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978-0-521-70929-3 - After Identity: Rethinking Race, Sex, and Gender

Georgia Warnke

Excerpt

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Introduction: reading individuals

David Reimer's doctors thought that without a penis he could not be a boy. His parents and psychologists worried that he was not really a girl. At the age of three, James Morris decided that he was not a boy. The Texas Supreme Court concluded that Christie Littleton was not really a woman and the Kansas Supreme Court had the same view about J'Noel Ball. The International Olympic Committee decided Maria Patiño was a man while the United States Tennis Association (USTA) decided that Renée Richards was a woman. What are these decisions? How do we determine whether we and others are or are not men and women? What does it mean to be either?

The sense of these questions as I ask them here is different from the sense they have within discussions in moral psychology. Moral psychologists focus on the question of which descriptions of others or ourselves constitute depictions of our identities. The issue here is which sorts of properties that a person possesses count as parts of his or her identity and which sorts contribute only to trivial descriptions of the person. Thus, if it counts as part of one's identity that one is a man or a woman – if, in other words, this fact is not simply a trivial description – the question moral psychology asks is: Why? What constitutes possessing any particular identity? David Copp answers these questions in a way that highlights their difference from the questions I want to ask. He proposes that a person's identity consists in the set of propositions that a person believes of him or herself and that grounds his or her negative or positive emotions of self-esteem. Hence, if a person believes that he is homosexual and this fact grounds positive or negative emotions of self-esteem, then being homosexual is part of the person's identity. Copp thinks that given the issues surrounding homosexuality in our culture, it would be difficult for a person *not*

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to identify as a homosexual in either a positive or negative way. He adds that "For similar reasons, it is likely that most African Americans identify as such, that most women identify as such, that most Jews who know that they are Jewish identify as such."¹ Copp includes caveats. First, if a set of propositions is to compose an identity, the emotions it grounds must be relatively stable. One might weep at a missed opportunity and the fact that one wept might cause one to feel ashamed. Yet, unless this shame endures, it does not positively or negatively affect one's self-esteem and hence does not ground an identity as a weeper. Second, identities are affected by particular cultures and histories so that "were it not for racism and the history of slavery, for example, it is unlikely that such a high proportion of African Americans would have the fact that they are black as part of their identity."²

In the course of this book, I shall question the first caveat and supplement the second. Nevertheless, I want here simply to use Copp's analysis to clarify the initial question I shall ask. Copp's analysis is not interested in the question of what it is to be or to be identified as a homosexual, an African American or a woman. Rather, the question he asks is what role these identities play in our moral psychology. The question I want to ask, however, is just what these identities and identifications are. This question is more interpretive than psychological. Whereas Copp is interested in developing a theory that will determine the sets of propositions that can be identities for us, I am interested in what seems to me to be a prior question: namely, if "a high proportion of African Americans . . . have the fact that they are black as part of their identity," what constitutes "the fact that they are black"? Similarly, if a high proportion of women have the fact that they are female as part of their identity, what constitutes the fact that they are female?

¹ David Copp, "Social Unity and the Identity of Persons," *Journal of Political Philosophy*, 10 (4), 2002, p. 372.

² Copp, "Social Unity and the Identity of Persons," p. 369.

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To the extent that being a black or African American in the United States is often more and other than being either the color black or from Africa, it might seem clear how being black and African American can be confusing identities to possess and identifications to make. Less clear, perhaps, is how being female or identifying someone else as female can be problematic. Instead, questions here about being female or identifying others as female may seem to bring my inquiry close to another discussion. This discussion involves the terms “sex” and “gender.” While “sex” and “female” have come to be used to designate fundamental biological facts, the terms “gender” and “women” have come to be used to designate the culturally variable ways in which that biology can be expressed. This distinction goes back to Simone de Beauvoir’s, *The Second Sex*. Although Beauvoir does not herself use the terms “sex” and “gender,” her book’s most famous line, “One is not born, but rather becomes a woman”³ suggests a distinction between a female sex with which one is born and a feminine gender which one acquires. The importance of the difference between what one is born with and what one acquires lies in its separation of what are supposed to be invariable biological circumstances from what are meant to be the entirely variable forms those aspects can take in different cultures and societies.⁴

Nevertheless, the distinction is not without its dissenters. On one side are those that dispute the claim that biology is causally irrelevant to social and cultural roles.⁵ Men and women are naturally inclined to different functions for evolutionary reasons insofar as natural and sexual selection have led to differences in intelligences, attitudes, and behaviors. Hence sex causes gender. On another side are those that insist that the causal connection moves in the other

³ Simone de Beauvoir, *The Second Sex* (1949), H. M. Parshley trans. and ed. (New York: Knopf, Everyman’s Library, 1993), p. 281.

⁴ See Gayle Rubin’s 1975 account, “The Traffic in Women: Notes on the ‘Political Economy of Sex,’” in *The Second Wave: A Reader in Feminist Theory*, Linda Nicholson, ed. (New York: Routledge, 1997), pp. 27–62.

⁵ See Robert Wright, *The Moral Animal: Evolutionary Psychology and Everyday Life* (New York: Vintage Books, 1995).

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direction: conceptions of biological sex are themselves culturally conditioned by conceptions of gender and gender classifications already construct the framework for sex-based classifications.⁶ Thus, Monique Wittig claims that gender classifications are part of labor and political economy⁷; Judith Butler attributes them to a “compulsory heterosexual” cultural discourse⁸; and, following Lacan, Juliet Mitchell traces them to the psychoanalytic “law of the father.”⁹ And on yet a third side are those who claim that nature and culture are too entwined to pull apart in any clear or unidirectional way.

Despite their differences, it is noteworthy, at least for my purposes, that the theorists and scientists on the various sides of the sex–biology or nature–culture debate agree in focusing mainly on causal issues. They ask how the biology of bodies is causally related to traits exhibited by men and women or they ask how gender socialization succeeds in dividing bodies into male and female, or, finally, they ask how biology and society work together to construct males and females, men and women. Yet, in addition to the question of how males, females, men and women come to be, we might also ask what they are. What are we getting at or trying to get at when we attribute either a sex or a gender to another person or to ourselves? Copp’s interest is in showing how and when conceiving of oneself as a female or a woman becomes an identity one possesses; others are interested in discovering whether one is first a female and then a woman or first a woman and then a female. For my part, I am interested in what females and women are and how we decide whether a given individual is one.

⁶ See, for example, John Macionis, *Sociology* (Englewood Cliffs, NJ: Prentice Hall, 1993).

⁷ Monique Wittig, “One Is Not Born a Woman,” in Nicholson, ed., *The Second Wave*, pp. 265–272.

⁸ Judith Butler, *Gender Trouble: Feminism and the Subversion of Identity* (New York: Routledge, 1990).

⁹ Juliet Mitchell, “Introduction – I,” in Juliet Mitchell and Jacqueline Rose, eds., *Feminine Sexuality: Jacques Lacan and the école freudienne* (New York: W. W. Norton and Pantheon Books, 1985).

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In chapter 1 of this book I ask whether any one knows. For, more frequently than we might suspect, medical experts, legal authorities, and psychosexual researchers disagree both with each other and with themselves. Sometimes authorities rely on chromosomal make-up. One is a woman if one has XX chromosomes and one is not a woman if one has XY chromosomes. Yet, what of individuals who have sex-reassignment surgery or individuals born with an insensitivity to androgens so that, although they have XY chromosomes, they look like women? Identity as a woman sometimes ignores chromosomes and refers to the appearance of the genitalia. At other times it refers to the set of activities and behaviors that the individual enjoys, or to the person's own ideas of who or what he or she is.

Such differences in accounts of who is a woman and in determinations of what counts as female recall similar differences in legal determinations of who was a black in the nineteenth and twentieth centuries. State and federal courts investigated the boundaries of US racial divisions in a variety of contexts. Slave laws prohibited the enslavement of whites and from the late 1600s on also prohibited the enslavement of American Indians. After the Civil War, bans on interracial marriage prevented whites from marrying non-whites. Until 1952, naturalization laws precluded citizenship for all those who were neither black nor white. Until at least the mid-1960s Jim Crow laws limited the access of blacks to almost all public services and institutions. But how were courts to decide who was what? Just as the medical, legal, and psychosexual communities disagree on the criteria for being a woman today, different courts came to different conclusions about race. Indeed, sometimes the same court came to different conclusions at different times and many courts contradicted themselves whenever it was necessary to maintain the racial status quo.

Do these cases have any implications for the determination of sex and gender? Quandaries in racial identification and identity have led to the now widely accepted account of race as a social construction; certainly many conceive of sex and gender as social constructions as well. Part of the point of the present book, however, is to ask whether a

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different conception of racial, sex, and gender identities might not be equally important. For surely the way we identify ourselves and others is a way of understanding who or what we and they are. That is, it may be that the identities we take seriously today are ones with social and historical causes that constructed people as certain kinds of people. Yet, identities are also simply interpretations of who people are, interpretations that select among the various possibilities in our culture and tradition for saying who and what people are. As ways of understanding, however, identities possess the same features as understanding in general and the same features, in particular, as understanding texts. When we ask who someone is, we are asking the same sort of question we ask when we want to know what the meaning of a particular text is; we are trying to understand the person's "meaning."

Textual understanding has at least three characteristics that are important for thinking through the questions of identities. First, our understanding of texts is situated. We do not come at our texts with a fresh eye but instead with one that is pre-oriented towards the text in a certain way because of the culture and traditions in which we have been socialized. Second, our understanding of texts is purposeful. When we understand a text, we do so not only from a certain perspective and not only within a certain framework of assumptions and concerns. In addition, we have certain hopes and expectations for the text, certain reasons for reading it, and particular worries we would like it to address. Third, because we recognize ourselves as situated and purposefully oriented, we are prepared for different interpretations of the text's meaning. We assume that others have and will understand it differently than we do and, moreover, that we may bring a different framework of attitudes, expectations, and concerns to it at different points of our life. In this book, I want to suggest that our understanding of a person's identity is likewise situated, purposefully oriented, and partial. As Copp's work suggests, it is not novel to assert that understanding another person or oneself as a black is possible only because of the particular history out of which we have emerged. The same holds of races in general: we can understand people as raced individuals only

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because of and within limited historical and cultural contexts. Indeed, a particular person can be a black in the United States and a white in Latin America and the possibility of his or her being either black or not-black depends upon the particular histories of the particular racial traditions involved. Nevertheless, I also want to make a further claim: even within the historical and cultural settings in which we can be understood as black, white, Asian or Latino/a and in which we can be understood as females or males, men or women, we cannot only or always be understood in any of these ways. Particular historical and cultural contexts may give rise to racial, sexed, and gendered identities. It is a further point to say that only particular contexts within those broader historical and cultural frameworks can include raced, sexed, or gendered individuals as intelligible “parts.”

The contradictions in identity attribution that I explore in chapter 1 and 2 of this book are the result of ignoring these sorts of limits on intelligibility. Just like texts, people have different meanings in different contexts and the meanings they have depend upon the relations, situations, and frameworks in terms of which we are trying to understand them. When we understand who a person or ourselves is, we do so only from a certain perspective and only within a certain framework of assumptions and concerns. Hence, our understanding of ourselves and others is always partial and perspectival. An identity is never either the whole of who we are or who we always are. Rather, who we are depends upon the context in which the question arises and the purposes for which it is asked. The source of contradictions in legal, social, and medical accounts of which race, sex, or gender a given person has stems from a failure to recognize that identities are always situationally curtailed. In chapters 6 and 7 of this book I try to make this point clear by looking at debates over the politics of recognition, marriage between same-sex partners, and gays in the military. For, in each of these cases, particular identities overflow the arenas only within which they make sense.

Much of what I say in this book touches on two other important issues. The first involves our assumptions about the binary nature of

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sexes and genders and the second asks what is excluded in our use of the category of “women.” In the hope of further clarifying my own focus, I want to look briefly at both discussions.

The issue of the binary nature of sex and gender raises the question as to whether we must or even should sort people into one or the other of two and only two sets: male or female, man or woman. Are there two and only two sexes coordinated with two and only two genders? Adding intersexed individuals to our current binary system, Anne Fausto-Sterling once somewhat facetiously proposed what she called a five-sex system consisting of men, women, herms (intersexuals with equal portions of male and female attributes), fermes (intersexuals with a high proportion of female attributes), and merms (intersexuals with a higher proportion of male attributes).¹⁰ In contrast, according to Thomas Laqueur, Europe used a one-sex model until the latter part of the eighteenth century.¹¹ Metaphysical commitments about the hierarchy of nature required that men and women belong to the same order so that men could be placed above women in the scheme of things. The scheme did not require physicians to overlook all differences between men and women. These they saw in terms of oppositions between cold and heat, moist and dry. Nevertheless, they tended to think that the oppositions occurred within a single sex: female bodies were outside-in male bodies, as Aristotle and Galen said, possessing the same *telos* as men but without sufficient heat to take the male form to its perfect completion.¹² It followed from this view that women with too much bodily heat could produce semen and that if women became entirely too hot through exercise they might suddenly sprout penises.¹³

¹⁰ See Anne Fausto-Sterling, *Sexing the Body: Gender Politics and the Construction of Sexuality* (New York: Basic Books, 2000), p. 78.

¹¹ Thomas M. Laqueur, *Making Sex: The Body and Gender from the Greeks to Freud* (Cambridge, MA: Harvard University Press, 1990).

¹² *Ibid.*, p. 4.

¹³ *Ibid.*, pp. 123–126. Also see Merry E. Wiesner, *Women and Gender in Early Modern Europe*, 2nd edn. (Cambridge: Cambridge University Press, 2000), p. 54.

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Despite the apparent eccentricity of such beliefs, Laqueur does not think that they can be explained simply as the result of inadequate medical and scientific knowledge. The discovery of the clitoris during the Renaissance could have been used to undermine these beliefs because it meant that the model had to deal with two penis analogues: the vagina and the clitoris.¹⁴ Conversely, the discovery of “a morphologically androgynous embryo”¹⁵ in the nineteenth century could have been used to support a one-sex model. Laqueur therefore cites extra-scientific causes for the move to a two-sex model. The pre-modern and early-modern body occupied a different conceptual space from the modern one. It was not the bedrock material substance on which various attributes could be hung. Instead, it was an illustration of the cosmic order in which microcosm and macrocosm were mapped onto one another and in which men and women had their proper places as two genders hierarchically positioned along a single body.

Numerous historical and anthropological investigations indicate that we need not be content with only two genders, however. Randolph Trumbach argues that “mollies,” or adult, transvestite, effeminate homosexuals constituted a third gender in England and Northwestern Europe in the eighteenth century and that “sapphists” or lesbians constituted a fourth gender in the nineteenth century.¹⁶ In regions of the Balkans, at least up to the early twentieth century, daughters were sometimes raised as sons and women sometimes lived as men, receiving certain male privileges and answering to male pronouns.¹⁷ Perhaps the most famous of the additional genders, however, are the *berdaches* or Two-Spirits of certain American Indian

¹⁴ Laqueur, *Making Sex*, p. 65. ¹⁵ *Ibid.*, p. 10.

¹⁶ Randolph Trumbach, “London’s Sapphists: From Three Sexes to Four Genders in the Making of Modern Culture,” in Gilbert Herdt, ed., *Third Sex, Third Gender: Beyond Sexual Dimorphism in Culture and History* (New York: Zone Books, 1993), pp. 111–136.

¹⁷ See, for example, “Woman Becomes Man in the Balkans,” in Herdt, ed., *Third Sex, Third Gender*, pp. 241–281.

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cultures.¹⁸ Early studies of *berdaches* often saw them as homosexuals or “sissies,” who the studies defined as men who had shown cowardice on the field of battle and were thus condemned to live as women. However, more recent studies suggest that they were either a mixed gender of man–woman¹⁹ or a third gender,²⁰ or even, in some cases where the status includes *berdaches* mixing a female anatomy with a masculine life, a fourth gender.²¹

In addition to questioning the number of sexes and genders, theorists have also been interested in the intersections of the sexes and genders we currently recognize with other forms of identity, particularly race and class. The perplexities that surround sex and gender thus do not limit themselves to the question of how sex and gender are themselves interrelated, but how they are related to other categories of identity and how these other identities can affect the identities of particular individuals. As Linda Martin Alcoff puts the point, the “expressions” an individual’s race take depend upon that individual’s class and gender; the “expressions” an individual’s gender take depend upon that individual’s class and race; and the “expressions” an individual’s class take depend upon that individual’s race and gender.²² Consequently, specifications of the category of women pose what Sally Haslanger calls commonality and normativity problems.²³ Because of their different races and classes, there are no characteristics that all women possess. Furthermore, if we look for commonalities, we are in danger not only of overlooking differences between women but also of establishing normative standards for the

¹⁸ Sabine Lang, *Men as Women, Women as Men: Changing Gender in Native American Cultures*, John L. Vantine, trans. (Austin, TX: University of Texas Press, 1998), p. 10.

¹⁹ See Lang, *Men as Women, Women as Men*.

²⁰ See, for example, Will Roscoe, “How to Become a Berdache: Toward a Unified Analysis of Gender Diversity,” in Herdt, ed., *Third Sex, Third Gender*, pp. 329–372.

²¹ See, for example, Roscoe, “How to Become a Berdache,” p. 370.

²² See Linda Martin Alcoff, “The Contrasting Ontologies of Race and Gender,” Paper delivered at the Pacific meetings of the American Philosophical Association, 2003.

²³ Sally Haslanger, “Gender and Race: (What) Are They? (What) Do We Want Them To Be?,” *Nous*, 34 (1), 2000, p. 37.