose that we think of transgender as "transgression" namely the ways certain bodies call into question normative notions of sex and gender, and not as those which occupy the wrong body. Current notions of transgender center around the trope of the wrong body and exclude those bodies that transgress gender and sex norms but do not deploy the language of the wrong body. *Trans* attempts to make room for these bodies which are currently excluded by mainstream notions of the term transgender.

In constructing *trans*, I draw from Bataille's and Foucault's thinking on transgression. I use Foucault's essay, "Preface to Transgression" (1963) to reconfigure transgender away from the wrong body, but do not produce an exhaustive overview of Bataille's and Foucault's writings and the complicated subtleties between their two views on transgression. In the first section of this chapter I briefly set the stage for rethinking transgender by returning to Butler's early work on resignification, while also noting its shortcomings. Resignification offers the tools to interrogate the conceptual underpinnings of current definitions of transgender and to critically analyze the criteria used to classify individuals as transgender. In the second part of this chapter, I undertake a close reading of Foucault's "Preface" and note its important implications for rethinking transgender as a set of acts that transgress the law's authority to uphold presumably natural categories. Within the *trans* model, I replace the logic of trans as a crossing between two seemingly

disparate sexes with an understanding of trans as the processes by which certain bodies transgress the regulatory capabilities of what we know as sex and gender. In the third part of this chapter, I turn to Foucault's writings on monstrosity and 16th/17th century hermaphroditism and posit these as exemplary of transgression, while emphasizing the importance of the historical specificity of each case. I compare and contrast these examples with two contemporary legal verdicts regarding transgender individuals to illustrate how each body in question demonstrates social transgression and as a result can be thought of as transgender when we rethink transgender through the discourse of transgression.[2] By illustrating the relevance of Foucault's "Preface" for reconceptualizing transgender, this chapter produces a novel way to think about transgender as a concept that is not dependent on the logic of the wrong body but rather conceived through the discourse of transgression.

Although my attention throughout the dissertation has been on medical discourse, I turn to the law to illustrate how it intersects with sexology. In *History of Sexuality One,* Foucault describes a shift from a system of alliance to a system of sexuality. The system of alliance pertains to family and kinship while sexuality has to do with the proliferation of perversions that characterizes the modern age and is explicitly associated with sexology. He also says that while sexuality comes after alliance, they overlap. This helps to explain why in *Abnormal*, which I detail below, he explicitly engages court cases about the regulation of sexuality as it relates to systems of alliance and the recognition of specific forms of family or social belonging. Following Foucault's lead I want to engage

2 . This is not to say that they are transgender when transgender is defined by traditional standards of the wrong body. Rather, I make the argument that we can think of them as transgender *only* when transgender is redefined through the discourse of transgression.

this overlap in order to see how the regulation of family by the law intersects with sexology. More important, I engage this overlap in order to articulate a new conception of transgender as transgression within a frame that remains cognizant of sexological perspectives but also takes seriously the forms of social belonging within which we experience our sexuality. In this chapter I will therefore engage the language of the law and four specific court cases: two from Foucault's *Abnormal* and two from the contemporary period. I engage these cases in order to sketch out a new way of conceiving transgender that is not attached to the discourse of the wrong body and uses Foucault's language of transgression. Despite their chronological separation, in all four cases questions about what today we would call the transgender body are raised in the context of the regulation of forms of coupling that have been the province of the law. As I will make clear, I am using these cases as conceptual tools rather than to identify a particular identity in history.

My goal here is to use Foucault's work on transgression and monstrosity as a framework to think about transgender—not to suggest that transgender bodies are synonymous with Foucault's monsters of the 16/17th century. I juxtapose court cases from the 16/17th century with contemporary ones to illustrate the ways these bodies complicate prevailing notions of sex during the time in which they lived. I do not suggest that they are transgender as conceived through our contemporary understanding of the term, but rather propose that they can be thought of as *trans* through the reconstructed framework of transgender that I offer in this chapter. This theoretical move is not meant as a disregard for historical specificity and conceptual difference. Rather it seeks to give

examples of bodies that are not currently configured as transgender but can be thought of as such through the newly conceived notion of *trans* that I introduce in this chapter.

I.RETHINKING *TRANS*

From a certain perspective, what I am doing in this chapter looks like performative resignification in the sense that I offer a new way to conceive the category transgender. However, the larger frame I have deployed throughout this dissertation both draws on Butler and critiques the limitations of her psycholinguistic frame. My gesture of resignification is in fact signaling something more than resignification in the Butlerian sense. Remembering Foucault's attention to both the discursive and the non-discursive dimensions of power-knowledge, my redeployment of *trans* as a term is meant to convey a rethinking that exposes the limits of discursive representation and not only as another way of thinking about the category transgender apart from the logic of the wrong body.

For Butler, resignification demands that the discursive boundaries of any term must be scrutinized in order to highlight the exclusionary measures of language and the power dynamics responsible for hegemonic conceptualizations. Discourse is always entrenched in the various mechanisms of power responsible for its intelligibility. For any term, Butler insists that we ask the following questions: "What purposes have they served? What purposes can they serve? How can this term be mobilized beyond its established context to assume new meanings in new contexts?"[3] Even within the presumably libratory intentions of feminism, she argues that the criteria used to solidify

3. Judith Butler, "Changing the Subject: Judith Butler's Politics of Radical Resignification" in *The Judith Butler Reader*, ed. Sarah Salih and Judith Butler (Malden, MA: Blackwell Publishing Company, 2004), 331.

the category woman enact linguistic violence on bodies which do not hold the power and privilege to define who "counts" as woman. Essentialist notions of woman (or any term for that matter) ultimately obfuscate the power structures responsible for the intelligibility of such configurations.

Butler's aforementioned questions can be applied to transgender discourse to consider exactly how transgender can "be mobilized beyond its established context to assume new meanings in new contexts."[4] The process of reconstituting transgender within a different discursive context rests on the transformative *possibilities* of rethinking transgender to temporarily augment the logic of the wrong body. For Butler, resignification allows one "to deconstruct these terms, rather to continue to use them, to repeat them, to repeat them subversively, and to displace them from the contexts in which they have been deployed as instruments of oppressive power."[5] On the surface, Butler's work offers a framework for reconstructing transgender in a way that offsets pathologizing understandings.

Yet Butler does not account for the potential limitations of resignification nor does she consider the ways it marks a theoretical divergence from Foucault. Due to Butler's reliance on the psyche and her focus on the performative dimensions of language, resignification cannot account for Foucault's non-discursive realm or that which exceeds the limits of discursive representation. Scott's work on experience is helpful here insofar as it reveals the shortcomings of discursive representation. As Scott suggests, experience, can never be documented accordingly since, it exceeds the

4. Ibid.

5. Butler, Judith. "Contingent Foundations: Feminism and the Question of 'Postmodernism'" in *Feminists Theorize the Political*, ed. Judith Butler and Joan Scott (New York: Routledge, 1992), 7.

limitations of discourse. Similarly, Lynne Huffer notes in *Mad for Foucault* which calls for queer theory's return to Foucault's *History of Madness*, that Butler's theory of resignification problematically imbues a notion of the psyche that Foucault would inevitably find troubling. For Huffer, Butler's resignification differs from transgression and Foucauldian desubjectivation precisely in that it maintains the logic of cause and effect. As Huffer puts it, "performativity *needs* the acts-versus-identities opposition in order to reverse and paradoxically resignify sex and gender."[6]

I take seriously the critiques of Butler that Huffer puts forth in *Mad for Foucault*—namely her detailed descriptions of the inherent discordance between Foucault's critique of the psyche and Butler's dependence on interiority—and hold these tensions as a generative space from which to produce a complex and nuanced articulation of *trans*. As I suggest in the conclusion, Butler's work on the authorial "I" has relevance for the act of writing one's experience even though there are limitations to her conception of resignification. Butler's notion of resignification remains important not because it offers a perfect theoretical model for rethinking transgender, but because its limitations point to the problems that arise when discourse is conceived as the master framework. As a result, I replace the term "resignifying" with "rethinking" in order to signal the shortcomings of Butler's approach and the limitations of discursive representation. Unlike Butler's resignification my reconfigured notion *trans*, includes within it, a self-critical mechanism that exposes the ways in which experience eludes discursive representation

6. Lynne Huffer, *Mad for Foucault* (New York: Columbia University Press, 2009), 114.

II. TRANSGRESSION AND THE SUSPENSION OF THE LAW

Foucault's "Preface" provides an opportunity to rethink the category transgender as something other than that which solidifies *two* discrete sexes as the nomenclature MTF and FTM suggest. "Preface" offers another way to imagine "transgender," apart from the pathologizing frameworks of medical discourse. Transgender when situated amidst this piece on transgression functions as a category that asks why certain physical acts, configurations and stylizations question the law's ability to categorize bodies that threaten sex/gender regimes, and explores the relationship between intelligibility and legal response. By shifting the discourse of trans in transgender to signify "transgression" and not a crossing between two presumably stable sexes, *trans* encompasses those bodies which have "no place in the actual law" but rather "call it into question and disable it."[7] *Trans* emerges as a category that is always in flux and contingent upon the various cultural and legal responses that arise in relation to corporeal and/or gender modifications. As a category it both defies and contests the legal and medical structures, which seek to contain it.

By no means is my reading of Foucault's work on transgression exhaustive. I focus primarily on "Preface" because its demanding prose offers an opportunity to seriously consider the relationship between transgression, bodies that evade the law, and the realms of biopower and intelligibility. "Preface" offers a framework for rethinking transgender as a form of "transgression," which Foucault describes through a variety of analogies and metaphors that speak to its uncontainable aspects. I am not interested in Foucault's particular usage of Bataille or in comparing and contrasting their ideas on

7. Michel Foucault "Preface to Transgression" in *Religion and Culture*, ed. Jeremy R. Carrette (New York: Routledge, 1999), 61.

transgression. Instead my focus is on how the descriptive sketches Foucault offers in "Preface" can serve as a starting point to rethink the category transgender.

A discussion of "Preface" would be incomplete without a brief overview of Bataille, whose work Foucault references throughout "Preface." In *Erotism*, Bataille introduces the concept of "transgression," noting that all social taboos and prohibitions can be transgressed and even some forms of transgression, like murder, are sanctioned through the state.[8] As a result, reason alone cannot suppress violence or transgression.[9] In the same way that taboos are regulated socially, so too are different modes of transgression. Bataille writes that it is "organized transgression together with the taboo [that] make[s] social life what it is," noting that "often the transgression of a taboo is no less subject to the rules of the taboo itself."[10]

Bataille's configuration of transgression in *Erotism* does not lend itself to a specific, dictionary definition as to what constitutes transgression, yet he positions transgression in relation to the regulatory abilities of social norms. Bataille configures transgression within a specific understanding of the law in which the law is not a static entity but contingent upon its relationship to social taboos in which transgression is "not the same as a back to nature movement [but rather] it *suspends* a taboo without suppressing it."[11] As the aforementioned description implies, for Bataille these taboos—or social prohibitions—are irrevocably linked to transgression. Bataille's use of "suspend" is critical because it emphasizes the momentary, as opposed to permanent,

8. Bataille gives the example of war as one form of socially sanctioned murder. Although he does not mention it directly, the death penalty is another example of state-sanctioned violence.

9. As Huffer documents in *Mad for Foucault*, Foucault's work on "madness" addresses this very point. For Foucault, madness always escapes the logic of rational thinking. See Huffer, *Mad for Foucault*, 44-87.

10. Georges Bataille, *Erotism,* trans. Mary Dalwood (San Francisco: City Lights Books, 1986), 65.

11. Ibid., 36 my emphasis.

upheaval of the taboo. Transgressions do not lift a taboo indefinitely nor in their entirety. Rather, they call into question the regulatory innateness and hegemony of the particular taboo. Thus the taboo responds to the transgression, re-emerges in a slightly modified form and reorients itself in relation to transgressive acts and behaviors in order to contain and curb future transgressions from occurring. Due to its circuitous, modified form that transgression prior to its occurrence cannot be named. For Bataille the presence of a taboo suggests that transgression is always possible even though taboos are constantly under re-formation to curtail future transgressions.

Bataille's language of suspension is important because Foucault, too, uses similar phrases in "Preface." As a close reading of "Preface" will suggest, it is often difficult to ascertain whether Foucault is mimicking Bataille or whether he is writing in his own voice. In "Preface" Foucault responds to Bataille and produces a deeply complex, yet productively rich, discussion of transgression, its relationship to language and ultimately the connections between transgression and the law. For Foucault, language is always tied to regulatory regimes of power in which language reflects prevailing norms. Thus the language of transgression is futuristic; the discourse of "transgression will find its space and the illumination of its being lies almost entirely in the future."[12]

Foucault's reluctance to provide a specific and concise definition of transgression is connected, in part, to what he sees as the violence of language and the fixity of its boundaries. Transgression operates as a continuously shifting force in which transgression "incessantly crosses and re-crosses a line which closes up behind it in a wave of extremely short duration, and thus it is made to return once more right to the

12. Michel Foucault "Preface to Transgression" in *Religion and Culture*, ed. Jeremy R. Carrette (New York: Routledge, 1999), 60.

horizon of the uncrossable."[13] Through the process of transgression the limit is not only upset but rendered momentarily ineffective. Transgression is momentary in that it can never be recreated. The precise manner in which the limit is upset is not duplicable, and when the limit "returns once more to the horizon" it is not restored in the manner it was prior to the moment of transgression.

The image Foucault conjures of something that is constantly influx in which transgression "crosses and re-crosses a line which closes up behind it" cannot be properly symbolized through the words on a page. His reference to a three dimensional process is particularly salient because it documents the difficulty in reducing transgression to discourse. Transgression is in and of itself a unique act, which can never be reproduced through description. It defies our abilities to understand it at the time of its occurrence. It is only when the limit is "rendered momentarily ineffective" that transgression can be said to have occurred. An explication of the court cases MT v JT and Re Estate of Gardiner illustrates the ways in which transgression is only named as such after it becomes intelligible to the very legal structures which become threatened by the presence of transgender bodies.

The potential of transgression is directly connected to the "crossability" of the limit even though the limit appears as static and impenetrable. Foucault writes that "a limit could not exist if it were absolutely uncrossable and, reciprocally, transgression would be pointless if it merely crossed a limit composed of illusions and shadows."[14] What is interesting here is the possibility that transgression is related to a concrete, as opposed to abstract, instance of the limit yet the limit itself exists only because it is

13. Ibid.
14. Ibid.

crossable: that the limit can be crossed requires it to be tangible and not simply ethereal. The limit and transgression are related in that one could not exist without the other and yet it is the potential for the momentary eradication of the limit that makes transgression a viable possibility. While the limit is no more than a set of "illusions and shadows," transgression exposes the fluidity and contextuality of the limit itself.

Foucault's description of the limit as a set of "illusions and shadows" can be read as further indication of how the limit defies traditional conceptions of time and space. A shadow appears as the result of the particular placement of an object in relation to light. For a shadow to appear, an object must be present—the object precedes the shadow and not vice versa. His use of "illusion" is interesting in part because of its juxtaposition with shadow. Illusion often refers to something which is thought to represent an object, but does not. This particular description speaks to the ways transgression always calls into question the presumed authority of the limit, and yet the limit itself is no more than a representation of that which is thought to exist in a natural or fixed state. As the court cases will illustrate, this is important for thinking about transgender as transgression because it offers a framework for thinking about the ways transgender bodies are thought to transgress a presumed "natural" state, and yet it is precisely the idea that anything is "natural" which remains illusory.

Foucault's rejection of linguistic rationale to describe transgression compels the vast array of images he deploys to signify the relationship between transgression and the limit. He suggests that this relationship "takes the form of a spiral in which no simple infraction can exhaust" to signify the ways transgression cannot be pinned down at a certain point in time for its existence both defies staticity and temporality. The limit is

never squandered nor depleted but rather constantly re-positioning itself in response to transgression. The most prevailing image Foucault offers of the relationship between transgression and the limit is that of a lightning flash: "Perhaps it is like a flash of lightning in the night which, from the beginning of time, gives a dense and black intensity to the night it denies, which lights up the night from the inside, from top to bottom, and yet owes to the dark the stark clarity of its manifestation, its harrowing and poised singularity' the flash loses itself in this space it marks with its sovereignty and becomes silent now that it has given a name to obscurity."[15] Again, embedded within this description is a turn to competing images in which transgression "gives intensity to the night it [also] denies." The idea that something could both "give intensity" yet also deny it exemplifies the competing language and imagery Foucault uses to describe transgression and its opposition to language and reason.

Focuault's use of the lightning flash to describe the indescribable nature of transgression, invokes Bataille's language of suspension insofar that transgression does not exist in diametrical opposition to the object being transgressed. As Foucault notes in the preceding sentence, transgression is "not related to the limit as black is to white, the outside to the inside or as the open area of a building to its enclosed spaces."[16] The process of transgression both collapses the limit and transgression as separate entities. In the process they become entangled and are both resurrected as something new.

The intercomplexities of transgression and the limit are critical for thinking about how experience functions for Foucault, as well as for how transgender experience can be refashioned as a form of self-undoing and self-reconstitution. In a nod to Bataille,

15. Ibid., 63.
16. Ibid., 61.

Foucault writes that limit experience "is throughout an experience of the impossible (the impossible being both that which we experience and that which constitutes the experience).[17] In this paradigm, experience functions as that which defies the logic of discourse, yet is also confined by such logic. It involves a constant evolution and transformation in which the parameters that are used to define it and name it are constantly under reformation.

Foucault's insistence that experience is a crucial component of transgression does not mean that experience should be thought of as the objective reflection of personal triumphs and acts. He does not take experience as a term void of criticism or social critique, nor does he position experience in the way that Namaste or Serano do to connote a unilateral, one-dimensional construction of power. Instead of drawing on experience to privilege a particular perspective, Foucault's use of it corresponds with the ways the specific moment of transgression cannot be recorded through language. The experience of transgression is irrational for it defies our abilities to make sense of what is an inherently irrational act, guided by something both within and beyond our self. These moments of transgression cannot be represented within the confines of linguistic representation because transgression defies the logic and rationale of bounded categorical representation.[18] This remains important for the notion of transgender as transgression because it points to the inherent limitations of representing transgender discursively since transgression always defies logical thought.

17. Ibid., 59.

18. For a fictional account of the ways transgression defies discourse, see George Bataille, *Story of the Eye*, trans. Joachim Neugroschel (San Francisco: City Lights Books, 1987).

Foucault's uses experience in conjunction with the limit, which is tied to what Martin Jay proposes is a more "honorific than pejorative" way for thinking about experience.[19] For Jay, Foucault and Bataille use limit experience to describe a particular mode of being in which the limits of subjectivity are transgressed in the process. Limit experience differs from colloquial usage of "experience" like Namaste's and Serano's in that it refers particularly to the ways certain incidences undo and reconstitute the authoritative position of the subject. "Experience" for both Foucault and Bataille, Jay argues, is a "curiously contradictory mixture of self-expansion and self-annihilation, immediate, proactive spontaneity and fictional retrospection, personal inwardness and communal interaction," in which the boundaries of the subject are called into question within and through his relationship to others.[20] Experience functions as deeply personal reflection in which the stability of the subject is not reinforced or recapitulated as an expert but rather the subject himself is re-shaped, undone and reconstituted through a particular encounter. This understanding of experience differs from arguments like Namaste's and Serano's that elevate the experiences of some as more critical to the production of theory.

If "experience" as conceived via Bataille and Foucault appeals to the ways certain acts force us to question the authenticity of hegemonic codes and our own position as subjects, then by extension *trans* experience can be understood as a profoundly personal critique of one's own subjectivity. By contemplating the role of experience and subjectivity in this regard, the conditions that contribute to one's abilities to know one's

19. Martin Jay "The Limits of Limit-Experience: Bataille and Foucault," *Constellations* 2, No 2 (1995): 155.

20. Ibid., 159.

self as subject are circumspect. This version of experience allows one to consider exactly what social codes are responsible for the application and acceptance of the label transgender.

While "experience" as it is used in transgender discourse has been deployed to rationalize the superiority of transgender perspectives, this version of experience allows for the opposite question to be asked. It affords an opportunity to consider how transgender bodies and acts might be contained by the label transgender and how the label transgender itself forecloses the ability to conjure transgender as a contestation to hegemonic codes and categories. By rethinking the role of experience in transgender discourse through a substitution of traditional experience with a Bataillean version, experience remains an important category not because it can be used to advocate for the supremacy of *the* transgender perspective, but rather because it can be used to question the regulatory effects of the category transgender and the limitations of subjectivity and language more generally. In so doing, it brings to light the consequences of the wrong body trope and its ties to a stable notion of the subject.

Using Foucault's "Preface" as a starting place, we can think of transgender discourse that deploys the wrong body as exemplary of one form of socially regulated "transgression." Transgender bodies who occupy the wrong body challenge the normative assumption that one maintains the sex in which they were born, yet abide by social and medical criteria that determine who "counts" as transgender. They complicate normative assumptions regarding the stability of sex, yet neglect to challenge the criterion that defines the transgression or subversion. Within the schema Foucault sets forth, the wrong body particularly as it is configured within the DSM functions as a form

of socially acceptable transgression in which the parameters for repudiating social norms are already determined by the social forces responsible for the "otherization" of transgender bodies. Transgender becomes an intelligible category as "other" but the criteria regarding who "counts" as transgender remains tied to pre-established guidelines based on a very specific understanding of "sex" and "gender." As stipulated in the DSM, to be transgender is to be an intelligible "other" whose otherness is discerned and defined by the rationalist pathologizing logic produced by medical discourse.

This is not to say that transgender people embrace transgression for the sake of fascination with gender taboos, but rather that social insistence on the stability and dichotomy of gender produces the venerable state of gender regulations in our culture. Due to the cultural insistence on the intelligibility and stability of the categories male and "female," the medicalization of transgender both secures and results from the hegemony of dichotomous sex, while rendering anyone who deviates from this presumed "natural" configuration as pathological. As a result, our simultaneous fascination with taboos against sex/gender crossing produces a variety of forms of "acceptable" transgressions while pathologizing those who insist on engaging gender transgression on a more comprehensive scale.

In many ways, transgender has become a socially acceptable form of transgression as the diagnostic criteria developed by the DSM confers. If we return to Sullivan's work on wannabees which I discussed in Chapter One, wannabees have more difficulty than transgender persons achieving their desired forms of body modification because their transgression remains unintelligible, impervious to the logic of "reason." The legitimacy of transgender as a verifiable aberrancy contributes to its intelligibility as

a concept. And yet to posit that the intelligibility of the category transgender has produced an acceptable form of transgression belies the reality that transgender persons offer suffer violence and that other forms of gender transgression are much more permissible. When it is sanctioned by a larger governing force, certain contexts promote such behavior. The dichotomy of "acceptable" versus "unacceptable" masks the nuances and complicated nature of transgression.

By marking transgender bodies as "other" through medical discourse, transgender becomes intelligible even if it does so through the form of a taboo. The process by which transgender achieves its conventional definition through medical discourse represents an important moment in which medical institutions attempted to curtail and contain aberrant sex/gender bodies and acts. By extension, transgender, although stigmatized, now functions in many instances as an intelligible form of transgression. The frequency with which transgender appears on institutional forms such as college applications is proof of the increased intelligibility of the category and yet transgender bodies, as the cases in the next section will demonstrate, continue to complicate laws based on sex dichotomies, illustrating how they occupy a social position that is configured as socially aberrant. As a result of transgression more generally and in the case of transgender more specifically, the specificity of the taboo shifts, making the possibility of the transgression dependent on a system of medical pathology.

III. THE MONSTER OF TRANSGRESSION

In a series of lectures published in *Abnormal*, Foucault deploys the figure of the monster which highlights the relationship between the limit and transgression and cites

the monster as an instance in which the law is overturned. The figure of the monster in discourse of the early modern age functions as a juridico-biological category which encapsulates acts and bodies that call into question the presumed naturalness of the law—it is, as Foucault writes, "essentially a legal notion."[21] Although Foucault argues that the monster is later replaced by the "abnormal," he suggests that traces of the "monster" continue to haunt discourse on morality. The monster remains a legal category which Foucault configures within a specific place and time, yet remnants of the "monster" are apparent when the monster is juxtaposed with contemporary legal rulings regarding transgender bodies. The transgender body, while certainly not the same as the 19th century monster, calls into question the presumed naturalness of "sex" and its relation to bodily performance.

Foucault's descriptions of monstrosity echo his previous writings on transgression and the limit insofar as they both deploy contradictory phrases and images to signify the inadequacy of linguistic protocol to explain these phenomena. The monster, Foucault writes, "combines [both] the impossible and the forbidden."[22] It is worth pausing to consider this curious relationship between the impossible and the forbidden: If the monster "combines the impossible and the forbidden," then what is the relationship between what is impossible and what is forbidden? Conceptually speaking, in order for something to be forbidden, it must first be possible. It is impossible to forbid something that is not intelligible or imaginable. Furthermore, why would you want to forbid something that is impossible? These questions point to the following paradox: The

21. Michel Foucault, "22 January 1975" in *Abnormal: Lectures at the College de France*, trans. Graham Burchell (New York: Picador, 1999), 55.

22. Although not the focus of this chapter, a close reading of Foucault's "Preface" and Bataille's *Erotism* points to the similarities between Foucault's use of forbidden and Bataille's writings on taboos.

monster is entirely possible and conceivable, and yet as a category it is used to denote the exception--the rarity which interrogates the naturalness of boundaries even though s/he is also inconceivable within the narrow parameters of hegemonic and heteronormative categories. Hence the figure of the monster in the pre-modern period "contradicts the law" because "although it is a breach of the law, the monster does not bring about a legal response from the law…It violates the law leaving it with nothing to say."[23] The monster suspends the law's ability to categorize and chastise that which defies its reliance on hegemonic categories. The monster can be understood as any figure that denaturalizes the "absolute and insurmountable distinctions between species, genus, and kingdoms." The monster exists precisely because these insurmountable boundaries can be surmounted. It is the *belief* and *assumption* that they are not surmountable which gives the monster its definition. The monster represents the transgression of the insurmountable, of the absolute and not of laws which are knowingly violated.

For Foucault the figure of the monster signifies the mixture of what are commonly considered two discrete realms: the animal and human, the man with the head of an animal, or a person of two sexes. In this instance the monster "is the mixture of two sexes—the person who is both male and female is a monster" so long as s/he also challenges the precision and sanctity of the law.[24] Foucault clarifies though that bodily abnormalities do not automatically place one in the category of the monster. He cites the disabled body as a biological abnormality but not as a case of monstrosity precisely because the disabled body resides in the law and achieves legal protections as a result.

23. Foucault, "22 January 1975," 56.
24. Ibid., 63.

The monster, on the other hand, not only calls the governing abilities of the law into question, but also remains external to the law.[25]

Transgender bodies can be understood as versions of Foucault's "monsters" insofar as they call into question the presumed naturalness of the category sex. As Andrew Sharpe notes in *Foucault's Monsters and the Law*, transsexuals represent what Foucault would call a "double breach" because they call into question both the law and what is considered natural.[26] They prove that the concept of a stable dichotomous sex is fictitious by the mere fact that they have lived as members of both sexes.[27] Sharpe focuses on the ways the transsexual remains emblematic of the monster while also noting the historical specificity of the category for Foucault.

Although I agree with Sharpe's assessment of transgender bodies as they relate to Foucault's work on monsters, my analysis deviates from Sharpe's in several important ways. First, Sharpe ignores the ways the logic of the wrong body serves to justify the change from one sex to another by asserting that gender should dictate sex classification. As a result, Sharpe cements understandings of sex as a natural dichotomy. Unlike Sharpe I suggest that the wrong body remains precarious because it both positions transgender as an intelligible category with a stable subject and also points to the ways the mere existence and classification of transgender bodies remains a threat to dominant schemas for organizing sex and gender. Second, Sharpe's use of the transsexual is dependent upon

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25. Although I do not focus explicitly on the significance of the monster for Bataille, it is worth noting that the "monster" is an important figure for Bataille as well. See Georges Bataille, "The Deviations of Nature" in *Visions of Excess, Selected Writings 1927-1939*, ed. Allan Stoekl (Minneapolis: University of Minnesota Press, 1985).

26. Andrew Sharpe, *Foucault's Monsters and the Challenge of the Law* (New York: Routledge, 2011).

27. Some transgender people might say that they haven't lived as members of the sex to which they were born. I respect this understanding of self, but my point here is that regardless of their self-identification, they have been treated socially at one point or another as a member of their biological sex.

a standard definition of the term, which is contingent upon the sex/gender distinction. By contrast, I position Foucault's writings on monstrosity in *Abnormal* in relation to a newly configured notion of the term which defines transgender through the language of transgression and not the logic of the wrong body.

As Foucault makes clear in *Abnormal*, the monster and, as we shall see, the transgender subject, suspends the law but this does not mean that he resides outside the confines of power. The law and "power" are not interchangeable within this context because although power always exists, the law has not yet caught up to include and recognize forms of monstrosity. While power is pervasive in that there is no "getting outside of power," the law is always localized, contingent upon the form of transgression that is occurring. The distinction between "power" and the law is pivotal not only because transgression is contingent upon it, but also because it explains why for Foucault certain bodies exist prior to the law, yet are still produced and subjugated through biopower. One's existence "prior to the law" suggests a moment of transgression in which the law itself is called into question and has yet to fully respond in an attempt to curb such behaviors from repeating themselves. This moment of transgression *is* the fleeting, bright light which emanates from the flash of lighting.

As Gerald Turkel notes, for Foucault "the law" is a manifestation of power's far-reaching tentacles, but not necessarily conceptually synonymous with "power" in general. He notes that "Foucault conceptualized power more broadly, as multiple and decentralized, and as productive of social structures and knowledge."[28] On the other hand, Turkel states that, for Foucault, "[the] law is an element in the expansion of

28. Gerald Turkel, "Michel Foucault: Law, Power, and Knowledge," *Journal of Law and Society* 17, No. 2 (1990), 170.

power—or more accurately—powers."[29] Turkel's acknowledgement of the differentiation between "power" and "law" is critical because it points to the ways the law is often a mechanism and consequence of biopower, as well as the law's diminishing importance in modernity.

Turkel's analysis of Foucault's understanding of "power" and "law" are helpful for thinking about the category of the monster as it relates to contemporary notions of transgender. Unfortunately, it is the nuances between power and the law, which often lead to the conclusion that bodies which evade the law are also "outside" of power. This misreading of Foucault was popularized by Butler's critique of Foucault's reading of Herculine Barbin—a French person born with ambiguous genitalia in 1838—where she critiques him for describing Barbin as existing within a "happy limbo of non-identity."

In the process, Butler claims that Foucault actually "fails to recognize the concrete relations of power that both construct and condemn Herculine's sexuality [and] he appears to romanticize her world of pleasures as the 'happy limbo of non-identity,' a world that exceeds the categories of sex and of identity."[30] Butler's critique of Foucault for underestimating the regulatory effect of sex categories and "identity" stems from what she argues is his problematic use of the phrase "non-identity." She argues that the phrase "non-identity" suggests that there are ways of being in the world which both exceed or circumvent the regulatory schema of power, that is persons and/or bodies exist outside biopower. Based on this she concludes that for Foucault, sex becomes "essentialized [and] becomes ontologically immunized from power relations and from its own

29. Ibid.
30. Ibid., 120.

historicity," and thus is constructed as an ahistoric term whose genealogy is obscured in the process.[31]

Foucault's discussion of Barbin must be analyzed within the larger framework of his writings on transgression, which, as I will demonstrate clarify Butler's concerns and illuminate the relationship between the law, power and transgression. Foucault's use of "happy limbo of non-identity" is ironic and does not signal Barbin's absence from power, but rather the ways her body remained unintelligible to the law. Barbin can be thought of as a Foucauldian monster in the sense that her body called into question the presumed rigid delineation between male and female and because the law was momentarily overturned upon discovery of her condition. Barbin's body complicated these designations in a way that exposed the artificial as opposed to presumed natural conditions of the law. Thus the phrase non-identity does not signify her complete immunity to power relations but rather the precarious position her monstrous body assumed in relation to the law itself. Foucault's ironic use of "non-identity" marks Barbin's transgression and not, as Butler implies, a body external to power relations.

Upon discovery of Barbin's hermaphroditic status, the law responded with legal measures to ensure the sanctity of the sex/gender schema. As Foucault notes, for hermaphrodites "the only imperative was that they should not change it again but keep the sex they had been declared until the end of their lives" in order to preserve the heteronormative guidelines for sexual intimacy.[32] At the point when Barbin's body was under scrutiny of medical establishments and had effectively summoned a response from

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31. Butler, *Gender Trouble*, 121.

32. Michel Foucault "Introduction" in *Herculine Barbin: Being the Recently Discovered Memoirs of a Nineteenth Century French Hermaphrodite*, trans. Richard McDougall (New York: Random House, 1980), viii.

legal institutions, the limit was re-established and the momentary instance of transgression ceased. The relationship between the limit and transgression was further in flux and Barbin's body no longer evaded the regulatory aspects of the law. Hence what Butler calls Barbin's "identity" emerged but only after the law had responded.

A close reading of the passage Butler finds so troubling further illustrates that Foucault's use of "non-identity" is not akin to contemporary usage of "identity" or to the version of identity that informs what we think of as "identity politics." When Foucault's use of "non-identity" is examined more closely, the text clearly reveals a very different understanding of "non-identity" than what Butler attributes to the phrase:

> When Alexina [Barbin] 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 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." (my emphasis)[33]

Foucault's use of "happy limbo of non-identity" marks the way her non-dichotomous sex or what Foucault deems the fact that she "was without a definite sex" complicates the regulatory logic of the sex binary. Although Butler claims that this passage exemplifies Foucault's treatment of sex as an essential category, it actually suggests the opposite, as even a cursory reading suggests. Foucault is not interested in "identity;" in fact this term is one of which Foucault is highly critical. Foucault's declaration that Barbin's sex/gender is a non-identity further suggests the ways that sex/gender itself is rendered discursively and *becomes* an identity. The very fact that Barbin's body reveals the

33. Michel Foucault "Introduction" in *Herculine Barbin: Being the Recently Discovered Memoirs of a Nineteenth Century French Hermaphrodite*, trans. Richard McDougall (New York: Random House, 1980), xiii.

conceptual inconsistencies and inadequacies of a dichotomous sex schema suggests that sex/gender is not an essential category for Foucault but one that only appears essential as the result of various forms of disciplinary and biopower that contribute to its existence as such.

IV. MARVELOUS MONSTROSITIES: A RETROSPECTIVE

Although Foucault's reading of Barbin and Butler's misreading of Foucault exemplifies the relationship between aberrant sex/gender bodies, transgression and the law, I want to turn specifically to two cases Foucault mentions in *Abnormal* to further elaborate the relationship between "non-identity," transgression and the law and then to compare and contrast these cases with two contemporary court rulings involving transgender persons. In so doing, I am not arguing that these cases are prototypes of Foucault's monster since such a remark belies the historical specificity of his claims, but rather that traces of Foucault's monsters can be found in contemporary notions of transgender. In each of these instances, the [trans]gender aberrant body forces the law to call into question the authority of the dichotomous sex schema and so can be read as an instance of transgression. The cases Foucault presents in *Abnormal* are particularly salient because Foucault illustrates precisely how the figure of the monster calls into question the efficacy of the male/female binary and the division between the natural and the unnatural. Although in this particular lecture from *Abnormal* Foucault turns his attention to three types of monstrosity—the hermaphrodite, the masturbator and the individual to be corrected—I focus specifically on the figure of the hermaphrodite (1) to illustrate how it both differs from and overlaps with contemporary depictions of

transgender bodies and (2) to demonstrate how it can be "read" as transgender through the modified configuration of transgender that this chapter proposes.

Foucault draws on the hermaphrodite from the seventeenth to the end of eighteenth century to illustrate how certain bodies transgressed the governing authority of legal institutions, resulting in medical diagnoses. The first case Foucault presents is of the Rouen hermaphrodite (1601), concerning a woman named Marie Lemarcis who passed as a man, donned "men's" clothing and eventually married a woman. Lemarcis was originally sentenced to death, but the verdict was appealed on the grounds that Lemarcis did not pose a threat so long as she lived as the sex to which she was assigned and ended relations with her spouse.[34] Although the verdict was overturned, Lemarcis was prohibited from cohabitating with members of *either* sex. For Foucault, the Rouen case represents one of the first cases in which there were competing expert opinions. Duval, the medical expert responsible for the appeal, employed what Foucault argues were also "the very first rudiments of a clinical approach to sexuality."[35] Duval concluded that Lemarcis was a hermaphrodite but that so long as she did not act on his sexual desires, being a hermaphrodite was not a punishable offense in and of itself.

Foucault notes that Duval was the only expert who argued that Lemarcis did exhibit signs of "sexual virility." This case is important because it provided the rationalization for further medical investigation to determine exactly what organs were functioning and which ones were virile, contributing to one of the first medical examinations geared towards deciphering and quantifying human sexuality. Although

34. Although Lemarcis defies traditional pronouns, in keeping with Foucault, I use female pronouns when referring to Lemarcis.

35. Ibid., 69.

Foucault neglects to state exactly what conditions attributed to this lack of virility, we can surmise that her ability to procreate was in question. The fact that Lemarcis simultaneously occupied both the categories of woman and "hermaphrodite" speaks to the ambiguities of both categories. Expert opinions, with the exception of Duval's, which argue that Lemarcis did not exhibit any signs of sexual virility suggest in some ways that Lemarcis was something other than a woman since she did not exhibit any of the behaviors or characteristics associated with the female sex. The very fact that she occupied both categories illustrates the categorical ambiguity of "hermaphrodite."

Even though experts for the most part concluded that Lemarcis was not a fully equipped female, the legislative decision to forbid her from living with a member of either sex highlights the fact that the courts still viewed her as having the qualities of both males and females, as opposed to being *neither* male or female. The decision to prohibit Lemarcis from engaging sexually with any member of either sex illustrates the ways her sex classification remained contingent upon a particular understanding of "hermaphrodite"—one that is in contradistinction to contemporary medical articulations of intersex which posit that the individual has a "true" sex that can be discovered. In contrast to the *Gardiner* case, which I will examine in greater detail, Lemarcis occupied a sex that overlapped the categories male and "female," as evidenced by the following diagram:

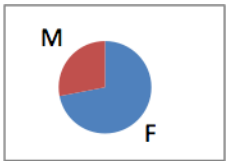
The Lemarcis case clearly offers a configuration of the hermaphrodite as an amalgamation of male and female, which Foucault posits remains the basis for early

understandings of hermaphroditism. He turns to the case of Anne Grandjean (1765) to demonstrate how changes in scientific attitude reconfigured hermaphrodites as individuals who may share attributes of both sexes although they clearly have a dominant sex. As Foucault retells Grandjean's account, Grandjean was originally born and baptized as female and decided to wear boys' clothes after she realized that she was sexually attracted to other girls. At this point she was able to "pass" as a man and eventually married a woman, although it was later found out that she had the physical anatomy of a "female." The courts ruled that Grandjean, like Lemarcis, had committed a crime because she engaged sexually with a member of her birth sex although her punishment differed slightly albeit in an important way. As Foucault notes, "the only difference being that whereas Francoise Lambert [rectius: Anne Grandjean] was banned from spending her time with women, and only with women, in the previous case it was with anyone of 'whatever' sex [that] Marie Lemarcis was banned from sexuality and sexual relationships."[36] The difference in these court rulings points to the varying configurations of hermaphrodite, which Foucault argues are indicative of a move from thinking about the "monstrosity of nature" to the "monstrosity of conduct."[37]

In addition to demonstrating the conceptual differences within the category hermaphrodite, both the Grandjean case and the Lemarcis case illustrate the ways categories are reconstituted in relation to bodies that transgress the normative hegemonic social codes. Each of these cases called into question the governing authority of the law and as a result there was not a clear legal ruling in either instance. Lemarcis' case and the differing expert opinions demonstrate how she occupied the social categories of both

36. Ibid., 72.
37. Ibid., 73.

woman and hermaphrodite, implicitly calling into question the validity of the criteria used to demarcate these respective categories. The fact that the law condemned her from engaging in sexual relationships with either sex can be read as an indication that she was a female, yet also not quite one. Although the decision of the Grandjean case differed from that of the Lemarcis case, the verdict prohibited Grandjean from engaging in sexual relations with other women but implicitly it also sought to reconstitute "hermaphrodite" in a manner that emphasized the prominence of one sex over another. The following diagram represents the way "hermaphrodite" was configured in the Grandjean case:



These two examples of monstrosity and transgression demonstrate the law's response to bodies that question what are perceived as natural pre-discursive categories. Bodies or acts that call into question this pre-discursivity and transgress these normative codes function as a critique of the governing capabilities of the law. As a result, new categories are created and modified to label these behaviors. But the process through which these behaviors now become intelligible within and through the creation and modification of categories like "hermaphrodite" serve to further marginalize bodies and acts considered socially aberrant. As these instances demonstrate, recognition has its downfalls precisely because such recognition by the law leads to further pathologization and criminalization.

These cases are important not only because they provide concrete examples of the relationship between the law and transgression but also because they force us to consider

the relationship between the power behind discourse and the implementation of categories like hermaphrodite. They lead us to ask what modes of intelligibility and frames of discourse determined how and when the category hermaphrodite was implemented. Furthermore, we must not simply take the cases Foucault offers as emblematic of hermaphroditism but rather ask what political work is accomplished through the label hermaphrodite. As we shift the criteria of transgender from "trans as crossing" to "trans as transgression," Lemarcis and Grandjean can be read as *trans* within this new paradigm precisely because they called sex/gender categories into question and upset the law's ability to procure the sex/gender dichotomy.

My suggestion that they can be read as *trans*, however, is not the same as declaring that they *are* transgender. It is important to remember the historical specificity of Foucault's notion of both the monster and the abnormal and, as I emphasize in earlier chapters, it is critical to account for the historical specificity of the category transgender—something Prosser neglects to do. I do not claim that the individuals involved in these cases are transgender based on standard definitions of the term. Rather I present these cases as emblematic of a *new* notion, *trans* that counters the logic and temporality of previous understandings of the category. We can think of Lemarcis, Grandjean and Barbin under a new rubric of *trans* because they complicate the prevailing normative codes with regard to sex/gender. Although the difference may be subtle, this is a very different argument from one that claims they can be thought of as transgender because they occupy a gender that is in contradistinction to their sex. As previous chapters have made clear, there are profound limitations to applying contemporary categories like transgender to acts, bodies or events prior to the creation of the term. I am

not suggesting that they would have even used such a term if it were available, but rather situate them as *trans* to demonstrate how *trans* be re-thought to include a variety of acts and sensibilities that exceed the logic of the wrong body.

The theoretical implications of situating Lemarcis, Grandjean and Barbin as exemplars of the *trans* are far-reaching. By doing so, the conceptual distinction between hermaphrodite and transgender is effectively collapsed, since to have a hermaphroditic body is, in and of itself, an embodied form of transgression. In addition, since any behavior will be interpreted as either masculine or feminine, then the hermaphrodite automatically engages in transgressive behaviors because hir body cannot be rendered intelligibly within the heteronormative binary framework as either male or female.[38] The act of positioning Lemarcis, Grandjean and Barbin as *trans* illuminates the alleged ways their bodies call into question the perceived naturalness of binary sex and the manner in which their behaviors will never correspond with those expected of their bodies because hermaphrodite as a category has no accompanying social roles or expectations. In addition, the process of configuring "hermaphrodite" and "intersex" as sub-categories of *trans* functions as a complete reversal of the DSM's insistence that one cannot be both intersex and transsexual. The following chart represents the relationship between *trans* and hermaphrodite in this new framework:

Within this new paradigm, as the aforementioned examples suggest, the delineation between "gay," "lesbian," and transgender becomes blurred as well.

38. For more information, see John Sloop, *Disciplining Gender: Rhetorics of Sex Identity in US Culture* (Amherst, MA: University of Massachusetts Press, 2004).

Traditional schemas to delineate "gay" from transgender are overturned and the result is an emerging paradigm that muddies these conceptual lines, producing an understanding of *trans* that encompasses multiple forms of sex/gender transgressive embodiments, including those that might not be currently categorized as transgender. This theoretical move, although this dissertation does not focus directly on its implications, positions *trans* as an overarching term where "gay" and "lesbian" remain one branch on its theoretical tree. The *trans* paradigm accounts for the ways multiple types of bodies *inhabit* sex/gender transgression, not simply those bodies that have been labeled as transgender by contemporary paradigms.

V. MARVELOUS MONSTROSITIES: LOOKING FORWARD

Grandjean, Barbin, and Lemarcis can all be read as transgender through a reconfigured notion of transgender that places transgression at its center because their bodies momentarily call into question the all-encompassing power of the law. Although the cultural, legal and discursive contexts differ, contemporary court rulings also exemplify the ways certain gender/sex aberrant bodies force us to consider the "naturalness' of hegemonic sex/gender norms.[39] I compare and contrast two contemporary court cases involving transgender bodies with the aforementioned ones to further solidify the ground from which to theorize transgender through the language of transgression and not via a distinction between sex and gender. The cases below illustrate the ways transgender bodies continuously "trouble" the law and call into question its

39. This is not to say that the figure of the monster functions exactly the same in contemporary cases. As Foucault notes in *Abnormal,* the "monster" has its own discursive history and shifted throughout the 16th and 17th centuries.

regulatory capabilities and the corresponding force of the law as both an oppressive and productive apparatus of governmentality.

The first case, *MT v. JT*, appeared before the New Jersey courts in 1976 and remains one of the first lawsuits where the courts were forced to consider the legality of marriages involving one or more transgender persons. In the second case, "In *Re Estate of Gardiner*," the Kansas state court argued in 1999 that the marriage of a man who married a transwoman was not valid on the grounds that transsexuals were prohibited from marrying under the Defense of Marriage Act. While different in their rulings, these cases demonstrate how transgender bodies upset heteronormative notions of sex and gender and force the law to reconsider its basic premises, signaling what I suggest are important moments of transgression.

In the legal case, *MT v. JT*, a New Jersey court upheld the marriage between a "male to female" transsexual and a biological male, arguing that their marriage was valid because the couple engaged in "heterosexual sex." The case appeared before the New Jersey courts because, upon mutual separation, the husband refused to provide his wife with financial support. In his testimony the husband argued that their marriage had never been valid because his wife was a transsexual, even though their marriage had taken place after she had transitioned from male to female and he was aware of her transsexual status. The courts ultimately concluded that their marriage was in fact legitimate, and thus ordered the husband to pay his former wife fifty dollars each week in alimony.

Ruthann Robson argues that *MT v JT* epitomizes a functionalist approach to the law, citing that the legal verdict was determined by the operative realities of the situation. She contrasts this with a formalist approach which upholds formal relationships as they

are dictated by the law itself. Although a functionalist approach has the capacity for a more progressive application, Robson argues that it is often inscribed by heteronormative claims which remain counter to a liberatory queer politic. In the case of *MT v. JT*, the courts based the validity of the couple's marriage on whether MT was capable of engaging in [hetero]sexual intercourse, declaring that it is "the sexual capacity of the individual which must be scrutinized" and not to which category his biological sex was ascribed.[40] The courts argued that "sexual capacity or sexuality in this frame of reference requires the coalescence of both the physical ability and the emotional orientation to engage in sexual intercourse as either a male or female."[41] Because MT engaged in heterosexual sex—which they concluded based on accounts of sexual activity in which his penis penetrated her (reconstructed) vagina—the courts considered his marriage valid, regardless of the fact that he had been born male and physically transitioned to female.

As Robson points out, the verdict in this case is salient not simply because their marriage was upheld, but also because heterosexual sex became normalized within what appears to be a major victory for transgender equality. In a reversal of traditional logic which determines sex based on chromosomes or genitals, the act of engaging in heterosexual sex became the basis for determining MT's legal sex. Although "heterosexual sex" was contingent upon the physical configuration of her body, it is possible (given the logic of this case) that had they not engaged in traditional heterosexual practices, the court may have concluded that their marriage was void after all. Hence we often think of sexual identity as something that is established based on the

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40. Ruthann Robson "Reinscribing Normality? The Law and Politics of Transgender Marriage" in *Transgender Rights*, eds. Paisley Currah, Richard Juang, and Shannon Price Minter (Minneapolis: University of Minnesota Press, 2006), 300.

41 . Ibid.

sex of the individual and their partner, whereas in this scenario the decision as to how to categorize MT's sex resulted from his sexual behaviors. In many ways the decision to determine sex based on a type of performance has traces of Ulrichs' conceptual schema where sex (or one's ascription to the category male) was determined by his sexual desires and self-presentation. As a result, both the court's decision and Ulrichs' formulation produce(d) an alternative schema from which to consider the ways sexual practices inform the designation of one's biological sex and not vice versa. By logical extension then, if MT had engaged in sexual behavior most commonly attributed to women, then the courts might have issued a reverse ruling.

While the court's decision and its use of a functionalist approach offers short-term benefits for rethinking "sex" as something other than biologically based, it continues to normalize sex as a dichotomy in which no in-between exists. The very notion that sexual intercourse should be used as one of the primary markers for establishing an individual's sex coincides with the treatment protocol used to designate the sex of intersex babies at birth, leaving absolutely no room discursively for constructing sex outside of a heteronormative binary. As this decision suggests, transgender persons become a vehicle to uphold the sanctity of heterosexual relations and foreclose the possibilities of other types of sexual relations from occurring. The functionalist approach masks the binary logic of heteronormative discourse and, as a result, transgender bodies become mediums which buttress the heterosexual matrix.

The parallels between *MT v. JT* and the Lemarcis case Foucault summarizes in *Abnormal* are worth noting because they demonstrate how traces of the monster still inflect the ways we think about the transgender body, particularly within the legal

context. In the Lemarcis case—some several hundred years earlier—the courts concluded that Lemarcis' sexual "virility" was the deciding factor in deciphering her "true" or designated sex. While "virility" has a gendered component and "capacity" does not, they both contain a relational element in which virility and capacity are determined in conjunction with how one behaves during heterosexual sexual relations. Lemarcis' virility determined her sex, while MT's physical capacity for penetration determined how her sex was classified. The same logic which placed one's capacity for penetration as central to designating MT's sex also remains a fundamental component for deciding the sex of intersex infants. The emphasis on virility or capacity suggests that while the law has responded with new categories to stigmatize sex/gender deviant bodies, an emphasis on one's sexual capabilities remained relevant to the determination of one's sex.

In *MT v. JT*, the courts declared that MT's sex must be configured within the binary rubric even though his body clearly transgressed the presumption that one endures a lifetime in the biological sex into which they were born. Most legal decisions regarding transgender persons configure transgender bodies within binary discourse, which is what makes the case In *Re Estate of Gardiner* quite compelling. In *Re Estate of Gardiner*, the Kansas courts invalidated the marriage of J'Noel Gardiner and her deceased husband Marshall. Upon finding out that his stepmother was a transsexual woman, Marshall's son sued J'Noel for his father's multi-million dollar estate, arguing that their marriage was not actually valid under Kansas law. The courts sided with Marshall's son, defining a marriage contract as "a civil contract between two parties who are of the opposite sex."[42]

42. Re Estate of Gardiner, 85, 030, (Court of Appeals State of Kansas), 5.

As a result the marriage between J'Noel and Marshall was annulled and Marshall's son was the recipient of his father's estate.

The court ruled that since Gardiner was a transsexual her marriage should never have been legal because Kansas law prohibited against same-sex marriages under DOMA. In this case DOMA was not simply responsible for annulling Gardiner's marriage but also responsible for normalizing transsexual as a sex category. Unlike *MT v. JT*, the courts registered Gardiner's sex as "transsexual," therefore concluding that her marriage was not valid. While the logic of DOMA was responsible for this discriminatory ruling, this legal move also implicitly destabilized binary sex in the sense that transsexual emerged as an intelligible sex category in addition to male and female. In *MT v. JT*, the only two options that composed the category sex were male and female, whereas in Gardiner male, female, *and* transsexual were configured as subcategories of sex. The effect of using DOMA as the rationalization for de-legitimizing Gardiner's marriage also inadvertently produced transsexual as a sex category and suggests that male and female were not the only sex categories. In this instance, transsexual functions as the negation of male and "female," and forecloses Gardiner from marrying either a male or female.

In the legal appeal made on behalf of Gardiner, her attorneys emphasized that "a transsexual is one who experiences himself or herself as being of the opposite sex, despite having some biological characteristics of one sex, or one whose sex has been changed externally by surgery and hormones."[43] Like most definitions of transsexual, the logic of the wrong body and a distinction between sex and gender undergirds the legal understanding of the term. Gardiner's attorneys used this definition to insist that the

43. Ibid., 6.

presence of transsexual individuals illustrate that "we can no longer be permitted to conclude who is male or who is female by the amount of facial hair one has or the size of one's feet."[44] Hence while transsexuals may appear biologically to be of a particular sex, their psychic disposition and the secondary sex characteristics they have achieved through hormone treatment are actually more indicative of their actual sex. Gardiner's attorneys conclude that the label transsexual is not actually a sex category after all and that the sex male is a more appropriate label. If they can convince a judge that her sex is best thought of as female and not transsexual, then DOMA ceases to provide the appropriate rationalization for annulling Gardiner's marriage.

The attorneys' emphasis on Gardiner's male biological sex and their attempts to eschew considerations of Gardiner's sex as transsexual has the following ramifications. Most importantly, it effectively troubles sex as a static category by demonstrating how bodies can and do complicate normative ascriptions of sex. If Gardiner is configured as female, then the category is effectively disrupted as natural. Yet at the same time, Gardiner's attorneys' dismissal of transsexual as a viable category also reinforces male and female as the only two options within the category of sex. While it is clear why Gardiner's attorneys attempted to argue that their client was really "female," this legal move, while expanding the category of female to include bodies other than those who were biologically born as male, at the same time rendered male and female as the only two options for conceiving sex.

The Gardiner case also stands out because the court's decision rendered transsexual as an intelligible legal category. Prior to the ruling one could argue via

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44. Ibid.

Foucault that Gardiner's transsexual status functioned as a "non-identity" for the Kansas courts. Gardiner was not subjugated as transsexual by the marriage courts until they declared her to be a transsexual whose marriage violated DOMA. The act of naming and categorizing Gardiner as transsexual marked her body as other and simultaneously rendered her aberrancy as intelligible. The authority of heterosexual marriage was challenged merely by the presence of Gardiner's body and, as a result, the category transsexual was applied in order to further stabilize the boundaries of heteronormative male/female marriage. Gardiner's case represents a moment in which the law was transgressed (as evidenced by Gardiner's marriage) and responded by categorizing Gardiner as "other" in order to preserve the alleged sanctity of heterosexual marriage.

Yet the reality of the Gardiner situation—the very fact that at one point in time the same two bodies were legally granted a marriage license only to have it rescinded several years later, clearly illustrates the ways Gardiner's transsexual status disrupted, at least momentarily, the regulatory regime of the law. If the courts had never "discovered" Gardiner's body (or Barbin's, Lemarcis,' or Grandjean's bodies, for that matter), or if in some way Gardiner had remained invisible to legal and medical institutions, then her marriage would have remained "legal." The discovery of Gardiner's body not only prompted a legal case in which, albeit somewhat ironically, the naturalness of the sex dichotomy was questioned. It also illustrates the continuous and cyclical relationship between transgression and the law. As the specificities of each of these cases demonstrate, transgression remains an "event" in which power is cajoled and reconfigured whereby the moment of transgression calls into question its regulatory capabilities. The Gardiner case, in part, attributed to the intelligibility of transgender as a

legal category, while at the same time produced a more stringent construal as to who actually constitutes the categories male and female.

In many ways, Gardiner's marriage prior to its annulment and the court's ascription of the label transsexual tweaked the dominant conception of marriage as a union designed solely for a biological, gender/sex normative male and female. Gardiner's marriage actually *resignified* hegemonic notions of marriage in which people's perception of her marriage as heterosexual was complicated by the fact that she had been born to the same sex as her husband. The reality of this relationship and the legal circumstances of their marriage crafted a new definition of marriage as something other than solely between a man and a woman, subverting the logic behind DOMA. Although DOMA was originally cited as the reason why Gardiner's marriage was actually void, Gardiner's marriage called into question the efficacy, power, and logic of DOMA, and momentarily suspended its authoritative stature. DOMA had been violated and transgressed but the transgression remained invisible—it subverted the logic of heteronormative marriage without ever being apparent to anyone except for Gardiner, her husband, and the handful of people aware of Gardiner's birth sex.

The paradox—that although Gardiner's marriage was slowly dismantling DOMA and its presumed authoritative power prior to the court's legal ruling, no one was actually aware of this subversion—raises important questions about the relationship between resignification, transgression, and the "non-identity" of a body which has not been accounted for by the law. Upon discovery of his non-normative sex/gender, Gardiner's body emerged at the center and confluence of various regimes of biopower aimed at upholding and preserving heteronormative ideals of sex/gender and sexuality. For

Gardiner, visibility did not lead to social protection. Rather her body became a vehicle for upholding the very regulatory regime responsible for her invisibility. Gardiner's invisibility did important cultural work that could not happen once she became visibly "transgender." At the moment in which Gardiner was labeled and categorized as transgender, she was reabsorbed by legal and medical structures whose goal is to uphold the "sanctity" of heteronormative relations.

The Gardiner case illustrates the ways systemic and heteronormative categories are reinscribed through the law. In addition, it highlights the ways bodies which evade normative social categories actually upset traditional notions of heteronormativity. As a result there is a certain degree of social power that lies in invisibility, or for Gardiner, in *not* being labeled as "transgender." And yet there is resulting danger if one praises the political promise of the unintelligible realm. I am not suggesting that we use the Gardiner case to advocate for a new political movement centered around "closetedness" but, rather, the Gardiner case points to the following paradox of unintelligibility: transgender bodies continuously subvert hegemonic classificatory schemas *prior* to their recognition as "transgender."[45] The Gardiner case, as well as the other cases mentioned, offer us a new way to think about the relationship between transgression and intelligibility. They offer an important critical perspective because they force us to consider how certain categories emerge and which bodies (and why) are contained by these constructs. They allows us to reflect on the ways institutional powers and the law respond to instances of transgression

45 .This is not to say that there is a beginning or end. Rather I use prior here to document the moments in which transgender bodies complicate the sex/gender dichotomy before they are identified as anything other than a biological male or female.

with new social categories aimed at containing and curtailing the subversion of heteronormative ideals.

My hesitancy to offer a specific redefinition of *trans* lies in my own political investment in the power of unintelligibility, which attempts to account for the violence of social categories and the ways they often serve regimes of heteronormativity. I have alluded to one way to rethink transgender in a manner that does not comply with medical protocols and discourse but, rather, points to the relationship between transgression, biopower, and subjectivity. In the process I have analyzed instances which are not commonly theorized within transgender discourse to demonstrate how they call into question the hegemony of dominant sex/gender constructions. The version of *trans* that I sketch has the potential to highlight the limitations of medical discourse and expose the costs of subjectivity, while providing a way to theorize bodies which undo and upset normative conventions of sex/gender and sexuality. It is only when we adopt the category transgender and imbue it with new meanings that repudiate medical discourse that we will arrive at a conceptual understanding of *trans* that makes room for bodies currently excluded through the hegemony of the wrong body within transgender discourse.

This notion of *trans* remains encumbered by hegemonic discourse, thus substantiating, in some ways, the very forces it seeks to contest. It attempts to put into words those bodies and acts which may be doing something radically different, although their actions will always be reduced to the logic of prevailing paradigms. It is for those bodies, those acts which show us a different way of "being"—a way that perhaps, we have yet to imagine—that *trans* gestures toward. And yet, by speaking to these "truths," by rendering them discursively, we run the risk of recapitulating these hegemonic

structures of power. The value of the discourse of transgression is not simply that it gives us another way to configure “transgender,” but that it also provides us with a framework from which to consider that which cannot be rendered discursively and that which can only be alluded to through the use of metaphors and images.

CONCLUSION
WHEN THEORY MEETS THE "I"

"When the 'I' seeks to give an account of itself, it can start with itself, but it will find that this self is already implicated in a social temporality that exceeds its own capacities for narration; indeed, when the 'I' seeks to give an account of itself, an account that must include the conditions of its own emergence, it must, as a matter of necessity, become a social theorist."

--Judith Butler, *Giving an Account of Oneself*, 7-8

By tracing the wrong body trope and producing a genealogy that starts with its so-called "origins," I have noted the ways the wrong body has enabled "transgender" to stand alone as a concept distinct from "homosexual." In addition to marking this discursive lineage, this dissertation also documents my simultaneous becoming and undoing as a transgender author. Like Butler's "I," the "I" of this dissertation's narrative exceeds its own capacities for narration. My narrative starts with this dissertation and yet does not end by way of writing a conclusion. It begins with the conditions of my emergence, pointing to the complex relationship between discourses of power, frames of intelligibility, and the inherently exclusionary practices of discourse. The preceding chapters document the discursive circumstances that contribute to the contemporary association of the wrong body with transgender: those conditions allow me to sit here and write as a transgender subject.

I must confess that even after writing this dissertation, pondering my own relationship to the category transgender and redefining it accordingly, I am still wary of its utility. I am cautious of identity categories in general, and even more suspicious about the ways transgender has become entrenched within pathologizing medical discourses.

By conventional definitions, I *am* transgender. I switched pronouns, started testosterone, and had top surgery—events which would certainly qualify me as transgender. Yet when *I* use transgender in reference to *my* self, I do so through the reclaimed version of *trans* that I offer in chapter four. My "transness" doesn't' refute my coming out as a lesbian—an identity I claimed in 1995 at the age of sixteen—but rather complicates my story as a singular narrative with a linear history.

In the process of writing my story I must also acknowledge that my use of *trans* as critique of biomedical discourse is only intelligible as such to the readers of this dissertation and to those familiar with my scholarly work. I am not suggesting that my efforts to rethink transgender as *trans* are necessarily futile but, rather, that terms, even in their modified forms, cannot account for the complexity of lived experience. Like the Butler of *Giving an Account of Oneself,* I hesitate to invoke an identificatory statement as it relates to my transgender "identity" for the following reasons: First, identificatory statements, such as the claim "I am transgender," belie the ways our identities are always determined by available regulatory discourse that allows us to achieve intelligibility as speaking subjects. Second, they perpetuate the idea that my transgenderism is something innate—something found deep inside the inner vestibules of my body and immune to cultural convention and wisdom. Third, the statement "I am transgender" assumes that the "I" is a stagnant subject; one who moves through life in search of an inner, singular self-truth.

The type of logic embedded in these identificatory statements informs the idea that transgenderism can be diagnosed through scientific intervention, which in turn positions transgenderism as a persistent state of being in the wrong body and having a

discordant sex and gender. The postulation "I am transgender," as it has been received historically, tends to produce a rigid understanding whereby transgender is reduced to biology. The need for a reason alone should cause one to ask why the desire to make changes to one's body even necessitates justification in the first place. When I talk about myself in relation to transgender, I try to counter this type of logic that demands such justification especially since my own experience and relationship to the category transgender has been anything but stable or consistent.

The narrative I offer by way of this conclusion will not offer a simple recitation of certain life experiences, which have contributed to my understanding of self. The experiences I put forth in the last pages of this dissertation mark the limitations of discourse and identity categories, and do not serve as a solidification of my own subjectivity. Although the reader may be searching for narrative coherence, this desire will not be met. My story serves as a refusal of identity coherence insofar as it attempts to carve out space for that which escapes the rules of discursive form. If the reader finds this lack of coherence frustrating then the conclusion will have served its purpose. It is in this state of frustration and complication that, as the following examples suggest, the limitations of discourse may also be revealed.

Just recently, I was speaking with my next-door-neighbor who also happens to be a good friend. She was one of the first few people outside of my chosen family and academic colleagues whom I told of my physical transition. We've had conversations before where I registered my concerns about the phrase "gender identity disorder" and I knew that, as a psychologist, she had a different conceptual toolbox than me for thinking about gender. After I returned from Florida where I had traveled the week before to get

top surgery, my neighbor came over to see how I was feeling. Following our exchange of customary niceties, she mentioned that she had just seen a television program on transgender children who claimed to have been born in the wrong body. I'm usually unaware of anything on television but I, too, had seen this program when I was in my post-operative daze. Somehow she interpreted our conversation about this program as license to ask me if I had "had my chromosomes checked." She noted my confusion (which was I should add, quite deliberate) and followed up by saying "scientists now believe that transgenderism is a biologically rooted condition." I could have responded in several different ways, but in my post-anesthesia mindset, I didn't have the mental capacity to come up with a witty retort or engage in meaningful debate. I simply responded that I had not "checked my chromosomes" because I had not always been transgender nor did I know how long I would actually be transgender.

While my neighbor took this to mean that I had some doubts about my decision to physically transition, I was simply alluding to my own instability as a subject. I am not, as my neighbor inferred, skeptical about the decisions I've made to modify my body in ways that feel good to me. But the truth is, I have not always been transgender. My transgenderism is both culturally contingent upon certain advancements in sexology and unstable in and of itself, in part because *I* am constantly becoming undone. During my thirty-two years, I have come out as lesbian, as queer and, most recently, albeit somewhat reluctantly, as transgender. This does not mean that my coming out was resolute or that I ever believed that these identities were solely biologically rooted. My identification with—not as—these various categories served important purposes but certainly does not speak to an inner truth in need of discovery. I strongly identify *with* certain political

modalities, but to state that I "am" an identity obscures the cultural contingency of the term and the apparatuses responsible for marking certain characteristics emblematic of the identity in question.

As a sixteen-year-old, I was fortunate enough to grow up in New York City where the sexual diversity of the West Village was only a subway ride away. With fake IDs in hand, my friends and I embarked on a sort of cultural immersion into the gay nightlife of New York City, which felt like a totally different world from the pretense of private-school life in New York City. I remember one such night—probably in 1995 or 1996—where I met an older lesbian named Phyllis who recounted to me her experience with lesbian organizing. She was clearly the oldest person in the room and as a result, piqued my interest to the point that I immediately wanted to know who she was and why she was in a room of 20-somethings—not to mention underage 16 year olds. I don't remember many details about the conversation but I do remember being fascinated by the stories she relayed to me. As my friends were off attempting to perfect their poor flirting skills, I was immersed in conversation with a woman who could have very well been my great grandmother. It was only years later that I realized "Phyllis" was the famous lesbian activist Phyllis Lyon.

My memory of my conversation with Phyllis stands as a testament to my strong allegiance to the lesbian community, a community which gave me the political tools to understand my own young, already queer relationship to heteronormative culture. During high school, I identified strongly with the term "lesbian." Although I never really thought of myself as a woman, nor would I use this term to describe myself now, my exposure to lesbianism during these formative years certainly informed my political and personal

beliefs. In college, I opted for queer because I preferred its conceptual nuances. I still favor queer because I think it speaks to the failure of labels and categories more broadly. However my embrace of queer was never intended as a substitute for lesbian or as a replacement for my past or previous affiliations. When I moved to San Francisco after college in 2002, I started thinking critically about my own relationship to gender—namely my own gender queerness and the pleasure I derived from assuming an ambiguous gender presentation. I had gone by "Rez" for a while, but now "Rez" wasn't just a nickname I'd earned in high school, but a way to mark my gender queerness. I delighted in the fact that it was a name so unusual that it remained unassociated with preconceived gender. I avoided pronouns at all costs but in the process became increasingly distant from the gendered reality of which we are all implicated. I mentally "shut-off" as soon as anyone called me "she," but never did anything to signal my discomfort or to correct what felt like a misnomer. Only recently have I realized that my refusal to state my preferred pronoun wasn't necessarily a political intervention in the ways I had originally envisioned, but rather one of several ways I had begun to disassociate from my own reality.

My decision to physically transition is not a correction to my lesbianism or gender queerness, but rather a simultaneous undoing and refashioning of my self. It was motivated not by an attempt to align my sex and gender or to correct my wrong body but, rather, by a new-found sense of freedom and acceptance of what I could and could not control. My gender queerness was originally based in a political refutation of gender, but it soon became the way I rationalized distancing myself from my body and from others. My physical transition allowed me to be present with myself in ways that I had never

done before. The act of physically transitioning which, in many ways is just a second puberty, is what society deems as one of the fundamental defining characteristic of transsexualism. And yet, to me, physically transitioning didn't make me any more transgender nor did it offer a resolution to a persistent state of gender dysphoria.

When I mentioned that I didn't know if I would be transgender in the future, I was alluding to the personal history I briefly detailed above, which was intended to draw attention to the historicity and instability of these categories as I had experienced them. To borrow Gayle Salomon's phrase, I do not have a "felt sense" of being in the wrong body. To be honest, I still don't even know what it means to be in the wrong body or what this phrase necessarily means. To state with such vehemence that one is born in the wrong body raises a host of other questions aside from the fact that it ignores the genealogy of the term. First and foremost, the language of the wrong body implies that our bodies are not our own; that the "I" can exist apart from its body (which although not the focus of this dissertation has some interesting theological implications that are worth further exploration). Even though I struggle with the language of the wrong body, transgender seems an apt descriptor of not only my present experiences but also my past. By returning to Foucault's and Bataille's work on transgression to broaden the term transgender as *trans* to signal more than just the wrong body, transgender becomes a concept that encompasses my variable past which like many transgender persons of my generation does not center around a parable of the wrong body. In claiming this experience, I do not feel the need to reject my lesbianism in order to accept or account for my transgenderism. My life so far has included a mixture of various embodiments and

desires, all of which I affirm when I deploy the modified version of *trans* I use to describe my current allegiances.

I find, however, that when I tell people like my neighbor that I do not believe I was born in the wrong body, they struggle to understand why I made the decision to physically transition. Yet if I say I am in the wrong body and they understand, they are effectively "understanding" a claim which, while it may make sense to them, does not speak to the reality of my situation or to the historical contingency of the term. Transgender as a category makes sense only because it produces an illusion of understanding: it attempts to find a place for bodies that question the gender binary by marking the "aberrancy" not as a rejection dichotomous gender, but as a mismatch between male and female. To my neighbor, the only speech act that made sense circulated within the larger discourse of the wrong body. Yet my transgenderism remains contingent upon a certain understanding of sex and its relationship to gender that doesn't point to an inner, ahistorical condition but rather to a very recent understanding of gender which remains part and parcel of the management of intersex bodies.

The logic embedded within comments that suggest transgenderism may have a biological or innate cause also strips me of authenticity by suggesting that my previous identification with lesbianism was inaccurate. But the truth, for me at least, is that "being" a lesbian was an important part of how I understood myself at a particular time. Just because I don't identify with the category lesbian in the same way I once did, doesn't mean that the times I adopted this label or partook in lesbian culture was a mistake or misunderstanding of myself. My neighbor's remarks which beautifully demonstrate the problematic logic of claims that position transgenderism as ahistorical and biologically

rooted, further negate my partner's relationship to both me and these categories. Now that I've transitioned my partner's unwavering commitment to me and our relationship doesn't speak to her inner truth as *really* being straight. It doesn't ignore or undo her lesbian past although these types of comments seem to logically suggest that if there is a biological truth to my transgenderism then by default there might be a biological truth to her presumed heterosexuality. Like me, her queerness has shifted but remains queer nonetheless.

The faulty but common logic of my neighbor's comment points out the complex and competing ways in which identity categories contain and limit the breadth of an individual's experiences. The point of my story, and this dissertation at large, is that I am *not* stable. I have changed and I will continue to do so. The identificatory terms society uses to describe me now do not account for the complexities of my own sense of self. They imply a certain form of stasis which I hope to undo. To return to Butler's remarks with which I open this preface, the very act of giving an account of oneself is temporal and contingent upon the available tools that allow one to speak of oneself in this case, transgender.

In the same ways that the Butler of *Gender Trouble* is not the same Butler of *Giving an Account*, the "I" of the first few chapters is not the same "I" of the conclusion nor of the following paragraph. As the brief story I shared above demonstrates, as authors and subjects we are constantly becoming undone. The art of writing and the prose I present before the reader has changed me and my understanding of self. It has influenced the ways I have come to understand the pervasive role of gender in my own life and my own shifting allegiance to various modes of identification. In addition, my relationship to

the texts and subject matters I study are constantly changing and even the convictions that I thought were unwavering are subject to their own sort of reorientation.

For example, two years ago I was adamant that insurance coverage for "sex reassignment surgeries" contributed to the pathologization of transgenderism and the normalization of certain types of bodies. While the short-term gains of insurance coverage for transgender surgeries are evident—more people would have access to procedures they wouldn't be able to afford otherwise—I worried that this pathology might be used to rationalize other means of discrimination levied against transgender persons. But then something happened. Emory University gave in to pressure from students and faculty who advocated for the inclusion of transgender related medical benefits, and the University added coverage for hormones in 2010 to be followed with coverage for surgery in 2011. While the President was considering this request, I was one of three students asked to speak with him about the importance of this coverage. Although I never admitted this to others in the room, there were many times throughout the course of the conversation when I wanted to succumb to the logic he was presenting: He was actually right, I thought, on many accounts-why should Emory cover this type of surgery and not treatment for students with Asperger's Syndrome? I struggled because clearly the only way to convince this man, someone with no knowledge of transgender issues or queer theory, of the necessity of this was to fall back into the prevailing logic of medicalization. There were times when I wanted to suggest we just take the money that would be potentially allotted and donate it to a clinic that served transgender people with no insurance at all. At least Emory students by and large have access to standard medical care. In abstract terms I saw the value of such logic, yet I also knew that insurance

coverage for transgender surgeries was a symbolic commitment that neither could nor should be so easily dismissed.

Even though I felt uneasy as I tried to dance around the language of the wrong body and found myself uncomfortable with the pathologizing framework I was strategically deploying to garner support for this cause, my personal position on these issues shifted and my uneasiness dissipated as soon as transgender related services were made available. Years prior I had convinced myself that I didn't need testosterone to enhance my self-image. I went to the gym regularly, got back in shape and, with the exception of a few bad habits, led a healthy lifestyle. But as soon as hormones were an option where access wasn't limited by institutional barriers, I realized that testosterone wouldn't simply give me a more "male" body but also a chance to control my body and presentation in ways that were life affirming and empowering. I started testosterone on Valentine's Day, 2011 –roughly two weeks after my daughter was born. Some friends said that last winter my daughter was born and I had a rebirth of my own, as well. I, however, never saw my decision to go on testosterone or to undergo top surgery as a rebirth necessarily, but rather as a step towards making healthy decisions that would enhance my quality of life.

I raise the issue of insurance and my own relationship to it to demonstrate the ways my own understanding of self has shifted throughout the process of completing this project, which in many ways is not just scholarly but deeply personal as well. I approached this genealogy at a time when I was not interested in any medical intervention for myself—not that I judged others for making this sort of decision—but I just didn't see it as something I wanted. But like many desires, mine was fleeting and in

flux. I found myself eager to take advantage of these benefits once they became available and in the process my relationship to this project shifted as well. I'm not exactly sure what changed for me, but I know that that my decision to transition wasn't based on a persistent state of gender dysphoria.

However it isn't just that I changed and approached this material from a different perspective. Rather, it was the process of undertaking this project that accounted for some of the change I was experiencing within. The act of reading Ulrichs and Krafft-Ebing, in particular, gave me insight into the deeply rich, yet often over-simplified "origins" of the wrong body. By studying and indulging myself in this material, I learned to see another way of thinking about the relationship between the categories we know of as sex, gender, and desire. This provided me with the tools to see my own relationship to these categories in a different way that ultimately undid what it was I thought I knew about this topic and myself.

My experience certainly informs my analysis but it does not serve as the justification for my argument. Throughout the dissertation I have drawn on my own experience as transgender and my shifting yet complicated allegiance to this category. But my experience is not the same as Serano's or Namaste's. Not only does our experience come from different sources, but experience operates very differently for them than it does for me. For me it functions as an undoing rather than the solidification of an absolute and stable transgender subject. To describe this process of unraveling is, in and of itself, a complicated task and one that can never be captured through words on a page.

As I re-read my prose, I realize that a tension persists throughout my own narrative. As much as I want to disavow and critique the language of dysphoria, I

recognize my own reliance on these paradigms for thinking about the choices I made to physically transition. My story, like all stories, is not immune to cultural convention and discursive trappings. I am struck by my tendency to use phrases like "transitioning felt good" and offered an opportunity to "control" my body, and yet I wouldn't say that these decisions were designed simply to rectify an internal discordance or dysphoria. In the process of revisiting my story and presenting it to the reader, I hold these tensions as generative space from which to think about the ways each of us are incoherent and fractured beings. It is only through the process of writing one's story according to conventional parameters that this incoherence sometimes dissipates. I have tried to just the opposite: to write my story in a way that marks these tensions—to signal to the reader that there *is* a certain inchoateness that cannot nor should not be ironed out.

This dissertation is much more than an account and compilation of the wrong body in transgender discourse. It also narrates, and is determined by, my own experiences as transgender. As much as my experience informs the analysis I provide in these pages, the act of writing this dissertation has also informed my sense of self as both an author and transgender in ways that I never predicted. This dissertation represents a particular moment in time, but does not offer a totalizing configuration of my self nor was this ever its purpose. On the contrary, it is the fractures and fissures, the unintelligible and the categorically excluded and the failures of discourse, toward which this dissertation gestures. And even in this conclusion, I can only imagine who "I" might become, for to know this would defeat the purpose of writing this project.

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