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FROM TERMINOLOGY TO ONTOLOGY: RESIGNIFYING A PARADIGM THROUGH TRANSGENDER POLITICS

Jennifer L. Gartner

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**FROM TERMINOLOGY TO ONTOLOGY: RESIGNIFYING A PARADIGM
THROUGH TRANSGENDER POLITICS**

(Spine title: From Terminology to Ontology)

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by

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Graduate Program in Theory and Criticism

**A thesis submitted in partial fulfillment
of the requirements for the degree of
Master of Arts**

**The School of Graduate and Postdoctoral Studies
The University of Western Ontario
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Abstract **Abstract**

Contemporary transgender politics in North America are presently at an impasse regarding the meaning of the label that ostensibly unifies this movement. This project will examine the terminological debate that has come to dominate transgender scholarship and activism, arguing that this concentration has reduced the socio-political viability of gender variant individuals to a matter of definition. Drawing on transgender and queer theory, as well as psychoanalytic theories of abjection, this thesis aims to demonstrate that the issue of viability is grounded not in terminology, but in cultural perceptions of ontology that must be resignified to establish gender variance as a plausible expression of subjectivity. The efforts of transgender rights activists to reconceptualize “the human” in legal terms will be positioned as a potential way through which to achieve this paradigmatic change.

Keywords: Sex, Gender, Gender Variance, Transgender, Transsexual, Queer, Terminology, Abjection, Ontology, Subjectivity, Human Rights, Activism, Identity, Politics, Binarism, Erasure, Exclusion, Dehumanization, Resignification, Pathologization

Hearken unto me, fellow creatures. I who have dwelt in a form unmatched with my desire, I whose flesh has become an assemblage of incongruous anatomical parts, I who achieve the similitude of a natural body only through an unnatural process, I offer you this warning: the Nature you bedevil me with is a lie. Do not trust it to protect you from what I represent, for it is a fabrication that cloaks the groundlessness of the privilege you seek to maintain for yourself at my expense. You are as constructed as me; the same anarchic womb has birthed us both. I call upon you to investigate your nature as I have been compelled to confront mine. I challenge you to risk abjection and flourish as well as have I. Heed my words, and you may well discover the seams and sutures in yourself.

(Susan Stryker, "Frankenstein" 240 – 241)

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For Norma, everything always

My mother, Mrs. Virginia White, and my father, Mr. Charles White, were the first to instill in me the values of hard work, integrity, and perseverance. Their example has guided me throughout my life. I also want to thank my grandparents for their love and support. Their encouragement and belief in me were the driving force behind every step I took. Finally, I want to thank the staff of the university for their hard work and dedication to their students.

And finally, I want to thank my friends for their support and encouragement throughout this journey. Their presence and belief in me were the driving force behind every step I took.

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Introduction

Although the social and political viability of gender variant individuals has been prohibited by normative conceptions of Western subjectivity, transgender politics have bound this concern to the ongoing debate regarding the meaning and political orientation of the label that ostensibly represents these persons. Presently, “transgender” is understood as an “umbrella term,” and can signal various interpretations that concurrently unify or segregate different identities, practices, and expressions according to the context in which this word is used. As Chapter One demonstrates, this variability and contingency compromises the cultural currency of this label, indicating that “transgender” cannot politically instantiate the multitude of individuals subsumed by this term; however, this thesis argues that the problem of viability extends beyond this terminological dilemma, as gender variance as a particular mode of being has been established as an ontological impossibility.

According to the cultural terms of subjectivity, nonnormative gender is located outside the bounds of intelligible personhood, which indicates that these expressions and identities are unrecognizable to hegemonic conceptions of “the human.” Consequently, gender variance cannot be established as a viable mode of being until this issue is addressed; yet, as Chapter One makes clear, this problem continues to be overshadowed by the concentration on “transgender” and how this term contests or reifies political notions of identity. Though this debate has elucidated the complications posed by this latter concept and its importance to state recognition, Vivian Namaste notes that “limiting ourselves to [a] discuss[ion] [of] identity can foreclose an understanding of what’s really going on” (*Sex Change* 31). By establishing terminology and its relation to identity as the

focus of this movement, transgender politics have neglected a deeper investigation into *why* gender variance is presently unviable, which obscures the underlying cause of this dilemma and hinders the emergence of plausible solutions. Though Namaste frames her critique through the context of an institutional analysis, this project argues that it is the premise of human ontology that invalidates gender variance as a mode of being, and that this paradigm must consequently be resignified to establish nonnormative gender as an intelligible expression of subjectivity.

To demonstrate that the problem of viability is an ontological concern, Chapter Two takes up the claim that the process of gender attribution is the primary foundation through which human subjectivity is made possible. Because this process is embedded in the binary logic of the sex/gender paradigm, gender variance is subsequently excluded from the realm of the culturally intelligible, indicating that gender diversity is an unviable mode of being. Consequently, gender variant individuals cannot be recognized as subjects without undermining the ideology that grounds subjectivity. In fact, as Chapter Two will illustrate, the exclusion of nonnormative gender from this ontological paradigm is requisite to the construction of normative subjectivity. Drawing on psychoanalytic theories of abjection, the cultural abnegation of gender variance will be situated as the necessary precondition of subject formation within the symbolic. As such, social and political viability cannot be achieved without a fundamental resignification of the ideology that determines one's status as "human." This project aims to demonstrate how this reconceptualization can enable a broader understanding of gender and subjectivity that does not depend upon the creation, circumscription, and exclusion of the binarism that abjection makes possible. This objective necessarily involves an interrogation of "the

human” as it is presently constructed; yet, this analysis would not be complete without a consideration of the practical effects generated by the abjection of nonnormative gender and the attempt to overcome this expulsion. The goal is not only to examine the potential of redefining the terms of intelligibility, but also to consider how this process could plausibly be achieved, thus legitimating gender variance as a viable expression.

Given that “the human” is a legal category due to the legislation of human rights, the parameters of this concept are reified through the law, which allows the state to regulate its borders. This thesis will argue that legal definitions of humanity are based on cultural perceptions of subjectivity, and have consequently established ideology as law. As such, the sex/gender paradigm grounds both cultural and legislative understandings of “the human,” which consolidates the abjection of nonnormative gender and positions gender variant individuals outside state protection. To address this issue, Chapter Three examines how transgender rights activists are presently attempting to reconceptualize “the human” in legal terms through the acquisition of rights. By establishing gender variance as cognizable in the eyes of the state, this chapter aims to demonstrate that this recognition would not only resignify the legislated terms of humanity, it would facilitate the social and political viability of gender variant lives. Though this strategy is only one instance of reconceptualization, it illustrates the plausibility of this approach and its potential substantive effects. As such, the struggle to obtain rights offers an alternative to the terminological debate, while indicating that resignification is both politically feasible and activists are already working towards this goal. By examining the problems and proposed solutions regarding the restrictions of an ontological paradigm, this thesis

indicates that ideology has theoretical and practical implications, which are made clear by the endeavour to redefine the terms of intelligible personhood.

The objective to balance a theoretical analysis with the consideration of its substantive effects speaks to the body of criticism used throughout this thesis. The authors selected for this project were chosen both to situate and analyze the issue of ontology through the perspectives put forth by transgender scholarship, as opposed to appropriating the terms of this problem from a more conventional theoretical lens. Though non-trans authors are included in this work, particularly in Chapter Two, the overall focus of this thesis is grounded in the theoretical and political positions advanced by self-identified transgender and transsexual scholars. Though these authors greatly differ in some or all respects, the tensions and agreements between them signal a particular dialogue regarding the issue of viability, which this project attempts to bring to the fore. Though questions of terminology remain at the heart of this debate, these scholars indicate that matters of definition and redefinition necessarily generate substantive effects that must be acknowledged in the contemplation of these broader theoretical concerns. Without this context, gender variance easily becomes a trope of academic discourse, used to deconstruct gender norms without the consideration of how gender variant individuals are presently affected by this ideology (Namaste, *Invisible* 22 – 23). This project endeavours to avoid this oversight by specifically examining the problem of social and political viability as established by transgender politics, and the potential solutions offered by transgender and transsexual activists and academics, while continuing to offer a theoretical analysis of why viability is an ontological concern. As

such, the object of inquiry is the ideological paradigm that prohibits this viability and subsequently renders gender variance abject.

In a similar vein, this project forgoes a discussion of "the inhuman" as a potential alternative to the binary model upon which "the human" is based. Though the concept of inhumanity will be addressed, this status will not be taken up as a solution to present conceptions of subjectivity, as the endeavour to replace binarism with hybridity merely inverts a binary relation and continues to generate ontological restrictions. Notions of "the inhuman" that retain their peripheral status in order to disrupt normative paradigms indicate that this concept maintains an oppositional stance, which requires the continuation of binarism and its subsequent exclusions. Though the terms of intelligibility would be overturned, substituting one prescriptive model of being with another is not conducive to the project of increasing the possibility of numerous different lives.

Furthermore, designating gender variance as a distinctly "inhuman" or "post-human" mode of being undermines the present attempt to establish nonnormative gender as a viable expression of human subjectivity. The objective to reconceptualize the parameters of "the human" is not to oppose or eliminate this ontological category, but to fundamentally alter the foundation through which individuals achieve access to this status. By instantiating gender variance as a prototype for "the inhuman," this political aim is overshadowed by a concentration on creating, defining, and categorizing another "type" of being that risks establishing nonnormative gender as a theoretical trope. Thus, the goal of resignification is not to promote hybridity, but to advocate the possibility of various subjectivities as equally plausible manifestations of "the human." However, the

ontological “flexibility” required to achieve this recognition does not extinguish the problem of categorization.

Though the examination of human subjectivity indicates that the problem of viability is an ontological concern, this critical refocusing does not negate the fact that “the human” is a category, bound by the limitation of definition. By reconceptualizing the foundation of being to make more lives “livable,” this resignification avoids prescribing a specific model of subjectivity, leaving “the human” open to various permutations. Yet, without a particular definition to establish the boundaries of this concept, does “the human” run the risk of losing its significance as a category? And how does this expansiveness differ from the current dilemma posed by the understanding of “transgender” as a capacious label? Though these questions illustrate the complexities engendered by issues of (re)definition, the elasticity of a political term and the flexibility of an ontological paradigm necessarily generate different effects, as the context of each greatly varies.

Because “transgender” is bound to the discourse of identity politics, this thesis will argue that its plasticity is unable to transcend the limitations imposed by this framework; however, as this project will demonstrate, the process of abjection creates the possibility to reconceptualize notions of subjectivity that allow for the paradigm change required to establish a multiplicity of being. Nevertheless, these different outcomes do not resolve the problem of plurality in the endeavour to conceive of “the human” as a concept based on diversity, for what would this category represent? This conundrum is the inevitable risk of attempting to consider notions of subjectivity outside the limitations of binarism; yet, as Judith Butler notes, this definitional “openness” does not prohibit the

struggle to realize certain values in the effort to achieve a more just conception of ontology (*Undoing* 36). Rather, the objective is to maintain this flexibility while positing these ideas, recognizing that the process of creating "the human" is never complete and must continue to be renegotiated to increase the scope of livable lives. With this assertion in mind, this project will set aside this inherent contradiction to consider the possibilities enabled by this paradox.

The project will explore the possibilities of a more just ontology, one that is not defined by a fixed set of values or a single, universal truth. It will consider the ways in which the human is always in the process of becoming, and how this process is shaped by the social, political, and economic conditions of the world. The project will also explore the ways in which the human is always in the process of being dehumanized, and how this process is shaped by the same conditions. The project will argue that the only way to increase the scope of livable lives is to recognize the inherent contradiction of the human condition and to embrace the possibilities that this contradiction enables. The project will conclude that the only way to achieve a more just ontology is to embrace the struggle to realize certain values in the effort to achieve a more just conception of ontology.

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Terminological Aporia: The Meaning of “Transgender” and its Dual Effect

Though the term “transgender”¹ has become relatively ubiquitous in the past decade, the cultural currency of this word is presently embroiled in a controversial debate regarding the meaning of this label and the politics it denotes. Despite its coinage in the late 20th century, “transgender” has a complex etymological history that points to this ongoing dispute. Presently, the term is understood as an “umbrella” label meant to instantiate numerous gender diverse identities, expressions, and persons. As this chapter will demonstrate, this perception of “transgender” is grounded in the rhetoric of anti-identity politics, and has been conceived as a distinctively queer term in addition to a more generalized label for all forms of gender variance. Though these concurrent understandings greatly differ in some respects, the expansiveness denoted by each term is meant to signify the term’s inclusivity, which has been positioned as a way to overcome the binarism imposed by the sex/gender paradigm, and more broadly, identity. This chapter will examine the tensions that have resulted from this capaciousness, as well as the differing perceptions of the term and its overall discursive function, arguing that this attempt to transcend the limitations of identity politics has inadvertently maintained these effects by upholding the binary relation it means to surpass. This contradiction has resulted in the dual effect of exclusion and erasure, indicating that “transgender” is unable to instantiate its various constituents as politically viable subjects. To address this dilemma, this chapter will posit the benefits of an ontological analysis that takes up the specificity of gendered subjectivity as a means of moving past the aporia of this terminological debate.

¹ “Transgender” will be put in quotations marks throughout this chapter to indicate that the meaning of the term is still undecided, and thus it is uncertain what this label is meant to signify.

1. Transgender

In contemporary North America, the term “transgender” has become synonymous with a definitional dispute that has taken precedence within transgender scholarship, politics, and activism. Western scholars, advocates, and allies have spent a significant amount of time belabouring the terminological parameters of this category, yet despite this effort, a consensus has not been met. Unsurprisingly, the various meanings attributed to this signifier are still being negotiated and re-transcribed. Julia Serano notes that a plethora of different categories classified as “transgender” have only emerged within the past decade,² and that previous terms used to describe gender nonconforming practices and identities are often viewed as outdated or offensive (23).³ Serano further notes that the terminology currently in use is frequently contested, as many individuals who take up and employ these labels ascribe different definitions to each term (23). These diverse invocations of “transgender” and its numerous subsets, alongside its ceaseless and contentious terminological evolution, indicate that the cultural currency of this term is not only precarious, but is also contingent upon the particular context in which it is used. Susan Stryker claims that this “definitional wrangling” and terminological instability will persist until a level of agreement is reached regarding “who deploys these terms, in which contexts, and with what intent” (“Introduction” 148).

Though “transgender” is a relatively new category, the meaning attributed to this signifier has perpetually changed since the term’s inception in the late 20th century.

² E.g. FTM, MTF, boyz, grls, genderqueer, transman, transwoman, cross-dresser etc. For a more extensive list, see Namaste, *Sex Change* 18.

³ E.g. the terms transvestite and transsexual precede the use of transgender as a label for nonnormative gender expression and some members of the “transgender community” view both as antiquated and/or derogatory. This is largely due to the perception of these terms as diagnostic categories that were coined by the medical community, and subsequently pathologized (Currah 4; Valentine, *Imagining* 33; Stryker, “Frankenstein” 251).

Originally coined as a distinct subject position, “transgender” has the linguistic history of a noun, verb, and adjective. The term was initially introduced as an identity category during the 1970s (Stryker, “Frankenstein” 251); however, since this time, “transgender” has also come to signify the act of transgressing or “crossing” socially normative gender boundaries (Stryker, *History* 24), and has been used as a descriptive label for an array of gender variant persons, practices, and identities, many of which were previously understood as distinct (Valentine, *Imagining* 4).

Presently, “transgender” is routinely constructed as “a catchall term for all nonnormative forms of gender expression and identity” (Stryker, *History* 123), yet David Valentine notes that this signifier continues to be taken up as both an identity category and a verb for gender transgression despite its ostensible consolidation as an adjective (*Imagining* 39). The term is often reduced to its prefix to denote its flexibility and inclusivity; however, many have maintained that “trans” refers to a specific type of person, generally “those who identify with a gender other than the one they were assigned to at birth” (Stryker, *History* 19). Though this latter interpretation is relatively transparent, the more capacious understanding of “trans” can be used to signify “various kinds of sex and gender crossings, and [the] various levels of permanence to these transitions...the medical technologies that transform sexed bodies, to cross-dressing, to passing,⁴ to a certain kind of ‘life plot,’ to being legible as one’s birth sex, but with a ‘contradictory’ gender inflection” (Noble 2), so that the term points to its own discursivity as much as it refers to any of these and/or other definitions.

⁴ “Passing” is generally understood as living in one’s gender of choice while being socially perceived as a “natural” or biological member of that gender according to the logic of the sex/gender paradigm (Stone 231).

Numerous activists and scholars have positioned this contemporary expansion of “transgender” into a collective or umbrella term as a social and political strength due to its purported ability to represent a broad range of individuals, identities, and practices (Namaste, *Invisible* 60). These authors often describe the word as a convenient, generalized term through which to discuss diverse forms of gender variability without pointing to any one experience or manifestation (Stryker, *History* 24). However, the celebrated elasticity of the term has also been cited as a source of contention in spite of its alleged inclusivity. Valentine argues that regardless of the catchall definition, “transgender” continues to generate exclusions and erasures that inform and delineate the current understandings of this word (*Imagining* 33). Stryker similarly claims that the collectivity attributed to the term is unable to transcend the various inclusions and omissions inherent to the process of categorization (*History* 24), which is further complicated by the numerous other interpretations that continue to be invoked alongside this flexible understanding.

Aware of these multiple complications, Serano suggests that “transgender” should be envisaged predominantly as a political term that unites its constituents based on shared objectives, as opposed to implying any commonality between those marked by this label (26). Nevertheless, the political goals and effects tied to this category vary according to the definition that is taken up (Valentine, *Imagining* 39), indicating that “transgender” politics cannot be severed from the divergent meanings this signifier is used to denote. The terminological aporia generated by this debate has consequently extended beyond the strictly discursive to effect various socio-political consequences for those who inhabit this signifier’s nebulous boundaries. Whether “transgender” is employed as a noun, verb,

or adjective, the complexities produced by this definitional dispute have affected not only the cultural viability of this term, but also the viability of the various identities, practices, and persons encompassed by this label in some contexts and excluded in others. The political effects engendered by these uncertain definitional boundaries can accordingly be traced to the etymological development of this amorphous signifier.

2. Etymology

When the term was initially coined in the 1970s, “transgender” was used to designate a particular subject position for individuals who resisted classification as transvestites or transsexuals (Stryker, “Frankenstein” 251). Unlike the latter two categories, “transgender” was not constructed as a diagnostic label; rather, this signifier was conceived as a grassroots term meant to defy the pathologizing lexicon created by the psychiatric community to describe gender nonconforming behaviours and identities (Currah 4).⁵ During the late 19th and early 20th centuries, sexologists had begun to identify gender variance as a mental health concern (Stryker, *History* 37 – 38), and by 1910, the term “transvestite” had come to represent a type of paraphilia (Stryker, *History* 16).⁶ Forty years later, “transsexual” was established as another diagnostic category through which to classify certain gender variant persons (Stryker, *History* 18). Though each term signaled a transition across the socially normative boundaries of gender binarism, transsexual was coined to “distinguish people who sought surgical transformation from those who wanted to alter their gender presentation without medical intervention” (Stryker, *History* 49). This latter definition was used to classify

⁵ Accordingly, many activists have described “transgender” as a label of empowerment and self-definition able to designate the specificity of gender variance as a valid mode of gendered being (Currah 4).

⁶ Paraphilia is a psychiatric term that denotes a mental disorder characterized by abnormal sexual desires.

transvestites, and originally included a wide range of gender variant phenomena, yet came to denote the episodic practice of cross-dressing for erotic pleasure (Stryker, *History* 17).⁷

The deviancy and abnormality associated with transvestism and transsexuality greatly influenced the grassroots inauguration of “transgender” as an identity category (Valentine, *Imagining* 32). Transgender activist Virginia Prince, who is accredited with originating the term, sought to demarcate and normalize a particular form of gender variance by explicitly rejecting paraphilic transvestism (Valentine, *Imagining* 32) and transsexual surgeries (Stryker, *History* 46). She claimed that a specific term was required to represent individuals who had “permanently changed their social gender without permanently altering their genitals” (Stryker, *History* 123); unlike transvestites, these persons did not periodically alter their gender presentation, and unlike transsexuals, they did not seek to surgically modify their bodies. Though all three terms indicated a transition across the sex/gender paradigm, Prince dissociated her neologism from the sexual deviancy linked to transvestism (Valentine, *Imagining* 32)⁸ and opposed transsexual body modification (Stryker, *History* 46). By establishing a distinct social category that repudiated these pathologized behaviours, Prince attempted to position

“transgender” as a normative gender identity that maintained the standard conventions of

⁷ This behaviour was predominantly associated with men and continues to carry this connotation (Stryker, *History* 17). Presently, the term “transvestite” has been replaced with “cross-dresser,” which can refer to both men and women and does not depict cross-dressing as an erotic practice, though this activity is still regarded as a temporary expression (Stryker, *History* 17 – 18).

⁸ Prince did not reject the practice of cross-dressing, but rather the participation in this behaviour for sexual gratification. For Prince, “appropriate” cross-dressing was a form of gender expression, not a sexual activity (Califia 199 - 200).

femininity and masculinity despite crossing between these poles.⁹ As such, “transgender” was situated as an additional gender category meant to supplement and consolidate binary gender.

Although Prince distinguished her terminology from transvestite and transsexual as an appeal to normativity, this understanding of “transgender” as a “third way” between these two renounced terms quickly became politicized as an alternative to binary gender (Valentine, *Imagining* 32). By the 1990s, a wave of activism emerged in the United States that utilized this category to challenge gender normativity and claim a designated space for cross-gender identification rather than adhering to a two-gender framework (Valentine, *Imagining* 32). Within the decade, this notion of “transgender” evolved into its present manifestation as a collective or catchall term that is frequently described as follows:

In contemporary usage, transgender has become an “umbrella” term that is used to describe a wide range of identities and experiences, including but not limited to: pre-operative, post-operative, and non-operative transsexual people; male and female cross-dressers...; intersexed individuals; and men and women...whose appearance or characteristics are perceived to be gender atypical. In its broadest sense, transgender encompasses anyone whose identity or behavior falls outside stereotypical gender norms. That includes people who do not self-identify as transgender, but who are perceived as such by others and thus are subject to the same social oppressions...as those who actually identify with any of these categories. (Green 3 – 4)

This radical expansion of the term’s meaning signaled its move from an identity category to a descriptive term meant to encompass a seemingly endless variety of nonnormative

gender expressions and identities. Though the previous definition rejected transvestite and transsexual as diagnostic categories, the contemporary construction of “transgender”

⁹ Prince endorsed conservative stereotypes regarding masculine and feminine behaviour, which bolstered her assertion that “transgender” is a normative gender category (Stryker, *History* 46).

intentionally subsumed these labels alongside many others in order to “replace an assumption of individual pathology with a series of claims about citizenship, self-determination, and freedom from violence and discrimination” (Valentine, *Imagining* 33). Again, the term was pitted against the psychiatric community’s pathologizing lens; however, the objective of using this category was no longer to instantiate a particular form of gender variance, but to valorize all gender diverse identities and practices by incorporating them under a single sign.¹⁰

Though the collective understanding of “transgender” continued to resist the diagnostic imperative of mental health professionals, Serano notes that the expansion of this category was “designed to accommodate the many gender and sexual minorities who were excluded from the previous feminist and gay rights movements” (25 – 26). During the 1950s and 60s, it was not uncommon for gender variant and homosexual activism to intersect, as many gender nonconforming persons identified as gay (Valentine *Imagining* 55); however, by the 1970s gender diverse communities had deliberately been excluded from both homosexual and feminist politics (Stryker, *History* 94). The rationale behind this political ostracism was twofold: mainstream gay and lesbian activism intentionally separated same-sex attraction from the stigma of gender variance in order to depathologize homosexuality (Valentine, *Imagining* 55),¹¹ and lesbian feminism insisted gender-crossing individuals were “politically regressive dupes of the patriarchal gender

¹⁰ The capaciousness of this term and its effects will be taken up in the third section of this chapter entitled “Discursive Function.”

¹¹ Homosexuality was classified as a mental disorder in the *Diagnostic and Statistical Manual of Mental Disorders* (DSM) from its first edition, which was published in 1952 by the American Psychiatric Association. To disassociate homosexuality from pathology, the rejection of gender variance by gay activists equally applied to homosexual cross-dressers and transsexuals, effeminate gay men, butch lesbians, and any other individual whose gender expression was considered nonnormative (Valentine, *Imagining* 48 – 55).

system" (Stryker, *History* 101). By 1973, homosexuality had been delisted as a mental disorder, yet this victory had been won at the expense of gender variant individuals, who were further disparaged by gay activists' emphasis on gender normativity (Valentine, *Imagining* 55). This repudiation was consolidated by the gynocentric mandate put forward by lesbian feminism, which held that male-to-female individuals violated women's spaces (Stryker, *History* 102), and that female-to-male individuals betrayed their sex by attempting to access male privilege (Feinberg, *Warriors* 83). Both forms of gender crossing were criticized by feminists as perpetuating the stereotypes of a gender system constructed by men to oppress "women-born-women" (Stryker, *History* 100).¹²

Despite the recent introduction of "transgender" as an identity category, the 1970s signaled a growing hostility towards gender variant individuals, where "all across the political spectrum...the only options presented to them were to be considered bad, sick, or wrong" (Stryker *History* 113). Although gay liberation and feminism are generally regarded as politically progressive, these movements corroborated the perception of gender variability as an aberration, which reinforced the extant agenda to classify nonnormative gender expression as a mental illness. The definition of "transgender" affirmed this impulse by rejecting the already pathologized labels of transvestism and transsexuality. By 1980, this multidirectional onslaught had culminated in the introduction of "gender identity disorder" to the fourth edition of the DSM, which was the first edition to be published after homosexuality was removed from its jurisdiction (Stryker, *History* 111). Though the pathologization of gender variance was already in

¹² Lesbian feminism did not support gender normativity, but rather the notion of an essential female identity that had been obscured by patriarchal gender structures. For a more detailed history of lesbian feminism and its rejection of gender crossing, see Califia 86 – 119.

effect; the psychiatric community now had an additional category through which to classify a multitude of gender variant individuals according to their level of “gender dysphoria” (Valentine *Imagining* 55).¹³

Unsurprisingly, the 1980s marked the further exclusion of gender diverse communities from broader social movements, which resulted in the increasingly inward focus of gender variant politics (Stryker, *History* 113); however, by the 1990s, the cumulative effects generated by this enmity had triggered an unprecedented response that manifested as the “new transgender activism” (Stryker, *History* 121). This insurgent movement resisted the pathologization and political ostracism of myriad gender variant individuals by intentionally resignifying “transgender” as a collective and politically charged term (Serano 351). By expanding the definition of this label, “transgender” activists offered political inclusion and mobilization to all those who were explicitly barred from gay and feminist activism to substantiate the identity-based politics of these movements. Serano claims that the development of “transgender” as a “borderless” signifier directly resulted from the polemical disputes regarding “who counts as a ‘woman’ or who is legitimately ‘gay’” (353). In rejecting the essentialist and assimilationist politics inherent to these arguments, “transgender” activism effectively

¹³ Gender identity disorder (GID) or “gender dysphoria” is understood as “[f]eelings of unhappiness or distress about the incongruence between the gender-signifying parts of one’s body, one’s gender identity, and one’s social gender” (Stryker, *History* 13). GID remains the formal diagnosis for gender variant behaviours, practices, and identifications (excluding transvestic fetishism, which is considered a paraphilia) (Valentine, *Imagining* 55). Because “transgender” is not a psychiatric term, it is not listed as a diagnostic category in the DSM; however, transgender identification would fall under GID. Many “transgender” activists are presently fighting to have GID removed from the DSM, much like the gay activists that demanded the depathologization of homosexuality; yet, as Vivian Namaste notes, delisting GID would pose significant complications for those who have access to health care insurance, making sex reassignment surgery and hormone therapy more difficult to obtain (*Sex Change* 8). Consequently, this issue has yet to be resolved, and has caused significant tension within “transgender” activism. For further information on this conflict, particularly with respect to health care access, see Namaste, *Sex Change* 8 – 31.

established itself as an anti-identity collective that flaunted the diversity of its members as a solution to the uniformity mandated by previous movements (Serano 353).

The politicization of “transgender” as an umbrella term occurred in tandem with the emergence of queer theory and activism, which reinforced the conception of this signifier as a label of resistance (Serano 351). Both movements arose during the early 1990s (Valentine, *Imagining* 24) and established their politics through the reconceptualization of existing terminology. The term queer was previously considered a derogatory word for homosexuality (Stryker, *History* 20); however, activists and academics reclaimed this category to establish “a ‘posthomosexual’ refiguration...of people marginalized by sexuality, embodiment, and gender” (Stryker, “Introduction” 151). Like “transgender,” queer was resignified to denote an expansive terrain of nonnormative expression, though this movement pertained more specifically to non-heterosexual manifestations of sexuality as opposed to gender variance (Serano 351). Nevertheless, the overall meaning attributed to this term situated queer as “a category without a stable referent that acquires its specific meaning from the logic of its oppositions to a norm” (Stryker, “Introduction” 151). As such, queer became a general signifier for “anti-normative rearticulations” of existing cultural paradigms (Noble 13), and could subsequently function as an adjective or verb (Stryker, “Frankenstein” 251). This flexibility allowed queer to signal a range of different meanings; however, the term’s cultural currency was rooted in an anti-heteronormative discourse that distinguished queer activism from the exclusive and integrationist politics of its mainstream gay and lesbian predecessors (Stryker, *History* 134 – 136).

Although queer was predominantly understood as an “all-encompassing point of

resistance to heteronormativity” (Stryker, “Introduction” 151), many interpreted this meaning to include the explicit contestation of gender binarism due to the naturalization of heterosexual desire via the sex/gender paradigm (Stryker, *History* 20). This dual perception of queer as both a sexual and gender “dis-orientation” established this signifier as a discursive tool through which to destabilize fixed notions of subjectivity based on normative perceptions of sexual orientation, gender, and sex (Valentine, *Imagining* 260). As a result, queer was often conflated with various other signifiers that were considered disruptive to conventional expressions of sexuality and gender (Stryker, “Introduction” 148). Not surprisingly, “transgender” was included in this nonnormative repertoire as a particular interpretation of queer (Stryker, “Introduction” 149).¹⁴ This terminological overlap subsequently generated a political alliance between queer and “transgender” activists that was grounded in an opposition to heterosexist norms (Stryker, *History* 136). Both terms were regarded as inclusive, anti-normative labels that intentionally confounded stabilized spaces of meaning based on predetermined understandings of the sex/gender paradigm (Serano 351). Like queer, “transgender” was positioned as an adjective and verb, as both words were used to indicate and describe various sexual and gender disruptions (Stryker, “Frankenstein” 251). Though many continued to make a distinction between these two terms, the contemporary understanding of “transgender” effectively manifested as a queer social location resulting in the frequent perception of these labels as synonymous (Halberstam 291).

This understanding of “transgender” as “an inflection of *queer*” (Stryker, “Introduction” 152; emphasis in original) is often attributed to Leslie Feinberg

¹⁴ The queer understanding of “transgender” and its effects will also be revisited in the third section of this chapter.

(Valentine, *Imagining* 33), whose 1992 publication "Transgender Liberation: A Movement Whose Time Has Come" instituted this signifier as an umbrella term meant to incite political action and solidarity (Feinberg, "Liberation" 206). Feinberg's critical tract asserted that "transgender" individuals were members of a persecuted class based on a shared oppression that originated from the historical indoctrination of gender binarism ("Liberation" 207). Accordingly, Feinberg called for a "transgender" revolution that celebrated gender variance as a resistance to the sex/gender paradigm and mandated the collapse of this system ("Liberation" 220). By organizing this movement around the collective understanding of "transgender," Feinberg consolidated the meaning of this term as both a "utopian point of inclusive diversity" (Stryker, "Introduction" 152), and a contestation of gender normativity. However, in using this label, s/he also constructed a common history that united cross-cultural and historically specific forms of gender variance, thus establishing a universal foundation through which to organize diverse groups of people (Feinberg, "Liberation" 207).¹⁵ This ahistorical perception of "transgender" was later criticized as a homogenization of gender diverse identities and practices, and was consequently rejected by many as a cultural-historical misappropriation, which resulted in the present understanding of this term as a contemporary Western construct (Towle and Morgan 671; Valentine, *Imagining* 17).

Though the political effects of "transgender" were apparent from its original coinage, the collective understanding of this term was imperative to its widespread perception as an oppositional label rooted in grassroots political organizing. The

¹⁵ Feinberg popularized the use of gender non-specific pronouns like "s/he" and "hir" to contest the restrictions of gender binarism and point to the specificity of gender variant expression and identity (Stryker & Whittle 205).

introduction of “transgender” as an identity category initialized a politics of gender variance based on the repudiation of certain behaviours, a resistance to pathologization, and an appeal to normativity through the consolidation of binary gender;¹⁶ however, by the 1990s, the evolution of the term’s meaning signaled a drastic change in politics that culminated in the collective defiance of a system it once supported. The rejection of the sex/gender paradigm epitomized the transformation of “transgender” from an exclusive, gender normative subject position to an inclusive, anti-identity collective that asserted the validity of gender variance as a subversive political tactic. As such, the conception of “transgender” as an umbrella term materialized through the resistance to binary gender; yet, this expansive signifier continued to resonate as an identity category despite the collectivity it was used to denote. Due to the previous connotations of this term as a specific subject position, “transgender” was often taken up as both an adjective and noun,¹⁷ marking stabilized spaces of meaning while simultaneously deconstructing these spaces in other contexts (Stryker, *History* 19). Valentine claims that this usage of “transgender” has led to its development as a “collective category of identity” (*Imagining* 4), though Stryker argues that this perception is a misconstruction and maintains that “transgender” is an adjective (*History* 138). As a result, this label can ultimately “stand

¹⁶ This is not to say that prior to the introduction of “transgender,” gender variant politics were nonexistent. Rather, this term marks the beginning of a particular branch of gender diverse politics that was popularized during the latter part of the 20th century.

¹⁷ Though the contemporary understanding of “transgender” as a catchall term has permitted the continued use of this word as both an adjective and a verb, it is more frequently cited as the former. In essence, the ubiquitous use of “transgender” as an adjective has overshadowed its understanding as a verb, yet the potential to take up this term as a verb remains. For the sake of consistency and relevance, this chapter will refer to the collective perception of “transgender” as an adjective going forward. Nevertheless, “transgender” as an adjective should also be understood as “transgender” as a verb because the discursive flexibility of the term continues to allow this interchangeability.

both as a description of individual identity and simultaneously as a general term for gendered transgressions of many kinds[,] mak[ing] it almost infinitely elastic” (Valentine, *Imagining* 39). This variability has remained the common thread among the different interpretations of the word, bringing “transgender” to the present moment where the meaning of this term is still undecided.

The political ramifications generated by these disparate understandings become apparent when considering the anti-transsexual roots embedded in the term’s various meanings. From its inception as a category, “transgender” has been associated with the repudiation of transsexuality, which has resulted in a political rift over the current understanding of the term and the various practices and identities denoted by this label. The explicit rejection of genital surgery as a pathological desire affirmed the “antitranssexualism” of the original definition (Stryker, “Introduction” 153); however, many have argued that the contemporary understanding of “transgender” as an umbrella term has perpetuated this discrimination despite its ostensible inclusivity (Namaste, *Sex Change* 4). Though transsexual persons were intentionally barred from “transgender” identity politics as an appeal to normativity, the transformation of this movement into an anti-identity collective has inversely been accused of “privileg[ing] those identities, actions, and appearances that most visibly ‘transgress’ gender norms” (Serano 26); with the interpretation of “transgender” as queer, many “transgender” activists came to regard transsexuality not as a mental illness, but as a reification of gender binarism, which this politics set out to deconstruct (Rubin 276). This perception of transsexuality as antithetical to queer was rooted in the understanding of this term as “maintaining the same relationship between gender identity and body morphology as is enforced within

heteronormative culture” (Halberstam 291). By aligning the body with one’s chosen gender through surgical intervention, transsexuals were seen as preserving binary gender rather than disrupting this paradigm, which warranted their exclusion from “transgender” politics according to numerous activists (Serano 347 – 348).

Though others continued to perceive transsexuality as a particular manifestation of “transgender” (Stryker, “Frankenstein” 251), the concurrent invalidation of the former via the politics of the latter restored the converse understanding of transsexual and “transgender” as two discrete categories tied to conflicting political motivations (Califa 275). This segregation of terms has produced a significant rupture in contemporary “transgender” activism that has yet to be resolved (Namaste, *Sex Change* 20). Although the distinction between these labels originally pertained to the desire for genital surgery, the definitive factor in dividing these terms is now dependent upon one’s relation to gender.¹⁸ Despite the apparent condemnation of sex reassignment surgery by queer/“transgender” activists, this disapproval only occurred if one’s body modification was perceived as an attempt to assimilate according to conventional gender norms (Serano 348). This political stance subsequently generated two different camps within the “transgender” movement regarding the contestation of gender normativity. The queer understanding of “transgender” has been maintained; however, the repudiation of transsexuals as “gender normative” has generated a backlash that has come to criticize the deconstruction of binary gender as politically regressive (Serano 349). As a result of

¹⁸ Although transsexuality is still predominantly linked to sex reassignment surgery, it is the gendered transition from male to female or vice versa that is imperative to transsexual identity rather than the surgery itself. Many transsexuals do not have surgery, as they often do not have access to health care and/or the economic means required for these procedures, and others do not wish to surgically modify their body (Shelley 69 – 70).

this conflict, those who identify as “transgender” are often perceived as queer, whereas transsexuals have retained their association with gender binarism (Shelley 8); yet, this distinction is not without complications given that these terms continue to be associated with the same political movement despite the tensions that exist between them. Due to the expansive and varied understanding of “transgender,” this signifier is also used interchangeably with both transsexual and queer, confounding the notion that these labels denote significantly different meanings (Stryker, “Introduction” 149). As such, “transgender” has come to represent a set of contradictory politics that can unify or segregate the various constituents of this movement according to the definition that is invoked, which has further convoluted the present understanding of this term and the objectives of its accompanying activism.

3. Discursive Function

The terminological instability that has resulted from these competing interpretations has come not only to define the “transgender” movement, but also to bind the cultural and political viability of this signifier, the individuals it marks, and the politics it denotes to the particular context in which this term is used. The conflict generated by these concurrent understandings has restricted the cultural resonance of the term so that the meaning of this signifier is contingent upon the individual instances in which it is invoked, and the subsequent specifications required to indicate the particular definition being cited. This contextual dependence has subsequently affected the cultural currency of the various politics, identities, and practices associated with this term, as their meanings have been destabilized by the disparate and conflicting interpretations of the label that ostensibly unifies them. This debate, and the continual need to define one’s use

of the word, has consequently undermined the perception of “transgender” as a generalized term for all forms of gender variance. As a result, “transgender” has developed as a fluid and esoteric label, the meaning of which can change throughout a single text (Valentine, *Imagining* 39).¹⁹

In summary, the aporia engendered by this definitional dispute has coalesced around the understanding of “transgender” as either inclusive or exclusive, an identity or an adjective, and whether these interpretations contest or consolidate binary gender. The rift in contemporary “transgender” activism has elucidated the complexities surrounding these various perceptions, signaling a larger dynamic that has hindered these politics. Though classified by the same social movement, these two political factions mark a polarity that is reflective of the present dilemma embedded in “transgender’s” discursive function. In the endeavour to represent a myriad of gender variant identities and practices, this signifier has produced two concomitant effects that have compromised both the meaning of this label and its corresponding politics. Despite the etymological development of “transgender” as a catchall term, its instantiation as queer has perpetuated the original exclusivity of the word; however, the understanding of this category as a capacious label for all gender variance (regardless of one’s political affiliation) has inversely “erase[d] the distinctiveness of its constituents” (Serano 26). Serano notes that the struggle to define who qualifies as “transgender” according to which criteria and set of politics has ironically reproduced the occlusiveness of the previous identity-based movements this collectivity set out to oppose (352 – 353); yet, for those who do not make

¹⁹ “Text” should be understood as denoting an individual written work. Valentine notes that due to the elasticity of the term, an author’s use of “transgender” can convey one meaning in a certain context, and a different meaning in another context, often unintentionally.

this distinction, the various practices and identities subsumed by this term lose the very specificity “transgender” is meant to denote (Namaste, *Invisible* 60). Many have argued that the attempt to signify every manifestation of gender variance has obscured the disparities that exist between and among the numerous expressions and identities classified by this label, thus undermining the diversity this term allegedly conveys.²⁰

This dual effect generated by the collective understanding of “transgender” signals the underlying binarism that informs the contemporary perception of this label. By employing an all-encompassing signifier to transcend the limitations of identity politics, “transgender” activists have maintained a binary framework wherein the collectivity of this term is made possible through its direct opposition to the notion of a shared identity. Accordingly, this opposition has established the “transgender” movement as an inverse manifestation of the politics it claims to surpass. By constructing itself as an anti-identity collective, “transgender” activism has invariably confirmed the continued importance of identity to the political resistance of this movement and its criteria of belonging. This opposition has thus served as a foundation through which to unite the constituents of the “transgender” movement, resulting in a discourse of exclusivity regarding conceptions of identity as the basis of politics. Serano asserts, “by promoting the idea that we must move beyond the outdated concept of ‘identity,’ the transgender movement has created its own sense of ‘oneness’” (354).

This “oneness” has established the parameters of contemporary “transgender” politics, indicating that this movement has been constituted by its anti-identity agenda rather than the inclusivity it propounds. As a result, both the queer and expansive

²⁰ See Currah 5; Namaste, *Invisible* 60; Serano 26; Valentine, “Calculus” 45; Towle & Morgan 672.

interpretations of this signifier produce the same outcome: the exclusivity of the former erases the specificity of its queer constituents through political homogenization, while the inclusivity of the latter is contingent upon the explicit rejection of identity, a distinction that ultimately nullifies the diversity of gender variance. As such, “transgender’s” dual effect is a result of the anti-identity politics that make the collectivity of this term possible, and subsequently inform the terminological debates that surround the contemporary definition of the word. Regardless of the interpretation, the binarism that grounds this expansive signifier will continue to frame these disputes around the notion of identity, generating an exclusion/erasure dynamic that indicates “transgender” politics has not transcended the dilemma posed by previous identity-based movements.

Consequently, this label is unable to represent the manifold practices and identities it endeavours to signify, which compromises both the political viability of this term and those subsumed under its extensive reach. The following examination of “transgender” as both the queer and capacious will further demonstrate the function of this dual effect.

Though the politicization of “transgender” as queer consolidated the understanding of this signifier as a catchall term, Serano claims that this collective resistance to binary gender has materialized as “one big homogeneous group of individuals who blur gender boundaries” (354). Despite the inclusive, anti-identity politics of this movement, several scholars have claimed that the queer interpretation of “transgender” has established this category as a shared subject position that has merely coalesced around an opposition rather than a norm.²¹ Serano describes this process as “subversivism” (347), and claims that this contestation has reinforced the divide between

²¹ See Namaste, *Sex Change* 6 – 7; Serano 349; Valentine, *Imagining* 32 – 33.

gender non-conforming and gender normative individuals by inverting the binarism that privileges conventional gender, as opposed to deconstructing the polarity that informs this privilege (349). Because the queer/“transgender” movement has been established through an opposition to binary gender, this paradigm must remain intact for its politics of resistance to persist, which as Serano and others have argued,²² has reversed rather than destabilized the sex/gender system so that queer expressions and identities are subsequently valorized. The rejection of gender normativity has thus become the norm through which one is established as “transgender,” which has restricted the radical inclusivity of this term by generating a prescribed subject position, as well as an “other,” to accompany queer/“transgender” politics.

This “queer identity” emerged with the activism of the 1990s, and was consolidated by such authors as Feinberg, Sandy Stone, and Kate Bornstein who called upon different “transgender” individuals to contest the sex/gender paradigm as a function of their gender expression and/or identity.²³ By asserting that gender variant persons share the same social oppression due to binary gender, Feinberg established a common “transgender” experience rooted in the struggle to abolish this polarity. Though Stone specifically addressed transsexuals, her denunciation of “passing” similarly renounced conventional gender, claiming that gender normative identities are monolithic, phallogentric constructs that must be destabilized to allow for “the complexities and ambiguities of lived experience” (Stone 230). Finally, Bornstein explicitly rejected

²² See Elliot & Roen 239; Namaste, *Sex Change* 20; Prosser 32; Rubin 267.

²³ See Bornstein, *Gender Outlaw: On Men, Women, and the Rest of Us*, 1994; Feinberg “Transgender Liberation: A Movement Whose Time Has Come,” 1994; Stone “The Empire Strikes Back: A Posttranssexual Manifesto,” 1991. Numerous other authors have contributed to this understanding of “transgender” as queer; however, the above individuals have notably contributed to the construction and circulation of this meaning.

gender variant individuals from the queer/"transgender" movement if they identified with binary gender, claiming that these persons endorsed a "bi-polar gender system" (Bornstein 132), which implicitly re-pathologized these individuals through a queer lens. Read together, these arguments combined to create a notion of "transgender" identity that is "properly queer" so that this term has evolved as a subject position that necessarily challenges existing gender hierarchies from a variety of political perspectives, such as feminist, anti-racist, anti-heteronormative, and anti-gender normative (Halberstam 307).

Namaste claims that this contemporary perception of "transgender" is often used to situate its constituents at the forefront of social change (*Sex Change* 7); however, she states that this understanding has invalidated transsexuality, as "many transsexuals do not see themselves in these terms" (*Sex Change* 6). By constructing a subject position that is explicitly political, the queer/"transgender" movement has set a precedent wherein the various practices and identities absorbed by this term are validated through their politicization, and as such, are devalued if they are not articulated according to these politics. Namaste argues that the majority of transsexuals, those who "situate themselves as 'men' and as 'women,' not as 'gender radicals' or 'gender revolutionaries'" (*Sex Change* 6),²⁴ have been excluded from this movement due to its political appropriation of identity (*Sex Change* 21) and/or erased by the queer homogenization of its members (*Invisible* 61). As Jay Prosser states, "not all gender crossing is queerly subversive" (32), nor is it subject to the same social oppression, as numerous gender variant individuals have been repudiated by the activists that claim to represent their interests (Namaste, *Sex*

²⁴ Although many transsexuals describe themselves according to Namaste's definition, others embrace the queer definition of "transgender" and identify with these politics (Stryker "Introduction" 149).

Change 4).²⁵ As a result, Namaste explicitly depoliticizes transsexuality, claiming that the acceptance of one's identity ought not to be "conditional on a particular political agenda" (*Sex Change 9*). She further argues that this continued concentration on identity has foreclosed a broader analysis of the institutional oppressions that are presently obstructing the lives of gender variant individuals (*Sex Change 31*).²⁶ Serano claims that this political divisiveness has established queer/"transgender" politics as an insular movement rather than an outward-focused collective that has sacrificed not only the diversity of this activism, but also potential allies by re-privileging a binary construct (352 – 358).

Although the understanding of "transgender" as an expansive label for all gender variance seemingly neutralizes the debate regarding binary gender, this all-encompassing signifier continues to produce the dual effect generated by its queer counterpart. Stryker claims that this term's elasticity prevents it from referring to a particular subject or expression, thus allowing "transgender" to depict a multitude of phenomena (*History 24*); nevertheless, the anti-identity politics bound to this label implies a discursive "oneness" that is marked by the attempt to incorporate an endless proliferation of nonnormative gender expressions and identities under a single sign. Paisley Currah questions whether this endeavour undoes the multiplicity of the word, as it suggests that this plurality can be encapsulated and represented by one term (5). Namaste further claims that "transgender" has been "evacuated of meaning" due to this capaciousness and

²⁵ Christopher Shelley has also noted that depending on one's identity, gender expression, embodiment, and stage of transition, gender variant individuals can experience a wide range of discrimination that undermines the notion of a universal experience of oppression (53).

²⁶ Namaste claims that by focusing on issues of identity, the transgender movement has prevented a larger analysis of the institutional forms of discrimination that are particular to gender variant individuals, such as access to housing, shelters, appropriate health care, identification documents, employment, legal protection etc.

is subsequently incapable of functioning as an adjective or identity (*Sex Change* 21). Each author demonstrates that the inclusivity of this term has resulted in the erasure of specificity, indicating that the extensive understanding of this category has established “transgender” as “a term that marks everything and, by implication, absolutely nothing at all” (Noble 14 – 15). Accordingly, this catchall quality cannot signify anything beyond its own discursive fluidity. As Teresa de Lauretis argues, the plurality of “transgender” has restricted this term to a trope of language that bears no reference “to a gender, a sex, a sexuality, or a body” (261), indicating that it is “meaningful only as a sign” (261).²⁷

Serano claims that this discursive erasure, and thus the understanding of “transgender” as a borderless signifier, resulted from a conscious effort to prevent a hierarchy from forming within the “transgender” movement (353). She states that many activists intentionally blurred the differences between the various subgroups classified by this label to deter any one perspective from dominating the collective (353). As such, the endeavour to retain the plurality of “transgender” politics has inadvertently homogenized its constituents by erasing the distinctiveness between them, resulting in a label that marks a certain discursive plasticity rather than the diversity this movement continues to advocate. Consequently, this expansive definition has obscured the various perspectives and experiences of gender variant persons, in addition to the different obstacles they face. Both Serano (26) and Namaste (*Sex Change* 2) claim that many individuals categorized by this catchall term do not identify as “transgender” specifically because they believe this term obfuscates the specificity of their lived experience and the distinct issues they encounter as a result of their particular gender expression and identity. Valentine argues

²⁷ Both Currah (5) and Namaste (*Invisible* 61) reference de Lauretis to support their arguments regarding “transgender’s” discursive elasticity.

that this “unquestioned inclusion of people into the encompassing category of ‘transgender’ produces a representational colonization of those lives” (“Calculus” 45), wherein the most marginalized gender variant individuals are co-opted by the broader agenda of the movement (Valentine, *Imagining* 14). He states that the use of this extensive definition has reproduced racial and class hierarchies, claiming that the most socially vulnerable gender variant persons cannot be accounted for by this discourse because they do not articulate themselves along these lines (*Imagining* 17). As a result, this capaciousness has discursively appropriated the lives of dissenting individuals and erased the distinctiveness of their identities to serve the anti-identity politics of the “transgender” movement.²⁸

In the attempt to resist exclusivity and assimilation, the expansive interpretation of “transgender” has bound the political value of this term to its discursive fluidity; however, as Currah questions, what are the consequences of forgoing identity to advocate on behalf of those “who trouble gender norms?” (5 – 6). That is, how does a movement attain political viability for its constituents when the label that organizes this politics has no stable referent, and the individuals marked by this term have vastly different experiences of gender and subjugation, in addition to conflicting perspectives regarding these experiences?²⁹ Feinberg notes, “[i]t’s hard to fight an oppression without a name”

²⁸ It should be noted that although “transgender” is an all-encompassing signifier, its recognition as a Western construct indicates that it cannot account for non-Western experiences of gender variance. As such, these individuals are excluded from the category in an attempt to avoid appropriating their lives, yet the appropriation of Western gender variant individuals is considered unproblematic.

²⁹ Butler makes a similar observation in *Gender Trouble* with respect to the category “woman” as a shared political identity and subject position. Although her critique pertains to the exclusivity of a defined identity category rather than an umbrella term, her argument notes the inability of “woman” to represent the multiplicity of women, particularly with respect to racial and class differences (18 – 22). Though “woman” suggests a stable referent given its use as a universal category of identity, the cultural, social, political, and experiential distinctions between women both globally and locally undermine this notion of a shared

(“Liberation” 206), and though “transgender” offers a category through which to assemble a political mandate, it does not provide a corresponding subject position to ground the objectives of this movement, and as such, does not identify to whom these goals pertain and why. This ambiguity is politically problematic due to the historical legacy of identity-based activism in North America (Valentine, *Imagining* 37),³⁰ which Currah claims has come to dominate public opinion on equality so that it is “almost unimaginable to base [rights] claims on anything other than ‘who one is’” (14). Valentine notes that this perception of identity has pervaded the entire spectrum of contemporary politics as the primary foundation through which to achieve rights, and thus, political recognition as a subject (*Imagining* 37). Consequently, activists have deployed “transgender” as a particular identity despite the catchall understanding of this term to establish the political viability of gender variant individuals (Currah 18); however, in so doing, they have undermined the anti-identity politics that inform the collectivity of this movement. Though Currah argues that this appeal to subjectivity is strategic and provisional (24), these activists have retained an identity-based framework to achieve their goals, indicating that the objectives and the politics of this movement are at odds. Accordingly, “transgender’s” discursive elasticity is returned to a binary distinction in praxis that reaffirms the importance of identity to the contradictory politics this category represents.

subject position. Consequently, “woman” does not have a stable referent and cannot politically instantiate many of those it ostensibly names. Though Butler posits a certain “definitional incompleteness” or terminological flexibility as a way to resolve this issue, the capacious understanding of “transgender” demonstrates that the resignification of an identity category into a “permanently available site of contested meanings” (21), does not eliminate the effects of exclusion and erasure, and the problem of political representation. As such, the issue of identity and its present political necessity is not ameliorated by this tactic.

³⁰ This legacy emerged out of the civil rights movement in the United States, and was further consolidated by the women’s movement and the gay and lesbian rights movement (Valentine, *Imagining* 37).

4. From Terminology to Ontology

Regardless of the interpretation, the contemporary definition of “transgender” as an umbrella term has generated a dual effect, indicating the binarism that continues to inform the collective understanding of this label and the terminological debate that has resulted from this perception. The queer conception of this signifier excludes those who fail to contest binary gender and subsequently homogenizes those who reject gender norms by establishing an oppositional subjectivity; however, the capacious understanding of this category erases the specificity of its constituents through an anti-identity framework, only to return to an identity-based politics that necessarily reproduces the exclusivity of an established subject position. Furthermore, the collectivity of this term is made possible by the rejection of identity, which indicates that this inclusivity has been founded on a binary distinction that it attempts to overcome via the very expansiveness this distinction permits. As such, “transgender’s” catchall quality is contingent upon exclusion, which demonstrates that this umbrella term has not transcended the binarism of identity politics, but rather has inverted this dualism. The paradox inherent to this collective understanding has thus maintained the significance of identity within the “transgender” movement, which undermines the politics bound to this label. Both the queer and capacious interpretations of this category demonstrate this contradiction, as each continues to function inside an identity politics framework; while the former establishes a nonnormative subject position, the latter is invoked as an identity since the discursive fluidity of this term cannot instantiate a politically recognizable subject. As a result, this movement is unable to achieve the desired goal of an inclusive collective that exceeds the limitations of identity-based activism, yet is still politically viable. Every

citation of “transgender” subsequently reinforces the instability generated by the underlying polarity that informs the collective understanding of this term.

The dual effect created by the continued relevance of identity to “transgender” politics indicates that the various interpretations of this term are unable to represent the entirety of this movement’s constituents. As each definition excludes and erases certain persons and practices, it is ultimately impossible to achieve the political inclusion, mobilization, and recognition these activists strive for while organizing their politics around this term and the debates that have taken place as a result of its collective definition. Yet, how does one escape the political dilemma posed by the concept of identity? Pat Califia claims that in “a gender-sane society...it must be possible for some of us to cling to our biological sex and the gender we were assigned at birth, while others wish to adapt the body to their gender of preference, and still others choose to question the very concept of polarized sexes” (275); however, the binarism that informs “transgender” either prohibits or nullifies these gender complexities, so how is this diversification of gender to be achieved? Though all of these gender expressions can be found under the “transgender” umbrella,³¹ their coexistence is rendered impossible by the present use of this term, which continues to rely on an identity politics framework. In addition, the various interpretations of this category have demonstrated that the perpetual resignification of “transgender” has only contributed to the terminological debate surrounding its definition, as opposed to releasing this term from the limitations of identity. Consequently, this label cannot offer political viability to many of those it

³¹ Although Califia’s description of individuals who identify with the sex and gender they were assigned at birth may imply a non-trans, gender normative identity, it also refers to effeminate gay men, butch lesbians, and female and male cross-dressers, who are regularly included in the “transgender” collective.

ostensibly names.

Although this issue has yet to be resolved, certain activists and authors have endeavoured to move beyond the concept of identity by reframing this dilemma from an ontological rather than an etymological perspective. Serano states, “[t]here is no one right way to be trans” (29), and claims that it is equally valid for a “person to decide to transition and live as the other sex as it is for them to choose to blur gender boundaries” (28 - 29). Instead of concentrating on what “transgender” means or who it represents, Serano advocates a complex approach to gendered subjectivity that validates individual expression without attempting to prescribe or erase the specificity of this experience. Though she continues to employ “transgender” as an umbrella term, this assertion of difference and respect for various identities signals a movement away from the anti-identity politics that informs this collective towards an alliance-based activism that maintains the distinctiveness and specific concerns of its various constituents (Serano 352 - 354). According to Serano, the objective of this politics would no longer be to instantiate or oppose identity, but to accomplish a shared goal that is not contingent upon this binary framework (354). Although her use of “transgender” ultimately maintains the complications posed by this catchall term, she does not sacrifice ontology to discursivity, nor does she propose a shared subject position that homogenizes all gender variant individuals. Her refusal to relinquish the particularity of subjectivity to the demands of this definitional dispute allows Serano to suggest a coalition as an alternative to the present identity debates.

This insistence on the specificity of gendered being is consolidated by the interrogation of the “prescribed relationship between biological sex, gender identity, and gender expression” (Currah 23). Valentine and Riki Wilchins write,

[b]odies which are suspect, whether because they are wearing T-shirts that proclaim “Transsexual,”³² or because they have big Adam’s apples, or because they are born with genitalia that cannot be classified as either male or female, are not what have to be explained. Rather, the requirement that they explain themselves should itself be investigated. (221)

Although this lens seems to oppose gender normativity, it is not masculinity and femininity that are being contested, but rather the requirement that all identities reflect the “forced unity of sex and gender” (Stryker, *History* 12). By focusing on the limitations of this paradigm, activists transfer their attention to the various ontological experiences of gender presently denied by this system, rather than reiterating the terminological disputes that endeavour to “place” these manifestations according to a particular political agenda. Currah notes that many advocates have suggested the notion of a gender continuum that expands rather than eradicates binary gender, allowing for a more comprehensive understanding of the different modes of gendered being without the need to classify gender diversity under a single term (6). Accordingly, this analysis does not require gender variant individuals to oppose gender normativity as an integral part of their identity or political belonging, but rather suggests the potential coexistence of the various expressions and identities both Califia and Serano suggest. As such, the concept of a gender continuum supports the formation of a coalitional movement because it maintains the specificity of subjectivity without privileging or homogenizing the various forms of gendered being.

³² “I spell ‘transsexual’ with one ‘s,’ a usage of activist informants who employed this spelling to resist the pathologizing implications of the medicalized two ‘s’ transsexual” (Valentine, *Imagining* 25).

By respecting individual ontology, Serano and Currah demonstrate that a continuum/coalition framework offers a plausible solution to the binarism of identity politics; however, as Valentine notes, the continued importance of identity to civil rights has generated a political uniformity that mandates the use of this concept to achieve socio-political recognition. Consequently, the political viability of gender variance remains bound to a category that is currently preventing the representation of many nonnormative gender identities and practices. Though "transgender" is unable to instantiate all those marked by this label, its use as an identity is required by a political system that allocates rights and recognition according to "who one is," and whether this understanding can be assimilated into an already existing model of cognizable citizenship. The notion of a shared identity thus serves as a threshold that must be surpassed if gender variant individuals are to gain admittance to the realm of the socially and politically intelligible; yet, the debate over "transgender's" collective meaning indicates that anti-identity politics do not accomplish this task. Rather, this definitional dispute situates the dilemma of identity as a discursive consideration, when, as the above authors demonstrate, an ontological analysis is required to exceed the restrictions imposed by this present impasse. Accordingly, the issue of binarism will not be resolved through the redefinition of terminology, but instead calls for an examination of the premise upon which this duality is based; the problem of identity, and thus, political subjectivity, demands an investigation of the limits of human ontology.

“I Cannot Be if You Are”: The Abjection of Gender Variance and the Reconceptualization of Subjectivity

To address the question of social and political viability, this chapter will interrogate the process of subject formation, demonstrating that the struggle to achieve this cultural status is not a matter of terminology, but of being. Though identity remains integral to socio-political recognition, one cannot be acknowledged as a viable subject if the foundation of one's identity falls outside the parameters of normative subjectivity. Although various ideologies work together to solidify cultural perceptions of ontology, this chapter will argue that the primary foundation of human being is established through the process of gender attribution according to the binarism of the sex/gender paradigm. Consequently, gender variance is rendered incomprehensible according to the terms of intelligible subjectivity and is relegated to the realm of the “inhuman,” indicating that this mode of being is culturally abject. This infeasibility establishes nonnormative gender as a fundamental threat to viable subjectivity, demonstrating that this status cannot be attained unless the ideology that informs this abjection is reconceptualized. Accordingly, this chapter necessarily abstains from a further concentration on the dilemma posed by “transgender” to examine the concept of abjection and consider how the resignification of an ontological paradigm might be achieved. Given the abject's destabilizing power, this chapter will explore the potential use of this concept as a political tool in the attempt to achieve a notion of subjectivity wherein gender variance is ontologically possible, and thus socially and politically viable.

1. The (Gendered) Human

In an afterword entitled “Are Transgender Rights *In*human Rights” Kendall Thomas states that “[i]n the West, the notion of human subjectivity (of the human subject

as such) has been erected on the fictional foundation of two fixed, unified, and coherent genders in one of which we are all inserted (by force if necessary) at birth” (316; emphasis in original). This dichotomous understanding of gender is founded upon the assumption that “sex is binary and biologically transparent [and] that gender maps easily and predictably onto sex” (Currah 24). The heteronormative ideology of reproduction and desire consolidates this paradigm (Butler, *Gender Trouble* 31), solidifying the causal relation between sex, gender, and sexuality, which functions as the framework through which human subjectivity is made possible. In summary: sex is culturally understood as the foundation that necessitates both gender and desire according to a binary or oppositional logic that presupposes two contrary, yet complementary, ontologies that form the basis of intelligible personhood.¹ Accordingly, the process of gender attribution is mandatory, though the subject does not determine how it is marked nor the meaning of the label it receives (Stryker, “Frankenstein” 249); to be assigned a gender is the initial (and involuntary) rite of passage into cognizable personhood. As such, one’s “conformity with the recognizable standards of gender intelligibility” is compulsory if one is to be perceived as human (Butler, *Gender Trouble* 22). Judith Butler claims that “intelligible genders” are those that maintain the continuity between sex, gender, and desire (*Gender Trouble* 23), thus suggesting the internal or “natural” coherence of these categories (*Gender Trouble* 31). Consequently, one must sustain and reflect the relations of the sex/gender system if one is to be considered “properly gendered” and subsequently qualify as human.

¹ These complementary ontologies are female/male.

Butler claims that the standard by which we judge a person to be comprehensively gendered not only governs the recognizability of the human (*Undoing* 58), it constructs “a normative notion of what the body of a human must be” (*Precarious* 33). Due to the process of gender attribution, the body is established as gendered materiality, and it is through this lens that we come to understand the meaning of our corporeality as gendered beings (Stryker, “Frankenstein” 249). Accordingly, the body has been construed as the material site of gender, and one’s compliance with the regulatory norms that have labeled the body as such determine one’s viability as a subject. That is, when one’s body adheres to or denotes the “standards of gender intelligibility,” one’s gender is revealed, and one’s status as “human” is socially perceived (Butler, *Gender* 22). As such, one must literally embody the cultural norms that dictate the codes of cognizable gender to achieve socio-cultural subjectivity. The naturalization of this process occurs through the reproduction of these norms, which conceals the cultural and historical formation of bodies and subjects via the restrictions and requirements of the sex/gender paradigm (Butler, *Bodies* 2). However, because it is through the body that one’s gender is made manifest or “become[s] exposed to others” (Butler, *Undoing* 20), one’s mode of embodiment can either affirm or contest these norms according to whether one’s body signals the alignment of sex, gender, and subsequently sexuality. Bodies that do not signify these norms are necessarily relegated outside the bounds of normative subjectivity, as this materiality cannot be perceived as a reflection of “the human.” In short, “(normative) gendered embodiment is human embodiment and (normative) human being is gendered being” (Thomas 316).

Though Butler notes that “we cannot think the human at all” without the presuppositional norms that inscribe the body as gendered (*Undoing* 57), this assertion does not negate the corporeal dimension of subjectivity or the facticity of the body. Instead, gender norms fundamentally tie notions of subjectivity to “the body” and the ability of the subject to materially reflect this normative conception of human being. Accordingly, “we do or do not recognize animate others as persons depending on whether or not we recognize a certain norm manifested in and by the body of that other” (Butler, *Undoing* 58). In this way, bodies function as *material signs*; the experience of embodiment, of being embodied as such, has both symbolic and phenomenological ramifications that inform external and internal perceptions of subjectivity. Elizabeth Grosz defines the body as follows: “The body is neither – while also being both – the private or the public, self or other, natural or cultural, psychical or social, instinctive or learned, genetically or environmentally determined” (23). Both biologically and culturally (re)produced, the body occupies an “indeterminable position,” which establishes it as a liminal site (Grosz 24); however, in spite of this liminality, we cannot “think” the body outside the prescriptive set of norms which determine what the body must be according to the conception of the human (Butler, *Undoing* 28). As such, social conditions of intelligibility define, regulate, and decipher the body, though the recognition of this process does not dismiss the materiality of the body, nor the pivotal role of the flesh as the site of gender, and subsequently, human subjectivity.

2. Abjection

According to Butler, the formation of the subject “requires the simultaneous production of a domain of abject beings, those who are not yet ‘subjects,’ but who form

the constitutive outside to the domain of the subject" (*Bodies* 3). What is abject, then, is produced by, yet is radically excluded from and contrary to what determines the subject; it is "what disturbs identity, system, order. What does not respect borders, positions, rules. The in-between, the ambiguous, the composite" (Kristeva 4). Though the abject is relegated outside the periphery of viable existence, its indecipherability inherently threatens to expose the illusory foundation upon which the subject is formed (Butler, *Bodies* 3). The boundaries that have been erected to maintain the integrity of the subject, and which serve as the gatekeepers of truth and meaning, are fundamentally violated by the abject, which reveals the constructedness of those boundaries. As such, meaning collapses (Kristeva 2) and a certain crisis in ontology occurs (Butler, *Gender* xi). The subject responds by vehemently rejecting that which compromises the grounds of its subjectivity in order to reaffirm the norms that govern its viability (Hook 19). Julia Kristeva claims this process functions as a safeguard, which serves to protect the subject from "[a] 'something' that I do not recognize as a thing...a reality that, if I acknowledge it, annihilates me" (2). Thus, the abject is made a non-reality through the process of abjection in order to preserve our conception of "what is" or "what should be."

This attempt to expel, reject, and repudiate that which threatens the dissolution of the subject is never a complete process, however (Hook 20). Although the abject is precluded from subjectivity, its construction is integral to the formation of the subject, which establishes this concept as "something rejected from which one does not part" (Kristeva 4). The constitution of the subject necessitates the creation of the abject as that which delineates the borders of the self, allowing for the 'me/not me' distinction that informs individual identity (Young, "Abjection" 207). Though the abject is rendered

unintelligible, it functions as a condition of possibility for the subject; its exclusion from cultural viability serves as the subject's "own founding repudiation" (Butler, *Bodies* 3), which solidifies the legitimacy of the subject and the grounds that generate this position. However, the necessity of abjection to the process of subject formation incidentally binds the abject to the subject as the subject's "inner constitutive boundary... [or] internal limit" (McClintock 71). As such, the abject is never fully "outside" the subject despite its position of exclusion. It cannot be recognized as "object" or "other," as it permeates the boundaries necessary to maintain subject/object and inside/outside distinctions (Grosz 192). This ambiguity, in which the subject is implicated, signals the collapse of the borders initially established through the process of abjection in order to secure subjectivity. Hence, this process is never complete. Though abjection is integral to subject formation, its necessity reveals the instability of the grounds upon which the subject is forged. As a result, the continual expulsion of the abject is required to sustain the demarcations of truth and meaning.

Despite this status of perpetual exile, the threat posed by the abject remains unvanquished and carries with it a potency that extends beyond the dissolution of the subject. If the abject is capable of undermining the boundaries of meaning, then it is not only subjectivity that is jeopardized by this concept; according to Derek Hook, "the cultural symbolic itself is threatened" by the abject (25).² Although Kristeva establishes abjection as a primal process that facilitates the subject's bodily and ego differentiation,³

² "The 'symbolic' here refers to the broad realm of social order, signification and law that makes discourse possible" (Hook 15). Though this term is a psychoanalytic concept, Hook prefers to use "cultural symbolic," which points to the historical specificity of this realm (25).

³ Prior to the process of abjection, the subject, or the pre-subjectal self, is "unable to distinguish between itself and its environment, possessing no awareness of its own corporeal boundaries" (Hook 23). As infants,

she also notes that the process of abjection and the abject itself are “[t]he primers of...culture” (2). This observation draws a parallel between the formation of the subject and the structural integrity of the cultural symbolic; both are (re)produced and validated by what is excluded from their parameters (Hook 28). Like the subject, the network of discourses that comprise the cultural symbolic are concomitantly challenged by what they expel (Hook 26). The indecipherable, the loathsome, the abhorrent, cannot be eliminated though the process of abjection, as the foundation of the culturally viable is dependent upon the production of the abject as its “constitutive outside” (Hook 28). As such, the abject can only be rejected and the threat of its formlessness remains intact. The potential of this destabilizing power thus signals an ontological crisis for the subject as well as “a crisis of [the cultural symbolic’s] exclusionary ordering systems” (Hook 25), which cannot contain, regularize, objectify, or obliterate the abject.

2.1 Abject Bodies

As the threat of this concept derives from the necessity of its exclusion, it is not surprising that Kristeva claims its strength culminates when the subject “finds the impossible within; when it finds that the impossible constitutes its very *being*, that it is none other than the abject” (5; emphasis in original). This recognition locates the abject *inside* the illusory bounds of the subject, as seeping past the ostensible inside/outside distinction the process of abjection is meant to maintain. Hook qualifies this assertion by claiming that the abject is at its most powerful when this distinction is lost with respect to

we are thought to forge a “syncretic unity” with our mothers, which characterizes this stage of existence as lacking clear borders and separations. For Kristeva, this state requires the violent rejection (i.e. abjection) of this relation in order to establish the bodily boundaries of the self, allowing for self/other distinctions. As such, this initial process of abjection, or “primal differentiation,” is a necessary precondition of one’s entry into the symbolic as a defined subject. For a further summary of this process, see Hook 23.

the bodily parameters of the subject (17). Citing Kristeva and Grosz,⁴ Hook establishes body fluids and excretions as the quintessential example of the abject as that which confounds the internal and external (17); by passing from the former to the latter via the subject, these bodily products retain an element of the subject in their expelled and abjected state, thus revealing the indissoluble tie that undermines the separation between the two (17 – 18). Although this process of expulsion determines the physical boundaries of the subject, thereby establishing the internal and external (Butler, *Gender* 181 – 182), the by-product of this operation attests to the permeability of the body and its inability to contain or destroy that which compromises the coherence of the subject. Furthermore, the “irreducible materiality” (Grosz 194) of the body is exposed despite enduring Western notions of subjectivity as disembodied interiority (Grosz 3). Grosz claims that these abjected parts of the self not only “demonstrate the limits of subjectivity in the body” (194), they “assert the priority of the body over subjectivity” (194). Thus, the abject reduces the ostensible interiority of the subject to a base corporeality and exposes the liminality of the body.

Hook claims that this affront to the bodily integrity of the subject elicits a violent response meant to restore the distinctions that ground the identity and autonomy of the self (19). Again citing Kristeva, he makes explicit the central role of corporal and affective reactions to the process of abjection (17). In the *Powers of Horror*, Kristeva elaborates on the physical component of this process, claiming that the subject experiences an overall feeling of sickness and revulsion upon encountering the abject that results in a riot of nausea, gagging, and dizziness (3). The crisis experienced at the

⁴ Both Kristeva and Grosz discuss the abject quality of body fluids and excretions at length throughout their respective works on abjection.

psychic and symbolic levels is thus mirrored on the corporeal level, inciting a visceral somatic effect meant to expel the “defiling otherness” conjured within the subject by the abject (Butler, *Gender* 182). The violence of this response reconstitutes the “proper” boundaries of the body by reproducing “the immemorial violence with which a body becomes separate from another body in order to be” (Kristeva 10). This primal distinction, which occurs on the corporal level, indicates that the bodily parameters of the self function as “the first contours of the subject” (Butler, *Gender* 181). As such, it is the differentiation of the body that allows for subjectivity, and it is the abject that draws attention to this fact by recalling the rejected parts of the self, those odious aspects designated as such to establish the proper bounds of the subject (Butler, *Gender* 181 – 182). The destabilizing threat imposed by this “recollection” at once produces psychic, symbolic, and somatic effects; however, “[t]he original and primary ‘surface’ of the abject’s realization is the body” (Hook 17). By disclosing the liminality of the soma, the abject concomitantly reveals and disrupts the corporeality of subjectivity, which undermines the differentiation of the subject. Given that the body is the site of subjectivity, it is necessarily the site of abjection.

Although the somatic crisis experienced by the subject indicates the significance of the body to the process of abjection, abjected individuals exemplify the centrality of the corporal to this process. When a body fails to reflect the regulatory norms that determine the material bounds of the subject, this “difference” is perceived as an aberration, which prohibits any claim to subjectivity by diminishing the body to a deviant state of physicality (Young, *Justice* 123). Reduced to their corporal specificities, these “divergent” bodies are conceived of as “ugly, dirty, defiled, impure, contaminated, or

sick” (Young, *Justice* 123) within the cultural symbolic. Because the flesh has been construed as a sign of subjectivity, any somatic component located outside the parameters of the normative body is subsequently rendered abject. Iris Marion Young claims that the various persons consigned to this domain of corporal defilement “fulfill the function of what lies just on the other side of the borders of the self, too close for comfort and threatening to cross or dissolve the border” (“Abjection” 208). The threat issued by these abjected persons makes clear that the conditions of possibility cannot allow certain permutations of embodied existence without jeopardizing the position of the subject. However, it is imperative to note that these particular configurations of the abject are arbitrary, as the abject itself “assumes specific shapes and different codings according to the various ‘symbolic systems’” that warrant its production (Kristeva 68). As the abject is socially determined, no thing, object, person, or environment intrinsically possesses this quality, yet may potentially “‘manifest’ the abject for the subject” depending on cultural norms and restrictions (Hook 20). The level of impact and the severity of the response vary according to the austerity of the prohibition that generates the abject in a given scenario (Kristeva 69). Though denigrated bodies are not inherently abject, those marked as deviant and ambiguous exemplify the utmost strength of this concept since the limitations imposed by the normative body dictate one’s access to subjectivity.

2.2 The Abjection of Gender Variance

The ability of the aberrant body to disturb the material bounds of the subject is revealed when the subject is unable to objectify this divergent corporeality, and instead perceives an element of itself within the fleshy contours of the abject. “[N]o longer unambiguously Other” (Young, “Abjection” 209), these bodies cannot be properly

defined, differentiated, and controlled as “distinctly identifiable creatures with degenerate and inferior natures” (Young, “Abjection” 209). Rather, like those abjected parts of the self, aberrant bodies seep across me/not me, inside/outside distinctions, destabilizing the foundation that enables the subject to distinguish itself from others. Young claims that the concomitant desire to differentiate oneself and the recognition that “the Other is not so different from me” (“Abjection” 209), generates the situation in which abjected individuals “threaten to cross over the border of the subject’s identity” (“Abjection” 209). The crisis that emerges from this psychic conflict culminates in the revelation that “I cannot be if you are”; to acknowledge the potential subjectivity of an abjected individual is to radically undermine one’s own position as a subject in addition to the ideological restrictions that regulate subjectivity within the cultural symbolic. To avert this crisis and reestablish the legitimacy of normative subjectivity, the subject responds with a phobic loathing that endeavours to invalidate the abjected person by rendering this individual non-human (Young, “Abjection” 208).

Given that the subject has been established in Western culture as “implicitly white, male, youthful, heterosexual, [and] middle-class” (Grosz 188), numerous bodies may be perceived as abject, including racialized bodies, disabled bodies, female bodies, homosexual bodies, obese bodies, impoverished bodies and so forth (Young, *Justice* 375 – 376). That a body can be recognized as homosexual or impoverished not only indicates that these various social categories directly involve the body, it demonstrates that we effectively wear our subjectivity, or conversely, our non-subjectivity. It should also be noted that these categories are not mutually exclusive, but rather constitute one another (Grosz 20), which complicates the level of abjection an individual may experience if s/he

is perceived as having numerous abject qualities. However, the intersectionality that results from the creation of both the abject and the subject does not negate the claim that human subjectivity is made possible through the production and binary division of the sexes (Thomas 316). Although the construction of the “proper” body is consolidated by manifold exclusions, thus creating a variegated domain of the abject, subjectivity cannot be achieved without the compulsory gender assignment that serves as the primary foundation through which one is recognized as a subject (Stryker, “Frankenstein” 250). The primal differentiation of the body manifests on the symbolic level as the gendering of the subject, which functions as the initial demarcation of culturally intelligible personhood.⁵ Without this distinction, we literally cannot perceive the body as a reflection of normative human subjectivity; as Butler states, “subject-formation is dependent on the prior operation of legitimating gender norms,” which are contingent upon their embodiment (*Bodies* 232). Any form of corporeality that exists outside of this binary framework is promptly abjected and rendered unintelligible.

The cultural abnegation of gender variant bodies indicates the incomprehensibility attributed to nonnormative gender, as it attempts to expel what the symbolic fails to recognize as viable. Kristeva states, “in that thing that no longer matches and therefore no longer signifies anything, I behold the breaking down of a world that has erased its borders” (4). By deviating from the sex/gender paradigm, gender variant bodies effectively sever biological sex from gender expression, a form of embodiment which has no cultural referent and which destabilizes the norms that result in the initial

⁵ Thus, there is a parallel formation of the subject in the psychic and symbolic realms; however, the symbolic process of subject formation necessarily establishes gender variance as abject to allow for the distinct categories of female and male.

differentiation of the subject. In failing to “match” sex with gender, gender variant bodies, in whatever manifestation these bodies may take, are the veritable sites where meaning collapses for both the subject and the cultural symbolic.⁶ This meaninglessness is then transferred to the subject through the confounding recognition that the body is liminal, but is also the very seat of subjectivity, or rather, that sex and gender are not conjoined, but that the enforcement of this partnership informs one’s entitlement to the category “human.” This revelation discloses “the constructedness of the natural order” (Stryker, “Frankenstein” 250),⁷ which divests the sex/gender paradigm of its ostensible meaning. Consequently, the demarcation of the self is invalidated and the subject becomes indistinguishable from the abject. Because the normative body serves as the site of subjectivity, the somatic ambiguity of nonnormative gender is able to produce this effect, thus representing the most potent of the abject. To remedy this radical transgression and reestablish the legitimacy of one’s personhood, the subject must reassert what the symbolic already confirms, namely “that certain kinds of ‘identities’ cannot ‘exist’ – that is, those in which gender does not follow from sex” (Butler, *Gender* 24). By affirming the infeasibility of gender variance through the process of abjection, the subject temporarily restores the cultural foundation that grounds its subjectivity. As such, the identities, practices, and embodiments of gender nonconformity are rendered “unreal” to preserve the normative notion of “the human.”

⁶ Christopher Shelly notes that although nonnormative gender identities are culturally abject, some expressions and practices are abjected more than others (53). These varying levels of abjection are often related to the “visibility” of one’s gender variance (53), though other, more complex factors may also inform the changing austerity of this abjection. Though this variability warrants further investigation, it supports Kristeva’s argument that *different prohibitions generate different results*. As some forms of gender variance may be more restricted than others (it has been suggested that transwomen experience more transphobia than transmen [Shelley 51 – 53]), higher levels of abjection are consequently experienced.

⁷ The “natural order” Stryker refers to should be understood as an order of existence “naturalized” through ideology as opposed to biology.

2.3 Dehumanization

When the subject encounters a gender variant individual as a manifestation of the abject, a dual process of dehumanization occurs that involves both the subject and the abjected person. Although the nonhuman status attributed to gender variance within the symbolic precipitates the dehumanization of gender variant individuals, the abjection of the subject occurs despite the cultural sanctions that validate its humanity. By disrupting the continuity of the sex/gender paradigm, the abjected person is capable of undermining the authority of the symbolic, and reducing the subject to an amorphous corporeality devoid of meaning. However, this ability to diminish the humanity of the subject by exposing the liminality of the body is only possible because the abject itself is meaningless; with no cultural referent through which to understand gender variant bodies, these bodies can only be perceived as an aberrant materiality that presents the subject with its own corporeal ambiguity.⁸ This shared somatic incoherence indicates that the dehumanization of the subject and the abjected person manifests on a bodily level; during an encounter, the gender variant individual is reduced to a deviant corporeal state and the subject is stripped of its primary differentiation. As the body is the site of subjectivity and abjection, it is necessarily the site of dehumanization as experienced through the process of abjection. However, due to the psychic and symbolic effects of this process, the inhumanity of the subject extends beyond the somatic level, disclosing itself through the

⁸ This effect is restricted to the perception of gender variance as a manifestation of the abject and should not be read as conclusive.

realization of the abject within, and the violence that transpires to rectify this boundary violation.⁹

Kristeva claims that the subject is concomitantly abjected by the process through which it endeavours to distinguish itself (3). She states, "I expel *myself*, I spit *myself* out, I abject *myself* within the same motion through which 'I' claim to establish *myself*" (3; emphasis in original). Although this outcome may appear contradictory, the abjection of the subject, or rather, the pre-subjectal self, is fundamental to its cultural formation. In order to achieve subjectivity within the symbolic, one must eject and transvaluate "something originally part of identity into a defiling otherness" (Butler, *Gender* 182). Thus, the demarcation and expulsion of the abject parts of the self determines the cultural intelligibility of the subject and the validity of its humanness. However, as Kristeva states, the subject can never fully sever itself from the realm of the abject, and the recognition that these abhorrent qualities persist despite their rejection indicates that the abject indelibly resides within,¹⁰ disclosing the inhumanity of the subject. When faced with the possibility of gender variance, this realization occurs, forcing the subject to admit to the permeability of its own body and the abjection this incoherence signifies.¹¹ The discontinuity that the subject apprehends within itself exposes the sex/gender paradigm as a fallacy, and effectively collapses the subject/abject distinction it once perceived.¹² As such, the subject's constructed humanity and abjected inhumanity are

⁹ This claim is based on the assumption that "humanity" or "humanness" is, or should be, a fundamentally non-violent concept. For a further elaboration on the inhumanity of violence, see Thomas 319.

¹⁰ Or rather, that the notion of interiority and separation is an illusion.

¹¹ Again, it is worth repeating that this situation would occur when gender variance is perceived as a manifestation of the abject.

¹² This distinction does not denote a binary relation between the subject and the abject, but rather the illusory belief that the subject has successfully expelled the abject parts of the self.

simultaneously revealed through the recognition that corporeal indeterminacy is a fundamental component of the self. The need to reject this ambiguity simply confirms that the subject must “spit itself out” in order to (re)establish its “proper” self as determined by the cultural symbolic.

To avert the ontological crisis that results from this realization, the subject attempts to restore the grounds of its subjectivity by transposing its inhumanity onto that which gives rise to the abject within itself. By affirming the dehumanization of the abjected individual, the subject exorcises its own abjection and reestablishes its claim to “the human.” This process, as both Kristeva and Hook demonstrate, transpires as a violent revolt meant to delineate the boundaries of the self. The aggression directed towards the abjected person replicates the originary violence through which the subject differentiates itself, reestablishing a border between the subject and the abject, the human and the aberrant. The abjection of the self is thus alleviated, if only provisionally, by the abjection of another, whose dehumanization is confirmed by the violence of this process. The manifestation of this violence can be seen in the somatic effects of revulsion and the phobic loathing the subject experiences upon encountering an abjected individual, yet can also escalate to emotional and physical assault given the potency of this person’s cultural abjection. Stryker aptly summarizes the entire process with respect to the dehumanization of gender variant individuals. She states,

Because most people have great difficulty recognizing the humanity of another person if they cannot recognize that person’s gender, the gender-changing person can evoke in others a primordial fear of monstrosity, or loss of humanness. That gut-level fear can manifest itself as hatred, outrage, panic, or disgust, which may then translate into physical or emotional violence directed against the person who is perceived as not-quite-human. (*History* 6)

Although gender variant individuals experience this aggression at the hands of the subject, this violence merely reinforces the inhuman status already attributed to the former, as opposed to being the primary source of their dehumanization. Due to the process of gender attribution, a “gendering violence” culturally reproduces the violence of primary differentiation (Stryker, “Frankenstein” 250), indicating that the dehumanization of gender variant persons initially occurs on the level of social discourse (Butler, *Undoing* 25). The subject’s aggression subsequently reiterates “the message of dehumanization which is already at work in the culture” (Butler, *Undoing* 25).

Though this violent rejection consolidates the inhumanity of the abjected person, Thomas claims that the subject is complicit in its own dehumanization by enacting this abjection (319). That is, the subject does not secure its humanity through this process, but rather affirms its inhumanity by endeavouring to dehumanize another. Thomas also confirms that the violence of this objective proceeds from an ideological foundation, which sanctions the subject’s behaviour by generating the realm of the abject. He states, “the rampant incidence of physical violence against [gender variant] people...has been provoked or justified by the discourse of *dehumanization*” (Thomas 314; emphasis in original). As the abjection of nonnormative gender within the symbolic underlies the subject’s violence towards gender variant individuals, the subject’s inhumanity results from the very nexus which permits its cultural viability. Thus, “the ‘inhumanitarianism’ of the human” (Thomas 319), which is disclosed through this violent behaviour, is an effect of a signifying order that does not permit the segregation of gender from sex. As Butler states, “[t]his violence emerges from a profound desire to keep the order of binary gender natural or necessary, to make of it a structure...that no human can oppose, and

still remain human" (*Undoing* 35). The subject's attempt to "enforce" gender binarism and subsequently expel its own inhumanity may temporarily restore the borders of the self; however, the violence required to reinstate this illusion ultimately divests the subject of its humanity. As such, the dehumanization of the subject is ultimately not the result of an encounter with the abject, but is the outcome of a social order which mandates that the subject *abject itself* to achieve and maintain the cultural status of human.¹³

The dual process of dehumanization that results from the necessity of abjection demonstrates the double paradox generated by the formation of the subject. Through the abjection and subsequent dehumanization of gender variance, human subjectivity is made possible; however, this very process imbues the abject with the power to dismantle the ideological structures its exclusion is meant to secure. Furthermore, the attempt to extinguish this threat and reaffirm the grounds that validate one's subjectivity inevitably confirms the subject's own inhumanity. Each outcome indicates that the distinction between these categories is based upon an illusory foundation; as the subject and the abject are simultaneously produced, their dehumanization necessarily shares the same ideological grounds, which further illustrates the link between them. This paradox indicates that the symbolic functions as "a world in which human beings are 'constrained' into becoming inhuman" (Thomas 319), both through the process of gender attribution and the attempt to defend this process through violence. Yet, despite this contradiction, abjection is still required, as it functions as a condition of possibility for the

¹³ This explanation in no way suggests that the subject is alleviated from its accountability for the violence it enacts against a gender variant person, but rather endeavours to elucidate the potential cause for this groundless aggression.

subject. If this concept were to be eliminated, our ontological structures would necessarily have to change.

3. Reconceptualization

Although gender attribution reproduces the primal differentiation of the subject on the symbolic level, the social articulation of sex and gender distinguishes this formation of the subject from the innate processes that allow the subject to delineate the borders of the self. As Hook notes, "abjection is not simply a primal process of bodily and ego differentiation, but equally a top-down production of power through which the structures of a given society are affirmed and solidified through the systematic generation of a class of disqualified abject subjects" (34). The social construction of both the abject and the subject illustrates that these categories are not solely the effects of a psychic impulse, but rather are also reliant upon their cultural interpretation. The way these concepts translate in a social context is thus particular to the prevailing ideology; though primal differentiation necessitates the process of abjection, what constitutes the subject and the abject within the symbolic is not inherent to these categories, but is an expression of the historically and culturally specific social discourses that produce these classifications. Accordingly, the subject and the abject are not fixed in their representations, indicating that the cultural foundation which both segregates and binds these terms is also subject to change. Given the formative relationship between the subject and the abject, these two concepts necessarily transform in tandem, and their modification can only occur if the premise of their creation alters or dissipates. An ideological shift is thus required for the cultural significance of the subject and the abject to change.

In the case of gender binarism and the subsequent abjection of gender variance, an entirely new conception of "the human" would have to be put forth to disestablish the violence that results from this dualistic framework. The subject and the abject generated by this concept reveal the stringent limitations of the human, demonstrating the present exclusivity of this category and the need to resignify the parameters that maintain this distinction at the expense of abjected individuals. Butler argues that this process of resignification becomes requisite when "our most fundamental categories" encounter the limits of the foundation from which they emerge (*Undoing* 38). When the sex/gender paradigm is confronted with gender variance, the limitations of the former are indisputably exposed, establishing the human as a concept based on faulty grounds that cannot assimilate nor abolish nonnormative gender expression. The cultural abjection of the latter mandates a violent expulsion of gender nonconformity to re-secure the illusory bounds of the human; however, the resignification of this category serves as a viable alternative to the abjection that currently allows for and defines the very premise of human being. Because the process of abjection is required to maintain a binary framework, the reconceptualization of the human outside this polarity provides an opportunity to conceive of a subject position that does not necessitate the creation of an abject domain. Although gender binarism presently prohibits this configuration of the human, the ideological basis of this paradigm indicates that this restriction is far from permanent, as sex and gender are socially produced concepts rather than organic facts. Since the foundation of these categories is culturally generated and mutable, the violence issued by this dualism can be countered by a more "capacious," and subsequently less violent conception of subjectivity, where gender variance is no longer perceived as an

ontological threat (Butler, *Undoing* 35). Nevertheless, the resignification of the human cannot take effect unless the ideology that grounds this concept is fundamentally altered.

Butler suggests that the abject's destabilizing power can be utilized as a means through which to achieve this ideological shift, thereby opening the human to the process of rearticulation. She states, "when the unreal lays claim to reality, or enters into its domain, something other than a simple assimilation into prevailing norms can and does take place. The norms themselves can become rattled, display their instability, and become open to resignification" (*Undoing* 27 – 28). Though both Kristeva and Butler agree that the abject or "unreal" destabilizes symbolic meaning, Butler further posits the political utility of this disturbance, claiming that the abject's disruptive power can be perceived "not as a permanent contestation of social norms...but rather as a critical resource in the struggle to rearticulate the very terms of symbolic legitimacy and intelligibility" (*Bodies* 3). As Hook notes, the abject not only challenges the basis of subjectivity, it threatens the ideological structures that comprise the symbolic (25), thus exposing the grounds of cultural signification as vulnerable to change despite their construction as static. The need to repudiate and expel the abject to maintain the integrity of our ontological categories indicates that the danger posed by this concept is not merely the dissolution of meaning, but rather the resignification of what is "real." By manifesting "that-which-should-not-exist" according to the logic of a particular culture, the abject at once derails the intelligible and signals a surge of potential other meanings that is presently prohibited by the current system. Though indecipherable from a normativizing lens, this challenge marks the abject as a prospective source through which "different codes of intelligibility" may be established (Stryker, "Frankenstein" 249). In subverting

the order upheld within the symbolic, the abject is not only capable of destabilization; “a specific reworking of abjection into political agency” indicates how the disruption of an ideological paradigm can heed the production of new and other forms of signification (Butler, *Bodies* 21).

Yet, how does one harness what Thomas has termed the “potential, positive force” of the abject (319), given the radical marginalization of everything that (dis)qualifies under this label? Although the abject’s disruptive power is inextinguishable, it is the result of a fundamental exclusion from the realm of viability, making this concept an unlikely political tool; however, there are those who intentionally “walk and work through the idea of the inhuman” in order to seize the potential of the abject as a tactic to counter the hegemonic discourse of “the human” (Thomas 319). By asserting the invalidity of the abject as a form of resistance, this concept can give rise to a “reverse-discourse” wherein the repudiation of the abject is overturned to deliberately contest the regulatory terms of subjectivity (Butler, *Bodies* 232).¹⁴ Stryker extends the scope of this strategy by claiming that it is “imperative to take up...a set of practices that precipitates one’s *exclusion* from a naturalized order of existence” if other forms of subjectivity are to subsist (“Frankenstein” 249; my emphasis). Paradoxically, then, the abject can sanction the existence of alternative subjectivities if the power of this concept is utilized to oppose the restrictions of normativity. Rather than the perpetual negation of abjected individuals, the grounds of the subject are purposely confronted and disputed via the cultural stigma bound to the abject, which in turn “becomes the source of

¹⁴ Because the abject is not in a binary relationship with the subject, the use of this concept as a tactic of resistance does not result in an inversion of a dualistic paradigm, but rather requires a paradigm change. As this strategy radically destabilizes the binarism made possible through abjection, it allows for other notions of subjectivity outside binary relations (self/other, female/male etc.).

transformative power" (Stryker, "Frankenstein" 249). This deliberate contestation signifies a move away from abjection into political agency and potential subjectivity through the process of resignification.

The modification of the abject through this fervent opposition necessarily demands the transformation of the subject and the ideology that founds these two concepts. To allow for different subjectivities, the dualistic framework through which the subject is formed must fundamentally alter so that the exclusivity of this binarism yields to a plurality of subject positions. Yet, the bodily and ego differentiation of the subject is still required due to the process of primal differentiation, which is made possible through the function of abjection. How, then, can subjectivity be conceived without relying upon the polarity generated by this process to determine the cultural signification of this concept? Difference continues to be necessary to establish individual subjectivity; however, Kim Toffoletti argues that this difference need not be founded upon binaristic segregation. She claims that "a proliferation of differences" can serve to replace this duality while maintaining the individuation that makes difference possible (104). Because this type of difference "is no longer understood relative to a dominant term" (103), it directly threatens how meaning is presently created and perceived (103). By freeing difference from an oppositional paradigm, subjectivity is no longer dependent upon the subordination of an "other" for definition, which suggests that the violence of abjection does not have to be replicated within the symbolic in order to determine intelligible personhood. As a psychic process, primal differentiation goes unaltered, indicating that the body remains the site of subjectivity; however, as neither the subject nor the abject

are fixed, the cultural manifestation of subjectivity is mutable, allowing for the “proliferation of differences” as a plausible alternative to binarism.

Given that the body distinguishes the subject, it is not surprising that Toffoletti elucidates her conception of difference by exploring the shifting corporeal boundaries of “post-human” configurations (89).¹⁵ Although the various forms of posthumanity she evaluates are simulated images, Toffoletti claims that these portrayals confound “essentialist notions of the body and the natural, occasioning a range of possibilities for what might constitute subjectivity beyond the [normative] limits of the body and identity” (89). The corporeal ambiguity that these depictions intentionally flaunt directly challenges the ideology that informs “anatomical being [so that it] is no longer [perceived as] a stable referent” (88). Accordingly, ontological categories such as sexuality, race, and gender are reconceptualized as “fluid and displaced terms” (Toffoletti 89), allowing for numerous other types of being to exist outside the confines of these classifications. However, Toffoletti demonstrates that this rupture in signification and subsequent proliferation of possible subjectivities requires the resistance, and ultimately the resignification, of the body. Because the subject is made possible by its corporeal distinction, the contestation of normative subjectivity must occur at the site where this concept is made manifest; to change “the human,” a rearticulation of the body and the ideology that grounds the soma is required. By opposing the restrictions of the human through the flesh, the various forms of embodiment negated by this prototype are demonstrated as both plausible and viable despite the system that calls for their exclusion.

¹⁵ Toffoletti defines the “post-human” as “a boundary form that calls into question ontological configurations of difference” (82). The somatic ambiguity of the post-human is meant to situate this concept beyond normative conceptions of “the human” as based on a binary system and the subsequent restrictions of this duality.

This corporeal defiance challenges a “paradigm of difference” based on a binaristic framework, while demanding a model “that can account for the experiences of different bodies” (Toffoletti 105). With this paradigmatic change, the body is refigured so that “altogether new conceptions of corporeality” redefine material being (Grosz 22), resulting in new conceptions of subjectivity. As the body is recast, so the human is remade.

Although Toffoletti’s analysis centers upon the post-human image, her argument can be extended to the power invested in the aberrant body by the process of abjection. If the threat posed by this denigrated materiality is utilized as a resource by an abjected individual, the body as the site of abjection becomes the site of resistance in the struggle to combat restrictive norms. As a political tactic, this opposition holds numerous implications for the various social categories that determine the signification of the body; however, it is the refutation of the sex/gender paradigm via the somatic expression of gender variance that possesses the ability to alter the foundation of the subject. By laying claim to subjectivity through the fundamental disruption of its premise, gender variant individuals demonstrate their potential to override the process of abjection and assert the validity of diverse embodiments through a corporeal insurgence.¹⁶ Grosz defines this process as follows: “Where one body...takes on the function of model or ideal, the

¹⁶ Though this argument may appear to correspond with the objectives of queer politics, this effect does not necessitate that one take up a queer subject position or identify as queer. Rather, the abjection of nonnormative gender indicates that a gender variant individual can achieve this effect by asserting their embodiment, gender expression, and identity (in whatever manifestation) as a valid mode of being. Although nonnormative gender, in and of itself, is not intrinsically subversive, its cultural prohibition indicates that gender variant bodies, identities, and practices necessarily challenge the foundation of “the human.” Furthermore, the contestation of normative subjectivity does not mandate the elimination of gender normative identities, but rather demands an ontological paradigm that allows for multiple gender identifications as valid expressions of human subjectivity.

human body, for all other types of body, its domination may be undermined through a defiant affirmation of a multiplicity, a field of differences, of other kinds of bodies and subjectivities” (19). Given that gender nonconformity has no singular manifestation or expression (Serano 29), gender variant embodiments can take unlimited different forms, resulting in a proliferation of various subjectivities that not only expose the limitations of gender binarism, they also necessitate a new ideological framework with which to understand subjectivity. By asserting gender variant bodies as legitimate foundations from which to establish a subject position, the sex/gender paradigm is effectively debunked as the sole means through which subjectivity is achieved.

To attain this ideological shift, however, it is not simply a matter of claiming gender variance as a viable form of embodiment. Again, it is the contestation of the sex/gender paradigm through the lived corporeal resistance of gender variant bodies that is required if the grounds of subjectivity are to change. Butler makes clear that the resignification of a norm results from its inefficacy, and states that “the question of subversion, of *working the weakness of the norm*, becomes a matter of inhabiting the practices of its rearticulation” (*Bodies* 237; emphasis in original). Because gender variant bodies are the sites where the limitation of the sex/gender paradigm is revealed, the lived expression of this embodiment and the concomitant claim to subjectivity take effect as a substantive reconceptualization of the human. However, the symbolic actualization of this claim is contingent upon the physical manifestation of its premise, as the body is the seat of subjectivity. Accordingly, the body’s reconfiguration is imperative to “the process of remaking the human” (Butler, *Undoing* 2); yet, this motion towards change should not be perceived as a normativizing gesture.

The objective of harnessing the destabilizing power of gender variant bodies is not to incorporate nonnormative gender into an already established ontology, thus creating a more inclusive model; indeed, this would not be possible, as this threat specifically produces an ontological crisis incapable of recognizing the abject without the structural collapse of symbolic meaning. However, neither is this intention to substitute one prototype for another, as this would merely establish an additional version of "the human" that, although different, would continue to generate an abject realm by way of exclusivity. Rather, this reconceptualization of "the human" involves "an insurrection at the level of ontology" (Butler, *Precarious* 33), which mandates the ideological change required to displace binarism and resignify the meaning bound to subjectivity. Butler claims that if this insurgence possesses a normative aspect, it consists in the move away from abjection "toward[s] a more possible future ... [wherein] the very meaning of what counts as a valued and valuable body in the world" does not rely upon the violence of exclusion (*Bodies* 21 – 22). In living this rearticulation, gender variant individuals literally reconfigure the boundaries of "the human," signaling the proliferation of different subjectivities through the resistance and affirmation of the aberrant body.

Transgender Human Rights: Overcoming Identity and Abjection through the Parameters of the Law

Though the reconceptualization of subjectivity necessitates a paradigmatic sea change at the level of ontology, it also requires that this transformation take place through the practical designations of the law. Arguing that the formation of “the human” through human rights mirrors the process of subject formation, this chapter will demonstrate that the resignification of human subjectivity must inevitably occur within the parameters of the law as part of the overall reconceptualization of this concept. As human rights confirm one’s status as “human” according to the state, the struggle to achieve these rights is integral to the move away from cultural abjection towards politically viable subjectivity. In effect, this process cannot be complete without obtaining rights, as this legislation establishes “the human” as a legal category, consolidating the ideology that informs this concept by establishing it as law. Consequently, the sex/gender paradigm is both mandated and regulated by the state, which reifies the “inhuman” status of gender variant individuals. To address this legislated inhumanity, this chapter will examine how transgender rights activists have taken up the cultural abjection of gender variance as a political tool to resignify the legal bounds of “the human,” thus attempting to change ontology through the acquisition of rights. This strategy will be positioned as an attempt to transcend the limitations of identity politics and present conceptions of human subjectivity by serving as an example of the various solutions explored in the first two chapters to overcome the issues posed by each obstacle. Though the endeavour to gain access to the law is only one tactic to address these concerns, this chapter will argue that transgender human rights create new possibilities for politically viable subjectivity outside the restrictions and exclusions of binarism.

1. "The Human" in Human Rights

In *Human Rights and Empire* Costas Douzinas challenges the universal applicability of "the human" as represented in human rights discourse, treaties, and legislation. Though the widespread inclusivity of this term is meant to surpass the particularities that are deemed to differentiate individuals (54),¹ Douzinas claims that this "universality" is grounded in a series of distinctions that indicate "the human" is empirically located rather than transcendental. To elucidate this point, Douzinas reiterates the general description of this concept in human rights discourse, claiming that "the human" "appears without differentiation...in his [sic] nakedness and simplicity, united with all others in an empty nature deprived of substantive characteristics except for his free will, reason and soul – the universal elements of human essence" (52). He further states that this "essence" is conveyed as absolute, inalienable, and "the attribute of each individual who is the real subject" (52). Though this universality seems to suggest some shared ontological quality or "common 'factor X'" (54), Douzinas argues that this definition indicates that "the human" is premised upon a particular prototype that has been comprehensively applied. This model (as per the description above) is explicitly gendered as male,² and is defined by individual free will, reason, and soul, qualities that

¹ This perception of "the human" implicitly indicates that "difference" is the basis of human inequality, and that a commonality must be constructed and shared if all humans are to be equally valued.

² Though Douzinas is aware that the "man" in the "rights of man" is presently used as a generic term for all viable persons despite their gender, he is also acutely aware that "the human" has been founded upon Western philosophical and religious traditions that have excluded non-male persons (specifically cissexual women) from subjectivity. This ideological history is revealed as "the human" is still referred to as male with the use of male pronouns, and as such, can still be read as male, regardless of the more inclusive understanding of this concept. Though cissexual women have been incorporated into "the human" (for instance, the creation of "women's human rights"), and are accordingly granted this status in the law, the cultural perception of "the human" is still predominately male, as the Western subject informs this legal category. This understanding also denotes the absence of other non-male subjects from this concept. (The term "cissexual" refers to the alignment of one's birth assigned sex and gender according to the sex/gender paradigm [Serano 12]).

are fundamentally rooted in the patriarchal liberal political philosophy and Christian theology propagated by the West (52). The common “human” essence these attributes represent further reveals the cultural imperialism that informs this concept and subsequently subordinates other perceptions of human being. Each distinction works together to affirm the “real subject” of human rights, illustrating that this “absolute and inalienable” definition has been founded upon the pillars of Western subjectivity.

Because “the human” is grounded in Western notions of the subject, it is unsurprising when Douzinas claims that “the empirical person who enjoys the ‘rights of man’...is and remains a well-off citizen, a heterosexual, white, urban male” (54). Though “the human” is a relatively abstract concept, its concrete manifestation further demonstrates that human rights have been used to consolidate a specific perception of humanity already present in Western culture. Accordingly, these rights have reified a cultural concept by establishing “the human” as an official legal category. By delineating and legitimizing the parameters of recognizable being, human rights have effectively constructed “the human” through the lens of the state (Douzinas 45); however, as Douzinas notes, it is “the definition of the human that determines the substance and scope of [these] rights” (51). Although this concept is concretized through the law, “human rights...always rely on a *certain* conception of the human” to precede, ground, and justify the entitlements these rights ostensibly guarantee, as well as their significance and range (Balfour & Cavada 286; emphasis in original). As such, the legal construction of “the human” requires an ideological premise that the law can substantiate, and thus bring into effect. Given that this concept is based on perceptions of Western subjectivity, human

rights have established these notions as the standards through which individuals are legally confirmed as human or denied access to this category (Douzinas 108).

Consequently, those who fall outside the parameters of the Western subject indicate that the notion of a shared human essence is an impossibility, as is the widespread applicability of human rights.

The present definition of "the human" not only undoes the universality attributed to this category, it also demonstrates the underlying logic upon which this concept is forged. To solidify the lawful boundaries of concrete personhood, certain individuals are necessarily excluded from this process, indicating that "the human" as well as "the inhuman" are legally constructed categories. Douzinas confirms this exclusion, claiming that "inhuman" or "surplus" persons "are the indispensable precondition of human rights but at the same time the living...proof of their impossibility. The law not only cannot understand the surplus subject, its very operation prevents the emergence of such a subject" (108). As a result, "inhuman" individuals are rendered outside the confines and protections of the law, indicating that their lives are unrecognizable to the state. Because this exclusion is requisite to the legislative construction of "the human," this legal process mirrors the formation of the subject through the process of abjection; by necessitating the creation of an inhuman realm of existence to confirm the lawful parameters of subjectivity, human rights affirm the humanity of some via the inhumanity of others.

Although this paradox compromises the definition of "the human," the cultural notions of subjectivity that inform this concept (as well as "the inhuman") mandate this outcome, as these perceptions are made possible through the process of abjection. As a result,

culturally present conceptions of “the human” and “the inhuman” are reproduced and legitimized through human rights.

The exclusivity of this legal process illustrates the inequality embedded “in the [legislative] formulations and definitions of humanity” (Balfour and Cavada 279). Because “the human” and “the inhuman” are consolidated through the law, one’s subjectivity or lack thereof is bound to the legal definition of this category and the (in)ability to claim rights via this classification. The inequity generated by this legislated subjectivity demonstrates that “to be a person you must be in the law, you must have rights” (Douzinas 39). Although these rights are premised on existing notions of subjectivity, they are requisite to the legal recognition of human being, and as such, are integral to one’s socio-political status as human. Accordingly, “a human being is someone who can successfully claim human rights,” as this ability affirms one’s position as a subject (Douzinas 45). Ian Balfour and Eduardo Cavada further note that because these rights are established by the state, one must be a citizen to access the legal validation and protection they provide. Consequently, one’s status as human is bound to one’s citizenship, and “when the continuity between the human and the citizen is broken down” (Balfour & Cavada 281), this status is lost, demonstrating that one is more or less human based on one’s recognition as a citizen (Douzinas 98).³ Accordingly, “the human,” and the rights that consolidate this notion, are contingent upon one’s citizenship, or rather the state regulation of subjectivity and identity.

³ Balfour and Cavadas, as well as Douzinas, paraphrase Hannah Arendt, who claims that “a man who is nothing but a man has lost the very qualities which make it possible for other people to treat him as a man” (300). That is, once one’s civil status is lost, one is no longer recognized as human, which undermines the universality of this subject position and its accompanying rights.

Douzinas argues that citizenship is bestowed “according to the criteria of blood and birth,” which indicates that this status is available to select individuals and confers a level of privilege within a given state (98). However, access to citizenship is also dependent upon the various other factors that comprise contemporary subjectivity, which are used by the state to establish rights that confirm this understanding of humanity. Given the limited description of “the human” detailed in human rights, the implications of this relationship are broad, further indicating the inherent restrictions of humanity and citizenship as they are presently understood. Douzinas notes that civil rights have consistently been denied based on differences in race, gender, ethnicity, sexuality etc. (97), as these distinctions have been designated as inequalities to support the domination of the Western subject (54). Cognizant of this discrimination, various social movements have demanded the addition of these categories to the legal definition of “the human,” which has resulted in the ongoing civil rights tradition in North America (Douzinas 97).⁴ This activism has garnered significant success in expanding “the human” to include numerous different markers of identity; however, throughout this process, the primary foundation of human ontology has remained intact, as Western law “only recognize[s] two biological sexes, male and female, accompanied by two matching gender identities and expressions (man/masculine, and woman/feminine)” (Rachlis & Smith 1 – 2).⁵ Accordingly, the ideology of gender binarism has been legislated, making “the human,” and subsequently the citizen, a gendered being according to the sex/gender paradigm.

⁴ E.g. the civil rights movement, the feminist movement, the gay and lesbian movement etc. (Valentine, *Imagining* 37).

⁵ Exceptions exist wherein certain jurisdictions legally recognize gender variant individuals in human rights legislation; however, this is not a standard practice across North America (Currah, Green, & Stryker 9; Namaste, *Sex Change* 114).

2. Legislated Inhumanity

Debbie Rachlis and Miriam Smith claim that this legal prescription of ontology has rendered the existence of gender variant individuals “impossible in the eyes of the law” (5), as those who “cross” or confound the gender binary are unintelligible according to the terms of citizenship. As gender diversity unsettles the foundation of the Western subject, it necessarily disrupts the legal categories that legitimize this understanding of subjectivity, such as sex, gender, and “the human,” which eliminates the possibility of representation under these terms. Rachlis and Smith claim that this state regulation of the sex/gender paradigm has effectively erased gender diverse persons from legal consideration, and argue that these individuals have experienced widespread discrimination as a result (29).⁶ Because the legislative understanding of “the human” cannot instantiate gender variance, numerous individuals are presently without rights, indicating that they fail to qualify as citizens. This lack of legal recourse thus affirms the perception of gender variant persons as inhuman; their absence in the law indicates they have “no right to marry, to work, to use a public bathroom, or even walk down the street in safety” (Thomas 311), which fortifies their cultural abjection. Nevertheless, state efforts exist to assimilate gender variance within the law according to the sex/gender paradigm to preserve the integrity of these categories.

In both Canada and the United States, the law requires that gender variant individuals have sex reassignment surgery [SRS] “in order to have their identities acknowledged, and their rights protected” (Darke & Cope 40; Thaler, Bermudez, &

⁶ Rachlis and Smith are largely influenced by Namaste’s argument that transsexual and transgender individuals are erased from the cultural and institutional world (*Invisible 2*).

Sommer 142).⁷ Julie Darke and Allison Cope note that once this surgery is complete, one can amend the sex designation on various identification documents, such as birth certificates, passports, and landing papers, which confirms that one is a “legal” member of her/his chosen gender (39).⁸ Gender variance is thus made to conform to the sex/gender paradigm through the state institutionalization of identity, indicating that one must be classifiable according to this system to qualify as a citizen, gain access to legal rights, and achieve recognition as human. However, to qualify for the mandatory surgery that facilitates this compliance, one must first be diagnosed with “gender identity disorder,” a condition that establishes one’s gender identity as a mental illness (Darke & Cope 39; Thaler, Bermudez, & Sommer 150). To be acknowledged within the law, the state not only requires that one undergo extensive surgery, but that one pathologize oneself to obtain access to these medical procedures. As such, one’s entitlement to legal recognition and protection is restricted unless one is classified as “sick” and is surgically modified to fit the confines of social norms.

Because the sex/gender paradigm designates the body as the site of cultural subjectivity, it is unsurprising that the state “solution” to nonnormative gender mandates the pathologization and surgical alteration of gender variant bodies. As Young notes, bodies that are seen to fall outside the normative understanding of “human” embodiment are labeled aberrant and/or sick (*Justice* 123), which is confirmed by the legal enforcement of SRS and GID. Though these requirements function under the guise of

⁷ Although there are multiple different components involved in one’s physical transition, the law generally defines sex reassignment surgery as a double mastectomy and hysterectomy for transmen and vaginoplasty for transwomen (Darke & Cope 47).

⁸ As the only options for sex designation remain “female” or “male,” this “choice” of gender is still restricted to a binary model. Consequently, if one’s gender identity does not fall into either category, legal recognition is unavailable.

assimilation, they are actually state processes of abjection; by mandating the pathologization and alteration of gender variant bodies, the state endeavours to eliminate the threat posed by nonnormative gender to legally sanctioned subjectivity, thereby confirming that gender variance is not allowed to “exist.”⁹ As such, the state enforcement of SRS and GID institutionally expels gender nonconformity from the realm of socio-political viability to reconfirm the legitimized bounds of “the human.” These requirements consolidate the dehumanization of gender variance through the law, making this cultural status a legislated position. As a result, one must expel the culturally abjected parts of oneself through these mandated processes to become a legal subject, which reproduces the process of subject formation through the law. Of course, the abject can never be eliminated, as it forms the constitutive outside of the subject; therefore, these requirements merely indicate that “the human” is indeed a construct: something that must literally be made to preserve the ideological foundations that inform this concept.

Despite the legal acknowledgment that accompanies the medicalization and pathologization of one’s identity, these prerequisites indicate that gender variant individuals can never fully access “the human.” Rather, these processes legally differentiate gender diverse persons from those who have already been granted human status and are subsequently perceived as legitimate human beings according to state standards. Consequently, the protection offered by this regulation of gender variance is relatively precarious; although the surgically modified body is recognized, the specificity of gender diverse identities cannot be accounted for by a binary system, which has

⁹ It is the state requirement to participate in these processes which functions as the legal manifestation of the cultural abjection of gender variance, not the desire to have surgery and/or the wish to seek psychological services.

resulted in the continued use of identity as the basis of discrimination (Rachlis & Smith 3).¹⁰ As a result, the legal enforcement of SRS and GID cannot “fix” gender variance, thereby eliminating it as a threat, precisely because this mode of being has been culturally established as abject. Although gender variant bodies can be modified to “fit” the normative confines of “the human,” the ideology of gender binarism (specifically the biologism of this paradigm) maintains the abjection of nonnormative gender, indicating that gender variant persons cannot be “human” despite state efforts of assimilation/eradication. The necessity of GID reinforces this status, as this pathologization automatically locates these individuals outside the parameters of normative subjectivity. Furthermore, the limited protection provided by these state requirements indicates that these processes fail to establish gender variant persons as “human,” yet serve to distinguish between those who are “lawful” members of their chosen gender and those who do not have access to this status. Darke and Cope note that “[t]here are many people who cannot, or will not, have SRS and, therefore, will never be legally recognized as members of their gender” (47), which amplifies this cultural abjection.

For those who do not perceive their gender as binary and/or do not wish to alter their body, legal protection is simply unavailable. In addition, the numerous individuals who do not regard their identity as pathological are barred from obtaining SRS and the minimal rights that accompany this surgery (Darke & Cope 39). This legal status is further restricted, as those who are willing to undergo the medical scrutiny mandated by

¹⁰ Rachlis and Smith demonstrate that there have been several cases wherein a gender variant individual was recognized by the court as a “legal” member of her/his chosen gender, yet discrimination was still permitted due to the plaintiff’s gender variant identity/status (17).

the state must endure a series of austere measures to acquire the diagnosis that precedes one's access to citizenship (Darke & Cope 39).¹¹ Moreover, the health care necessary to participate in this process is often inaccessible (Shelley 70),¹² a diagnosis is not guaranteed, and the surgeries covered by the state vary according to jurisdiction (Darke & Cope 39 – 40). Each limitation indicates that one's access to "the human" is embroiled in a network of efforts by the state to enforce the sex/gender paradigm through the various institutions that "police those who differ from social norms" (Stryker, *History* 150). Whether one is made to "fit" this system,¹³ is denied entry to this framework, or is invalidated by its premise, one's rights are bound to the perception of "the human" as a "normatively" gendered being.

3. Transgender Human Rights

Because the legal definition of humanity has barred gender variant individuals from intelligible citizenship, many have argued that rights must be procured to remedy the legislative erasure of gender diverse populations, thereby establishing gender nonconforming practices and persons as conceivable within the law.¹⁴ As rights confirm

¹¹ "[I]t is extremely difficult...to obtain SRS. To have *some* surgeries covered...a gender clinic must confirm a diagnosis of Gender Identity Disorder, rule out numerous other diagnoses and circumstances of a person's life, and conclude that the person is likely to be "successful" [successful is often code for 'pass'] living in their gender. Prior to surgery, the person must transition and live in their felt gender for at least one year [without the aid of hormones, making the transition far more difficult]...A person could pay privately for surgery but the costs are extremely high. For all these reasons, the majority of...people who wish to have SRS are not able to get it" (Darke & Cope 39; emphasis in original).

¹² Shelly notes that despite Canada's universal health care system, it is consistently inaccessible to low-income residents, which is relevant to the gender variant population, as they experience high rates of employment discrimination (69). Namaste makes a similar point with respect to both Canada and the United States, highlighting the relationship between stable employment and health care benefits (*Sex Change* 108). Both critiques demonstrate how the state works on multiple different levels to disenfranchise gender variant individuals (i.e. access to employment and health care determines one's access to legal protection).

¹³ This critique is not directed at those who wish to modify their body and comply with state standards, but is rather targeted at the multiple restrictions that these standards impose.

¹⁴ See Broadus 99; Currah 24; Currah, Green, & Stryker 20; Thomas 321.

one's status as human, the legal recognition of gender variance would verify the humanity of gender diverse persons, thus contesting the inhuman status they have been attributed in Western culture. Efforts to achieve this legal standing in North America have taken shape as the "transgender rights" movement, which has been largely influenced by the "language, precedents, and models" provided by the various civil rights movements that have preceded it (Valentine, *Imagining* 37). Currah notes this form of activism obtained rights for its constituents based on the notion of collective identity, which introduced identity politics as the framework through which individuals establish civil rights and thus gain legal access to "the human" (14). As a result, these movements have demonstrated that "the assertion of rights [is] a way of intervening into the social and political process by which the human is articulated" (Butler, *Undoing* 33), a tactic that the transgender rights movement has taken up by using the label under which it is organized to make claims on behalf of gender variant individuals. Although "transgender" remains a contested term due to the various understandings of this signifier, contemporary transgender politics deploys this label as an umbrella term as well as an identity category to obtain legal recognition for its manifold constituents (Currah 22). By exploiting the cultural and legal intelligibility of identity politics, this movement situates itself within a civil rights tradition while attempting to instantiate various forms of gender diversity.

Though human rights are integral to one's political viability, several authors have noted the shortcomings of utilizing a rights framework to address the abjection and erasure of gender variant individuals in Western culture. Some claim that an exclusive concentration on rights will generate minimal results, as this strategy fails to challenge

the various state structures that perpetuate inequality (Currah, Green, & Strkyer 9; Namaste, *Sex Change* 10). Others completely reject a rights framework, arguing that the legal instantiation of gender variance will not resolve the state regulation of gender diverse identities, and as such, will only benefit those who are willing and able to comply with these standards (Namaste, *Sex Change* 25 – 26). Many have also noted that the use of identity politics risks homogenizing as well as excluding the various constituents of the transgender movement despite the plurality this label suggests, which calls into question the benefit of procuring rights under this category (Currah 6). According to Thomas, “human rights...are never enough” (323), as the complex issues that accompany the cultural definition of (in)humanity cannot be solved strictly through the law, particularly given the restrictions imposed by this state mechanism of control.

Nevertheless, one must have rights to be human, and as these rights are based on a particular understanding of humanity, those located outside this framework must necessarily change the definition of “the human” to obtain recognition as citizens, gain access to legal protection, and subsequently confirm their humanity. Thus, what seems to be a matter of terminology actually generates ontological effects that can “radically change the constitution of the legal subject and affect people’s lives” (Douzinas 56). The impact of previous civil rights movements illustrates one potential outcome of this process, as their success has affirmed the citizenship of those formerly excluded from the legal scope of human being. Given these results, transgender rights advocates continue to ground their activism in a human rights framework despite the possible limitations of this approach. By emphasizing the *human* aspect of these rights, activists not only demonstrate that gender diverse individuals “are human beings deserving common

respect and dignity” (Currah, Green, & Stryker 12), they seek to establish gender variance as ontologically possible through the prescription of the law. Though obtaining civil rights is only one measure used to remedy the abjection of gender diversity, this struggle cannot be overcome without addressing the need for legal instantiation.

The continued efforts of civil rights activists to incorporate various identity categories into human rights legislation indicates that the ostensible universality of “the human” has had to become increasingly more particular to resemble the widespread applicability this concept suggests. This modification confirms that notions of humanity are embedded in cultural ideology, as opposed to intrinsic qualities, and as such, are historically and culturally situated, yet are open to redefinition. Although this revision is necessary to obtain legal recognition for those situated outside the bounds of “the human,” Douzinas claims, “adding a new right or right-bearer to the existing group does not eliminate exclusion; it only alters its shape and scope” (97). Despite the ontological consequences that result from expanding “the human,” the primary foundation of this concept is supplemented rather than altered by the various subcategories added to its definition. Though individuals have obtained rights, recognition, and access to “the human” through this process, this inclusion has also generated different “tiers” of humanity that have had a minoritizing effect. Douzinas states,

[a] rights-claim typically requests the admission of the claimant to the position of the [legal] subject...[T]his action...reinforces rather than challenges the established ways...by accept[ing] the established power and distribution orders and aims to admit the new claimant in a peripheral position in them. (107)

As such, the initial model of “the human” is retained through this process; though it has been amended to include various identity categories, these additions bolster the predominant framework of “the human” by supplementing it, which indicates they

occupy a secondary position. Consequently, the rights achieved by way of inclusion “have become rewards for accepting the dominant order” (Douzinas 108), and those unable to conform are subsequently barred from legal recognition and protection.

Although civil rights activism remains the principle mode of obtaining access to “the human,” transgender rights advocates have noted the marginalizing effects of utilizing this label as an identity category in addition to the other obstacles posed by this strategy. Currah, Jamison Green, and Stryker argue that the construction of “transgender” as a “type” of person not only reifies the assumed gender normativity of other identity categories by containing gender diversity, it reinforces the perception of “transgender people” as a minority group whose claims are seen as requests for special accommodation rather than access to basic human rights (5).¹⁵ By attempting to resolve oppressive cultural discourses with individualized remedies, issues such as sexism and heterosexism are easily translated as the niche concerns of what is perceived as a relatively small and marginal demographic. However, the profound challenge transgender rights activists pose “to the traditional legal assumptions of sex/gender” complicate the very plausibility of this limited strategy (Rachlis & Smith 30). Given that gender variance undermines the foundation of human subjectivity, gender diversity cannot be made to fit the confines of “the human” without resignifying its premise or erasing the specificity of nonnormative gender. As the abject cannot be assimilated or destroyed, the only options are to expel it (signaled by the legislative absence of gender variance as well as mandated processes such as GID and SRS) or give way to the threat it represents. The actual

¹⁵ Carol Bacchi notes that this outcome is a standard pitfall of identity politics; the social inequity present in current conceptions of “the human” are overlooked, as those seeking access to this category are identified as “the problem” (128 – 146).

instantiation of gender variant individuals within the parameters of the law thus requires a radical reconceptualization of legal ontology due to the abjection of gender diversity.

Aware of this fact, and the various other pitfalls of identity politics, transgender activists have begun “rethinking the ‘human’ in human rights around the axis of the ‘inhuman’” (Thomas 322).

4. Resignifying “The Human”

Despite the ongoing commitment to gain access to the law, Currah claims that the transgender rights movement is working to legally transform the gender norms that presently bar gender variant individuals from legislative protection (23). Rather than attempting to conform to these standards, activists are seeking legal recognition through their endeavour “to change the commonsense truths about gender...in as many ways and in as many venues as possible” (Currah 20). Thomas describes this tactic as an effort to put “the notion of the ‘inhuman’ to potentially positive use” by exploiting the disruptive power of this concept to achieve political and legislative gains (316). Instead of minimizing the ontological crisis gender variance represents, advocates utilize this disturbance to expose the faulty premise of human being, as well as the exclusivity of its legal instantiation. However, by continuing to locate transgender rights under the rubric of human rights, this strategy not only exposes the limitations of “the human,” it consciously endeavours to redefine the terms of intelligible citizenship. As such, transgender politics seeks to resignify the legal prescription of human ontology rather than merely expand its scope by harnessing the abjection of gender variance as a political tool. Though Currah notes that legal recognition is more difficult to achieve when opposing hegemonic norms (20), Thomas claims that this approach is vital, as the simple

inclusion into the existing framework of “the human” “runs the risk of entrenching the rigid, repressive ideas about humanity and inhumanity from which [gender variant] people are fighting to be free” (314). The current attempt to assimilate gender diversity within the law according to the sex/gender paradigm indicates that the actual representation of gender variance is ultimately impossible while this system is still in place. Consequently, the rights of gender variant individuals are contingent upon the elimination of “any legally prescribed relationship between biological sex, gender identity, and gender expression” (Currah 23), which mandates that “the human” be transformed.

To achieve this legislative revision, transgender activists are presently “working to end the use of gender norms as a criterion in distributing rights and resources, including jobs, housing, health care, and the limited social services that do exist” (Currah 7). Their objective is to terminate the state’s authority to enforce the sex/gender paradigm by policing the relationship between one’s legally assigned sex and one’s gender identity and expression (Currah 24). By removing the legislative requirement to conform to a normative gender framework, one’s access to citizenship, rights, and “equal participation in the public sphere” are no longer restricted according to the cultural intelligibility of one’s gender (Thomas 321). Thomas claims that this goal not only demands that the state discontinue its use of the law to mandate a particular form of gendered being, it calls upon the state to ensure the right to gender self-determination and the freedom of gender expression (321). Currah, Green, and Stryker note that these entitlements require that “(a)...individuals whose gender identity or gender expression is not traditionally associated with their birth sex should not be denied any rights or resources because of

that difference, and (b) that one's subjectively perceived gender identity (not one's birth sex) determines one's legal gender" (21). Both rights work together to disestablish the relation between the legislative interpretation of sex and gender while acknowledging gender diversity as a legitimate practice worthy of state protection.

Though gender remains a legal category according to these entitlements, its manifestation would no longer be regulated by the state, as the right to self-determination would replace sex as the foundation of gendered human being. This amendment entails a radical resignification of human ontology within the law, as the biologism that presently informs the sex/gender paradigm would become legislatively obsolete. Furthermore, the freedom of gender expression would eradicate the two-gender model that presently prohibits the legal recognition of those who do not fall into either category. Each right works in tandem to dismantle the current influence sex has on the organization and regulation of human being, which suggests that this category may lose its political relevance. The implications of this change would extend far beyond "transgender grievances" (Currah, Green, & Stryker 8), indicating that the objectives of the transgender rights movement are fundamentally bound to the project of redefining "the human," as opposed to supplementing an existing paradigm with an additional identity category.¹⁶ By severing the legislated unity between sex and gender, transgender activists

¹⁶ These implications would necessarily include the dismantling of patriarchal gender structures, as the sex/gender paradigm informs these discriminatory practices. As Rachlis and Smith note, transgender rights activism has built upon the feminist politicization of gender and the debate regarding biological essentialism in relation to this category (29), which suggests a potential alignment of these movements against sexist norms. Yet, these authors also note that "[t]he adoption of a more fluid approach to the legal definition of sex, gender and gender identity creates the possibility of conflict between trans rights and a feminist politics that calls upon a universal female experience as the basis of collective identity and equality rights claims" (15). Because transgender rights fundamentally challenge present legal assumptions regarding sex and gender, claims based on these assumptions with respect to cissexual women may be viewed as jeopardized by the right to gender self-determination and freedom of gender expression.

seek to increase the scope of livable lives rather than moderately expand an existing framework. Thomas claims that the effects generated by this strategy establish the objectives of the transgender rights movement as “a species of democratic ‘destabilization rights’” with the potential to uproot discriminatory cultural practices embedded in Western law (321). However, given the present limitations imposed by “the human” and the continued prevalence of identity politics, how are these legislative goals to be achieved?

In both Canada and the United States, transgender rights activists have called for the incorporation of “gender identity” and/or “gender expression” as protected grounds in existing human rights legislation (Currah 21; Currah, Green, & Stryker 7; Rachlis & Smith 18). Though advocates continue to employ a rights framework, their claims are positioned outside the context of identity politics, as neither gender identity nor gender expression refer to a particular group of beneficiaries. Accordingly, the objective of this strategy is to remove the legal restrictions imposed by the sex/gender paradigm rather than create “a new category of a protected class” (Currah 6). Currah, Green, and Stryker note that any attempt to legally instantiate gender variance has the double task of explicitly protecting gender diverse individuals while employing language flexible enough to ensure that the full range of nonnormative gender identities and practices receive this protection (15). The inclusion of gender identity and/or gender expression in human rights legislation is an effort to achieve this task, as these categories are perceived as offering the most protections to the largest number of people without referring to a

However, as these rights do not mandate the elimination of conventional gender identities, the destabilization of “women’s human rights” is not the necessary outcome of transgender rights.

particular “type” of person to represent all gender variant individuals (Rachlis & Smith 19). Rachlis and Smith further argue that these categories are capable of accounting for the specificity of gender diversity since they do not reflect nor mandate a binary understanding of gender, which “allows for the recognition of a multiplicity of gender identities on the basis of self-identification, all of which would be protected under the law” (19 – 20). This outcome would thus facilitate the legal transformation required to ensure the right to gender self-determination and the freedom of gender expression, which would negate the present restrictions imposed by the legislation of the sex/gender paradigm. However, to effect these changes one must gain access to the law, which requires the creation of an identity category for the purposes of legal recognition. This obstacle has resulted in the provisional use of “transgender” as an identity to make rights claims outside of this framework.

As transgender activists continue to protest the enforcement of the sex/gender paradigm, Currah notes that they have strategically employed the language of identity to position their arguments in terms intelligible to the state (24). Although the goal of this movement is not to contain gender variance within a “neat and circumscribed” category (Currah 24), Butler observes that we must “present ourselves as bounded beings,” able to use the language of law and culture if we are to secure legal rights and protections (*Undoing* 20). Consequently, advocates have portrayed the various constituents of gender diverse communities as members of a particular social group to establish “transgender” as a term of collective identity, while also aiming to transcend these politics. By utilizing “transgender” as an identity category, these activists are able to translate their claims within the parameters of the law, which affords them the recognition required to obtain

access to this system and make changes from within. However, these advocates have not incorporated “transgender” into the legal amendments they are struggling to achieve, despite organizing themselves under this label (Currah 23). This strategy not only allows this movement to ultimately circumvent the pitfalls of identity politics, it presents the opportunity to reconfigure “the human” in legislative terms. By exploiting “transgender” as an identity only to substitute this label with categories such as “gender identity” and “gender expression,” transgender activists create the opportunity to alter, rather than supplement, the legal perception of gender and subsequently human ontology. Currah claims that this approach establishes transgender rights activism “as an identity politics movement that seeks the dissolution of the very category under which it is organized” (24). Though the language of identity is employed, the confines of this label are invariably undermined by the legal objectives this movement seeks to obtain.

5. Possibilities and Effects

While transgender activists continue to utilize a rights framework and exploit the intelligibility of identity politics, their use of “nonidentitarian” language in the amendments they are seeking facilitates their efforts to achieve an ontological paradigm shift within the law that surmounts the limitations of identity. The demand to include gender identity and/or expression in human rights legislation to ensure the right to gender self-determination and freedom of gender expression indicates that these activists’ intentions do not involve the legal instantiation of gender diversity “within slightly expanded yet sill-normative gender constructions and arrangements” (Currah 24). Instead of endorsing a category that ultimately preserves the dichotomy between normative and diverse gender identities and expressions, these efforts attempt to alter conventional

perceptions of what it is to be gendered, and thus what it is to be human, through the law. Both Currah (23) and Thomas (321) note that this legislative resignification of ontology necessarily impacts all persons, rather than just those who are striving to achieve this reconfiguration, as we are all currently regulated by the rules and restrictions of the sex/gender paradigm. In turn, the amendments proposed by these activists would offer protections to persons of all genders rather than individualizing the manifold oppressions brought about by the two-gender system (Thomas 321). Thomas claims that this protection would equally extend to those who do not perceive themselves as gendered, as the right to self-determination would invariably include the right to indetermination (321). This widespread recognition indicates that transgender rights activism does not call for the abolition of gender assignment, but rather demands that “the regime of *compulsory gender*” be dismantled (Thomas 321; emphasis in original). Accordingly, gender would retain its legal intelligibility to deter discrimination on this ground, yet would no longer be required to access citizenship, rights, and “the human.” As such, these legislative amendments would create new possibilities for politically viable subjectivity.

A prospective outcome of this extensive legal protection would be the dissolution of (non)normative understandings of gender. Because all gender expressions and identities would be acknowledged as equally valid, the binarism that informs the separation of traditional and unconventional gender would no longer be required for legal instantiation, and may thus become politically and culturally obsolete. As a result, the duality that presently grounds the legal understanding of gendered being could potentially be replaced by a continuum capable of recognizing all forms of gender (Currah 6). This

alternate perspective would establish gender variability as a legislative norm without necessitating the legal categorization of each identity and expression as a prerequisite for citizenship. Again, gender would maintain its position as a legislative category, yet would no longer be bound to a legally prescribed framework used to determine one's status as human.¹⁷ This new perception of legal ontology would eliminate many of the concerns enumerated by transgender activists, such as the existing requirements regarding SRS, the homogenization and exclusivity of identity politics,¹⁸ and the current dehumanization of those who cannot be accounted for by the sex/gender paradigm. Without the need for binary distinctions to determine the validity of one's gender, the identities and practices of gender diverse individuals become viable expressions of gendered human being.

Thomas claims that this transformation not only entails "the democratization of existing gender relations" (320), it signals "the pluralization of the possibilities of gender itself" (320). By replacing the sex/gender paradigm with a continuum, femininity and masculinity are released from the oppositional hierarchy that previously defined these expressions, while other modes of gender are made possible in the law. As Serano states, "if we could push our culture to move beyond the idea that female and male are rigid, mutually exclusive 'opposite sexes,' that would make the lives of all transgender constituent subgroups far easier" (351). What is imperative to note is that this development does not call for the eradication of conventional gender identities in favour

¹⁷ It has been argued that the recognition of gender as a continuum gestures towards the dissolution of this concept as a publicly meaningful category (Thomas 322). However, the elimination of gender as a cultural concept, and subsequently a legal classification, would not only create an anti-gender politics that would exclude numerous individuals, it would fundamentally invalidate anyone who perceives their identity and subjectivity through this lens, which is not the objective of this politics. Rather, transgender rights attempt to position gender as a category through which subjectivity is enabled, not limited.

¹⁸ This effect should be viewed as pertaining to identity politics that concern gender, as opposed to all identity politics.

of gender diversity, but rather implies the potential coexistence of all genders by nullifying the duality of the two-gender system. Although transgender activists seek to establish gender variability as an ontological paradigm, the objective is not to replace one exclusive framework with another (Currah 24), but to increase the scope of livable lives by eliminating the binarism required to establish one's political and cultural viability. Accordingly, the legal instantiation of gender variability would sever conventional gender from the essentialist dichotomy that presently determines its cultural value, yet would not render femininity and masculinity obsolete.¹⁹ Many authors have argued that the right to gender freedom and self-determination would be significantly compromised were these expressions to be "outlawed," claiming that this exclusion would merely invert the binarism activists seek to displace through a "transnormative" lens.²⁰ Thus, to achieve the desired effects of these proposed legislative amendments, traditional gender identities must be retained as viable possibilities on the gender continuum, though they will no longer be mandated nor positioned as oppositional.

Without a normative framework to establish a hegemonic mode of gender, the notion of conventional and diverse gender expression would dissipate in the law, allowing for the potential coexistence of these identities and practices. Because each manifestation would be recognized as valid, their opposition would be neutralized and their ability to negate one another would be extinguished. Accordingly, the elimination of binarism as the foundation of gendered being allows for the pluralization of gender, as

¹⁹ Though one could argue that the polarity and biologism that presently informs these expressions cannot be removed from these concepts without eradicating their meaning, authors have argued that it is possible to retain these gendered attributes and identities while releasing them from the sex/gender paradigm given the constructed nature of this system (Califia 275; Thomas 320).

²⁰ I.e. by establishing gender variant identities as normative, gender binarism would be inverted and reproduced. See Califia 275, Currah 23 - 24, Serano 349, Thomas 320 - 321.

this concept is no longer based on a model of exclusion. However, as Namaste claims, “[i]t is too easy...to make a pluralist argument in which we must respect all...identities” (*Sex Change* 21). Though her comment directly refers to the ever-expanding list of gender variant persons subsumed by the “transgender umbrella,” her concern marks the erasure of specificity, particularly with respect to lived experience and subjectivity (*Sex Change* 21). Namaste’s critique emphasizes the potential lack of substance that accompanies what may be an oversimplified solution to the problem of duality; yet, transgender rights activists make clear that the pluralization of gender is an effect, not a cause, of the paradigm shift required to make this heterogeneity possible. Without this resignification, gender pluralism would reflect a model of inclusion that requires accommodation by an existing paradigm unable to account for the specificity of gender variance. Subsequently, the objective of legislating gender variability does not entail the mere prescription of plurality, but rather the ontological change required to recognize gender pluralism as a possibility without imposing it as a legal standard. By situating gender outside a binary framework without mandating *how* this concept will manifest, gender variability not only recognizes the specificity of gendered being, it establishes this distinctiveness as the foundation of legal ontology.

Because gender variability can acknowledge all forms of gender without legislating their substance or scope, this concept allows a certain ontological “flexibility” within the law that is capable of adapting to changing notions of gendered being. Rather than imposing a universal model of humanity, variability does not instantiate a paradigm that can be comprehensibly applied, but instead recognizes that “the human” is in a “constant process of change,” which must be acknowledged by the law (Balfour and

Cadava 284). This perception of ontology not only eliminates binarism, it displaces the monolithic legal subject with the possibility of variegated forms of subjectivity. As Douzinas claims, “the idea that the essence of humanity is to be found in a human cipher lacking the characteristics that make each person a unique being is bizarre” (53). Accordingly, it is our differences, or the substantive qualities that determine the lived experience of subjectivity, that comprise our humanity (Douzinas 53); nevertheless, the current understanding of “the human” has positioned these distinctions as inequalities, or more recently, lesser modes of human being that require state accommodation. While this conception of humanity has maintained the dominance of the “universal subject,” the legal instantiation of gender variability would work to unmoor difference as the foundation of inequity by establishing this diversity as the basis of subjectivity. By grounding “the human” upon the specificity of gendered being according to its manifold expressions, this conception of ontology would exemplify how a “proliferation of differences” could serve as the basis of intelligible personhood while the notion of “the human” continued to be developed and redefined.²¹ This paradigm shift again demonstrates how the objectives of transgender rights activists are likely to increase the livability of numerous lives by setting a precedent for a more comprehensive notion of human being. By eliminating the need for binarism, these advocates propose a plausible ontology where to be human no longer requires the dehumanization of others.

The goal of resignifying the premise of “the human” indicates that transgender rights activism unites its constituents according to the political objectives of this movement, as opposed to a shared identity or particular expression of gender. Although

²¹ See Chapter Two for a detailed explanation of Toffoletti’s claim that a “proliferation of differences” can replace binarism as the primary model of human being.

gender variance is the primary framework through which these politics are conveyed, the ramifications of these legislative amendments indicate that the immediate goals of this movement entail far-reaching modifications that supersede the initial aim to legally protect gender diverse individuals. Because all genders are recognized and validated by the concept of gender variability, these activists establish the foundation for a coalitional movement despite their continued use of “transgender” to achieve preliminary legal intelligibility and access to human rights discourse. As Currah, Green, and Stryker note, “[o]ne of the most fruitful approaches to transgender rights involves moving beyond the identity politics model and working in coalition to address issues not based on identity categories” (18). By using nonidentitarian language to promote such concepts as a gender continuum,²² the right to gender self-determination, and the freedom of gender expression, advocates emphasize the wide-ranging effects of these amendments, as opposed to highlighting the rights of a specific community. As these objectives are situated outside an identity politics framework, (which would position these goals as “transgender” issues), activists are able to demonstrate how manifold individuals are presently affected by the restrictions of the sex/gender paradigm, the limited conception of “the human,” and how there is a widespread interest and benefit in dismantling these notions in the law. Accordingly, this activism calls for a coalitional effort to extend transgender politics beyond the confines of this label in the name of a more just conception of humanity. Though activists are still required to establish an identity category by the state, these legislative amendments suggests a possible future wherein individuals may not have to deploy the language of identity to gain access to rights.

²² The nonidentitarian language referred to is the proposed incorporation of gender identity and gender expression into existing human rights legislation.

Although notions of human subjectivity cannot be changed solely through legislative revision, the assertion of rights in the struggle to achieve personhood is one way in which this concept can be redefined (Butler, *Undoing* 32 – 33). By claiming civil rights, one creates the possibility of legally impacting the process through which “the human” is defined, indicating that these assertions generate ontological effects. This ability indicates that concepts of humanity are not grounded in “some timeless, transcendental essence” shared by those who qualify as “human” (Balfour & Cadava 284), but are rather founded upon historical-cultural perceptions of viable being, which change across time and space. As such, “the human” is not only open to resignification, it is in a constant process of rearticulation that is furthered by the continued assertion and creation of new rights. Though present conceptions of humanity demand conformity to a model that prohibits numerous expressions of subjectivity, the reification of the “universal subject” can potentially be overcome with rights that change in tandem according to new notions of humanity (Balfour & Cavada 284).

The legal instantiation of gender variability exemplifies one instance of this legal flexibility, as it enables the substantive representation of various modes of gendered being as they continue to develop and change. Because this amendment would displace binarism as the foundation of legal subjectivity, a more comprehensive understanding of “the human” would be created in the law that could potentially expand to other areas of ontology, offering a more just perception of human being. By “changing as the conditions of what counts as human...change” (Balfour & Cavada 284), rights become responsive to the various manifestations of subjectivity, as opposed to outlawing this versatility by legislating the form ontology must take. As such, rights must also be in a continual

process of revision (Balfour & Cadava 280), not only to reflect the changing concept of “the human,” but to ensure the protection of as many people as possible “in the name of a more capacious and finally, less violent world” (Butler, *Undoing* 35). By reconceptualizing “the human” through the lens of human rights, each concept is redefined to increase the scope of livable lives.

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