

II

Being Seen Is Not Being

A reading of Elizabeth Duval's After Trans *(II): "Identity Politics, the Left and Trans"*

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1. A chapter that compels concession

In *Después de lo trans* (*After Trans*, 2021), the Spanish writer Elizabeth Duval attempts something rare in trans theory: she argues about the foundations of the trans category instead of fortifying them. In the first chapter she went after gender self-determination with respectable weapons and reached a conclusion worth keeping: nobody chooses their identity; one comes upon it. The first instalment of this reading replied that coming upon it is not enough either, since identifying as something, however involuntarily, does not suffice to make one that thing. The second chapter, "Identity Politics, the Left and Trans", tries the opposite route. It no longer looks for the woman within, in identification, but without, in the gaze of others.

It is a hard chapter to criticise, for a reason best confessed at the outset. Duval nearly always begins from something true. One listens, nods, concedes, and by the time one looks up she has arrived somewhere else entirely, and there is no retreating without unsaying oneself. This essay will therefore do the reverse of what is customary: concede everything that ought to be conceded, all at once and in writing, and then isolate the single inference that does the dirty work.

A great deal is conceded. Duval is right to resist the new rule that "about what does not define one's own subjectivity, one must keep silent",[1] and right that the rule condemns trans people to speak of nothing but their difference. She is right to tell Janice Raymond, the feminist who wrote *The Transsexual Empire* in 1979, that transgression should be abandoned as the ground of trans legitimacy, since plenty of trans lives are thoroughly conservative.[2] She is right to turn the charge of colonialism back on those who press Zapotec *muxes* or North American two-spirit people into the trans category, which is a medical and Anglophone invention of the twentieth century.[3] And she is right, above all, in her best argument. Social violence operates through perceptual schemas. Nobody checks a woman's chromosomes before groping her on the bus.[4] A trans woman perceived as a woman may suffer exactly the same harassment as any other woman; granted, at least for those who have been thoroughly refurbished, bodywork, respray and facelift included. All of that is conceded.

What is not conceded is the next step. From "X receives the treatment reserved for category C because X is perceived as C", Duval moves to "X belongs to C". That leap is what she must be made to justify.

2. Wingardium perceptatus

If someone mistakes a doctor for a nurse, that perception may govern entirely how he is treated: what he is asked, what is expected of him, what authority he is granted, whether he is allowed to speak or told to go and fetch the doctor. The perception explains the whole of the treatment causally. It does not change his profession. There is no *wingardium perceptatus* by which the wand of someone else's gaze turns a doctor into a nurse.

The same holds for sex, and the most useful example sits within Duval's own taxonomy. Take a flamboyantly effeminate gay man, all feathers and generous hips, whom some fellow perceives from behind as a woman and harasses. The perception explains the harassment; it does not make him a woman. Now consider how Duval would classify the episode. She distinguishes two kinds of violence. Structural violence is that of men against women, aimed at whoever is perceived through the female schema. Corrective violence punishes those who stray from the script, and among its victims she

names, explicitly, "excessively feminine men".[5] By Duval's own criterion, the harassment of our gay man counts as structural violence against women, since he was perceived through the schema of a woman. Her categories place him on the women's side, and nobody, Duval included, would conclude that he is one. If the inference fails for him, she owes us an account of why it holds for anyone else.

The leap is in the text, not in my reading of it. Duval starts from the postulate that "being a trans woman implies being a woman",[6] though she offers it as provisional, and a few pages later establishes that "the reality of the category woman would lie, then, on the side of gender",[7] on the side of the system that reads us. First she places the trans woman inside the category; then she places the category in the system of reading; and between the two there is no argument at all. What we have is a very good theory of how someone is socially recognised, presented as though it were a theory of what someone is.

3. The "social being" escape route

Duval has an exit prepared, and it is best sealed before she reaches for it. On entering the discussion she warns: "Here I am not interested in identities or identifications", and says she will concentrate "exclusively on social being".[8] She might say, then, that she never spoke of membership in any ontological sense, and merely described how the category functions in society.

The exit is expensive. If she describes social being and nothing more, she has a theory of recognition, which is precisely the theory I conceded in full. But then she cannot use it for what she uses it for. The chapter is not content to describe; it means to refute. Duval announces that she will answer the thesis that women's oppression is grounded in the biological and visible reality of sex, and that her answer "will have to take the form of a refutation".[9] A refutation concerning the ground of oppression is a thesis about what is oppressed, not about how it is recognised. Duval must choose. Either she stays with social being and forfeits the refutation, or she keeps the refutation and owes us a justification of the leap. She cannot have both.

4. The body she concedes and the sex she banishes

Three questions that Duval runs together are best kept apart. Genealogy asks why the category woman arose. Mechanism asks how we socially recognise a woman. Reference asks what kind of entities the category woman classifies. Duval distinguishes the first two very well. With the third she does something more interesting than forget it: she renames it.

"I prefer to speak of the objective as body rather than as sex," she writes; "the body is what is objective." The body exists, she says, as a given, pre-existing fact; sex, on the other hand, would operate "through a construction of social associations and conventions" laid over variable bodies.[10] She concedes the invariant under the name of body and banishes it under the name of sex. Anything one says to her about the body she will accept; anything one says about sex she will declare convention.

Her own genealogy will not let her pull it off. To explain where gender came from, Duval invokes the sexual division of labour and the capacity to gestate, and writes that "the origin of patriarchy can hardly be explained unless we attend to its connection with a primary division between the sexes".[11] Labour cannot be divided by a convention that does not yet exist; one needs a real class of bodies that

gestate and another that does not. In the genealogy, sex functions as a fact. In the reference, it abruptly becomes a convention. Duval uses one word in two registers as the argument of the moment requires: "the origin of gender is material, but gender itself is not".[12]

Hence the argument from indicators. That a category operates through perceptual indicators does not mean those indicators have replaced what they indicate. When someone perceives a woman by her face, voice, silhouette and secondary sexual characteristics, those features did not enter history by a roll of the dice. They are indicators ordinarily correlated with sex, which is why they serve to recognise it. That they sometimes come apart, now that medicine and make-up have learnt to manufacture them, does not show that the schema has ceased to refer to sex. It shows that the schema can be fooled, which is another matter altogether.

5. The surprise package

Duval supplies the counterexample herself, and no phenomenological smuggling is required. In one of the most candid passages of the chapter, she asks whether a lesbian is transphobic for rejecting a trans woman who at first attracted her, and answers that she is not. She finds it "absolutely logical" that the lesbian should have presupposed in the trans woman "an underlying sexual schema incorporating all the characteristics society identifies with the female sex, including the presence of a vulva", and that rejection should follow "on discovering that the genitals do not match". She adds that it is futile to demand that lesbians deconstruct their rejection of penises.[13] Thus far, an intellectual honesty few allow themselves.

But hold on. What happened there? Was our lesbian seized by a sudden attack of phallophobia? What happened is simpler, and graver for Duval's theory: new information about the body arrived and corrected the earlier perceptual schema, and corrected it on precisely a point that matters sexually. The surprise package, if you will forgive the expression, demonstrates that the initial perception had not abolished reference to the body. It had drawn a tacit inference about the body, and the inference turned out false.

Duval might reply that the correction happens within the schema, which held an imaginary vulva and lost it. And what corrected it? A schema is not corrected by another schema; it is corrected by the body. A schema the body can contradict is a schema that refers to the body. Were the schema autonomous, as Duval's theory of violence requires, the discovery would be irrelevant and the lesbian would have no reason to lose her desire. Duval grants the lesbian that right, and in doing so grants the body an authority over the schema that the rest of the chapter denies it. Her best concession is the best evidence against her.

Phenomenology, only now, helps us see why. There is no need to call perception "mere appearance". One may grant Merleau-Ponty, whom Duval quotes,[14] that we perceive a woman immediately, and not a collection of features from which something is afterwards deduced. But immediacy is not infallibility, nor immunity to correction. We see a smooth red ball; we turn it over and find the other side green and dented; perception corrects itself without passing through any reasoning. Perception is not a conscious judgement, and nor is it the oracle at Delphi. That the perceptual mechanism can err about the referent does not abolish the referent. Quite the reverse: the very possibility of error presupposes a difference between what seems to be and what is.

6. "Just as I see her"

In the most combative part of the chapter, Duval turns on a left she calls "neo-materialist", the one that blames identity politics for the left's misfortunes and takes refuge in "material conditions". She mocks its supposed "materialist analysis", which in her account holds that things are "just as I touch and see them", and delivers what she takes to be the coup de grâce: this would be, "curiously, the supreme expression of subjectivism",[15] a position that admits no criticism of perception.

It is a good line, and I should like to return it, gift-wrapped. What is the category woman in Duval's theory? It is the category to which belongs whoever is read through the female schema. A woman is whoever is seen as a woman: just as I see her. The theory that makes perception a criterion of being is hers. The position defended here is the opposite one: perception is immediate but corrigible, and what corrects it is the body. The subjectivism Duval charges her opponents with is exactly what sustains her own ontology.

7. What the aggressor punishes

The typology of violence, the most carefully worked part of the chapter, has the same crack running through it. Duval writes that "a woman is not assaulted in the street for having a vulva" but "for the imagination, the gaze projected onto her",[16] and applies this to trans women. If a rapist attacks a trans woman because he perceives her as a woman, the violence is structural, even if the victim's genitals do not match those his schema supposed. And if he also feels "deceived", because the body "should have been" male, corrective violence is added.[17]

Very well. But then perception no longer suffices to classify the violence. To know which kind is present, or whether both are, one must reconstruct what property the aggressor believes himself to be punishing at the moment he strikes. The victim is the same from beginning to end, and so is the harm; what changes along the way is the object of the aggressor's intent, which began by targeting a woman and ended by targeting someone who, in his eyes, had deceived him about her body. A theory of violence that needs to know that can no longer claim that everything happens in the gaze.

There is something deeper, and it is circular. Duval defines the category woman by perception, and defines structural violence as violence against the category woman. "She is assaulted as a woman" therefore cannot serve as evidence that someone belongs to the category, since it was built into the definition. That the line about the vulva may be true of a particular episode does not make it sufficient as an account of the system. The aggressor need not know that particular woman's vulva in order to act within a system whose class of targets was historically organised around having one. Duval says as much herself every time she mentions the capacity to gestate.

8. What remains

The first chapter explored the inward route: identifying as a woman, even involuntarily, does not suffice to be one. The second explores the outward route: being perceived as a woman, with all the consequences that brings, does not suffice either. Duval has travelled, with real talent, the two great non-bodily routes by which membership of a sex might be defined, and on both one must grant her a great

deal. Identifications exist, perceptions exist, and both are causally powerful and socially decisive. Conceding this does not blunt the critique. It sharpens it, because it leaves a single question standing: what is missing, when neither route will do?

And there the body returns. Not as the cudgel of the Vox voter, or of the Opus Dei matron who repeats "it's basic biology" as one might tell a rosary. It returns as the measure of the other two routes, the only thing that explains why identification and perception can be right, diverge or go wrong. One may squeeze the proverbial fat lady until she stops singing, and the invariant is still there. Duval saw it, called it the body, declared it objective, and sent it into exile under another name, because had she let it in as sex her chapter would have collapsed.

The ending writes itself. An essayist who spends twenty pages mocking the fetish of the "material" deserves to be seen off with "Material Girl". With the video, preferably, which is better than the song: Madonna in a pink gown, long gloves and pearls, surrounded by suitors in dinner jackets, imitating Marilyn Monroe's number in *Gentlemen Prefer Blondes*. It is a copy of a copy of femininity, the very chain of imitations Duval learnt from Butler.[18] All that cited, rehearsed and reproduced femininity fails to erase the material girl underneath, and the song, in its own way, knew it.

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), ch. 2, "Política identitaria, la izquierda y lo trans", section "La posición identitaria del discurso". 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. Janice G. Raymond, *The Transsexual Empire: The Making of the She-Male*, Boston, Beacon Press, 1979 (Duval quotes the introduction to the 1994 edition); Duval, ch. 2, "Introducción al feminismo transexcluyente".
3. Duval, ch. 2, "Historicidad y contexto de lo trans".
4. Duval, ch. 2, "La percepción en la violencia y el deseo".
5. Ibid.
6. Duval, ch. 2, "El género como sistema y el género como proceso".
7. Ibid.
8. Ibid.
9. Duval, ch. 2, "La percepción en la violencia y el deseo".
10. Duval, ch. 2, "El género como sistema y el género como proceso".
11. Ibid.
12. Duval, ch. 2, "La percepción en la violencia y el deseo".
13. Ibid.
14. Maurice Merleau-Ponty, *Phenomenology of Perception* (1945), trans. Donald A. Landes, London, Routledge, 2012, part one, ch. V, "The Body as a Sexed Being"; quoted in Duval, ch. 2, "La percepción en la violencia y el deseo".
15. Duval, ch. 2, "Realidades materiales y neomaterialismos".
16. Duval, ch. 2, "La percepción en la violencia y el deseo".
17. Ibid.
18. Madonna, "Material Girl" (1984), video directed by Mary Lambert (1985), restaging the number "Diamonds Are a Girl's Best Friend" from *Gentlemen Prefer Blondes* (Howard Hawks, 1953); Judith Butler, *Gender Trouble: Feminism and the Subversion of Identity*, New York, Routledge, 1990.