

# Some Critical Reflections on the Transgender Theory of Kate Bornstein

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## ABSTRACT

This article critically engages aspects of Kate Bornstein's transgender theory as found in *Gender Outlaw*. Drawing on recent work in Lacanian psychoanalysis, and on insights from Bornstein's account, I pose questions about the ways in which sex, gender, desire, and subjectivity are theorized.

## RÉSUMÉ

Cet article discute de façon critique les aspects de la théorie de transgendérisme de Kate Bornstein tels que retrouvés dans "Gender Outlaw." En me servant d'ouvrages récents sur la psychoanalyse lacanienne, et sur les compte-rendus de Bornstein, je questionne la façon dont on met en théorie le sexe, le genre, le désir et la subjectivité.

As a feminist teaching and researching in the field of the sociology of gender, I found myself drawn, as others were in the early 1990s, to accounts of transsexuality for the insight they might provide into the complexities of gender. In 1992 I wrote a critique of the fantasy of the naturally gendered body, a fantasy that is prevalent not only in contemporary North American society, but also in contemporary theories of gender, including some transsexual accounts. The idea that one's anatomical sex determines one's gender so that the two must correspond or be made to correspond struck me as disproven long ago, not only by Freud, and by feminists, but by transsexuals themselves. Partial to psychoanalytic theory, I am attentive to the limits that our human being presents us with, particularly with what Charles Shepherdson has called "the inevitability of sexually marked embodiment" (161), a point I elaborate below.

The 1994 publication of *Gender Outlaw*, a text that now appears on numerous sexuality and gender courses across North America, provides another occasion to explore the relationship between transsexuality, gender, and the body. Important questions for me are: what, if anything, makes one a woman (or a man)? and, how crucial is it to the functioning of desire that we occupy an

embodied position? I shall not be concerned with the question of what kinds of bodies ought to occupy the symbolic positions "woman" and "man," because this leads to a kind of policing that I find unhelpful. A more fruitful task for feminists, in my view, is to lend support to transgendered people (some of whom, like Bornstein, are feminists themselves) who also struggle with an oppressive gender order. To clarify, Bornstein uses "transgendered" in the broad sense of the term to include all those who break one or more of the "rules of gender" (46-50). I also prefer the broader category, but for me it would include anyone who identifies with it. The narrower definition of transgendered refers to people living in a gender other than that originally assigned, but who do not desire sex reassignment surgery (SRS) (Bornstein, 68).

The transgender theory developed by Bornstein is that of a post-operative, male-to-female transsexual. Bornstein's book includes, among other things, a detailed and complex account of her own experience of gender, a series of theoretical reflections on conceptions of gender and sexuality in contemporary North American society, and a defence of sexual and gender multiplicity. My purpose here is not to describe what is a lively and

provocative treatment of gendered and transgendered experience (such a task clearly would require a separate article), but to offer some critical reflections on specific assumptions Bornstein makes, and on some of the implications of her theory.

Although Bornstein argues that dissatisfaction with the status quo is sufficient to account for the radical transsexual demand for surgical transformation, I maintain that something more than this dissatisfaction is suggested by her own account. My interpretation is no doubt contentious, and involves weaving into an enormously contradictory text a thread or two of my own. It is simply one way of making sense of Bornstein's text, a text that is intricate, difficult, surprising, and that offers considerable insight into the impossible nature of human desire. I begin with a critique of the theory Bornstein offers, focusing on what I found most problematic in it. Then, after clarifying (in as simple language as is possible) the psychoanalytic theory I rely on for my reading, I explain why I think Bornstein's surgery improved her life by *failing* to make her a woman. It is important to add here that although the desire to change sex may take a similar form in various persons, the experience of physical transformation may produce radically different effects. For instance, Jan Morris interprets her SRS as affirming her essence as female, whereas Bornstein interprets it as simply allowing her to pass more easily *as* a woman, not that it *makes* her female.

While I take it to be a good sign that people are coming to question, in increasing numbers, dogmatic and conventional ideas about what it means to "have" a sex, or to "belong" to a gender, I find Bornstein's transgender theory somewhat less radical and somewhat less challenging than it claims to be. Understandably, readers unhappy with mainstream theories of sex and gender (theories that are clearly alive and well, at least in my community) may find themselves drawn to a theory that presents itself as *the* alternative to the dominant ideology. One of my concerns, though, is that in order to present her theory as *the* alternative, Bornstein sets up a series of false oppositions between the Gender Outlaws, on the one hand, and the Gender Conformists, on

the other. Bornstein's rhetorical distaste for dichotomies notwithstanding, she certainly creates her own as follows: 1. between the transgendered and the "traditionally gendered;" 2. between those who believe themselves to be outside sex, and those who believe their sex defines who they are and; 3. between the theorization of sex, gender, desire, and subjectivity developed by transsexuals and that which is proposed by the dominant ideology. Providing a brief sketch of two friends of mine may help to illustrate the inadequacy of these dichotomies, and to remind us that in the field of gender, one does not simply have the Law-abiding on the one hand, and the Outlaws on the other, as Bornstein would have us believe.

Friend A is a corporate executive, drives a very expensive car, very fast, has a strong, muscular body, is handy with a hammer, and prefers women. Friend B is a bookstore employee, has a high, hysterical laugh, hates physical labour, has a fragile, often sickly body, and is an occasional heterosexual. Contrary to the gender norms of my society, A is a woman and B is a man. Neither A nor B considers him/herself transgendered, neither seeks the creation of a new category or a "third sex" to describe identity, and neither conforms to social expectations. Moreover, neither believes that anatomical, hormonal or chromosomal make-up determines behaviour or sexual orientation. Both accept their bodies along with the various limitations those bodies present them with. Both have a playful, irreverent relationship to gender which allows them to scramble socially established codes for femininity and masculinity, and to challenge in their personal lives dominant views of what it means to live as a woman or as a man.

I include this sketch of A and B not to claim some unwarranted generalization about their behaviour, nor to suggest Bornstein does not encourage multiple expressions of gender, but to demonstrate the inadequacy of Bornstein's dichotomy. There appear to be people who are neither "transgendered" nor "traditionally gendered." Moreover, I believe understanding their lives requires a more complex theorization of the subject and of sex, gender, and desire than Bornstein has provided. While she claims that "most...people continually struggle to maintain the

illusion that they are one gender or the other" (65), I find, on the contrary, that most people are not preoccupied with proving their membership in the categories woman or man. Indeed, most people appear to take such membership for granted as Bornstein herself implies when she claims: "I bought into the two-gender system like most everyone else" (244). Perhaps what most of us struggle to achieve is rather a particular image of femininity or masculinity, an image which may win us social approval and that in any case we imagine will win us something. Even so, this effort is by no means universal, and other gender theorists such as Carol Travis, claim that "most men and women...are flexible about masculinity and femininity not only across situations, but over the course of their lives (294)." As Bornstein is well aware, feminists have a long history of contesting the gender order, a history that clearly disrupts the oppositional categories of conformist and outlaw she creates.

The fact that feminists and critical theorists of gender have produced critiques of gender similar to Bornstein's for some time may limit the novelty but not the value of Bornstein's contribution. What is new here is her inclusion of "nonoperative" (as well as pre- and post-operative transsexuals) in the group of people seeking to "establish a space...outside of the socially sanctioned gender system" (Bornstein 1995, 241). (Nonoperative transsexuals are those who choose to live as the other sex without SRS.) Bornstein's desire to establish such a space suggests that increasing emphasis is being placed on contesting social norms and practices and perhaps a little less is being placed on transforming bodies. Thus, the increase in, or even the appearance of, nonoperative transsexuals may indicate that the widespread normative assumption that one's "sex" determines one's gender is at long last being undermined.

At the same time, however, if one holds the view that one's gender identity always floats free of one's "natural" or "original" sex (conceived either as physical body or as body-image), then how does one argue for sex reassignment surgery? Why go to all the pain and expense of changing anatomical sex once the previously conceived connection between sex and gender has been

severed? As both Bernice Hausman and Thomas Laqueur demonstrate, the concepts of sex and gender, plus the way their relationship is understood, have a history. Hausman makes a convincing argument that "gender identity" has now become the dominant term and is used by the medical profession to justify the sex reassignment demanded by many transsexuals. That is, if one's gender identity as a woman or man is assumed to be definitive of one's essence, then it becomes reasonable to expect or to demand that one's body be made to conform with it. But given her emphasis on the gender outlaw, and given her refusal of any connection between anatomical sex and gender, Bornstein risks eroding not only the medical justification for granting SRS, but also the transsexual rationale for changing sex. In other words, if one does not have to possess or inhabit a female body in order to have a feminine identity, then why bother with SRS?

What I am suggesting here is that Bornstein learned this the hard way. That is, in her case, SRS enabled her to take up a symbolic position as a woman, a position from which to grasp that sexual embodiment is symbolic, that one cannot become a woman or a man by altering one's genitals, that the attempt to do so will fail because one's genitals do not create the positions man/woman in the first place, nor do they guarantee one will fit comfortably into the roles socially prescribed for those who take them up. In order to explain my reading, I need to take a brief detour through the psychoanalytic theory upon which it is based.

In "The Role of Gender and the Imperative of Sex" Charles Shepherdson develops a Lacanian psychoanalytic concept of subjectivity that distinguishes between the social construction of gender on the one hand, and the human imperative to represent oneself as embodied on the other. According to Shepherdson, taking on a sexed identity is a *symbolic* moment (that is, one's identity must be represented). One emerges as a subject by repressing a phallic identity (where I imagine I am what the (m)Other desires) and by signifying the loss of that phallic identity (where I imagine I am *a* woman, or *a* man). Phallic identity positions me as the disembodied plaything of parental desire,

whereas sexed embodiment positions me as a singular, embodied subject. In a society other than ours, the possibility of representing one's embodiment differently might exist, as long as it signifies some kind of lack as opposed to an imagined unity with the (m)Other. (Even the astonishing intersexual, who has both penis and vagina, cited by Anne Fausto-Sterling, plays with giving and receiving the phallus on the grounds that she is not the phallus for or of another [23].) For Shepherdson, the symbolic position one takes up is neither given in nature, nor dictated by one's anatomy, nor is it ever completely stable, founded as it is on the repression of the fantasy of union with the Other, and the splitting of the subject. (The repression of the fantasy of union is not, as some feminists claim, a simple rejection of the Other as mother. A daughter's or son's identification with the mother is not the same thing as an unconscious fantasy of union with her.) The main point here is that failure to take up a position as sexually marked means one is unable to separate one's own desire from that of an Other, unable to be a desiring subject in one's own right.

Shepherdson also suggests that the psychoanalytic understanding of the constitution of the sexed subject already includes an ambiguity and uncertainty that counters the predominant cultural fantasy of fixity and stability. Joan Copjec, whose work Shepherdson cites, puts it this way: "the subject position inscribed by a discourse is not the same as the position of the subject who is engaged by that discourse, no more than the 'I' of the statement is the same as the 'I' who speaks it"(12). Copjec is concerned to show how psychoanalysis differs from Foucauldian understandings of the subject, where the subject is conceived as multiple instead of divided, arguing that "the problem with...believing that the subject can be conceived as all of those multiple, often conflicting, positions that social practices construct, is that the ex-centric, or equivocal, relation of the subject to these discourses is never made visible and the nature of her conflict in the social is seriously misconceived" (13). If one is never identical to the position one takes up, then the fixity and certainty that Bornstein rightly accuses the mainstream of producing (an idea she once bought into, and claims other people

buy into) is clearly a fantasy.

One more piece is needed here to make sense of this theory. In a patriarchal society the phallus is assumed to be the signifier of desire, but a child must not be the phallus for the (m)Other. Giving up that desire entails representing oneself *as lacking* vis-a-vis the phallus. The symbolic positions man/woman allow one to represent oneself as having or lacking the phallus: both are positions of loss because neither is able to be the phallus (the object of desire).

To return to the text in question, I have come to suspect that what Bornstein got with her SRS was not just a new body, but also, and more importantly, an embodied position as a woman from which to enact or perform her own desire. This gave her access to the knowledge that she always had been free to represent herself (symbolically) as a woman regardless of her anatomical makeup. Thus, like Dorothy in the *Wizard of Oz*, who learns in the end, and after going through her own personal nightmare, that it is she and not the wizard who has the power to take her home, Bornstein learns that she has the power to live as a woman without asking the physician's permission or submitting to the knife. In this sense, I believe Bornstein's surgery was effective insofar as it *failed* to achieve what initially was expected: to *make* her a woman: "I live my life *as* a woman...but I'm not under any illusion that I *am* a woman....It's the difference between *being* an identity and *having* an identity. The latter makes more room for individual growth, I think" (Bornstein 1995, 243). Unlike some transsexuals (Morris, for instance), Bornstein learns to overcome her previous illusion that gender concerns a state of *being* that can be bestowed, and comes to see it instead as an identification one makes. From a Lacanian perspective, discovering this gap between being and having, between the physical body and the representation of embodiment, is a crucial part of establishing human subjectivity.

Now I am in a position to suggest that one of the reasons Bornstein's text is difficult to follow is because she confuses what Shepherdson calls the imperative of sexual embodiment with the social conventions we attach to gender identity, and believes herself to be free of both. I contend,

however, that Bornstein only becomes free to play with gender identity after she takes on a symbolic embodiment (as a woman). Perhaps what she has freed herself from is a previous, enslaving compulsion to become the desire of the Other, to be what she imagined some Other wanted her to be? (Incidentally, I view compulsions as common to all of us, although we do not usually become aware of them unless they are either very strong or contrary to important social rules or norms. Jean Laplanche and J.B. Pontalis define compulsion as "a form of behaviour to which the subject is obliged by an internal constraint. Thoughts (obsessions), actions, defensive operations or even complex patterns of behaviour may be termed compulsive where their not being accomplished is felt as inevitably giving rise to anxiety" [77].)

Illustrating the point about compulsion and about the need for embodiment, Bornstein writes: "it was my unshakeable conviction that I was not a boy or a man. It was the absence of a feeling, rather than its presence, that convinced me to change my gender" (24). A good example of what it might feel like to be outside sex, Bornstein writes here in the past tense, producing a retrospective explanation for decisions taken earlier in her life. The compulsion itself is never analyzed, only described or even justified through references to the external constraints of the gender order. The concept of compulsion suggests, however, that no change, however radical, to the gender order (or to the fictitious idea of its natural base) will suffice to alter the transsexual desire to change sex. This is because we are dealing with a subject in conflict with itself and, to cite Copjec, "the subject's essential conflict with itself cannot be reduced by any social arrangement" (17).

I am not suggesting that there are no external forces or constraints with which we come into conflict: here it should be clear that I share much of Bornstein's critique of an inflexible, heterosexist and patriarchal gender order. What I am suggesting is that Bornstein's location of all conflict on the outside - on the gender order and on the persons who support it - could be a way to avoid acknowledging any potential *inner* conflict. Bornstein's goal is to question or alter the world, not to question or alter her own desire. Analyzing

desire involves taking something apart in order to see how the different pieces go together, or whether they go together; it involves discerning which pieces are left out or left over, and figuring out where the pieces come from. Certainly Bornstein strives to analyze the gender order, but when it comes to her own life, her aim is not to analyze, but to integrate: "I keep trying to integrate my life. I keep trying to make all the pieces into one piece. As a result, my identity becomes my body which becomes my fashion which becomes my writing style. Then I perform what I've written in an effort to integrate my life, and that becomes my identity, after a fashion" (1).

One's "real gender identity" according to Bornstein is whatever one makes it, whatever one chooses to perform (38): "Sex is fucking, gender is everything else" (116). On this view, conflict arises solely from the social requirement to conform to the gender order, whereas freedom means freedom from the need to participate in the gender system (83). While I agree with Bornstein that an excessive need to conform to the gender order enslaves one to a particular kind of compulsion, I would suggest that an excessive need to "transcend" not only the conventions of the gender order, but sexual difference itself, is equally enslaving. Shepherdson describes the latter compulsion as a need to comply with a "punishing identification," a need to satisfy a wholly narcissistic and annihilating demand of some internalized Other (174). If this psychoanalytic interpretation is true, then granting the transsexual demand for SRS is not a question of granting the transsexuals' desire to "engineer themselves," as Hausman describes it (9), it is a question of complying with the Other's demand that one not have a desire of one's own. In making her main point that the transsexual dependence on medical discourses and technology is consistently downplayed and deserves much more attention, Hausman underestimates the compulsive behaviour which, from my perspective, makes the transsexual more driven than in control. Here I am assuming that, although most of us are driven by our various compulsions, it is preferable to know about them and thus to be able to make decisions concerning our response to them, than to simply act on them.

Lacanian psychoanalysis interprets the

compulsion to change sex as signifying a failure to achieve, or at least to sustain, a sexed identification. The failure to signify oneself as sexed points to some internal conflict, a conflict between a subject in search of embodiment and the punitive demand of some internalized Other that one not become a desiring subject. This theory provides one way to explain Bornstein's claim that even if she had known prior to her surgery that gender was a construct not dependent on genitalia, she would still have had SRS.

Those who claim, as sociologist Frank Lewins does, that the social acceptance of males living as women and vice versa would "render reassignment surgery unnecessary" (159) are missing an important piece of the puzzle that is transsexuality. (It appears that Lewin's goal as parent of a transsexual is to justify, not to question, the logic of his daughter's desire. Accordingly, he construes his own perspective, in typically masculinist fashion, as that of "intellectual understanding" which he contrasts with the explicitly "political" goals of some feminists [159].) The pieces do not fit neatly together, though, even if one imagines one has them all (and one never does!). Even though Bornstein acquires the ability to "play" with gender after her SRS enables her, not to "be" a woman, but to take up a sexed identity as a woman, she nevertheless appears to turn that play into a new kind of crisis with a search for the ultimate "unshakable" identity:

First I question an identity that I have, then I see all its bad qualities, and eventually I lose it or give it up. Then I get what seems to be a new, more pure, more unshakable identity, and I go through learning the ropes about what it means to be that new identity. Then, once I'm comfortable in the new identity, I question that, and the identity crisis starts all over again. It's what I did with gender; it's what I'm still doing with gender. (117-118)

From a Lacanian perspective, Bornstein's celebration of "gender fluidity" and shedding identities by metaphorically, and not so metaphorically, crawling out of one's skin, may be

read as a sign of a subject in search of embodiment, one who is still driven by the desire of an Other, and who mistakes that desire for her own. Accordingly, Shepherdson warns that "to celebrate the transsexual as a 'free' subject, the most avant-garde instance of the 'malleability of gender,' is to disregard the virtually transfixed character of this identification, and the suffering it entails" (175).

While there is certainly suffering in Bornstein's text, there is also celebration. This celebration is not the euphoria of someone convinced she is a woman, but a celebration of the recognition that acquiring sexed identification enables one to be a desiring subject, that is, free to experience one's own desire rather than enacting someone else's. Perhaps what we have in this text is both the story of how Bornstein conceived her identity historically (hence the photographs suggesting an autobiographical text) and the re-reading of that history after her identity has been differently located. Clearly, Bornstein's desire to be a woman and her knowledge that one cannot become a woman but only live as a woman sit uncomfortably together in this text. Furthermore, Bornstein also learns that living "as a woman" is impossible to specify, hence the utility of the idea of gender as performance.

It is clear that I support Shepherdson's view that the process of becoming a subject necessitates confronting the question of sexed embodiment (where the subject is lacking). Imagining subjects to be either beyond sexed embodiment, or wholly determined by that embodiment, disables them from existing in their own right, a disability that is perhaps definitive of, though not exclusive to, transsexuality. And if, in the end, the identity Bornstein gets is never a stable one (148), perhaps that is because it is the nature of sexed identity to be unstable, to be open to question. At least according to Elizabeth Grosz, knowing there is "an instability at the very heart of sex and bodies" (214) is more valuable than knowing that sex and gender do not have to correspond. Maybe for Bornstein, as well as for the rest of us, a more significant transformation of the relationship to one's sex and to one's body requires neither denying nor transcending, but embracing that instability.

## ACKNOWLEDGEMENTS

Two earlier versions of this paper were presented at the Canadian Sociology and Anthropology Association, Brock University, in June 1996, and in the Department of Feminist Studies, University of Canterbury, New Zealand, in October 1996. I would like to thank Rosemary Du Plessis for drawing my attention to the significance of the photographs in *Gender Outlaw*, and Lorraine Markotic for elaborating the metaphor of analysis. Working with Katrina Roen on a related paper (see Elliot and Roen) helped me to expand and to clarify my views. Funding at the initiatory stages of this research was provided by Wilfrid Laurier University.

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