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In the introduction to “Gender Regulations”, Judith Butler exposes the problematic definition of *regulation* as an institutionalized dynamics that regularizes persons, that makes them, among other things, gendered subjects with regular genders. Following Foucault, she argues that gender does not preexist regulation: on the contrary, the gendered subject is produced by the regulatory power which both shapes and subjectifies it:

(1) regulatory power not only acts upon a preexisting subject but also shapes and forms that subject; (2) to become subject to a regulation is also to become subjectivated by it, that is, to be brought into being as a subject precisely through being regulated (p. 41)

The regulations of gender, she argues, are governed by *norms* which should neither be understood as laws or rules, but rather as that which governs social intelligibility, giving recognition to “certain kinds of practices and actions” and thus “defining the parameters of what will and will not appear” in the social sphere:

*gender is the apparatus by which the production and normalization of masculine and feminine take place along with the interstitial forms of hormonal, chromosomal, psychic, and performative that gender assumes* (p. 42)

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Is there a way to disrupt norms or resist to their governance? Butler pretends that trying to be outside the norm does not really help as the “outsider” is still defined “in relation to it”. For example, “gender blending” queer categories and identities such as “gender trouble”, “transgender”, “cross-gender”, “non-binary” or “gender-neutral” suggest that “gender has a way of moving beyond” the masculine/feminine “naturalized binary” (p. 42).

She concludes by showing two alternatives to the “gender blending” approach. The first one is the proposal for a multiplicity of genders. The other one is Irigay’s proposal (following Lacan) for a notion of gender that tries to escape the quantitative description of gender by opposing the masculine sex as “the one and only” on which other sexes are based: “The sex which is not one” is thus femininity understood precisely as what cannot be captured by number.”

1 Symbolic Positions and Social Norms

In this section, Butler attacks the Lacanian conception of a universality of cultural laws rooted in symbolic and linguistic rules that are “understood to support kinship relations”. For Lacan, the symbolic position lives outside of the social. For example, he insists that the “symbolic position of the father” that results from the Oedipus complex should not be mistaken for the “socially constituted and alterable position that fathers have assumed throughout time”. (p. 45)

Butler criticizes this conception of a symbolic reality that lives outside the discourse as being heteronormative and self-justifying, in other words, the articulation of a regulatory power: “the authoritative force that shores up the incontestability of the symbolic law is itself an exercise of that symbolic law, a further instance of the place of the father” (p. 46) It is clearly problematic when one considers alterations to kinship that defy the norm, such as families with one parent or two same-sex parents.

Against that view, Butler argues that the norm is, in fact, performative: “in its necessary temporality [it] is opened to a displacement and subversion from within” (p. 47) She thus proposes a shift from a symbolist conception of regulation to a social conception of regulation. Gender norm is not a model that people try to imitate but a “social power that produces the intelligible field of subjects” and the gender binary. (p. 48)
Taking up a discourse between Ewald and Foucault, she looks at the history of the concepts of norm, normativity and normalization. This analysis reveals how norms transform “constraints into a mechanism”, turning the “negative restraints of the juridical into the more positive controls of normalization”. (p. 49)

2 Norms and the Problem of Abstraction

In this section, Butler looks back at the process by which trying to free oneself from the norm results in reinforcing it. As Ewald puts it: “The abnormal does not have a nature which is different from that of the normal. The norm, or normative space, knows no outside.” The immediate consequence is thus that “any opposition to the norm is already contained within the norm, and is crucial to its own functioning”. (p. 51)

Thus, Butler argues, shifting from the symbolic to the social using Foucault leads us to a dead-end. Macheray proposes an alternative view of norms. Norms, he pretends, should not be seen as independent abstractions but rather as “forms of action” (p. 51):

By maintaining that the norm only subsists in and through its actions, Macheray effectively locates action as the site of social intervention. [...] Not only is the norm responsible for producing its field of application, according to Macheray (187), but the norm produces itself in the production of that field. The norm is actively conferring reality; indeed, only by virtue of its repeated power to confer reality is the norm constituted as a norm. (p. 52)

In other words, I would argue, norm is performative.

3 Gender Norms

In the last section of the text, Butler gives examples of the regulatory processes through which gender is normalized: surgical “correction” for intersexed children and laws against sexual harassment in the workplace. She argues that the performative character of norm also makes it a site for social intervention: “To the extent that
gender norms are reproduced, they are invoked and cited by bodily practices that also have the capacity to alter norms in the course of their citation.” (p. 52)

She finally shows how these processes exceed the question of gender in that they operate “as a condition of cultural intelligibility for any person” (p. 52)

Hence, regulations that seek merely to curb certain specified activities (sexual harassment, welfare fraud, sexual speech) perform another activity that, for the most part, remains unmarked: the production of the parameters of personhood, that is, making persons according to abstract norms that at once condition and exceed the lives they make—and break. (p. 53, emphasis is mine)

References