

# Cis- and Transgender Identities: Beyond Habituation and the Search for Social Existence<sup>1</sup>

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Judith Butler's theory of the performativity of gender in the last decades has gained wide acceptance as the most influential explanation for the assumption of gender identity (see Lennon & Alsop 2020). Veronica Vasterling has shown an interest in Butler's work already from the very start. Her article, "Butler's Sophisticated Constructivism: A Critical Assessment" (Vasterling 1999) is one of the early critical feminist assessments of Butler's theory. It addresses the problem that in later debates has become one of the most important points of discussion, Butler's notion of the body. An often-heard critique is that Butler's theory would place too much emphasis on the linguistic aspects of gender acquisition, thereby neglecting its bodily, material basis (Hekman 1998; Barad 2003). Vasterling, however, gives Butler more credit and finds a phenomenological notion of embodiment in some passages in her work (Vasterling 1999, 23).

Therewith, Vasterling engages in the debate about the relationship between Butler's post-structuralist account of gender and phenomenology. This relationship is full of tensions. In an article that preceded her book, *Gender Trouble*, Butler suggests that performativity is a further extension of ideas about becoming of Simone de Beauvoir and of Merleau-Ponty's about institution (Butler 1988). Yet, performativity, in its focus upon acting, also breaks with its phenomenological antecedents. In *Gender Trouble*, Butler takes further distance from Beauvoir's work, arguing that she reproduces the distinction between the body and freedom and body and mind (Butler 1990, 12).<sup>2</sup> Vice versa, phenomenological theoreticians of gender have assessed Butler's work (Stoller 2010; Heinämaa 2012; Wehrle 2019), arguing that phenomenology holds a more elaborated body notion than Butler does. Recently, this debate has gained new ground in Maren Wehrle's account of performativity (Wehrle 2021), in which she argues for complementing Butler's version of it with the Husserlian analysis of bodily habit formation. Wehrle nuances the critique

that Butler would neglect the body, claiming that while attentive to the perceived body that is known by others and oneself (body image), Butler ignores the perceiving, moving, operating bodily subject (body schema) (Wehrle 2021, 202, 374). Wehrle instead suggests a performative theory of bodily habitual identity, in which habit formation at the bodily level is considered as underlying Butler's social and linguistic performativity.

In this paper, and in line with Vasterling, as she mentioned while discussing this point, I will first suggest that Butler's theory should be taken as a *frame* to understand how individuals, both cis and trans, assume a gender identity.<sup>3</sup> The problem I want to discuss next is that both Butler's performative theory and Wehrle's performative theory of bodily habitual identity perhaps help understand the reproduction of habitual identities, but that they have difficulties accounting for the possibility of breaking with them. In a social environment predominantly characterized by binary, heterosexual identities, Butler's performativity and Wehrle's habit formation seem to imply reproducing these kinds of identities, with the consequence that cisgender is normalized once again and transgender is considered as the exception. I will discuss how Butler and Wehrle deal with this problem and will suggest an alternative.

In the next section, I start with Butler's early account of performativity as extension of and break with phenomenological ideas (Butler 1988). I then discuss Wehrle's complementing of performativity with bodily habit formation. The trouble of accounting for transgender identities will be the topic of the last section.

## Butler's Performativity as Repetitive Act

In an article that precedes their bestseller *Gender Trouble* (1990), Judith Butler introduces the concept of performativity in response to Simone de Beauvoir's phenomenological view of becoming a woman. They propose performativity as an extension of the phenomenological theory of constitution in Beauvoir and in Merleau-Ponty (Butler 1988, 520-1). While both phenomenologists consider the body as an active process of embodying cultural and historical possibilities, Butler argues that for understanding the gendered body, this view needs expansion to include a theory of performative *acts* (521). The body not only enacts gender but performs it, that is, repeats the conventional manners it encounters in its environment. The

body, thus, is not simply matter but enacts possibilities that are “conditioned and circumscribed by historical conventions” (521) and, in that sense, “materializes” them. It is precisely the repetition of actions that leads to the institution of gender and which also provides the idea of a gender as a “substance” in which we come to believe. Gender thus becomes an identity and an ideal (520). The body is not a passive thing to which a gender is assigned but acquires gender through a series of acts that are constantly renewed, revised, and consolidated over time (523). In this acquisition, several normative claims play a role: cultural conventions that dictate how one should behave as a woman or man; tacit conventions that structure the ways bodies are viewed. These sedimented expectations lead to different bodily “styles” that may come across as “natural” genders, which are binary (524).

In one of their first articles on performativity, Butler thus already argues that what we consider as “natural” amounts to a reiteration of cultural conventions and expectations about what it means to be of a particular gender. In this process, the body at once enacts and repeats. The process of repetition for Butler does not imply that it is only the existing representations of gender that are cited and repeated, instead the bodily performance of gender also opens the possibility of transforming historical and cultural conventions around gender. It is precisely in the activity of repeating that transformation becomes possible: if gender is not a “seamless identity” but a series of acts, the possibility of transformation is to be found in the possibility of repeating differently, in breaking with or subverting the stylized acts, they argue (520).

In *Gender Trouble*, Butler elaborates on these thoughts. Here again, they contest the idea that gender is a substance or fixed identity (Butler 1990, 16-25), or that it is “internal.” Gender as an asymmetrical opposition between feminine and masculine is instead produced by what they, following Foucault, call “regulatory practices.” These practices not only generate culturally intelligible identities (namely heterosexual female and male)<sup>4</sup> but also demarcate boundaries with identities that cannot exist. Gender identity is redefined as a relationship between sex, gender, sexual practice, and desire (18). Through the addition of desire, Butler refers to the fact that the socially accepted definition of femininity and masculinity implies that one is sexually oriented toward the opposite sex. Gender in the binary sense and heterosexuality are thus socially linked, though actually, they are not.

Butler contests the idea of a freely choosing subject who has the freedom to choose a gender (see e.g., Butler 1993, 225-6, 234). Instead, one finds oneself in a social order within which there are already regulative normative practices of gender, which one turns to and repeats in order to become a subject. In a recent account of performativity, “Gender Politics and the Right to Appear” (2015), Butler addresses the misunderstandings that their work of the 1990s raised, concerning the subject’s possibility for agency (Butler 2015, 63). It gave rise to two different interpretations: either the performativity of gender was understood as free choice or as deterministic (see also: McNay 1999). They assume that in the reception of their earlier work, something was not articulated and grasped about performativity, namely that it describes the possibilities and conditions for acting, as well as the processes of being acted on. Performing gender means, on the one hand, repeating the forms gender has taken in a person’s environment, the acquired representations of gender – which are for a large part bodily, that is, styles of walking, talking, moving, etc. – and, on the other, enacting it, that is, giving form to these representations – which may include restylization or giving another form to them. Prior to the possibility of free choice, we are already exposed to being named in a particular way: we become a subject with a gender through the naming that language entails, in the realms of the medical, legal, and psychi(atri)cal. That doesn’t mean we are determined by existing normative representations of gender for, in this “being exposed to,” something can also happen to that norm – it can be rejected or revised and gender can be formulated in new ways (Butler 2015, 64). It is thus precisely in the performance itself, in the social reproduction of gender, that the possibility of varying those norms can be found.

In *Bodies That Matter*, Butler distinguished between a domain of intelligible bodies and a domain of abject, unlivable bodies (Butler 1993, xi), which may have caused confusion regarding their position on agency (see McNay 1999, 177). Their claim is, however, that both domains are simultaneously formed in the performative process. In *Notes*, and earlier, in *Feminist Contentions* (1995), Butler argues there is no existence outside of the discursive conventions by which we are constituted. Agency thus exists only *within* the regimes of power that constitute us and that we may resist or oppose (Butler 1995, 136). The same goes for their notion of the body. In *Bodies That Matter*, Butler returns to the notion of “materialization” and interprets it as an alternative for social constructivism. What we call “matter” is itself already

socially and linguistically constructed (Butler 1993, 9). In the case of gender, materialization involves assigning a gender to bodies, which we then regard as “natural.” By linking gender to nature (“sex”), gender seems more coherent and seems a substance. Actions, gestures, and ways of moving create an illusion of an inner gender identity, which then comes to count as an organizing principle. In Butler’s performativity, to conclude, the body plays a role, but it can never be separated from the social and linguistic conditions within which it lives and acts (Butler 2015, 65).

The concept of performativity thus addresses that we live within normative conditions that shape the way we understand identities and bodies and that we enact these conditions. Prior to our own will, we are part of a social order within which we are named in a certain way (63). We are exposed to language before we can speak for ourselves and before we can begin to name ourselves through language; an insertion into language and the social order thus precedes performative acts. These performative acts are not only linguistic (I don’t just say, “I am a woman” – an utterance I seldom use) but they are bodily and expressed in movements and behaviors. Precisely within this domain of receptivity to norms, something different – queer – can happen (64). The space for diverse perceptions of gender and sexuality thus resides in discourse itself: from gender fluidity to lesbian femininity, from transgender to non-binary, these are variations that can occur in the process of reiteration of norms.

## **Complementing Performativity with Bodily Habit Formation**

Butler’s poststructuralist philosophy of gender has been criticized by phenomenologists as a theory that does not do sufficient justice to embodiment (Stoller 2010; Heinämaa 2012). Maren Wehrle’s work is an exception to this. In several articles, she aims to bridge the gap between the Foucauldian view of power and normativity and the phenomenological understanding of corporeality (Wehrle 2019, 2020, 2021). Her work centers on the question of how social norms act on the body and how bodies in turn “elaborate on” and change those norms (Wehrle 2020, 120). In a recent article, Wehrle argues that Butler’s performativity shares similarities with the concept of habit formation in the phenomenological tradition (Wehrle 2021, 366). In using a Husserlian interpretation of habit formation, she argues, that it is possible to explain how social norms become part of what

someone is or becomes. Habit formation takes place at the bodily level. In complementing performativity with an account of bodily habit formation, we can understand that social norms do not just constitute a *linguistic* network or framework, within which one becomes a subject, but a bodily one. The notion of bodily habit formation, in other words, shows how norms inform lived corporeality (376) and thus can be taken to complement Butler's theory of performativity.

Habit formation is a way of relating to the world, one that allows the individual to engage in higher forms of cognition through the routine nature of action (376). Through habit formation, a certain familiarity with our environment develops – it structures and orders our dealings with the things and living beings around us. Thus, we acquire a personal style (of walking, moving) that is recognizable to others, a so-called “habitual identity.” In this sense, bodily habit formation constitutes an important part of our personal identity. According to Wehrle, habitual identity *precedes* the use of language (366, 376, 379). She speaks of “prelinguistic” in connection with bodily habits (366) and calls personal and narrative forms of identity “a higher form” that presupposes habituated identity (376). Drawing on Husserl (1952, 1995) and Merleau-Ponty (1945), she distinguishes three forms of bodily habit formation.

The first two levels still remain “anonymous” in the sense that they are pre-personal and usually not conscious, although they can be thematized by reliving the situation and movement. These levels involve repeated individual experiences, such as perceptions and movements that generate a general and enduring style of experiencing that are integrated into “a past” (Wehrle 2021, 376-7) and, at a second level, the constitution of the habitual body (Merleau-Ponty 1945, 97-8). The second level is about the way we orient ourselves in space, move in it, and how we react. This involves memory and a “knowing how,” in other words, a bodily memory that allows us to orient ourselves in our environment and involves the continuity of movements and experiences (Wehrle 2021, 377). The third level is what Husserl calls the emergence of “personal habituality” (Husserl 1995, 100; Wehrle 2021, 377). This level involves the adoption of a style at a personal – and therefore thematic – level. Personal habits may have been acquired at the first two levels – at this third level they can be reflected upon and changed.

The habitual identity that consists of these three levels is thus operative but not yet thematized on the first two levels (Wehrle 2021, 378). Bod-

ily performativity and the habitual identity that results from it – that is, our styles of walking, sitting, eating, moving – are in other words present without the subject being aware of it. Prior to the awareness of assuming a gender identity, the individual thus repeats movements and forms a bodily memory. Although Butler also considers performativity to be bodily, they do not elaborate on this in detail. Wehrle’s habitual identity in that respect is a welcome addition to it. However, in claiming, “[a]lthough habitual identity is a stable and characteristic way of relating to the world [...], it cannot be reduced to an already articulated social identity category (like, gender)” (378), Wehrle distances herself from Butler more than necessary. While Butler points to the fact that we live in a social world in which we encounter normative representations of gender from the outset, Wehrle gives the impression of considering gender as a social identity category that is *preceded* by bodily habit formation.<sup>5</sup> My suggestion is not to contrast the two approaches, but to understand embodiment *within* the framework of normative gender conditions that Butler outlines. Even though Butler does not elaborate on the bodily facets of gender identity, their view of performativity also does not exclude the bodily enactment of gender norms, as we have seen. Thus, I argue for an inclusive conception of gender performativity that includes bodily habits.

## Beyond Bodily Habituation and the Search for Social Existence

Considering the performative process of assuming a gender identity in terms of habit formation raises an important question, however. Is it not the case that in a social environment of mainly binary, heterosexual identities, Butler’s performativity and Wehrle’s bodily habit formation imply reproducing these identities? Does the repetition that is central in these accounts not imply considering transgender identities as deviations of the norm?

We have already seen that Butler’s theory leaves the possibility open for the transformation of norms around gender: it is in the process of reiterating the norm that something queer can happen, they argue (Butler 2015, 64). Performativity therefore does not necessarily include repetition of the same normative practices around gender; the same goes for bodily habit formation. According to Wehrle, the phenomenological notion of habituation implies that a habit is addressed to a situation and therefore not a mere

repetition of the same. “[T]here might still be feelings of disorientation, uncomfortableness, and dissatisfaction,” she writes, even in the early habitual stages in which there is no reflection or articulation (Wehrle 2021, 382). The implication of understanding the possibility of transformation as inherent to the process of (habitual) repetition is that cisgender is no longer *opposed* to transgender, as some argue,<sup>6</sup> but that cis and trans are variations of gender. Neither Butler’s performativity nor Wehrle’s bodily habituation therefore reproduce the normality of cisgender identities, instead, these theories account for transforming existing norms around gender.

But is that sufficient? Even though Butler, in *Notes*, is concerned with violence against trans people and questions the pathologization of trans desire (Butler 2015, 54-5), they consider transgender as a possible variation of gender. Wehrle discusses the problem of subversion but does not get any further than the mentioned feelings of discomfort. My suggestion is that to account for the experiences of transgender people, merely considering gender constitution – in terms of the repetition of social norms in searching for social existence, or in terms of bodily habits – is not sufficient, and that we need an account of identification. We need to be able to differentiate between a person’s biology, the gender they identify with, and the normative practices in a person’s social environment.

The gender a person identifies with in the first place does not necessarily coincide with that person’s biological sex, as is argued by biologist and gender theorist Anne Fausto-Sterling. Based on a wide range of theories in biology and developmental psychology (notably dynamic systems theory, see Fausto-Sterling, García Coll & Lamarre 2012a, 2012b; Fausto-Sterling 2021), she argues that there is no decisive, necessary link between biological sex and gender identity (Fausto-Sterling 2012, 3-11, 43-57). Neither chromosomes, nor hormones, nor gonads, nor sex organs, nor the brain are, in themselves, decisive for one’s gender identity. Rather, variation can exist at all of these levels. What we call gender identity only emerges after birth, Fausto-Sterling concludes, in interaction with the environment within which a child grows up (49-57). We must look at postnatal psychological and social development to find an explanation of gender identity (49). In studies conducted in the first three years of life (Fausto-Sterling et al. 2012a, 2012b) different stages may be distinguished in acquiring a gender identity. Young children do not regard gender as constant. The assumption of gender constancy, that is, the linking of one’s body to a gender occurs later in life – at least in the Western world, as the research on which this

information is based is conducted in the United States and Europe (Fausto-Sterling 2012, 53). Young children of three to four months can differentiate between the voices of women and men and recognize faces (*ibid.*). In the next six months, children are able to associate voices with faces and begin to distinguish gender categories provided to them by their environment. In other words, in their first two years, young children are able to make socio-culturally accepted associations and also develop similar preferences in their play. However, self-awareness and gender identity do not emerge until later in life, from the third year onwards (54), or possibly even later.

The studies conducted by Fausto-Sterling et al. do not explicitly address bodily habit formation (although it is briefly mentioned in Fausto-Sterling et al. 2012a and in Fausto-Sterling 2019, 533-4, 550). The phases in the first two years in which children mimic socio-culturally accepted preferences without linking them to their own bodies and in which they do not yet identify with one or another gender can be associated with the phases that *precede* what Wehrle calls “thematic awareness.” The formation of a gender identity then implies that the child adopts and explores social differences offered, mimicking them bodily and, in this process, gradually shaping the psychic “I.”<sup>7</sup> Although bodily habituation can be considered as a facet of this psychic identification, the two cannot be identified. The shaping of this “I” is beyond the process of bodily habituation.

This gendered “I” also cannot be fully grasped by the performative process of assuming a gender identity. Butler discusses the way in which social norms act on the psyche and rejects the idea that social norms would be internalized, as this suggests that a norm from the outside would be incorporated into a pre-given psyche. It is thus not the case that existing gender norms form the psyche. Instead, Butler speaks of the process of internalization as the construction of the boundaries between inner and outer (Butler 1997, 19). The individual searches for the signs of its own existence in its surroundings (20) and may or may not recognize itself in the prevailing representations. Performativity thus can explain the process of becoming a gendered subject within the existing normative frames, but it cannot account for identification beyond that.

In order to understand transgender identities no longer as deviations of the norm but as positive identities in themselves, the theories of Butler and Wehrle thus need to be complemented with a notion of gender identification, or “psychic” gender. Herewith I do not aim at a psyche differentiated from the body, because this explicit gender identity comes about in

an intersubjective process that includes bodily habituality. Instead, my point is that gender identity should be considered as a separate facet apart from the body and the social sphere. For one's gender identity does not necessarily coincide with one's biological body, nor with the available normative practices around gender in one's environment. It is only when – apart from the multiplicity of possibilities in biology and the multitude of social representations around gender – also the many different ways to identify are taken into account that we will no longer need to categorize in binary ways or create an opposition between cis and trans, but will all be able to live as our gender in the world.

### Notes

- 1 This paper is a revised version of Halsema 2022.
- 2 Other works in which Butler engages with phenomenology are Butler 1986, 2004 and 2022.
- 3 Butler's notion of gender was initially firmly criticized by transsexuals. In *Gender Trouble*, Butler questions the idea of an internal gender identity, while transgender people experience an incongruity between the gender assigned to them at birth and their experienced gender identity. For this reason, their work would not do justice to them (Prosser 1998). However, in a later interview with Cristan Williams, Butler adjusts that view and argues for the right of every person "to determine the legal and linguistic terms of their embodied lives" (Butler and Williams n.d.).
- 4 Vasterling 1999 and Wehrle 2021 interpret Butler's thinking as epistemological. "Epistemological" implies that there is something that is understood and known. However, according to Butler, there is no existence for bodies *beyond* their social understanding (Butler 1997, 19-20) and they speak of "ontological" in this context (Butler 2015, 57, 61). For this reason, I consider their work to be social ontological.
- 5 Wehrle distinguishes between the top-down approach that she attributes to Butler's performativity of gender i.e., bodies must adopt sociocultural identity categories that are already constituted (Wehrle 2021, 366) and the bottom-up approach she herself advocates, in which the gradual development of experience is central and prereflective dimensions precede conscious experience (367).

- 6 I aim at the so called “TERF wars” (trans-exclusionary radical feminist), in which feminists such as Kathleen Stock and Holly Lawford-Smith oppose the rights of women to the rights of trans people (Stock 2021; Lawford-Smith 2022).
- 7 For the constitution of gender identity, psychoanalysis is also an important source. See, for instance, Jessica Benjamin’s phases of gender constitution (Benjamin 1995, 49-79), in which identification plays a crucial part.

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