

GENDER, A VARIABLE IN THE CONSTRUCTION OF SEXUAL IDENTITY:
CONTRIBUTIONS, PHANTOMS, EVOLUTION

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ABSTRACT

THIS PAPER ANALYZES THE DEBATES ABOUT THE RELATIONSHIP OF SEX-GENDER-SEXUALITIES FROM DIFFERENT DISCIPLINARY PERSPECTIVES AND THE CONTRIBUTIONS OF MANY AUTHORS, FROM PRE-SOCRATICS TO R. J. STOLLER AND J. BUTLER. IT RETROSPECTIVELY STUDIES THE STAGES PRECEDING THE EMERGENCE OF GENDER AS A CONSTRUCTION WITH A HIGH MONITORING OF THE SOCIAL NORMS THAT ENCODE BEHAVIORS SO-CALLED "MALE" OR "FEMALE" ACCORDING TO THE ESTABLISHED ORDER: WHOEVER CONTRAVENES THIS DOGMA IS OUT OF THE NORM, ABNORMAL; AND THE GHOSTS ASSOCIATED WITH THESE BEHAVIORS. IT CONCLUDES THAT GENDER IS A VARIABLE IN THE CONSTRUCTION OF SEXUAL IDENTITY. WHATEVER THE GENDER, IT IS INFLUENCED BY FAMILY AND SOCIETY, AND ALL THAT IS DIFFERENT LEADS TO EXCLUSION AND SECLUSION. THE CONSTRUCTION OF GENDER TAKES INTO ACCOUNT THE COMPLEXITY OF SEXUAL IDENTITY, I.E., THE FUNDAMENTAL DISCONTINUITY AMONG BIOLOGICAL SEX, SOCIAL GENDER, SEXUALITY AND DESIRE.

KEY WORDS: SEX, GENDER, SEXUALITY, SEXUAL IDENTITY

It was curiosity—the only kind of curiosity, in any case—that is worth acting upon with a degree of obstinacy: not the curiosity that seeks to assimilate what it is proper for one to know, but that which enables one to get free of oneself . . . to know how and to what extent it might be possible to think differently, . . . instead

of legitimating what is already known.

MICHEL FOUCAULT. History of Sexuality (1).

INTRODUCTION: THE INCONSISTENCY BETWEEN SEX, GENDER AND SEXUALITY

The inconsistency between (biological, natural) sex, (societal, construct) gender, and sexuality (the particular desire of everyone), popularly expressed by the all-encompassing term gender concept is closely associated with the great debates taking place in contemporary society. We must affirm that the sex-gender-sexuality trilogy—studied by every professional engaged in psychology, psychoanalysis, psychiatry, anthropology, philosophy and sociology, among others—absolutely rejects any hermeneutic argument on “gender” conceptualization. Advocates of the sexual norm (sex, gender or sexuality), who can only be inserted within heterosexuality, obstinately hold on tight to this predicting that this concept leads us straight to a civilization chaos. The “gender” concept has been mistreated and misinterpreted. It is the locus for all phantoms and projections, without bearing in mind the complexity of sexual identity.

FIRST PART. DISCONNECTION OF THE THREE CONCEPTS: SEX, GENDER, SEXUALITY

I. The current concept, Judith Butler

The “gender studies,” being Judith Butler its most outstanding representative, show that gender is a social and cultural construction, not an unchanging element of nature. Its translation as “gender theory” does not take into consideration the fact that “gender studies” are not so much a theory, but a field of gender research and studies.

Gender Trouble: Feminism and the Subversion of Identity by Judith Butler, published in the United States in 1990, and in France in 2005, states that gender is an acquired conduct, a performance in which a person is born a boy or a girl.

It is the highly supervised construction of societal rules codifying the so-called "female" or "male" conducts following the order established in accordance with a dual exhortation, namely:

- a boy sex becoming a male gender;
- a girl sex becoming a female gender.

For the purpose of procreation, heterosexuality is the sole possible union of the two. Any departure from this dogma means living outside the rules, entering abnormality. Our Western societies establish norms ensuring male-gender domination and heterosexuality.

The disconnection of the three concepts is Judith Butler's merit. The biological sex concept does not, in any way, forebode the gender forged with the help of environment, no more than its sexual orientation, which can be revealed as heterosexual, homosexual, bisexual... There are multiple combinations in accordance with the gender acquired and vindicated by the person. The male sex can acquire a female gender and become heterosexual or homosexual depending on its election of (male/female) object.

A very misunderstood formulation is the one stating the existence of an equivalence or conformity between the biological sex and its specification. Of these three concepts, the biological sex is the only one that does not change. Until when? Certain biologists propose an environmental influence in the formation of sexual gametes.

II. The genesis of the "gender" concept and its contributions

Currently we cannot deal with the gender concept without a retrospective analysis of the main stages preceding its gradual emergence, elaboration and successive contributions throughout history.

The male and female founding myth. Historically, the male and the female have been based on the founding myth associated with the hunting man—the base for the fighting and aggressive male—and the dependent woman, confined to passivity and fertility. This mankind's division in two genders, with different occupations and behaviors, is collapsing, crumbling.

The original prohibition, the Bible. The first societal rule is contained in the Old Testament: "Women are not to wear men's clothing, and men are not to wear women's clothing; the Lord, your God, hates people who do such things" (2).

This original prohibition prevailed until the 18th century, during the rise and fall of the religious dogmatism and, later on, the emergence of the lay medicine.

The first feminist movements, the British suffragettes. At the beginning of the 20th century, British suffragettes were demanding a change in men-women equality. Their vindications of new rights were inspired by the French Revolution to change women's status, rights and empowerment. This was the historical emergence of societal feminist movements.

The decriminalization of homosexuals, the German psychiatry. When sodomites were decriminalized, German psychiatry inscribed it in the medical register of perversion. It did not "include" homosexuals in the scientific language, but recorded them as subjects living a certain pathological existence (3), within the causal context of the degeneration theory of the 19th century, when homosexuality was considered hereditary based on an anatomical and physiological substrate. Now, homosexuals are insane convicts with conscience (4).

A homosexual individual is born but is confined only to his/her sexuality. The homosexual yields to medical knowledge: a subject medically constructed. In the

same way, he is critical with himself and, supported by a large number of testimonies, demands not being categorized within the register of pathologies. The *Psychopathia sexualis* by Krafft–Ebing and its several testimonies made “homosexuality to speak about itself” (5). The being of the homosexual is not solely confined to his/her sexuality.

Variability of societal norms, the American anthropologists. In situ observations and experiences in oceanic societies, under study by American anthropologists Margaret Mead and Bronislaw Malinowski during the 1930s, show the variability of societal norms.

In *Habits and Sexuality in Oceania*, Margaret Mead refers to her observations. Every culture provides a particular social interpretation to sex differences.

Temperaments that we believe are common for a given sex can be merely simple variants of human temperament, and . . . education, to a greater or lesser extent of success and according to individuals, is what really allows relations to men or to women, or to both of them [6].

It has been accepted that no man is capable of keeping a secret . . .

It is considered that only men enjoy playing with small children.

Almost all household tasks have such a great sacred character that cannot be entrusted to women . . . [7].

These observations supported the denunciation against female and male stereotypes in our Western societies and led to the emergence of feminist movements.

Norms are constantly changing, they do not play the same role every time and in every place and, therefore, they are not stereotypes within a unique scheme. This is the first stage towards the construction of a gender concept.

Sexual identity is a social construction, Simone de Beauvoir. In 1949, *The Second Sex* by Simone de Beauvoir, which became a real literary scandal, denounces the hierarchy of the sexes. This feminist essay deals with discrimination between the male and female genders, to the detriment of the latter.

"We are not born, but become, women." This formulation caused stupefaction, rebellion and insults against Simone de Beauvoir, who dared saying, in argued terms, that sex (understood as the female gender) is not a natural element. Feminism denounces the female gender stigmatization within the hierarchy between the sexes in our societies.

The clinical practice, a testimony to the inconsistency between sex and gender, the Anglo-Saxon gender specialists. Based on the study of intersexuality and transsexuality, researchers Stoller and Money explain the common development of gender identity. They were interested in how boys became males and girls became females.

R. J. Stoller and John Money created the term gender role, different from the more traditional concept "sex role." They affirmed that gender was more an acquisition and learning than an innate process.

A reference for my clinical practice. The observations and professional ethic reflected by R. J. Stoller, an approach devoid of any a priori judgment, became a constant reference throughout my practice with transvestites and transsexuals. I was able to compare what we both observed. In almost every case I found a confirmation. My conclusion referred to psychotherapy with transvestites and transsexuals, though not aimed at "normalization."

Gender is a puzzle-like construction where every piece fits with another to arrive at "gender." It first relates to the biological sex, from which it can be freed becoming a being associated with intimate aspirations and turning the being into a phenomenological, independent, and free "entity."

SECOND PART. PHANTOMS: THE GREAT CHAOS THREAT

I. Voices against an alleged "gender theory"

a) First gender condemnation, the Bible. The Old Testament condemns the infringement of sexual norm, since it forbids assuming a sex gender opposed to one's sex gender. Though not dealt with as such, gender is present in this prohibition.

Observation: In a footnote, the original literal quote was: "Women are not to wear men's clothing, referring to disguises used in pagan ceremonies" (8).

The first literal prohibition refers to an additional discrimination against women, since it is only associated with the female sex. As if it were unthinkable for a man to wish to wear women's clothing.

b) A significant step for feminism, a small step for gender, Simone de Beauvoir. In 1949, Simone de Beauvoir's struggle was recorded as a feminist philosophy against women's sexual discrimination. However, this struggle is not exempt from sexual identity.

The Catholic Church affirms that Simone de Beauvoir's book "had only far-reaching implications among 'fashionable' intellectuals and feminist movements" (9).

Despite criticisms and slanders, *The Second Sex* and Simone de Beauvoir, commonly known as "Our Lady of Sartre" or even "La Grande Sartreuse," are still a feminist philosophical reference.

c) Charges against the gender concept: the Church interdicts. The Church dogma is that the genetic sex programs sexuality. A male sex copulates with a female sex in accordance with the good heterosexual order to procreate, thus bring about our civilization. Without the sexed support of gender, we will be structuring an androgynous society and threatening the correct world order.

In Europe, the familial model is structured around the "one man-one woman-children" cell. This model, supported by Christianity, emerged by the end of the Roman Republic and prevailed for two millennia.

Two centuries after, society individualized and the landscape became strongly modified as a result of the separation between the State and religions. Until that time, the alliance strategies prevailed in the selection of a partner, but now they are linked to desire and, at the same time, to versatility.

Since 2006, the Conference of French Bishops has had an impact in the social world against the Gender Trouble... by Judith Butler and "the gender theory," both of which have been attacked by the Church and the civil society at large, as well as by politicians, psychoanalysts, philosophers, and even feminists.

Thus, Monsignor Ginoux denounced a self-engendering process: "There is no longer what is given, what we must learn to live with; then, there is no longer creation: I create myself based on my inspiration to perform the social function and role I want" (10).

d) The incitement to phantoms. Questioned as a theory, the gender concept has been subjected to a large number of meditated and fantasized accusations:

1. It wants to eradicate the sex difference and nature as a whole. Such theory will try to render null and void the existence of men and women, thus allowing everyone to select what he/she is:

In keeping with our own will, each one constructs oneself, each one invents oneself and can have alternative sexuality elections. These theories are based on the idea that nature, what is sexed given, will become a nuisance from which the postmodern society must free itself [11].

Here we have a misinterpretation and a substitution of ideas, since that is false. In her book entitled *The Psychic Life of Power*, Judith Butler clearly

states how the child experiences a subjugation-submission creating his/her subjectivity. The child can do nothing but subordinating to his/her parent's laws, and this relates to the development of his/her sexual identity. The child is subjected to this law because submission is the condition of his/her existence.

Both sexual identity and sexuality subdue to the parent's education supported by the political powers of the civil society.

2. It wants to remove sexual identity from its biological connection. The relationship of evidence and "natural" connectivity between sex and gender is supported by the consensus of all societal classes.

Gender and sex studies allowed a disconnection of the equivalence between gender and sex. However, for the Church, this disconnection implied a heresy and foolishness, since it will bring about the possibility of gender selection and orientation.

The gender concept says no such thing. It simply says that there is no relationship between sex and gender.

3. It threatens the heterosexual society with the homosexual society. The general condemnation of deviated conducts is followed by homosexuality, the homosexual family and, consequently, gender. All these conducts would become threats against heterosexuality.

According to Jacques Arènes, psychoanalyst and member of the Family and Society Council of the Conference of French Bishops, "the gender theory" attempts to get rid of the difference as a dynamic of otherness. At a conference held in 2006, his intervention became a true homophobic accusation, though he denies it:

Thus, the continuous self-creation drifts apart from the existential drama of homosexuality, which returns and

recovers as a highly mediocre drama of homophobia and the imposition of unbearable rules [12].

Homosexuality is not an "existential drama." This meaningless idea is a moral stigmatization of a society that rejects and condemns every difference.

4. It wants to transform the sacred heterosexual family. Censors are reluctant to bear in mind the reality of familial transformations: metamorphosed, recomposed, monoparental, homosexual, bigamous, polygamous kinship. Now, all these forms of being are conjugated in plural, far from the unique nature of heterosexual couples. These are conducts long ago established, lived and rooted in the society, waiting for their legal and official recognition. Kinship structures are multiple and evolve through time. Having convictions, either religious or of other nature, do not exempt us from taking realities into consideration. A disturbing legal vacuum prevails in France.
5. It wants to compromise the future of feminism. According to Sylviane Agacinski, placing culture and its excesses in a transcendental position generates anguish in the future of feminism, drowned in the deep gender chaos. The "gender theory" leads to a blind alley and, for this philosopher, there would be no sex, but dozens of genders. The threat of neutralizing sexual otherness will no longer exist, even if we have to acknowledge the "uncompromising gap of difference . . . for the benefit of a differential anthropology" (13). It denies that mankind is heading for a reduction of differences and is in the midst of a reconciliatory anthropology of flesh and spirit.

II. The internalization of prohibitions

The societal norm imposes its law to the isolated individual. The ego ideal, the super-ego, is the representative of cultural institutions against the ego. The society

reminds isolated individuals which the moral rules are; those instilled in every individual inside his/her mental apparatus through internalized primary, parental, societal and religious identifications. This internalization was achieved by the gendarme, the guardian of rules who is the psychological super-ego that teaches us the "reality principle."

The medical law, enhanced since the 19th century by civil institutions (police, justice), is the secularized law of the religious norm [14].

The isolated individual internalizes the societal norm as law.

In *The Ego and the Id*, published in 1923, Sigmund Freud explains:

Seemingly, the living experiences of The Ego are lost; firstly, due to the hereditary legacy, but if frequently repeated, and with enough strength in a number of individuals, from one generation to another, they transpose, so to speak, as living experiences of The Id, whose footprints are preserved by inheritance. Thus, the hereditary Id includes the remnants of numerous Egos, and when The Ego extracts the Super-Ego from The Id, maybe it is simply updating more ancient figures of The Ego and reviving them [15].

Our conscious acts come from the familial and ancestral hereditary influences that forged our personality. All prohibitions were internalized since time immemorial.

The Great Ego of society is in charge of preventing the disorder engendered by uncontrolled, non-repressed, impulses of a society which is only willing to follow the pleasure principle, despite the fact that such principle leads mankind towards a greater tolerance to conducts outside the norm.

There is no gender theory. There are just representations of man's place in the universe. Such representations are linked to religious, scientific and historical beliefs transmitted by learning the traditional representations of all value

judgments through generations that place the gender controversy in the center of ethical considerations.

THIRD PART. EVOLUTION, POSSIBILITIES

Gender is a perpetual transformation process, not paralyzed in time, and prone to change and evolve.

In its tables of the law, Argentina stated the non-connection between sex and gender. Now, every citizen is entitled to freely register the selected gender in his/her identity card without resorting to a surgical operation to change his/her sex. So far, Argentina has not authorized the medically-assisted procreation or the medically-assisted pregnancy, so much feared by opponents to the gender concept in France. They are classified within the "everything is possible."

Paradoxically, the voluntary interruption of pregnancy is penalized in Argentina. Therefore, in conformity with Article 86 of the Argentinean Penal Code, under the "Crimes against Life" Chapter, this interruption is only authorized in two situations: "rape of a mentally retarded or insane woman" and "danger for the woman's life or health." For those opposed to this interruption, such a measure meant legalizing the practice. Due to the explosiveness of this issue (even more than the gay marriage), the government immediately pulled out.

In France, some laws aimed at these transformations come up. The homosexual marriage or "marriage for all" was authorized in France by a law passed on May 17, 2013, thus becoming the fourteenth country allowing marriage of homosexual couples.

In the United States, marriage for all was authorized in seventeen states plus Washington DC and forbidden in the remaining twenty-seven states.¹ This marriage was recorded among the most sensitive issues in the political sphere of this country, thus indicating that homophobia still persists.

In the homo-parental age, we can state that it has been registered as a result of a legal restructuring. The last one states the following:

- in the Age of Enlightenment, minorities enjoyed new rights;
- in the 1930s, homosexuality was no longer considered a pathology; and later on, psychologists stopped considering it as a perversion;
- observation of primates revealed that mammals as close to us as the bonobos and the chimpanzees (97% genes common with men) are bisexuals.

The French psychoanalyst Pierre Fédida states:

The obsession with certain forms—and also of certain forms—goes hand in hand with regression, which is the single potential process to set the living in internal movement [16].

Since then, homosexuality is acknowledged as normal, so it is normal for homosexuals to express their wish, like everybody, to have children.

On February 8, 2010, the Ministry of Health approved a decree deleting gender identity disorders (or transsexualism) from the psychiatric long-duration illnesses. In other words, transsexualism was removed from the DSM-IV (Diagnostic and Statistical Manual of Mental Disorders) and transsexuals are no longer considered persons with mental illness.

The wish to be recognized within a gender disconnected from the biological sex is following the same path as the recognition and the acceptance of homosexuality.

The sense of marriage, the roles played by men and women, and heteronormality are no longer the only reference models.

GENERAL CONCLUSION: IN MAN, EVERYTHING IS A CONTINGENCY

Gender is a variable in the construction of sexual identity. No matter which, its construction has always the same parental and societal influences.

Everything strayed from difference leads to exclusion and isolation.

The Merleau-Ponty phenomenology advocates the idea of a being-entity who rejects the concept of essence of man: "Man is a historical idea, not a natural species" (17).

Today, vibrating inside the human Great-Wholeness provides a sense to life. Acknowledging differences means life.

Without this initial step, the evolution of the human species is heading towards a lethal interruption.

The gender concept takes into consideration the sexual identity complexity, that is, the fundamental discontinuity among biological sex, social gender, sexuality, and desire.

NOTE

1. As it is well known, same-sex marriage is already authorized in all of the states.—Ed.

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