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# A Critical Review of 'Gender Trouble' by Judith Butler

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## ABSTRACT

*The first week of May, 2022 saw hundreds of American citizens take to the streets in outrage over the possible reversal of the landmark abortion rights judgement Roe v Wade. While the judgement and the ensuing discussions based themselves on the idea of reproductive justice for women, there are other categories of persons who also benefitted from this judgement, such as trans persons, intersex and non-binary persons in need of abortion facilities in the United States. Today, we use broader terms like "people with uteruses" to refer to all persons in line for receiving such reproductive care. However, often, this proclivity for inclusivity is only on paper: trans, non-binary and intersex people are often forgotten in the larger movement of biological rights. The primary reason behind this predicament is the convoluted ways in which sex, gender and desires are conceptualised in our society. Several questions regarding such conceptualisations remain unanswered, forcing us to think and re-think our basic understanding of these concepts in our individual lives.*

*Scholars belonging to the feminist and queer theory traditions have been at the forefront of posing the same questions regarding sex, gender, and desires. No mention of such scholars would be complete without talking about Judith Butler, the twentieth century American philosopher that gave the world much to think about through their seminal work 'Gender Trouble: Feminism and the Subversion of Identity.' Published in 1990, the book was a ground-breaking manuscript due to its ideas concerning gender identities, relationships between gender and sex as well as the larger queer-feminist politics. The following paper review the paper through a multi-dimensional lens, with a view to explore its ability to connect with the varied gendered issues taking place in today's politics.*

**Keywords:** *gender, gender binary, feminism, law, queer theory.*

## I. INTRODUCTION

Scholars belonging to the feminist and queer theory traditions have been at the forefront of posing intense questions regarding sex, gender, and desires. No mention of such scholars would be complete without talking about Judith Butler, the twentieth century American philosopher

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that gave the world much to think about through their seminal work *Gender Trouble: Feminism and the Subversion of Identity*.<sup>2</sup> Published in 1990, the book was a ground-breaking manuscript due to its ideas concerning gender identities, inter-relationships between gender and sex as well as the larger queer-feminist politics. The following paper seeks to review Butler's work. The paper will focus specifically on the *Gender Trouble's* impact on feminism, discussions around the gendered binary and larger gender/sex distinctions found within the book as well as the learnings that the law can take from this discussion. This will be followed by the author's concluding thoughts on the ideas investigated within the paper.

## II. LEARNINGS FOR FEMINISM

One of the greatest strengths of *Gender Trouble* is its structured criticism of the feminist movement and the larger field of identity politics. Central to this criticism is pointing out the problematic ways in which women were viewed as a subject within the movement. This led to the twin issues of reification of women as a subject within the movement as well as claims of universality to arise on and around her. This, in turn, reduced the "woman" to a particular set of attributes, thereby precluding the possibility of people to imagine what it means to be a woman in non-normative ways. Such a categorisation also depended extensively on heterosexuality for coherence, thereby making it difficult for non-normative queer identities along the feminine spectrum to find their place within feminism<sup>3</sup>.

Butler's theory is a commendable one, for it exposes a lacuna within feminist politics which has been prevalent for several years- that of arbitrarily excluding certain categories which are relevant to feminism's overall aim of gender equality. This scenario led Butler to wish for a coalitional setting of feminist politics which would account for the diverse interests and expressions of women. Butler, therefore, argued for intersectional thinking to gain limelight within feminist imaginations- an argument that continues to be important given the skewed identity politics prevalent in our society today. However, it is my humble opinion that this claim could have been argued better had Butler acknowledged that factors like patriarchy also contribute immensely in the constructing the subject of women. This analysis could have also benefitted from the recognition that not all issues surrounding queer identities can be addressed through feminism. While feminism provides a unique way of looking at gender politics, it has failed to address several issues stemming from gender and its societal formulations that are relevant to the queer community. It is because of this reason that the community as well as queer

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<sup>2</sup> Butler, Judith, 1990, *Gender Trouble, Feminism and the Subversion of Identity*, London: Routledge.

<sup>3</sup> Butler, Judith, 1990, *Gender Trouble, Feminism and the Subversion of Identity*, London: Routledge.

theorists have taken to voicing their struggles through movements that are far away from feminism. However, if we look at the argument put forward by Janet Hailey in *Gender, Sexuality and Power: Is Feminist Theory Enough?*<sup>4</sup> we'll realise that such non-feminist formulations turn out to be a boon for queer politics, leading to a more focused assessment of the issues faced by the queer community. This would give a more fruitful direction to Butler's critical analysis of feminist theory, thereby allowing it to co-exist and engage with queer politics in a more sensitive manner.

### III. ON GENDER, SEX, AND THE BINARY

Another theme that stands out in Butler's analysis is the critical expose of gender and sex as identities seen by the society. Butler differs from the scholars that came before them by claiming that both the identities were constructed by the society, in a way that led to their conflation and reduced them to the narrow ways in which society imagined sex to lead towards gender. An important part of this imagination was the concept of the gender binary i.e., the existence of two genders, that of male and female, in the society. The gender binary, in turn, helped in creating a "stable" identity which appears natural and becomes a part of the personhood attached to people's identities<sup>5</sup>.

Butler mentions this concept of gender binary at several points in their essay. However, they limit their engagement with the origin of this concept only to compulsory heterosexuality, or the prevalence of norms that sanctify sexual/romantic relations between male and females in the society. This analysis could've been aided greatly by recognising patriarchy, subjugation of women, policing of identities and gender stereotypes also play a role in shaping gender binaries. Fields like class, race, and cultural positioning<sup>6</sup> could've also contributed to this issue through their own unique ways. This set of acknowledgements would've only aided Butler's final claim that gender is enforced through performance and repetition, and therefore deserves to be subverted through deviant gender behaviour. Lastly, Butler's work does not adequately explore what happens to persons after they engage in gender trouble i.e. after they subvert the binary identity All of these are important contestations raised against queer politics today, and engaging with them, if not fully answering them, would have strengthened Butler's arguments.

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<sup>4</sup> Brenda Cossman, Dan Danielsen, Janet Halley, Tracy Higgins, "Gender, Sexuality and Power: Is Feminist Theory Enough?" 12 (13) Columbia Journal of Gender and Law (2003), 601-637

<sup>5</sup> Butler, Judith, 1990, *Gender Trouble, Feminism and the Subversion of Identity*, London: Routledge

<sup>6</sup> Lennon, Kathleen, "Feminist Perspectives on the Body", *The Stanford Encyclopaedia of Philosophy* (Fall 2019 Edition), Edward N. Zalta (ed.), URL = <<https://plato.stanford.edu/archives/fall2019/entries/feminist-body/>>.

#### IV. LEARNINGS FOR THE LAW

Gender Trouble is not excessively concerned with the institution of law or the gender inequality it often ends up perpetrating in the society. All it does is acknowledge that hegemonic inclinations of the law in constructing the subject of “women” all the while claiming her to be a subject that predates the law<sup>7</sup>. In a minimalist way, this serves as an example of how gender categories are constructed in the society. Despite this situation, Gender Trouble continues to be a text studied by lawyers and legal scholars across the world. This is because of the text exposes the fixation on gender binaries and other societal constructs around gender, which are often adopted by the law. Such revelations will no doubt help in criticising and bringing about a reform in the laws considered. Butler also identifies a reciprocal process in their work- they note that the culture that creates gender can itself be looked at as a law or set of laws, by applying which gender becomes fixed and restricted in the same way as biological sex<sup>8</sup>. In my opinion, bestowing a legal character to culture helps the readers in understanding the prescriptive and sanction-laden nature of these cultural norms, thereby helping them to understand the gravity of the situation in front of them.

While Butler finally goes on to prefer Foucault’s idea of power over this formulation of the law, it still holds importance to readers of legal backgrounds reading this text. It has the potential to lead to a more sensitive engagement of the identity of the “woman” by the law, which would account better for the interests and positionality of women in the society. Most importantly, this formulation carries the potential to make the law more aware about the manner in which it had created and enforced exclusions in terms of gender identities and expressions throughout history. This recognition will enable our legislators to include the erst-while excluded categories into the mould of the law that it formulates in the future. One can always hope that this recognition will solidify the position of these categories for the purpose of availing rights, benefits and duties accorded by the law. This takes us back to the incessant anxieties being faced with regards to the *Roe v Wade* conspiracy playing out in the United States currently. The court, here, should be implored to protect reproductive rights not just for women but for all persons with uteruses in order to facilitate more inclusivity within gender justice.

#### V. CONCLUDING THOUGHTS

The discussions put forth above look at Gender Trouble through a contemporary perspective, a gaze which might not be just, considering the discourses and resources of the society in which

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<sup>7</sup> Butler, Judith, 1990, *Gender Trouble, Feminism and the Subversion of Identity*, London: Routledge

<sup>8</sup> Butler, Judith, 1990, *Gender Trouble, Feminism and the Subversion of Identity*, London: Routledge.

Judith Butler wrote. However, one cannot help but engage with the text through this perspective for one must, at the end of the day, relate its relevance to the times one lives in.

First, we must acknowledge the fact that Butler wrote *Gender Trouble* in a complicated and extra-ordinary language. Some scholars claim that this owes to their post-structuralist leanings, which encourages a more free-flowing use of language given its ability to produce and reflect social reality. Alongside this, Butler has a habit of posing questions and leaving the readers to reflect on them, rather than making substantial claims on the same subject matter. This creates uncertainty about the claims made by Butler and prevents the reader from fully understanding the implications of the word used by them. Hence, while Butler defends their work as a personal choice of going against established standards of lucidity to accurately reflect radical ideas, the readers find themselves confused by the exact contents of *Gender Troubles*. This limits their ability to compare the text with other manuscripts of gender and queer theory and witnesses, for example, the development of these disciplines.

At this juncture, it would also be useful to recognise that when we subvert certain identities, like the gender binary by engaging in gender fluid or non-conforming practices, we run the risk of reinforcing the same gender binary. This binary becomes an important standard for comparing our subversive actions; and given the suspiciousness with which the society regards any new action it might as well end up reinforcing the value of the binary. One live example of this is the present-day conservative politics of gender in our country, which has taken to praising the binary-laden ideas against what it considers to be “western” impositions of gender-fluid concepts. We also don’t talk enough about the punishment and social sanctions that more often than not accompany such subversions, which can easily affect the mental and physical well-being of the individuals involved. What, then, is the relevance of pushing past gender boundaries? Can we really claim it to be as important and as doable a process as Butler claims it to be?

The last contentions reveal another issue that is very prevalent in academic discourses: the problem of failure to adequately engage with people’s lived realities. It is very well and easy to ask readers to engage in gender trouble. However, sitting down to justify its importance, especially in light of the rampant homophobia, gender violence and societal stigma is an immensely arduous task.

Perhaps it is unjust to demand such questions from Butler. It is difficult to justify the value of any radical act in light of the forces that work against it, and Butler cannot be expected to answer for the entire community’s gender experiences based on their own observations and research in

the field. However, this does not mean we cannot posit these questions to create a longer discussion on the ideas portrayed by *Gender Trouble*. Butler does identify these strains, for they released a new preface to the book in 2011, followed by several interviews and academic interactions over their book<sup>9</sup>. In these collections we find them conceding that they would've written the book in a dramatically different way if they were writing it today, including, for example, more intersectional axes of discussion as well as a better understanding of the concept of performativity. Gender is an evolving concept, and it is highly likely that the ideas expressed by the author in the erstwhile text do not fit in elegantly with the contemporary debates on the matter. Therefore, the length and breadth of my argument with *Gender Trouble* is that its value stands undiminished, but it cannot be read without attempts to contextualise its ideas and pose questions to them. The resultant learnings are bound to expose the readers to a deeper understanding of gender theory and more conducive discussions in the larger field of gender & society.

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<sup>9</sup> One example of such contribution is Owen Jones (15<sup>th</sup> May, 2021) "Feminist Icon Judith Butler on JK Rowling, Trans Rights, Feminism and Intersectionality". YouTube. Accessed at: <https://www.youtube.com/watch?v=tXJb2eLNJZE>