

I

Finding Is Not Being

A reading of Elizabeth Duval's After Trans *(I): the prologue and the first chapter*

Dr Fabián Coitinho

1. An author weary of her label

Elizabeth Duval opens *Después de lo trans: sexo y género entre la izquierda y lo identitario* (*After Trans: Sex and Gender Between the Left and the Identitarian*) with a sentence no publisher of queer theory would print on the back cover: "Estoy hasta el coño de lo trans", which loses some of its force in English but amounts to "I am fed up to the cunt with trans".[1] The book came out in Spain in 2021; by the author's own account it was largely finished in August 2020, in the thick of the Spanish debate over a draft trans law.[2] Duval was very young, and the press had been calling her a "trans activist" for years. She disowns the title with considerable fury and some wit: if anything, she says, she is a trans "passivist", since she does nothing to deserve the other word, and she wonders whether Ana Botín, the banker, counts as a militant feminist for being a woman who occasionally appears in the news. Behind the joke lies a clue the book promises to follow up. Duval is not at all sure that "trans people" exist as a coherent category.[3]

This is the first instalment of a chapter-by-chapter reading, and it deals with the prologue and the first chapter, "Acquisition and Self-Determination of Gender: Having Versus Being". The book repays close attention for a reason that is rare in the field. Duval does not indulge in the nonsense of "I am a woman because I say I am a woman". She argues the opposite: that the subject does not invent itself by sovereign decree, that it arrives late to its own making, that identity is imposed before anything can be chosen. Her tools are Lacanian psychoanalysis and Judith Butler's theory of subjection, and with them she builds a critique of gender self-determination rather more serious than most of what is written by the feminists who reject it.

I accept a good deal of that critique. But it throws the will out of the window and leaves interiority comfortably seated in the same armchair. And the historicism with which Duval explains the multiplication of trans identities requires an invariant she never names, for the only one on offer is the sexed body. One further thing emerges by the end: the mechanisms she presents as universal describe incongruence with considerable precision, and they describe nothing else.

2. A language learnt without being chosen

The chapter begins with history. Following the historian Joanne Meyerowitz, Duval reconstructs an early twentieth-century quarrel between a European science of human bisexuality, which held that masculine and feminine traits were mixed in varying proportions in everyone, and an American psychology that insisted on two separate sexes and treated trans people as mentally ill.[4] From the 1940s onwards, the study of intersex conditions lent weight to the idea of a "psychological sex" more deeply rooted than the body, and from it came the logic that still governs: if the soul cannot be cured, correct the flesh. Duval calls this "gender neoplatonism",[5] and makes a genuinely sharp observation. The story of the wrong body, the woman's brain trapped in a man's frame, descends directly from that medicine, and in degraded form, having lost the notion of proportion and grown more binary than its ancestor. The *Born This Way* activist and the physician of 1940 are close relations, and neither of them knows it.

To define gender, Duval borrows the sociologist Judith Lorber's inventory, which breaks it down into institutions and individual traits, but she declines Lorber's thoroughgoing constructivism and accepts uncertainty about the weight of biology, in the words of the biologist Anne Fausto-Sterling:

"more or less, perhaps, possibly".[6] On that footing she raises her model. Gender is acquired as a language is acquired, through models and repetition, and nobody chooses their mother tongue. Languages change with history. Women's entry into paid work and the separation of sex from reproduction loosened the codes of gender, which, she says, have become "banalised",[7] and a looser language produces different speakers. That is why there are more trans people than twenty years ago: not because they always existed and we have only now noticed, a thesis Duval explicitly rejects, nor because someone made them up on a whim.

The analogy is good, and it proves something important: that an identity can be acquired without being willed. It does not prove everything Duval asks of it. I did not choose to speak Spanish, but Spanish exists independently of me; it has speakers who preceded me, public rules, and criteria for deciding whether I actually speak it. What is the equivalent for being a woman? Duval writes, as though the two were synonyms, "acquisition of gender or acquisition of sexual difference",[8] and the whole chapter slips through that little "or". Learning the codes of femininity, which is what Lorber and Fausto-Sterling describe, is acquiring fluency in a register. Sexual difference is not a register, not even for the Lacanians on whom she leans. Stretch the analogy and it turns on her. One can learn a language late and learn it very well, yet the native speaker hears the accent, and nobody becomes Uruguayan by mastering the River Plate idiom. Speaking a language and belonging to a class defined by something else are two separate facts, and the analogy, properly used, exhibits precisely that gap.

If the public criterion turns out to be the subject's imaginary identification, then the inner feeling the chapter showed out of the front door has come back in through the side entrance, rather better dressed. Duval never expelled interiority; she expelled the will. Where others said "I am a woman because I decide to be", she says "I am a woman because I came to identify as one without deciding", and the place where the question is settled remains exactly where it was: inside. Her own testimony confirms it. "I would be unable to get out of bed if I had to live the rest of my days as though I were a man"[9] is about as pure a report of interiority as one could wish for, and it is the argument she puts to work.

3. The body comes in by the back door

The theoretical heart of the chapter comes from the psychoanalyst Patricia Gherovici, for whom being trans "is not an experience of having but a strategy of being".[10] Duval adopts her definition: sexual identity "is determined neither by biology nor by any innate factor", it is learnt through language and identifications, and it "is built around a loss, a loss given at the inaugural moment in which a sex is assigned to us". Duval parts company with Gherovici on one point only: she allows a biological component in our receptivity to these messages, in how disposed someone is to learn certain elements of gender's idiom.

Two things are being run together here. Biology can mean chromosomes, hormones and brain development, that is, biology as the cause of an identity. It can also mean the materiality of the body, biology as the material on which a meaning is inscribed. Psychoanalysis can do without the first, and is right to. It cannot do without the second, and Gherovici's own sentence gives the game away, however much her vocabulary tries to hide it. She speaks of a sex that "is assigned to us", and I reject the expression. A newborn's sex is observed and recorded; the verb "assign" turns an observation into an act of authority, as though the midwife were handing out destinies rather than looking at a body. Yet

even on Gherovici's own terms, what she calls assignment is carried out by looking at genitals, and the loss around which identity is built is the loss of a position read off a body somebody saw. The phallus is not the penis, granted, and one may profitably distinguish the subject who carries a penis from the subject who carries the phallus. But the distinction needs the penis in order to mean anything, and the phallic signifier draws its imaginary support from the organ for reasons that are far from arbitrary: it is visible, it rises and falls, it can be lost. Castration presupposes something to castrate.

The Lacanian has a reply, and it is the one Gherovici makes: in the formulas of sexuation of Seminar XX,[11] the masculine or feminine position does not depend on anatomy, and a male body may be inscribed on the feminine side. Yet those formulas are written in relation to a function that bears the name of an organ, and not by accident. Duval, at any rate, never reaches that discussion. Her concession to biology falls entirely on the side of hormones and receptivity, on the side of cause. The body as material never appears in her chapter, though it slips in by the back door of every quotation she chooses.

4. Finding is not being

The best sentence in the chapter is this one: "finding is not choosing".[12] Duval writes it against those who hold, like the Spanish commentator Rosa María García, that gender is always self-determined, in trans people and in everybody else. She grounds it in a historicism taken from David Halperin against John Boswell: identities are historical, and an ancient Greek whom we would call heterosexual would not necessarily be one were he born today.[13] That someone finds their identity in the repertoire their age provides does not make the finding a decision. A footnote condenses the point into a phrase that might serve as a motto for the whole book: "the subject is never what it wants to be, but what it can be".[14]

Finding, however, is not being either. I may come upon a description in which I recognise myself to the marrow, which organises my experience and which I never chose, having picked it up from books, from a song, from my family, from the temper of the times. I may discover, say, that I am a revolutionary. I live in Pocitos, the leafier end of Montevideo, I wear a Cartier on my wrist, and I believe every word of it: I am Che Guevara. The identification is sincere, involuntary and constitutive of how I live myself, and it does not make me a revolutionary in the least. Duval dismantled, with great sophistication, the idea that one is whatever one decides to be, only to arrive somewhere an unchosen identity possesses, mysteriously, the power to constitute.

She seems half aware of it. In a footnote to a later chapter she writes that "all identities, not only strategic ones, are shared fictions (and therefore conventions)".[15] If identification is a shared fiction, it has no ontological weight and there is nothing to argue about. But another note in this chapter says that calling oneself a man or a woman "is an effect of being one, for causes external to the subsequent assertion", and that "nobody is anything by saying they are, or by will".[16] There is a being here that precedes the saying. What does it consist of? The chapter offers a single explicit answer, borrowed from the sociologist Eva Illouz: being a woman means "occupying a given position in the sexual market", being valued as an object in parts, by arse, tits and legs.[17] Duval's ontology is positional, and the position is conferred by others.

5. Constructed, but by whom?

The decisive sentence of the chapter says that the individual "is a woman because her imaginary identification has developed in such a way, even in spite of the individual; and she is one, too, because externally, and on the basis of relationality, she has been constructed as such".[18] There are two ways to read this. It can be a description of how women in general are made, and that is how Duval presents it at the close: "what I have set out here can be applied to anyone".[19] Read that way, it is Beauvoir, and it can be accepted. Or it can be a condition the trans woman must meet in order to be a woman, and then a dilemma opens. If relational construction is necessary, the trans woman whom the world goes on treating as a man is not a woman. If it is not necessary, imaginary identification is left on its own, and we are back with the interiority of the second section.

Duval does not choose, but the text gives her away. In the section on virtuality she concedes that the acquisition of gender may be "corrupted, altered or glitched", and that in such cases it "does not necessarily correspond to the sex assigned at birth, nor does it coincide with the gender one is read as in everyday relations".[20] The phrase "sex assigned at birth" is hers, and I have said why I do not accept it; what matters here is the second half of the sentence. She admits that identification may go one way and social construction another. And at the one point where relational construction would compromise her, her own childhood, she declares a convenient amnesia: "I have forgotten everything that made up my socialisation into gender".[21] The argument fails her in precisely the stretch of her life she claims not to remember.

There is something deeper still. Every social construction of someone as a man or a woman rests on what appears. Before any judgement, the other's body presents itself to us as sexed. We see one side of an object and co-intend the sides we cannot see, what Husserl called appresentation,[22] and in a human body what is co-intended includes its sex. A predicate can be imposed: a pronoun, a document, a courtesy. What appears before the predicate cannot be legislated. When what appears is a man's body, constructing it as a woman means laying a predicate on top, out of good manners or by statute. When what appears is a body that passes, I concede what must be conceded: perception delivers a woman, and nobody has forced anything. But what has then been achieved is an appearance, and the appearance of a thing is not the thing. The sexed body remains what it is, whether it shows itself or not. In a note to another chapter Duval mentions, as evidence of her privilege, that in France she is addressed as *madame* or *mademoiselle*. In her own scheme, that is what constructs her as a woman.[23] An ontology that depends on the courtesy of the waiter must be renewed at every table.

6. The butch, the queen and the travesti

Fairness first. Duval does not claim that the butch lesbian of another age was really a trans man who lacked the concept to realise it. She says the opposite. She rejects the thesis that trans people always existed, insists that "it will not do to establish a strict equivalence between being a trans woman today and being a *travesti* in those times", and calls the habit of turning Joan of Arc into a trans person a mythological construction. Her historicism spares her the crudest retroactive projection.

It does not spare her a subtler one. Duval writes that existences "which we would once have called, for example, butch lesbians" today "find another perfectly acceptable way of existing as trans men",[24] and that the same may hold between "a queer male existence and an existence as a trans woman". In

her note on the *travestis* of the mid-twentieth century she adds that they "would probably have been what today they would be offered the chance to be".[25] The butch, the effeminate homosexual and the *travesti* are thereby reduced to drafts of a single existence that our age has finally brought to completion. Were I fluent in the idiom of the activists, I should say this renders them invisible. It is enough to say that it annexes them.

The anthropologist Don Kulick spent months living among *travestis* in Salvador da Bahia in the mid-1990s, and what he recorded does not fit the scheme. Those *travestis* did not call themselves women. They understood themselves as homosexual men pursuing femininity in body and presentation; they did not disown their past as men, and they viewed genital surgery with distrust: the penis was part of their sexual lives rather than an error awaiting correction.[26] To read them as unfinished trans women, who would have arrived had history only let them, is to ride roughshod over their own self-understanding, with all the authority of a theory that professes to honour experience.

And the historicism carries a cost Duval never settles. If yesterday's butch and today's trans man are two forms of one existence, something persists beneath the change of name. What? Not identification, which on her account is historical. Not the category, which on her account is convention. Subtract both and what remains is a female body whose presentation and desire do not match what was expected of that body. Duval's historicism presupposes sex as its constant, and presupposes it in the very passage where she needs it to explain change. In passing she hands the feminists she will take on in the next chapter their favourite empirical premise, the absorption of butch women into the trans category. She describes it in her opponents' very terms and alters only the adjective: where they see a loss, she sees a "perfectly acceptable" form.

7. From pink brains to Tumblr

The most original part of the chapter concerns the virtual. After an initial sedimentation in childhood and at home, Duval says, the transmission of gender passes to the media, and increasingly to life online. In forums, on social networks and in massive role-playing games, one can alter how others treat one by a mere declaration or an avatar, and that second context of relations reshapes the first. Hence the glitched acquisition, and hence too, she suggests, the affinity between young trans women and computing, which would be no accident of stereotype.[27] She includes herself: she very nearly became the trans hacker girl of *Sense8*.

That the internet opened new possibilities of identification is hardly disputable. That it causally explains the rise in trans identities is another matter, and Duval offers not a single figure. She deserves credit for not making it the sole cause; the loosening of codes remains, for her, the deeper explanation. She deserves credit for nerve as well, since in 2020 a trans author was arguing that the multiplication of trans identifications is partly transmitted socially, through screens, a hypothesis very close to the one the physician Lisa Littman had published in 2018,[28] and which at the time rendered anyone who mentioned it suspect. But a hypothesis delivered in the tone of an explanation is still a hypothesis. Without care, one simply makes the *Born This Way* journey in reverse: it used to be all in the brain, and now it was all on Tumblr. One causal muddle is traded for a more fashionable one.

What the virtual does explain, and Duval very nearly says it, is why it makes such fertile ground. She speaks of negative liberty: there are fewer obstacles online than in the street. The missing obstacle has a name. On a screen, image and voice arrive separately, cropped, carrying far less sensory informa-

tion than a body in the same room. Appresentation is impoverished, and the predicate one assigns oneself never collides with the flesh that would contradict it. The virtual does not uncover a hidden identity; it removes the body that gainsays it.

8. The body in silence

The chapter ends with a sentence of universal ambition: the mechanisms of gender acquisition "are, fundamentally, the same" for everyone.[29] Here lies its most important mistake. For those who live no incongruence between their body and what they are, sex and gender are not experienced as two things. They form a continuum, a single experience that admits no partition. The only things that can be separated from it and studied as acquired are roles and stereotypes: how one dresses, how one speaks, what work one is expected to do, what desire one is presumed to have. The butch and the effeminate homosexual live a real distance between their bodies and the stereotype, but never between their bodies and what they are, which is why neither concludes that they belong to the other sex. The feminism that preceded the trans question, and the old gay movement, understood this perfectly well, and fought against roles without positing a separate identity. Beauvoir, so often invoked, wrote that one is not born a woman, and the sentence presupposes that one is born female: what she describes is the destiny imposed on a female body, not an identity floating free of it.[30]

Hence I do not use the term "cis", and I say so plainly. It adds no precision whatever about people who are not trans, and it presupposes the very thing denied here. "Cis" names a coincidence between an identity and a sex, and for two things to coincide there must be two of them. Where there is only one, the prefix describes a relation that does not exist. It presents itself as a neutral label and smuggles in an ontology. I prefer to speak of people without incongruence.

The surgeon René Leriche defined health as life lived in the silence of the organs.[31] One notices an organ when it hurts, and the sexed body, in those without incongruence, keeps quiet. For the trans person it is never quiet, because in every situation it is what gives them away. Gender identity, as a concept, is born of that failure and then generalised to everyone, as though each of us had a liver with feelings. That is why the concept strikes those who live no dysphoria as alien, very nearly unintelligible: they are asked to recognise in themselves something they have never come across.

The most serious objection is proprioception. Nobody feels it; it is the perfect instance of an organ in silence; and yet we all have it. It reveals itself when it fails, as in the case of Ian Waterman, who lost his sense of proprioception to an infection at nineteen and had to learn to move by watching his own body.[32] Gender identity, it will be said, is just the same: mute in those for whom it works, visible only in incongruence. But proprioception can be demonstrated in those who do not feel it, because it has a measurable function independent of failure: one can close one's eyes and touch one's nose, and one can measure how the body adjusts its tone and posture. What is the equivalent function of gender identity in a person without incongruence? What does it do that the lived sexed body and learnt roles do not already do? If the only evidence that we all possess it is that in some people it fails, the argument goes round in a circle: the absence of failure counts as proof of a silent function, and nothing could ever count against it. That resembles proprioception rather less than it resembles positing an organ to account for a pain.

Nor is it an accident where trans people direct their energy. They direct it at what, for everyone else, are roles and stereotypes, and at the body too, through hormones, surgery and work on the voice. But those modifications aim at what is presented to others, at the visible face of the body, and so they leave the argument untouched. One works on appearance because appearance is all that can be worked on.

What Duval builds in this chapter, then, is an ontology of incongruence, and as such it has real merit: it explains without pathologising and without celebrating, it distrusts both voluntarism and heroic biography, and it has the candour to call one's own life story "fictional writing".[33] Its error is to present itself as a theory of everyone's gender. For the rest of us there is nothing to acquire between the body and what we are, because there is no between. Duval showed, with great talent, that finding is not choosing. She left out the second half: finding is not being either.

Notes

1. Elizabeth Duval, *Después de lo trans: sexo y género entre la izquierda y lo identitario*, La Caja Books, 2021 (ebook, ISBN 978-84-17496-50-0), "Prolegómenos". The ebook has no fixed pagination, so references are to chapter and section, and the author's marginal notes are cited by their letter. All translations from Duval are my own.
2. Duval, note [m] to ch. 3, "Contra la tolerancia y la estadística": the bulk of the book was finished in August 2020, except the chapter on La Veneno, added at the end of October.
3. Duval, "Prolegómenos".
4. Joanne Meyerowitz, *How Sex Changed: A History of Transsexuality in the United States*, Cambridge, MA, Harvard University Press, 2002, ch. 3, "From Sex to Gender"; followed by Duval, ch. 1, "Breve historia de lo trans".
5. Duval, ch. 1, "Breve historia de lo trans", where she discusses Miquel Missé, *A la conquista del cuerpo equivocado*, Madrid, Egales, 2018.
6. Duval, ch. 1, "Esbozar una definición del género", drawing on Judith Lorber, *Paradoxes of Gender*, New Haven, Yale University Press, 1994, and Anne Fausto-Sterling, *Sex/Gender: Biology in a Social World*, New York, Routledge, 2012.
7. Duval, ch. 1, "Esbozar una definición del género".
8. Ibid.
9. Duval, ch. 1, "Un primer programa político: devenir sujeto".
10. Patricia Gherovici, *Transgender Psychoanalysis: A Lacanian Perspective on Sexual Difference*, New York, Routledge, 2017; quoted in Duval, ch. 1, "La imposibilidad conceptual de la autodeterminación".
11. Jacques Lacan, *The Seminar of Jacques Lacan, Book XX: Encore. On Feminine Sexuality, the Limits of Love and Knowledge, 1972–1973*, ed. Jacques-Alain Miller, trans. Bruce Fink, New York, Norton, 1998, ch. VII.
12. Duval, ch. 1, "La imposibilidad conceptual de la autodeterminación", where she discusses Rosa María García.
13. David M. Halperin, *One Hundred Years of Homosexuality*, New York, Routledge, 1990; John Boswell, *Christianity, Social Tolerance, and Homosexuality*, Chicago, University of Chicago Press, 1980. Duval sides with Halperin in ch. 1, "La imposibilidad conceptual de la autodeterminación".
14. Duval, note [a] to ch. 1.
15. Duval, note [n] to ch. 3.
16. Duval, note [d] to ch. 1.
17. Duval, ch. 1, "Un primer programa político: devenir sujeto", quoting Eva Illouz.
18. Duval, ch. 1, "El sujeto, su imagen y la virtualidad".
19. Duval, ch. 1, "Un primer programa político: devenir sujeto".
20. Duval, ch. 1, "El sujeto, su imagen y la virtualidad".
21. Duval, ch. 1, "Breve historia de lo trans".
22. Edmund Husserl, *Cartesian Meditations: An Introduction to Phenomenology* (1931), trans. Dorion Cairns, The Hague, Martinus Nijhoff, 1960, Fifth Meditation, §50.

23. Duval, note [g] to ch. 2.
24. Duval, ch. 1, “La imposibilidad conceptual de la autodeterminación”.
25. Duval, note [a] to ch. 1, where she also rejects any strict equivalence between the trans woman of today and the *travesti* of another age, and the appropriation of Joan of Arc.
26. Don Kulick, *Travesti: Sex, Gender, and Culture among Brazilian Transgendered Prostitutes*, Chicago, University of Chicago Press, 1998.
27. Duval, ch. 1, “El sujeto, su imagen y la virtualidad”.
28. Lisa Littman, “Rapid-onset gender dysphoria in adolescents and young adults: A study of parental reports”, *PLOS ONE*, 13 (8), 2018, e0202330 (corrected version, 2019).
29. Duval, ch. 1, “Un primer programa político: devenir sujeto”.
30. Simone de Beauvoir, *The Second Sex* (1949), trans. Constance Borde and Sheila Malovany-Chevallier, London, Jonathan Cape, 2009, vol. II, part one, ch. 1.
31. René Leriche (1936), quoted by Georges Canguilhem, *The Normal and the Pathological* (1966), trans. Carolyn R. Fawcett, New York, Zone Books, 1989.
32. Jonathan Cole, *Pride and a Daily Marathon*, London, Duckworth, 1991.
33. Duval, ch. 1, “Un primer programa político: devenir sujeto”.