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Part III

Circumscribing movement

Gender (in)securities: surveillance and transgender bodies in a post-9/11 era of neoliberalism

Christine Quinan

“In the years following 9/11, the US Department of Homeland Security advanced new security policies as part of the war on terror, including increased scrutiny of identification documents at airports and national borders, that almost never explicitly mention transgender populations. But transgender people, particularly trans people of colour, poor trans people, trans youth, and trans immigrants, are especially targeted by such scrutiny because they are more likely to have inconsistent identification documents. Related security measures, including increased restrictions on immigration and asylum, new forms of state scrutiny of those perceived to be undocumented immigrants, and the implementation of x-ray scanning technologies in airports and prisons typically do not cite explicit concerns with transgender populations. But because these policing practices are often concerned with individuals who appear to be fraudulent or deceptive, gender-nonconforming people – culturally constructed as concealing something – disproportionately feel their effects.”

(Beauchamp 2014: 209)

AS THE POST-9/11 web of state violence and oppression captured Middle Eastern and South and Southeast Asian men and women as well as gender-nonconforming individuals, a perfect storm for surveilling, securitising, and disciplining racial, religious, and gender differences was created. With the proliferation of systems that exclude, alienate, and violate certain identities, particularly those who do not – or cannot – conform to a white, middle-class, secular, gender-conforming, heteronormative, able-bodied, legally employed, state-documented existence, both citizenship and mobility prove to have boundaries. As the epigraph by transgender studies scholar Toby Beauchamp uncovers, being transgender or gender-nonconforming is inextricably bound up in – and is triggering of – (state) mechanisms of surveillance, not dissimilar from the experience of other marginalised groups, such as people of colour, Muslim immigrants, and the poor. Bodily norms – informed by race, gender, and sexuality (i.e., whiteness, normative masculinity/femininity, and heterosexuality) – are encoded in tools of surveillance,

including body scanners, identity documents, and facial recognition software. These technologies became all the more commonplace after the events of 9/11, which offered a justification for expanding surveillance practices already in use or under development (Clarkson 2014: 35). But these sorts of security technologies affect different populations differently. As Alissa Bohling (2012: n.p.) writes, 'because gender has become one of the first markers in the technology-centric race for body-based data – known as "Biometrics" in surveillance speak – transgender and gender non-conforming people have been some of the first and most directly affected'.

This chapter focuses on an understudied topic in critical security studies: how neoliberal governing structures in the post-9/11 era relegate such gender-nonconforming bodies to the margins of society, with their gender ambiguity creating uncertainty for authorities and thus opening up these bodies to increased surveillance and governing. This investigation is guided by two sets of questions: firstly, what can the intersecting experiences of 'Others,' particularly transgender and racialised/religious others (which are of course not mutually exclusive categories) tell us about policing and surveillance in a post-9/11 era? Secondly, how does the nation state respond to national subjects who deviate? Could changes to passports or other identity documents increase the life chances of those who are the most marginalised or might it lead to increased surveillance? And when it comes to resistance, could invisibility and what I am calling 'ghostliness' be strategies to fight policing, surveillance, and control? To approach these questions, I take a multidisciplinary approach, analysing a recent novel entitled *Drag King Dreams*, written by transgender activist and author Leslie Feinberg (1949–2014), alongside an examination of a number of recent legal and policy-level changes that recognise more than two genders or that gender is not a fixed condition. At least nine countries now offer alternative gender options in legal and travel documents, including passports, and multinational corporations are beginning to enact transgender-friendly policies. We may, though, wonder if these changes could be considered 'progress' or if they are merely performances of transgender acceptance that obscure a neoliberal focus on profitability and surveillance.

Drag King Dreams

In 'Securitizing gender: identity, biometrics, and transgender bodies at the airport,' Paisley Currah and Tara Mulqueen write:

the proliferation of sites where individuals can be stopped, searched, and required to verify their identity—as part of the 'war on terror' or as a consequence of federal and state initiatives to identify, locate, and deport 'illegal aliens'—only amplifies the importance of examining the production and policing of legal identity. (Currah and Mulqueen 2011: 565–6)

Although a fictional work, Feinberg's *Drag King Dreams* (2006) responds to this call to investigate the mechanisms of surveillance and the effects this has on gender-nonconforming individuals, effectively problematising the status of transgender bodies in post-9/11 societies. The novel tells a story of immigrant communities' exclusion intersecting with that of gender-variant individuals (many of whom are also immigrants and people of colour), both groups similarly targeted in the increasingly neoliberal climate of post-9/11 New York. Published in 2006, it is Feinberg's second novel, coming twelve years after *Stone Butch Blues* appeared to critical acclaim.¹ The ease and beauty that marked the former novel, however, seems to have faded away in Feinberg's latter foray into fiction writing. The prose is forced and clunky, with little emotion; it lacks nuance and its tone is often didactic. At times, it comes off as a communist lesson or parable about the importance of working-class organisation, teamwork, and coalitional politics (which is unsurprising given Feinberg's political work and affiliations). But despite its lacklustre prosaic quality, it is an important text. It highlights a number of timely themes and prompts critical investigations, asking us, for example, to look at the notion of citizenship, particularly what it means to be a 'citizen' when you do not fit into clear categories like binary gender classifications. It also examines nationalist discourses and how they function to include certain individuals and exclude others. It sees neoliberalism and capitalism as central to this exclusionary project, with the post-9/11 climate creating a perfect storm for disciplining gender variance. And in this, it shows us that collective struggle is the only way forward, the only response in the face of neoliberalist discourses of individualism and self-sufficiency. It has something important to say about interlocking systems of power and discourse and the very real effects this has on people's lives in the United States (US) and elsewhere, particularly those most marginalised and disenfranchised, including the poor, disabled, and undocumented.

Drag King Dreams highlights how the US state – here encompassing government, law and social policy, the courts and criminal system, the police, and the military – functions as a conduit for systems of inequality and privilege. It plays important roles in maintaining social values, controlling social order, and enforcing social power. For lesbian, gay, bisexual, and transgender (LGBT) people, the state has also been central in institutionalising legal and social changes to support improving conditions – but, the novel asks, who is benefiting from such 'progress'? What kinds of LGBT people are included when, paraphrasing Dean Spade (2012), we get the law to say good things about us?

Although a notoriously difficult concept to pin down and define (hence its insidiousness), I use the term 'neoliberalism' here to refer to the policies and ideas of the past few decades promoted by powerful nation states and institutions (such as the World Trade Organization, the International Monetary Fund, and the World Bank), policies that destroy safety nets set up for vulnerable

people, dismantle gains made by social movements, and redistribute wealth and resources away from the poor and to the elite. This is not only an abstract system but also an ideology on how to govern and administrate. As Chandra Mohanty (2013: 970) writes, neoliberalism is marked 'by market-based governance practices on the one hand (the privatisation, commodification, and proliferation of difference) and authoritarian, national security-driven penal state practices on the other'. It makes itself known through institutions that manage populations and serve as gatekeepers, while also controlling, for example, who gets access to healthcare or who gets to be considered a 'citizen'.²

Taking a step back, it is worth further framing notions of (neo)liberal citizenship and subjecthood. While citizenship is historically, socially, and culturally contingent, Western models of citizenship typically view it as a set of commonly shared rights and obligations that bind individuals together, create political membership and social identity, and allow access to resources and benefits (Turner and Hamilton 1994: 4; Hines 2007a: 43). Central to liberal citizenship is a focus on rights and the idea of universal inclusiveness; however, this politics of inclusion depends on an exclusionary logic, wherein the 'bad' (or deviant) citizen/subject actually defines the conditions of possibility of the 'good' (or normative) citizen/subject. In this process, certain once-outcast identities have been seduced by the neoliberal economy and assimilated into normative notions of belonging. For example, regarding the notion of sexual citizenship, David Bell and Jon Binnie (2000: 204) discuss how gay and lesbian rights-based claims (e.g., same-sex marriage, military inclusion) entail a set of duties, first and foremost of which is the duty to assimilate, which constructs a binary between the 'good homosexual' and the 'bad homosexual', with the former being granted citizenship.

However, as Surya Monro (2003, 2005) has detailed, when it comes to transgender and gender-nonconforming individuals, existing models that work within – and are dependent on – a binary model of 'male citizens' and 'female citizens' are challenged. While claims to citizenship may be facilitated through a focus on rights, 'a gender binary model of citizenship continues to marginalise both the experiences and subjectivities of those who cannot or will not define as "man" or "woman", and, as such, is unable to account for the full spectrum of gender diversity' (Hines 2007b: n.p.), resulting in many trans people remaining on the margins of citizenship. Not exclusive to sexual and gender 'deviance' but also connected to race, ethnicity, and citizenship, certain bodies become recognisable subjects, while other bodies are narrowly constructed as internal enemies, or, as Jasbir Puar (2010: 2) has termed them, 'other Others'. Among these other Others we find, in particular, queer and trans people who experience homophobia along with poverty, racism, ableism, xenophobia, transphobia, sexism, criminalisation, economic exploitation, and other forms of subjection.

Returning to *Drag King Dreams*, the story takes place in 2003, just as the US was embarking on its invasion and eventual occupation of Iraq. The constant

backdrop to the characters' lives is the war, with which they are constantly confronted through media and public protests. The novel's protagonist and narrator is Max Rabinowitz, who is of unnamed age but is likely to be around late fifties. Foregrounded, though, is the precarious place of transgender populations at this historical moment of geopolitical violence at 'home' and 'abroad'. The novel opens with the line 'Who cares what anybody's got between their legs?' (Feinberg 2006: 1) spoken to Max by Vickie, an immigration lawyer who often hides her transness and lives as Victor. While talking on the train back from Manhattan to Jersey City, Max and Vickie's conversation is interrupted by the intense harassment of a fellow commuter who targets them for their gender non-normative expression. The next day, we learn that after parting ways from Max, Vickie was murdered (by whom we will never know), setting off a series of emotional and activist responses in the novel.

Max, we understand, is female-bodied and masculine-identified, but early on Max states: 'categories are a problem for me' (Feinberg 2006: 34). Max refuses to be called 'Mister,' and no preferred gender pronoun is claimed. (Neither will I use pronouns to refer to Max.) At one point late in the novel Max's neighbour, Mohammed, with whom a certain kinship develops, struggles with Max's pronoun, saying to Max and friend Heshie: 'You are always welcome at my store. Anytime. Your friend here, she... he is like my own family' (Feinberg 2006: 266). Once an activist and supporter of social justice causes, including the civil rights and anti-Vietnam war movements, Max has lost the 'revolutionary' spirit and has clearly retreated into a solitary existence, probably out of self-protection. Max lives at the margins, at the borders, like a ghost, not having a bank account, ID, driver's licence, or passport, a lack that points to the precariousness of Max's existence, gender in-betweenness, and daily struggle to survive. Although a loner who struggles to be part of a collective, Max does circulate in a number of spheres, all of which are spaces of 'otherness': first at Club Chaos, a club for gender queers, where Max works as a bouncer and then eventually at Club Pi, when the former club closes down; also in the Jersey City neighbourhood where Max gets to know a group of Muslim immigrants, mostly from Egypt, Pakistan, and Palestine, with whom Max feels a particularly strong solidarity; and the virtual world of the computer game AvaStar, a virtual reality game given to Max by Heshie, where Max begins to find a way to communicate with others.

Max's closest friend is Ruby, an HIV-positive African-American trans woman who struggles to afford care, as she has no access to health insurance or disability pay (and when she does receive care the nurses will not use her preferred pronoun, constantly reverting to 'he' and 'him'). Max also becomes close with Thor, a white American trans man who clearly brings together many struggles, most specifically transgender rights and the anti-war movement. Thor is eventually arrested for using the 'wrong' bathroom, but his biggest personal struggle is that he has lost custody of his child because he is trans. The novel's group of

gender-variant individuals falls outside society's hopes of 'productivity' – they work and live at night, as bouncers, bartenders, and drag performers, and they constantly delineate a difference between their lives and those of 'daysiders'.

Post-9/11 solidarity and citizenship

In 'Normalized Transgressions: Legitimizing the Transsexual Body as Productive,' Dan Irving (2013) opens with a history of trans activism by invoking the 1966 Compton's Cafeteria riot in San Francisco's Tenderloin, an event that Susan Stryker (2008: 74–5) has shown to be one of the most significant acts of collective militant queer resistance to police harassment. Irving then turns to a series of questions about the Compton riot:

Who were these trans activists? Their collective militancy in the face of police brutality seems a distant memory when compared to contemporary trans theorizing and politics. Why have we not inherited this legacy? What barriers to radical theorizations of gender variance and politics must be stormed to open emancipatory queer futures for trans people? How have possibilities for debate concerning these futures and strategies to shape them been foreclosed by efforts to construct *proper trans social subjects* that can integrate links between regimes of sex/gender and exploitative economic relations of production as mutually constitutive systems of domination? (Irving 2013: 16, *emph.* in orig.)

These questions could also guide my own analysis of Feinberg's *Drag King Dreams*. The novel, in many ways, indirectly responds to these pressing concerns over trans/queer solidarity, which comes in direct response to neoliberalism's reordering of social hierarchies, orders, and alliances and focus on individualism and self-sufficiency. In a post-9/11 political and social climate, Feinberg's characters recognise that there is no option but to fight; they realise that rights-based approaches and inclusion into – and even recognition by – mainstream structures will always come at a cost. In an interview, Puar describes this process:

[The] binaries [of good citizen and bad citizen] have always been produced in relation to each other. So there has always been this idea of the 'other others' ... The 'other others' have always existed, but the situation has been more particular since 9/11. [This mechanism] is a collection of state discourses that are about laws and legislation and regulation, it's generated through media discourses and visibility, and through representational politics ... The state gets to reproduce itself as a kind of benevolent, liberal protector of its citizens on one hand, and on the other hand, it works to divide and fragment national bodies, so that its various parts can be controlled ... It's a good cop, bad cop technique. You produce a sense of protection and security and concern for diversity and tolerance. Meanwhile, there is increased surveillance and increased police presence in particular neighborhoods. All of these things happened post-9/11. And all of these are strategies and ways of regulating a population. (Puar 2010: 1–2)

Similarly, I am interested in examining how hostility towards gender transgression changes or intensifies during moments of nationalism, racism, and geopolitical violence, such as 9/11. As one of Feinberg's (2006: 175) characters reflects on this gendered and racialised surveillance: 'It's a big dragnet. Lots of people are getting caught up in it'. Trans woman of colour Ruby goes on to emphasise how the need for forms of identification after 9/11 would directly affect trans folks:

Before she got killed, Vickie warned us of this so-called war on terror ... She warned everybody that while they were makin' war over there they were gonna step up the war on all of us here. All that Code Orange and Code Red ... she knew that's just code for racism. And she warned us when they start demanding more ID and searching people's bodies, and pokin' around in our lives and takin' away what few rights we won, folks like us are all gonna feel it first. (Feinberg 2006: 225)

Here, racism and transphobia overlap, mutually intensifying and becoming inextricable. And in fact, many of the characters were already dealing with structures that diminished their life chances before 9/11; the 'war on terror' only exacerbated discrimination, oppression, and violence they had already been experiencing. Ruby elaborates:

[Vickie] didn't have to tell me that we got to fight the war right here, too. I knew that already. I've known that all my life. I hear a lot of folks talk about 'peace.' Well, I want some damn peace. But even in between these wars I've lived through, I never got any peace. The police have been treatin' me like the enemy since I was born. I can hardly make a living ... I can still get arrested at the drop of a hat just for bein' who I am. I get treated like I'm illegal just for walkin' down the street. All the cops have to say they saw me tryin' to turn some trick. My friend Thor here got beat up and thrown in jail, and for what? For goin' to the bathroom! And racism keeps rearin' its ugly head. I have to deal with it every day. And that's what these people who are gettin' rounded up are dealin' with. (Feinberg 2006: 225–6)

Constantly reminding us of the indebtedness to previous social movements, the novel demonstrates how transphobia cannot be looked at separately from racism, xenophobia, homophobia, sexism, and settler colonialism. Ruby continues on this collective element: 'We bring signs that say: "Stop rounding up our Muslim sisters and brothers! ... Stop the war! Bring those troops back now!" And when people say, "what's the connection?" we tell them what my mama taught me when I was knee high: a house divided cannot stand' (Feinberg 2006: 226).

Like Ruby, Max also points to the criminality of being gender-nonconforming, particularly when it comes to not having consistent identity documents, saying 'I am always a crime walking' (Feinberg 2006: 171). Similarly, Max's access to proper citizenship seems tenuous: 'I don't have a driver's license or passport, a credit card or bank account. I've never flown on an airplane; I've only looked up to see the clouds' (Feinberg 2006: 29–30). Deborah Cohler (2012: 225),

one of the few scholars to yet address *Drag King Dreams*, has observed that the novel demonstrates how solidarity among outsiders is ‘both the consequence of and the antidote to conservative and neoliberal formations of citizenship’. For Cohler, the novel produces trans and queer identities in explicit opposition to the state, but also produces such identities through engagement with state power and nationalism. But how so? While we would be right to remark on the confining and limiting life one might live without such proofs of citizenship, I suggest that Max’s ‘ghostliness’ may paradoxically serve such a resistance function, challenging state and institutional power and dominance.

More broadly, Max’s circumstances force questions of citizenship and (non) normativity, a relationship also discussed by Aren Aizura (2006: 295–6): ‘citizenship ... means fading into the population ... 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 the nationalized aspiration for possessions, property, [and] wealth’. Irving (2013) too has shown how social recognition of the transsexual has meant proving one’s ability to participate in capitalist production processes. The novel’s characters clearly defy this emphasis on both productivity and social recognition, so we could then ask: could this non-participation in the legitimised economy also be a resistance strategy? Do the characters want to participate in the legal wage labour economy? Are they even looking for recognition?

Of course this notion of productivity is also highly connected to citizenship and what it means to be a ‘proper citizen’. But it is a catch-22 for many of these characters, especially Max, who despite being born and raised in New York to American parents, has no identification documents and cannot legally work. Max is a ghost to the state, existing in a netherworld that precludes any ability to be recognised. Legal wage labour would allow for such state recognition and full claims to citizenship, but without documents that accurately reflect Max’s gender identity, Max is stripped of such ‘rights’ with which it may come, including the ability to work and travel, access education, and have a driver’s licence, passport, bank account, or health insurance. But the state does not see ghosts, unless of course they are the undocumented immigrants, Muslims, people of colour, sex workers, differently abled individuals, or are otherwise deemed ‘undesirable’ to the state. Then, they are no longer ghosts but are instead hyper-visible.

Toby Beauchamp’s work on surveillance of trans bodies proves helpful here. He asks: ‘Which bodies can choose visibility, and which bodies are always already visible – perhaps even hypervisible – to state institutions? For whom is visibility an available political strategy, and at what cost?’ (Beauchamp 2013: 52). And to this I would add, for whom is *invisibility* a political strategy? Sara Ahmed’s (2006) brilliant theorisation of racialised space, mobility, and movement comes to mind here as well. Building upon

Ahmed's (2006: 139) argument that '[a] phenomenology of "being stopped" might take us in a different direction than one that begins with motility, with a body that "can do" by flowing into space', critical security scholars Shoshana Magnet and Tara Rodgers demonstrate how it is crucial to examine those who are 'being stopped':

The bodies of Othered subjects who fail to pass the checkpoint, or who are disproportionately adversely affected or violated in the screening process, expose deep contradictions and fallacies in rhetorics of 'freedom of movement' that have historically been articulated to air travel, and that continue to underlie the promotion of new surveillance technologies. (Magnet and Rodgers 2012: 107)

For Max, invisibility is a survival strategy. But it is Max's whiteness that allows for this ghost-like existence, enabling Max to remain under the radar. Privacy here is a privilege – were Max to 'exist' and be legible to the state (in the form of documentation), Max would then be subject to state intrusion, tracking, and surveillance. Indeed, Max may use this particular invisibility as a tool, even as it disenfranchises, alienates, and oppresses. But there is also a vacillation between invisibility and visibility at work here, for on another level – that of walking around in the world – Max is hypervisible. People stare, harass, snicker, even physically assault this ambiguous individual who 'passes' as neither man nor woman. However, despite clearly not fitting into a two-gender system, due to white-skin privilege Max is not seen as a threat or ever seriously considered a 'terrorist' (even if one of the novel's protagonists does jokingly refer to the group as 'gender terrorists').

The indeterminate place, the in-betweenness where Max resides reminds me of Gloria Anzaldúa's notion of borderlands:

Borders are set up to define the places that are safe and unsafe, to distinguish *us* from *them*. A border is a dividing line, a narrow strip along a steep edge. A borderland is a vague and undetermined place created by the emotional residue of an unnatural boundary. It is in a constant state of transition. The prohibited and forbidden are its inhabitants. *Los atravesados* live here: the squint-eyed, the perverse, the queer, the troublesome, the mongrel, the mulato, the half-breed, the half dead; in short, those who cross over, pass over, or go through the confines of the 'normal.' (Anzaldúa 2012: 25)

It bears repeating: although not a 'productive' and contributing member of the neoliberal economy, Max is allowed to live in those borderlands. Others would not be as invisible, including those with physical disabilities or skin colours or religious markers that do not allow them to 'blend in' in a US social environment where normative-gendered, able-bodied whiteness is seen as the neutral and unmarked. There are, though, privileges for some of living in the borderlands, which prompts the question of who gets to live there? Who does not have the privilege of choice and *must* live in the borderlands?

Although a number of borders and borderlands are alluded to throughout the novel (e.g., New York–Jersey City, Israel–Palestine, US–Mexico, day–night, male–female), it is that constant and so necessary border of the public bathroom that becomes most critical in Feinberg’s novel. Bathrooms are a constant source of anxiety for the characters, and when Thor is arrested for using the ‘wrong’ bathroom, a series of events is set off that mobilises the group. Indeed, there is a constant border-crossing that happens at the threshold of this gendered/sexed space, and with this crossing comes danger and need for ‘proof’ of the ‘right’ body/identity. Of this symbolic border, Nael Bhanji, citing Aren Aizura, writes:

In these contours of citizenship, belonging, and migration, how do ... borders themselves deterritorialize and reterritorialize us? Certainly, the borders of gender have a lot in common with those of home: both police ‘spaces where those who do not ‘belong’ are separated from those who do.’ [Aizura] Bathrooms and border crossings are both equally invested in preserving and maintaining boundaries (between male and female, or citizen and stranger) such that, ‘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.’ [Aizura] In other words, the border marks a sphere of normality, of homeliness, that privileges properly gendered and sexed national bodies. (Bhanji 2013: 517)

Indeed, Feinberg’s novel is specifically engaging with intersections between citizenship, movement, and gender – and their attendant deterritorialisation and reterritorialisation – that Bhanji describes.

As an aside, I want to ask what Max, who has no identification, would do if laws like the recent attempt in Arizona to target transgender individuals through the informally titled ‘Show Me Your Papers to Pee’ bill, existed? The passing of the bill would have legalised an already common form of harassment and policing experienced by many trans folks, that is, being threatened to ‘prove’ their right to use the bathroom. It is also worth noting that this came on the heels of – and in response to – two somewhat conflicting laws, but both characteristic of neoliberalism: (1) Arizona’s 2012 passage of Senate bill 1070, which is the US’s strictest anti-immigration legislation and allows for police to lawfully stop anyone suspected of being an ‘alien’ and forced to show documentation and (2) the city of Phoenix’s 2013 passage of an anti-discrimination law that extended basic protections to transgender people in housing, employment, and places of public accommodation. State representative John Kavanagh who sponsored the transphobic bill explained his rationale: ‘The city of Phoenix has crafted a bill that allows people to define their sex by what they think in their head. If you’re a male, you don’t go into a female shower or locker room, or vice versa’ (cited in Ford 2013). The attempted law could be read as an example of the ways in which a focus on neoliberal anti-discrimination legislation can be distorted – that is, it precisely came in response to a successful rights-based approach – while simultaneously showing the precariousness of gender-ambiguous lives and taken for granted

'rights' such as using the bathroom. In a politically dishonest move, Kavanagh then twisted this concept to make it about 'safety', an equally neoliberal conceptualisation (Grewal 2006: 25).

Not dissimilar from the above example, *Drag King Dreams* teaches us that violence comes in many forms. The novel is bookended with violence, the first instance verbal and physical – culminating in Vickie's murder – while the final instance is symbolic and state-sponsored. Having been arrested for protesting the Iraq war, the group is placed in another site of gender segregation: a jail. Only three lines after Thor states that '[t]his is just the beginning of a new movement. A new era of struggle ... Just the beginning' (Feinberg 2006: 299–300), the state enacts further violence by calling these prisoners out by their birth names, reminding us of how much work remains. After Ruby is hailed as Tyrone Lanier and Thor as Carol Finster, the officer comes to release Max, the novel's final two words being 'Maxine Rabinowitz'. Again, the state intervenes. Even if Max believed to have existed (or not existed) under the radar, the state is clearly able to track even a ghost, and the state is invested in a particular identity for such ghosts.

Gender autonomy and recent legislative changes

This brings me to larger questions around surveillance, security, mobility, state power, citizenship, and gender non-normativity. While border crossings are indeed rife with pitfalls for gender-nonconforming and transgender populations, there has simultaneously been a relative abundance of recent global state-based legislative and policy-level changes made with respect to gender identity and autonomy, changes that purport to make mobility and movement easier. Standard protocol in most countries that allow for change of gender has been that, at minimum, a medical diagnosis of gender dysphoria (or gender incongruence) be made, possibly followed by a number of other procedures that could include hormone therapy, sterilisation, or sex reassignment surgery. However, several countries (including Argentina, Bangladesh, Denmark, India, Nepal, and Pakistan) have instituted new laws and policies that range from adding a third-gender option to removing certain obstacles for declaring gender identity to the state. Moreover, in 2011 and 2012 Australia and New Zealand respectively introduced the X (or 'indeterminate' and 'unspecified') category as a marker of sex in passports.³

Although it is not necessarily appropriate to group together these countries, as they each have particular historical relationships to other 'genders,' I do think it is worth considering why there have been such legal changes that speak to the idea that there may exist more than two genders or that gender is not a fixed or static condition. So, given this caveat, I want to ask if these could be viewed as 'positive' changes. Could we see these changes as the individual

pushing back against the nation state, pushing the boundaries of the state, and the state responding and acknowledging self-expression? Is the nation state attempting to accommodate individuals who deviate from the 'norm'? How do these legal changes affect lives on the ground? How do they set off unintended consequences? Or are they just more insidious forms of state and corporate surveillance?

In particular, I am interested in what these laws do when it comes to passing through national borders – indeed, what do they have to say about mobility and security? When it comes to the passport, which we might realise itself implies a certain privilege, particular questions arise. As Nira Yuval-Davis (1999: 125) has stated, 'formal citizenship is normally associated with the right to carry a passport of a specific state'. Perhaps applicable to this discussion are her comments on some unintended consequences of the creation of an EU passport:

While the formal intention has been to establish a 'borderless Europe', the transfer of responsibility of illegal immigration to the flight and shipping companies, has resulted in many cases in even more scrupulous checking of passports than before. An international system of stratification has been created, at the top of which are found western passports which almost always guarantee their carriers the right of free international movements and at the bottom of which are those who have no right to carry any passport at all. (Yuval-Davis 1999: 125–6)

What can this example tell us about the unintended (or perhaps intended all along) consequences of state actions to create more freedom and/or inclusion? I think it can certainly teach us that policy and legislation that may look to be about uninhibited mobility is in fact only applicable to certain bodies and actually results in heightened surveillance for others. Can this give us any indication of what might happen with an opening up of possibilities for changing gender on passports or other identification documents? While we might interpret the X in passports as actually allowing for easier passage across borders, it remains to be seen if having this indeterminate marker could inadvertently open up someone to ever more surveillance. That is to say, there is not yet enough empirical evidence to know if the X changes anything for trans people crossing borders. While security actors should be allowing for easy passage, individuals approach their jobs with a set of assumptions and preconceptions about minority groups, including transgender and transsexual people, people of colour, or people from developing countries. Here, Karine Côté-Boucher, Federica Infantino, and Mark Salter's recent reflections on the interpretive work in which such agents engage proves relevant:

Security actors are interpretive actors in their own right. If border security actors are interpreters of policy and regulations as they go about their work routines inscribed in specific organizational cultures, settings and concerns, this means we accept that they can reflexively adopt (or not) dominant security discourses. Border

security practices are always intertwined, incorporated but also challenged not only by those who cross borders, but also by those who govern them. (Côté-Boucher et al. 2014: 198)

In this sense, more research is certainly warranted to understand how those with such sex markers are treated when crossing borders. And it is not only nation states that have been interested in making such accommodations, but also corporations. For example, as of February 2014, Facebook now offers fifty-eight options for self-identifying one's gender identity, which they call 'custom' gender settings (even though you cannot actually 'customise' your gender but must select from their pre-chosen options).⁴ Here, it is important to remember that while Facebook and other tech companies are portrayed as progressive, they are simultaneously responsible for the continual gentrification and displacement of transgender and communities of colour (Hudson 2014).

Given a focus on profitability, it is worth interrogating if attempts by corporations such as Facebook to recognise transgender identity are only a performance of allyship and transgender acceptance, and if so, what this would then mean. When considering this question, it is worth bearing in mind Facebook's words to their investors, published days before their announcement of new gender options: 'We invest extensively in advertising technology capable of serving billions of ad impressions every day while maximising the relevance of each impression to selected users based upon the information that users have chosen to share' (United States Securities and Exchange Commission 2014). To date, one recent development in this area is that the US federal government has already invested nearly \$200,000 to study how transgender women use Facebook, which most certainly relies on self-identification information gained, perhaps purchased, from the company (Harrington 2014).

Conclusion

To conclude, I want to return to *Drag King Dreams*. What would its characters think of such 'progress,' whether through legal changes to citizenship and travel documents, or through corporate trans friendliness? As Max is beginning to embrace some form of early online identity, would Max rejoice at the fifty-plus options for gender identity, especially given the fact that Max found other forms of virtual reality and gaming so limiting? Would Max and the others see a 'third gender' as a positive development, or would they see it as a new form of state intrusion and surveillance?

At one point, Max states: 'Having a dream can change things. It can change the way you relate to people' (Feinberg 2006: 186). Indeed, it is this imagining otherwise that allows the characters to react to injustices around them and

develop deeper connections and alliances. And Max does eventually learn to relate to people differently, becoming active in a collective community that is protesting American imperialism and the invasion of Iraq alongside police violence and arrest of transgender individuals, immigrant communities, and youth of colour. But as the novel shows, those who are highly marginalised are often subject to increased surveillance and inhibited mobility. In this sense, it may be worth being wary of changes to passports or other identity documents that purport to be more 'inclusive'.

Mobility is, as the contributions in this volume make clear, never an innocent enterprise and is always implicated in the production of power (Cresswell 2010: 20–1). While recent conceptualisations of mobility, as both a condition of global modernity and a source of insecurity, can be traced back to the work of Michel Foucault (2007), it is also helpful to keep in mind Foucault's (2003: 253) insights into the convergences between disciplinary power and biopower and how norms appear: 'The norm is something that can be applied to both a body one wishes to discipline and a population one wishes to regularize'. In the context of my argument presented here, it would be worth then asking about the confluences between mobility, (in)security, and norms. We know that notions of normativity and inclusion are not stagnant. Not so long ago, same-sex sexualities were actively targeted, policed, and pursued by state bodies, whereas now we know that some homosexual bodies are seen as worthy of protection by nation states. In this sense, the X itself could become the new norm: those bodies the state hopes to discipline, and those populations it hopes to regularise. For example, Eric Stanley warns us of jumping to too-quick conclusions about these new options. Referring to both the Yogyakarta Principles on Human Rights and Sexual Orientation and Gender Identity (2007) and the X in passports, he writes: 'an ethic of gender self-determination helps us to resist reading these biopolitical shifts as victories. Here the state and its interlocutors, including at times trans studies, work to translate and in turn confine the excesses of gendered life into managed categories at the very moment of radical possibility' (Stanley 2014: 90). Indeed, while these state-level interventions could, on the surface, appear progressive, they belie a reactionary response to containing and naming the non-normative.

NOTES

- 1 In between, Feinberg continued writing and publishing a number of influential texts and pamphlets on trans history and identity, some even crediting Feinberg with coining the term 'transgender'.
- 2 I refer specifically to a US context where a particular type of twenty-first century neoliberalism exists for two reasons: (1) contrary to other nation states, particularly those in Western Europe, the US has never truly functioned as a welfare state and privatisation has occupied a privileged position in the American economy, and (2) the 11 September 2001 attacks, which, although affecting nation states the world over, had particular

- consequences for an American public, specifically those who were soon after (or perhaps already) considered 'undesirable'.
- 3 In Australia, although an X (or indeterminate) category has been allowed on passports since 2011, it was not until April 2014 that the government ruled that people are not unambiguously male or female, which then allows for a third gender under the law. However, the law is not so clear on what this indeterminate gender category will mean when it comes to marriage or domestic partnership. In New Zealand, X was also introduced as a new gender category on passports in 2012, with X meaning 'undetermined or unspecified'. Only a simple declaration is required to change one's passport. However, to change one's gender identity from male to female, or vice versa, (not to X) on citizenship documents, a more complicated Family Court declaration is still required. As it stands now, X is allowed but changing from one recognised gender to another is not so easy.
 - 4 This has thus far only been made possible for accounts set to American English, which could prompt a whole set of questions about what it means for the US to be seen as the site for this 'progressiveness'.

REFERENCES

- Ahmed, S., 2006. *Queer Phenomenology: Orientations, Objects, Others*, Durham, NC: Duke University Press.
- Aizura, A. Z., 2006. 'Of Borders and Homes: The Imaginary Community of (Trans)sexual Citizenship', *Inter-Asia Cultural Studies* 7(2): 289–309.
- Anzaldúa, G., 2012. *Borderlands/La Frontera: The New Mestiza*, San Francisco, CA: Aunt Lute Books.
- Beauchamp, T., 2013. 'Artful Concealment and Strategic Visibility: Transgender Bodies and U.S. State Surveillance after 9/11', in S. Stryker and A. Z. Aizura, eds, *The Transgender Studies Reader 2*, New York: Routledge.
- Beauchamp, T., 2014. 'Surveillance', *Transgender Studies Quarterly* 1(1–2): 208–10.
- Bell, D. and J. Binnie, 2000. *The Sexual Citizen: Queer Politics and Beyond*, Cambridge: Polity.
- Bhanji, N., 2013. 'Trans/scriptio: Homing Desires, (Trans)sexual Citizenship and Racialized Bodies', in S. Stryker and A. Z. Aizura, eds, *The Transgender Studies Reader 2*, New York: Routledge.
- Bohling, A., 2012. 'Transgender, Gender Non-Conforming People Among First, Most Affected by War on Terror's Biometrics Craze'. Truthout Report. Available at www.truth-out.org/news/item/8506-transgender-gender-non-conforming-people-among-first-most-affected-by-war-on-terrors-biometrics-craze (accessed 29 May 2015).
- Clarkson, N. L., 2014. 'Biometrics', *Transgender Studies Quarterly* 1(1–2): 35–8.
- Cohler, D., 2012. 'Firemen Fetishes and Drag King Dreams: Queer Responses to September 11', in S. Laura and V. Sandra, eds, *Gender, War and Militarism: Feminist Perspectives*, Santa Barbara, CA: Praeger.
- Côté-Boucher, K., F. Infantino, and M. B. Salter, 2014. 'Border Security as Practice: An Agenda for Research', *Security Dialogue* 45(3): 195–208.
- Cresswell, T., 2010. 'Towards a Politics of Mobility', *Environment and Planning D: Society and Space* 28(1): 17–31.

- Currah, P. and T. Mulqueen, 2011. 'Securitizing Gender: Identity, Biometrics, and Transgender Bodies at the Airport', *Social Research* 78(2): 557–82.
- Feinberg, L., 2006. *Drag King Dreams*. New York: Carroll & Graf Publishers.
- Ford, Z., 2013. 'Arizona Lawmaker Introduces Bill to Prosecute Transgender People who Use the "Wrong" Bathroom'. Available at <http://thinkprogress.org/lgbt/2013/03/20/1748851/arizona-lawmaker-introduces-bill-to-prosecute-transgender-people-who-use-the-wrong-bathroom/> (accessed 28 May 2015).
- Foucault, M., 2003. *Society Must Be Defended. Lectures at the Collège de France, 1975–76*. London: Penguin Books.
- Foucault, M., 2007. *Security, Territory, Population. Lectures at the Collège de France, 1977–78*. New York: Palgrave Macmillan.
- Grewal, I., 2006. "'Security Moms" in the Early Twentieth-Century United States: The Gender of Security in Neoliberalism', *Women's Studies Quarterly* 34(1/2): 25–39.
- Harrington, E., 2014. 'Feds Spend \$194,788 to Study How Transwomen Use Facebook'. Available at <http://freebeacon.com/issues/feds-spend-194788-to-study-how-transwomen-use-facebook/> (accessed 28 May 2015).
- Hines, S., 2007a. *TransForming Gender: Transgender Practices of Identity, Intimacy and Care*. Bristol: Policy Press.
- Hines, S., 2007b. '(Trans)Forming Gender: Social Change and Transgender Citizenship', *Sociological Research Online* 12(1).
- Hudson, A., 2014. 'The Bleaching of San Francisco: Extreme Gentrification and Suburbanized Poverty in the Bay Area'. Available at www.truth-out.org/news/item/23305-the-bleaching-of-san-francisco-extreme-gentrification-and-suburbanized-poverty-in-the-bay (accessed 27 September 2015).
- Irving, D., 2013. 'Normalized Transgressions: Legitimizing the Transsexual Body as Productive', in S. Stryker and A. Z. Aizura, eds, *The Transgender Studies Reader 2*. New York: Routledge.
- Magnet, S. and T. Rodgers, 2012. 'Stripping for the State: Whole Body Imaging Technologies and the Surveillance of Othered Bodies', *Feminist Media Studies* 12(1): 101–18.
- Mohanty, C. T., 2013. 'Transnational Feminist Crossings: On Neoliberalism and Radical Critique', *Signs* 38(4): 967–91.
- Monro, S., 2003. 'Transgender Politics in the UK', *Critical Social Policy* 23(4): 433–52.
- Monro, S., 2005. *Gender Politics: Citizenship, Activism and Sexual Diversity*. London: Pluto Press.
- Puar, J., 2010. 'Docility and the Regulation of the Subject. Leben nach Migration'. Available at <http://migrationsrat.de/dokumente/pressemitteilungen/MRBB-NL-2010-special-Leben%20nach%20Migration.pdf> (accessed 28 May 2015).
- Spade, D., 2012. 'The New Transgender Movement: Race, Poverty, Gender, Policing, and Pinkwashing: Interview with Laura Flanders'. Available at www.lauraflanders.com/?video=eQJigIBllbU (accessed 27 September 2015).
- Stanley, E. A., 2014. 'Gender Self-Determination', *TSQ: Transgender Studies Quarterly* 1(1–2): 89–91.
- Stryker, S., 2008. *Transgender History*. Berkeley, CA: Seal Press.

- Turner, B. S. and P. Hamilton, 1994. *Citizenship: Critical Concepts*, London: Routledge.
- United States Securities and Exchange Commission, 2014. Annual Report Pursuant to Section 13 or 15(d) of the Security Exchange Act of 1934. For the Fiscal Year Ended Dec. 31, 2014. Available at www.sec.gov/Archives/edgar/data/1326801/000132680115000006/fb-12312014x10k.htm (accessed 15 July 2016).
- Yuval-Davis, N., 1999. 'The "Multi-Layered Citizen"', *International Feminist Journal of Politics* 1(1): 119–36.