The Art of not Being Categorized Quite So (Much)[1]

A Critique of the Knowledge and Power of Sex

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Summary

In France the movement against Marriage for All has accused the so-called 'theory of gender' of being an unscientific ideology. This paper addresses three implicit premises of this polemic: 1. The opposition of science and politics is a misreading of Weber: the social sciences cannot be 'neutralized'; they must be considered as 'situated knowledge' (Haraway, Harding). 2. The epistemological question (from Durkheim to Bourdieu): The categories that organize knowledge are based on a social process of categorization – both with respect to sexuality (Kinsey) and sex (Fausto-Sterling). 3. Sex is socially constructed: This is not about identifying a 'true sex' (Foucault), but about representation, which is always conventional. We inevitably categorize; critique, however, is the art of not being so categorized (Foucault): neither so much nor quite so.

The Gender Controversy

In France, opponents of Mariage pour Tous (Marriage for All) also mobilized against 'gender', more precisely against that what the Manif pour Tous (Demo for All) liked to call 'gender theory'. Banners against equal marriage displayed slogans such as 'We want sex, not gender' or 'Marriage for All = Gender Theory for All'. This attack began even before the debate over the 2013 Taubira law that was to open marriage to same-sex couples in France. In fact, the Roman Catholic right had already launched a campaign in 2011 soon to be joined by the secular right, including many in the parliamentary majority supporting then-president Nicolas Sarkozy (80 MPs followed by 113 senators!). The campaign was aimed

1 | Original version in French.

against the new school curriculum in biology for 16-year-olds that included a section entitled: 'Becoming a man or a woman'.

The title is reminiscent of the famous pronouncement from the 1949 feminist classic The Second Sex: "One is not born, but rather becomes a woman." But Simone de Beauvoir did not use the term 'gender'. This concept was developed in the 1950s in the United States at the crossroads of psychology, psychiatry, and medicine, first by John Money (from Johns Hopkins University) and then by Robert Stoller (at the University of California, Los Angeles).

Starting from 'exceptions', namely intersex and trans persons (they spoke of 'hermaphroditism' and 'transsexualism' as people did at the time) whom they considered as pathological, this concept purported to analyze the discrepancy between (social) gender and (biological) sex. It was only in the 1970s that feminists appropriated the concept: they transformed this clinical approach meant to normalize individual anomalies, whether biological or psychological, into a critical one that questions the order of things. What is remarkable is that this feminist critique today is once again articulated through trans and intersex issues. This turns the history of gender upside down: today, the point is not to address abnormality, but rather the norm.

Since the United Nations World Conference on Women held in Beijing in 1995, the Vatican has become aware of the importance of the concept of gender – and the threat it poses from its perspective. The Roman Catholic Church has thus launched a crusade against (so-called) 'gender theory'. Speaking of gender, or simply claiming that we are not born, but rather become what we are, implies a denaturalization of the world, in other words, questions the purported naturalness of its norms and laws. This democratic 'trouble' is a defining feature of our society manifested in the globalized issue of gay marriage, which is about equal recognition of sexualities. In other words, the social order no longer appears as grounded in 'nature' (here: heterosexuality), but rather as defined by the democratic principles of freedom and equality that can be mobilized against sexist and homophobic norms.

This is what I have called 'sexual democracy'.[2] Liberty and equality do not actually define democratic societies; however, they are legitimately invoked in political battles. As a consequence, it becomes apparent that the order of things is not given by Nature, nor by God or Tradition; we are the ones who define the world in which we live. Democracy thus implies an awareness that laws and norms are established immanently, not transcendentally. They can be changed, negotiated, disputed, and challenged: they turn out to be historical, social, and

2 | Éric Fassin (2005): Démocratie sexuelle. In: Comprendre. Revue de philosophie et de sciences sociales. Special issue: La sexualité, 6, pp. 263-276.

political. Sexual democracy is the extension of this democratic logic to gender and sexuality: far from being outside of politics, they are democratic issues, just as much as those pertaining to the economy, education, immigration, demography, etc. – if not more so, as sex has become a primary battleground in the struggle about the limits of democracy.

With this in mind, let us return to the war waged by 'Demo for All' against what it calls gender theory or gender ideology. While gender scholars may legitimately take some pride in becoming a target, we still need to point out that there is no unified theory or ideology in our field. Gender is a concept, and gender studies are defined by the confrontation of various theories but also ideologies. Beyond these simple remarks, what sense should we make of this attack against gender? The position of the conservatives can be summarized in three points: The first refers to the term 'ideology' and points to the connection between truth and politics. The second, linked to the term 'theory', has to do with epistemology – just like in the polemic launched by the religious right in the United States, which pits the theory of intelligent design against the theory of evolution. The third point has to do with the parallel oppositions of sex and gender, nature and culture, and biology and society. In short, this is about three things: the nature of truth, science, and society.

Countering these attacks on an intellectual level is not difficult. First, how can the enemies of 'gender theory' claim to speak in the name of science, given the fact that none of them belong to the world of science? And how could Demo for All speak in the name of pure truth against ideology, given that this is a political movement that federates the secular and the religious right? Second, why should the term 'theory' disqualify gender studies, given the fact that science always relies on theories? These may not be eternal (Einstein revises Newton); nevertheless, acknowledging this entails no skepticism: they still have to do with truth, albeit a provisional one. Third, there is something paradoxical about a biological defense of heterosexual marriage in the name of religion, not only because it implies conflating God and nature, which is rather unexpected in Catholic theology, but also because it assumes that there is such a thing as a 'natural institution' – an oxymoron that defies traditional logic.

Science and Politics

Intellectually, the critiques leveled by the opponents of so-called 'gender theory' may not be very challenging; however, they can provide a starting point for other reflections. The first has to do with the relation between science and politics. This opposition is often associated with Max Weber – especially in France. 'Value-freedom' has been translated into French as 'axiological neutrality'. In this perspective, politics has or should have nothing to do with science. Of course, a political interest can be a starting point for research (ex ante); conversely, the results can be used politically (ex post). But science itself is supposed to be apolitical; the scientific process, we are told, 'neutralizes' ideology. This is an argument that is often used against gender studies, whose feminism is under attack in the name of 'neutrality' – a most eloquent metaphor in terms of gender.

This is why it is worth going back to this imperative of 'value-freedom' bequeathed to us by a 'founding father' of sociology (to use an equally significant metaphor), relying on the work of Isabelle Kalinowski.[3] 'Science as a Vocation'(1917) and 'Politics as a Vocation' (1919) were published together in French as one volume under the title Le savant et le politique in 1959, translated by Julien Freund. Raymond Aron not only suggested 'neutralité axiologique'; he also wrote an important preface. Inspired in part by Talcott Parsons, who presented Weber as a critic of Marx, Aron thus opposed neutrality to 'intellectuels engagés'in the context of the Cold War: the French translation of Weber thus became a war machine against Marxists.

There is something puzzling about this political neutralization. Like Aron, Weber himself was an intellectual who actively participated in public debates. This is why 'value-freedom' in his text does not refer to scholarship itself, but to the imposition of values to students in the context of teaching: this might be called propaganda. Professors should not abuse the power bestowed upon them by their profession. The question has to do with pedagogy, rather than research. By contrast, political values can actually be productive in the practice of science, as he suggested in his discussion of 'value-freedom' in 1917:

"One of our foremost jurists once explained, in discussing his opposition to the exclusion of socialists from university posts, that he too would not be willing to accept an 'anarchist' as a teacher of law since anarchists deny the validity of law in general – and he regarded his argument as conclusive. My own opinion is exactly the opposite. An anarchist can surely be a good legal scholar. And if

3 | Max Weber: La science, profession & vocation, suivi de Leçons wébériennes sur la science et la propagande, Isabelle Kalinowski, Marseille, Agone, 2005; see chapter IV: "Un savant très politique" (quote p. 199, quote Weber p. 196, New edition of the Essais sur la théorie de la science, translated from German by Julien Freund, Paris, Presses Pocket 1992 (1965), pp. 375-376). Kalinowski draws in parts on the work of the eminent Weber expert Catherine Colliot-Thélène and on the studies by Stéphane Baciocchi 'Sur la postérité universitaire de Max Weber'.

he is such, then indeed the Archimedean point of his convictions, which is outside the conventions and presuppositions which are so self-evident to us, can equip him to perceive problems in the fundamental postulates of legal theory which escape those who take them for granted."[4]

In short, a political positioning does not constitute a bias to be neutralized, but rather a perspective that sheds light on blind spots.

Claiming that science is not neutral but rather defined by political values does not mean disavowing its autonomy in order to praise its heteronomy. Indeed, one must clearly distinguish between scientific and political fields, in order to understand their specificities. Both are governed by distinct rules. The production of scientific truth is both subject to internal constraints (empirical proof and theoretical coherence) and external ones (control by the scientific community). What is at stake though is not neutralizing, but objectifying, that is, accounting for (instead of denying) the values that inspire as well as organize knowledge. This perspective invites us to reconsider the meaning of scientific autonomy. There is a common assumption in the social sciences that 'the more scientific, the less political', and conversely, 'the more political, the less scientific' – as if this were a zero-sum game: this is generally what the term 'autonomy' implies.

What if we understood the term differently – not through this opposition, but rather as a requirement that the inevitably political nature of science comply with the rules of scientific work? Instead of rejecting demands from society as a distraction from true scholarship, taking them into account can be scientifically productive: they can be a stimulus rather than an impediment. Of course, this does not mean that the social demands determine the answers given by scientists, nor even the questions they study. However, these external interpellations may encourage them to think anew. 'Gay marriage' has encouraged sociology and anthropology to consider new perspectives on marriage and family, just like feminism has led to think through the concept of gender, and more recently trans and intersex movements have fueled new approaches to the category of sex itself. Therefore, the goal is not to protect science against society, but on the contrary to reformulate social demands in terms that make sense scientifically.

Certainly, one has to remain cautious regarding the improper uses of scientific expertise that may deceive us into confusing truths and values. But so-called neutrality, whether in the name of 'value-freedom' or 'scientific autonomy', harbors other risks: science understood as value-free could also be free from value for society; interest-free, but at the same time devoid of interest, like socially useless speculation. As early as 1893, in another foundational work, Émile Durk-

4 | The Meaning of 'Ethical Neutrality in Sociology and Economics', see Shils, E.A., Finch, H.A. (Eds.) (1949): The Methodology of the Social Sciences. Illinois: The Free Press of Glencoe, p.7.

heim proclaimed in the preface to the first edition of 'The Division of Labour in Society': 'We would esteem our research not worth the labour of a single hour if its interests were merely speculative.'[5] By definition, the social sciences speak about society; it is all the more necessary that they also speak to and with society.

Let us now return to the issue of gender. Far from offering a weapon for the fight against gender studies, Weber's political epistemology echoes feminist epistemology first developed in English. This can be seen in the work of Sandra Harding and Donna Haraway.[6] The former speaks of 'standpoint epistemology', while the latter introduces 'situated knowledge'; as their analyses have grown through their dialogue, both converge on a crucial aspect. Feminist epistemology is not limited to unveiling and criticizing the androcentric biases of scientific knowledge; more fundamentally, it questions the notion of objectivity. However, it does not replace it with a celebration of subjectivity.

What this means is that knowledge is not elaborated through a process of abstraction – independent of the researchers' perspectives. Haraway vindicates 'the privilege of a partial perspective' against what she calls 'the God trick', that is an overarching, opinion-free view of the world. This 'partial' approach in no way constitutes a limitation of science: on the contrary, it includes suppressed perspectives, thus making visible what is invisible from a dominant standpoint. This should not be understood as a glorification of relativism. Rather, while 'objectivity' is usually contrasted to openly political knowledge, such as feminist science, this critique of 'the God trick' makes it possible to claim what Harding calls 'strong objectivity' – both because of the illumination of blind spots by alternative perspectives and on account of the dissolution of the illusion of neutrality through 'standpoint epistemology'.

Categories of knowledge

With Harding and Haraway, the inquiry into the relationship between science and politics already leads to the question of epistemology, which is the second point mentioned in the beginning. If the notion of 'theory' is taken seriously, what is the consequence in terms of knowledge, rather than truth? This question will now be approached through a discussion of categories through which we apprehend reality – first, society, second, sex.

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5 | Durkheim, É. (2014): The Division of Labour. Lukes, S. (Ed.): Society. New Yoork: Free Press, p. 4.

6 | Harding, S. (1986): The Science Question. In: Cornell University (Ed.): Feminism. Ithaca/London: Cornell University Press, chapter 1 and 6. Harding, S. (1993): Rethinking Standpoint Epistemology: What Is Strong Objectivity? In: Feminist Epistemologies. Alcoff/Potter (Eds.). London/New York: Routledge, chapter 3, pp. 49-82; Haraway, D. (1988): Situated Knowledges: The Science Question in Feminism and the Privilege of Partial Perspective. In: Feminist Studies, vol. 14, Nr. 3 (autumn 1988), pp. 575-599.

Categories and categorization have long been central in sociological theory. In 1903, Durkheim and his nephew Marcel Mauss analyzed 'primitive forms of classification'. In 'primitive' societies, intellectual categories prove to be social ones - whether it be the structure of a village, the cosmology or the totemic system. "Society was not simply a model which classificatory thought followed; it was its own divisions which served as divisions for the system of classification. The first logical categories were social categories; the first classes of things were classes of men, into which these were integrated".[7]

However, in 1912 Durkheim, in The Elementary Forms of Religious Life, goes even further. Not only are the logical categories organizing our notion of the world always already social categories, but conversely, society itself is founded on categorization. On the one hand, for the French sociologist, Kant's categories such as time and space are social indeed; on the other hand, categorization itself is the necessary condition for life in society: it makes it possible to connect the individual and the collective.

> "If men did not agree upon these essential ideas at every moment, if they did not have the same conception of time, space, cause, number etc., all contact between their minds would be impossible, and with that, life altogether. Thus society could not abandon the categories to the free choice of the individual without abandoning itself. If it is to live there is not merely need of a satisfactory moral conformity, but also there is a minimum of logical conformity beyond which it cannot safely go."[8]

The political consequence of Durkheim's argument is clear: outside of us and inside of us society "sets itself against these revolutionary fancies". This does not go without brutality: "Does a mind ostensibly free itself from these forms of thought? It is no longer considered a human mind in the full sense of the word, and it is treated accordingly."[9] A footnote even points to the connection between 'social disorder' and 'psychological disorders'.[10] The fact that these categories are social does not imply for Durkheim that we are 'free' to change them: this would endanger society. In other words, sociology may show that the world's construction is a mere convention, but this in no way allows altering categories.

In order to move behind the conservatism that links moral with logical conformism in the work of this French 'founding father', and before turning to sexual categories, it is useful to discuss two sociological models of classification that

7 | Durkheim, É., Mauss, M.: Primitive Classification, (translated and edited with an introduction by Rodney Needham), (first publ. 1963) London: Cohen & West, 2009, p. 49.

8 | Durkheim, É: The Elementary Forms of Religious Life, (translated by Joseph Ward Swain) London: George Allen & Unwin Ltd. (1915), p. 17.

9 | Ibid.

10 | Durkheim, É., Mauss, M. (1974, orig. 1903): De quelques formes primitives de classification. Contribution à l'étude des représentations collectives. L'année sociologique, 6, 1903, reprinted in Mauss : Œuvres, volume 2, presented by Victor Karady, Paris: Minuit, p. 83. Durkheim, É. (1960, orig. 1912): Les formes élémentaires de la vie religieuse. Paris: PUF, p. 24.

derive and depart from Durkheim. The first model stems from Luc Boltanski, who in 1982 analyzed the social group of managers. The author observes how difficult it is to define the group and that this 'haziness' proves to be a necessary feature, rather than an accidental one. That is why "one must first renounce the idea of the definition as a starting point": "Instead of trying to determine the 'criteria' that 'should' define the group and the 'boundaries' that 'must' be drawn in order to obtain a tangible and clearly defined object", one should rather

> "describe the form the group has acquired by investigating its group formation, the work of inclusion and exclusion that produces it, and by analyzing the social work of defining and circumscribing during the formation of the group that has contributed to objectify it and thus made it exist in a self-evident, matter-of-fact way."[11]

Does not the same hold for all social classifications? It no longer suffices to proclaim the social nature of categories; far from insisting on their necessity, by denaturalizing them, sociology makes them less obvious – and thus less necessary. This is the lesson taught by Pierre Bourdieu: in his inaugural lecture at the Collège de France, the French sociologist emphasized the historical nature of this logic: "Sociology has to make its aim the fight for the monopoly of the legitimate representation of the social world, this struggle of classifications which concerns all kinds of class struggles, be they age classes, gender classes or social classes".[12]

The political significance of knowledge thus becomes explicit: "The anthropological classification is distinguished from zoological or botanical taxonomies insofar as the objects it assigns their places are themselves classifying subjects. It is enough to imagine what would happen when, as in the fables, dogs, foxes and wolves could co-write the chapter about the family of canines." In other words, "the classified, the badly classified, can reject the principle of classification that relegates them to the worst places."[13] That classification is in the same measure a subject of investigation as the classes themselves "does in no way lead to an extinction of science in relativism".[14] The sociologists become those who "attempt to express the truth about the struggles in which among other things truth is on the line".[15]

The value of such an approach for the conceptual comprehension of sexual categories is clear. Let us bear this in mind when we go back to reading Alfred

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11 | Boltanski, L. (1982): Les cadres. La formation d'un groupe social. Paris: Minuit, pp. 51-52.
12 | Bourdieu, P.: In Other Words. Essays Towards a Reflexive Sociology, Stanford/Cal.: University Press & Cambridge/UK: Polity Press, p. 180.
13 | Ibid.
14 | Ibid., p. 181.
15 | Ibid.

Kinsey's work on the categorization of sexuality.[16] One figure became part of popular knowledge after the 1948 publication of his study on male sexual behavior: supposedly, 10% of men were homosexual. This remarkable percentage caused a shock in the United States; it later encouraged gay activists to appropriate the figure to emphasize their numerical and thus political weight. However, this makes no sense in Kinsey's study. The problem is that the question is incorrectly phrased, which points to a misunderstanding about what it means to categorize. Let us follow the scale he suggests, i.e. from 0 to 6 or from exclusive heterosexuality to perfect (absolute) homosexuality (to quote an ironic phrasing widely used in the gay culture: 'a perfect 6!'). Indeed we find that '10 per cent of the males are more or less exclusively homosexual (i.e., rate 5 or 6) for at least three years between the ages of 16 and 55'.[17]

This is a construction that draws its value from what it can explain. To put it differently, the arbitrary (or at least conventional) discontinuity of the categories reveals by contrast a continuum of practices and fantasies. This is clarified by Kinsey "While emphasizing the continuity of the gradations between exclusively heterosexual and exclusively homosexual histories, it has seemed desirable to develop some sort of classification which could be based on the relative amounts of heterosexual and of homosexual experience or response in each history."[18] The sexologist knows the difference with his work as a zoologist: "Males do not represent two discrete populations, heterosexual and homosexual. The world is not to be divided into sheep and goats. Not all things are black nor all things white. It is a fundamental of taxonomy that nature rarely deals with discrete categories. Only the human mind invents categories and tries to force facts into separated pigeon-holes. The living world is a continuum in each and every one of its aspects."[19]

This analysis bears on sexuality; but since Kinsey, the same argument opposing categorization and continuum has been made with regard to sex. In 1993 Anne Fausto-Sterling published in a scientific journal an article entitled: "The Five Sexes: Why Male and Female Are Not Enough".[20] The feminist biologist proceeded from the case of intersex persons, but instead of suggesting a third sex, she divided them into three categories, the herms (so-called 'true' hermaphrodites), the merms (male so-called pseudo-hermaphrodites) and the ferms (female so-called pseudo-hermaphrodites). Together with the two traditional sex-

16 | Kinsey, A. C., Pomeroy, W. B., Martin, C. E. (1948): Sexual Behavior in the Human Male. Philadelphia/London: W.B. Saunders Company, p. 651.
17 | See ibid., p. 651.
18 | Ibid.
19 | Ibid., p. 639.
20 | Fausto-Sterling, A. (1993): The Five Sexes: Why Male and Female Are Not Enough. In: The Sciences, March/April, pp. 20-24.

es, that equals five. This thesis was so provocative that it even caused concern in the Vatican, almost as much as the work of Judith Butler did. Even biology no longer conforms to nature as it is commonly defined.

The biologist develops the paradox further: "But if the state and the legal system have an interest in maintaining a two-party sexual system, they are in defiance of nature. For biologically speaking, there are many gradations running from female to male; and depending on how one calls the shots, one can argue that along that spectrum lie at least five sexes – and perhaps even more." Fausto-Sterling concludes: "sex is a vast, infinitely malleable continuum that defies the constraints of even five categories."[21] In the text, the parallel with Kinsey is explicit. The point is to show that our binary notions of sex, as of sexuality, are in no way natural, on the contrary.

All the same, Fausto-Sterling's argument can be questioned at least in one point, which she does herself in a revision of her article "The Five Sexes, Revisited" published in 2000 in the same journal:[22] "It might seem natural to regard intersexual and transgendered people as living midway between the poles of male and female. But male and female, masculine and feminine, cannot be parsed as some kind of continuum. Rather, sex and gender are best conceptualized as points in a multidimensional space."

This raises the question of representations, namely metaphors, that do justice to reality. In France, Vincent Guillot, a leader of the intersex movement has later suggested a different 'signifier':

> "A good option to locate ourselves on the gender map, i.e. to define ourselves, is the notion of the archipelago. It is a series of islands and smaller islands that possess on account of their proximity or distance common features - or not. [...] We therefore submit the notion of the intersex archipelago, if not the gender archipelago, without asking ourselves where this or that type of person is positioned, but instead only showing an interest in the persons themselves and in what they have in common: being beyond the binary of male-female."[23]

As with every image, this one offers both advantages and disadvantages. On the one hand, it serves to avoid the polarization of the two sexes, but on the other hand it also inscribes discontinuity into reality itself. Therefore, instead of using another metaphor, why not shift our perspective from categories to cat-

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21 | Ibid., pp. 43-44.

22 | Fausto-Sterling, A. (2000): The Five Sexes, Revisited. In: The Sciences, July/August 2000, pp. 18-23.

23 | Guillot, V. (2008): Intersexes: ne pas avoir le droit de dire ce que l'on ne nous a pas dit que nous étions. In: À qui appartiennent nos corps? Nouvelles questions féministes, vol. 27, No. 1, coordinated by Kraus, C., Perrin, C., Rey, S., Gosselin, L. and Guillot,V., pp. 37-48.

egorization? In that case, the issue is not so much the continuum that defines reality but rather the discontinuities induced by representation. Perception is categorization: analyzing the world means categorizing it, which implies a form of violence: classifying means forcing into 'pigeon-holes'. The point is not so much to avoid this but rather to direct the focus on the categorization and thus denaturalize this operation and its result – categories.

Sex and Gender

In light of this discussion, we can finally return to the opposition between sex and gender. First, it is worth pointing out that sex is a State category – even more than a biological one. This is obvious if one considers sex change: the law defines the conditions required. The State comes first. The biological distinction between different definitions of sex (chromosomes, gonads, and phenotype) only comes second. As a consequence, we should not be looking to determine a 'true sex' (to borrow from Michel Foucault's preface to Herculine Barbin's "Souvenirs"),[24] but rather to analyze the social production of the truth of sex.

This leads to a shift of perspective: the point is not so much 'true sex' (as the Demo for All would have it) but 'true gender.' This becomes apparent when Fausto-Sterling revisits her argument about the 'Five Sexes':

> "What is clear is that since 1993, modern society has moved beyond five sexes to a recognition that gender variation is normal and, for some people, an arena for playful exploration. Discussing my 'five sexes' proposal in her book Lessons from the Intersexed, the psychologist Suzanne J. Kessler [...] drives this point home with great effect: 'The limitation with Fausto-Sterling's proposal is that ... (it) still gives genitals ... primary signifying status and ignores the fact that in the everyday world gender attributions are made without access to genital inspection. ... What has primacy in everyday life is the gender that is performed, regardless of the flesh's configuration under the clothes.' I now agree with Kessler's assessment."[25]

Fausto-Sterling's work follows a constructivist approach in which gender studies occupy a crucial place. But criticism of constructivism today no longer comes from alleged 'essentialists,' who want to preserve an untouched and thus unchangeable sexual order beyond history and politics. The anthropologist Priscille Touraille develops a critique of what she calls the 'constructivist error'[26] from a feminist perspective that still eschews 'naturalism':

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24 | Foucault, M. (1980): "Introduction", Herculine Barbin, translated by Richard McDougall, Pantheon/Vintage, Random House, pp. vii-xviii. Originally: Le vrai sexe. In: Arcadie, vol. 27, No. 323, pp. 617-625, included in Herculine Barbin, dite Alexina B.. Paris; Gallimard, 2013.

25 | Fausto-Sterling, Fives Sexes Revisited, p. 22.

"Even though the radical constructivists do not assert that in a completely degendered society people would no longer be born with genitals, no longer develop breasts or facial hair or begin to menstruate during puberty, claiming that the connection between these features only stems from a social will is not the right epistemological strategy. Worse, it is an error, and the social sciences run the danger of paying for it dearly in their conflict of legitimacy with the natural sciences. If we want the concept of 'gender' to be accepted, then we have to negotiate the definition of 'sex' with the natural sciences".

Touraille here aims at Butler, but also at Fausto-Sterling: "A feminist critique of biology that questions the scientific legitimacy of sex cannot be the only arena for such a negotiation." As a consequence, she suggests "a point of view that positions itself between the moderate constructivism of the initial opposition of sex and gender, which leaves sex to natural sciences, and the radical constructivism that takes sex away from them." The point is not that sex becomes what is left after gender, but, rather that it is at least in part its result. She asks: "And what if the gender norms had in the course of time been able to increase the number of specific biological gender variations, of selecting them?"

In other words, for Touraille, a recognition of sex does not mean denying gender or reducing sex to gender (as the radical constructivists do) and/or gender to sex (as the conservatives of all stripes do). The point is rather to speak up against a disciplinary entrenchment that separates the natural sciences from the social sciences.

However, the perspective adopted in the present text is a different one. The question is not so much to know what sex truly is. Nor is it about negating or affirming its truth. It moves from truth to the production of truth. Ian Hacking's definition of constructivism as a proliferating scientific discourse of our times helps clarify this:

"Social construction work is critical of the status quo. Social constructionists about X tend to hold that: (1) X need not have existed, or need not be at all as it is. X, or X as it is at present, is not determined by the nature of things; it is not inevitable. Very often they go further, and urge that: (2) X is quite bad as it is. (3) We would be much better off if X were done away with, or at least radically transformed".[27]

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26 | Touraille, P. (2011) : L'indistinction sexe et genre, ou l'erreur constructiviste, Critique, 2011/1 n° 764-765, pp. 87-99, quotes pp. 87-88. See also from a different perspective Kraus, C. (2005): Avarice épistémique et économie de la connaissance: le pas rien du constructionnisme social. In: Rouch/Dorlin/Fougeyrollas-Schwebel (eds.): Le corps entre sexe et genre. Paris: L´Harmattan, pp. 39-59. (ed.), Le corps, entre sexe et genre, Paris, l'Harmattan, p. 39-59.

27 | Hacking, I. (1999): The social construction of what? Cambridge, Massachusetts/London: Harvard University Press, p. 6.

The question we wanted to raise in the present text is not about what X really is (and it is remarkable that Hacking here uses a letter that is reminiscent of the sex chromosome) or whether it exists or not. Rather, it is about the fact that we only have access to truth (here biological sex) via representations passed on to us that we can also transform. In other words, since categories are only one representation of reality, we must devote our attention to the process of categorization. Here it is not so much about the pure reality than about its very real results: in Foucault's term, it is about the articulation between knowledge and power. Other categories are possible; the world could be different; indeed, it already has changed, and is changing.

The binary separation of sex has long been deemed 'good to think' (to use a phrase from anthropologist Claude Lévi-Strauss). But today, we are confronted with an epistemological question: do we still want to categorize this way? It derives from a political one: do we still want to be categorized thus? Not that it would be possible to escape the operation of power that is inherent in categorization; but at least we could hope that alternative categories might be less violent. At least, they would not claim to reflect truth itself, at the expense of those who do not fit in this 'true sex': They would only purport to offer a conventional truth, that is, a tool to think whose worth only resides in what it makes thinkable. If the order of things is not the true reflection of things themselves, then we can transform it: thus politicizing the anatomy, that is, of our representations of the anatomy, makes room for those who are now left out of the sexual order. This is a way to draw on Foucault's idea: the aim is less not being governed (here: categorized), but "not in this manner and not at this cost": The French philosopher's definition of the critique of governmentality can equally apply to categorization: "The art of not being governed in this manner" – neither so nor so much.[28]

28 | Foucault, M. (1990): Qu'est-ce que la critique? Critique et Aufklärung. In: Bulletin de la société française de philosophie 84, 2, Pp. 35-64. English edition: What is Enlightenment? Eighteenth Century Answers and Twentieth Century Questions. Berkeley: University of California Press, 1996. p. 38.