



Practicing Freedom

Disability and Gender Transformation

I have been arguing so far that our response to the past constitutes the conditions of possibility for the present, and that understanding ourselves as relationally coconstituted offers us something helpful for both remembering the past and responding to the present. But as we're engaged in the work of feeling the weight of the past and trying to remember it well, and as we work with the complexity and impurity of the present, time flings us on. The future is coming for us, or we are coming for it, and so it matters how we collectively set our course. Remembering the past for the future and deciding how to respond to entangled coconstitution alike invite us to have reasons for choosing one thing and not another. In this chapter I ask, How do we determine what kind of future we want? How, given the fact that we are constituted in relation to a thoroughly oppressive world from which we cannot stand outside as we set our course, can we ever craft worlds radically different from the world we experience now? In chapter 6, I engage speculative fiction and disability futurity as a way to think about the work of imagination in creating new worlds. In this chapter, I argue for what I call *open normativities*: collectively crafted ways of being that shape subjectivities oriented toward widespread flourishing.

Social movement spaces in practice craft new worlds. Sometimes in alliance with movements, feminist theory has been an uneven but generative site for thinking about aiming for futures that don't yet exist, and affirming that some desired future is good and to be worked toward. Too often feminist and queer theory takes a simplistic and reductive approach to normativity, an approach that I see as articulating purity moves. In the first part of this

chapter, I trace a thread in current queer theory that equates normativity with oppression, patriarchy, racism, ablism, and more. I put forward a competing lineage for thinking about normativity and delineate the difference among norms, normativity, and normalization. Then I look to a contrasting approach to working with gender norms arising from trans theory and praxis. I am particularly interested in nonindividualistic, nonvoluntarist approaches to institutionally mandated systems of gender classification, and so I examine charges that certain trans theorists are relying on voluntarist conceptions of gender change. “Voluntarist” here refers to political projects that assume individuals can change themselves and their political circumstances through their own force of will, without regard for current realities or history.¹ Finally, I examine the work of transforming norms through creating open normativities. I will argue that normativity is not only not bad, but is necessary to our political work, and I discuss what I mean by “flourishing.”

I focus on two cases: the response of the Sylvia Rivera Law Project (SRLP) to the New York City Board of Health’s revised guidelines on transgender people’s birth certificates, and *Sins Invalid*, a performance collective aiming to shift standards for beauty, normality, and sexiness through critical disability praxis. SRLP’s work on the conditions for changing sex notations on birth certificates was an example of historically contingent political work to craft more expansive and livable norms for gender within the limits of a state-mandated political system. SRLP’s response points to the dangers of individualist allegiance to voluntarist gender norms as those norms are enacted by state systems. *Sins Invalid*’s work, in contrast, does not primarily engage with regimes of veridication enacted in state policy; they figure some of the ways to engage with norms and normativity beyond policy engagements. They center artists with disabilities, particularly artists of color and queer and gender nonconforming artists, in performances that directly challenge the categories of the normal and the sexy. Both cases show something important about ongoing sites of contesting policy and norms by creating new, more capacious norms—normativities friendlier to the proliferation of many kinds of embodiments, subjectivities, and ways of being in the world.

What Is Normativity?

Gender formation is a complex process, situated in history, through which we enact, create, resist, collude with, and change embodied ways of being. Gender is a social problem as much as it is a problem for any of us individually.

If it is true that we are situated in interpenetrating webs of gender, class, and racial formation; that each of these social relations shifts depending on the local experiences of global and transnational power relations; and that all of those categories are themselves intimately linked with social conditions that delimit disability and ability, then thinking about changing gendered social relations is going to continue to be difficult. These changes mark ways we imagine shifting the present toward futures that do not exist but which we bring into being through our work.

Feminists have never been surprised that thinking about and changing the social relation we call gender is difficult, though perhaps we are constantly surprised by the different ways it is challenging. For example, discussions about what's happening when someone changes their gender expression often presuppose that gender enactment (or performance) is something people *do*: we *will* to be perceived in one way or another, and dress or move accordingly. For many theorists, part of the making of gender, or its performance, is the uptake we receive or are refused from others (Butler 1989; Sedgwick and Parker 1995). However, I believe that there has been perhaps too much emphasis in feminist intellectual work on what *individual* people do to perform their gender, resist heteropatriarchy, or collude with a white supremacist capitalist heteropatriarchy. Although such accounts point toward the idea that gender is a relational project, I want to push for a thicker conception of how gender formation is coconstituted.² Feminist sociology and some branches of feminist philosophy have made a compelling case for the claim that, as Cressida Heyes puts it, “gender identities must be understood as *relationally* formed . . . gender is not best understood simply as an attribute of individuals, but rather as a set of often hierarchical relations among differently gendered subjects” (Heyes 2007, 39, emphasis in original). An important part of the relational formation of gender involves the role of individual transformations within collective change. To account for this, theorists need better accounts of the relation between individuals and the gendered and racialized systems we instantiate precisely through our agential subjectivities.

In philosophy, computer code, and many social sciences, the term “normative” is generally taken to describe statements that make claims about how things ought to be, or how they in general are. In these fields, to say that something is a normative claim is usually a value-neutral statement about a value-assessing claim. In contrast, in much queer and feminist discourse, “normativity” has become synonymous with “bad,” particularly when it is

attached to categories such as gender(normative), hetero(normative), or homo(normative). In each of these cases, “normative” indicates a constrictive and restrictive force, delimiting the range of subjectivities one might inhabit in terms of sexuality and gender.³ In fact, frequently “normative” and “nonnormative” are not defined at all, but the implications of their use are clear.

For example, “queer” is often defined as that which is not normative, while “normative” goes without definition. As the editors of a recent collection focusing on prison abolition argue,

One of the most notable accomplishments of queer studies has been in showing how various regimes of normativity are interconnected and mutually constitutive—how reproductive futurity and heteronormativity are articulated in relation to racialization, (dis)ability, and other socially structuring and institutionally enforced axes of difference—in such a way that much work done under the rubric of queer studies today takes for granted that queerness can be defined as against (and as other to) normativity writ large. Perhaps as a consequence of such success, the relationship between queerness and antinormativity can become vaguely tautological—what is queer is antinormative; what is antinormative is queer—and so elastic that useful distinctions between how different normativities get enforced in practice can begin to fade. (Adelsberg, Guenther, and Zeman 2015, 266)

Consider some representative examples. David M. Halperin writes: “Queer is by definition *whatever* is at odds with the normal, the legitimate, the dominant. *There is nothing in particular to which it necessarily refers.* It is an identity without an essence. ‘Queer’ then, demarcates not a positivity but a positionality vis-à-vis the normative” (Halperin 1995, 62, emphasis in original). Corie J. Hammers argues that “queer sex and queer sexual subcultures signify non-normative sexual economies, a resistance to heterosexual hegemony, and the celebration of diversity” (Hammers 2010, 226) and that “‘queer’ functions as an umbrella term for a wide range of non-normative subjects and sex/gender practices—in short, those subjects which do not conform to the heteronormative sex/gender regime” (232). The editors of a queer studies reader argue that even as work on intersex “complicates our understanding of the relationship between sex, gender, and sexuality and the discursive and institutional power brought to bear on maintaining their normative

alignment, it raises important questions with respect to race and class that queer studies as a field is only beginning to address” (Corber and Valocchi 2003, 9). Open most any piece of writing about resistance to oppression based in sexuality and gender, and you are likely to find at least one reference to normativity in this mode: the normative is what we resist, and to be queer and feminist is to resist norms.

Framing normativity as always bad is not only rhetorically compelling, it is situated in a context in which oppression does indeed often take the form of forcing people to comply with norms of heterosexuality, whiteness, owning-class practices, and able-bodiedness. However, ceding the terrain of the normative to oppressive forces and defining ourselves *as* nonnormative has two downfalls: it individualizes our resistance, obscuring the agency and power involved in setting norms, and it makes it hard to talk about the normative claims we queers and feminists want to make. Indeed, imagining that we have a choice between normativity and antinormativity elides the work of normalization.⁴ In theorizing gender and gender transformation, not to mention all sorts of other social relations, we do actually need the concept of normativity. This concept is more than simply a philosophical term of art, where normativity holds a noncontentious meaning. As Christine M. Korsgaard puts it, ethical standards (for example) are normative in the sense that “they do not merely *describe* a way in which we in fact regulate our conduct. They make *claims* on us; they command, oblige, recommend, or guide. Or at least, when we invoke them, we make claims on one another” (Korsgaard 1996, 8, emphasis in original). Here, then, I understand normativity to mean the process by which people claim that a given way of being is good or beautiful, or to be endorsed. Notice that this conception of normativity is nonrestrictive: there may be many recommended ways of being. Endorsing a way of being is distinct from endorsing the idea that everyone ought to be that way; holding some ways of being open may well close down others. In some such cases, we see open normativities, which I discuss more below.

Georges Canguilhem (1991) inaugurates thinking on normativity as it constrains us, and this aspect of his work has implicitly been taken up in much feminist scholarship on the harms of normativity and normalization. However, we ought also draw from him a lesson on the important spaces of possibility in the work of transforming norms. Mostly, we access Canguilhem via Michel Foucault (see Macherey 2009); Canguilhem was one of his external

examiners and mentors, and an interlocutor for thinking about norms. Thus, the lineage of people thinking about norms via Foucault (I focus on Heyes and Judith Butler) are connected to Canguilhem as well. Canguilhem offers two—quite standard—meanings for the term “normal”: “1. Normal is that which is such that it ought to be; 2. normal, in the most usual sense of the word, is that which is met with in the majority of cases of a determined kind, or that which constitutes either the average or standard of a measurable characteristic” (Canguilhem 1991, 125). There is, here as elsewhere, important complexity in the term “normal.” Often the ostensibly merely descriptive sense, that which is statistically normal, masks the prescriptive sense of that which is how things ought to be (Scheman 1996). Description is rarely, if ever, value-neutral because ascriptions of normality reference norms.

I follow Canguilhem in conceiving the norm as something offering “itself as a possible mode of unifying diversity, resolving a difference, settling a disagreement” (Canguilhem 1991, 240). When a norm is taken up, a normative process is in play: “*Normative*, in philosophy, means every judgment which evaluates or qualifies a fact in relation to a norm, but this mode of judgment is essentially subordinate to that which establishes norms. Normative, in the fullest sense of the word, is that which establishes norms” (Canguilhem 1991, 126–27). Norms structure intelligibility—we assume them in proceeding through life, and in this sense they are polemical or political (Foucault 2003, 50). Note here, though, that in thinking about the social relations produced by gender, one could in theory contest oppressive gendered practices from any of the senses of normal or normative Canguilhem lays out. As we know, both sex and gender (along with norms governing sexuality) are far less than natural or easily measurable as a standard (Fausto-Sterling 2000). Rather, norms expressed through these categories must be constantly monitored, kept up, and managed. Further, gender in particular, is subject to persistent contestation about how it ought to be, across cultures and across time. The degree to which gender transformation is resisted marks, in part, the degree to which new gender norms are being established and worked with.

What we cannot do, however, is live without norms altogether—and thus normativity will always be a part of our experience. This is part of the trouble with framing every norm-setting and contesting activity as repressive. Social norms implicitly underwrite our social worlds, manifesting on affective, embodied, and presuppositional levels. Gender, as Butler argues, is a norm in this “underwriting” sense, and normalization is the process by which

particular norms come to be constrained and defined by (currently) a binary system of masculinity and femininity (Butler 1989, 2004).

It is crucial that there is a difference between normativity and normalization: Normativity claims that something is correct, good, to be pursued, acceptable, endorsed, or allowed. Normalization is the disciplinary process that enforces that claim. Foucault's most often cited exposition of normalization treats the formation of disciplinary society as the application of normalizing practices (Foucault 1995, 182–83). Processes of normalization are usually, and I think correctly, understood as delimiting and constraining the terrain of possibilities—in this case, how it is possible to be gendered. The conditions for freedom are thus set by the norms available or created in the context of struggling with the situation in which we live but which we have not chosen and cannot completely control. Normalization should then properly be understood as simultaneously a limiting and enabling part of our exercise of subjectivity. We shape ourselves in relation to norms that are beyond us, and these norms are given to us through other people. As Roderick A. Ferguson has argued, “The queer of color subject can both trace the working of interpellation and inspire other subjects to defy its operation. While canonical formations promise normalcy to the racialized nonwhite subject, the queer of color subject reminds us that such promises are techniques of discipline rather than vehicles toward liberation” (Ferguson 2004, 65). Taking up queer of color critique from various subjectivities, how might we consider sites at which people aim, consciously and intentionally, to change collective norms? How should we think about shifting the grounds of intelligibility and sociality, particularly at points of friction, like racialization, disability, and gender? Worries about the possibilities for shifting normativities tend, with reason, to take the form of charges of voluntarism.

Gender and Voluntarism

Is attempting to transform or do away with gender norms a voluntarist project? As I mention above, voluntarism names a political position that places emphasis on individual choice and liberty, implicitly assuming that individuals are the locus of change. The concept has different valences depending on context, but here I am sidestepping both its theological roots and the specific Marxian debates that have accrued around it in order to focus on the question of whether transforming social norms is voluntarist in the sense offered here. At first glance, it may not be obvious why one should worry

about voluntarism and norms; one of my tasks here will be to affirm the dangers of voluntarism for engaging with oppressive norms. The main such danger is the individualism at the heart of voluntarism, and the supposition that we make change as individuals. Purity politics arise alongside individualism, as I discussed in chapter 4, and here purity about gender maps inadequate models of the relation between anatomy and social relations. However, individuals do have effects on systems. Although individuals cannot, as individuals, transcend oppressive systems, we participate in transforming these systems through shaping norms, often via engagement within fields of interpretive possibilities. To some extent, this view is integral to the relational account of selfhood I assume here: intentional action cannot control interpretive uptake, and thus no expressive action is complete in itself.⁵

Some radical feminists argue that all trans people are ignoring the systemic and power-laden realities of gender either by changing their own sex-gender signification without challenging the harmful norms of gender or by attempting an immanent critique of the gender-binary system simply through refusing to enact one gender or another.⁶ In my view, trans people are not necessarily doing either of these things (though some trans people do simply want to change gender signification and be left to get on with their lives), and correcting these two wrong views is one of my aims here. Interestingly, though these views about what is happening are wrong in different ways, I believe they share a common root. Both views assert that people who change gender (individually or through attempting to change the meaning and practice of gender) are voluntarist: they are framed as ignoring the social world of gender oppression while pretending too much individual freedom.⁷ One way to understand these sorts of worries is through assessing the workings of normalization, norms, and normativity. Rather than pursuing the comparatively easy task of critiquing trans-hating texts, in this section I instead assess the work of people whose political and theoretical work on gender transformation I respect.

Cressida Heyes's influential piece "Feminist Solidarity after Queer Theory" (2007) critiqued Janice Raymond and Bernice Hausman along trans-feminist lines prevalent in the field before her and elaborated upon since. Most citations to Heyes's piece salute this part of her analysis. Less discussed is the critique she levels at Leslie Feinberg and Kate Bornstein, canonical figures in transgender studies, and it is this critique I take up here. Heyes focuses on Feinberg's germinal text, *Trans Liberation* (1998), highlighting

the contrast between hir analysis of the social oppression faced by trans people and hir call for respect of individual freedoms in gender expression. Heyes argues that “in the emerging genre of popular trans feminist polemic (as in much of popular feminist writing) the rhetorical emphasis is squarely on the right of individuals to express their gender as they choose or to engage in free gender play. . . . I also see gender voluntarism as playing an important rhetorical role for transgendered intellectuals” (Heyes 2007, 53). In Feinberg’s book, what Heyes frames as gender voluntarism takes the form of an appeal to possessive individual freedom of gender expression, manifest in these quotations from Feinberg: “Every person should have the right to *choose* between pink or blue tinted gender categories, as well as all the other hues of the palette” (Feinberg 1998, 1); “These ideas of what a ‘real’ woman or man should be straightjacket the freedom of individual self-expression” (3–4); and “There are no rights or wrongs in the ways people express their own gender style. No one’s lipstick or flattop is hurting us. . . . Each person has the right to express their gender in any way that feels most comfortable” (53). I think Heyes is right to worry about this rhetorical tendency in popular and scholarly trans writing.

One might think that since the prevalent scholarly view in trans and queer studies is thoroughly grounded in a sophisticated social constructivism, and since voluntarism implicitly relies on the concept of a self-grounding will (contra constructivism), we could simply look beneath surface rhetoric to discover what people actually mean when they say something like “each person has the right to express their gender in any way that feels most comfortable.” However, I believe that it is not mere literalism to theoretically assess some of the politically strategic language we use to argue for more expansive freedoms. While arguing for individual rights to expansive expressions of gender and sexuality is politically effective, our rhetoric carries other political (side) effects. Among other things, arguments from individual liberties leave us open to anti-trans screeds that charge trans people and their allies with being interested only in individual liberties and not with collective liberation. Worse, since how we think about things in some ways determines our practices, we might begin to practice harmful voluntarism. A core danger here would be attending more to individual access to the tools of liberation than to the collective transformation; this is dangerous not because people shouldn’t have tools for liberation, including hormones, clothing, and surgeries, but because of the distribution of access under social relations

of oppression. Since possessive individualism comes freighted with histories of capitalist exploitation, imperialism, and racism, we ought to be particularly careful about invoking it for liberatory ends.⁸ Liberalism will not save us.

It is significant that justifications for gender change based in individual liberties and an understanding of the body as one's own property come primarily from European and Western contexts, where possessive individualism reigns. These calls articulate, as well, with a purity politics that posits an uncomplicated relationship between individual anatomy and social standing manifest in gender enactment. Explanations for gender variance and political calls for protections from state and interpersonal violence are often grounded in other social worlds—including Indigenous nations and peoples in North America and Asia who, in particular, ground their political work for gender multiplicity in other logics. In what some call the overdeveloped world, though, it is not only founding texts like *Trans Liberation* that call for freedom of gender expression; rather, this is a widespread trope in trans and genderqueer support spaces, particularly online, and it is on track to being encoded to some extent in state policies (as, for example, policies aiming to add gender identity to the protected category under antidiscrimination law).⁹ In North America in particular, the concept of individual rights to free gender expression and change is prevalent, and it is this tendency that Heyes describes as a form of gender voluntarism.

Consider one prominent example of the call for freedom of gender enactment, legal theorist Dean Spade. He founded the Sylvia Rivera Law Project (SRLP), a revolutionary collective project based in New York that provides legal services to low-income trans, intersex, and gender-nonconforming people while simultaneously mounting ambitious programs for law and policy reform on local and national scales. I consider Spade and SRLP among the most significant voices working against gender normalization and its harms, and for this reason conclude this section with an examination of whether gender voluntarism is in play in their work, and if so, where. I take their work as exemplary theory in trans praxis in North America, and as particularly useful for thinking about the institutional effects of norms (Spade 2011).

Spade's short piece calling on others to use trans people's pronouns of choice is instructive. He writes: "I'm hoping that they will feel implicated, that it will make them think about the realness of everyone's gender, that it will make them feel more like they can do whatever they want with their gender, or at least cause a pause where normally one would not exist" (Spade

2004, 97). I appreciate Spade's careful delineation of different ways one might use a pronoun that feels nonintuitive (because the person you're looking at "doesn't look like a guy," or you once knew him as a woman, or you were confused and picked the wrong gendered pronoun), as an expression of tolerance of diversity and difference, or as a transformational and ruptural experience of one's own gender—and, perhaps, of gender more broadly. Notice, though, the slide Spade makes in this quote from thinking about gender to feeling more like one can do whatever one wants with one's gender. This is the crux of the point between seeing oneself situated in and shaped by a system of normalization and taking up a project of shifting or refusing the norms that have shaped one. The difference between feeling implicated and feeling as if one can do whatever one wants with one's gender raises two questions: Is *feeling like you can do whatever you want with your gender* voluntarist? Or does this feeling itself shift the norms that constitute gender?

Susan Stryker and Stephen Whittle, the editors of the first edition of the *Transgender Studies Reader* (2006), say in their brief preface to Spade's article in their volume that Spade examines the "relationship between gender normativity and technologies of gender-related bodily alteration" (314)—another example of the use of the term "normativity" that I discuss above. Technologies of bodily alteration have, indeed, consistently been a flash-point for theorists of gender transformation on individual and sociocultural scales. Spade characterizes his "basic premise" in this article thus: "That sexual and gender self-determination and the expression of variant gender identities without punishment (and with celebration) should be the goals of any medical, legal, or political examination of or intervention into the gender expression of individuals and groups" (Spade 2006, 317). In this line, consider the self-description of the Sylvia Rivera Law Project: "SRLP works to guarantee that all people are free to self-determine gender identity and expression, regardless of income or race, and without facing harassment, discrimination or violence" (SRLP 2010a). This looks like a kind of voluntarism, or at least individualism—a call emphasizing the freedom to self-determine one's gender could read as ignoring social and political realities. I share the goal of promulgating self-determined gender expression; believe no one should experience harassment, discrimination, or violence because of enactment of gender; and think that voluntarism and possessive individualism are to be avoided in trans, queer, and feminist projects. For these reasons,

I turn next to an attempt to show that these calls for free self-determination are not voluntarist in their orientation toward possible futures.

Working with and against Norms

Any organization focusing on law and policy to some extent recognizes the importance of collective action, and any organization existing in the real world engages a politics of impurity in the sense that they take certain reform-based actions even when they're aiming for fundamental, revolutionary transformation. SRLP, in self-presentation and by reputation, emphasizes collective and consensus-based process far more than most.¹⁰ Beyond this, they offer theoretical resources for conceptualizing a nonvoluntarist practice of gender. In this section I work to listen to how SRLP theorizes gender. This is perhaps unusual in a scholarly chapter, since I am doing neither sociological research into their institutional structure nor rhetorical analysis of their self-presentation. Rather, I understand the collective as capable of producing theory and implementing it in their praxis.¹¹

SRLP's areas of work are simultaneously broad and specific. Holding in mind one of their broader goals, to "participate in the larger movement for racial, social, and economic justice that includes gender liberation and prioritizes the issues of those most affected by the systems of oppression under which we live" (SRLP 2010a), they focus on areas of work that improve conditions for trans and gender-nonconforming people, especially those who are undocumented, living in poverty, and otherwise—as they note—most affected by systems of oppression. In this sense they hold what some call intersectionality as a core optic of analysis and work. Though they aim to ameliorate the effects of systems of oppression, they are not mere reformists. Their first entry under the heading "Core Values/Vision" states: "We can't just work to reform the system. The system itself is the problem" (SRLP 2010b). They answer the question "Why a Collective?" with: "SRLP functions as a multi-racial, inter-generational collective of people committed to a broad understanding of gender self-determination. As a collective, we recognize that it is essential to create structures that model our vision of a more just society. We believe that in the struggle for social justice too often change is perceived as a product and not a process" (*ibid.*). These two views—that political work must be intersectional and that the oppressive systems are best dismantled through a process-oriented refiguring of the world—inform their specific work on antidiscrimination, criminal justice, education, health,

gender-segregated facilities like homeless shelters and bathrooms, immigration, and identity documents. SRLP coordinates letters-to-prisoners work, produces films on the harms of gender-binary bathrooms, provides direct legal support to trans people in New York, agitates for nationwide changes to law and policy, provides trainings in trans issues, supports community organizing across a range of issues, and more. They interest me because they are effective and because they are not aiming at purity in any register. Here I will focus on their discussions of identity documents and gender. This is a historical rendering about a past campaign, but because classification's consequences continue to carry enormous consequences for people who are made to fall outside the bounds of acceptability, it is still generative to talk about what, and how, SRLP argued for more expansive and livable criteria for identification documentation.

Particularly as state surveillance regimes intensify in the era of U.S.-led wars on terror, identity documents are a site of considerable friction. States closely govern the capacity to change gender identification on passports and birth certificates. Such control affects more than the very small number of people who want to change the sex notations on their documents. Here it is possible to glimpse the depth of the state's commitment to gender norms as a technology for governance; everyone who moves through the classificatory processes that stabilize gender binaries is at the same time experiencing state regimes of norm-enforcement. This enforcement may be mystified and occluded, and it certainly affects people differently depending on their situation, but it is real. Documenting identity is one way the state manages the movement, housing, job prospects, and other material markers of people's lives. In fact, most points of contact with state institutions—and not only within North America—are mediated through gendered forms of identity validation. Looking at the practices around issuing and changing identity documents can reveal significant sites of normalization and also of norm-shifting.

SRLP's critique of a 2006 decision about what surgeries trans people in New York must have in order to change the sex notation on their birth certificate is a good example of their work to promulgate freer gender self-expression.¹² From 2002, they worked with "the New York City Bureau of Vital Statistics to try to get them to change their birth certificate sex designation change policy to not require genital surgery" (SRLP 2010d). In 2006, the New York City Board of Health decided to allow sex designation changes on birth certificates, although as the board's press release notes, the "Health

Code will continue to require proof that the applicant has undergone convertive surgery.”¹³

As the SRLP response points out, not only is there a wide range in the technologies that trans people are able and interested in taking up in the process of living their gendered lives, the legal definitions of “convertive” surgery vary by place (and, in some countries, by doctor). They write:

The old policy allowed people to receive new birth certificates only if they provided extensive evidence of very specific, expensive, inaccessible, and often unindicated genital surgeries—vaginoplasty (the creation of a vagina) or phalloplasty (the creation of a penis). The majority of transgender people do not have one of these two surgeries, particularly transgender men who are estimated to have phalloplasty at a rate of less than 10%. Ironically, New York State uses a different narrow set of surgeries as its basis for changing birth certificates: hysterectomy and mastectomy (female-to-male), or penectomy (male-to-female). The two policies beside each other show how arbitrary they are, and how inappropriate a basis for policymaking misunderstandings of a whole population’s health care really is. (SRLP 2010c)

People use many practices to enact and transform gender, and SRLP was working—in coalition with a number of other groups—to secure policy recognition for (more) variety in these enactments. Medical evidentiary requirements flatten this complexity, offering in its stead categories (whether “anatomical sex change” or “convertive surgery”) simultaneously out of reach of and not desired by many trans people.¹⁴ SRLP instead argues for a form of self-transformation that is utterly reliant on and tangled with world-transformation, and is at the same time critical of a liberal-individualist voluntarism implicit in the New York City Board of Health’s decision and its reliance on genital surgery.

While laudable, SRLP’s consistent advocacy for proliferations of gender practices and classifications in situations like the birth certificate struggle could well be voluntarist—just having more freedoms does not do away with possessive individualism. But I believe that the form of self-determination that SRLP invokes can be read as nonvoluntarist in at least three ways. First, any medical intervention is necessarily collaborative, involving self-advocacy, expertise, material resources, and communication. There is no way for individuals to change their secondary sex characteristics by sheer force of will.

This is precisely why some of SRLP's work involves consultations and trainings with medical providers and why doctors, nurses, and pharmacists require training to more adequately meet the needs of trans and gender-queer people. It is also perhaps one reason SRLP does work to help expand trans people's capacities for self-advocacy. Second, the organization is explicitly structured around a commitment to collective and community-based decision-making processes. By grounding the work in specific local struggles, remaining accountable to constituencies, and mixing direct work with policy and law agendas, the organization practices a form of thinking and activism explicitly counter to individualistic practices and aims. Third, the forms of transformation SRLP and others work toward are concerned with a widespread transformation of the world, not merely access to forms of existing, disciplined gender enactment. Rather, they work for a foundational shift in social relations at every level. Recall this part of their mission statement: "SRLP is a collective organization founded on the understanding that gender self-determination is inextricably intertwined with racial, social and economic justice" (SRLP 2010a). To base one's work on these intersections of justice renders the work more than collective; it is to some extent revolutionary. Gender transformations are always social, with social effects.

This final aspect of SRLP's approach points to an orientation that many have characterized as an important part of the queer ethos of early gay liberation struggles. Queer activist-theorist Mattilda reinvoles "the radical potential of queer identity to enable everyone to choose their gender, sexual, and social identities, to embrace a radical outsider perspective, and to challenge everything that's sickening about the dominant cultures around us" (Mattilda 2006, 8). In the United States, a queer critique of what Lisa Duggan terms "homonormativity" echoes this reinvoles, calling for a return to an understanding of liberating sexuality as capable of changing every aspect of the world (Duggan 2003, 50; Puar 2007). For groups like the Gay Liberation Front, a liberated sexuality implied anti-imperialism, anti-capitalism, anti-racism, and anti-oppression altogether. Read in an anti-oppression lineage of queer struggle, SRLP is not simply protecting individual freedoms of gender self-expression; they are proliferating gendered possibilities as part of a radical strategy for fundamental social change. Their work resists the force of normalization on individual and social scales.

The proposal voted down by the New York City Board of Health would have shifted the prescriptive force of state normalization to more closely

map actual (descriptive) practices of living genders, which also make claims on how we ought to be able to do gender. Gender change and affiliated sex designation would, had the proposed guidelines gone through, not be necessarily tied to very particular genital surgeries but rather would have the potential to be understood based on more collaborative and socially determined criteria for gender enactment. As a first step, this proposal relied on the power of asserting oppressed people's capacities for self-determination, centering those who are usually marginalized. Shifting the criteria for corrected birth certificates from individually grounded so-called convertive surgery to flexibly and relationally grounded markers of gender does more than critique a voluntarist and individualist model of gender definition. It also recognizes that gender is produced through social worlds as much as through fleshy signifiers. Contesting policy decisions that reduce gender to genitals allows us to formulate and understand gender more accurately, and to shape policies more closely attuned to reality. In Canguilhem's terms, SRLP—and other organizations and people pursuing this kind of work—is normative in the sense that they shift the terrain of what is correct, good, to be pursued, or acceptable, endorsed, or allowed. Rather than simply contesting one normative story—here, a narrative that conflates gender with genitals and then asserts that this is a proper and good conflation—they expand the criteria for changing gender status and mark the creation of narratives to account for and produce other modes of doing gender. These new narratives, then, counter some norms while simultaneously setting new norms. They don't swap out one restrictive norm for another; rather, they set norms that expand the space of what can be pursued, endorsed, and so on. This is one aspect of what I call open normativities.

Open Normativities

As one normativity is contested, new normativities might emerge, creating richer contexts for knowing and being. As I will argue, if normativity can be understood as facilitating a too-easy collapse of complex subjectivity into one or two options, forming new orthodoxies is an important part of the collective work to forge more capacious and diverse ways of being. Shaping new ways of knowing and being with altered criteria for what will count as successfully meeting relevant norms—creating new normativities—opens the possibility for finding our bearings even in the process of working to change the world. However, it may not be enough merely to shape new

norms without criteria for assessing them. “Open normativities,” then, names those normativities that prioritize flourishing and tend toward proliferation, not merely replacing one norm with another.

“Flourishing” may be the most contentious word in the previous paragraph. I follow Chris Cuomo in thinking that flourishing is, fundamentally, well-being at the individual, species, and community levels (Cuomo 62). Donna Haraway grounds her appeal to an ethics of flourishing in Cuomo’s theory of ecological feminism. Concerned with the entanglements between human and nonhuman animals and our shared worlds, Haraway argues: “Multispecies flourishing requires a robust nonanthropomorphic sensibility that is accountable to irreducible differences” (Haraway 2008, 90). So, well-being, ethical entanglements, and irreducible differences. But how to determine what counts as flourishing, and what kinds of flourishing to pursue, is less clear. Haraway is not one to shrink from normative claims; she says one should work “in a way that one judges, without guarantees, to be good, that is, to deserve a future” (106). Elsewhere, she calls for an epistemological and ethical commitment to a “real” world, “one that can be partially shared and friendly to earth-wide projects of finite freedom, adequate material abundance, modest meaning in suffering, and limited happiness” (Haraway 1991, 187). When I use flourishing as a goal for open normativities, I mean it to name the contingent, without-guarantees, partially shared world that recognizes both ethical entanglement and irreducible difference. To judge that something *deserves a future* is to make a normative claim: this, that judgment says, *deserves to continue*. That judgment, following Ladelle McWhorter’s rendering of a Foucauldian ethics, is an openness to the possibility of things being otherwise—deviation. McWhorter says, “What is good is that accidents can happen and new things can emerge. It was deviation in development that produced this grove, this landscape, this living planet. What’s good is that the world remain ever open to deviation” (McWhorter 1999, 164). McWhorter’s normativity organizes itself around the question of pleasure and unexpected formations pleasure might produce. As I’ll elaborate more below, we could follow her there.

Calling for open normativities and proliferation, under this conception of flourishing, does not mean that any and all norms are to be pursued or even accepted: not everything deserves a future. Indeed, working to proliferate open normativities will close down many norms. Creating open normativities as a collective and nonvoluntarist endeavor to proliferate flourishing

means that norms that flatten complexity and close down flourishing for others are rejected. As Simone de Beauvoir argues, if we take seriously the idea that our freedom consists in willing an open future for ourselves and others, then we open freedoms to one another. It is inconsistent to argue that freedom is taken from us if we are unable to oppress others; our freedom consists in willing freedom for others, not only ourselves (Beauvoir 1976). Notice that flourishing will continue to be an undecided and in-process norm. Norms that proliferate nonreductive flourishing for others are better than norms that harm them or deny them well-being. SRLP's work to open more possibilities for validation of gender change in state identification documents is a good example of this. When state institutions restrict proper identification to either people who have not changed gender or those who have undergone very specific surgeries, they instantiate a norm that closes down the prospects for flourishing for those people who do not want or cannot have those surgeries. In contrast, more varied criteria offer a still-imperfect and contingent set of possibilities that allow more flourishing. If there were people whose idea of well-being consisted of denying trans people state documentation, their norms would be closed down under this normative preference for proliferating flourishing not only for more individuals but for more sorts of individuals, communities, and ways of being.

Under conditions of oppression, norms generally do not proliferate ways of flourishing. Rather, they delimit and constrain the ways of being one can take up, and they contribute to the death and degradation of people who fall outside currently normative bounds—the further out of the normal, the closer to death. Shifting norms is vital for the near-term work of making worlds more livable for people currently imprisoned, deemed killable or unworthy of life, and otherwise subject to diminishment of possibilities. As Nick Mitchell comments, “Regarding the concept of antinormativity, the question for me has to do with whether, and how, antinormativity can found a politics that lives beyond oppositionality. Perhaps it also has to do with the fact that oppositionality, that is, the taking of a stand against the norm, may not exhaust all the political possibilities that become available to us when we are asking about how not only to oppose directly but also to *inhabit* normativity in a way that is corrosive to it” (Ben-Moshe et al. 2015, 271). SRLP's policy and advocacy work directly shifts the effects of norms on people and through those shifts begins to change the norms themselves—the inhabitation can *become corrosive* to forms of normativity that harm us. There are

also ways of directly engaging and changing norms from the subject positions of those most oppressed by current social relations.

Consider, then, Sins Invalid, one of a number of performance collectives engaging embodiments currently understood as disabled.¹⁵ Their work, as they describe it, “incubates and celebrates artists with disabilities, centralizing artists of color and queer and gender-variant artists as communities who have been historically marginalized. Our performance work explores the themes of sexuality, embodiment and the disabled body. Conceived and led by disabled people of color, we develop and present cutting-edge work where normative paradigms of ‘normal’ and ‘sexy’ are challenged, offering instead a vision of beauty and sexuality inclusive of all individuals and communities” (Sins Invalid 2009a). On first pass, this project is very much in line with the thread of discourse that equates the normative with the oppressive, using “normativity” to name the work by which some bodies are rewarded for meeting standards of racialized, heterosexualized, and able-bodied beauty. At the same time, this project creates what Sins Invalid identifies as *new visions of sexuality and beauty*. In effect, creating material practices of such visions amounts to creating new normativities: collectively shaped and more enabling standards of success and resistance. Of course, this happens in specific sites: the collective producing the performances, the people who attend their workshops, the audiences who participate in the happenings they stage. Still, I would argue that local, new norms are being shaped here.

Shaping inclusive visions of beauty and sexuality is not an individual project, accomplishable by people on their own. Rather, it is a collective enactment. Local forms of normativity, then, might contest and dehomogenize other normativities, and indeed might show us how normalization is always locally constructed. A point of potentially productive bridging emerges through understanding how socially situated selves might change normalized gender roles. If we see that the social world, and its transformation, is what matters more than the individual body, which was never individual, we get another way to think about the inadequacy of charges that changing norms is voluntarist. The idea that liberal individualist conceptions of selfhood are inadequate to explain the lives of people with disabilities is central to work in critical disability theory and practice. Further, such conceptions do not offer much to work toward—they fail normatively, in the prescriptive sense, because the form of life modeled through such purported independence is neither possible nor desired by many people with disabilities.

In contrast, Sins Invalid bases its work on an ideal of interdependence framed through an understanding of selves as complex wholes always imbedded in social contexts. The group's "Vision" statement reads:

Sins Invalid recognizes that we will be liberated as whole beings—as disabled/as queer/as brown/as black/as genderqueer/as female- or male-bodied—as we are far greater whole than partitioned. . . .

Sins Invalid is committed to social and economic justice for all people with disabilities—in lockdowns, in shelters, on the streets, visibly disabled, invisibly disabled, sensory minority, environmentally injured, psychiatric survivors—moving beyond individual legal rights to collective human rights.

Our stories, imbedded in analysis, offer paths from identity politics to unity amongst all oppressed people, laying a foundation for a collective claim of liberation and beauty. (Sins Invalid 2009b)

Telling stories, dancing, singing, and staging interactions that are embedded in analysis is a necessary step toward making "collective claim[s] of liberation and beauty." This vision statement understands the possibility that such a claim can be rooted in what many call intersectionality, or an interlocking oppressions analysis—the idea that it is only as unpartitioned, whole beings that we can approach justice. There is no such thing as pure, single-issue politics: gender, (dis)ability, class, sexuality, racialization, geographies, and more are webbed together such that when we address one node in a web we also tug on all the other strands.¹⁶ Social relations are entangled and intra-implicated.

It is significant that laying a foundation for social and economic justice takes the form of performance. To do justice to the complexity and richness of Sins Invalid's art practice would take a book, and because I do not view them from the stance of a participant-creator I hesitate to talk about what specific performances do, let alone what they mean. However, the form their work takes is central to the possibilities for creating new norms, and it is possible, I hope, to talk about this form without decontextualizing or flattening their creations. They, like SRLP, offer theory as part of their practice. Theories of aesthetics propose that the experience of art work produces a form of understanding irreducible to propositional knowledge. Immanuel Kant's work on art argues that the space of aesthetic judgment is not universal in the way that rationality is (Kant 2000). However, aesthetic judgment

is universalizable; our recognition of beauty is collectively produced such that we expect others to agree with us that something is beautiful. Kant frames such agreement as a mode of participating in commonsense—*sensus communis*—forms of recognition. Shaping new standards for beauty is, then, shaping new forms of communal recognition and new collectivities. It is no accident that Sins Invalid makes an “unashamed claim to beauty.”¹⁷ The aesthetic realm, accessed through the experience of art, is the space in which judgments of beauty are made. If we follow Kant and others, judgments of beauty in turn tell us who is part of the collective “we” can understand as “us,” who has access to dignity and respect. Creating new normativities is always in part an aesthetic project in the sense that it aims to shift the grounds for judgment. It is perhaps most effective, then, to use aesthetic forms to directly alter the conditions of judgment, to claim beauty in the face of invisibility.

Theater dance is a particularly ripe vector for transforming norms of beauty, largely because of a historical tendency to present bodies on stage that conform to what disability performance theorist Owen Smith calls “Apollo’s frame,” an “exclusive, contained, and homogenous body type.” He continues: “Within theatre dance’s frame of corporeal reference the failure of the dominant aesthetic to acknowledge, include, and represent heterogeneous corporealities has aided and abetted the configuration of different forms of embodiment as inferior” (Smith 2005, 78). Sins Invalid does more than shift the Apollonian frame of embodiment—they make explicitly political interventions in how it is possible to understand disability, racialization, and sexiness. Part of the effect of their performance work is that it is hot—sensual and sexual—at the same time as it can be uncomfortable, confrontational, and abstractly beautiful. Sins Invalid’s remarkable variety in types of performance—dance, poetry, staged dialogue, rock-opera—further expands the creation of open and opening claims to beauty as audiences are pulled into shifting configurations of expectation and experience. Much of their work integrates direct conceptual address with dance, music, and song.

Other pieces are more conventional along one axis, highlighting their intervention in other axes, as, for example, when Deaf performer Antoine-Davinci Hunter dances in a form consonant with modern dance but without hearing the music and thereby intervening in a conception of dance that might hold hearing the music to be central to dancing. He and emcee Cara Page stage an intervention into the conception of how Deaf or hard-of-hearing dancers dance. Rather than having some sixth sense, Page’s voice

tells us—while words appear on a screen—these movers or dancers “take a risk in moving or dancing, often without knowing the sounds around them” (Hunter and Page 2009). Given this, Page challenges the audience to “share in the risk” that Hunter takes in his dance, through rolling a die that will determine which song he dances to. The audience then shares in his risk as he dances a dance that could be read as a standard modern dance piece but that is instead transformed through audience experience of the risk involved. With a modicum of visual literacy of Deaf forms, some audience members might also read the bodily references Hunter makes to, and through, American Sign Language. This piece thus deploys certain aspects of “Apollo’s frame” in the viewing of Hunter’s body while displacing other aspects of what that frame might usually signal—particularly conventions assuming that dancers hear the music they move with.

Rodney Bell’s powerful 2008 aerial dance similarly displaces and reenacts dance modes along a number of lines. Bell descends from the ceiling in his wheelchair to the stage, dancing, turning, and vocalizing as he comes. Thus, one intervention comes at the start, as he uses the wheelchair as an element in a space where wheelchairs don’t often appear. Rather than having his chair support him and take him through the world, Bell carries his chair, dances with it, pulls it from gravity. His dance incorporates elements of Kapa Haka, traditional Maori performance modes, especially Waiata-ā-ring, or “action songs.”¹⁸ Bell, who is Maori (Ngati Maniapoto), references and enacts these dance traditions in physical forms (how he frames his arms, the trembling of his hands), audibly, and through visual markers that include the physical sign language of the dance, which carries meaning to only some members of the audience, and the tattoos and markings on his face and back. That he is in a wheelchair is only one of the ways he shifts the terrain of expectation and possibility through this dance. His shift in normativities involves a return to traditions strange to many of his audience but a central part of his dance practice. In this way, he interpellates his audience into a norm new to them. Open normativities may not shift into something new in the world. They may, as in this case, reference Indigenous traditions that are new to dominant and oppressive norms.

Sins Invalid’s aesthetic interventions happen in a theater, live. They also “happen” in the form of political education workshops, video recordings of performances and video blogs that are accessible online, and through articles by and about the artists and producers of the project. If the unashamed

claim to beauty is enacted in the performance space in visceral, somatic, affective, and aesthetic modes, it is simultaneously enacted through the interweaving of conceptual analysis and dialogue within and beyond the space of performance. Thus, claims to liberation and beauty move together to shape collective practices of recognition and desire through technocultures that allow broader participation. The people who participate in the activity of *Sins Invalid* create new, more open normativities by challenging currently hegemonic paradigms of what it means to be normal, or to be sexy. In other words, they don't simply say or write "these standards are too limited" or "this paradigm shuts us out"—though this is part of the story. Rather, they offer a coproduced experience of beauty and sexiness that pushes at and replaces the limited forms of beauty and collective life dictated under current conditions.

Sexuality is a core point of investigation and transformation, and this is important in part because people with disabilities are so often rendered sexless, childlike, or, conversely, oversexed, perverse, or fetish objects. *Sins Invalid* stages people having sexual encounters, masturbating, talking about fucking, talking about masturbating, playing with sexualized power relations, and these performances manifest not only the unashamed claim to beauty of their tagline but the experience of people with disabilities as sexual, hot, and full agents of sensuous embodiment. Leah Lakshmi Piepzna-Samarasinha's performance work is part spoken-word, part subtle dance, part theory, highlighting the many layers of identity and identification involved in claiming subjecthood. In one piece, she talks about taking to her bed when she gets sick, and, she says, "fucking myself for hours . . . sometimes I just hover there in that place before coming for hours, and there is no pain, just me being the slut that *kept me alive*" (Piepzna-Samarasinha 2009). She frames pleasure as political, as something that calls to mind all the people fucking themselves, versus being fucked when they don't want to be—as something uncontainable, uncommodifiable, worth loving. In 2006, Leroy Moore moves half-lit across the stage, narrating, "You in my wheelchair/I'm on my knees/ inbetween your legs/ Mmm. . . I eat./ The question is:/Will she admit/That this disabled Black man is the shit!/And realize/ I am. What she wants" (Moore 2006). Moore trails out the word "wants," evoking the want, the desire. The "you" he addresses, then, is simultaneously the lover of the past and the audience of the present. Other pieces manifest complex inquiries into disability, desire, and agency in more and less conceptual modes.

Frequently, what a given performance means is profoundly undecidable—not everything is a site of uncomplicated positivity.

Both *Sins Invalid* and the Sylvia Rivera Law Project take up the work of shaping standards for livability beyond currently dominant models. They move beyond critique of ablism, classism, sexism, heteronormativity, racialization, gender binaries, and more, and into a mode of being as becoming. Being as becoming involves active engagement with collective modes of interdependent, agential subjectivity. Agency here shows up in how we navigate the micropractices of power woven through our lives: changing documentation, getting a place to live, having a place at work to use the washroom, being legible and desirable and desiring. These micropractices are sites of friction for people oppressed by dominant forms of life grounded in the ideal of voluntarist individualism. Through challenges to open normativities, the disciplinary force of normalization is loosened; we create and take up new norms and proliferate visions of ways of being that are worth taking up. This loosening returns me to McWhorter's discussion of pleasure as a key to practices of flourishing signaled by open norms. As she argues, in this project, "we cannot know where we are going. To know where we are going would be to have mapped out a developmental program that could and would be subject to normalization" (McWhorter 1999, 181). Instead, pursuing what I am articulating as open norms involves practices of freedom that facilitate more capacities for unforeseen pleasures. As McWhorter writes, "Instead of an increase in docility, then, we might seek out, create, and cultivate disciplinary practices that produce an expansion of behavioral repertoires, practices that increase the range within which we exercise our freedom and within which freedom plays itself out beyond who we currently are. Most likely, these practices will in themselves be intensely pleasurable and will also increase our capacity for pleasures of new sorts" (182). Without knowing precisely where we are going, we can affirm an orientation toward unpredictable practices of capacity-increasing pleasures.

In this chapter, I've attended to how people with disabilities and trans people, particularly people of color and particularly those also experiencing other axes of oppression, encounter the friction of these social relations and transform it into traction for practices of freedom. These things are just as salient to gender-conforming and currently able-bodied lives, though they are less obvious because of the ways such people evade the friction that currently heterodox lives encounter daily. Subjectivity, shaped by gender,

race, ability, and more, in this sense is always a coproduction. You only choose it if people around you choose it with you—which does mean that it's chosen, just not in an individual way. Individuals catalyze change, but change only happens collectively. Because gender is already relational, we don't just need the freedom to change our own gendered selves; we need the freedom to change the gendered world. Taking up practices of freedom through shaping open normativities, through claiming beauty in the face of invisibility (or worse), changes social relations and, thus, the world. This nonvoluntarist activity might not look like any freedom associated with the liberal-individual self, though it may require the recognition and dignity affiliated with that subject position. It will, however, be more adequate to our messy, complex, hopeful lives. For those lives, we need practices of open normativities to pursue visions and practices hospitable for worlds to come, to determine what deserves a future.