Of borders and homes: the imaginary community of (trans)sexual citizenship[1]

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ABSTRACT   *This essay maps the connections between transgender/transsexual rights and nationalism in Australia. Comparing Jay Prosser's idea of a transsexual 'politics of home' with the recent legalisation of transsexual marriage in Australia, it argues that marriage rights are granted by the state on the ability of particular bodies to maintain and reproduce a series of demarcated zones: between male and female, but also between 'Australian' and 'un-Australian', 'white' and 'non-white.' This has been most evident in a successful Australian transsexual marriage case, Re Kevin, where the success of the respondents relied on arguing that transsexuality is a biological condition. Establishing the gender of the transsexual respondent involved 'proving' biology through reference to his social performance of normative masculinity. But the norms of masculinity used to 'prove' such a thing are socially constructed and, as such, racialised: home maintenance, proficiency with power-tools, enjoying the white Australian tradition of barbeques and sport. Exploring the Australian political context of the court case, where 'Australian-ness' has a particular meaning and a particular value, I critique the liberal-democratic capitalist structure of rights claims in which gender variant subjects must present 'whiteness' as a form of cultural capital in exchange for rights. The cost of this exchange falls overwhelmingly on gender variant subjects who don't present a racially/culturally normative performance of masculinity.*

KEYWORDS: Transgender, transsexuality, legal rights, nationalism, Australia, activism, FTM, MTF, gender dysphoria, sexual citizenship, gender activism, Re Kevin, brain sex

> A transgender is like a refugee without citizenship. (Susan Bird, 2002: 366)

Borders – the state line, the airport, customs – are spaces where those who do not 'belong' are separated from those who do. Borders police a body's ability to signify as citizen/ human rather than 'alien'. At the border, it is imperative to produce the right papers and look or act as if we belong – even, paradoxically, when we are sure that we do. In the current global political climate, it should surprise no-one that anxieties about borders are everywhere: no less in mythical panics about barbarians/'terrorists' storming the bastions of corporate and state power than at the level of micropolitics – specifically, the gendering of bodies. And if geographical borders cannot be divorced from the integrity of home, then equally, the boundaries between differently gendered bodies raise the spectre of not being 'at home' in one's body. To express this in the form of a question: what are the connections between the borders of gender and those between nations? What would happen if one entertained the possibility that preserving and maintaining the borders between male and female – so often a burden placed on gender variant, trans, and intersexed bodies – might take place through recourse to nationalised and racialised tropes?

   As the above epigraph illustrates, to speak about gender-variant bodies is often to engage in a metaphorical slippage between geography and gender. That slippage is also

evident in the talk of borders and homes in late 1990s Anglo-US trans/queer border wars as well as trans-themed films such as *Crossing the Border* (1996).[2] For gender-variant bodies, the border at which identity documents are demanded might be located anywhere: in a public toilet (Nguyen *et al.*, 2002), on the street, in a bank or a doctor's surgery.[3] Posed as a possible solution or antidote to the travails of occupying that gendered border, gender reassignment is often represented in Euro-American trans and gender variant cultural productions (such as autobiography) as going home or finding one's proper place – passing as a properly gendered and sexed body.[4] Conversely, the 'borderlands' in Anglo-US trans discourse signifies a space between or outside of binary gender, male or female, losing geographical specificity as it plays on the localised signification of the Border as the line dividing the US and Mexico. As Judith Halberstam has pointed out, talking about borders and homes solely in a gender variant frame can work to obscure the important debates around borders that have taken place in the field of postcolonial and migration theory, including discussions of the differential transnational mobility of capital and bodies.[5]

While Halberstam calls for explorations of the impact of diverse racialised and migratory histories on experiences of gender variance, here I want to unpack equally specific, local connections between rights, gender and nationality/racialisation in my geographical location of Australia. In this essay I conjoin ideas about political homes in the context of queer and trans theory with the recent legalisation of trans marriage in Australia, and the emergence of a discourse whereby rights are granted based on the ability of particular bodies to maintain and reproduce a series of demarcated zones: between male and female, but also between 'Australian' and 'un-Australian', 'white' and 'non-white'. To be trans or gender variant in Australia, and elsewhere, is no longer to be entirely *without* citizenship. As trans political communities encounter some legislative victories – unfolding new discursive configurations between gender identities, sexualities, citizenship, nationality and rights – it seems particularly important to interrogate how such rights claims are articulated.[6] In so doing, I'll examine a 2003 Australian Family Court case, *Re Kevin*, which won the right of transpeople to marry, premised on the theory that transsexuality is a biological condition wherein the brain is prenatally programmed for a gender identity different to that of the body.[7] Establishing the gender of 'Kevin', the transman involved in the case, became a process of 'proving' brain sex theory through reference to his social performance of normative masculinity.[8]

The questions such new rights claims raise are as follows: what do a politics of transsexual citizenship entail, and what are some of its limits or possibilities? How do conceptions of a normatively sexed body as home relate to political strategies that institute domesticity and normativity as the privileged trajectory of citizenship? In my answer I explore what Jay Prosser calls a 'politics of home' (Prosser, 1998: 204). In Prosser's work, two particular terms for gender variance, 'transsexual' and 'transgender', emerge as specific narratives that index a movement from temporary transgression to full citizenship and social inclusion. Concealed under the surface of this 'politics of home', I'll argue, is a desire to be 'normal': to belong without complication to a normative social sphere. However, the sphere of normality is a fantasy: a fantasy, moreover, racially and culturally marked as Anglocentric, heteronormative and capitalist. When it applies to rights claims, this fantasy of normality may be symptomatic of the desire to unmark or depoliticise one's social existence (Brown, 1995: 115), even though the conditions under which one must live are marked by institutional violences – among them, the social effects of transphobia. In the second section of this paper, I turn to a detailed reading of the *Re Kevin* case, arguing that the case offers a material, however localised, entry-point into understanding how a politics of home might play out in the field of concrete rights claims.

The problems attending nationalised identity and its relationship to marginal genders and sexualities seem particularly pertinent in Australia at present. Part of this essay was

written in July 2004, during the lead-up to the Australian Federal election. Politicians of all stripes staged 'barbecue-stopping' policy initiatives explicitly directed towards the 'average hard-working Australian family', while other policies seemed designed to reproduce Anglocentric social values and to further a conception of economic/social marginalisation as individual choice. 2004 legislation 'clarifying' the Marriage Act to prevent legal same-sex partnerships works in tandem with the Baby Bonus programme where new parents are now gifted $3000 from the State on the birth of a child, at the unveiling of which policy Treasurer Peter Costello joked that couples should have 'one [child] for Mum, one for Dad and one for the country.' Jingoistic calls for loyalty to the nation are flowing thick and fast. Meanwhile, the rights of those deemed *un*-Australian seem thin and getting thinner: undocumented migrants are held for limitless periods of time in detention centres across Australia and in the Pacific; prison inmates may soon be unable to vote; and new anti-'terror' laws deem it illegal to support verbally anyone fighting the Australian armed forces. Even as entitlements only some individuals can access, in life during wartime, rights enshrine far less freedom than prohibition.

Before moving on, and to make some of my critical allegiances more transparent, I'd like to define some of the terms I've been deploying. Already this essay has begun to make big definitional claims, so, to unpack: my use of 'trans' to describe a range of identities encompassing 'transgender', 'transsexual', 'genderqueer' and diverse gender variant practices, follows Jason Cromwell's explication of the word 'trans' as an umbrella term (Cromwell, 2002: 143). But despite the attempted universalism of 'trans', it's important to remain sensitive to its cultural specificity, and to the likelihood that some of the individuals I speak of under that name in what follows would disavow it. Thus, I ask the reader to read 'trans', like the other identities categories I mobilise here, under erasure. Similarly, terms like 'Euro-American' or 'Anglo-US' run the risk of simplifying the complex global flows of shared subcultural knowledges that travel far beyond the English-speaking metropolis, even (to the surprise of some of my American friends) to Australia. What does citizenship mean, under 'globalisation'? What is its relationship to nations, gender and sexuality? Contrary to the traditional Euro-American idealisation of citizenship as an index of universal civil, political and social rights (Marshall, 1950: 10–11), citizenship might more usefully be thought in this context as the host of practical, contingent and heterogeneous practices that connect an individual to the (nation) state and induce imaginary and affective conditions of 'belonging.' Indeed, I would argues citizenship is always already inflected by modes of subjectivation deploying a culturally-specific national subject that people can, or must, identify with (Nicoll, 1997: 55). Of course, this idea about citizenship assumes a contiguity between nationalism and the state that works for nation-states wherein only one 'nationalism' dominates.

Nevertheless, as Anne McClintock has pointed out, nations might be thought as contested systems of representation that limit and legitimate access to the resources of the nation-state: that is, there is no nation without relations of power that enable some people to feel as if they belong more than others (McClintock, 1995: 353). Far more complex than a simplistic binary logic of inclusion/exclusion, nation/other, the structures enabling a dominant national identity depend on sedimented or overlapping histories of geography, colonialism, war and capital.

Here I am thinking particularly of the nationalism of Australia. Marginalised from Europe and North American geographically, 'in the south but not of the "South"' (Mitropoulos, 2006: 3), Australia is riven by simultaneous ideologies of liberal 'multiculturalism' and explicit white colonialism. Simply put, this conflict manifests between corporate requirements for large migrant labour flows to boost the economy, and the desire for English (not only the language, but the 'culture') to remain dominant. Ghassan Hage has drawn attention to the 'subtleties of the differential modalities of national belonging' (Hage,

1998: 51) in Australia by theorising the affective or practical experience of national belonging as symbolic capital. What Hage calls *practical nationality* is not unitary but cumulative: the sum of valued cultural styles and characteristics such as 'looks, accent, demeanour, taste, nationally valued social and cultural preferences and behaviour' (Hage, 1998: 53). For my purposes, nationally sanctioned characteristics or behaviour not only index the obvious, such as 'race', skin colour or ethnicity but also gender, sexuality, social mobility, work ethics, class and so on. Theorising national belonging in such a way also opens the door to thinking gender, sexuality, 'race' and nationality as 'articulated categories' that are

> not distinct realms of experience, existing in splendid isolation from each other, nor can they simply be yoked together retrospectively. Rather they come into existence in and through relation to each other, if in contradictory and conflictual ways. (McClintock, 1995: 5)

In the context of rights claims (wherein discursive formations of citizenship, nationality, gender and sexuality come 'splendidly' together) transsexuality is the dominant juridical category, entering the field as a relatively recent invention of Euro-American medicine. Although surgical sex reassignment and hormone injections to 'change sex' have taken place in many countries since the early 1900s, only in the 1950s did the transsexual, like the homosexual for Foucault, gain the status of a 'personage, [with] a past, a case history and a childhood' (Foucault, 1990: 43). Concurrent with the arrival of this new category, a new body of medico-psychiatric knowledge emerged, producing new forms of power with which to regulate bodies. Classification systems – developed to distinguish 'true' or real transsexual candidates from those who are deluded or mere 'cross-dressers' – were, and continue to be, central to this knowledge.[9] The history of the development of transsexuality, however, also marks a history of resistance to psychiatric classification by gender variant people (Califia, 1997; Meyerowitz, 2002). Since the 1980s, a gender-transgressive culture that rejects binary gender and invents its own terminologies has become far more globally visible. Indeed, not long ago, writers such as Sandy Stone, Kate Bornstein and Riki-Anne Wilchins were celebrating the end of the era of transsexuality (Stone, 1992; Bornstein, 1996; Wilchins, 1997).

Despite this, the medicalised category of 'Western' transsexuality continues to pass as the dominant juridical name under which gender variance can be recognised. Indeed, transsexuality as a normative category has gained more, rather than less, legitimation in Australia recently. The political stakes of that re-emergence are quite significant, and I'll attempt to briefly sketch them here. Besides the *Re Kevin* case, one of the most recent trans political 'successes' is new birth certificate legislation in Victoria, passed in 2004, enabling trans individuals to change the gender designation on their birth certificates. An early draft of the legislation permitted birth certificate alteration on some conditions but crucially *without* requiring that an individual undergo gender reassignment surgery (GRS) or hormone treatment. (Necessary if, for example, one would prefer not to have particular procedures or cannot afford the exorbitant cost.) Shortly before the bill was due to be voted on in parliament, two trans community organisations intervened to argue that GRS and hormone treatment *should* be a condition for the alteration of the birth certificate.[10] This condition, they argued, would prevent fraudulent claims of gender transition. In other words, to be a 'real' transsexual necessarily involves surgical and hormonal modification; further, legally recognisable gender should brook no ambiguity or indeterminacy. Although the community organisations that had worked most closely on the bill registered their opposition to this amendment, it was preserved in the bill that eventually passed. That such a caveat could be initiated by trans community 'advocates' demonstrates, I believe, the enormous power of biologically, naturally self-evident binary gender discourse.

The belief that transpeople must fit into male or female also conditions social interactions and community support within gender variant communities, which I will illustrate

with a personal anecdote. In 2002, I began taking a low dose of testosterone to masculinise my female-born body. When I asked around on FTM email lists and bulletin boards for information on low dose testosterone use, my decision to seek out a gendered space between male and female was derided. One person asked if the low dose was evidence that I was part of the notorious 'FTM fad' and didn't really want to go through with transition.[11] 'You obviously aren't a real man,' wrote someone else, comparing me to Pinocchio, the ultimate artificial boy. The hostility of these responses to what I'd considered a simple question also highlights the intense anxiety about representation that exists in many trans communities: the belief that unless transpeople live exclusively as 'real men' and 'real women', widespread recognition of the difficulties faced by gender variant people is impossible. This essay was borne of a deep frustration with the poverty of that belief, and an observation that the burden of passing as 'normal' is always most difficult for those who *cannot* be read as such, and most comfortable for those who already blend in. The differences of opinion expressed here arise in the context of calls from all directions for a 'united front', for 'strength in numbers' – for the genderqueer ratbags to shut up about overthrowing the gender binary while 'real activists' get on with 'really' changing the system. The possibility that legislative, normative strategies might be the only real, long-term solution tempts even those who, like me, are wary about intimate political relations with the state. But winning legislative change that protects some gender variant people cannot prevent the continuation of a political system based on keeping poor, non-white, non-straight and otherwise disenfranchised people at the bottom of the food chain.

Narratives of (trans)sexual citizenship

> The success or failure of a nation essentially begins in the homes of its citizens…. Australia's fortune lies not so much with parliaments or business, or political parties or money markets but with individual Australians. (Prime Minister John Howard, 'The Australian Way', 1999: 2)

Anne McClintock remarks that the nation is frequently thought through gender or in terms of familial and domestic space (McClintock, 1995: 262). To begin my exploration of transsexual citizenship, I argue that the relationship between the 'homely' and 'unhomely' might reside in ideas about gender variance in a binary pair casting transsexual citizenship against transgender transgression or exteriority. In order to interrogate this relationship, I want to focus on a particular narrative of (trans)sexual citizenship that figures transgression as a necessary but momentary lapse on the way to a proper embodied belonging, a proper home and full social inclusion.[12]

In using the phrase 'transsexual citizenship' I am already referencing a nascent discourse about 'sexual citizenship', which has emerged at the intersection of queer and political and legal theory over the last ten years. In order to contextualise my thoughts on transsexual citizenship, it might be worth revisiting some of that material, in particular Jeffrey Weeks' 1997 essay 'The Sexual Citizen.' Due to the 'new primacy given to sexual subjectivity in the contemporary world,' Weeks argues, a new form of sexualised citizenship has emerged (Weeks, 1998: 35). By breaching the divide between privatised sexuality and civic (or public) rights and entitlements, the sexual citizen poses new challenges to the body politic and requires new responses from it (Weeks, 1998: 49). Weeks offers a specific trajectory for sexual citizenship, framing it in the context of two political strategies evident in gay and lesbian activism. First, Weeks argues, comes the moment of transgression, in which dissident sexual beings 'come out', reinvent themselves as 'queer' and engage in 'carnivalesque displays' (Weeks, 1998: 37). Second comes the moment of citizenship, where a desire to be seen as equal translates into legal claims for inclusion and recognition. Weeks regards these two elements of sexual politics as necessary to each

other, and yet, in his unfolding of this narrative logic, he makes it clear that transgression must always precede a claim to citizenship. 'Without the claim to full citizenship,' Weeks argues,

> difference can never find a proper home. The sexual citizen then makes a claim to transcend the limits of the personal sphere by going public, but the going public is, in a necessary but nonetheless paradoxical move, about protecting the possibilities of private life and private choice in a more inclusive society. (Weeks 1998: 37)

This powerful narrative echoes the terms of political debates between 'radical' and 'assimilationist' forms of queer activism (Warner, 2000), but subtly alters the framework to one where the 'transgressive' is only made meaningful by a subsequent, necessary shift to concerns around citizenship: rights claims, access to welfare provision and partnership rights (Weeks 1998: 37). In an earlier interview, Weeks argues that the moments of transgression and citizenship are mutually necessary for politics to proceed: they are 'different faces of the same moment of challenge' (Weeks, 1997: 323). But it seems that for him, citizenship completes transgression, rendering its excess politically useful.[13]

While Weeks' narrative could be read as merely supporting the focus on rights for sexual minorities, I read it as a theory freighted with assumptions about how to do politics. Citizenship, here, tames the ostensibly frivolous queerness of transgression into something more concerned with the possibilities of 'private choice', while the recognition of citizenship confers inclusion under the aegis of normality or ordinariness. In the context of gender identity, similar political stakes are evident in Jay Prosser's book *Second Skins*. Broadly, *Second Skins* reads as a defence of transsexuality in the face of its replacement by categories such as 'transgender' or 'trans.' Prosser takes queer theorists like Judith Butler to task for rendering 'transgender' a key motif of gender subversion, while simultaneously presenting transsexuality as taking binary gender too literally.[14] *Second Skins* eloquently calls for a return to the body, a theoretical engagement with the complexities of sexed somatic experience rather than the tired, sloganistic repetition of 'gender as costume.'[15] Like Weeks, Prosser is interested in the relationship between transgression and normalisation/citizenship, although he articulates this problematic as the difference between 'transgender' and 'transsexual.'[16]

The passage in *Second Skins* of most importance here is Prosser's attempt to argue for a transsexual 'politics of home.' Although the two texts issue from different theoretical locations and different concerns, Prosser echoes Weeks' contemporaneous call for a new political movement. Prosser's solution, a 'politics of home', critiques what he argues are the universalising, homogenising effects of an umbrella political category like 'trans', as well as the postmodern privileging of transgender by trans theorists as a utopian political promise – the transcendence of binary gender itself (Prosser, 1998: 202).[17] Transgender, for Prosser, represents a 'borderlands' position, an 'interstitial space between sexes' (Prosser, 1998: 201). While the proponents of transgender reify its transgressive political potential by casting it as the postmodern heir apparent to 'old-hat', modernist transsexuality, Prosser argues that this 'neat, evolutionary narrative' (Prosser, 1998: 202) elides both the past historical realities of 'transgender' forms of lived reality, and the contemporary existence of self-identified transsexuals. Such 'bad chrono-troping,' he remarks, also closes down the option for transsexuality to be read as a progressive narrative (Prosser, 1998: 202). Thus, rather than transgender engulfing transsexuality in a hegemonic move, Prosser wants transsexuality to be retained as a 'progressive' narrative. Transsexuality

> value[s] belonging, an ongoing desire for sexed realness and coherent embodiment: precisely the desire for a sexed place that galvanizes transsexuality's narrative in the first place. (Prosser, 1998: 203)

For Prosser, transsexuality also needs to be retained as a separate category for the purpose of making distinctions between those who *live* gender variance 'in the flesh' and those who *play* with it figuratively (Prosser, 1998: 201).

Before unpacking the implications of this, I want to look at how Prosser accounts for gender transition itself. For the distinction between transgender/transsexual as 'border-lands' and 'home' to work, Prosser is forced to frame gender transition as a normative, narratological trajectory with a clear beginning, middle and end: 'a plot typically beginning in childhood recognition of cross-gendered difference and ending, again typically, with some marker of becoming … some degree of closure' (Prosser, 1998: 90). The moment of closure, or 'home-coming,' might be passing as female or male in the street, but it also might mean feeling somatically that one is now a proper man or proper woman. Thus sex reassignment surgery is restorative (Prosser, 1998: 83): a practice which restores something that should have always been, the reality of one's somatic experience of gender.[18] After a fashion, Prosser turns this narrative of gender reassignment into a political strategy: a politics of home. A politics of home might involve 'enlisting the binary of sexed assignment' to fight for health insurance coverage of gender reassignment surgeries; or re-appropriating the insistence of the state on stable, consistent genders to argue for the rights of transpeople to alter birth certificates in order to 'legally live, work, marry, and die in their reassigned sex' (Prosser 1998: 204). Rather than breaking down the boundaries between genders, a politics of home would argue for 'acceptance [of transpeople] as men and women' (Prosser 1998: 204).

It should be clear that these are all admirable, necessary goals to work towards. And yet Prosser's desire to delineate clearly between transsexual and transgender feeds a less healthy desire, I think, to mark the difference between those who are merely 'playing' with gender and those who feel the 'full weight' of the violence of gender dysphoria: a distinction dependent on disavowing 'desire' in place of a more publicly palatable 'need'. The narrative of Prosser's politics of home, which situates transgender as an almost impossible and fundamentally dislocated or unreal location, ironically makes precisely the same bad dialectical chrono-troping he critiques. Instead of the postmodern progressivist narrative of transgender, he argues for a political narrative of transsexuality in which the impossible borderlands strategy is superseded by a more wieldy politics of home. It seems equally ironic that this passage in which Prosser elaborates his political vision is also an attempt to acknowledge and respond to the complexities and difficulty of gender variant lives that do not follow a clear narrative path.

I'd like to suggest that the impossible borderlands quality of 'transgender', here, corresponds closely to Weeks' image of carnivalesque transgression. A politics of home replaces the liminality of transgender with a restorative political narrative. The moment of citizenship requires that people concern themselves with protecting private choices. If the realm of transgression is on the street, the principal realm of Weeks' moment of citizenship is surely the home. For Prosser, 'home' is doubly inflected as the task of finding a home in the body, and being able to call the state home. Weeks and Prosser both imagine politics as a 'coming home' – requiring radical difference to recreate itself as domesticated. The quality of home-liness that I'm attempting to draw out here signifies not only being at home within one's body, but at home in the nation. Both texts are symptomatic of what Lauren Berlant calls 'the transformation of the normative citizenship paradigm from a public form into the abstracted time and space of intimate privacy' (Berlant, 1997: 176). Under the terms of that transformation, talk of home indexes the private sphere as the rightful place of politics, a certain fantasy-space in which difference is tamed through its submersive invisibility: behind closed doors, as it were. Citizenship here means fading back into the population (and exercising the rights of populist democracy) but also the imperative to be 'proper' in the eyes of the state: to reproduce; to find proper employment; to reorient one's 'different'

body into the flow of nationalised aspiration for possessions, property, wealth; to consider the responsibilities as well as the rights of being a recognised citizen. The most important of these responsibilities is to keep one's material difference from others private; that is, to sustain the public fiction that recognition of queerness or gender variance is gained under the aegis of universal entitlement, rather than because 'difference' has remade itself as non-transgressive or non-threatening.

One of the key problems of Prosser's theoretical framework – a problem attending all attempts to divide the field of gender variant practices into 'transgender' and 'transsexual' – is that categories describing gender variance are incredibly diverse, localised and multiplic-itous. Trans subcultures seem to invent a new term every week, and render others obsoles-cent at the same rate. Genderqueer trannyboys rub shoulders with sister girls, brother boys, drag kings and queens, hermaphrodites with attitude, and many transpeople who prefer to be simply known as men and women.[19] Terms like transsexual, transgender, FTM, MTF, 'man with transsexualism', and 'woman of transsexual background' all contain sedimented histories of contestation and reclamation. More importantly, the diversity of terms reflects the reality that people engage in many different kinds of practices to negotiate the bodies they are born with, and the possibilities for modifying, re-signifying or living with those bodies. Home, under these conditions, might mean anything at all. Halberstam (1998b: 164) argues that Prosser 'relies on a belief in the two territories of male and female [divided by a] flesh border,' rejecting the possibility that home might be a place that one patches together from different spaces, rather than a linear crossing from one to the other. What home means, Halberstam argues, particularly in this age of precarious labour, transnational diasporic migration and postmodern biopower, needs to be open to interpretation. Politically, Prosser sees the dislocation or fragmentation of what he names 'transgender' narratives as unrealistic and utopic (Prosser, 1998: 204). A 'politics of home' might only enlist the gender binary strategically as a tactic to win rights, Prosser remarks, but ultimately, it would 'highlight the costs to the subject of not being clearly locatable in relation to sexual difference' (Prosser, 1998: 204). What Prosser elides here is the possibility that no matter how hard one tries to be clearly locatable on a map that recognises only male or female, one might not ever be, for all kinds of reasons – such as not having white skin, not speaking the nationally mandated language, or performing a form of gender variance that is not culturally *recognisable*. (This doesn't even begin to address the possibility that some might not want to be 'clearly locatable' sexed subjects at all.) As Vera Mackie points out, gender is not the only category transpeople may find difficult to negotiate:

> [Transpeople] are marginalised to the extent that they do not have a stable place in the sex/ gender system, the family system, the waged labour system and the other systems that confer social legitimacy. (Mackie, 2001: 191)

The call to find a proper home once one has crossed the border of sex reassignment fore-closes the possibility that some people never wholly cross that particular border; or that for some, gender transition might be a lifelong project. It also precludes the possibility that transpeople may not, for many reasons, blend into normality once sex reassignment is 'over.' Moreover, it assumes that there is a homogeneous sphere of normality in which to blend. What I am particularly interested in here, however, is the individualism evident in this narrative of transsexual citizenship. The focus on the home as the vehicle and end-point of social inclusion reveals its proximity to liberalism, on one hand, and capitalism, on the other. It is worth returning here to the quote of Prime Minister Howard I cited earlier, which illustrates a socially conservative notion of the home as the locus of 'the success or failure of a nation'. The home is the space in which the family belongs, and the site in which the disci-plinary regime of proper national citizenship arguably begins. One of the effects of liberal citizenship, as Wendy Brown has remarked, is to produce economic, social and cultural

difference as a personal attribute, firmly grounded in the realm of the private, thus erasing the field of socio-economic inequalities and misrecognitions instituted by the state itself (Brown, 1995: 115). This strategy of individuation is particularly pertinent to gender variant existence, where medical diagnoses of transsexuality as an abnormal individual phenomenon renders the struggle for bodily autonomy entirely individualised and private.[20] Cast doubly as private consumers of 'cosmetic' bodily transformation and psychiatric patients, gender variant people must pay for the economic and social cost of our transitions privately. The vision of difference finding 'a proper home', premised on reproducing the private relations that already govern the possibility of trans bodily transformation, sounds suspiciously empty of promise.

The natural is the normal is the national

> 'Being home' refers to the place where one lives within familiar, safe, protected boundaries; 'not being home' is a matter of realising that home was an illusion of coherence and safety based on the exclusion of specific histories of oppression and resistance, the repression of difference even within oneself…(Martin and Mohanty, 1986: 199)

In order to illuminate the material effects of the kind of political strategy that privileges citizenship and normalisation/privatisation, and illustrate the eruption in Australia of a very similar politic, I want to turn now to a discussion of one of the court cases mentioned earlier, *Re Kevin*, in which a transsexual man won the right to have his marriage recognised in law. As a caveat, I should make clear that this discussion of *Re* Kevin is not the 'localised example' to illustrate a 'global [Americanised] theory.' *Re Kevin* is fascinating because it acted as a test-case for globally new gender variant political strategies: these strategies, however, are animated by very similar concerns to normalise gender variance for the benefit of the 'binary-gendered public.'

In 1998, a Sydney couple known as Kevin and Jennifer wrote to the New South Wales Attorney-General's Department to ask whether it was possible for them to get married legally.[21] The Attorney-General responded that any marriage between Kevin and a woman would be considered same-sex, and thus illegal. Kevin had been gendered female at birth, and is referred to in the court documents as 'a man with transsexualism' (Wallbank, 1999: 1). By 1998, he had been living as a man for a number of years and had been issued a male birth certificate and driver's licence in accordance with New South Wales state law. Kevin and Jennifer married in Sydney in August 1999 before a civil celebrant. The Federal Attorney-General, Daryl Williams immediately applied to have the marriage annulled, bringing the matter before the Family Court. After a lengthy court battle, Kevin and Jennifer's marriage was pronounced to be legal by Justice Richard Chisholm of the Australian Family Court in 2001, and was found to be legal on appeal by the full bench of the Family Court in 2003.[22] It's probable that gender variant people in Australia had married by stealth post-transition prior to 1999, 'neglecting' to inform the authorities of their history, and hoping the secret would never be discovered. *Re Kevin* was the first test of such a marriage's legality. *Re Kevin* was also remarkable for its redefinition of the legal subjectivity and status of transpeople. As I noted above, Kevin's lawyer argued their case based on the proposition that Kevin's gender identity was biologically determined; that, in fact, Kevin had been born with a male brain and that transsexuality is thus a kind of intersexual birth 'defect' rather than a psychological issue.[23] The pro-marriage argument offered Kevin's experience of himself as male and his presentation of traditionally masculine behaviours as a confirmation of this theory; and in the ruling, this proposition was accepted. The goal was not to legalise marriage between any two people, regardless of gender, or to redefine the meaning of marriage. In her submissions to the court, Kevin and Jennifer's lawyer Rachael Wallbank specifically stated that she did not advocate same-sex

marriage (Wallbank, 1999: 2). Rather, success depended on establishing that Kevin was, and had always had been, a man – thus fit to wed a woman.[24]

Re Kevin's success has opened the way for increased recognition of gender change in Australia and globally.[25] Various writers, both inside and outside the Australian legal arena, regard *Re Kevin* as an unambiguous success (Otlowski, 2002; McConvill and Mills, 2002; Finlay, 2003; Wallbank, 2003). With *Re Kevin*, however, something powerful and diffuse has emerged in trans and gender variant community activism. Previously, most trans advocacy in Australia had argued for legal rights based on an acknowledgment that many people are subject to discrimination, harassment and violence because they do not conform to socially accepted binary gender norms. Since the *Re Kevin* case, an increasing number of trans advocacy groups in Australia have taken up the biological causation argument as a strategy to strengthen rights claims.[26] There's no doubt that the ability to marry legally distributes a host of financial and social privileges in individuals previously denied them. On the other hand, for the claim of biological causation to be effective, the subjects of rights claims must present an unambiguously normative public gender. One of the striking differences about *Re Kevin* – as opposed to previous legal tests involving transpeople's rights to marry, or to be free from discrimination – was the extent to which the ruling relied upon verifying Kevin's public and private performance of masculinity (Sharpe, 2002a: 325).[27] Part of that evidence relied on Kevin's appearance as masculine. For instance, Kevin's lawyer tabled a photograph of Kevin as an adolescent to prove he looked as much like a boy at a young age. Kevin's partner, colleagues, relatives, doctors, psychiatrists and bureaucrats who had met him were also called upon to substantiate the claim that Kevin was male. They testified that he danced and played sport like a man, and was a gifted handyman. And a medical specialist proffered the opinion that Kevin was a calm, laconic patient who 'did not come across as histrionic' (*Re Kevin*, 2001, at paragraph 46) – thus proving masculinity by way of the doctor's apparent association of femininity with hysteria. Andrew Sharpe astutely points out that the emphasis on a transperson's correct cultural performance of gender might only serve to 'subject transgender people to greater levels of gender scrutiny' (Sharpe, 2002a: 325). While it distracts the law's focus from the naked body of the trans subject – genitalia, surgical status, etc – this strategy institutes social and cultural performances of normative gender as the criteria by which any person can access rights. My use of 'any person' here is deliberate, for by focusing juridical attention on the cultural performance of gender norms, *Re Kevin* may institute greater scrutiny of gender norms in wider Australian legal matters.

For all of these reasons, *Re Kevin* is an important indicator of how a politics of home, premised on 'using the state's own insistence on sexed belonging' (Prosser 1998: 204), plays out in practice. Leaving aside the unsettling implications of arguments that brain gender determines social gender identity, *Re Kevin* can be viewed as a politics of home moment because the state's insistence on gender normativity provides an instrument for refiguring transpeople not as external to normative gender categories, but as examples *par excellence* of those categories. 'Cultural performance' is the key to understanding *Re Kevin*, for, as the McClintock passage I quoted above argues, gender and sexuality are not only produced through 'race', class and nationality but are interconstitutive of each other, and once social or cultural norms come into play, the geocultural specificity of those norms becomes clear. *Re Kevin* not only deploys conservative binary gender norms, but plays out nationalised and racialised idioms of personhood: in the court documents themselves, but also in media coverage of the case. This works as a kind of shorthand or grammar to make Kevin's position legible as male, but also as a 'proper' citizen, in the public national imaginary. In a radio interview just after Justice Chisholm had ruled Kevin and Jennifer's marriage was legal in 2001, their lawyer Rachael Wallbank illuminates the logic of that grammar:

> [Y]ou're trying to tell a story at its most simplest, using … the affidavits of family, friends and average Australians who came in contact with both Kevin and Jennifer, his wife… [The point was] to show how natural it was for their friends, family and work colleagues to perceive Kevin as a man and to perceive Kevin and Jennifer as a fairly normal Australian couple. (ABC Radio National 2001)[28]

What's at stake is not only proving Kevin's masculinity, but inciting 'average Australians' to vouch that Kevin and Jennifer, too, are a 'normal Australian couple.' And they do: one affidavit describes Kevin as a 'fine young man and a fine citizen' while another describes Kevin as 'the typical Aussie bloke' (*Re Kevin*, 2001, at paragraph 62).

It is difficult not to recall here that the 'typical Aussie bloke' (stereotypically beer-swilling, football-loving, chauvinist and unrepentantly racist) is more often derided than celebrated in Australia. And yet, under John Howard's leadership, the 'typical Aussie bloke' has been rehabilitated to invoke a particularly 'white', politically conservative, masculine idiom in which the mythical 'fair go' still reigns. To comport oneself in an 'Australian' manner holds particular capital in this political climate: any reprehensible act is instantly deemed un-Australian, whether it is white supremacist violence on the shores of Cronulla Beach or the (fictional) throwing of children overboard by asylum-seekers on a sinking boat in the middle of the Indian Ocean.[29] In that context, Kevin's Australian-ness plays an important role in presenting him as a sympathetic public subject, of value to the community. So, a 2003 article about the case in the *Sunday Age*, Melbourne's main broad-sheet newspaper, remarked,

> Kevin and Jennifer consider themselves a normal, married Australian couple. They have two little boys, a mortgage and a loving extended family. Kevin is a keen do-it-yourselfer who likes lots of help from his boys: the elder of them copies Daddy's every move with his own plastic shovels, rake, wheelbarrow, hammer and drill. (Dow, 2003: 1)

Kevin is no gender freak here. The article presents him as a responsible Australian citizen, engaged in proper civic and economic practices: fatherhood, home-buying, stable employment, participation in the acceptable forms of civic community. Central to the discourse of this idealised image of normality is the normalising and nationalising power of the nuclear family. Etienne Balibar remarks that since the family is the sphere in which heterosexuality is charged with a 'civic' function, it 'constitutes the anchoring point for the juridical, economic, educational and medical mediation of the state' (Balibar, 1991: 102). The nuclear family brings together the regulation of sexuality and gender in the service of the nation. Late-capitalist 'fragmentation' and divorce rates notwithstanding, the family is produced as the idealised, domestic space of normality and homeliness. But not just *any* family: the more capitalism fragments social relations, the more the 'working family' emerges as a dominant form of subjectivation.[30] In Australia's dominant national imaginary, this idealised working family might take a cue from multiculturalism, but is implicitly imagined as Anglo, middle-class, nuclear and busily reproductive of children as well as superannuation, investment property, small business and individual enterprise (Jacubowicz *et al.*, 1994: 74).

Australian-ness, as is it deployed here, is not the literal experience of being an Australian citizen and having an Australian passport. Ghassan Hage theorises this kind of practical nationality, after Bourdieu, as national capital: an imaginary quality of nationality that one can feel in possession of more or less than others, depending on 'race', class, gender, language and so on (Hage, 1998: 52).[31] Australian-ness, for Hage, represents the

> sum of [nationally sanctioned] valued knowledge, styles, social and physical (bodily) dispositions within a given field. (Hage, 1998: 53)

These might index accent or skin colour, but it also includes traditional (and gendered) 'Australian' practices: playing AFL or rugby, holding barbecues or engaging in home

renovations. National capital is something that must be accrued, particularly for non-white or disenfranchised citizens. The aim of accruing national capital, according to Hage, is to convert it into 'symbolic capital,' or a sense of belonging, legitimation and recognition. Although Hage focuses on migration and racism in Australia, this analysis works as a relevant framework in which to account for the over-determination of Kevin and Jennifer as Australian. Their status as somehow 'different' in terms of transness or gender variance might be surpassed by a nationalising mode of recognition, distributing value along the lines of ethnicity and national capital rather than gender. While the article's author obviously recognises Kevin as male, the process by which Kevin can be recognised as male (both by the author and by the reader) appears to depend on attributing a given, implicitly Anglicised normality to Kevin and Jennifer. Without those extra details – the barbecues, the mortgage – the article risks not producing Kevin and Jennifer as the same as 'everyone else.'[32] The national capital that accumulates from the representation of performances of national practices accumulates a properly *gendered* recognition. Wallbank's strategy, first deployed through witness preparation and legal strategy, successfully flows on to larger discursive formations in the popular press. At the same time, the strategy founders on the nationalizing and racialising violences that populism inevitably deploys.[33]

What different results might ensue when a gender variant subject cannot be so easily incorporated into such a nationalising framework? In April 2004, using the same arguments about brain sex as in *Re Kevin*, the Australian Family Court found that 'Alex', a 14 year old living in Melbourne, could live publicly as a male (Gough, 2004). Alex had expressed the desire to be male for a number of years, and at school has refused to use the female toilet block or be referred to using his female name. In this case, as in Kevin's, Chief Justice Alastair Nicholson referred to Alex as 'he' throughout the hearings. Many news media reports, however, used female pronouns to talk about Alex, while using male pronouns for Kevin in their (contemporaneous, at times) coverage of the *Re Kevin* case. An *Age* article quoted Chief Justice Nicholson's references to Alex using male pronouns in the ruling consistently. To refer to Alex directly, however, the journalist used female pronouns (Gough, 2004; Gough and Gooch, 2004). A more phobic, if less ambivalent response was that of *Herald-Sun* journalist Andrew Bolt, who carefully substituted female pronouns for the male pronouns in every sentence he quoted from the decision (Bolt, 2004). Some trans spokespeople also expressed their reservations at the Court decision.[34] It seems likely that Alex's age, meaning he was considered to be a child and thus unable to make a reasoned decision, influenced the choice of pronoun for many commentators. Crucially, however, Alex was not born in Australia and English was not his first language. For some journalists, the fact that Alex was unable to articulate his desires in English indicated that those desires were automatically suspect and prone to the court's misinterpretation (Bolt, 2004). There were no accounts of 'proper' attributes, the civic responsibility of Alex's family or his engagement in proper 'Australian' cultural practices. While the Family Court recognised Alex as a male, Alex did not, presumably, possess the national capital necessary to be fully interpellated within the public imaginary as male.

As Hage notes, for marginalised subjects to accumulate a certain amount of national capital may only result in what he calls 'passive homely belonging' (Hage 1998: 55). Like migrants, trans subjects are seen as people that other non-marginal subjects (letter-writers, *Herald-Sun* columnists) can manage. Their social power only extends as far as being tolerated or approved of, rather than having 'governmental belonging', the ability to position others within the field of power and decide or manage questions of inclusion or marginality. Even when legitimacy has been conferred, one needs to continue to accrue legitimacy in the hope of yet more recognition. The imperative to properly reproduce 'normality,' literally and figuratively, is a by-product of this: the marginalised must attempt to reproduce as much as possible the field of gendered and nationalised capital in their own homes. Thus,

Kevin and Jennifer's two young children are represented as 'following Dad's every move,' as properly Anglo-Saxon and masculine as Kevin himself is. The cultural capital of Australian-ness aids Kevin and Jennifer's case, but it can only do so through naturalising that quality of 'Australian-ness' as the index of the only proper domain in which political claims can proceed. This is the space that might, presumably, open up to include (Australian) trans subjects, and the space in which inclusion is presumably desired. It is also a mythical space of normality: the mass of three-bedroom houses, backyards, Sunday barbecues and lamb roasts that stretches, in the national imaginary, across the land. It is the index of Australian belonging and of domestic 'homeliness'. In a country where fears of mass migratory 'invasion' from the north and a trenchant refusal to acknowledge (continuing) colonial violence against this continent's indigenous population shape almost every public discursive utterance into a frenzied defence of everything and anyone 'Australian', the appearance of such a discourse in the *Re Kevin* case cannot be surprising. As the Alex case demonstrates, access to 'normal' gender identity depends on the successful performance of nationalised practices. *Re Kevin*, as a project for gaining rights, works precisely to clearly locate transsexual subjects, with questionable effects, by recuperating a conservative model of what normality is – in terms of 'race', ethnicity, cultural practices and class, as well as sex and gender. More importantly, and perhaps more positively for those who resist normativity, both cases reveal the radically unstable and contingent scaffolding that holds those concepts together.

On not being the marrying kind

The problem of imagining the quest for sexual and gendered rights as a quest for inclusion within the nation, circulated through an appeal to citizenship, is not necessarily a problem of specific rights claims or social movements. Rather, it is evidence of the state's slow (or fast) mutation into a regime that:

> administratively distributes legality so as to reintegrate the under-privileged classes within the fiction of a guaranteed community in exchange for renouncing the virtual subversiveness of difference. (Illuminati 1996: 175)

This does not mean that legal reforms are automatically destined for recuperation into politically questionable projects. It does give pause for thought, however, about the importance of finding alternative political strategies to the political strategies I've canvassed in this essay. If marriage is one of the key success stories of a political strategy that privileges the terrain of normatively sexed location, as well as shoring up heterosexuality, it might be worth asking how progressive fighting for trans rights to marry really is. As Paul Varnell notes, *Re Kevin* moved against opening up marriage to same-sex partnerships (Varnell, 2003: 1). In fact, the legalisation of same-sex partnerships would make the necessity for rights to transsexual marriage redundant. In the absence of gender constraints on legalised partnerships, anyone could feasibly claim the social and economic privileges of marriage. But marriage, as Michael Warner points out, gains its meaning and institutional power through heteronormative exclusivity: without conferring some rights on some people at the exclusion of others, it would be 'unable to endow anyone's life with significance' (Warner, 2000: 82). The argument that marriage is an important right only succeeds by obscuring the sedimented history of social, legal, economic and gendered inequalities that the institution of marriage works to maintain (Rubin, 1978, Pateman, 1988).

Nonetheless, this exclusivity might be precisely why marriage rights seem so significant for a project of transsexual citizenship or a politics of home. Writing about postmodern social power, Wendy Brown identifies some political perils attendant on postmodernity, and postmodern political power specifically: one is a growing sense of disorientation, a loss

of the ability to spatially map who and what one is (Brown, 1995: 34). The second is the emergence of 'reactionary foundationalism,' a symptom of the loss of grand narratives like binary gender, the postmodern fragmentation and increasing hybridity (and, I could add, the market-managed multiplication) of 'identity.' Reactionary foundationalisms, for Brown, are foundationalisms without a core grand narrative. They emerge through attaching themselves fetishistically to an icon or a fragment of a grand narrative such as the family, the American flag etc (Brown, 1995: 36). A central part of reactionary foundationalism is the panicked call to look for 'systematic knowledges' where none may be available (Brown, 1995: 36).

In this era of single parenting, accelerating levels of divorce, serial monogamy and falling birth rates, marriage is certainly an iconic fragment of lost grand narratives. Paradoxically, however, marriage might signify precisely the same security against disorientation for some of those who were, at least until the success of *Re Kevin*, unable to access its putative privileges. As Berlant argues, marriage is:

> a model of assimilation … where sexual and individual 'difference' is obscured through an ideology/ethics of consensual 'melding' that involves channelling one's world-making desires and energy into a family institution through which the future of one's personhood is supposed to unfold effortlessly. (Berlant, 1997: 209)

If the sudden proliferation of new, hybrid and radically fragmented articulations of trans subjectivities, choices and labels (or anti-labels) over the late twentieth century can be thought as one of the flightlines of postmodernity, small wonder that this should prompt a wish to reinstate stability and the desire for a political project that offers the promise of participation in that national 'effortless unfolding of personhood.' To the extent that participation in institutional power requires that subjects prove their gender normativity – under the aegis of a nationalised sphere of normal practices, relationships and responsibilities – the gaining of marriage rights produces transsexual citizens in Australia as necessarily just like 'normal people'. Paradoxically, however, this does not open up the realm of what is deemed normal – for if the domain of the normal included everyone, it would no longer be possible to speak *of* the normal. Here Canguilhem's definition of a norm is helpful:

> A norm draws its meaning, function and value from the fact of the existence, outside itself, of what does not meet the requirement it serves… (Canguilhem, 1991: 239)

Normality is defined by its limit: the external, always encroaching sphere of abnormality or deviation. To keep normality circulating in a meaningful way requires the reinstatement of the borders between 'normal' and 'abnormal'. In terms of *Re Kevin*, this structural logic of norms functions to shore up the borders of binary gender (but with transsexuals now instated inside those borders). However, on the level of citizenship, recourse to normality works to exclude any kind of embodied or political difference that does not perform the correct responsibilities of the national citizen. This is precisely why in Jeffrey Weeks' notion of sexual citizenship, the moment of transgression is foreclosed by a moment of citizenship. It also explains why Prosser insists on distinguishing between liminal, borderlands transgender subjectivity and a transsexual politics of home. The imperative to be normal becomes narrativised as a renunciation of utopic, celebratory transgression. But in figuring liminality as utopic, the very real liminalities that non-white, poor, queer or otherwise disenfranchised transpeople must live with as a result of institutional racism, homophobia or class are elided. In addition, a politics of home renders invisible the transnational mobility that has been necessary for some transpeople to live their lives. A black market economy for oestrogen and testosterone thrives in the southwestern states of the USA, where it is often easier to travel to Mexico to buy black-market hormones than to go through the

assessment processes of gender clinics. Many transpeople, in many nations, are forced to migrate and travel to access sex reassignment surgery or live without violence or the threat of death. Perhaps the question to ask is what more resistant meanings 'home' might produce if it were unshackled from nationalism or binary gender?

Alexander Garcia Düttmann (2000) names what I have read in Prosser, Weeks and *Re Kevin* as 'restoration':

> Restoration claims the concepts of recognition to ensure political, social and intellectual integration; at the same time it reproduces the repression and conformity which supposedly are to be overcome through the recognition of the other. (Düttmann, 2000: 1)

Recognition, for Düttmann, is designed to incorporate the individual 'I' into 'the community of a deeply rooted We' (Düttmann, 2000: 3). It is thus both the production of an identity and a process of confirming or witnessing that identity. But in the very attempt to unite the production and confirmation of identity, a split erupts that contradicts that unity. For Düttmann, therefore, recognition always gives rise to differences, even as it attempts to assimilate them into the field of the Same. Recognition is a moment of tension, inconsistency and radical indeterminacy (Düttmann, 2000: 62). On the terrain of transsexual citizenship, the claim to recognition as the Same always involves a disunity between the constitution of transsexuals as citizens worthy of rights, and the witnessing of that community – which, as I have already argued, disintegrates into an attempt to foreclose and define the limits of transsexuality against 'transgender.' Transsexuality, however, is already different from the Same, for if there were no difference, there would be no need for recognition. In this sense we recall Butler's assertion that the moment of interpellation never entirely succeeds (Butler, 1993: 3). No matter how much the 'We' of normality is indexed as the space into which transsexuality inserts itself, an excess of difference remains: the normal is never normal unto itself.

To conclude

> Tidiness, we will discover by analogy, does not assure the cleanliness it promises…. It merely obscures dirt: indeed, all natural (and finally, historical) processes. (Michaels, 1997: 40)

What gender-variant political community is possible when the binding categories used to publicly represent 'transsexuals' or 'the transgendered' in particular contexts are so limited? Or a better question: could political agency proceed without the binding force of a nameable community or identity category? To gesture towards an answer, I want to echo Judith Butler's (1997) point that ambivalence and ambiguity are part and parcel of political resistance. If the discursive production of an identity category is also a technique of regulatory power (no matter whether the category is deployed in medico-legal discourse or subculture), 'perhaps only by risking the *incoherence* of identity is connection possible' (Butler, 1997: 149). I take this to imply a strategy which takes advantage of contradictory tensions within recognition and turns it into a political practice.

But incoherence also implies the impossible intermixture of globalised ideas traffic, and its unexpected effects. In Australia, if you're me, you tend to gaze longingly towards the metropoles of New York or San Francisco, desiring (and at the same time half-resenting) the 'radicality' of trans/queer cultural productions and theory in the US, while trying at the same time to initiate conversations about political strategy within your own habitus. This essay is one attempt at exactly that. If anything, it's limited by its investment in Anglo-US theory, as if this were the only 'theory' worth engaging with, despite my stated aim to move beyond the ambit of that theory into a more localised grappling with political prolematics. The conversation I am attempting to start here would be the poorer for framing itself singularly between 'the metropolis' – the source of 'theory' both to critique and to be moved

by – and 'here', 'on the ground'. They need to engage with locales in which reliance on iffy sexological categories and Anglocentric legacies of citizenship are not the ingredients constituting political possibility – and if not, what are those ingredients? What discussions could take place about gender variant political strategies across regions, and what concerns might be shared along the north-south axis aligning Australia with Indonesia, the Philippines, Malaysia, Thailand, Vietnam, China, Taiwan, Korea, Japan? A fitting place to start might be the global development of privatised healthcare, especially in places where structural adjustment programs encourage the development of healthcare as a 'free market enterprise' and tourist industry. To be sure, affluent foreigners, among them large numbers of Australian nationals, can now access cheap, very skilled gender reassignment surgeries in Thailand. But does this result in better and cheaper surgery for *everyone*, or does it reinstate outsourcing to the 'Third World' on a whole new level while Thai gender-variant people are forced to pay equivalent prices at the same clinics, impossible figures to calculate in *baht*?

Incoherence might be a strategy with which to bypass imperatives to prove one's gendered authenticity. It might also involve fighting various injustices and the violence of binary gender – and its inflection through hierarchies of 'race', class, sexuality and nationality – motivated by the knowledge that the binary gender system perpetrates violence on *everyone*, to differing degrees and in specific and contingent ways. Such a strategy might refuse a clean delineation between 'assimilatory' and 'transgressive' models, while refusing to sacrifice 'transgression' for the more mature or 'pragmatic' politics of citizenship. It might also be transnational or regional, premised on undermining the economic and social relations that reproduce and police the borders between 'us' and the accepted ways of crossing those borders. Perhaps this is a politics indexing what 'we' want rather than who we are. Finally, the most vital element of this potential 'incoherent' politics is to continue to interrogate the power effects of this term 'we', its ambivalences and its concealments, and to refuse the tidy answer.

Notes

1. This essay first incarnation was as a chapter of a thesis for completion of Honours in Gender Studies at La Trobe University in 2004. Thanks to Fran Martin, Chris Dew, Angela Mitropoulos, Brett Farmer, members of the University of Melbourne Sexualities Reading Group and the anonymous reviewers for offering astute criticism, feedback and editorial assistance through numerous revisions.
2. On the butch/FTM border wars, see exchanges between Judith Halberstam (1994, 1998a, 1998b) Jay Prosser (1995) and Jacob Hale (1998) on the borders between lesbian butch and female-to-male transsexuality. *Crossing the Border*, a UK release originally entitled *Different for Girls*, is the film's US release title.
3. Angela Mitropoulos and Etienne Balibar have also gestured in different ways to a generalised shift of 'the border' to zones more fluid and mobile than concrete geographical boundaries (Mitropoulos, 2002a; Balibar, 2002).
4. For an extensive discussion of transsexual autobiography, see Chapter Three of Jay Prosser's book *Second Skins* (1998).
5. Halberstam mentions attending panel discussions at trans conferences on the topic of 'butch/FTM border wars' – premised on the supposition that the border under contest was only the line between female butch and male transgender – where 'three or four white butches and FTM's produce[d] their own personal narratives and then argued over the meanings of those personal narratives' (Jagose, 1999: 31). Postcolonial conceptions of border crossing, Halberstam contends, are often recruited for the project of 'ratifying white trans-masculinities' (Jagose, 1999: 29) – a pertinent example here might be the self-description of some white butches or FTMS as 'mestizo/a', following Gloria Anzaldúa's influential work (Anzaldúa, 1987).
6. Given that transnational or supranational forms (i.e. the European Union) now overlap with the nation-state as the universal governing political form, relationships between rights, citizenship and the national are dependent on the particular nation-state one is talking about, and of course, are historically contingent (Stychin, 2003).

7. Family Court of Australia, *Re Kevin (validity of transsexual marriage)*, FamCA 1074 (2001). For the sake of brevity, I will refer to the case as *Re Kevin* from here on. Also see Family Court of Australia, *Kevin and Jennifer and the Attorney-General for the Commonwealth and the Human Rights and Equal Opportunity Commission*, Appeal No. EA 97/2001 (2003). The 'brain sex' theory relies on a number of small studies that have traced a correlation between the size of a tiny part of the brain, the bed nucleus of the stria terminalis (BSTc) and transsexuality, supposedly caused prenatally by a flood of inappropriate sex hormones to the foetus. Despite the scientific evidence of a correlation, the causal link remains hypothetical. Another problem with the brain sex theory is that gender-variant practices that fall outside of the aegis of transsexuality must be downplayed in order for the theory to have consistency. For scientific references, see Kruijver *et al.* (2000); Chung *et al.* (2002); Zhou *et al.* (1995); Hines (2003).

8. I'll discuss this case in more detail later on.

9. In order to be categorised as a 'true' or 'primary' transsexual, a term invented by endocrinologist Harry Benjamin in the 1960s, one must have experienced cross-gender identification consistently from childhood on; one had to exhibit heterosexuality in one's preferred gender; and one was required not to experience sexual arousal at the thought of changing sex (Harry Benjamin International Gender Dysphoria Association 2001: 3). Benjamin thought that only primary transsexuals could benefit from surgery (MacKenzie, 1994: 59). This theory of the primary transsexual faltered in the late 1960s when clinicians realised their patients were faking case histories in order to access surgery. Within clinical literature, however, the 'primary' transsexual is still idealised as the perfect candidate for surgical reassignment (MacKenzie, 1994: 60). Post-reassignment, transsexuals were expected to manifest perfectly the behaviours and visual cues of the reassigned gender. Indeed, many clinicians assess possible patients by making judgments about how well they might pass as female or male. Although some experts on the medical aetiology of transsexuality argue that this usage has been dropped since the 1970s, because it meant that individuals would fake their case histories in an effort to conform, it is still in use in some clinics in Australia and elsewhere.

10. See WOMAN's submission to the Victorian Attorney-General, 'Transsexualism and the Case for Correction of Birth Records in Victoria,' http://www.w-o-m-a-n.net/ALL%20ARTICLES/ Birth%20Certificates/Transsexualism%20and%20the%20case%20for%20correction%20of%20Birth %20Certificates%20in%20Victoria.htm. See particularly item 44 under 'Establishment of a Threshold Condition.'

11. The 'FTM fad' is, as far as I can establish, a largely mythical account for the increased number of 'out' female-to-male patterns of gender variance globally since the early 1990s. The myth explains that many lesbians decide to live as males because transitioning from F to M is now a passport to considerable queer sexual capital. Despite some fetishisation of trannyboy/FTM genders within some queer, sex radical settings (witness the growth of sex advice primers for 'how to pick up a transman'), it seems ludicrous to dismiss any person's desire to inhabit their body differently as merely an attempt to be 'cool'.

12. Sexual citizenship has been mobilised to speak about various legal and social regulations of sexuality, but it also involves the premise that all citizenship is to some extent sexualised (Bell and Binnie, 2000). With some exceptions (Evans, 1993) sexual citizenship critiques have not entered into discussions of gender identity.

13. David Bell and Jon Binnie advance a similar critique of Weeks on sexual citizenship (Bell and Binnie, 2000: 35–37).

14. Prosser singles out Butler's readings of the film *Paris Is Burning* for critique, particularly her writing on Venus Xtravaganza's desires to be 'really' female, live in the suburbs with a husband and children, and the spectacular failure of those desires when Venus is murdered by a john (Butler, 1990;,1993).

15. One criticism of Prosser's work might be that he presents 'queer theory' as an uncomplicatedly monolithic body of work, entirely given over to celebrations of the subversion of gender.

16. Prosser is not alone in insisting that the terrain of gender variant identifications be divided between 'transgender' and 'transsexual' tendencies, as I noted earlier. This desire to categorise clearly is so important to one local trans organisation, the FTM Australia Network, that its website features a chart describing the differences between the two. According to the chart, transsexuality is 'not an identity – it is a medical diagnosis' while transgender is 'a gender or genders outside the male/female dichotomy'. Under transsexualism, 'there are no degrees of [gender] difference and no gender continuum', while transgender people 'experience themselves on a continuum of gender with degrees of difference' (FTMA, 2004: 1). The ideological inconsistencies apparent in these oil-and-water definitions can only be resolved by talking about both as individual choices, which, ironically, invalidates the philosophical content of both.

17. The proponents of 'transgender' Prosser mentions here include Anne Bolin and Sandy Stone: although Stone was responsible only for a formulation of 'post-transsexuality' rather than advocating the use of 'transgender' (Stone, 1992; Bolin, 1988).

18. Others have criticised Prosser for suggesting that there is a common shape to 'transsexual narrative' (Alsop *et al.*, 2002: 209). Prosser himself, several years after the publication of *Second Skins*, issued a kind of 'retraction' in the form of a palinode (which, he writes, is a traditional poetic form in which writers pass back over their own work in order to critique it), arguing that the 'transsexual real' that stands for sexed embodiment might work more like the Lacanian real (an impossible fantasy of wholeness) rather than a concrete or accessible gendered destination (Prosser, 1999).

19. 'Genderqueer' is a very recent term indexing queerness (fluidity, crossing boundaries, non-identity) and gender transgression (Nestle *et al.*, 2002). 'Trannyboy', or 'transboy', is often used to describe a particular female-to-male self-identification, where 'boy' indicates the desire/proclivity for acting like or passing as a teenage boy (Hale, 1997). 'Sister-girl' is often understood, in Australia, to refer to Indigenous male-to-female transpeople. 'Hermaphrodites With Attitude' is the name of a North American intersex community activist group.

20. By way of example: the gender clinic overseeing the provision of gender reassignment surgeries in one Australian state has been the subject of numerous official complaints, mostly about the unprofessionalism of one particular psychiatrist. The clinic's director, who regards each complaint as an affront no matter how numerous, restricts surgery to patients publicly critical of the clinic, then exacts their equally public, performative retraction as the condition for surgery approval. Being critical of the outmoded methods and unprofessional practice permitted by the clinic is said to reveal 'ambivalence' about gender transition. It's difficult to imagine a strategy for collective action that could overcome this and force a change in the clinic structure.

21. 'Kevin' and 'Jennifer' are pseudonyms used by the Family Court to preserve the anonymity of the individuals involved.

22. Family Court of Australia, *Re Kevin (validity of transsexual marriage)*, FamCA 1074 (2001). For the sake of brevity, I will refer to the case as *Re Kevin* from here on. Also see Family Court of Australia, *Kevin and Jennifer and the Attorney-General for the Commonwealth and the Human Rights and Equal Opportunity Commission*, Appeal No. EA 97/2001 (2003).

23. This argument was supported by a number of affidavits from sex researchers and endocrinologists, among them Professor Milton Diamond and Professor Louis Gooren, both proponents of the brain sex theory (Diamond, 2002; Gooren and Doorn, 1996).

24. While the appeal case was entitled 'Kevin and Jennifer and The Attorney-General and the Human Rights and Equal Opportunity Commission,' and despite Jennifer's appearance in both suits as a witness, both cases mainly centred around Kevin's body and his social performance of masculinity, rather than calling into question Jennifer's status as a heterosexual woman and mother. For law suits involving gender variant partnerships, this is also a first.

25. Days after the *Re Kevin* decision, a judge in a Florida Court decided in favour of a transsexual man whose ex-partner had sued for exclusive custody of their children, based on the biological determinist model of transsexuality argued in *Re Kevin.* Unfortunately this case was lost on appeal, so has changed little in the US legal landscape. See *Kantaras vs Kantaras*, no. 98-5375CA (Florida Circuit Court, Feb. 21, 2003).

26. For examples, see the explanations of transsexuality in FTMA (2004), Wallbank (2003), WOMAN (2005).

27. In previous successful cases, the trans subject's surgical status, post-op or pre-op, had been used as the indicator of gender. Before that, in a host of cases that prevented transpeople from being able to marry, work, etc, the notorious ruling from a 1970 English case, *Corbett vs Corbett,* dictated that a person would be judged as the gender they had been assigned at birth. The history of trans individuals who have been subject to court scrutiny is rich and important, and I cannot do it justice here. For a comprehensive account (Sharpe, 2002b).

28. The interview took place on ABC Radio National, on Tuesday 6 November 2001. The show it appeared on is called The aw Report, and the interviewer's name is Damien Carrick.

29. In December 2005, around 5000 residents of Cronulla, a southern Sydney beachside suburb, gathered to protest at the influx of 'Middle-Eastern' people spending time at Cronulla, and to 'take their [sic] beach back'. 31 people were injured. The second incident to which I refer is the *Tampa* episode in October 2003. A Norwegian freighter, the *Tampa*, was sailing off the north-west coast of Australia when it was asked to rescue a sinking boatload of asylum-seekers crossing from Indonesia to Christmas Island. When it did so, and sailed for the closest (Australian) port, the Navy refused the *Tampa* entry into Australian waters and then sent Australian Special Forces troops to board the vessel. Meanwhile the Howard government released photos doctored to depict the sunken boat's occupants threatening to throw their children overboard if not granted asylum. These allegations were later confirmed as lies – but only after the Howard government had used the resulting furore to win another term of office and sent the boat's occupants to detention camps in Nauru. For a more detailed account see (Mitropoulos, 2002b).

30. By way of example: the ex Opposition Leader Mark Latham's repeated speeches about enabling Australian families to 'climb the ladder of opportunity', or the Government's recent tax cuts which were designed to cut taxes for middle-class nuclear families rather than low-income earners, single parents or non-parents.

31. Bourdieu theorises cultural capital as an informal but highly structured way of managing class, taste and filiation. In the same way that people can acquire monetary capital, people can also acquire cultural capital, and it converts into social position in any given field (Boudieu, 1986).

32. This is a dominant thread in liberal Australian representations of 'non-normative' sexual relations. When the controversy over lesbian access to IVF erupted in 1999, moderate liberal support of child-rearing lesbians represented them as overwhelmingly white and middle-class, engaged, 'like everyone else', in the aspirational project of providing a good home for their children.

33. I'm indebted to Angela Mitropoulos and Jon Beasley-Murray for enriching my understanding of populism as it occurs in this, and other contexts.

34. A Channel Ten news segment on the decision featured soundbites from two Melbourne transwomen who expressed their disapproval of Justice Nicholson's decision on the grounds that 14 is too young an age to make a decision about one's gender. The Gender Menders, a groups representing 'ex-transsexuals', also condemned the Family Court's decision and claimed that Alex should have been given more psychiatric help in the hope his gender transgression might be cured or resolved.

References

Alsop, Rachel, Fitzsimons, Annette and Lennon, Kathleen (2002) *Theorising Gender,* Cambridge: Polity Press.

Anzaldúa, Gloria (1987) Borderlands/*La Frontera*: The New *Mestiza*, San Francisco: Aunt Lute.

Balibar, Etienne (1991) *Race, Nation, Class: Ambiguous Identities,* trans. by Chris Turner, London: Verso.

Balibar, Etienne (2002) 'What Is A Border?'. In *Politics and the Other Scene,* New York: Verso, 75–86.

Bell, David and Binnie, Jon (2000) *The Sexual Citizen: Queer Politics and Beyond,* London: Polity Press.

Berlant, Lauren (1997) *The Queen of America Goes to Washington City: Essays on Sex and Citizenship,* Durham: Duke University Press.

Bird, Susan (2002) 'Case Note: *Re Kevin (validity of marriage of transsexual) [2001] FamCA 1074'*, *Southern Cross Law Review* 6: 364–371.

Bolin, Anne (1988) *In Search of Eve: Transgender Rites of Passage,* New York: Bergin and Garvey.

Bolt, Andrew (2004) 'A Girl Betrayed', Melbourne *Herald-Sun*, Friday April 16 2004.

Bornstein, Kate (1996) *Gender Outlaw: On Men, Women and the Rest of Us,* Routledge: New York.

Bourdieu, Pierre (1986) 'The forms of capital'. In J. G. Richardson (ed.) *Handbook of Theory and Research for the Sociology of Education,* New York: Greenwood Press, 241–258.

Brown, Wendy (1995) *States of Injury,* New Jersey: Princeton University Press.

Butler Judith (1990) *Gender Trouble: Feminism and the Subversion of Identity,* New York: Routledge.

Butler, Judith (1993) *Bodies That Matter: On the Discursive Limits of Sex,* New York: Routledge.

Butler, Judith (1997) *The Psychic Life of Power: Theories in Subjection*, Stanford: Stanford University Press.

Califia, Pat (1997) *Sex Changes: the Politics of Transgenderism,* San Francisco: Cleis Press.

Canguilhem, Georges (1991) *The Normal and the Pathological,* trans. by Carolyn R. Fawcett, New York: Zone Books.

Chung, W.C.J., De Vries, G.J. and Swaab, Dick (2002) 'Sex differentiation of the bed nucleus of the stria terminalis in Humans may extend into adulthood', *Journal of Neuroscience* 22(3): 1027–1033.

Cromwell, Jason (2002) 'Transsexual Discourses and Languages of Identification'. In Linda Alcoff and Eduardo Mendieta, *Identities: Race, Class, Gender and Nationality,* Oxford: Blackwell, 259–268.

Diamond, Milton (2002) 'Sex and Gender are Different: Sexual Identity and Gender Identity are Different', *Clinical Child Psychology and Psychiatry* 7(3): 320–34.

Different for Girls (1996) Directed by Richard Spence, produced by John Chapman. First Look Pictures, 97 mins.

Dow, Steve (2003) 'When A Man Loves A Woman', *The Age,* 23 March 2003, Melbourne.

Düttmann, Alexander García (2000) *Between Cultures: Tensions in the Struggle for Recognition,* trans. by Kenneth B. Woodgate, London: Verso.

Evans, David (1993) *Sexual Citizenship,* London: Routledge.

Family Court of Australia (2003) *Kevin and Jennifer and the Attorney-General for the Commonwealth and the Human Rights and Equal Opportunity Commission,* Appeal No. EA 97/2001.

Family Court of Australia (2001) *Re Kevin (validity of transsexual marriage),* FamCA 1074.

Finlay, Henry (2003) '*Corbett* to *Kevin*: Legal Recognition of Transsexualism in England and Australia'. Paper presented at 13th Common Law Conference, Melbourne, Australia, http://www.ftmaustralia.org/03/finlay.html.

Foucault, Michel (1990) *The History of Sexuality Volume One: An Introduction,* trans. by Robert Hurley, London: Penguin.

FTM Australia (2004) 'Transgender/Transsexual: The Basics.' http://www.ftmaustralia.org/basics/table.html.

Gooren, Louis and Doorn, Cornelis (1996) 'Who determines manhood or womanhood? The biomedical and legal definitions of man and woman in relation to transsexualism'. In Frank Fleerackers, Evert van Leeuwen and Bert van Roermund (eds.) *Law, Life and the Images of Man: Modes of Thought in Modern Legal Theory,* Berlin: Duncker & Humbolt.

Gough, Deborah (2004) 'Court faces up to a gender divide', *The Melbourne Age,* Saturday April 17.

Gough, Deborah and Gooch, Liz (2004) 'Court Allows Girl's Bid to Become Boy', *The Melbourne Age,* Wednesday April 14.

Hage, Ghassan (1998) *White Nation: Fantasies of White Supremacy in a Multicultural Society,* Sydney: Pluto Press.

Halberstam, Judith (1994) 'F2M: The Making of Female Masculinity'. In Laura Doan (ed.) *The Lesbian Postmodern,* New York: Columbia University Press.

Halberstam, Judith (1998a) '"Female-to-Butch": Butch/FTM Border Wars and the Masculine Continuum', *GLQ: A Lesbian and Gay Studies Reader* 4(2): 287–310.

Halberstam, Judith (1998b) *Female Masculinity,* Durham: Duke University Press.

Hale, C. Jacob (1997) 'Leatherdyke Boys and their Daddies: How to have Sex without Women or Men', *Social Text* 52/53, 15(314): 225–238.

Hale, C. Jacob (1998) 'Consuming the Living, Disremembering the Dead in the Butch/FTM Borderlands', *GLQ: A Journal of Gay and Lesbian Studies* 4(2): 311–348.

Harry Benjamin International Gender Dysphoria Association (2001) *Standards of Care for Gender Identity Disorders, Sixth Version.* http://www.hbigda.org/socv6.html.

Hines, Melissa (2003) *Brain Gender,* Oxford: Oxford University Press.

Howard, John (1999) 'The Australian Way', Speech given to the Queensland Chamber of Commerce by Australian Prime Minister Howard, January 28, 1999.

Illuminati, Augusto (1996) 'Unrepresentable Citizenship'. In Michael Hardt and Paolo Virno (eds) *Radical Thought in Italy: A Potential Politics,* Minneapolis: University of Minnesota Press, 167–188.

Jacubowicz, Andrew, Goodal, Heather, Martin, Jeannie, Mitchell, Tony, Randall, Lois and Seneviratne, Kalinga (1994) *Racism, Ethnicity and the Media,* Sydney: Allen and Unwin.

Jagose, Annamarie (1999) 'Masculinity Without Men: An Interview with Judith Halberstam', *Genders* 29. http://www.genders.org/g29/g29_halberstam.html.

Kantaras vs Kantaras (2003) no. 98-5375CA (Florida Circuit Court, Feb. 21, 2003).

Kruijver, Frank, Zhou, Jiang-Ning, Hoffman, Michael A., Pool, C.W., Gooren, Louis and Swaab, Dick (2000) 'Male to Female Transsexuals Have Female Neuron Numbers in a Limbic Nucleus', *Journal of Clinical Endocrinology and Metabolism* 85(5): 2034–2041.

MacKenzie, Gordene Olga (1994) *Transgender Nation,* Bowling Green, Ohio: Bowling Green State University Press.

Mackie, Vera (2001) 'The Trans-Sexual Citizen: Queering Sameness and Difference', *Australian Feminist Studies* 16(23): 185–192.

Marshall, T. H. (1950) *Citizenship and Social Class and other Essays,* Cambridge: Cambridge University Press.

McClintock, Anne (1995) *Imperial Leather: Race, Gender and Sexuality in the Colonial Contest,* New York: Routledge.

McConvill, James and Mills, Eithne (2002) '*Re Kevin*: Gender Dysphoria and the Right to Marry', *UNSW Law Review* 6: 223–240.

Meyerowitz, Joanne (2002) *How Sex Changed: A History of Transsexuality in the United States,* Cambridge: Harvard University Press.

Mitropoulos, Angela (2002a) 'Halt, Who Goes There?' In Louise Boon-Kuo and Gavin Sullivan (eds) *City-State: A Critical Reader on Surveillance and Social Control,* Sydney: UTS Community Law and Legal Research Centre, 73–74.

Mitropoulos, Angela (2002b) 'Signs of Life', *Overland* 167: 69–73.

Mitropoulos, Angela (2006) 'Some remarks on an emergent z world', *Greenpepper* magazine (forthcoming).

Michaels, Eric (1997) *Unbecoming: An Aids Diary,* Sydney: EmPress.

Martin, Biddy, and Chandra Talpade Mohanty (1986) 'Feminist Politics: What's Home Got to Do with It?' In Teresa de Lauretis (ed), *Feminist Studies, Critical Studies,* Bloomington: Indiana University Press, 191–212.

Nestle, Joan, Wilchins, Riki and Howell, Clare (eds) (2002) *Genderqueer: Voices From Beyond the Sexual Binary,* San Francisco: Alyson Publications.

Nguyen, Mimi, Spade, Dean and Willse, Craig (2002) 'Piss and Vinegar: interview', Makezine. http://www.makezine.org/mimi4.html.

Nicoll, Fiona (1997) '"Up Ya Bum?" Queer(y)ing Australian Nationalist Subjectivity', *Critical Inqueeries* 1(3): 53–76.

Otlowski, Margaret (2002) 'What is the harm in it anyway? *Re Kevin* and the recognition of transsexual marriage', *Australian Journal of Family Law* 16: 146–155.

Pateman, Carol (1988) *The Sexual Contract,* Cambridge: Polity Press.

Prosser, Jay (1995) 'No Place Like Home: The Transgendered Narrative of Leslie Feinberg's *Stone Butch Blues*', *Modern Fiction Studies* 41(3–4): 483–514.

Prosser, Jay (1998) *Second Skins: The Body Narratives of Transsexuality,* New York: Columbia University Press.

Prosser, Jay (1999) 'A Palinode on Photography and the Transsexual Real', *a/b: Autobiography Studies* 14(1): 71–92.

Rubin, Gayle (1978) 'The Traffic in Women: Notes on the "Political Economy" of Sex'. In Rayna Reiter (ed.) *Toward an Anthropology of Women,* New York: Monthly Review Press, 157–210.

Sharpe, Andrew (2002a) 'Thinking Critically in Moments of Transgender Law Reform: *Re Kevin and Jennifer vs Attorney-General for the Commonwealth*', *Griffith Law Review* 11(2): 309–331.

Sharpe, Andrew (2002b) *Transgender Jurisprudence: Dysphoric Bodies of Law,* London: Cavendish.

Stone, Sandy (1992) 'The Empire Strikes Back: A Post-Transsexual Manifesto', *Camera Obscura* 29: 151–176.

Stychin, Carl (2003) *Governing Sexuality: The Changing Politics of Citizenship and Law Reform,* Oxford: Hart Publishing.

Varnell, Paul (2003) 'No Gain for Gays', *Bay Windows Online,* 27 February 2003. http://www.baywindows.com/news/2003/02/27/Opinion/Editorialtrans.marriage/no.gain.for.gays-381494.shtml.

Wallbank, Rachael (1999) 'Applicants' Written Submissions', *Kevin and Jennifer vs the Attorney General for the Commonwealth.* http://library.ftmaustralia.org/legal/99/0308.html.

Wallbank, Rachael (2003) 'The Legal Environment Following *Re Kevin*: New Perceptions and Strategies For Effective Law Reform In Respect of the Legal Rights of People Who Experience Variation In Human Sexual Formation'. Discussion Paper produced for the *Neglected Communities* forum, 25 February 2003, NSW Parliament House, Sydney, Australia.

Warner, Michael (2000) *The Trouble With Normal: Sex, Politics and the Ethics of Queer Life,* Cambridge: Harvard University Press.

Weeks, Jeffrey (1997) 'The delicate web of subversion, community, friendship and love (Jeffrey Weeks in conversation with Sue Golding)'. In Sue Golding (ed.) *The Eight Technologies of Otherness,* London: Routledge.

Weeks, Jeffrey (1998) 'The Sexual Citizen', *Theory, Culture and Society* 15(3–4): 35–52.

Wilchins, Riki-Anne (1997) *Read My Lips: Sexual Subversion and the End of Gender,* Milford, Connecticut: Firebrand Books.

WOMAN Australia (2005) 'Transsexualism and the Case for Correction of Birth Records in Victoria', http://www.w-o-m-a-n.net/ALL%20ARTICLES/Birth%20Certificates/Transsexualism%20and%20the%20case%20for%20correction%20of%20Birth%20Certificates%20in%20Victoria.htm.

Zhou, Jiang-Ning, Hoffman, Michael A., Gooren, Louis and Swaab, Dick (1995) 'A Sexual difference in the human brain and its relation to transsexuality', *Nature* 378: 68–70.

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