Gender and the Problem of Universals: Catholic Mobilizations and Sexual Democracy in France

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Abstract

In the 1980s, John Boswell analyzed the controversy between 'essentialists' and 'constructionists' in gay and lesbian studies in the light of the medieval 'problem of universals.' This paper revives this analogy to understand the controversy launched by Catholic authorities against the (so-called) 'theory-of-gender' pitted against gender studies at the risk of equating God with Nature.

Keywords

Theory-of-gender; gender studies; universals; nominalism and social constructionism; realism and essentialism; nature and biology; sexual democracy.

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Religious Drag and Closeted Homophobia

In one episode of Woody Allen's 1972 film *Everything You Always Wanted to Know about Sex (But Were Afraid to Ask)* (a title borrowed from a real medical bestseller – a 1969 sex manual), a 1950s-style, black-and-white television game show offers one contestant every week a chance to act out his (clearly not *her*!) fantasy. Rabbi Chaim Baumel (from Muncie, Indiana) wishes to be tied up: a 'girl' on the celebrity panel obliges; then a model pretends to be his 'governess' and starts spanking the old man ('You've been a naughty rabbi!'), while his wife (also flown in from Indiana) sits at his feet eating... pork chops, thus enacting

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his dream. 'What's my perversion?' The title of the (fictitious) show raises a good question: in a world of sexual liberation, perversions cannot be primarily sexual any longer; could they not become religious instead? The joke begins and ends with religion – not sex: the (gentle) whipping would hardly be comical otherwise: by contrast to the wholesome dominatrix, the old-fashioned rabbi appears kinky. This is due to his titillating religious transgression, not to his ordinary sexual fetish (silk stockings).

In a word, the traditional relationship between sex and religion is now reversed. The normalization of queerness implies the queering of the norm, whether religious or not. This underlied my argument in a book on the 'inversion of the homosexual question': nowadays, the interrogation is not so much, as used to be the case, 'how can one be a homosexual?' but rather, with the same disbelief: 'how can one be a homophobe?' (Fassin 2005a). The LGBT movement has turned the tables of suspicion. In terms of religion, this raises yet another question. Not so much: 'how can one be religious?' but rather: 'why should institutional religion care so much about sexuality – let alone homosexuality?' This is not merely a repetition of the old rationalist critique of religious 'superstition'. Today, the questioning of religion in the name of sex undermines that of sex in the name of religion.

This new context sheds light on a recent moment of television comedy. On January 24, 2013, the Colbert report devoted a segment to French 'family values', and ironically celebrated massive conservative demonstrations against 'marriage for all': 'To be clear, in France, the people with the pink signs dancing to Abba are the anti-gay protesters!' This is no joke. Stephen Colbert here pointed out one of the more remarkable aspects of the opposition to 'gay marriage': drag. This paradoxical feature first appeared in October 2011 when philosopher Judith Butler, who has been identified by Catholic authorities with the so-called 'theory-of-gender' (henceforth, the hyphenation indicates this French usage), received an honorary degree from the University of Bordeaux: some of the young men demonstrating against the American philosopher wore dresses. It resurfaced in October 2012 when Catholic supporters of traditional families led by the association Alliance Vita to the tune of *Mamma Mia* staged in several cities strange, if not queer performances: a lycra-clad youth with two large wings (one read 'Mom' and the other 'Dad'), reminiscent of Tony Kushner's 1993 'gay fantasia' *Angels in America*, clumsily (or sleepily) staggering between two rows of demonstrators sitting in the streets – one of 'moms' and the other of 'dads'.¹

These are not isolated instances. Frigide Barjot, who in the next few months would become famous as the leader of the 'demonstration for all' (*La Manif pour tous*, also known by the acronym *LMPT*), the social movement against the Taubira law (called 'marriage for all': *Le Mariage pour tous*), suggested a parodic dimension through her very name or rather pseudonym. Indeed, while she had earlier founded a papist association ironically called '*Touche pas à mon pape*' ('Don't you lay a finger on my pope', reminiscent of the slogan of the 1980s by *SOS Racisme*, the antiracist association closely associated with the Socialist Party:

¹ Burlesque feminist, queer performer Louise de Ville explains in Chriss Lag's 2015 documentary 'Parole de king!' how this scene inspired her to create a character named 'Super Catho.' But she could only find this lycra costume on a fetish website. (I thank Wendy Delorme for the reference and Chriss Lag for access to the film).

'*Touche pas à mon pote*', that is 'my pal'), she was also known as a party queen. In a 2006 video she sings '*Fais-moi l'amour avec deux doigts*' ('Make love to me with two fingers' – and the lyrics go on: 'Three won't get in, one only won't do'), in a falsetto reminiscent of Brigitte Bardot, while surrounded by dancers who seem to belong in the *Banana Café* where she held court, a few years earlier, with queer friends – did she not celebrate a fake marriage between two gay men in a Parisian nightclub in 2007?

In order to understand why such an unlikely, ostensibly gay-friendly figure did become (at least for a time) the symbol of the mobilization against gay rights, one needs to bear in mind that, contrary to the United States, explicit homophobia had not been considered politically viable in France, especially after the final debacle of right-wing opponents of the *Pacte civil de solidarité* (PaCS, a form of domestic partnership voted into law in 1999 after a fierce political battle that soon rallied public opinion): no one was (that is, could openly claim to be) homophobic. As a consequence, in 2012, the opposition to gay rights took pains to eschew any indication of homophobia: the protesters' signs insisted that they were pro-marriage, not anti-gay, and that their sole concern was the well-being of children. Homosexual love they did not dispute; they only cared, or so they claimed, about queer families. Homophobia thus remained in the closet – it had to, given the tolerant evolution of public opinion that largely accounts for the ultimate failure of LMPT.

Beyond self-proclaimed gay-friendliness, there was a concerted effort on the part of the leaders of the movement to hide their true nature. This is why the most visible activists in Barjot's entourage included a peroxide blond young man presented as the founder of '*plus gay sans mariage*' ('even more gay without marriage', actually a mere Facebook page), who went so far as to accuse the LGBT movement of homophobia. There was also a woman claiming to be a disillusioned François Hollande supporter (though she eventually confessed that she had not voted for the Socialist candidate). Barjot even warned demonstrators that they should not look like... what they were: they had to avoid headbands, Hermès scarves, and other telltale signs of their conservative bourgeois lifestyle. In the age of the 'normal president' (Hollande's campaign slogan), they tried to 'pass' as normal people – which suggests that their passionate defense of the norm could not guarantee this any longer. Indeed, it might betray a certain queerness: hence the 'drag'.

French opponents of the Taubira law were not only Catholics, right-wingers, and homophobes in the closet; they could also be masked – literally. In 2013, a group of young men supporting family values chose to parody the feminist group Femen (that moved from Ukraine to France where they became active in the defense of 'marriage for all'), not only through their name – 'les Hommen' –, but also by exhibiting their naked torsos covered with slogans *against* gay marriage. Not surprisingly, they too inspired immediate parodies – such as a satirical play (*Les Virilius*), and a Tumblr pretending to speak in their name: both presented these pretty boys in colored pants as right-wing gays, thus reversing the inversion... But the most troubling was their choice to wear a mask, contrary to the Femen (and regardless of the 2010 so-called 'burqa' law that prohibits covering one's face in public). Masked are the Hommen as they come forward – just like political homophobia remains closeted. The young men's motto could be Descartes': *larvatus prodeo* (or with the classic pun: *pro Deo* – for God).

The Catholic 'Theory-of-Gender' in France

'Thank God for the Catholic Church!' One suspects that many a specialist of gender studies in France muttered this exclamation under her (sometimes his) breath. The gender panic that arose in the country also led some to be moved: 'I didn't know people cared...' This country had long remained impervious to the concept of gender, which was deemed foreign to French culture, if not untranslatable (despite its grammatical omnipresence in the language): gender speaks English (Fassin 1999), it was assumed, just like the Vatican speaks Latin. Conversely, until the years 2000, France appeared as an exception resisting the globalization of the field. The Catholic mobilization in the years 2010 against the so-called 'theory-of-gender' changed all that. First, it made the word (at least in this formulation) familiar to the media and beyond to society at large. Second, it gave France a new, paradoxical visibility on the global stage as the forefront of reaction against 'the-theory-of-gender'. This double exposure (national and international) explains the somewhat embarrassing gratitude of gender specialists in France – long ignored in their country and unacknowledged abroad... Indeed, *habemus* gender!

Why gender? How did the assault on gay marriage turn into a polemic against the 'theory-of-gender'? According to the Pontifical Council for the Family's *Lexicon: Ambiguous and Debatable Terms Regarding Family Life and Ethical Questions* (translated from the 2003 Italian version into French in 2005 and into English in 2006), which devoted no less than three articles to this notion, the story begins with the 1995 Fourth World Conference on Women in Beijing. Vatican representatives came to realize that the notion of gender could imply an 'unacceptable program that includes toleration for homosexual orientations and identities.' According to their reading of Judith Butler's *Gender Trouble*, whose distance from 'common sense' makes her definition sound to them like 'science-fiction', 'there exists no such thing as a natural man or a natural woman': one may wonder 'to what extent there exists any "natural" form of sexuality.' The theologians in this *Lexicon* thus express fears that the denaturalization of sex operated by gender logically leads to the denaturalization of sexuality – as evidenced in claims for opening marriage to same-sex couples (Fassin 2011).

It is in France that the target of the attack launched by the Vatican between 1995 and 2005 shifted in the following decade from 'gender' to the 'theory-of-gender'. The 2005 turning point coincides in France, not only with the translation of the Pontifical *Lexicon* but also with that (at long last) of Judith Butler's *Gender Trouble* – one of its explicit targets. The 2004 *Letter to Catholic bishops on the collaboration of men and women* by Cardinal Ratzinger (who became Pope Benedict in 2005) had just denounced the American philosopher (without naming her). Her classic book thus appeared on the French scene, after fifteen years of willful neglect, as a crucial reference both for supporters and for opponents of gender studies, many of whom discovered this field through her work as if she had initiated it. Immediately, the French Conference of bishops asked Catholic psychoanalyst Jacques Arènes to speak in 2006 about 'gender theory' (he used the phrase mostly in English), which he equated with the 'gay and lesbian movement' and its 'lobby' supporting 'gay marriage' (Arènes; Favier; Robcis 2013).

Not surprisingly, in France, the Catholic attack against the ‘theory-of-gender’ rose in the years 2010 – before, during, and after the battle of the Taubira law of 2013. The equation was apparent in the slogans displayed during the massive demonstrations in the fall of 2012 and the spring of 2013: ‘marriage for all equals theory of gender for all’ (‘gender’ written in English). But the issue ignited as early as 2010, with the polemic surrounding a cartoon for primary school children, *Le baiser de la lune* (in which Felix falls for another fish named Léon and eventually gives him a kiss, thus dispelling an old cat’s homophobic prejudices); it was rekindled in 2011 with another dispute concerning high-school biology curricula and textbooks (the chapter on sexual differentiation was denounced as a Trojan horse of the ‘theory-of-gender’). It finally flared briefly a few months after the law was passed when a *Journée de retrait de l’école* (advising parents to withdraw their children from school for a day to protest the alleged teaching of this ‘theory’ along with rumored sexual practices such as masturbation!) was launched in January 2014.

The shift from ‘gender’ to the ‘theory-of-gender’ thus made it possible to move between two battlegrounds: on the one hand, marriage; on the other, school. For conservatives, there were several strategic advantages to such a redefinition. First, had it not been for this new vocabulary, the political struggle might not have survived (nor preceded) the public debate about the Taubira law – an explicit concern for the leaders of *LMPT*. Second, while gay marriage only affects a minority, schooling is always a concern for the vast majority – even a source of anxiety for many at a time when education cannot guarantee a job any longer. Third, while opposing equality grew more and more unpopular, rejecting a ‘theory’ could only resonate with the growing populist anti-intellectualism that former president Nicolas Sarkozy embodied: as equal rights started making concrete sense to many, the ‘theory-of-gender’ took over the role of abstraction: who knew what it meant? The sudden media interest in gender led them to interview experts: they tried to dispel misunderstandings, which may have reinforced the suspicion that this concept only made sense for intellectual experts – not for people in general.

Of course, the word ‘gender’ (at least in English) sounds foreign to French ears, and thus alien to national identity as promoted by President Sarkozy from 2007 to 2012. But it was equally important that it could also sound like an intellectual fad, completely removed from common sense. Denouncing the ‘theory-of-gender’ as just that – a theory among others – did play on a familiar religious motif (the creationist attack against Darwinism in American schools), but it also helped Catholics build a bridge, first with other religions (Judaism and Islam in particular), and second with the secular right – despite potential contradictions in the racial definition of the nation (Fassin 2014). This was apparent as early as 2011 (when a third of Senators signed a petition against the biology textbooks), and it became obvious with the movement against ‘marriage for all’: religious figures, who had been marginal (and soon would be marginalized) during the earlier battle against the *PaCS* fifteen years earlier, now occupied center stage. The long-standing French resistance and recent conversion to gender studies only fueled fears of cultural transformations that coincided with marriage reform. While still making no room for Muslims, the national identity of secular France had been reinvented as profoundly Catholic, in part thanks to the ‘theory-of-gender’ (Fillod; Béraud). This apparent contradiction is a familiar

paradox in France that specialists of religion summarize with an ironic oxymoron: 'catho-laïcité'.

The New Problem of Universals

Despite its overwhelming success in the streets and in the media, even among politicians, this Catholic rhetoric suffers from a major strategic flaw: the attack against gender studies makes the Vatican's position only one among others. While the Church claims to speak from above or beyond political disputes (as an 'expert in humanity' expounding Biblical 'anthropology', to quote Ratzinger's 2004 text), it enters the fray of what I have called 'sexual democracy' (Fassin 2005b). If we call a society 'democratic' when it claims to determine its own laws and norms, based not on some transcendent principle (be it God, Tradition, Nature, or any other capitalized absolute), but rather on immanent values (imposed by its members), and therefore susceptible to change and open to contestation, then, in that sense (which cannot be reduced to some electoral logic), we can say that we live in democratic societies. Not that liberty and equality prevail, of course; but at least, they can be invoked as legitimate values in the political arena – even as legitimating ones. Democratic societies acknowledge their historical and political definition.

Sexual democracy simply describes the extension of democracy to sexual issues. Even sex (whether we think of gender or sexuality) is considered, not as a given, but as of our own making: what (or who) is a man or a woman, how are marriage and family defined, everything sexual is up to 'us'. If there is no sexual exception, then, democracy's purchase knows no limit. Of course, the Vatican is clearly no friend of sexual democracy: in the last decades, theologians and popes have worked hard to defend a transcendent vision of human nature. However, in order to do so, they have waged a battle against those who support an immanent one. As a consequence, creating a political dispute around the concept of gender transforms an academic pursuit into a democratic issue. This explains the satisfaction some in gender studies may have felt confronted with this admittedly paradoxical recognition.

In order to understand better, not the gender panic, but the 'theory-of-gender' polemic, let us introduce an analogy – that has itself already served, three decades ago, as an analogy to account for yet another controversy. In the then emerging field of gay and lesbian studies, historian John Boswell responded to critics of his important 1980 book on *Christianity, Social Tolerance, and Homosexuality* who accused him of the worst possible crime in his trade: anachronism (Boswell: 18–20). How could one speak of homosexuality before homosexuality (as we know it) was even invented, they wondered, as if the category transcended history? Had not Foucault famously dated the birth of homosexuality in the 1976 first volume of his *History of Sexuality*, leading David Halperin to speak of *One Hundred Years of Homosexuality*? This set the terms for a considerable debate opposing self-proclaimed 'social constructionists' (Jeffrey Weeks and Robert Padgug prior to Halperin) to others in the same field that they labeled 'essentialists'.

Boswell responded, not as an essentialist though, but rather as a medievalist: he introduced an analogy with a 'problem' that Plato and Aristotle ignited,

and which smolders to this day, but burned with the greatest intensity in the twelfth and thirteenth centuries (Libera). 'Stated as briefly and baldly as possible, the issues are these: Do categories exist because humans recognize real distinctions in the world around them, or are categories arbitrary conventions, simply names for things that have categorical force because humans agree to use them in certain ways? The two traditional sides in this controversy, which is called "the problem of the universals," are "realists" and "nominalists." ' Boswell went on to explain: 'Realists consider categories to be the footprints of reality ("universals"). They exist because humans perceive a real order in the universe and name it. The order is present without human observation'. By contrast, nominalism is founded on 'the belief that categories are only the names (Latin: *nomina*) of things agreed upon by humans, and that the "order" people see is their creation rather than their perception.' For example, 'taxonomists disagree strongly about whether they are discovering (realists) or inventing (nominalists) distinctions'.

According to Boswell, 'this seemingly arcane struggle now underlies an epistemological controversy raging among those studying the history of gay people. The "universals" in this case are categories of sexual preference or orientation (the difference is crucial). Nominalists ("social constructionists" in the current debate) in the matter aver that categories of sexual preference and behavior are created by humans and human societies.' In a word, 'people consider themselves "homosexual" or "heterosexual" because they are induced to believe that humans are either "homosexual" or "heterosexual." ' By contrast, for 'realists ("essentialists"),' 'the heterosexual/homosexual dichotomy exists in speech and thought because it exists in reality: it was not invented by sexual taxonomists, but observed by them.' Boswell went on to qualify this clear-cut distinction: in practice, these positions are not 'usually held absolutely.'

Today's religious attack on the 'theory-of-gender' is yet another instance of this recurrent conflict. Since De Beauvoir, feminist studies have certainly been premised on social construction (or 'nominalism'), while Catholic enemies of gender can truly be characterized as essentialists (or 'realists'). The aforementioned *Lexicon* concluded the last of three articles on the subject by 'a revised definition of gender that is acceptable for the Catholic Church'. It read: 'Transcendent dimension of human sexuality, compatible with all aspects of the human person, comprising body, thought, spirit, and soul. Gender is thus permeable to influences exerted upon the human person, be they internal or external, but it must conform to the natural order that is already given in the body.' This new, Catholic version of gender is erected in explicit opposition to (so-called) 'gender feminism', in which 'the reality of nature disturbs, troubles, and thus must go away.' In a word, the response of Vatican theologians to gender trouble is a 'nature trouble' allegedly resisting feminist (and LGBT) studies (Conseil pontifical: 594).

One might wonder whether the analogy is valid for today's situation: after all, Boswell compared a controversy within gay studies to one among philosophers. By contrast, the current polemic is premised on the rejection of gender studies from a religious point of view, that is, from the outside. Apparently, what is taking place is merely a political battle. However, this is precisely what makes gender studies and their religious enemies partake in the same controversy: while the latter (rightly) insist that the former politicize sex, their counterattack

is no less political. They share the same premise: the political nature of sex. The implications of this epistemological divide are more obvious than ever: 'Realism has historically been viewed by the nominalist camp as conservative, if not reactionary,' the historian went on, 'in its implicit recognition of the value and/or immutability of the status quo; and nominalism has generally been regarded by realists as an obscurantist radical ideology designed more to undercut and subvert human values than to clarify them.' This mutual perception certainly makes sense for today's realists and nominalists.

The Laws of Nature

Essentializing is indeed the core element in the religious strategy deployed against gender: nature is used as a bulwark against history, politics, and sexual democracy. But what does 'nature' mean? There is nothing self-evident about this word. For example, the 'biological rock' that some Catholic theologians strangely borrow from Freud (Margron: 67) to resist democratic changes in kinship seems anything but rock solid: both adoption and reproductive technologies belie this 'naturalized' (rather than 'natural') understanding of filiation. It turns out that his biological argument is used, not because it is rational, but because it looks reasonable: 'No eggs in testicles', chanted *Manif pour tous* activists. Who can deny it? However, this rhetoric relies on a deliberate confusion, not only between filiation and reproduction, but also between biology as a discipline and biological facts, and in the end between science and common sense.

This is how it became possible for politicians without any background in science to criticize science curricula and textbooks – as was the case during the 2011 polemic against biology textbooks. Christine Boutin, who had become famous in the late 1990s (soon after being appointed consultant for the Pontifical Council on the Family) at the forefront of the opposition to the *PaCS* in the National Assembly, regained political visibility more than a decade later thanks to this new struggle. This Catholic figure wrote a public letter to the Minister of Education on May 31, 2011 asking (apparently without irony): 'How can a mere theory be part of a biology curriculum?' She went on: 'How can one introduce in a textbook claiming to be scientific an ideology that consists in denying reality, that is, the sexual alterity of man and woman?' She concluded with a defense of these teenagers' right to genuine science: 'I cannot accept that we cheat them by presenting as a scientific explanation what is an ideological prejudice.' Another conservative deputy, Jacques Myard, declared three months later his opposition to gender by reversing De Beauvoir's famous proposition: 'One is born a man, and one is born a woman' – a slogan he justified with a (pseudo) scientific argument: 'We belong to the world of mammals!'

Invoking nature is to be expected from those who resist 'sexual democracy' – all the more so when alternative rhetorics fail (Robcis 2015). At the time of the *PaCS* debate, the opponents of the law talked about culture rather than nature. This is not surprising if one considers that, during this first round, resisting equal rights was not restricted to reactionaries: in their defense of the 'symbolic order', many on the left came out as conservative progressives. There was no mention on their part of a 'biological rock', though: nature carries more

authority on the right. Left-wing thinkers denied any naturalistic justification; they even accused equal rights supporters of contributing to a biologisation of filiation. They wrote about the 'anthropological foundations of culture.'

But why did this type of argument disappear from public discourse less than fifteen years later? Whatever happened to culture? How come nature took over? There is a simple explanation: while the universality of culture might have sounded like a valid argument in the late 1990s, it lost credibility once marriage opened to same-sex couples in other, neighboring countries – starting with the Netherlands in 2001. Even intellectuals could not deny this plain fact. Hence the recent shift to nature, erected as a rhetorical rock against history – coinciding with the shift to the right, as left-wing critics rallied to equal rights. Biology's authority emerged from the ruins of alleged anthropological universality.

There is more to this. During the *PaCS* controversy, the cultural argument had made it possible to conflate two references: on the one hand, social anthropology; on the other, Biblical anthropology. As a result, the Catholic hierarchy could remain discreet: French bishops relied on social scientists to do the ideological work. This is why their Conference had issued only one statement against the bill in 1998 that included no religious reference whatsoever – neither to sacred texts nor to Vatican pronouncements. However, as the cultural argument receded, so did the reference to the human sciences. As a consequence, the Catholic Church had to speak up, and to resort to religious authority as such. This helps understand the return of Catholic politician Christine Boutin: while her religious discourse was marginalized after her political defeat in 1999, it played a central role in the years 2010. Secular France was once more Catholic France. This could have created a difficulty: it is one thing to shift from one anthropology to the other; it is another to move from culture to nature. How could Catholics equate God with biology?

This was made possible by developments in Vatican discourse under Cardinal Ratzinger, later Pope Benedict (Fassin 2010). The German theologian played an important role in the return of natural law. On the one hand, natural law could invoke human rights to escape what he called, on the eve of his election, 'the tyranny of relativism'; on the other, he placed natural law above and before human rights. This is not surprising: while the Nazi experience led to his anti-totalitarian defense of democracy, the rise of sexual democracy (and in particular of gay rights) also explains the new importance he granted to natural law. However, it had to be redefined: during the years 2000, the Vatican started conflating, in what amounts to a theoretical pun, the universalism of natural law and the universality of the laws of nature. This is nowhere more visible than in the new vindication of 'human ecology': in his attacks on gender, and in his defense of heterosexual marriage, the Pope went so far as to use (in a 2008 speech) a comparison with 'rainforests' – as if matrimony could be a natural institution, that is, an oxymoron.

The Catholic naturalization of sexual difference within marriage clearly confirms the essentialist nature of the argument against the social construction of gender. However, the contrast between the two sides in today's French controversy ('realists' vs. 'nominalists') is somewhat more complicated than might appear at first sight – just as Boswell suggested concerning the controversy within gay studies. It is true that conservative demonstrators proclaimed: 'We want sex, not gender.' One sign thus showed a mustache and a bra, respectively handed to a pink girl and a blue boy, with this reaction: 'No thanks, it's not

their gender!' Another paraded a girl dressed as a princess and a boy as Zorro (though, strangely, both were in blue): 'Don't you lay a finger on our gender stereotypes!'

This suggests that, paradoxically, demonstrators against gay marriage did not deny that gender is a social practice; they only insisted on preserving its traditional definition. Drag was spurned only insofar as it departed from one's 'true sex'. One had to dress the part; but does this not imply that gender *is* a part? *LMPT* activists did not just use the word; they used it appropriately. For them, natural sex needed to be confirmed and affirmed by social gender (including color codes). However, the stereotypical signals could be mixed up. Yet another sign exclaimed: 'Stop gender theory at school!' But the illustration was somewhat puzzling: a snail. Did it not remind us that hermaphroditism is a biological phenomenon? Might it not signify that sexual differentiation is not necessarily the rule of nature? Beyond gender trouble, could there be sex trouble?

The Social Construction of Sex

The controversy turns out to be more complicated than appeared at first sight: the crusade against the 'theory-of-gender' actually offers an alternative theory, in which gender reiterates sex in order to reinforce its nature. But what about the specialists of gender studies, as well as feminist and LGBT activists? Are their academic and political pursuits premised on the denial of biology – as their opponents claim? Does speaking about gender preclude taking sex into account? Today, that is certainly not the case. It is true that gender studies originally started from a distinction with sex: in the 1970s, feminists borrowed this concept from medical and psychological discourse of the 1950s and 1960s: at the time, gender was indeed to sex as culture is to nature. But this implied in no way that gender was premised on the denial of sex. The body was very much a reality. In fact, feminists originally tended to focus on gender, and did not have much to say about sex. In the beginning, gender studies left biology to biologists.

However, things are not the same today. The concept of gender was invented by John Money, a psychologist, and developed by Robert Stoller, a psychiatrist and psychoanalyst, to analyze both intersexuality and transsexuality. Both men believed that medicine should correct nature's mistakes: surgery could fix bodies just as gender identity clinics (respectively at Johns Hopkins University and at the University of California at Los Angeles) would fix the minds – both psychologically and sociologically. The relatively recent resurgence of trans and intersex issues in feminist gender studies has changed all that: the point is not to 'fix' but to question the politics of 'fixing'. A shift has taken place, from clinic to critique. Sex is political in the most obvious sense: the State decides who is a man and who is a woman; the State decides the conditions for becoming a man or a woman; the State decides whether to maintain a binary category or to recognize, in one form or another, a 'third sex'.

This implies a new understanding of sex: it is not merely a biological fact; it is not simply given. The question raised today is quite different from that of psychologists in the 1950s: sex itself is now perceived as the result of a social construction. In order to understand this, we can go back to Alfred Kinsey's work on sexuality; the parallel with sexual difference will prove useful. After

World War Two, Kinsey became famous, in the United States and throughout the world, for his reports on men's and women's sexual behavior. While his empirical surveys contradicted in many ways the normalized vision of the sexuality of Americans that was then propagated, what probably struck the public most was the prevalence of homosexuality that they revealed. This led to a profound misunderstanding: many were to believe that Kinsey had measured a percentage of homosexuals (namely, 10% among men).

In fact, this zoologist's argument was quite different: 'Males do not represent two discrete populations, heterosexual and homosexual. The world is not to be divided into sheep and goats. Not all things are black nor all things white. It is a fundamental of taxonomy that nature rarely deals with discrete categories. Only the human mind invents categories and tries to force facts into separated pigeonholes. The living world is a continuum in each and every one of its aspects' (Kinsey: 639). This did not mean that Kinsey rejected categories; he actually included many tables in his research – thus dividing the sexual continuum into categories: in particular, he devised a scale (from 0 to 6), which makes it clear that the division is arbitrary – or rather, more precisely, that it is organized for the sake of convenience. However, he never implied that these categories were inscribed in reality itself; other categorizations were equally possible and plausible. He was a nominalist, not a realist – to return to Boswell's analogy.

This is exactly the same logic that can be found in the work of biologist Anne Fausto-Sterling. It is no accident: this feminist scientist actually draws the comparison herself. But her work focuses on (biological) sex, not sexuality. Her argument was first publicized in 1993, in a scientific journal: she argued that it would be more appropriate to speak of 'five sexes' – not two: in addition to male and female, she listed 'herms' (hermaphrodites), 'merms' (male pseudo-hermaphrodites), and 'ferms' (female pseudo-hermaphrodites) (Fausto-Sterling 1993). This tongue-in-cheek suggestion served to underline that the binary division of sex is an arbitrary construct. The reasons to maintain this system, rather than any other, are anything but biological: 'if the state and the legal system have an interest in maintaining a two-party sexual system, they are in defiance of nature. For biologically speaking, there are many gradations running from female to male; and depending on how one calls the shots, one can argue that along that spectrum lie at least five sexes – and perhaps even more' (Fausto-Sterling 1993: 20). In a word, 'sex is a vast, infinitely malleable continuum that defies the constraints of even five categories' (Fausto-Sterling 1993: 20).

Not only did Fausto-Sterling's argument launch the intersex movement; it also raised the fears of the Vatican, perhaps as much as Butler's work: while the latter is known for her work about gender, the former studies sex – but both do so from the perspective of gender studies. Indeed, theirs is a two-pronged attack against the naturalization of sexual difference, whether biological or not. It is no wonder that, two decades later, in France, the crusade against the 'theory-of-gender' started from biology textbooks, and precisely from that question – the biology of sexual differentiation; and it does not come as a surprise that her 1993 article was published in French in 2013, while her major book on the subject from 2000 was translated the previous year (Fausto-Sterling 2000a). What Fausto-Sterling makes clear is that feminist scientists can question the conservative equation of science and common sense: arguments about 'nature' cannot rely on the authority of biology as a discipline.

Fausto-Sterling is clearly a nominalist – this is why she accepted critiques leveled against her image of the ‘continuum’. In a 2000 article, revisiting her previous argument in the same journal, she revised her formulation: ‘It might seem natural to regard intersexuals and transgendered people as living midway between the poles of male and female. But male and female, masculine and feminine, cannot be parsed as some kind of continuum. Rather, sex and gender are best conceptualized as points in a multidimensional space’ (Fausto-Sterling 2000b). This nominalism that runs from Butler to Fausto-Sterling is clearly central in the definition to today’s gender studies – but what the latter’s work shows is that since gender functions as a concept, then it does not apply solely to the empirical reality of gender stereotypes; it also dispels myths of sex.

Beyond Nature and Culture

The analogy of Boswell’s analogy proves useful at least in two ways. First, it helps us think that the polemic launched by the Vatican and picked up in France by Catholics in the years 2010 (and beyond by secular conservatives) against the ‘theory-of-gender’ in the context of the political battle against ‘marriage for all’ can be understood as a controversy. Of course, *LMPT* demonstrators and academic specialists of gender studies do not belong to the same field. However, not only did this conservative initiative introduce the concept of gender to a wider audience; it also created a debate whose terms are borrowed from their opponents: for or against gender? The consequence is that the very same Catholics who reject sexual democracy in order to preserve a transcendent definition of the sexual, and therefore social order, end up participating in a democratic debate: their rhetorical success turns out to be a political defeat.

Second, at the same time, the analogy helps understand the controversy in different terms. The opposition is not really between those who believe in gender and those who do not. In fact, the hyphenated spelling adopted in this paper is a reminder that there are different theories of gender – not only within the field of gender but also among its detractors. Catholic activists and their allies very much believe in gender stereotypes, as attested by their insistent color coding of demonstration signs and preference for dressing in pink and blue. What is specific about their theory of gender is that it insists on conforming gender to sex, or more precisely to their representation of biology – which owes more to conservative common sense than to a scientific discipline. Conversely, as Fausto-Sterling’s work makes clear, the theories of gender that are currently prevalent in the field of gender studies are not premised on the denial of sex; on the contrary, feminists today include sex in their theoretical models. Contrary to what conservative slogans might suggest (‘We want sex, not gender’), Catholics have much to say about gender, just as gender studies do speak a great deal about sex.

This is why it makes more sense to speak of the two sides of this struggle in Boswell’s terms than in those of the enemies of the ‘theory-of-gender’: indeed, today, there is a true opposition between essentialists and social constructionists, or between realists and nominalists. This epistemological lexicon proves more adequate than the ideological one in accounting for the actual logic of

the controversy. But there is more: speaking in terms of 'nature' and 'culture' is not only inaccurate; it is also, more profoundly, misguided and misleading, both from a theological standpoint and from the perspective of gender studies. On the one hand, as discussed earlier, the Vatican has thus been led to conflate natural law and the laws of nature, at the risk of confusing God with some 'biological rock' to escape the historical and political logic of sexual democracy. On the other hand, one might have the mistaken impression that gender studies are still defined by the distinction between sex and gender. In fact, not only are the two notions not in opposition any longer, but such a formulation also leaves out much of what gender studies are currently about.

For the most part, the field that initially developed in the wake of De Beauvoir's *Second Sex* and her reading of Claude Lévi-Strauss today has little to say about nature and culture, not only because sex is subsumed under the question of gender, but also because the definition of gender is twofold – as historian Joan W. Scott taught us in her classic 1986 article on this 'useful category'. 'The core of the definition rests on an integral connection between two propositions: gender is a constitutive element of social relationships based on perceived differences between the sexes, and gender is a primary way of signifying relations of power' (Scott 1986: 42). While the first proposition fits the current controversy about sex and gender, the second one opens entirely new perspectives: most of the current research in gender studies has to do with 'signifying relations of power' – that is, beyond gender and sex. Indeed, the attacks against the 'theory-of-gender' can be interpreted precisely in those terms, as they simultaneously signify religion, race, class, and nation, thus inviting readings in the language of intersectionality (Fassin 2015).

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