

THE EMPEROR'S (NEW) NEW CLOTHES: THE LOGIC OF THE NEW "GENDER IDEOLOGY"

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"[T]o be sexual is to be the kind of being that
owes its very existence to others. It is to be always
already in relation to the opposite sex."



INTRODUCTION

Over thirty years ago, the political philosopher Augusto Del Noce said that "today's nihilism is no longer tragic."¹ It is, rather "gay," in both the older sense, because it suppresses the Augustinian *inquietum* with a "sequence of superficial pleasures," and the newer sense, because "its symbol is homosexuality . . . even when it retains the man-woman relation." Gay nihilism, says Del Noce, is a "not seeing" sexual difference "as sign of the other." Now, with the new chapter of that same nihilism in full swing, Del Noce's assessment is all the more trenchant. The current un-

1. Augusto Del Noce, "Lettera a Rodolfo Quadrelli" (unpublished letter, 1984), <http://www.tempi.it/del-noce-parlava-nichilismo-gaio-simbolo-omosessualita#.VsIn1fkrLIU> (translation mine).

derstanding of “gender” represents a deeper and more comprehensive form of this nihilism, because of the level at which it suppresses the drama of the human heart. “Gender” would keep us from seeing sexual difference *altogether* by eliminating any residual evidence that there might still be a reality other than our own wills, a reality that might suggest we are not in fact Zarathustra, “alone with pure sky and open sea, free once more.”² In addition to hiding from view the objective *direction* of our desire behind the cloak of “orientation,” it would prevent us from seeing *what* we are—a man or a woman—or, indeed, that we are anything at all. Taking the “new clothes” of the famous Emperor a little further, the cloak of “gender” would render invisible all the naked evidence.

Above all, what the “new clothes” wish to hide from view is the essential material of the sexually distinct body transparent in the root of the very word it occupies (*gener*), namely that each of the sexes has been generated and has the power to generate together with (and only with) the opposite sex, the very phenomenon by which we exist as sexual—and exist at all. What is more, it does this as it puts on display everything that sexual difference is *not*, namely self-identification, self-determined “orientation,” and mastery over our future. These are often enough attached to the left-over “packaging,” which is *inessential* to the warp and woof of sexual difference, even if not immaterial: the much-maligned “stereotypes” (such as preference for lipstick, skirts, and the like), which now, detached as they are from the essence of sexual difference, really *are* stereotypes. “Gender” is essentially a synthetic garment made in a laboratory sweatshop. It is an artifact. Worse, it is an *anti*-artifact because it exists to *hide* (not adorn) and, even worse, “trouble”—and ultimately unmake—the body it hides. And lest we think that this way of “not seeing the difference” is reserved for a tiny fraction of people who actually do resort to “gender re-assignment” surgery and the like, the opposite is true. For to speak of just one person’s “identity” as not “aligned” with his or her “assigned” sex is to think that everyone’s “identity” is arbitrarily and artificially related to his or her body and its sexual dimorphism, even where

2. Friedrich Nietzsche, *Thus Spoke Zarathustra*, in *The Portable Nietzsche*, trans. Walter Kaufmann (New York: The Viking Press, 1968), 272.

“sex” and “gender” happen to “align,” as the fashionable prefix “cis” is meant to suggest.³ It is to think that the rest of us are not men or women *because* we are male or female (with all the telltale signs). We are so because we have *chosen* (or felt) it. In sum, the introduction of this new fashion to the market intends to secure the anthropological foundation for a thoroughgoing nihilism by removing from sight any trace of a reality lying underneath it so that we might not “see the difference.”

In what follows, after a word on the original meaning of the English word “gender,” I will lay out the history of the construction of the current “gender” understood as distinct from “sex.” I will then address the underlying reasons for which it is a “solution.” Finally, addressing those reasons, I will suggest an alternative solution.

1. REAL GENDER⁴

There is something about *real* gender found in the Latin root of the English *gener-*, *genus* (meaning “kind,” “sort,” “breed,” or “stock”), present in other nouns such as *genealogy*, *generation*, *generosity*, and in the verb “to *engender*.” In English, “gender,” according to its own root, suggests a series of relations tied to the rhythm of generation: with one’s forebears, with the opposite sex, and with one’s potential progeny.⁵

3. Commenting on the prefix “cis,” Nancy Pearcy notes, “The term was coined to imply that even when your gender aligns with your biological sex, there is no natural connection. Your basic identity as male or female . . . no longer follows metaphysically from your biology but must be determined by an act of will” (*Love Thy Body* [Grand Rapids: Baker Books, 2018], 214).

4. I am neither suggesting that “gender” is something *in* addition to “sex,” nor that we should be using the term. The only reason for the use of the term here is to show how much the English term is rooted in generation, and thus show the diabolical character of the current use of it.

5. Cf. *The Oxford English Dictionary*, s.v. “gender” (Oxford: Oxford University Press, 1971). As Prudence Allen notes, the root of the term is consistently used to designate something tied to *generation*, both in ancient Greek philosophy and in the Old and New Testaments (Prudence Allen, “Gender Reality vs. Gender Ideology,” *Solidarity: The Journal of Catholic Social Thought and Secular Ethics* 4, no. 1 [2014]: 25–26). For its part, “sex” is thought to be connected to the Latin *seco-*, *secare*, meaning “to cut,” or “to divide,” from which we get the English words “section,” “segment,” “intersect,” among

We will say a brief word on the first of these relations, the one that is in question, and the basis of the other two. By the simple fact of being sexual, we are the kinds of beings that are brought into existence through the sexual process. We are begotten and born.⁶ (The fact that our attempt to circumvent the sexual process goes hand in hand with the attempt to overcome our being sexual does not contradict this. It only confirms it.) This fact then ties us to another inexorable fact at the other end of our lives: being sexual, we find ourselves between the bookends of birth and death.⁷ Marked by these two events, being sexual brings to light one of the most basic differences between us and God: we are finite creatures. Sexuality is not simply identical with finitude, of course, since there are organisms that come into being and are quickly replaced by new individuals of their species through asexual reproduction (as in the case of yeast budding or one-celled organisms).⁸ But what the sexual process makes more visible is the deeper and positive logic of finitude: that we exist by virtue of and for the sake of a co-unity, a unity of two. What is more, in the hierarchy of organisms, going from simple to more complex, the co-unity at the origin of each new individual becomes progressively more both a unity and a duality. As for the duality, sexual difference at the lowest end of life is found *within*

others. See *The Online Etymology Dictionary*, s.v. “sex (n),” <https://www.etymonline.com/search?q=sex+%28n%29>. For its part, *secare* has its root in the Proto-Indo-European “*sek*,” which gives rise to the English “scythe,” “saw,” “sickle,” and “sword.”

6. “Every human being who comes into being owes his existence to a sexual process; he has been begotten and born” (Hans Urs von Balthasar, *Dramatis Personae: Man in God*, vol. 2, *Theo-drama* [San Francisco: Ignatius Press, 1990], 369).

7. See Balthasar’s discussion of the reciprocity of generation and death, especially as tied to the patristic discussion about sex in Paradise, in *Dramatis Personae*, vol. 2, *Theo-drama*, 374–76; Hans Urs von Balthasar, *The Christian State of Life* (San Francisco: Ignatius Press, 1984), 92–103. Balthasar does not tie sexuality to death simply (as many of the Greek Fathers did), though he does hold that it is marked by it, such that sex must have been different in Paradise, sharing elements of the two “states of life” (*The Christian State of Life*, 102–03).

8. There is also parthenogenesis, which is sexual in the sense that there is a “female” organism with female organs that produces eggs that duplicate their own genetic material.

the same individual (as in the case of monoecious, hermaphroditic organisms), whereas in higher forms of life it occurs *between* two distinct (dioecious) individuals with different reproductive organs, activities, and contributions, in which case sexual difference becomes a full-fledged relation to an outside, to *another*. As for the unity, reproduction in sexual beings at the lowest levels of life occurs generally *outside* the body and involves the least amount of parental unity and care for progeny; whereas at the highest levels of life, reproduction takes place *inside* the body and involves the highest degree of parental unity, extending well beyond conception, as parents raise and educate their progeny inside a home.⁹

Simone de Beauvoir noted this *direct* relation between higher organisms and their relation to and dependence on the outside—be it between the sexes (the two parents), be it between the generations (the parents and their progeny). But she considered it problematic because of the implications for the female. “The more the female becomes a separate individual,” she said, “the more imperiously the living continuity is affirmed beyond any separation. The fish or the bird that expels the virgin ovum or the fertilized egg is less prey to its offspring than the female mammal.”¹⁰ As for the human female, considering the needs of her young, de Beauvoir said: “She is the most deeply alienated of all the female mammals.”¹¹ The alternative to this way of interpreting the phenomenon is to look at it positively, as Hans Jonas

9. Cf. the metaphysical discussion of this movement in organic being as it concerns the question of the relation between the universal (species) and the particular in D.C. Schindler, “Perfect Difference: Gender and the Analogy of Being,” *Communio: International Catholic Review* 43, no. 2 (Summer 2016): 212–15.

10. Simone de Beauvoir, *The Second Sex*, trans. Constance Borde and Sheila Malovany-Chevalier (1949; New York: Vintage Books, 2011), 36.

11. Beauvoir, *The Second Sex*, 44. In her first chapter, “Biological Data,” de Beauvoir concludes that the human female, compared to all other females in the animal world, is the one most absorbed by maternity, since no other progeny takes as long to stand on its own two feet as the human child. Indeed, the human female body is the most problematic for de Beauvoir because the demands that the human child makes on its mother are altogether at odds with the fact that she belongs to the species at the top of a chain in which individual members have acquired the most individuality, being the least subordinated to their own species (31, 34).

did when he observed the dialectical nature of organisms in their ascent up the ladder of organic life: as relation to the “outside” increases, so does the “in-itselfness” of the individual.¹²

In sum, at the height of sexual life we find communities where the members are the most distinct as individuals and the most deeply united with the other members. They are persons, that is, individuals who are at once unique “someones” with proper names, and deeply situated within a field of relations, signified by their family names.¹³ Indeed, human beings do not simply replace their forebears. Death is not “natural” for them (Wis 1:13–14). It is dramatic. They mourn their dead and “keep them alive” through the memory of intergenerational bonds, even going so far as to hope to see them one day “in the flesh” (Job 19:26). With Christianity, the horizontal communion between the generations is fully opened up vertically, because the embodied person becomes an *ultimate* reality within the community of the saints.¹⁴ There, the creaturely finitude that sexual

12. Hans Jonas, *The Phenomenon of Life* (New York: Dell Publishing, 2001), 99–107. In his examination of metabolism and the move from plant to animal life, Jonas refers to the “double-edged sword” dialectic between increasing “self-hood” (individualization)—marked by greater perception, locomotion, and emotion—and greater dependence on and exposure to the environment. We could also add to the side of greater individualization: quicker messages from the senses to the brain, more memory, more ability to learn and change behavior. On this point, see Susan Waldstein, “Reading Natural Hierarchy in a Trinitarian Key,” *Communio: International Catholic Review* 42, no. 4 (Winter 2015): 652–92, and Susan Waldstein, “Sexual Reproduction Is Not a Cosmic Accident,” *Humanum*, 2016:4, <http://humanumreview.com/articles/convergent-evolution-and-the-theology-of-the-body>.

13. Cf. Robert Spaemann, *Persons: The Difference between “Someone” and “Something,”* trans. Oliver O’Donovan (Oxford: Oxford University Press, 2006), 67–69; 184–86.

14. See Cardinal Joseph Ratzinger’s discussion of the novelty of the biblical God who, precisely *as a* “Thou,” inviting man into a communion, makes of the human person an ultimate reality, that is, not a penultimate one on the way to an undifferentiated unity (*Truth and Tolerance*, trans. H. Taylor [San Francisco: Ignatius Press, 2004], 34). Indeed, as Spaemann says, the very idea of the “person” owes itself to Christianity: “Without Christian theology we would have had no name for what we now call ‘persons.’ . . . That is not to say that we can only speak intelligibly of persons on explicitly theological suppositions, though it is conceivable that the disappearance of the theological dimension of the idea could in the long run bring about the disappearance of the idea itself” (*Persons*, 17–18). On this point, Balthasar contrasts the Christian novelty with the ancients:

difference betokens is taken up into infinitude, the ultimate community in which we find the One who is eternally begotten, “in whom all [finite] things were created” (Col 1:16).

2. THE ARTIFICIAL PRODUCTION OF “GENDER”

2.1. “Gender” as something else

Today’s “gender” calls into question this most basic fact of our being, the fact of our *being born*. The term is now used in a sense opposite its original meaning, which was always tied to the phenomenon of *generation* made possible through the distinction of the sexes.¹⁵ Indeed it is meant to designate something *other* than “sex,” and only as something arbitrarily and accidentally related to it.¹⁶ As for its provenance, “gender” (and its “identity”) can

For Heraclitus, the divine was ‘that which rests still in change,’ at once embracing and transcending the contrary pairs. Plotinus perfects this by removing the ‘One’ which knows no opposite term above the ‘spirit’ that has its life in the tension between thinking and being thought, between loving and being loved, between ‘I’ and ‘Thou.’ The ‘One,’ source of all love and insight, cannot itself be a loving ‘Thou.’ A final point is the necessary consequence of this: thirdly, the divine absolute, which cannot cease to be the object and the goal of all of man’s religious striving, disappears into the realm of that which cannot be uttered, that which lacks a ‘Thou’: it is that which is loved, that to which all goodness must be attributed, but since it remains severed impersonally from all dialogue between ‘I’ and ‘Thou,’ it can be attained only by the one who leaves his personal being as a limitation behind him and penetrates through to that which is devoid of contraries. (Hans Urs von Balthasar, *Creator Spirit*, vol. 3, *Explorations in Theology* [San Francisco: Ignatius Press, 1993], 26).

15. Prior to the 50’s, when the “sex-gender” distinction appeared, the term “gender” was used both to refer to individuals (and synonymously with “sex”) and grammatically, as in the case of “gendered” nouns—although predominantly it was used in the latter sense. See *The Oxford English Dictionary*, s.v. “gender.”

16. On the recent use of the two terms and their eventual bifurcation, see David Haig, “The Inexorable Rise of Gender and the Decline of Sex: Social Change in Academic Titles, 1945–2001,” *Archives of Sexual Behavior* 22, no. 2 (April 2004): 87–96.

come from the social “outside” as when, for example, it is defined as *socially constructed* “attributes,” “opportunities,” and relationships “associated with being male [or] female.”¹⁷ Or it can come from the inside. It can be a feeling: “a deeply felt, inherent sense of being a boy, a man, or male; a girl, a woman, or female; or an alternative gender,”¹⁸ or just a “sense [not deep] of oneself as male, female, or transgender.”¹⁹ Or it can be a choice: “one’s self-identification as male or female,”²⁰ to the point that it is “fluid, variable, and difficult to define,” with an “internal genesis that lacks a fixed external referent,” which should be “authentica[te]d by simple professions of belief.”²¹

2.2. *What the distinction is not*

To be clear, the new “sex-gender” distinction is not the one between a nascent organism and a mature one, the more complex and intelligent of which requires a greater social life and need for

17. The United Nations Office of the Special Advisor on Gender Issues (OSAGI) provides this definition: “Gender’ refers to the social attributes and opportunities associated with being male and female and the relationships between women and men and girls and boys, as well as the relations between women and those between men. These attributes, opportunities, and relationships are socially constructed and are learned through socialization processes. They are context/time-specific and are changeable” (“Concepts and Definitions,” *UN Women*, August 2001, <http://www.un.org/womenwatch/osagi/conceptsanddefinitions.htm>).

18. American Psychological Association, “Guidelines for Psychological Practice with Transgender and Gender Nonconforming People,” *American Psychologist* 70, no. 9 (2015), 832–64, doi.org/10.1037/a0039906.

19. American Psychological Association, “Guidelines for Psychological Practice with Lesbian, Gay, and Bisexual Clients,” *American Psychologist* 67, no. 1 (2012), 10–42, doi.org/10.1037/a0024659.

20. American Psychological Association, *APA Dictionary of Psychology*, 2nd ed. (2015), s.v. “gender identity,” <https://dictionary.apa.org/gender-identity>. See also the definition provided by *The Diagnostic and Statistical Manual of Mental Disorders*: “Gender identity is a category of social identity and refers to an individual’s identification as male, female, or, occasionally, some category other than male or female” (American Psychiatric Association, *The Diagnostic and Statistical Manual of Mental Disorders*, 5th ed. [2013], 451).

21. This is the definition provided by the Sixth Circuit Court in its decision in *Harris Funeral Homes v. EEOC*, 884 F.3d 560 (6th Cir. 2018) at Pet. App., 24a–25a, N.4.

education (nature–nurture). As we said, at the height of organic life, individuals are the most social, sociality being written in the very biology of the animal. The famous Swiss zoologist Adolf Portmann notes that the human infant, in comparison to other animals such as colts and calves, is the *most helpless*, needing an “extra uterine” year in the “social womb” of the family in order to acquire quintessentially human things such as speech and upright stature.²² And just as the (also biological) phenomena of uprightness and speech cannot be abstracted from “socialization” (i.e., upbringing, nurture, culture), neither can sexual difference. Accordingly, it is in the very nature of girls and boys as dependent rational animals to need the family, teachers, and society at large to become men and women.²³ They are the necessary implication of the very kind of sexually differentiated individual the human being is, a deeply social and rational one (however flawed that role may be played out in various historical contexts). In other words, it is impossible to think of cultural formation as something essentially extrinsic to what is otherwise an asocial individual, and his or her (merely) “biological sex.” But in the “sex–gender” distinction, this is exactly the case.

Nor is the new distinction that between the *being* of an individual man or woman and his or her rational and free personal *self-possession* and *self-communication*—or “expression”—in society (and in the manifold forms this may take in different times and places).²⁴ Being rational, men and women live out their

22. Adolf Portmann, *A Zoologist Looks at Humankind*, trans. Judith Schaefer (New York: Columbia University Press, 1990), 31–62.

23. The term “dependent rational animals” is from Alasdair MacIntyre’s volume by the same title, which seeks to elucidate the moral and philosophical significance of human animality, vulnerability, and disability. See Alasdair MacIntyre, *Dependent Rational Animals: Why Human Beings Need the Virtues* (Chicago: Open Court Publishing, 2001).

24. In the context of their critique of gender ideology, Pope Francis and the Congregation for Catholic Education advert to the place that culture plays in the way that sexual difference is lived out. Pope Francis suggests a distinction between “biological sex” and a “socio–cultural role” (*Amoris laetitia*, 56). The Congregation for Catholic Education, for its part, distinguishes “the feminine–masculine dyad” from the “ways in which sexual difference between men and women is lived out in a variety of cultures” (“‘Male and Female He Created Them.’ Towards a Path of Dialogue on the Question of Gender Theory in Education” [Vatican City, 2 February 2019], 6). Ryan Anderson

vocations, not just instinctively, but freely and socially. And doing so, there is no clear-cut division between merely “biological” acts and personal and “social” ones. The begetting and nursing of children is every bit as personal and social as the activities of making a home and educating children are biological. As *human*

suggests a similar distinction between the “bodily, biological reality,” and “how cultures give expression to sexual difference” (“Neither Androgyny nor Stereotypes: Sex Differences and the Difference They Make,” *Texas Review of Law & Politics* 24, no. 1 [Fall 2019]: 212–62, at 233). I do not dispute that there is a distinction between the fact of being sexually distinct (a boy or a girl, a man or a woman) and “living that difference out in a variety of cultures.” But there is a more basic distinction, prior to cultural variety. It is between being one sex or the other (a boy or girl) and growing up to become a man or a woman, which involves both the person “living out” what he or she already is and those helping to raise him or her (parents, society, culture). If we begin there, and not immediately with cultural variety, we allow ourselves to speak positively about the necessary role a culture has in forming a boy or a girl to maturity as a man or a woman, respectively. We extricate ourselves, in other words, from the agenda that originally inspired the search for cultural variety (beginning with Margaret Mead) to show how cultural “expectations” are per se imposed externally in the arbitrary sense, according to the “social construct” model belonging to the nature-nurture dualism. Furthermore, in my view, the distinction as stated draws too sharp a distinction between the biological and the living out of sexual difference. By using the modifier “biological” for “sex,” the terms are prey to the implication, however unintended, that “living out” or “expression” is not biological, and conversely, that “sex,” or “bodily, biological reality” is not always already socially embedded and in need of formation and personal “living out.” But that, of course, is not the case. It is the one human organism (body and soul) that both is and then acts. Think, for example of the nursing of a child or the education of children and the making of a home, all of which are indivisibly human acts. Think, too of the fact that the human child is born “too early,” and in need of the “social uterus” of the family. Perhaps the problem that the above distinctions are prey to arises from the preference for the use of “biological” over “natural,” the former being an abstraction of the latter. As Karol Wojtyła said, “The expression ‘order of nature’ cannot be confused nor identified with the expression ‘biological order,’ as the latter, even though also signifying the order of nature, denotes it only inasmuch as it is accessible for the empirical-descriptive methods of natural sciences” (*Love and Responsibility*, trans. Grzegorz Ignatik [Boston: Pauline Books and Media, 2013], 40). In sum, by choosing the more abstract term, it is very difficult, especially in current circumstances given the history of the invention of the “sex and gender” dyad, to designate the whole human organism who is male or female and then grows up to become a man or woman (quite apart from the actual intentions to the contrary of those using the modifier). Finally, by using the “sex and gender” pair, as Anderson does, to indicate a proper distinction is to imagine, naively in my view, that anyone today is able to detect in the pair anything other than the dualisms the distinction has always existed to create and perpetuate.

acts, the two dimensions are found undivided in each of them. It is impossible to conceive of a *living* acting “I,” in other words, as a disembodied “self” entirely separable from, indeed overriding the reality of his or her sexual difference to become something *else*, not more of what he or she already is. It would be impossible, therefore, to think that a man can “become” and “identify” as a “woman,” or that it is a “stereotype” to think that he “must” describe himself as one. But in the “sex-gender” distinction, this is exactly what is taken for granted.²⁵ These are reasons enough for renouncing the use of the word “gender,” or, at the very least the dyad “sex-and gender.”²⁶

2.3. Antecedents to the “sex-gender” distinction

The idea of “gender” underwent a long incubation period well before it was introduced into the current lexicon.²⁷ In the early years, feminists such as Margaret Mead set the stage with their idea of social “roles” understood as institutionalized “expectations” instilled in individuals through environmental conditioning (via upbringing and education).²⁸ Simone de Beauvoir’s famous *dictum* “one is not born but rather becomes

25. Cf. *Harris Funeral Homes v. EEOC*, Pet. App., 26a–27a.

26. With great respect for Ryan Anderson’s work, indeed for his homage to me in his article “Neither Androgyny nor Stereotypes,” it would not be correct to refer to me as having a “sound theory of gender,” as I do not recognize “gender” as a thing distinct from “sex.” See note 24 above.

27. Marguerite Peeters notes, “Gender historically has a double origin. And today it has a double application: radical feminist and homosexual. These two interpretations are un-separable. Their common element is to consider the male and female identity, the complementarity between man and woman, the nuptial vocation of the human person, marriage between a man and a woman, the family founded on marriage, paternity and maternity, the educative vocation of the father and the mother, childhood, as many social constructions contrary to equality and civil liberty and discriminatory, in particular for women and homosexuals” (“Tre miti da smascherare,” *L’Osservatore Romano*, March 3–4, 2015, 5).

28. Culturally produced “sex roles” were the central research interest of the cultural anthropologist Margaret Mead, who set out to study the “different ways in which cultures patterned the expected behavior of males and females” (*Male and Female: A Study of the Sexes in a Changing World* [New York: William Morrow & Company, 1949], 373).

a woman” expresses this idea in a nutshell.²⁹ But presupposing the nature–nurture distinction, which had become a dualism in modernity (via Rousseau), the antecedent for “gender” was conceived as an extrinsically imposed “social construct” with little or no connection to the nature of the individual. Any evidence of influence of upbringing and education provided proof of something not belonging to nature, which, for its part, had lost its (teleological) relation to the “outside” (to parents, educators, and the other sex).³⁰ Moreover, being essentially extrinsic, this influence could not but be suspect. This extrinsic and adversarial relation between nature and nurture ran throughout the first real feminist manifesto, *On the Subjection of Women*, written by John Stuart Mill,³¹ and it remained in constant play throughout the course of feminism and its eventual gender theory.

Although at this early incubation stage social roles—not nature itself—were the object of criticism, any appeal to a yet “unconstructed” sexual difference (i.e., nature) was effectively disqualified. Indeed, there was little if any natural remainder after the “contaminating” social influences had been subtracted.³² The vehemence about the social construct idea (and corresponding inaccessibility of nature), especially in the face of all of the bodily evidence to the contrary, is particularly striking. As one of the most prominent followers of de Beauvoir wrote: “Patriarchy has a . . . powerful hold through its successful habit

29. De Beauvoir, *The Second Sex*, 283. De Beauvoir’s idea is considered by many subsequent feminists to be the initial seed of the later “sex–gender” distinction. Cf. Judith Butler, “Sex and Gender in Simone de Beauvoir’s *Second Sex*,” *Yale French Studies* 72 (1986): 35–49.

30. See especially Robert Spaemann’s essay, “Nature,” in *A Robert Spaemann Reader: Philosophical Essays on Nature, God, and the Human Person*, trans. D.C. Schindler and Jeanne Heffernan Schindler (Oxford: Oxford University Press, 2015), 22–29.

31. J. S. Mill, *On the Subjection of Women* (1869; Early Modern Texts, 2009), <https://www.earlymoderntexts.com/assets/pdfs/mill1869.pdf>.

32. In *On the Subjection of Women*, Mill makes it all but impossible to access the nature of a woman, on account of the fact that it is so entangled with the fruits of education, which keep nature in an “unnatural state” (33). One would need, says Mill, to “subtract” whatever *could* be attributed to education in order to do so (13, 40).

of passing itself off as nature.”³³ In other words, lest one think that the concern about “social constructs” prompted a quest for the *true* nature of sexual difference, disentangled from its social overlay, the contrary was the case. Indeed, one could detect in the most representative of the “social construct” theory feminists a general malaise about the body itself, especially the female one,³⁴ when they went after things so evidently not “constructs” such as maternity itself.³⁵ The way was thus paved early on in feminist theory for invoking the dreaded “stereotype”—commonly used to oppose rigid restrictions of one sex or the other to certain activities or personality types—to call into question, and eventually negate, any antecedent reality whatsoever. This is the case in the most current “stereotype” of thinking that someone

33. Kate Millet, *Sexual Politics* (New York: Doubleday, 1969), 58.

34. Notwithstanding the fact that the central thesis of *The Second Sex* is that the “concept of woman” is an imposition on the body, de Beauvoir signals precisely this deep malaise. In her first chapter, “Biological Data,” after making much of the misogyny in the biology of the past (23–27), de Beauvoir passes through the facts of reproduction as they are currently understood. Two facts in particular disturb her. First, even though modern biology has discovered the egg and its equal contribution to the genetic make-up of the newly-conceived child, this contribution is still embarrassingly “passive” and “closed upon itself” as it suffers the “onslaught” of the “tiny and agile,” “impatient” sperm (28). Secondly, as for the sexual act itself, the woman is “violated,” “taken,” “grabbed and immobilized,” and, with conception, “alienated” by another (35–36). (For a more accurate description of the mutual “give and take” of conception, see Stephen Talbot’s “The Embryo’s Eloquent Form,” *The Nature Institute*, March 18, 2013, <http://natureinstitute.org/txt/st/mqual/embryo.htm>.)

35. De Beauvoir describes conception itself as “alienation” (*The Second Sex*, 42). But this “alienation” is particularly intolerable because of the way the “alien” child imposes itself on the actual life of the woman. For de Beauvoir, since maternity has “no individual benefit to the woman” (42), the human female, *at the biological level itself*, long before the effects of social influence, is a contradiction in terms. “She is the most deeply alienated of all the female mammals, and she is the one that refuses this alienation the most violently; in no other is the subordination of the organism to the reproductive function more imperious nor accepted with greater difficulty. . . . Her destiny appears even more fraught the more she rebels against it by affirming herself as an individual. The male, by comparison, is infinitely more privileged: his genital life does not thwart his personal existence” (44). See de Beauvoir’s discussion of abortion and contraception (*Ibid.*, 524–70), as well as the “independent woman” (721–51).

who claims to “be a woman,” ought to *actually be one*.³⁶ Indeed, underlying Simone de Beauvoir’s central thesis, namely that the “concept of woman” has been imposed on her from without, is her thoroughgoing existentialist commitment: “The definition of man is that he is a being who is not given, who makes himself what he is. . . . He is a historical idea. Woman is not a fixed reality but a becoming; she has to be compared with man in her becoming; that is, her *possibilities* have to be defined.”³⁷ It is clear already with de Beauvoir that *the body itself* could in principle become part of this becoming when she shows a certain preference for asexual reproduction, which would release women from the humiliations and encumbrances that the female body itself brings upon them.³⁸

Some feminists were willing to call a spade a spade and forthrightly declare that the problem between the sexes was *the sex distinction* itself. Most noteworthy is Shulamith Firestone, who made these remarks in 1970.

Just as to assure elimination of economic classes requires the revolt of the underclass (the proletariat) and . . . their seizure of the means of *production*, so to assure the elimination of sexual classes requires the revolt of the underclass (women) and the seizure of control of *reproduction*: not only the full restoration to women of ownership of their own bodies, but also their (temporary) seizure of control of human fertility—the new population biology as well as all the social institutions of child-bearing and child-rearing. And just as the end goal of socialist revolution was not only the elimination of the economic class *privilege* but of the economic class *distinction* itself, so the end goal of feminist revolution must be, unlike that of the first feminist movement, not just the elimination of male *privilege* but of the sex *distinction* itself: genital differences between human beings would no longer matter culturally. (A reversion to an unobstructed *pansexuality*—Freud’s “polymorphous

36. In *Harris Funeral Homes*, the category of “stereotype” is invoked to describe the “view” that an employer had about his male employee who claimed to “be a woman,” namely, that he *actually was male*, or as the Sixth Circuit Court put it, that the employee’s “gender identity ought to align with his sexual organs.” See note 25 above.

37. De Beauvoir, *The Second Sex*, 44, 45.

38. *Ibid.*, 22–23, 26.

perversity”—would probably supersede hetero/homo/bi-sexuality.) The reproduction of the species by one sex for the benefit of both would be replaced by (at least the option of) artificial reproduction: children would be born to both sexes equally, or independently of either, however one chooses to look at it; the dependence of the child on the mother (and vice versa) would give way to a greatly shortened dependence on a small group of others in general and any remaining inferiority to adults in physical strength would be compensated for culturally. The division of labor would be ended by the elimination of labor altogether (through cybernetics). The tyranny of the biological family would be broken.³⁹

That Firestone’s vision of a future without the distinction of the sexes depends upon assisted reproductive technologies as its condition of possibility shows the entanglement of political and technological utopias upon which the concept of “gender identity” would ultimately be premised. Would it have been possible to imagine that a man might “really” be a woman (or vice versa) if we did not also imagine it were possible to transform him into one through biotechnical means? The following medical history of this distinction suggests otherwise.

2.4. *The pseudoscientific invention of “sex” and “gender”*

In the 1950s and 60’s, the term “gender” began to be used formally by psychologists and psychiatrists working with people who had disorders of sexual development where individuals have ambiguous-appearing genitalia (i.e., “hermaphroditism”) and cannot be readily identified as male or female.⁴⁰ At that time

39. Shulamith Firestone, *The Dialectic of Sex* (New York: Farrar, Straus, and Giroux, 2003), 11.

40. Hermaphroditism (now called “inter-sex” or “differences in sexual development”) is an umbrella term for disorders in sexual development where there is an ambiguity in sexual genitalia. The often-cited prevalence of 1.7 percent of such disorders, however, includes Klinefelter syndrome, Turner syndrome, and late-onset adrenal hyperplasia, where there is no real ambiguity and the true sex can be determined. Cases where there is a real ambiguity are considered to occur in only 0.018 percent of the population. Excluding those with true ambiguity, sex can be accurately determined by looking at the genitalia at the time of birth in roughly 99.98 percent of people. See Leonard

and in that environment, the term was taken from the English lexicon to designate the older “social construct,” as distinct from “sex,” albeit with an even clearer disjunction from it.⁴¹ Indeed, it was thought that a “gender role” could be inculcated through upbringing after a surgical “sex assignment,” following the decision to raise a child with the disorder as a boy or a girl.⁴² The most famous practitioner was psychologist John Money. In addition to a vast array of sexual social interests, such as overcoming the taboos against incest and pedophilia,⁴³ promoting the use of pornography in education,⁴⁴ and sex play for children,⁴⁵ Money was fascinated by the phenomenon of hermaphroditism. But Money did not limit his “gender role” theory to the rare disorder of sexual development. Rather, he extended it to all children, hypothesizing that every child was, psychosexually speaking, akin to a hermaphrodite at birth, in the sense of being equally avail-

Sax, “How Common Is Intersex? A Response to Anne Fausto-Sterling,” *J Sex Res* 39/3 (August 2002): 174–78.

41. One of the first known uses of “gender” is found in the article by John Money, “Hermaphroditism, Gender, and Precocity in Hyperadrenocorticism: Psychologic Findings,” *The Bulletin of the Johns Hopkins Hospital* 96/6 (June 1955): 253–64. David Haig writes: “The beginnings of this change in usage can be traced to Money’s introduction of the concept of ‘gender role’ in 1955” (“The Inexorable Rise of Gender,” 87).

42. John Money, J. G. Hampson, and J. L. Hampson, “An Examination of Some Basic Sexual Concepts: The Evidence of Human Hermaphroditism,” *The Bulletin of the Johns Hopkins Hospital* 97/4 (October 1955): 301–19. Cf. Robert Stoller, *Sex and Gender* (New York: Science Houses, 1968).

43. Money reports an encounter with Margaret Mead who encouraged him to break taboos related to incest and adult-child activities (*Love and Love Sickness: The Science of Sex, Gender Difference, and Pair-bonding* [Baltimore: The Johns Hopkins University Press, 1980], introduction). See also his “Interview,” in *Paidika: The Journal of Paedophilia* 2, n. 3 (Spring 1991): 2–13.

44. John Money, “Pornography in the Home,” in *Contemporary Sexual Behavior*, eds. Joseph Zubin and John Money (Baltimore: Johns Hopkins University Press, 1973), 409–40.

45. Money prescribed sex play as “treatment” for some of his patients. John Colapinto recounts the case of male twins brought to Money because one of them had been maimed during his circumcision. After the advised “sex-change” of the one boy, Dr. Money would encourage sexual play between the two, one playing the girl and the other playing the boy. See John Colapinto, *As Nature Made Him: The Boy Who Was Raised as a Girl* (New York: Harper Collins Publisher, 2000), 86. The details of the case are presented below in note 54.

able to the “impression” of a “gender role” of either kind, given the right environmental influences.⁴⁶ In this way, he effectively placed *everyone’s* body in sexual limbo. Even more radically, and just like de Beauvoir, he looked forward to biotechnical experimentation on the body itself—beyond the cosmetic experimentation he pioneered—which would bring about in mammals the possibility of actual sex reversal and/or parthenogenesis, something he observed in certain fish (who breed sometimes as males and other times as females) and lizards.⁴⁷

Of course, once sex and gender have been severed from one another, the source of a “gender” at odds with one’s sex can also be an *internal* influence, a deep-seated “core gender identity,”⁴⁸ an “inner feeling” of what one assumes members of the opposite sex to have. This is the case with “gender dysphoria,” formerly “gender identity disorder,” where there is no apparent disorder in sexual development at the physiological level.⁴⁹ Here, accounts of the origin of “gender” moved quickly from a “naturalistic” one—a deep-seated “core gender identity”—to a radically voluntarist one—“self-identification”—and currently oscillates as needed depending on the context. That the “transgender woman” in the *Harris Funeral Homes* case has “known that she is female for most of her life”⁵⁰ but does not preclude the possibility of going back to “present as a man”⁵¹ suggests just this

46. Money, “An Examination of Some Basic Sexual Concepts,” 309.

47. John Money, “Propaedeutics of Deicious G-I/R: Theoretical Foundations for Understanding Dimorphic Gender-Identity/Role,” in *Masculinity/Femininity. Basic Perspectives*, Kinsey Institute Series (Oxford: Oxford University Press, 1987), 18–19.

48. The psychoanalyst Robert Stoller employed the term “gender identity” in “A Contribution to the Study of Gender Identity,” *International Journal of Psychoanalysis* 45 (1964): 220–26. See also his *Sex and Gender* (New York: Science Houses, 1968).

49. The concept of “gender dysphoria” is usually attributed to the endocrinologist Harry Benjamin, who popularized it in his book, *Transsexual Phenomenon* (New York: Ace Pub. Co., 1966). In 1979, Benjamin founded the “Harry Benjamin International Gender Dysphoria Association” (which has since been renamed “The World Health Professional Association for Transgender Health,” or WPATH).

50. *Harris Funeral Homes*, Br. in Opp’n, 1 and 1a.

51. *Harris Funeral Homes*, Pet. App., 200a.

oscillation. The former is especially useful for purposes of general public persuasion, especially among Catholics and Evangelicals disposed to “natural law arguments” about “the way one is born.”⁵² But the latter appears to have the upper hand. What, in the end, does it matter if one has a “deep-seated” feeling? Why not just a choice (as it was for the doctors and parents who made the choice of “assignment”). Indeed, it is noteworthy that despite the many references to the feelings of the party in the *Harris Funeral Homes* case, they are not used as an argument. (And were they so used, they would be practically irrelevant, since feelings are not publicly accessible.) It is enough that the plaintiff has declared himself to be a woman for him to “be a woman,” and be treated as such.

One of the ironies of “gender identity” (and its former “gender role,” given its feminist patrimony) is that these are now nothing but bundles of stereotypes—preferences, dress, behaviors, or feelings—all *inessential* to the sex in question, even if not immaterial. Now a man declares himself to be a “woman” precisely on account of such things; for without a prevenient order of nature, stereotypes are all that is left for determining what feeling like a member of the opposite sex must be like. The irony has not been lost on some old-style feminists still concerned about stereotypes in the ordinary sense of the term, which can only be recognized as such by knowing what a woman or a man is in the first place.⁵³ More tragic is the real violence done to and by persons who wish to make their bodies conform to these ste-

52. Such arguments make references to cases of rare disorders of sexual development.

53. Many “gender-critical feminists” reject the newer construct of “gender” or “gender identity,” because it advances the very stereotypes they had long considered to be the weapons of male oppression. Additionally, they think that the construct strips women of their identity with its degrading and dehumanizing names for women (e.g., “cervix havers,” “pregnant people,” etc.) and then endangers them by depriving them of single-sex accommodations needed for toileting and changing. Finally, they decry the misuse of science to justify the damaging and sometimes irreversible medical therapies and surgeries, used especially on young children and adolescents. See, e.g., The Women’s Liberation Front, “Declaration of No Confidence In LGB Movement Leadership,” January 30, 2019, <http://womensliberationfront.org/declaration-of-no-confidence-in-lgb-movement-leadership/>. See also Sheila Jeffries, *Gender Hurts: A Feminist Analysis of the Politics of Transgenderism* (New York: Routledge, 2014).

reotypes, whether the gender theory is applied to children with disorders of sexual development,⁵⁴ or whether it is applied to adults seeking relief from their “gender dysphoria” through sex-reassignment surgeries and their associated “therapies.”⁵⁵ Indeed

54. In *As Nature Made Him*, John Colapinto recounts the story of a Canadian couple who brought to Money one of their newborn twins who had been maimed in a botched circumcision. Money advised the parents to have their son castrated and raise him as a girl, naming him “Brenda.” What came to light when “Brenda” became suicidal at age 11, however, was that “she” had fought “her” sex assignment from the beginning, tearing off dresses, urinating standing up, etc., notwithstanding the hormonal displacement and constant reminders about what girls do. When the family psychologist finally urged the parents to tell the boy about the “assignment,” he described the overwhelming relief of knowing that he was not crazy after all. “Brenda” renamed himself “David” (because of the “Goliath” he had fought all those years as a “girl”). What is scandalous is that none of these facts changed the “success” about which Money boasted in his book *Man & Woman, Boy & Girl: The Differentiation and Dimorphism of Gender Identity from Conception to Maturity* (New York: New American Library Mentor Book, 1972), 19. And it is even more a scandal in light of the fact that both David and his brother committed suicide in their thirties.

55. A 2011 study found that post-operative transsexual individuals had approximately three times higher risk for psychiatric hospitalization, three times higher risk of all-cause mortality, and were 19.1 times more likely to die by suicide compared to controls (Cecilia Dhejne et al., “Long-Term Follow-up of Transsexual Persons Undergoing Sex Reassignment Surgery: Cohort Study in Sweden,” *PLOS ONE* 6, no. 2 [February 22, 2011], <http://dx.doi.org/10.1371/journal.pone.0016885>). In 1979, a study comparing the overall well-being of adults who underwent sex-reassignment surgery to those who requested it but did not undergo it concluded that “sex reassignment surgery confers no objective advantage in terms of social rehabilitation” (Jon K. Meyer and Donna J. Reter, “Sex Reassignment: Follow-up,” *Archive of General Psychiatry* 36, no. 9 [August 1979]: 1015, <http://dx.doi.org/10.1001/archpsyc.1979.01780090096010>). This study prompted Johns Hopkins Medical Center, which pioneered “sex-change” operations, to discontinue them in 1979. Paul R. McHugh, former director of the Department of Psychiatry and Behavioral Science at Johns Hopkins Medical Center explains why in “Surgical Sex: Why We Stopped Doing Sex Change Operations,” *First Things*, November 2004, <http://www.firstthings.com/article/2004/11/surgical-sex>. It should be noted that the practice was reinstated in 2016 with the opening of its Center for Transgender Health. Also worth pointing out is the considerable pressure that The Campaign for Human Rights has exerted on Johns Hopkins in this regard, even threatening to deduct points from its institutional score under the “responsible citizen” category and to remove its name from the elite classification in its Healthcare Equality Index (HEI) when it would not renounce the work of Paul McHugh and Lawrence Mayer (also at Johns Hopkins, as a scholar in residence) for their outspoken criticism of the category of “gender identity” and the medical practices associated with it. See Andrea

these tragedies, coupled with the lack of evidence that the medical reengineering of (mostly) boys (through the castration of testes and vestigial male genital structures and the introduction of exogenous cross-sex hormones) could make them girls⁵⁶ or offer relief to adults and the many children with “gender dysphoria,” has set off a much-needed critique of the category of “gender identity” itself.⁵⁷

3. AN IDEOLOGICAL CONSTRUCT

“Gender identity” might have been consigned to the history of medical atrocities had the concept not made its way into the

K. McDaniels, “LGBTQ Group Criticizes Johns Hopkins over Views of Two Psychiatrists,” *The Baltimore Sun*, March 29, 2017, <https://www.baltimoresun.com/health/bs-hs-human-rights-hopkins-transgender-20170329-story.html>.

56. See William G. Reiner and John P. Gearhart, “Discordant Sexual Identity in Some Genetic Males with Cloacal Exstrophy Assigned to Female Sex at Birth,” *New England Journal of Medicine* 350 (January, 2004): 333–41, <http://dx.doi.org/10.1056/NEJMoa022236>.

57. Dwight B. Billings and Thomas Urban, “The Socio-Medical Construction of Transsexualism: An Interpretation and Critique,” *Social Problems* 29, no. 3 (February 1982): 266–82; Michelle Cretella, “Childhood Gender Dysphoria and Suppression of Debate,” *Journal of American Physicians and Surgeons* 21, no. 2 (Summer 2016): 50–54, <https://www.jpands.org/vol21no2/cretella.pdf>; Kenneth J. Zucker, “Children with Gender Identity Disorder: Is There a Best Practice?,” *Neuropsychiatrie de l’Enfance et de l’Adolescence* 56, no. 6 (September 2008): 358–64, <http://dx.doi.org/10.1016/j.neurenf.2008.06.003>; Kenneth J. Zucker et al., “A Developmental, Biopsychosocial Model for the Treatment of Children with Gender Identity Disorder,” *Journal of Homosexuality* 59, no. 3 (2012): 369–97, <http://dx.doi.org/10.1080/00918369.2012.653309>; Kelly D. Drummond et al., “A Follow-Up Study of Girls with Gender Identity Disorder,” *Developmental Psychology* 44, no. 1 (2008): 34–45; Stephen B. Levine, “Ethical Concerns About Emerging Treatment Paradigms for Gender Dysphoria,” *Journal of Sex & Marital Therapy* 44, no. 1 (January 2018): 29–44; Heather Brunsell-Evans, “The Medico-Legal Making of the Transgender Child,” *Medical Law Review* 27, no. 4 (Autumn 2019): 640–57, <https://doi.org/10.1093/medlaw/fwz013>; Michele Moore and Heather Brunsell-Evans, ed., *Transgender Children and Young People: Born in Your Own Body* (Newcastle: Cambridge Scholars Publishing, 2018); Carl Henegan, “Gender-Affirming Hormone in Children and Adolescents,” *BMJ EBM Spotlight* (February 25, 2019), <https://blogs.bmj.com/bmjebmspotlight/2019/02/25/gender-affirming-hormone-in-children-and-adolescents-evidence-review/>; Paul W. Hruz et al., “Growing Pains: Problems with Puberty Suppression in Treating Gender Dysphoria,” *The New Atlantis* 52 (Spring 2017): 3–36.

feminist theory that came to dominate academic disciplines beginning in the 1970s.⁵⁸ Most notable among feminist theorists is Judith Butler, author of a series of seminal works on gender theory.⁵⁹ Butler pressed to its logical conclusion the negation of reality inherent in the “sex-gender” dichotomy from the outset to claim that *even sex* is “socially produced.”⁶⁰ Using the term coined by Money, Butler suggested that *everyone’s* sex was “assigned.” Indeed, for her, it is part and parcel of the “product” to be made to look as though it were a *given*, an original, while it is in fact the *effect* of a “discourse” which not only fixes the “alleged” nature in place, but hides the “real origin” behind it.⁶¹ In other words, and in ontological terms, there is, for Butler, simply *no* underlying substance (or sex),⁶² something earlier feminists took for granted; and every suggestion or appearance

58. Haig notes that “the major expansion in the use of gender followed its adoption by feminists to distinguish the social and cultural aspects of differences between men and women (gender) from biological differences (sex)” (“The Inexorable Rise of Gender,” 87). Apart from one early feminist use of “gender” (as social “role”) by Margaret Mead in 1949 (*Male and Female*, 13), recourse to the “sex-gender” distinction began in the 1970s. See especially Anne Oakley, *Sex, Gender, and Society* (London: Maurice Temple Smith, 1972), and Gayle Rubin, “The Traffic in Women: Notes on the ‘Political Economy’ of Sex,” in *Toward an Anthropology of Women*, ed. Rayna R. Reiter (New York: Monthly Review Press, 1975), 157–210.

59. See, above all: Judith Butler, *Gender Trouble* (New York: Routledge, 1990); Judith Butler, *Bodies That Matter* (New York: Routledge, 1993) (reprinted as a Routledge Classic in 2006); Judith Butler, *Undoing Gender* (New York: Routledge, 2004).

60. Butler writes: “Sex ‘assigned’ at birth implies that sex is socially produced and relayed, and that it comes to us not merely as a private reflection that each of us makes about ourselves but as a critical interrogation that each of us makes of a social category that is assigned to us that exceeds us in its generality and power, but that also, consequentially, instances itself at the site of our bodies” (*Undoing Gender*, 98).

61. Butler says: “The body is not ‘sexed’ in any significant sense prior to its determination within a discourse through which it becomes invested with an ‘idea’ of natural or essential sex. The body gains meaning within discourse only in the context of power relations. Sexuality is an historically specific organization of power, discourse, bodies, and affectivity. As such, sexuality is understood by Foucault to produce ‘sex’ as an artificial concept which effectively extends and disguises the power relations responsible for its genesis” (*Gender Trouble*, 92).

62. *Ibid.*, 9–10.

of one is nothing but the “effect” of “gender border control.”⁶³ Butler thus thoroughly inoculated the argument for “gender” as a mere “social construct” against any contrary evidence. The result of this is that now, happily for Butler, there is no underlying support (substance, body, or sex) of which “gender” would be an accident or expression (however dissonant).⁶⁴ “Gender” is now a “free-floating artifice”⁶⁵ set free from any preexisting ground and point of reference. Accordingly, it is in need of no justification for being at variance with one’s bodily “sex”—a word she puts between scare quotes—not even from one’s “core gender identity.” Indeed, Butler rejects all the popular “natural law arguments” about “the way one is born.”⁶⁶ “Gender,” for Butler, means to release us precisely from the way we are born, to clear the way for our own reconception. Thus, more than a just a “free-floating artifice,” “gender” is a groundless deed we “perform” on ourselves, on selves that are infinitely “fluid,” taking on infinitely new shapes with each

63. *Ibid.*, 136. Butler writes, “A political genealogy of gender ontologies, if it is successful, will deconstruct the substantive appearance of gender into its constitutive acts and locate and account for those acts within the compulsory frames set by the various forces that police the social appearance of gender” (33).

64. “If it is possible to speak of a ‘man’ with a masculine attribute and to understand that attribute as a happy but accidental feature of that man, then it is also possible to speak of a ‘man’ with a feminine attribute, whatever that is, but still to maintain the integrity of the gender. But once we dispense with the priority of ‘man’ and ‘woman’ as abiding substances, then it is no longer possible to subordinate dissonant gendered features as so many secondary and accidental characteristics of a gender ontology that is fundamentally intact. If the notion of an abiding substance is a fictive construction produced through the compulsory ordering of attributes into coherent gender sequences, then it seems that gender as substance, the viability of *man* and *woman* as nouns, is called into question by the dissonant play of attributes that fail to conform to sequential or causal models of intelligibility” (*ibid.*, 24).

65. *Ibid.*, 9.

66. Reflecting upon her work as a whole, Butler writes, “My effort was to combat forms of essentialism which claimed that gender is a truth that is somehow there, interior to the body, as a core or as an internal essence, something that we cannot deny, something which, natural or not, is treated as given” (*Undoing Gender*, 212). See also Judith Butler, *Notes Toward a Performative Theory of Assembly* (Cambridge, MA: Harvard University Press, 2015), 60.

new “performance.”⁶⁷ Butler is quite conscious of translating, at the level of sexual difference, Friedrich Nietzsche’s claim that “there is no ‘being’ behind doing, effecting, becoming . . . the deed is everything.”⁶⁸

As extreme as this view appears, it is the view of many, including the American Psychological Association,⁶⁹ as well as the Sixth Circuit court when it defines “gender identity” as “fluid, variable, and difficult to define,” and “lack[ing] a fixed external referent.”⁷⁰ It is the logical culmination of a concept of gender that has no positive natural relation to the embodied reality of sexual difference. When Butler says that “nothing guarantees that the ‘one’ who becomes a woman is necessarily female,”⁷¹ she is drawing out the inevitable conclusions of de Beauvoir’s thought, however unforeseen this might have been to the French feminist. As Pope Benedict XVI said,

The famous saying of Simone de Beauvoir: “one is not born a woman, one becomes so” . . . lay[s] the foundation for what is put forward today under the term “gender” as a new philosophy of sexuality. According to this philosophy, sex is no longer a given element of nature that man has to accept and personally make sense of: it is a social role that we choose for ourselves, while in the past it was chosen for us by society . . . hitherto society did this, now we decide for ourselves.⁷²

67. Butler presents the idea of gender fluidity in *Gender Trouble*, where she “troubles” the ideas of “identity,” “body,” “sex,” “gender,” “sexuality,” and the “metaphysics of substance” (esp. 8–34; see *Bodies That Matter*, 78–79). She also applies the concept to humanity as such in *Undoing Gender*, 222.

68. Butler, *Gender Trouble*, 34 (see also 195).

69. See notes 18, 19, and 20 above.

70. See note 21 above.

71. Butler, *Gender Trouble*, 11.

72. Benedict XVI, Address on the Occasion of Christmas Greetings to the Roman Curia (Vatican City, 21 December 2012), http://www.vatican.va/content/benedict-xvi/en/speeches/2012/december/documents/hf_ben-xvi_spe_20121221_auguri-curia.pdf. Cardinal Ratzinger’s discussion of the preference for the *verum quia faciendum* over the *verum quia ens* is relevant here. See also his *Introduction to Christianity*, trans. J. R. Foster (San Francisco: Ignatius Press, 2004), 57–66.

It should come as no surprise that the radical reinvention of “gender” looks forward to, as it necessitates, a radical reinvention of kinship—and with it a new reproduction of culture—on the basis of the same artificial and arbitrary bonds the new “gendered” subject has with his or her own body. And just as the biotechnical interventions established by Money were the condition of possibility of “sex-reassignment,” artificial reproductive technology (ART) is the condition of possibility of the “new kinship,” emancipated from carnal bonds and established by choice (not to mention legal contracts with egg and sperm donors, surrogates, laboratories, lawyers, as well as lots of money).⁷³ ART makes possible the original goal of the sexual revolution of breaking down the family⁷⁴ by producing children by “both sexes equally, or independently of either,” thus overcoming the dependence of the sexes on each other and that between them and their children, however counterintuitive this new “freedom” may be for children who are “deliberately constructed,”⁷⁵ *made*, that is, *not begotten*.⁷⁶

73. Though wary of allying new gender “performances” to marriage and family (with the gay marriage movement) because it would mean “foreclosing the sexual field,” leaving out other “minorities” (nonmonogamous, etc.), Butler still heralds the legalization of gay marriage and the right to adoption and assisted reproductive technology by gay couples, because these provide a challenge to heterosexuality and its structure of kinship (and culture) established on the basis of carnal bonds. See *Undoing Gender*, 11, 26, 102–30 (esp. 124–27).

74. The Italian political philosopher Augusto Del Noce, who commented much on the sexual revolution and its founder, William Reich, said that “sexual liberation is not desired per se but rather as a tool to break down the family because it is the organ through which certain values—regarded as meta-historical—are communicated,” through tradition, the handing down not just of the “past,” but a “heritage of truth” (*The Crisis of Modernity*, trans. Carlo Lancellotti (Montreal: McGill-Queen’s University Press, 2014), 145, 160–62. See Reich’s *Sexual Revolution*, trans. Theodore P. Wolfe (New York: Noonday, 1963).

75. Anthony Giddens, *Modernity and Self-Identity: Self and Society in the Late Modern Age* (Stanford, CA: Stanford University Press, 1991), 220.

76. Apropos of the logic of dominion associated with ART, Robert Spaemann observes: “The future is the result of that which future human beings make of what was given to them. To want to have this, too, in our grasp, that is, to want to replace upbringing with breeding . . . would destroy what binds us to our children: the shared naturalness of our genesis” (“Begotten, Not Made,” *Communio: International Catholic Review* 33, n. 2 [Summer 2006]: 292).

4. THE ESSENCE OF GENDER—AND WHY IT “EXISTS”

4.1. “Gender” is a protest term

What should be clear by now is that “gender” is a *protest* term. It is not, in other words, first a matter of self-construction—“deciding for ourselves”—but of resistance to, and subversion of what thwarts radical autonomy, namely, the natural relations in which we are caught up by virtue of our sexual difference prior to choice: the ones we have with our forebears, the opposite sex, and our potential progeny. Here the “social construct” theory is not altogether wrong. We *are* socially constituted, or, embedded. For to be a boy or a girl (a man or a woman) is to have been born so and, in fact, to have been born *simply*, since to be sexual is to be the kind of being that owes its very existence to others. It is to be always already in relation to the opposite sex, regardless of how we feel about it and whether or not we enter into marriage (or one of its surrogates). Finally, to be a boy or a girl (a man or a woman) is to always already potentially be mothers or fathers with the opposite sex, something that implies a future that is not simply a matter of “choice,” nor simply under our control.⁷⁷ The construct of “gender” exists to resist precisely the fact of belonging to the rhythm of *generation*, the *very substance* of sexual difference and of the word it now occupies.

Why we resist the three relations, integral to sexual difference, is clear enough. These entail all kinds of indebtedness, entanglement, and claims (or “expectations”), all, again, prior to choice. In liberal terms, they are limitations on our freedom. In sexual revolution terms, they are “repressive.” In postmodern terms, they are “operations of power,” or “gender border control.”⁷⁸ All of the above make them, therefore, “unsafe,” and not only because of the occasional—even frequent—abuse, but *by definition*. They are the key fronts of the “war of all against all.” This innate antagonism might be explicit as it is in Catharine

77. This fact is particularly evident in the female, who has all her eggs before she sees the light of day.

78. Butler, *Gender Trouble*, 136.

MacKinnon or Andrea Dworkin, who *define* sex as “rape”⁷⁹ and advocate turning one’s back on the war altogether as “pacifists,” so to speak.⁸⁰ Or it may be implicit, as it is for those who still want to enter the fray but *contain* it with “protections” and “rules of engagement,” especially those concerning consent.⁸¹ In either event, the antagonism with regard to the three natural relations is taken for granted. This is why they have been banished from the “state of nature,”⁸² beginning with the very condition of being born.⁸³ It is why we insist these three natural relations are *not*

79. This is the thesis of Andrea Dworkin in *Intercourse* (New York: First Basic Books, 2007—10th anniversary edition). See Andrea Dworkin, “I Want a Twenty-Four Hour Truce during Which There Is No Rape,” in *Transforming a Rape Culture*, ed. Emilie Buchwald et al. (Minneapolis, MN: Milkweed Editions, 2005), 11–22.

80. Dworkin wore the badge of lesbian proudly as an act of rebellion against the patriarchy, even though she had been legally (and secretly) married to a man for over thirty years (*Intercourse*, xxii–xxvii).

81. For feminists who have not declared sex to be “rape” *by definition* (see note 79 above), there is much talk about educating women in the rules of consent. Cf., e.g., Melanie Beres, “Rethinking the Concept of Consent for Anti-Sexual Violence Activism and Education,” *Feminism & Psychology* 24, no. 3 (June 2014): 373–89, <https://doi.org/10.1177/0959353514539652>.

82. The French political philosopher Pierre Manent notes that in the modern “state of nature,” the “natural” is “not the independent individual as such; it is the war of all against all that gives him birth. In other words, the individual exists only through a kind of negative sociability, that of war” (*An Intellectual History of Liberalism*, trans. Rebecca Balinski [Princeton, NJ: Princeton University Press, 1994], 40). Thus, as D.C. Schindler notes, “Although Locke insists on a clear difference between the state of nature and the state of war, the latter not only turns out to reveal the *inner truth* of the former, but it is also the indispensable cause of political community,” where the “antagonism is not overcome . . . but simply driven underground” (*Freedom from Reality: The Diabolical Character of Modern Liberty* [Notre Dame, IN: University of Notre Dame Press, 2017], 183). Moreover, this “underground” antagonism takes the form of respectful indifference (161).

83. Locke’s “Adam” was free *because* he had not had the misfortune of being born in the “defective” and “imperfect state” of infancy (John Locke, *The Second Treatise on Government*, VI, §56). What is more, Locke’s theory of education had the express purpose of overcoming the “defect” in those who *had* been born so that they might be attuned to the new liberal society, founded as it was on self-constituting, self-defining agents, and the kind of protected (contractual) relations appropriate to them. Cf. James E. Block, *The Crucible of Consent: American Child Rearing and the Growing of Liberal Society* (Cambridge, MA: Harvard University Press, 2012), 21. Parents, following Locke’s advice, were to look to “the idyll of an earlier Eden, a land where children form

original, and why, therefore, it is *not good* to be together: a son, a daughter, a husband, a wife, a mother, a father. We refer here, of course, to the anthropological foundation of modern political theory, which had no small effect on the conception of the three familial relations in the modern age, and especially on the New World, where one had the impression of starting over.⁸⁴ In this context, de Tocqueville observed the direct effect of the new political theory: “The fabric of time is torn at every moment and the trace of generations is effaced. You easily forget those who have preceded you, and you have no idea of those who will follow you.”⁸⁵

4.2. *Competing conceptions of freedom*

This perception of antagonism is, of course, tied to the dominant conception of freedom, where freedom is no longer in a *prior* relation to the (objective) good—prior, that is, to any delib-

themselves out of their own ribs, becoming individuals self-conceived in the primordial land of the self-made” and raise their children as though they had not been born, not therefore as *heirs*, but as future citizens capable of adult liberal behavior (*ibid.*, ix).

84. R. W. B. Lewis notes, “The American myth saw life and history as just beginning. It described the world as starting up again under fresh initiative, in a divinely granted second chance for the human race, after the first chance had been so disastrously fumbled in the darkening Old World. . . . America, it was said insistently from the 1820s onward, was not the end-product of a long historical process; . . . it was something entirely new. . . . [In America we witness the rise of] a radically new personality, the hero of the new adventure: an individual emancipated from history, happily bereft of ancestry, untouched and undefiled by the usual inheritances of family and race; an individual standing alone, self-reliant and self-propelling, ready to confront whatever awaited him with the aid of his own unique and inherent resources. It was not surprising, in a Bible-reading generation, that the new hero (in praise or disapproval) was most easily identified with Adam before the Fall” (*The American Adam: Innocence, Tragedy, and Tradition in the Nineteenth Century* [Chicago: The University of Chicago Press, 1959], 5). Jay Fliegelman suggests the “prodigal son” as the metaphor for the ideal citizen in his study on early America, *Prodigals and Pilgrims: The American Revolution against Patriarchal Authority, 1750–1800* (Cambridge: Cambridge University Press, 1982).

85. Alexis de Tocqueville, *Democracy in America*, trans. Harvey C. Mansfield and Delba Winthrop (Chicago: University of Chicago Press, 2000), 483.

eration or action.⁸⁶ Joseph Ratzinger summed up this dominant conception when he wrote: “The radical demand for freedom, . . . which today largely shapes the public mentality, prefers to have neither a whence nor a whither, to be neither from nor for, but to be wholly at liberty.”⁸⁷ This is ultimately why, he argues, abortion is so sacrosanct for us. It is not just that the child in the womb attacks the mother, but that he represents the attack of our parents on all of us: the simple fact that we owe our lives to others who, in turn, give their lives to us. Thus, he continues,

[The radical demand for freedom] regards what is actually the fundamental figure of human existence itself as an attack on freedom which assails it before any individual has a chance to live and act. The radical cry for freedom demands man’s liberation from his very essence as man. . . . In the new society, the dependencies which restrict the I and the necessity of self-giving would no longer have the right to exist. (27–28)

If we follow Ratzinger’s reading of abortion, we could say that for those of us who were allowed to be “attacked” by birth, the construct of “gender” is the ultimate “morning-after” pill because it hides all the tell-tale signs of our being “whence and whither.” It is the *coup de grâce* of all the modern and post-modern liberationist projects.⁸⁸

4.3. *Original sin: ever ancient, ever new*

At this point one might ask, “Is any of this new?” Wariness about the relations in which we are caught up is ancient. *We do* abuse

86 See Schindler’s discussion of Locke’s re-conception of freedom through his re-definition of the good, which is now deprived of objectivity and content, and made a mere function of pleasure (*Freedom From Reality*, 13–62). Schindler discusses the liberal acceptance of practical limits on freedom so conceived—at the “normative level”—but notes, that this “compatibilism” still views freedom *as such* as without limits (32–33).

87. Cardinal Joseph Ratzinger, “Truth and Freedom,” *Communio: International Catholic Review* 23, no. 1 (Spring 1996): 27.

88. Speaking of homosexual marriage, Pierre Manent makes the point which “installs the relation to self within an inviolable sovereignty” (“Retrouver l’Intelligence de la Loi,” *Revue Thomiste* 114 [2014]: 146).

each other; and we (almost) always have done so, as ancient myths attest (filled as they are with brutal fathers, devouring mothers, patricidal sons, and fratricidal brothers), together with ancient practice itself (e.g., sodomy, bestiality, misogyny, divorce, concubinage, abortion, infanticide).⁸⁹ There is nothing modern here. But what is modern is the making of this abuse the first, last, and most definitive word, describing what is most original, not original *sin* (where it is the *truth* to think of our fathers as tyrants), and not a *temptation*.⁹⁰ Even the great representatives of antiquity from outside the biblical world were capable of glimpsing the distinction between what was natural and pathological with their “social, speaking, and political animal.”⁹¹

Perhaps, though, even more radically, what distinguishes modernity is the attempt to *render invisible* all the naked evidence of these relations, insofar as they smack of something already there (not merely optional). In a similar vein, Hanna Arendt said of modern ideology that it is “the knowledgeable dismissal of [the visible].”⁹² If modernity is post-*Christian*, of necessity it must push against all things, visible and invisible, since the Christian God is the God who created all things and then gathered them up through the Incarnate Son, including all the pagan “*semi-na Verbi*.” It cannot simply revert back to paganism (to “other gods”). It must go further back. As David Bentley Hart suggests, it must go back to the only “other god” left: “the nothing” of

89. See Kyle Harper, *From Shame to Sin: The Christian Transformation of Sexual Morality in Late Antiquity* (Boston: Harvard University Press, 2013).

90. John Paul II notes the character of original sin thus: “*Original sin attempts . . . to abolish fatherhood*, destroying its rays which permeate the created world, placing in doubt the truth about God who is Love and leaving man only with a sense of the master-slave relationship. As a result, the Lord appears jealous of his power over the world and over man; and consequently, man feels goaded to do battle against God. No differently than in any epoch of history, the enslaved man is driven to take sides against the master who kept him enslaved” (*Crossing the Threshold of Hope* [New York: Alfred A. Knopf, 1994], 227–28).

91. On the positive relation between the family and the city, both of which are natural, see Aristotle’s *Politics*, 1.1252b, 10–36, and *Nicomachean Ethics*, 8.1162a, 18.

92. Alain Finkielkraut, *In the Name of Humanity: Reflections on the Twentieth Century*, trans. Judith Friedlander (New York: Columbia University Press, 2000), 60.

“spontaneous subjectivity.”⁹³ Or, with Del Noce, to the nihilism that “doesn’t see the difference.” Perhaps this is the “ever newness” of the “ever ancient” original sin.

Of course, the natural relations do not just disappear into the void; the point is, rather, that they do not represent any prevenient natural order. First, they are *vehemently* declared *not* to represent any prevenient natural order (against all appearances). Then they are declared to be mere “options” available to the indeterminate will. And they are finally put under its control and management in a new “safer” contractual form.⁹⁴ Marital unions are merely “voluntary,”⁹⁵ and not only just as unions. Having a child is a mere “choice,” and, should you choose to have one, it is a “right” to obtain one with all the available means. Even the child’s relation to his parents is reconceived: the child becomes a “putative adult” with whom the parents are “in negotiation.”⁹⁶ But the condition of possibility of all of this—even if it came later—is that our own relation to our very bodies is a negotiable choice. If our subjectivity (freedom) has nothing to do with our

93. This point is made powerfully by David Bentley Hart in “Christ and Nothing,” *First Things*, October 2003, <https://www.firstthings.com/article/2003/10/christ-and-nothing>. Augusto Del Noce, too, notes the newness of the “magic power of the idea of negativity” (*The Crisis of Modernity*, [Toronto: McGill-Queen’s University Press, 2015], 183).

94. Schindler shows Locke’s subversion of natural familial relations by re-describing them as essentially contractual in *Freedom from Reality*, 182–85.

95. Jay Fliegelman notes the enthusiasm of early Americans about marriage for the express reason that, in contrast to the paternal-filial bond, it was a *voluntary* (contractual) union (*Prodigals and Pilgrims*, 123–53).

96. The contemporary British sociologist Anthony Giddens, who considered the family to be the avant-garde of the project of democratization, says the following about the new conception of the parent-child relation: “Can a relationship between a parent and young child be democratic? It can, and should be, in exactly the same sense as is true of a democratic political order. It is a right of the child, in other words, to be treated as a putative equal of the adult. Actions which cannot be negotiated directly with a child, because he or she is too young to grasp what is entailed, should be capable of counterfactual justification. The presumption is that agreement could be reached, and trust sustained, if the child were sufficiently autonomous to be able to deploy arguments on an equal basis to the adult” (Anthony Giddens, *Transformation of Intimacy: Sexuality, Love, and Eroticism in Modern Society* [Cambridge, UK: Polity Press, 1992], 191–92). Cf. Jay Fliegelman, who discusses the early American sources for this rethinking of the nature of the child-parent relation (*Prodigals and Pilgrims*, 9–35).

bodies, then it has nothing to do with the “trace of generations” inscribed in them.

It may well be that the majority of people behave as if their subjectivity *did* have something to do with their bodies. They may still get married to the opposite sex, conceive their children the old-fashioned way, and identify themselves as the “gender” that happens to line up with the sex on their birth certificate; but this has only to do with “choice,” not their assent to the given order of things. That said, the more the choice contravenes the older “option,” and replaces it with a new one—with intentional childlessness, homosexual practice, a gender at variance with one’s sex, or the manufacture of children—the more it demonstrates successful resistance to any hint that we *are* constituted, prior to our choice, within the three relations. This is why, no matter the statistical majority, the old aberration will be the new norm, and the old norm will be ever more suspect, as the stubborn resistance of “reality” to our free resistance.

Given the reconfiguration of the three relations, “gender” could be rightly said to be *diabolical* in the technical sense, because it *separates* (διάβάλλω) things that belong together—birth and sexual difference, sexual difference and sex, then sex and motherhood and fatherhood—and then reattaches them, on its own terms.⁹⁷ To choose one’s “gender” is to give birth to oneself (self-identification). It is then to avail oneself of an “unobstructed pansexuality” (self-determined orientation). Finally, it is to be the master of one’s future by taking control of reproduction, “cut[ting] out all [our] posterity in what[ever] shape [we] please.”⁹⁸

In view of the reason why we seek to jettison the three basic natural relations, we might ask whether we have actually succeeded in securing more freedom and greater individuality for ourselves. Recall that it is because there is always a social reality behind every “assigned” substance (or sex) that Butler questions the very

97. I am indebted here to D.C. Schindler for his discussion of the character of the “diabolical” in his treatment of the modern conception of liberty. See his *Freedom from Reality*, 151–92.

98. See C. S. Lewis, *The Abolition of Man* (1944; New York: Harper One, 1974), 60.

idea of an underlying substance (or sex).⁹⁹ Indeed, Butler puts words like “I,” or “subject,” between her postmodern scare quotes because they only exist as products and captives of “operations of power.” There is for her no “prediscursive” substance, no subject that stands neutrally outside relations of power.¹⁰⁰ And given her view that the “discourse” is a relation of power, the only option for the putative “self” is to reject it by calling into question the “appearance” of substance—in the form of “fluidity,” amorphous nonidentity,¹⁰¹ “free-floating attributes.”¹⁰² Simone de Beauvoir in her own way had already gone down this path in her nervous account of biology—well before her account of social influences—when she suggested a preference for forms of reproduction where there is the *least amount of relation* (i.e., asexual, hermaphroditic, fertilization outside

99. See notes 64 and 65 above.

100. Thus the “subject” (her scare quotes) is always constituted in the interplay of both *having been constituted*, and the rejection of that constitution. As she says, “My position is mine to the extent that ‘I . . . replay and resignify the theoretical positions that have constituted me, working the possibilities of their convergence, and trying to take account of the possibilities that they systematically exclude. But it is clearly not the case that ‘I’ preside over the positions that have constituted me, shuffling through them instrumentally, casting some aside, incorporating others, although some of my activity may take that form. The ‘I’ who would select between them is always already constituted by them. The ‘I’ is the transfer point of that replay, but it is simply not a strong enough claim to say that the ‘I’ is situated; the ‘I,’ this ‘I,’ is constituted by these positions, and these ‘positions’ are not merely theoretical products, but fully embedded organizing principles of material practices and institutional arrangements, those matrices of power and discourse that produce me as a viable ‘subject.’ Indeed, this ‘I’ would not be a thinking, speaking ‘I’ if it were not for the very positions that I oppose, for those positions, the ones that claim that the subject must be given in advance, that discourse is an instrument or reflection of that subject, are already part of what constitutes me” (Judith Butler, “Contingent Foundations: Feminism and the Question of ‘Postmodernism,’” in *Feminists Theorize the Political*, eds. Judith Butler and Joan W. Scott [New York: Routledge, 1992], 9). Cf. Butler, *Gender Trouble*, 148–49.

101. Commenting on the relation between Butler’s negative conception of agency and the fluidity of the subject (agent), Louis McNay notes that the “model of agency as displacement tends to fetishize the marginal and celebrates, in an unqualified fashion, the notion of nonidentity. The spontaneous and fluid politics of the performative is implicitly aligned with the amorphous. . . . Nonidentity is the condition of possibility of all identity” (“Subject, Psyche, and Agency: The Work of Judith Butler,” in *Theory, Culture, and Society* 16, no. 2 [April 1999]: 189, <https://doi.org/10.1177/02632769922050467>).

102. Butler, *Gender Trouble*, 24.

the female body), even though these occurred at the level of biological life where there is the *least* individuality (e.g., in bacteria, protozoa, annelid worms, mollusks, fish, toads, and frogs).¹⁰³

We should note that this self-subversive conclusion does not only befall postmodernism, which is up-front about its denial of a “prediscursive” subject.¹⁰⁴ Liberals, like Martha Nussbaum, balk at Butler, who denies us any “pre-cultural agency,” thus dooming us permanently to bondage and hopeless gestures of resistance.¹⁰⁵ Nussbaum champions many of the same causes as Butler, but on radically different grounds, namely that of the self-determination of the autonomous individual, unbound prior to choice.¹⁰⁶ But here, too, however much we hear talk of robust subjects charting their own courses, making their own choices, choosing their bonds, the liberal individual has to abstract himself out of the actual order in which he is *already* embedded, the one that makes him the actual individual he is.¹⁰⁷ In order to be “free,” that is, he must vigorously resist his very (given) essence—beginning with excluding it from the get-go in the deliberately constructed “state of nature.”¹⁰⁸ Precisely by virtue of the very kind of self he fancies himself to be—autonomous, unbound,

103. De Beauvoir notes, “The phenomena of asexual multiplication and parthenogenesis are neither more nor less fundamental than those of sexual reproduction” (*The Second Sex*, 26). One is reminded of the process of “balkanovskification” in the “Fertilizing Rooms” of *Brave New World* where scores of identical individuals are produced through the budding of one fertilized ovum, 5th ed. (1932; New York: Harper and Row Publishers, 1965), 103.

104. See note 100 above.

105. Cf. Martha Nussbaum, “The Professor of Parody,” *The New Republic Online*, February 22, 1999, 10–12, <https://newrepublic.com/article/150687/professor-parody>. Nussbaum asks: “What does it mean for the agency of a subject to presuppose its own subordination?”

106. See Judith Butler, “The Feminist Critique of Liberalism,” in *Sex and Social Justice* (Oxford: Oxford University Press, 1999), 70.

107. Pierre Manent writes that one of the most striking “signs” of modernity’s view of man is its commitment to *abstraction*, to the “individual” in the “state of nature” who appears out of nowhere (*An Intellectual History of Liberalism*, 36).

108. “There is in liberal politics,” says Manent, “something deliberate and experimental that implies a conscious and ‘constructed’ plan” (*An Intellectual History of Liberalism*, xvi).

etc.—*he* must oppose *himself*. This could not be more evident than in the attempts we are now making to cancel ourselves out—in the busy field of biotechnology—by “transitioning” into something other than what we are: another gender, even another species. In this case, it is the self-determining, autonomous agent that is cancelling himself out, but for much the same reasons that the subject has already been denied by postmoderns like Foucault and Butler. Where there is a *prior* relation, *we* cannot be. Notwithstanding differences, the self-subversive result is the same.¹⁰⁹ One can see here the traces of the “Devil’s bargain,” where “having the whole world”—overcoming the “limits” of the natural relations—really does come at the cost of “one’s very soul,” of being *anything* and *anyone* in particular.¹¹⁰ As the lesbian poet Eileen Myles said about her predilection for not having a pronoun—using “they” for a single subject,

I’m obsessed with that part in the Bible when Jesus is given the opportunity to cure a person possessed by demons, and Jesus says, “What is your name?” and the person replies, “My name is legion.” Whatever is not normative is many. . . . Part of it is just the fiction of being alive. Every step you’re making up who you are.¹¹¹

Observing this ironic fate of the modern and postmodern gender project, which would have us sacrifice our very souls—be it our actual embedded nature, be it our very selves—to fluidity in order to be free, John Paul II commented,

109. On the self-subversiveness of liberalism in its denial of any intrinsic meaning to the body, cf. Schindler, *Freedom From Reality*, 273–75. He writes: “In the phenomenon of the ‘transhuman,’ man appears simultaneously as the all-powerful technician and the helpless product. . . . Pure power and utter powerlessness now converge into one, and man becomes the abject servant of his own limitless freedom, a passive object of active power: a slave of modern liberty” (275).

110. The element of self-subversion as belonging to the “diabolical” is discussed in Schindler’s *Freedom from Reality*, 167–69.

111. See Ariel Levy, “Dolls and Feelings,” *The New Yorker*, December 6, 2015, <http://www.newyorker.com/magazine/2015/12/14/dolls-and-feelings>.

So-called “safe sex,” which is touted by the “civilization of technology,” is actually, in view of the overall requirements of the person, radically not safe, indeed it is extremely dangerous. It endangers both the person and the family. And what is this danger? It is the loss of the truth about one’s own self and about the family, together with the risk of a loss of freedom and consequently of a loss of love itself.¹¹²

Is there another way to be free?

5. ANOTHER WAY

Given the results of the banishment of the natural relations from the modern paradise, and now, more radically, from the visible world altogether, let us consider another way while taking up the modern and postmodern concern that animates the new “gender.” It is clear enough that the fear of power behind the idea of the givenness of things is that concern. What is perhaps less clear is how much the Christian account of the givenness of things contributes to that concern, even inspiring the heretical “solution”: “there is no ‘being’ behind doing.” Indeed, the Christian account of creation is the most radical statement about the contingency of the given order, because the world *in every aspect* is created. It is *ex nihilo*. Its givenness could not, therefore, be more subject to the power of God than this. And yet, it is precisely this account that can offer another solution. Why?

According to the Christian account, the world is not “called for.” It is neither the result of a demand from something preexistent in need of actualization, nor is it the result of God’s own need. On the contrary, God creates “out of His goodness.”¹¹³ In this way, far from being a disparagement of the world, creation *ex nihilo* places divine liberality and generosity at the very heart of worldly being. Creation can rightly be said to be a “gift,” as Kenneth Schmitz has outlined so masterfully.¹¹⁴ Given the con-

112. *Letter to Families*, 13.

113. St. Augustine, *De Genesi ad litteram*, 1.7.13 (*Patrologia Latina*, vol. 34, col. 251). See *The Catechism of the Catholic Church*, 299.

114. See Kenneth Schmitz, *The Gift: Creation* (Milwaukee, WI: Marquette University Press, 1982).

cern underlying “gender” theory, we should note, together with Schmitz, that a world conceived in this way is given to itself with its own ontological integrity, intelligibility, and metaphysical interiority (to the point that in free creatures this becomes the possibility of evil, and “risk-taking” for the Creator himself).¹¹⁵ This is the flip side of being utterly dependent on a Creator. One *is* only by virtue of receiving one’s being—*esse creatum*—from God; but one is *thereby* the “created subject of one’s own existence.”¹¹⁶ We can see this two-fold dimension of the metaphysics of creation in the birth of a child who exists as “a gift and a task, as both *fait accompli* and as a mission to be performed freely and creatively, in time.”¹¹⁷ Being created, in other words, we are outside the Scylla and Charybdis of static essentialism and pure becoming (“fluidity”). Although, for free creatures, the fact of being given to ourselves as the subjects of our own existence means we are capable of acting as though we were pure becoming, taking flight from instead of taking up the givenness of things.

We need to go still further in order to grasp the nature of the given order (creation). Ultimately, the full intelligibility of creation as gift depends upon the God of revelation.¹¹⁸ Indeed,

115. Schmitz offers a long reflection on the direct relation between *receiving* being and *being* something (*The Gift*, 70–97). He writes: “The creatureliness of the creature (the received condition) is not nullity, but is rather the ingress of the creature into being. . . . The creature is *ex nihilo*, that is, it stands *outside* of absolute privation by virtue of the creative generosity” (74). On the possibility of evil from within the perspective of the category of “gift,” see *The Gift*, 91–93. See also Spaemann on the possibility of evil as tied the Christian notion of “person” (*Persons*, 20–21).

116. See here Adrian Walker’s discussion of the Thomistic formula, “*esse significat aliquid completum et simplex, sed non subsistens*,” in “Personal Singularity and the *Communio Personarum*: A Creative Development of Thomas Aquinas’s Doctrine of *Esse Commune*,” *Communio: International Catholic Review* 31, no. 3 (Fall 2004): 457–79.

117. *Ibid.*, 476.

118. See Schmitz’s survey of nonbiblical accounts of creation, be they mythical or philosophical, where there is always *some* preexisting subject of creation (*The Gift*, 8–13). As for the dispute about whether St. Thomas thought Aristotle held the view of a creation *ex nihilo* or not, see Mark F. Johnson, “Did St. Thomas Attribute a Doctrine of Creation to Aristotle,” *New Scholasticism* 63, no. 2 (Spring 1989): 129–155, and Timothy B. Noone, “The Originality of St. Thomas’s Position on the Philosophers and Creation,” *The Thomist* 60, no. 2 (April 1996): 275–300.

it is because there is in God an eternal Son that the world is not necessary to God, as St. Thomas said.¹¹⁹ But it is for the same reason—that there is one in God who is *begotten, not made*—that there is anything *made* at all.¹²⁰ The significance of this for our purposes is to say something more about the nature of the gratuitous character of the world, namely that it is *not arbitrary*. If the creative act is not the act of a needy God, neither is it a sheer display of power. Here we come face to face with the scholastic notion of “ordered” power, according to which creation is the expression *ad extra* of divine omnipotence *ad intra*, which is the omnipotence of *generation*, as St. Thomas insisted.¹²¹ This qualification of the divine power operative in the creation of the world allows us to see better the *shape* of worldly being, which at one and the same time owes itself entirely to divine causality and is a gift to itself with its own *in-itselfness* (*actus essendi*, essence, and freedom). The world has a *filial* form:¹²² “In him we live and move and have our being, for we too are his offspring” (Acts 17:28).

119. Cf. St. Thomas, who says that the fact that there is in God a *Word* “excludes the error of those who say that God produced things by necessity” (*Summa theologiae* I, q. 32, a. 1 co 3 [hereafter cited as *ST*]). On this point, Spaemann writes: “When a later neo-scholasticism taught that ‘natural reason’ could attain the conception of God as one person, its doctrine was incompatible with the idea of a free creation. A God who was *one* person would *necessarily* have finite persons as his correlate” (*Persons*, 27).

120. At the beginning of his long excursus, “The World is from the Trinity,” Balthasar quotes the twentieth-century theologian Gerken, who said: “A God who is not Trinitarian cannot create the world” (*The Last Act*, vol. 5, *Theo-drama*, trans. Graham Harrison [San Francisco: Ignatius Press, 1998], 61). In that excursus, Balthasar relies especially on Bonaventure’s axiom: “A production of something which is dissimilar requires there first to be a production of something similar” (*Hexaemeron*, XI, 9 [V, 381]). To that we could also add St. Thomas’s claim that “the processions of the Persons are the model of the productions of creatures” (*ST* I, q. 45, a. 6), insofar as the proper cause of worldly being, *what is common* to the Persons—the one Essence—is to be understood “according to the nature of their processions”: first by virtue of the essential attributes (*co*), but then according to the relations of origin whereby the Son and the Spirit receive their nature and the power to create from the Father and both, respectively (*ad* 1).

121. Thomas Aquinas, *De potentia*, q. 2, a. 5–6.

122. We could add with Balthasar that this *filial* dimension of the world as *other* with respect to God is thoroughly positive, given the “positivity of the other” in Godhead himself. See Balthasar, *The Last Act*, vol. 5, *Theo-drama*, 81–91.

Returning to this deeper sense of divine creative causality—understood in terms of *gift*, in its paradigmatic form of generation—would be helpful in a context where every relation prior to consent is seen only in terms of an “operation of power” hiding behind its created handmaiden: nature, substance, sex, and even “gender identity.” When Butler says that substance has not always been there, that it has been constituted by power, she echoes faintly (however distortedly) the radical contingency of things, which comes from the Christian doctrine of creation *ex nihilo*. Moreover, when she says that the meaning of things is not simply *there* to be *discovered*—that there is a “performative discourse” that “appears to produce that which it names, to enact its own referent, to name and to do, to name and to make”¹²³—she once again echoes (faintly) the doctrine of creation, which says that the world’s meaning (*logos*) is *endowed* when it was made: “In the beginning was the Word” (Jn 1:1). But failing to see the true character of the power that creates as an expression of eternal generation—giving the world to itself, respecting its nature, and calling it by its proper name—Butler can only see the “alleged” meaning in the world as nothing but a mask behind which the nefarious power-play to control us is hidden. In short, assuming a heretical idea of creation—in both the voluntarist and nominalist sense—requires that all meaning, indeed all *words*, be renounced and put between the scare quotes that litter the pages of every postmodern text. Needless to say, as a defense against the heretical understanding of creation, one must become an agent of the same heretical creation of oneself.¹²⁴ One must begin all over again, from *nothing*, *taking nothing for granted*, with a sheer act of arbitrary power, “like God.”¹²⁵ Only this time one must remain in pure flux to keep

123. Butler, *Bodies That Matter*, 70.

124. As one scholar of postmodernity has put it: “Only those who believe they have been created out of nothing are likely to be haunted by the contingency that they may become nothing once again” (Henry McDonald, “Language and Being: Crossroads of Modern Literary Theory and Classical Ontology,” *Philosophy and Social Criticism* 30, no. 2 [2004]: 196).

125. We refer here to Goethe’s rewording of the prologue to the gospel of John: “In the Beginning was the Deed” (*Faust*, Part I, 902).

things open.¹²⁶ In sum, a return to the true (trinitarian) nature of creation and its metaphysics would help to address our collective concern over power, allow us to accept the fact of being created, and allow us to *accept ourselves* (together with the whole of reality, created and uncreated).

6. CODA

We should not fail to notice the unique situation that Christians are in today: they are the lonely custodians of realities that are not technically speaking matters of faith, even as they are dismissed *as* “matters of faith.” Chesterton described this unique situation over a century ago.

Everything will be denied. Everything will become a creed. It is a reasonable position to deny the stones in the street; it will be a religious dogma to assert them. It is a rational thesis that we are all in a dream; it will be a mystical sanity to say that we are all awake. Fires will be kindled to testify that two and two make four. Swords will be drawn to prove that leaves are green in summer. We shall be left defending, not only the incredible virtues and sanities of human life, but something more incredible still, this huge impossible universe which stares us in the face. We shall fight for visible prodigies as if they were invisible. We shall look on the impossible grass and the skies with a strange courage. We shall be of those who have seen and yet have believed.¹²⁷

For all the darkness of this new situation, what has become clearer now is the deep connection between “this huge impossible universe which stares us in the face” and the one “in whom all things were created . . . and hold together.” In

126. For Butler, for every “actualized” identity, the “being of a man” or the “being of a woman” (her scare quotes), “there is a cost in every identification, the loss of some other set of identifications, the forcible approximation of a norm one never chooses, a norm that chooses us, but which we occupy, reverse, resignify to the extent that the norm fails to determine us completely” (*Bodies That Matter*, 86).

127. G. K. Chesterton, *Heretics* (New York: John Lane Company, 1905), 305.

a sense it is a “matter of faith” to “believe” that a woman is a woman, but not, of course, in the privatistic, irrationalist sense of “faith.” It is because the fundamental openness of the mind to God opens our minds to the things of the world, which are rationally accessible, and our eyes to what is in front of our very noses.¹²⁸ □

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128. On the inextricable link between the openness to God and the ability to see the world for what it is, Cardinal Joseph Ratzinger writes,

[The apostle Paul] declares that in reality this society knows God very well. . . . ‘So they are without excuse (Rom 1:20).’ According to the apostle, the truth is accessible to them, but they do not want it, because they refuse the demands that the truth would make on them. . . . When man prefers his own egoism, his pride, and his convenience to the demands made on him by the truth, the only possible outcome is an upside-down existence. Adoration is due to God alone, but what is adored is no longer God; images, outward appearances, and current opinion have dominion over man. This general alteration extends to every sphere of life. That which is against nature becomes the norm; the man who lives against the truth also lives against nature. His creativity is no longer at the service of the good: he devotes his genius to ever more refined forms of evil. The bonds between man and woman, and between parents and children are dissolved so that the very sources from which life springs are blocked up. It is no longer life that reigns, but death. A civilization of death is formed. (*Christianity and the Crisis of Cultures*, trans. Brian McNeil [San Francisco: Ignatius Press, 2005], 95)