



Those Lucky Enough to Transcend Gender: Travis Alabanza, Radical Transfeminism, and the Law

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Abstract

Travis Alabanza is a Black British transfeminine author and playwright, best known for their play *Burgerz* and their memoir *None of the Above*. This article places these works in conversation with the politics of radical transfeminism, a community-centred ethos which places above all the needs of marginalised transfeminine people, as they pertain to law and society. It engages themes of identity, violence, and legal regulation, and argues for a liberatory approach to trans life which does not depend on legal recognition for its legitimacy. It also discusses how radical transfeminism approaches intersectional forms of discrimination such as transmisogynoir by positing a different approach to legal and social structures.

Keywords Transgender · Feminism · Radical transfeminism · Race · Theatre · Law and literature

The cleverly titled *None of the Above*, with its bright pink cover of a defiant slash through a formulaic white box, is the 2022 Jhalak Prize-winning memoir by Bristol author Travis Alabanza, which has received critical acclaim for its portrayal of the author's life as a transgender person in the United Kingdom. Alabanza was not a new writer to me at the time I read *None of the Above*; I read their play *Burgerz* (2018) several years ago and have assigned pieces of it as an epigraph to students thinking through transness and transgression, gender and identity, law and regulation, for what is possibly their first time. *Burgerz* is a play of immediacy, of audience interaction, and of the times. Starting with a burger being thrown at the author in the street, and a slur shouted at them, the play takes us through their obsession with the formulation of a burger, its materiality, and the motivations and shared pain of the author, the assailant, and the observers. It is about more than one incident: as the foreword states,

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it is “an emblem for so many other incidents, deaths, acts of violence and harm, that the trans and gender non-conforming community have to face every single day.” (Alabanza 2018, 2).

Since 2018, when *Burgerz* was written, those incidents have become ever more common. With the horrific murder of Brianna Ghey in 2023, transphobia and trans-misogyny in the United Kingdom crystallised into one flashpoint incident: the death of a 16-year-old girl. Brianna was transgender. That is not the most or only important thing about her, but it is the reason we know her name. She should be another anonymous teenager living in England and worrying about her exams and her friends, but instead she is dead (Halliday 2023). The climate for trans people in the United Kingdom is routinely described as ‘toxic.’ (see Faye 2021) The media and political classes take every opportunity to punch down at trans people (Tominey 2023); the law demands regulation and even diagnosis¹, which contributes to stigma. It is impossible to open up a social media channel without seeing a diatribe against people who dare to transgress gender norms - in particular, trans women and transfeminine people (Bonar and Scott 2024).² In this world, Alabanza’s work is a breath of fresh air, a new way of understanding a tired discourse.

The legal context in the United Kingdom is particularly alienating for trans persons, who are subject to either the exigencies of a regulatory regime around access to legal gender recognition, or exclusion from full social citizenship as their identity documents will not reflect their gender – thereby leading to consequences ranging from inconvenience to imminent danger. The Gender Recognition Act 2004 (GRA 2004) sets punitive conditions for applicants for legal gender recognition, including the requirement for a diagnosis of ‘gender dysphoria’ from a psychologist. The GRA 2004 also only applies to binary-identified trans people; non-binary people cannot be legally recognised in the United Kingdom. Proposals to update and reform the GRA 2004 to bring it in line with more liberal examples of legislation from other European countries – to introduce self-declaration of gender, most prominently – sparked not only political protest but a wave of transphobia in public discourse at an intensity never seen before (see analysis in Pearce et al. 2020). This leads to not just a problematic legal context, but a kind of alienation which results in a profound social loneliness for the trans community.

The law is an instrument of governmentality, but it also has a profound affective dimension (see Raj’s work, e.g. 2020a and b). In placing trans and, in particular, non-binary people outside the law, the regulatory regimes of law restrict their social legitimacy. The regulatory force of the law can itself be a kind of violence – a systematic and dehumanising categorisation of people into ‘boxes’ – and can increase people’s vulnerability to acts of violence from others. Alabanza confronts this legal and social ‘boxing’ in their work, both through the metaphor of deciding the shape of a box in which to put a burger, and in their reflections on the relationship between transness and society, transness and law, at large. Alabanza’s thoughts give the impression of

¹ Gender Recognition Act 2004

² Transfeminine is an umbrella category which encompasses all those who were assigned male at birth but who are women or feminine/female-aligned non-binary people.

a person who understands that being oneself is sometimes a lonely existence which requires sacrifice.

In this piece I put Alabanza's writing in conversation with the politics of radical transfeminism, an ideology which centres the needs of the most marginalised, particularly impoverished, transfeminine people of colour. This is a radical approach in itself, as the politics of radical transfeminism and its associated emphasis on the voices and needs of the most marginalised are directly antithetical to the force of law in a neoliberal state such as the United Kingdom. The paper argues that the law – in its abstract form as a force for societal regulation, and in the particular form of the Gender Recognition Act 2004 – is not capable of providing for liberation for racialised and gendered minorities. Viewing life and law through this lens, this paper argues for a more care-centred politics which resists the multiple violences inflicted on Black transfeminine people. It engages questions of identity, conflict, and legal regulation, all seen through the spectrum of Alabanza's play and memoir. In particular, it considers questions of loneliness and togetherness, and posits that working in community with a defined ethic of care is the most likely way to free us all.

Identities

Travis Alabanza is a non-binary, transfeminine, Black, working-class writer from Bristol. They write plays, poems, and non-fiction, and make theatrical art. *None of the Above* is something of a memoir, a story told in 'phrases' heard by the author in the course of their life. It is also a reflection on gender, society, and the relationship of gender non-conforming people with the wider world. Alabanza believes their transness to be a reaction to the world around them, which insists on constricting, binary boxes. They write in search of a freedom which is denied their gender expression and presentation in public life. Alabanza is aware of an outsider status in talking about gender:

One scroll on Twitter makes it clear the types of people that are allowed to analyse their gender and the effects of it on the world: namely white, middle-class, and if not cisgender, they must definitely have a PhD or be trying to get one. (2021, 37–38)

This author is a white, middle-class, genderqueer, PhD-holding academic; and therefore, Alabanza's provocation requires an answer. Although I do share some positionality with Alabanza in looking at the world through a non-binary gendered lens, I am aware that my life experience has been very different from theirs. Living in a society which separates people along racialised and gendered boundaries – and which takes those boundaries and codifies them into laws and borders – it is important to be aware of the impact which our implication in those hierarchies of power can have on scholarly interventions in others' work. Racialisation and gendering are a colonial project, of which it is important for us as researchers to minimise our replication (for example, see O'Sullivan 2023). Le Bourdon states that "Postcolonial scholars in development call on researchers to reflect on how they contribute to systems of

oppression” (2022, 2) It is this reflexivity which allows us to locate ourselves and examine the origins – and the hidden assumptions – which make up our views and opinions. It is important to me as a researcher that my work does not reproduce neocolonial, hierarchical frames of viewing the world. I echo Le Bourdon’s citation of Andreotti’s ‘critical’ vs. ‘soft’ reflexivity (2022, 3) in that considered critique of our own positionality with regard to the subjects of our writing is necessary. To be a white researcher engaging with the work of Black writers renders one an ‘outsider’ to the scholarship with which one is engaging, but it is vital to remember that one is still “an ‘insider’ within the wider dominant structure of knowledge production.” (Le Bourdon 2022, 6).

In writing this paper I have reflected on my own positionality in regard to the ethics of writing about the experiences of a racially minoritised person, when I myself benefit from the societal privileges afforded to those racialised white. I engage with the work which Alabanza has themselves articulated and placed in the public sphere as writing and performance, but I do not seek to appropriate their experiences. I am also extremely cognisant of the fact that citation is ethical praxis, and the list of authors cited in this paper reflects its relationship to Black and trans studies, with trans scholars and scholars of colour, particularly Black authors, widely and pre-eminently referenced. I am indebted to Marquis Bey’s articulation (2021) of their own liminal relationship to trans status for a deeper understanding of my own place in this field. It is not necessary to share all life experiences to be able to comment on the experiences of others, but care and consideration are required.

In finding my relationship with Alabanza’s writing, I am reminded of Sara Ahmed’s remark on reading the work of Judith Butler. She writes that “[t]o be in conversation with someone else’s work over a sustained period of time can be a queer kind of intimacy.” (2023) I relate to Alabanza’s work in a form of what Hemmings calls “affective solidarity”: a concept which “draws on a broader range of affects – rage, frustration and the desire for connection – as necessary for a sustainable feminist politics of transformation, but that does not root these in identity or other group characteristics.” (2012, 148) Hemmings describes politics as “that which moves us, rather than that which confirms us in what we already know.” (2012, 151) She wishes to form feminist coalitions which emerge not merely from shared identity characteristics, but from shared affect: the desire to move and be moved by the ways in which the world operates relationally on the self. Relating this back to my own writing, I can offer this: a racist affront to Alabanza is an affront to everyone in the coalition to build a better world. A transphobic assault which happens to another moves and motivates me as much as one which happens to myself. If we are to effect a politics of transformation, we must not only feel for others but act with them across our differences (while of course allowing the voices of those affected by marginalisation to lead).

This paper is a love letter to the hopeful rage and radical openness in Alabanza’s work, and to the knowledge produced by the disciplines of trans studies and Black studies. In getting to think in affinity with them (Ahmed, 2016), I am privileged as a scholar.

Categories

Travis, before you can make the burger, it is important you decide the type of box the burger must go in. (Alabanza 2018, 21)

To be trans or gender non-conforming in the United Kingdom today is to live in a climate where attacks seem to come from all sides. Newspaper columnists with no qualifications, lived or earned, opine on the regulation of trans bodies. Activist groups campaign against trans inclusion in society and gain the ear of politicians. To open a social media channel such as X/Twitter is to run a gauntlet of abuse, slurs, and calls for elimination from public life. For racialised minorities, particularly Black communities, the addition of racism compounds this discrimination. Crenshaw wrote that intersectionality might best be thought of as “a way of mediating the tension between assertions of multiple identity and the ongoing necessity of group politics,” (1991, 1298) and - as much as it has become an EDI buzzword in the present day - intersectionality is still the best framework we have for articulating the particular experiences of those at the eponymous intersections. As Lockett et al. write, “[t]rans people of color who have multiple marginalized identities face higher levels of stress from being a minority compared to those with fewer marginalized identities.” (2022).

What do we mean when we say gender, or race? I argue that both must be understood as “artificially constructed, socially politically and socio-legally produced and not merely a biological or objectively legitimate and neutral means of classification of humanity.” (Adébisi 2023, 69) Gender has long been understood to be a socially constructed method of classification of people according to social roles which were assigned depending on sex characteristics visible at birth. The work of Butler (1990, 1993) tells us that sex is also a socially constructed category - far from being an immutable binary distribution of society, sex categories are human-made divisions from which gendered assumptions follow. It is frequently, almost universally, assumed that gendered identities will flow from a sex assignation.

Within society, then, we can speak of gender being an assigned attribute. We observe a similar mechanism when we speak of people being racialised - race is not an innate characteristic, but something which is done to people by society. These are the ‘boxes’ into which people are separated and categorised. (“Travis, before you can make the burger, it is important you decide the type of box the burger must go in.”) People are racialised by virtue of their proximity to, or distance from, whiteness, which is seen as the default in a white supremacist society (see for example Harris 1993). To suggest that race and gender are social constructs is not to suggest that they are not real: they are very real power structures which operate in society and are given meaning by the repetition of relational norms. It is also impossible to separate gender and racialisation. Both are markers of the imposition of colonial values on most of the world, including within the coloniser territories. Lugones (2007) speaks of “the colonial/modern gender system” and reminds us that “[u]nlike colonization, the coloniality of gender is still with us; it is what lies at the intersection of gender/class/race as central constructs of the capitalist world system.” (Lugones 2010, 746). The imposition of Western gender roles on parts of the world wherein diverse, mul-

tuple, or no genders existed (see Oyěwùmí 1997), was a form of colonial violence which does not just echo, but persists in our modern times. The construction of ‘men’ and ‘women’ per colonial values brought an end to traditional knowledges and in many places, gained the force of law. As an example, the Hijra community of South Asia were penalised under British colonial rule and subject to the Criminal Tribes Act 1871 and Sect. 377 of the Indian Penal Code 1861 for their sexual and gender identities (see Hinchy 2019). While recognising the inability of Westernised language to fully reflect the complexity of non-Western gender identities, it comes closest to say that hijras (or kinnars, as they self-term) are transfeminine people, often treated as a ‘third gender’ in South Asian society. Their transgression of gender and sexual norms was too much for the British colonial occupiers to accept, and therefore laws had to be enacted to regulate and normalise them. Alabanza references these socioculturally located gendered identities in writing that “[t]wo thousand years ago there were Gods that looked like me... Worshipped in their plurality... seen in their plurality as a strength, not a hindrance. Hijra - South Asian. Bakla - Philippines. Kathoey - Thailand. Two Spirit - Native American. Quariwarmi - Inca. Femminiello - Italian.” (2018, 26) The marginalisation or loss of these identities is part of the violence of the colonial apparatus: if you do not fit the ‘box,’ you cannot exist in society.

Race and gender can therefore be seen as structural power dynamics which reflect and impose social hierarchies. The law, of course, is an instrument of such imposition, as it can create and codify normative standards and assumptions into the machinery of State power and thereby act to disenfranchise racialised and gendered minorities. As Adébisi writes, “[t]he racialised body becomes a text that holds social meanings capable of being read and understood by interlocutors... All bodies are racialised. White bodies are racialised as normal or normative. Other bodies, in varying degrees, are racialised as not normal and not normative.” (2023, 71). There is no escaping the ‘boxes’ society puts us in. Alabanza understands this both intuitively and intellectually. As they write in *Burgerz*, explicitly referencing the coloniality of gender,

It’s not just that before colonisation gender non-conformity existed in different forms, it’s that colonisation and race continue to completely affect how gender continues to be formed. To think it is only trans people that are misgendered is the whitest way to think about bodies. Black bodies have known what it means to be de-gendered, hyper-gendered, misgendered since the beginning of your slavery. (2018, 33)

Spillers uses the term “female flesh ungended” (1987, 77) to refer to the Black women enslaved by Americans and Europeans, highlighting the same mechanic as Alabanza refers to as “de-gendered... misgendered.” To be gendered as, and recognised as, female - Westernised white female - was to be recognised as human. Enslaved Black women did not get that respect or recognition. They were ungended, unbodied; rendered, in Spillers’ word, “flesh.” We can see by this that the mechanic of *de*-gendering is also a locus of control and legitimisation, monitored and regulated by white people and imposed by law. Transness and Blackness are frequently theorised together in current scholarship (Bey 2022; Snorton 2018; Balani 2023). Writers such as Snorton and Bey have exposed both the historical confluence

of the power operations of race and gender, rendering Black bodies automatically outside the boundaries of cisgenderness, but also penalising Black gender transgression in a way not inflicted on white trans people (Skidmore 2011).

Alabanza confronts the complexities of Black non-binary identity when they are told, as a 15 year old experimenting with makeup, “this ain’t a thing we do round here, son.” (2021, 98) The neighbourhood adult who tells them this is performing several roles - warning, care, regulation. He has known Alabanza from a child and his words sting in a way that remains with them. The “thing,” they write, “means not just my lipstick, but all of my gender non-conformity. The thing is trying on that dress... And the ‘here’ does not just mean the corner shop, but all of our Blackness and our Black and/or working-class neighbourhoods.” (2021, 99–100). The conflation of non-binary identity with whiteness, they argue, distances them from their community, and is the fault of whiteness-as-force. They state that “the contradiction of Blackness with non-binary identities is a completely fabricated opposition” (2021, 102) and that “[s]ince the beginning of the construct of whiteness, it has been used to take over, to erase, to colonise and pretend that it was there first” (2021, 103). Reading the statement “white supremacy is a virus,” their reaction is that “[w]hiteness and the gender binary feel like the same virus” (2021, 105). The (white) gender binary is what oppresses Alabanza in their non-conformity, and also what leads the shopkeeper to uphold the stereotypes of that binary. Viral metaphors are particularly apposite at the current time, in the lengthening dusk of the Covid pandemic, and it is easy to grasp the meaning, and the implication of infection and dis/ease.

One overriding theme throughout Alabanza’s writing is the alienation of being transfeminine in a world which does not value gender nonconformity and, in particular, femininity. In *Burgerz*, they recount an incident where they were mocked by schoolchildren on a bus - ‘Why is that man dressed like a girl?’ The teacher sees: ‘It’s rude to point, lower your voice.’ The kids continued to point and laugh.” (2018, 41–42) - and again, in public. “Busy shopping mall. Group of girls laugh at me. Someone tries to trip me down the stairs. They say it’s an accident.” (2018, 41) The very real threat of harm that comes with this alienation is prevalent in Alabanza’s mind. In a third recounted incident, they are sexually harassed on a train by a man sitting beside them, who asks “‘What the fuck are you?’” (2018, 40). Alabanza states: “I wanted to reply: ‘A person, another human, someone who deserves respect.’ Or I wanted to hear the six other people that heard say something too. We all stayed in silence. His hand was on my inner thigh for the rest of the journey.” (2018, 40).

The confluence of transphobia and misogyny illustrated by these vignettes is known as transmisogyny. Slater and Liddiard cite Serano (2007) in stating that “although all gender nonconforming people experience pathologisation, trans women and transfeminine people experience heightened ridicule, gaze and violence in comparison to trans men and transmasculine people (further mediated by race, disability, class, and sexuality).” (2018, 84) Manne defines misogyny as “the system that operates within a patriarchal social order to police and enforce women’s subordination and to uphold male dominance.” (2019, 33) Under Manne’s definition, misogyny is not just ‘the hatred of women’ or ‘women’s oppression,’ but a structural injustice which affects women differently depending on their position within the patriarchal order. Following this, we can see that transmisogyny is an intersectional form of dis-

crimination, which imposes a multiplicative level of oppression on trans women and transfeminine people through structural biases and the need for men to retain societal dominance. Transgressing that order, by existing in the world as a trans woman or transfeminine person, runs the risk of punitive action by the oppressor, up to and including violence. Alabanza writes, “If I walk out of this room right now, leave you, and leave like this, like how I want to be, in these clothes, in this gender – I will be beaten, I will be bashed, I will be shouted at, I will be hurt.” (2018, 47) They are constantly aware of how their gender expression picks them out from the crowd and the potential consequences of that - but they have no choice but to live their life authentically. Such are the risks run by trans people in the world: risks heightened by transmisogynistic narratives such as the ‘predatory trans woman in the women’s space’ or the ‘trans person who wishes to convert children to transness,’ or even the ‘cisgender man pretending to be trans to access the women’s bathroom,’ which are posited by media and commentators in the press every day.

However, Alabanza’s work displays elements of another axis of discrimination, which we can call transmisogynoir (Trudy 2014) - the particular oppressions endured by Black trans women and transfeminine people. Misogynoir is a term coined by Moya Bailey to describe the particular intersection of anti-Blackness and misogyny experienced by Black women (Bailey and Trudy, 2018). Alabanza’s femininity is considered differently because they are Black; their racialised status makes them more targeted by oppressive social dynamics. As described earlier in this paper, their childhood feminine expression, in wearing makeup and dresses, was rejected by their Black working-class Bristol neighbourhood as not being “a thing we do round here, son.” (2021, 98) In *Burgerz*, they confront transmisogynoir when a sexual partner leaves them, saying, “‘I thought you’d be more masculine because you’re Black.’” (2018, 33) Likewise, they feel that they cannot report the assaults and harassment they undergo because of the understandable reluctance of the Black community to involve the police in their lives. “You know in these hate crime adverts they always advise the poor trans person to call the police, and I always want to ask back, ‘Why would we bring more trouble to our door?’ And then I remember we aren’t all in the same house...are we?” (2018, 34).

Radical transfeminist politics aims to combat transmisogynoir by centering the voices, experiences, and bodies of Black transfeminine people and other transfeminine people of colour, who are often excluded from mainstream feminist movements. For example, at the height of #MeToo (see Fileborn and Loney-Howes, 2019), Black trans activist Jari Jones stated,

I think there are cis, able-bodied white women who ... [the work] they’re doing I think is amazing, but there are femmes and black trans women out there who are doing it to survive and to live, and some of them are screaming ‘me too’ from the ground that they’ve just been beaten up on... Some of them are screaming ‘me too’ from the hospital that they’re laying in. And some of them can’t scream because they’re dead. (Talusán 2018)

Politics

Radical transfeminism is a feminist politics pioneered by van der Drift, Hunter, and Raha, which seeks to centre the needs of (in particular) transfeminine people of colour as among the most marginalised by an uncaring neoliberal society (Raha 2017a, 643). As Raha terms it, it is

a collective political praxis and critique developing in the tenuously United Kingdom and Europe, centering transfeminine bodies that are or find themselves precariously employed, poor, overworked, and pathologized—bodies of color and various shades of white; migrant bodies; dis/abled bodies; and/or ‘working’ bodies. Radical transfeminism is oriented around forms of care and support, and through working together, over and across material precarity. (2017b, 637)

Radical transfeminism rejects civil rights claims as a basis of liberation, and promotes cultural production, care work, and mutual aid. It is found in communities, in zines, and in acts of kindness. In its more academic incarnation, it “embraces trans as active and anti-normative, rather than defined as a stable form. We conceive of radical transfeminism in terms of agents and agency... From this anti-normative trans agency emerges a feminism concerned with structural social change as futurity through a non-normative ethics” (van der Drift and Raha, 2020, 13). This agency proceeds from an understanding, based on Stryker’s work, of the antinormative body as a site of knowledge production (Raha 2017a, 638). The marginalised, abjected transfeminine body/self is reclaimed as more than a purely subjective experiential object. In this way, then, radical transfeminism is a *doing* politics, a praxis. It understands ‘trans’ as a state of active being, a becoming, a constant opening space. Bey writes that “Trans* is elsewhere, not here, because here is known, ontologically discernible, and circumscribable.” (2017, 285) The radicality of radical transfeminism lies in its inability to be bordered or contained.

The rhetoric and practice of human rights claims is rejected by radical transfeminism as a site of potential liberation. “To (at best) be bearers of civil rights and socially or micropolitically disqualified as bearers of knowledge is nothing new.” (Raha 2017b, 638) Human rights, gender recognition, and the law in general, do not address the material conditions of life for trans and gender-diverse people - the need for healthcare, security, material stability, etc. As Spade has written, “[c]ontemporary political conditions terrorize and shorten the lives of trans people, and threaten to subsume trans resistance. Trans people are told by legal systems, state agencies, employers, schools, and our families that we are impossible people who are not who we say we are, cannot exist, cannot be classified, and cannot fit anywhere.” (2015, 120). Gender recognition certificates do not address the problems that exist in access to healthcare in the United Kingdom, whether that be excessively long waiting lists to be seen at gender clinics, the cessation of referrals to some clinics due to oversubscription, the chilling effect which arose in minors’ healthcare following the *Bell v*

*Tavistock*³ decision (Duffy 2020), or the attitudes of clinicians (Wright et al. 2021). Neither does gender recognition address the material precarity which influences the lives of many trans persons, who are likely to live in marginalised and socially disadvantaged socioeconomic conditions. These lives are precarious in more ways than one - economically underprivileged, they exist at the edge of society; but in the Butlerian sense, they are precariously human (Butler 2006) in that their lives are not seen as grievable if lost.

Radical transfeminism embraces an antinormative politics that resists exploitative labour practices, supports penal abolition, and disputes state borders. It believes that “austerity names a political practice of distributed death” (van den Drift and Raha, 2020, 18). Political conservatism, which has been in power in the United Kingdom since 2010 under successive Tory governments, is marked by diminishing welfare budgets and a turn to neoliberal economic standards in which ‘everyone for themselves’ is the defining policy (see Leruth and Taylor-Gooby, 2021). In the case of persons who are marginalised from mainstream society for demographic or wealth reasons, conservative politics only serves to further alienate. The violence enacted by the state through border enforcement, punitive welfare assessments, and impoverishing levels of benefits, hits the most marginalised persons the hardest because they live under a system of compounded discrimination: socioeconomic, racial, gender, trans modality (see Jefferys on racism in the welfare state, 2022). Radical transfeminism is essential to the work of H. Josephine Giles, a trans author and poet, whose essay *Wages for Transition* articulates some of the core interactions between the neoliberal state and trans existences:

As... states neoliberalise, “public services” become a mask behind which state wealth is delivered into private hands through outsourcing. Even in the charity model, necessary cash is raised by trans labour through online crowdfunders and protest bucket-shaking, then delivered once more to profit-making capital-accumulating hands in order to acquire the tools of transition. Whatever the process, it is always trans people doing the most work for the least pay — and usually no pay at all. (Giles 2019)

Giles’ work understands that trans politics and material conditions are inseparable, as does Alabanza’s. When they write “[m]aybe it is about knowing when you need help. Recognising when you could continue to struggle on your own, but would breathe lighter with someone else,” (2018, 17), they express a sense of this mutuality, material and emotional. *Wages for Transition* goes on to imagine a “trans strike” with a variety of illegal and extra-legal methods for removing money from capitalist hands and redistributing it among the trans, impoverished, and/or Disabled community. Comprehending that mutual aid, financial, material, and interpersonal, is the only way to survive, and daring to dream of better worlds, are central to a radical transfeminist outlook. In Alabanza’s writing we find threads of hope which reflect the expansiveness of this worldview. They write, “I vow to realise that in my safety, in my comfort, in my silence, comes your danger, hurt, and entrapment. I vow to know

³ [2020] EWHC 3274 (Admin)

that I cannot possibly be free whilst you, the plural, are still hurt.” (2018, 59) Radical transfeminism offers us a way to understand a new politics of care for each other in the midst of violence.

Violences

A burger was thrown at me in broad daylight in April 2016 on Waterloo Bridge while someone yelled the word tranny. I think over one hundred people saw and I know no one did anything. (Alabanza 2018, 7)

Burgerz, for much of its script, is a particularly sensory play. Alabanza’s experience on Waterloo Bridge leads them to obsess over the materiality of burgers - their shape, colours, properties. Over the course of the play, they cook a burger with help from an audience member - agonising over the shape of the bun, searching for an appropriate box, mincing the meat, adding spices and salt. The stage is set with a giant box, out of which Alabanza emerges; a kitchen island is hidden in another large box. The audience volunteers are invited to take their hand; to partake of a drink; to be the one to shake in the spices to the meat. At the end, an audience member reads a speech which resembles vows, apologies, and then throws the completed burger at Alabanza.

The materiality of *Burgerz* lends it immediacy. The burger is shaped, cooked, held. The audience is immersed in the scents and noises. The affective properties of the play are enhanced by the tangible properties, which reflects the bodily nature of its subject matter. The play begins and ends with the same act of violence - once, in relation, with a slur; the other, in reality, with an apology. The act remains the same but the intent differs.

Violence is sometimes material, sometimes structural. It comes in many forms. Bodily violence causes physical pain; the violence of legal and administrative norms causes marginalisation and ostracisation. Although *Burgerz* is ostensibly a play about an act of physical street violence, the journey that Alabanza takes their audience on works through the loneliness and stigma of living in a body that is both racialised and non-normatively gendered, forms of violence less immediate but no less harmful to the integrity of the person. The physical immediacy of the burger incident is shown to be part of a pattern of violences which Alabanza endures as a result of people’s reactions to their gender identity.

Violences 1: The Body

To be trans and Black and gender non-conforming is to both be accustomed to the violence whilst also dissociating from the reality. (Alabanza 2018, 54)

The particular act of violence which inspired *Burgerz* seems almost banal, unless of course you are one of the parties to it. A thrown item, a slur. A violence visited

every day on visible minorities. A violence almost expected. But not dodged. “When I realised the burger had hit me I realised it was too late to dodge,” writes Alabanza (2018, 54). “I’m not good at dodging things. Especially unplanned things.” Perhaps it is the banality of the violence that makes it so real. A burger is a material object. A body is a material object - the boundary of the self. The body is supposed to be inviolable. It is not, though. Things make contact with the body. A burger hits it. Alabanza knows that that burger could be “a fist, a knife, a choked neck” (2018, 56).

Physical violence happens to trans and gender non-conforming people, especially Black and other people of colour, and in particular women and femmes, every day. The statistics are alarming. In 2022, the Trans Murder Monitoring Project run by Transgender Europe stated that 327 trans and gender-diverse people had been reported murdered in the previous year. Of that figure, 65% were racialised persons, and 95% were trans women and transfeminine people (2022). “[R]ather than interrogate the idea of splitting millions of people into two categories... it is far easier to attack those who decide to break away from it.” (Alabanza 2021, 86) Transgressing the gender binary can be dangerous. Butler reminds us that the norm is not just a regulatory, but a punitive force, and that “an identification always takes place in relation to a law or, more specifically, a prohibition that works through delivering a threat of punishment.” (1993, 69) To identify as non-binary is to identify outside of the norm and to defy that psychological and societal prohibition. It can be a lonely existence. In 2018, Stonewall stated that 31% of the British non-binary people they had surveyed had experienced what they termed a “hate crime or incident” on account of their gender identity. (2018, 8) In the same report, half of non-binary people surveyed said they had changed the way they dress to avoid discrimination (2018, 7).

Another violence inflicted on trans bodies comes from the expectations of normative appearance forced on them by the medical establishment and by society at large. In an emotive passage from the play, Alabanza expresses this.

If I got these breasts, and changed my face, and blended into the walls, would we start to hear me when I scream? Would I even need to scream? I wonder how many bodies have forced parts onto themselves in order to be seen as fixed, legitimate, so they no longer need to stop traffic....

As if trans can never be a destination. As if trans is synonym for broken body. (2018, 35)

This theme is reflected in *None of the Above*, where Alabanza is asked by a friend if they are “doing [transition] properly.” (2021, 35) Meditating on being “proper trans,” they reflect on a “cisgender idea of completion” (2021, 44) which invokes a journey with a start and an end point; that end point being “a gender recognisable by the state” (2021, 44) - i.e., male or female. Being non-binary is seen as somewhat illegitimate, especially if not accompanied by hormones or physical alterations to the body. Pressure, be that structural, intracommunity, or from the outside, to ‘pick a side’ and conform, isolates and alienates non-binary people from the rest of the trans community, as well as the cisgender and/or gender-conforming community. Of course, this intersects with racism also: gender non-conforming people of colour, especially Black people, are seen as greater outsiders. Bey notes that “their very existence in a space

that is constituted through the assertion of the impossibility of trans* and nonnormative bodies is, by virtue of their inhabitation of public space, [is] radical. This could also be said to be the case with black bodies occupying space implicitly coded in and through whiteness.” (2017, 277) The existence of Black trans and non-binary people in such a society is in itself resistance, but the particular acts of resistance taken by Alabanza – such as continuing to dress in tune with their gender expression – are sites of explicit resistance to violence and ‘boxing.’

Violences 2: The Mind

In *Burgerz*, Alabanza works almost alone on stage. There are no other performers; the only other people visible are two audience volunteers, who each take part in part of the play as helpers. They speak only when requested, in response to Alabanza’s questions. The male volunteer helps with the creation of the burger, as detailed above: he is a catalyst for Alabanza’s speeches for the most part, but he only speaks when spoken to. At one point in the play they have a brief conversation when Alabanza poses questions, including “[w]hen did you last cry?”

Loneliness is a pervading theme of *Burgerz*. The loneliness of the artist onstage, the loneliness of the victim of assault on the street, the loneliness of the non-binary person who does not fit into societal categories. In the aftermath of the attack which prompted the play, Alabanza refers to the banality of the scene around them. “The world was working exactly how it had been made to. No one did anything. Mothers with their children, men in their suits, students with their feminist tote bags. No one did anything. And I’m left scared.” (2018, 56) Their isolation is highlighted by the normality of the people passing by, getting on with their day. Alabanza notes the (in)action of one woman, who catches their eye as they recover, and walks on by. The woman’s (in)action in walking away is as emphatic as any positive action could be. “She saw the man, and she saw me, and then she looked down. And she carried on walking. With everyone else, she carried on walking. And I’m not going to say anymore that no one did anything, because walking away is action, is action that you choose.” (2018, 57–58).

Radical transfeminist politics understands loneliness as an effect of neoliberal social policies which emphasise the accumulation of capital at the expense of social cohesion. Jenkins also assesses the production of Black trans loneliness at the crossroads of cisheterosexism, racism, and neoliberalism. He writes that “structural isolation” is “the ideological, socioeconomic, cultural, societal, and institutional structures that implicitly or explicitly exclude people based on biased beliefs of normative racialized gender and sexual subjectivities.” (2023, 383) Structural isolation can be differentiated from interpersonal isolation, which is an emotion experienced internally. That which is structural refers to overarching social structures which affect categories of people - in this case, racialised and gendered minorities. The law is an important instrument of these forces, creating the conditions of loneliness by imposing particular and regulated conditions of existence on these groups. Jenkins’ analysis of the operations of racism, gendered oppressions, and an individualistic society is directly applicable to Alabanza’s viewpoint in *Burgerz* - “I wonder if [the woman

who walked by] saw the safety I was mourning, and cried for how much worse hers could be. Maybe she thought that if she touched me she would catch it too.” (2018, 58).

Violences 3: The System

If gender is a system of relational power structures, then the act of gendering a person is equivalent to assigning them their place within that structure. The gender binary, as it operates in society, is a system of assignation into which it is assumed everyone will fit. Non-binary people are stepping outside of the system, rejecting its structuring, and therefore suffering the consequences of the alienation from society that ensues. But as Alabanza writes, “[a]s if something containing only two could ever be a choice. That is not a choice. That is rather jumping to which death you think may be less painful... Die quietly or die loudly? Splitting things up into two arbitrary categories has never worked since the beginning of time” (2018, 13) - for non-binary people, it is not an option. Living life outside the gender binary is freedom from structural prison.

What came first? The Burger or the Box for the Burger. Man or woman. Or the cages made for man or women. The person free from man or woman. Or the person in charge of capturing the person free from man or woman. (Alabanza 2018, 23)

Forcible gendering is violence. The assignation of gender at birth is the genesis of that violence; the binary roles inflicted on us as we grow, its administration. Alabanza’s work does not engage much directly with the law, but we must understand the law as the fundamental script of these violences. By encoding a social system in which only two genders are acceptable, the law makes it impossible to be a full social citizen when you do not fall into one of those categories. As Leslie Feinberg wrote, “trans people are still literally social outlaws... And I hold my head up proudly in that police lineup.” (1998, 10) Hir metaphor of the police lineup is not an abstract one - Feinberg’s life was marked by police violence due to hir gender nonconformity. The punitive force of the law was strongly felt by Feinberg’s community of butch lesbians and transgender people. The punitive force of the law is still felt by trans people encountering the legal system today (see Faye 2021).

However, the law does not have to be used to arrest and incarcerate people in order to be coercive. The mere fact of two legalised, legitimised categories into which to place people creates social norms and regimes of truth (in the Foucauldian sense) which inflict order on society. Alabanza writes that “[t]his [gendering] is all about order. It’s about structure. It’s about regulation and to be unregulated is to be dangerous.” (2018, 25) The law is an important regulatory force, dividing society into the legible and the illegible, the thinkable and the unthinkable. It has both top-down disciplinary function and horizontal regulatory effect. Butler describes “a certain regulatory regime, one that informs the law, and also exceeds the law” (2004, 29) as the means of producing levels of human intelligibility. This regime manifests in the law

as legal recognition, which can be applied to any sphere of social life, from formal citizenship to the legal recognition of gender marker change.

Alabanza fears that codifying a third gender, an 'X' option, into the law would merely replicate the violence of regulation onto non-binary people. They write, "the push for 'non-binary' to be a legalised gender in the UK brings with it an attempt to homogenise and control what could have felt like a beautifully uncontrollable option." (2021, 103) It is often suggested that amending the Gender Recognition Act to provide for legal recognition for non-binary people would allow for them to have legal rights on a par with binary-identified persons - but is that the goal? I contend that codifying non-binary persons' citizenship in a manner similar to the two binary categories already inscribed in law would have the effect of deradicalising the potential of non-binary to shatter gender-norm paradigms. In short, it would further reify cisnormativity in the law, assuming that people can be fit into three neat categories instead of two. Some academics have proposed decertification of gender as a legal category in order to escape the law's regulatory regime (see Cooper and Renz 2023; and linked works). This is certainly an option, but presents its own policy problems (Renz 2023; Grabham 2023). Nevertheless, the homogeneity represented by an 'X' option, or whatever letter/symbol might be chosen to represent it, cannot do justice to the breadth and depth of non-binary life (for a problematisation of the 'X,' gender, and Blackness, see Bey 2021).

Moreover, from a radical transfeminist perspective, increased regulation of all aspects of trans existence only increases the "administrative violence" (Spade 2015) inflicted on trans people by the state. Spade writes that we should develop "a critical trans politics - that is, a trans politics that demands more than legal recognition and inclusion, seeking instead to transform current logics of state..." (2015, 1) and that "quests for recognition and inclusion tend to forgo such a politics in favor of being incorporated into harmful systems and institutions." (2015, 87). In this light, we can see that calls to reform the Gender Recognition Act 2004 to merely recognise three genders instead of two would not be a particularly liberatory act in and of itself. Without challenging transphobia, discrimination, social exclusion, structural inequalities, and other causes of injustice, legal recognition alone cannot solve the problems faced by transgender people in society - and putting more power into the hands of the state might only lead to more harm as institutionalisation and inclusion within administrative systems increase regulation on the individual. The inherent pathologisation of many legal gender recognition regimes, including that of the United Kingdom means that trans people are exposed to an often-hostile medical system and stigmatised by being diagnosed with a condition. In some countries such as Italy, physical medical interventions such as hormones are still required. (Transgender Europe 2023) These requirements are coercive and require trans persons to modify their bodies in order to reach the imagined sanctuary of legal recognition. "Gender or violence?" asks Alabanza. "That last one was the same thing." (2018, 23).

Conclusions

With what found & forged love, if in alignment our / bodies defy all the social could expect run seams im/possibility & all the flesh we've fought for & the ways of being & knowing & fucking on history's tide receding, (Raha 2022)

These are perhaps not new ideas. However, Alabanza's work gives us a new perspective on them - a way to understand the confluence of all of these elements, identity and violence and oppression, but also affirmation, confidence, and joy. Because of course, that is the opposite to all this darkness. Living life authentically and out loud is risky in this society, but it is real. In that reality, that truth, we can find opportunities for learning and mutual care. As Olufemi writes, "Black British feminist history teaches those of us engaged in feminist organising that we are not the first and we will not be the last, we are simply a continuation of everything that has come before us: our task is to persist." (2020, 11).

There is a community to be found in that persistence. There is a community to be found in the end of Alabanza's play, where they ask an audience member to recite vows:

I know that I can wake up. I know that I can do better. I vow to make sure that everyday I go outside I realise that I am not alone, that I am together, with you, the plural, and me, the plural – that there cannot be singular anymore. That we have tried singular, and we continue to fail. My freedom is not just tied to yours, but is not freedom without yours. (2018, 60–61)

In bringing radical transfeminist politics to legal studies, my aim is to create a sense of that community. I understand that this politics is not mine to own, and I am not claiming to, but I can put it into conversation with my field and ask my academic peers to gain from its rich insights. The scholars and authors I have cited in this piece are chiefly Black and/or trans; they are the originators and the sources of this theory, and I thank them deeply for their work. In the task of liberating us all, I would like to be in consideration to be an accomplice rather than a mere ally (see Suyemoto et al. 2021). In particular, I am grateful for the insights I have gained through closely reading Alabanza's work. Their ability to synthesise the different facets of Black transfeminine life and produce art from oppression is illuminating, particularly in the cultural context in which we now operate, where the knowledges produced by Black and trans voices are often denied and subjugated.

The atmosphere for trans and gender-nonconforming people in the United Kingdom today continues to be difficult to bear, with violence of many kinds to be lived through and frequent marginalisation and stigma to carry. *Burgerz* is a play about one act of violence, but it is also a play about all of them; it is a play that speaks to life and law; isolation and community; to all of us, trans, non-binary, and cisgender. Radical transfeminist politics promises us that there is a brighter and better world to be found if we change our outlook: open minds, decolonise ways of thinking, and devote

ourselves to an ethic of care. Radical transfeminism, articulated through Alabanza's writing, asks us the questions. In community, we need to find the answers.

If we are rooting a feminist praxis in transfeminine bodies, what does this open up as the horizon of politics?... What social transformation must we fabricate & fight for?... (Raha 2017a).

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