
TRANSING TRANS: A QUEER RESPONSE TO THE FIELD OF TRANSGENDER STUDIES

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ABSTRACT

Sydney 1920. Eugenia Falleni was accused of the murder of Annie Birkett, whom she was married to while living as a man named Harry Crawford. This thesis examines the ways in which Falleni and their gendered actions have been described in the literature about the case since the trial. I will position this case in the field of transgender studies, and suggest that how Falleni has variously been represented echoes the ways in which trans has been conceptualised in the literature in the field. In deploying the notion of somatechnics, I will argue that trans is often assumed to be a self-evident and pre-discursive identity category that applies to specific individuals and groups. As a result, I suggest, there is a lack of questioning of the very notion of trans, and how such perception of trans materialises that which it merely assumes to perceive. This thesis is therefore interested in developing a critical vocabulary through which to assess trans and how it is applied to individuals such as Falleni.

This work has not been submitted for a higher degree to any university or institution other than Macquarie University. All work contained within this document is original and my own, unless otherwise acknowledged.

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INTRODUCTION

Sydney, July 1920. A man named Harry Crawford was taken in for interrogation by the police in relation to the murder of his first wife, Annie Birkett. It was then discovered that Crawford was in fact not a man, but a woman named Eugenia Falleni who had been living as a man for several years, and as such had married two women. On 7 October 1920, Falleni was found guilty of murder in the Supreme Court in Sydney, even though evidence was merely circumstantial, and sentenced to death. The penalty was eventually commuted to lifelong imprisonment, and Falleni was released from Long Bay Prison eleven years later. Falleni then went on to live as a woman, having taken on the name Jean Ford.

The newspaper coverage of the 'Falleni case' was extensive at the time, and indicates a fascination with Falleni's gendered actions. More recently, in the last thirty years, the case has been taken up several times and Falleni has been described in a myriad of ways. Suzanne Falkiner made Falleni fit with that which the psychological literature identifies as female-to-male transsexualism.¹ Similarly, Kay Saunders has argued that she possessed a transgender identity, and that she regarded herself not as a lesbian but as a man.² Ruth Ford, in using the Falleni case as a tool to highlight the lack of connections made in the media between men-women and lesbianism, suggests a reading of Falleni as lesbian.³ Mark Tedeschi identifies Falleni as a "transgender warrior at a time when there was no understanding of her condition and no support for her cause"⁴, and posits that "the most acceptable term today for Eugenia Falleni's condition is 'gender identity disorder', which is synonymous with transsexualism"⁵.

This thesis is interested in the ways in which Falleni and his gendered actions have been described, interpreted and represented in the literature about the case. Interestingly, in the documents from the time of the case, Falleni does not have a

¹ Suzanne Falkiner, *Eugenia: A Man* (Sydney: Pan Books, 1988), pp. 228-229.

² Kay Saunders, *Deadly Australian Women: Stories of the Women Who Broke Society's Greatest Taboos* (Sydney: HarperCollinsPublishers, 2013), p 279.

³ Ruth Ford, "'The Man-Woman Murderer': Sex Fraud, Sexual Inversion and the Unmentionable 'Article' in 1920s Australia," *Gender & History* 12, no. 1 (2000): p. 179.

⁴ Mark Tedeschi, *Eugenia: A True Story of Adversity, Tragedy, Crime and Courage* (Sydney: Simon and Shuster Australia, 2013), Kindle edition, chapter 30.

⁵ *Ibid.*

voice, and thus cannot be easily categorised. Therefore, the very different ways in which his gendered actions have been described, show a fascination with his person caused by, I argue, his indefinability. The disagreement in the work on the case about who Falleni was, then, shows an inability to deal with that which resists wholeness, congruence and continuity of personhood. As such, the ways in which the Falleni case has been dealt with echoes the developments in the field of transgender studies. I will thus position the case within this field, and suggest that it provides an excellent example of why conceptualisations of trans are often problematic and inadequate in their dealings with non-binary bodies and identities.

Therefore, this thesis will seek to realise the productive capacity of trans by reading it through a queer theory lens. Scholars in the field of transgender studies have at several instances criticised the ways in which queer theorists theorise trans, and claim that these theorisations have detrimental effects for trans individuals. These critiques range from suggestions that queer theorists have ignored the real life experiences of trans individuals, that they have privileged the term transgender over transsexual, and that they have overly focused on culture at the expense of nature and matter. In summary, trans individuals and scholars argue that queer theorists have (ab)used trans individuals to further their postmodern agendas. However, I argue that these critiques are often grounded in a misunderstanding of the very diverse projects of queer theory. In this thesis, it is thus my intention to develop a critical vocabulary that allows for a re-reading of the concept of trans by positioning the discussion within a queer framework.

The political project of early texts in the field, I argue, was inherently queer (Stone, Feinberg, Bornstein) in that it was interested in questioning essentialist beliefs accompanying notions of normative binary sex, gender and sexuality and the assumed linkages that exist between these concepts. However, this deconstructive focus soon shifted and was replaced by a preoccupation with carving out trans as an identity that served as a justification for being-in-the-world. This scholarship is often grounded in a recounting of experience as a means to validate its claims to unified identity and wholeness. Trans here is thus no longer theorised as a question, but rather as a statement that positions trans as a specific set of bodies that display characteristics distinct from 'normally' gendered bodies. Such positioning of trans as a distinct

category can also be discerned in new materialist scholarship. This scholarship advocates a return to nature in theorisations of sex, gender and sexuality, as it suggests that this return will allow us to enact the full potential of the human and enrich our knowledge of human sexuality.

In the first chapter of this thesis, I will therefore argue that in its reliance on experience and its preoccupation with stable and knowable identities and categories, trans scholarship reinstates the binaries it initially set out to deconstruct. Instead of embracing difference, the scholarship in the field is thus interested in carving out a space for trans individuals by positioning it against non-trans.

In chapter 2, then, I will attempt to apply a somatechnics framework to the concept of trans, in which I suggest that trans functions as a somatechnology of perception. In the literature, trans is often presumed to precede and to be independent of 'perception'. It simply exists and is constructed as self-evident. However, trans conceptualised in this manner shapes what it assumes it simply perceives is 'there'. In this chapter, I thus want to suggest that all bodies are implicated in trans. As such, I am interested in the question of what a politics in which trans is not simply 'there' would look like, in which trans is not an isolated identity, a community or a marginal group that exists on its own terms, but of trans as a relational practice that materialises that which it appears to simply perceive.

I am aware that it may seem as though I am oblivious to the very real struggles and concerns of those who do not feel themselves to be normatively gendered and/or are not recognised as such. However, it is exactly my concern with the detrimental effects the gender system has on individuals that urges me to conceptualise trans in this manner. Eugenia Falleni, for example, at the time of her trial in 1920s Sydney was labelled 'man-woman' by some, 'woman' by others and 'deceiver' by others. These labels, I suggest, were what was at stake during his trial, and not this person's innocence or guilt. More recently Falleni has been categorised as 'lesbian', as 'transsexual', as 'suffering from GID'. I understand that claiming certain labels as one's own can help in furthering the struggle for acceptance. Yet, I would like to suggest in this thesis that we explore the possibility of not conceiving of these labels as belonging to certain individuals and groups and thus both as strategies for inclusion

and exclusion, but as practices of positive difference in which every individual is always already implicated.

In chapter 3 I will test this somatechnics framework against the Falleni case and the ways it has been (re)presented. In a deconstructive analysis of material from the time of the trial and more recent material, I will suggest that writing about the case still indicates an inability to deal with notions of indefinability and incongruence. This explains the apparent need to categorise Falleni according to a rigid set of characteristics. Labelling individuals in this way presumes that identity categories simply exist and can then be applied to certain groups of people. This reinforces the discursive system that excludes certain individuals based on exactly such rigid labels. Here, I thus wonder what a politics in which we embrace indefinability would look like, as a means to explore how the perception of certain identity categories as existing outside of discursive production shapes and materialises the category and the individuals associated with it.

A note on terminology: the use of terms such as transsexual, transgender, trans*, trans- and trans is problematic, since what they stand for is always fluid and changing, and is used by individuals to describe the very specific ways in which they personally experience their sex, gender and sexuality. This thesis takes issue with these terms, in that they are limiting and constraining. However, in order to question such terms, they must be used. Judith Butler has identified the strategy of the double gesture:

To ameliorate and rework [the] violence [performed and erased by claims of finality and all-inclusiveness inherent to categories] it is necessary to learn a double movement: to invoke the category and, hence, provisionally to institute an identity and at the same time to open the category as a site of permanent political contest. That the term is questionable does not mean that we ought not to use it, but neither does the necessity to use it mean that we ought not perpetually to interrogate the exclusions by which it proceeds, and to do this precisely in order to learn how to live the contingency of the political signifier in a culture of democratic contestation.⁶

Therefore, in this thesis I will use the more general term 'trans', so as to attempt to underline the non-static and fluid character of this and the other terms mentioned here, unless a different term is used in the scholarship I engage with.

⁶ Judith Butler, *Bodies That Matter* (New York: Routledge, [1993] 2011), p. 168.

CHAPTER 1: 'I FEEL THEREFORE I AM': A QUEER TAKE ON TRANS IDENTITY

Introduction

Whilst queer theory is interested in developing a politics in which the subject does not play a central role, the field of transgender studies has progressively re-instated and confirmed the very notion of the subject at the heart of its project. In this chapter, I argue that trans scholarship is often premised on the notion of a pre-discursive identity and thus foregoes the productive potential that queer theory and its focus on anti-essentialism represents for the analysis of gendered practices. Interestingly, texts that are considered foundational of the field, such as the work of Stone, Feinberg and Bornstein, employ a queer politics, in that they draw attention to and question inconsistencies in notions of binary and heteronormative gendered identity. However, a shift towards identity politics is undeniably present in much work on trans, as it has increasingly centred around notions of experience. The use of experience in this scholarship, in that it stands for a particular knowledge that only 'trans' individuals can possess, functions so as to formulate trans identity as pre-discursive and validates it as a distinct category of analysis. Trans can thus be positioned against non-trans, which re-instates and confirms binary thinking, and allows for a politics of us-versus-them, on which communities can be built. Identities, in this logic, are knowable and central to theorisations of trans. New materialist scholarship can be read as an unsuccessful attempt to resolve the tensions prevalent in such identity and subject-centred politics. This work insinuates that nature can tell us something about the possibilities of the human, and thus posits trans in nature as pre-discursive. In this logic, trans can be objectively observed in nature, which effectively renders the need to question its status as discursively produced obsolete. Consequently, in this chapter I argue that the que(e)r(y)ing potential of trans has gradually been discarded, and that instead trans scholarship relies heavily on and affirms a foundationalist politics. It is thus my intention to question those foundations that trans scholarship is premised on, and to propose a profoundly queer contribution to conceptualisations of trans. To do so, I will start this chapter by suggesting the relevance of queer theory to the field of transgender studies. I will proceed by reading a number of texts that were foundational of the field for their queer potential. I will then highlight how the field of transgender studies has increasingly relied on notions of experience, identity and

community. Finally I will briefly chart the recent move towards new materialism in transgender studies.¹

Transgender Studies: A Queer Field?

In recent years, trans scholars have at several instances criticised the ways in which queer theorists theorise trans, and claim that these theorisations have detrimental effects for trans individuals. They argue that queer theorists have (ab)used trans to further their own postmodern agendas.² The term queer theory was first used by Teresa de Lauretis as the theme of a conference at the University of California in 1990.³ De Lauretis posits that she thought of it "as the term of a project at once critical and political, aimed at resisting the cultural and sexual homogenization in academic 'gay and lesbian studies'"⁴ and interested in constructing "another discursive horizon, another way of thinking the sexual."⁵ In 1994, however, she abandoned the term and argued that it had become "merely a vacuous creature of the publishing industry"⁶, but in 2011 returned to it. Warner, in a review of the field, has argued that "[w]hat is forgotten . . . is that the term came from grass-roots politics before it became theory. Act Up had already made possible a politics directed against shame and normalization, and aiming at complex mobilization of people beyond sexual

¹ Before I continue, I would like to clarify that I am aware that the work I engage with in this thesis is considerably more complex than the specific moves I identify. In focusing on specific trends and tendencies in the field of transgender studies, it is my intention to generate a conversation with regards to some of the assumptions on which much of its scholarship is premised. I by no means intend to suggest that the work I discuss here can be reduced to just those moves I evaluate in this chapter and is therefore not valuable. Sara Ahmed makes a similar acknowledgment in her essay "Some Preliminary Remarks on the Founding Gestures of the 'New Materialism'", in which she posits that "I do not want to reduce this work to the gesture I am identifying. [It] offer[s] us much more than a gesture, and when I put that gesture to one side, I find much that is useful and exciting about [this work]." Sara Ahmed, "Some Preliminary Remarks on the Founding Gestures of the 'New Materialism'", *European Journal of Women's Studies* 15, no. 1 (2008): p. 24.

² See for instance Viviane K. Namaste, "'Tragic Misreadings': Queer Theory's Erasure of Transgender Subjectivity," *Invisible Lives: The Erasure of Transsexual and Transgendered People* (Chicago: The University of Chicago Press, 2000), pp. 9-23. Jay Prosser, *Second Skins: The Body Narratives of Transsexuality* (New York: Columbia University Press, 1998).

³ Teresa de Lauretis, "Queer Texts, Bad Habits, and the Issue of a Future," *GLQ: Journal for Gay and Lesbian Studies* 17, no. 2-3 (2011): p. 257.

⁴ *Ibid.*, p. 257.

⁵ Teresa de Lauretis, "Queer Theory: Lesbian and Gay Sexualities: An Introduction," *Differences: A Journal of Feminist and Cultural Studies* 3, no. 2 (1991): p. iv.

⁶ Teresa de Lauretis, "Habit changes," *Differences: A Journal of Feminist Cultural Studies* 6, no. 2-3 (1994): p. 297.

identity."⁷ The term, however, is still contested by a number of individuals who identify as gay, and who often return to the 'laundry list' of LGBTIQ.

For the purpose of this thesis, queer theory is realised as a practice, an approach. It refers to a 'queering', a making strange of normative assumptions with regards to sex, gender and sexuality. It is by no means an identity - it does not delineate gay or lesbian, or the non-normative individual - and as such does not and cannot function as a tool for exclusion. Annamarie Jagose suggests that queer theory "dramatises incoherencies in the allegedly stable relationships between chromosomal sex, gender and sexual desire"⁸ and as such resists models of stability and essentialism. Nikki Sullivan has identified queer as "to make strange, to frustrate, to counteract, to delegitimise, to camp up - heteronormative knowledges and institutions, and the subjectivities and socialities that are (in)formed by them and that (in)form them."⁹ Queer theory scholarship thus interrogates and destabilises heteronormative discourses and practices, and notions of wholeness of personhood. Furthermore, Jagose argues that "the discursive proliferation of queer has been enabled in part by the knowledge that identities are fictitious - that is, produced by and productive of material effects but nevertheless arbitrary, contingent and ideologically motivated"¹⁰. Thus, queer theory as I use it here, is interested in not only examining the motivations behind the positing of stable identities and examining its effects, but also in interrogating the concept of identity as such. Eng, Halberstam and Munoz have therefore suggested that a subjectless critique lies at the heart of queer theory, which "disallows any positing of a proper subject of or object for the field by insisting that queer has no fixed political referent . . . [and thus orients it] . . . as a continuous deconstruction of the tenets of positivism at the heart of identity politics."¹¹

Susan Stryker's definition of what is at stake in the field of transgender studies is remarkably similar to the project of queer theory I have described here. For Stryker,

⁷ Michael Warner, "Queer and Then," *The Chronicle of Higher Education*, available from <http://chronicle.com/article/QueerThen-/130161/>

⁸ Annamarie Jagose, "Queer Theory," *Australian Humanities Review* (1996), <http://www.australianhumanitiesreview.org/archive/Issue-Dec-1996/jagose.html>.

⁹ Nikki Sullivan, *A Critical Introduction to Queer Theory* (Edinburgh: Edinburgh University Press, [2003] 2010), p. vi.

¹⁰ Jagose, "Queer Theory".

¹¹ David L. Eng, Judith Halberstam and José Esteban Muñoz, "What's Queer about Queer Studies Now?," *Social Text* 23, no. 3-4 (2005): p. 3.

transgender studies is interested in transgender phenomena. She identifies a transgender phenomenon as anything that disrupts or denaturalises the normative and assumed links that exist between dichotomous birth-assigned sex, gender or sex-role socialisation, the normative experience of a gendered sense of self, and the mechanisms that uphold these links. At the heart of transgender studies is thus the question of what the implications are of binary thinking with regards to sex and gender. The field is concerned with what it means if we start from a position in which we conceive of these binaries not as natural, but as ideological, historical, socially constructed, or technologically produced.¹²

Queer theory and transgender studies thus share a number of concerns and points of enquiry.¹³ Given its interest in the disruption of such linkages that are constitutive of congruent and 'whole' sexed and gendered personhood, it seems only logical that scholarship in the field of transgender studies engages in a subjectless critique, in which discursive constructs are continuously deconstructed.¹⁴ Nonetheless, a large number of trans scholars have both explicitly rejected queer theory, or have implicitly argued against its ideological concerns. Thus, in opposing or negating the notion of congruent identities as fictitious¹⁵, trans scholars have not only rejected queer theory, but also the productive potential inherent in Stryker's definition of the field.

Foundations

The publication of texts that were foundational of the field of transgender studies - Sandy Stone's "The Empire Strikes Back: A Posttranssexual Manifesto"¹⁶, Leslie

¹² Susan Stryker, "(De)Subjugated Knowledges: An Introduction to Transgender Studies," in *The Transgender Studies Reader*, ed. Susan Stryker and Stephen Whittle (New York: Routledge, 2006), p. 3.

¹³ Valentine discusses the overlap between queer theory and transgender studies, as they both emerged in the 1990s. David Valentine, *Imagining Transgender: An Ethnography of a Category* (Durham: Duke University Press, 2007), p. 24 and p. 260.

¹⁴ Examples of this can be found in the work of scholars such as Jack/Judith Halberstam, Nikki Sullivan, Dean Spade, Lucas Cassidy Crawford and others.

¹⁵ Valentine, *Imagining Transgender*, p. 260. Valentine observes that queer "undermines the notion of fixed subjectivity and identity which are so central in many transgender . . . identities".

¹⁶ Sandy Stone, "The Empire Strikes Back: A Posttranssexual Manifesto," *Camera Obscura: Feminism, Culture, And Media Studies* 10, no. 2 29 (1992).

Feinberg's *Transgender Liberation: A Movement Whose Time Has Come*¹⁷ and Kate Bornstein's *Gender Outlaw: On Men, Women, and the Rest of Us*¹⁸ - coincided with the early years of queer theory. Not surprisingly then, these texts reflect a number of queer concerns. Whilst Stone, Feinberg and Bornstein posit trans as an identity, their conceptualisations of trans regard it as an identity structured around openness and disruption. Stone defines trans as "a genre - a set of embodied texts whose potential for productive disruption of structured sexualities and spectra of desires has yet to be explored"¹⁹. Feinberg refers to transgender as "a diverse group of people who define ourselves in many different ways" and suggests that "there are a whole range of ways for men and women to express themselves"²⁰. Bornstein is more radical as she urges for a questioning of "the existence of gender" and wants to "enter that question firmly into the fabric of this culture", and as such also challenges gender identity itself²¹.

However, the activist projects of these theorists hinge on the affirmation of trans as an identity. Stone, for example, argues that transsexuals "must take responsibility for all their history"²², "forgo passing, to be consciously 'read,' to read oneself aloud - and by this troubling productive reading, to begin to *write oneself* into the discourses by which one has been written"²³. Thus, she argues that trans identities need to be made visible. Bornstein argues that "[t]he correct target for any successful transsexual rebellion would be the gender system itself. But transsexuals won't attack that system until they themselves are free of the need to participate in it"²⁴. Making visible transgender identities, and identifying the need for transsexuals to challenge the system, necessitates exactly the positing of transsexual as an identity. However, both Stone and Bornstein utilise this identity as a means to outline inconsistencies in the gender system²⁵, the system that prescribes coherent and stable gendered identity.

¹⁷ Leslie Feinberg, *Transgender Liberation: A Movement Whose Time Has Come* (New York: World View Forum, [1992] 1993).

¹⁸ Kate Bornstein, *Gender Outlaw: On Men, Women, and the Rest of Us* (New York: Vintage Books, [1994] 1995).

¹⁹ Stone, "The Empire Strikes Back," p. 165.

²⁰ Feinberg, *Transgender Liberation*, p. 7.

²¹ Bornstein, *Gender Outlaw*, p. 58.

²² Stone, "The Empire Strikes Back," p. 167.

²³ *Ibid.*, p. 168.

²⁴ Bornstein, *Gender Outlaw*, p. 83.

²⁵ Such move can be interpreted as Butler's notion of the "double movement". Judith Butler, *Bodies That Matter* (New York: Routledge, [1993] 2011), p. 168.

One would thus expect that Stone, Feinberg and Bornstein are not interested in formulating binary categorisations. However, Stone's positing of the transsexual as providing the possibility of productive disruption, Feinberg's positing of transgender individuals as a group of people that centres around the self-expression of gender, and Bornstein's referring to the 'gender outlaw'²⁶ conveys the impression that the 'non-normatively' or 'transgressively' gendered are opposed to the normatively gendered.

Feinberg and Bornstein's work relies on voluntarism and individual agency²⁷, through which subjects are constructed as being in charge of choosing their gendered identities and actions. Bornstein, for instance, refers to gender fluidity as "the ability to freely and knowingly become one or many of a limitless number of genders, for any length of time, at any rate of change. Gender fluidity recognizes no borders or rules of gender."²⁸ Such commitment to self-expression can be read as a response to those medical and radical feminist discourses that attempt(ed) to eradicate the figure of the transsexual.²⁹ However, it overlooks the performative character of gender. Butler defines performativity as "the repeated stylization of the body, a set of repeated acts within a highly rigid regulatory frame that congeal over time to produce the appearance of a substance, of a natural sort of being"³⁰. Voluntarist accounts of gender thus neglect the limits of what one can do with their gender and gendered expressions, imposed by oppressive gender norms in favour of voluntarism. Butler argues that voluntarist accounts of gender presume

that gender is a choice . . . or that gender is a construction that one puts on, as one puts on clothes in the morning, that there is a "one" prior to this gender, a one who goes to the wardrobe of gender and decides with deliberation which gender it will be today.³¹

²⁶ See also Wilchins' notion of 'genderqueer'. Riki Wilchins, "It's Your Gender, Stupid!," in *GENDERqUEER: Voices from Beyond the Sexual Binary*, ed. Joan Nestle, Clare Howell and Riki Wilchins (Los Angeles: Alyson Books, 2002), p. 28.

²⁷ Heyes similarly argues that this literature too often "falls back onto an implausibly atomistic self that is given normative free rein to assert its gender". Cressida Heyes, "Feminist Solidarity after Queer Theory: The Case of Transgender," *Signs: Journal of Women in Culture and Society* 28, no. 4 (2003): p. 1095. Elliot identifies the individualist view of social life in the work of Bornstein and Feinberg. Patricia Elliot, *Debates in Transgender, Queer, and Feminist Theory* (Farnham: Ashgate, 2010), p. 29.

²⁸ Bornstein, *Gender Outlaw*, p. 51.

²⁹ See for instance Janice Raymond, *The Transsexual Empire: The Making of the She-Male* (Boston: Beacon Press, 1979), to which Stone's "The Empire Strikes Back" was a response; and Mary Daly, *Gyn/Ecology: The Metaethics of Radical Feminism* (Boston: Beacon Press, 1978). More recently Sheila Jeffreys has written in a similar vein. Sheila Jeffreys, *Beauty and Misogyny: Harmful Cultural Practices in the West* (New York: Routledge, 2005).

³⁰ Judith Butler, *Gender Trouble* (New York: Routledge, [1990] 2006), p. 33.

³¹ Judith Butler, "Critically Queer," *GLQ: A Journal of Lesbian and Gay Studies* 1, no. 1 (1993): p. 21.

Not only does voluntarism, then, presume a subject that is pre-discursive and prior to gender in that it can choose which gender it will take on at any given time, it also ignores the limits imposed by gender as a performative effect and thus its relationality.

Nonetheless, I hope to have shown here that Stone, Feinberg and Bornstein use terms such as transsexual and transgender not as an attempt to stabilise identities and build communities based on these identities, but, instead, invoke such terms so as to be able to deconstruct and queer ideas and beliefs that were prevalent in earlier writing about trans.³² However, it must be noted that this foundational work in the field places a nomenclature at the centre of its project that could easily slide into a foundational politics.

Experience

Susan Stryker argues that "[t]ransgender studies considers the embodied experience of the speaking subject, who claims constative knowledge of the referent topic, to be a proper - indeed essential - component of the analysis of transgender phenomena"³³. She suggests that this experiential knowledge is no more or less objective than other knowledge, and that it is necessary for understanding "the political dynamics of the situation being analyzed"³⁴. For Stryker, however, this does not mean that this experience of 'being transgender' is more valuable than knowledge gathered from an exterior position, but rather is a strategy to ensure that no voice in the conversation hides the position from which it speaks so as to not make claims to universality or authority.³⁵

³² See for instance also Wilchins, who explicitly questions identity politics as he compares it to a computer virus, and laments that the term transgender is "hardening to become an identity rather than a descriptor." He describes gender as "as a name for that system that punishes bodies for how they look, who they love, or how they feel - for the size or color or shape of their skin. I do this not to collapse differences, but to emphasize our connections." He refers to terms such as gender-different and gender-oppressed as extending "the linguistic fiction that real identities (however inclusive) actually exist prior to the political systems that create and require them. This is a seduction of language, constantly urging you to name the constituency you represent rather than the oppressions you contest." Riki Wilchins, *Read My Lips: Sexual Subversion and the End of Gender* (New York, Magnus Books, [1997] 2013), p. 19.

³³ Stryker, "(De)Subjugated Knowledges," p. 12.

³⁴ *Ibid.*, p. 12.

³⁵ *Ibid.*, p. 12.

Kate Bornstein's *Gender Outlaw* is filled with personal stories and experience. However, Bornstein does not use this experience to establish an identity or to claim authoritative knowledge. Experience, here, is used to raise a series of questions about the gender system, rather than to validate opinions about specific gendered identity categories. This is illustrated when she writes:

I know I'm not a man - about that much I'm very clear, and I've come to the conclusion that I'm probably not a woman either, at least not according to a lot of people's rules on this sort of thing. The trouble is, we're living in a world that insists we be one or the other - a world that doesn't bother to tell us exactly what one or the other is.³⁶

Stone uses experience very differently. She argues that in many (auto)biographies, trans individuals "go from being unambiguous men . . . to unambiguous women"³⁷ and that

[w]hat is gained is acceptability in society. What is lost is the ability to authentically represent the complexities and ambiguities of lived experience, . . . Instead, authentic experience is replaced by a particular kind of story, one that supports the old constructed positions.³⁸

Whilst Stone thus exposes that 'lived experience' is more complex than generally understood, she nonetheless assumes that there is such thing as 'authentic experience' that can be represented. One can thus discern a valuation of experience as authoritative, inasmuch as it is 'real' and 'authentic'. However, she proceeds by suggesting that "in the transsexual's erased history we can find a story disruptive to the accepted discourses of gender, that originates from within the gender minority itself and that can make common cause with other oppositional discourses"³⁹. Stone implies, then, that the use of experience as evidence provides the potential for disruption of the current gender system and the notion of knowable and coherent identity. For Stone, the notion of experience provides an opportunity for the creation of new discourses that will result in the recognition of minority groups, whereas Bornstein more radically is interested in questioning the gender system as such.

However, what is problematic in much trans scholarship is that experience comes to symbolise a 'special' type of knowledge that can only be accessed by experiencing what the author of the text has experienced. The use of personal experience not only

³⁶ Bornstein, *Gender Outlaw*, p. 8.

³⁷ Stone, "Posttranssexual Manifesto," p. 156.

³⁸ *Ibid.*, p. 164.

³⁹ *Ibid.*, p. 164.

risks positing the individual at the centre of the work that is being produced, but moreover, this experience often materialises in an identity and posits that identity category as pre-discursive. Viviane Namaste, for instance refers to her "unique experience of being a transsexual" in the process of writing and researching her book⁴⁰, and refers to "our lives, our bodies and our experience"⁴¹ as she tries to develop solutions to the problems trans individuals currently face, so as to position herself as expert of her and other trans-identifying individuals' own situations. Stephen Whittle interrogates the rifts between feminism and trans theory, and suggests: "I want to start by framing this presentation in a small piece of my personal history. Like all trans people speaking on almost anything related to what trans is, the subjective experience always becomes the primary reference point."⁴² He then argues that "[c]hallenging their own sense of self, looking inwards to find who they are, using the process of autobiography . . . is producing some very interesting answers which challenge the very binary structure of the complacent world in which gender was invented"⁴³. What is at work here, then, is a challenging of binary identity categories, yet, in bringing his own and others' trans identity to the fore, Whittle encourages the materialisation of experience into identity, thus imposing a binary structure upon trans and non-trans, while trying to do away with the binary of woman and man. Experience and identity thus are frequently the one type, or system, of knowledge that remain unquestioned. Trans is positioned as something that unquestioningly exists, because someone has felt it. Here, it is useful to refer to Joan Scott's critique of experience as historical evidence. Scott argues that

[t]alking about experience in these ways leads us to take the existence of individuals for granted (experience is something people have) rather than to ask how conceptions of selves (of subjects and their identities) are produced. It operates within an ideological construction that not only makes individuals the starting point of knowledge, but that also naturalizes categories . . . by treating them as given characteristics of individuals.⁴⁴

⁴⁰ Namaste, *Invisible Lives*, p. xii.

⁴¹ *Ibid.*, p. 1. I want to clarify here that I do not condemn this project - on the contrary, but I believe that a questioning one's own experiences and how they materialise into an identity is indispensable in achieving the goals of such project, so as to be mindful not to replicate the discourses that have produced these problems faced by trans individuals in the first place.

⁴² Stephen Whittle, "Where Did We Go Wrong? Feminism and Trans Theory - Two Teams on the Same Side?," in *The Transgender Studies Reader*, ed. Susan Stryker and Stephen Whittle (New York: Routledge, 2006), p. 194.

⁴³ *Ibid.*, p. 201.

⁴⁴ Joan W. Scott, "The Evidence of Experience," *Critical Inquiry* 17 (1991): p. 782.

Identity

In the introduction to the special trans issue of GLQ, Stryker identifies that

[a] generation of scholarship is beginning to take shape that can better account for the wild profusion of gendered subject positions, spawned by the ruptures of "woman" and "man" like an archipelago of identities rising from the sea: FTM, MTF, eonist, invert, androgyne, butch, femme, nellie, queen, third sex, hermaphrodite, tomboy, sissy, drag king, female impersonator, she-male, he-she, boy-dyke, girlfag, transsexual, transvestite, transgender, cross-dresser.⁴⁵

Whilst the availability of such large number of identity categories functions as a disruption of binary thinking with regards to sex and gender, it nonetheless takes these identity categories for granted. Scott argues that "[e]ach category taken as fixed works to solidify the ideological process of subject-construction, making the process less rather than more apparent, naturalizing rather than analyzing it"⁴⁶. Positing these gendered subject positions as "given characteristics of individuals"⁴⁷ thus does not question how these subject positions come to be, nor the implications of using identity categories as the starting point of an argument or to justify theorisation.

In much trans scholarship, at the outset of the discussion is the positing of trans as an identity upon which the argument is built, instead of a questioning of exactly that positing of trans as an identity. Greany laments her exclusion from academia "as a white, male-to-female transgendered dyke"⁴⁸, and Stephen Whittle says that "I was in fact a man"^{49,50}. Similarly Julia Serano starts her article with "[a]s a transsexual woman, I am often confronted by people who insist that I am not, nor can I ever be, a 'real woman'".⁵¹ Other examples can be seen when Hayward talks about what lies

⁴⁵ Susan Stryker, "The Transgender Issue: An Introduction," *GLQ: A Journal of Lesbian and Gay Studies* 4, no. 2 (1998): p. 148.

⁴⁶ Scott, "The Evidence of Experience," p. 792.

⁴⁷ *Ibid.*, p. 782.

⁴⁸ Markisha Greany, "A Proposal for Doing Transgender Theory in the Academy," in *Reclaiming Genders: Transsexual Grammars at the Fin de Siècle*, ed. Kate More and Stephen Whittle (New York: Cassell, 1999), p. 159.

⁴⁹ Stephen Whittle, "Where Did We Go Wrong? Feminism and Trans Theory - Two Teams on the Same Side?," in *The Transgender Studies Reader*, ed. Susan Stryker and Stephen Whittle (New York: Routledge, 2006), p. 195.

⁵⁰ In "The Becoming Man: The Law's Ass Brays", however, Whittle effectively deconstructs identity categories in a manner reminding of that of Bornstein's *Gender Outlaw*. Stephen Whittle, "The Becoming Man: The Law's Ass Brays," in *Reclaiming Genders: Transsexual Grammars at the Fin de Siècle*, ed. Kate More and Stephen Whittle (New York: Cassell, 1999), pp. 15-33.

⁵¹ Julia Serano, "Skirt Chasers: Why the Media Depicts the Trans Revolution in Lipstick and Heels," in *The Transgender Studies Reader 2*, ed. Susan Stryker and Aren Z. Aizura (New York: Routledge, 2013), p. 226.

"[b]eyond my own identity as a transsexual woman"⁵² and Stryker writes about "my own experience as a transsexual"⁵³. What such statements articulate, is an assumption that trans, transsexual or transgender unquestionably exist, and that what these terms refer to is firmly established and knowable. Trans, here, is thus used much in the same way as categories such as 'man' and 'woman'.

Susan Stryker and Aren Z. Aizura explain that "[t]he first iteration of the field [of transgender studies] engaged in this kind of identity politics necessary to gain speaking positions within discourse, and consequently featured a good deal of autoethnographic and self-representational work by trans subjects"⁵⁴. However, I suggest that the notion of identity must be problematised, in that it implies that one 'is' or 'has it', rather than 'does' or 'becomes'. As such, it supports the idea that there is such thing as stable, true, and knowable identity, and simultaneously proposes the pre-discursively trans subject. Transgender, transsexual, and trans as such are often used as nouns or adjectives that are merely descriptive and thus prematurely foreclose the productive potential of trans.

It is in their dealings with identity and the subject that we find the most pronounced discord between queer theory and transgender studies. Much scholarship in the field of transgender studies is interested in finding ways to represent trans lives, and thus seeks to create an environment in which its subjects and lives on the one hand, and critical scholarship on the other hand, align. I am sympathetic to such concerns. I understand, as Butler has stated, that the ways in which someone does gender is not "merely cultural", but "has consequences for how gender presentations are criminalized and pathologized"⁵⁵. Henry Rubin has suggested that

[i]n queer scholarship, [a] rift between nonacademic lesbians, gays, bisexuals, and their counterparts in academia has grown into a huge abyss. As trans

⁵² Eva Hayward, "Lessons From a Starfish," in *Queering the Non/Human*, ed. Noreen Giffney and Myra J. Hird (Aldershot: Ashgate, 2008), p. 251.

⁵³ Susan Stryker, "My Words to Victor Frankenstein above the Village of Chamounix: Performing Transgender Rage," *GLQ: A Journal of Lesbian and Gay Studies* 1, no. 3 (1994): p. 242. It must be noted that Stryker's work is much more sophisticated than it may seem in this chapter. As one of the co-developers of the term and field of enquiry 'somatechnics', her work is deeply implicated in (queering) notions of the discursive production of bodies. However, Stryker nonetheless often uses her own self-identity as both a framing and justifying tool to support her claims.

⁵⁴ Susan Stryker and Aren Z. Aizura, "Introduction: Transgender Studies 2.0," in *The Transgender Studies Reader 2*, ed. Susan Stryker and Aren Z. Aizura (New York: Routledge, 2013), p. 3.

⁵⁵ Judith Butler, *Undoing Gender* (New York: Routledge, 2004), p. 30.

scholarship has emerged in the context of feminist and queer studies, it, too, has tended to lose touch with many of its constituents.⁵⁶

I thus disagree with Rubin on two counts. Firstly, I find much activism-inspired scholarly work on trans that puts its "constituents" to the fore, which is illustrated in the omnipresence of experience in trans scholarship. Secondly, I consider the abyss in which queer theory finds itself is fundamentally productive. The value of queer theory for individuals who identify as trans can be found in that it counterbalances the identity politics of trans scholarship. Thus, as this thesis interrogates the discourses that underlie the ways in which gender and gendered identity come to matter in certain ways, it simultaneously acknowledges that the ways in which (trans)gender is conceptualised have real life implications for individuals.

A positing of trans as an identity based on a particular type of experience and the authoritative knowledge it is assumed to generate is also evidenced in scholarship in the field that is written by those who are not considered or do not identify as trans, in that these scholars carefully examine and assess their own (perceived) status as 'non-trans'. Patricia Elliot sees her non-trans status as an issue, as she argues that "[l]acking insider experience is a disadvantage here"⁵⁷ in that "those whose personal integrity and material well-being are not affected by their outcome". She also asks, "[w]hat relationship exists or ought to exist between non-trans feminists and transpersons whose well-being depends a good deal on what sense gets made of their identities, their experiences, and their goals?"⁵⁸ Cressida Heyes is "acutely aware of the pitfalls of writing about trans people from the vantage point of a non-trans woman, and as someone who is not actively involved with extra-academic trans communities"⁵⁹. Whilst I understand both scholars' concerns, such positioning of trans versus non-trans comes dangerously close to supporting rigid identity categories. Moreover, the compulsion to acknowledge one's lived gendered experience and sense of self as a means to justify one's (right to) opinion, creates in- and out-groups in which those who do not have the 'right' kind of experience are devalued, unless significant

⁵⁶ Henry S. Rubin, "Phenomenology as Method in Trans Studies," *GLQ: A Journal of Lesbian and Gay Studies* 4, no. 2 (1998): p. 279. Rubin is interested in resolving the rift he identifies by utilising phenomenology and genealogy as a combined approach. For more work on trans phenomenology, see Gayle Salamon, *Assuming a Body: Transgender and Rhetorics of Materiality* (New York: Columbia University Press, 2010).

⁵⁷ Elliot, *Debates in Transgender, Queer, and Feminist Theory*, p. 5.

⁵⁸ *Ibid.*, p. 6.

⁵⁹ Heyes, "Feminist Solidarity after Queer Theory," p. 1096.

acknowledgements are made as to this 'non-trans' individual's experiences with the 'trans' 'community'.⁶⁰

An emphasis on trans identity and experience can also be found in the ways in which trans is often charted against non-trans - or more recently, 'cis' - in both scholarly and activist or community-based writing. B. Aultman argues that "[t]he terms man and woman, left unmarked, tend to normalize cisness - reinforcing the unstated 'naturalness' of being cisgender"⁶¹. In this logic, implementing 'cis' in common parlance de-naturalises categories such as man and woman, and draws attention to their discursive production as 'assigned-at-birth'.⁶² While trans activists initially used cis in an attempt to decentralise the dominant group by describing them rather than being described by them, they have instated a binary in which trans is opposed to cis, and through which cis remains the norm against which trans must provide proof of its transness. Enke suggests that "[t]his erases gender variance and diversity among everyone while dangerously extending the practical reach and power of normativity"⁶³. Enke therefore questions the boundaries between trans and cis, and suggests that "[t]o preserve the stasis of cis and non-trans, trans must never have been or become cis but instead be consistently trans across all time and in all spaces"⁶⁴, and thus asks the question "at precisely what point in time do trans-ness and cis-ness depart from each other?"⁶⁵ In positioning trans as opposed to non-trans or cis, one suggests that it is possible to draw a line between these categories or identities. It must therefore be asked, I argue, how and where exactly this line is drawn. Sectioning off both terms as mutually exclusive produces a normativity on both sides of the line. Furthermore, positing cis/non-trans and trans as identities works to the exclusion of

⁶⁰ Both Heyes and Elliott acknowledge their experiences and relations with trans individuals. Such 'felt' requirement does not seem to be prevalent in many other fields of enquiry, such as for instance work on abortion, domestic violence, tattooing etc. that are not as implicated in identity politics.

⁶¹ B. Aultman, "Cisgender," *TSQ: Transgender Studies Quarterly* 1, no. 1-2 (2014): p. 61.

⁶² See Lennon and Mistler for an account of cisgenderism, which "refers to the cultural and systemic ideology that denies, denigrates, or pathologizes self-identified gender identities that do not align with assigned gender at birth as well as resulting behavior, expression, and community. This ideology endorses and perpetuates the belief that cisgender identities and expression are to be valued more than transgender identities and expression and creates an inherent system of associated power and privilege." Erica Lennon and Brian J. Mistler, "Cisgenderism," *TSQ: Transgender Studies Quarterly* 1, no. 1-2 (2014): pp. 63-64.

⁶³ A. Finn Enke, "The Education of Little Cis: Cisgender and the Discipline of Opposing Bodies," in *Transfeminist Perspectives in and beyond Transgender and Gender Studies*, ed. Anne Enke (Philadelphia: Temple University Press, 2012), p. 76.

⁶⁴ *Ibid.*, p. 74.

⁶⁵ *Ibid.*, p. 73.

not only those who do not consider themselves to belong on either side of the spectrum, but also of those who do not feel gender to be an identifying feature of their identity, and those who reject notions of identity and embrace instead being/doing-in-the-world. Consequently, positing cis and trans as identity categories obstructs the possibility of thinking trans as something that is produced and produces in and with, as opposed to something that 'is'.

Identity categories are thus routinely invoked, and are substantiated through the author's personal experience. Much scholarly work relies on the assumption of a pre-discursive trans. A valuation of experience as evidence can result in a politics of us-versus-them, in which those who not only identify as trans, transgender and/or transsexual but are also recognised as such within 'the community', are provided with a 'privileged' or 'exclusive' speaking position, where others who lack the 'right' kind of experience are silenced or expected to justify the position from which they speak.

Community

Positing trans as an identity informs and is informed by a desire for belonging and community. Such longing for community is where Stryker's animosity towards queer theory is most explicit. She admits that "I wanted to help define queer as a family to which transsexuals belonged"⁶⁶, but "[t]he queer vision that animated my life . . . held out the dazzling prospect of a compensatory, utopian reconfiguration of community"⁶⁷. Whilst I am sympathetic to Stryker's disillusionment with queer theory in that it could not provide her with a sense of community, I would like to challenge it also. I suggest that there is a discrepancy between notions of community and queer theory's project. Stryker's linking of queer theory with the notion of community reveals her involvement in trans as an identity. If we consider queer theory an approach that destabilises and exposes the instabilities of coherent gendered identity, then a preoccupation with community building which, I argue, is always based on highlighting similarities in experience and identity, is indicative of the

⁶⁶ Susan Stryker, "Transgender Studies: Queer Theory's Evil Twin," *GLQ: A Journal of Lesbian and Gay Studies* 10, no. 2 (2004): p. 213.

⁶⁷ *Ibid.*, p. 213.

broader issue of identity politics in transgender studies, and therefore difficult to subsume under the project of queer theory.⁶⁸

This involvement in experience, on which identities are constructed and communities are built, is also evident in Jay Prosser's book *Second Skins: The Body Narratives of Transsexuality*. Prosser outlines a number of characteristics of trans, such as "the specificity of transsexual experience"⁶⁹ and "a particular experience of the body that can't simply transcend (or transubstantiate) the literal"⁷⁰. Consequently, trans as a shared set of experiences experienced by individuals proposes it as an identity that can only be accessed and/or claimed by those individuals who have this "specific" or "particular" experience. Furthermore, in his reading of transsexual autobiography, Prosser emphasises the role of narrative as a tool for transsexuals to write themselves in transition, to become real.⁷¹ However, rather than constituting trans experience, in Prosser, narrative merely reflects it. Similarly, Prosser suggests that sexology's case histories "reveal transsexual desire preceding its clinical moment of definition; they document that the desire to change sex existed before it was diagnosed as transsexual"⁷². Thus, whilst he does not deny the possibility that transsexual experience is produced historically and acknowledges that certain discourses influence the ways in which 'transsexual' is narrated, Prosser nonetheless refuses the idea that the category of 'transsexual' was produced by the medical establishment. This is further demonstrated in his conviction that *The Well of Loneliness* can be categorised as a lesbian and transsexual novel⁷³, rather than being a novel that examines inversion. Transsexual experience here precedes its (medical) conception and naming, and is thus rendered as a shared set of experiences across time. Such conceptualisation of trans, then, allows for the formation of a trans community based

⁶⁸ It is not my intention to negate the beneficial effects of a sense of belonging or home. I do, however, strongly recommend that we consider what such community building is grounded on, what its effects are, to whose exclusion it works. If these communities are grounded in identity politics, experience, and trans vs. non-trans binaries, they remind of Janice Raymond's women-only spaces. Conversely, queer, in that in this thesis it does not stand for identity but for approach, should thus not be interpreted as a community or home based on identity and experience.

⁶⁹ Jay Prosser, *Second Skins: The Body Narratives of Transsexuality* (New York: Columbia University Press, 1998), p. 59.

⁷⁰ *Ibid.*, p. 59.

⁷¹ *Ibid.*, p. 9.

⁷² *Ibid.*, p. 140.

⁷³ *Ibid.*, p. 140.

on a rigid understanding of what trans experience is, that works to the exclusion of those who do not have this same experience.

Prosser criticises queer theory for having favoured the transgender subject over the transsexual subject⁷⁴, in that it allegedly regards transgender as more ambivalent and thus destabilising.⁷⁵ As such, he suggests that in poststructuralist and queer scholarship transgender is conceptualised as transgressive and therefore good, and transsexual is perceived as reinscriptive and bad.⁷⁶ However, Prosser's insistence on this distinction, as his work is invested in the transsexual subject and its fleshly experience, reinforces this binary instead of negotiating it, and results in a favouring of transsexual. It is, however, not clear how exactly Prosser distinguishes between transsexual and transgender. He argues that "[e]pitomizing the bodiliness of gender transition . . . the transsexual reveals queer theory's own limits: what lies beyond or beneath its favored terrain of gender performativity"⁷⁷. The realness and materiality of the body, according to Prosser, can thus not be accounted for by theories of performativity. Consequently, in a critique of Judith Butler, Prosser posits that

there are transsexuals who seek very pointedly to be nonperformative, to be constative, quite simply, to be. What gets dropped from transgender in its queer deployment to signify subversive gender performativity is the value of the matter that often most concerns the transsexual: the narrative of becoming a biological man or a biological woman (as opposed to the performative of effecting one) - in brief and simple the materiality of the sexed body.⁷⁸

Here it is crucial to uncover a number of assumptions that are made in Prosser's argument. In associating performativity with subversion, and consequently - in his interpretation of queer theory - with the domain of transgender, Prosser (re-)enforces the binary between transgender and transsexual, which he has criticised queer theory for instating. Moreover, he claims that transsexuals can be nonperformative, and posits narrative in opposition to performativity. What Prosser intends to say here, I presume, is that transsexuals seek to be 'real' and 'natural', and are not interested in performing transgression. However, performativity for Prosser has come to stand for what he considers to be queer theory's view on trans: that it demands of transsexuals to deliberately and intentionally perform subversion. The suggestion that subjects can

⁷⁴ See also Namaste, *Invisible Lives*, p. 56. and Rubin, "Phenomenology as Method," p. 275-276.

⁷⁵ *Ibid.*, p. 5.

⁷⁶ *Ibid.*, p. 15.

⁷⁷ *Ibid.*, p. 6.

⁷⁸ *Ibid.*, p. 32.

be nonperformative at will, thus confuses performativity with voluntarism, and misappropriates Butler's concept. What is baffling in his assumption that one can both "quite simply, . . . be" and "seek . . . quite simply, to be", is the emphasis on choice in engaging with 'natural' 'pre-discursive' identity categories. The notion that one can elect to be 'natural' renders the transsexual *at once* a discursive and performative effect, and a pre-discursive materiality.

Prosser's voluntarism and the distinction he makes between transgender and transsexual in his book thus feed into an identity politics, in which only certain individuals can lay claim to a transsexual identity based on a specific type of experience. Given his interpretation of queer theory's defence of performativity, it must be clarified that queer theory's project is not interested in denying individuals and groups the lives they see fit for themselves, whether these are grounded in hegemonic discursive constructs or not. What it intends to do is to effectively pull apart the assumptions and constructs that inform the 'choices' for these lives.

Nature

An attempt to negotiate the tensions in the field of transgender studies I have thusfar outlined in this chapter, can be found in recent new materialist scholarship. This scholarship criticises poststructuralist and feminist theorists for their focus on culture at the expense of nature.⁷⁹ New materialist scholars thus argue in favour of a return to nature so as to enact the full potential of the human and to enrich our knowledge of human sexuality. Hird has defined new materialism as a move in the natural sciences that suggests "agency and contingency . . . within the living and the non-living world"⁸⁰. She criticises poststructuralist theorists for their refusal to engage with biology, matter and the non-human.⁸¹ Similarly, Lane suggests that feminist and trans

⁷⁹ For an interrogation of the validity of such claims, see for instance Sara Ahmed, "Some Preliminary Remarks on the Founding Gestures of the 'New Materialism'," *European Journal of Women's Studies* 15, no. 1 (2008): pp. 23-39; and Nikki Sullivan, "The Somatechnics of Perception and the Matter of the Non/Human: A Critical Response to the New Materialism," *European Journal of Women's Studies* 19, no. 3 (2012): pp. 299-313.

⁸⁰ Myra Hird, "Animal Transex," *Australian Feminist Studies* 21, no. 49 (2006): p. 37.

⁸¹ *Ibid.*, p. 37.

scholarship rarely engages with the biological body⁸² and that we should not reject biology out of hand.⁸³ What is evident in these readings is a conjecture that biological science has access to an objective truth. It assumes that there is a pre-discursive nature that can then be objectively observed, read and theorised by humans.

Lane's and Hird's projects centre around an attempt to overcome dichotomies that, they argue, have been established in poststructuralist, feminist and queer theory. In focusing on nature and matter, they intend to overcome the alleged excessive focus on culture they see evidenced in poststructuralist thought.⁸⁴ However, the assumption of a pre-discursive nature that can be theorised outside of culture does exactly what it wished to overcome in the first place. It instates a binary where there is none. With regards to trans, Lane is interested in mobilising "a reading of biology as open-ended and creative", which shows that "'nature' throws up all this diversity and society needs to accept it"⁸⁵, while Hird argues that "[t]he diversity of sex and sexual behaviour amongst (known) species is much greater than human cultural notions typically allow"⁸⁶ and that there is "evidence that trans exists in nonhuman species"⁸⁷. Trans, here, is conceptualised as a phenomenon that is given to the world by nature, and thus simply exists outside of cultural negotiation.

Whilst these scholars thus want to do away with rigid categorisation of individuals, and consequently with an identity politics based on experience, the effect of their 'discovery' of trans in a nature that is untouched by culture, is that trans is posited as simply there. Trans can thus, yet again, delineate an identity category that is justified

⁸² Riki Lane, "Trans as Bodily Becoming: Rethinking the Biological as Diversity, Not Dichotomy," *Hypathia* 24, no. 3 (2009): p. 136.

⁸³ *Ibid.*, p. 137.

⁸⁴ See also Stacey Alaimo and Susan Hekman, "Introduction: Emerging Models of Materiality in Feminist Theory," in *Material Feminisms*, ed. Stacey Alaimo Susan Hekman (Bloomington: Indiana University Press, 2008), pp. 1–19. Diana Coole and Samantha Frost, "Introducing the New Materialisms," *New Materialisms: Ontology, Agency, and Politics*, ed. Diana Coole and Samantha Frost (Durham: Duke University Press, 2010), pp. 1–43.

⁸⁵ Lane, "Trans as Bodily Becoming," p. 137.

⁸⁶ Hird, "Animal Transex," p. 39. A number of other scholars have made a similar claim. See for instance Bruce Bagemihl, *Biological Exuberance: Animal Homosexuality and Natural Diversity* (New York: St. Martin's Press, 1999). Maria Victoria Carrera, Renée DePalma and Maria Lameiras, "Sex/Gender Identity: Moving Beyond Fixed and 'Natural' Categories," *Sexualities* 15, no. 8 (2012): 995–1016. Joan Roughgarden, *Evolution's Rainbow: Diversity, Gender and Sexuality in Nature and People* (Berkeley: University of California Press, 2004).

⁸⁷ Hird, "Animal Transex," p. 37.

by 'nature' and whose 'there-ness' does not require a questioning of how it is discursively produced.

Conclusion

It is evident that the scholarship I have engaged with in this chapter is only a small selection from the much broader and richer collection of texts that constitute the field of transgender studies. In its mere twenty-five years of existence, the field has grown inherently interdisciplinary, and as such comprises texts that engage with a plethora of topics across a variety of scholarly disciplines. However, the moves I have identified here cut across these topics. In this chapter, I have thus attempted to show that trans scholars have embraced notions of trans experience, identity and community, and have firmly anchored them at the centre of their critical and theoretical project.

Where the foundational texts in the field of transgender studies were strongly invested in interrogating the system that produces gender binaries and notions of congruent identity, later work has departed from this position. Unquestioningly adopting experience as evidence that provides insight into what it means to be trans, naturalises trans as an identity category and displaces from view its discursive construction. Thus, trans comes to simply exist. I have clarified this point by highlighting the ways in which non-trans scholars feel uncomfortable in writing critically about and interrogating trans, unless they justify their own position and experiences with regards to trans subjects. I have further laboured this by suggesting that such charting of trans against non-trans or cis advocates static categories and as such denies difference. What constitutes trans is, then, a particular set of experiences shared by certain individuals, allowing for community building, centred around these shared experiences and the identities constructed upon them. What is evinced here is a concept of trans, in which trans stands for a static identity that is largely unaffected by the world in which it exists.

New materialist scholarship has aimed to shift the focus of trans scholarship away from the subject. These scholars return to nature, where they find such diversity that proves there is much more to human sexuality than we currently account for. In

suggesting that trans can be found in nature, however, new materialist scholarship, posits it as pre-discursive, and thus eliminates the need to question what the structures are that underlie trans as a category.

I am by no means trying to suggest that no work has been undertaken that is interested in combining the fields of transgender studies and queer theory. I will closely engage with this scholarship in chapter 2, where I propose an alternative vocabulary that negotiates the issues I have outlined here. My work thus fits within a larger tradition that takes seriously the definition of the field of transgender studies offered by Susan Stryker. In acknowledging trans as ideologically, historically and socially constructed, I am interested in developing a framework in which trans stands for transing moments, events and practices, and in which movement and relationality are central features.

CHAPTER 2: SOMATECHNICS OF PERCEPTION: A QUEER EYE FOR THE TRANS I

As I have argued in chapter 1, trans is often assumed to be a self-evident and pre-discursive identity category that applies to particular individuals and groups. Thus, theorisations of trans often start from the assumption that 'trans' merely exists, and as such, that it is specific to a certain type of individual, that it is grounded in a particular type of experience, and that it is different from non-trans. Rarely do such conceptualisations question their implication in the construction and the discursive production of trans. In anchoring its theories and practices in stable experience, identity, community and nature, trans scholarship thus reinstates those foundations that queer theory has rejected. As such, chapter 1 highlighted and evaluated the ways in which trans has progressively moved away from 'queer'. Therefore, in this chapter, it seems only logical that I develop a critical vocabulary through which to assess and reconceptualise trans. This chapter centres around the question of what a critical politics of trans in which trans is not simply 'there' would look like, and in which it is not an isolated identity, a community or a marginal group that exists on its own terms. Trans, as such, implicates all bodies. In deploying somatechnics as my framework of analysis I wish to foreground trans as a relation in which different and contingent ways and systems of knowing are materialised. With reference to Deleuze and Guattari's concepts of the rhizome and smooth space I will suggest, through Halberstam, that from a queer theory perspective we are ultimately all trans, in that that which trans refers to is ever-shifting. Thus, I will argue for trans as a transing: as moments, places and practices of movement that defy stability and concern all bodies.

Evident in trans scholarship is a tendency to individualise trans. One of the ways in which this occurs is through an exaggeration of individual agency by some trans scholars, in which self-identified trans subjects are assumed to be able to freely choose their own gendered expressions. However, trans has also been conceptualised as grounded in experience, in which it is thus framed not as a choice, but as an inherent characteristic of the individual. Such conceptualisation similarly individualises trans. Here, the individual is thus pre-discursively positioned as trans, based on a particular type of unquestioned experience. What both approaches to the 'trans individual' overlook is that

the individual is not to be conceived as a sort of elementary nucleus, a primitive atom, a multiple and inert material on which power comes to fasten or against which it happens to strike, and in so doing subdues or crushes individuals. In fact, it is already one of the prime effects of power that certain bodies, certain gestures, certain discourses, certain desires, come to be identified and constituted as individuals. . . . The individual is an effect of power.¹

Thus, the trans subject emerges through a number of discourses, and is an effect of power. This effect is, however, made to feel individual through the narratives and discourses by means of which people materialise themselves to themselves and to others. As such, both a conceptualisation of trans as choice and non-choice effectively individualises it, and ignores the possibility of trans as a relation-with.

Here, I want to introduce somatechnics as a que(e)r(y)ing tool for the analysis of trans phenomena and scholarship.² Nikki Sullivan and Sam Murray explain that the term was coined

in an attempt to highlight the inextricability of soma and techné, of 'the body' (as a culturally intelligible material construct) and the techniques (*dispositifs* and 'hard technologies') in and through which corporealities are formed and transformed. This term . . . supplants the logic of the 'and', suggesting that technés are not something we add or apply to the already constituted body, but rather, are a dynamic means in and through which corporealities are crafted, continuously engendered in relation to others and to a world.³

Therefore, trans scholars do not simply describe or theorise pre-existing bodies, but are complicit in constructing them. For instance, categorisation based on a supposed shared experience is a process that is implicated in the creation of a particular type of individual identity, while simultaneously this (positing of a) type of individual identity engenders a specific kind of experience, and influences the process of categorisation. Categorisation, identity and experience are never merely a description of that which already exists, but materialise and come to matter through certain schemes and technologies.

What somatechnics illuminates, is that bodies, identities, individuals and experiences continuously intersect and are thus not neatly separated concepts, but instead are largely inextricable. In questioning his own identity as trans, Jean Bobby Noble uses a

¹ Michel Foucault, *Power/Knowledge* (New York: Pantheon Books, 1980), p. 98.

² I use the term 'tool' here, rather than 'method'. Method has a connotation of being applied to something. In line with the definition of somatechnics that follows, I want to suggest that in this thesis, text and method can be interpreted as a continuous (un)becoming in and through one another that supplants the notion of the 'and'.

³ Nikki Sullivan and Samantha Murray, "Editorial," *Somatechnics* 1, no. 1 (2011): p. vi.

quote by Anne Fausto-Sterling in which she interprets Judith Butler's understanding of materialisation. Noble, however, replaces the terms 'sex' and 'gender' in the context of materialisation with the term 'identity', as he advocates the structures underlying the formation and signification of trans as a practice of masculinity. Noble, through Fausto-Sterling⁴ and Butler, argues that

[t]o be material is to speak about the process of materialization. And if viewpoints about [identity] are already embedded in our philosophical concepts of how matter forms into bodies, the matter of bodies cannot form a neutral, pre-existing ground from which to understand the origin of [. . .] different. Since matter already contains notions of [identity], it cannot be a neutral recourse on which to build "scientific" or "objective" theories of [the trans subject] . . . the idea of the material comes to us already tainted, containing within it pre-existing ideas about [identity] . . . the body as system [. . .] simultaneously produces and is produced by social meanings.⁵

It follows that the trans body is always already simultaneously "tainted" by trans identity, trans experience, trans individual and trans practice and vice versa. Neither of these concepts is ever pre-discursive or separate. They are always materialising through each other in specific ways, and thus always producing and produced by one another and social meanings.

Sullivan's somatechnics of perception is of particular value for the understanding of trans I am interested in developing in this chapter. Sullivan has developed the concept in her response to the new materialism⁶, in which she critiques a range of assumptions that are held in the field. As such, she argues that a number of new materialist scholars claim to be able to objectively observe matter and nature. A somatechnics of perception, according to Sullivan,

[i]n particular . . . illustrates the importance of asking repeatedly how perception (as a situated somatechnology) shapes what the tellers of (some) stories merely claim to observe in their encounters with non/human others. In short, it raises the question of the 'how of somaticization'.⁷

A somatechnics of perception attends to the question of how perception informs that which one assumes to merely 'see'. Thus, it is not only a useful tool for the analysis of new materialist scholarship, but can also be applied to the wider context of trans

⁴ Anne Fausto-Sterling, *Sexing the Body: Gender Politics and the Construction of Sexuality* (New York: Basic Books, 2000), pp. 22-23.

⁵ Bobby Noble, *Sons of the Movement: FtMs Risking Incoherence on a Post-Queer Cultural Landscape* (Toronto: Women's Press, 2006), pp. 86-87.

⁶ Nikki Sullivan, "The Somatechnics of Perception and the Matter of the Non/Human: A Critical Response to the New Materialism," *European Journal of Women's Studies* 19, no. 3 (2012): pp. 299-313.

⁷ *Ibid.*, p. 304.

literature. Sullivan critiques new materialist Myra Hird⁸ for her visions of non-human animal life, in that they "each seems to lack any sense of the other's alterity, or of the role of the other in the constitution of the self"⁹. Thus,

the assumption that (in)forms the perceptions Hird offers the reader is that identity and difference (the matter of species-being) precede the encounter, are independent of it, and ultimately, are fundamentally unchanged by it.¹⁰

Hird's assumption that "the matter of species-being" is independent of and unchanged by the encounter with perceptual schemes, echoes my concern with the ways in which trans is often unquestioningly conceptualised as pre-discursively trans. In this view, if trans simply exists and can be objectively observed and thus posited, it is possible to observe and describe the trans subject as such, as unnegotiated by the technés that are involved in its construction. Thus, a somatechnics of perception provides an excellent tool for exploring what the effects are of framing trans as pre-discursive, as *a priori*, and what and how it materialises. It exposes how a perception of the 'there-ness' of trans based on a particular type of experience materialises that which it perceives/assumes to simply be 'there'. Or, in other words, it asks how trans comes to matter in contextually specific ways.

The perception of trans as *a priori* is also the perception of trans as a particular set of experiences felt by the trans subject on which a particular trans identity is premised. Thus conceptualised, trans as a clearly defined identity, category, body or experience that unquestioningly exists, functions so as to exclude that which is not-trans, by setting itself up not necessarily against, but as different from this not-trans. As I have shown in the previous chapter, such distinction takes many forms, but most importantly it is expressed in the construction of the binary between transsexual and transgender on the one hand, and trans and cis or non-trans on the other. Halberstam underscores that trans studies must stop setting itself up against non-trans, in that

many bodies are gender strange to some degree or another, and it is time to complicate . . . the transsexual models that assign gender deviance only to transsexual bodies and gender normativity to all other bodies.¹¹

I have identified this trend in chapter 1, and demonstrated that it is a practice that is commonly engaged in in the field by trans-identifying and non-trans-identifying

⁸ Myra Hird, "Animal Transex," *Australian Feminist Studies* 21, no. 49 (2006): pp. 35-50.

⁹ Sullivan, "The Somatechnics of Perception," p. 305.

¹⁰ *Ibid.*, p. 306.

¹¹ Judith Halberstam, *Female Masculinity* (Durham: Duke University Press, 1998), p. 153.

scholars alike. The effect of thus setting trans apart, is that it is conceived as a thing-in-itself that is neither relational nor in-this-world.

Apart from his questioning of the binary between trans and non-trans, Halberstam furthermore bemoans the dichotomy between man and woman terms such as transsexualism (re)create. He posits that "transsexualism, as a term, as an ideology, presumes that if you are not one you are the other"¹². In an attempt to overcome the mutual exclusivity such categorisation represents, Halberstam provides an example with regards to (sex reassignment) surgery. He asks that "we call all elective body alterations for whatever reason (postcancer or postaccident reconstruction, physical disabilities, or gender dysphoria) *cosmetic* surgery"¹³. Garber, in a similar vein, has questioned why it is that surgery that reshapes an individual's nose is called a 'nose job', and why it is that surgery that reshapes genitals cannot simply be called, for instance, a 'penis job', but must be labelled sex reassignment surgery.¹⁴ Both scholars' observations thus highlight the ways in which identity is invested in binary gender categories. As such, Halberstam suggests "that we drop altogether the constrictive terminology of crossing"¹⁵, in that it currently reinstates and reinscribes the existence of two distinct categories. Whilst Halberstam here focuses on how transsexualism as a term presumes the 'crossing' between gender categories, it similarly presumes a difference between trans and non-trans. Therefore, in an attempt to overcome the possibility - and indeed for some individuals the felt and experienced requirement - to cross oppositional categories, I want to stress, with Sullivan, the importance of interrogating how "all bodies mark and are marked", and to highlight that "bodies are entwined in (un)becoming"¹⁶. We should not presume that bodies "are simply mired in being unless they undergo explicit, visible, and identifiable transformational procedures"¹⁷. One is not simply trans or non-trans, but rather, trans and non-trans both mark and unmark, relationally. If all bodies are thus complicit in trans, we must ask ourselves what this means for the ways in which trans scholarship theorises

¹² Judith Halberstam, "F2M: The Making of Female Masculinity," in *The Lesbian Postmodern*, ed. Laura Doan (New York: Columbia University Press, 1994), p. 216.

¹³ *Ibid.*, p. 216.

¹⁴ Marjorie Garber, *Vested Interests: Cross-Dressing and Cultural Anxiety* (New York: Routledge, 1992), p. 117.

¹⁵ Halberstam, "F2M," p. 216.

¹⁶ Nikki Sullivan, "Transmogrification: (Un)Becoming Other(s)," in *The Transgender Studies Reader*, ed. Susan Stryker and Stephen Whittle (New York: Routledge, 2006), p. 561.

¹⁷ *Ibid.*, p. 561

notions of self and other. If trans is relational, can it then still position itself against that-which-it-is-not to mark its own specificity? Or, in other words, if trans is relational, is trans how it is traditionally conceptualised still possible, still viable?

In a somatechnics analysis of the prosthetic body, Margrit Shildrick suggests that this body can no longer differentiate between

the organic and inorganic, between the natural and artificial . . . or ultimately between self and other. . . . it is clear that embodiment is never self-complete nor secured against otherness, but manifests through a nexus of constitutive assemblages that contest the very idea of singular human being.¹⁸

Here, I rely on Halberstam again, to clarify what such conceptualisation of the body as always penetrable and penetrated by otherness can mean for trans. He controversially posits that

[w]e are all transsexuals except that the referent of the *trans* becomes less and less clear (and more and more queer). We are all cross-dressers but where are we crossing from and to what? There is no "other" side, no "opposite" sex, no natural divide to be spanned by surgery, by disguise, by passing. . . . There are no transsexuals.¹⁹

Perhaps then, relinquishing the notion of a trans that is shaped by another and/or opposite side, and reframing it as that which is always already its other side, allows for a conceptualisation of trans in which every individual, every body is implicated. Thus, instead of thinking trans in terms of an individual who crosses towards opposite sides, sexes and genders, it is more productive to think of trans as a trans(ing) within and across gendered spaces. I suggest, therefore, that we move away from trans as something that subjects are or have as is traditionally understood, but instead argue that all individuals have always already been trans(ing) all along. Moreover, building on Shildrick, framing the traditional trans body as "never self-complete nor secured against otherness"²⁰ results in the destabilisation of the idea of "singular human being"²¹. The subject is no longer defined in terms of wholeness, in which wholeness refers to an individual's unified self-schema, to congruence and continuity of being. What is demonstrated here, is thus that (not) positing trans as a distinct identity category that is defined by its opposite, has implications for our perception of wholeness, and simultaneously, our perception of wholeness has implications for the ways in which trans is (not) conceptualised as a definitive category or identity.

¹⁸ Margrit Shildrick, "Re-Imagining Embodiment: Prostheses, Supplements and Boundaries," *Somatechnics* 3, no. 2 (2013): p. 272.

¹⁹ Halberstam, "F2M," p. 212.

²⁰ Shildrick, "Re-Imagining Embodiment," p. 272.

²¹ *Ibid.*, p. 272.

Rather, trans comes to stand for moments and practices of movement that do not have to be narrated into the traditional notions of an individual's unified self.

Both Margrit Shildrick and Lucas Cassidy Crawford have interpreted the work of Deleuze and Guattari to question notions of wholeness and to advocate indeterminacy. Shildrick outlines that the term intercorporeality and the self/other distinction have become unproductive, in that they are premised on solid bodies. She argues that what is required is a concept that takes into account "the dynamic combinations, connections and rejections that constitute life"²². I wonder if perhaps reframing the body, the subject, gender not as moving one-directionally along a straight line from one point to the next, but as rhizomatic multiplicities might not allow us to think trans outside of stable identity and experience on the one hand, and wholeness, congruence and continuity on the other. Deleuze and Guattari argue that

[a] rhizome has no beginning or end; it is always in the middle, between things, interbeing, *intermezzo*. . . . Where are you going? Where are you coming from? What are you heading for? These are totally useless questions. Making a clean slate, starting or beginning again from ground zero, seeking a beginning or a foundation—all imply a false conception of voyage and movement (a conception that is methodical, pedagogical, initiatory, symbolic...).²³

As such, the rhizome resists systems of organisation in favour of nomadic wandering. In this framework, a conceptualisation of trans that is framed as an organising and categorising principle is no longer a feasible tool for analysis.

Whilst the scope of my project does not allow for a consideration of trans as a spatial construct in the manner of Crawford, I would like to borrow from his work. Crawford advocates imperceptibility, and hence "the deterritorializing potential of *not* being recognized, *not* being counted, of being ignored"²⁴, and of crafting or finding "ceaseless mobility in seemingly static and conservative locales"²⁵. Crawford thus goes against Sandy Stone when she calls for 'transsexuals' "to read [themselves] aloud"²⁶. Whilst I understand the productive potential of reading oneself aloud so as

²² *Ibid.*, p. 282. Shildrick suggests the Deleuzian notion of the assemblage instead of the rhizome.

²³ Gilles Deleuze and Félix Guattari, *A Thousand Plateaus*, transl. Brian Massumi (Minneapolis: University of Minnesota Press, [1980] 1987) p. 25.

²⁴ Lucas Cassidy Crawford, "Transgender Without Organs? Mobilizing a Geo-Affective Theory of Gender Modification," *WSQ: Women's Studies Quarterly* 36, no. 3-4 (2008): p. 130.

²⁵ *Ibid.*, p. 130.

²⁶ Sandy Stone, "The Empire Strikes Back: A Posttranssexual Manifesto," *Camera Obscura: Feminism, Culture, And Media Studies* 10, no. 2 29 (1992): p. 168.

to illuminate the multiplicity of gendered being, not being read provides an at least equally productive strategy. Thus, Crawford suggests that very different lives could be realised in this space of imperceptibility:

ones in which childhood vignettes do not add up to a narrative or to an adult, in which affects don't add up to a fully formed and settled subject, in which body parts and supposed bodily integrity are not cause for premature death, and where bodies that pass or bodies that are imperceptible each assemble in unexpectedly deterritorializing fashion, if only on the way to the next stop, the next desire, the next gender, the next ...?²⁷

Deleuze and Guattari notion of smooth space seems particularly useful in this context.

Smooth space

is precisely the space of the smallest deviation: therefore it has no homogeneity, except between infinitely proximate points, and the linking of proximity is effected independently of any determined path. It is a space of contact, of small tactile or manual actions of contact, rather than a visual space. . . . Smooth space is a field without conduits or channels. A field, a heterogeneous smooth space, is wedded to a very particular type of multiplicity: nonmetric, acentered, rhizomatic multiplicities that occupy space without "counting" it and can "be explored only by legwork." They do not meet the visual condition of being observable from a point in space external to them²⁸

Imperceptibility, then, considered in the context of smooth space, might be one of a number of strategies for Deleuzian 'interbeing'. We are all transing "within, as well as across or between, gendered spaces"²⁹, however, what these gendered spaces stand for is continuously shifting, continuously moving. If there is no trans as it is traditionally conceptualised but if trans is that in which all bodies are implicated, Crawford's imperceptible subject, then, may be perceptible, but only 'in process' with other (im)perceptible subjects. Crawford's imperceptible subject is therefore not a subject, but an assemblage of movements, of body parts, and unsettles the model of the trans subject. All individuals are imperceptible in their movement, in their multiplicities, in their trans(ing).

I am aware that it may seem as though what I have thusfar suggested in this thesis offers very little in terms of practical solutions and answers for those who identify as trans in our current social and political climate, who may want to be recognised for what they consider themselves to be, and who in their lived lives and lived experiences are confronted with often considerably difficult situations and issues.

²⁷ Crawford, "Transgender Without Organs?," p. 141.

²⁸ Deleuze and Guattari, *A Thousand Plateaus*, p. 371.

²⁹ Susan Stryker, Paisley Currah and Lisa Jean Moore, "Introduction: Trans-, Trans, or Transgender?," *WSQ: Women's Studies Quarterly* 36, no. 3-4 (2008): p. 13.

However, it is my conviction that developing a politics in which movement is key, and in which trans comes to stand not for an identity but instead for practices and moments in all bodies, will eventually and gradually permeate the ways in which trans and non-trans individuals alike³⁰ interpret their lives, their identities, their experiences and their selves. I realise that such framework clashes with notions of performative (gender) identity. It must thus be clarified that I understand that individuals will always follow certain patterns within "a highly rigid regulatory frame"³¹ that they cannot simply step out of, and that therefore possibilities are limited. What we can do, however, is question the assumptions underlying this regulatory frame so as to (re)imagine what it would look like if we adjust the stakes, if we ask different questions, if we rely on different assumptions. I believe that trans scholarship and trans-identifying individuals can reveal these wider ways of understanding, and can thus prompt us to explore what a new productive politics of trans, a politics that questions rather than settles, might look like. It must, however, be noted that such project necessitates difficult critical work that is resolutely interested in developing an alternative vocabulary, in which binaries, stability and resolution are no longer necessary or even possible.

Relying on somatechnics of perception, I have suggested that the ways in which and the framework through which trans is theorised, informs where we find and see trans capacity³², and which events, moments and practices materialise and come to matter as trans. Specific frameworks thus provoke us to assume or not to assume certain categories, to perceive or not to perceive certain identities, to highlight or not to highlight certain experiences. Theorising trans in terms of rhizomes and smooth space has significant implications for what is considered to be trans. I have argued that all individuals are implicated in trans, and that as such, trans cannot be an identity, but instead is found in moments, places and practices. Such conceptualisation of trans is

³⁰ I do not support this distinction, but am invoking a double gesture here.

³¹ Judith Butler, *Gender Trouble* (New York: Routledge, [1990] 2006), p. 33.

³² David J. Getsy has identified transgender (*sic*) capacity as "the trait of those many things that support or demand accounts of gender's dynamism, plurality and expansiveness". He explains the usefulness of the concept as primarily methodological, in that it functions as "a tool for resisting the persistent erasure of the evidence of transgender lives, gender diversity, nondimorphism, and successive identities". Here, however, I suggest that trans capacity takes on different forms depending on the framework through which trans is conceptualised. David J. Getsy, "Capacity," *TSQ: Transgender Studies Quarterly* 1, no. 1-2 (2014): pp. 47-48.

therefore capable of generating a new vocabulary that bridges the gap between 'trans' and 'non-trans', and highlights their commonalities. In this chapter, I have thus begun to articulate a critical framework through which we can (re)present events, both from the past and the present. Chapter 3, then, will provide an application of this framework to the case of Eugenia Falleni, a 'biological' woman who dressed as a man and in 1920 stood trial for murder in Sydney. I will suggest that, rather than positioning his individuality and subjectivity at the centre of the discussion, Falleni's being-in-the-world and the ways in which it has thusfar been described, is characterised by transing moments, in which we can find rhizomatic movement across categories and a resistance to resolution.

CHAPTER 3: EUGENIA FALLENI: PRACTISING TRANS

Introduction

In this chapter, I am interested in interrogating Eugenia Falleni's being-in-the-world and the ways in which it has been described in the literature. Falleni has been (re)presented in a myriad of ways, in which she has consistently been assigned rigid identities based on his gendered actions. Or, in other words, Falleni is often interpreted as a troubling event in need of resolution. However, rather than attempting to settle this trouble, I suggest that it is exactly in this trouble that we can find the productive capacity of trans. In what follows, then, it is my intention to interrogate the ways in which Falleni has been (re)presented and the assumptions with regards to identity in which these (re)presentations are grounded. I will thus first draw a rough sketch of Falleni's life, the case against her and the trial, so as to generate the necessary background for the rest of the chapter. I will proceed by briefly outlining my approach for the analysis I intend to undertake, after which I engage in a close reading and critique of the (re)presentations of Falleni's gendered acts. As such, in using somatechnics of perception as a framework, it is my intention to highlight the transing moments and events prevalent in the life and portrayals of Falleni. I am not interested in seeking the truth of Falleni's identity and his intentions and thus drawing attention to moments through which this individual might be stabilised. Rather, I wonder if this case might be read for the ways in which it exposes that the ways in which trans is interpreted produces what it assumes to merely observe, and, furthermore, for the ways in which it proposes a set of transing moments, in which we can find rhizomatic movement across categories and a resistance to resolution.

A brief note on the use of pronouns. It is not clear exactly how Falleni saw herself. I will, where possible, attempt to consistently use those pronouns that are applicable to the ways in which Falleni presented herself at different stages in her life. Whilst this may at times seem inconsistent, in that different parts of the stories interrelate, it also illuminates the transing possibilities inherent in this case, and the productive potential of incoherent, incongruent and fluid identity.

Approach

There are no records in which Eugenia Falleni speaks and we thus do not have access to his voice. We cannot know how he saw himself. Falleni is only ever spoken about, and for. I propose that the fascination with Falleni, both in 1920 and today, is caused by an unease with not-knowing and ambivalence. Many writers and scholars have thus attempted to impose unified personhood on Falleni, according to rigid identity categories. The multitudinous ways in which he has been represented since 1920 illustrate the process that takes place when those doing the representing do not have access to a person's interiority. Since we have no access to Falleni's sense of self and self-identity, respecting this individual consists in respecting the complexity of her life and the ways in which she has been (re)presented. I am thus reticent to create yet another narrative to fit Falleni into. What I am interested in in this chapter, then, are the ways in which this individual has been (re)presented in newspaper articles, the trial transcript, and both scholarly and popular texts about her life. As such, I want to highlight the inconsistencies prevalent in these (re)presentations. It is not my intention to impose stable identity categories on Falleni, as others have done, but instead, I want to open up a dialogue about the transing moments in these (re)presentations. Thus, rather than attempting to resolve the unease of not-knowing, I suggest, it is in this space that the productive potential of trans can be realised.

Therefore, I adopt a two-pronged approach. In using somatechnics of perception, I am interested in offering insight in how particular assumptions with regards to gender, experience and identity frame those things that are seen on and ascribed to certain bodies - here, that of Falleni. I thus want to render the assumptions in which the perceptions of Falleni's gendered actions are grounded, and interrogate how they produce that which they merely claim to see or infer from the 'facts'. Therefore, the primary texts used in the analysis section of this chapter include material that contains (re)presentations, interpretations and analyses of Eugenia Falleni's gendered actions, starting in 1920, the year of Falleni's trial, up until today.

Furthermore, I want to follow up on the framework in which every individual is implicated in trans(ing) and trans(ing) moments, as I have developed it in the previous chapter. If we can theorise trans in this manner, it will allow us to not only interpret

trans/gendered actions in a very different manner than is currently the case, but it will similarly allow us to explore trans capacity in a different fashion. Because there is so little information available about Falleni, she stands for all bodies. As such, in this chapter, I use Falleni to explore and foreground ideas and conceptualisations of trans, rather than using these ideas and conceptualisations to explore Falleni. I am thus interested in what might happen if we refuse to entrap Falleni in a truth of her gendered identity, and, instead, highlight the transing moments in the seemingly consistent ways in which she has been described.

Trial(s) and tribulations

On Tuesday 2 October 1917, after the Eight Hour Day long weekend, the charred remains of a woman were found in the bushland near Lane Cove River in Sydney. The body was not identified, but the police believed that it belonged to a disturbed woman who had been seen wandering the area in the two weeks prior to the discovery. Dr Arthur Palmer, Government Medical Officer, and Dr Stratford Sheldon conducted the post-mortem examination of the body at the City Morgue. In their report to the City Coroner, they stated that they had not been able to identify definite marks of violence, and that death was caused by burns. They assumed that the woman's dress had caught fire while she was picnicking near a campfire.¹ However, there was no conclusive evidence, and at the Coroner's Inquest, an open verdict was returned.

Nearly three years later, in May 1920, a young man Harry Birkett and his aunt Lily Nugent reported Annie Birkett, his mother and her sister, to the police as missing. They told the police that she was last seen around Eight Hour day in 1917, and informed them of her turbulent relationship with her husband, whom they had just found out was not a man, but a woman. Detective Sergeant Robson subsequently took Harry Crawford, Annie's husband, in for interrogation in relation to the case of the burnt woman who was found in Lane Cove three years earlier.

¹ "Chatswood Mystery," *The Sydney Morning Herald*, 4 October, 1917, p. 7. "Was it Murder?," *The Bathurst Times*, 4 October, 1917, p.1. "Was it murder?," *Evening News*, 3 October, 1917, p. 4.

Eugenia Falleni was born on 25 January 1875 in Ardenza, Italy. Her parents moved to Wellington, New Zealand when she was two years old. According to the daughter-in-law of one of Falleni's brothers, Falleni had often dressed in men's clothes during her childhood and teenage years.² She eventually left Wellington in 1896 to work as a cabin boy on a ship. To be able to do so, she took on a male identity, and used the name Eugene Falleni. About eighteen months later, Falleni disembarked in Newcastle, pregnant. Most scholars since have agreed that the captain of the ship found out that she was not a man, and raped her.³ However, the press coverage at the time of Falleni's arrest reported that she was married to her child's father, a man named Martello.⁴ Nevertheless, on 19 September 1898, Falleni gave birth to a daughter, Josephine. She asked for the help of distant family friends in Sydney, Mr and Mrs De Angelis, who parented the child.

After having given birth to her daughter, Falleni started going through life as Harry Leo(n) Crawford. He worked odd jobs as a labourer in factories, laundries and hotels. In 1912, he applied for a job as coachman and yardman for Dr Gothe Clarke in Wahroonga. This is where he met Annie Birkett, Dr Clarke's live-in housekeeper, and her son. Birkett and Crawford got involved, and married on 19 February 1913.

What happened to Annie in (and possibly after) 1917 we will never know. The further events of Crawford's life, however, are well documented. Crawford remarried on 29 September 1919, to his second wife Lizzie (Elizabeth) King Allison. At the time of

² Suzanne Falkiner, *Eugenia: A Man* (Sydney: Pan Books, 1988), p. 200-201 and p. 204-208. Falkiner had contact with Eugenia Falleni's family and family friends, who gave several examples of instances where Falleni wore boys' and men's clothes and did men's work. See also Herbert M. Moran, *Viewless Winds: Being the Recollections and Digressions of an Australian Surgeon* (London: Peter Davies, 1939), p. 242. Crown Prosecutor, W. T. Coyle, a friend of Moran's and the judge at Falleni's trial, asked Moran to visit Falleni at Long Bay Goal. In his memoir, Moran posits that she "grew up a "tomboy" - wilfull, restless, uncontrollable. At an early age she was fond of wearing boys' clothes. She had the *manie de la fugue*: she was always running away."

³ Moran, *Viewless Winds*, p. 243. See also Mark Tedeschi, *Eugenia: A True Story of Adversity, Tragedy, Crime and Courage* (Sydney: Simon and Shuster Australia, 2013), Kindle edition, chapter 4, chapter 12 and chapter 1. Tedeschi goes as far as to 'reconstruct' a rape scene on the ship. See also Falkiner, *Eugenia*, p. 216. Falkiner outlines that whilst newspapers suggest that she was married to the captain of a ship, Martello, "sexual molestation" was more likely to have occurred.

⁴ "Woman Masquerading as Man is Charged with Murder," *Barrier Miner*, 6 July, 1920, p. 2. "Tragedy Revived. Woman in Male Attire Accused," *The Sydney Morning Herald*, 6 July, 1920, p. 9. "Man-Woman in Court. Murder of Annie Birkett," *Evening News*, 6 July, 1920, p. 7. "A Woman "Man". Charged with "Wife" Murder," *The Register*, 6 July, 1920, p. 7.

his arrest, on 5 July 1920, Crawford was working as a general useful⁵ in a hotel on the corner of Parramatta Road and Johnston Street in Annandale, Sydney.⁶ Detective Sergeant Robson took him to the Central police station for interrogation. This is when it was decided by Dr Palmer that Crawford was in fact not a man, but a woman named Eugenia Falleni. The police subsequently conducted a search at Harry's and Lizzie's house, where they found 'the article', a dildo.

In August 1920, Falleni appeared in the Central Police Court for the committal proceedings, where the Magistrate committed her for trial in the Supreme Court on the charge of murder. She was taken to the goal at Long Bay in Malabar, and admitted to the Women's Reformatory.

The murder trial took place on 5 and 6 October 1920 in the Supreme Court, where a jury of twelve men was to decide Falleni's fate. The formal charge read that "For that on the 28th September, 1917 at Lane Cove in the State of New South Wales she did feloniously and maliciously murder Annie Crawford". Not only was the charge itself highly prejudiced, in that Falleni did not just murder Annie Crawford, but did so feloniously and maliciously, but the unremarkable and unexperienced barrister, Archibald McDonell, she was assigned was by no means a match for the much more experienced Crown Prosecutor William Thomas Coyle.⁷ Furthermore, Falleni's gendered actions had been written about extensively in the Australian press, both with fascination and disgust, and the witnesses in the case nor the jurors were immune to this information. At the time of the investigation, newspapers were reporting the case, and published the police's call for witnesses of the events in 1917. A number of witnesses claimed to have seen Falleni in the area, but only after the press had

⁵ "Useful", defined as "[a]n odd-job man, a handyman; a general factotum in a business, pub etc.: Aus. Coll.: since late C. 19. Often, earlier, as *general useful*." In Eric Partridge, 'useful', *A Dictionary of SLANG and Unconventional English*, ed. Paul Beale (London: Routledge, [1984] 2006), p. 1293.

⁶ "Tragedy Revived. Woman in Male Attire Accused," *The Sydney Morning Herald*, 6 July, 1920, p. 9.

⁷ "Woman Masquerading as Man is Charged with Murder," *Barrier Miner*, 6 July, 1920, p. 2.

⁷ Tedeschi did significant research into the careers of both barristers. See Tedeschi, *Eugenia*, chapter 16. I am skeptical about most of Tedeschi's findings and stories, as he describes his writing process as follows: "I could have provided footnotes or endnotes for the historical facts, but I believe that including numbered notes in a text creates a visual and psychological hurdle for the reader to overcome. For this reason, I have instead included a bibliography at the end of the book and I have only inserted numbered endnotes in the text where they are essential for an explanation. Where I have referred to personal thoughts and emotions, these are generally inferred by me from the background factual circumstances in which they occurred." *Ibid.*, Introduction. His knowledge, insight and research into the workings of the court is, however, unsurpassed. See also *Smith's Weekly*, 9 October, 1920, p. 3.

published photos of Crawford. It seems unlikely that anyone would remember exactly who and what they had seen three years earlier. This is illustrated for instance by the fact that the times at which witnesses claimed to have seen Crawford in the area did not match the time at which they noticed the fire. Thus, it was clear from the beginning that Falleni's trial would not be a fair one.

The body that was found three years earlier was dug up, and further investigated on 21 July, by the same doctors who did the previous examination in 1917. Now that the remains had started decomposing, they were able to distinguish seven cracks in the skull, six of which were due to the fire, one of which looked suspicious and could have been caused by a strike to the head. The final assumption was, however, that death was caused by burning.

Crown Prosecutor Coyle centred his case around Falleni's deceit and dishonesty. Thus, he focused on the lies he was said to have told his neighbours and friends about his wife around the time of the Eight Hour Day long weekend. He similarly used Falleni's gender crossing as proof of his deceptive 'nature'. This can also be seen in the press coverage of the case, which reports on Falleni's masquerade. Furthermore, Coyle brought in the dildo that was found in Crawford's home as evidence and drew excessive attention to it. According to Mark Tedeschi, the dildo had not been classified as evidence yet up until this moment, but was promptly called Exhibit G1 as per Coyle's request.⁸ I thus want to suggest that Falleni was on trial for 'sexual fraud', rather than for murder.

There are no records that indicate that Falleni ever conceded that she was guilty, or had anything to do with the burnt body in Lane Cove. However, at 8.07pm on 6 October 1920, the second day of the trial, the jury announced the verdict. "Guilty, your Honor". Falleni was given the death sentence. When asked if she had anything to say that might convince the Court to change the verdict, she said: "I am not guilty, Your Honor. The jury found me guilty on false evidence. I know nothing about this charge."⁹ It is clear that we will never know if Falleni was speaking the truth, but the

⁸ Tedeschi, *Eugenia*, chapter 22.

⁹ Rex v. Eugenia Falleni, p. 99, Supreme Court of NSW, 5-6 October, 1920.

evidence is far from convincing that he did commit the crime, or that a crime had ever been committed.¹⁰

On 12 November 1920, Falleni appealed to the New South Wales Court of Criminal Appeal, but the appeal was dismissed. However, at a State Cabinet meeting on 6 December of that year, her sentence was commuted to lifelong imprisonment. During her time in prison, she changed her name to Jean Falleni.

A good ten years later, on 19 February 1931, Falleni was released under section 436 of the Crimes Act, which broadly meant that she was allowed to live outside of prison, but had to adhere to a number of conditions. She went on to live as a woman, presumably because that is what she had been told to do under the conditions of her release, and changed her name to Jean Ford. She became a successful boarding house proprietor. On 9 June 1938, just having sold one of her boarding houses, she was hit by a car on Oxford Street in Paddington, Sydney. She died the next day.

Eugenia Falleni: Transing Trans

Much writing that involves representations of Falleni is concerned with (but not limited to) four topics: Falleni's gender(ed) identity, her supposed rape and motherhood, his two wives and marriages, and the dildo she used. I will interrogate how different representations, both then and now, of these four topics, demonstrate their respective authors' positing of a seemingly pre-discursive rigid identity category on Falleni's body. Much work on Falleni is interested in deducting his experiences and thus identity from the 'source' material. At the time of the trial, it can be said that Falleni's gendered actions and the witness reports were the source on which (re)presentations were based, whereas more recent material infers information from newspaper articles and the court transcript. What those interested in Falleni all have in common is that they presume it is possible to ascertain someone's true identity from

¹⁰ See "Is Eugene Falleni Guilty?," *Sunday News*, 7 July, 1920. This newspaper article compares Falleni with Dorothy Mort, who was also found guilty of murder and imprisoned. The article says that "there is absolutely no evidence that Falleni took the woman's life. Of the two women in Long Bay Goal who each stood trial for wilful murder, one has many friends ceaselessly working for release. The other is a piece of human flotsam, convicted upon evidence entirely circumstantial, quite unconvincing and as slender as evidence could possibly be. She is without hope, utterly friendless, and by the world forgot."

'source' material, which consequently provides evidence for the conclusions that are drawn. What is ignored is that certain assumptions about identity and gender always already shape the ways in which this source material gets interpreted, and thus also shape which gender(ed) identities are ascribed to Falleni.

Falleni: man, woman, masquerader, transsexual, lesbian

Press coverage of Falleni's trial seemed to be highly concerned with his gender identity, more so than with the murder for which she stood trial. Newspaper headlines from the time of both the committal proceedings as the murder trial describe Falleni as "Woman in Male Attire Accused"¹¹, "Woman Masquerading as Man Is Charged With Murder"¹², "A Woman "Man"¹³, "Woman Masquerades in Men's Clothes"¹⁴, "Man-Woman in Court"¹⁵, "Man-Woman Case"¹⁶, "Man-Woman Trial"¹⁷, "Masquerader On Trial"¹⁸, "The Man-Woman"¹⁹ etc. These headlines consistently precede any mention of murder, thus disseminating the idea that the real crime that was committed was not murder, but Falleni's assumption of a male identity. What is demonstrated here is thus not only the assertion that Falleni was a woman who deviated from her 'true' path, but also the assumption that there is such thing as 'true womanhood' that one can deviate from.

This is further illustrated in the different ways in which Falleni is described depending on whether she appeared in public dressed in men's or women's clothes. Newspaper reports of Falleni's appearance in the Central Police Court on 6 July 1920, when she wore men's clothes, heavily emphasised his appearance. *The Barrier Miner*, for instance, wrote that

[t]he accused woman is strangely interesting. She bore an extraordinary resemblance to a man, for facially she is masculine. She wore a man's clothes. . . . She wears a gold band ring on the little finger . . . In her right hand she carried a

¹¹ "Tragedy Revived. Woman in Male Attire Accused," *The Sydney Morning Herald*, 6 July 1920, p. 9.

¹² "Woman Masquerading as Man Is Charged With Murder," *Barrier Miner*, 6 July, 1920, p. 2 and 4.

¹³ "A Woman "Man"," *The Register*, 6 July, 1920, p. 7.

¹⁴ "Woman Masquerades in Men's Clothes," *Queanbeyan Age and Queanbeyan Observer*, 6 July, 1920, p. 2.

¹⁵ "Man-Woman in Court," *Evening News*, 16 August, 1920, p. 5.

¹⁶ "Man-Woman Case," *The Sydney Morning Herald*, 19 August, 1920, p. 8.

¹⁷ "Man-Woman Trial," *The Singleton Argus*, 7 October, 1920, p. 2

¹⁸ "Masquerader On Trial," *The Argus*, 7 October, 1920, p. 8.

¹⁹ "The Man-Woman," *The Mercury*, 7 October, 1920, p. 5.

grey felt hat. Her hair is almost black and clipped short. It was neatly brushed and parted on the left side of her head. Her face is remarkably small, particularly around the mouth. Her face is considerably wrinkled, and suggests that she is older than her stated age, 43. Her clothing consisted of a well-worn dark-grey cloth sac suit, white tennis shirt, and a neatly-tied green Broadway tie. Her well-polished boots were of patent leather.²⁰

Other newspapers' accounts of the event describe Falleni in an equally extensive manner.²¹ At the actual murder trial, however, which took place on 5 and 6 October 1920, about two months after she was first arrested, Falleni was dressed in women's clothes. Newspapers now seemed rather disinterested in Falleni's appearance, as compared to their initial obsession two months earlier. *The Singleton Argus* reported that "[f]or the first time since she has commenced appearing in courts, Falleni was dressed as a woman"²², and *The Argus* mentioned that "[a]t the inquest regarding Crawford's death, Falleni wore male attire, but today she was dressed in women's clothes."²³ This tells us, today, nothing about Falleni's gendered identity. What we know is that he at times wore clothes that were commonly perceived as men's clothes and at other times dressed in what were women's clothes. Moreover, these clearly distinct approaches towards Falleni's attire suggest it was believed that Falleni was a woman, and that it was only natural for him to wear women's clothing. Conversely, men's clothing worn by a woman was represented and constructed as a marker of deviancy, which required close inspection. Falleni's masculine appearance seems to have evoked a voyeuristic appeal, as though it were possible to discover someone's true nature and personality, if only one looked closely enough. Such scrutinising of the individual can thus be argued to feed into the popular discourses of phrenology in which deviancy was inscribed on the body. It also echoes the diagnostic gaze characteristic of scientific disciplines such as medicine, phrenology and sexology, which gave rise to a "specification of individuals"²⁴. Prior to the emergence of these medical technologies "that take human beings as their subject matter, a person's acts would be judged in just those terms - as acts"²⁵. Now, however, Downing argues, these

²⁰ "Woman Masquerading as Man Is Charged with Murder," *Barrier Miner*, 6 July, 1920, p. 4. "Man-Woman in Court," *Evening News*, 16 August, 1920, p. 5. "Charge of Murder. Woman in Male Attire," *The Sydney Morning Herald*, 7 July, 1920, p. 12.

²¹ For instance "Man-Woman in Court," *Evening News*, 16 August, 1920, p. 5. "Charge of Murder. Woman in Male Attire," *The Sydney Morning Herald*, 7 July, 1920, p. 12.

²² "Man-Woman Trial. Intense Interest in Proceedings," *The Singleton Argus*, 7 October, 1920, p. 2.

²³ "Masquerader on Trial," *The Argus*, 7 October, 1920, p. 8.

²⁴ Michel Foucault, in Lisa Downing, *The Subject of Murder: Gender, Exceptionality, and the Modern Killer* (Chicago: The University of Chicago Press, 2013), p. 7.

²⁵ Downing, *The Subject of Murder*, pp. 7-8.

acts have taken on the status "of ontological truths about that subject."²⁶ Applied to Falleni, therefore, the act of dressing as a man or a woman was not merely an act, but, instead it revealed his very being, and in this case, Falleni's ontological status as woman.

Such interest in Falleni's appearance is also present in more recent work, such as that of Suzanne Falkiner. In her book *Eugenia: A Man*, she describes a number of photos. The first set of photos was taken on 21 October 1920 in prison:

The person . . . in what looks like a rough cotton prison uniform with a broad round collar, is, to all impressions, female. In the three months since her arrest, Eugenia's hair had grown longer and straggly, but the face is unmistakably that of a middle-aged woman with regular, handsome features and a turned-down mouth. Her eyes - usually shaded under a man's hat in the newspaper photographs - are creased downwards at the lids and gaze steadily outwards with an expression somewhere between grief and resignation. The profile shows grey in the hair brushed untidily back over the ears. The weathered face is wrinkled around the eyes, with deep frown lines between the eyebrows and deep creases running down from the nose to the outer corners of the mouth. Looking at the photograph one is forced to wonder, even allowing for the longer hair, how Eugenia could ever have been taken for a man.²⁷

This description communicates a certain disbelief that Falleni was ever mis/taken for a man and was thus physically a woman. Falkiner goes on to describe a set of photos that were taken eight years later, on 16 August 1928. She compares these photos with the previous ones and suggests that they are completely different. Falleni looks thinner, older, and her expression is harder. Only the anxiety evident in her mouth is similar to the previous photos.²⁸ Falkiner then describes a full-length portrait photo that was included with the photos from 1928. She argues that

Eugenia is dressed in a shapeless woman's dress, buttoned down the front from a plain collar, belted low on the hips and reaching to mid-calf. She wears thick, textured stockings and flat lace-up shoes, and on her head is a shapeless hat that resembles a padded tea cosy. It is difficult not to be led into a comparison of this frowzy woman with the infinitely smarter and better tailored male figure she presented during the trial.²⁹

Falkiner does not elaborate the reasons for why she describes these photos and the ways in which she compares them. What is interesting is that she does not compare the last photo, in which Falleni is dressed as a woman, with other photos in which Falleni was wearing women's attire, but with photos of him as a man in which he, according to her, looks much better. This thus seems to suggest that Falkiner wants to show, in line

²⁶ *Ibid.*, pp. 7-8.

²⁷ Falkiner, *Eugenia: A Man*, p. 160.

²⁸ *Ibid.*

²⁹ *Ibid.*

with her overall argument, that Falleni was truly a man and thus a transsexual. However, as she thus suggests that Falleni is truly a man yet at once wonders how he could ever have been taken for a man, her description of these photos illustrates instability, in which Falleni is always already her other side.³⁰ Here then, it is clear that there is no other side, no opposite side to be spanned by disguise or by passing.³¹ Here, we can thus find a trans(ing) moment in Falkiner's otherwise stable argument, in that the opposition between man and woman is no longer clear.

During the trial, Falleni was referred to inconsistently. Crown Prosecutor Coyle proclaimed that

I find it difficult to refrain from referring to the accused as he, but when I do you will understand that I mean the accused, who posed as a man, and definitely stated she was a man, and married two women as a man . . . all her actions since have been characterised by cunning and deceit.³²

Dr Moran, who was sent to visit Falleni in Long Bay Goal by his friend Sir William Portus Cullen, Chief Justice of New South Wales and the judge who presided over Falleni's trial, writes about the trial in his memoir that

the one diverting aspect of a squalid tragedy was the difficulty of finding the correct personal pronoun with which to describe the accused. Witnesses and barristers became at times terribly muddled and the trembling, shrinking woman in the dock heard herself alternately referred to as "she" and "he" and designated at least on one occasion as "it". Her gender, however, to her own undoing, was never neuter.³³

Falleni's gendered identity was thus significantly destabilised in Moran's reconstruction of the trial. She was alternately described as he, she and it, and in Moran's description thus characterised by rhizomatic movement, always on the way, with no real destination. Moran's choice of words is interesting, in that he characterises 'undoing' pejoratively. Falleni's gender was, however, not only never neuter, it was also never stable. Such instability necessarily does away with notions of continuity and congruence of personhood, and thus, undoes personhood as commonly understood. It is exactly in this undoing that we can find trans capacity in the form of a transing moment or a transing event.

³⁰ Margrit Shildrick, "Re-Imagining Embodiment: Prostheses, Supplements and Boundaries," *Somatechnics* 3, no. 2 (2013): p. 272

³¹ Judith Halberstam, "F2M: The Making of Female Masculinity," in *The Lesbian Postmodern*, ed. Laura Doan (New York: Columbia University Press, 1994), p. 212.

³² Quoted in *The Sun*, 5 October, 1920, p. 7.

³³ Moran, *Viewless Winds*, p. 239.

In the Australian press and during the trial, Falleni is repeatedly referred to as a woman who masquerades as a man. However, the rise of sexology and the availability of discourses of inversion in late nineteenth and early twentieth century Australia would suggest that someone like Falleni would be referred to and classified as 'invert' rather than as 'deceiver'. Whilst the press coverage did not classify Falleni in terms of inversion, these discourses were available. This is evidenced in Falleni's lawyer McDonnell, who in trying to challenge the Crown Prosecutor's case that was based on Falleni's "sexual fraud", intended to construct Falleni as a congenital invert for the jury. The judge enquired whether McDonnell was "setting up insanity, or not"³⁴. McDonnell's interview with Dr Palmer was meant to demonstrate that "true sexual inversion" existed. Dr Palmer admitted to the existence of inversion, but was reluctant to classify Falleni accordingly.³⁵ This, then, suggests that it was important that Falleni was seen as a deceiver, since framing her as invert would have invalidated the prosecution's case. Interpretations of Falleni's identity here are linked to the outcome of the trial, and not so much with a destabilising move. These different characterisations of Falleni's identity as an invert and a deceiver show the ease with which identities can be ascribed to individuals when there is no access to their voice. The stabilising move here thus emerges from the link between Falleni's understood identity and the outcome of the trial.

Recent representations of Falleni and her trial appear to be significantly more concerned with stabilising this individual. Mark Tedeschi shows considerable interest in discovering who Eugenia Falleni truly was. This is evidenced in his continuous references to Falleni's "true gender"³⁶, "true self"³⁷, "true identity"³⁸, "inner soul"³⁹, "inner self"⁴⁰ etc. He wonders how we can "view Eugenia's condition today, with our more enlightened views about sexuality and personal identity"⁴¹, and settles on the term transsexual, which he defines as

³⁴ This is not mentioned in the court transcript, but according to Ford was published in *Truth*, 10 October, 1920. Ruth Ford, "'The Man-Woman Murderer': Sex Fraud, Sexual Inversion and the Unmentionable 'Article' in 1920s Australia," *Gender & History* 12, no. 1 (2000): p. 169.

³⁵ Rex v. Eugenia Falleni, pp. 24-26, Supreme Court of NSW, 5-6 October 1920.

³⁶ *Ibid.*, chapter 2, chapter 17, chapter 30.

³⁷ *Ibid.*, introduction.

³⁸ *Ibid.*, chapter 2, chapter 3, chapter 5.

³⁹ *Ibid.*, chapter 1.

⁴⁰ *Ibid.*, chapter 8.

⁴¹ *Ibid.*, chapter 30.

a person whose physical sex at birth conflicts with his or her perceived psychological gender. The medical definition incorporates a number of the following: a marked incongruence between one's experienced/expressed gender and one's primary and/or secondary sex characteristics; a strong desire to be rid of one's primary and/or secondary sex characteristics because of marked incongruence with one's experienced/expressed gender; and a strong desire to be of the other gender.⁴²

Whether or not one agrees with this definition of transsexual, which labels it as a medical condition, the question that needs asking here is where exactly Tedeschi finds the information required to classify Falleni as transsexual, based on these characteristics. In reconstructing Falleni's life based on the 'source' material and what it suggests, he paints a picture of who Falleni truly was, what she was thinking and how she saw himself. Tedeschi argues that "[w]here I have referred to personal thoughts and emotions, these are generally inferred by me from the background factual circumstances in which they occurred."⁴³ This is illustrated, for instance, when he asserts that Falleni's father forced her into marriage to an Italian man named Braseli Innocenti in 1894. He describes this as a disaster for Falleni:

At this traumatic stage in her life, Eugenia decided that her true identity was as a male. All the years of struggle finally convinced her that she had been born into a body of the wrong gender. She only felt comfortable when she put on men's clothing. She only felt normal and authentic when she adopted the walk and talk of a man. . . . Her irrepressible need to live life as a male was not something she chose, but was rather an imperative of her real, underlying self. Most of her life thus far had been spent resisting her inner voice, which had been crying out for recognition, and trying to conform to her family's expectations, but eventually the emotional price of living a monstrous lie was too high and she bowed to the inevitable.⁴⁴

Thus, Tedeschi assumes that the manner in which he 're'constructs Falleni's life based on the available information, allows him to frame her as a transsexual. However, it is also his assumption that there is such thing as transsexual as he describes it that allows him to interpret the 'source' material in a certain way. It is exactly his perception of Falleni as pre-discursively transsexual that shapes his presumed inference of her as transsexual from the material.

Tedeschi goes as far as to diagnose Falleni with Gender Identity Disorder, which he calls "the most acceptable term today"⁴⁵ for her condition, and equates it with transsexualism. He thus implies that it is possible for an individual to interpret

⁴² *Ibid.*, chapter 30.

⁴³ *Ibid.*, introduction.

⁴⁴ *Ibid.*, chapter 2.

⁴⁵ *Ibid.*, chapter 30.

themselves according to a 'condition' before its actual conception and naming⁴⁶, and as such is unaware of how the positing of certain categories and conditions shapes the ways in which individuals read themselves and are read by others. The condition was always already there, it was just not recognised. Tedeschi argues that

[i]n the 1890s, nobody knew of the concept of 'gender identity disorder' - a state in which a person believes that they have been born into a body of the wrong gender. Crossing the gender barrier was a social anathema beyond comprehension, let alone acceptance, while feigning identity as a person of the opposite gender was considered a serious moral sin and a crime under the law.⁴⁷

The terminology of Gender Identity Disorder Tedeschi uses, indeed, (re)creates a constrictive dichotomy between man and woman that must necessarily be crossed⁴⁸, and does not allow for movement. Tedeschi's framing of Falleni as a transsexual who was misunderstood in the time in which she lived, shapes the ways in which he interprets the gendered representations of Falleni in newspaper articles at the time of the trial. He sees only judgement, and is oblivious to the necessary ambiguity and ambivalence in these representations. It is this that allows him to refer to Falleni as "a transgender warrior at a time when there was no understanding of her condition and no support for her cause."⁴⁹

Suzanne Falkiner is similarly interested in discovering Falleni's interiority. Whilst Tedeschi's reconstruction of Falleni's life and the trial is, I would argue, in large part fictional, Falkiner's reconstruction is much more self-reflexive and reads as a quest narrative, as she both reads Falleni's life and her own interest in it. Falkiner strongly believes that Falleni "was driven by a strong psychological compulsion to live as a man, despite her normal physiology as a woman"⁵⁰. Her descriptions of Falleni at times resemble those of Tedeschi. She believes that Crawford

seemed to want the same things in a wife as did most Australian men of the period: a respectable woman who would make him a home. He wanted a comfortable kitchen where he could relax after work with a beer or whisky, and to have his meals cooked and his shirts washed. If the woman contributed to his wellbeing with a little cash of her own, so much the better. Harry Crawford, more than anything, it seems, wanted to be an ordinary man, married to an ordinary woman.⁵¹

⁴⁶ I am reminded of Jay Prosser here.

⁴⁷ Tedeschi, *Eugenia*, chapter 2.

⁴⁸ Halberstam, "F2M," p. 216.

⁴⁹ Tedeschi, *Eugenia*, chapter 30.

⁵⁰ Falkiner, *Eugenia: A Man*, p. 40.

⁵¹ *Ibid.*, p. 43.

Falkiner frames Falleni as a transsexual, and as such a 'real' man. She thus seems to be interested in neatly fitting Falleni into a category, as she suggests that Falleni's choice for male attire implies that he is truly a man, who wants what 'real' men want. Framing Falleni in this way requires her to imagine him with an obedient wife. However, with no records in which Falleni directly speaks, it is impossible to make such statement as to the truth of his life. In a fashion comparable to Tedeschi's, Falkiner suggests that Falleni's "condition is no longer as mysterious as it was"⁵², thus implying that with the benefit of hindsight and today's more advanced knowledge, only now can we truly understand who Falleni really was, which was not possible at the time of the trial. Tedeschi's and Falkiner's labelling of Falleni thus does not allow for Deleuzian interbeing, but foregrounds starting and ending points. Whilst I do not support Falkiner's reference to Falleni's condition or identity as mysterious, since this terminology necessitates a detective in the sense of Tedeschi and Falkiner, such framing is nonetheless productive. In the mystery that is Falleni, it is possible to find imperceptibility in the manner of Crawford, and the deterritorialising potential of not being recognised.⁵³

Rape and Motherhood

On 19 September 1898, Falleni gave birth to a daughter, Josephine. The records do not indicate how exactly Falleni came to be pregnant. Moran suggests that Falleni arrived in Newcastle "with an infant child in her arms . . . Having surprised the secret of her sex, he [the captain of the ship] used her violently and then abandoned her in pregnancy."⁵⁴ He subsequently argues that even if Falleni was born with

a twisted outlook, a so-called psychical hermaphrodite, with a man's sexuality in a normal woman's body, the brutal deflowering by a violent man, the harsh abandonment and the crude life on a sailing ship, must've all contributed to the fury of her subsequent flight from the serfdom and subjection of her own sex. At the very least, it must have hardened the tendency.⁵⁵

It is not clear where Moran obtained this information about the rape, but Falkiner suggests it is likely that Falleni told him this story herself.⁵⁶ There is, however, no

⁵² *Ibid.*, p. 40.

⁵³ Lucas Cassidy Crawford, "Transgender Without Organs?: Mobilizing a Geo-Affective Theory of Gender Modification," *WSQ: Women's Studies Quarterly* 36, no. 3-4 (2008): p. 130.

⁵⁴ Moran, *Viewless Winds*, p. 243.

⁵⁵ *Ibid.*, p. 243.

⁵⁶ Falkiner, *Eugenia: A Man*, p. 216.

evidence that proves the veracity of what Falkiner suggests. Moran here attempts to formulate a number of rational reasons as to why Falleni is what or who she is. He has previously outlined his 'disgust' at male "homosexualists"⁵⁷, but his sympathy for their female counterparts. One could wonder whether this has influenced the ways in which he narrates the rape story. If Falleni has the sexuality of a man, he would find it disgusting that Falleni were to have had consensual sex with another man. However, this reading of his narrative does not quite work, in that he frames Falleni's flight from "her own sex", and thus her female sex, as a result of the "brutal deflowering". Here, Falleni is interpreted as female, and it is this experience that has led her away from this life as a woman. Moran's search for a reason for why Falleni is who she is, implies a search for a one-directional and determined path. It asks the question, "Where are you coming from?" and looks for a foundation⁵⁸, rather than to allow for the limited information available about Falleni to function as a rhizome that favours nomadic wandering.

Newspapers at the time of the trial, however, did not report a rape, but claimed that Falleni was married to Josephine's father, a man named Martello. *The Barrier Miner* writes that Falleni "married a man named Martello in her native country, and had a daughter. They went to New Zealand, and after several years she came to Sydney with her daughter."⁵⁹ *Evening News* and *The Sydney Morning Herald* both record that "[s]he was married in Italy, and had one daughter"⁶⁰, and *The Register* writes that "[s]he was married in Italy to Martello Falleni, and a daughter was born of the marriage."⁶¹ Such stories thus position both Falleni and the notion of procreation in a heteronormative framework, in which childbirth is the result of heterosexual marriage.⁶²

⁵⁷ Moran, *Viewless Winds*, p. 236.

⁵⁸ Gilles Deleuze and Félix Guattari, *A Thousand Plateaus*, transl. Brian Massumi (Minneapolis: University of Minnesota Press, [1980] 1987) p. 25.

⁵⁹ "Woman Masquerading as Man Is Charged With Murder," *Barrier Miner*, 6 July, 1920, p. 2.

⁶⁰ "Man-Woman in Court," *Evening News*, 6 July, 1920, p. 7. "Tragedy Revived. Woman in Male Attire Accused," *The Sydney Morning Herald*, 6 July, 1920, p. 9.

⁶¹ "A Woman 'Man'," *The Register*, 6 July, 1920, p. 7.

⁶² See Lisa Featherstone, "'Fitful Rambles of an Unruly Pencil': George Southern's Challenge to Sexual Normativity in 1920s Australia," *Journal of the History of Sexuality* 19, no. 3 (2010): p. 389. I elaborate this point in the 'The Article' section.

Echoing Moran's claim, Tedeschi and Falkiner assume that Falleni was raped by respectively the captain of or a crew member on board the ship on which she left Wellington. Tedeschi goes, again, as far as to reconstruct what he believes happened about nine months before Josephine was born. Neither of these authors, however, considers that Falleni may have had consensual sex with the 'father' of Josephine. I suggest that their denial of this possibility is shaped by their categorisation of Falleni as transsexual, whose true gender(ed) identity was man. Falkiner, for example, deduces this from her assumption that "[n]one of [Falleni's] actions after the birth of Josephine seem to point to a prior satisfying physical relationship with a man."⁶³ Whether this is true or not is irrelevant, since what is evidenced here is a preoccupation with rigidity at the exclusion of movement. Falleni was a transsexual man, who was attracted to women, and could thus only ever have been exactly that. For Falkiner and Tedeschi, it is inconceivable that Falleni could have knowingly and willingly had sex with a man. At least considering the possibility of this would interfere with their conception of sex and gender identity and experience as constant and congruent, rather than fluid.

Falkiner and Tedeschi record rape as the cause of Falleni's pregnancy, notwithstanding that they have both 'observed' his search for love. Tedeschi argues that she "sought what almost all of us seek: love, acceptance, security, respect and connection with other human beings"⁶⁴, whereas Falkiner remarks that "[w]hat seems to have been overlooked by previous commentators on Eugenia's story is the extent to which it affirms the fierceness of the human need for love"⁶⁵. If we accept these contentions, and think according to Tedeschi's and Falkiner's logic so as to expose the mechanisms at work here, I wonder why it would be so inconceivable that Falleni, in his search for love, envisaged a binding love of and for a child? Moran alternates his descriptions of Falleni as "a homosexualist" and a "hermaphrodite", as "male" and as "female". Here, we can see a trans(ing) moment, we can see Falleni as trans(ing). Such trans(ing) is much less evident in the narratives of Falkiner and Tedeschi, who appear to be meticulously concerned with constructing a clear-cut and rigid space for Falleni's gender(ed) identity, where there is no room for movement and possibility. This is not to say that Moran willingly refuses to categorise Falleni - on the contrary, his text

⁶³ Falkiner, *Eugenia: A Man*, p. 216.

⁶⁴ Tedeschi, *Eugenia*, Introduction.

⁶⁵ Falkiner, *Eugenia: A Man*, p. 173.

seems to be discomforted by its own unsteadiness. His rational descriptions of the labels he applies to Falleni clearly demonstrate his search for a stable and verifiable categorisation. Yet, he fails in his search.

Two Wives

Falleni's charge and trial were premised on the assumption that her wives did not know he was not a man. The prosecution set up the trial on the notion that sexual fraud had been committed. Lynne Freidli has argued that "prior to the twentieth century, in prosecutions of women who lived and married as men the emphasis was upon notions of fraud, rather than sexual deviancy, whereas as the twentieth century progressed marriages were increasingly seen to indicate sexual perversion."⁶⁶ Chesser, however, indicates that in Australia, fraud was still a "very relevant concept for understanding same-sex marriage."⁶⁷ In the prosecution's logic that highlighted Falleni's fraudulent actions, his motif for murder was that Annie Birkett had found out what his 'true' sex was, and would expose his secret unless he got rid of her. Not only does such rationale assume that there is such thing as 'true' sex that one can deviate from, it also effectively displaces from view the possibility that Birkett knew Falleni was a woman and had nonetheless married her, lived with her, and slept with her.

Lily Nugent, Annie Birkett's sister, testified in court that Birkett had found out Falleni was not a man eight months prior to the discovery of the body near Lane Cove River. If this is true, and if Falleni feared exposure, why would it have taken him eight months to murder her? And if Birkett was so troubled by Falleni's sex, why would she have continued living with him for eight more months? Tedeschi asks similar questions in his book, and his version of the events is thus that Birkett's death (if the body that was found was hers) was caused by accident.⁶⁸ He does, however, believe that Birkett had indeed found out Crawford's secret a mere eight months before her

⁶⁶ As quoted in Chesser, "Two Loving Hearts," p. 730.

⁶⁷ *Ibid.*, p. 730.

⁶⁸ Tedeschi here, as he describes Birkett's death, suggests that "[w]hat follows is therefore a possible version of events, re-created by the author, that is entirely consistent with all the known facts that later emerged, but interpreted with the benefit of today's superior knowledge in the forensic sciences and unimpeded by the considerable prejudice that existed at the time for someone in Harry Crawford's predicament." Tedeschi, *Eugenia*, chapter 8.

supposed death.⁶⁹ Tedeschi thus denies the possibility of a romantic and sexual relationship between two women. Similarly, in refusing the idea that one can for instance 'be' a woman, wear men's clothing, and have a relationship with a woman, he does not account for the complexity of gendered being.

Furthermore, he suggests that "[v]ery few women in those days had enough knowledge of sexual matters to realise that there had been no semen emitted during this intimate exchange or to distinguish the lubricant from semen."⁷⁰ He thus constructs women as sexually ignorant. Annie Birkett had, however, previously been married and had a son, and would thus have had at least some knowledge of the processes that take place during sexual intercourse, which Falkiner also acknowledges.⁷¹ Falkiner, nonetheless, similarly assumes that Birkett did not know Falleni was not a man, and suggests that "[p]erhaps it was merely inertia, or the fear of being alone again, that stopped Annie from leaving Harry when she discovered his secret."⁷² What is evident in both authors' account is the positing of Falleni as biological woman, whose relationship with Annie Birkett was premised on Birkett's at the very least initial ignorance. Thus, both authors, in their perception of Falleni as a transsexual in a heteronormative framework, construct not only Falleni, but also her wives, as involved in a heterosexual relationship, and thus fail to acknowledge the trans(ing) potential in these events.

Ruth Ford, conversely, has highlighted Falleni's lesbian identity. She rightly argues that

[t]here was a refusal to believe that Falleni's two wives might have knowingly loved and had sex with someone who was not male - and who desired to be a man - thus creating and protecting the heterosexual identities of Annie Birkett and Elizabeth Allison.⁷³

⁶⁹ Tedeschi presents a much nicer picture of Birkett. The couple, he narrates, had gone out to the park for a picnic to talk about what was to come of their marriage, now that the secret was out. Tedeschi, *Eugenia*, chapter 7. Birkett, he argues, would suggest to Falleni that they had their marriage annulled. They would have to agree on a reason, and Birkett thought that their best option was to claim "that they had never consummated it by an act of sexual intercourse". Tedeschi, *Eugenia*, chapter 6. At some point during the picnic, Birkett decided to walk away, and Falleni tried to stop her, physically. She tripped, and her head hit a rock. Falleni, desperate, decided to burn her beyond recognition. Tedeschi, *Eugenia*, chapter 8.

⁷⁰ Tedeschi, *Eugenia*, Chapter 4.

⁷¹ Falkiner, *Eugenia: A Man*, p. 44.

⁷² *Ibid.*, p. 45.

⁷³ Ford, "'The Man-Woman Murderer'", p. 179-180

She posits that "[d]espite the early identification of diverse forms of 'lesbian' desire, passing women have been given very little consideration within either lesbian or queer history"⁷⁴, and that "[t]he construction of innocent 'tricked' wives denies that there might be knowing lovers of men-women, just as sexologists ignored the desires of the 'feminine' lover of the mannish lesbian, focusing solely on the predations of the congenital invert."⁷⁵ She argues that there was a failure to associate between the man-woman and ideas of female homosexuality that were beginning to be circulated in the press.⁷⁶ Falleni, Ford suggests, was read within the framework of a history of women who worked and lived as men, and thus those (re)presenting her emphasised notions of fraud, masquerade and deception. Whilst she does not explicitly say it, she thus frames Falleni as a lesbian. Ford does not question the trans(ing) possibilities in this framework, such as for example, when she describes Falleni as "someone who was not male - and who desires to be a man". Again, here, we can discern a rejection of ambivalence. Falleni cannot simply be 'a person', whose gender and sexual orientation is open and undecided, characterised by irregular movement.

'The Article'

Much of the trial engaged with what was referred to as 'Exhibit G1' or 'the article', a dildo, found by detective Robson at Falleni's lodgings. At the trial, he said:

I opened the bag. I got the article from it and asked the accused . . . 'Did your first wife know that you were using anything like this?' The accused said, 'No, not until the latter stages of our married life' . . . I said to the accused, 'Is this what you referred to as having used on your first wife?' I then took the accused to the Central Police Station where she was charged.⁷⁷

Dr Moran in his memoir described it as "a miserable thing, of dirty rags covered with gauze and capped with rubber"⁷⁸. One could wonder how it is that a dildo came to constitute an important piece of evidence at a murder trial that attempted to find the 'murderer' of a woman who (was) burnt to death. The dildo was not only a symbol for Falleni's sexual fraud, it also signified the defeat of heteronormative and reproductive sexual activity. Lisa Featherstone has argued that sexuality in Australia in the 1920s

⁷⁴ *Ibid.*, p. 160.

⁷⁵ *Ibid.*, p. 180.

⁷⁶ *Ibid.*, p. 180.

⁷⁷ Quoted in Kay Saunders, *Deadly Australian Women: Stories of the Women Who Broke Society's Greatest Taboos* (Sydney: HarperCollinsPublishers, 2013), p. 27.

⁷⁸ Moran, *Viewless Winds*, p. 238.

and 1930s "was defined by monotony, with a seemingly endless focus on monogamy, reproduction and heterosexuality. It was widely accepted that sex and babies were analogous, and reproduction was seen as key to the functioning of a healthy white Australia."⁷⁹ She argues that sex was not seen as a recreational activity, but that "the biological urge for intercourse was to be indulged only in the structure of heterosexual procreative marriage"⁸⁰.

At the trial, Coyle, before referring to 'the article' announced: "I will refer to another matter, though it is an unpleasant subject to speak of in the presence of women", to which Chief Justice Cullen replied: "We must not hesitate for one moment on account of the women. If women choose to come to a criminal court, they cannot be considered."⁸¹ Coyle thus also underestimated women and their sexual knowledge, and/or intended to add a level of drama to the case in referring to the innocence of women, so as to highlight again the innocence of Falleni's wives. This was necessary for his story of Falleni's deceit of Birkett and Allison, who did not know he was a woman. If they had known that a dildo was used, this would automatically imply that they knew Falleni was not a man, and Coyle's case against Falleni would not hold. If Birkett nor Allison knew, however, Falleni's deceit could be exaggerated even more, as their innocence facilitated the narrative of a perpetrator intruding a passive victim. In thus denying the possibility of sexual and equal love between two women, the dildo could come to symbolise Falleni's defiance of the patriarchal heteronormative order.

Interestingly, 'the article' is hardly mentioned in newspaper accounts of the trial. *The Sydney Morning Herald* reported that "Sergeant Robson then tendered one of the articles found as an exhibit" at the committal trial⁸² and even tabloid *Smith's Weekly* remained vague in its descriptions. A journalist who calls themselves 'The Man in the Mask' wrote in *Smith's Weekly*, about two weeks after the trial, that

I saw her stand beneath the hundred-eyed gaze of curiosity, and listen to an incisive, dynamic voice declaiming against her. I saw the owner of that voice, with practiced dramatic gesture and well-ordered disgust, cast before the eyes of her judges the grotesque symbol of her distorted longings.⁸³

⁷⁹ Featherstone, "'Fitful Rambles of an Unruly Pencil'," p. 389.

⁸⁰ *Ibid.*, p. 390.

⁸¹ Tedeschi, *Eugenia*, Chapter 17.

⁸² "Falleni Case. Daughter in Court," *The Sydney Morning Herald*, 20 August, 1920, p. 10.

⁸³ *Smith's Weekly*, 16 October, 1920.

There are a number of things Falleni's "distorted longings" could stand for. There were his supposed same-sex desires or sexual activities with women as a woman, and thus the engagement in intercourse outside of the reproductive heterosexual marriage. The author might have been hinting to Falleni's 'cross'-dressing. Or maybe, they were referring to Falleni's conscious and effective assumption of that which gave men power, the phallus. It is not clear what exactly the author refers to here, and I wonder if clarity is necessary, as it would stabilise Falleni's longings. What is, furthermore, interesting to note is the journalist's pseudonym. 'The Man in the Mask' reminds of the press' framing of Falleni as a masquerader. Whilst the man in the mask may not be a man, what is more important, is how this moment of uncertainty highlights indefinability and not-knowing and thus allows for movement.

In the recent literature, for Kay Saunders, 'the article' functions as a tool to stabilise Falleni's identity. Its existence, she argues, "suggests that Falleni regarded herself as a man rather than a lesbian, exhibiting gender realignment rather than the desire to become a transvestite. . . . Crawford/Falleni possessed a transgender identity."⁸⁴ Halberstam, however, has argued that

[w]e almost seem to assume that particular practices attend particular sexual identities even as we object to the naturalization of the homosexual-heterosexual binary. . . . and yet we still seem to think that anal sex between men and oral sex between women provide paradigms for gay and lesbian sexual behavior in much the same way that vaginal intercourse might for heterosexuals.⁸⁵

What is demonstrated in Saunders, then, is that Falleni was a transsexual, and thus, in essence a man, in that her sexual practices involved vaginal intercourse with a woman and were thus heterosexual. In thus stabilising Falleni's identity, Saunders does away with the possibility of trans(ing).

Towards a Recognition of Complexity

Narrating Eugenia Falleni's life according to the framework of trans I developed in chapter 2 would tell us very little, because of the limited information available from the archival material. Falleni was an individual. She sometimes wore women's clothes and she sometimes wore men's clothes. He was married twice, had sex, and owned a dildo. This limited information is exactly why this case study has been so useful for

⁸⁴ Saunders, *Deadly Australian Women*, p. 279.

⁸⁵ Judith Halberstam, *Female Masculinity* (Durham: Duke University Press, 1998), p. 114.

this thesis. Since we do not know how Falleni saw himself, we cannot fall into the trap of relying on her self-identification and assume that it is possible to come to the truth of her personality.

Nonetheless, as I have shown, a number of authors have attempted to do exactly that. A range of mechanisms and discourses are at work in the different (re)presentations of Falleni. Stabilising Falleni's identity in court functioned as a tool to find her guilty of murder, while newspapers were presumably largely interested in increasing their readership. Moran's memoir can be seen as his attempt to display his knowledge and the odd cases he encountered throughout his career. Falkiner and Tedeschi's books are interested in showing how much we have advanced since and how we should be compassionate towards Falleni. Yet, in all their differences, the effects and implications of such stabilisation are the same: the complexities of an individual's gendered actions are ignored.

The Falleni case, then, replicates a number of moves prevalent in the field of transgender studies. Because we have such limited information about Falleni, she comes to stand for all individuals, for all bodies. In Falleni and the ways in which he has been (re)presented, we can see the effects of theorising the body, the individual according to notions of experience and identity, according to congruent identity. Instead, I suggest, it would be more productive to read Falleni and other bodies as always interbeing. Falleni's gendered actions were not only imperceptible to us until her arrest, but she is still imperceptible through the inconsistencies in the ways in which he has been (re)presented, through the inconsistencies that characterise the notion of stable personhood. Falleni is always underway, from one (re)presentation to the next. Without foundations, she never arrives at resolution.

I have thus used Eugenia Falleni as a means to draw attention to the ways in which we, today, narrate ourselves and the world, to ourselves and to others. Rather than focusing on what is stable, we must start highlighting instabilities, the complexities of gendered being-in-the-world, and thus the ways in which we are all always already trans(ing). The Falleni case demonstrates the dreadful effects of not doing so. Of what can happen if we do not interrogate and recognise our stabilising tendencies.

Conclusion

In this chapter I have critically interrogated the ways in which Eugenia Falleni has been (re)presented in the literature. I have argued that this literature is characterised by a tendency to stabilise this individual and to foreground her subjectivity by employing systems of categorisation that are too reductive and too stabilising, and do not recognise Falleni as an individual of complexity. I have focussed my analysis on four topics: Falleni's gendered identity, his supposed rape and motherhood, his two wives, and the dildo she was said to have used. I acknowledge that different discourses and ideas inform the different readings of Falleni, however, I argue that they have a number of codifying practices in common. I have thus suggested that the narratives created around each of these topics in different times, are informed by the identity categories the authors of the narratives read on the body of Falleni. As such, in employing somatechnics of perception as a que(e)r(y)ing tool, I have shown that what is assumed to be merely seen on the body of Falleni, shapes that which it assumes to perceive, while simultaneously also being shaped by it.

Herbert Moran notes in his memoir that Falleni "was always deceiving herself as to reality."⁸⁶ He thus refers to the many competing ways in which Falleni has been portrayed as speaking about herself, by for instance witnesses at the trial who describe what she supposedly told them, in statements she gave to the police as recorded in newspapers, and the different names she used. Moran's statement thus highlights the fictitiousness of stable identity and experience, and thus the inadequacy of foregrounding identity and subjectivity as viable tools for the analysis of individuals' gendered actions.

Therefore, I have experimented with the conceptualisation of trans I developed in chapter 2 of this thesis, as a means to interpret Falleni and the ways in which he has been (re)presented in the literature within a framework of trans(ing) moments. Through the use of somatechnics of perception, I have thus attempted to provide a glimpse into the multitudinous ways in which Falleni's being-in-the-world was characterised by incoherent and rhizomatic movement, and thus by trans(ing) moments. Similarly, I have outlined the inconsistencies in the specific narratives that

⁸⁶ Moran, *Viewless Winds*, p. 235.

are constructed around this individual. Falleni's 'identity' is ever shifting, and the numerous attempts that have been undertaken to stabilise her, show that it is very difficult to pin down an individual according to rigid parameters if there is no access to this individual's self-proclaimed identity and experience. Given this, the notion of subjectivity acquires a very different meaning. Instead of trying to offer a resolution as to the truth of Falleni's subjectivity, I have suggested the productive potential of understanding Eugenia Falleni as a set of unresolved trans(ing) moments.

CONCLUSION

In this thesis I have argued that in order to realise trans in its full potential, a critical interrogation of the trends in scholarship in the field of transgender studies is required. Thus, the key focus of this thesis has been to encourage critical analyses and a re-thinking of that which is commonly understood as trans.

I have started this thesis by proposing that a queer approach to trans is indispensable to such project. Whilst texts that were foundational of the field were closely linked to the project of queer theory, trans scholarship has increasingly relied on notions of experience, identity, community, and more recently nature. As such, it has effectively abandoned the queer character of early work in the field. The issue with much trans scholarship is that it uses experience as evidence for what trans can mean. As a consequence, trans naturalises as an identity category that is grounded in a particular set of experiences, and is constructed as pre-discursive. In grounding its theories and practices in stable experience, identity, community and nature, trans scholarship has thus returned to those foundations that queer theory rejects. What often remains unquestioned are the effects and implications of conceptualising trans in this manner.

I have argued that in a time where trans-identifying individuals are still fighting for recognition and against discrimination, it is necessary to develop an alternative and critical vocabulary that does not set trans apart, but that implicates all individuals. As queer theory is broadly interested in theorisations that do not foreground the subject or identity, it is particularly useful for the field of transgender studies, in that it provides the possibility for a theorisation of trans in-relation-with, rather than a pre-discursive thing-in-and-of-itself. However, trans scholars have at numerous occasions discarded the productive potential of combining trans and queer, exactly because queer rejects work that is grounded in subjectivity and identity.

In order to negotiate such issues, I have experimented with developing a framework in which trans comes to stand for moments, events and practices, in which movement and relationality are crucial. This thesis has thus deployed somatechnics, and in particular Sullivan's somatechnics of perception, as a que(e)r(y)ing tool, so as to illuminate and question the ways in which a perception of trans as 'simply there',

based on a particular type of experience, produces what it assumes to simply be there, while simultaneously also being produced by it. In relying on Halberstam's assertion that we are all trans and Shildrick's discussion of how notions of self and other cannot be definitively separated, I have argued that all individuals are implicated in trans. I have then proposed Deleuze and Guattari's notions of the rhizome and smooth space, and Crawford's valuation of imperceptibility, to suggest that trans stands for movement and can thus be found in moments and practices, rather than being an identity erected upon a particular set of felt experiences.

Whilst the project I have undertaken in this thesis represents only a preliminary enquiry into the possibilities of trans, I have nonetheless attempted to test this framework against a case study of Eugenia Falleni. I opted for this case study, in that Falleni's interiority, how she saw herself, is not documented in the archival material. This guards against falling into the trap of foregrounding this individual's experience and self-defined identity. However, as I have shown, a number of authors who have written about Falleni have focused exactly on trying to fit Falleni in a rigid identity category. By critically interrogating these categorisations through a framework of somatechnics of perception, I have argued that what these authors claim to merely see on the body of Falleni and thus assume to be pre-discursive, shapes the ways in which they frame his identity as congruent and whole, and is simultaneously shaped by it. In highlighting the inconsistencies at work in (re)presentations of Falleni according to rigid notions of identity, I have thus demonstrated a number of trans(ing) moments at work in this case study. I have furthermore suggested that in the Falleni case, we can find the detrimental effects of thus narrating individuals' being-in-the-world, and highlighted the productive potential of trans(ing), of rhizomatic movement, of interbeing without arrival.

I am aware, as I have at several instances indicated in this thesis, that those who identify as trans may currently find very little use with regards to their own lives in the project I have attempted to undertake here. However, I hope to have shown the value in encouraging a continued conversation between queer and trans scholars. Since trans, understood as trans(ing) moments and practices, involves all individuals, research should not be limited to the field of transgender studies or to those who identify as trans, but should be undertaken in a much wider context. I believe that

work that is produced in this wider context by trans and non-trans individuals alike, and that develops out of the conversation between queer and trans in which trans is not a descriptor of some but something that produces and is produced, allows for a theorisation of trans that is not grounded in identity politics, in binaries, in rigid categorisations. It is my hope that critical vocabularies around trans that signify movement and defy resolution will be produced, and that they will permeate the ways in which all individuals conceive of their identities and their lives.

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