

DOING JUSTICE TO SOMEONE

Sex Reassignment and Allegories of Transsexuality

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I would like to take my point of departure from a question of power, the power of regulation, a power that determines, more or less, what we are, what we can be. I am not speaking of power only in a juridical or positive sense, but I am referring to the workings of a certain regulatory regime, one that informs the law, and one that also exceeds the law. When we ask what the conditions of intelligibility are by which the human emerges, by which the human is recognized, by which some subject becomes the subject of human love, we are asking about conditions of intelligibility composed of norms, of practices, that have become presuppositional, without which we cannot think the human at all. So I propose to broach the relationship between variable orders of intelligibility and the genesis and knowability of the human. And it is not just that there are laws that govern our intelligibility, but ways of knowing, modes of truth, that forcibly define intelligibility.

This is what Foucault describes as the politics of truth, a politics that pertains to those relations of power that circumscribe in advance what will and will not count as truth, that order the world in certain regular and regulatable ways, and that we come to accept as the given field of knowledge. We can understand the salience of this point when we begin to ask: What counts as a person? What counts as a coherent gender? What qualifies as a citizen? Whose world is legitimated as real? Subjectively, we ask: Who can I become in such a world where the meanings and limits of the subject are set out in advance for me? By what norms am I constrained as I begin to ask what I may become? What happens when I begin to become that for which there is no place in the given regime of truth? This is what Foucault describes as “the desubjugation of the subject in the play of . . . the politics of truth.”¹

Another way of putting this is the following: What, given the contemporary order of being, can I be? And this way of putting the question, which is Foucault’s,

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does not quite broach the question of what it is *not* to be, or what it is to occupy the place of not-being within the field of being, living, breathing, attempting to love, as that which is neither fully negated nor acknowledged as being, acknowledged, we might say, into being. This relationship, between intelligibility and the human, is an urgent one; it carries a certain theoretical urgency, precisely at those points where the human is encountered at the limits of intelligibility itself. I would like to suggest that this interrogation has something important to do with justice. Since justice not only or exclusively is a matter of how persons are treated, how societies are constituted, but also emerges in quite consequential decisions about what a person is, what social norms must be honored and expressed for personhood to become allocated, how we do or do not recognize animate others as persons depending on whether or not we recognize a certain norm manifested in and by the body of that other. The very criterion by which we judge a person to be a gendered being, a criterion that posits coherent gender as a presupposition of humanness, is not only one that, justly or unjustly, governs the recognizability of the human but one that informs the ways we do or do not recognize ourselves, at the level of feeling, desire, and the body, in the moments before the mirror, in the moments before the window, in the times that one turns to psychologists, to psychiatrists, to medical and legal professionals to negotiate what may well feel like the unrecognizability of one's gender and, hence, of one's personhood.

I want to consider a legal and psychiatric case of a person who was determined without difficulty to be a boy at the time of birth, then was determined again within a few months to be a girl, and then decided to become a man in his teenage years. This is the John/Joan case, brought to public attention by the British Broadcasting Corporation in the early 1990s and recently again in various popular, psychological, and medical journals.² I base my analysis on an article cowritten by Milton Diamond, an endocrinologist, and the popular book *As Nature Made Him*, by John Colapinto, a journalist for *Rolling Stone*, as well as on work by John Money, critical commentaries by Anne Fausto-Sterling and Suzanne J. Kessler in their important recent books, and a newspaper account by Natalie Angier.³ John, a pseudonym for a man who lives in Winnipeg, was born with XY chromosomes. When he was eight months old, his penis was accidentally burned and severed during a surgical operation to rectify phimosis, a condition in which the foreskin thwarts urination. This procedure is relatively risk-free, but the doctor who performed it on John was using a new machine, apparently one that he had not used before, one that his colleagues declared was unnecessary for the job, and he was having trouble making it work, so he increased the power to the machine to the point that it burned away a major portion of the penis. The parents were, of

course, appalled, and they were, according to their own description, unclear how to proceed.

Then one evening, about a year later, they were watching television, and there they encountered Money talking about transsexual and intersexual surgery and offering the view that if a child underwent surgery and started socialization as a gender different from the one originally assigned at birth, he or she could develop normally, adapt perfectly well to the new gender, and live a happy life. The parents wrote to Money, who invited them to Baltimore, and so John was seen at Johns Hopkins University, at which point Money strongly recommended that he be raised as a girl. The parents agreed, and the doctors removed the testicles, made some preliminary preparations for surgery to create a vagina, but decided to wait until Joan, the newly named child, was older to complete the task. So Joan grew up as a girl, was monitored often, and was periodically given over to Money's Gender Identity Institute for the purposes of fostering her adaptation to girlhood. And then, it is reported, between the ages of eight and nine Joan found herself developing the desire to buy a toy machine gun. And then, it is said, between the ages of nine and eleven she started to realize that she was not a girl. This realization seems to have coincided with her desire to buy certain kinds of toys: more guns, apparently, and some trucks. Even without a penis, Joan liked to stand to urinate. And she was caught in this position once, at school, where the other girls threatened to "kill" her if she continued.

At this point the psychiatric teams that intermittently monitored Joan's adaptation offered her estrogen, which she refused. Money tried to talk to her about getting a real vagina, and she refused; in fact, she went screaming from the room. Money had her view sexually graphic pictures of vaginas. He even went so far as to show her pictures of women giving birth, holding out the possibility that Joan could give birth if she acquired a vagina. In a scene that could have inspired the recent film *But I'm a Cheerleader*, he also required that she and her brother perform mock-coital exercises with one another, on command. They both later reported being frightened and disoriented by this demand and did not tell their parents about it at the time. Joan is said to have preferred male activities and not to have liked developing breasts. All of these claims were attributed to Joan by another set of doctors, a team of psychiatrists at her local hospital. These psychiatrists and other local medical professionals intervened, believing that a mistake in sex reassignment had been made. Eventually the case was reviewed by Diamond, a sex researcher who believes in the hormonal basis of gender identity and who has been battling Money for years. This new set of psychiatrists and other doctors offered Joan the choice of changing paths, which she accepted. She started living

as a boy, named John, at the age of fourteen. John requested and received male hormone shots; he also had his breasts removed. A phallus, so called by Diamond, was constructed for him between the ages of fifteen and sixteen. John does not ejaculate; he feels some sexual pleasure in the phallus; he urinates from its base. Thus it only approximates some of its expected functions, and, as we shall see, it enters John only ambivalently into the norm.

During the time that John was Joan, Money published papers extolling the success of this sex reassignment. The case was enormously consequential because Joan was an identical twin, and so Money could track the development of both siblings while controlling for genetic makeup. He insisted that both were developing normally and happily into their respective genders. But his own recorded interviews, mainly unpublished, and subsequent research have called his honesty into question. Joan was hardly happy, refused to adapt to many so-called girl behaviors, and was angered by Money's invasive, continual interrogations. Yet the published records from Johns Hopkins claim that Joan's adaptation to girlhood was successful, and certain ideological conclusions immediately followed. Money's Gender Identity Institute, which monitored Joan often, asserted that her successful development as a girl "offers convincing evidence that the gender identity gate is open at birth for a normal child no less than for one born with unfinished sex organs or one who was prenatally over or underexposed to androgen, and that it stays open at least for something over a year at birth."⁴ Indeed, the case was used by the public media to prove that what is feminine and what is masculine can be altered, that these cultural terms have no fixed meaning or internal destiny. Even Kate Millett cited the case in arguing that biology is not destiny. Kessler also allied with Money in her essays in favor of the social constructionist thesis.⁵ Later Kessler would disavow their alliance and write one of the most important books on the ethical and medical dimensions of sex reassignment, *Lessons from the Intersexed*, which includes a trenchant critique of Money.

Money's approach was to recruit male-to-female transsexuals to talk to Joan about the advantages of being a girl. She was subjected to myriad interviews and was asked again and again whether she felt like a girl, what her desires were, what her image of the future was, whether it included marriage to a man. She was also asked to strip and show her genitals to medical practitioners who were either interested in the case or monitoring it for her adaptational success.

When this case has been discussed in the press recently, and when psychiatrists and other medical practitioners have turned to it, they have done so to criticize the role that Money's institute played and, in particular, its readiness to use Joan's example to substantiate its own theoretical beliefs about the gender

neutrality of early childhood, about the malleability of gender, about the primary role of socialization in the production of gender identity. In fact, this is not exactly everything that Money believes, but let us not probe that question here. The individuals who are critical of this case believe that it shows us something very different. When we consider, they argue, that John found himself deeply moved to become a boy and found it unbearable to continue to live as a girl, we have to consider as well that John experienced some deep-seated sense of gender, one linked to his original set of genitals, one seemingly there as an internal truth and necessity that no amount of socialization could reverse. This is the view of Colapinto and of Diamond as well.

So now the case of Joan/John is being used to make a revision and a reversal in developmental gender theory, providing evidence this time that counters Money's thesis, supporting the notion of an essential gender core tied in some irreversible way to anatomy and to a deterministic sense of biology. Indeed, Colapinto clearly links Money's cruelty to Joan to the "cruelty" of social construction as a theory, remarking that Money's refusal to identify a biological or anatomical basis for gender difference in the early 1970s "was not lost on the then-burgeoning women's movement, which had been arguing against a biological basis for sex differences for decades." Colapinto claims that Money's published essays "had already been used as one of the main foundations of modern feminism." He asserts that *Time* engaged in a similarly misguided appropriation of Money's views when it argued that this case, in the magazine's own words, "provides strong support for a major contention of women's liberationists: that conventional patterns of masculine and feminine behavior can be altered."⁶ Indeed, Colapinto talks about the failure of surgically reassigned individuals to live as "normal" and "typical" women and men, arguing that normality is never achieved and hence assuming the inarguable value of normalcy itself.

Reporting on the refutation of Money's theory, Natalie Angier claims that the story of John has "the force of allegory."⁷ But which force is that? And is this an allegory with closure? Angier reports that Diamond used the case to make an argument about intersexual surgery and, by implication, the relative success of transsexual surgery. Diamond argued, for instance, that intersexed infants, that is, those born with mixed or indeterminate genital attributes, generally have a Y chromosome, and that possession of the Y is an adequate basis for concluding that they ought to be raised as boys. As it is, the vast majority of intersexed infants are subjected to surgery that seeks to assign them to the female sex, since, as Cheryl Chase points out in Angier's article, it is simply considered easier to produce a provisional vaginal tract than to construct a phallus. Diamond argued that these

children should be assigned to the male sex, since the presence of the Y is sufficient grounds for the presumption of social masculinity.

In fact, Chase, founder and director of the Intersex Society of North America, voiced skepticism about Diamond's recommendations. Her view, recently defended by Fausto-Sterling as well, is that there is no reason to make a sex assignment at all; society should make room for the intersexed as they are and cease the coercive surgical "correction" of infants.⁸ Indeed, recent research has shown that such operations have been performed without the parents knowing about it, without the children themselves ever being truthfully told, and without their having attained the age of consent. Most astonishing, in a way, is the state that their bodies have been left in, with mutilations performed and then paradoxically rationalized in the name of "looking normal." Medical practitioners often say to the parents that the child will not look normal if not operated on; that the child will be ashamed in the locker room, *the locker room*, that site of prepubescent anxiety about impending gender developments; and that it would be better for the child to look normal, even when such surgery may deprive him or her of sexual function and sexual pleasure for life.

So, while some experts, such as Money, claim that the absence of the full phallus makes the social case for rearing the child as a girl, others, such as Diamond, argue that the presence of the Y chromosome is the most compelling fact or, that it is what is indexed in persistent feelings of masculinity, and that it cannot be constructed away. So, on the one hand, how my anatomy looks, how it comes to appear, to others and to myself as I see others looking at me, is the basis of my social identity as woman or man. On the other hand, how the presence of the Y tacitly structures my feeling and self-understanding as a sexed person is decisive. Money argues for the ease with which a female body can be surgically constructed, as if femininity were always little more than a surgical construction, an elimination, a cutting away. Diamond argues for the invisible and necessary persistence of maleness, which does not need to "appear" in order to operate as the key feature of gender identity. When Angier asks Chase whether she agrees with Diamond's recommendations on intersexual surgery, Chase replies, "They can't conceive of leaving someone alone." Indeed, is the surgery performed to create a "normal"-looking body, after all? The mutilations and scars that remain hardly offer compelling evidence that this is accomplished. Or are these bodies subjected to medical machinery that marks them for life precisely because they are "inconceivable"?

Another paradox that emerges here is the place of sharp machines, of the technology of the knife, in debates on intersexuality and transsexuality. If the

John/Joan case is an allegory, or has the force of allegory, it seems to be the site where debates on intersexuality (John is not an intersexual) and transsexuality (John is not a transsexual) converge. This body becomes a point of reference for a narrative that is not about this body but that seizes on the body, as it were, to inaugurate a narrative that interrogates the limits of the conceivably human. What is inconceivable is conceived again and again, through narrative means, but something remains outside the narrative, a resistant moment that signals a persisting inconceivability.

Despite Diamond's recommendations, the intersexed movement has been galvanized by the Joan/John case; it is able now to bring to public attention the brutality and coerciveness and lasting harm of the unwanted surgeries performed on intersexed infants. The point is to try to imagine a world in which individuals with mixed or indeterminate genital attributes might be accepted and loved without having to undergo transformation into a more socially coherent or normative version of gender. In this sense, the intersexed movement has sought to ask why society maintains the ideal of gender dimorphism when a significant percentage of children are chromosomally various, and a continuum exists between male and female that suggests the arbitrariness and falsity of gender dimorphism as a prerequisite of human development. There are humans, in other words, who live and breathe in the interstices of this binary relation, showing that it is not exhaustive; it is not necessary. Although the transsexual movement, which is internally various, has called for rights to surgical means by which sex might be transformed, it is clear—and Chase underscores—that there is also a serious and increasingly popular critique of idealized gender dimorphism in the transsexual movement itself. One can see it in the work of Riki Anne Wilchins, whose gender theory makes room for transsexuality as a transformative exercise, but one can see it perhaps most dramatically in the work of Kate Bornstein, who argues that to go from female to male, or from male to female, is not necessarily to stay within the binary frame of gender but to engage transformation itself as the meaning of gender.⁹ In some ways, Bornstein now carries the legacy of Simone de Beauvoir: if one is not born a woman, but becomes one, then becoming is the vehicle for gender itself.

But why, we might ask, has John become the occasion for a reflection on transsexuality? Although John comes to claim that he would prefer to be a man, it is not clear whether he himself believes in the primary causal force of the Y chromosome. Diamond finds support for his theory in John, but it is not clear, on the basis of my reading, that John agrees with Diamond. John clearly knows about hormones, has asked for them, and takes them. He has learned about phallic construction from transsexual contexts, wants a phallus, has it made, and so allego-

rizes a certain transsexual transformation without precisely exemplifying it. He is, in his own view, a man born a man, castrated by the medical establishment, feminized by the psychiatric world, and then enabled to return to who he was to begin with. But to return to who he is, he requires—and wants, and gets—a subjection to hormones and surgery. He allegorizes transsexuality to achieve a sense of naturalness. And this transformation is applauded by the endocrinologists on the case, since they understand his appearance now to be in accord with an inner truth. Whereas Money's institute enlists transsexuals to instruct Joan in the ways of women, and *in the name of normalization*, the endocrinologists prescribe the sex change protocol of transsexuality to John for him to reassume his genetic destiny, *in the name of nature*.

And though Money's institute enlists transsexuals to allegorize Joan's full transformation into a woman, the endocrinologists propose to appropriate transsexual surgery in order to build the phallus that will make John a more legible man. Importantly, it seems, the norms that govern intelligible gender for Money are those that can be forcibly imposed and behaviorally appropriated, so the malleability of gender construction, which is part of his thesis, turns out to require a forceful application. And the "nature" that the endocrinologists defend also needs assistance and augmentation through surgical and hormonal means, at which point a certain nonnatural intervention in anatomy and biology is precisely what is mandated by nature. So in each case the primary premise is in some ways refuted by the means by which it is implemented. Malleability is, as it were, violently imposed, and naturalness is artificially induced. There are ways of arguing social construction that have nothing to do with Money's project, but that is not my aim here. And there are, no doubt, ways of seeking recourse to genetic determinants that do not lead to the same kind of interventionist conclusions arrived at by Diamond and Sigmundson. But that is also not precisely my point. For the record, though, let us consider that the prescriptions arrived at by these purveyors of natural and normative gender in no way follow necessarily from the premises from which they begin, and that the premises with which they begin have no necessity in themselves. (One might well disjoin the theory of gender construction, for instance, from the hypothesis of gender normativity and have a very different account of social construction from that offered by Money; one might allow for genetic factors without assuming that they are the *only* aspect of nature that one might consult to understand the sexed characteristics of a human: why is the Y chromosome considered the primary determinant of maleness, exercising preemptive rights over any and all other factors?)

But my point in recounting this story and its appropriation for the purposes

of gender theory is to suggest that the story as we have it does not supply evidence for either thesis, and to suggest that there may be another way to read this story, one that neither confirms nor denies the theory of social construction, one that neither affirms nor denies gender essentialism. Indeed, what I hope to underscore here is the disciplinary framework in which Joan/John develops a discourse of self-reporting and self-understanding, since it constitutes the grid of intelligibility by which his own humanness is both questioned and asserted.

It seems crucial to remember, as one considers what might count as the evidence of the truth of gender, that Joan/John was intensely monitored by psychological teams through childhood and adolescence, that teams of doctors observed Joan's behavior, that teams of doctors asked her and her brother to disrobe in front of them so that genital development could be gauged, that there was a doctor who asked her to engage in mock-coital exercises with her brother, to view the pictures, to know and want the so-called normalcy of unambiguous genitalia. There was an apparatus of knowledge applied to the person and body of Joan/John that is rarely, if ever, taken into account as part of what John responds to when he reports on his feelings of true gender. The act of self-reporting and the act of self-observation take place in relation to a certain audience, with a certain audience as the imagined recipient, before a certain audience for whom a verbal and visual picture of selfhood is produced. These are speech acts, we might say, that are very often delivered to those who have been scrutinizing, brutally, the truth of Joan's gender for years. Even though Diamond and Sigmundson and indeed Colapinto are in the position of defending John against Money's intrusions, they still ask John how he feels, who he is, trying to ascertain the truth of his sex through the discourse he provides. Of Joan, who was subjected to such scrutiny and, most important, repeatedly subjected to a norm, a normalizing ideal conveyed through a plurality of gazes, a norm applied to the body, a question was continually posed: Is this person feminine enough? Has this person made it to femininity? Is femininity properly embodied here? Is the embodiment working? Is it? Is it? How do we know? What evidence can we marshal in order to know? And surely we must have knowledge here. We must be able to say that we know, and communicate that in the professional journals, and justify our decision, our act. In effect, the question posed through these interrogatory exercises has to do with whether the gender norm that establishes coherent personhood has been successfully accomplished, and the inquiries and inspections can be understood, along these lines, not only as the violent attempt to implement the norm but as the institutionalization of that power of implementation.

The pediatricians and psychiatrists who have revisited the case in recent

years cite John's self-description to support their point. John's narrative about his own sense of being male supports the theory that John is really male and that he was, even when he was Joan, always male.

John tells his interviewers the following about himself:

There were little things from early on. I began to see how different I felt and was, from what I was supposed to be. But I didn't know what it meant. I thought I was a freak or something. . . . I looked at myself and said I don't like this type of clothing, I don't like the types of toys I was always being given, I like hanging around with the guys and climbing trees and stuff like that and girls don't like any of that stuff. I looked in the mirror and [saw] my shoulders [were] so wide, I mean there [was] nothing feminine about me. [I was] skinny, but other than that, nothing. But that [was] how I figured it out. [I figured I was a guy] but I didn't want to admit it, I figured I didn't want to wind up opening a can of worms.¹⁰

So now you hear how John describes himself. And so, if part of my task here is to do justice not only to my topic but to the person I am sketching for you, the person about whom so much has been said, the person whose self-description and whose decisions have become the basis for so much gender theorizing in the last four years, then it seems to me that I must be careful in presenting these words. For these words can give you only something of the person I am trying to understand, some part of that person's verbal instance, and since I cannot truly understand this person, since I do not know this person and have no access to this person, I am left to be a reader of a selected number of words, words that I did not fully select, ones that were selected for me, recorded from interviews and then chosen by those who decided to write their articles on this person for journals such as the *Archives of Pediatrics and Adolescent Medicine*. So we might say that I have been given fragments of the person, linguistic fragments of something called a person, and what might it mean to do justice to someone under these circumstances? Can we?

On the one hand, we have a self-description, and that is to be honored. These are the words by which this individual gives himself to be understood. On the other hand, we have a description of a self that takes place in a language that is already going on, that is already saturated with norms, that predisposes us as we seek to speak of ourselves. And we have words that are delivered in the context of an interview, an interview that is part of the long and intrusive observational process that has accompanied John's formation from the start. To do justice to John is, certainly, to take him at his word, and to call him by his chosen name, but how

are we to understand his word and his name? Is this the word that he creates? Is this the word that he receives? Are these the words that circulate prior to his emergence as an “I” that might gain a certain authorization to begin a self-description only within the norms of this language? So when one speaks, one speaks a language that is already speaking, even if one speaks it in a way that is not precisely how it has been spoken before. So what and who is speaking here, when John reports, “There were little things from early on. I began to see how different I felt and was, from what I was supposed to be”? This claim tells us minimally that John understands that there is a norm, a norm of how he was supposed to be, and that he has fallen short of it. The implicit claim is that the norm is femininity, and he has failed to live up to it. And there is the norm, and it is externally imposed, communicated through a set of expectations that others have, and then there is the world of feeling and being, and these realms are, for him, distinct. What he feels is not in any way produced by the norm, and the norm is other, elsewhere, not part of who he is, who he has become, what he feels.

But given what we know about how John has been addressed, we might, in an effort to do justice to John, ask what Joan saw as Joan looked at himself, felt as he felt himself, and please excuse my mixing of pronouns here, but matters are becoming changeable. When Joan looked in the mirror and saw something nameless, freakish, something between the norms, was she not at that moment in question as a human, was she not the specter of the freak against which and through which the norm installed itself? What was the problem with Joan, that people were always asking to see her naked, asking her questions about what she was, how she felt, whether this was or was not the same as what was normatively true? Is that self-seeing distinct from the way s/he is seen? John seems to understand clearly that the norms are external to him, but what if the norms have become the means by which he sees, the frame for his own seeing, his way of seeing himself? What if the action of the norm is to be found not merely in the ideal that it posits but in the sense of aberration and freakishness that it conveys? Consider precisely where the norm operates when John claims, “I looked at myself and said I don’t like this type of clothing.” To whom is John speaking? And in what world, under what conditions, does not liking that type of clothing provide evidence for being the wrong gender? For whom would that be true? And under what conditions?

John reports, “I don’t like the types of toys I was always being given,” and John is speaking here as someone who understands that such a dislike can function as evidence. And it seems reasonable to assume that Joan understood this dislike as evidence of gender dystopia, to use the technical term, because s/he has been addressed time and again by those who have made use of her every utterance

about her experience as evidence for or against a true gender. That he happens not to have liked certain toys, certain dolls, certain games, may be significant in relation to the question of how and with what he liked to play. But in what world, precisely, do such dislikes count as clear or unequivocal evidence for or against being a given gender? Do parents regularly rush off to gender identity clinics when their boys play with yarn, or their girls play with trucks? Or must there already be an enormous anxiety at play, an anxiety about the truth of gender that seizes on this or that toy, this or that proclivity of dress, the size of the shoulder, the leanness of the body, to conclude that something like a clear gender identity can or cannot be built from these scattered desires, these variable and invariable features of the body, of bone structure, of proclivity, of attire?

So what does my analysis imply? Does it tell us whether the gender here is true or false? No. And does this have implications for whether John should have been surgically transformed into Joan, or Joan surgically transformed into John? No, it does not. I do not know how to judge that question here, and I am not sure it can be mine to judge. Does justice demand that I decide? Or does justice demand that I wait to decide, that I practice a certain deferral in the face of a situation in which too many have rushed to judgment? And it might be useful, important, even just, to consider a few matters before we decide, before we ascertain whether it is, in fact, ours to decide.

Consider in this spirit, then, that it is for the most part the gender essentialist position that must be voiced for transsexual surgery to take place, and that someone who comes in with a sense of gender as changeable will have a more difficult time convincing psychiatrists and doctors to perform the surgery. In San Francisco female-to-male candidates actually practice the narrative of gender essentialism that they are required to perform before they go in to see the doctors, and there are now coaches to help them, dramaturges of transsexuality who will help you make the case for no fee. Indeed, we might say that Joan/John together went through two transsexual surgeries: the first based on a hypothetical argument about what gender should be, given the ablated nature of the penis; the second based on what the gender should be, based on the behavioral and verbal indications of the person in question. In both cases, certain inferences were made, one that suggested that a body must appear a certain way for a gender to work, another that said that a body must feel a certain way for a gender to work. John clearly came to disrespect and abhor the views of the first set of doctors; he developed, we might say, a lay critique of the phallus to support his resistance:

Doctor . . . said, it's gonna be tough, you're going to be picked on, you're gonna be very alone, you're not gonna find anybody unless you have vagi-

nal surgery and live as a female. And I thought to myself, you know I wasn't very old at the time but it dawned on me that these people gotta be pretty shallow if that's the only thing they think I've got going for me; that the only reason why people get married and have children and have a productive life is because of what they have between their legs. . . . If that's all they think of me, that they justify my worth by what I have between my legs, then I gotta be a complete loser.¹¹

Here John makes a distinction between the "I" that he is, the person that he is, and the value that is conferred on his personhood by virtue of what is or is not between his legs. He was wagering that he would be loved for something other than this or, at least, that his penis would not be the reason he was loved. He was holding out, implicitly, for something called "depth" over and against the "shallowness" of the doctors. And so we might say that, though John asked for and received his new status as male, asked for and received his new phallus, he is also something other than what he now has, and, though he has undergone this transformation, he refuses to be reduced to the body part that he has acquired. "If that's all they think of me," he says, offering a knowing and critical rejoinder to the work of the norm. There is something here of me that exceeds this part, though I want this part, though it is part of me. He does not want his "worth" "justif[ied]" by what he has between his legs, and what this means is that he has another sense of how the worth of a person might be justified. So we might say that he is living his desire, acquiring the anatomy that he wants in order to live his desire, but that his desire is complex, and his worth is complex.

And this is why, no doubt, in response to many of the questions Money posed—Do you want to have a penis? Do you want to marry a girl?—John often refused to answer, refused the question, refused to stay in the room with Money, refused to visit Baltimore after a while. John did not trade in one gender norm for another, not exactly. It would be as wrong to say that he simply internalized a gendered norm (from a critical position) as it would be to say that he failed to live up to a gendered norm (from a normalizing, medical position), since he has already established that what will justify his worth will be the invocation of an "I" that is not reducible to the compatibility of his anatomy with the norm. He thinks something more of himself than what others think, he does not fully justify his worth through recourse to what he has between his legs, and he does not think of himself as a complete loser. Something exceeds the norm, and he recognizes its unrecognizability; it is, in a sense, his distance from the knowably human that operates as a condition of critical speech, the source of his worth, as the justification for his

worth. He says that if what those doctors believe were true, he would be a complete loser, and he implies that he is not a complete loser, that something in him is winning. But he is also saying something more: he is cautioning us against the absolutism of distinction itself, for his phallus does not constitute the entirety of his worth, and so there is an incommensurability between who he is and what he has, between the phallus he has and what it is expected to be (and in this way he is no different from anyone with a phallus), which means that he has not become one with the norm, and yet he is still someone, speaking, insisting, even referring to himself.

And it is from this gap, this incommensurability, between the norm that is supposed to inaugurate his humanness and the spoken insistence on himself that he performs that he derives his worth, that he speaks his worth. We cannot precisely give content to this person at the very moment that he speaks his worth, which means that it is precisely the ways in which he is not fully recognizable, fully disposable, fully categorizable, that his humanness emerges. And this is important, because we might ask that he enter into intelligibility in order to speak and be known, but what he does instead, through his speech, is to offer a critical perspective on the norms that confer intelligibility itself. And he shows, we might say, that there is an understanding to be had that exceeds the norms of intelligibility itself. And he achieves this “outside,” we might speculate, by refusing the interrogations that besiege him, by reversing their terms, learning the ways in which he might escape. And if he renders himself unintelligible to those who seek to know and capture his identity, this means that something about him is intelligible outside the framework of accepted intelligibility. We might be tempted to say that there is some core of a person, and so some presumption of humanism, that emerges here, that supervenes the discourses on sexed and gendered intelligibility that constrain him. But that would mean that he is denounced by one discourse, only to be carried by another discourse, the discourse of humanism. Or we might say that there is some core of the subject who speaks, who speaks beyond what is sayable, and that it is this ineffability that marks John’s speech, the ineffability of the other who is not disclosed through speech but leaves a portentous shard of itself in its saying, a self that is beyond discourse itself.

But what I would prefer is that we consider carefully that when John invokes the “I” in this quite hopeful and unexpected way, he is speaking about a certain conviction he has about his own lovability; he says that “they” must think he is a real loser if the only reason anyone is going to love him is what he has between his legs. “They” are telling him that he will not be loved, or that he will not be loved unless he takes what they have for him, and that they have what he

needs in order to get love, that he will be loveless without what they have. But he refuses to accept that what they are offering in their discourse is love. He refuses their offering of love, understanding it as a bribe, as a seduction to subjection. He will be and he is, he tells us, loved for some other reason, a reason they do not understand, and it is not a reason we are given. It is clearly a reason beyond the regime of reason established by the norms of sexology itself. We know only that he holds out for another reason, and that in this sense we no longer know what kind of reason this is, what reason can be; he establishes the limits of what they know, disrupting the politics of truth, making use of his desubjugation within that order of being to establish the possibility of love beyond the grasp of that norm. He positions himself, knowingly, in relation to the norm, but he does not comply with its requirements. He risks a certain “desubjugation”: Is he a subject? How will we know? And in this sense John’s discourse puts into play the operation of critique itself, critique that, defined by Foucault, is precisely the desubjugation of the subject within the politics of truth. This does not mean that John becomes unintelligible and, therefore, without value to politics; rather, he emerges at the limits of intelligibility, offering a perspective on the variable ways in which norms circumscribe the human. It is precisely because we understand, without quite grasping, that he has another reason, that he *is*, as it were, another reason, that we see the limits to the discourse of intelligibility that would decide his fate. John does not precisely occupy a new world, since he is, even within the syntax that brings about his “I,” still positioned somewhere between the norm and its failure. And he is, finally, neither one; he is the human in its anonymity, as that which we do not yet know how to name or that which sets a limit on all naming. And in that sense, he is the anonymous—and critical—condition of the human as it speaks itself at the limits of what we think we know.

Notes

1. Michel Foucault, “What Is Critique?” trans. Lysa Hochroth, in *The Politics of Truth*, ed. Sylvère Lotringer and Lysa Hochroth (New York: Semiotext[e], 1997), 32. This essay was originally a lecture given at the French Society of Philosophy on 27 May 1978; it was subsequently published in *Bulletin de la Société française de philosophie* 84, no. 2 (1990): 35–63.
2. For an excellent overview of this controversy see Anne Fausto-Sterling, *Sexing the Body: Gender Politics and the Construction of Sexuality* (New York: Basic, 2000), 45–77. John/Joan no longer operates with a pseudonym, but I keep the pseudonymous reference because it is the predominant way in which this person is referred to in the medical and psychological treatments of the issue here.

3. Milton Diamond and H. Keith Sigmundson, "Sex Reassignment at Birth: A Long Term Review and Clinical Implications," *Archives of Pediatrics and Adolescent Medicine* 151 (1997): 298–304; John Colapinto, *As Nature Made Him: The Boy Who Was Raised as a Girl* (New York: HarperCollins, 2000); Colapinto, "The True Story of John Joan," *Rolling Stone*, 11 December 1997, 54ff.; John Money and Richard Green, *Transsexualism and Sex Reassignment* (Baltimore: Johns Hopkins University Press, 1969); Fausto-Sterling, *Sexing the Body*; Suzanne J. Kessler, *Lessons from the Intersexed* (New Brunswick, N.J.: Rutgers University Press, 1998); Natalie Angier, "Sexual Identity Not Pliable after All, Report Says," *New York Times*, 14 March 1997, C1, C13. See also the videotape *Redefining Sex*, published by the Intersex Society of North America (www.isna.org), for important perspectives on the ethics of sex reassignment.
4. Money and Green, *Transsexualism and Sex Reassignment*, 299.
5. Kate Millett, *Sexual Politics* (Garden City, N.Y.: Doubleday, 1970), 41–42; Kessler, *Lessons from the Intersexed*, 6–7, 14–21; Kessler, "Meanings of Gender Variability," *Chrysalis* 2, no. 4 (1997–98): 33–38; and Kessler, "The Medical Construction of Gender: Case Management of Intersexed Infants," *Signs* 16 (1990): 3–26.
6. Colapinto, *As Nature Made Him*, 69.
7. Angier, "Sexual Identity Not Pliable," C1, C13.
8. See Fausto-Sterling, *Sexing the Body*, 79–114.
9. Riki Anne Wilchins, *Read My Lips: Sexual Subversion and the End of Gender* (Ithaca, N.Y.: Firebrand, 1997); Kate Bornstein, *Gender Outlaw: On Men, Women, and the Rest of Us* (New York: Vintage, 1995).
10. Quoted in Diamond and Sigmundson, "Sex Reassignment at Birth," 299–300. Ellipsis and last pair of brackets in original.
11. *Ibid.*, 301. Ellipses in original.