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Marginal bodies: actualising trans Utopias

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A thesis submitted in partial fulfilment of the requirements of the University of Westminster for the degree of Doctor of Philosophy

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ABSTRACT

This PhD focuses on transgender subjectivity and explores the ways in which trans is negotiated and compromised by and within social space, with particular attention to the dynamics and socio-cultural norms through which the transgendered body that identifies beyond the gender binary is mediated.

The existence of trans subjectivity develops in opposition to institutionalised heteronormativity; its problematic social location and identification make it a phenomenon which strongly relies on movement and spatiality. Part of what makes trans so compelling is not so much its breach of the 'natural body', but it is the unique form of self-description it carries within itself which retains the potential of opening up a new narrative and alternative possibility for the very notion of gender and for all LGBT advocacy and its relations to space.

My theoretical framework is influenced by the work of Gilles Deleuze. I look at trans as a mode of unified affirmation and not as a product of negotiation (medical and/or legal). Difference for Deleuze is not an empirical condition but an ontological constitutional principle. Through this, I elaborate a conceptual framework of understanding wherein transgender subjectivity is articulated in terms of utopianism. The utopianism I refer to is not wishful hope, rather, it is the material embodiment *here* and *now* of that mode of futurity transgender subjectivity evokes. Futurity contains within itself the seed for producing the re-energisation of thought and 'ethical space' does not only entail the inclusion of what is real and tangible but must also account for what is possible, because what is possible is real.

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ACKNOWLEDGEMENTS

DECLARATION

This thesis is submitted to the Westminster Law School, University of Westminster, in partial fulfilment for the degree of Doctor of Philosophy. I declare that all the material contained in this thesis is my own work.

Date _____

Signed _____

A map of the world that does not include Utopia is not worth even glancing at, for it leaves out the one country at which Humanity is always landing. And when Humanity lands there, it looks out, and, seeing a better country, sets sail. Progress is the realisation of Utopias.

(Oscar Wilde)

It is not the elements or the sets which define the multiplicity. What defines it is the AND, as something which has its place between the elements or between the sets. AND, AND, AND – stammering.

(Gilles Deleuze)

Introduction

"The aim is not to rediscover the eternal or the universal,
but to find the conditions under which
something new is produced (creativeness)"1.

Studies on the transgendered body, on trans identity, on being queer have been present as academic disciplines for decades. Trans communities have been expanding in several sectors of society and have gradually found ways to gain a wider degree of socio-political and cultural recognition due to both growing academic interest and to the increasing number of media representations that have without a doubt contributed to making trans subjectivity not only more accessible, but they have also helped, if only partially, relocate trans outside of that paradigm of mental health and sexual deviancy it was for so long associated with not only culturally, but also within specialised academic studies.[2] Even though trans identities and ways of identifying with trans are generally more available, being trans remains a highly controversial position to find oneself in at various degrees pretty much anywhere in the world: not only does it come with various forms of social, cultural and political discriminations leading sometimes to more severe forms of violence, but it presents the individual with an ongoing set of challenges and compromises. On the one hand the urge to belong to the gender of choice, which often leads up to body alterations, on the other hand, the all too complex issue of transferring one's individuality onto a category, that of trans, which comes with assumptions and

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[1] Gilles Deleuze, Claire Parnet, *Dialogues*, Trans. by H. Tomlinson and B. Habberjam (New York: Columbia University Press, 1987) p. Vvii

[2] See Susan Stryker's account of CLAGS, 1995 in The Transgender Reader (Taylor & Francis, 2006)

implications that see trans always in the same fashion of body-mind misalignment, wrong body, perversion and psychiatric disorder. These identifications, supported and reinforced by cultural norms, produce normative models that re-direct the self in certain direction and stimulate one's identity accordingly[3]. The increase of the multi-gendered and multi-sexed societies of today, then, call for a new inclusive evaluation of gender that accounts for the ever-evolving possibilities of subjectivity.

However, the institutionalisation of the term transgender as an 'umbrella term'[4] to encapsulate all forms of gender understandings that differ from what is thought to be gender norm and the inclusivity it calls for, have perhaps in some ways ceased to account for the specificity of the singular, thus offering a unifying vision of transgender as an associate of that category allowing generalising assumptions about trans individuals. Early studies of transgenderism describe trans individuals as "miserable souls" that "plough their lonely and unhappy run path through life".[5] In both theoretical and medical literature trans identity has been framed within a paradigm made of *minority stress*[6], sense of awkwardness or discomfort, [7]

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[3] Rosi Braidotti, *Metamorphoses: Towards a Materialist Theory of Becoming* (Cambridge: Polity Press, 2002)

[4] The term 'transgender' first came into use in the mid-nineties and encompasses a variety of gender identifications: not just the small percentage that seeks gender reassignment (See: Femke Olysager and Lynn Coway, 'On the Calculation of the Prelevance of Transsexualism', presented at the WPATH 20th International Symposium, Chicago, Illinois, September 6, 2007), but also those who only partially seek bodily manipulation, i.e. take hormones, or simply identify with the opposite gender.

[5] John Hoenig, 'Etiology of transsexualism' in Betty W. Steiner (Ed.) *Gender Dysphoria: Development, Research, and Management* (New York: Plenum, 1985)

[6] 'Minority Stress' is a term that expresses the social anxiety and stress provoked by experiences of prejudice, social hostility, rejection and homophobia. It first referred to homosexuality and the antigay stand and stigmatisation of LGB individuals, but the definition can today be extended to LGBTQ. Although transsexuality, like homosexuality, is no longer listed as a mental disease in the *Diagnostic and Statistical Manual of Mental Disorders* (*DSM*), the stigma lives on and *minority stress* underlines chronic anxiety and discomfort deriving from social structures, norms and regulations that stigmatise certain biological, general, social or non social characteristics of a given minority, i.e. LGBTQ individuals. See Crocker J. 'Social Stigma and Self-esteem: Situational Construction of Self-worth' in *Journal of Experimental Social Psychology*, 1999; 35:89–107; Cole SW, Kemeny ME, Taylor SE, Visscher BR. 'Accelerated Course of Human Immunodeficiency Virus Infection

self-dislike due to genitalia being "organ of hate and disgust"[8], or dysfunctional mental health[9]. This has painted an image of negative emotions such as rage, loneliness, denial, self-refusal, pain which has been widely reflected in fictional transpositions where the transgender character is more often than not confined to the role of the disturbed, damaged, unstable or even violent and psychotic. This has not only pathologised the image of trans, as many have noticed,[10] but has also turned it into a phenomenon, a sort of thing that requires special laws and special political investment to tackle and manage.

My investment in this project is twofold: First, I am interested in looking at how the single transgender individual marks their own position inside and outside the boundaries of a category which often offers institutionalised and manufactured images of transgender identity and communities. What happens when trans resist the politics of identification that define and put forward certain social and political imaginaries? In other words: transgender as a category has the power to cross binary understandings of male and female and retains by definition a disruptive force which questions and challenges the very notion of gender as we know. Why does it then abide by the political and institutional "agenda" that operates for the displacement and normativisation of such potential, instead of actualising that force collectively? Could it not be more fruitful for a society on a collective level and more empowering for citizens on a private level, if we engaged with the challenges and complexities offered by the presence of

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in Gay Men Who Conceal their Homosexual Identity" in *Psychosomatic Medicine*, 1996a;58:219–231; Crocker J, Major B, Steele C. 'Social stigma' in Gilbert D, Fiske ST, Lindzey G, editors. *The Handbook of Social Psychology*. 4. Boston: McGraw-Hill; 1998. pp. 504–553

[7] Betty W. Steiner et al., *Gender Dysphoria: Development, Research, Management* (New York: Plenum 1985)

[8] Harry Benjamin, 'The Transsexual Phenomenon' in *The International Journal of Transgenderism* (1966)

[9] Billy Jones and Marjorie Hill, *Mental Health Issues in Lesbian, Gay, Bisexual, and Transgender Communities* (Amer Psychiatric Pub 2002)

[10] Judith Butler, *Undoing Gender* (Taylor & Francis 2004) p.76

such a multi-faceted and multiple subjectivity? This is the first set of questions that I will attempt to answer.

The second concern of this research - which is the condition by which the above formulations may be *actualised* - is the map of a new framework of understanding which accounts for the specificity of the single transgender individual - and of all the non gender-aligned subjectivities – and in that particular specificity finds an ally to put forward an affirmative way of unfolding its own singular narrative through individualisation instead of identification. Only by letting individualities appropriate and shake up the category - and ceasing to treat categories as given unquestionable entities thrown upon us from above - can we begin to formulate ethics of equality and inclusion that finally allow transgender to express itself and to participate actively in the discursive advancement of their subjectivity.

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The term *utopia* is coined out of two Greek words: *ou* which means *not* and *topos* which means *place*.[11] A no place, an imaginary place, nowhere. It also - though incorrectly - refers to the Greek term *eu* which means *good*, thus giving utopia a further connotation: the good place that does not exist[12]. The term was first used in 1516 by Thomas More[13] and it is the picture of an imaginary island whose socio-political systems enjoy utmost perfection and efficiency. From here stems the association of utopia with fantasy and the idea that what is utopian has no relevance to real political life and thought.

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[11] Oxford Dictionary of English: An imagined place or state of things in which everything is perfect. The opposite of dystopia. Origin: mid 16th century: based on Greek *ou* 'not' + *topos* 'place'; the word was first used in the book *Utopia* (1516) by Sir Thomas More.
[12] Moritz Kaufmann: "What is a Utopia? Strictly speaking, it means a 'nowhere Land', some happy island far away, where perfect social relations prevail, and human beings, living under an immaculate constitution and a faultless government, enjoy a simple and happy existence, free from the turmoil, the harassing cares, and endless worries of actual life" *Utopias* (Kegan Paul: London 1879)
[13] Thomas More, *Utopia* (Penguin Classics 2007)

Accordingly, utopianism studies in the last century have for the most part highlighted such a limitation: utopia has been declined in terms of mere expression of fantastical transcendence, unrealistic hope, wishful dreams of "the construction of imaginary worlds, free from the difficulties that beset us in reality".[14]

So, what we have is utopia as the designation of something that is of the future, "the capacity to imagine a future that departs significantly from what we know to be a general condition in the present".[15] Something to come, something to approach with a degree of hopefulness, anticipation and expectation. Almost a promise of something that will be, an event for which to prepare and get ready. In what follows I will argue that this notion of utopia as something of and from the future is emptied of its generative power. The idea of futurity attached to utopia, although it confers that hopeful push that can be seen as an proactive incentive, it can also be a deterrent that de-potentialises the active transformative force of utopia itself because of the connotations of something that is 'not-yet' and probably will never be. That 'not-yet' [16] is a moment of interruption that triggers a motion of expectation for something that might never happen or, if it does happen, it might never match that utopian expectation that it itself had pre-set.

On the contrary, I contend that in order for utopia to be a generative force, it needs to be located in the present and be framed as an impulse of the now. My argument is that it is possible to think of an ethical utopianism that feeds from the materialism of everyday life and manifests itself as an act *of* the present, *in* the present and *for* the present. In such a vision I wish to put forward there is certainly a push towards the future, for the force of life itself presupposes an endeavour directed beyond the present; an

14 Ruth Levitas, *The concept of utopia* (Peter Lang 2010) p.3
15 John Friedman, 'The Good City: In Defence of Utopian Thinking' in *International Journal of Urban and Regional Research*, Volume 24, Issue 2, 460-472, June 2000 p. 462
16 Ernst Bloch, *The Principle of Hope* (Cambridge, Massachusetts: MIT Press 1986)

underlying ideal of a 'what is next' that is imbedded in the very origin of utopianism. I place emphasis on the *here* and not the *there*, on the urgency of the *now* rather than on a conditional negotiation for a *then* for which we always seem to get ready but that never seems to come fully or, if it does come, it is never what we expected. "Only the present exists", says Gilles Deleuze.[17] Only if the radius of utopia can operate in the now, can it produce that active impulse that has the capacity to provoke change/difference/becoming.

The work of Gilles Deleuze, as well as the work of Deleuze together with Félix Guattari, offers a radically new way for investigating the social and political stances through which transgender is understood and regulated. It is an alternative way of contextualising common notions of desire, self-production and subjectivity through the 'deterriotorialisation' of 'common sense', the redefinition of the *status quo* that traditionally blocks (or slows down, or disciplines) change – that movement which for Deleuze constitutes the essence of life itself. The philosophy of Deleuze in the context of this research, then, will help outline a mode of thinking – an ethic - which allows for a new evaluation of utopianism, one that is deeply imbedded in the spatial configuration of a present that happens now. It is already happening.

Conceptually, utopia takes us exactly there, into the world of the ethereal, of the ungraspable, of the abstract. We are in the realm of a possibility that is located outside of the subject's faculty, of something that is palpable yet not real, it is not here and not now. In one word: something transcendental. Deleuze's dislike for the philosophy of transcendence is well-documented.[18] This alone could be a good enough reason not to have Deleuze and utopia in the same sentence. Such dislike comes from Deleuze's objection that

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[17] Gilles Deleuze, *Difference and Repetition* (London, New York: Continuum: 2004) p. 105
[18] In 1963 Deleuze wrote *Kant Critical Philosophy*, which he later called 'a book on an enemy'.

identity is representational. Deleuze explains that it was through Descartes and Kant that philosophy developed on the *doxa* of the transcendental mode of recognition. "It was Kant [who] seemed equipped to overturn the Image of thought".[19] For Kant, the 'I' object always depends on an idea of an *a priori* 'I', the 'I' subject from which Kant derives the principles of pure understanding. With Kant, says Deleuze, "difference becomes an object of representation always in relation to a conceived identity. And judged analogy, an imagined opposition or a perceived similitude".[20] If, for Kant, identity is the result of that initial thought of the I object that represents it's *a priori* thinking 'I', Deleuze, by contrast, offers "a fundamental encounter",[21] which is the ontological occurrence of being by means of difference. The problem of recognition and the implications it has on transgender subjectivity is paramount and will be focus of extensive analysis in chapter 3.

In this research, I contend that through the work of Deleuze it is possible to redefine the very notion of utopia – and thus utopianism – to the point that it collimates with the Deleuzian notion of *superior empiricism*,[22] a mode of being which activates "real" experience and reconnects with the unique and multiple passions in our world, "where the abstract does not explain but must itself be explained".[23] In one word, the world of possibilities, through which it is possible to understand the multiplicity of singularity. I have here employed the term possibility in two similar contexts, yet their significance is fundamentally different: we will be able to see how the very definition of possibility changes through Deleuze and becomes 'real experience'. No longer something to hope for, but rather, the empirical manifestation – actualisation in Delezian terms - of a passion that is already happening.

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[19] Deleuze, *Difference and Repetition*, op. cit. p. 134
[20] Ibid. p. 138.
[21] Ibid. p. 139
[22] David Lane, *On the 'Utopianism' of Deleuze's Thought* (June 2008)
[23] Gilles Deleuze, Claire Parnet, *Dialogues*, op. cit. p.vii

This research wishes to overcome the imperialism of categories - "the one that becomes two"[24] - and instead aims to embrace the understanding of subjectivity as a mode of *multiplicity*. The principle of multiplicity – foundation of Deleuze's thought - is a heterogeneous one made of connections, affects and active forces. When we talk of *multiplicity*, as we will understand, we are referring to a structure of possibilities that encompasses "all the possible states that a system can have"[25] and whose heterogeneous action cuts through the regimes of dialectical relationships where "one operates in the object, the other in the subject",[26] it expands beyond that stiff circle of recognition and *encounters* chaos.

Subjectivity, in this vision, does not rely on identification but on individuation, which is a creative process through which one has the possibility of *becoming* nothing other than what one is. Transgender has the unique potential to supersede the body/mind configuration simply because its orientation obliterates that split and opens to relations that must necessarily reconsider and challenge the feminist reliance on sex/gender (anatomy/social) in favour of an individual and creative relationship with gender. Such relationship changes according to the individual and struggles to be fairly represented by the logic of categorical identities. It needs to be considered as the relational encounter with oneself and therefore with multiplicity, that is, the exposure to interferences – the lines – affects and relations. It is not the "one that becomes two, then of the two that become four",[27] it "has neither subject nor object"[28] and stands "beyond any opposition between the one and the subject".[29] No longer ideas, positions and morals, for these operate in the structured realm of "biunivocal

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[24] Gilles Deleuze and Félix Guattari, *A Thousand Plateaus* (London, New York: Continuum 2004) p.5
[25] Manuel DeLanda, 'Space: Extensive and Intensive, Actual and Virtual' in Ian Buchanan and Gregg Lambert (eds) *Deleuze and Space* (Edinburgh University Press 2005) p. 83
[26] Deleuze and Guattari, *A Thousand Plateaus* Op. cit. p.6
[27] Ibid. p.5
[28] Ibid. p.9
[29] Ibid. p.170

relationships";[30] but concepts, affects and ethics that travel by means of "abstract lines"[31] that "traverse like arrows"[32] and, most importantly, in the dynamical space of the outside. Out of the binary, out of dichotomies, out of any parallelisms, out of any hierarchies, and straight in the middle of chaos where other multiplicities are encountered and transformed in a constant mode of *becoming*.

<div align="center">≈</div>

Influenced by the medical tradition, transsexuality has traditionally been associated with the idea of the 'wrong body' that explains transsexual embodiment as an error, where the body (biological sex) is not in agreement with gender identity.[33] The desire for re-embodiment for those who feel so tragically misrepresented by their bodies is still in control of medical technologies, which creates a great deal of cultural anxiety and misunderstanding around transsexual practices.[34] Furthermore, the historical tension between medical and social science as to the true aetiology of transsexuality has created further discrimination against this 'category' and has consequently split the debate into those who understand transsexuality as a biological inborn trait and those who, on the contrary, have argued that it is a condition that is connected to psychological issues like personality disorder and, as such, it needed to be treated, often even through forced treatments, such as drugged detention, electroconvulsive therapy or psychosurgery such as lobotomy.

Medicine has thus tended to explain transsexuality as "an illusion, a fabrication whose explanation must therefore be sought in terms other than

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[30] Ibid. p.9

[31] Ibid.

[32] Deleuze and Guattari, *A Thousand Plateaus* Op. cit. p.9

[33] See *The International Journal of Transgenderism*, Volume 5, Number 2, April - June 2001 http://www.symposion.com/ijt/cauldwell

[34] See Phyllis Burke, *Gender Shock: Exploring the Myths of Male and Female* (New York: Doubleday 1996)

the putative 'thing' itself".[35] With the exception of some sexologists such as Harry Benjamin,[36] who strongly supported the view that transsexualism was a form of intersex condition rather than a psychological pathology, most of the early medical literature on gender identity seems to be oriented to creating a trajectory between gender dysphoria and mental instability, and the approach to gender issues research was usually influenced by a psycho-pathological tradition. Harry Benjamin, was one of the first endocrinologists and sexologists to recognise the complexities of gender identity and to offer an alternative to the psychological approach; in *The Transsexual Phenomenon* (1966), he argued that treating gender identity disorders through psychotherapy, attempting to 'fix' the deviance and curing the disorder is highly improper, as the mind cannot be adjusted to the body. According to Benjamin, the condition of transsexuality was such that the only possible 'cure' was the conversion, and to assume that psychotherapy can fix the mind is to harm the patient.[37] He wrote: "Intersexes exist, in body as well as in mind. I have seen too many transsexual patients to let their picture and their suffering be obscured by uninformed albeit honest opposition". Benjamin set a new path for the understanding of gender dysphoria: his work has helped understand that gender identity dysphoria is not a delusional reaction to societal norms and should therefore be treated separately from other mental disorders. Although there is no clear explanation on what exactly causes gender identity disorders, thanks to Harry Benjamin's work, it is now believed that it is a non-delusional, deep-seated, biological condition that must be treated with sex reassignment.[38]

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[35] Richard Ekins, Dave King, *Blending Genders: Contributions to the Emerging Field of Transgender*, Vol.1, Number 1 (The International Journal of Transgenderism 1997)

[36] In 1977 the Harry Benjamin International Gender Dysphoria Association (HBIGDA) was established to create the 'standards of care' for 'The Hormonal and Surgical Reassignment of Gender Dysphorica Persons'.

[37] Harry Benjamin, *The Transsexual Phenomenon*, op. cit.

[38] Anne Vitale, *Notes on Sexism in the Male-to-Female Transsexual*, October 1997 http://www.avitale.com/MTFSexism.htm

The term 'transexual' was allegedly coined in 1949 by neuro-psychiatrist David Cauldwell who used the term 'psychopatia transexualis' to refer to "individuals who wish to be members of the sex to which they do not properly belong"[39]. Quite incredibly, however, decades before David Claudwell officially named 'transsexuality', the German physician and sexologist Magnus Hirschfeld published in 1922 a sexual pathologies manual [40] which contains the first testimony of surgical treatment of Rudolph and Felix, two people effected by 'inversion' who had respectively a bilateral mastectomy and a penectomy.[41] In *Transvestism and Sex Role Inversion* [42] (1961), Dr. Daniel C. Brown speaks of transsexualism as a term related to 'sex role inversion', specifically meaning that this type of invert wants or receives surgical alteration of his genitals. He also uses 'inversion' to explain practices linked with transvestism, transsexualism, and homosexuality. Inversion is here understood as that embodied condition where individuals identify with the opposite sex.

These and other cases inversion show how, through medicine and sexology, transsexual identity was slowly becoming evident in the late nineteenth century and throughout the twentieth. Of course, one cannot deny that the transsexual narrative is not very tightly linked to the medical tradition because of the nature of the transition itself. Yet the embodiment experience, that is, the act of appropriating and inhabiting the body, requires a whole different framework of significance in the 'making' of a new subjectivity (transsexual subjectivity) which existed before being constructed through technology.

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[39] David O. Cauldwell, 'Psychopathia Transexualis' in *Sexology*, 16 (1949) p.275

[40] Magnus Hirschfeld, 'Sexualpathologie' in *Sexual Zwischenstufen* Vol 2 (1922)

[41] Originally published in *Sexual Pathologie: Ein Lehrbuch Für Artze und Studierende* (1922) and cited in Ira Pauly, 'Adult Manifestations of Female Transexualism' in *Transexualism and Sex Reassignment*, ed. Richard Green and John Money (Baltimore: John Hopkins University Press 1969) p.59

[42] Daniel C. Brown, 'Transvestism and Sex Role Inversion' in *The Encyclopedia of Sexual Behavior* (Hawthorne Books 1961)

The first known case of 'gender inversion' – as it was then named – goes back to 1864 when a German female wrote a letter to sexologist Karl Westphal saying that she wished to be a man. This is considered to be the first example of 'female inversion'.[43] A case study followed in 1869 and Doctor Karl Westphal published a research where the phenomenon of 'Contrary Sexual Feeling' was described not as a form of deviant homosexuality but as a type of transsexuality. This diagnosis comes when the concepts of transgender and transsexual did not exist and indeed marks the first medical attempt to address the issue of being differently gendered (transgender) and confronting the desire to change sex. This suggests that even before transsexuality emerged as a subject on its own, 'inversion' operated in territories that would later be embraced by transsexual discourses.

From the case histories presented by Westphal, Cauldwell, Hirschfeld and others, it appears that transsexuality – 'inversion' still – was to some extent considered to be an embodied and inborn condition, given also the modalities of its manifestation which were not directly visible or tangible on the body. Despite that, it was still approached as a psychiatric disease. In the 1900s, following the first sex-change cases of Christine Jorgensen (1922) and Michael Dillon (1928/29), the term 'inversion' was slowly replaced by the term 'transsexual'. The concomitant association of transsexual practices with psychopathological discourses also marked the beginning of a new narrative for transgender.

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[43] Female inversion here refers to a woman who felt to be a man since childhood. Inversion, as the desire to belong to the opposite sex, opened up a terrain for both 'feminine men' and 'female masculinities'. Female Inverts were usually described as boyish, nervy, having deep voices and the ability to whistle (Ellis, 1897). For a full account on the history of female inversion and 'female masculinities', see Claudia Breger, 'Feminine Masculinities: Scientific and Literary Representations of "Female Inversion" at the Turn of the Twentieth Century' in *Journal of the History of Sexuality* 14, 1/2, pp.76-106 (University of Texas Press 2005)

Since the 1960s and the 1970s there has been a proliferation of *trans* literature that has covered a variety of approaches, yet it has always ended up confronting the same historical debate on transsexuality (and later transgender) behaviour within a clinical context. On the one hand, researchers (sexologists, psychiatrists, endocrinologists) have tried to find a cause and a cure for transsexuality and gender dysphoria in general, which has led to a number of theories and fabrications on the body and the psyche of transsexuals as being congenitally deviant. Furthermore, a new awareness of gender dysphoria discourses has also led to a refusal of that preponderant medical-psychiatric literature, and the social engagement with gender diversity has originated a series of debates on what it actually means to be *trans*, and the different ways people who identify as trans negotiate their position in every day discourse.

It is important to understand the difference between the terms 'transgender' and 'transsexual', as they are often used interchangeably but refer in fact to two distinctive sexual identities. 'Transsexual' refers to a drastic and total opposition between biological sex and gender identity where the physical body does not represent the gender identity. In order to align the external body with the 'inner body' and fulfil the desire to be and function (not only appear) as members of the opposite sex, transsexuals undergo medical treatments such as hormone replacement therapies or gender re-assignment. The term 'transsexual' does not indicate sexual orientation, i.e., preferences for a partner of the same or opposite gender. Transsexuals may in fact identify as gay, lesbian, straight or asexual. 'Transgender' is a more general term which includes various types of gender ambiguity: behaviour, visual embodiment, enactments, identity.[44] 'Transgender' is based on a more modern vision of gender identities as diverse and multiple therefore hardly identifiable within a female/male gender binary paradigm.

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[44] The terms embodiment and enactments are here understood as tangible or visible bodily manifestations of an inner condition. More specifically, 'gender embodiment' refers to a certain way of physically presenting oneself, a way that represents an internal sexual and gender identity.

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Within radical feminist theory, the transgender subject has often been blamed for perpetuating gender roles divisions in society. The presence of transgender in feminist spaces has been much criticised and many post-modern feminist theories have emphasised the constructiveness of the transsexual body and the medical nature of its origin and have seen this condition as a threat to the development of the female position in the hierarchy of society. In *The Transsexual Empire: The Making of the She-Male,* [45] for example, Janice Raymond argues that "all transsexuals rape women's bodies by reducing the real female form to artefact, appropriating this body for themselves".[46] Raymond paints a picture where the transsexual is portrayed as an infiltrate whose ambition is to enter women's narrative and deprive the category (of women) of its socio-political power with the only aim to affirm patriarchal values. Medical technologies, as a consequence of that, would be guilty of promoting the perpetuation of this patriarchal establishment.

Raymond's critique is concerned with two main questions: first, she argues that medical practices 'construct' women according to men models: "Transsexuals are living out two patriarchal myths: single parenthood by the father (male mothering) and the making of woman according to man's image".[47] Second, she claims that transsexuality's only aim is to 'colonise' women, "feminist identification, culture, politics and sexuality".[48] Through the production of transsexuality, medical sciences have created an alternative (non natural) woman category which attacks and threatens biological women. She goes on to explain that the mutilation of the penis in transsexuals is then to be considered only a further act of appropriation of women's narratives.

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[45] Janice Raymond, *The Transexual Empire: The Making of the She-Male* (Boston: Beacon 1979) p.104
[46] Raymond, *The Transexual Empire: The Making of the She-Male* Op. cit p.104
[47] Ibid.
[48] Ibid.

> "Because (MTF) transsexuals have lost their physical 'members'
> does not means that they have lost their ability to penetrate
> women – women's mind, women's sexuality. Transsexuals
> merely cut off the most obvious means of invading women, so
> that they seem non-invasive".[49]

Besides being characterised by a distinctive narrow-mindness towards the transsexual subject in her lack of consideration of gender diversity beyond , Raymond's account never really attempts to analyse transsexuality's implications on gender. Moreover, her argument fails to include a comprehensive examination of a range of people. Rather, it is merely concerned with fighting against the transsexual category as a whole. Perhaps a more complete consideration of the implications of social categories (such as class and race) might have on the construction of a medical condition would have made her analysis more theoretically solid. Raymond was not alone in her hostility: in fact the dispute between radical feminists and transsexual individuals had begun in 1973 in Los Angeles when, at the West Coast Lesbian Conference, key speaker Robin Morgan proclaimed:

> "I will not call a male "she"; thirty-two years of suffering in this
> androcentric society, and of surviving, have earned me the title
> "woman"; one walk down the street by a male transvestite, five
> minutes of his being hassled (which he may enjoy), and then he
> dares, he *dares* to think he understands our pain? No, in our
> mothers' names and in our own, we must not call him sister".[50]

And again:

> "Where the Man in concerned, we must not be separate fingers
> but one fist … I charge him as an opportunist, an infiltrator, and
> a destroyer – with the mentality of a rapist. And you know who
> he is. You can let him into your workshops – or you can deal
> with him".[51]

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[49] Ibid.

[50] http://www.newyorker.com/magazine/2014/08/04/woman-2

[51] Clarke A. Pomerleau, *Califia Women: Feminist Education against Sexism, Classism, and*

In *Changing Sex*, Bernice Hausman[52] examines the relation between trassexuality and endocrinology and points out a dependence of the transsexual on medical technologies. Hausman argues that "transsexuals must seek and obtain medical treatment in order to be recognised as transsexuals. Their subject position depends upon a necessary relation to the medical establishment and its discourse".[53] Her idea is that medical technology conceptualises the category of transsexual by creating the cultural condition necessary to produce demand for sex-change, thus fabricating 'subjects' (through a series of physical interventions) which identify themselves as transsexuals. This 'construction' is at the base of the concept of 'gender identity' which, in Hausman's view, is cultural rather than natural. "It is through an analysis of the emergence of transsexualism in relation to the developing medical technologies of 'sex change' that we can trace the introduction of 'gender' as a term referring to the social articulations of sexed identity".[54]

By stating that 'transsexual' is a constructed gender category, Hausman invests medical practices with ideological power, yet she fails to explain what makes doctors decide whether to construct females or males. Moreover, it seems that Hausman's account , and in particular the stress she puts on the idea of 'constructed identity' as opposed to 'natural identity', de-legitimaises the condition of transsexual, as it dismisses transsexual subjectivity as 'non authentic' or better, not as authentic as 'real men' and 'real women', thus portraying transsexual subjects as "modern technology's experiments"[55] with no authority over their feelings (because not authentic)

Racism (The University of Texas Press 2013) p.28

[52] Bernice Hausman, *Changing Sex: Transsexualism, Technology, and the Idea of Gender* (Durham: Duke University Press 1995)

[53] Hausman, *Changing Sex: Transsexualism, Technology, and the Idea of Gender, o*p. cit. p.1

[54] Ibid. p.196

[55] Jay Prosser, *Second Skins: The Body Narrative of Transsexuality* (Columbia University Press 1998) p.8

and placing them in opposition to nontranssexuals (who, on the contrary, are regarded as authentic, real, non constructed, authoritative, worthy).

Similarly, Dwight Billings and Thomas Urban (1982)[56] understand transsexualism as a 'mutilation' where gender-disturbed individuals are forced by the medical establishment to undergo a political process of re-construction which only serves to regulate power. They argue that transsexuality is a constructed product "sustained in medical practice and marketed in public testimony".[57] Furthermore, in their view, sex reassignment surgery tends to depoliticize social gender practices and classify physical and mental care as a social regulatory force.

These accounts (Janice Raymond, Bernice Hausman, Dwight Billings and Thomas Urban) show a similar perspective that tends to sidestep discussions on trans embodiment and the relationship between body and the self. Rather, they are concerned with systems of power and the way in which power impacts on collectiveness through the single body. What seems to be common to these critiques is a general idea that transgender subjects (the fabrication of transgender identities by medical technologies) function within a constructed (and controlled) system of power which perpetuates gender binary classifications and promotes radical separatism between transgender and non-transgender. Moreover, especially in Raymond's account, biological women are considered to be oppressed by transsexual and this victimism automatically places them and their narratives onto a dominant position thus obscuring transgender discourse.

In this context, I would like to take into consideration Claudine Griggs' experience. In her boo-diary, *S/He, Changing Sex and Changing Clothes,*[58] she

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[56] Dwight Billings and Thomas Urban, 'The Socio-Medical Construction of Transsexualism: an Interpretation and Critique' in *Social Problems*, 29 (1982) pp.266-282
[57] Prosser, *Second Skins: The Body Narrative of Transsexuality,* op. cit. p.266
[58] Claudine Griggs, *S/He, Changing Sex and Changing Clothes* (Berg Publishers: Oxford, New York 1998)

detaches herself from the cultural debate around transsexuality and rejects the need for the emergence of a transsexual identity arguing that "it is better to be scorned as an effeminate man or masculine woman than to be sexually indecipherable".[59] Her account is invested with personal meaning and it is often almost impossible to discern her critical views from her anger and social frustration when she writes: "while I accept my transsexualism as fact, I do not expect that I shall ever be dispassionate about it. I am not an advocate of sex change procedures. I know that sex reassignment is necessary for some individuals with gender dysphoria in much the same way as a radical mastectomy is necessary for some individuals with breast cancer… The best recommendation, though pointless, is don't get cancer and don't be transsexual"[60]. Nonetheless, Griggs' report highlights a human condition of impotence and terror which exists regardless of the medical/social science discussion, and perhaps it suggests that future studies on transsexuality should not focus on that debate, rather, they should consider the subjectivity of individuals. If transsexuality exists exclusively as a result of technologies, then the opposite can be equally true and in order to be able to undergo sex reassignment it is necessary to "to obtain the medical intervention I am seeking, I need to prove my membership in the category 'transsexual', prove that I have GID, to the proper authorities".[61]

Feminist theory's concern on how gendered structures of power operate in society and how they influence our understanding of race, sexuality and class marks a significant contribution to queer theory and cultural studies in general. However, I believe that some of the most conservative feminist preoccupations with 'preserving' the female body from trans contamination under the assumption that biology is destiny (Raymond, in particular, argues that transsexualism produces alternative women - as opposed to

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[59] Griggs, *S/He, Changing Sex and Changing Clothes*, op. cit. p.3
[60] Ibid.
[61] Dean Spade, *Mutilating Gender* (Spring 2000)

biological women – that violate femininity and disrupt women's identity)[62] and that femininity cannot be performed but only embodied as an innate condition only serves to create friction between two theoretical parties which could otherwise work towards the same goal. Transgender subjectivity does in fact contribute to the wider feminist project of denaturalising binary gender constructions by promoting an understanding of gendered bodies that challenges gender hegemony. The transgender constrained condition and the ongoing dichotomy between internal identity and external manifestation and reception should be a point of coalition rather than rivalry. As Braidotti, Grosz, Halberstam, Spade and other feminist scholars suggest, feminist theory should operate in alliance with trans theory to create an alternative narrative which transcends ideas of knowledge and power and instead looks at gender identity as a process of becoming rather than a systematic trajectory. Drawing on a post-stucturalist framework and faithful to a Spinozan monistic understanding of subjectivity, they introduce an idea of self based on the unification of mind and body rather than the hierarchical positioning of a mind that indorms the body. This is indeed a concern of this thesis and this research aims to unfold the layers of theoretical meaning that have been covering the material experience of transsexual. This will be fully examined in chapters 2 and 5.

In the early 1990s a new narrative started to unfold: the seminal work of Sandy Stone[63] for the first time, in the turbulent political climate of those years, prompted transsexual individuals to no longer live in fear of their identities; hiding would only aggravate the difficulties of their status, rather, "reading oneself aloud"[64] could be a weapon to self-empowerment. As the title suggests, *The Empire Strikes Back*, came as a response to Janice

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[62] Raymond, *The Transexual Empire: The Making of the She-Male,* op. cit. p.100
[63] Sandy Stone, 'The Empire Strikes Back: A Posttranssexual Manifesto' in *Body Guards: The Cultural Politics of Gender Ambiguity* , ed. Julia Epstain and Kristina Straub (New York: Routelegdge 1991) pp.280-304
[64] Ibid.

Raymond's *The Transsexual Empire* and for the first time encouraged transsexuals to come out and write their own story, rather than hide behind gay and lesbian activism which, at that time, tended to hide transsexual issues. Susan Stryker and Stephen Whittle comment: "Stone exacts her revenge more than a decade later, not by waging an anti-feminist counterattack on Raymond, but by undermining the fundamentalist assumptions that support Raymond's narrower concept of womanhood, and by claiming a speaking position for transsexuals that cannot be automatically dismissed as damaged, deluded, second-rate, or somehow inherently compromised".[65]

> "I could not ask a transsexual for anything more inconceivable than to forgo passing, to be consciously "read", to read oneself aloud--and by this troubling and productive reading, to begin to write oneself into the discourses by which one has been written-- in effect, then, to become a [look out-- dare I say it again?] posttranssexual".[66]

What Stone suggests is that the current discourse for transsexuality, be it medical, legal or even autobiographical, is in danger of rewriting a story that only partially fulfils its necessity for a new logic wherein to reposition itself. This happens, in Stone's view, because the precarious present condition of this subjectivity necessitates an authoritative story that can cast a degree of certain on the future.[67] I extend this to a broader consideration of transgender and concur by saying that a counter-discourse can only generate if we can get out of the paradigm of identity - gender being at the forefront of this discourse – as an instrumental tool for political control. Stone's innovative article opened up to "a gradual but steady body of new academic and creative work by transgender people has gradually taken shape, which has enriched virtually every academic and artistic discipline

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[65] Susan Stryker & Stephen Whittle, *The Transgender Studies Reader* (New York: Routledge 2006)

[66] Stone, *The Empire Strikes Back: A Posttranssexual Manifesto*, op. cit.

[67] Stone, *The Empire Strikes Back: A Posttranssexual Manifesto*, op. cit. p.163

with new critical perspectives on gender".[68]

In the wake of this new vision, a series of new formulations have begun to populate the debate. The work of Leslie Feinberg[69] and Kate Bornstein[70] put forward the foundations for what was no longer transsexual studies, but transgender studies: a new inclusive way of looking at trans issue that brought together a variety of gender-variant people who did not identified in the binary system, which, until that moment, was the only paradigm used to contextualise transgender. The fact that for the first time trans people were talking about trans issues meant that a new story could finally begin to come through and capture the real lives of trans people as it is felt and experienced by trans people themselves. These new studies acknowledged that transgender are unable to take up neatly one of the other gender and that, because of this impossibility, there was a political attempt to force them into the male/female system and the medical regulations to resolve transsexuality were seen as the main way politics tried to naturalise transgender.[71] Moreover, the fact that many transgender do not identify in the binary system does not mean that these individuals do not feel men or women. It means that their experience of manhood and womanhood is not aligned with that contained by normativity. They may only partially identify, or they may understand gender differently, as this thesis will show later, and to deem these subjectivities wrong suggests that what is not approved by the binary is not validated. This, however, creates a fracture within transgender communities because, as Namaste suggests,[72] many transpeople do identify within the binary and the rejection that goes on from others within the same communities becomes problematic to them,

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[68] Ibid.

[69] Leslie Feinberg, *Stone Butch Blues* (San Francisco: Firebrand Books 1993) and *Transgender Warriors: Making History* (Boston: Beacon Press 1996)

[70] Kate Bornstein, *Gender Outlaw: On Men, Women, and the Rest of Us* (New York City: Routledge 1994)

[71] Talia Mae Bettcher, 'Trapped in the Wrong Theory: Rethinking Oppression and Resistance' in *Journal of Women in Culture and Society*, vol.39, no.21 (2014)

[72] Viviane K. Namaste, *Sex Change, Social Change: Reflections on Identity, Institutions and Imperialism* (Toronto: Women's Press 2005) p.7

as it creates resistance and oppositions towards a binary they do not find oppressive. [73]

Alongside these considerations that highlighted how the category of transsexuality as it had thus far been considered was in fact populated by different subjectivities, and all with the same need for validation, Jay Prosser questioned the way in which gender had been theorised within queer theory. When Judith Butler's theory of gender performativity appeared in 1990[74], queer theory seemed to have finally found a theoretical outlet that considered gender no longer as a *natural* trait one is born into, but as a choice that could be made only by performing it. In other words: Drawing on Foucault's discipline discourse and the regulative nature of power[75], Butler maintains that gender is the expression of an internalised norm that is constructed rather than inborn and that the performance of gender is what creates that gender. This means that gender coherence, that is, female-feminine-attracted to men, is not an inborn instinct but the result of the repetition of that association in time. While this offered a new perspective of gender fluidity to queer theory, Prosser raises a concern with Butler's theory. The paradigm according to which gender is a fluid act of performance, a mere construction legitimised by repetition and authorised by norm, does not do justice to those transsexual subjectivities who strive for a sense of unity and whose journey is one of integrity rather than displacement. Prosser wants to make sure that the theories on the constructedness of gender do not loosen the tension on the materiality of the body as the founding condition of the specificity of trans subjectivity. Moreover, to envision gender as an act one takes up and performs, too, means to delegitimise and invalidates the lived experience of those

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[73] These variations within the same category led later on to a series of terminologies which, within the same community, define different degrees of gender identification, pre-operation, post-operation, genderqueer, trans*. This, as Talia Mae Bettcher suggests, is an indication that theory was outdone by practice. (Talia Mae Bettcher, *Trapped in the Wrong Theory: Rethinking Oppression and Resistance*, op.cit. p. 385)

[74] Judith Butler, *Gender Trouble: Feminism and the Subversion of Identity* (Routledge 1990)

[75] Michel Foucault, *Discipline and Punish* (Vintage Book 1977)

transgender individuals for whom gender, on the contrary, is an irreducible question of matter. Far from an act they perform, it is the expression of the materiality of a body that cannot be reduced to a performance – it does not have that choice – but that is called, day-by-day, to confront the specificity of that skin.[76] This aspect of the transgender lived experience and the irreducible corporeality of bodies will be analysed later through the life narratives of some transgender individuals who, every day, struggle to concile their problematic corporeality with a sense of self that, to them, is resolved - integral, to use a term dear to Prosser - but which is constantly doubt, delegitimised and fragmented.

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The construct of subjectivity as the result of a phenomenological constitution of meaning informed by bodily perception had already been the primary focus of Marcel Merleau-Ponty's philosophy.[77] He comments on the phenomenon of mixed-gender embodiment[78] saying that "a patient feels a second person implanted in his body. He is a man in half his body, a woman in the other half.[79] This brief remark contains the two main arguments worthy of attention. First of all, as Salamon notes, it refers to the trans individual as a patient, automatically locating trans in a clinical context. I add, however, that this can be justified by the fact that in 1945,

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[76] Prosser, *Second Skins: The Body Narrative of Transsexuality,* op. cit.

[77] In *Phenomenology of Perception* (1945), Merleau-Ponty develops the notion of the body-subject. He proposes the idea that consciousness is not the result of that mutually-informed relationship between body and mind, rather, a sort of distillate of what the body perceives *in* experience. Such perception is constitutive of consciousness, that is, its perspective (the perspective it gives on felt experience) is not a limit, but it is precisely what determines subjectivity. This leads to a theory of corporeity that, alternatively to the Cartesian *Cogito*, envisions the body as the primary condition of experience: no only a container that serves as a mirror to the mind, but a leading organ whose experience is constitutive of consciousness.

[78] The expression 'mixed-gender embodiment' is borrowed from Gayle Salamon, *Assuming a Body. Transgender and Rhetorics of Materiality"* (New York: Columbia University Press 2010) p.43

[79] Maurice Merleau-Ponty, *Phenomenology of Perception* , Trans. Colin Smith (London: Routledge 1962) p.88

when Merleau-Ponty was writing, transsexuality was still very much regarded as a psychiatric condition. Secondly, it is the normative neat distinction he makes between half man and half woman, indicating the phenomenological embodiment of the perfect binarism in terms. Salamon reads this ambiguity not as phobic neglect of difference, but as a conscious decision to blur that divide between man and woman[80] which should be regarded – Grosz concurs – as a "an attempt to destabilize the structure of binary oppositions…rather than valorize one of the other side"[81] by occupying that space between body and mind, a movement that links the two and that he calls perception.

Deleuze's criticism of Merleau-Ponty's phenomenology lies in the challenge posed by immanence.[82] Such challenge, as expressed by Deleuze himself in "Empiricism and Subjectivity"[83] and "What is Philosphy?",[84] stems from the fact that phenomenology cannot resolve the question posed by ontology. Grosz prudently says that for Merleau-Ponty the body is "both immanent and transcendent"[85] insofar as it is not an object, but it is the condition and primary context of my experience and of my access to space, yet there is a condition of transcendence because the production of meaning is located outside the body, seen here as an instrument through which I experience knowledge. This dislocation is, in essence, the main problem Deleuze finds in phenomenology. In the first instance, he understands phenomenology as a step backwards from the plane of immanence ("a study of the appearance of being to consciousness")[86], that is, it brings back thinking consciousness

[80] Gayle Salamon, *Assuming a Body. Transgender and Rhetorics of Materiality"* (New York: Columbia University Press 2010) pp. 43-55

[81] Elizabeth Grosz, *Volatile Bodies. Toward a Corporeal Feminism* (Indiana University Press 1994) p.93

[82] Leonard Lawlor, 'The End of Phenomenology: Expressionism in Deleuze and Marleau-Ponty' in *Continental Philosophy Review* 31: 15-34 (1998) p. 15

[83] Gilles Deleuze, *Empiricism and Subjectivity,* trans. Constantin V. Boundas (New York: Columbia University Press 1991)

[84] Gilles Deleuze, *What is Philosophy?* (London, New York: Verso 1994)

[85] Grosz, *Volatile Bodies. Toward a Corporeal Feminism,* op. cit. p.86

[86] Merleau-Ponty, *The Phenomenology of Perception,* op. cit. p.61

in the constitution of the subject. The subject undergoes a mediation with the agent that is supposed to give it perception (by means of experience). " We ask: how can there be a given, how can something be given to a subject, and how can the subject give something to itself?"[87] The relation that the body has to the objects it experiences is perspectival and it depends on perception, which means that it varies from object to object, but it always excludes (or limits) the experience of the body as self: "as for my body, I do not observe it itself: in order to do that it would be necessary to have the disposal of a second body which itself would not be observable".[88] The body-subject - "my being-to-the-world"[89] – moves away from a Cartesian vision of the submissive body *victim* of the mind and emphasises the active role of the body in processing experience. Yet it presupposes that experience – that is, the creation of consciousness – generates from the perception of any given belief which reduces the totality of the plane of immanence to relative immanence (immanence relative to consciousness). "We are no longer satisfied with thinking immanence as immanent to a transcendent; we want to think transcendent within the immanent, and it is from immanence that a breach is expected".[90] This passage requires a deeper engagement that I will undertake in the second chapter. For now, it is important to consider that Merleau-Ponty's phenomenology, for Deleuze, does not resolve the dualism of the Cogito[91] precisely because experience is mediated by a perception given outside of the subject. By contrast, subjectivity stems from "radical empiricism"[92]which can only happen in

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[87] Deleuze, *Empiricism and Subjectivity*, op. cit. p.87

[88] M. Marceau-Ponty, *The Phenomenology of Perception,* op. cit. p.107

[89] Grosz, *Volatile Bodies. Toward a Corporeal Feminism,* op. cit. p.87

[90] Deleuze, *What is Philosophy?* op. cit. p.47

[91] Cogito is René Descartes' rationalist construction of the 'I think therefore I am' (*Discourse on Method*). Deleuze's critique of the Cogito, as James Williams points out, "can be divided into a critique of the Cartesian analytic method, a critique of the self-evidence of the cogito and an extension of the Cartesian view of the subject" (*The Deleuze Dictionary*, op. cit. p.51). What these have in common is the dialectical partition of subjects which develops on given and unquestionable notions, such as the unknown, God, consciousness, the self, reason. This relational approach is opposed by Deleuze with an analytical system of univocal (monistic) and foundational being.

[92] Ibid. p. 47

pure immanence, the only condition for life and whose sole condition is "the habit of saying I."[93]

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The existence of trans – whether it is contextualised within a medical framework or, as we will see later, mediated by legal understanding - develops in opposition to a pressing ideal of heteronormativity and to institutions such as that of family; its problematic social location and identification make it a phenomenon that strongly relies on movement and spatiality. Part of what makes trans so compelling is not so much its breach of nature through the manipulation of the body and its biology, but the unique form of communication and self-description it carries within itself and which retain the potential of opening up a new narrative and alternative possibility for the very notion of gender and for all LGBT advocacy and its relations to space.[94] As I have thus far anticipated in this introduction, the theoretical framework of understanding in my research is such that trans emerges as an independent figure and not as an identity formed on exclusion/inclusion mechanisms, nor on any dichotomised understanding of body/mind. The five chapters of this PhD will serve each to zoom into a particular aspect of trans subjectivity and consider the various challenges it represents while, at the same time, attempting to offer new trajectories for a theoretical consideration based on the material temporality of the *now* as the only possibility for an ethical present (and future) of equality.

The **first and second** chapters are the methodological and theoretical foundations of this research. The first gives an account of my theoretical and empirical methodology: In the first part of this chapter I explain why the work of Gilles Deleuze can lend itself to a consideration of utopian

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[93] Ibid. p.4 8
[94] Judith Halberstam, Female Masculinity (Duke University Press 1998)

ethics as a mode of the present. These preliminary notions will be unpacked and taken further in the second chapter, where I rework certain notions of futurity, utopia, virtuality and negativity that are apparently distant but that, on the contrary, can become insightful tools for the reformulation of a notion of trans subjectivity that is released from the highly normative essentialism of medical and legal discourse. Moreover, using the theoretical notions of utopianism associated to queer as recently formulated by Munoz, as well as elements from the anti-social turn in queer theory as my starting points, the chapter explores and at the same time assembles together a concept of utopian ethics and proposes an understanding of utopianism as an *impulse of the now* whose generative force can offer important ethical approaches in the understanding of the possibilities of transgendered subjectivity.

The **third** chapter explores the static structure of the Gender Recognition Act 2014 (GRA). The inability to account for the *impulse of the now* - for the utopianism of the material body - is, I argue, the main reason why the GRA cannot adequately respond to the demand for equality: I suggest that the law, as outlined in the GRA provision, presents a model which remains hanging in a *not-yet purgatory* and which does not account for the urgency and materiality of the present or the specificity of lived experience, thus missing the chance to really take into consideration the single subject and inevitably contains structural deficits which minimise the possibilities of justice. In my view, this happens mainly because the GRA is fundamentally constructed on monolithic notions of gender stability and authenticity, a vision based on the idea that identity is the result of a balanced political negotiation between body/mind alignment and socio-cultural norms and that such a paradigm is declined in clear-cut and univocal female/male terms. This, I argue, generates social sub-divisions and de-legitimation for those subjectivities that stand outside of this paradigm. The quest for justice, I conclude, cannot be juggled between a subject and an object, nor can it be the result of a mediation made of give and take politics. Rather, it

must be an immanent and unmediated condition of the self. This involves an understanding of subjectivity deeply immersed in an ontology of difference which donates the subject that unique sense of self necessary to sustain itself (rather than seek that support from the Other).

Taking on certain notions of danger and vulnerability in the context of the deviant body raised in chapter three, the **fourth** chapter reflects on the distinction between public and private space in relation to trans subjectivity and, in particular, to those spatial compromises which are so present in trans narratives. Such notion of space needs overcome old hierarchies and definitions and must incorporate the idea that different subjectivities stand in different positions in relation to public and private and each one undergoes different processes of identification and location with space. Within this framework, I submit to close examination a space where the divide between public and private is not only very present, but constitutes the essence of the place itself: public toilets. Within the boundaries of this confined space, transgender is a point of debate and controversy: anxiety about gender diversity is often felt and expressed in public toilets and the 'truth about sex'[95] (Foucault, *History of Sexuality I,* 1978) is nowhere more painfully acute and subject to surveillance than in these confined, sex-segregated spaces. An analysis of public toilets gives me the opportunity to demonstrate how space is often appropriated and taken for granted by normative embodiment and how, on the contrary, trans subjectivity is characterised by the urge for constant renegotiation of both its own identification and the spatiality it occupies.

The **fifth** and last chapter considers the disobedient body using the conceptual tool of the monster to map out the theoretical model within which diversity has traditionally be declined. The monstrous body, present in literature often as a folkloristic figure since the origins, is an extraordinary example of the economy of fear associated with certain non-

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[95] Michel Foucault, *The History of Sexuality I: An Introduction* (Pantheon Books 1978)

conforming traits. It is the embodied other against which the subject defines itself and a powerful site for conflict, symbolism, morality and assumptions based on contrapositions and essentialism. The chapter sketches out the image of the dissident body - the monster - with the aim not only to delineate a tendency in the ways in which our society engages with 'figures of difference'[96] which, as we will see, have systematically been pushed to the margins, but it also wishes to exorcise the Cartesian dualism body/mind - nowhere else more pressing than here - rethinking the possibilities of a body-assemblage that, in being both subject and object, body and matter, passions and psyche (that is, in being enough to itself), invests in difference as the only possibility for unity (unity as in self-empowerment).

Chapter Three, Four and Five will be followed each by an empirical intersection which aims to address and unpack the theoretical formulations of the chapters they follow by offering a pungent immersion into the lives of many transgender individuals who discuss their personal experiences in the first person, thus offering invaluable insight into the issues and struggles they face every day. These sections, which I have called 'The Diary Sessions" are a concentration of the narratives of individuals who, in the first person, narrate what it is like to live life at odds with the conventional understanding of male and female. They present powerful stories which, each in its own ways, show us that utopianism is not a remote phenomenon that belongs to a remote future for which we must get ready and wait to happen; rather, it is a material condition of the now that is already actualised in the myriad choices we make every day in our lives. It is, rather, the categorical refusal of pre-packed definitions that feed onto the depotentialisation of the supremacy of the individual over itself and requires an ethical understanding of subjectivity which involves a deep

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[96] Margret Shildrick, *Embodying the Monster: Encounters with the Vulnerable Self* (Sage 2002) p.1

understanding of immanent difference as the only possible condition for evolution.

Chapter One

How Might It Be?

The assumptions around gender today are very different to those of twenty years ago. The transgender body has emerged as a site of contradictions that embodies the idea of futurity.[2] Futurity here is intended as a motion of becoming and possibilities - almost an impulse, never an ideology! – an affirmative movement capable of destabilising assemblage made of provocation and difference. My theoretical methodology is deeply influenced by the work of Gilles Deleuze. It is through Deleuze and through his work with Félix Guattari that I am able to trace what I call ethics of utopianism. It is through Deleuze and in particular through his notion of perpetual difference that I am able to look at trans as a mode of unified affirmation and not as a product of negotiation (medical and/or legal). And again, it is through Deleuze that I am able to reformulate a notion of immanent ethical space, a sustainable space of difference. Difference for Deleuze is not an empirical condition that differentiates A from B, but it is an ontological principle which constitutes the reason for A and B's differences.[3] This fundamental Deleuzian principle based on difference as an internal feature to every idea and on the possibility of multiple elements of differentiation in each idea is applied to the various

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[1] Gilles Deleuze, *Nietzsche and Philosophy* (London, New York: Continuum 2004) p. 178

[2] Judith Halberstam, *In a Queer Time & Place. Transgender Bodies, Subcultural Lives* (New York and London: New York University Press 2005)

[3] Deleuze, *Difference and Repetition*, op. cit.

aspects of my research. Futurity contains within itself the seed for producing a vision that stretches out of the recognised limits of spaces and bodies. Ethical spaces not only entail the inclusion of what is real and tangible but must also account for what is possible, because what is possible not only is real, but is also in the 'now' and not in the 'then'.

Arguably, the main reason for the de-powering of queer and the gradual loss of it generative and subversive promise originates from the attempt to make it fit into a normative socio-political paradigm - or shall I say identity - that ticks all the boxes necessary to qualify for recognition. "Getting stuck in identities that are often politically or medically engineered, the queer is drained of her transformative, contestatory power", says Lynne Huffer.[4] This is also the focus of the so-called 'antisocial turn' in queer theory, that is, the belief that queer has bartered its powerful revolutionary potential for a comfortable first-row seat under the safety of identity politics. With no longer anything to resist against, queer has become just another polished, inoffensive identity that feeds into the dialectical game of normativity.[5] This signals a certain stagnation in the once-lively and somewhat anarchic configuration of queer-ness.

A second, more general, preliminary reflection needs to be made: the body has throughout the good part of the history of philosophy remained articulated within a mind/body dichotomy: mind/matter, psychology/biology, reason/affects and so forth. This is not merely a

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[4] Lynne Huffer, *Mad for Foucault: Rethinking the Foundations of Queer Theory* (New York: Columbia University Press 2010) p.1

[5] This, as it is further explained later, is precisely the critique of Leo Bersani and Lee Edelman who, respectively, argue that "the rage for respectability" has deprived queer of its sexual specificity and that queer theory has treated diversity following a tolerance script, thus betraying the real vocation of queer which is fundamentally an "anti-identitarian identity" made of "anti-communitarian impulses" (Leo Bersani, *Homos*, Harvard University Press, 1996). Only in the refusal of an imposed social and political order - identified by Edelman in the normative reproductive futureness of children - can queer restore itself (Lee Edelman, *No Future: Queer Theory and the Death Drive*, Duke University Press 2004)

dualism of terms, but the foundation of a hierarchical and dialectical structure whereby polarities are placed in opposition to each other so to create an underlying structure of privilege and suppression, what Derrida defines as the violence of dualisms [6] and Deleuze sees in terms of "the unity of all faculties at the centre of the Cogito, in the State consensus raised to the absolute".[7] The singularity of the Subject and its Otherness as a conceptual paradigm through which to decode phenomena in life has produced, amongst other things, the metaphysical concept of *nature* as the primary unit to which everything else must be measured. This is an essentialism that, in setting up parameters and categories through representation, automatically creates binaries, oppositions and exclusion: once the opposition is created, it is only a matter of establishing which of the two represents what is good and what is bad to have a rough idea of the partition of its dialectics. Consequently, this also creates difference, which is not, as we will see later, the ontological Deleuzian difference, which is the fundamental condition of *being*, but rather a '*different from*', that is, the articulation of a series of dichotomies that rely on the notion of negation to define their contrary. We will see throughout the chapters of this PhD how transgender subjectivity is always articulated in relation to the gender binary and always defined against what is not transgender. This is highly problematic not only because it constrains transgender to adopt a model that only partially represents it or that does not represent it at all, but also – and especially – because in doing, so it denies the specificity of individuals which is what transgender people claim. Later in this research I will explore the ways in which transgender, transsexuality, gender variant subjectivities are understood and mediated in various aspects of everyday life and what will strike is the absence of a space that allows individuals who identify beyond the binary to write their own narrative by appropriating their subjectivity and creating a space wherein it is possible

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[6] Jacques Derrida, *Of Grammatology* (John Hopkins University Press 1998) pp.42-43
[7] Deleuze and Guattari, *A Thousand Plateaus* Op. cit. p.376

to signify for what they are, rather than for what the female/male normative has imagined for them.

Deleuze's dislike for essentialisms and the belief that all life *is* difference allows for a new perspective to unfold. Rather than trying to reach the real nature of being through the representation and identification with pre-set categories, Deleuze's ontology of difference sees a direct relationship with the internal difference of things as such. "This form of distribution commanded by the categories seemed to us to betray the nature of Being (as a cardinal and collective concept) and the nature of the distributions themselves (as nomadic rather than sedentary and fixed distributions), as well as the nature of difference (as individuating difference)."[8] To simplify: difference happens just by virtue of being, for *being* is already in the realm of difference. This research, in essence, claims that because difference is an essential condition of being and therefore of existence, transgender subjectivities must be understood in the specificity of their lived experience and in the materiality of their embodiments, each different from the other, and that it is precisely in this difference and because of it that this subjectivity exist.

1.1 Why Deleuze?

The study of being, ontology's primary focus, is certainly fully embraced by Deleuze. Both Foucault and Derrida, however, each in their own way, approached their respective areas of philosophical enquiry ontologically. In this respect, Heiddeger's notion of *facticity* represents a turning point in the approach to ontology. His notion of 'being-in-the-world', belonging to the world, according to which being in fully immersed in contingency and not transcendentally isolated from it, had opened up to new ontological approaches. Heiddeger repositions being in the dimension of '*Dasein*',

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[8] Deleuze, *Difference and Repetition,* op. cit. p.269

being there, thus in a total position of co-existence all the physical and tangible phenomena of life.[9] Being, then, is not an endeavour which takes place elsewhere (i.e. in the Cartesian mind), but in the space of *Geworfenheit*: thrown into the world.

> "What is meant by 'Being –in'? our proximal reaction is to round out this expression to 'Being-in' 'in the world', and we are inclined to understand this Being-in as 'Being in something'… as water is 'in' the class, or the garment is 'in' the cupboard. By this 'in' we mean the relationship of Being which two entities extended 'in' space have to each other with regard to their location in that space… Being-present-at-hand-along-with is the sense of a definite location-relationship with something else which has the same kind of Being, are ontological characteristics which we call 'categorial'".[10]

For Heidegger these categorical characteristics of being are not in *Dasein*[11], for *Dasein* is an existential condition that prescinds and pre-exists any possible connotations attached to Being and it is precisely the condition that determines and defines those connotations. "Dasein's character needs to be understood a-priori as being 'grounded' in the state of Being".[12] *Desein*, as the condition of Being before it becomes Being, that is, as the pre-condition of all future conditions is a space of primordial freedom in its outmost attempt to create a sense of positive and unifying affirmation in Being.[13]

This notion of self-possessed Being was embraced by Continental

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[9] George Steiner, *Heidegger* (The Harvester Press Limited 1978)

[10] Heidegger *Being and Time,* trans. John Macquarrie and Edward Robinson (London: Blackwell Publishing 2000) p.78

[11] Here Heidegger explicitly refers to authenticity and inauthenticity which, as it were, do not determine any lower or higher degree in Being, for Desein is a priori and exists in the realm of *existentia*, not *essentia*. See Roy Hornsby, *What Heidegger Means by 'Being-in-the-World'*, http://royby.com/philosophy/pages/dasein.html

[12] Heidegger, *Being and Time,* op. cit. p. 78

[13] Craig M. Nichols. Primordial Freedom: The Authentic Truth of Dasein in Heidegger's 'Being and Time'in *Thinking Fundamentals*, IWM Junior Visiting Fellows Conferences, Vol. 9: Vienna 2000

philosophy in various ways and applied to various aspects of the study of being. Foucault, for instance, while not developing a pure ontology of being in the same way as Deleuze did, has been concerned with what could be called a historical ontology. His interest is geared towards establishing what is historically human and what, on the contrary, is politically charged. Derrida, another philosopher who used the ontological method, questioned the characterisation ontology has on the rigid structure of language. Both Foucault and Derrida, however, have had to come to terms with the limits and consequent mediations between being and contingency. For Deleuze such limits are not to be considered fails in the ontological method: they become the very starting point of his own ontology: the structures of identification with pre-formed expressions will be stripped down altogether and what we will be left with is pure being. Life is no longer seen as an articulation of identities and representations, rather, as flux of self-signifying intensities.

It should be also said that Deleuze himself rejects some ontological assumptions raised by realism. For example, he opposes transcendental phenomena that occur in an apparent independent manner outside of being which, by contrast, were largely accepted by a more idealistic wave of ontological thinkers.[14] Such phenomena might be categories or essences whose identity transcends their being but are guaranteed existence just by that same category or essence, that is, of generalities secured by their being an entity. Deleuze's ontology is characterised by a realistic understanding that phenomena in the world can be self-induced and, most importantly, fully independent from the mind. However, to reduce Deleuze's ontology to a mere exercise of realism would be very limiting. It requires a more complex examination, for the innovation of his philosophy involves the restructuring of the whole system of knowledge. Deleuze argues that there

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[14]   Manuel   DeLanda,   *Deleuze's   Ontology.   A   Sketch*, http://www.situation.ru/app/j_art_1078.htm

are only specificities made of singular organisms each existing in pure autonomy and in difference. Categories intended as uniformed representational units cannot exist simply because their nominalist structure does not account for those singularities which, in their being singular and individual, are also universal, for their mode of being does not rely on processes of identification, rather, it works through processes of individuation. One example could be identity politics which, by definition, focus on the interest of social groups based on the assumption that the whole can account for the singular, thus ignoring specific differences internal to that group. With Deleuze, one could say that the singular can only account for its being and there is nothing outside of being that that singular unity can identify with, for its existence is only spelled by its own internal intensities, that is, the capacity of being, the extent to which being can be. So, if we consider that intensities determine individuation processes which are always multiple and different, we can understand that a system where these multiplicities and differences are dismissed in favour of identification cannot coexist.

This passage needs to be explained further: First, it is important to understand affects in a not trivial way. Affects for Deleuze are not what we commonly understand as feelings or emotions. "Some translators, quite strangely, translate both in the same way. This is a disaster",[15] warns Deleuze. Feelings are personal and social practices that require an engagement of the subject with previous experience. In essence: they are the outcome of that negotiation between previous sensations from which one draws the personal understanding to decode a present occurrence. By contrast, affects are non-conscious, pre-cognitive and pre-personal.[16] They pre-exist the subject and are the inner drive that motivates movement. This

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[15] Gilles Deleuze, Lecture Transcripts on Spinoza, Cours Vincennes, 24/01/1978 http://www.webdeleuze.com/php/texte.php?cle=14&groupe=Spinoza&langue=2

[16] Brian Massumi, 'The Autonomy of Affect' in *Parables for the Virtual: Movement, Affect, Sensation* (Durham & London: Duke University Press 2002)

is a notion that Deleuze inherits from Spinoza who, in *Ethics* (1677), makes a clear distinction between *affectus* and *affectio.*

> "By affect [*affectum*] I understand affections [*affectiones*] of the body by which the body's power [*potentia*] of acting is increased or diminished, aided or restrained, and at the same time, the ideas of affections".[17]

So, the body does not produce affects directly, but is itself defined by the *potentia* (or intensity)[18] in which it is capable of absorbing and releasing affects in its (free and non-hierarchical) encounter with other bodies. "The body doesn't just absorb pulses or discrete stimulations; it infolds contexts, it infolds volitions and cognitions,[19] and this happens in "state of suspense, potentially of disruption"[20] where any form of affective contamination is possible. For Deleuze, then, a body is defined by the capacity to affect and to be affected, and affects are constitutive of bodies insofar as they constitute the determination of those bodies to encounter to *affect* other bodies and be affected.

The total abandonment of any semiological, historical and political difference (or we should say identification) means that difference is only difference *in* itself, not different *from* any other thing, for there is nothing outside of itself with which to compare or contrast. Difference becomes a methodology of life[21] which is not subjective, that is, does not belong to the subject, nor is it of the object, for this dualism is vanished (there is no object). Difference is the methodology of being expressed in a space and time that need to be reconsidered.

This perspective – *being* as the essential principle of difference – opens up

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[17] Benedict de Spinoza, *Ethics* (Penguin Classics 1996) E3d3
[18] "The strength or duration of the image's effect" is identified with intensities by Massumi.
[19] Massumi, 'The Autonomy of Affect' in *Parables for the Virtual*, op. cit. p. 30
[20] Ibid.
[21] Elizabeth Grosz, "Bergson Deleuze and the Becoming of Unbecoming" in *Parallax*, 2005, Vol.11, no.2, pp. 4-13

to a whole new way of thinking through events and phenomena in life, and pushes us to formulate problems differently, and in such a way that the question alone can stimulate a different approach in the pursuit of its answer. The question through which I want to approach my analysis is then not formulated in terms of 'what must transgender politics and legislations entail in order to be fully accommodate such a challenging subjectivity', for this question would only reiterate a contorted dialectic of morals which would be saturated by the production of yet more categories of understanding. Rather, the question I want to pose is **what might the transsexual body be when it is free to actively possess its subjectivity? What might it be if affects and desire were to be judged ethically rather than morally? And what might it be if trans subjectivities were put in the condition to re-write their own narrative in the first person** (or in the many first persons that populate such a multi-faceted and ever-changing subjectivity), **rather than – as we will see later – be mediated through a series of notions and values that are thrust onto them but that, often, do not represent who they feel themselves to be?**

The idea of a cosmological order to which a human life must conform and the hierarchies of dominance and submission resulting from that order always privileged the moral aspect of life, thus diminishing the concept of unity in favour of moral obligations and directions laid out by a transcendent being (God). We will see later that it is through the privileged morality of heteronormativity that transgender is understood and constructed[22]. When Nietzsche declared God dead - and with God also the understanding of a certain theological transcendence of life - it has been possible for the first time to reformulate all the questions that transcendence had hidden away: with no longer God to cater for our needs, we can now think of our lives beyond the boundaries that history has set up for us, free from "the idea of universal necessities in human existence

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[22] See Lynne Huffer, *Mad for Foucault. Rethinking the Foundations of Queer Theory*, op. cit.

[which] show[s] the arbitrariness of institutions and show[s] which space of freedom we can still enjoy and how many changes can still be made"[23]. Foucault rejects the idea of the pure essence of being and his ontological question is approached historically: he believes that the constraints on our lives are to be located in a historical contingence that keeps us separated from ourselves. With Deleuze the question of being is taken to the limit: he creates an ontology which *creates being* as opposed to *discover being*[24] as for Deleuze, the question of how one might live involves the creation of new forms of life, "how one might live to new vistas"[25]. Such an ontology not only rejects the opposition between creation of what there is and discovery of what there might be, but it also reaffirms the oppositional relationship between identity (natural) and difference (acquired). This is crucial to Deleuze's ontology: it presupposes a concept of stability and identification which Deleuze rejects in toto. "Difference is behind everything, but behind difference there is nothing".[26] Accordingly, the failure of identification is the locus, the primordial reason, and the genesis of Deleuze's ontology. This opens up to a whole new approach to the study of identity. Being becomes an act of *differentiation* that does not aim at identification nor at the stability claimed by categories, for stability is a concept that relies on nature. The tension which stems from the articulation between identity and the failure of that identification is released into an immanent *chaos* wherein principles, notions and forces flow freely. In other words: this approach opposes 'common sense', "the standard upon which the majority is based"[27]. Against 'common sense', Deleuze places the schizophrenic, a subject that does not "think" change, but "knows" change" immanently.[28] This establishes a principle of equality whereby each being *is* by virtue of

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[23] Michel Foucault, *Truth, Power, Self: An Interview with Michel Foucault* (University of Massachusetts Press, 1988) p.11

[24] Todd May, *Gilles Deleuze: An Introduction* (Cambridge University Press, 2005) p.16

[25] Ibid. p.17

[26] Deleuze, *Difference and Repetition,* op. cit. p.57

[27] Deleuze and Guattari, *A Thousand Plateaus*, op. cit. p.322

[28] Gilles Deleuze, Félix Guattari, *Anti-Oedipus: Capitalism and Schizophrenia* (London: Continuum 2004) p.21

being different and it is not identity that encapsulates the essence of being, but difference does.

As I have briefly explained in the introduction and will explore in depth in the next chapters, the focus of this research is to demonstrate how new forms of living and embodying gender beyond the binary are possible. Such forms, as we shall see later in the empirical interludes of this thesis through the life narratives of some transgender individuals, show that indeed gender can be understood in terms of difference and their lives – the experiences of their subjectivities in the spatiality of the everyday - are *actual* examples of a form of utopianism that already exists. It is happening here and now, and proves how these bodies – however marginal at times – retain a political force that is so highly disruptive for institutionalised discourses that it is ignored or deemed inferior through a series of normativising acts which I will analyse in the chapters that follow.

Even though, as it has by now become apparent, my main theoretical approach in this thesis is drawn from the work of Gilles Deleuze, throughout the chapters I maintain a broader perspective on post-structuralist ethics in their critique of essentialism, naturalism and overbridging skepticism for Western logocentrism and status quo. To do this, I find it useful to dip in and out the work of Michel Foucault and Jacques Derrida. The work of Foucault, and in particular his critique of power and the notion of disciplined and socially productive bodies, is relevant in the context of this research. Furthermore, his work on the abnormal body and the paradigm of biopower is applicable to my critique of the legal and medical industries that manage the transgender body in relation to the social, economic and political expectations and through which we have a mechanism of inclusion/exclusion.

The application of Deleuze and Derrida may appear more problematic:

Deleuze is a self-confessed philosopher of immanence operating in the field of *being*, while Derrida's engagement with 'the Other' makes him a philosopher of transcendence operating in the field of consciousness. One interested in the unity of being beyond the Cartesian dualism, the other in what *transcends* the subject. Deleuze comes from the tradition of Spinozan monism and Nietzschean metaphysics, while Derrida Kant and Levinas's alterity. No doubt I am here putting it in a rather simplistic way, but it is only to give a concise view of the different traditions that inform the work of Derrida and Deleuze. What I am interested in in the context of my research, is their notion of difference and how they operate in relation to various ideas of logocentrisms. Derrida's intent of 'overcoming metaphysics' is a reaction to metaphysics seen as a closed structure, and his deconstruction is then a way of disclosing that structure which, because of its *totality*, only allows deconstruction from within.[29] To overcome metaphysics is therefore an impossibility which determines the urgency to keep trying. A conceptual tool applied by Derrida is *différance* which alters the shape of any metaphysical notions of natural essence pre-existing being. Because, as I have said, the totality of metaphysics does not presuppose the existence of being outside of metaphysics itself, *différance* , as we will see more clearly in chapter 4, can only operate "in the interval between the closed totality of metaphysics and the formal transcendence of *difference*".[30] Now, Deleuze's position is quite different in the fact that he does not engage with metaphysics in the way pursued by Derrida. Deleuze sees immanence within metaphysics and, unlike Derrida, he does not envision metaphysics as a closed structure, but rather, as a space where change can still happen and where different realities (virtualities) can still be reactivated. In essence, Deleuze's metaphysics is *becoming,* and *difference* is not an instrument which penetrates a closed metaphysical structure in

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[29] Daniel E. Smith, 'Deleuze and Derrida, Immanence and Trascendence: Two Directions in Recent French Thought' in *Between Deleuze and Derrida* edited by Paul Patton and John Protevi (London, New York Continuum, 2003) p. 48
[30] Ibid. p. 49

order to reinvigorate it, but is a constitutional essence of being which determines the immanent movement of *becoming. Being* is *becoming* and it can only happen in *difference.*

Taken singularly, the two approaches are fundamentally contradictory. As Smith puts it, " Derrida sets out to undo metaphysics, Deleuze sets out simply to *do* metaphysics"[31] – but the functionality they have within my research is complementary. This is why: Derrida's condition of impossibility offers an understanding of the closed dynamics that manage transgender subjectivity. What I mean is, the concept of *différance* as an external agent that reaches the closed nucleus to alter its originality (or purity) allows for the emergence of an instrumental analogy with transgender identity, understood as the intruder that upsets the authenticity claimed by *pure* gender. I return to this in detail in chapter 4. Likewise, Derrida's persistent confrontation with the Other and the relationship the Subject is called to have with an idea of alterity which is always outside of being, resonates with the articulation of transgender subjectivity within a paradigm made of dialectics and dichotomies. The Other happens in relation to an original idea of being, but always outside of it, which – in Deleuzian terms – is precisely non-being. So, in a way, Derrida provides me with the conceptual tools I require to approach and theoretically decode the understanding of identity determined by a bifocal relationships between elements which, as it were, highlight a fundamental impossibility because always victims of a higher and unreachable ideal of nature, origin, purity.

For Deleuze, by contrast, difference *is* in itself, it is not defined by a pre-existing sameness and does not presuppose any mediation. "Difference must be articulation and connection in itself; it must relate different to

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31 D. E. Smith, 'Deleuze and Derrida, Immanence and Trascendence: Two Directions in Recent French Thought', op. cit. p.50

different without any mediation whatsoever by the identical, the similar, the analogous or the opposed. There must be a differenciation of difference, an in-itself which is like a differentiator [*a Sich-unterscheidende*] by virtue of which difference is gathered all at once rather than represented on condition of a prior resemblance, identity, analogy, or opposition"[32]. This suggests that difference only needs *being* in order to be, and it is difference (both internal and external) the singularity (the specificity) constitutive of its being. The understanding of difference as an immanent condition of being that does not need to be mediated or validated, but it is validated by itself, opens up to a completely new understanding of transgender: **no longer hostage of a *natural* subject, of a *pure* gender, but finally lifted from the weight of an impossibility to *be* and validated in its unity only by virtue of *being*.**

It is then clear at this point that both Derrida and Deleuze, in their often distinct perspectives, provide me with the complementary notions I need to present my argument and elaborate my theory. Put crudely, however, I could some up by saying that it is through Derrida that I can contextualise current social and political phenomena and discern certain dynamics that constitute the relationship between subject , but it is Deleuze who gives me a perspective of *utopianism*, that is, a reading of *being* which finds its pure essence in the specificity - and at the same time in the multiplicity - of its being.[33]

I opened this chapter by quoting Judith Halberstam who sees in transgender a challenging idea of futurity. To that I added that futurity should not be seen as an ideology, that is, the ungraspable notion of something that from *there* will one day come *here* to us, or even, an ideal to look up to. Rather, it should be considered as the material act of

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[32] Deleuze , *Difference and Repetition,* op. cit. p.143

[33] See Paul Patton, John Protevi (eds.), *Between Deleuze and Derrida* (A&C Black 2003)

progressing towards something, of going *there*, where the going *there* is fully immersed in the present.   And it is precisely because of its happening in the present - *here* and *now* – that its political force becomes all the more disruptive and its direction all the more uncontrollable. This movement is generative because, as we will see especially in the next chapter, actualises what is virtual and makes it possible, and therefore real. I will explain why the work of Deleuze is essential for the elaboration of such a formulation.

For Deleuze there is no past. Rather, there are linear recollections of memories that do not exist in reality but only in the present as memory. Past is "only a series of presents that become past, each yielding to another present"[34]. This notion of past in the present and present in the past in Deleuze is derived from Bergson: "the past and the present do not denote two successive moments, but two elements which coexist: One is the present, which does not cease to pass, and the other is the past which does not cease to be but through which all present pass ... The past does not follow the present, but on the contrary is presupposed by it as the pure condition without which it would not pass".[35] So this linear conception of time is expressed in the *now*. There is only the *here* and the *now*, the only difference is given by duration which, in itself, is difference. So, for the present to pass, there must be a past for it to pass into. Past and present are two elements of the same linear understanding of time: the present actualises the past and through that actualisation the past exists at any given moment.

Now, two things are significant here: the first is the shift present-past (as opposed to past-present) which allows for a new formulation of the future and the role it has in this immanent configuration of time. The second important element is *duration* which not only determines difference itself,

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[34] May, *Gilles Deleuze: An Introduction* , op. cit. p.46
[35] Gilles Deleuze, *Bergsonism* (Zone Books 2002) p.59

but its immanence also gives the present an extraordinary potential that so far had always been attributed to the future: the potential to create and actualise transformation and change. This, consequently, leads to a third crucial element that is the importance of the now not only for the actualisation of the past through memory - which as I have mentioned is a notion that Deleuze draws from Bergson - but also and especially as the condition not of the possible (which might become real but it isn't real yet), but as the condition of the virtual, that is, what is already real "in so far as it is virtual".[36] The virtual, as we will see later, is not a pre-condition of the possible: it does not wait to be realised because it is already fully real.. For Deleuze the virtual - and not the possible - is the condition for real experience: *virtuality* does not pre-exist possibility but it constitutes the condition for the actual, that is, what is real.

A form such as this assumes that the notion of the virtual becomes material and ceases to be dependent on possibility. It releases all the tension that comes with possibility and legitimates the now as the only possibility of the virtual (the real). It is precisely this idea of virtuality - a forward-looking impulse derived from the future but which becomes real in the present - together with the immanent state of difference that can lay out the foundations for the consideration of the transgendered body as a site of virtuality. That is, a body wherein difference is fully actualised in the now, whose utopianism comes from an idea of futurity that is there only to remind us of the direction, but that is fully rooted in the now does not need the privileged position of the future to be, for its duration - that is, its difference - is all it takes to determine its existence. With this form in mind, it is possible to really think of the transgender body as a utopia of the now, in the now and for the now.

Throughout this research some themes that reoccur which I treat as

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[36] Deleuze, *Difference and Repetition,* op. cit. p.208

conceptual tools to delineate my theoretical framework and to propose my ideas. One such tool, as we have seen, is the notion of utopia, which will be fully contextualised and presented in the next chapter and around which model I will be able to propose my understanding of ethical utopianism. Another important over-bridging concept is that of the marginal. Certainly, the subject matter of this research lends itself well to various accounts of marginalisation and discrimination, which will be present in abundance. However, in this instance I would like to draw attention on the political significance of the term *margin* and, rather than concentrate on its most common connotation of passive exclusion - i.e. a minority of any sort that is marginalised - I want to focus on the ethical implications of being at the margins. I am aware that more often than not marginalisation is an imposed act of violence and it is difficult - when not impossible - to detach it from its deep injustice and give it any other validity. This is why I use the term *margin* and deliberately separate it from the term marginalised, though the etymology of the two is the same. Not merely minor spaces pushed aside by a normative ideology caught up in its absolutisms and unable to question itself, margins (intended here as spaces populated by minorities) are also spaces of resistance and regeneration whose highly political energy "becomes the relay for a revolutionary machine-to-come".[37] There is a sense of urgency within margins that is non-representative and non-symbolic and becomes all the more absolute as it refuses mediation with majoritarian impositions and moves more and more towards the extremities. Minorities that populate marginal positions magnified by the intensity of the collective endeavour in the process of what Deleuze and Guattari frame with the notion of 'deterritorialisation', a dynamic movement that breaks through established configurations refusing given, pre-set norms and, through the 'lines of flight', open up new configurations and assemblages that destabilise hegemonic majorities. Through Deleuze

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[37] Gilles Deleuze and Félix Guattari, *Kafka: Toward a Minor Literature* (University of Minnesota Press 1986) p.18

and Guattari, then, it is possible to imagine marginal spaces as political territories with no borders that constantly change their configuration and, while rejecting all forms of pre-fixed identity, "in spite of skepticism … forge the means for another consciousness ad another sensibility".[38] In accordance with this, although the marginal bodies of this research occupy underprivileged social positions and are often faced with discrimination in their day-to-day activities (and I do not intend to undermine such tragic reality) they still retain an affirmative and indispensible force that makes their diversity (minor being) an active trait of difference "which [pushes] deterritorialisation to such an extreme that nothing remains but intensities".[39] An approach such as this is able to offer a new, empowering vision of being-minor and allows for a re-evaluation of the aesthetics of the margins, no longer segregated dark allies in limbo waiting to be restored and made acceptable, but lively, strong enough sites capable of instilling change and subverting the normative force of the majority.

1.2 Why Video Diaries?

The highly theoretical approach I adopt throughout this research is informed by and originates in the empirical work to counterbalance its primary conceptual nature. My interest in autobiographies as a literary tool for analysis has pushed me towards the search and exploration of video-diaries as unique and privileged point of access into the lives of those marginal subjectivities that, because of their problematic social location and the different nature of their identification, struggle to represent themselves.

Biographers and historians have long used diaries as documents of relevant importance for telling stories and personal accounts. Plummer[40] argues that the validity of the diary is now being acknowledged also by social science

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[38] Deleuze and Guattari, *Kafka: Toward a Minor Literature*, op. cit. p. 18
[39] Ibid.
[40] Ken Plummer, *Documents of Life* (London: Allen&Unwin 1983)

and the diary format is becoming more and more a common tool of research, especially when interested in personal accounts, behaviours and various aspects of individuals' lives. In 1990, for example, the BBC launched *Video Diary Series* [41] which dealt with working-class everyday struggles. In more recent years, Channel 4 has produced a series entitled *My Transsexual Summer*,[42] where seven transgender people were followed by cameras in their struggles and life-changing decisions regarding their gender identity and, through interviews and confessions in the first person, shared their experiences as transgenders.

The methodological value of ethnography is accepted within the social sciences, it has been one of the most effective tools in qualitative analysis across a variety of disciplines for many decades. The term 'ethnography' derived from *ethnos* (people) and *graphien* (writing), and it consists of a descriptive methodology based on observation and analysis of peoples and cultures that share certain aspects of their lives, such as experiences, traditions, circumstances. Its original use combines element of sociology and anthropology and is an *in situ* observation of social phenomena over a period of time.[43]

Video-ethnography, following the steps of the more traditional ethnographical approach, adds extra value by changing the dynamics between the parties involved in the research. No more the direct observation of living phenomena whilst they are happening, but the assimilation of visual media and technology which can help shed light on details or perspectives that could otherwise be missed. Moreover, video contents present the advantage of retaining footage which can be observed

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[41] '*Video Diaries*' was a BBC television programme produced by the Community Programme Unit in 1990. The series of programmes aimed to give members of the public the opportunity to tell their stories and show particular aspects of their lives.

[42] *My Transsexual Summer*, Channel 4, November 2011

[43] Auto-Ethnography: Problems, Pitfalls and Promise, http://researchrepository.napier.ac.uk/3573/1/sobolewska_paper.pdf

over and over, thus enabling researchers to no longer rely only on their notes and memory, but allowing the possibility of a much more meticulous observation in a context that suffers less from possible time constraints.

In my research, to video-ethnography I add yet another element, that of auto-ethnography. Auto-ethnography is a particular approach of ethnography that seeks to emphasise personal experience - auto - in order to better understand the *ethno*, that is, the cultural experience of individuals[44]. It is now a credited methodology across disciplines such as sociology, anthropology, psychology and pedagogy because of its highly self-reflective connotations which have proven invaluable in the study of personal phenomena and situations that would often remain undisclosed.[45] Auto-ethnography entails telling one's own story, though it should not be regarded the same as autobiography in a literary sense, for it is not simply the telling of a life. It is rather a specific form of critical enquiry[46] with all the advantages and limitations of any other qualitative methodology. According to Ellis & Bochner, the success of such forms of auto-construction of meaning and narratives root back to the 1980s, when the advent of postmodernism highlighted the need across the social sciences to adopt a softer approach to data analysis, one that was no longer articulated through clear-cut truths and facts (like scientific research), but that accounted for a series of human variables and therefore the impossibility to reach a shared idea of universal truth.[47]

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[44] Ellis, Carolyn, *The ethnographic I: A methodological novel about autoethnography* (Walnut Creek, CA: AltaMira Press 2004)

[45] See for example Cameron and Anderson, Comparing Weblogs to Threaded Discussion Tools in Online Educational Contexts' in International Journal of Instructional Technology and Distance Education, 2006, 2(11); Bochner and Ellis, 'Talking over Ethnography' in, Ellis, C., Bochner, A. (eds.) *Composing Ethnography: Alternative Forms of Qualitative Writing*, Vol. 1. (Walnut Creek: AltaMira, 1996); Roth, Wolff-Michael, Ed. *Auto/biography and auto/ethnography: Praxis of Research Method* (Rotterdam: Sense 2005)

[46] Peter McIlveen, *Autoethnography as a Method for Reflexive Research and Practice in Vocational Psychology* (Australian Journal of Career Development, 2008) 17(2), 13-20, p.14

[47] Michel De Certeau, *The Practice of Everyday Life* (University of Califonia Press 1984)

In those years, moreover, the studies of Barthes and Derrida started to paint a different picture wherein the construction of meaning was sustained by far more complex structures than what was previously believed: Barthes points out that images retain a primary importance, for their significance is not only literal, that is, spelt by the object itself, the sign, but they also work on a symbolic level. These two dimensions are closely wound up with each individual's perception[48] which, too, constitutes language (and therefore meaning). Along a similar line, Derrida's deconstruction sees meaning as never stable and pure, but always the result of multiple mediations or, one could say echoing Saussure, multiple signs[49]. Meaning is, according to Derrida, hostage to a western logocentrism which develops according to oppositions where one thing is usually defined against another, thus creating a self-protective mechanism unable to access unmediated expression. For this to happen, new terms need to be coined and language must no longer be articulated in terms of oppositions but in terms of difference.[50]

So, these theories established that meaning was not descriptive but rather influenced by a variety of circumstances, emotions and variables so closely connected to subjects and their own personal ethics and morals, that every single person has a unique way of making sense of themselves and other people in the world.[51] This led to a particular attention across the social sciences to personal stories rather than facts and auto-ethnography presented itself as a methodology deeply grounded in personal experience that possessed the characteristics needed to treat sensitive issues such as identity, race, gender etc. and that could offer an empathic perspective on

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[48] Roland Barthes, *Image, Music, Text* (New York: Hill and Wang 1977) p.36

[49] Saussure Multiple signs

[50] Jacques Derrida, *Writing and difference*, transl. by A. Bass (Chicago: University of Chicago Press 1978)

[51] Tony E. Adams, 'A Review of Narrative Ethics' in *Qualitative Inquiry* (2008) *14*(2) pp.175-194

personal narratives.[52] While some have deemed this a mere self-indulgent exercise[53], others have found this very aspect to be the most valuable aspect of auto-ethnography[54]. "This kind of writing, says Sparkes, can inform, awaken, and disturb readers by illustrating their involvement in social processes about which they might not have been consciously aware. Once aware, individuals may find the consequences of their involvement (or lack of it) unacceptable and seek to change the situation. In such circumstances, the potential for individual and collective restoring is enhanced".[55]

Within a wider ethnographical perspective, the approach I have adopted for analysing the content presented in the diaries draws more directly on ethnomethology, as explained by Bourdieu (1984, 1998).[56] I am aware that any form of individual content production contains a conscious or unconscious decision to create a narrative, to "accomplish their identities, their activities, their settings and their sense of social order".[57] A technique of ethnomethodology, according to Bourdieau, however, is able to go beyond that initial intentional choice and, through reflectivity, reach to the "invisible structures that organize it",[58] that is, identify the negotiations between the individual and the social space that narrative sets out to address and from there understand the objectives.   "An

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[52] Carolyn Ellis & Arthur P. Bochner 'Autoethnography, personal narrative, reflexivity' in *Handbook of qualitative research,* Norman K. Denzin & Yvonna S. Lincoln eds. (Thousand Oaks, CA: Sage 2000) 2nd ed. pp.733-769

[53] Leon Anderson, 'Analytic autoethnography' in *Journal of Contemporary Ethnography* (2006) 35(4), pp.373-395 - Amanda Coffey, *The ethnographic self* (London, UK: Sage 1999)

[54] Lisa J. Starr, The Use of Autoethnography in *Educational Research: Locating Who We Are in What We Do in Canadian Journal for New Scholars in Education*, Volume 3, Issue 1 (June 2010) p.3

[55] Andrew C. Sparkes, 'Autoethnography: Self-Indulgence or Something More?' In A.P. Bochner & C. Ellis Eds., *Ethnographically speaking: Autoethnography, literature and aesthetics* 209-232. (Walnut Creek, CA: Altamira Press 2002) p.221

[56] See, for example: Pierre Bourdieu, *Distinction, a Social Critique of the Judgement of Taste* (Cambridge, MA:Harvard University Press 1984); Pierre Bourdieu, *Practical Reason* (Stanford, CA: Stanford University Press 1998)

[57] C.D. Baker, 'Ethnomethodological Analyses of Interviews' In N. K. Denzin & Y. S. Lincoln (Eds.), *Handbook of Qualitative Research* (Thousand Oaks, CA: Sage 2000) p. 778

[58] Pierre Bourdieu, *Understanding. Theory, Culture and Society* (13(2) 17-37. 1996) p. 27

ethnomethodological reading of the video accounts provides one means for analysing this interplay. Using this approach, the videos are seen not only as methods of getting at information but, rather, as analyzable events in their own right".[59] Likewise, it enables the absence to fill their absence during the production of the content analysed and, through reflectivity, observation and interpretation, be an active participant, not merely passive audience. Because the diaries in question are spontaneous, independent and are made public, that is, exist on their own and are not prompted by anyone else other than their generators, to use their content in this research did not require ethical approval. Nonetheless, I am aware that to use personal data such as this has in itself ethical implications that need to be considered. These include the extrapolation of content out of its original context, misinterpretation due to the fact that I have never sought clarification or further elaboration (i.e. follow with interviews) from the diarists. However, what is important to notice is that my analysis is never textual: I am merely listening to personal stories of lived experience and drawing a narrative. I then reflect on this narrative in relation to the theoretical perspectives I present and let it inform the notions I elaborate.

I would like to go a little further into explaining the validity of ethnomethodology. Video diaries fall into the category of participant-generated data that relies on a visual support. Although they are not a very commonly used method, they create a space wherein the participants reflect, elaborate, construct and deconstruct meaning that is being selected real-time as they speak, thus offering a sneak insight into all those mental and psychological processes involved. The diary format can be an advantageous methodology for various reasons: its intimate nature can help the participant recall precious anecdotes and articulate feelings and emotions away from the pressure of the interview where it is often very

[59] Barbara Ellen Gibson, 'Co-producing Video Diaries: The Presence of the "Absent" Researcher' in *International Journal of Qualitative Methods* 2005, 4(4) p. 5

difficult to overcome the natural discomfort when dealing with sensitive information. Moreover, because the diary is developed over a period of time, it generates evidence about the everyday context and the lived experience.[60] I believe that the absence of the researcher during the production of the diary helps a process of reflexivity and spontaneity which would otherwise be compromised by both the external presence (the researcher) and issues of time linked to ordinary interviews.

Furthermore, video-diaries respond to the necessity to find a method for collective sensible data in the least invasive way possible. In this respect, they not only constitute a less invasive research tool, due to the physical absence of the researcher at the time of data production, using an instrument with which more and more people are becoming increasingly familiar. But they also resolve those limitations related to the production of written documents which are often restricting for a variety of reasons, such as lack of confidence connected to literary skills and consequent limitations in the ways in which one would express oneself or indeed the nature of the data itself which can often be intimate and sensitive, all the more so if the participants in question belong to minority groups. Particularly in this instance, the video support can be empowering because it gives participants the possibility to deliver in a less mediated fashion and also because they "benefit from the control, voice and power that video diaries give them. Thus, video diaries are especially suitable for minority cultures".[61]

Before I go further into explaining the criteria according to which I have selected the video-diaries presented in this research, it is important to

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[60] Nick Couldry, Sonia Livingstone and Tim Markham, *Media Consumption and Public Engagement: Beyond the Presumption of Attention* (London: Palgrave Macmillan 2007)

[61] Video Diary Method for Visual Ethnography, C. Brown, C. Costley, L. Friend, R J. Varey University of Waikato, In proceeding of Contemporary Ethnography Across the Disciplines, University of Waikato.

address what is possibly the main concern of any qualitative research. I have explained earlier how the construction of meaning is subjected to all sorts of personal circumstances and that the perception of reality is variable as variable are also the instruments each of us employ is our day-to-day understanding of what happens around us and how this affects our being in a given context. Nonetheless, the concept of authenticity is a central theme in anthropological research. In the particular instance of video ethnography, video self- produced diaries that is, one can be easily drawn to believe that the absence of the researcher or film crew make for more authentic data. While this physical absence can certainly promote a deeper self-reflective engagement, it does not always mean that the content produced is more authentic. Guba and Lincoln[62] theorise four essential criteria of authenticity in auto-ethnography: fairness, ontological authenticity, educative authenticity, catalytic authenticity and tactical authenticity [63]. Each of these four requirements certainly help guarantee a level of reliability, validity and rigour in the auto-ethnographical approach. However, what I believe is crucial here is to accept auto-ethnography as a mode of self-study and, as such, be aware that authenticity can easily become a redundant concern, for it can miss the focus of auto-ethnography itself which is not the literal study of the self, but rather, the understanding of the space between self and practice [64].

In this context of ethnomethodology, it is important to clarify that these diaries are not part of a wider project, nor do they belong to anyone other than the individuals by whom they have been generated. The technology used to produce these diaries (i.e. computers, video-camera, internet connection, YouTube account) should not induce the reader to doubt their

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[62] Egon G. Guba & Yvonna S. Lincoln, *Fourth Generation Evaluation* (Beverly Hills, CA: Sage 1989)

[63] Guba and Lincoln, *Fourth Generation Evaluation*, op. cit.

[64] Lisa J. Starr, 'The Use of Autoethnography' in *Educational Research: Locating Who We Are in What We Do,* op. cit p.2

owners' genuineness. They are not to be seen as an act of narcissism, nor should they be decoded in terms of performance. Rather, they need to be considered simply for what they are presenting themselves to be: spontaneous and free testimonies of life narratives told directly by the individuals who have lived those stories first-hand. The use of technology is to be interpreted as a sign of our times. In a world where everything is consumed via social media and content becomes available instantly, video logs – like dear diaries previously - merely serves that will – or need – to share a condition of social isolation and solitude, and the subsequent need to reach out for somebody who is going through the same struggle: to connect with a community and, through that community, to become less marginal.[65]

So, with all the above information and caveats in mind, I have selected the video diaries (known also as vlogs) of people who, each at various degrees, identify beyond the gender binary. The decision to privilege subjectivities who reject the binary reflects the ambition of this research to create a theoretical alley for individuals who choose not to conform. This is a prepotent feature of this research. Transgender people who identify with one or the other gender have a wider space in which to enact their individuality, and more means through which to secure that that individuality is accepted. This is something that becomes very evident in the diaries. An example of this, as I will examine in depth in chapter 3, is the Gender Reassignment Act 2014: a piece of legislation that opens up many opportunities to those transgendered people who wish to take up a defined gendered identity (we will see how and through what requirements), while it fails to account for those who refuse gender altogether. This is only one example but it is sufficient to indicate the lack

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[65] Please note that the use of the adjective 'marginal' in this PhD goes beyond its most literal definition of 'not central, remote, borderline'. My use of the term 'marginal' is heavily informed by the thought of Deleuze. This will be fully explained in the next chapters. For the moment, it is sufficient to think of 'marginal' as 'minor'.

of social, political and cultural space for individuals who, on the contrary, do not and cannot step into the logic of gender. Their lives encounter a higher degree of challenge, risk, struggle, denial, rejection, violence, abnegation. Their marginality is total. What they have they earn day by day through the sheer determination of their being. It is important for this research to break through the normative force of the gender binary and tell a different story. The individuals that I present in this research do that.

I have observed the stream of thoughts and considerations of these identified transgender individuals and the set of challenges and struggles they encounter in their day-to-day natural life. Ultimately, my interest was to have an insight into the ways in which everyday practice was experienced and interpreted by those individuals. Because the personal is the domain for auto-ethnography,[66] this methodology provides good access into a context of research which so clearly extends beyond a systematic reconstruction of lived experience, but requires an all-round personal commitment from the participants. Such commitment entails disclosing and sharing important parts of their lives. This involves unfolding a narrative that is not merely factual, but extends to beliefs, ethics, psychological processes and articulations that are never the same but always the result of a mediation between variable social and environmental contingencies. All this can be summed up in the values of each individual. The concept of values, as Aadland reminds us, has been presented within qualitative research and social sciences in general as the core concept of human existence[67]. They are the "expressions of worth, or likes and dislikes concerning things, persons, principles, attitudes, beliefs, theories, as well as practices"[68], the one factor that really makes a difference in the definition of

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[66] Peter Kincheloe & Joe McLaren, Where are We Now? (New York: Peter Lang Publishing 2007)

[67] Einar Aadland, 'Values in Professional Practice: Towards a Critical Reflective Methodology' in Journal of Business Ethics 97:461–472 (2010) p.462

[68] Aadland, 'Values in Professional Practice: Towards a Critical Reflective Methodology', op. cit. p. 462

who we are and the way in which we interpret and decode experience. It is this kind of difference that Derrida seeks to get out of language: the need to allow meaning to form freely because it is only difference that can depict the way in which we conceive the world. In this respect, the choice of such a methodology has also the function to emphasise empirically the theoretical direction I take.

The video diaries that I have chosen to analyse in the context of this research are independently produced, made available on the video channel YouTube and regularly updated by the users themselves. By this I mean that these diary logs are not part of a research project that I have designed and previously accorded with the participants, nor do they develop themes that respond to a third-party research agenda. Rather, they belong to singular individuals who have spontaneously and *independently* decided to share insights into their day-to-day narrative as transgenders. By observing documents which exist independently, regardless of my interest and scrutiny as researcher, and thus whose production is not intended as a research project participation, I have the opportunity to gain more insights than I would if I was to induce the production of content where my presence would end up influencing and altering such sensitive data. The criteria according to which I have selected the abstracts that I present in the three diary sessions of this PhD are based on two main observations. The first observation was dictated by the themes tackled in this research: it was important to narrow down the vast amounts of data and concentrate on the three main aspects of the transgender lived experience: the compromise between identity and subjectivity imposed by the law (chapter 3), the spatial mediation of public spaces where the policing of toilets is emblematic of the contradictions and prejudice encountered by transgender individuals on a daily basis (chapter 4) and, of course, the implications of the transgender body as an 'othered body' alongside the narrative of the 'wrong body' (chapter 5). These are the three theoretical quests that have

directly informed the selection of the diaries presented over the vast amount that is available on YouTube. Accordingly, the three empirical interludes that follow these chapters will focus respectively on the direct experience of individuals in relation to the Gender Recognition Act 2004 and the Gender Recognition Certificate; the issues connected with the inflexible and sex-segregated spaces of public toilets, seen by many as a 'moment of truth', a test that all transgender individuals feel strongly about and which often generates a great deal of anxiety and fear. In this context, it is interesting to explore such a symbolic rite in such a symbolic space through their most intimate accounts. Finally, the third diary session, reflects on the notion of the 'wrong body', a narrative which is used often by both transgender and non-transgender people to describe gender dysphoria and which defines transgender people as individuals 'trapped in the wrong body'. Some theorists such as Jay Prosser,[69] Henry Rubin,[70] and Viviane K. Namaste[71] have long highlighted that the transgender experience as it is lived by transgender people does not respond to the identity fragmentations envisioned in such a narrative and have explained that transsexual embodiment, for instance, is something more integral and unified than what it is thought to be [72]. The diary accounts in this session appear to corroborate this theory and suggest the need for transgender subjectivity to exist only in relation to itself rather than an alternative story to the gender binary.

The second observation was influenced by the urge for this research to highlight a dissonant point of view. I am aware that both the Gender Reassignment Act 2004 and more recent initiatives, such as the Equality Act 2010, are important steps forward in the battle for equality, and I

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[69] Jay Prosser, *Second Skin* (Columbia University Press 1998)

[70] Henry Rubin, *Self-made men: identity and embodiment among transsexual men* (Vanderbilt University Press 2003)

[71] Viviane K. Namaste, *Sex Change, Social Change: Reflections on Identity, Institutions and Imperialism* (Toronto: Women's Press 2005)

[72] Prosser, *Second Skins,* op. cit.

acknowledge the significant change they have brought into the lives of many transgender. However, with this research I wish to question whether these solutions are the only ones possible. As the diary sessions will demonstrate, the Gender Reassignment Act 2004 as well as the process to gain a Gender Reassignment Certificate fail to account for those individuals who simply do not want to embrace an ideal of gender stability and thus, I argue, these provisions can create further divisions within the same community. It was then vital for this research to voice those alternative views and challenge the ways in which the crucial quest for equality is being presented and pursued.

It is a stylistic choice to create a space solely dedicated to the diaries. Throughout the text I will draw parallels and make connections with the empirical accounts, but it was important, at the same time, to present these stories on their own, and let those narratives unfold away from any temptations to extrapolate theoretical meaning. There are two reasons for this: first, it is important to maintain their immediate impact and preserve their forceful impetus which, I fear, could be tamed if I attempted to present them alongside theoretical analysis. Second, the materiality and specificity of the stories told is such that they require the text to acknowledge that raw energy and recreate that sense of urgency which comes across when watching them.

Finally, it is important to clarify that the selected fragments of video diaries reported in the three empirical interludes throughout this thesis do not intend to be representative of trans collectivity, nor do they indicate the unified tendency of a community which, as it is obvious, is formed of multiple voices and circumstances far wider than this research. They wish however to present, in the words of some transgender individuals themselves and through the contemporary technology of the vblog – metaphor of a *virtuality* that is real in the *here* and *now* of a present made

utopian by those individuals - the expression of a sentiment of discomfort regarding various aspects of their unaligned subjectivity and which can offer invaluable insights for future debate.

1.3 Why This Research?

This question is normally posed at the beginning and not at the end of a methodology chapter. By leaving it for the end, I cheekily hope that by now I will have at least partially answered it, if only for its theoretical relevance. As a non-transgender individual, I have long been interested in gender politics and, since a young age, I was fascinated with how the notion of gender. As it appeared to me then, gender is the first and most significantly determining element of the kind of existence one will have from the instant one is born to the moment of death. It comes before race, before health, before anything else. Gender – which I was not able to even name then, let alone understand – seemed to me the most important definer of people around me. Girls do certain things that boys do not do, wear what boys do not wear, play with toys that boys will not even look at, and the list went on. These given differences intrigued me then and continued to interest me growing up. Transgender experience at any level and its embodiment are sites wherein any pre-constructed and inculcated naturalistic notions on gender crash. Transgender subjectivity opens up questions that are not only important to transgender individuals but which interest every human being, for the understanding and acceptance of difference is something that touches our most personal sense of freedom as human beings and everyone can benefit from it.

The strict and inflexible – at times paradoxical - manner in which transgender politics are managed, and the degree of discomfort which, as it will become apparent throughout this thesis, transgender individuals experience both privately and publically touches vulnerable parts of us all

as individuals. It engages us with notions of difference, relations, affectivity and freedom. It confronts us with our fears and insecurities, and begs questions that stretch far and beyond the particularity of transgender issues. It pushes us to consider the space in which we live and the various negotiations of one's identity within that space, it requires rethinking through our rights to exist when that space fails to allow that process of social identification so important for the individual and its community. It also draws imaginary lines that orientate our existence and determine the ways in which many aspects of our lives are experienced. This only becomes more dramatic when it comes to transgender people because, unlike other subjectivities, theirs involves a radical reconsideration of body and mind and the way in which these are believed to inform each other. Moreover, because the very essence of their being questions the unquestionable nature of gender and presents theoretical, conceptual and visual challenges, their social location is considered problematic. Reworking these notions and relocate transgender and its specificity at the centre of a narrative of its own, thus demonstrating that transgender can exist – and does exist – beyond normativity and the binary is the ultimate purpose of my investment in this research.

Chapter Two

Actualised Utopias

> "There's no need to fear or hope,
> but only to look for new weapons"[1].

José Esteban Muñoz opens his book on queer utopias stating that "queerness is not here yet. Queerness is an ideality… an ideality that can be distilled from the past and used to imagine a future…Queerness - continues Muñoz - is a longing that propels us onward…Queerness is essentially about the rejection of the here and now"[2]. He identifies queer utopias with an idea of futurity as an attempt to think of something else that goes beyond the "here and now", an act of resistance, "the present is not enough. It is impoverished and toxic for queers and other people who do not feel the privilege of majoritarian belonging, normative tastes and 'rational' expectations...The present must be known in relation to the alternative temporal and spatial maps provided by a perception of past and future affective worlds"[3]. This chapter aims to show just the opposite. The argument I make here is that queer utopias – transgender - is a futurity of the *here* and of the *now*, a *virtuality* that does not belong to the past nor does it lend itself to projections of the future, but it is totally immersed in the very now of the present.

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[1] Gilles Deleuze "Postscript on the Society of Control" in *October*, Vol. 59. (Winter, 1992), pp. 3-7.

[2] José Esteban Muñoz, *Cruising Utopia, the Then and There of Queer Futurity* (NYU University Press, 2009) p.1

[3] Muñoz, *Cruising Utopia,* op. cit. p.27

The notion surrounding futurity and its implication in the development of queer theory has become one of the main areas of enquiry because it presents us with a set of challenges that question the current normative political engagement with gender and sexuality. Futurity is undoubtedly a fascinating concept that transgender captures in a rather unique way. A scent of futurity indeed is given by transgender embodiment, a site of curious contradictions[4] difficult to map out because of the complex post-human relations it is capable of developing.[5] Certainly, as Muñoz himself suggests, a sense of futurity is also in the function of queer utopianism he argues for. However, I suggest that trans desperately needs to be located in the present materiality of a *here* and a *now*, not projected in the futurity of a *there* and *then* in order for us to be able to contextualise it differently and to break out of the normativity discourse in which it is so deeply immersed. Muñoz's theory draws from Ernst Bloch's *The Principle of Utopia*[6] and makes an argument based on hope for queer, where the anticipatory futurity of the not-yet is framed as a hopeful methodology "knowable, to some extent, as a utopian feeling"[7]. In doing so, he reads utopian performativity as an indication of a 'being' that exists but is "not yet here". The *here* and *now* are presented as "a version of reality that naturalises cultural logics such as capitalism and heteronormativity"[8]. Elsewhere he writes: "Although utopianism has become the bad object of much contemporary political

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[4] Halberstam, *In a Queer Time & Place,* op. cit.

[5] Rosi Braidotti's most recent book, The Posthuman, analyses how, in the post-humanist era of genetically modified food, sensorial technology and advanced robotic societies, the position of the post-human body can overcome the humanistic unit of the subject. This, for Braidotti, would involve the dissolution of social categories and the organisation of a 'cosmopolitan neo-humanism' which allows for new sustainable relations between all species. Roberto Esposito's *Third Person*, similarly, questions the definition of 'personal' which, in his account, has only served to determine and justify evil against humans. He then envisions the realm of the impersonal wherein personhood does not act on behalf of a sense of community, but only as one singular, stripped down of all attached values, where one is one and many 'ones' move past the person, in the impersonal.

[6] Ernst Bloch, *The Principle of Hope* (3 Volumes) trans. Neville Plaice, Stephen Plaice and Paul Knight, (Cambridge, Massachusetts: MIT Press) 1986

[7] Muñoz, *Cruising Utopia,* op. cit. p.3

[8] Ibid. p.12

thinking, we nonetheless need to hold on to and even risk utopianism if we are to engage in the labor of making a queer world"[9].

Neither Deleuze alone, nor in his work with Félix Guattari have explicitly engaged with utopia. What I want to track down is not so much a genealogy of utopia or a story that spells out acts of utopianism within transgender subjectivity, but to highlight a utopian ethics in their work from which, I believe, trans politics and the way this multi-faceted and ever changing subjectivity can benefit. I am interested in revealing a mode of utopia as a way of thinking about the present. Such an argument requires framing utopia in an imaginary of material affectivity that finds its outmost force in the active involvement with the multiplicity of the present.

The questions I have in mind throughout this chapter are the following: **What can understanding trans subjectivity in terms of utopia of the present lead to in relation to the way in which trans is at present being managed within the legal/medical framework? Can utopian ethics offer and sustain a new framework?**

Utopianism, as I frame it in this research, is the movement in the pursuit of a virtuality that is already real and that happens every day in and out of official recognition. It melds with forces and powerful spatial links that individuals have already learnt to understand and channel, and with which they compromise and negotiate their individuality, often struggling and delegitimised by a heteronormative discourse that mystifies and victimises them. Like any visions to pursue in life, it is motivated by desire and necessitates the radical restructuring and reconsideration of the disciplinary politics that govern subjectivity. The marginal bodies of this research already know this.

The mistake in utopian thought, as Elizabeth Grosz notes, is that it confuses

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[9] José Esteban Muñoz, *Disidentifications: Queers of Color and the Performance of Politics* (University of Minnesota Press 1999) p. 25

a possibility for a *virtuality*, thus failing to think of utopia as a temporality.[10] Until the framing of the present is influenced by the anticipatory force held by the dimension of the future, utopia will remain an impossibility and a necessity. However, if we can reconceive the temporality of time according to the ethics of multiplicity – which are the opposite of hierarchical dualisms and identity categories – we will be able to let go of fixed realities and, instead, open up unbounded spaces for autonomous becomings. A crucial aspect of utopianism, or of thinking utopian, is that it cannot be mere execution, that is, it is not the realisation of a plan – however forward - that already exists. This is, in a way, what Manfredo Tafuri's critique focuses on. In his view, utopia will remain an impossibility because it is always overtaken by distorted forms which are typical of rampant capitalistic societies[11] and which will inevitably influence its outreach. In Tafuri's negative analysis, the only possibility to conceive of utopian spaces is not by realising ideals, but through thinking beyond what is known (a no place, quite literally) to any ideology or movement and find new techniques capable of dissolving the crisis given by dialectical synthesis.

Utopia, as we will see throughout this research, is not a place to reach (or even, a non-place to reach), nor a spatial absence to colonise and appropriate. This approach privileges the place over the journey to get there, and fails to see that utopia, as queer and as transgender, is more about the movement of material transformations and corporeal intersectionality rather than the realisation of an abstract impossibility or the accomplishment of a task. The diary abstracts that will support my theory will be indicative of this sentiment: many transgender individuals, as we will see, are more concerned with the ways in which they negotiate their subjectivity every day, and the compromises they are called to make, rather than obtain recognition of a status that often will not fully represent

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[10] Elizabeth Grosz, *Architecture from the Outside. Essays on Virtual and Real Spaces* (MIT Press 2001) p. 135

[11] Manfredo Tafuri, *Architecture and Utopia. Design and Capitalist Development* (MIT Press 1976)

them. Their lives, the contagious material endeavours manifested in their incessant search for self-representation and the urgency to endure and establish their own unique story over the myriads of other stories depict a pure sense of utopianism. What matters to them, often, is not only to establish whether they resemble a man or a woman, nor if their voices match their gender or if their bodies look natural. These, contrarily, seem to be simplifications that, while important, fail to account for – and often distract from - that unique and unrepeatable experience of writing their own narratives.

2.1   Utopia of the Not-Yet

Although utopia as focus of academic enquiry first emerged in the 1960s, [12] fascination with this concept roots back in mythological novels of literary nature and, later on, in a number of political and philosophical commentaries that provide insights into what was considered utopian at different times within different realities[13]. The themes discussed as well as the methods of enquiry varied, but what these early studies had in common is an overbridging quest for social progress, the function of utopia as an ideal that cannot be reached, yet it was useful to keep searching, hoping and progressing[14]. Attached to this fundamental human need for social and personal advancement was an almost primordial unhappiness with a present condition which was felt as inadequate and restrictive and therefore "the proper role of utopia [was] to criticise the present".[15]

Bloch's utopia is a work of productive imagination, "venturing beyond"[16],

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[12] Levitas, *The Concept of Utopia*, op. cit. p.11
[13] Moritz Kaufmann's *Utopias* (London: Kegal Paul, 1879), Lewis Mumford's *The Story of Utopia* (Girvin Press, 1922), Joyce Hertzler's *History of Utopian Thought* (New York: Macmillan, 1923), Negley and Patrick's *The Quest for Utopia* (Maryland: McGrath, 1971).
[14] See B. Goodwill and K. Taylor, *The Politics of Utopia* (Peter Lang, 2009); Levitas, *The Concept of Utopia*, op. cit.; Patricia Vieira and Michael Marder (eds), *Existential Utopia, New Perspectives on Utopian Thought* (New York, London: Continuum 2012)
[15] Levitas, *The Concept of Utopia*, op. cit. p.39
[16] Bloch, *The Principle of Hope*, op. cit. p. 4

that is, it comes from the belief that wishful imagination of something that is not yet assumes a hopeful function which can produce advancement in humanity. Hope has a utopian function insofar as utopia is an imaginative idea which extends to the future as a directional promise of other - better – possibilities. In other words, it stems from the necessity to find something else beyond the now, a way "into the future possibilities of being different and better"[17]."The Now is the place where the immediate hearth of experience in general stands...As immediately being there, it lies in the darkness of the moment. Only what is just coming up or what had just passed has the distance that the beam of growing consciousness needs to illuminate it.[18] It is through the productive function of imagination that, for Bloch, the spatio-temporal distance between an unsatisfactory now – reality as it is – and our true wishes – hope – can be shortened and advance towards a future that remains not-yet as we imagine it, but that may be. The 'Not-Yet Conscious' is then the utopian potential of the unconscious, which wishes possibilities that are still in the not-yet space but anticipate what might be. It is down to the 'Not-Yet Become' to transform that anticipatory wish into material change. The shift between these two moments of Bloch's utopia is the potentiality between what one dreams of and what the physical world can actually accommodate and transform into reality. The function of imagination as a productive incentive for change should not be seen as an abstract endeavour, Bloch maintains. He makes it clear that hopeful wishing must be contained within parameters of attainability in order for it to become concrete utopia, which is to be distinguished from abstract utopia, based on impossibility. "Pure wishful thinking has discredited utopias for centuries, both in pragmatic political terms and in all other expressions of what is desirable; just as if every utopia were an abstract one"[19]. What is interesting is that Bloch gives utopia a double function: the ontological materialism to remain in the 'real-possible' and the future anticipation which pushes the horizon further and sets bigger goals

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17 Bloch, *The Principle of Hope*, op. cit. p. 144
18 Ibid. p. 287
19 Ibid. p. 58

each time.

The quest for human progress culminated in the rejection of a present that is often alien in Bloch is certainly of Marxist abstraction and, in essence, revolves around the primary preoccupation to transform society. The vast majority of the criticism attracted by Bloch is concerned with the overly idealistic approach, which Levitas identifies with the unrealistic expectations to expect change without confronting the constraints of the outside world[20] but only, in a way, through the force of consciousness – however concrete its dreams might be - is a concern expressed by Zygmund Bauman. For the most part Bauman shares some of the hopeful optimism of Bloch but, unlike Bloch, he remains immersed in the reality of today's problems and through the resolution of such problems he builds the condition for a better tomorrow,[21] displaying an attitude that, in Pierre Bourdieu's words, can be summed up in the wish to "control the present in order to be able to shape the future".[22]

I argue that the dimension of the 'Not-Yet' in Bloch – be it Conscious or Become – delineates a limbo that fluctuates in a static space wherein the generative force that utopia is initially attributed is arrested by contingency. In other words: the realisation or non-realisation of that imagination that, in theory, should move towards change, is totally reliant on the external conditions which might or might not actualise it. This anticipatory form of wishing, then, while provides - as Muñoz suggests - a methodology in the way that it can propel an impulse towards progression, it also delegates the utopianism of futurity to pure function and never really fulfils that need to become concrete, not even in its second stage, the stage of the 'Not-Yet Become'. Bloch's optimism and the dream of a better society, typical traits of his Marxist background, direct such a notion of utopia towards a conflict

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[20] Levitas, *The Concept of Utopia*, op. cit. p. 118
[21] Zygmund Bauman, *Socialism: The Active Utopia* (New York: Holmes and Meier Publishers, 1976)
[22] Cited in *The Sociology of Zygmunt Bauman: Challenges and Critique* ed. by P. Poder (M.H. Jacobsen Ashgate 2008) p. 223

between transcendence and abstractism which seems to totally incorporate experience in the equation. Bloch says: "The Here and Now, what is repeatedly beginning in nearness, is a utopian category, in fact the most central one; even though, in contrast to the annihilating circulation of a Nothing, to the illuminating circulation of an All, it has not yet even entered time and space".[23] Consequently, perhaps even more regrettably, we have the ideal, which is nothing other than a future disconnected from the present, and we have reality, which is a present deprived of any substance or potential because its only function, as present, is to anticipate a future dimension that it (the present) does not retain. In such a vision, it is not only the future that appears idealised in its not-yet limbo, but also the present (the here and now), emptied of its organic connection to the future. Adorno points out the same concern: "the counterfactual yet-to-come, is draped in black. It goes on being a recollection of the possible with a critical edge against the real: it is a kind of imaginary restitution of that catastrophe, which is world history: it is freedom which did not come to pass under the spell of necessity and which may well not come to pass ever at all".[24]

Furthermore, there is in this view an almost compulsive attempt to control the chaos (the possibilities) of the future in favour of an attitude towards serial rationality that, for Tafuri, can be identified with succumbing to ideology logics, that is, the internalisation of political agendas as models to pursue.[25] Tafuri identifies fear for the unknown – the future – as the main reason why utopianism is, by definition, impossible. He says: "To turn ideology into utopia…ideology had to negate itself as such, break its own crystallised forms, and throw itself entirely into he construction of the future".[26]   However, as Jameson argues, this is not to say that an ideological edge to utopianism is necessarily a negative factor.[27] On the

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[23] Bloch, *The Principle of Hope*, op. cit.
[24] Cited in David Drew's Introduction to E. Bloch (1985) *Essays in the Philosophy of Music* (Cambridge University press: Cambridge) p. xl
[25] Tafuri, *Architecture and Utopia.* Op. cit. pp.91-93
[26] Ibid. p.50
[27] Fredric Jameson, "Architecture and the Critique of Ideology" in *Architecture Theory since*

contrary, it can be an incentive to keep challenging the mutually informed relationship of ideology and status quo, "this opening space for anti-status quo visions"[28]. Although one must consider that Tafuri's views are more suitable and informative when considered within their original architectural context,[29] his ideas are nonetheless philosophically charged and express with pungent rationality the miscommunication between utopia as chaos and utopia as a propaganda instrument based on the ideal of growth and expansion to surpass the alienating limits of reality – seen as the deterrent - which reduces utopian spaces to "sublime uselessness".[30] For Tafuri, the avant-guarde movements that promised a utopia vision of the future[31] have failed precisely because they have not been able to move away from the alienation of capitalism and have given in to its pressure thus becoming mere instruments for further control.[32]

While Tafuri's critique highlights, on one hand, the structural impossibility of such a configuration of utopia, on the other it also confirms the need for that *a priori* negation that triggers the necessity for a utopian imaginary in the first place. That condition of "tarrying with the negative",[33] vital in Hegelian dialectics, then, fuels that declared impossibility which nonetheless finds its reason to exist insofar as that not-yet space remains unfulfilled. The question of this perennial mediation between positive and negative – as understood by Tafuri – can only be overcome through a total

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*1968 (*MIT Press, 2000) pp. 440-462

[28] Frank Cunningham, "Triangulating Utopia: Benjamin, Lefebvre, Tafuri" in *City*, Volume 14, Issue 3 June 2010 268-280 p.273

[29] Tafuri's main philosophical analysis is concerned with how capitalistic developments and the pursuit of various ideologies – in politics as well as art - have deprived the city of its utopian dimension. Besides the cited *Architecture and Utopia*, Tafuri engages with these notions also in another important publication: *The Sphere and the Labyrinth, Avant-gardes and Architecture from Piranesi to the 1970s* (MIT Press)

[30] Tafuri, *Architecture and Utopia.* Op. cit. p. ix

[31] Here Tafuri specifically refers to the early 20th Century movements such as Cubism, Futurism, Constructivism, Surrealism, Dadaism. In his view, these movements have failed to dissolve the dialectical synthesis between chaos and order, freedom and control old and new.

[32] Tafuri, *Architecture and Utopia.* Op. cit. pp. 92-96

[33] G.W.F.Hegel, *Phenomenology of Spirit,* trans A.V. Miller (Oxford: Oxford University Press, 1977) p.19

abandonment and acceptance of the void, "to save oneself one must lose oneself".[34] This reciprocal "forward and backward at the same time",[35] which is nothing other than experience overrun by the mediation between an absolute that is not-yet and an irrational and deluded specificity which can never be, underscores a tension between the real – present - which is utopian, and the utopian which in fact is not-yet, the only quasi-condition of a possibility for the real. Max Blechman puts it more effectively by saying that "the melancholic experience of the less puts the emphasis on the more that the individual is in the form of not yet being it – i.e., on the pledge of an identity itself prefigured as potential".[36] This double dimension of promise/anticipation of the Not-Yet is then highly problematic because it sets us away from immanence altogether in favour of a dual vision wherein consciousness is transcendently dependent on the present possibility of society to enact change and, at the same time, conditioned by an ideal of futurity which might remain just that, an ideal.

Muñoz falls in the same trap: he claims that spaces of today can inform and instigate the spaces of tomorrow and traces his utopian genealogy through a variety of queer phenomenology experiences selected amongst the subcultures of queers of colour, women of colour, street artists and performers and through those alternative, marginal existences, he delineates the aesthetics of queer utopianism, insisting on the endless modes of being that emerge from queer culture. This is the point of access through which we are shown that queer utopianism is possible. However, despite Munoz's attempt to emphasise an underscoring materiality, stressing the importance of concrete utopia, his account still sounds "willfully idealized", to use his own words[37]: his continuous returning to the past to read what is missing in the present appears reluctant because of

[34] Tafuri, *Architecture and Utopia*. Op. cit. p.50

[35] Theodor W. Adorno, Hegel: Three Studies, trans. S.W. Nicholsen (Cambridge, Massachusetts: Massachusetts Institute of Technology Press 1993) p.136

[36] Max Blechman, "Not-Yet": Adorno and the Utopia of Conscience" in *Cultural Critique*, 70, Fall 2008, pp. 177-198

[37] Muñoz, *Cruising Utopia,* op. cit. p.86

the lack of political reach in the queer accounts he uses to delineate his utopianism.[38] In a sense, although he maintains queer utopias are a collectively shared labour, what comes across from his archives are the isolated individual stories of subcultural narratives: the materiality of his queer performativity fails to lead to political relevance and it is difficult to grasp the passage from possibility to actuality. In a sense, without knowing, Muñoz reproduces and confirms the impossibility of that Not-Yet limbo where "the radical promise" of queer utopia never finds the necessary invested deployment in real life. A real life made of heterogeneous and promiscuous urban practices and the exposure to an often hostile and difficult to penetrate sociality wherein there is more than state consent at stake - turns Muñoz's "concrete" utopia into material impossibility. Let us freeze this concept here for the time being and move on to consider the temporality of the future from a different perspective.

2.2 No Present, No Future

Muñoz's hopeful futurity as an optimistic turn for the emancipation of queer, finds no support at all in Lee Edelman and Leo Bersani's passionate polemic on the rethorics of happiness and communal affectivity. Leo Bersani's *Homos* expresses skepticism for "the rage for respectability so visible in gay life today".[39] According to Bersani, the trends in queer theory follow a script of tolerance which exhaust, if not neutralise, the subversive challenge they should cultivate. Bersani's famous provocation "should a

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[38] Munoz's engagement with the political potential of queer is rather thin and is never done outside of the realm of performativity. The only instance where his discussion connects with sovereign power is through the aesthetics of performativity and the visual impact it has. In particular he does so by analysing the management of violence against queer people in New York under the "Giuliani regime" (2009: 63) and the policing of collectives of "queer energies" (2009: 64) marching in public spaces. "The state", he says, "understands the need to keep us from knowing ourselves, knowing our masses... [It] understands the power of our masses...The utopian promise of our public performance was responded to with shattering force. Even though this impromptu rebellion was overcome easily by the state, the activist anger, a productive, generative anger, let those assembled in rage glean a queer future within a repressive heteronormative present" (2009: 64).

[39] Leo Bersani, *Homo* (Harvard University Press 1996) p. 113

homosexual be a good citizen"? questions whether queer theory should continue to follow the path set out by heteronormativity or, rather, rediscover its own specificity. Similarly, Elderman's 'No Future' challenges the reproductive power children retain within society and their promise for "a reality guaranteed, not threatened by time, sustained by certainty" and the illusion of immortality that they feed.

The so-called 'anti-social' politics in queer theory root back to Guy Hocquenghem's book *Homosexual Desire* where he wrote that the history of civilisation stands on oppression and "forms the interpretive grid through which desire becomes cohesive energy"[40] channelled into a Oedipal heteronormative force. According to Hocquenghem, there can never be a revolution of dominant heteronormative cultural practices until the notion of desire is reworked. "Revolutionary demands must be derived from the very movement of desire; it isn't only a new revolutionary model that is needed, but a new questioning of the content traditionally associated with the term 'revolution', particularly the notion of seizure of power"[41]. Hocquenghem's work is concerned with the social emergency homosexuality was associated with in the early 90s, the stigma of AIDS associated to it and the way danger was dealt with. Through his analysis, what is important to notice - as it will be the founding principle of the anti-social turn in queer theory - is the idea that desire can be revolutionary only when it opposes to social order, not when it becomes part of a civilised ideology. The question this raises is: why would one want to be a civilised citizen?

Bersani is concerned with the 'desexualising discourses' that surround desire. The social strive to naturalise non-conforming sexualities, on the one hand, aims to de-trigger the politically disruptive aspect of homo-ness, on the other, it works as a boost "in order to continue exercising and enjoying

[40] Guy Hocquenghem, *Homosexual Desire* (Durham, NC: Duke University Press 1993) p. 137
[41] Ibid. p. 135

the privileges of dominance".[42] Accordingly, acceptance too assumes the contours of a politically orchestrated game of give and take, designed to control and neutralise what could disrupt, to transform "gay men into infinitely fascinating taboos, ... less dangerous to look".[43] Bersani's main argument revolves around the idea that queer studies have fundamentally forgotten how to be queer, that is, they have failed to account for sexual specificity and, at the same time, in their preoccupation to gain legitimation and status, they have created an inclusive queer narrative that shuns the multiple and contradicting ways one can be queer. Significantly, Bersani's critique was published at a time when queer studies were just emerging as an independent scholarship, and the performative theory of Judith Butler had introduced new perspectives on how to enact gender. In such a context, his negative approach echoed more loudly and, in a way, gave origin to a 'negative perspective' revisited and enhanced by Lee Edelman and his famous call for 'No Future'.

What Edelman adds to the argument – more to the point in this context - is the notion of reproductive futurism which "impose[s] an ideological limit on political discourse as such, preserving in the process the absolute privilege of heteronormativity by rendering unthinkable, by casting outside the political domain, the possibility of a queer resistance to this organizing principle of communal relations".[44] Reproductive futurism develops a cultural and political rhetoric that works towards the continuation of civilisation - of the species, in a way - through enhancing the sacrality of heterosexuality.

With the cry: "fuck the social order and the Child in whose name we're collectively terrorized; fuck Annie; fuck the waif from Les Mis; fuck the poor, innocent kid on the Net; fuck Laws both with capital l's and small;

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[42] Bersani, *Homos*, op. cit. p.5

[43] Bersani, *Homos*, op. cit. p.21

[44] Lee Edelman, *No Future: Queer Theory and the Death Drive* (Durham, NC: Duke University Press 2004) p.2

fuck the whole network of Symbolic relations and the future that serves as it prop"[45], Edelman identifies children - supreme symbol of hope and future - as tools for political machinations of rhetoric on an ideal of future which is only the faithful reproduction of this present. "The Child, that is, marks the fetishistic fixation of heteronormativity, an erotically charged investment in the rigid sameness of identity that is central to the compulsory narrative of reproductive futurism"[46]. Children, he says, are the embodiment of futurity, a project that looks forwards, the most powerful result of the socio-political investment in heteronormativity, the embodiment of the past, present and future of civilisation.

Both Bersani and Edelman are concerned with the sociality of queerness insofar as sociality is the expression of a cultural hegemony. In a context where to exist and be recognised one must abide, absorb and reproduce, they suggest that this sociality is not worth taking on and only in a total refusal of affectivity, sociality and emotional participation do they find a way for queerness to exist coherently, that is, as an opposing force, not compromised by trade-offs with heteronormative manoeuvres. So we have it that sociality requires a de-centring of the social order. "Rather than a life-force connecting pleasure to life, survival and futurity, sex and particularly homo-sex and receptive sex, [the sexual instinct] is a death drive that undoes the self, releases the self from the drive for mastery and coherence and resolution"[47].

The provocations in Bersani and Edelman's works can be, then, summed up as follows: Community politics have not produced the desired results, the assimilation of the predominant values have not led to freedom, the definition of oneself through the identification with a productive normality has hidden and not resolved the matter: why, then, continue enacting this

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[45] Edelman, *No Future*, op. cit. p.29

[46] Edelman, *No Future*, op. cit. p.21

[47] Judith Halberstam, "The Anti-Social Turn in Queer Studies" in *The Graduate Journal of Social Science*, 2008 Vol.5 Issue 2 p. 140

community spirit and participate into a vision of futurity that, for queers, is death? Rather than being marginalised by an idea of society that rejects queers, why not make the conscious decision to reject sociality and become a marginal body?

The centrality of Edelman's views in this research is expressed by what he calls 'reproductive futurism', a temporality that, he argues, insists on presenting an idealised future, thus conferring it (the future) a superior value over the present and therefore promoting politics that preserves a logic "where futurism always anticipates, in the image of an imaginary past, a realization of meaning that will suture identity by closing that gap, queerness undoes the identities through which we experience ourselves as subjects"[48]. This encourages a political and social justification of the failures and lacks of identity politics of the present, in view of a future which, Edelman argues, is in fact an illusion, for it is corrupted by the reproduction of sameness. Paradoxically, in Edelman view, it is hope for the future that kills the potentiality of queer in the present, which, by contrast, is what Muñoz's utopia relies on: the temporality of "the coercive choreography of a here and now"[49] which inspires a utopian future in the 'there' and 'then'.

Muñoz and Edelman present two approaches in considering the future which I find equally problematic: the former, as highlighted in the previous section of this chapter, over-relies on a productive form of future which never fully keeps its promise because it freezes its potentiality in a not-yet dimension that ends up neutralising instead of enhancing it. Furthermore, the politics of affirmative relationality and futurity as envisioned by Muñoz are too closely linked to the hegemonic rhetoric of happiness[50] and fail to account for vulnerability or instability, in favour of rosy assumptions which, in fact, do not match a realistic consideration of the state of affairs.

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[48] Edelman, *No Future*, op. cit. p.24

[49] Muñoz, *Cruising Utopia,* op. cit. p. 162

[50] See for example Sara Ahmed, *The Promise of Happiness* (Duke University Press, 2010) where she challenges the socially constructed imperative to be happy and argues that the pursuit of happiness has often justified oppression.

Reality for transgender people – and this is, in my view, the main limit of Muñoz's analysis – is not about writing poetry, theatre performances, radical activism and underground forms of art. It is rather the constant renegotiation of their subjectivity with the friction they encounter and with which they must come to terms with in their day-to-day existence. Muñoz's utopia is a luxury that not very many individuals can afford. As we will see more in detail later in my examinations of the video diaries, most of them are just too busy getting on with the mundanity of a life which, more often than not, presents threats to their personal security, well-being and basic human rights and where nothing can be assumed, but everything is to be conquered every day.

Edelman's account, too, shows a manifest teleological approach towards the politics of the present. In particular, his conceiving of the future as sameness and therefore the closure towards all the possibilities of contamination and encounters betrays that "ethical" demand he himself puts of queer to subvert a future which by his own terms, does not serve its purpose. So, if the present is disappointing and the future will not be any better, from where does Edelman draw any potentiality to enact change? To build a new ethics of utopianism that can account for the mode of futurity embodied by transgender subjectivities, I wonder if the argument still needs to be articulated in either impossible hope or self-annihilating cynicism. Is there a path we can follow beyond the mutually exclusive hope and negativity, construction and deconstruction, sociality and inwardness?

Queer theory's failure to engage with difference effectively roots in the inability to let go of essentialisms and concepts that simply cannot paint a different picture than what has been available thus far. This is because it is too fundamentally immersed in a double optic, the same double optic that queer proposes to dismantle. This means that the only possible consideration of futurity must be done using a totally new and different set of spatial and temporal tools capable of cracking that normative imperialism that has dominated the debate. I shall take up the challenge.

The first question to pose is not, then, what is the future, rather: when is the future? And is it possible to reconsider utopia through the temporal relocation of the future?

So, one the one side we have the double dimension of the mutually exclusive dichotomy present/future conceived on a hierarchy between reality – however disconnected from the real - and imagination, the productive hopefulness that, in Bloch, connects the now to a then we are not sure about. The wishing subject projects its wishful hope to an object that is responsible for its realisation. This system of knowledge whereby conscience is a result of the transcendental mediation between a space that one wishes and a space that might happen is limiting, for it creates a void that neither the subject nor the object can fill. On the other side we have the abolition of the dual relationship subject/object and all we are left with is the self. Deleuze's concept of difference – briefly touched on in the previous chapter – is paramount here. Deleuze allows us to relocate the space of action of the subject – which is no longer subject but is simply self – right back into the self so that its full being – fully expressing and living – happens internally and does not depend on any external relations. In a way, we can think of a self that is fully formed and self-sufficient in the totality of its being. This body – the self – in being a whole unit is also different, where difference, far from comparative, is to be considered a difference in being. In other words, the self is different only by virtue of being, which means that its modes – to which we will go back later – of being respond solely to one command, that of being what they are. So, how does the self find its whole inside and how can it surpass the limits of transcendence?

2.3 Temporal Immanence

The first step to take in this attempt to reframe utopia as a mode of the present is by understanding the difference between immanence and transcendence. Deleuze's concept of immanence – or better still, of

ontological immanence – derives from Nietzsche and Spinoza, and it is first of all, as Deleuze himself declares, an ethical choice, "a mode of living, a way of Life"[51], an ethical (and ontological) self-empowerment, we could say, where being is nothing other than being itself and life finds its completion.

In *Thus Spoke Zarathustra* (1891) Nietzsche develops the concept of the *Übermensch*, presented as the ideal goal humanity can set out for itself in order to achieve self development. This concept has attracted much criticism[52] and its consequent symbolism around the Nietzschean imagery of the death of God and its reactionary values against the morals of Christianity, but it is relevant here because, as David Lane suggests, it "symbolises the promised end product of a process of overcoming all pre-established cultural values of transcendence, and, as such, based upon a faith in materiality, the senses and the earth"[53]. From here and through the work of Deleuze, I suggest, it is possible to draw a sense of how the mundanity of life immersed in the materiality of the present can become enacted revolutionary utopianism.

The split between good and evil or even between truth and lie is formulated by Nietzsche in terms of the 'otherworldly' and its opposite, what is commonly named 'thiswordly'. The 'otherworldly' and the 'thisworldly' stand for transcendence ("heaven"), that "inhuman dehumanised world which is a heavenly Nothing"[54] as opposed to empiricism ("truth"). On the one side, the clashing dimensions of science and on the other, its transcendental double: faith. Nietzsche's position in this binarism,

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[51] Gilles Deleuze, *Spinoza: Practical Philosophy*, trans. R. Hurley (San Francisco: City Lights Books, 1988) p.122

[52] The *Ubermensch* has been associated to the Nazi regime and was given a racial connotation in the pursuit of the ideal of the master Aryan race. Moreover, the Ubermensch was used in eugenics to argue for the genetic improvement of humanity through the reproduction of desired traits.

[53] David Lane, "The Worldly and the Otherworldly. On the 'Utopianism of Deleuze's Thought" in Philament HABITS & HABITAT, June 2008, 86-106 p.91

[54] Friedrich Nietzsche, *Thus Spoke Zarathustra* (NY, London: Penguin 1969) p.59

delivered through the character of Zarathustra, is: "remain true to the earth, and do not believe those who speak to you of superterrestrial hopes!". [55] In this sentence Nietzsche expresses the fundamental split between this world and the other world, between divine and terrain and highlights a form of materialism – 'being true to the earth' - that is essential to becoming Ubermensch[56].

Deleuze's understanding of transcendence preserves this formal split: it is everything beyond being, an illusion, "any organisation that comes from above and refers to transcendence, be it a hidden one, can be called a theological plan: a design in the mind of a god, but also as evolution in the supposed depths of nature, or a society's organization of power. It always involves forms and their developments, subjects and their formations…it

[55] Nietzsche, *Thus Spoke Zarathustra* op. cit. p.42

[56] It is relevant here, as background information that, for Nietzsche, the Cogito's essentialism and moralism go hand-in-hand. What Nietzsche generally defines as the danger of morality and its relation to the emergence of "that little changeling, the 'subject'" (*On the Genealogy of Morals*, New York: Vintage, p. 45) is the product of a process of internalisation of 'bad conscience', that is, the illusion of a psychic interiority that, through a moment of internalisation (*Verinnerlichung*), regulates and polices itself to enter the moral order "enclosed within the walls of society" (Ibid.: 84). Moral and juridical order, instead of breeding justice and no violence values, internalise "hostility, cruelty, joy in persecuting" (Ibid.) and use them to produce the subject with a conscience which, for Nietzsche, is nothing other than the self-governing discipline the sovereign uses to ensure moral order. The image of man that turned backward against man himself" (Ibid.: 85) is the image of the rejection of the body that, in the sovereign subject, turns against life itself "life itself has become repugnant to him" (Ibid.:67). This self-repugnance, for Nietzsche the foundation of subjectivity, is the consequence of the Cartesian's body/mind split. Foucault's History of Madness (1961) envisions a similar journey to subjectivity whereby morality - or the bourgeois order, as Foucault calls it - and indeed a sense of sociality that comes with moral authority, is resulted through the internalisation of violence which "produces norms enforced not with the external methods of execution and torture but, rather, with the more effective, private internal weapons of "family values: scandal, guilt and shame" (Huffer, p. 106). So, for Nietzsche and Foucault's use of the morality of 'bad conscience', subjectivity is founded on the violence of morality, precisely on that passage where the subject internalises morality and turns backwards against itself. Moreover, as Foucault suggests and Deleuze confirms, the Cartesian absolutism places a limit to the free movement of thinking through the imposing supremacy of reason which is exclusionary and specific of a historical and cultural moment. The subject and its subjectivity are a product of that impossibility of the free movement of thinking. As both Huffer (2009) and Bell (2007) comment: The Cogito Ergo Sum mantra is here profoundly challenged by the uncertainty of thinking. An uncertainty – void, as Huffer calls it, that can no longer guarantee that where "there is thinking" there is discursive existence.

always implies a dimension supplementary to the dimensions of the given".[57] So, without the force of Being and the counterforce of the Act - or, in other words: without the Subject and its Object - life is one and it is unified with thought. Elsewhere transcendence is identified with "common sense, the unity of all the faculties at the centre of the Cogito, is the State consensus raised to the absolute" that threatens desire.[58] The counterpart of common sense is the "schizofrephic" who, contrarily to transcendental essentialisms, is capable of producing nomadic thought.[59]

"Life *activates* thought, and thought in turn *affirms* life".[60] This mode happens immanently. Life in immanence is a unified force that proceeds by 'variation'. It is a "streaming, spiralling, zigzagging, snaking, feverish line of variation [that] liberates a power of life that human beings had rectified and organisms had confined, and which matter now expresses as the trait, flow or impulse traversing it. If everything is alive, it is not because everything is organic or organized, but, on the contrary, because the organism is a diversion of life. In short the life in question is inorganic, germinal, and intensive, a powerful life without organs, a body that is all the more alive for having no organs".[61] The reverberation of its "streaming, spiralling zigzagging, snaking" is "complete power, complete bliss...no longer dependent on a Being or submitted to an Act - it is an absolute immediate consciousness whose very activity no longer refers to a being but is ceaselessly posed in a life".[62]

> "We will say of pure immanence that it is A LIFE, and nothing else. It is not immanence to life, but the immanent that is nothing is itself a life. A life is the immanence of immanence, absolute immanence: It is complete power, complete bliss. It is to the degree that he goes beyond the aporias of the subject and the

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[57] Deleuze, *Spinoza: Practical Philosophy,* op. cit. p.128

[58] Deleuze and Guattari, *A Thousand Plateaus* op. cit. p. 376

[59] Deleuze and Guattari, *Anti–Oedipus,* op. cit. pp. 7-21

[60] Gilles Deleuze, *Pure Immanence. Essays on a Life*, trans. A. Boyman (New York: Zone Books 2001) p.66

[61] Deleuze and Guattari, *A Thousand Plateaus* op. cit. p. 499

[62] Deleuze, *Pure Immanence. Essays on a Life*, op. cit. p. 27

object...no longer dependent on a Being or submitted to an Act - it is an absolute immediate consciousness whose very activity no longer refers to a being but is ceaselessly posed in a life".[63]

Thus, immanence, that is, life (that is, a unified force) exists by means 'of variation' and only in a mode of becoming. Such movement of becoming that is immanence is a force both eternal and non-hierarchical; it does not go "from one point to another"[64], for "a line of becoming is not defined by points that it connects, or by points that compose it; on the contrary, it passes *between* points, it comes up through the middle, it runs perpendicular to the points first perceived, transversally to the localizable relation to distant or continuous points. A point is always a point of origin. But a line of becoming has neither beginning nor end, departure nor arrival, origin nor destination...A line of becoming has only a middle".[65] Nothing is outside of immanence which "is immanent only to itself and consequently captures everything, absorbs All-One, and leaves nothing remaining to which it could be immanent"[66] and nothing exists if not in *becoming*. "Becoming is the movement by which the line frees itself from the point, and renders points indiscernible".[67] It is only by, in and through becoming that one can be. Anything that is outside of this immanent becoming - that is life - will serve trascendence and will weaken immanent life and its ability to keep producing the new. Similarly, what is not in the present is not in immanence (it is outside of life) and therefore unable to become, that is, to live. "Becoming cannot be conceptualized in terms of past and future... [It] remains indifferent to questions of a future and a past... it passes between the two"[68]. The concept of immanence is essential because in it we find the essence of specificity, "the impersonal yet singular life"[69], a

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[63] Deleuze, *Pure Immanence. Essays on a Life*, op. cit. p.27

[64] Deleuze and Guattari, *A Thousand Plateaus* op. cit. p. 323

[65] Ibid.

[66] Deleuze, *What is Philosophy?* op. cit. p. 45

[67] Deleuze and Guattari, *A Thousand Plateaus* op. cit. p. 324

[68] Ibid. p. 322

[69] Deleuze, *Pure Immanence. Essays on a Life*, op. cit. p. 28

"commitment"[70] to empiricism that allows to begin from specific experience – molecular - as a condition for molar.

Immanence then informs nomadic ethics, which Rosi Braidotti identifies with the multifunctional and complex flow of bodies, energies, desires and affects operate by "logic of invention"[71] and are always conceived in terms of multiplicity - filled with "multiplicity which changes in nature when it divides"[72] - an irrational force (or multiple forces) that bring together different and discontinuous degrees , shapes and forms. It is smooth space, a "heterogenous, in continuous variation ... amorphous"[73] which deterritorialises and reterritorialises in a constant infectious movement from smooth to striate and back to smooth so to "to free up the fixed relations that contain a body all the while exposing it to new organisations"[74]. These smooth spaces employed here are spaces of difference. They delineate the movements, the orientations and linkages (or lack of) in constant variation that do not rely on referential objects or points, but rather, move following haecceities, that is, singular modes of individuating relations in the world that go beyond mere definitions of good and evil, "since only the subject which incarnated it in the midst of things rendered it good or bad.[75] In contrast to this, striated spaces (identified with the State) are sedentary, striated by trajectories, regulations, roads and directions.

This process from striate state through newly created smooth space is the precise moment when the revolution of becoming takes place and, in its perpetual oscillation, it preserves being (Life) from the static and stiff crystallization of established norms. "Smooth space is constantly being translated, transformed into a striated space; striated space is constantly

[70] Colebrook, *Understanding Deleuze*, op. cit. p.82

[71] Grosz, *Architecture from the Outside,* op. cit. p. 113

[72] Deleuze and Guattari, *A Thousand Plateaus* op. cit. p. 534

[73] Ibid. p. 536

[74] Adrian Parr, *The Deleuze Dictionary* (Edinburgh University Press 2005) p. 67

[75] Deleuze, *Pure Immanence. Essays on a Life*, op. cit. p. 4

being reversed, returned to a smooth space"[76] The turn of immanence which reverts to transcendence, from deterritorialized to reterritorialized and from new to old and back to new ensures the vitalism that is essential to life. The importance of spatiality in this thesis is paramount because it constitutes the primary and most inflexible interlocutor in the compromises transgender individuals must undertake in the day-to-day expression of their subjectivity. To conquer space - from striated to smooth – is not only a question of external validation, but it is the victory of the specificity of one's subjectivity over the smooth rendering to pre-established identities.

2.4 Future in the Present

The common understanding of temporal phases sees the present as the moment where past and future split. It is our day-to-day conceiving of time, a model that derives from Aristotle's *Physics*, defined by a "number of movement in respect to before and after"[77], where the past has a 'no-longer' dimension and the future holds a 'not-yet' anticipation, two containers where things take place in an infinite linear mode and where past and future are delineated by the position of the now. Heidegger opposes this very principle of eternal, time-less time. As I will go to explain in this chapter, his views deeply inform Deleuze's understanding of time. Heidegger envisions time as a more cohesive dimension where the past takes up the effects of the present and the present provides a trajectory for what the future might become. Three distinct but far from separated moments, past, present and future are expressions of the same fold in the fact that what is in the past is connected to the future through he present. This is the human-centric analytical perspective of Heidegger that sees being in time. The Being-towards-death state of being places Heidegger's emphasis on the *Zukunkt* (future): the anticipatory *Zukommen* (come forth, come towards) projects us to the future, yet future is not infinite, there is an

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[76] Deleuze and Guattari, *A Thousand Plateaus* op. cit. p. 524
[77] Aristotle *Physics* (Oxford's World Classics 2008) 4.11.219b2, 220 a25

end to it. This is why, for Heidegger we have the possibility to shape our future and make it our own through the present, so not to 'waste' a chance and, at the same time, not to let that anticipation disappoint us. The novelty in this conception of time is that time is no longer seen as "a movable image of eternity"[78], but it faces death. That is to say, it does not happen in a dimension of eternity, it is not an infinite series of linear 'now' points that passes us by, but "it is only for a being that lives with an awareness of its own mortality"[79], that is, it has a deadline pending on it, death. [80]

With Deleuze time assumes yet another form. Temporality is not a domain of the human being only but has a horizon that goes beyond the human dimension. It does not have a chronology, but is "a formal network of processes…interacting with one another"[81]. For Deleuze there are no past or future as such: "we are travelling back and forward in time all the time with no need for special machines or for odd physical properties such as wormholes"[82]. There is only present. Present that assumes different forms, but is enacted only as present. Let me explain this better: the past is a series of memories of what happened (in the past) but is no longer happening, yet is being re-enacted in my memory at this moment and is therefore still present ("It is not, but it acts"[83]), for my act of remembering is happening now, in the present. "The past and the present do not denote two successive moments, but two elements which coexist: One is the present, which does not cease to pass, and the other is the past, which does not cease to be but through which all presents pass…The past does not follow the present, but

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[78] Plato *Timaeus*, trans. R. G. Bury. Loeb Classical Library, Vol. IX. (Cambridge, MA: Harvard University Press) 1929 p. 37D

[79] Lilian Alweiss, "Heidegger and the Conception of Time" in *History of the Human Sciences* 2002 15: 117-132 p.118

[80] This has been seen as a problem by other philosophers. Sartre, for instance, argues that Heidegger's impetus to 'own' the future, to make it our own in the face of death suggests that death is something at our disposal, within our human reach, while "death comes from outside and transforms us into the outside". Sartre, J. P. *Being and Nothingness*, trans. H. E. Barnes. (London and New York: Routledge) 2003: 545

[81] James Williams, *Gilles Deleuze's Philosophy of Time: A Critical Introduction and Guide*, Edinburgh University Press, 2011 p.3-9

[82] Williams, *Gilles Deleuze's Philosophy of Time,* op. cit. p.8

[83] Deleuze, *Bergsonism*, op. cit. p.55

on the contrary, is presupposed by it as the pure condition without which it would not pass".[84] The present, "which does not cease to pass"[85], is the condition for which the past has past. Without present the past would not exist. Yet, one should not conclude that the past is only residual memories of a present through which it has passed: "if it were, there would be many pasts, as many as there are people…[or] as many as there are psychological states of people"[86]. Now, the present exists in *actuality*, *"it acts"*[87], while the past exists in *virtuality*, "it has ceased to act…but it has not ceased to be", hence "it should not be said that it 'was'"[88]. The virtual and actual as spaces are not filtered through the phenomenological mind of each of us (they have no "psychological existence"[89]). Rather, these must "be understood as 'the two sides of the Real'"[90], not distinct, but ontologically unified as "whole, integral past".[91]

Utopian becomings, then, need to be understood as the duration that connects the future to the past and which, through perpetual becoming, best embodies the present. Grosz explains multiplicity as the embodiment of all virtualities not actualised, yet present, which contains an element of ideal and the notion of time as becoming, "an mixture of the latency of the past and the indeterminancy of the future".[92] The concept of duration is borrowed by Bergson and is the differentiating force that motivates becoming, "the operation of self-differentiation, the elaboration of difference … Duration is that which undoes as well as what makes: to the extent that duration entails an open future, it involves the fracturing and

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[84] Deleuze, *Bergsonism*, op. cit. p.59
[85] Ibid.
[86] May, *Gilles Deleuze: An Introduction,* op. cit. p.47
[87] Deleuze, *Bergsonism*, op. cit. p.55
[88] Ibid.
[89] Ibid.
[90] Andrea Pavoni, Exceptional Tunings: Controlling Urban Events (PhD Thesis, University of Westminster 2013) p. 47
[91] Deleuze, *Bergsonism*, op. cit. p.59
[92] Grosz, *Architecture from the Outside*, op. cit. pp.130-149

opening up of the past and the present to what is virtual in them, to what in them differs from the actual, to what in them can bring forth the new"[93].

These complex connections need further unpacking: Through his reading of Bergson, Deleuze elaborates the notion of the *virtual*.[94] Berson places the *possible* and *real* on the same level: what is possible is not second to what is real, it does not pre-exist the real. In doing so, he eliminates the possibility of thinking of what is possible as something that will be (but is not yet) realised in the *real*. Deleuze rejects this Bergsonian notion of the *possible* and instead replaces it with the notion of the *virtual*, which is already fully real (it is not in the condition of possibility) and therefore dissolves that passage 'possible to real' that Bergson eased out by placing possible and real on the same level. This opens up to a whole new way of accounting for what is real. In particular, I refer to the acknowledgement and inclusion of all those invisible realities which, because of their marginal social location, are often not seen or, worse, deemed irrelevant and silenced through oblivion. This claim I am making here will become more apparent in the next chapter, where I highlight the limitations of the Gender Recognition Act 2004 and the dramatic split it creates between transgenders who decide to fully embrace gender and those who refuse it. The first diary session, furthermore, will be emblematic of this tendency.

So, the *virtual* for Deleuze is the condition for the *real*, "the virtual is real in so far as it is virtual"[95], it is the only moment where real experience takes place, "the site of the condition of possibility of the virtual"[96]. Unlike the possible (which is possible but not real), the virtual is real, just not yet actualised. As Pavoni notes, the relationship between virtual and actual is neither conflictual nor harmonious, rather, is it one where "they affect each other, in a radical, swerving asymmetry, between the real potentialities of

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[93] Elizabeth Grosz, "Bergson, Deleuze and the Becoming of Unbecoming", op. cit. p.4

[94] Deleuze, *Bergsonism*, op. cit.

[95] Deleuze, *Difference and Repetition*, op. cit. p.208

[96] Keith Ansell Pearson "The Reality of the Virtual: Bergson and Deleuze" in *MLN* 120 (2005) 1112-1127 p.1113

the virtual and their relational actualization"[97].

Because the virtual operates in multiplicity, it necessitates a vision of the real that is plural and constitutive of difference. For Bergson, difference can be external or internal, the former is concerned with nature, the latter is constitutive, both forming the essence of becoming different.[98] What is important is that this is not a binary dualism, but each is an impulse of that movement of differentiation that determines multiplicity. It is through *intuition* – an ever-productive force – and its *tendencies* inside and reverse, that difference is dissected, assimilated and forged into the new languages, new concepts, new life. " Intuition is not simply the discernment of natural differences, qualitative differences or differences in kind; it is the inner orientation to tendency, to the differenced between tendencies, it is the capacity to understand natural differences beyond a monistic or dualistic model, not as relation of two terms, but as the convergence of two tendencies or dispositions, not marked by negation but brought together through contraction/dilation"[99].

So we have it that full potentiality is already in the *virtual*, which means that it is already exposed and constantly traversed by intuition which actualises it. It is life – the real, the virtual – that overcomes life ("life overcomes itself"[100]) and its becoming is not only expressed through its being virtual (present and real) but also by its being in constant re-elaboration. Potentiality, then, does not disappear when it becomes actuality, it does not develop *into* actuality. The passage between a before that is intangible (a potential) and an after that is developed (actualised) that for Hegel[101] is distilled in the power of reason that unpacks inner

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97 Andrea Pavoni, Exceptional Tunings: Controlling Urban Events, op. cit. p. 47
98 Grosz, "Bergson, Deleuze and the Becoming of Unbecoming", op. cit. p.7
99 Henri Bergson, *Matter and Memory* (New York: Zone Books, 2004) p.102
100 Grosz, "Bergson, Deleuze and the Becoming of Unbecoming" Op. cit. p.10
101 In *Reason in History* Hegel writes: "The insight then to which – in opposition to these ideals [of imagination] – philosophy should lead us is that the actual world is as it out to be, that the truly good, the universal divine Reason is the power capable of actualising itself. This good, this Reason, in its most concrete representation, is God. God governs the

potentiality and actualises it, is not contemplated here. Dynamism and positivity are the two traits of the virtual for Deleuze. There is no negation because there is no dialectical exchange – we are in a Spinozan monism – and therefore there are no negotiation or possibilities for hierarchical characteristics between potential and real.

In *De Anima*, by contrast, Aristotle makes a neat distinction between potentiality and actuality: potential becomes full sensation only when it meets the external object. Until that moment, it is only in a phase of denied or under-developed existence, it is what Agamben calls the "existence of a non-Being, a presence of an absence which for him is a form of privation"[102]. Agamben's reading of *De Anima* distinguishes, two kinds of potentialities: the first is a generic potentiality (which can be understood as opportunity), the second is an existing potentiality (which can be understood as ability). The two potentials operate differently insofar as generic potential is the possibility that through a given process, i.e. learning, one can express a potential. The second potential, interestingly, already resides fully developed in the subject who can decide to actualise it (bring that knowledge into actuality) or not. So for Agamben (and Aristotle), potentiality is still expressed, and the negation, that is, the act of not bringing it into actuality, does not alter it. "What is potential can both be and not be, for the same is potential both to be and not to be"[103]. Potentiality, then, is not simply active but it can also lie in the

world. The actual working of His government, the carrying out of His plan is the history of the world … [which] represents the phases in the development of the principle whose *content* is the consciousness of freedom … All we have to indicate here is that Spirit begins with its infinite possibility, but *only* its possibility. As such it contains its absolute content within itself, as its aim and goal, which it attains only as result of its activity. Then and only then has the Spirit attained its reality. Thus, in existence, progress appears as an advance from the imperfect to the more perfect, but as that which contains at the same time its own opposite, the so-called perfect, as germ, as urge within itself. In the same way, at least in thought, possibility points to something which shall become real; more precisely, the Aristotelian *dynamis* is also *potentia*, force and power"(The Bobbs-Merrill Company 1953) p.47

[102] Giorgio Agamben "On Potentiality" in *Potentialities: Collected Essays in Philosophy*. Ed. and Trans. by Daniel Heller-Roazen (Stanford: Stanford 1999) p.179

[103] Aristotle Metaphysics, (Harvard University Press 1989) 1050b 10

inoperativeness of the subject, an ontological determination of not-being. "Human potentiality maintains itself in relation to its own privations, it is always – and in regard to the same thing – potentiality of being and of not being, of doing and not doing. This relation constitutes, for Aristotle, the essence of potentiality. Beings that exist in a potential mode can own their own impotence, and only in this way they possess this potency. They can be and do, because they are in relation to their own nonbeing and nondoing".[104] So, the notion of inoperosity should not be read as the lack of activity of 'doing nothing', but it is an affirmation of the human being and the suspension of its potentiality. There is potentiality also in inoperosity.

While in Agamben impotentiality is autonomous and can lead to inoperativity (non-being), for Deleuze and Guattari being is expressed by impersonal becoming. What I am most interested in here, however, is what Deleuze calls the "extreme determinancy"[105] of the subject (or Life) to determine an ethics whereby the subject can articulate its own existence in terms of possibility or potentiality. This choice, in my view, does not need to be presented in terms of affirmation versus negation, rather, as a powerful and creative ethical choice which echoes with Deleuze's corporeal striving towards "that which agrees with us and allows for a passage to absolute singularisation".[106]

2.5 Sustainable Utopian Ethics

Through Bergson and Deleuze it is possible to turn around a notion of utopia that, traditionally, has always been conceptualised in terms of space, anchored in the theoretical spatiality of a no place and located in a time-less future. Out of space and out of time. Both static dimensions, a result of a spatio-temporal dialectical speculation between imagination and invention.

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[104] Agamben, "On Potentiality", op. cit. p.182
[105] Deleuze in conversation with Arnaud Villiani, November 1981 in A. Villani, 1999:129-31
[106] Katjua Diefenbach, *Im/potential Politics. Political ontologies in Negri, Agamben and Deleuze*, Trans. Emiliano Battisti http://www.after1968.org/app/webroot/uploads/bec-min-FINAL(4).pdf

We have seen how in the utopic discourses of More and Bloch, the notion of utopia has been uncontrollable and, at the same time, fundamentally controlled: a victim of pressing social conditions which pushed utopia further out in space and further out in time. The function of such a notion of abstract utopia is exhausted in the fulfilment of that reassurance it is sought from it. This kind of utopia stands on hope, the hope for a better future, for progress, for a better place in a better time. While this utopia is projected towards the future and only concerned with the present as a spatio-temporal constraint to overcome, it appears to have no future; it is only the speculative exercise of fantasy necessary for control over what is new, what is innovative, what is truly unique and uncontrollable: what Foucault called 'the event'[107] which is the instrument of power. For Foucault, power as such does not exist and cannot produce consequences because it does not happen on a cause/effect mechanism that produces consequences outside of itself. Power is, rather, an event and its node of action occurs internally. Utopia as the non place in a time-less future is an event in the face of the unforeseeable new, far from being frozen itself, for its precise function is to manipulate the past and project a frozen image of the future onto the present. As Grosz puts it, "a freezing of the indeterminable movement from the past through the future that the present is unable to directly control"[108]. If there is no space and no future in this vision of utopia, how can it, then, account for subjectivity, relations and diversity? With Deleuze's theory of becoming and with Bergson's theory on time, how can we think of an ethics of utopian that is sustainable? Can we open a utopian space that feeds from the reality of the here and now and actualises the impulses that come from the future in the materiality of the present? And finally, how does trangender fit into this?

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[107] Foucault argues that all phenomena in life can be accounted for as 'event' or series of 'events'. Foucault defines the event as a historical occurrence that introduces change into a system of power and fabricates new values thus reconsidering the relations of individuals. "It is a form of power which makes individuals subject. There are two meanings of the word *subject*". (in 'The Subject and Power' in Paul Rabinow (ed.) *Power – Essential World of Foucault* Vol. III (New York: The New Press, 1997) p. 331

[108] Grosz, *Architecture from the Outside,* op. cit. p. 142

If we look at the way utopia has been considered, as unobtainable transcendece located outside of the subject, we notice that the subject has never been present or active in this formulation. Utopia as a theory, utopia as escapism, utopia as hope, utopia as a dream, utopia as progress; all these instances have maintained a common denominator: a spatial description deprived of the subject. Utopia as a vision for a collective, never presented in terms of the "one-man dream"[109]. "There can be nothing collective about Utopia – says Philippopoulos-Mihalopoulos - unless one considers the limited, logocentric inter-subjective interface created in the cusp of the otherwise immured experiences of each Utopist, adequate territory for the erection of a common Utopia"[110]. In order for utopian ethics to be sustainable, that is, alive and generative, they must find a site within the subject before they open up to the responsibility of reframing the world. Being nomadic, becoming nomadic in the Delezian sense, is not merely a philosophical theory. Rather, it is a notion immersed in pragmatism and corporeality which, far from being set out as vision to follow or a mode of escapism from alienating reality, finds its best and outmost actualisation in the micro social and political stances of the present. It is an immanent movement undertaken immanently by the immanent body, a site "of forces, or flows, intensities and passions that solidify – in space – and consolidate – in time – within the singular configuration commonly knon as 'individual'...self"[111]. Grosz laments that "no utopia has been framed to take account of the diversity not only of subjects but also of their utopic visions … to the way in which visions of the ideal are themselves reflections of the specific positions occupied in the present"[112] . This is precisely because the very notion of utopia, already weakened in its spatial constitution remote from the pulsating life of the *here* and *now*, has been kept together by an ideal of collective representation, i.e. the ideal society. The only way of

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[109] F.E Manuel and F.P. Manuel, *Utopian Thought in the Western World* (Oxford: Brackwell, 1979) p.1

[110] Andreas Philippopulos-Mihalopoulos, "Mapping Utopias: A Voyage to Placelessness" in *Law and Critique* 12:135-157, 2001, p.140

[111] Rosi Braidotti "The Ethics of Becoming Imperceptible" in *Deleuze and Philosphy*, ed. Constantin Boundas (Edinburgh: Edinburgh University Press 2006) p. 135

[112] Grosz, *Architecture from the Outside,* op. cit. p. 142

envisioning sustainable utopia, that is to say, a mode of creative, positive and, most importantly, generative utopianism, is if we strip it down of its universal value, and relocate it into the singularity of the individual who, through passions and affects and through corporeal contaminations will meld with its spatiality, "so much so that spatiality becomes a quality of the body itself"[113].

Clare Colebrook puts it well when she says that "the Key error of Western thought has been transcendence. We begin from some term which is set against or outside life, such as the foundation of God, subjectitivy or matter... Transcendence is just that which we imagine lies outside (outside thought or outside perception). Immanence, however, has no outside and nothing other than itself. Deleuze argues for the immanence of life. The power of creating does not lie otside the world like some separate and judging God; life itself is a process of creative power ... To think is not to represent life but to transform and act upon life".[114] It is exactly in this immanent-nomadic-affirmative attitude that the creative force of utopianism lies: in the leaking boundaries of a body that contaminates and is contaminated by passions and desires and which, through self-transforming and self-becoming, takes those same (and other) passions and desires into the world in the constant construction of its own ethics which, because fundamentally and constitutively different are, by more of becoming, universal. In this process where the one is multiple, it is the present and not the future, that provides the impulse for the actualisation of a virtuality that is already within the subject and that, by appropriating that spatiality, filling its absence, and directing its impulses, finds in the affirmation of its differentbeing the most concrete mode of futurity.

Braidotti argues that sustainability is given by a subject that expresses its *potentia* through the fundamental drive to life that is not mediated "neither

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[113] Andreas Philippopulos-Mihalopoulos, "Mapping Utopias: A Voyage to Placelessness" in *Law and Critique* 12:135-157, 2001, p. 139

[114] Claire Colebrook, *Understanding Deleuze* (Allen & Unwin 2003) p. xxiv

by the will of God, nor the secret encryption of the genetic code"[115], but rather, she continues, is "embedded in the corporeal materiality of the self"[116]. It is then that being 'faithful to oneself', is not to be mistaken with a "mark of autenticity of a self (me, myself and I) that is a clearing house for narcissism and paranoia – the great pillars on which Western identity predicates itself. Rather, to be faithful to oneself reconnects being with the emotional, affective and intellectual awareness of oneself in a mode of interaction with others, "this is the faithful of duration, the expression of one's continuing attachment to certain dynamic spatio-temporal co-ordinates and to endure"[117]

The reader might find this to be an overly romaticised proposal, indeed a utopia that finds little room in the hostility of a reality that exhausts passions and mortifies impulses. I concur that dreams, desires, aspirations not always come true, as they often have to render to the impenetrability of a world that rejects affirmative subjectivity and imposes representational identities. However, to think in these terms means to still commit the mistake of letting an idea of the outside (whatever that might be, i.e. contingency, power, politics, morals) take charge and shape the inside. In order for utopian ethics to be sustainable, the perspective from which we gaze out must change radically, and it is a perspective that does not need external validation, but it is legitimated by virtue of being.

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[115] Braidotti, "The Ethics of Becoming ", op. cit. p. 134
[116] Ibid.
[117] Ibid. p. 135

Logics of Recognition

"To bring into existence and not to judge." [1]

New subjectivities and ways of embodiment have been the focus of a good part of contemporary critical theory, queer theory and a certain kind of progressive feminism.[2] New notions of deconstructionalism, sexual identity and self expression have been populating socio-political discourse producing new ideas on identities and self-representation. Within these new debates, however, the language and intellectual references have often struggled to keep up-to-date with the multiplicity of possibilities that are contemplated by the Self. It is vital that we transform not only the way in which we think of the body and self-identity, but also of how we elaborate important political patterns and ethics. It is not a question of how to establish one's identity in the world: in order to rebuild a system of knowledge which approaches diversity with the adequate intellectual instruments, we must push for a reconsideration of the notions that have so far disciplined subjectivity.

Recognition, the struggle/need to ensure equal dignity to all people, is central to the way we live and develop relations in society. The way in which recognition has been theorised by law in the context of the Gender Recognition Act 2004 is that of acknowledgement of sexual identity that, in order to comply with the requirements of this model of recognition, needs to

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[1] Gilles *Deleuze* , *Essays Critical and Clinical* (Verso 1998)
[2] See Judith Halberstam, Rosi Braidotti, Elizabeth Grosz

be solid and committed to stability; in other words, it must be authentic.[3] This vision is based on the idea that identity is the fixed product of a political negotiation between the linear alignment body-mind and the social and cultural environment. Recognition appears then as each individual's right to be oneself and be legitimised in thier identity. The terms of this tradition are derived by Hegel's *Phenomenology of Spirit*[4] where recognition is the result of the acknowledgement between the Subject and the Other. The encounter between the two generates as well as legitimises their respective identities making the practice of recognition remain conditioned upon the acceptance of the other.

The Gender Recognition Act 2004 plays a primary role in the politics of transsexual recognition in UK. It came into effect on 4th April 2005 and introduces a regulatory scheme that allows transsexual people to change their legal gender, as it gives them the possibility to apply for legal recognition as members of their preferred gender. The Gender Recognition Act 2004 was as a response to the European Court of Human Rights' decision in the case of *Christine Goodwin and I V UK* [2002] 2FCR 577) that the UK Government had discriminated based on violation of Articles 8 and 12 [5] of the European Convention of Human Rights. It is also the result of long and sustained activism by trans communities in the UK and in particular the group Press for Change. It marks an important moment for trans politics because, for the first time, it enables transgender people to gain recognition in their new acquired gender with no need to have had surgery or hormonal treatment,[6] which is the most remarkable feature of the legislation.[7] For this

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[3] Elizabeth Grosz, 'A Politics of Imperceptibility' in *Philosophy & Social Criticism* (2002) 28, 4, p.464

[4] George Wilhelm Friedrich Hegel, *The Phenomenology of Spirit*, Trans. A.V. Miller (Oxford: Clarendon Press 1977)

[5] Article 8 - Everyone has the right to respect for his private and family life, his home and his correspondence.
Article 12 - Men and women of marriageable age have the right to marry and to found a family, according to the national laws governing the exercise of this rights.

[6] This is radical if one considers that in many countries on the Western world where it is possible to obtain gender recognition it is required a certain degree of bodily adaptation.

[7] Since the Gender Recognition Act 2004, other countries have approved progressive

specific permission, the Gender Recognition Act goes beyond the requirement of the European Court of Human Rights and it takes the UK to occupy a leading position in this area of law reform. [8]

Although the Gender Recognition Acts 2004 is a rather emancipated piece of legislation, and has been regarded as a very positive development by contemporary legal theory,[9] it has over the years produced some criticism for its reinforcement of the orthodoxy of the binary system,[10] and especially for its reconsideration and shift from gender to sex, [11] thus highlighting a concern within the law with the materiality and the aesthetics of the body despite the claim of the Act that the anatomical body, and indeed biology, are no longer paramount.

The process of gender reassignment is regulated by the clinical industry, which sets behavioural standards by which the eligibility of candidates is assessed. The main requirement in order to receive authorisation for body alteration is a successful simulation of the lifestyle normally associated with the desired gender, that is, a successful fulfilment of a certain kind of

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gender recognition laws that, like the GRA, do not require physical intervention to guarantee formal gender recognition. Some recent examples are Argentina (law approved in May 2012) and the Netherlands (law approved in December 2013). According to a recent report released by report released by Transgender Europe (TGEU), only 13 countries in Europe allow gender recognition without medical manipulation of the body. 24 countries out of 33 require forced sterilization, 19 out of 33 require divorce and 16 countries do not have a law for gender recognition. http://www.tgeu.org/TGEU_announces_Trans_Right_Map_on_IDAHOT_2013

[8] Andrew N. Sharpe, 'Gender Recognition in the UK: A great Leap Forward' in *Social & Legal Studies* (2009) 18, 2 p. 242

[9] A. N. Sharpe, 'Structured Like a Monster: Understanding Human Differences Through a Legal Category' in *Law and Critique* (2007) 18, 2, pp. 207-228; Andrew N. Sharpe, 'England's Legal Monster' in *Law, Culture and the Humanities* (2009) 5, 1, p. 100; Sheyla Jeffreys, 'They Know It When They See It: The UK Gender Recognition Act 2004' in *PJPIR* (2008) 10; Emily Grabham, 'Governing Permanence: Trans Subject, Time, and the Gender Recognition Act' in *Social and Legal Studies* (2010) 15, 1, p.107; Sharon Cowan, 'Gender is no Substitute for Sex: A Comparative Human Rights Analysis of the Legal Regulation of Sexual Identity' in *Feminist Legal Studies* (2005) 13, 1, pp.67-96

[10] Ralph Sandland, 'Feminism and the Gender Recognition Act 2004' in *Feminist Legal Studies* (2005) 13, 1, pp.43-66

[11] Sharpe, *Structured Like a Monster,* 2007, op. cit.; Sharpe, 'England's Legal Monster', 2009, 0p. cit.

enactments and consequently the full-time embodiment of the gender of choice for a period of at least two years. Clinical professionals – commonly referred to as the gatekeepers – authorise Gender Reassignment Surgery (GRS) if the individual satisfies the diagnostic criteria of the Diagnostic and Statistic Manual of Mental Disorders (DSM-IV), so it is not improper to state that the clinical industry not only constructs transsexuals physically but, together with the law, is the institution which regulates the organic existence of trans subjectivities. It is, more precisely, the delicate intersection between clinical and legal forces that constitutes a space for trans narratives to exist.

This chapter will begin with an analysis of the Gender Recognition Act of 2004[12] in which I wish to demonstrate that the language of the law, so partitioning and uncompromising, collides with the very fluidity of desire, that is, it fails to consider the space of uncertainty and possibility which inhabits the experience of living gender so crucial for transgender subjectivity. To do so I turn to legal theory and, in particular, to the recent analysis on transgenderism within law by Grabham, Sadland, Cowan and Sharpe. [13] Moreover, drawing on the work of Deleuze and Deleuze and Guattari, I will explain why the current model of recognition present in political discourse cannot provide the necessary instruments to develop a new theory which accounts for the multiple ways subjectivity comes to fruition. Finally, through the work of Elizabeth Grosz, whose reading and reinterpretation of Nietzsche will provide several useful points of analysis, I will argue that in order for trans subjectivity - and indeed any unaligned subjectivity - to appropriate and fill the space of its own narrative, political discourse and the law must reformulate the cardinal principles upon which they are constructed and come up with a new strategy that does not stigmatize difference but that is able to read and translate the ever changing

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[12] Find complete act here: http://www.legislation.gov.uk/ukpga/2004/7/contents

[13] Grabham, *Governing Permanence*, op. cit.; Sandland, *Feminism and the Gender Recognition Act 2004*, op. cit.;

[13] Grabham, *Governing Permanence*, op. cit.; Cowan, *Gender is no Substitute for Sex,* op. cit.; Cowan, *Gender is no Substitute for Sex,* op. cit.; Sharpe, *Structured Like a Monster,* op. cit.; Sharpe, *England's Legal Monsters*, op. cit.

needs of this incendiary space full of reactionary potential. "What would an ethics be like that, instead of seeking a mode of equivalence, a mode of reciprocity or calculation, sought to base itself on absolute generosity, absolute gift, expenditure without return, a pure propulsion into a future that does not rebound with echoes of an exchange dictated by the past?"[14]

3.1 Gender Recognition Act 2004

'A person of either gender who is aged at least 18, living in the other gender or having changed gender under the law'[15] can apply for recognition under the Gender Recognition Act of 2004. The application process is run by the Gender Recognition Panel which grants recognition if the candidate can provide evidence that she or he:

(a) has or has had gender dysphoria,

(b) has lived in the acquired gender throughout the period of two years ending with the date on which the application is made,

(c) intends to continue to live in the acquired gender until death, , and

(d) complies with the requirements imposed by and under section 3.

Section 3 is about proving oneself, and the candidate must present:

(a) a report made by a registered medical practitioner practising in the field of gender dysphoria and a report made by another registered medical practitioner (who may, but need not, practise in that field), or

(b) a report made by a chartered psychologist practising in that field and a report made by a registered medical practitioner (who may, but need not, practise in that field).

As it becomes obvious from the above, the Gender Recognition Act 2004 presents itself in such a way that transgender people are from the very beginning dealt with and referred to in clinical terms, thus resulting into a

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[14] Elizabeth Grosz, *Becomings: Explorations in Time, Memory and Futures*, ed. by Ithaca (Cornell University Press 1999)
[15] Gender Recognition Act (2004) - Section 1(a)(b)

pathologisation of their trans condition. This appears quite clearly from point (a): 'the candidate must provide evidence of gender dysphoria'[16]. The term *dysphoria* belongs to the psychiatric tradition, it emphasises a mental condition and gives the word a sense of instability, something one bears rather than something one is. It "translate[s] desire into need and disorder", [17] and in need of medical intervention for its resolution. In addition, the application must include a diagnosis made by a medical practitioner and another made by a chartered psychologist.[18] In order to make the diagnosis "there must be evidence of clinically significant distress"[19]. This is an insidious way of allowing a subtext which undermines the validity of trans identity and makes it something objectionable and in need of constant validation. This is the approach that the medical discourse takes towards trans and it is also the language the law adopts when regulating such phenomenon. The rituality of the court which judges and pronounces the sentence is the same rituality of the Gender Recognition Panel, made of 'at least one legal member' and 'at least one medical member'[20], which reserves the right to decide whether an individual is convincing enough (or is mentally distressed enough) as to be granted the Gender Recognition Certificate.

The Gender Recognition Act 2004 requirements do not state the need for ongoing treatment in form of hormones or surgery but only a 'life test' of at least two years when the applicant lives in the desired gender, that is, dresses, behaves, talks and presents himself or herself in such a way that he or she is socially accepted as a legitimate member of that chosen gender. While this is a huge achievement which shows an intention to relieve trans (and gender) from the burden of biology, this provision has generated a great deal of criticism because, from a further analysis of the Act, it becomes

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[16] Section 2(1)(a)

[17] A. N. Sharpe, 'Endless Sex: the Gender Recognition Act 2004 and the Persistence of a Legal Category' in *Feminist Legal Studies* (2007) 15, 1, pp. 57-84

[18] Gender Recognition Act (2004) Section 3(2)

[19] American Psychiatric Association, *Diagnostic and Statistical Manual of Mental Disorders* (4th Edition, 1995) Washington, DC:APA.

[20] Schedule 1, 4(2)(a)(b)

evident that it is not as straightforward as it promises to be. To begin with, the use of the term *transsexuality* belongs to the clinical paradigm and it refers to a man or a woman who has undergone a certain degree of bodily alteration – be it surgical or hormonal – in order to *transit*, to become the other gender. If it were to allow transsexuals to be what they are without demanding any final medical adjustments, the Gender Recognition Act 2004 would not only be lifting the pressure of aesthetics and sex off trans-identified individuals who do not wish to conform to the binary representation of gender, but it would also reform the term 'transsexuality', showing great breadth of inclusion insofar as it would also legitimately signify for non-operational trans-identified individuals. However, reading through the Act, one understands that this process is not so obvious. The Gender Recognition Certificate is issued by a Gender Recognition Panel, made by women and men who have an idea of what a certain gender should look like or how it should be enacted and may therefore exercise their own personal preconceptions of *correct* gender behaviour and appearance.[21] In placing so much emphasis on the enactments and appearances of gender - to which Sandland refers as "public politics of the presentational" [22] - the law contradicts itself in so far as it shifts its purpose from the cure of the distressed mind - that dysphoria it proposes to resolve - to the alignment of the body which needs to be proper in order to be recognised. In other words, the law enacts a public regulation of the transsexual body: the more gender is visible and therefore recognisable, the more it is governed and controlled. It is those who travel under the surface of visibility who do not find a place for recognition.

3.2 Shift Gender/Sex

The assumption under which the Gender Recognition Act 2004 is constructed suggests an idea of fluidity when contextualizing gender within the provision. The legislation considers gender - and not sex – the primary

[21] Jeffreys, *They Know It When They See It*, op. cit. p. 333
[22] Sandland, *Feminism and the Gender Recognition Act 2004*, op. cit.

measure by which recognition is granted[23] and shows that the law is dropping its traditional biological understanding of sex in favour of a more Butlerian approach which looks at gender as socially constructed, "something like a lifestyle option".[24] The first wave of feminism in the 1960s, following Simone de Beauvoir's work,[25] presented sex as the invariant and irreducible characteristic of the body with which one is born, the unchangeable aspect that determined a man or a woman. Gender, on the contrary, was a baggage of cultural meaning, the result of one's experience, values and personal acculturation. By the 1990s, with the advent of queer theory and in particular the work of Judith Butler,[26] the body was no longer at the mercy of biology (sex), but it could produce its own gendered identity. This is the approach institutionalised by the Act, "gender is the dynamic. 'Sex', if it is anything, is the product".[27]

However, as Sharpe points out, the fact that the Gender Recognition Act recognises gender as a matter of choice does not mean that biology does not have a great deal of relevance in the process of recognition as the Gender Recognition has it. On the contrary, it still "persists as an important subtext within the legislation".[28] This incoherence has appeared evident within a variety of cases that have insisted on the concept of 'correct/wrong body' resulting in a juridical insistence to seek *psychological and anatomical harmony*[29]. Sharpe goes on to explain that "in relation to M.T."s[30] sexual functioning the court explored in some detail her genital topography.

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[23] Cowan, *Gender is no Substitute for Sex*, op. cit.; Jeffreys, *They Know It When They See It*, op. cit. ; Sharpe, *Structured Like a Monsters*, op. cit.; Sharpe, *England's Legal Monsters*, op. cit.

[24] Jeffreys, *They Know It When They See It*, op. cit.

[25] Simone De Beauvoir, *The Second Sex* (London: Jonathan Cape Ltd. 1949)

[26] Judith Butler, Gender Trouble: Feminism and the Subversion of Identity (New York, London: Routledge 1990)

[27] Sandland, *Feminism and the Gender Recognition Act 2004*, op. cit. p.47

[28] A. N. Sharpe, 'A Critique of the Gender Recognition Act 2004' in *Journal of Bioethical Inquiry* (2007) 4, 1, pp.33-42

[29] Sharpe, *A Critique of the Gender Recognition Act 2004*, op. cit.

[30] As reported in Sharpe's article, in M.T v. J.T., recognising M.T., a post-operative Male to Female transsexual, the court declared that "a preoperative transsexual […] should be classified according to biological criteria" (355A. 2d. 204 (1967) at 209). in *A Critique of the Gender Recognition Act 2004*, op. cit.p.59.

Drawing on the medical evidence, the court noted that M.T. had "a vagina and labia which were adequate for sexual intercourse and could function as any female vagina, that is, for traditional penile/vaginal intercourse", and "it had good cosmetic appearance and was the same as a normal female vagina after a hysterectomy".[31] This means that the law and the clinical tradition work together towards creating a *natural replica* of gendered bodies that comply with the physical reproduction not of sexual intercourse, but rather, of heterosexual intercourse. In Sharpe's analysis, this process serves to satisfy the *law's twin desires:* on the one hand it reproduces gender-binarised bodies where a woman is matched with a vagina and a man is matched with a penis (so to contrast the 'wrong body'); on the other, whilst doing so, it simultaneously protect heterosexuality from homosexual contamination.[32]

3.3 Until Death Do us Part

The third requirement (c) for gender recognition is that the candidates 'intend to continue to live in the required gender until death'[33]. While it has been established that the Gender Recognition Act 2004 requires, however subtly, a certain degree of biological understanding of sex, a state of "apparently non-surgical crossing",[34] it appears clear that it also demands a state of definitiveness, of solidity, a one way, no-return endeavour from the applicant.

This is problematic in many ways: it poses a question of equity insofar as it demands that trans individuals produce a gender permanence that non trans individuals are not expected to have and, in so doing, it simultaneously insists on the notion that trans belongs to the sphere of the artefact, something non authentic, something not natural which needs boundaries in

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[31] Sharpe, *A Critique of the Gender Recognition Act 2004,* op. cit. pp.62-63
[32] Ibid. p. 63
[33] Section 2(c)
[34] Sharpe, *A Critique of the Gender Recognition Act 2004,* op. cit. p.71

order to be contained and recognised. The life commitment proves precisely the solidity of the undertaking. It is the guaranty that the trans individual will throughout the entire course of his or her life comply to the rules of gender normativity and, by default, of the binary system beneficiary of this policy. Furthermore, as Sandland suggests, this Act is constructed on a series of dividers which do nothing other than create distance between those who are *for life* and those who are not, between the acceptable and the unacceptable, between conformity and deviance.[35]

This mechanism excludes those trans people who do not intend to take the step from one gender to the other and thus automatically find themselves positioned outside the legal boundaries of recognition because they are not represented by its strictly dichotomised vision of gender. What is more, because it proposes to cure gender dysphoria through a process of naturalisation that redirects the body towards the mind, the Act also aggravates the divide between those who, complying to the rules, are finally cured and those who decide to resist engendered living therefore remaining *dysfunctional.* This represents a point of discrimination against which the Gender Recognition Act offers no help. Consequently, the logic according to which trans subjects are perceived in terms of 'fraud' to cite Janice Raymond,[36] one of the main voices of radical feminism, implies that there is a counterpart of naturalness and authenticity which one should aim to reach or worse, which one can never reach. The doubt of flexibility cast on trans subjectivity is not only offensive because it undermines the validity of the individual who in this instance cannot signify for oneself and needs proven evidence in support of what one states to be, but it automatically produces an effect of forced commitment which is intensified by the exclusive consequences of the possibility of non-recognition. It is interesting to note how on the one hand the law produces a piece of legislation in order to tackle legislative discrimination against trans individuals who need this form of regulatory protection but, on the other, because of this very

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[35] Sandland, *Feminism and the Gender Recognition Act 2004*, op. cit. p.50
[36] Janice G. Raymond, *The Transsexual Empire,* op. cit.

legislation, it produces and allows other forms of discrimination to happen. This is a trait that occurs often throughout the Gender Recognition Act and to which I shall return.

Drawing on Bourdieu's notion of *habitus*, Grabham[37] argues that the temporality aspects of the Gender Recognition Act 2004 (two years of lived experience, the 'until death' promise) have no legislative reason to exist and that they only "function as temporal mechanisms which influence trans agent' experiences of time, but also […] shape trans agents' experiences of their own bodies, and their experience of the 'forthcoming', [38] what Homi K. Bhabba calls the "translation of the meaning of time into the discourse of space". [39] Bourdieu's habitus is a system of social *dispositions* which interact on the social structure and are internalised, naturalized and reproduced by bodies without following a conscious path or aiming for a presupposed outcome: "objectively 'regulated' and 'regular' without being in any way the product of obedience to rules, they can be collectively orchestrated without being the product of the organizing action of a conductor".[40] These *structured structures* – to use Bourdieu's terms - form social patterns through which the social world is experienced. In his habitus, Bourdieu recognizes a phenomenological perspective in the temporal relation between bodies and social space, a sort of temporality of being which inscribes our history.[41] The temporal factor is an anticipation of the future (a projection of what might be) based on the constraints of a given situation in the present.

> "Habitus constructs the world by a certain way of orienting itself towards it, of bringing to bear on it an attention which, like that of a jumper preparing to jump, is an active, constructive bodily tension towards the imminent forthcoming".[42]

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[37] Grabham, '*Governing Permanence*', op. cit.
[38] Ibid. p.113
[39] Homi K. Bhabba, *The Location of Culture* (London and New York: Routledge 2004)
[40] Pierre Bourdieu, *The Logic of Practice* (Polity 1990) p.53
[41] Pierre Bourdieu, *Pascalian Mediation* (Stanford University Press 2000)
[42] Pierre Bourdieu, *Pascalian Mediation* (Stanford University Press 2000) p.144

Grabham takes this notion further and argues that the Gender Recognition Act 2004 holds a strong element of temporality (the wait) that not only effects the way in which the experience of waiting is carried out (thus also modifying the subject's engagement with the social world), but it also manipulates the projection of that expectation onto the future since "waiting is the suspension of future action while another goal is achieved; postponement defers a subject's action further into the future".[43] This is precisely the 'not-yet' limbo I was referring to earlier in chapter 2: that infinite moment of suspension where time is not just a question of mere temporality, but encapsulates relations of power and dominance between the vulnerable subject and social practice which manipulate the perception of time itself.

> "Waiting – that is to say, for the whole duration of the expectancy – modifies the behaviour of the person who 'hangs', as we say, in the awaited decision". [44]

To this effect, the transgender subject who 'hangs' on the outcome of the Gender Recognition Application and who is overwhelmed with a sense of forthcoming of what it was and of what might be, is subjected to the power relations between possibilities (agents) involved in the matter which will end up manipulation the subject's experience. Grabham observes that the Gender Recognition Act 2004 is not the only piece of legislation characterised by temporal factors which enter in collision with the experience of individuals,[45] however, unlike other legislations, this Act possesses the peculiarity that its temporality is not merely a space of wait where the subject awaits to know the result of a given situation which had been previously defined and which is now on hold awaiting the long arm of the law; but rather, it is the social space where the desired outcome is being enacted and externalised; it is the stage where trans individuality is being embodied for the world to see, in search of legitimation and recognition. It is

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43 Grabham, 'Governing Permanence', op. cit. p. 117
44 Ibid. p. 228
45 Ibid. p. 113

a temporary space which brims with expectation and hope, but also with fear of being 'not enough', not a good enough man or a good enough woman worthy of recognition. Unlike other pieces of legislation where the agents external to the individual (the facts) are frozen until the law's proclamation, in the case of the Gender Recognition Act, the agents involved are all internal to the individual and what we have is a constant on-going becoming of the desired results.[46]

Alongside this runs the discriminative influence of the 'until death' provision which does not only refer to a condition which will need to continue to be, but aims to recreate and seal a trajectory of foreverness, of absence of doubt which is proper of life. The 'until death' requirement is in fact the negation of life itself, it is the negation of human uncertainty, the smooth space *par excellence*, a halt to that human flow which, as we have seen in the previous chapter, is for Deleuze the condition of life itself.   This is yet another manipulation of people's engagement with themselves, their present and their future insofar as it imposes a series of parameters only within which the desired result becomes possible. Moreover, it should not be forgotten that the trans individual who awaits to be assessed will feel compelled to overdo gender in order to fulfill the Gender Recognition Panel's expectations, which in the end preserves and reinforces the orthodoxy of the binary system.

Under the legislation, individuals find themselves in a limbo, hostage of a space which is not recognised by anyone where legalisation passes through the language of normativity, but they are victims of a multi-layered mechanism which discriminates against the very people it is called to assist. Furthermore, by gaining the Gender Recognition Certificate – which is the legally recognised right to be considered a legitimate man or woman – the transsexual only partially resolves his/her problem: he/she only passes from one state of non-recognised minority to a state of recognised minority.

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[46] Grabham, 'Governing Permanence', op. cit. p.113

As clarified at the beginning of this chapter, I am not asserting that the legal consequences of the Gender Reassignment Act are altogether negative or discriminatory. I am merely pointing out that while this particular piece of legislation provides an acceptable field for mediation to many transgender individuals who feel well represented by the two models – male and female – it puts forward, it does not do so for those who those models reject partially or completely. The legal and social consequences, accordingly, are different. A transsexual that goes through gender reassignment and gains gender recognition will have a different experience from one who rejects the idea of gender altogether and finds no space for its unique subjectivity. Furthermore, to gain gender recognition and become a legitimate member of the chosen gender – to be naturalised, that is - does not mean that transsexuality becomes altogether more accepted. It is in fact fair to say that through the Gender Recognition, one becomes in fact fully assimilated into a gendered society which *still* considers trans a minority, the 'undesirable other'[47]. The beneficiary of the Gender Recognition Act is not the transsexual individual, it is gender, for this is a legislation which recognizes gender for the sake of preserving gender and, in doing so, it erases trans subjectivity as well as the binary challenging possibilities it stands for. The Gender Recognition Act is first and foremost a piece of legislation for the preservation of gender, it is a system which aims to recruit gender representatives and which improves only specific forms of the lived experience of trans subjectivity.

3.4 Dialectics of Recognition

There is a dilemma that emerges from the above analysis of the Gender Recognition Act 2004. I have explained the contradictions which run through this piece of legislation when it comes to handling important processes of

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[47] 'Undesirable other' is borrowed from Mark E. Casey's formulations on LGBT minorities. In his article, *The Queer Unwanted and Their Undesirable 'Otherness'* (pp. 125-136 in Browne, K., Lim, J., and Brown, G. (eds) Geographies of Sexualities, Ashgate, 2007) Casey refers to gay, lesbian and queer people who are marginalized and kept outside of the mainstream LGBT scene because they are ugly, unpleasant, old.

classifications which on the one hand aim to regulate a phenomenon that is still deeply surrounded by disinformation and prejudice, and on the other create new forms of social hierarchy and power, and bring very little change to the lived experience of transsexual subjectivity. I do not wish to dismiss the importance of the Gender Recognition Act and the significant impact it has on the lives of many. It is however clear that although it fulfils its most obvious purpose, that is, to grant gender certificates which allow trans individuals to be legally legitimised in their chosen gender, to have their personal documents updated with their new name, to have the legal right to be classified under male or female categories and so on, it fails in the far more challenging task to produce social acceptance, that is, to create the conditions for a much-needed shift from formal gender proclamation to effective, discursive acknowledgment. Charles Taylor's work addresses what I think is an important element in the game of recognition, that is, the individual's necessity as well as ability to negotiate with the social and to demand that his/her individuality is not only recognized, but fully incorporated within the politics of society because "recognition is not just a courtesy we owe people…[but] a vital human need".[48]

Not to offer recognition, which practically equals to deny recognition, would mean to enforce or allow oppression, to "[imprison] someone in a false, distorted, and reduced mode of being".[49] With this in mind, I concur with those who see great legislative aperture in the Gender Recognition Act 2004 but, at the same time, anything other than this would be a non-possibility, it would be oppression. The various provisions in the Act should no longer be seen as possibilities but they are conditions for life: Trans citizens cannot tip-toe through life and put their existence and survival in the hands of human rights categories. Recognition cannot continue to be declined within a framework of tolerance, nor can it run on the level of the symbolic, but it is necessary that it stretches out and contaminates the space in which every

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[48] Charles Taylor, *Modern Social Imaginaries* (Durham, N.C. ed.by. Duke University Press 2004) p. 26
[49] Ibid. p. 25

day these bodies – our bodies – entwine together, intersect and infect one another. I use the allegory of contamination because recognition cannot be seen as an achievement or a goal to reach, it cannot be defined by a certificate. It is rather a set of goals in movement, it is a process that travels and constantly melds and adapts to the space in which it is contained but that it too contains within. Moreover, I wish to suggest that the term 'recognition' is problematic because it already contains within it the possibility of non-recognition as it poses the responsibility of the act of recognising on one agent which at any point can cease to exercise recognition. To this effect, the notion of recognition deployed within a legal framework is equally perplexing because it reinforces the idea that the law can give and take back individuals' right to exist within their own identity. Let me contextualise this further.

In *Phenomenology of Spirit,* [50] Hegel understands recognition as a necessary passage towards knowledge; it becomes cognition through the recognition of the other, that relation which makes an object become a subject. This mutuality celebrates the bond between self and other that needs to exist in the world. Hegel's sociological theory, based on the idea that social life is governed by recognition and that conflict can be a means for the development of society, can be understood in the master-slave dialectic where, in order for the self to affirm its supremacy and reach self-consciousness, it must go through the process of recognising the other as a subject which is positioned on the same level as the self. While this encounter - the moment of recognition for the other subject - is a negation and compromises absoluteness of the self, at the same time, through this conflict, the self acknowledges the possibility that the other subject can be equally independent and absolute. Such acknowledgement does not occur peacefully but manifests itself through hostility: each of the two entities wants to be recognised by the other and yet maintain its distinct and independent identity, and it is precisely this friction that affirms the need for

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[50] G.W.F. Hegel, *Phenomenology of Spirit*, trans. A.V. Miller (Oxford University Press 1977)

the other, thus creating the conditions for recognition which appeared impossible but that, at this stage, becomes necessary. For Hegel it is only when the self-conscious recognises another self-conscious that absolute knowledge is reached.

The desire for recognition - which is nothing other than a desire for satisfaction, where we can read satisfaction as self-fulfilment - acts as an impulse because its manifestation automatically provides certainty for one's self: the self confronting the other is a threat of death - 'struggle to the death' – but it is at the same time essential because it is only through the limits imposed by the presence of the other and the acknowledgment of that presence that the self acknowledges its very desire. There is no master without a slave.

From this image a reflection can be made: the mutuality mentioned above is presented as a necessary condition of freedom. Hegel sees freedom as the ability to determine one's will, that is, oneself. However, our will is always expressed through experiences with other subjects. "[s]elf consciousness exists in and for itself when, and by fact that, it so exists for another; that is, it exists only in being acknowledged".[51] In Hegel's view, individual freedom is always dependent on collective freedom. This means that when we recognise authority to the other, in order for us to be free, we need to interact with others who not only benefit from the authority we are giving them, but who themselves are free. What I find interesting in this passage is not so much the idea that individuals cannot be free without the acknowledgement – which at times resembles the connotations of approval - that comes from the collective other, for there is a possibility of self-affirmation and therefore of freedom even within non-recognition; but rather, it is the idea that collective identity can be a place for everyone where differences are expressed, acknowledged and overcome: the asymmetry between the master and the slave where the master is the dominant figure and the slave a

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[51] Hegel, Phenomenology of Spirit, op. cit. p.178

subordination, can of course generate disruption and lead to a violent split of mis-recognition, but it is nevertheless an electric moment of exchange and possibilities. It is, as we have seen in chapter 1, what Deleuze identifies as chaos,[52] the very essence of difference – life – fulfilling itself. This is an important point to which I will return in the second part of this chapter.

Some of the predominant supporters of the logics of recognition, such as Taylor, Honneth, Habermas and Benjamin[53], have drawn from Hegel and, in particular, have focused on the moment in which the struggle ends in favour of the triumph of recognition over the possibility of negation. Jessica Benjamin, for example, resolves this unbalance between the self and the other through communication as the vehicle for recognition. In her view, when the subject and the other acknowledge each other, the occasional 'break-down' that may stem from the encounter is nothing more than part and parcel of the process of recognition and it " continues until survival becomes possible", for intersubjectivity sees the object not as a subordination of the self, but as an external other which can exist independently.[54] Likewise, Taylor's 'radical reflexivity' sees all human beings possessing a sense of self which always emerges through what he calls 'dialogical relationships' between the self and the social.[55] These relationships are a constant negotiation between the self and the social, and exist in relation to the idea that recognition is not a one-off occurrence in the history of individuals, but an ongoing dialogue, often characterised by struggle and negation, through which the individual identity is validated collectively. Both Benjamin and Taylor, as well as the work of Honneth[56], share the idea

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[52] Deleuze and Guattari, *A Thousand Plateaus*, op. cit.

[53] See Maeve Cooke, 'Authenticity and Autonomy: Taylor, Habermas, and the Politics of Recognition' in Political Theory Vol. 25, No. 2, 1997, pp.258-288;

[54] Jessica Benjamin, 'Recognition and Destruction: An Outline of Inter-subjectivity' in *Like Subjects, Love Objects: Essays on Recognition and Sexual Difference* (New Haven: Yale University Press 1998)

[55] Charles Taylor, *Sources of the Self: the Making of the Modern Identity* (Cambridge University Press 1992) pp. 58-59

[56] Axel Honneth, *The Struggle for Recognition. The Moral Grammar of Social Conflicts* (Polity Press 1995)

of a communicative relationality which, in my understanding, should not stop the 'break-down' moment from occurring in the act of recognition but, through the potential collision that it provokes, it should open up possibilities for equality insofar as inter-subjectivity does not relegate the object as subordination of the self but as an external other.

3.5 Limits of Recognition

On a formal level, what emerges from Hegel's reading is a shared intention to coordinate recognition in terms of public and private, and connect the two spheres through intersubjective communication. However, the paradigm according to which the self is legitimised through the recognition of the other is highly problematic because it does not assure the production of new happy (recognised) subjects. As I have mentioned, what I find interesting in the Hegelian tradition of recognition is precisely the moment of uncertainty which derives from the encounter of the two parties. The moment when the dialectical exchange has not started, where time and space are suspended and the chaos of life has a chance to emerge and infect, affect and link those bodies together. However, this moment soon dissolves and the dialectical conditions of the encounter take over. Many are the things that can go wrong in this encounter. First, the possibility of misrecognition – and therefore of oppression. It is not a matter which can remain in the sphere of the transcendental but it is intrinsic in the material experience of the self, very often with tragic results, and cannot be resolved with yet more categories of unhappy identities. The sense of expectation carried by the object that approaches the subject in the hope to be recognised is such that the encounter becomes automatically unequal. It puts one of the two parties in the condition to perform the very feature that will grant it recognition, thus resulting in both the production of a wrong sense of self and the reinforcement of that Other on which their recognition depends. This kind of theorizsation can be useful to those who fall right into the categories it produces (and therefore those for whom recognition happen without

struggle), but it leaves too many unhappy and unresolved cases behind. Namely, it does not account for those subjectivities whose specificity does not fit in the clear-cut mechanism of recognition. We will see in the section that follows this chapter how this constitutes a major problem in the life experience of many.

Another problem closely connected to the first is that of relevance. The rigid dualism of this structure presupposes only two participants in the politics of recognition, self and other. The subject who grants recognition will be likely to recognise an easily identifiable object. There is the intention to create legitimised beings that, through the performance/production of their identity, live under the protection of recognition. In other words, the final aim of recognition is to create identifiable *relevant* categories through which maintain order. The term relevance is not casual, it holds a regulatory significance insofar as it benefits from "institutional accreditation and canonisation in the public sphere"[57] and raises a question of authority and hegemony which needs to be addressed. Who decides which identity can be recognised and which cannot? What determines relevance? Bourdieu observes that when the individual creates an expression, this is never casually assembled, but it is always the result of accumulated socio-cultural and political resources which are implicit in the demand of the market and therefore, every interaction, however innocuous, intimate or apparently insignificant, always holds parts of a specific socio-political structure which it helps reinforce. [58]

The narrative of the 'wrong body', with which I will duly engage in chapter 5 and in the third diary interlude, is the perfect example of how meaning is rarely assembled together arbitrarily: the 'wrong body narrative', which is the assumption according to which transsexual individuals experience a

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[57] Jacques Derrida, *What is a Relevant Translation?* Trans. by Lawrence Venuti (Critical Inquiry Vol.27, Winter 2001) p.180

[58] Pierre Bourdieu, 'The Production and Reproduction of Legitimate Language' in Language and Symbolic Power, ed.by John B. Thompson, Trans. by Gino Raymond and Matthew Adamson (Cambridge: Polity Press 1991)

sense of being trapped in the wrong body, is a powerful way of creating hegemonic notions that determine the relevance of certain bodies over others. Relevance is then a kind of censorship which haunts all layers of the social tissue and which, through its institutions, is ultimately cast on individuals and the narrative they create in the world. The 'wrong body narrative' helps establish a notion of dysphoria through which dissonant bodies are deemed wrong and socially prompted to become right. For Bourdieu relevance is determined by "the state of the power relations between agents"[59], that is, discursive strategies which dictate what can be innovated and what must be preserved, and gender purity, as we will see in depth in chapter 4, is something to preserve. In Bourdieu's view there is a distinct regulatory power which, through different forms of capital assigned, decides which fields can further or remain intact. It emerges that in order to be considered relevant – and suitable for recognition - it is important to understand these terms and conditions and undergo a process of domestication which results into an increase of power. This is precisely what is expected of 'wrong bodies'. At the same time, however, the death of all processes of social and cultural renovation (translations) without which no society can progress. Within the rules of the Hegelian game of recognition played between Self and Other, the risk is that one – the predominant – can deem the other irrelevant. The process by which irrelevance is determined can vary but it always plays in favour of a majoritarian relevance.

A third problem occurs when one considers that the affirmation of the self in the master-slave dialectic is based upon the necessary negation of the other: the subject's goodness is derivative and dependent on what it neglects. The self-affirmation is not authentic because it does not take place unless the other element is negated. It is in fact not self-affirmation but *ressentiment,* an "exhausted force which does not have the strength to affirm difference, a force which no longer acts, but reacts to the forces that dominate it – only such force brings to the foreground the negative element in its relation to the

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[59] Pierre Bourdieu, *Homo Academicus* (Stanford: Stanford University Press 1988)

other. Such a force denies all that it is not and makes this negotiation its own essence and the principles of its existence".[60] Since this affirmation depends on the other, the need for recognition is servile as well as superfluous because it is not auto-regulated, thus non self-affirmative, and therefore not useful – or negative - as well as any comparisons or relationships based on the approval of the other. Similarly, '*I am good therefore you are evil*' defines the same principle: *You are evil* describes something that has no importance to the affirmation of good of the first subject but it is nonetheless used to undermine the object: its affirmation is constructed on the negation of and comparison with the other. Nietzsche's master, unlike Hegel's, operates outside of recognition: he does not need a slave to affirm his status, nor does he need to compare himself to others because differential self-affirmation is not dependent on recognition. If a Deleuzian understanding of the dialectical self-affirmation entails a good degree of servile morality and a fundamental lack of imagination (*the force which does not have the strength to affirm itself*) Deleuze's interpretation of differential self-affirmation is a chance for pluralism, for the affirmation of difference and, above all, for independence.[61] It is also a way to locate the subject away from the sameness created by recognition insofar as dialectical opposition dissolves difference and reduces all subjects to feeling and needing the same things,[62] thus

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[60] Gilles Deleuze, *Nietzsche and Philosophy* (Continuum 1992) p.9

[61] "What the wills in Hegel want is to have their power recognized […] This is the slave's conception, it is the image that the man of *ressentiment* has of power. *The slave only conceives power as the object of recognition… the stake in a competition, an therefore makes it depend, at the en of a fight, on a simple attribution of established values.* If the master-slave relationship can easily take on the dialectical form, to the point where it has become an archetype or school exercise for every young Hegelian, it is because the portrait of the master Hegel offers us is, from the start, a portrait that represents the slave […] as at best a successful slave. Underneath the Hegelian image of the master, we always find the slave" Deleuze, *Nietzsche and Philosophy*, op. cit. pp.9-10

[62] For Deleuze, master and slave do not share the same identity and therefore they are not comparable. Unlike the slave, whose identity is heavily mediated by the master's morality, the master "does not wait to be called good" (Deleuze, *Nietzsche and Philosophy*, op. cit. p.118), he calls himself good. According to Deleuze, the negation moment in the master's experience is only external whereas that slave goes through it fearfully, not knowing the outcome of the encounter. Deleuze does not agree with placing master and slave on the same level. Although this might seem a way of giving both subjects equal opportunity within the dialectical game, Deleuze thinks that this is a way of erasing all individual pluralism and reducing subjects to the same life-denying beings.

dissolving that pluralism and hierarchical difference so crucial to Deleuze.

Another problem is derived by the fact that the Hegelian framework presents the Self/Subject – Other/Object as already fully-formed identities and leaves no room for transformation. We have seen how this constitutes a problem (insofar as it the lack of movement arrests that process) of differentiation which is the principle that guarantees life. A static act without movement that operates through politics of inclusion through identification, where inclusion means incorporating already existing and closed categories, can fulfil the immediate political need to organise regulatory patterns of recognition, but it cannot work for those identities whose existence is developed through the process of transformation and becoming other. This is highly problematic for those transgender people who present a dissonant way of understanding gender. We will see is an aspect that comes across very strongly from the live narratives presented in the three empirical interludes. To account for these individuals, I wonder whether instead of conceptualising individual identity (and the subject) as an agent dependent on another agent (that is, as a victim and potential prey to the conflict for its own recognition), why do we not allow the multiplicity of uncertainty and chaos into this mediation? Chaos, as we have seen, must not be considered in terms of confusion, but in terms of differentiation. It is the coexistence of multiple intensities. The existence of categories of identities, by contrast, are there to endorse majoritarian values and it is always trough the identities of majorities that the identities of minorities are formed, measured in society and regulated politically.

3.6 Intersectionality

The work of Kimberlé Crenshaw[63] highlights the forms of disadvantage that

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[63] Kimberlé W. Crenshaw, 'Demarginalising the Intersection of Race and Sex: A Black Feminist Critique of Antidiscrimination Doctrine, Feminist Theory and Antiracist Politics' in *The University of Chicago Forum* (1989) 89

result from what she refers to as 'multiple discrimination'.[64] Crenshaw uses the term 'intersectionality' to describe the complex situations in the context of violence against women of colour where also race and class become part of the same case in US courts. Grabham argues that today 'intersectionality' can be more broadly used as a flexible notion to indicate discrimination which transcends the spatiality of the court and reflects people's singular and varied experience of inequality with the law.[65] The law, as outlined in the arrangements of the Gender Recognition Act 2004, presents a model which cannot account for the singular individual and inevitably contains structural deficits which, instead of looking at the specificity of each case, tends to rule out failing to do justice to the singular in favour of a general principle. As we have seen in Chapter 2 through Deleuze's notion of difference and *being*, this is a principle which presents several problems because it is erected on the assumption that identity is something to construct outside of the individual and that this needs to fit in that given definition. The problems then concern a vision of individuality as one element of a collective picture, as the micro fulfilment of a macro category. We will see more in depth in the next section of this chapter (3.7) how this collides with the understanding of individuals in terms of unique and different and how, within a Deleuzian reading, we can drop the concept of identity and category approach that of imperceptibility. Before we get there, however, it is worth considering all aspects of why in our reading of the GRA, intersectionality is a problematic model to pursue.

Crenshaw advocates a reconsideration of politics where "recognizing that identity politics takes place at the site where categories intersect thus seems more fruitful than challenging the possibility of talking about categories at all"[66] and I believe that the theoretical foundation for a theory of intersectionality is valid and worth pursuing, as it is deeply imbedded in the

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[64] Crenshaw, *Demarginalising the Intersection of Race and Sex*, op. cit. pp.139-167.

[65] Emily Grabham, 'Taxonomies of Inequality: Lawyers, Maps, and the Challenge of Hybridity' in *Social & Legal Studies*, 15, 1, p.6

[66] Kimberlé W. Crenshaw, '*Mapping the Margins: Intersectionality, Identity politics, and Violence Against Women of Color* (Stanford Law Review, 1991) pp.1241-1299

different realities of life. However, it is a method of scanning reality which contains elements that in my view are worrying because 'intersectionality' as a theory/method/model of examining different degrees of discrimination is very closely linked to the reality of Black women and how ethnicity combines with other categories and identities such as gender, class, sexuality, race, nationality. It is a theory introduced within a US context with a focus on gender and race which was eventually integrated with new categorisations such as disability, class, nationality, etc. and concerned, more broadly, to socio-cultural systems of power across identity and categories.[67] Intersectionality is first and foremost a methodology directed to categories. Although I understand that its aim as an empirical method of practice is to comprehend the intersecting marginalising experiences and to resolve the discrimination which is produced within that condition of entwinement, I believe that the political and theoretical framework that has developed around intersectionality tends to aggravate the proliferation of categories and social stratifications because it operates on the basis of inclusion/exclusion (inclusion of the single and exclusion of the group). In doing so, the comparison between single individuals is amplified and, by default, also between the various discriminated groups. In addition to this, because it is an approach mainly concerned with single demographic differences and not with the universal, the risk is that it creates groups of minorities within the minority because it produces margins of difference/similarity within the same case, contributing to the aggravation of the discrimination it aimed to alleviate. As Valentine states, "the contemporary focus within the social sciences on … the complexity of intersections risks losing sight of the fact that within particular spaces there are dominant spatial orderings that produce moments of exclusion for

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[67] See Nina Lykke, 'Transformative Methodologies in Feminist Studies', special issue of European Journal of Women's Studies 12. 3, 2005; Leslie McCall, 'The complexity of Intersectionality' in Davina Cooper (ed.),*Intersectionality and Beyond: Law, Power and the Politics of Location* (Oxon, Routledge-Cavendish, 2009) pp. 49–76; Stephanie A. Shields, 'Intersectionality of Social Identities: A Gender Perspective' in Special issue of *Sex Roles, 59*, September 2008.

particular groups". [68] This is also the risk I highlight in the way in which the GRA operates. Namely, while it creates the possibility for recognition to those transgender individual that are well served by the gender binary, it creates a void for those who pursue a different form of subjectivity.

This mechanism highlights the presence of elements of hegemony and ideology contained in the theory of intersectionality, and also raises the problem of the production of the 'stereotype' in the ideological construction of the Other. The figure of the 'stereotype' is the "major discursive strategy, … a form of knowledge and identification that vacillates between what is always 'in place', already known, and something that must be anxiously repeated"[69]. I will engage with issues surrounding the Othered body more in depth in chapter five, but it is worth spending a thought in this context: it is the focus and challenge of Bhabba's hybridity, that is, the social process by which the hegemonic authority overtakes the identity of the colonized Other with the intention of incorporating it within its framework, and instead it produces something similar but new thus furthering social evolution. In my view, a theory of hybridity as envisioned by Bhabba can be more effective because it is based on the fundamental idea that existing categories are a burden to surpass and that change, however hard, is infectious, that is, it travels across taking up different forms and installs itself on things making them something else. Bhabba contends that the emergence of the hybrid identity which possesses within it elements of the colonizer and the colonized represents a challenge to the validity of cultural essentialism. Hybridity serves as a space of disruption in-between cultural, political and legal polarizations, it is a phenomenological mode of articulation "an interruptive, interrogative and enunciative"[70] space where boundaries blur and the stereotypical classification of social categories loosens up.

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[68] Gill Valentine, 'Theorizing and Researching Intersectionality: A Challenge for Feminist Geography' in *The Professional Geographer* (2007) 59(1), p.19.
[69] Homi K. Bhabba, 'The Other Question' in *Screen* 24.6 (1983): 18-36 p.18
[70] Bhabba, *The Location of Culture*, op. cit. p. 178-179

Having said this, however, I do not intend to encourage the adoption of 'the middle' space as a solution to the hostility of two extremities. The hybrid space can offer a useful set of methodologies for the consideration of what is different. For example, it can provide an alternative which opposes to cultural essentialism and can "find those words with which we can speak of Ourselves and Others. And by exploring this hybridity, this 'Third Space', we may elude the politics of polarity and emerge as the others of ourselves".[71] It should be seen as an opportunity, an incentive, from which a third, a fourth, fifth, sixth, infinity is derived. I therefore believe that hybridity is a useful concept insofar as it shows an approach towards establishing a principle of participative difference. However, it is less useful if conceptualised as a spatial 'cutting-edge' central ground instituted for mediation and compromise.

Andreas Philippopoulos-Mihalopoulos makes a neat distinction between middle and central spaces. He interestingly identifies the 'middle space' as the core of life (Deleuzian life): "the space in which the inevitability of being thrown-in and exposed to the draughts of the world becomes evident", [72] where bodies are exposed to other bodies. Central spaces, by contrast, are institutionalised orientations which lack the spatial strength of the middle. Such spaces, then, cannot resolve the problems at stake because their hierarchical structure would only reciprocate the dynamics and politics reiterated by the two polarities (with the only difference than instead two, we would be dealing with three spaces). The existence of a hybrid space – like the recognition of a third gender - can offer an inclusive method that opposes radical 'politics of polarity'[73] on gender, private and public space, feminine and masculine. Such a method would indeed serve to introduce an element of differentiation, a more heterogeneous ground into the lifeless

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[71] Homi K. Bhabha, 'Cultural Diversity and Cultural Differences' in *The Post-Colonial Studies Reader*, B. Ashcroft, G. Griffiths, H. Tiffin, eds. (Routledge, New York 2006) p. 209
[72] Andreas Philippopoulos-Mihalopoulos, "…the sound of a breaking string". Critical Environmental Law and Ontological Vulnerability in *Journal of Human Rights and the Environment*, 2(1), 2011 p. 2
[73] Bhabba, H.K., *The Location of Culture*, op. cit. p. 21

dialectical logics. However, because governed by old logics of representation, it remains an 'average' space:[74] not able to sustain the radical 'right to signify'[75] Bhabba hopes for, the motor of individuality itself.

3.7 Will to Be Imperceptible

Elizabeth Grosz suggests that instead of seeking recognition through intersectionality, that is, through the theorisation of identities and categories, we must start seeking recognition through "politics of acts…in which inhuman forces, forces that are both living and non living, macroscopic and microscopic, above and below the level of the human are acknowledged and allowed to displace the centrality of both consciousness and unconsciousness".[76] In other words: we should let go logics of recognition as explained in this chapter, and embrace a new mode of individuation away from the Hegelian structure of static identity.[77] The subject must seek to "be conceived as modes of action and passion, a surface catalytic of events, events which subjects do not control but participate in, which produce what history and thus what identity subjects may have".[78] For this to happen, however, Grosz argues that instead of conceiving politics as more or less violent negotiations between identities that strive for recognition where the model for recognition is strictly structured and the negotiation is unilateral and patronising, that is, only pursued by the subject that seeks it, we should rethink politics as a structure that allows a "profound tranformation in all related concept – of objects, of the social, of action and agency".[79] The moment of the encounter - to which I will return shortly offering a different

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[74] "The middle is by no means an average; on the contrary, it is where things pick up speed." Deleuze and Guattari, *A Thousand Plateaus*, op. cit. p. 28

[75] Homi K. Bhabba, 'Fireflies Caught in Molasses: Questions of Cultural Translation' in Rosalind Kraus et al. *October: The Second Decade, 1986-1996*. (Cambridge, MA: MIT Press 1997)

[76] Grosz, 'A Politics of Imperceptibility', op. cit. p. 470

[77] This notion is traditionally marked by the Hegelian reflections of psychoanalysis provided by Lacan whereby identity is forged through loss in the infant-mother dyad moment and the self is formed by the essential dualism body/mind.

[78] Grosz, 'A Politics of Imperceptibility', op. cit. p.468

[79] Ibid. p. 469

perspective- theorised in the Hegelian scheme of recognition, can be a place of participation and development only if the two parties involved abandon their 'molar-being' in favour of 'becoming-molecular'[80] and reach one another from the perspective of multiplicity rather than with the intention of each preserving their unity. "It is no longer a subject that takes before it a subject with whom to identify, and an object on which to enact its desire or will; rather forces act through subjects, objects, material and social worlds without distinction, producing relations of inequality and differentiation, which themselves produce ever-realigning relations of intensity and force".[81]

Grosz's theory of imperceptibility has at its core the Deleuzian concept of multiplicity. Accordingly, a Deleuzian analysis of the GRA and the dialectical politics that sustain it cannot leave out the aspect relative to the miscommunication between the law and institutions which is fundamental in Deleuze's understanding of the law. In *Empiricism and the Subjectivity* Deleuze makes a bold distinction between society, which is reviewed as "creative, inventive and positive",[82] and the law which acts almost as a break on that creativity, inventiveness and positivity. For Deleuze - and this is a conclusion he will get to later, particularly in the *L'Abécédaire* [83] - jurisprudence can identify with society: both positive and creative assemblages that operate to coordinate day-to-day issues and act as a guarantee for what Alexandre Lefebvre calls "certain preexisting rights"[84], thus stopping subjects from harming each other. Laws, on the contrary, produce abstract and static understandings of rights, they create false values for people to identify with "and it's in the name of all this that thinking is fettered, that any analysis in terms of movement is blocked".[85] To Deleuze the notion of *right* is lifeless in that it is locked, abstract and it does not

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[80] Deleuze and Guattari, *A Thousand Plateaus*, op. cit.
[81] Grosz, 'A Politics of Imperceptibility', op. cit. p.469
[82] Deleuze, *Empiricism and Subjectivity*, op. cit. p. 46
[83] Gilles Deleuze, *L'Abécédaire de Gilles Deleuze* , interviews between Gilles Deleuze and Claire Parnet, French TV, 1988-1989
[84] Alexandre Lefebvre, *The Image of Law: Deleuze, Bergson, Spinoza* (Stanford: Stanford University Press 2008)
[85] Translation of original text taken from Lefebvre, *The Image of Law*, op. cit. p. 55

respond to a real need, but rather, generates more opportunities for categories and therefore for divisions.[86] Moreover, for Deleuze laws do not address human necessity but only respond to a temporal passion influenced by the momentum and the interchangeable fashion in which things in society are understood. On these terms, one could argue that the GRA is designed on an abstract notion of what gender is or should be, or how it ought to be portrayed and reproduced in society. At a certain point gender is assimilated in terms of female and male polarities and on such polarities the reiteration of gender roles and gender production. At a different moment in time – following a Deleuzian reading - the very definition of gender may be based on a different understanding of those same roles and it may extend to include or exclude certain other aspects that today seem irrelevant. So, what we have is only a natural evolution of sensibilities and rights that change according to the construction of new juridical scenarios. It is important to note how, for Deleuze, the law by itself – and indeed its laws and codes – are self-reflective and sterile without the existence of jurisprudence, which is what creates the social situation wherein a concrete necessity comes up and determines the production of new rights and new laws. Jurisprudence is the grounded, real dimension of abstracts notions such as law, justice and rights.[87] Such an understanding recognises relevance to rights only through the concreteness of jurisprudence without which those right would only remain abstract and incomprehensible timely passions. Jurisprudence can be understood then in terms of a differential "process-orientated"[88] system of practices.

For Deleuze that there are two conditions that make certain cases real social emergencies. Such affects are a condition of accidentality and a condition of necessity at once. They are accidental because these cases draw attention

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[86] In *L'Abécédaire* Deleuze goes as far as saying that "there are no human rights, there is life, and there are rights of life".
[87] Edward Mussawir, *Jurisdiction in Deleuze. The Expression and Representation of Law* (London, New York: Routledge 2011) p. 6
[88] Rosi Braidotti and Patricia Pisters, Revisiting Normativity with Deleuze, eds. Braidotti, Pisters (London, New York: Bloomsbury 2012) p.1

onto themselves accidentally, and they are necessary because the law must present them as such. From this double status stems Deleuze's definition of encounter. This is crucial because through it the law renews itself, being the encounter a means to introduce a certain outside perspective into the law "in a constitutive relationship with its outside – with cases – which forces it into action and intervention"[89]. It is also important because the encounter gives us the opportunity to reflect on the dogmatic aspect of the law. The encounter itself is a promise, the promise that the law will account for what is just, but it is a promise that is not kept because, as Lefebvre citing Bergson tells us "the possibility that something might be genuinely new, that is, that we encounter something unprecedented and experience a shock to thought, is an anathema to thought premised on recognition. As a consequence, both the genuine exteriority of the outside and the chance for encounters is forfeited – these are both interiorized, as it were, into our representations before the fact of an encounter. A genuine encounter is missed; it simply becomes an opportunity for the instantiation of prepossessed concepts"[90]. For Deleuze, recognition then is made of and reiterated by a series of trivial facts, "everyday banality"[91], that are none other than the re-evaluation and the re-adoption of facts and situations that are believed to be the foundation of thought. The price of this pre-disposition is paid by the law which, in a way, is kept hostage of this *a priori* mechanism which may be explicit or implicit, but still responsible of a dogmatism that is deeply imbedded in the way in which cases are recognised. So one can conclude that the suppression of the free fruition of the encounter haunts and compromises the genuineness the law itself.

Moreover, this dogmatism imbedded in law makes recognition happen only through judgment based on consuetude, thus shutting off any possibility for real difference. Deleuze clearly says that judgment itself has only two

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[89] Lefebvre, *The image of Law*, op. cit. p. 59
[90] Ibid. p.60
[91] Deleuze, *Difference and Repetition*, op. cit. p.135

functions, two "essential functions" [92] to be precise: one is to ensure that ideas are distributed - "the partition of concepts" – and the other is the "hierarchization, which it ensures by the measuring of subjects. To the former corresponds the faculty of judgment known as common sense; to the latter the faculty known as good sense (or first sense). Both constitute just measure or 'justice' as a value of judgment. In this sense, every philosophy of categories takes judgment for its model".[93] For Deleuze, as explained by Lefebvre, common sense and good sense are both guarantor of that system that "partitions being into its genera and upholds identity for each genus through its subdivision into species"[94]. This explanation of judgment establishes exactly what Deleuze opposes, that is, a concept of difference that cannot be understood in terms of difference between two things, because such an understanding presupposes the existence of contradiction between those same two things. As we have seen, it is rather difference in itself, that constitutional difference that, according to Deleuze's analysis, judgment is not able to depict because it is structured to operate only in terms of difference between things, "either between different concepts or between different things under different concepts".[95] The encounter is then offset because this is a system of knowledge that "conforms to the general"[96] and only allows for conceptual difference. From here it is possible to understand what Deleuze means when he says that the law makes the future predictable: it operates following the same binarised mechanisms.

Deleuze and Guattari develop a theory of the rhizome, opposing to an arboric system of knowledge. The rhizome is an undergournd tuber that, unlike a solid tree that preserves its solidity and is unable to contain and reproduce tranformation, ramifies and expands through the grounds, always reaching out for new territories.[97] What they propose is a system of

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[92] Deleuze, *Difference and Repetition*, op. cit. p. 33

[93] Ibid.

[94] Lefebvre, *The Image of Law,* op. cit. p. 64

[95] Ibid. p. 65

[96] Deleuze, *Difference and Repetition*, op. cit. p. 38

[97] Deleuze and Guattari, *Anti-Oedipus,* op. cit. p. 7

connections that ramifies into new flows and takes up differet forms where subjectivity is multiple and goes hand in hand with the 'othered body' thus encouraging a constant negotiation of the Self. Multiplicity has no structure and does not belong to anyone or anything, it stands in opposition to the very idea of category, for its structure is a non structure with no centre or unity and therefore the representation of any kind of linear identity becomes impossible, being multiplicity itself constituted by non linear movements. For Deleuze and Guattari, multiplicity is the very essence of becoming; if we give up concepts such as subject and object (Hegelian Recognition), then it will be easier to think in terms of molecular multiplicity as a space composed by heterogenous elements in constant movement, where each object is connected to everything else. We are in a space of chaos, disruption and difference where the Self does not travel towards producing a representative identity singularity, but rather, it transforms in order to always become something else. Such transformation is internal to the self, immanent, it is a matter of being.

The most obvious critique that one could raise against the theory of molecular is that transsexual identity, already so precarious in its various representation across the various disciplines of social sciences, needs a narrative that develops on solid ground and that is based on a less mellifluous and unsettling understanding of what identity should be. This is however a point that Deleuze clarifies when he insists on the univocity of being, for becoming other is not to be seen as unsettling movement of self-denial in constant search of another kind of selfhood to embrace, it is rather a new method of understanding the world, where the individual is one and univocal in his being, but his being contains within itself the chaos of possibilities, each equally dignified. "There is no dualism between the two planes of transcendent organization and immanent consistence… [we] do therefore speak of a dualism between two kinds of 'things' but of a

multiplicity of dimension, of lines and directions"[98]. So, we can understand the molecular not in terms of identity, but as the force of *becoming being* such that it fragments the straight push of normativity which, in reaction against change, attempts to contain the dynamism of these fragmentations in molar forms. It is important to understand that the human body is here conceived as part of a multiple whole unified by haecceity, not an individual, but a mode of individuation that is manifested through intensity. "The life of the individual has given way to a life that is impersonal but singular nevertheless, and which releases a pure event freed from the accidents of inner and outer life; freed, in other words from the subjectivity and objectivity of what happen".[99] Open then to the movements and affected by its surroundings (other bodies in movement). We see then that identity is not a finished product made of certain steady components, but it is a container without its lid where complex interchanges, lines and variables interconnect only to keep moving and reach other bodies in a constant motion of becoming.

Deleuze insists against the existence of a closed group or identity (in this case, the category of trans) because identification happens only through the connection with others (and recognition given by others).

> " In recognition, the sensible is not at all that which can only be sensed, but that which bears directly upon the sense in an object which can be recalled, imagined or conceived … The object of an encounter, on the other hand, really gives rise to sensibility with regard to a given sense … It is not the sensible being but the being of the sensible".[100]

The encounter, then, works by means of affirmation and not dialectical exclusion. Everything that is encountered can be recognised only by virtue of being. To avoid the encounter would be to give in to dogmatism. Furthermore, what we encounter triggers a movement that forces us to

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[98] Gilles Deleuze, Claire Parnet, *Dialogues*, Trans. by H. Tomlinson and B. Habberjam (New York: Columbia University Press, 1987) pp.132-133
[99] Deleuze, *Immanence: A Life*, op. cit. p. 4
[100] Deleuze, *Difference and Repetition*, op. cit. p. 140

think ("Something in the world forces us to think" [101]), thus initiating (and not arresting) a process of multiple differentiation.

Sexuality – and indeed transsexuality – is multiple and open "to all sorts of possible new relations, micro-logical or micro-psychic, essentially reversible, transversal relations with as many sexes as there are assemblages (*agencements*), without even excluding new relations between men and women: the mobility of particular S&M relations, the potency of cross-dressing , Fourier's thirty-six thousand forms of love, of the n-sexes (neither one or two sexes)".[102] In this fluid space of disruption and fragmentation where pre-existing categories and schemes of representation cannot contain the flow of becoming, a rhizomatic body eludes the classification that would confine it to the male or female category based on genitalia and a politics of recognition which extends thus far would automatically serve to subvert such categories. "The rhizome … is a liberation not only from reproduction but also from genitalia".[103] It becomes evident that a structure of recognition envisioned as a specific moment fixed in space and time when acknowledgement is bestowed upon the individual blocks the flow of desire and takes back the self to the duality of normativity, for this structure of recognition is only a matter of dialectic and identity reproduction. The affirmation of the Self travels rather on processes of identification that are ongoing and elaborated through movement.

My analysis of the Gender Recognition Act 2004 suggests a series of instances where prejudice and essentialism in handling trans subjectivity become causes of inequality and discrimination. I have explained that it relies on binaries understandings of bodily aesthetics which are theorised under the categories of 'masculinity' and 'femininity' and reintroduced into discourse by the Gender Recognition Panel. I have argued that this is a cause of discrimination against those modes of trans-embodiment that do not fit in

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[101] Deleuze, *Difference and Repetition*, op. cit. p. 139
[102] Gilles Deleuze, *Desert Islands and other Texts, 1953-1974*, Trans. by M. Taormina (New York: Semiotext[e], 2004) p. 287
[103] Deleuze and Guattari, *Anti-Oedipus*, op. cit. p. 20

this binarisation thus generating tension within the same category.

The argument that has emerged so far highlights a strong essentialism in the construction of a politics of recognition and, in particular, in the case of the Gender Recognition Act 2004. The transsexual self that throughout the Act is always conceptualised in terms of body/mind is not body nor mind, but it is shaped in a condition of 'in-betweeness' , of differences, of pluralism which is not accounted for in the Act. Likewise, the temporal dimension of this legislation delineates the attempt of the law to map-out a template of trans identity which is stable and 'authentic' and fails to consider the varieties of modes of identification which the Self undertakes. What we need to focus on is not the negotiation of identity inclusions, for as we have seen with the Gender Recognition Act, acts of inclusion can easily turn into acts of exclusion, but it is a new way of theorising the self. The model of Recognition used in political discourse is essentially Hegelian, where identity is not something naturally developed internally or externally through inter-subjective relations between Selves, but a certain something that is imposed on the Subject and with which the Subject has to come to terms never being able to fully pay off the debt with the Other. In short, it is an ongoing struggle, a lifetime effort. "This Hegelian strand […] that underlies *all discourses* on identity that require the other's tacit implication in the subject's formation, needs to be counterbalanced with an alternative tradition, one with a considerably shorter history, which can be dated from the Nietzschean rewriting of the Hegelian dialect as the servile rationalizations of the slave and the herd, rather as the movement of an enlightening 'spirit' to its own self-fruition".[104] In Grosz's reading of Nietzsche - passing through Deleuze – it is possible to find the map for a new theory of imperceptibility which instead of conceptualising the subject as either an acting agent upon an object or as the victim of another agent, "it marks the subject as such is its capacity to act and be acted upon, to do

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[104] E. Grosz, *A Politics of Imperceptibility*, op. cit. p.466

rather than to be, to act rather than to identify."[105]

> "That which gives the extraordinary firmness to our belief in causality is not the great habit of seeing one occurrence following another but out inability to interpret events otherwise than as events caused by intentions. It is belief in the living and thinking as the only effective force – in will , in intention – it is belief that every event is a deed, that every deed presupposes a doer, it is a belief in the 'subject'. Is this belief in the concept of subject and attribute not a great stupidity?"[106]

> Question: is intention the cause of an event? Or is that also illusion?
> Is it not the event itself?" [107]

Nietzsche's model may provide us with a new way of approaching the conceptualisation of the Subject and recognition as a social practice. What makes us so certain that the subject needs to be recognised? As we have seen, recognition does automatically produce acceptance, and it is fiercely questioned in the next section of this research by those individuals who do not feel fit for the rigidity of its requirements. So what makes this model so appealing? Nietzsche's subject stands beyond recognition, in the sense that it does not rely on the struggle for recognition present in Hegel. Nietzsche's subject is affirmative and develops through self-identification rather than on the negation of negotiations. Hegel's master/slave dialectic in Nietzsche becomes a subject developing though the relation of affects and will. " In place of the desire for recognition as the condition for subjective identity, we need to begin with different working assumptions, which may cover some of the same issues as those conceived by identity politics, without, however, resorting to the language and assumptions governing recognitions. In place of the desire for recognition, the emptiness of solipsistic existence, the annihilation of identity without the other, the relation of desperate dependence on the other for the stability of one's being, we could place an

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[105] Ibid. p. 466

[106] Friedrich Nietzsche, *The Will to Power*, Trans. Walter Kaufmann (New York: Random House, 1968) p. 294
[107] Ibid p. 295

account of subjectivity, identity, or agency at the mercy of forces, energies, practices, which produce an altogether different understanding of both politics and identity".[108]

In what follows we will see *actualised* fragments of utopias in the lives of some individuals that claim an imperceptible space wherein to establish their unique transgender specificity. These people, as they themselves will explain, are not served by the recognition logics of the GRA because their subjectivity is not accounted for by the rigid bipartition of genders. These are marginal bodies to whom recognition is denied but that, through being, take up the right to write their own narrative and their utopia is spelt and affirmed every day by their own difference.

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[108] Grosz, *A Politics of Imperceptibility*, op. cit. p.468

On Gender Recognition

"GENRES ARE NOT to be mixed. I will not mix genres. I repeat: genres are not to be mixed. I will not mix genres"[1].

Tom, 25 year old FtM working and living in London says:

> *"One of the main reasons why I don't want a GRC (Gender Recognition Certificate) is that I want to keep my birth certificate as a female because I am incredibly connected to my femaleness and I feel almost that it's taking it away. That last piece of paper that says I'm a female kind of takes away from me identifying as a Gender Queer … I was born female, the majority of my time I identify as gender queer or trans masculine or femme, and all of those things are combined in my identity, I feel that to get a GRC is to deny my past. I don't want to deny my past. I don't want to rewrite my life and I want people to know that"*.[2]

We have seen in the previous chapter how the GRA is for so many reasons an advanced piece of legislation that enables trans people to gain a new birth certificate stating the gender of choice, to marry or enter civil partnership and to benefit from a recognized legal status and citizenship[3]. While the GRA remains an outstanding accomplishment for trans communities, it is important to question the significance of the Act for trans people themselves beyond the political paradigm of rights and legal recognition and also beyond any theoretical configurations. What does the

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[1] Jacques, Derrida *"The Law of Genre"* Trans. Avital Ronell. *Critical Inquiry* 7.1 (Autumn 1980): 55-81.

[2] https://www.youtube.com/watch?v=wKvpIy4lLtI

[3] For an in-depth study on citizenship and how citizenship is articulated in relation to the Gender recognition Act 2004 please see Sally Hines, TransForming Gender: Transgender Practices of Identity, Intimacy and Care.

GRA mean? Or even, what does recognition mean in the life of transgender subjects? In the light of the analysis presented in the previous chapter, this section will be useful to reflect on certain practical aspects and issues raised by the GRA and may help think about any discrepancies and areas that need further consideration within the legislation.

In chapter 3 I highlighted a series of circumstances and contradictions that stem from a partly inflexible piece of legislation based on few but precise principles. One such principle is the stability of gender, which is an important part of the structure of the GRA. We have seen how the third requirement (c) for gender recognition is the intent to "continue to live in the required gender until death". This predicament poses first of all an issue of equity because it demands an *a priori* engagement with an ideal of solidity of gender that non trans individuals are not expected to engage with and produce (this based on the assumption that gender is stable and those who are not diagnosed with gender dysphoria would not question this notion in the first place), but it also opens far more complex issues caused by a more dangerous ideal, that of purity of gender. We will see later in chapter 4 how the ideal of purity in gender is played out within the configuration of a sex segregated public space such as that of public toilets. In the context of the GRA, by purity of gender I mean two things specifically: First, the assumption that gender is recognised insofar as it travels on a female/male binary – and therefore any blurry positioning is suppressed. With uncertainty must also go the possibility that feminine and masculine may cohabit within the same subjectivity. Secondly, the Gender Recognition Certificate can overwrite one's history erasing any traces of gender discontinuity in favour of gender coherence, that is, an ideal that gender must be pure and uncontaminated.

To open up to an idea of identity where "all those things are combined" would of course encourage an element of fluidity to gender and would consequently create room for questioning that monolithic 'until death' requirement upon which the GRA is so tightly constructed.

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Tom: "*[The GRC] takes a big chunk of me and rolls it away and pretends it doesn't exist and it never existed. But it does exist and it did exist. I was born a female and I'm always going to have that history. It would be like getting rid of a part of my life I don't want to get rid of*".[4]

Mark, mid 30s FtM, concurs:

"*I want to be recognized as a male…at the same time, I don't know… My current birth certificate says that this person was born a female, was given a female name and that to me is a quite important part of my history to actually have a new birth certificate to claim that I'm actually this other person. This is difficult in my mind. I know who I am*".[5]

To leave a trace of oneself, of one's history becomes vital. And to give up such a significant part of oneself is seen by some as an act of betrayal. Moreover, what seems vital is the necessity not to make their unique trans narratives invisible. The Gender Recognition Certificate seems to do just that for some.

Tom: "*At the end of the day I get that a piece of paper is not super important, I get it that it doesn't really erase my past, but it means that if I get a GRC nowhere will ever show that I'm trans unless I choose to tell them. And I wonder how easy it would be for me to disappear and become invisible to myself. I feel like the GRC would be taking something away rather than giving me something*".[6]

Mark "*I know when I look at my birth certificate and I see a female it isn't right, at the same time that forms a part of me so I'm not planning on going for a GRC just yet. The thought of changing my history is tricky*".[7]

Robin, late 30s FtM says:

"*Some guys don't want to leave any traces of ever lived with a female body so for them a GRC is important. For me it'd be a practical point of making sure I remain safe wherever I am in the world, if I'm to travel*

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[4] https://www.youtube.com/watch?v=wKvpIy4lLtI
[5] https://www.youtube.com/watch?v=prjhPR6Bbr0
[6] https://www.youtube.com/watch?v=wKvpIy4lLtI
[7] https://www.youtube.com/watch?v=prjhPR6Bbr0

out I'd have supporting documentation. But from a personal point of view I wouldn't want to erase history. I think it's vitally important that we live behind a trace that we are transgender because otherwise how would people in the future now how far back these things go… there are already people that pretend there was no such thing as transgender priori to 1960, which is ridiculous. I believe in leaving an evidence trail".[8]

Adrian, young FtM who lives in Brighton UK and who has already obtained his GRC, thinks through the process and concludes that, in his experience:

"A pro would be a sense of achievement and the feeling that you're finally being recognised, and the other major pro is legal. For example, from now any documentation that's addressed to you has no reason to be addressed in your old name, gender or title. But what does it really mean if you think about it? Organisations don't care: you say call me Mister, you say call me by this name and they'll do it. I still get mistaken for a female on the phone… that [the GRC] hasn't changed, I'm just going to have to accept that and move on with my life. [The GRC] hasn't changed anything in the way I present or go about my life, and I think, you know, at the end of the day did it really change anything? I didn't add anything".[9]

What seems to be the primary concern for some people is not so much to draw a line between past and present, between a before and after, for such a distinction does not appear as clear cut as the Gender Recognition Act advocates. History matters a great deal and a new birth certificate compromises the specificity of that unique relationship everyone has with their own origins. Tom quite succinctly says: *"I wonder how easy it would be for me to disappear and become invisible to myself. I feel like the GRC would be taking something away rather than giving me something"*[10]. What comes up rather prepotently is the necessity to have a free space wherein a narrative takes place and develops.

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[8] https://www.youtube.com/watch?v=v-X6c2nnxd0

[9] https://www.youtube.com/watch?v=WmE-1EYc34A

[10] https://www.youtube.com/watch?v=wKvpIy4lLtI

> *"A lot of people when they realize they're trans, they feel an incredible amount of pressure to become hyper-masculine – I'm talking about trans guys here – and to start pursuing all the steps necessary to become and embody completely male sex. That is totally fine for some people and totally not fine for other people. All these choices are totally ok but it's really hard because there is a lack of vocabulary out there. Even I live my life based on this 'either or', but I think it's totally ok to say I'm a transsexual. I don't need to say trans male or gender variant and all that sort of stuff. I'm just transsexual and it fees good to say it and believe it"[11].*

Recognition is important, but acceptance cannot happen only on the basis of a legal definition of what gender should be like and where the boundary between gender and sex lies. As Charles says: "*I'm just transsexual and it fees good to say it and believe it"[12].*

Such a drastic and uncompromising understanding of gender inevitably give the Acts itself the taste of a dead piece of legislation detached from people's lived experience, a means to an end, something to have just because a legalised and recognised identity is easier to live in, rather than an active and ongoing involvement with an ongoing transgender debate.

> Tom: "*My documents have been changed since February 2010 and we're now in May 2012 and that means that I meet the requirements to apply for GRC now and I can change my birth certificate. This is interesting. I remember one year ago I was mad that I couldn't apply for GRC and I wanted one so badly, while now the only reason why I would want a GRC is because it's be easier to access my benefits… Other than that, I don't care".[13]*

> Tom: "* I feel like I should get one [GRC] to make things easier for myself."[14]*

> Adrian: "*If you can change your gender on your ID, driving license and passport, don't bother [with a GRC]".[15]*

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[11]https://www.youtube.com/watch?v=6_JCfTzbXPo&list=UU9y7S7zKwMCzmopAMeRd4g

[12]https://www.youtube.com/watch?v=6_JCfTzbXPo&list=UU9y7S7zKwMCzopAMeRd4g

[13] https://www.youtube.com/watch?v=wKvpIy4lLtI

[14] https://www.youtube.com/watch?v=wKvpIy4lLtI

[15] https://www.youtube.com/watch?v=WmE-1EYc34A

The Act is certainly useful in affording legal recognition and social legitimacy to trans people who identify as women or men, it gives people with a coherent path of transition the opportunity to have that history corrected and for a new one to emerge and to be recognised. However, as also pointed out by some scholars and activists, such as Whittle and Turner, 2007; it has not improved the legal condition of those who identify beyond the female/male categories. "*My identity is always shifting*"[16], says Charles, a young transman who, like many, does not fit in the clear-cut picture painted by this legislation,"*that's the beautiful thing about queerness, there is room for constant identity shifting*"[17]. But does the issue come down to shifting identities versus stable identities? I will come back to this reflection shortly.

Before I do so, however, I must reflect on what Tom, Mark and Adrian said: They fully identify as males and live in their new gender role. Yet they feel the importance to retain their past, not let go of their history because it is part of who they are today as individuals. This to them does not take away their masculinity, about which they feel very strongly, nor does it threaten the 'stability' of a gender they have desired, pursued and are now embodying. On the contrary, it adds to their trans subjectivity because what is at stake to them is the appropriation of a narrative that is their own and that the GRA is attempting to eradicate and replace. This could suggest the presence of a certain degree of doubt. Maybe it is exactly this uncertainty that the GRA wishes to address and ensure is resolved before individuals embark on the journey for recognition. This is a legitimate consideration: certainly everyone has a different story and for some it is important to erase all connections with a past that may have been dramatic, hurtful and traumatising. For other transgender people such as Adrian and Mark, for example, the darkness of their past is constitutive of who they are today as transgender individuals. Their stories do not contemplate uncertainty linked to their new gender: Mark says "*I deliberately chose a name that is*

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[16] https://www.youtube.com/watch?v=vrgpYb-86l4
[17] https://www.youtube.com/watch?v=vrgpYb-86l4

deemed very masculine"[18]. Adrian insists: "*I really really despise my old name … my whole life growing up and the experience of being me was not good… That name is darkness to me, it's death to me, it's my least favourite word in the world and I hate to hear it … I don't want those memories, they are horrible to me. I felt like I was a phantom.*"[19]. Still, it seems that to give up that past – however painful - and to rewrite a brand new story is for some trans subjects to deny a narrative that comes before any formal recognition that uniforms them to a category which does not take into account their specificity of human beings before being trans.

This is a very important point that needs further examination. Two things are particularly significant: First of all, a desire – suppressed by the current design of the GRA - to retain feminine and masculine sides within the same subjectivity and for this to be accepted as part and parcel of transgender identity as it is understood by the law. So the law can substitute a narrative with another by assigning a new gender which overwrites birth gender, yet physical intervention is not a requirement for the GRC, which means that the transgender people going for recognition can maintain their birth genitalia, as long as they have been living in the role of the desired gender. Now, how does the law resolve that contradiction? Or even, does this contradiction need resolving? One can assume that if the law accepts the coexistence of two opposites – birth genitalia and different gender – then why can the law not tolerate that desire of maintaining the specificity of an individual narrative wherein elements of masculinity and elements of femininity can be equally validated?

> "*I have a concern: should I ever end up in jail, if I have a GRC does that mean that I automatically go to a man's jail? Because, quite frankly, I don't want to do that. I don't think I would be safe there… I don't think that any [mens] jail in the UK or abroad would accommodate for the peculiarities of my physicality*"[20]

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[18] https://www.youtube.com/watch?v=prjhPR6Bbr0
[19] https://www.youtube.com/watch?v=39kRrBemXz4
[20] https://www.youtube.com/watch?v=WmE-1EYc34A

Secondly, it seems that the need to maintain a tight and distinct gender binary and to prove that one's gender is stable and that it will indeed not oscillate does not only preserve gender per se, but works in favour of a greater purpose which is the masterplan of preserving heterosexuality[21] and the secular institutions that are anchored in it, one for all marriage. This becomes apparent in the way the GRA regulates same sex marriage. Let us take a closer look:

The Gender Recognition Act 2004 enables a trans person to marry an individual of the "opposite sex", or to enter into a civil partnership with someone of the "same sex". This of course requires that the individual or individuals involved, each identify with one gender. Furthermore, before the new gender is recognised, any pre-existing marriage or civil partnership outstanding needs to be dissolved, which presents a set of issues trans individuals are put through.

> Mark: " *I couldn't actually get a full GRC until I had my civil partnership dissolved, because I'm in a civil partnership with a woman and the way that they deal with this is that they'd give me an interim GRC which gives you six months to sort out your marriage status… This presents problems for us…if I wanted to maintain that legal status I would have to dissolve my civil partnership and marry her as a straight couple. That's not something I'm comfortable doing and certainly not something she is comfortable doing"[22].*

Again it is possible to see how through this formulation the law attempts to silence an idea of gender fluidity and rewrite a narrative rather than allow individuals to rewrite theirs according to their unique circumstances and lived experiences, thus presenting problem for those who identify differently. Further developing the concept of fluidity in intimate

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[21] Dunne, Michael 'Sampling Considerations' in Wiederman, M & Whitley, B (Eds.) *Handbook for Conducting Research on Human Sexuality* (Mahwah: Lawrence Erlbaum Associates 2002) pp. 85-112.

[22] https://www.youtube.com/watch?v=prjhPR6Bbr0

partnerships, in her research on ciswomen's [23] partnerships with trans men, Carla Pfeffer points out how couples are heavily influenced by the body image of one or both partners, "the body image of one partner may affect both the body image of another, as well as the ways these bodies may relate (sexually and non-sexually) to one another."[24] This suggests that intimate relations rely on a set of processes that are certainly established by the internal dynamics between the partners, but they are also socially constructed, that is, they retain social and political significance and the GRA requirements – as Mark expresses above - unsettle that mechanism. The problem is that recognition structured such as it is in the GRA 2004 fails to consider that trans subjectivity is also a question of matter and embodiment. Recognition may be a status, but the day-to-day lives of trans people have to face the materiality of their bodies and the struggle of that disagreement that the GRA cannot resolve. As Adrian said earlier: "*I still get mistaken for a female on the phone… that [the GRC] hasn't changed".[25]*

Charles, who insists he does not belong to either gender, says:

> "*My gender is really different than many trans guys I interact with. How many genders are out there? I think that by definition the gender binary says that you're feminine or masculine, male or female. So that dichotomy is silencing to those who identify in the middle. People who identify in the middle are constantly silenced and invalidated by the gender binary itself*"[26].

> "*I like to think of gender as non-binary and not necessarily as a spectrum where there can be people in the middle, but move as a diagram where there is many different circles. There is some continuum to it, but there is also multi-dimensional."[27]*

> "*Certainly I do know that gender is stacked and there are many people out there that identify as female or male, feminine or masculine…but I think that we need to come up with new vocabularies. Gender policing*

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[23] Ciswoman is the abbreviation of 'cisexual woman'. It refers to a woman whose performed gender role and sense of self match her female birth gender.

[24] Pfeffer, Carla A, 'Bodies in Relation—Bodies in Transition: Lesbian Partners of Trans Men and Body Image' in *Journal of Lesbian Studies* 12(4), 2008: 325-345

[25] https://www.youtube.com/watch?v=WmE-1EYc34A

[26] https://www.youtube.com/watch?v=15_w2fmcNQ0

[27] https://www.youtube.com/watch?v=15_w2fmcNQ0

obviously happens outside of the trans community."[28]

Charles points out a grave problem, perhaps the most important when it comes to gender policing, certainly the most crucial when it comes to understanding and managing transgender subjectivities. It is the way in which people who identify differently are presented and articulated in socio-political discourse, that is, as we have already seen, by means of a psychiatric diagnosis: *gender dysphoria[29]*. By this I mean the pathologisation of transgender and the consequent stigmatisation which frame any transgender subjectivities within a medical context from which it is hard, if not impossible, to detach oneself.[30]

> Charles: *"The GID is always inherently pathologising and we are seen as mentally unsound … I have a real problem with pathologising transsexuality… Pathologising only stigmatises us and it only makes it harder for us to access the health benefits that we need because essentially if it's classified as a psychiatric diagnosis rather than a medical diagnosis then insurance companies look at SRS (Sex Reassignment Surgery) as cosmetic surgery and also they dole out a lot less money for psychiatric needs so I don't really understand the point of it".[31]*

> Jenna: *"We are pushed into claiming on the ground of disability…*

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[28] https://www.youtube.com/watch?v=15_w2fmcNQ0

[29] 'Gender Dysphoria' is listed in the Diagnostic and Statistical Manual of Mental Disorders V (DSM5). See Anne Vitale 'Rethinking the Gender Identity Disorder Terminology in the Diagnostic and Statistical Manual IV (DSM IV)', Paper Presented at the *Conference of Harry Benjamin International Gender Dysphoria Association*, Bologna, 6-9 April;

[30] Until 2012, gender dysphoria was listed as Gender Identity Disorder (GID) in The American Psychiatric Association under the Diagnostic and Statistical Manual of Mental Disorders. This was controversial especially because the emphasis was put on gender identity and expression, considered and articulated in terms of 'disorder'. As of 2012, with the 5th revised edition, only the term 'gender dysphoria' was used and it was employed to indicate "a marked incongruence between one's experienced/expressed gender and assigned gender" as opposed to what once used to label all transgender as psychiatric cases. This shift is an important step towards reframing transgender and helps remove some stigma. Doctor Jack Drescher, a member of the American Psychiatric Association who was involved in the revision said: "We know there is a whole community of people out there who are not seeking medical attention and live between the two binary categories. We wanted to send the message that the therapist's job isn't to pathologize." http://www.advocate.com/politics/transgender/2012/07/23/dsm-replaces-gender-identity-disorder-gender-dysphoria

[31] https://www.youtube.com/watch?v=3DPpmX83wVQ

Now, I'm not disabled. I've got all my fingers, all my toes, I've got my legs, my limbs, I've got my brain, my heart, I've got everything… I'm not disabled".[32]

Charles:*"I think that the standards for this should be coming from our community… I'm not psychologically ill. I don't have a psychiatric issue. Maybe I needed counseling because it's stressful to go through this and you need some assistance figuring things. The fact of the matter is, these standards work against us in so many ways: they continue to stigmatise us in society and also keep us from the medical treatment we need".*[33]

As we have seen earlier in my analysis of the GRA, the current regulations encapsulate transgender within the boundaries of psychiatric issue and articulate it using two uncompromising languages – the medical language and the legal language – to write guidelines by which a certain category of individuals must adhere, yet they do not contemplate the necessity to open up and let those individuals they speak to have their say in issues that concern their lives, experiences and subjectivities. This observation is made also in the accounts presented here.

Adrian and Mark, for example, express frustration about having to appear before a panel and prove the authenticity of who they are. Partially because some have not had happy experiences with medical professionals or they find the process and ritual of assessments intimidating and distressing.

Mark: *"I find it a really scary idea, the idea of a panel of people deciding my faith"*[34].

Adrian: *"They [doctors and professionals dealing with trans issues] haven't been very helpful with any of my emotional issues in the past. I've been shunted from side to side, abandoned, patronized, not listened to … I'm worries that these people won't take me seriously… I mean, what if I just sit differently that how your average guy does … I don't*

[32] https://www.youtube.com/watch?v=xQ_copThESU
[33] https://www.youtube.com/watch?v=3DPpmX83wVQ
[34] https://www.youtube.com/watch?v=prjhPR6Bbr0

mind the colour pink. I don't like cricket, I don't like football"[35].

Adrian's scepticism is not unfounded. His story depicts the very paradox I am highlighting, which is a paradox the legal-medical industry cannot resolve… Adrian has been living in his male role for many years, he has been on testosterone for three and has obtained his GRC. He is legally a male now. Yet, because he has not had his mastectomy or hysterectomy – not necessary for gender recognition - the medical professionals who periodically check his blood levels (something people on hormone therapies ought to do often) continue to treat him as a female. When he was referred by his GP for a cervical ultrasound (trans-men on testosterone who have not had hysterectomy are at risk of cervical cancer and are invited to periodical screenings), the nurses have booked him in a female department and have referred to him by 'Miss Adrian'. Adrian had agreed to a cervical ultrasound, but the appointment was made for Pap Smear Test which, to Adrian, was problematic.

> *" I freaked out. Nobody said anything about this… Do you really want to show up at a place where only women ever go and have all the nurses and doctors look at you like 'what the fuck is he doing here?' That would be fucking mortifying frankly. I was 'what the hell do I do'? I though to ring the people, explain the situation … but I didn't ring them because I felt nervous. Nervous about talking to perfect strangers about something that is such an intimate detail of my life. What am I going to say, 'Look what you're dealing with is something you haven't seen before?'…I just want to be able to get on with my life… I can forgive it from members of the public, but when it's medical professionals, I just think, my God you should really know better than to put me through this, because you are the only people in the world who are actually on my side and can have some understanding knowledge of what I'm going through here. My doctor… she didn't set me up in any trans-friendly place, or any place that actually understood what the situation was… I have been passing for ages now… but you are so forcefully reminded that you can't get away from it"* [36].

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[35] https://www.youtube.com/watch?v=hRAEcBuOjFg

[36]https://www.youtube.com/watch?v=_UB69VZWzw&list=UUboZ8TmF20NDZXhlRK4KBmQ

So, considering the uneven outcome of the GRA 2004, should the socio-legal argument be reduced to a battle between shifting identities versus stable identities? Is it still helpful for the law or the medical industry to keep establishing parameters that not only fail to resolve the issue, but seem to aggravate a division within the same community? Finally, should the very notion of recognition be reconsidered through the help of an inclusive approach that takes into account the specificity of the single rather than the imposition of a set of rules that still create so many fractures for so many people?

> Charles: *"I think that especially in a binarised society it's really hard to come out as trans and I think that maybe as a community we can come up with certain guidelines. The fact of the matter is that people make up these guidelines and from what I know - even though I can't make assumptions for their sexuality – these are straight white dudes. They sort of sit around and talk this psyche-bubble about Freud shit and all this. One of the guys said that SRS is genital mutilation so, you know… The odds are stacked against us so I feel that in 2013 we need to have a say. Our community needs to have a say. We are the ones who should come up with the guidelines on what's best for us as a community. Although it's hard to come up with these generalized guidelines…"*[37]

Reading these accounts it becomes apparent that the GRA 2004 missed a chance: it seems that its move towards equality remained stuck in a dialectic concerned mainly with the politics of gender in relation to heteronormativity rather than with the experience of trans subjectivities. The attempt to make gender clear and inoffensive and transgender disembodied of its material specificity works in favour of those who are threatened by its subversive potential.

> Charles: *"The reality of what's around is a society that's extremely threatened by the subversion of gender, it sort of threatens the entire status quo"*[38].

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[37] https://www.youtube.com/watch?v=3DPpmX83wVQ
[38] https://www.youtube.com/watch?v=15_w2fmcNQ0

This is true also when we think that the people who primarily benefit from the GRA seem to be those who already occupy a privileged position in terms of gender embodiment.

> Charles: *"I think that language is a powerful thing", says Charles. "What I'm asking us as a community to do is use our creativity to start integrating into our language different ways of contextualizing our own experiences. A language that doesn't silence our people's experiences and identities".*[39]

It is important that any future debate around transgender politics must open up to the possibility for transgender individuals to think through their experiences and propose their own terminology[40]. The GRA 2004 has shown that although a move towards equality was made, true equality for all transgenders cannot be achieved unless we are ready to understand difference. Until then, transgender subjectivities unable to embrace a heteronormativised ideal of female or male will continue to suffer from the inability to express themselves.

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[39] https://www.youtube.com/watch?v=3DPpmX83wVQ

[40] See Anne Vitale , *Potential Therapeutic Errors When Using Binary Terminology to Explain the Gender Variant Condition*, http://www.avitale.com/TherapeuticErrors.htm 2006

Spatial Dystopia.
Or a Case against Public Toilets.

> "Those who search into the very bowels of reality
> in order to assimilate its value and wretchedness;
> and those who desire to go beyond reality,
> who want to construct ex novo new realities,
> new values, and new public symbols"[1]

The sex assigned to bodies at birth, argues Elizabeth Grosz, is very different from the corporeality developed by the social subject and the modes of its subjectivity.[2] What determines this discrepancy is space, "one of the crucial factors in the social production of (sexed) corporeality… it is the condition and the milieu in which corporeality is …sexually…produced".[3] The transgender body is the perfect example of that incompatibility between birth sex and socially inscribed corporeality, and public toilets provide a spatial paradigm wherein disobedient bodies that rebel against the model imposed by space are alienated. They constitute a battleground where the in-betweeness of transgender subjectivity clashes with the absoluteness of their uncompromising rigidity. Their impactful spatial materiality and lack of metaphorical representation in their symbolism represents well the inflexible impression they make on unaligned transgender individuals. This chapter examines public toilets theoretically, while the diary section that follows will explore instances of real life.

Recent scholarship has focused on public toilets in relation to sex-

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[1] Tafuri, *Architecture and Utopia*, op. cit. p. 24

[2] Grosz, *Space, Time and Perversion*, op. cit. p. 84

[3] Ibid. p. 104

segregation and accessibility, highlighting issues of citizenship, social justice and social inclusion.[4] Toilets have also been an interesting site for academic research around the body, visibility and sexual identity, bodily waste, sanitisation, social anxiety.[5] Highly significant sites that reflect and reproduce cultural assumptions about human interactions, public toilets sit at the intersection of the symbolic and the material: issues of relations, power, surveillance come to play within public toilets, but also the human body in its irreducible material essence made of psychical presence and biological needs. The hierarchical structure of space, "mired in misconceptions and assumptions, habits and unreflective gestures"[6] assumes even sharper connotations within public toilets, where the intersection of the symbolic and the material generate a series of oppositions that reinforce their inviolable codes of practice.

The spatial differentiation of sexes that takes place in public toilets is so emblematic that Jacques Lacan uses it as a case study to theorise what he names the "laws of urinary segregations".[7] The iconic division between 'Ladies' and 'Gentlemen' is for Lacan the direct product of the power of language in the signs on the door: "by doubling a noun through the mere juxtaposition of two terms whose complementary meanings ought apparently to reinforce each other, a surprise is produced by an unexpected precipitation of an unexpected meaning: the image of twin doors symbolizing, through the solitary confinement offered Western Man for the

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[4] See Olga Gershenson & Barbara Penner, *Ladies and Gents: Public Toilets and Gender* (Philadelphia: Temple University Press, 2010); Barbara Penner, 'Researching Female Public Toilets: Gendered Spaces, Disciplinary Limits' in *Journal of International Women's Studies* 6,2 (2005) pp.81-98; Clara Greed, *Inclusive Urban Design: Public Toilets* (Taylor & Francis, 2003); Welby Ings, 'A Convenient Exchange' in Public Space: The Journal of Law and Social Justice, Vol I, Art.3 (2007)

[5] Deborah Cohen, Ute Lehrer, Andrea Wilnkler, 'The Secret Lives of Toilets: A Public Discourse on 'Private' Space in the City' in *Utopia: Towards a new Toronto* Ed. J. McBride and A. Wilcox (Toronto: Coach House Books, 2005); Sheila L. Cavanagh, *Queering Bathrooms: Gender, Sexuality, and the Hygienic Imagination* (University of Toronto Press 2010); Harvey L. Molotch, Laura Norén, *Toilet: Public Restrooms and Politics of Sharing* (New York: New York University Press 2010)

[6] Grosz, *Architecture from the Outside, Essays on Virtual and Real Space*. Op. cit. p.115

[7] Jacques Lacan, 'From The Agency of the Letter in the Unconscious' in *The Norton Anthology of Theory and Criticism* (New York: Norton 2001).

satisfaction of this natural needs away from home, the imperative that he seems to share with the great majority of primitive communities by which his public life is subjected to the laws of urinary segregation".[8] The picture of the two bathrooms, however, shows two identical doors and we are never taken inside the spaces of the toilets, for Lacan's aim here is to prove how the signifying enters the signified and, in its immateriality, its force becomes spatial. It is interesting to note, though, that the spatial division is nonetheless present. Judith Butler notes: "I almost always read the signs on bathroom doors marked 'men' and 'women' as offering normative and anxiety-producing choices, delivering a demand to conform to the gender they indicate."[9]

The two-dimensional spatial configuration of public toilets has over the years remained unaltered: they reflect and shape the binary division between men and women in everyday's urban experience on both a personal and public level. They create and dictate a spatiality of their own by imposing on the single person what is acceptable collectively, thus bringing the private to the public and meticulously maintaining elements of both through their architecture and provision. For this, public toilets are important sites for the reinforcement of gender roles, sexuality and power relations. They provide a space for communication, solidarity or resistance, especially among women; and they can also act as repositories of behaviours and fantasies that can destabilise norms.[10] They constitute a space in-between what is known and what is hidden, between what can be known and what one would rather like not to know.

4.1 The *Monolingualism* of Public Toilets

These concepts of univocity and singleness in language lend themselves to

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[8] Ibid.

[9] Judith Butler, Introduction to: Linda Singer, ed., *Erotic Welfare: Sexual Theory and Politics in the Age of Epidemic* (New York: Routledge 1993)

[10] Kevin A. Morrison, 'Spending a Penny at Rothesay; or, How One Lavatory Became a Gentleman's Loo' in *Victorian Literature and Culture* 36 (1) (2008) pp.79-94.

an evaluation of gendered spaces. In particular, in the context of the public toilet, the application of Derrida's notion of monolingualism, highlights the struggle of trans subjectivity, the constant need to perform a translation between body and mind, and how the impossibility of that translation generates a space of uncertainty - of the unknown - which public toilets systematically attempt to suppress. The question of unidimentionality in language posed by Jacques Derrida - a monolingualism,[11] a dogma in its monolithic and unquestioned singleness - suggests an unquestioned supremacy that we associate with the hierarchical position that our own language appears to hold: a sovereign language which embodies and represents the hegemonic force of the speaker who possesses it: so, we could conclude that to speak a language is to reiterate that hegemony.

In Derrida's deconstruction the 'I-ness' of the self represents both the limitation and the possibility of appropriating meaning: every instance of reading and speaking is at the same time a form of writing or, even, rewriting that original meaning. Each time an *Other* tries to read the singularity of a text, this is already altered into another meaning within another consciousness. There is always an element – or more elements – in which meaning differs from the original intention: while the text aims at signifying, in that very moment, it is already manifesting *the non-presence* of the *living presence.* [12] Words only indicate presence, they are only an indication that what is being signified is no longer present. When one listens to another, the lived experience that is being told to the listener is not present. What one perceives is the reproduction of something that is no longer there. "Translation practices the difference between the signified and the signifier":[13] the materiality of words cannot be translated from one language into the other: "To relinquish materiality: such is the driving force

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[11] Jacques Derrida, *The Monolingualism of the Other, or, The Prosthesis of Origin*. Trans. Patrick Mensah (Stanford: Stanford University Press 2001).

[12] Jacques Derrida, 'Speech and Phenomena: Introduction to the Problem of Signs in Husserl's Phenomenology' in J. - Derrida, *Speech and Phenomena and Other Essays on Husserl's Theory of Signs* (Evanston Northwestern University Press 1973). p.37

[13] Jacques Derrida, *Positions*, trans. Alan Bass (Chicago & London: University of Chicago Press 1981). p.19

of translation."[14]

The materiality (which is also the limitation) of words is then present as text unfolds and recreates the scenery of what no longer exists, and the practice of translation only reminds us of the inevitable failure of semantic transference. Derrida prefers the term 'transformation' over 'translation', "a regulated transformation of one language by another, of one text by another."[15] This transference, that is, the translation, for Derrida is not subordinate to language: it itself constitutes language. It is the result of a transaction, of a transformation to put it in Derrida's terms – but certainly not a translation, for it does not sit outside of language, it is not secondary to language and it is not the second act which follows the original, it is rather the experience of language itself in a new consciousness. Translation is an impossible task, and it is as impossible as it is necessary. The act of translating is never accomplished, it is a practice that never finds its fulfilment, the circle is never closed, and it is precisely this impossibility which determines its urgency and necessity to exist: as long as it is impossible to translate, one must translate.

The space between the translation of signifier A into signifier B generates a gap which the translation cannot fill, and this failure produces a lack where the two signifiers remain hanging between the two languages. Instead of filling up that gap, Derrida's ethics hold on to it because the point is not just to oppose or abuse the original in translation but to create a field of opposition where the translation will affiliate itself neither to the host language nor to the target language. There is no pure language, so translation does not merely involve forwarding the original but it goes beyond the life of the original meaning and it reaches out to the new life brought into being by the translated text. When Derrida writes: "translation practices the difference between signified and signifier"[16] he enhances the

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[14] Derrida, *The Monolingualism of the Other,* op. cit. p.264
[15] Derrida, *Positions*, op. cit. p.19
[16] Ibid.

importance of that space between the two poles and reduces the sense of supremacy claimed by a supposed purity of meaning. The condition of possibility for translation is precisely its "economy of difference",[17] the impurity of that space does not belong to either of the two signifier, it does not make any promise of relevance to the one or the other language, rather, while maintaining its core lack, it participates in and economy of in-betweeness, the 'hymen'[18] – as Derrida calls it – the space for what cannot be decided but that is nonetheless productive. As Spivak writes in 'The Politics of Translation', "meaning hops into the spacy emptiness between two named historical languages",[19] alluding to Derrida's idea that the newly-generated meaning is formed by and through the interplay of those two differences rather than imposed by any science of linguistics.[20] So, when Spivak says that "language is not everything. It is only a [...] clue",[21] like Derrida, she suggests that meaning cannot rely only on the sign system but it is drawn from the violation of those predetermined translation patters. "By juggling the disruptive rhetoricity that breaks the surface in not necessarily connected ways, we feel the selvedges of the language textile give way, fray into frayages or facilitations."[22] The hopeful and generative force of 'the in-between' as a space for new perceptions also comes forth through the work of Homi Bhabha who writes that "...the 'foreign' element that reveals the interstitial; insists in the textile superfluidity of folds and wrinkles; and becomes the "unstable element of linkage", the interminate temporality of the in-between, that has to be engaged in creating the conditions through which 'newness comes into the world."[23]

The impossibility of translation highlights and the search for purity are

[17] Catherine Kellogg, *Law's Trace from Hegel to Derrida* (London, New York: Routledge 2013) p.70

[18] Jacques Derrida, 'The Double Session' in *Dissemination* (London, New York: Continuum 2004) pp. 197-316

[19] Gayatri C. Spivak, 'The Politics of Translation' in *The Translation Studies Reader*, ed. Lawrence Venuti (London and New York: Routledge 2000) p.398

[20] Derrida, The Double Session in *Dissemination,* op. cit.

[21] Spivak, *The Politics of Translation*, op. cit. p.398

[22] Ibid.

[23] Bhabha, *The Location of Culture*, op. cit. p.326

patterns that can be found in the politics of spacing public toilets. I will draw a parallel between the notion of purity in language questioned in Derrida's work and the notion of purity in gender by analysing the role hygiene and surveillance play in the spatiality of public toilets. In this framework made of sanitisation and order, it is apparent that trans subjectivity constitutes a point of impurity as it not only embodies the uncertain, the unclear, unsorted, unstable body, but it also - and more dangerously - represents the "dissolution of once stable polarities of male and female, the transfiguration of sexual nature into the artifice of those who play with the sartorial, morphological or gestural signs of sex".[24] The (un)linearity of language and the impossibility of a pure translation highlights a similarity with the (un)compromising dynamics of *spacing* public toilets. Derrida's analysis, as I will demonstrate further in this article, underscores a materiality in language that is transferable to the spatiality of public toilets, namely, the distinct separation between the roles of signifiers and signified and the need for a 'transcendental' approach rather than the impossible pursuit of "an absolutely pure, transparent, and unequivocal translatability". Derrida extracts words out of their metaphysical framework and releases them into the material, with all its limits of signification and communication ("the limits to which it is possible")[25] and, in doing so, he allows for contaminations and transference of meaning.

The carrier of that meaning or, in other words, the facilitator for contamination, is sense which, for Deleuze, is the most important element in the transference of meaning. When we talk about sense, we must bear in mind that, as I explained in Chapter 1, for Deleuze it is always defined through the relations and affects of bodies.

> "Sense is both the expressible or the expressed of the proposition,
> and the attribute of the state of affairs. It turns one side towards

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[24] Rita Felski, 'Fin de Siècle, Fin de Sex: Transsexuality, Postmodernism and the Death of History' in *The Transgender Studies Reader*, Stryker and Whittle, ed. (New York: Routledge 2006) p.566

[25] Derrida, *Positions*, op. cit. p.20

things and one side towards propositions. But it does not merge with the propositions which it expresses any more than with the state of affairs or the quality which the proposition denotes".[26]

So sense is deeply entwined with affects, which delineates a precise attitude against the *doxa* of language also recognised in Derrida. "We may not even say that sense exists either in things or in the mind; it has neither physical nor mental existence…In fact – he continues – we can only infer it indirectly".[27] It is only through empiricism that we may discern the idea from language and extrapolate sense: "Only empiricism knows how to transcend the experimental dimensions of the visible without falling into Ideas",[28]so one understands how absolute sense does not exist, it "is not a quality in the thing, but an attribute which is said of the thing... [it is] what is expressed [but] does not exist outside its expression".[29]

Sense must not be confused with the signifier. If sense, as we have seen, is considered to be an active (and material) process; the signifier, that "dirty little secret",[30] is a despotic process that feeds on transcendence and abstraction, "in which the very nature of the sign changes: the sign is no longer territorial, a concrete mark…[but]it has become abstracted."[31] Furthermore, the signifier is characterised by bi-univocality, a clear sign of complicity with power which "impose[s] meaning (significance) and…is the main actor in the process of subjectification"[32] of the speaker. This is in fact the core of Deleuze's critique of Saussure (and, indirectly, of Lacan):[33] the

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[26] Gilles Deleuze, *The Logic of Sense*, (London, New York: Continuum 2004) p.25

[27] Deleuze, *The Logic of Sense*, op. cit. p. 23

[28] Ibid.

[29] Ibid. p. 24

[30] Deleuze, *Dialogues*, op. cit. p. 46

[31] Jean-Jacques Lecercle, *Deleuze and Language* (Palgrave 2002) p. 80

[32] Lecercle, *Deleuze and Language*, op. cit. p. 81

[33] In Course in General Linguistics, (Chicago: Open Court Publishing, 2005) Saussure defines language "a system of signs expressing ideas, and hence comparable to writing" (p.15). Deleuze, by contrast, thinks that the only way to understand the sense of a sign is by interpretation. He writes: "One becomes a carpenter only by becoming sensitive to the signs of wood, a physician by becoming sensitive to the signs of disease. Vocation is always predestination with regard to signs. Everything which teaches us something emits signs, every act of learning is an interpretation of signs or hieroglyphs." (Deleuze, *Proust*

signifier is always engaged in a negotiation between subject an object. This imperialism, as explained above, expression of hegemonic power, generates meanings and associations that heavily influence the corporeal experience of space. As I go on to explain theoretically in this chapter and through empirical data in the session immediately after, public toilets are the perfect example of how the inflexibility of language (signifier, not sense) erects invisible walls that dramatically affect the experience of transgender individuals.

According to what said above, the impossibility in translation identified by Derrida is a limit that is not contemplated by Deleuze. "For Deleuze and Guattari – says Colebrook – language was neither a limit nor a radical primary force but merely one way sin which a broader inhuman life generated system of difference".[34] This is determined by the different ways in which Deleuze and Derrida view language or a text. While Derrida is always aware of the constraints of signs, and through deconstruction aims to push or disrupt the limits of their close structure, Deleuze understands signs as perceptions to be interpreted creatively. "Language is not only and not even the instrument of communication but a site of symbolic exchange that links us together in a tenuous and yet workable web of mediated misunderstandings",[35] explains Braidotti. This allows language to operate outside of the referential and actively create new styles and new signs.[36] Signs, then, can be seen as intensities and "abilities to affect … in sensory stimulations of gesticulations towards and movement among other bodies".[37]

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and Signs, New York: Doubleday, 1972 p. 4)

[34] Claire Colebrook, 'Woolf and Theory' in Bryony Randall and Jane Goldman, eds. *Virginia Woolf in Context*, (Cambridge: Cambridge University Press 2012) p. 66

[35] Rosi Braidotti, *Nomadic Subjects: Embodiment and Sexual Difference in Contemporary Feminist Theory* (New York: Columbia University Press 1994) p.13

[36] Claire Colebrook, 'Woolf and Theory', op. cit. p. 70

[37] Andreas Philippopoulos-Mihalopoulos, *Spatial Justice. Body, Lawscape, Atmosphere* (Routledge 2015) pp. 119-120

4.2 The Making of Public Toilets

Modern public toilets in Western societies became largely popular with the urbanisation of towns and the consequent rise of the sanitary reform which, by the beginning of 1900, saw public toilets as spaces of moral urgency necessary to the "free and safe circulation of goods".[38] However, these facilities were initially only designed for men, which limited women's presence and mobility within the urban space. It wasn't until the first decade of 1900 that a public fully functioning lavatory for women was first introduced in London after many years of opposition by local inhabitants who claimed that women would only leave their homes for short walks within their neighbourhoods and therefore there was no need for such places. Some argued that the presence of female lavatories would lower sales of local shops; others simply thought that it was an abomination which would violate both general decorum and the privacy of women.[39] At that time, negative social attitude towards bodily functions was already very present but there was something more disturbing as far as women's lavatories were concerned: the public presence of women within the spatial mechanism of public toilets and the visibility of the female body which, until that moment, had remained exclusive and prohibitive.

"The Degree to which women had internalised the patriarchal system of representation, particularly the discourse of decency and femininity"[40] was such that ladies lavatories ended up being disregarded by women themselves because they were 'too public'.[41] Due to the moral condemnation associated with the corporeal experience that until that moment had remained locked within the bedroom, the female lavatory evoked a sense of danger, of unrespectability and immoral sexual conduct.

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[38] Deborah Brunton, 'Evil Necessaries and Abominable Erections:Public Conveniences and Private Interests in the Scottish City, 1830-1870' in *Social History of Medicine* 18 (2) (2005) p.188

[39] Gershenson and Penner, *Ladies and Gents: Public Toilets and Gender,* op. cit. pp.6-7

[40] Barbara Penner, 'A World of Unmentionable Suffering, Women's Public Conveniences in Victorian London' in *Journal of Design History* Vol.14 No.1 (2001) p.45

[41] Ibid.

In '*Queering Bathrooms'*[42] Sheila L. Cavanagh draws an interesting analogy between the toilet and the bedroom; she argues that each space in our life is designated to a specific function and many of these spaces contain some degree of gender-specifications and 'rules of entry'. Men and women are merged together in the marital bed (private bedroom) and split apart in the public toilet; what happens in each space, however obvious, is to be kept secret.[43] Moreover, the architectural connotations of the public bathrooms, often located underground, with no windows, so hidden from the public gaze, was unsettling and constituted yet another reason for prejudice and un-acceptance. Class was also an important factor and the promiscuous mixing of working class and middle class bodies within the same limited space was seen as a sign of corruption.[44] In mid and late Victorian logic, the increasing presence of working-class women and their free circulation within the urban tissue was seen as a threat to patriarchal values and 'respectable' women would refuse to inhabit the same spatial sphere as 'compromising' commoners.

At the turn of the century, the home had ceased to be the central economic unit, as men left for new public workplaces. This introduced a new division between the private and the public spheres: the workplace became the domain of men and the home the domain of women. This distinction of space also left to a distinction of role and representations: women were virtuous, domestic and reassuring whereas men appeared as brave, self-possessed and in control of their destiny. This was the predominant Victorian narrative reiterated in literature throughout the second half of 1800: public duty was for men, private affairs for women.[45] The *fin de siècle* and the beginning of the 19th century saw this image changing rapidly, as women left the privacy of their homes and entered the public world of

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[42] Cavanagh, *Queering Bathrooms: Gender, Sexuality, and the Hygienic Imagination* (Toronto: Toronto University Press 2010)
[43] Cavanagh, *Queering Bathrooms*. op. cit. p.30
[44] O. Gershenson, B. Penner, *Ladies and Gents: Public Toilets and Gender,* op cit pp.9-10
[45] Michael Taggart, *Private Property and Abuse of Rights in Victorian England: The Story of Edward Pickles and the Bradford Water Supply* (Oxford University Press 2002)

workplaces, civic life, community and social activism.[46] Such changes, together with a new medical awareness of female/male anatomy, transformed what up until that moment were only considered differences in social roles into inborn fixed biological connotations which set females and males apart.[47] For several decades policymakers architected sex separators in the form of ladies reading-rooms, tea-rooms, surgeries, waiting rooms, etc. All home-like spatial boundaries were designed to tackle the growing presence of women within society and to address the social anxiety that such presence was causing. Terry Kogan writes: "laws for separated toilet facilities can be understood as an attempt by legislatures to re-create the separate-spheres ideology within the public realm. If women could not be forced back into the home, substitute protective havens would instead be created in the workplace by requiring the separation of water closets, dressing rooms, resting rooms, and emergency rooms. In so doing, policymakers used […] legislation by manipulating architectural space to enforce social value."[48]

By the early 1900, with the first wave of feminism, women began to enter the intellectual debate through literature and journalism. Although initially only as spectators, their bodies served as vehicles through which a new sensitivity was slowly forming. Questions of visibility and spatial access were already posed by Virginia Woolf in *A Room of One's Own*[49], where she theorised that women need to be inhabiting their own space - not that of men - in order to exist in society and stand for themselves. This quest for individuality, for appropriating '*rooms of one's own*' where to be something else has been focus of prolific feminist debate throughout 1900 and it has led to questions such as hierarchies of visibility and surveillance. From passive and secondary, the body is now a site of desire and sexuality, a field

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[46] Simon Morgan, 'A Victorian Woman's Place: Public Culture *in the Nineteenth Century*' *(*London: Tauris Academic Studies 2007) X

[47] Terry S. Kogan, 'The Cure-All for Victorian Social Anxiety' in H. Molotch & L. Noren (ed.), *Toilet, Public Restrooms and the Politics of Sharing* (New York, London: New York University Press 2010) pp.145-155

[48] Kogan, '*The Cure-All for Victorian Social Anxiety*', op. cit. p. 163

[49] Virginia Woolf, *A Room of One's Own* (Penguin Books, London 1945).

where disciplinary powers intersects. If gender and sex were not a matter of enquiry in the past, now their existence is approached from within a biological paradigm, through the 'medical gaze' as Foucault puts it.[50] Such fetishistic interest towards the body, its gender, its differences, its practices and impulses finds its highest expression within the boundaries of public toilets. The body with its functions is now made visible for everyone to see and through this exposure it becomes object of surveillance. The female body, in this paradigm, assumes an even more dangerously symbolic value: it is not only an exposed body, but it is also a resistant body: its existence is problematic because in the bio-politics of visibility and surveillance it represents a threat to the patriarchal prohibition. In particular, the presence of women outside the sites traditionally designated to them, such as theatres or tea-rooms, led to a condition of social anxiety and growing public health awareness. Simultaneously, the rapid development of industrialization shifted the individual from the private comfort of homely boundaries to the centre of fast-moving metropolis made of fast-moving men and women and separating bodies in public toilets under the signs 'Ladies' and 'Gentlemen' - signifiers for masculinity and femininity, for what is accepted, morally convenient and for what should be visible - was a tangible way of re-establishing order. The architecture of public toilets, so uncompromising on the one hand, but so neutral and sterile on the other, is also the signifier of a subtext that cannot be visible but whose presence is relevant[51]. The only visible differentiation is disclosed by the signs 'Ladies' and 'Gentlemen'. Everything else is carefully designed so to oppress gender differences, at least on a superficial level.

Joel Sanders, who has written extensively on the subject of gendered

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[50] Michel Foucault, *The Birth of the Clinic: An Archaeology of Medical Perception* (London: Vintage Books 1994) p.121

[51] See Diana Agrest, 'Architecture from Without: Body, Logic, and Sex' in Agrest, D. *Architecture from Without: Theoretical Framings for a Critical Practice* (Cambridge: MIT Press 1991) pp.173-195 and Mark Wigley 'Untitled: The Housing of Gender' in *Sexuality and Space*, ed. Beatriz Colomina (New York: Princeton Architectural Press 1992) pp.327-389.

architecture and how space participates in manufacturing masculinity,[52] makes an interesting point when he says that regarding buildings as neutral containers, passive to politics and ideology, means to facilitate the undisturbed presence and interaction of sovereign forces in space and to allow architecture to "work in covert fashion to transmit social values in unexpected places - the everyday and often banal places where our lives unfold[53]." Spatial configurations are then programmatic: their decoration, furniture, boundaries, the way objects are distributed and bodies made visible or invisible make the space and create a narrative. Catherine Ingraham argues that "casting space as neutral, architecture is able to avoid the specificity of difference that is the very structure of sexuality, insofar as sexuality is paradigmatically about the specificity of, identity through, and competition between gender differences".[54] Eloquent spaces, then, whose structure inevitably operates on an exclusive/inclusive model: The division between public and private, visible and invisible, is only one of the oppositions of the spatial dualism of public toilets: urinals and stalls are not simply determining a physical position, i.e. standing or sitting, but they are first and foremost mapping desire, identification, moral conduct and sexual impulses. Space must here be considered in all its manipulative materiality, as an active mode whose forceful dynamics concretely and tangibly mark its perception and lived experience and it forces the law to render its "normative obsession by allowing the spatial influx"[55] to come in and deinstitutionalise spatial production and reproduction.

4.3 The Un-Making of Public Toilets

In *The Eye of Power,[56]* an interview with Jean-Pierre Barou and Michelle

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[52] Joel Sanders, *Stud: Architectures of Masculinity* (Princeton Architectural Press 1996)

[53] Ibid p.12

[54] Catherine Ingraham, 'Initial Properties: Architecture and the Space of the Line' in *Sexuality and Space*, ed. Beatriz Colomina (New York: Princeton Architectural Press 1992) p.262

[55] Andreas Philippopoulos-Mihalopoulos, 'Law's Spatial Turn: Geography, Justice and a Certain Fear of Space' in *Law, Culture and the Humanities*, Vol 6 (2010) p.5

[56] Michel Foucault, 'The Eye of Power' in C. Gordon, ed. Power/Knowledge: *Selected*

Perrot, Foucault tells us that the control of gender and sexuality becomes inscribed in architecture, and that space is managed and controlled in the name of health and hygiene.[57] Foucault emphasises the importance of surveillance in this operation of control and extends Bentham's panopticon[58] to spaces such as hospitals, schools, asylums, thus highlighting the use of architecture to "transform individuals: to act on those it shelters, to provide a hold on their conduct, to carry the effects of power right to them, to make it possible to know them, to alter them".[59] While sexuality was something unspoken, hidden and unaccounted for in social discourse in the Victorian Age but, with the sanitary reforms which took place in Europe and the United States throughout the last decades of 1800 and the first of 1900, it soon became object of scrutiny and transformed into a powerful element of political discourse. A new conceptualisation of the segregated way in which gender was produced in the urban space was produced and, through an overly visceral approach to the body and its physiological functions, the boundaries between inside and outside were blurred and made unstable.[60] The body was now sanitised, organised within compartments, kept separate from other bodies and scrutinised.[61] Alongside this was a conscious attempt to make the body invisible, to protect the traditionally virtuous image of women from the scrutiny of society, to keep things private. And it is in the name of privacy and for that principle of inviolability of the natural, cultural and medical differences between males and females that justifications for sex separation public spaces have become acceptable. What did not conform to this separation was prone to creating social anxiety and to deem women's bodies a threat to patriarchal safety. The representation of gender in public, accordingly,

Interviews and Other Writings 1972-1977 (New York: Pantheon 1980)

[57] Michel Foucault, 'The Eye of Power' in C. Gordon, ed. Op. cit. p.150

[58] Jeremy Bentham, *Proposal for a New and Less Expensive mode of Employing and Reforming Convicts* (1798)

[59] Michel Foucault, *Discipline and Punish: The Birth of the Prison* (London: Penguin Books, 1979) p.171

[60] Mary Douglas, *Purity and Danger: An Analysis of the Concepts of Pollution and Taboo* (London & New York: Routledge 2002)

[61] Margrit Shildrick, *Leaky Bodies and Boundaries: Feminism, Postmodernism and (bio)ethics* (Routledge 1997)

became stripped apart from its sexual connotations and repressed by a model of 'gender purity, its intelligibility and segregation by type of genitals",[62] and public toilets have become the spaces which allow bodies (and gender) to be object of scrutiny and inspection.

The desire to be out as a transsexual and share a trans-status with other transsexuals on the one hand, the fearful uncertainty of what can be seen and what must remain covered on the other, shape the transsexual experience within space, "what should be visible and what should not, who should occupy space and who should not".[63] As Valentine notes, people with diverse sexuality or gender "feel out of place because of the orientation of these places towards heterosexual[ity]".[64] Social participation and recognition are two fundamental moments in the battle for validation. Trans subjectivities who have their own bodies questioned, abused, deemed inferior and often denied because they are not represented by the range of possibilities that fall under the umbrella of normativity, are forced to live marginally, to negotiate their space between the two unmovable mountains of gender and ultimately to articulate their own individual subjectivity using somebody else's language, using a dictionary which does not even include their name. Derrida's shift from translation to transformation is subtle but crucial, and offers the possibility to map out a new ethical approach to the problem impurity and difference which is so present in trans narratives. What Derrida says is that if we consider translations as the evident difference between languages[65] then we must also accept that difference is already carried within the very idea of language and brought into translation by language. If we accept that the ideal of purity is an impossibility insofar as language exists, then we would allow the notion of *transformation* to break through and allow for an inclusive and meaningful

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[62] S. L. Cavanagh, *Queering Bathrooms*, op. cit. p.40

[63] Leslie Moran and Beverley Skeggs, *Sexuality and the Politics of Violence and Safety* (London: Routledge 2004) p.7

[64] Gille Valentine, '(Hetero)sexing space: lesbian perceptions and experiences of everyday spaces' in *Environment and Planning D: Society and Space* 11(4) (1993) p.406

[65] J. Derrida, *Positions*, op. cit. p.19

exchange rather than a sterile 'transportation' of meaning.[66]

Trans bodies are in the middle of a matrix of binary challenging possibilities and cannot embody a linear translation, their presence in the strictly-gendered toilet rituals is impure and highlights the notion of unprivileged body. Peggy McIntosh[67] sees the conscious and diffused tendency to consider ethical minorities disadvantaged without willing to admit that if there is a disadvantaged body there must also be a privileged one. She argues that while we are ready to recognise unprivileged minorities and their struggle, we are not willing to see ourselves as privileged, and goes on to list a series of privileges from the 'weightless backpack of special provisions, maps, passports, codebooks, visas, clothes, tools and blank checks"[68] arguing that the daily routine of unprivileged bodies is affected by an infinite series of micro-level interactions, assumptions and negotiations which totally alter their experience within the social space. While body privilege enables individuals to appropriate spatiality comfortably and safely according to personal inclinations and needs, the hierarchy of the unprivileged is characterised by social stigma and destined to be mediated by layers of intolerance, discrimination, judgement, avoidance and neglect. The space between unprivileged and privileged is a space in the trenches, a space of mediation and compromise, where the *othered* body is called to perform a constant renegotiation of its subjectivity in the attempt to render its body pure enough to gain recognition and respect.

The question of visibility can often be twofold in trans narratives: While 'passing' well[69] can be seen as an accomplishment - an assurance for one's peace of mind and the most effective way to avoid social anxiety and

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[66] Ibid.

[67] Peggy McIntosh, 'White Privilege: Unpacking the Invisible Knapsack' in *Peace and Freedom* (July/August 1989) 9-10; In *Independent School*, 49, pp.31-35

[68] McIntosh, 'White Privilege: Unpacking the Invisible Knapsack', op. cit. pp. 31-35

[69] To 'pass' is to be perceived and recognized as the gender you identify as. It is typically used in the context of a trans individual and their experience in the public world. http://queerdictionary.tumblr.com/post/8817785686/pass-verb

harassment - the state of being invisible can be perceived as a state of void: it crosses out the core of the individual and blanks out one's presence in space. In *Look! No, Don't*[70] Jamison Green's claim is that the more a transsexual is successful in their transition, the more invisible they become, "to the extent that one reveals a transsexual life course to others, one risks undermining the achieved gender status".[71] The individual enters the public toilet and paradoxically becomes invisible, and it is this invisibility which makes him/her victim of the 'gaze' of surveillance. This second kind of invisibility, perceived as neglect of one's specificity, is then the countereffect of an excess of visibility provoked by the exposure of that same specificity. Indeed, as noted by Brighenti, visibility is not "monodimentional or dichotomic",[72] and it operates in an indissoluble relationship with power and recognition. The highly regulated space of toilets both constraints and exaggerates the visibility of trans people. In either cases, it makes them bodies out of space. The term 'constrain' is here drawn from Foucault and suggests a subtle but systematic force – often self-imposed – through a mechanism whereby one avoids a series of enactments in order to meet dominant expectations.

The stigmatisation of trans in public toilets has been aggravated by ever-growing awareness of personal and public hygiene as well as the problem of the management and disposal of human waste means that notions of the unclean, of filth, of impurity which has entered collective consciousness collide with the ideal of what Julia Kristeva calls the "ideal and proper bodies"[73] and make its surfaces and boundaries unclear, improper. The focus on and around the body, its genitals, its representation, its symbolism, its perception still govern the experience of public toilets and are both self-

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[70] Jameson Green, 'Look! No, Don't! The Visibility Dilemma for Transsexual Men' in More and Whittle (ed.) *Reclaiming Gender: Transsexual Grammar at the Fin de Siècle* (London: Cassell, 1999) pp.117-131

[71] Jameson Green, *'Look! No, Don't!* op. cit. p. 119

[72] Andrea Mubi Brighenti, *Visibility in Social Theory and Social Research* (Palgrave MacMillan 2010) p. 3

[73] Julia Kristeva, *The Powers of Horror: An Essay on Abjection* (New York: Columbia University Press, 1982) p.72

producing and self-managing, and are there to generate normative discourse and identification, or judgement on whatever does not remain caught in its web. The spatiality of the bathroom becomes the territory where meaning is constructed and taken into the world. In this reiterated practice of taking meaning into the world lays the power of sex-segregated spaces such as public toilets: the individual is no longer alone within the stall or facing the wall while using the cubical, but he/she is in fact identifying with the people who went before him/her and with those who will follow and, in doing so, he/she is projecting this discourse onto the world: "what was covert becomes overt, what was cryptic becomes limpidly clear".[74] If in the Victorian age public toilets policies were obsessed with the sanitisation of the body, today's preoccupation revolves around the sanitisation of gender.

As Cavanagh explains, the 'architectural design' and the 'gendered code of conduct mandated in the lavatory all support the illusion that there are two binary genders – male and female – both of which are visible, identifiable, and natural".[75] Trans subjectivities that do not identify with 'Ladies' or 'Gents' are then constantly mediating their identity to fit into the public space which, as it appears, is only public for those who conform to its rigid shape. 'Not having a door (or a sign) is a pertinent metaphor for those who have their gender identities rendered invisible, subject to erasure, or expunged from the social field'.[76]

The architecture of today's public toilets is still maintained as a locus of control that functions as a microscope. Every aspect of its organisation is designed so that people are scanned and categorised: the lights and colours of the walls, so bright and sterile; the cubicles and the stalls as crucial spots of validation; and the space from the stalls to the sinks with their mirrors and reflections doubling up space and bodies within as spatial moments of

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[74] Lefebvre, *The Production of Space*, op. cit. p.183
[75] Cavanagh, *Queering Bathrooms,* op. cit. p.52
[76] Ibid. p. 53

truth where the individual tests how aligned self-image and visual representations are. Cavanagh writes: "to be out of spatial bounds in a gendered lavatory, for instance, is to be caught in a visual crossfire animating a lack of synergy, or synchronicity, between the body and its image".[77] Trans individuals in public spaces are constantly called to reduce that dislocation. This exercise in public toilets becomes more dramatic because it takes places within a confined space where the domination of normativity is potent and where the trans body is not only an intrusive body, but also an altered, non-identifiable body.

A crucial moment in the politics of public toilets is the encounter with the mirror, as "gender and race are both consolidated in public mirrors; internal and external others are subject to visual surveillance".[78] The mirror, usually haunting that 'moment of truth' just before leaving the bathroom, is a potent element of scrutiny which contains within itself both the self-portrait of the trans individual and the visual representation of the body, but it can also contain the third eye, that of the non-trans individual who, through the mirror, can express transphobic judgement, condemnation, hostility. "The split of the mirror captures the definitive splitting of the transsexual subject, freezes it, frames it schematically in narrative. The differences between gender and sex is conveyed in the difference between body image (projected self) and image of the body (reflected self). For the transsexual the mirror initially reflects not-me: it distorts who I know myself to be".[79] This expresses well what Grosz suggested at the beginning of this chapter.

The mirror is the 'constant other'. It is that phenomenological presence which deprives the subject of exactly that which constitutes its alterity. What the self knows of itself precedes consciousness and "necessarily invokes and provokes the subject before any genuine questioning can

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[77] Cavanagh, *Queering Bathrooms,* op. cit. p.97
[78] Ibid. p. 86
[79] Prosser, *Second Skins*, op. cit. p.100

begin".[80] The mirror moment that poses the transgender subject into a position of 'being other' than itself is the paradigm for all relations to the other. The alterity of the subject is then a visible presence of what cannot be seen, what doesn't exist. Ultimately, the mirror image poses the transgender individual to face a double mode recognition: recognising one's body through one's body image and being recognised by the third eye of the non transgender body. This specific moment, as we will see in the next chapter through the life narratives of some transgender individuals themselves, is loaded with huge significance. It constitutes a make or break test upon which one's relations with the outside world are shaped.

Derrida goes behind the mirror itself and investigates the structure that allows that reflection. This implies a "breaking through the tinfoil of the mirror of reflection, demonstrating the uncertainties of the speculum".[81] So here, the presence of the other is nothing other than the presence of the self, it is an expression deriving from the other and returning to the other.

Some accounts of trans embodiment by activist scholars on the frontline, such as already cited Prosser and Halberstam[82], report the difference between the two sites and seem to concur that women's toilets tend to be more hostile than men's. The bathroom is still an extension of home for women, of femininity in its most domestic way, 'a sanctuary'[83] governed by gender codes, and the vigilant eye of normativity focuses on the fulfilment of those codes. The codes that govern men's bathrooms, on the other hand, are sexually charged. Men tend to be less vigilant, their relationship with the mirror is more controlled because it cannot be justified by vanity (associated with femininity): to be seen checking oneself out in the mirror is to risk to be considered gay. Similarly, checking each other out can cause

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[80] Jacques Derrida, *Acts of Literature*, Attridge ed. (New York: Routledge 1992) p.299

[81] Rodolfe Gasché, *The Tain of the Mirror: Derrida and the Philosophy of Reflection* (Massachussetts: Harvard University Press 1986)

[82] Prosser, *Second Skins,* op. cit.; Halberstam, *In a Queer Time and Place: Transgender Bodies, Bubcultural Lives*, op. cit.

[83] Halberstam, *Female Masculinity*, op. cit. p.24

trouble as well, it can provoke homophobia as 'hetero men do not want their penises subject to homoerotic looks".[84] On the contrary, in women's toilets the level of scrutiny is higher because women are more alert of intruders, symbols of femininity violators. It is interesting to note how feminine appearing females that look proper are those who mostly feel entitled to judge different kinds of femininity, empowered by their ostentatious 'normality'. A MtF in the ladies' toilets would be subjected to all sorts of surveillance and, if the subject would not be willing to second that level of scrutiny, it would not be inappropriate to expect the intervention of security.   However, this does not mean that a male-identified gender deviant in the men's toilets would have an easier time than a female-identified gender deviant in the women's toilets. It only denotes a difference in the ways gender is intended by the two.[85] Cavanagh argues that such differences may indicate that men's toilets politics actively oppose the panoptic gaze.[86] I disagree with this analysis and feel more inclined to believe that the lack of this element of participation in men's toilets is to be attributed to the generally believed unperformative nature of masculinity.[87] The assumption according to which femininity lends itself to being artificial (and therefore performative) whereas masculinity is more solid and real could be the reason why Drag Kings pratices struggle to reach any mainstream validation. Halberstam sees 'performance anxiety" - the heterosexual fear of impotence in front of sexual demand - as a possible cause. This particular anxiety is usually ironically referred to as 'thinking about it too much' or 'thinking instead of doing'[88] thus denoting that the "performance anxiety emerges when masculinity is marked as performative rather than natural, as if performativity and potency are mutually exclusive or at least psychically incompatible".[89] For this reason, it is possible to guess that the little participation of men within the space of their toilets - which

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84 Cavanagh, *Queering Bathrooms,* op. cit. p. 91
85 Halberstam, *Female Masculinity*, op. cit. p. 24
86 Cavanagh, *Queering Bathrooms,* op. cit. p. 90
87 Halberstam, *Female Masculinity*, op. cit. p. 24
88 Ibid. p. 235
89 Ibid.

remain sites of highly sexually charged interactions of dominance and violence - is due to fear of weakening that solidity and inevitability from which masculinity derives its power.

Sanders, however, believes that the successful performance of masculinity relies on "the obsessive, even hysterical ways that men relate to the objects that surround and define them".[90] According to his views, masculinity is enforced by the disposition of certain objects within the toilets without which that performed security would be lost, "the urinal itself is just such a culturally weighted sign, a brace for the erection and support of male subjectivity. By facilitating the manly posture of upright urination, the urinal illustrates the capacity of objects to function as foils against which a performing body assumes its gender. But objects not only supplement the body, they also metaphorically stand in for it".[91] Interestingly, Sanders points out that 'visual control', that is, the gaze, is a disturbance to masculinity because "masculine subjects endowed with visual authority can be dispossessed of the gaze through changing configurations of spatial boundaries, while even the most traditional masculine environments are capable of encouraging a transvestite logic of viewing, inviting men to be both subjects and objects of the gaze".[92]

Heterosexuality and gender binaries have a fully committed and self-validating relationship. They both serve as institutions securing gender polarisation, reproduction and growth of population. So how do minorities such as queer/trans destabilise this order? The notion of gender purity is central. The obsession with sanitisation, the fear of contamination of the body and the spasmodic preoccupation with divisions, spatial boundaries, separations and so on is a cover for the fear of being contaminated by desire: heterosexuality's prosperity relies on its sense of solidity and fixity, and the presence of differently-gendered subjectivities in a space that is

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[90] J. Sanders, *Stud: Architectures of Masculinity*, op. cit. p.19
[91] Ibid.
[92] J. Sanders, *Stud: Architectures of Masculinity*, op. cit. p.22

traditionally a temple of sex-segregation disregards its solemnity and its predicaments, 'it can incite ways of being together, loving, desiring, and identifying that are at odds with the normative regime".[93]

4.4 An Ethics for Public Toilets

Recent formulations on spatiality show that the relation of bodies with space can no longer be understood within the restricted configurations of geography but must be considered through an optic of relationality and affectivity.[94] The materiality of our surroundings (space), the conceptual understanding of what is at our proximity (space), the atmosphere, the air, the light, the smell, the energy produced by bodies and objects (space) are "no longer the context of the background, but an active factor in the construction of subjectivity and social presence".[95] The concept of *spacing* put forth by Derrida[96] - an action, a movement, the doing of space - contains within it the flows (rhythm, intervals, waves of space) of space and it shows how space is a process, a force that acts upon a body and generates other forces on other bodies. It is as material as physics and as ethereal as the air, its composition cannot be unified for the only principle by which it is governed is *différance.* Subjectivity is thus formed within this shapeless openness, it exists and manifests itself through movements, changes of direction, absences and presences, and its irreducible spatiality "is the ultimate expression of the claim to one's unique spatial position which by necessity excludes all others"[97]. Spatial contingency - from the macro of the universe to the micro of the singular, from open-space fields, mountains, landscapes, urban developments to the most remote of public toilets - is a constitutive element of subjectivity. Not only is it a space where one becomes oneself, but it is also a space where one becomes other. There is here a Deleuzian idea of *folding* spaces to the rhythm of a movement that is

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[93] Cavanagh, *Queering Bathrooms,* op. cit. p. 171

[94] Andreas Philippopoulos-Mihalopoulos, 'Spatial Justice: Law and the geography of Withdrawal' in *International Journal of Law in Context*, 6, 3 (2010)

[95] Ibid. p.6

[96] J. Derrida, *Acts of Literature*, op. cit.

[97] Ibid. p.2

'continuous' and infinite, and a sense of becoming which is not encapsulated by one change which marks a before and an after, but rather, a change which is manifested through an ongoing series of nuances of shape and meaning, motives, positions, directions, *folds.*[98]

The demand for spatial justice – the ideal that each body occupies a specific space at a specific time [99] - is something that originates in a perceived solidity of the law - which is not questioned here. At the same time, however, it stretches out of the law and reaches the materiality of bodies that move in and with space. The presence of the subject in that space at that moment, surrounded by those bodies (and objects), observed by those people is the expression of a uniqueness that cannot be reduced to mere regulation of bodily fluids. Rather, it contains within itself something greater and excessive: a demand for justice that, while passing through the law, carries - or even, proposes to carry - a legitimation which cannot only come from the act of enforcing the law. [100] The excessive nature of justice with regards to the law, at the same time as squarely emplaced within the law, needs to feed on a different level, on an ideal and practice of justice which responds equally to a multiplicity as well as to singularity. With this in mind, then, the configuration of public toilets assumes a significance which goes well beyond the logic of male/female, of acceptance and refusal, of difference and sameness, it becomes the centre of an economy of mediation between subject and subjectivity in the ongoing process of their mutual and ongoing constitution.

We can understand how the disciplinary boundaries imposed in the spatiality of public toilets deny the supreme principle of justice and reveal fear for what crosses the horizon of the law and what it can account for. There is also an expressed anxiety for a new emerging language moulded on difference, the language of movement, which is not translatable, for it is

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[98] Gilles Deleuze, *The Fold* (London, New York: Continuum 2006)
[99] Andreas Philippopoulos-Mihalopoulos, *Spatial Justice. Body, Lawscape, Atmosphere,* op. cit.
[100] Ibid.

not a carrier of meaning but it itself constitutes meaning precisely because it signifies for itself and, while rejecting all assumptions of relevance it threatens to shaken the static structure of the law and even occupy the voids it cannot fill. Public toilets, with their tight connection to the material side of bodies, their unwillingness to compromise, their defined boldness, force the law to face that corporeality and be aware of its spatial element and of the simultaneity of its action.[101] The spatiality of public toilets retains a certain radical force which is emblematic: there is an obvious element of embodiment which determines an urgency to be and signify in that very space and at that very moment. Simultaneously, there is a counteracting force which resists this demand for movement - justice - and reaffirms the *impossibility* for justice to emerge. The conflict between these two agents leads to a politics of mediation which while it helps contain the chaos of movement, it also determines a stagnation which systematically closes all possibilities for advancement.

The pattern that has emerged from this analysis shows a shared assumption that women and men – especially women – need or seek privacy, safety and hygiene in public toilets: in this shared order constructed upon unspoken rules and reiterated conventions, trans individuals are but a point of disruption, that element whose mere visibility and presence alter the configuration of public toilets forever, thus creating anxiety and a sense of insecurity expressed through discrimination. The attempt to rationalise the existence of public places where individuals can be discriminated against on the basis of their appearances had so far been explained[102] through a predominant and commonly shared belief that men and women have two different ways of understanding privacy, safety and hygiene and therefore their experience within public toilets is legitimately different and needs the required differentiations. In this scenario, trans - largely thought of as man

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[101] Doreen Massey, *For Space* (London: Sage, 2005); A. Philippopoulos-Mihalopoulos, *Law's Spatial Turn: Geography, Justice and a Certain Fear of Space*, op. cit.

[102] O. Gershenson, B. Penner, *Ladies and Gents: Public Toilets and Gender*, op. cit.; S. L. Cavanagh, *Queering Bathrooms*, op. cit. ; Molotc and Norén, *Toilet: Public Restrooms and Politics of Sharing*, op. cit.

and woman together, or even, as neither man nor woman - belongs nowhere. Along the same line goes the allegation that men and women have different biological needs that need to be protected by sex-divided toilets. Clara Greed, for example, argues that 'women visit the toilet more frequently because of pregnancy, periods and cystitis; to check on worries about vaginal discharge (or to check 'constantly' on one's 'whites' if one is using natural birth control to determine fertile days), and simply to check if one's knickers (pants) or tights are about to fall down, or if one's period has actually started; because they feel ill, are about to give birth or die; to pray; to cry and to get away, to think and be quiet; to escape from the city of man; or for baby-changing, breastfeeding (as a last resort) or to assist the elderly, children and disabled people.[103] This suggests a somewhat degrading image of women as defenceless, frail creatures in search of protection and refuge in public toilets. It is true that many women may use public toilets to carry out one or more of the above activities, but this does not mean that they cannot do so in public spaces that allow the presence of differently gendered individuals. Again, the presence of trans individuals in this instance would not be justified biologically.

There is, moreover, a latent notion of contamination that has emerged from this research: for (illogical and unproven) reasons that can be attributed to safety, privacy, hygiene, biology, etc., the bottom line of all arguments pro sex-segregated public toilets suggests a common anxiety connected to a potential risk of contamination of the body. I have already said that the flowing of desire may be considered a dangerous possibility by heterosexual men who refuse to look at and be looked by other men, this becomes more dramatic when it comes to trans presence in the public toilet. Moreover, the term contamination calls for an act of sanitisation. But once we have realised that the contamination does not involve physical diseases or mental conditions, when we have understood that privacy, hygiene and safety are only cover excuses, we need to seriously analyse the issue for

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[103] Clara Greed, *Inclusive Urban Design: Public Toilets*, (Architectural Press, 2003) p.97

what it really is: it is sanitisation of gender, which means to refuse recognition – and consequently equality – to all those individuals who are not represented by the female and male categories and it means to allow a social and cultural reiteration of genderphobia.

What is evident is a strong essentialism in the construction of space inside public toilets. Its conceptualization in terms of body/mind, private/public, visible/invisible, male/female collides heavily with the inclusiveness and pluralism trans subjectivity demands. Such strict binarisms seem to call for a sense of stability and 'authenticity' and trans is thought of as unfulfilling of both. What we need to focus on is not only the negotiation of identity inclusions, but it is a new way of theorizing the self. It is in Grosz's reading of Nietzsche - passing through Deleuze - that it is possible to find the map for a new set of ethics which instead of conceptualizing the subject as either an acting agent upon an object or as the victim of another agent, "it marks the subject as such is its capacity to act and be acted upon, to do rather than to be, to act rather than to identify".[104]

Trans subjectivity can be thought of as surface for action which moves in space and transforms space, for "space makes possible different kind of relations but in turn is transformed according to the subject's affective and instrumental relations with it".[105] Indeed the body is shaped by the subject's movement through space, and this becomes constituent of the self as well as it determines the temporal changes of that specific spatial moment. The relation between space and body is determined by the proximity of the two agents which translate their encounter into meaning and so determining material change. Space – be it social or material construction – is a motion of actions and passions , it encompasses relations of order and disorder, and it is the final ring of a chain of political and legislative operations which cannot be reduced to simple object, however tangible, visible, touchable

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104 Grosz, 'A Politics of Imperceptibility', op. cit. p. 466
105 Grosz, *Space, Time, and Perversion* op. cit. p. 214

and concrete.[106] The notion of space is understood through the notion of time and the body inhabiting space is also the body passing through time, for space and time cannot be disassociated in this journey to selfhood: the body moves and its movements expand not only through space but also through time, it occupies time and space equally. A body which only sits in space is not a moving body but only an object, for without movement the trajectories of desire which induce motions and motivate movement will not unfold. The element of 'present', is particularly important in the new politics of becoming selfhood; the 'now' gives ground to the journey and lifts the idea of utopia off desire: bodies inhabiting space and moving through time is a matter of materiality, it is indeed projected to the future – the unknown – and therefore not entirely controllable, but it is especially the outcome of present interactions, it is a work-in-progress process that is happening now which makes this an ontology of becoming as opposed to an ontology of being. Moreover, the appropriation of a sense of self which current politics of identity and recognition regard as 'authentic' can only account for the authenticity of the one and not of the many, for the unique sense of self which we embody – our desire – which constitutes subjectivity through this process of resistance and mediation with space cannot constitute a mode applicable to everyone (this would be creating more categories). Within this intersection of bodies of force the element which confers tangibility to identity is desire, a flux which not only moves alongside the appropriation of space, but it constitutes identity itself in the politics of self expression and (self) validation. "If politics constitutes itself as the struggle for recognition, the struggle for identity to be affirmed by the others who occupy socially dominant positions and among peers for mutual respect, it is a politics that is fundamentally servile … Instead of a politics of recognition, in which subjugated groups and minorities strive for a validated and affirmed place in public life, [we] … should …now consider the affirmation of a politics of *imperceptibility*, leaving its traces and effects everywhere, but never being able to be identified with a person or an

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[106] Lefebvre, *The Production of Space*, op. cit. p. 73

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organization. It is not a politics of visibility, of recognition and of self-validation, but a process of self-marking that constitutes oneself in the very model of that which oppresses and opposes the subject. The imperceptible is that which the inhuman musters, that which the human can sometimes liberate from its own orbit but not control or name as its own".[107]

Many trans communities, queer theorists and equal rights campaigners have called for unisex toilets as a possibility of resolving the sex segregation of public toilets. Although this could be a considerable improvement from the current situation, the focus of the matter runs deeper than this: the presence of unisex toilets may resolve the problem on a superficial level but the men and the women who use them will still fundamentally feel unsafe and violated each time they see a trans individual – or indeed any gender challenging subject - in the queue behind/in front of them. Although, as we have seen, the architecture of the space plays a very important role in the bodily experience of the individual, a more radical change should firstly affect cultural norms.

There are some evident limits in the way both the clinical industry and the law have theorised gender. Although they are constantly trying to catch up with reality, their producing yet new categories that define differently-gender individuals and widen the umbrella of possibility cannot be seen as a permanent solution because it can only cater for a here and now demand, whereas gender is moving force which is always generating new subjectivities that often take time to surface. As long as we try to include new significance to the signifier gender, we will continue to exclude all those individualities that are not evident, or not yet formed. By zooming into the space of public toilets and their unspoken codes of practice and norms, this chapter has demonstrated precisely that gender – like toilets - reflects a principle of rigidity which often stands for exclusion: those who feel they hold it right will feel entitled to look down on those who appear to

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[107] Grosz, *A Politics of Imperceptibility,* op. cit. p.471

be at odds with it; it represents and protects its faithful representatives and denies validation to all the others, and it is only by refusing to negotiate with it or seek its recognition that trans subjectivities can gain appropriation of social space. Looking at public toilets has further emphasised the present incompatibility between a clear-cut definition of gender – pure and uncompromised – and the multi-faceted and *chaotic* subjectivity of transgender that, as we have seen, requires tools and modes of understanding that go beyond the limits of a *monolingualism*. Public toilets can nonetheless offer interesting ideas on developing new ways of thinking about gender; what we know is that there is no truth about gender and there is no truth about the body. The spatiality of public toilets needs to be remodelled on a less rigid and more fluid model, their economy needs to lose rigidity and offer an accessible possibility to differently-ordered individuals.

On Public Toilets

> "The issue of trans people and restroom use
> is about as sticky as a public-toilet seat,
> but the arguments against equality in public accommodations
> are as flimsy as the toilet paper in those same facilities."[1]

"Are you going to use the girls' toilets? This is not meant to be rude. I'm just interested".[2] Every trans person has at least once been faced by this question. Many have gone through worse. As we have seen in the last chapter, the 'bathroom problem', as it is commonly referred to, is a shared experience that occurs daily in the lives of most transgender individuals. Schools, workplace, social spaces, such as restaurants, bars, gym; these are only some of the places – places of quotidian reality – transgender people are called to face this problem. Some recent positive events - such as the Equality Act 2010[3] in the UK which expressively opens up to the issue of discrimination towards transgender people in public spaces,[4] California's School Success and

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[1]Matt Kaileys http://tranifesto.com/transgender-faqs-and-info/five-points-for-non-trans-people-about-public-restroom-use/

[2] https://www.youtube.com/watch?v=hNXQBDDWikk

[3]The Equality Act 2010 brings together over 100 separate pieces of legislation into one single Act and provides a legal framework for the protection of individual rights and the promotion of equality. The main themes that are represented by the Equality Act 2010 are: equal pay, sex discrimination, race discrimination, disability discrimination, employment equality on the base of religion, sex and age and sexual orientation. To read the full text of the Equality Act 2010, see: https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/85008/business-quickstart.pdf

[4] The Equality Act 2010 makes it unlawful in Employment & the provision of Goods, Services, Housing, and Facilities to discriminate or harass a person because they ARE intending to undergo, are undergoing, or have undergone gender 1) Direct Discrimination: when a person, rule or policy discriminates against a person solely because they are transsexual 2) Indirect Discrimination: when you have a rule or policy that applies to everyone but disadvantages a person with a protected characteristic. 3) Harassment: behaviour deemed offensive by the recipient. Employees can claim they find

Opportunity Act[5] which ensures that transgenders do not have to opt out of playing sports at school or using the changing rooms in the gym, will have unisex bathrooms – suggest that discrimination and violence against transgender people occupying public spaces is slowly becoming, in some parts of the world, part of the international political agenda.

The previous chapter has explored this discomfort through a theoretical analysis of the rigid spatiality of public toilets, stuck in their own monologue, unable to engage with a dialogue which facilitates difference. Here, more than considering the issue of sex-segregated spaces theoretically, I would like to focus on the personal and psychological experience of using such spaces as it is perceived and told by the protagonists.

Although recent study[6] by Jody L. Herman published by the Williams Institute, UCLA School of Law, in the Journal of Public Management and Social Policy has highlighted that the three most common situations for transgender people when using a public toilet are: verbal harassment (68%), denied access (18%) and physical assault (9%). The study highlights that more than 25% of respondents have experienced problems using the toilets at work. This has often resulted in leaving or changing job. The situation does not look more encouraging when it comes to schools: almost 10% of those who participated in the survey declared experiencing trouble at school with consequences that span from excessive absences to drastic drop-outs.

Though this study focuses on the urban area of Washington D.C., it underlines a general widespread pattern that constitutes a dramatic occurrence for gender non-conforming individuals. More and more often the

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something offensive even when it's not directed at them. 4) Harassment by a third party: employers are potentially liable for the harassment of staff or customers by people they don't directly employ, such as a contractor. (this is called Vicarious Liability. 5) Victimisation: discrimination against someone because they made or supported a complaint under Equality Act legislation

[5] http://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201320140AB1266

[6] http://williamsinstitute.law.ucla.edu/wp-content/uploads/Herman-Gendered-Restrooms-and-Minority-Stress-June-2013.pdf

media feature stories of transgender subjects who are victims of discrimination, violence, harassment, in some extreme cases, murder. Recently in Scotland, for example, a teenager trans female was denied access to a shopping centre toilet. The security guard checked her ID and said "you are a man and you always will be a male"[7]. Similarly, John Kavanagh, Republican member of the Arizona House of Representatives, proposed an amendment to bill S.B.1432 that would allow police to stop anyone they suspect is not using the 'right' toilet. The amendment, which classifies disorderly conduct, reads: "A person commits disorderly conduct if the person intentionally enters a public restroom, bathroom, shower, bath, dressing room or locker room and a sign indicates that the room is for the exclusive use of persons of one sex and the person is not legally classified on the person's birth certificate as a member of that sex"[8]. These are only a couple of examples – one, the mundane occurrence of using a public toilet, the other coming from policing authority - of the extent of hostility and danger that every day, in various sectors of public life, transgender people who do not conform can encounter.

> Dylan D.: *"Psychologically, you go for the most part of your life, I mean, I'm making a generalisation here …trans people go through periods of their lives feeling they don't fit, they want a marker of being normal and being able to choose which bathroom they go to is kind of that marker for them. Normal is not the best way of putting it, but they want to be treated like everyone else, they want to be treated like the people they identify with, they want you to see them as people and they want to be allowed into spaces like everyone else … People getting checked to see if they have a penis or a vagina, people getting harassed … it happened to me, it happened to a friend of mine … someone yelling from outside the stall telling you're not supposed to be there, asking you if you're a boy or a girl … these things, they hurt. Because of what we've gone through psychologically as trans people, because of how important that symbol can be to us…that is your life … you're becoming, becoming what you want to be and to have that taken away from you …can stand you back so far".[9]*

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[7] http://www.deadlinenews.co.uk/2013/08/22/hate-crime-probe-as-transgender-woman-barred-from-shopping-centre-toilets/

[8] http://www.azleg.gov/legtext/51leg/1r/proposed/h.1432-se-kavanagh.doc.htm

[9] https://www.youtube.com/watch?v=-dlYhCs6ZLU

What emerges from these accounts is a story of anxiety and turmoil which stretches far beyond the mere walls of a public toilets and highlights a problem which is not simply that of accessing a hostile space or even breaking through the symbology imbedded in the material and cultural structure of public toilets, but involves the foundation of one's self-image and therefore of oneself. When entering the public toilet, the transgender subject is called to face and engage – at various degrees depending on the level of 'passability' - with insecurity, vulnerability and to seek validation – recognition as it were – and to remain suspended in that moment of truth which demands constant consideration because it is not a given, but something to work for and conquer each time. This has enormous implications on the perception of space and consequences in the way in which individuals experience themselves. As Dylan D. said earlier: *that is your life … you're becoming, becoming what you want to be and to have that taken away from you …can stand you back so far"*[10]. The reflections that follow below will be especially useful to non-trans people to understand that unsettling sentiment of anxiety that walks side by side with all those individuals who do not conform to the hegemonic ideals female and male dictate. Dramatically expressed at times, other times hidden behind a façade of sarcasm and self-irony, but either way, it is the struggle of people who need to be accepted and lifted from the constraints of heteronormativity.

The differences between how feminine and masculine is performed within public toilets have been explored in the previous chapter: we have seen how generally femininity lends itself more to be embodied by a variety of subjectivities. By this I mean that femininity is traditionally more exposed to representations and interpretations. Masculinity, on the contrary, appears to be more impenetrable, harder to break through and less willing to be explored. A good example of this, as the work of Judith Halberstam and Julie Hanson have underlined, may be the difference between how Drag Queens and Drag Kings are perceived collectively. The former - theatrical,

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[10] https://www.youtube.com/watch?v=-dlYhCs6ZLU

ostentatious, exaggerated, comical, loose – widely accepted, are considered almost a theatre genre of its own. Rarely are Drag Queens seen dangerous or unsettling today. The latter, on the contrary, are much less popular, confined to the underground scene, their performance mainly focuses on the expression of solid and uncompromising masculinities. Little room for comedy because comedy may lead to a dispersion of that dramatic tension on which Drag Kind performances generally rely[11]. Though this section does not intend to further engage with such theoretical considerations, nor does it wish to make distinctions between performative masculinities and femininities, it may be useful to keep these observations in mind as they may add extra insight into the abstracts presented.

The arguments against transgenders using gendered toilets usually develops around the same themes: safety, hygiene, sense of property, fear. It is an argument that is usually played out in terms of oppositions, that is, it places transgender and non-transgender in opposition against each other picturing the non-transgender as the *natural* occupier, the one who retains the primordial right to use that gendered space, and the transgender as the intruder, the deceitful subject who aims to disrupt that *natural* order of things. Transgender people are in the public toilets – or in any toilets, for that matter – for the same reasons as any other person. It is the same physiological need. This is the motivation that leads people to public washrooms.

> Jennifer (MtF): *"When people talk about transgender folk they always bring up the bathroom… Look, nothing happens in the bathroom when you're transgender except from number 1 and number 2. That's all that happens. You wash your hands, let me see … You might check your make up. Oh my God, how terrible! And you may even chit chat with somebody … What else do you do when you're in there?."*[12]
>
> Zan (FtM): *"It's a toilet! What do you do when you're in the toilet …You're going in to excrete. You go into your stall, close the door, you*

[11] Halberstam, *Female Masculinities*, op. cit.; Julie Hanson, 'Drag Kinking: Embodied Acts and Acts of Embodiment' in *Body and Society* 2007; 13; 61
[12] https://www.youtube.com/watch?v=2XlL06PLLEM

do your business and you leave."[13]

Dylan D.: *"We're not scary, we're not freaks and when we go to the bathroom that's all we really want to do, go to the bathroom, just like everyone else."[14]*

There is still a great deal of confusion when it comes to general knowledge about transgenderism and a lack of understanding about what the real issue is: it is often lumped together with sexuality or, worse, misunderstood for as a choice, a new lifestyle, a bit of a change. Deborah says: *"I didn't choose to transition. This isn't a lifestyle thing"[15]*. Layla agrees: *"Let me make this clear, if I could choose, I would choose to be a straight guy, I would not choose to have these issues"[16]*. The experience of using public toilets can be so unpleasant that some transgender individuals try to avoid it for as long as possible. Deborah (MtF) and Dylan (FtM) express that same discomfort:

Deborah: *"When I started going out I was terrified of going into the Ladies'. So terrified that I wouldn't drink anything. I would rather dehydrate than go into a public loo."[17]*

Dylan: *" Years ago when I started living my real life experience, I had decided I didn't want to go to the Ladies' anymore and I didn't feel comfortable enough to go to the Mens', I remember needing to use the toilet and getting so worked up about it that I cried. That was not a very nice experience."[18]*

Dylan D.: *"The bathroom is so important and so terrifying because … these are spaces for men and for women and now it's time to choose, and now it's that breaking point, that first step … It can make some people cry, it can make people decide not to use the bathroom, it can make people run away and scream."[19]*

This also emerges from the UCLA survey cited above: 54% of the participants have declared some sort of physical problem due to the fact that they would

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[13] https://www.youtube.com/watch?v=q69bCbubNLI

[14] https://www.youtube.com/watch?v=-dlYhCs6ZLU

[15] https://www.youtube.com/watch?v=8npbBn1LKHU

[16] https://www.youtube.com/watch?v=HN_pt2qGnLw

[17] https://www.youtube.com/watch?v=8npbBn1LKHU

[18] https://www.youtube.com/watch?v=p4z8xiRfV38

[19] https://www.youtube.com/watch?v=-dlYhCs6ZLU

rather avoid the bathroom moment altogether and 'hold it' rather than face its potential consequences. The study reports that dehydration, urinary tract infections and kidney infections are amongst the most common issues.[20]

Certainly the level of 'passability' - or the 'passability factor', as a young transsexual once explained to me - plays a huge role in the amount of confidence – or lack of – when entering a public toilet. Aeries, young MtF, reflecting on her own experience says: "*If you pass then you don't have to worry*"[21]. But what about those who do not pass, or do not pass well? The materiality of the body is nowhere as dramatically significant as within a sex-segregated space where everything from social dynamics and personal interaction, to physical spatiality (i.e. furniture) and subtext depend so tightly on the one or the other gender and its embodiment. And it is especially in these instances that the ideal of the purity of gender is pursued.

> Dylan: "*Because I looked kinda masculine and I dressed masculine anyway, I'd have incidents where I'd be told I shouldn't be in the ladies toilets, but I didn't have the confidence to go to the Mens' because I thought everyone would notice. There were a couple of times when I went in and I did get some strange looks so I went through this phase when I'd keep an eye on men's toilets to see if I could go in and then try to get in and out without anybody seeing me, which was quite difficult. Because I transitioned and stayed in the area, I've always lived in and I to go places where people that I know from school go to, I initially found it very very difficult to start using the Men's toilets. Even now [many years after transitioning], when I go to a toilet around people I know I'm usually very nervous.*"[22]

Dylan thus confirms what was said earlier regarding vulnerability and insecurity, and how these provoke a state self-consciousness about one's body image which one must constantly confront and come to terms with. A narrative of vulnerability related to the othered body will be discussed in the next chapter, where I theoretically engage with the disobedient body and the

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[20]http://williamsinstitute.law.ucla.edu/wp-content/uploads/Herman-Gendered-Restrooms-and-Minority-Stress-June-2013.pdf
[21] https://www.youtube.com/watch?v=5kzvStBPCiM
[22] https://www.youtube.com/watch?v=p4z8xiRfV38

marginal and vulnerable position it occupies. Sensations of inadequateness are clearly emphasised in public toilets wherein gender represents the big divider, and not to match those requirements means to unsettle that division and become exposed to scrutiny. Here the transgender is seen as the body that does not belong, the outsider.

> Rebecca: *'What I hear most of the time is: 'I'm sorry but I don't think you should be allowed to use the toilets because you look so bisexual, you like girls too so don't you think that the other girls at school feel uncomfortable changing in front of you?' So, basically, anyone bisexual cannot get changed in any toilets belonging to either gender because they'd be attracted to them … Something else I hear is 'Don't you think that using the girls' toilet is out of order? I mean, you're still a boy, you still have a penis. Not all girls are comfortable with you being in the girls' toilets?"[23]*

> Dylan D*: " Don't stare! Even if you think that nobody is gonna notice you when you're washing your hands at the sink staring."[24]*

> Deborah: *"The one time I did have a bit of a problem was in a supposedly trans friendly bar in Blackpool. There was only one Ladies' loo in there and there were two women in it. They were somewhat rude about my choice of bathroom… Some people might be appalled and horrified that I use the Ladies' and they might sight safety reasons why I should be going to the Gents'. To these people I would tell you now, that there has never been a case of a trans woman assaulting a cisgender woman in a toilet. Never. There have however been numerous cases when a transgender woman has been assaulted in the Gents."[25]*

I will adequately explore the transgendered body as the othered body in the next chapter, where I provide an analysis that maps out the theoretical limitations through which the monstrous body has often been configured. It is however important to also note how this dissonance emerges in the context of public toilets. Sometimes, violence and verbal abuse are not necessary in order to establish a conflictual atmosphere because often scrutiny is all it takes. As Rebecca said, a simple question such as *"Are you going to use the*

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[23] https://www.youtube.com/watch?v=hNXQBDDWikk
[24] https://www.youtube.com/watch?v=-dlYhCs6ZLU
[25] https://www.youtube.com/watch?v=8npbBn1LKHU

girls' toilets? This is not meant to be rude. I'm just interested"[26] is not just that, but it carries a heavy subtext of judgement which aggravates a division. That failed identifications with the other, which as we have seen in chapter 3 is the very principle of recognition, is somehow a failed identification with that self one knows to be but cannot (always) be.

Dylan D., FtM, eloquently explains that the bathroom is such an important factor for trans people because it holds a strong symbology of their journey:

> *"It's something that in our society is so rigidly defined between gender. You make that transition from one bathroom to the other and that represents a very large piece of transitioning …represents coming into that space that they know they've always been a part of, wanted to have the right to belong to for such a long time, that they should have accessed to from the day they were born and it represents that social circle of whatever gender they identify with. That symbol … is very important."*[27]

The issue of safety introduced by Deborah is another major common argument that goes against the rhetoric of transgender people in gendered public toilets. Two things are important here: firstly, well-known cases such as those of Brandon Teena, Venux Xtravaganza, Rita Hester, Gwen Araujo and other transgender people, fatal victims of transphobia, underline that safety is a far more important issue for transgenders than it is for non-transgenders. A shocking study published in 2009, The Trans Murder Monitory Project[28] - reports that every three days the murder of a transgender individual is reported. The cases are reported from across the world and map a desolating trajectory of intolerance, violence, hate and cruelty.

> Jennifer: *"I have to also bring up something. Think about sheer statistics: how many transgender people are there? Without the evil propaganda type of assumptions that all trans people hurt, let's be real*

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[26] https://www.youtube.com/watch?v=hNXQBDDWikk

[27] https://www.youtube.com/watch?v=-dlYhCs6ZLU

[28]http://www.liminalis.de/2009_03/TMM/tmm-englisch/Liminalis-2009-TMM-report2008-2009-en.pdf

… If the reported transgender community is, I believe, 3.4% …Think about the probability of those that are immoral in that people group of such a small number. It is ridiculous!"[29]

Jenna *"We all knew before we even came out that there were going to be people out there that think that we are going against what society expects of us…When we come out we think that the hard part is going to be to come out to our family, children or friends, co-workers… and you wonder what kind of response you are going to get from those people you are around daily… but that's not it.* [30]

Secondly, as Jennifer points out, fear is nourished by the way in which transgenders are traditionally portrayed in the media. Though in the last years we have seen a wider presence of transgender subjectivities and transgender issues on TV and across a variety of media, such as music, arts, journalism, the most common paradigm for transgender representation is either caricatural – and therefore neutralised of its political significance and subversive force – or criminal and pathological and therefore dangerous, something to fix or fight.

DentedBlue:*"There are a lot of tactics used to increase public fear about creating gender neutral spaces. Tactics describing trans people as sex predators, child predators, molesters."*[31]

Jennifer: *"Come on, change the topic … It's nothing more than propaganda scare tactics where they usually have the innocent little child and they have the perverted guy next to the child, and they pick the most stupid looking picture just for propaganda."*[32]

DentedBlue:*"Instead of flying under the radar, I think sometimes it'd be very important to fight to make it safe. Some people can't fly under the radar, some people are just starting off and they can't pass, which isn't their fault. It's just the way the system is, sometimes some people don't have access to any resources until they have lived a year or so in the role … You know, you need the resources to pass to be able to live … We need to stand up and push for that, and dismember these myths about trans people … you know, how transwomen are just faking it and how they are just getting into women's spaces… This is not to gain privileges or access spaces that the opposite gender has access to. It is a*

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[29] https://www.youtube.com/watch?v=2XlL06PLLEM

[30] https://www.youtube.com/watch?v=xQ_copThESU

[31] https://www.youtube.com/watch?v=Lz49l_wiL-s

[32] https://www.youtube.com/watch?v=2XlL06PLLEM

very personal thing that is all about feeling happy and good and safe and right in your own body. It has nothing to do with social gains or picking in on ladies and their changing rooms."[33]

The workplace, too, presents a set of challenges: the obvious difficulties connected to transitioning from being a known male colleague to a female colleague or vice versa. This means presenting a new version of oneself and facing the implications this shift has within a closed environment of people that present different views and react differently, as well as the anxiety linked to the 'new choice' of toilets to use.

Aeries: *"At work it is a different story because everyone knows … If you started, like I did, as a guy and then turned into a female. How that worked was: we naturally agreed that as I was starting my transition, I would use the disabled toilet, which I did for maybe one or two months, until I felt the time was right and I felt uncomfortable being in a disabled toilets … That gave everyone a chance to get their head around it."*[34]

What becomes evident is that those who identify with the birth gender, and therefore possess *pure gender,* are those who retain a privileged position over transgender individuals who spend their entire lives trying to catch up with an ideal of purity which is denied to them from the beginning on the basis of simply being transgender. The only way to shorten that distance and get closer to *purity* – though knowing it is a title they will never ben bestowed – is by *passing better*, that is, by reinforcing that impossibility that sets them apart in the first place. *"If you pass then you don't have to worry."*[35]

However, within the workplace, and indeed within public toilets, not everyone is hostile. Sometimes, it is a matter of education and exposure: the more transgender people are part of the spatiality of public spaces, the more their assimilation will increase. Dylan D. reckons that education is the most important element in the process of making people understand that there is nothing to be scared of.

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[33] https://www.youtube.com/watch?v=Lz49l_wiL-s
[34] https://www.youtube.com/watch?v=5kzvStBPCiM
[35] https://www.youtube.com/watch?v=5kzvStBPCiM

Dyland D.: *"A lot of the things that happen to transgender people …
beatings, harassment, start from some level of ignorance and that level
can be pretty extreme in a lot of cases."[36]*

Aeries: *"A lot of companies don't know how to deal with this and all
the HR policies they have, so it's up to us to educate them as much as it
is for them to educate themselves. This means that sometimes you go the
extra mile in helping them understand your world."[37]*

Layla: *"One of the things that I did was, I tried to talk with everyone
myself, because I figured they [my colleagues] thought I was some sort
of freak. So after they meet me and realise I'm a human being, then
things might change … You can't win them all, you're always going to
have those people who have a problem with you and I think this is
what's hard to get over."[38]*

This is why, though unisex toilets are a valid alternative to the rigidity and
segregation of gendered public toilets, for they release partially the tension of
the gender divider, if only on a symbolic level, the root of the problem runs
deeper than the materiality of space itself. Sex-segregated spaces certainly
promote a set of unlawful behaviours that can make the experience of using
a public toilet for transgender people traumatising , but I fear that unisex
toilets, without a political determination to educate people and make
transgenders known for what they really are, cannot resolve the problem of
violence and discrimination, for these would just move on to different spaces
taking up different forms.

Deborah: *"Where Unisex toilets exist I'm quite happy because it
removes one of the perceived problems. I mean, other people's
perceptions."[39]*

DentedBlue: *"The bathroom advice form me is to be active in the
community, standing up against these hordes ignorant, fundamentalist,
nationalist types of people who are so terrifyingly dumb. It's scary but
it's very important. It's something that we need to do so that we don't
have to hide or make videos on ways to sneak into the bathroom and not*

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[36] https://www.youtube.com/watch?v=-dlYhCs6ZLU

[37] https://www.youtube.com/watch?v=5kzvStBPCiM

[38] https://www.youtube.com/watch?v=HN_pt2qGnLw

[39] https://www.youtube.com/watch?v=8npbBn1LKHU

be caught out and clocked."[40]

Ultimately, what transgender people desire is only to be treated equally, not to be discriminated against on the basis of her gender identity. For this to happen in public toilets, there needs to be a commitment to break in the convention of gender roles and understand that often, it is our cultural limitations that make for the most rigid laws. I want to conclude this section with Deborah's thoughts, which I think best depict the complexity of the issue itself and the significance it holds for trans people, but it also so candidly shows the sheer simplicity in which such a dramatic issue may be resolved if we just let people know they are OK.

> *"There is no law in the UK that says which toilets people should go in. It's all conventional. Even knowing this, it took a very full bladder to get me to go into the Ladies' for the first time. When I went into the toilet there was a woman washing her hands, she looked at me and carried on washing her hands. That one little moment of acceptance changed everything for me. It let me know that I was OK."[41]*

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[40] https://www.youtube.com/watch?v=Lz49l_wiL-s
[41] https://www.youtube.com/watch?v=8npbBn1LKHU

Chapter Five

Marginal Bodies

This chapter focuses on disobedient bodies that unsettle normative imaginary, and reflects on their controversial position within the binary structure of the western logos. The question of the body often recurs in this thesis, and this chapter has the ambition to develop following two different but interconnected trajectories: on the one hand, it provides an account on the ways in which the body has been theorised in the history of critical theory in relation to the construction of subjectivity and identity. In particular, I am here concerned with a part of the more recent history of philosophy which, beginning with Nietzsche, has questioned the long-believed notion of the supremacy of the mind over the body. On the other hand, while it focuses on the body, this chapter seeks to expose the figure of the monster and investigate that space in which the monster has been relegated. I also wish to highlight the ethics that govern the monstrous body in the negotiation of its subjectivity, the dynamics of its embodiment and the appropriation of a sense of self which, as it appears, is forged on a crucial balance between contrasts: right/wrong, female/male, inside/outside, body mind. In doing so, I propose a reconsideration of the monster not in terms of oppositional pairs, but as integral part of that

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[1] Friedrich W. Nietzsche, *Beyond Good and Evil: Prelude to a Philosophy of the Future* (Vintage Books 1989)

indissoluble relationship through which both self and other are mutually and equally defined.

The monstrous body is something that has been present in literary and popular culture for centuries. It is an extraordinary example of the economy of fearwhich it creates with its threat to the equilibrium of the non-monstrous body; the production of deviant subjectivity on one side and, on the other, its aligned counterpart: the normal, the healthy, the white, the heterosexual. The monstrosity of bodies has changed over time in combination with the changes of the social attributes and sensibilities that determine its definition. It is however safe to say that the defining traits in common between every monster are its fundamental difference - that is, difference in race, gender, class - between itself (the other) and a self.[2]

It is important to clarify that this chapter is not theorising transgeder in terms of monstrosity. Rather, it is drawing a parallel between transgender and the figure of the monster to highlight a narrative of dissonance. The term monster in this chapter relates to transgender because it suggests disobedience on the one hand and, on the other, it lends itself well to the observation of that normative intent to naturalise the monster and its impurities into something clean, recognisable, easily identified and therefore less scary. A different, more spatial aspect of such naturalisation was treated in chapter 4, here I will focus on the implications of the unsettling body and the way in which its contradictions are mediated. Finally, in this chapter, the monster should not be envisioned only in literal terms but, more widely, as an othered and estrangered that sits outside of normativity and, because of its monstrosity (diversity), challenges the relations that take place around it. Finally, the symbolism of the monster will highlight a certain marginalisation which complements well the notion of marginal as understood by Deleuze, which I will duly revisit in this chapter.

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[2] Judith Halberstam, *Skin Shows: Gothic Horror and the Technology of Monsters* (Durham: Duke University Press 1995) p. 8

Although it is not my interest nor is it useful for the purpose of this thesis to trace back a history of the monster in ancient Greece and Rome, it is important to remember that attention to monstrous bodies - expressly hermaphrodites and cross-dressers - is deep-rooted and has been present at various degrees in ancient and classical imaginary as well as it is present in the modern.

It is also important to clarify that I understand bodies to be discursive, socially-constituted products of a combination of affects that stretch from culture and history to sexuality and race, and that their materiality reaches out the physical boundaries of their skin to entwine with a series of contingent inscriptions which constitute the body no less than flesh and bones. It is from this post-modern perspective that I approach my analysis. Concurring with Elizabeth Grosz that bodies "are materialities that are uncontainable in physicalist terms alone"[3], and that "require quite different intellectual models than those that have been used thus far to represent and understand them".[4] This chapter intends to explore and rethink the relationship between the abjected body, - the disobedient, the marginal , the outsider, the unnatural, the abnormal, the monster - and the domain which attempts to contain it. In the context of this thesis, my analysis signals the emergence to decode the transgender body and its constitutional difference (Derrida's diffèrance) within frameworks made of power, desire, social practices and interpersonal relations that are in constant becoming and are constitutive of the monster as much as they are constitutive of the self. As Judith Halberstam notes, "monstrosity (and the fear it gives rise to) is historically conditioned rather than a psychological universal ... monsters not only reveal certain material conditions of the production of horror, but they also make strange the categories of beauty, humanity, and identity that we still cling to"[5]. For this reason, the monstrous body is not only a case of

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[3] Elizabeth Grosz, *Volatile Bodies: Toward a Corporeal Feminism* (Allen & Unwin 1994) p.xi

[4] Grosz, *Volatile Bodies*, op. cit. p.xi

[5] Halberstam, *Skin Shows,* op. cit. p.6

difference - that is, difference other than the self - but it is a figure on which the self is tightly dependent as integral part of its being and not as an oppositional referent.

The image of what I call the disobedient body - and to which in the second part of this chapter I will refer more specifically as the transgender body in all its declinations, such as hermaphrodites, cross-dressing, transsexual, inverted, intersex - has been present in the collective imaginary since ancient times.[6] The transsexual body, a marginal body - a mediation between medical technologies and legislative conquests - is largely considered monstrous: not only does it refuse to conform to all the other normal bodies, but it contains various elements of danger, anxiety, fear, signs of mutability that are difficult to depict and grasp, and which contribute to creating a certain level of skepticism, as well as it allows to imaginative fabrications and simplifications.

Over the last decade in particular, through a process of social and media exposure, transgender has emerged as an independent figure and has attracted a great deal of interest.[7] This has undoubtedly contributed to a shifting in the attitude in which transgender is approached: from the theory books it is slowly entering a broader arena and exposing itself to the general public. Consequently, it is true that the perception of trans subjectivity and transgender as an identity is heavily mediated by culturally constructed images. It is equally true that its increasing popularity has not discharged trans bodies from the claim of monstrosity. Often such representations have been useful to people in order to gain some degree of understanding - if

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[6] Laura Lunger Knoppers, Joan B. Landes (eds) *Monstrous Bodies/Political Monstrosities in Early Modern Europe* (Cornell University Press 2004)

[7] TV drama and sitcom representations, reality TV, tabloids and magazines, TV documentaries: in 2005, UK Big Brother 5 was won by trans-woman Nadia Almada, Channel 4 has recently launched a reality TV programme entirely dedicated to the real life stories of a group of transgender youths. Various performers, such as Lilly Savage, have reached public success with their cross-dressing roles on-stage and in the cinema. Transgender musician Antony Hegarty gained global success and won the Mercury Music Prize, Drag Queen Conchita Wurst, winner of Eurovision 2014. These are only some of the examples of the presence of transgender in the public domain.

only on a superficial level - in terms of life conditions and challenges trans individuals face up on a daily basis. Other times these representations have produced false ideas: they have invested trans identity with moral responsibility not only suggesting their conduct is questionable, but also creating social anxiety which has proven to be dangerously against that process of social and political acceptance and equality trans individuals demand.

The transsexual body that undergoes medical treatments in the hope of a socially-accepted *second skin* is a monster. Through the medications, the manipulation of the body - surgery or hormone therapy - the flesh goes through changes that become more and more visible: some parts of the body swell, others take up a different shape, the voice breaks or deepens and these significant changes in the morphology of the body dramatically collide with the natural asset of what that body should look like, thus making it not only a physical abnormality but also a cultural monster. The emergence of the transsexual, like the emergence of the monster, is held on a principle of projection of the negative and dehumanizing traits from the subject onto the subjected. A principle reinforced by Freud's intuition of the otherness within the organisation of the self. More banally, the repulsion for the other's aberrations coincides with the repulsion for ourselves and our own monstrosity. These inner demons and the chaos they create, as Tomothy Beal writes make it so that "by demonising monsters, we keep God on our side".[8]

I will sketch out the image of the dissident body, the monster, with the intent to delineate a cultural model and a tendency that have been predominant in society when it comes to the engagement with transgendered bodies. In particular, I refer here to the ways in which 'figures of difference"[9] have been represented culturally and collectively pushed to the margins and, in this context, I will analyse how the

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[8] Timothy Beal, *Religion and its Monsters* (New York: Routledge 2002) pp.4-8
[9] Margrit Shildrick, *Embodying the Monster: Encounters with the Vulnerable Self* (Sage 2002) p.1

transsexual body is deemed monstrous by feminist essentialism. The condition of the abjected body is one of weakness and vulnerability. Margrit Shildrick's outstanding analysis of human monsters shows how vulnerability is an existential state exposed by the embodied other in which we seek confirmation for our own secure selfhood, "what we see mirrored in the monster are the leaks and flows, the vulnerabilities in our own embodied being"[10]. The eroticisation of the transgendered body and the often associated sense of disturbing and exciting danger[11], the general confusion in the media between transsexuals, transvestites, drag-queens, drag-kings, hermaphrodites - all deemed deviant - as well as the general ignorance on the terms 'sex' and 'gender', all this contributes to the chaos and anxiety when relating to trans subjectivity and trans bodies. This attitude not only creates dichotomies that relate on mere representation thus producing huge distance and prejudice, but it proves risky because it makes it hard to distinguish between the real and the imaginary. Furthermore, in this chapter these uncontrollable bodies are contextualised within a theoretical debate which attempts to position itself away from the Cartesian articulation which has the body and the mind as two distinct planes in the journey that constitutes subjectivity. Instead, I will exorcise that dualism by positioning the body inside the mind, that is, rethinking a relation which, as I see it, cannot be structured in terms of parallel psychic and corporeal patterns, but it needs to be reformulated through a dimension of convergence which allows subjectivity to be *fundamentally* constituted of the substance of both .

I wish to make clear that my engagement with the monster is intended as a way of engaging with the othered body, and it is precisely through examining the other that I examine the monster. For this reason, it is not my interest to provide a genealogy of the historical development of monsters in

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[10] Ibid. p.4

[11] Anne Phillips, 'It's my body and I'll do what I like with it: bodies as objects and property' in *Political Theory*, 2011, 39 (6) pp. 724-748.

society. As Sharpe's book, *Foucault's Monsters and the Challenge of Law,* demonstrates the figure of the monster is a template through which it is possible to zoom into all subjectivities which, at all levels, do not subscribe to normativity. It is in this optic that this chapter should be interpreted. It is equally clear that the notion of otherness goes beyond the corporeal or psychic irregularities and, in the context of this chapter, the monster is not strictly pinned down to any classifications (legal, medical, moral or physical), rather, in approaching the othered transgender body, my sole prerogative is a condition of disruption in relation to the normative order.

In sum, in this chapter I aim to establish three things: The first is that the body has within itself the ability of being (simultaneously) both subject and object – and therefore of being self - and the two roles do not depend on one another, but are capable of coexisting, and often they do. Second, that the body of the monster is made of the same matter and affectivity as the subject, and that its force exceeds its corporeality. Third: that the condition of being monstrous, that is, of being other, depends on cultural norms more than it depends on the subject, for the subject is always somebody else's monster and the collision between the two has primarily to do with issues of self-acceptance, vulnerability and insecurity more than with conscious ambitions of supremacy and colonisation.

5.1 The Monstrous Body

The monster is a site for conflict, symbolism and morality. It produces assumptions which rely on contrapositions - and yet more conflict - in the relationship between person and monster. The symbolic strength of the western *logos* relies on the polarisation of bodies: to define the other, and against the other define oneself, is that principle of recognition we have seen in chapter 3, through which human knowledge has developed for centuries. The primordial polarization has regarded the body which, in philosophy, has largely remained theorised on a bifurcation body-mind.

Descartes offers the first systematic account of the body-mind relation: he sees the nature of the mind (*res cogita*) to be different from the nature of the body (*res extensa*) and believes that the two can live disconnected from each other.[12] The mind is a thinking substance connecting with the soul to consciousness while the body has its foundation in the natural world and finds its completion in its physicality. Descartes places the mind on a hierarchical higher level than the body, this hierarchical order has been the primary way in which philosophy has approached the understanding of the body. Such polarized thinking automatically generates not only boundaries and categories to identities but, most dramatically, it creates "inappropriate/d others", [13] unprivileged bodies that are placed right up against their privileged counterparts in the process of self-identification which, as it happens, is always informed by the identification of the ambiguous other. The more the other resists normative identity, the more becomes excluded and marginalised.

The concept of monstrous has been present in popular culture since the times of Greek myths, in travellers' and gothic tales, the Renaissance, the classical age, the advent of medical theory and later with bio-medical science.[14] It is not necessary to immerse ourselves in the history of monstrosity, but a quick peek in history is nevertheless useful in order to draw some analogies which may help me define the boundaries - or lack of - today's monstrous bodies. The various images of monsters - especially those coming from ancient times - are iconic, not realistic representations of hybrids and unnatural bodies. As culture evolved and geographical limits broadened, the monster was more and more associated with the unknown and its morphological traits were those of other races. Shildrick sees the monster "occupy[ing] an essentially fluid site"[15] and highlights a

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[12] This is often referred to as 'radical dualism', expressed in Carter's *Principiae Philosophiae* (1644)

[13] Donna Haraway, 'Ecce Homo, Ain't (Ar'n't) I a Woman, and Inappropriate/d Others: the Human in a Posthumanist Landscape' in *Feminists Theorize the Political* (Routledge 1992)

[14] Shildrick, *Embodying the Monster: Encounters with the Vulnerable Self,* op. cit.; Sharpe, *Foucault's Monsters and the Challenge of Law,* op. cit.

[15] Sharpe, *Foucault's Monsters and the Challenge of Law,* op. cit. p.16

codependence between its presence in culture and the definition of man himself:[16] "The monstrous is not thereby the absolute other, but rather a mirror to humanity: on an individual level, the external manifestation of the sinner within".[17] Because the *logos* is articulated according to the binary opposition that is what constitutes knowledge, by marking the boundaries between self and other it is possible to also mark the defining boundaries of self-identity.

Historically, monsters were produced as a reaction to the belief that the body contained a soul - "the soul is the prison of the body"[18] - and any sick soul was represented by a monstrous body. Victorian monsters became soon associated with deviant sexuality and since then the association between monstrosity and gender deviance has been a staple: the monstrosity of certain figures was often visually rendered by the co-existence of male and female attributes within the same body. Foucault's analysis traces back a preoccupation with a bestial human in the Middle Age displaying human and bestial elements, with the conjoined twins in the Renaissance to a concern over the hermaphrodite in the Classical Age.[19] Thus, for Foucault, from "both man and beast", to the "one who is two and two who are one", [20] we finally get to the ambiguity of the sexed body, the abnormality which from physical deformation becomes moral deviance. This passage is crucial because it marks the shift from the legal to the moral and, as we will see, "the template of the monster proves important to an adequate understanding of the abnormal individual and therefore regimes of normalisation.[21] At first this happened through symbolisms: unnatural traits would determine divinities and supernatural beings, but later on, with the advancement of medical knowledge, the figure of the monster emerged from deformed to *abnormal*; and it was indeed in the field of socio-

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[16] Ibid.

[17] Ibid. p.17

[18] Michel Foucault, *Discipline and Punish: The Birth of the Prison* (Pantheon Books, 1977) p. 30

[19] Sharpe, *Foucault's Monsters and the Challenge of Law,* op. cit. p. 45

[20] Michel Foucault, Abnormal: Lectures at the Collège de France 1974-1975 (Picador, 2004) p. 66

[21] Sharpe, *Foucault's Monsters and the Challenge of Law,* op. cit. p. 45

medical discourse that the abnormal body has gained the status of legal category. Alex Sharpe's compelling analysis of Foucaultian's monsters fully demonstrates that "the distinction between deformity and monstrosity, articulated in 13th century law, represents and attempts to distinguish the human from the non-human. That is, deformity marks limits of human being [...] In other words, the deformity side of the divide serves to highlight corporeal forms of human difference that the law can recognise and accommodate. [22] In marking the split between the disabled and the monster, Foucault went as far as saying that the former "may well be something that upsets the natural order"[23], concerning morphological irregularities; the latter is a body which collides with the law as well as with nature, it is a body located outside of the law which combines "the impossible and the forbidden"[24], "the kind of irregularity that calls law into question and disables it".[25] Foucault sees a shift from body to soul, "as the object of legal concern"[26], that is, from irregular bodies to deviant identity "capable of describing interiority".[27]

It is interesting to note that, in Foucault's account, the figure of the hermaphrodite and the way it was theorised through history incarnates perfectly this passage from monstrosity to monstrousness. In "a process that develops between 1765 and 1820-1830[28], the "hermaphrodite is no longer defined in medical discourse as a mixture of sexes"[29], that is, for its monstrosity, but it becomes irregular and is "located in desire"[30] in the form of "perverse tastes".[31] Representations of gender deviance within the paradigm of the monster have been oscillating between the cross-dressing comedy character stereotype - what Serano calls the 'pathetic transsexual' -

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[22] A. N. Sharpe, 'England's Legal Monster' in *Law, Culture and Humanities* (2009) 5, 1 p.106
[23] Foucault, *Abnormal*, op. cit. p. 64
[24] Foucault, *Abnormal*, op. cit. p. 56
[25] Ibid. p. 64
[26] Sharpe, *Foucault's Monsters and the Challenge of Law,* op. cit. p. 45
[27] Ibid.
[28] Foucault, *Abnormal*, op. cit. p.74
[29] Ibid. p.72
[30] Sharpe, *Foucalt's Monsters and the Challenge of Law,* op. cit. p.45
[31] Foucault, *Abnormal*, op. cit. p. 64

and the psycho-trans stereotype - the 'deceptive transsexual'.[32] The former comes from an ancient tradition of art, theatre and literature regular in Italy and France[33] where cross-dressing was practiced and accepted as an amusing entertainment. Even when visually unsettling, it rarely represents a threat to femininity or masculinity because its caricatural mannerism usually operates within the safe boundaries of comedy and its intent is perceived to be ridiculing that which it is temporarily embodying[34]. The latter model presents a deviant trans subject that displays elements of perversion, psychosis and monstrosity[35], it is deemed mad and therefore not taken seriously because the danger it represents is neutralized by its pathological condition which automatically makes it impermeable to legitimation and serious consideration.

Historically, cross-dressing was permitted in certain cultures during rituals. It was in fact present in a several tribal religions, such as Masai, Nandi, Nuba.[36] Although it may have sometimes displayed erotic elements which were not entirely tolerated, it was mainly considered to be a performance and, as such, something fictional. In 1885 when the Criminal Law Act made sexuality illegal in the United Kingdom, cross-dressers became easily associated to homosexual practices and for this reason it soon became targeted as an equivocal practice.[37] The work of sexologists such as Richard von Krafft-Ebing and Magnus Hirschfel[38] was important in order to

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[32] Julia Serano, *Whipping Girl: A Transsexual Woman on Sexism and the Scapegoating of Femininity* (Seal Press, 2007) p.36

[33] Jan Clarke, 'Female Cross-dressing on the Paris Stage, 1673-1715' in *Forum for Modern Languages Studies*, XXXV (3), 1999, 238-50 p. 238

[34] For an in-depth analysis on the use and abuse of Transgender in the media, see John Phillips, *Transgender on Screen* (Palgrave Macmillan 2006)

[35] A common film cited to explain the Psycho-Trans model is 'The Silence of the Lambs' (Phillips, 2006; Hamberstam, 2005; Prosser, 2002)

[36] Vern L. Bullough, *Cross-dressing, Sex and Gender* (University of Pennsylvania Press, 1993) p. 17

[37] Phillips, *Transgender on Screen*, op. cit. p. 44

[38] See Charlotte Wolf, *Magnus Hirschfeld: A Portrait of a Pioneer in Sexology* (London: Quartet Books 1987) and Hertoft, Preben, 'Psychotherapeutic treatment of sexual dysfunction—or from sex therapy to marital therapy' in *Ugeskr. Laeg.* (Oct 7, 2002) 164 (41): 4805–8

distinguish cross-dressing from homosexuality, until that moment blurred together under the same category of perversion.

Although a rare phenomenon, the symbolism of the hermaphrodite - best known and extreme case of gender ambivalence - is significant because its perception was immediately that of something which could not be assimilated into society's norms and did not fit into any social model.[39] This attitude persists throughout the middle age where the figure of the hermaphrodite seemed the figure of extreme monstrosity and regarded as a bad sign of the gods.[40] As Graille, Delcourt and Phillips[41], the hermaphrodite was perceived as a threat to the binarism intrinsic in human society and its diversity was considered to be a source of danger, a feature which could contaminate the human species[42] and based on this, many children were killed because their sex was ambivalent at birth.[43]

As Foucault argued in 1978, society's trends in the areas of sexuality as well as rigid understanding of gender derive from the medical and legal terminology which came into existence in mid-nineteeth century. The circumstances may certainly vary in 2012, but the general tendencies in the way transgendered subjectivity is presented in the media today is largely unchanged. We can generally say that the two different roles played by the two dominant trans models present are tightly connected and mutually reinforcing: if on the one hand cross-dressers fulfilled the need in society of a figure outside norms who could function as a means through which ridicule homosexuality, on the other hand the dark presence of the hermaphrodite served as a reminder for the limit of what was acceptable, and helped contain its tolerated counterpart within certain limits. According to Marjorie Garber, the majority of cross-dressing narratives are

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[39] Ibid. p.35

[40] Marie Delcourt, *Hermaphrodite* (London: Studio books 1961) p. 44

[41] Patrick Graille, *Les Hermaphrodites aus VVII et XVIII siècle* (Paris, Les Belles Lettres 2001); Marie Delcourt, *Hermaphrodite: Myths and Rites of the Bisexual Figure in Classical Antiquity* (London: Studio Books 1961); John Phillips, *Transgender on Screen*, op. cit.

[42]Phillips, *Transgender on Screen*, op. cit. p.39

[43] Delcourt, *Hermaphrodite*, op. cit. p. 45

fail to be progressive and prove unconvincing and ideologically problematic: 'unconvincing because they ignore the complex and often unconscious eroticism of such self-transformations and masquerades [...] and because in doing so they rewrite history of the transvestic subject as a cultural symptom. Problematic, because the consequent reinscription of 'male' and 'female', even if tempted (or impelled) by feminist consciousness, reaffirms the patriarchal binary of the transvestite, the figure that disrupts.[44]

5.2 Othered Bodies

The Othered subject has often been theorised by a certain part of feminism and post-modernism in terms of opposition: the stable integrity on the "bodies that matter"[45] versus the confusion of the "leaky boundaries"[46] of the monsters: the former seen in tune with the order of the western *logo,* the latter still immersed in that order but occupying a "precarious place" [47]. Such duality in looking at bodies has undoubtedly helped maintain that balance whereby normative majority made of "identity, system and order"[48] is self-defined and defining. The fascination mixed with horror that the abject other provokes is for Kristeva the proof that the monster's force lies in the capacity to unsettle rules and, at the same time, stabilize that order by failing to recognise the boundaries between self and other. Interestingly, what makes a monster to Kristeva is not so much the physical difference, unhealthy state or the threat it represents, but it is the potential to contaminate, that is, the possibility that their otherness can cross physical boundaries and stir "a sense of our openness and vulnerability that western discourse insists on covering over"[49]. Accordingly, the emotional response directed to those who embody otherness is not based on physical repulsion

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[44] Marjorie Garber, *Vested Interests: Cross-Dressing and Cultural Anxiety* (Viking/Penguin, 1993) p.70

[45] Judith Butler, *Bodies that Matter: On the Discursive Limits of "Sex"* (Psychology Press 1993)

[46] Margrit Shildrick, *Leaky Bodies and Boundaries: Feminism, Postmodernism and (Bio)ethics* (Routledge 1996)

[47] Shildrick, *Embodying the Monster: Encounters with the Vulnerable Self,* op. cit. p.48

[48] Julia Kristeva, *Power of Horror: An Essay on Abjection* (Columbia University Press 1982) p.2

[49] Shildrick, *Embodying the Monster: Encounters with the Vulnerable Self,* op. cit. p.81

but, rather, on tension and anxiety, a visual reminder of the denial in our own unconscious. As Shildrick puts is: "our ambivalent response to the external manifestation of the stranger, of the monster, is an effect of the gap between our understand of ourselves as whole and separate, and the psychical experience of the always already incorporation of otherness"[50]. For Kristeva, then, it is this duality that may offer "an ethic of respect for the irreconcilable"[51]. In other words, this ethic needs be based on respect for what is 'uncertain'[52] and 'irreconciliable'[53], and must pass through the act of recognition towards those abjected subjectivities. Kristeva's theory is one based on an analysis of the process of abjecting the female body in what she defines 'sociosymbolic order', which is organised in a way such that the other is sacrificed, that is, incorporated by the norm and thus eliminated. According to Kristeva, abjection of the other is to be attributed to historical processes that naturally tend towards the 'social order', a sort of naturalisation of everything that does not comply and which owes its existence on the sacrifice of the other. In Kristeva's analysis, the social order is a whole that does not only include women's bodies (women's bodies which she understands as a primary site for otherness) but also the sacrifice of other others. The only way to challenge this order is, in Kristeva's view, through a process of 'negativity plus ethics', [54] that is, locate and oppose to this sacrifice and fight in order to avoid the mistake of reproducing that sacrifice by projecting these othered others onto other others. This passage in Kristeva is crucial because it highlights how change can only occur through an act of responsibility, an "ethical commitments to accepting the vulnerability that its sacrificial form enables us to avoid"[55].

Following this logic which can be summed up in the need to internalise difference as a political and ethical act thus taking in the other's alterity

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[50] Ibid. p.83

[51] Julia Kristeva, *Strangers to Ourselves* (Columbia University Press 1991) p.182

[52] Shildrick, *Embodying the Monster: Encounters with the Vulnerable Self,* op. cit. p.132

[53] Kristeva, *Strangers to Ourselves*, op. cit p.182

[54] Julia Kristeva, *Women Can Never Be Defined* (New York: Schocken 1981)

[55] Patricia Elliot, *Debates in Transgender. Queer, and Feminist Theory* (Ashgate 2010)

instead of projecting it onto another, one could envision a non sacrificial other that is constituted by and through the act of accepting and incorporating difference. This way, by accepting the other (the difference, the excluded), one refuses the sacrificial constitution of the social order. Transgenders whose subjectivity goes through a similar process of abjection may however find that Kristeva's theory puts them in the position of incorporating the neglected parts that other others have been encouraged to give up in themselves, thus sacrificing or subjecting to change their natural being by assimilating parts of other coherent or incoherent selves. This operation would be impracticable and problematic because trans subjectivity strongly relies on the embodied reconciliation of otherness and self. To open up to the potential assimilation of others' incoherence   parts would through that equilibrium in disarray. Moreover, it seems plausible to believe that within a social order as theorised by Kristeva, some subjects receive more sacrificial pressure than others according to their degree of normativity, and the results is that some identities are secured through the sacrificial process of those who are willing to incorporate them, whereas others - arguably the least coherent - face exclusion. This is something that Judith Butler addresses in *Bodies that Matters*.[56] She asks how identification works "when we consider, on the one hand, hegemonic subject-positions like whiteness and heterosexuality and, on the other hand, subject-positions that either have been erased or have been caught in a constant struggle to achieve an articulatory status?"[57] In the affirmation of one's identity, Butler sees the need for a disavowal "as a political necessity to *specify*... identity over and against its ostensible opposite".[58] Disavowal is not to be seen as the moment of constitution of the identity, although it can be "fundamentally enabling... and indeed, certain disavowals function as constitutive constraints, and they cannot be willed away".[59] When it comes to trans identity or any identity that is so fundamentally incoherent, the

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[56] Butler, *Bodies that Matter,* op. cit.
[57] Ibid. p.112
[58] Butler, *Bodies that Matter,* op. cit. p. 113
[59] Ibid. p.116

problem with incorporating difference into unity, "transforming all excluded identifications into inclusive features",[60] is that one has the impression that acceptance (or recognition) comes only through a process of sameness and this raises a set of issues that suggest identification cannot afford the existence of abjected others, nor is it ready to legitimize complexity. This is an act of refusal which leads to a Hegelian dialect between categories which can only esclalate in violence because it is based on the unacceptable principle that social order can be maintained only insofar as it complies with hegemonic social norms. More importantly, this Hegelian synthesis that takes for granted the so-called "natural attitude"[61] of the 'social order' is based on the assumption that gender is bipolar: there is a 'natural' gender that incorporates the 'unnatural' with the intent of making it natural.

An ethic of recognition, in my view, cannot be located at the level of the personal and cannot rely on the act of the single, but must necessarily act upon a collective transformation of those structures that support hegemonic norms. As we have seen in chapter 3, this is precisely the problem that occurs with the structure of the GRA. Namely, a closed dialectical negotiation developed on a master/slave logic.

 Naomi Scheman offers an alternative way of deconstructing this opposition made of natural and unnatural and proposes to 'queer the centre'[62] through a process whereby the marginalised identity is centralised through an operation which places the marginal other in the centre together with the natural centred other, thus stimulating acceptance and contributing to a fundamental change of the structures which characterise the normative centre. Accordingly, instead of vivisecting the margins and placing emphasis onto the irregularities of certain irreconciliable identities and

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[60] Ibid.

[61] Harold Garfinkel, *Studies in Ethnomethodology* (Prentice-Hall 1967) p.61

[62] Naomi Scheman, 'Queering the *Center* by Centerung the Queer: Reflections on Transsexuals and Secular Jews' in *Feminists Rethink the Self* (New York: University Press 1999) p.61

work to make them reconciliable, it is more logical to highlight 'normative incoherence' thus shortening the distance between margins and centre. This would be in the interest of both parties because, the desire to belong to the centre, that is, being normal, and the desire to still maintain that outside position - the disavowal - concur in a mutual greater desire to make this operation work.[63] Provided it is true that irreconciliable selves wish to maintain a position of outsiders, and provided that the ultimate aim of marginal identities is to occupy the centre, the problem with this prospect is that it is still based on a univocal understanding of what is natural and what is unnatural. Regardless of the subject itself, this amalgamation of coherent with the incoherent - the migration of the outsiders towards the queered centre - suggests the illusion that the privilege is always located in the centre and automatically imposes, or at least endorses, a unidirectional migration (that towards the centre) which, if it is not embraced, results in failure.

Deleuze identifies 'being minor' as an ethical choice. The movement towards a privileged centre, that process of incorporation we have seen in Butler, is based on the assumption that what is marginal comes second to what is central. For Deleuze this movement towards the centre does not occur, for the middle does not have a direction or an orientation. As we have seen in chapter 3, the middle is a space of chaos not defined by direction as such, but by speed and intensities. "Where are you going? Where are you coming from? What are you heading for? These are all useless questions. Making a clean slate, strting or beginning again from ground zero, seeking a beginning or a foundation – all imply a flase conception of voyage and movement (a conception that is methodical, pedagogical, initiatory, symbolic…)."[64]

[63] Scheman, 'Queering the *Center* by Centerung the Queer: Reflections on Transsexuals and Secular Jews', op. cit. pp. 66-67
[64] Deleuze and Guattari, *A Thousand Plateaus*, op. cit. p. 27

Marginal spaces, minor spaces, are in the middle of movement. Their being marginal does not only mean marginalised, but it also (and especially) means different. Spaces of differentiation. "A minor literature doesn't come from a minor language; it is rather that which a minority constructs within a major language. But the first characteristic of minor literature is any case is that in it language is affected with a high coefficient of deterritorialisation".[65] Marginal bodies (minor bodies), then, are deemed marginal not by their lack of relevance, but by the subordinate position they occupy in relation to dominant power. Their position may be marginal, but their force is major. It is crucial to understand that these are non-subject-centric subjects and therefore nothing in marginal bodies is ideological or representational, but everything is "irrevocably, absolutely".[66] In their view, they are characterised by four elements: they are highly *political* bodies, "everything in them is political".[67] They are *collective* bodies in the fact that "activate solidarity in spite of scepticism".[68] They are *revolutionary* because their marginal positioning and the hostility around them prompt the formation of new sensitivities. They are *spatial*, because encapsulate deterritotialisation and maps new territories.

Such implications become all the more relevant when trans subjectivity is involved. Transgender is located directly opposite to this ideal of 'natural' and therefore, according to Scheman, one would feel legitimised to cast trans in the unnatural realm, the non-human. Moreover, this semi-imposed migration towards the lucky centre creates yet another polarised alley whereby trans does not only find itself amongst the unnatural margins - which already constitutes a segregation in a space of unhappiness, vulnerability and anxiety - but it also experiences the violence of having to trade that initial unhappiness with a greater sense of vulnerability which stems from knowing that that place it is trying to reach and occupy will

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[65] Deleuze and Guattari, *Kafka: Toward a Minor Literature,* op. cit. p. 16
[66] Ibid. p. 21
[67] Deleuze and Guattari, *Kafka: Toward a Minor Literature,* op. cit. p. 18
[68] Ibid. p. 17

demand a constant mediation of its unnatural subjectivity which, even from a more privileged location, will nonetheless be treated as unnatural.

In Deleuze and Guattari's views, by contrast, the marginal body ceases to imitate or represent an ideal of centrality. It does not need to rely on representation or symbolisms because it operates through *intensities.* We have seen the importance of the notion of intensities earlier when I explained the key concept of affects in the. Intensities are always different and always multiple insofar as they are not representational: "difference is not and cannot be thought in itself, so long as it is subject to the requirements of representation".[69] So, in this configuration, marginal bodies oppose to the models propelled by being major and push "deterritorialisation to such an extreme that nothing remains but intensities".[70] In this process of becoming, marginal bodies express their outmost utopian force – a revolutionary force, Deleuze would say – of "creat[ing] the opposite dream: …becoming minor".[71] There is a centrality (a political relevance) to these spaces and in these bodies that is far more reproductive than the hybrid space we have seen earlier in chapter 3. It is a centrality that is not conferred by the centre, but it is drawn from the radical reorganisation of a system of values where "The grass becomes wind and moves along the wind's breath, the wind becomes grass and spreads itself on the ground: becoming itself is pushed deeper in the middle, as it were. This is the space where the audience becomes the stage, and where any ontic counting, categorising, calculating becomes absorbed by an all-embracing, self-absorbing ontological singularity".[72] Vulnerability now is almost a necessity, not longer something to fear. It is the capacity to influence and be influenced, the encounter with the other who is never my other, but is the other who reunites me with my desires. "My desire passes through others, and through others it received an object. I desire nothing

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69 Deleuze, *Difference and Repetition*, op. cit. p. 330
70 Deleuze and Guattari, *Kafka: Toward a Minor Literature,* op. cit. p. 18
71 Ibid. p. 27
72 Philippopoulos-Mihalopoulos, Andreas, '…the sound of a breaking string', op. cit. p.6

that cannot be seen, throught, or possessed by a possible other. That is the basis of my desire. It is always others who relate my desire to an object."[73]

The "gap between our understanding of ourselves as whole and separate, and the psychical experience of the always already incorporation of otherness"[74] is dissolved. We fulfil ourselves only through the encounter with the other. When Butler says that the exclusion (disavowal) "produces a constitutive outside to the subject, an abjected outside, which is after all, 'inside' the subject as its own founding repudiation"[75], she automatically traces a trajectory whereby the subject's encounter is per se filled with negative expectation. With Deleuze, the encounter is understood as a possibility, namely the possibility to "express a possible world".[76] Possible here is not to be mistaken with the temporal possibility, pre-condition of virtuality, we have seen in chapter 1. 'Possible world' in this instance merely refers to the Deleuzian belief that subjects are not fully formed, never reach a state of fulfilment, but they are characterised by "the capacity to become different"[77] than what it is. So possible world means multiple world.

Shildrick's view is that, if the encounter with the unstable other provokes sense of instability in me, I will feel it is my right to protect my body and reject what makes me vulnerable. With Deleuze, the other is made of the same intensities as me (the Self), the only differentiation is given by the duration or capacity of those intensities. The other is understood precisely as "on the basis of the effects of Others",[78] not as and othered other. It is through the encounter with this possibility that, for Deleuze, we advance in our own individuation. In other words: the encounter with the other shows us possibilities that will ultimately increase our capacities.

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[73] Deleuze, *The Logic of Sense*, op. cit. p. 345

[74] Shildrick, *Embodying the Monster: Encounters with the Vulnerable Self,* op. cit. p.8

[75] Butler, *Bodies that Matter,* op. cit. p.3

[76] Deleuze, *Difference and Repetition*, op. cit. p. 260

[77] Justin Marquis, *Deleuze and the Encounter with the Other*, p. 3 https://www.academia.edu/2203174/Deleuze_and_the_Encounter_with_the_Other

[78] Deleuze, *Logic of Sense*, op. cit. p. 343

"The part of the object that I do not see I posit as visible to Others, so that when I will have walked around to reach this hidden part, I will have joined the others behind the object, and I will have totalized it I the way that I had already anticipated. As for objects behind my back, I sense them coming together and forming a world, precisely because they are visible to, and are seen by, Others."[79] We understand that the encounter with the other does not lead to disavowal or prevarication, it is rather the exchange of affects through which subjects perpetuate their differentiation. "When one complains about the meanness of others, one forgets this other and even more frightening meanness – namely, the meanness of things were there no Other".[80]

So, we have a situation where the law and indeed biomedical practices fail to recognise that Shildrick calls the "existential state"[81] of vulnerability of the other, where "each man is considered to be the master of his own body"[82], and the emotionality which comes with the encounter of two bodies is not even contemplated as a mode of the body, "but as a contingent *physical* dependency"[83]. So, in other words, in order for Butler's theory (that sees disavowal as constitutive of the self) to be practicable, the ethics of respect should account for that vulnerability differently. As long as the body is theorised as a box (in a Derridean sense),[84] as self-protected and self-protecting container whose essence resolves around the protection of the psyche, then the possibility of a *smooth*, trauma-less passage between bodies remains problematic. There is more: To discourage that passage not only rehabilitates the monstrosity of the other and suggests that it be emphasised and invoked by the sameness (counterpart) who looks down from a stable position, but it also - and more dangerously - opens up to a (wrong) legitimate sentiment of anxiety and repulsion whenever any bodily

[79] Ibid. p. 344
[80] Deleuze, *Logic of Sense*, op. cit. p. 345
[81] Shildrick, *Embodying the Monster: Encounters with the Vulnerable Self,* op. cit. p.75
[82] Shildrick, *Embodying the Monster: Encounters with the Vulnerable Self,* op. cit. p.75
[83] Ibid.
[84] Jacques Derrida, *The Truth in Painting* (University of Chicago Press 1987)

contact is involved. Keeping in mind that the violence generated by that moment of anxiety does not only manifest itself physically, but it also operates on an allegorical level, by association, this passage would be all the more troublesome because in order to get rid of that sense of repulsion one would automatically be inclined to seek out for the clean body, a body that does not contaminate. This presents of course racial issues that cannot be underestimated.

Moreover, if as Butler notes the construction of subjectivity is discursive and performative, [85] that is, it needs a mode of repetition to take place and affirm itself in discourse, there is no guarantee that each single act of repetition is the same as the one before or the one that follows. (The 'utterances' as Butler says are not fixed movements but indeed they retain a degree of stability made such by the reiteration, "iteration is not simply the repetition that 'fixes' what is performed, but the scene of its difference for itself). [86]   Derrida expresses an analogous view when he says that signs work through repetition and reteirability and always stand for something other than themselves (primordial substitution) so, what the sign does is merely supply (*supplément*) for the things it is fails to represent.[87] And that *supplément* always depends on context. For this reason the reaction of the body in the moment of the encounter with the other is first of all not fixed, but depends on context, and secondly, it is not *constituted* by that disavowal, but it is altered by it; "iterability alters, contaminating parasitically what it identifies and enables to repeat 'itself'"[88] (and in this I read something positive which one ought to welcome and embrace). The moment of disavowal and the anxiety generated by it is then a limitation, not a productive encouragement in the making of subjectivity, it "limits what it makes possible, while rendering its rigour and purity impossible."[89]

[85] Judith Butler, *Gender Trouble: Feminism and the Subversion of Identity* (Routledge 1990); *Bodies that Matter: On the Discursive Limits of "Sex"*, op. cit.
[86] Shildrick, *Embodying the Monster: Encounters with the Vulnerable Self,* op. cit. p.84
[87] Jacques Derrida, *Writing and Difference* (London and New York: Routledge 2007) p. 289
[88] Jacques Derrida, *Limited Inc.* Vol. 10 (Northwestern University Press 1988) p.62
[89] Ibid. p.59

It is precisely on the inclusive essence of possibility that we should focus: the theory of 'being minor' not only offers legitimation to a marginalised minority but it goes far beyond: it gives 'the minor', free from ideology, the possibility to become based on the capacity to affect and draw new sensibilities.

5.3 Different Bodies

Derrida reminds us that contaminations are more productive than purities and that, as I have previously mentioned, one ought to operate "effective or active [...] interventions"[90] that contaminate and transform the ambiguities that surround the monolithic logocentric organisation of knowledge in favour of an interest in the margins[91]. We can note a disparity in the manner margins are being envisioned between Derrida and Deleuze. For Deleuze, as we have seen in section 5.2, a marginal space owns a centrality that is enough to itself and needs not engage in processes of assimilation, but it itself assimilates. By contrast, Derrida's argument is developed on the polarised method of pairing opposite systems which establishes the ins and outs of any given field, what is acceptable and what unacceptable. Let me explain this further: For each definition there is an other produced to cast its alterity and reinforce that same/difference dichotomy. This oppositional pair system contains the primary term which is "positive or present"[92] and the second term which is negative and incomplete, "treated as it's impure, lacking, negative double."[93] Derrida's claim that the Western logos is only concentrated to being understood as a *presence (ontotheology)* of universal nature implies the assumption that knowledge is deductive, that is, that knowledge has a beginning and an end and traces a trajectory which excludes everything that does not fit in that chain of rationality. Against the constitution of a polarized binary, Derrida's understanding of logocentrism

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[90] Jacques Derrida, *Margins of Philosophy* (University of Chicago Press 1982) p. xix
[91] Derrida, *Margins of Philosophy,* op. cit.
[92] Elizabeth Grosz, 'Derrida and the Limits of Philosophy' in *Thesis Eleven* (1986) 14, 26 p.27
[93] Ibid.

sits on the belief that logocentrism is based on a misunderstanding between signifier and signified, that is, that a sign always represents its correspondent signified adequately. Such a polarized view of the world automatically positions speech over writing, "the privilege of the *phone*",[94] presence over absence, identity over *difference*. These oppositional pairs are for Derrida the product of a hierarchical vision that constitutes identity on the basis of the difference between each of the two elements.

> "the play of difference, which, as Saussure reminded us, is the condition for the possibility and functioning of every sign, is in itself a silent play. Inaudible is the difference between two phenemes which alone permits them to be and to operate as such. The inaudible opens to the apprehension of two present phonemes such as they present themselves [...] The difference which establishes phonemes and lets them be heard remains in and of itself inaudible, in every sense of the word."[95]

So, the difference between the pairing terms is their identity, which means that their identities are terribly dependent on one another, it means that *difference* is sameness. The real *différance* (not *difference*) is that which *precedes* the binary pair and escapes the sameness of *difference*, "it is both their condition and surplus, their grounds of possibility, and their unacceptable, transgressive rupturing limit. *Différance* becomes one among a number of emblems Derrida develops to explore the transgressive borders or margins of conceptual tolerance between philosophy and *ecriture.*"[96] Through the concept of *différance*, Derrida demonstrates that the hierarchical dichotomies that dominate logocentrism can be subverted and that their hierarchical structure is arbitrary: The primary terms that occupy the privileged position within the binary do not retain any logical dominance, for their primacy is only historical and therefore political (and therefore removable or, at least, inverted).

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[94] Derrida, *Of Grammatology*, op. cit. pp.7-17
[95] Derrida, *Margins of Philosophy,* op. cit. p.5
[96] Grosz, *Derrida and the Limits of Philosophy*, op. cit. p.33

> "We will designate as *differánce* the movement according to which language, or any code, any system of reference in general, is constituted 'historically' as a weave of differences (*comme tissue de différences*).[97]

Différance is then not a method or a principle, but it is exactly the opposite: the lack of the Neo-Platonic notion of an origin and a destination, the non-principle and the non-method, it is a "casuality" [98], a "process of scission and division which produce[s] and constitute[s] different things or differences[99] and "emblematises the primacy of writing as opposed to speech [...]; it heralds the primacy of absence over the presence [...]; and primarily of the material over the material over the conceptual [...]. *Différance* is thus the condition of logocentrism, which seeks to deny or disavow its subversive play; yet *différance* at each moment also threatens to undermine or exceed logocentrism."[100]

The monster in this context is articulated in different terms, through *différance*: The monster is a hybrid, "a composite figure of heterogeneous organisms that are grafted onto each other".[101] Its monstrosity is such because we do not possess the categories to decode and constitute it (to understand it differently) and therefore we fill this deficit by investing in its monstrosity.

> "As soon as one perceives a monster is a monster, one begins to domesticate it, one begins, because of the 'as such' - it is a monster as monster - to compare it to the norms, to analyze it, consequently to master whatever could be terrifying in this figure of the monster". And the movement of accustoming oneself, but also of legitimation, and, consequently, of normalization has already begun".[102]

> "Faced with a monster, one may become aware of what the norm is and when this norm has a history—which is the case with

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[97] Derrida, *Margins of Philosophy,* op. cit. p.12-13

[98] Ibid p.9

[99] Derrida, *Margins of Philosophy,* op. cit. p.12-13

[100] Grosz, *Derrida and the Limits of Philosophy,,* op. cit. p.33

[101] Jacques Derrida, *Points*, trans. Peggy kamuf (Standford University Press, 1995) p.385

[102] Ibid. p.386

discursive norms, philosophical norms, socio-cultural norms, they have a history—any appearance of monstrosity in this domain allows an analysis of the history of the norms. But to do that, one must conduct not only a theoretical analysis; one must produce what in fact looks like a discursive monster so that the analysis will be a *practical* effect, so that people will be forced to become aware of the history of normality. But a monster is not just that, it is not just this chimerical figure in some way that grafts one animal onto another, one living being onto another."[103]

What Derrida means is that monstrosity is such only until the moment it reveals itself. Once it has been unveiled it also ceases to exist. It is precisely now that a new configuration of the monstrous other can take place, a configuration that is enabling and that signals the possibility of a radically new ethics of responsible identification (not ethics of recognition). "Rather than the encounter being the moment of a recuperation of alterity, the violent occasion - both in actual practice and symbolically - of inclusion in the identity of the selfsame, it is a confrontation with what is both a 'constitutive outside' and an impossible, irreducible excess." [104] To explain this in practical terms: for the encounter between the subject and the other to be mutually and equally constitutive, two things are necessary. The first is a demand that I (the subject) decentre the focus from my own identity towards the realisation that I am not the *primary* term in this negotiation. Secondly, I need to be aware that the monstrosity of the other may appear familiar and elude the monstrosity in myself. There is here a Heideggerian sense of *Aufeinander-hören,* of being with others, being *with* the other. Only on the basis of a complete openness towards the other - and not through assimilating abjected others to dominat selves, for it is not crucial to know the other in order to accept it - can an ethics of responsible identification take place. It appears clear then that the non-principle of *différance* explained above (that non-methos that deconstructs *difference*/sameness) is nothing other than an affirmative response to the call of the monster.

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[103] Derrida, *Points*, op. cit. p.386
[104] M. Shildrick, *Embodying the Monster: Encounters with the Vulnerable Self,* op. cit. p.130

A monster is always alive, let us not forget. Monsters are living beings. The monster is also that which appears for the first time and, consequently, is not yet recognized. A monster is a species for which we do not yet have a name, which does not mean that the species is abnormal, namely, the composition or hybridization of already known species. Simply, it *shows* itself [*elle se* montre] - that is what the word monster means - it shows itself in something that is not yet shown and that therefore looks like a hallucination, it strikes the eye, it frightens precisely because no anticipation had prepared one to identify this figure. One cannot say that things of this type happen here or there."[105]

"Always alive", where this *always* overcomes the polarised dialect of knowledge, the 'metaphysics of presence', the presumption that the present captures the 'real moment'. In this, Derrida sees a Cartesian attempt to make present intuitions valid and discredit everything that is not in the realm of the now and which disturbs the *a priori* unity of meaning. In his famous quote "the future is necessarily monstrous: the figure of the future, that is, that which can only be surprising, that for which we are not prepared, you see, is heralded by species of monsters. A future that would not be monstrous would not be a future".[106] Derrida not only opens up to the possibility of the monster, but he expressively sees in the monster the (only) experience of the possible. The monster is the expression of the future. I read here almost a request for pedagogical responsibility towards the opportunities of the future/monster. Derrida's monster is the *arrivant*, literally, "that which or the one who arrives", but also that who is not expected, "surprises the host"[107]. Our instinct of *domestication*, of colonising the *arrivant*, soon leaves space to the realisation that its monstrosity does not lie in its difference but in its *différance*, that is, its force to fundamentally alter the *topos* and to make us part of this change. The presence of the *arrivant* alone is able to complicate the dialectical opposition and make possible the existence of an irreducible singular self while preserving the

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[105] Derrida, *Points*, op. cit.
[106] Derrida, *Points*, op. cit. pp.386-387
[107] Jacques Derrida, Dying Awaiting (One Another At) the "limits of Thruth" (Stanford University Press 1993) p.34

singularity of the other (and so displacing the One). The mere presence of the *arrivant* is a guarantee of the survival of the other and, at the same time, the celebration as well as the deconstruction (or destruction) of the One. "As soon as there is the One, there is murder, wounding, trauma-tism. "*L'Un se garde de l'autre*" [108] where, in that guard one keeps some of the other within the self and yet, while accepting the other, always holds on to oneself. Shildrick's notion of vulnerability, then, does not (only) belong to the monstrous corporality of the other, but it is part and parcel of being human, the monster is in all of us.

Derrida's limitation in the above account lies in the way in which he envisions the confrontation with the other: the moment of *supplement* we have seen in section 5.2. This encounter can go either way because the subject is not directly responsible for itself, but always depends on the representational sign which may or may not deliver the desired meaning (reaction). And as we have just seen, Derrida's disposition towards the monster, although open, reflects that element of uncertainty generated by the condition of the possible in which he places the monster. The possible, as we have seen in chapter 1, is not virtual (real) but *only* possible. This means that its existence is a non-existence, it cannot be accounted for. Derrida himself specifies that the monster is the expression of the future. In other words: it stands for something other than itself in a temporality that is *possibility* and therefore outside of the *virtuality* of the now.

Following a Deleuzian logic, one can conclude that Derrida's encounter with the *arrivant* is not an encounter after all, for it is mediated and pre-representational and therefore eludes "free or untamed states of difference in itself …this element is intensity, understood as pure difference in itself, as that which is at once both imperceptible for empirical sensibility which grasps intensity only already covered or mediated by the quality to which it gives rise, and at the same time that which can be perceived only from the

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[108] Jacques Derrida, *Archive Fever* (University of Chicago Press 1996) p.78

point of view of a transcendental sensibility which apprehends it immediately in the encounter".[109] As we have seen earlier, with Deleuze, the marginality (or minority) of the monster is both constitutional in that fact that it roots in the subject and sufficient to itself, that is, it is the essence that enables the subject to create new sensibility. Moreover, because it does not rely on representation or mediation, which means it operates in a mode of difference, it never faces the moment of fear (the disavowal) that is shared by the accounts of the othered body presented in this chapter. It is a spatial monster in an affirmative field of marginality that occupies and is occupied by space imperceptibly.

5.4 Perverse Bodies

Frankenstein can be seen as a queer subjectivity, as the deconstruction of the body and the construction of the monster, "an uncanny anticipation of transsexual surgery".[110] In *Gyn/Ecology,*[111] Mary Daly writes: "Today the Frankenstein phenomenon is omnipresent not only in religious myth, but in its offspring, phallocratic technology. The insane desire for power, the madness of boundary violation, is the mark of necrophiliacs who sense the lack of soul/spirit/life-loving principle with themselves and therefore try to invade and kill off all spirit, substituting conglomerates of corpses. This necrophilic invasion/elimination takes a variety of forms. Transsexualism is an example of male surgical siring which invades the female world with substitutes"[112], to which Janice Raymond adds that "the problem of transsexuality would best be served by morally mandating it out of existence"[113]. This statement echoes Victor Frankenstein's feelings towards the monster when he says: "Begone, vile insect, or rather, stay, that I may trample you to dust. You reproach me with your creation".[114] As Judith

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[109] Deleuze, *Difference and Repetition*, op. cit. p.144
[110] Garber, *Vested Interests: Cross-Dressing and Cultural Anxiety,* op. cit.
[111] Mary Daly, *Gyn/Ecology* (Boston: Beacon Press 1978)
[112] Daly, *Gyn/Ecology*, op. cit. pp. 70-71
[113] Raymond, *The Transsexual Empire: the Making of the She-Male*, op. cit. p.178
[114] Shelley, *Frankenstein,* op. cit. p. 95

Halberstam explains in her study of the gothic horror, the literary monster of the romantic tradition is "a by-product of embodiment rather than a trick played upon the body by the mind... the story of a conflict between Frankenstein and his monster, and author and his creation"[115]. Frankestein's monster is then his own double, that other that embodies all that he cannot accept in himself, "my own vampire, my own spirit set loose from the grave".[116]

Frankenstein is a monster, the failure of that mediation of the progressive culture of the Enlightenment and the contemporary moral , a *non-subject* who claims his right to be and his position as a viable subject through mastering the *ars oratoria* through which he could verbally enact that subjectivity that was denied to his body. Similarly, the transsexual monster is caught up in a constant mediation between in and out, stigmatisation and fear, appearances and authenticity. Its monstrosity is not the effect of a cause but it is the perpetual condition of its *being*, the primary and irreducible element through which its existence is negotiated day after day. Like Frankenstein's, transsexual monstrosity is one that manifests itself through the body and makes itself visible to everyone. It is not ethereal but tangible and real, and "not only gives form to the dialectic of monstrosity itself and raises questions about the pleasures and dangers of textual production, it also demands rethinking of [it] in terms of *who* rather than *what* is the object of terror".[117] Yet, in its being real and manifest, it expands and stretches out the limits of its corporeality reaching everyone else indistinctly, those who are willing to engage with it as well as those who decide to neglect its presence. "By focusing upon the body as the locus of fear, Shelley's novel" - as well as the body of the transsexual - "suggests that it is people (or at least bodies) who terrify people, not ghosts or gods, devils or monks, windswept castles or labyrinthine monasteries. The

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[115] Judith Halberstam, *Skin Shows,* op. cit. p. 28
[116] Shelley, *Frankenstein,* op. cit. p. 74
[117] Halberstam, *Skin Shows,* op. cit. p. 28

architecture of fear in this story is replaces by physiognomy, the landscape of fear is replaced by sutured skin.[118]

The monstrosity of the transgender is not produced by the failure of science experiments as it happens for Frankenstein, but it is nonetheless connected to another kind of failure, the combined intervention of the law and clinical technologies: hormonal therapy and sex reassignment surgery, both legitimate techniques, promise the resolution - if only partial - of that original inner condition of unalignement. This is however a broken promise, as that initial sense of monstrosity is only transformed (never resolved) into a new and more articulated monstrosity which is not exclusively the fantasy of a perfectly crafted body, but it is, above all, the inability to socially and culturally account for that diversity that it being produced and released into a world. The transsexual remains something other, and its monstrosity is a life trait which can be made more or less acceptable, it can be embraced or fought against, but it will nonetheless remain an irreducible element, a focal point of their existence. "Though medical techniques for sex reassignment are capable of crafting bodies that satisfy the visual and morphological criteria that generate naturalness as their effect, engaging with those very techniques produces a subjective experience that belies the naturalistic effect biomedical technology can achieve - says Stryker - Transsexual embodiment, like the embodiment of the monster, places its subject in an unassimilable, antagonistic, queer relationship to a Nature in which it must nevertheless exist".[119]

The monstrosity of Frankenstein is presented as a perversion, it "delineate[s] an image without resemblance".[120] By the same logic, the otherness of transgender is a disturbance. Deleuze claims that "Lacan and

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[118] Ibid. p. 28-29
[119] Susan Stryker, 'My words to Victor Frankenstein Above the Village of Chamounix: Performing Transgender Rage' in *GLQ* (Duke University Press 1994) 1(3) p.5
[120] Deleuze, *The Logic of Sense*, op. cit. p. 357

his school",[121] namely psychoanalysis, are to be held responsible for the association of perversion with disturbance. They "insist profoundly on the necessity of understanding perverse behaviour on the basis of a structure, and of defining this structure which condition behaviour". Lacan's notion of desire derives from lack, it is "the relation of being to lack. The lack is the lack of being properly speaking. It is not the lack of this or that, but lack of being whereby the being exists."[122] But for Deleuze and Guattari "desire does not lack anything; it does not lack its object. It is, rather, the *subject* that is missing in desire, or desire that lacks a fixed subject; there is no fixed subject unless there is repression."[123] So, decentering the object of desire from the subject only results in the subject losing force. Instead, what they are doing is displacing lack from the object to the subject.[124] It is the subject that lacks, not desire. "For me – continues Deleuze - desire implies no lack; neither is it a natural given. It is an *agancement* [arrangement, organization' of heterogeneous elements that function; it is process as opposed to structure of genesis; it is affect as opposed to sentiment, it is haec-eity (the individuality of a day, a season, a life) as opposed to subjectivity; it is an event as opposed to a thing or a person".[125] So, for Deleuze the pervert is not someone who desires the wrong way, but is somebody who uses desire as a process and not as a structure. It is a 'transgressor', in the Foucualtian sense:[126] somebody who goes beyond the limits of what is constituted,[127] "not defined by the force of a certain desire in the system of drives", says Deleuze, but "somebody who desires, [and] introduces desire into an entirely different system and makes it play, within this system the role of an internal limit, a virtual center or zero point (the well known Sadean

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[121] Ibid. p. 358

[122] Jacques Lacan, *The Seminar of Jacques Lacan: Book II: The Ego in the Freud's Theory and in the Technique of Psychoanalysis 1954-1955* (CUP Archive 1988) p. 233

[123] Deleuze and Guattari, *Anti-Oedipus*, op. cit. p. 26

[124] Tim Dean, *Beyond Sexuality* (University of Chicago Press 2000) p. 247

[125] Gilles Deleuze, 'Desire and Pleasure' in Arnold I. Davidson, ed. *Foucault and his Interlocutors* (Chicago: University of Chicago Press 1997) p.189

[126] Michel Foucault 'A Preface to Transgression' in Donald F/ Bouchard, ed. *Language, Counter-Memory, Practice* (Ithaca, New York: Cornell University Press 1977)

[127] Edward Kazarian, Deleuze, 'Perversion and Politics', in *International Studies in Philosophy* 30 (1):91-106 1998 p. 97

apathy).[128] Could the perversion that is associated to transgender be, as Deleuze suggests, a question of non-activated desire? And could it be that their transgression of the limits of what is acceptable requires forms of regulation and containment, namely, the narrative of the wrong body (which we will see in the next section), or fabricated threats of perversion that neither the law or medicine can fully account for.

There is another aspect of the Frankenstein-transsexual parallel which demands attention: it is the notion of the body as an inscriptive surface and the ways in which body image or bodily representations come into play in the construction of the sense of self. Elizabeth Grosz (through Deleuze) understands the body as a three-dimensional site of interconnections between mind and contingency (culture). No longer the dualism of mind/body and inner/outer, the inscriptive surface of the body becomes an intersection in 3D between the body and the mind, the inner and the outer. "The body is thus not an organic totality which is capable of the wholesale expression of subjectivity, a welling up of the subject's emotions, attitudes, beliefs, or experiences, but is itself an assemblage of organs, processes, pleasures, passions, activities, behaviors linked by fine lines and unpredictable networks to other elements, segments, and assemblages".[129] So bodies are immersed in history and power, and the experience of the skin (the body's contours) is absorbed by the flesh and constitutes subjectivity. "There is nothing natural or ahistorical about these modes of corporeal inscription. Through them, bodies are made amenable to the prevailing exigencies of power".[130]

Susan Stryker, who is a trans-woman, writes:

> "These are my words to Victor Frankenstein, above the village of Chamounix. Like the monster, I could speak of my earliest memories, and how I became aware of my difference from

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[128] Deleuze, *The Logic of Sense*, op. cit. p. 343
[129] Elizabeth Grosz, *Volatile Bodies*, op. cit. p.120
[130] Ibid. p. 142

everyone around me. I can describe how I acquired a monstrous identity by taking on the label "transsexual" to name parts of myself that I could not otherwise explain. ... I live daily with the consequences of medicine's definition of my identity as an emotional disorder. Through the filter of this official pathologization, the sounds that come out of my mouth can be summarily dismissed as the confused ranting of a diseased mind. Like the monster, the longer I live in these conditions, the more rage I harbor. Rage colors me as it presses in through the pores of my skin, soaking in until it becomes the blood that courses through my beating heart. It is a rage bred by the necessity of existing in external circumstances that work against my survival. But there is yet another rage within." [131]

The engagement and identification with the monster is not only symbolic but becomes corporeal. The experience expressed - the rage that presses through the pores of the skin, the sense of emotional disorder, the pathologisation - are forever inscribed on the skin and are constitutive of that subjectivity. The corporeality of the transsexual, the dissonance of the body image, the identification with monstrous representations or indeed the physical enactment of a certain monstrosity are inscriptions which not only affect the mind, but they alter the configuration of the body, "they help constitute the very biological organization of the subject—the subject's height, weight, coloring, even eye color, are constituted as such by a constitutive interweaving of genetic and environmental factors".[132] According to Grosz, then, there is not such a thing as a natural norm, but "only cultural forms of body, which do or do not conform to social norms"[133], so every individual is engaged with modes of identification and self-production which pass through the direct experience of the flesh.

But how does this experience of self-production and identification work? Rosi Braidotti argues that "social and cultural norms or normative models are external attractors, stimulants" and "they act like magnets that draw the

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[131] Susan Stryker, *States of Rage* (New York University Press 1996) p.203
[132] Grosz, *Volatile Bodies,* op. cit. p.142
[133] Ibid. p.143

self heavily in certain directions and stimulate the person accordingly".[134] This would suggest a Foucaultian reading of the body as an object at the mercy of power techniques - *regimes,* to use a Foucaultian term- which determine its advancement and heavily influence its force. That is, as a body whose materiality is only a canvas upon which power operates to mould and imprint knowledge. However, both Grosz and Braidotti cut through this sense of Foucaultian inevitability and, through the work of Deleuze & Guattari and Deleuze's reading of Nietzsche, recognise full autonomy to the body.

The (non)affirmation of the truth in Foucault is tied to the notion of knowledge which is always something fabricated by culture and therefore is never *true* knowledge but merely an instrument through which power reaches out and extends its supervision. Every form of knowledge is formed by a multiplicity of interconnected relations and passes through a network of power, discourses and technologies (apparatus) which functions as a mode of government thus compromising its fulfilment.

> By power, I do not mean "Power" as a group of institutions and mechanisms that ensure the subservience of the citizens of a given state... I do not have in mind a general system of domination exerted by one group over another... Power must be understood ...as the multiplicity of force relations immanent in the sphere in which the operate and which constitute their own organization: a the process which, through ceaseless struggles and confrontations, transforms, strengthens or reverses them,...thus forming a chain or system, or on the contrary, the disjunctions and contradictions which isolate them from one another; and lastly, as the strategies in which they take effect, whose general design or institutional crystallization is embodied in the state apparatus, in the formulation of the law, in the various social hegemonies.[135]

In this framework painted by Foucault, the body is immersed in history because created by the same agents that determine knowledge, but it is a

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"body [that] is molded by great many distinct regimes; it is broken down by the rhythms of work... it is poisoned by food or values...Nothing in man - not even his body - is sufficiently stable to serve as a basis of self-reflection or for understanding other men".[136] Moulded, and broken down, Foucault's body is the object of power and it passively follows the pre-constituted agenda imposed by discourse.

For Nietzsche, on the contrary, the body from 'molded and broken down' rises and actively participates to the production of power. In 'Thus Spoke Zarathustra' Nietzsche writes:

> "Body am I, and soul"—thus speaks the child. And why should one not speak like children? But the awakened and knowing say: body am I entirely, and nothing else; and soul is only a word for something about the body.
> The body is a great reason, a plurality with one sense, a war and a peace, a herd and a shepherd.
> An instrument of your body is also your little reason, my brother, which you call "spirit"--a little instrument and toy of your great reason.
>
> Behind your thoughts and feelings, my brother, there stands a mighty ruler, an unknown sage—whose name is self. In your body he dwells; he is your body.
> There is more reason in your body than in your best wisdom. And who knows why your body needs precisely your best wisdom?[137]

The body for Nietzsche is then not the external layer designated to protect a sovereign interiority, but rather, an organism which plays actively a role in the construction of subjectivity. In sharing Spinoza's skepticism towards the dualistic structure of the western logos, Nietzsche sees the body as a complex multi-faceted organism dominated by forces that determine its growth and affirmation through the relation of those constitutive forces with others. An organism governed by contradictions of political and social

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[110] Michel Foucault, Language, *Counter-memory, Practice: Selected Essays and Interviews*, Ed. Donald Bouchard (Ithaca: Cornell Universty Press 1977) p. 153
[137] Nietzsche, *Thus Spoke Zarathustra*, op. cit. p. 1

forces that are produced by the body itself and with which the body is also in conflict. Such forces are active and their interconnection determines the power to stimulate expansion and movement. The difference in which the terms *force* and *power* are employed is absolute. The 'will to power' is then for Nietzsche that drive which keeps that movement going. Nietzsche does not deny the interconnection between mind and the body and notes how certain movements of the body may seem responses to the demands of the mind, but, in his view, what looks like the interior acting upon the exterior is in fact only the demonstration of the power of the body as a unity, and ultimately its strength over the psyche.

Like Spinoza, Nietzsche does not see a beginning and an end to the capacity of what the body can reach, nor does his philosophy allow for a pre-set ideal of 'being natural'. Different people, different motivations, different forces determine different outcomes and each produce a different way of being. This capacity cannot be known in advance but the chaos of reacting forces it produces is the condition for consciousness. For Nietzsche consciousness is a convention, "on one hand useful for life, a convenient fiction, and on the other an effect of the inwardly inflected, thwarted will to power or force that, instead of subduing other bodies and other forces, has sought to subdue itself."[138]

> All instincts that do not discharge themselves outwardly *turn inward* - this is what I call the *internalization* of man: thus it was that man first developed what was later called his 'soul'. The entire inner world, originally as thin as if it were stretched between two membranes, expanded and extended itself, acquired depth, breadth and height, in the same measure as outward discharge was *inhibited*.[139]

So consciousness (psyche) is the product of the interaction of the forces of the body and seeking to find it *looking inward* is illusory because the psyche

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[138] Grosz, *Volatile Bodies,* op. cit. p.124
[139] Friedrich W. Nietzsche, *On the Genealogy of Morals II* (Oxford Paperbacks 2008) p. 520

is a category of the body.[140] It is the inscription of those forces onto the surface of the body that constitutes subjectivity. And the ways in which these forces act upon the body are not imposed by society and accepted passively by the individual, but they are the result of an active choice that is made at the level of consciousness. "They are commonly undertaken voluntarily and usually require active compliance of the subject"[141]. Such choices for Grosz are not ideological and cannot be deemed natural or unnatural, for they are all cultural choices that may or may not conform to a given normativity.

The Freudian unconscious, as we are used to understanding it, is that invisible motion of actions that, although often in contradiction, defines and indicates the true core identity of the subject and keeps it together. Following the anti-Freudian theories of Deleuze and Guattari in relation to the unconscious, Braidotti argues that those contradictions and *idiosyncrasies* which constitute the unconscious are not only furtive movements and random connections, but they are constituent elements of subjectivity itself.[142] If, as Grosz notes, norms are culturally constructed and the subject cannot oppose to them but can only identify and reproduce (or refuse to), then Braidotti's analysis sees the unconscious' contradictions and irregularities as a chance against the unity of the subject, for unconscious has the possibility to always change and always redefine the subject. "By opening up intervals...these in-between spaces, these spatial and temporal points of transition, are crucial to the construction of the subject and yet can hardly be rendered in thought and representation...The intervals, or in-between points and processes, are facilitators and, as such, they pass unnoticed, though they mark the crucial moments in the whole process of becoming a subject".[143] It is precisely in the irregular motion of the unconscious that Braidotti sees a possibility to elude the 'appeal' of social

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[140] Grosz, *Volatile Bodies,* op. cit. p.124
[141] Ibid. p.143
[142] Braidotti, *Metamorphoses: Toward a Materialist Theory of Becomin,* op. cit. p. 39
[143] Ibid. p. 40

roles and recede that process of identification - to dis-identify - of the subject. This space, a space of resistance to social roles and norms, is the space for affirmative kinds of subjectivities, forces, dissonance and power (as in *potentia* not *potestas*), a space of flows and desires. The internalised fear and anxiety (here I want to be clear on the fact that anxiety doesn't equal vulnerability which I see as a human trait more than specifically a condition of being monstrous) of being the monster - and indeed by all resistant identities - which is internalised by the othered subject and inscribed on its subjectivity is not something that the subject must accept *tout court*, for the dissonance of the non-unitary subject is the very condition, that *reactive* force, for breaking through regulatory essentialism.

5.5 Nomadic Bodies

The Cartesian distribution of elements of Being delivered in fixed categories and boxed each in their own compartment is a method to which Deleuze opposes since his very early essay *Nomadic Thought*. [144] Deleuze sees in Nietzsche the negation of dialectical negotiations and binary oppositions, the force of movement and the affirmation of becoming over being. Nietzsche's will to power is an active force which resists and acts against the sedentary moral of codification (law) enabling the subject with vitality and movement. He finds "a completely other distribution, which must be called nomadic, a nomad *nomos*, without property, enclosure or measure".[145] The nomad thinks through a state of being that resists the hierarchical centralisation of logos, his subjectivity is *smooth* not *striated,* its action is *close-range*, not *long-distance*, his mode is *tactile*, not *optical*. It is a kind of subjectivity which becomes such in the very moment while it is happening, in a constant movement of waves and flows, but never defined

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144 Gilles Deleuze, 'Nomad Thought' in *The New Nietzsche*, trans. D. Allison 1973 (Cambridge: The MIT Press, 1977) p.142–149; see also Deleuze and Guattari, *A Thousand Plateaus*, op. cit. p.351–423.
145 Deleuze, *Differenze & Repetition,* op. cit p.36

by those waves and flows. Nomads have "no points, paths, or land"[146], their location "is always between two points, but the in-between has taken on all the consistency and enjoys both an autonomy and a direction of its own. The life of the nomad is the intermezzo:[147] With no designated geographies, the nomad, unlike a migrant, is never deterritorialized because he lives in space but apart from its organic organisation (State-apparatus), so he always maintains a state of constant deterritorialization and his existence is one of resistance. From the perspective of the State, the nomadic being is destructive and violent as it collides with its segmented and hierarchical structure. Similarly, the nomadic subject resists the law, or even, the apparatus constituted by law, seen as an organism that seeks to 'confine' life. So, the smooth space of the nomad is a space of vibrations, flows, constant variations and, in order to create life, the nomadic subjectivity must remain faithful to this mode of becoming, to this *immanence,* the *only* possible life.

Monsters, excluded from the systems that produce them, keep reason and anxious liberalism on their guard, policing their boundaries and defining themselves within the limits of self-created monstrosity because "it is not the slumber of reason that engenders monsters, but vigilant and insomniac rationality".[148] Frankenstein remains a monster, retaining the monstrous capacity to undermine and interrogate the inherent instabilities and dangerously necessary differences that sustain all forms of authority.[149] However, the monster that attempts to enter norms and to adopt measures that make its monstrosity less monstrous (in the example of the transsexual, for example, this would be an advanced degree of interventions on the body and the adoption of a series of enactments so to make the new representation as accurate as possible), it would no longer be considered an anomaly, but rather, its diversity would be read in terms of mere biological

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[146] Deleuze and Guattari, *A Thousand Plateaus, op*. cit. p. 421
[147] Ibid. p.419
[148] Deleuze and Guattari, *Anti-Oedipus,* op. cit. p.112
[149] Fred Botting, *Making Monstrous: Frankenstein, Criticism, Theory* (Manchester: Manchester University Press 1991)

error and therefore unloaded of the moral aggravation which determines perversity. For this reason, the condition of being monster is such only when there is no intention of entering a process of naturalisation which may purify the individual of its perceived monstrosity. The transsexual who 'passes' well and enacts the opposite gender credibly is less of a monster than the one who refuses to 'pass' or maintains elements of both genders.

Braidotti's nomadic ethics work towards promoting a radical transformation, a shift from the focus of dialectical ethics of negation to ethics of affirmation and difference.[150] The nomadic ethics, for Braidotti, are sustainable and propose real political change[151] because they rely on resistance - endurance - as a way of "double learning to last in time, but also to put up and live with pain and suffering".[152]

> "This implies a differential type of ethics, which clashes with dominant morality but contains criteria for the section of the ethical relation and a regard for the limits. These need to be set by experimentation with the collectively shared intensities of community that longs for the activation of affirmative forces and hence require careful negotiations".[153]

Is it fair to ask monsters, or indeed any marginal individuals, to undergo such a level of struggle? Is any negotiation of the monster to be considered a compromise? Can monsters who seek to undergo a process of humanization be thought of as individuals who give up and bend to the extortions of powers? Or even, is the aim of monsters to be un-monstrous? Beyond the essentialism of being, the moralistic ethics of acceptance and the prerequisites for recognition, like the nomad, the monster's geographies take place at the margins of society, its embodiment is precarious, volatile. It does not participate in organisms of power or, when it does, it always sits on the side of the repressed, of the objected individuals. Unlike Deleuze's

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[150] Rosi Bradotti. *Nomadic ethics. The Cambridge Companion to Deleuze* (Cambridge University Press 2012) p.194
[151] Ibid. p.195
[152] Ibid.
[153] Rosi Bradotti. *Nomadic ethics. The Cambridge Companion to Deleuze,* op. cit. p. 195

nomad, however, the monster never becomes animal, it never finds that strength it takes to transform into a beast. Nor does he remain human, but it keeps roaming in the 'in-betweens', what Deleuze calls the "zones of indiscernibility or undecidability".

Braidotti ensures that "a micropolitics of resistance can be seen as a web of emancipatory practices. Localized and concrete ethical gestures and political activities matter more than grand overarching projects. In this respect, nomadic theory is a form of ethical pragmatism".[154] While I agree that pragmatism is important and any such change can only happen beyond theory and at the level of the individual, in the microcosm of everyday life and well distanced from those organisms and spaces designated to formally or institutionally produce it, I also believe that Braidotti's nomadic ethics rely too much on a too essential nomadism which cannot find full correspondence in the life or real people who, day after day, find themselves in the condition of otherness. Marginalised, disengaged from discourse, exploited by industries of consumption that turn the other into sameness.

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[154] Rosi Bradotti. *Nomadic ethics. The Cambridge Companion to Deleuze,* op. cit. p. 196

On Wrong Bodies

"['Women trapped inside men's bodies'] was so clearly coined not to encapsulate all of the intricacies and nuances of the trans female experience, but rather as a way of dumbing down our experiences into a sound bite that cissexuals might be better able to comprehend."[1]

Of the three diary intersections that have accompanied and supported my theory throughout this PhD, the present one proven to be the most difficult to think through and compose. The difficulties are linked to impossibility to pin down on paper the different nuances expressed in these diary fragments. The ways in which the transgender body is normally presented by everyday socio-political discourse, always in terms of dissonance against a general common idea of so-called *normality* presents countless problems for transgender subjectivities, and to conceptualise it differently creating room for another perspective to emerge is a challenge – a mission at times – in the accounts that follows. It is precisely this ideal of normality – and with it the impossibility to fulfil its requirements, the pressure, the anxiety, the legal and medical hegemony – that, in many ways, have inspired this research. I have explored earlier in this thesis the legal constructs through which transgender is understood and regulated. The Gender Recognition Act 2004, I have concluded, is unable to account for the ever-changing subjectivities which many trans-identified individuals embody every day. Their lives, identified beyond the binary, already find new ways of self-

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[1] Julia Serano, *Whipping Girl: a Transsexual Woman on Sexism and the Scapegoating of Femininity* (Avalon Group 2007) p. 215

identification and fill the absence of a space of their own with new forms of embodiment and identity, thus proving to be *already* materialised utopias happening here and now, different subjectivities that have broken the mould of the gender binary.

> Charles (FtM)*: "Resisting the gender binary and resisting the sex binary I think is politically important but for me it's really important to internalise it because I really am not male or female, I'm not feminine or masculine, and that [as much as it is political] is not always a choice, it's just who I am."*[2]

That notion of gender stability and the lack of compromise signal, as I have already highlighted in chapter 3 (and the empirical contributions have confirmed), a paradox in the way in which the law requires a 'real life test' to declare transgender individuals fit for recognition. At the same time, that same law is not able to put those same individuals in the conditions to carry out that test safely. The gender policing in public toilets proves exactly that transgender people are not fit for those spaces. Their bodies are not *normal.* And it is not a coincidence that the ultimate purpose of the GRA, as it appears, is not to recognise transgender people for what they are - transgender people - but it exists to make transgender people normal. By this I mean, to ensure that they conform to what is recognised as normal: female or male.

> Jamie (FtM): *"If I want to live a normal life in this society it kind of forced us to go one way or the other... It's a personal choice for us to transition, but it's not a personal choice for us to be transgender because whether you transition of not, you [can] still be transgender, but our culture doesn't recognise that."*[3]

It should be also clarified that just like some transgender individuals find themselves perfectly fit for the GRA model, they may also understand their own life experience as transgender subjects through the narrative of 'trapped in the wrong bodies', but it is also important to understand that

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[2] https://www.youtube.com/watch?v=6_JCfTzbXPo
[3] https://www.youtube.com/watch?v=pQZyUIAlEo0

this narrative is not for everyone, nor, however, is the metaphor of the 'wrong body' just that, a metaphor, rather, it is a persuasive strategy employed to 'correct' the image of a disturbing body,[4] looked at through the lens of heteronormativity and used to normalise something that uses a language radically different to define itself and which, in order to control is "materialized as somatic feeling"[5] and transformed the into something that heteronormative discourse understands. Not surprisingly, then, the 'wrong body' stands on the assumption that every trans person experiences dysphoria because they feel they were born or trapped in the wrong body, and that transition, and therefore embracing and enacting gender, is a journey towards freedom, towards the right body.

> Jamie (FtM):"I'm a transgender and I was not born in the wrong body. I was born in the wrong culture. When I tell people they look at me like I've said some inherently contradictory statement…That line, 'born in the wrong body'… it's become a definition for transgender, it's become one quick line that people can cling onto very quickly [when they think of transgenders]. I think that a lot of trans guys, or of trans people in general say it without even thinking about what it means. There are some issues with it: for one, there's people like me who don't believe it. Second of all, there's people who choose to physically transition, not to medically transition and so… what does it say about them, they're not trans because they decided they'd rather stay in the 'wrong body'? ... We [need to] stop presuming that everyone feels this way."[6]

> Charleston (FtM): "A lot of people use the expression …'born in the wrong body' when explaining what it is like to be trans. I've heard both cispeople and trans people use this term…I'm not saying that people shouldn't use that term if that's how they feel. Personally, I have problems using it for myself 'cause I feel uncomfortable…It makes [trans] like it's some tragic accident. I don't think that's true."[7]

We have seen how this is certainly the direction in which the GRA with the complicity of the medical industry pushes, but it is also the way in which the media articulate and present transgender. This is an expression of what

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[4] Nikki Sullivan, 'The Role of Medicine in the (Trans)Formation of 'Wrong' Bodies' in *Body & Society* 2008; 14;105 p. 105

[5] Prosser, *Second Skins*, op. cit. p. 70

[6] https://www.youtube.com/watch?v=pQZyUIAlEo0

[7] https://www.youtube.com/watch?v=lSO_ds2v6Gw

Foucault would refer to as the 'docile body', a site disciplined by power, "one that may be subjected, used, transformed, and improved, and that this docile body can only be achieved through strict regiment of disciplinary acts"[8]. In Foucaultian terms, the political field that constructs and mediates the transgender body disciplines the individuals who define beyond the heteronormative, accepted, disciplined binary male/female through that web of power that, in this case, is constituted by the GRA 2004 and the clinical industry. The right body must fit in that bracket female-feminine/male-masculine. The wrong body is everything that sits beyond, besides, above or below that scheme, and wrong bodies must be made right. Genital surgery then becomes a *necessity* to align that body so dramatically wrong. "A tactile politics of reproduction constituted through textual violence. The clinic is a technology of inscription"[9]. An inscription of gender normativity for the "desired treatment" to match the "desired gender" and produce the "desired body". By doing so, trans finds itself in the paradoxical position of keeping the clinical/legal discourse going. To break out of it is equally troubling. Erin, MtF, expresses the discomfort which stems from that mismatch between what she feels to be – "*my queer self, my transgender body*"[10] - and what is demanded of her: to conform to the gender she has chosen. *I don't really want to look at ciswomen as an example of what I should be, I feel like that isn't so productive for me because I don't want to change myself to blend in.*"[11]

> Erin (FtM): "*The idea of transgender people using cisgender people as an example or as a goal of what they want to reach or to look exactly like them…You know, I just wanted to be born a woman, I wanted to be born a ciswoman… for a long time I didn't even want to transition because I was 'there's no way I can reach that goal, I'm born in the wrong body'… Now I want to spend more time embracing my queer self, my transgender body and embracing that I think is a lot more healthy for me. So [now] I don't really want to look at ciswomen as an example of what I should be, I feel like that isn't so productive for me*

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[8] Foucault, *Discipline and Punish*, op. cit. p. 136
[9] Stone, *The Empire Strikes Back*, op. cit. p. 164
[10] https://www.youtube.com/watch?v=PcF3OJ9VpgI
[11] https://www.youtube.com/watch?v=PcF3OJ9VpgI

because I don't want to change myself to blend in with ciswomen…I would rather they changed to accept my transgender existence… I don't want to work so hard stressing over whether I'm blending in. I want to make people uncomfortable, I want that to change. I want people to actually feel uncomfortable trying to pass and I don't think that transgender people should feel uncomfortable anymore… I think that things just need to change, I don't want to be looking to ciswomen as what I should be, this unreacheable thing… I want to be empowered by my own body and my own self."[12]

The pressure to conform, however, is strong. The political agenda to eradicate diversity leads some to feel that there is no other possible way. "The medicalized and pathologized notion of transsexuals - says Cooper - pre-supposes that one must be very uncomfortable with one's body in order to seek out sex reassignment surgery so that one is in fact 'rewarded' for their psychological pain and discomfort. Many transsexuals fear that if they do not register the appropriate amount of discomfort with their bodies they will not be approved for surgery." [13] This is something that emerged clearly earlier in the context of the GRA, where it was suggested that the prime requirement of gender stability made potential applicants feel that they needed to overdo themselves in order to prove the authenticity of their embodiment. Adrian (FtM), as we have seen, was concerned that not liking football or not necessarily disliking the colour pink was not going to make him enough of a male. Adrian's anxiety that he might be judged unfit to be what he feels himself to be - that he might be a wrong body - is something that many transgender individuals experience daily in their lives.

Charles: *"I have never identified with women and I've never identified with males. You know I can identify with females in the some ways and I can identify with males in other ways, and I can identify with some trans people but not as much with other trans people… Having some changes in my genitalia has been really great because I definitely had so much discomfort with my genitalia. But on the other hand I'm like not really fixated on having clitoral growth or calling it a dick. I like the changes but I see it as something that's just mine. What is it supposed*

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[12] https://www.youtube.com/watch?v=PcF3OJ9VpgI

[13] K. Cooper, 'Practice with Transgendered Youth and their Families' in *Journal of Gay and Lesbian Social Services*, 10(3-4) 1999: 111-129 p. 119

to be? I feel more confortable with it."[14]

"I had this situation where I went to the movies and these two women turned around: 'Are you a boy or a girl? Because if you're a boy, you're the most beautiful boy', which was a kind of weird question because … I honestly didn't really know how to answer that question. That question is so problematic in so many ways because the gender binary is totally made up. Some trans people would immediately be 'I'm a male'… but I actually can't even answer that question for myself."[15]

This is a significant point and arguably the biggest challenge when it comes to transgender bodies: to find a space for individuals that do not settle in those parameters that the legal and medical professions have set up for their identities. As Charles notes: some trans people will promptly define themselves in one way or the other, others cannot do so. For these marginal bodies life can be extremely challenging.

Charles (FtM):"*A lot of people when they realise they are trans they feel an incredible amount of pressure to become hyper masculine - I'm talking about trans guys here – and to start pursuing all the steps necessary to become and embody complete male sex. While it is totally fine for some people , it is totally not fine for other people, and all those choices are totally ok, but it's really hard because there's a lack of vocabulary out there."*[16]

While – as the accounts below suggest - the narrative of the wrong body proves inapplicable for many subjectivities who indeed feel in the right body, but in the wrong society, it is nevertheless important to say that politically- tailored terminology such as 'trapped in the wrong body', or 'queer', or 'transgender' is very much subject to constant change due to the need to always be inclusive of new subjectivities and, for this reason, it lends itself to misinterpretation: it may hold significance to some, but other do not feel comfortable to be represented by such loose terms because, they feel, this makes their own particular experience invisible. Likewise, the sensation of being 'born in the wrong body' may not be only a case of

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[14] https://www.youtube.com/watch?v=6_JCfTzbXPo
[15] https://www.youtube.com/watch?v=6_JCfTzbXPo
[16] https://www.youtube.com/watch?v=6_JCfTzbXPo

political simplification, but a real state in which they find themselves. This, usually, does not depend on whether or not the individual is a binary identified woman or man, for some binary identified trans people do not feel rightfully represented by it, but has to do more with the specificity of that experience, the way in which the body is mediated and what it needs to give up or acquire to be recognised, and this is a unique experience in every human being, only more emphasised in trans subjects due to their inherently difference – at various degrees - of living gender. This is the reason why the specificity of each individual is fundamental when dealing with transgender: each experience needs equal validation for what it is and any attempt to encapsulate such a multi-faceted and fluid identity in a binarised scheme will not be helpful in understanding the challenges these subjectivities present.

In a context where - as Charles expressed earlier - rules are made by *"straight white dudes"*[17], the narrative of the 'wrong body' is just another way for heteronormativity to colonise a space and a body that resist its conventions. "*Our queer lives* – Charles continues - *are acts of resistance, we are resisting what our society has told us about sex, romance, gender"*.[18] The privileged standpoint from which certain bodies are deemed 'wrong'. The existence of media propaganda against transgender people is something felt amongst transgender communities. The video diaries in the previous section suggested that some trans people feel that public spaces are governed by so much prejudice because of general ignorance about transgender and also because of fear tactics perpetuated by the media that systematically portray transgender people negatively. The narrative of the 'wrong body', too, is part of the commonality of contextualising transgender issues against a magna idea of normality retained by non-trans: by associating trans with negative terms such as 'wrong', "trapped" the message conveyed is that non-trans is 'right' and free from the negativity,

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[17] https://www.youtube.com/watch?v=3DPpmX83wVQ
[18] https://www.youtube.com/watch?v=5YWI5ysS18&index=57&list=UU9y7S7zK-wMCzmopAMeRd4g

the anguish, the torment, the pain, the mistakes, the problems trans people appears to have.

Sally Hines' compelling research on transgender identity suggests that the existence of female and male attributes within the same physicality would be significant for those who identify beyond the binary and would certainly allow for a completely different story to unfold[19]. Keeping these considerations in mind, it is useful in this section to concentrate on what it means, then, to identify differently. What are the challenges of a differently ordered subjectivity and what is the other story that we are not allowed to tell?

> Charles: *"As I change into a man more and more, I feel more in my body. There is no question for me, no doubt whether going on T (Testosterone) and having surgery and transitioning was the right thing to do… I feel so in myself, it's great! …[but] I start to realise that I don't identify as male…If I was to describe my sex based on male or female, then I'm more male than female, but I actually don't even see it as a linear thing anymore… I always used to say Female towards Male, but I don't think anymore that I have to find where I am in that spectrum. I just need to feel more comfortable. I feel less inclination to have to succinctly define who I am. I think that I am just a transperson. I'm a transsexual. I don't need to say I'm a trans man. I'm a transgender and I'm transsexual, I'm gendered in many ways and it's kind of cool to feel totally ok with that."[20]*

The 'wrong body' narrative takes us directly to the core of the problem. It shows perfectly how LGBTQ politics are stuck in the mould of heteronormative privilege and how transgender is only an amorphous identity that needs reshaping into acceptable forms. Now, what some individuals demand is to be considered for what they are: Charles explains he is a transperson, a transsexual. He is not a man. He does not want to spend his life trying to fit into the manhood society has proclaimed acceptable. He does not feel that any of those ready-to-wear identities fit

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[19] Sally Hines, TransForming Gender: Transgender Practices of Identity, Intimacy and Care (The Policy Press 2007) p.188-189.

[20] https://www.youtube.com/watch?v=6_JCfTzbXPo

him. He is a transsexual and as such he wants to live his life. His body is not wrong, because wrong needs right to affirm its wrongness and Charles will not accept to have his subjectivity reduced to a competition between what sits in and what sits out of the boundaries of the gender binary.

> Erin (MtF): *"I feel that ciswomen and transgender women are two different genders, that being a transgender woman is such a different experience. A lot of transgender people…can pass in society looking like a woman so they don't want to even identify as transsexual or transgender anymore. They just want to identify as women and not let anyone know they're trans… good for them, they've blended into cisgendered society which I have issues with…there are also those women who can't pass as women…you know…I just feel that the transgender experience is so different".* [21]

This difference Charles and Erin express, and in particular the pressure to suppress and direct it towards either of the two genders, is exactly what the previous accounts on the GRA lamented. There is a felt pressing political agenda that works to neutralise trans and make it as safe and normativised as possible. Dysphoria is considered by some to be almost a fabricated instrument through which the legal and medical industries control those wrong bodies and make them right.[22]

> Jamie: *"Why do people become dysphoric? You don't think that society and the way that things have been ingrained in your mind since you were little about what's male, what's female and who is the provider in the family, and all these stereotypes, like what male and female mean, what kind of behaviour male and female identify with? That's all based in your society and your culture… Don't you think this makes you feel bad about yourself because you don't fit that definition physically, but you feel you might fit that definition mentally? It's the same way as girls who look at pictures of skinny bitches in magazines and they feel bad about their bodies…they feel like maybe there's something wrong with them because they feel very beautiful but still they don't fit this image…of what they're supposed to be."*[23]

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[21] https://www.youtube.com/watch?v=PcF3OJ9VpgI

[22] Anna Vitale, 'Implications of Being Gender Sysphoric: A Developmental Review' in *Gender and Psychoanalysis, An Interdisciplinary Journal*, 212-141, Spring 2001

[23] https://www.youtube.com/watch?v=pQZyUIAlEo0

According to the binary model, people like Charlie, Erin and Jamie who position themselves beyond the binary model are wrong bodies, mistaken subjectivities not only because they are transgender, but also because their self-identification does not fit in the politically accepted transsexual model which is that of a female born who identifies as a man or a male-born who identifies as a female. Wrong bodies beyond repair, as it were.

> Charleston (FtM):"*The problems I have with transitioning is not the actual transition, but it's the social stigma… that's how I feel dysphoria… If society respected trans people I probably wouldn't have many issues.*"[24]

> Jamie: "*So if I didn't have to worry about, you know, if I wanted to date a female…if I didn't have to worry about what she's gonna think when I take off my clothes, yes, I'd probably be less dysphoric…I'd probably so things differently, I think there's a high probability that a lot of us would do things differently if we were born in a culture where we weren't seen as outcasts.*"[25]

Feeling part of a community, for some, can alleviate the sense of hostility of a society that refuses to come to terms with what cannot be promptly decoded and classified.

> Charles: "*When I was isolated and didn't have lots of trans people around me I wanted to be able to find the exact right words to define myself and now I'm just so excited to be comfortable in my body.*"[26]

The comfort in feeling a sense of belonging and the presence of a group of people who go through life experiencing the same challenges is far more than this, it can sometimes be the only outlet for sharing emotions, frustrations, fears. This is why, I suspect, the presence of online blogs and video blogs is so prolific: people reaching out for people with mutual life experiences from whom to draw a sense of legitimation which is often denied elsewhere. What seems particularly significant in the context of the

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[24] https://www.youtube.com/watch?v=lSO_ds2v6Gw
[25] https://www.youtube.com/watch?v=pQZyUIAlEo0
[26] https://www.youtube.com/watch?v=6_JCfTzbXPo

material body is the inherent pressure to display a body surface that, insofar as it is visible, it is also recognisable.

It is important to make a distinction here: there is often a fine line between be recognisible and make oneself recognisible. I will explain it better: vulnerable minorities often run the rick of isolation and misrepresentation in a fast-paced world made of leading majorities. Identification with one such minority can be a way of acquiring a sense of belonging and social legitimation. Transgender identity – representations of queer embodiment more generally – are depicted and portrayed as flexible, changeable, temperamental. The post-modern misinterpretations of a theory of gender fluidity has certainly contributed to help this trend. "Flexibility has become a powerful commodity, something scarce and highly valued that can be used to discriminate against some people."[27] Halberstam concurs that "promoting flexibility at the level of identity and personal choices may sound like a post-modern or even queer program for social change. But it as easily describes the advertising strategies of huge corporations…who sell their product by casting their consumers as simultaneously all the same and all different"[28]. Vulnerable subjectivities such as trans run a higher risk of simulating embodiments and identities that are not necessarily their own, but that might help achieve a higher sense of acceptance and social reassurance. Such a risk is also manifested and aggravated by the fast changes their bodies undergo and the level of satisfaction with the outcome of those physical manipulations. Social pressure, anxiety, strive to be accepted may alter the true sense of oneself.

> *Erin: "Honestly…just the idea of being looking to yourself and not really measuring your transition with anyone else, to not be in a hurry because transition is a process and it has to do with you. It shouldn't have to do with other people."*[29]
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> *Charles: I think it's totally ok to say I'm a transgender, I don't need to*

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[27] Emily Martin, *Flexible Bodies* (Beacon Press 1995) p. xvii
[28] Halberstam, *In a Queer Time and Space*, op. cit. p.18
[29] https://www.youtube.com/watch?v=PcF3OJ9VpgI

say trans male or gender variant and all of that sort of stuff. I'm just transsexual and it feels good to say it and believe it".[30]

By resisting such patterns, these individuals are embodying what Sandy Stone twenty years ago called for: resisting passing as a way to disrupt old patterns of desire and rewrite oneself outside of the dissonance that the transgender body implies. In doing so, the people are demonstrating that the materiality of the lived experience immersed in the spatiality of the here and the now has abundantly surpassed the short-sighted and miniscule views set up by gender policing and indeed identity policing organisms. By this I do not only refer to the GRA, but also to all those structures – cultural, political, legal, moral - that work for the preservation of gender normativity, that imperative of gender purity that causes the existence of monsters and feeds off such production in order to constantly re-establish itself.

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[30] https://www.youtube.com/watch?v=6_JCfTzbXPo

Conclusion

*"To become imperceptible oneself,
to have dismantled love in order to become capable of loving.
To have dismantled one's self in order finally
to be alone and meet the true double
at the other end of the line.
A clandestine passenger on a motionless voyage.
To become like everybody else; but this, precisely,
is a becoming only for one who knows
how to be nobody, to no longer be anybody.
To paint oneself gray on gray."[1]*

Concepts, for Deleuze, have no end. If they did, they would be mere ideas. The fundamental distinction between these is that ideas are self-contained structures, while concepts, like rhizomes, "can be connected to any other, and must be".[2] Indeed they can be fragmented or interrupted, but they will generate again as new processes leading to new concepts. Far from being a rhetorical definition, this is the indication of a specific *modus operandi* that traverses the whole of Deleuze's philosophy. A methodology that enables and pushes us to act, to be active, activists, activators. To possess ourselves in the awareness that what might be of our lives is to be found in the actualisation of our unique difference. A difference that, while fundamentally constitutive of our specificity as singulars, reminds us of the totality that stretches out of the corporeal limits of our bodies, making us a body amongst multiplicities of bodies. In doing so, it positions pure being at the forefront of existence. Being is life. This is the ethical breath of Deleuze's thought.

This PhD has attempted to map out an ethics that relocates transgender subjectivity within a framework of present utopianism. It has indicated a

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[1] Deleuze and Guattari, *A Thousand Plateaus*, op. cit.
[2] Ibid. p. 218

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mode of looking at transgender specificity as an act of difference, one unity in a multiplicity of beings.

Transgender politics are developed on a rigid understanding of the gender binary. A bipartition of life defined by masculine male and feminine female, nothing more than two tags with the ambitions to represent the most important element of our lives: the way we present ourselves, interact with other people, understand ourselves and affect those around us. Around this a structure of values was erected. Arguably, sex is the most definite indicator and definer of our lived experience as human beings. It is the first characteristic noted at the moment of birth, a clear direction of the kind of life one will lead. This research was animated by the ambition to imagine what might be of people's lived experience and relations if gender imprinting divisions did not hold such social and political supremacy in the formation of our subjectivity. In this context, I have found transgender to be the most powerful example of the failure of gender the way it is traditionally understood. Not only at odds with clear-cut ideals of male and female, but in possession of a corporeality that dramatically challenges such essentialism. The way normativity has responded to the set of challenges presented by transgender has been characterised by the construction of outlets aimed to integrate those fundamental differences into a narrative of sameness. This has served, on the one hand, to contain the threat of gender disruption and, on the other, to secure a certain margin of gender reproduction.

This is where my research originated. Namely, I have been concerned with exploring what might become of transgender subjectivity if it was not forced to express itself using a language that is not its own and if certain normative values of body and mind representations were not thrust upon it. I have found utopianism to offer a valid set of conceptual tools for a reconsideration directed to evaluate trans subjectivity as the expression of individuation, not identification.

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In order to do so, a radical reformulation of the concept of utopia was necessary. I have started my discussion by asserting that, contrary to its traditional definition, utopia is a material mode of the present, not an expression of transcendence or a preview of the future. Far from being an ideology or a hopeful fantasy loaded with expectations of what will be, utopia *is* already, *here* and *now*. It is a condition of being that cannot (and does not) settle for anything outside of its most direct domain, nor does it lend itself to representations, for it draws its essence precisely in the affirmation of its present. It is a kind of materiality that does not feed from the future, it does not need a *there* and *then* to look up to or from which to draw validation. It itself is futurity. Through the work of Deleuze I have then elaborated an original notion of utopia: not the fabricated fantasy of the *no-where* space of a future to reach or reproduce, but the actualisation of a virtuality (the present) that already contains elements of utopianism. These elements are revealed to us by the many expressions of affects and contaminations in the mundanity of an everyday life that is always more utopian than we imagine or are able to see. To reframe the temporality of utopia and eradicate it from the limbo of the 'not-yet' and relocate it in the now of the present was the theoretical ambition of this research. However, how could such an ungraspable and immaterial notion as that of utopia account for the materiality expressed through the dramatic corporeality of transgendered bodies here and now? Further, how could transgender subjectivity benefit from such a reformulation?

I have considered the ways in which transgender is mediated in various circumstances of life: the politics that govern it, the spatial compromises it undergoes in everyday practice, the essential political narratives that aim to decode its constitutive difference and assimilate its destabilising anti-normative essence into an easy-accessible identity that does not upset the monolithic values of femininity and masculinity. What struck me was the overbridging, general attitude to construct a political narrative characterised by the underlying promise to tackle in the future issues that

were being caused by the short-sighted politics of the present. This is why it was imperative to reformulate the ground for new ethics and rethink transgender focusing on the pulsating of a present that can no longer be neglected or diminished in favour of the promise of a rosier future.

Judith Halberstam, as I explained in my first chapter, sees the transgender body as a peculiar site of futurity.[3] This is undeniable. Indeed, transgender encapsulates symbols that elude the canonical understanding of gender embodiment and are reminiscent of something extraordinary (out of the ordinary). I suggested that such sense of futurity serves transgender best when is considered in a condition of *actualisation*. The thought of Deleuze was paramount in articulating this shift. As we have seen, for Deleuze, life is a mode of the present that, because constantly becoming something other than what it is (thus, reaffirming itself over and over), does not know (or need) other temporal dimensions other than the *now*. Chapter 2 was dedicated to the reformulation of the theoretical framework of utopia. I have rethought its temporality and suggested that utopia reaches its outmost generative force when it is framed in the *here* and *now* of the present. Through the close analysis of Deleuze's immanence and the concepts of the *virtual* and the *actual*, I have set out the foundation of my theoretical framework. This theoretical framework has created an ontology for utopia through which the potentialities of the transgender body have emerged.

In chapter 3 I have undertaken an analysis of the Gender Recognition Act 2014. Acknowledging its advanced outlook and the undeniable improvement it has brought into the lives of many transgender people who feel well represented by the gender binary, I have critically engaged with its rigidity. In particular, I have highlighted the fissure between its demand for stability and the unfixed and mellifluous manner in which some transgender individuals experience their bodies and subjectivities. The life

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[3] Halberstam, *In a Queer Time and Space*, op. cit.

stories have confirmed this paradox. On the one hand, there is the desire to acquire legal recognition, and on the other the reluctance to let the law wipe out their personal histories and overwrite a new life story to establish a sense of self that, while aimed at coherence, it does not account for the specificity of their transgender experience.

Chapter 4 explored the relationship with public spaces and the mediation with which transgender subjectivity is called to engage. Through the allegory of translations, I have drawn parallels with the sex-segregated spatiality of public toilets and their *monolingualism*. The impossibility for transgender to translate their meaning into a language that will not accept its terminology has delineated a univocal mode of spatiality – a dystopia - that will not lend itself to mediation. On the contrary, it will fight back, thus leading up to issues of control, safety, and violated intimacy.

Chapter 5 was concerned with issues around the othered body, a site of contradictions where powerful inter-corporeal linkages emerge and remind us that the transgender body, however mediated by the medical industry and the legal profession, reaches out of the boundaries of its skin and identifies its own ways of social inscription. It is a body that sits on the margins, yet right in the middle of its very specific process of individualisation.

Each of these last three chapters was followed by an empirical interlude that brought the key theories presented to life through the life narratives of the participants. They offered significant insight into the real experience of being transgender. They enabled this research to zoom into the specificity of bodies that, despite misrepresentation and hostility, do not intend to let their individuality be colonised and rewritten just in the name of recognition or ephemeral political action. Their quest is bigger and goes far beyond a name change. This is apparent by the risks they take every day just to be present and leave a trace of themselves in a world that would

rather eradicate their subjectivities. Their presence reminds us that their lives cannot be reduced to political dialectics that are more concerned with normative control than creating an ethics of difference that allows these marginal bodies to exist through the many acts of differentiations that characterise their existence.

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As the title indicates, these are the cardinal themes that have orientated this research: marginality, actualisation, utopia and body. Each term conveys both a sense of urgency and a specific concern with the materiality of *being*. The sense of urgency is given by the immediacy of a present that can no longer be conditional on the future, but is whole, active and now. A sense of materiality is given by the corporeal and spatial dimension of the marginal, which suggests struggle, turmoil, absence. An absence claimed and filled by the marginal body. Ultimately, these four terms point to the possibility of looking at utopia as a very concrete and active mode of understanding and possessing the present.

The way the term **marginal** has been employed has offered two different perspectives of the transgender experience. First, faithful to its etymology, it has expressed the condition of being marginalised. Marginal subjectivities on the periphery of life. This has become particularly apparent in the life stories of those individuals who experience discrimination, hostility and violence in their lives. Spatial marginalisation, political marginalisation, social marginalisation. Marginalisation is also perpetuated by the law: the Gender Recognition Act 2014, as we have seen, fails to satisfy the emergence for true gender equality and actively promotes divisions and discrimination amongst the same communities. Second, the term marginal has become synonymous with potent. Bodies that do not succumb. Bodies whose force is expressed in and out of legalised recognition. These bodies

take up the right to signify for themselves by deciding everyday to create alleys for their individuality to unfold in spite of the absences they need to fill. Bodies infinitely minor in the normative and hegemonic logics of politics, yet immensely political for their ability to choose alternative and more creative ways of being. Their testimony is almost archaic in the way in which, bare of any representational support, only through the sheer force of its own determination, faces up to oppression and will not give up in the name of freedom.

The notion of **actualisation** has allowed this research to shift from a dimension of wishful fantasy to a grounded dialogue with the constraints of reality. It has elevated my theoretical narrative to an ontology that reaches directly to the corporeality of bodies that matter far beyond the representational. Actualisation suspends the absence created by a future that is *there* and *then* and allows for that absence to become the ground upon which transgender individuals rewrite their story. It produces a generative force that validates the efforts of a present that is active, universal and is *already* happening.

The term **utopia** has been the *fil rouge* of this research. Neither a fantasy nor hope, utopia in this PhD has been the expression of the autonomous materiality of a subjectivity that is too often suspended, neglected and trans-formed in favour of normative order. I started by saying that utopian is a mode of futurity totally immersed in the *here* and *now* of a present that is not provisional or temporary, but is a whole. Its unity is kept alive by its internally determined difference. The more it changes, the more it becomes something other than what it was a moment ago, and the more it reaffirms its unicity. This difference is both ontological and ethical. It is ontological because it is deeply tied up with being. We have seen this in chapter 1: difference *is* being, just like there is no *being* that is not difference. It is ethical because it is now. It does not concern itself with the abstraction of a future tense that shadows its expectations on the present but gives no

indication on whether or not it will keep its promise. It actively decides to be *here* and *now*, and calls for an urgent act of collective individuation.

Finally, the **body** is "the ensemble of relations" [4] that makes it all possible through its capacity to meld with, affect and be affected by space and other bodies. "We know nothing about a body until we know what it can do, in other words, what its affects are, how they can or cannot enter into composition with other affects, with the affects of another body, either to destroy that body or to be destroyed by it, either to exchange actions and passions with it or to join with it in composing a more powerful body."[5] In this research, through the compelling life narratives of the marginal bodies who every day conquest the right to be what they are through the sole determination of their being, we have had the opportunity to sample the extent to which a body can reach.

This research has mapped out an original conceptual framework for transgender. The intricacies of transgender subjectivity and the specific social and political significance claimed by some transgender individuals indicate that representational assimilation is a concern for those who wish to celebrate the specificity of their own unique experience. The determination of marginal bodies is not so much the conquest of a centre of privilege, but the opportunity to make the specificity of their corporeal experience their own exclusive centre. To exist in their own right. I have suggested that in order to promote and sustain an ethics based on constitutional difference, it is essential to stop the sterile dialectics between a *now* and a *then* that do not inform each other, but only create a void that suspends (or delays) movement. Instead, this research indicates that the revolutionary force of bodies that become in the present can cater for a subjectivity that indeed, is mellifluous and heterogeneous, yet so steadily anchored in the matter of a body that is *here* and *now*.

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[4] *Cours Vincennes – January 24, 1978*, op. cit. p. 7
[5] Deleuze and Guattari, *A Thousand Plateaus*, op. cit. p. 257

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Away from identity politics, from intersectionality, relationality, essentialisms, from dialectical structures and from despotic systems of meaning, this research has suggested an alternative ethics that is *really* concerned with the demand for equality raised by the many marginal bodies that everyday see their own right to be sacrificed, belittled and vilified in the name of a normative ideal of existence that neglects their *being*.

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