

10-25-2017

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Toby Finlay
Wilfrid Laurier University

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Recommended Citation

Finlay, Toby. "Non-Binary Performativity: A Trans-Positive Account of Judith Butler's Queer Theory." *Laurier Undergraduate Journal of the Arts* 4 (2017) : -. Print.

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Non-Binary Performativity: A Trans-Positive Account of Judith Butler's Queer Theory

Toby Finlay

I. Introduction

The work of queer and feminist scholar Judith Butler has revolutionized our understanding of gender within contemporary social theory. In *Gender Trouble* (1999), Butler develops the theory of gender performativity that challenges the conception of gender as a natural, pre-discursive characteristic of human beings, allowing for an interrogation of the systems of power-knowledge that constitute gender arrangements. This post-structural reconceptualization of gender is particularly significant for queer and trans communities insofar as it elucidates the symbolic violence through which binary gender categories defined in heterosexual opposition to one another are imposed on all individuals at birth. Despite these theoretical implications, reframing gender in this way necessitates a deconstruction of the identity politics that have come to characterize the gay- and trans-rights movements. To the extent that performativity questions the possibility of stable queer or trans identities, Butler's theory may be perceived as invalidating the self-determination of queer and trans people. Consequently, there is a demonstrated need for a trans-positive reading of Judith Butler's queer theory that unites the validity of queer and trans experience with the performativity of gendered subjectivities.

In *Undoing Gender* (2004), Butler attempts to quell the perception that her queer theory would invalidate the identities of queer and trans people. She acknowledges queer and trans people's nuanced relationships with identity by highlighting the paradox within which both the presence and absence of identity categorization constitute an unlivable constraint over human life (3–4). In many ways, being recognized as people in liberal-humanist society is dependent on queer and trans people claiming an intelligible sexual orientation and gender identity; however, claiming these identities can also be understood to exercise constraint over our non-normative ways of being. As a person who does not self-identify with either binary gender category (i.e., neither male/masculine nor female/feminine), I regularly negotiate this intersection of needing to assume queer and non-binary identities to render

my unique subjectivity recognizable to others while still not feeling entirely represented by these terms. Within the queer and trans communities more broadly, however, there is a reluctance to acknowledge these limitations of identity-based frameworks, likely because of the necessity of identity to our recognizability and political movements.

Butler's consideration of queer and trans people's paradoxical relations to gender identity is, thus, theoretically significant because it centres the role of violence in producing queer and trans subjectivities. Nevertheless, Butler's exploration of gender constitution can be accused of exploiting non-traditional gender arrangements in complicating the gender experiences of primarily cisgender audiences. Accordingly, critical trans scholar and activist Viviane Namaste critiques Butler's queer and feminist analyses for requiring the existence of violence against trans bodies but largely decontextualizing this violence in the pursuit of her theoretical objectives ("Undoing Theory" 19). Butler's inquiry therefore fails to the extent that it does not centre the authentic experiences of queer and trans individuals (i.e., the drag queens and kings, intersex folks, trans folks, indigenous and racialized folks, and the many intersections of these positionalities) who make this exploration possible. In this context, the unrepresentativeness of Butler's performative framework for queer and trans experiences is particularly problematic and justifies a reclamation of her queer theory by and for queer and trans scholars and our communities. Thus, the purpose of this paper is to provide a critical reading of Butler that identifies and creates space for subversive and non-conforming gender performativities within contemporary social theory.

II. The Heterosexual Matrix

An exploration of Judith Butler's theory of gender performativity necessarily begins with an evaluation of the power relations that constitute people's experiences of gender and desire. According to Butler, there is no gendered self that exists prior to language, but rather, people are established as gendered subjects "through becoming intelligible in accordance with recognizable standards of gender intelligibility" (*Gender Trouble* 22). This means that people's gendered subjectivities are defined with reference to a grid of intelligibility, so that only those arrangements of gender and desire that conform to cisgender and heterosexual norms are discursively possible. Butler refers to this grid of intelligibility as the heterosexual matrix, arguing that the compulsory practice of heterosexuality requires that the categories of masculinity and femininity be defined in binary and hierarchical opposition to one another (*Gender Trouble* 194). The heterosexual matrix, then, represents a dis-

course—a historically specific organization of language and rules (*Gender Trouble* 184)—that constitutes a relation of power and a correlative system of knowledge. Within this discourse, persons only can become intelligible inasmuch as their gender conforms to the category assigned to them at birth and their desire is confined to the “opposite” gender category.

By considering the positionality of individuals whose subjectivities exist outside this normative ideal, we can understand how nonconformity is regulated and (dis)allowed within the heterosexual matrix. Utilizing Wendy Brown's critique of tolerance in *Regulating Aversion* (2006), Gressgård challenges the tolerance discourse that is increasingly used to govern queer and trans people in late-modern, liberal-humanist society (Gressgård 543). According to Brown, tolerance is a discourse of depoliticization through which the objects of tolerance are marked as inferior to the normalcy of the tolerating subject while the discourses that oppress them are naturalized (13–14). Within the framework of tolerance, queer and trans people are granted intelligibility only to the extent that our non-normative identities uphold liberal-humanist notions of individual choice and can be indoctrinated into the discursive norms of the heterosexual matrix (Gressgård 547). Those who exceed the limits of tolerance are subject to violence, such as that which punishes gender nonconformity as in “gaybashing” or more accurately “genderbashing” (Namaste, “Genderbashing” 591), or retaliation for “sexual fraud” after heterosexual men experience attraction to trans women (Juang 714). My invocation of this physical and symbolic violence inflicted against trans bodies is intended to validate the very real consequences that many trans people face due to their unintelligibility within the heterosexual matrix.

III. The Politics of Recognition

The heterosexual matrix is significant to Butler's theory of gender performativity because intelligibility is a necessary prerequisite to recognizability within discourse. Influenced by the Hegelian tradition, Butler defines recognition as a process of desire to be constituted as a socially viable subject in accordance with the established norms of intelligibility (*Undoing Gender* 2). This process of recognition is dependent on the existence of an Other against whose reflection a subject understands themselves and who is reciprocally recognized and understood in the reflection of the subject (131). Recognition can, then, be understood to take place within the communicative practices in which subject and Other are mutually engaged (132). In *Bodies that Matter* (1993), Butler clarifies that the process through which both subject and Other recognize each other cannot exist outside discourse, for this

discursive framework “precedes and conditions the formation of the subject,” so that the process of recognition only gains “authority through the ... citation of a prior, authoritative set of practices” (226–227). In the same way that a judge cites the law when exercising legal authority (225), social recognition must make reference to the norms that make it intelligible.

This citational framing of recognition within normative discourses demonstrates the political implications of who can and cannot be recognized in contemporary society. In *The Politics of Recognition* (1994), Charles Taylor understands recognition as a vital human need that allows access to self-identity and the rights-based privileges of liberal democracy, and as such, non-recognition or misrecognition are understood as forms of oppression against marginalized communities. Juang later extends Taylor’s politics of recognition to include transgender subjects, advocating for a robust politics of recognition that attends to the many intersections of gendered and racialized subjectivities (Juang 243). Butler also acknowledges the necessity of being recognized and addressed in discourse (“Giving an Account of Oneself” 34), although she challenges the assumption made by Taylor and Juang that the self exists and can account for itself independent of this discourse. For Butler, recognition is limited by the temporal discontinuities of the self and the power relations of language in which that self is recognized (27). Achieving recognition would thus constitute a loss of self because the account one gives of oneself cannot represent those parts of subjectivity that exist prior to language or that are not susceptible to being represented through the rules of language (26–27).

In this way, the notion of a coherent and permanent self-identity is dismantled by the fundamental impossibility of becoming fully recognized within language or fully embodying the terms that are ascribed to people within language (Butler, *Bodies That Matter* 226). Traditionally, social theory has worried that without a coherent, pre-discursive “self,” people’s capacity to exercise agency would be diminished or erased by the languages and discourses through which their subjectivities are formed. Butler contradicts this notion by clarifying that subjects are not entirely determined by discourse, but rather they are constituted in reference to discourse and acquire agency based on the impossibility of this constitution to fully account for their subjectivity (*Gender Trouble* 182; Jackson 682). Those elements of people’s subjectivities that are excluded or misrepresented in any account of themselves that they provide, then, reveal their inability to achieve the normative ideal, return to disrupt the meaning of these ideals, and ultimately constitute their capacity for agency (Jackson 675).

I argue that queer and trans people are more frequently asked to account for ourselves by virtue of the unrecognizability of our subjectivities within the normative

discourse of the heterosexual matrix. We are all too familiar with stereotypical questions about “when we knew” or “when we came out,” and the majority of queer and trans people are familiar with the difficulty in providing a satisfactory response to these questions. Perhaps, as Butler argues in “Giving an Account of Oneself,” there are certain unintelligible or preconscious forces that exist within people and predestine their narrative accounts to failure. If this is the case, queer and trans people could ask whether the tendency to claim our queerness and transness as coherent self-identities is symptomatic of a broader discomfort with the non-narrativizable content of human subjectivity. Accordingly, Butler’s theory encourages queer and trans people to consider what is lost when we provide these accounts of ourselves and consider the ways in which the unintelligibility and unrecognizability that these accounts elucidate may constitute queer and trans agency by opening possibilities for subversion.

IV. Non-Binary Interpellation

According to Butler’s performative queer theory, recognition within discourse is first conferred through the linguistic act of interpellation. In *The Psychic Life of Power* (1997), Butler provides a reading of Althusser’s concept of interpellation, which describes the subjection that occurs when an individual is hailed within language. The basic structure of interpellation involves the hailing of an individual using a name or other linguistic formation, which causes the individual to respond by turning around and in so doing to accept the term with which they were hailed. This initial act of turning around is characterized by Butler and Althusser as conferring identity on individuals through their submission to the authority that has performed the act of hailing. Butler then theorizes the act of interpellation in alignment with “Althusser’s notion of subjection and Foucault’s understanding of subjectivation” (Youdell 480) to emphasize how interpolation “initiates the individual into the subjected status of the subject” (Butler, *Bodies That Matter* 121). In this way, interpellation is a violent act that subjectivizes individuals and indoctrinates them into the norms and power relations of the heterosexual matrix.

Typically, Butler explores the concept of interpellation as it relates to the hailing of terms like “fag” (Youdell 481) and “queer” (*Bodies That Matter* 223), through which the subject is constructed as the homosexual Other within heterosexual discourse, regardless of their underlying desires or sexual practices. This means that being hailed as a homosexual—which Namaste clarifies is more often a function of gender nonconformity than actual sexual preference (“Genderbashing” 588)—constitutes the subject as the homosexual Other. If we transpose the logic of interpellation onto trans and non-binary people specifically, then Butler

would seem to suggest that when a subject is hailed as belonging to a binary gender category, they would be constituted as a member of that category. This argument is particularly invalidating for trans folks, suggesting that when “misgendered” (i.e., interpellated with an incorrect gender category) they become members of this non-affirming categorization. If this were the case, the very existence of trans and non-binary people would be invalidated by the linguistic formation of interpellation, which confers a hegemonic, epistemological quality to the “authority” who performs this gender non-affirming hailing.

We can begin to reconcile Butler’s account of interpellation with the experiences of queer and trans subjects by attending to the parts of the individual that interpellated subjectivities fail to recognize. Here, Slovenian scholar Mladen Dolar provides a reading of Althusser’s interpellation that attempts to centre the role of the psyche as “the remainder produced by subjectivation” (78). For Dolar, this “remainder” provides a means to conceptualize a “‘presubjective’ *materia prima* that comes to haunt subjectivity once it is constituted” (77) and that exists prior to one’s interpellation within discourse. This “presubjective” remainder is useful for queer and trans scholarship because it allows us to consider the violent implications of interpellation and the subjectivity that remains unrecognized when trans people are misgendered. Butler ultimately problematizes the temporal incongruity between this “presubjective” individual who is addressed in the linguistic act of hailing and performs the act of turning around and the “subjectivized” individual who is thought to be an effect of this interpellation (*The Psychic Life of Power* 123–24). Dolar’s understanding of interpellation is nevertheless significant insofar as it introduces a dialectic between the largely immaterial “presubjective” and the material “subject” that enables the construction of an affirming theoretical space for queer and trans people.

V. Non-Binary Performativity

The linguistic act of interpellation is a necessary but insufficient condition for subjectivation within Butler’s theoretical framework because there must also be a performative enactment of the discursive norms by which queer and trans people are interpellated. Through Butler’s understanding of performativity, gender is transformed from a real or natural characteristic of human beings into “a performative doing that constitutes the [gender] it is purported to be” (Jackson 680). In *Gender Trouble*, Butler explains that there is no “doer behind the deed” (181) of gender, but the “doer” or subject is invariably constructed through the performative enactment of gender. Importantly, this construction of the subject is never absolutely cemented,

and as such, the performative enactment of gender must be reiterated through an ongoing process of repetition and resignification (143). In the Althusserian sense, these repeated enactments of gender constitute a ritual, the performance of which materializes the gendered subjectivity of the doer (Butler, *The Psychic Life of Power* 125). For Butler, this ritualized repetition, reiteration, and resignification of gender is therefore productive of the material subjects of the heterosexual matrix.

This imperative for repetition introduces the possibility of variation into queer and trans people's performative enactments of gender and ultimately establishes the instability of gender categories (*Gender Trouble* 185; Jackson 679). To the extent that the need for performative repetition introduces opportunities for contestation, Butler's conception of performativity is conversant with Foucault's postmodern reimagining of power as a productive force that is exercised within social relationships (Foucault, *The History of Sexuality* 94). Within these power relations, power is not something that is possessed by one group and imposed upon another but is always vulnerable to "at least temporary inversion[s] of power relations" (Foucault, *Discipline & Punish* 27). As I previously mentioned, this fragility and vulnerability of the heterosexual matrix to inverted power relations or nonconforming performativity establishes the agency of gendered subjects (*Gender Trouble* 185). If subjectivity were entirely determined by discourse, as some readings of Butler erroneously conclude, the associated lack of agency would be problematic for queer and trans people, whose gender performativities often conflict with discursive norms. Here, however, the potential to subvert the heterosexual matrix in our performative repetitions of gender vests queer and trans subjects with an agency to challenge existing mechanisms of gender intelligibility (187–188).

In addition to creating opportunities for queer and trans agency, Butler's account of performativity challenges the notion of gender as an identity or characteristic of individual persons by arguing that there is no stable ontology of gender. Butler contends that ontologies of gender must be citational, meaning that they are determined in reference to an existing, authoritative discourse (*Gender Trouble* 189). As a result, the expressions of gender that qualify as intelligible and recognizable are fundamentally constrained by the discursive context in which gender is performed. In problematizing gender as a real characteristic of persons, Butler elucidates an important question about the epistemology of gender that has theoretical implications for trans and non-binary communities. Without an ontologically real gender that is epistemologically knowable to the subject, trans and non-binary people's capacity for self-identification with a gender category different from that which we were assigned at birth, and with which we are traditionally interpellated, is compromised. While Butler's rejection of identity politics in favour of performative

enactments is not necessarily surprising, it is nevertheless problematic for queer and trans people who may feel as though we need a stable self-identity in order to achieve safety and recognizability in liberal-humanist society.

Contemporary social theorists can reconcile Butler's theory of gender performativity with queer and trans people's lived experiences of gender by reconsidering the "non-narrativizable" unconscious ("Giving an Account of Oneself" 35) or "remainder" (*The Psychic Life of Power* 121) that may underlie and orient the subjectivities that people subsequently perform. In "Giving an Account of Oneself," for example, Butler conceptualizes an unconscious that cannot be narratively accounted for but that resides within us as an unintelligible psyche. Perhaps, as I previously argued, the concept of gender identity is an attempt for individuals to make sense of this unconscious and render it recognizable within Enlightenment-based liberal-humanist discourses. If this is the case, the parts of this unconscious that do not conform to the normative expectations of the heterosexual matrix can be understood as a "psychic excess" that constitutes queer and trans people's potential for subversion in performative repetitions of gender (Jackson 681). I argue, therefore, that even without the notion of gender identity, queer and trans people can still account for the nonconformity to interpellated gender categories that is the foundation of our subjectivity and agency.

VI. Non-Binary Self-Determination

In spite of Judith Butler's profound influence on our understanding of gender within contemporary social theory, her queer and feminist analyses foreground the vast dichotomy between post-structural theories of subjection and queer and trans people's self-determination. Butler's queer theory can, then, be critiqued because of the epistemological authority she ascribes to interpellation and the normative citationality she requires of gender performativity, which may foreclose the possibility of self-determination for trans people in particular. Throughout this paper, I have provided a reading of Butler from my own perspective as a nonbinary, queer person who is attempting to negotiate this problematic by attending to the pre-subjective and non-narrativizable forces that cannot be accounted for within Butler's framework. I have argued that rather than foreclosing the possibility of self-determination, the inability of performative repetitions of gender to fully account for these unconscious forces produces the agency with which queer and trans people are resisting the apparatuses of gender intelligibility. In this way, Butler's queer theory contributes to the larger movement taking place within transgender scholarship to understand and advocate for the gender self-determination of trans and nonbinary people.

Indeed, Butler's theory of gender performativity strengthens this movement by challenging the validity of the identity politics on which it is based, thus forcing queer and trans scholars to consider the political implications of "identity." In the context of liberal-humanism, asserting a non-binary identity is necessary for trans and/or non-binary people to achieve recognition and intelligibility that validates our experiences of gender and provides us access to rights-based protections. However, accepting identity categorization within this framework can also be perceived as violent when we understand that "improper gender tends to become allied with inhumanity" (Gressgård 550) such that claiming a trans identity can constitute an unlivable constraint over life (Butler, *Bodies That Matter* 230). Accordingly, critical transgender scholars argue that revolutionary queer theory and praxis cannot continue to adhere to the mechanisms of gender identification advanced within the heterosexual matrix (Spade 235). Self-determination is, then, reframed from a means for trans and non-binary people to assert our gender identities to a political movement to dissolve the notion of gender identity itself (Currah 24).

Importantly, this paper is positioned within this larger project of gender self-determination as an attempt to reclaim academic discourse about queer and trans people. Beginning with Butler's work in *Gender Trouble* (1999), feminist theory has attempted to answer what Viviane Namaste describes as "the Transgender Question," in which violence inflicted against trans people is used to theorize the constitution of gender (*Undoing Theory* 20). As I have argued, the inquiry inspired by the Transgender Question has significantly broadened queer and feminist theory's understanding of gender but has done so in ways that invalidate the gender self-determination of trans people. My primary critique of Butler is that her theoretical exploration could not exist without trans people's experiences of violence, yet her resulting theory lacks political utility for trans and non-binary communities. I have endeavoured to redress this dialectic by demonstrating the usefulness of Butler's theory of performativity to queer and trans people's larger attempts to challenge the apparatuses of gender intelligibility and so from my own positionality as a non-binary person. I believe that if we are serious about achieving self-determination for queer and trans people, we must begin by reclaiming our positionalities and centring our political objectives within queer and feminist theory.

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