

Who Gets to Be a Woman?: Feminist Politics and the Question of Trans-inclusion¹

Patricia Elliot

ABSTRACT

This paper discusses the recent and ongoing battle involving Kimberley Nixon and her non-trans feminist supporters and detractors. Although non-trans feminists profess a desire to accept diversity, and to create a world that eschews oppression, we often fail to embrace those ideals, which deepens divisions among us and further alienates the trans community. Our capacity to become better allies depends on further reflection on this particular conflict and the theories that support it.

RÉSUMÉ

Cet article discute de la lutte récente de Kimberley Nixon et de ses partisans non-trans féministes et détractrices. Quoique les non-trans féministes professent un désir d'accepter la diversité, et créent un monde qui évite l'oppression, nous manquons souvent de vivre ces idéaux, ce qui agrandit les divisions entre nous et aliène encore plus la communauté trans. Notre capacité de devenir de meilleures alliées dépend sur plus de prise de réflexion sur ce conflit particulier et les théories qui l'appuient.

Whenever a crisis emerges in the realm of feminist practice, feminists are confronted with our internal divisions and forced, not against our will but because of our desire to know, into discussions with each other that are both painful and transformative. The relationship of non-trans feminists to transgender persons (many of whom are also feminists) constitutes a relatively new crisis in the way differences with "others" are addressed, differences within what gets considered the collective identity of feminism, and differences to our understanding of sexual politics.² Previously, feminist encounters with differences of race, class, ability, and sexual orientation culminated in some positive results. These include: ensuring that formerly excluded or marginalized groups of women are not just included, but welcomed into feminist organizations; recognizing that separate organizing can be crucial for the development of a plurality of women's voices and perspectives; and working both internationally and locally to foster the rights and well-being of all women, particularly the most vulnerable. Will these ongoing efforts to end the marginalization, exploitation and oppression of all women be extended to trans women as well?

Another response to the encounter with difference has been to focus on the ways in which gender itself is constructed, and to question whether its deconstruction is a desirable, or even a viable project for feminism. Although much work has been done on this question from a variety of perspectives and disciplines, there is no consensus among feminists on what the best response might be. Some twenty years ago, Jacqueline Rose (1986) argued that we should consider the difference between a political identity for feminism (based on ideas about what women require), and politicizing feminine identity (based on ideas about what women are or should be). If feminism is based on

what women require, it involves an ongoing process of defining our needs in all our differences. If feminism is based on ideas about what women are or ought to be, then we become embroiled in interminable disputes over how to define who counts as a woman, according to what or whose criteria. While it has always seemed to me that the former conceptualization provides a stronger, more inclusive basis for feminism, recent encounters of non-trans feminists with transwomen have made it more difficult to separate these two formulations, with the result that it may no longer be possible to separate the two, either theoretically or practically.

It also seems to me that *problematizing* the question of identity - what it means to be a woman, a man, or some other identity - is not necessarily the same thing as *politicizing* the feminine, at least not in the narrow sense of prescribing who gets to be a woman. But it is difficult to make claims about what women require without having in mind a specific group of people, as recent claims for inclusion by transwomen make abundantly clear. One of the problems suggested by Rose's formulation, then, is the implication that working to meet women's needs somehow lets one off the hook of having to define who women are, or that the question of identity is somehow peripheral or secondary. Even trans theorist Viviane K. Namaste has recently advocated putting aside the question of identity to focus on "how transsexual and transgendered people live in the social, institutional, and cultural world" (2000, 56). While Namaste's important work contributes much to our understanding of the material conditions, history, and lives of those transgendered people she studies, her view that the question of identity is not important is untenable. It implies that the social and political question of how to act in the world can be adequately addressed without asking how we

understand our own and others' identities, or that self-understandings do not inform our theories, our actions, even our bodies, albeit in complex ways that require elucidation. I would argue instead that the two strands of contemporary feminism that Lynne Segal (1999) calls the "outward looking" (that is, anti-oppression work) and the "inward looking" (that is, the problematizing of identities), do not preclude each other, even though we are often asked to choose between them. Furthermore, when queer, transgender or feminist work fails to address both of these strands, something vital is lost. My point is that for a number of reasons it is not helpful to reject feminist, queer, or trans theorists' inward-looking focus on the cultural meaning of transgender identities.

First, transgendered persons pose some very important questions that non-trans feminists have an interest in exploring. These questions concern the meaning of sex/gender identity, the process of embodiment, and the limits of socialization, discourse, and of gendered subjects themselves.³ One might even argue that we have an obligation to explore these meanings and processes in order to broaden our understanding of trans lives. For example, in "Rethinking Feminism through Transgender Politics," Eleanor Macdonald usefully shows how identity-based feminist politics and postmodern feminism could benefit from transgender analyses of the complexity of identity (as could some versions of trans politics). I suggest that several other feminists (Califa, Devor, Elliot and Roen, Heyes, and Hird) have contributed in sympathetic ways to the development of feminist dialogue on these important questions.

A second problem with the critique of feminist explorations of the cultural meanings of trans is that it threatens to undermine or silence those feminists who, at the very least, might promote greater public awareness of trans issues and, at best, might become useful allies. In her 2001 survey of transgender theory, Bernice Hausman wonders "if it is possible, in this political and academic climate, to approach transsexualism as a scholarly project *as a feminist*" (473-74). The climate she refers to is one in which all non-trans feminist critique of trans theory is associated with the explicitly transphobic work of Janice Raymond, thus tainting all critical endeavours before they can be considered carefully. Even Namaste's critique of non-trans feminist work, which is far more complex than what Hausman describes, suffers from a dismissive approach to cultural studies research. It also suffers from what I call methodological prescriptivism - where only one approach to the study of trans people is considered worthy - and from a failure to acknowledge any constructive non-trans feminist engagement with transgender research. We need to ask, then, whether it is possible for feminists to take account of transpeople's lives, acknowledging their different experiences and needs for recognition, without being construed as transphobic. Without endorsing Hausman's theoretical approach, I suggest we do need to

take up some of her questions. Are feminists able to discuss critically the meaning(s) of transgendered lives or are uncritical endorsements of trans ideas the only acceptable alternative to outright condemnation of trans lives as perpetuating patriarchal constructs?

A third, and possibly more urgent, reason to question this resistance to feminist explorations of the cultural meanings of transgendered identity is that it stifles a valuable source of opposition to a more widespread and decidedly hostile feminist response. While it is important to note that some feminists have found productive ways to engage with trans theory that do not merely "erase" trans realities, it is also true that much transphobia remains.⁴ This is nowhere so evident as in the responses to the recent Canadian legal dispute surrounding Kimberly Nixon and the question of who gets to be a woman.⁵ The eruption of this particular legal dispute about Nixon's identity in the context of a rape crisis centre demonstrates the inseparability of the two strands of feminist focus - women's rights activism and questions of identity.

The ongoing legal dispute over whether Nixon, a male-to-female transsexual, ought to have the right to train as a counselor at the Vancouver Rape Relief Centre in Vancouver, British Columbia, raises questions about feminists' complex relationships to, and assumptions about, gender, sexuality, and support for diverse sexual struggles. When Nixon arrived for training as a counselor at this particular centre, her credentials as a woman were questioned and she was told that despite having lived as a woman for fourteen years, only women who were "born" women and socialized as such could work in that capacity. Nixon filed a complaint with the British Columbia Human Rights Commission (in 1995), argued her case before the Human Rights Tribunal, and won (in January 2002). Since then, a petition to the provincial Supreme Court of British Columbia was filed by Rape Relief (June 2002) to quash the Tribunal's decision ("Petition to B.C. Supreme Court for Judicial Review") on the grounds that the Tribunal "erred" in several areas of judgement, including that it ignored "all of the evidence before it," a claim that is telling in itself. Nevertheless, the petition met with success in Dec. 2003 (although it too has been appealed). Its success was due to the decision that transwomen like Nixon do "not meet Rape Relief's community membership criterion" of women as "those who have lived their entire lives as females" (*Vancouver Rape Relief Society v. Nixon et al*, para. 103, 118), that Rape Relief does have the right to make this distinction, and that excluding Nixon was not a discriminatory act.

One's response to this decision will of course depend on one's allegiances to Rape Relief and to what the Honourable Mr. Justice E.R.A. Edwards called its "article of faith" (para. 54). This article of faith refers to Rape Relief's contention that "the experience of living exclusively as a female" has "political and therapeutic significance" (para. 125) for its work and that those without

such experience ought to be excluded. The question of who gets to be a woman, specifically whether living only part of one's life as a woman makes one "woman-enough" (para. 118), has been and continues to be the main issue. Before discussing some of the disturbing ways this question has been taken up both before and after the various judgments, I would like to comment briefly on some of the other implications of the case as I understand it.

While supporters of Rape Relief insist that part of what was at stake here was preventing men from demanding access to women's organizations, and confirming women's rights to organize separately, I find this fear difficult to credit unless one reads transwomen as men. So what looks to this group as a victory of women's rights to organize among themselves, looks to others, such as myself, as the right of specific organizations to impose discriminatory standards as long as these can be "justified" in court as necessary to meeting its goals. Barbara Findlay, Nixon's lawyer, claims that the goal of ensuring the safety of women victims of male violence does not logically require the exclusion of transwomen from the role of counsellor (2003, 72). Clearly we need to ask whether or not it does. More difficult for me to understand is why the Supreme Court Judge took this on faith, although para. 118 of the judgment does state that "Rape Relief was not required to prove that its primary purpose was the promotion of the interests of persons who were 'woman enough' to meet its 'political definition' of women as persons who had lived their entire lives as females" (BCSC 2003). More disconcerting is the judge's decision that "a reasonable person excluded for having experienced part of her life as a male...would recognize that...the basis for her exclusion...did not compromise the excluded person's dignity" (BCSC 2003, para. 125). So Nixon is unreasonable. Presumably this is because a "reasonable person" in Nixon's shoes would have recognized and accepted Rape Relief's "article of faith" that "woman enough" means being a woman all one's life. In any case, her experience of a "loss of dignity" at being excluded is judged to be merely subjective, an experience "no reasonable [that is, rational or objective] person in her situation would experience" (BCSC 2003, para. 132). Moreover, the objective impact of exclusion on her dignity that is required to prove discrimination is said to be negligible because it is "quite evidently exclusion from a backwater, not from the mainstream of the economic, social and cultural life of the province" (BCSC 2003, para. 154).

No doubt there is much to dispute in this judgment from a legal point of view: claims about how other "reasonable" transsexuals might act; the right of service-providing groups to exclude legally recognized women; and the role of legal discourse in defining women's rights. These are tasks best left to lawyers and to legal scholars. My focus here is on disputes among non-trans feminists around the definition of a woman and the implications of those disputes for our relationship with

transwomen in particular. Much of what follows is based on claims made when the case was still before the Tribunal, but the wider concerns and the arguments made for and against remain much the same.

Transsexuals pose a challenge, intentionally or not, to mainstream feminist conceptions of sex as a stable and immutable basis of gender, a challenge which raises questions about the presumed "authenticity" of identity and about the inclusiveness of feminist politics.⁶ When Judy Rebick, former president of the National Action Committee on the Status of Women, defends Rape Relief's rejection of Nixon, she claims "The challenge is 'who is a woman?'" It is a question she believes "we're just beginning to deal with" (cited in Bailey, 2000). But as Joanne Meyerowitz's (2002) study of the history of transsexuality in the US shows, the question of whether "male-to-female" transsexuals are women has been tossed about in popular culture at least since Christine Jorgenson's story hit the press fifty years ago. It has been in the feminist literature at least since Raymond's famous diatribe against transsexuals in 1979 and has been discussed with respect to the Michigan Women's Music Festival since the early 1990s. In 1996, Leslie Feinberg noted that the "one pivotal question" "being discussed in women's communities all over the country" is, "how is woman defined?" (109). Perhaps those who have just noticed there is a question ought to acquaint themselves with this history before making public and potentially damaging statements about transwomen.

The division of feminist opinion over the Nixon case may be symptomatic of a longstanding and deep divide among feminists whose theoretical commitments to identity politics on one hand, and deconstructive politics on the other, may not be reconcilable. Ann Snitow detailed this internal division in her 1990 essay, "A Gender Diary," and it seems she was right to contend it cannot be bridged. At the risk of widening this divide, I would describe the location of feminist politics in a presumed universal and stable identity of "women" as *the problematic basis* on which Nixon's claim to womanhood has been rejected by the women at Rape Relief and by their supporters. In terms of Rose's distinction mentioned earlier, this is a move that politicizes identity instead of taking the opportunity to question it.

Members of Rape Relief have no trouble deciding who "real" women are, or knowing what psychological capacities they possess. They assert that "we do not agree that every person that honestly claims to be a woman...is one," and that because Nixon "didn't grow up female, she could not empathize with victims of violence seeking counselling" (cited in Nolan 2000). Lee Lakeman, a long-time collective member, is more blunt: transwomen "aren't women. They don't know what it is like to be treated like a woman. They can't fully appreciate what kind of oppression and fear women live with" (cited in Grocock-Renshaw 2001). These ideas were embraced if not strengthened by two leading national newspaper

columnists, Michele Landsberg and Margaret Wenté, in their respective newspaper columns, "Rape crisis centre in B.C. endures assault" (2000) and "Who gets to be a woman?" (2000). Landsberg, who claims that she would "pay lip-service" to transsexual women as women, nonetheless publically declares her outrage that Nixon would presume to see herself as one. She writes: "Want to cross-dress and send up our culture's gender strictures by playing the vamp with a feather boa and sequins? Fine. But don't show up at the rape crisis centre and ask to counsel women who have been victimized by male sexual violence." The view that transsexual women are "really" men pervades Landsberg's rhetorical claim that the crisis centre "endures assault" by Nixon whose "unwanted advances" make her one of the "enemies" of woman-centred services.

In my view, Wenté's potentially useful question, "who gets to be a woman?" could have inspired some valuable reflection on the issue. Instead, echoing Landsberg, Wenté implies that the crisis centre is the "real victim of injustice" and that the prospect of being counseled by "someone who appears to be a man in drag" would victimize the women seeking help. The nastiness of these remarks is echoed by other anti-Nixon feminists whose articles appear on Rape Relief's website.⁷ Writing for the *Edmonton Sun*, Mindelle Jacobs states Nixon "can stomp up and down in her over-sized high heels insisting she's a woman all she wants but some rape victims just might not buy it." In a *National Post* article, Christine Boyle shares her view that Nixon shouldn't counsel rape victims because they "may feel that someone who lived as a man is not a peer on the issue of male oppression; and...might have a prurient interest in confidences respecting sexual/gendered assaults" (cited in Hume, 2001). If the usefulness of Wenté's question is missed by her, by Landsberg, and by the supporters of Rape Relief, it is because for them the answer is clear: One is born a woman, period. Although the hostile response of Rape Relief is apparently not widely shared by other crisis centers in Canada,⁸ it does reveal a number of questionable assumptions about trans and non-trans women, based partly on ignorance, partly on fear, and partly on an intractable feminist identity politic now called an "article of faith" by the Supreme Court Judge.

At a recent Women's Studies conference in Canada, Michelle Lowry summarized these assumptions and the questions they raise.⁹ The first assumption is that one's socialization as a girl or woman defines "women's experience" as something shared. But this assumption downplays differences among women, as if the sociological norms one identifies as part of a patriarchal gender order are evenly applied to all in one cookie-cutter model, or as if girls and women have the same relationships to those norms. It also fails to ask about possible similarities of experience between trans and non-trans women (both of whom may have been disparaged for their femininity). The second assumption is that only non-trans women have what

it takes to counsel women survivors of male violence. Suzanne Jay, spokeswoman for Rape Relief, asserts that transwomen "can't possibly know how victimized women really feel" (cited in Jacobs), and the anonymous women authors of one *Kinesis* article claim that there is no incentive for transwomen to unlearn the supposedly deep socialization to male privilege (Anonymous, 1998). Given that transwomen are often targets of male violence themselves, I suspect they have a better idea of what that feels like than, say, women who have not been victimized. Moreover, despite the essentialist claims about socialization processes, this assumption trades more on stereotypes of MTFs than on their actual experiences of their childhoods. The claim that transwomen invade and disrupt women-only spaces because their supposedly inherent, aggressive masculinity cannot be "unlearned" is a third (and obviously related) assumption. Lowry counters this assumption by pointing out that transwomen do not undergo painful, risky, expensive and life-altering transitions in order to "invade" women's spaces, nor do they carry around an inherent aggressive masculinity. Indeed this idea appears to contradict Rape Relief's belief as stated on their website that "violence is learned behaviour and can be unlearned."¹⁰ The fourth assumption is that in adopting "feminine norms" transwomen do not challenge patriarchy and therefore collude in oppressing non-trans women. Aside from the fact that this claim contradicts the preceding view that gendered characteristics are immutable, this claim also assumes that only certain types of non-trans women are capable of challenging patriarchy. Moreover, as others have noted, the claim that transwomen who do not embrace feminism are oppressors is at best self-serving, and at worst transphobic. Sadly, these assumptions give transwomen excellent grounds for being leery of feminism altogether.

Fortunately, contributions from other approaches such as ethnomethodology and poststructuralism have provided alternative perspectives on the question of gender and transgender. Both offer critical tools for rethinking questions of sex/gender/embodiment and for developing alliances with the transgender community. In what follows, I will focus on the poststructuralist approach developed by Judith Butler and others because I find it the most productive.¹¹

Poststructuralist inquiry into the "subject" of feminism and the category of "women" has led to a series of questions about both without rendering us inarticulate, mute, or apolitical. In my view, its call to subvert dominant forms of identity involves neither discrediting women as subjects, nor denying our subordination, nor refusing the concept of agency, as some feminists fear.¹² Poststructuralist feminists do not deny the value of much feminist theory and practice based on identity categories. But we do question the way that sex, gender, bodies, and sexualities have been conceptualized in order to challenge and critique mainstream constructions of those concepts as given (either by nature or by culture) and unalterable. From

a poststructuralist feminist perspective, "a critical genealogy of the naturalization of sex and of bodies" (Butler 1990, 147) remains a central political task if we are to extricate ourselves from the regulatory norms and practices that restrict our activities and constrain our identities. This is a political task that some feminists already share with some trans and queer people.¹³ It is a task that can be pursued without idealizing the least normative identities (the other side of idealization is erasure, as Viviane Namaste has pointed out in her critique of Butler). It can also be pursued without disparaging the more normative identities like straight or queer femininity.

In claiming that the category of women is "essentially incomplete," "a site of contested meanings" (15) Butler reiterates arguments made in Julia Kristeva's 1981 essay, "Woman Can Never Be Defined" and in Jacqueline Rose's 1986 chapter "Femininity and Its Discontents." These authors usefully challenge the premises of identity politics that limit, constrain, or prevent alternative configurations of sex and gender (Butler 1990, 147) or that attempt to demarcate the boundaries of "real" women. As Judith Halberstam (1998) and Bobby Noble (2002) argue, pursuing this kind of search for authenticity by policing categories and boundaries (state sanctioned or not) relegates alternative or queer embodiments to the margins. It also reifies and dictates what are arguably phantasmatic constructions serving patriarchal and heterosexist interests (even if some radical feminists believe their interests are also best served by these constructions). Holding the poststructuralist view does not preclude feminist arguments in favour of "women-only" space, but it does not support excluding transwomen whose existence challenges the taken-for-granted boundaries of that category.

Given that many trans people identify with feminism or seek allies in the feminist community, non-trans feminists need to inform ourselves about their needs and goals, and to engage both theoretically and practically with ideas and institutions that oppress them (Namaste provides an excellent overview of institutional oppression in Canada). This need not detract from other important work feminists do. As Geraldine Glattstein (director of Vancouver's WAVAW Rape Crisis Centre) acknowledges: "All our work is anti-oppression work, so why wouldn't we find the oppression of women who feel they are trapped in the wrong body equally important?" (cited in Nolan, 2000). As previously noted, the majority of women's sexual assault centres and transition houses in British Columbia share Glattstein's belief that excluding trans women from feminist organizations and denying them support runs counter to the spirit of feminism today. In my view, feminists must continue to challenge norms and expectations around embodiment, around what constitutes mental and physical well being, around questions of gender and sexual identity, around access to legal, medical and social services. Our views will be diverse. They will be

contested, and ought to be contested if we are to deepen our understanding of each other, and if we are to be allies in the process of improving the material conditions of all women's lives. But to reject these efforts prematurely, on the basis that we already know who deserves our support or who our "enemies" are, is surely a mistake.

Ignorance of trans concerns in the non-trans feminist community is no excuse at a time when there exists an excellent and growing transgender literature, some of which originated in specifically feminist communities.¹⁴ For example, Pat Califia (1997) and Holly Devor (1997) - both now transmen - have both published research that provides a solid political and sociological overview of many of the issues confronting transpeople from an explicitly feminist perspective. In arguing for a coalition of gay and trans activists, Califia provides a thought-provoking analysis of the history of transphobia and trans activism. Especially important here is Califia's unequivocal assertion of the "intrinsic value" of trans people and their contributions to "our understanding of what it means to be human" (1997, 81). Devor's sociological study of transmen offers a very different, yet equally valuable study of trans lives. Devor's inclusion of extensive interview material gives voice to both personal and political issues of importance to participants, paving the way for a deeper understanding which is key to the development of any potential solidarity.

According to Karen Dubinsky (1999), making alliances between feminist and trans communities obliges us to ask some difficult questions about sexual identity, embodiment, psychic and social life, questions that are far from being settled as the Nixon affair demonstrates. Cressida Heyes (2003) asks some of the harder political questions around how feminist commitments to the project of self-transformation might be brought to bear on disputes among non-trans feminists, particularly around the question of bodily transformation.¹⁵ My questions are: Who or what is most threatened by asking the difficult questions about transsexuality? Is there some "opposite-sex self" (Califia 1997, 117) lurking in each of us that we fear will emerge if we question the boundaries of gender? If this fear exists, then does the affirmation of one's sex necessarily create an antipathy toward transsexuals? Is feminism, like transsexuality, another "example of gender dysphoria," as Califia claims (6), hence some kind of natural ally? Why do some feminists believe they must reject trans women in order to preserve the possibility of a women-only space? Can we accept that for some people, sex changes, without feeling the need to exclude or to vilify them? Will feminists allow the difficult conceptual and political issues raised by trans lives to enlarge our understanding of what it means to be human? I believe it is important to pursue these questions, not to secure some definitive answer, but in order to open up a field of inquiry that seems in danger of being shut down prematurely by persons with very different stakes in not having them broached in the first place.

Unfortunately, as the Nixon case demonstrates,

the least reflective and least informed feminist voices have

quickly come to define "the feminist response" to trans people as decidedly hostile. More work is needed to create the conditions in which dialogue within feminist communities and between trans and feminist communities will enrich our mutual understanding and strengthen our potential for solidarity.

ACKNOWLEDGMENT

My thanks to Lorna Weir, Morgan Holmes and Melisse Lafrance for their feedback and support, and to Barbara Findlay, Kimberley Nixon, and Becki Ross for granting me interviews. Research for the current version of this paper has been supported by funding from a SSHRC standard research grant.

ENDNOTES

1. Earlier versions of this paper were given at the Feminist Ethics and Theory Conference in Florida, October, 2001, at the Symposium on Transgender/Transsexual Theory, Organizing and Cultural Production, York University, Nov. 29, 2002, and at the Centre for Research in Women's Studies and Gender Relations, University of British Columbia, March 10, 2004.

2. In 1997 Ricki Anne Wilchins writes: "Who knows what to call transpeople these days?" (15). Given the diversity of those who identify as transgendered and/or transsexual, and the difficulties of the politics of naming, I shall use "trans" or "transgendered" to refer to anyone whose gender does not fit the binary gender categories of Western society and who identifies as such. Some people also identify with and insist on a specifically transsexual identity (Prosser, 1998). Out of respect for these persons, I refer to transsexuals as those who undergo (or hope to undergo) some sort of physical transition with the help of hormones and/or surgery, and who identify as such. Like Wilchins, I realize that any name one chooses may offend some readers, despite the explicit intentions of the author to avoid offence.

3. Cressida Heyes astutely points out that transsexuality, along with other transgender identities, "reconfigures both conventional and conventionally feminist understandings of *sex*, *gender*, and *sexuality*" often calling into question "the very separability and meaningfulness of the terms *sex*, *gender*, and *sexuality*" (2003, 1093). In my view, the body figures centrally in our sense of ourselves as women, men, or other, and in our attractions to others, but biological makeup alone does not dictate what sense we will make of our bodies, or what identities we will end up making our own. For a good discussion of the distinction between what is psychically real and what is material in terms of "sex," see Prosser (1998).

4. Transphobia refers to expressions of fear and hatred of trans people. It is a term widely used by trans authors and activists at the time of this writing.

5. Details of the Kimberley Nixon case were found on the web site of the Rape Relief centre (<http://www.rapereliefshelter.bc.ca>), between 2001-2004, and last accessed March 9, 2004. For an excellent critique of the case by Nixon's lawyer, see Findlay (2003) or visit her website at www.barbarafindlay.com.

6. For a discussion of the concept of authenticity with respect to trans identities, see Hird (2002).

7. I have no desire to question individuals' claims to be feminists, as some readers have urged me to do. We know we are not a homogeneous political body, and that we are capable of making mistakes as well as of making profound social and political transformations.

8. Geraldine Glattstein, the executive director of Vancouver's WAVAW Rape Crisis Centre, says she would welcome a transgendered woman as a volunteer (cited in Nolan, 2000), and Jacobs notes that in Edmonton, six of the eighty-odd volunteers at the Sexual Assault Centre are men. Research by Caroline White (2002) demonstrates that 72.5% of sexual assault centres and transition houses in BC were accessible to transsexual women by 2000.

9. My thanks to Michelle for granting me permission to paraphrase her critique. I have extended it as well.

10. I believe this kind of thinking borders on the paranoid, as for example when Karla Mantilla writes that "men's interests have found a clever way to siphon off lesbian and feminist energies into a liberal agenda of identity politics, individual freedom and inclusion which make us forget altogether about challenging patriarchy" (2000). Mantilla's diatribe against transgender politics includes the idea that FTMs are joining the oppressors, and establishes an untenable opposition between inclusive politics on the one hand, and combatting male oppression on the other (2000). This position is echoed in Jeffreys (2003). My thanks to Chris Shelley for bringing Jeffrey's text to my attention.

11. For fruitful contributions in the ethnomethodological tradition see Fenstermaker and West (2002), Garfinkel (1967), Kessler and McKenna (1978; 2000).

12. For an alternative, critical reading of poststructuralism, see Smith (1999).

13. That some trans persons also sometimes support this belief in an innate core gender identity is understandable, but it remains in my view highly problematic.

14. More recent trans texts I have found especially helpful include Green (2001), Prosser (1998), and Rubin (2003). For a discussion of earlier trans texts see Elliot and Roen, 1998.

15. Heyes (2003) provides an extensive critique of Janice Raymond and Bernice Hausman, which lays crucial groundwork for future discussions of feminist work on transsexuality.

REFERENCES

Anonymous. "Women's Organizations and B.C. Human Rights Code: The Struggle for Women-only Space," <http://www.rapereliefshelter.bc.ca> Originally published in *Kinesis*, March 1998.

Bailey, I. "Rebick Defends Rape Centre's Right to Reject Transsexual," www.rapereliefshelter.bc.ca/issues/knixonnatpost19.html. Accessed April 3, 2004. Originally published in *The National Post*, Dec. 19, 2000.

BCSC Vancouver Rape Relief Society v. Nixon et al., 2003, 1936. Available at <http://www.courts.gov.bc.ca> Accessed Feb 2, 2004.

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

Califia, P. *Sex Changes: The Politics of Transgenderism*. San Francisco: Cleis Press, 1997.

Devor, H. *FTM: Female-to Male Transsexuals in Society*. Bloomington and Indianapolis: Indiana University Press, 1997.

Dubinsky, K. "Review of Holly Devor, *FTM: Female-to-Male Transsexuals in Society*," *Resources for Feminist Research*, 27 (1999): 173-75.

Elliot, P. and K. Roen. "Transgenderism and the Question of Embodiment: Promising Queer Politics?" *GLQ*, 4.2 (Spring 1998): 231-61.

Feinberg, L. *Transgender Warriors: Making History from Joan of Arc to Rupaul*. Boston: Beacon Press, 1996.

Fenstermaker, S. and C. West, eds. *Doing Gender, Doing Difference: Inequality, Power, and Institutional Change*. New York: Routledge, 2002.

Findlay, Barbara. "Real Women: Kimberley Nixon V. Vancouver Rape Relief," *UBC Law Review*, 36.1 (Winter 2003): 57-76.

Garfinkel, H. *Studies in Ethnomethodology*. Englewood Cliffs, N.J.: Prentice Hall, 1967.

Green, Jamison. "The Art and Nature of Gender," *Unseen Genders: Beyond the Binaries*. F. Haynes and T. McKenna, eds. New York: Peter Lang, 2001, pp. 59-70.

Grocock-Renshaw, Nikki. "Relief Mission," *Elle Canada*, 5 (Nov. 2001): 76-78.

Halberstam, J. *Female Masculinity*. Durham and London: Duke University Press, 1998.

Hausman, B. L. *Changing Sex: Transsexualism, Technology, and the Idea of Gender*. Durham and London: Duke University Press, 1995.

_____. "Recent Transgender Theory," *Feminist Studies*, 27.2 (Summer 2001): 465-90.

Heyes, C. "Feminist Solidarity after Queer Theory: The Case of Transgender," *Signs: Journal of Women in Culture and Society*, 28.4 (2003): 1093-120.

Hird, M. "For a Sociology of Transsexualism," *Sociology*, 36.3 (August 2002): 577-95.

Hume, Mark. "B.C. rights case asks: What is a Woman?: Volunteer Expelled as She had been a He," <http://www.rapereliefshelter.bc.ca> Originally published in *National Post*, Feb 22, 2001.

Jacobs, Mindelle. "Should Transsexual Counsel Rape Victims?" <http://www.rapereliefshelter.bc.ca/issues>. Originally published in *Edmonton Sun*, Dec. 17, 2000.

Jeffreys, S. *Unpacking Queer Politics: A Lesbian Feminist Perspective*. Cambridge: Polity Press, 2003.

- Jorgensen, C. *A Personal Autobiography*. New York: Paul S. Eriksson, 1967.
- Kessler, S. and W. McKenna. *Gender: An Ethnomethodological Approach*. New York: Wiley, 1978.
- _____. "Who Put the 'Trans' in Transgender? Gender Theory and Everyday Life," *International Journal of Transgenderism*, 4.3 (July-September 2000).
- Kristeva, J. "Woman Can Never Be Defined," *New French Feminisms*. E. Marks and I. de Courtivron, eds. New York: Schocken Books, 1981.
- Landsberg, M. "Rape Crisis Centre in B.C. Endures Assault," *The Toronto Star*, Dec. 23, 2000, p. N1.
- Lowry, M. "In the Name of Women's Only Space: Trans-exclusion in Canadian Feminist Organizations," Paper presented at the Canadian Women's Studies Association, University of Toronto, May 26, 2002.
- MacDonald, E. "Critical Identities: Rethinking Feminism Through Transgender Politics," *Atlantis*, 23.1 (Fall/Winter 1998): 3-12.
- Mantilla, K. "Men in Ewes' Clothing: The Stealth Politics of the Transgender Movement," <http://www.rapereliefshelter.bc.ca> Originally published in *off our backs*, April 2000.
- Meyerowitz, J. *How Sex Changed: A History of Transsexuality in the United States*. Cambridge, MA: Harvard University Press, 2002.
- Namaste, V. K. *Invisible Lives: The Erasure of Transsexual and Transgendered People*. Chicago: University of Chicago Press, 2000.
- Noble, J.B. "Sons of the Movement: Female Masculinity, Transsexual Men and Feminism," Symposium on Transgender/Transsexual Theory, Organizing, Cultural Production, York University, Nov. 29, 2002.
- Nolan, S. "Fighting to Do a Woman's Work," *The Globe and Mail*. Dec. 9, 2000, p.A2.
- "Petition to B.C. Supreme Court for Judicial Review" http://ww.rapereliefshelter.bc.ca/issues/nixon/June2002_petition.pdf. Last accessed April 4, 2004.
- Prosser, Jay. *Second Skins: the Body Narratives of Transsexuality*. New York: Columbia University Press, 1998.
- Raymond, J. *The Transsexual Empire: The Making of the She-Male*. Boston: Beacon Press, 1979.
- Rose, J. "Femininity and Its Discontents," *Sexuality in the Field of Vision*. London: Verso, 1986, pp. 8-103.
- Rubin, H. *Self-Made Men: Identity and Embodiment Among Transsexual Men*. Nashville: Vanderbilt University Press, 2003.
- Segal, L. *Why Feminism? Gender, Psychology, Politics*. Cambridge: Polity Press, 1999.
- Smith, D. "Telling the Truth After Postmodernism," *Writing the Social: Critique, Theory, and Investigations*. Toronto: University of Toronto Press, 1999, 96-130.
- Snitow, A. "A Gender Diary," *Conflicts in Feminism*. M. Hirsch and E. Fox Keller, eds. New York: Routledge, 1990.
- Stone, Sandy. "The Empire Strikes Back: A Posttranssexual Manifesto," *Body Guards: the Cultural Politics of Gender Ambiguity*. J. Epstein and K. Straub, eds. New York: Routledge, 1991, 280-304.
- Wente, M. "Who Gets to be a Woman?" *The Globe and Mail*, Dec. 14, 2000, p. A.19.
- White, C. "Re/Defining Gender and Sex: Educating for Trans, Transsexual, and Intersex Access and Inclusion to Sexual Assault Centres and Transition Houses," Unpublished M.A. Thesis, University of British Columbia, 2002.
- Wilkins, R.A. *Read My Lips: Sexual Subversion and the End of Gender*. Milford CT: Firebrand Books, 1997.