

8

A State Affair?: Notions of the State in Discourses on Trans Rights in Sweden

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8.1 Introduction

Since the 1990s the concept of sexual citizenship has been instrumental for queer scholars and activists exploring state recognition as a critical aspect of social justice work. Critics have argued that while the strategy of striving for state recognition has its merits, it tends to obscure the fact that who gets ‘folded into’ the nation (Puar 2007: 10) is a matter that is negotiated through intricate techniques of governance, and that policies of sexual and gender equality play a vital role in upholding the liberal nation-state and legitimise its violence (Beauchamp 2019; Haritaworn et al. 2014; Puar 2007; Brown 1995). In a political climate marked by neoliberalism, the argument has been put forth by queer scholars and critical race theorists, that little is gained in addressing the state, and much lost.

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Swedish politicians and other representatives of the state, such as physicians and jurists, often describe Sweden as progressive when it comes to issues of LGBTQ rights in general, and trans rights in particular. Representatives from the political right as well as the political left describe Swedish society as tolerant and open to sexual and gender variance.¹ The idea that trans rights are an integrated part not only of Swedish society but also of Swedish political discourse—that it is integrated in the state and its governmental agencies—is reliant on a very specific understanding of gender variance: that of the plight of gender-variant people and the role of the state in alleviating that plight. Swedish activists and scholars have problematised this self-image of Sweden as the pinnacle of trans rights. The following quote is from a manifesto for trans rights published in 2016 by the trans organisation Transförsvaret (Trans Defence):

[S]o we put this ultimatum to Stefan Löfven, Åsa Regnér and Gabriel Wikström [sic] as well as all politicians, doctors or people in power across Sweden. That doctors and bureaucrats have more control over our bodies and our identities than ourselves is unacceptable. (Transförsvaret 2016: n.p.)

In its manifesto, Transförsvaret addresses the Swedish government, its politicians and state representatives directly, holding them accountable for the living conditions of gender-variant people. Distinctions between nation, state and government appear porous; in some sentences, the nation is interpellated; in others, it is the state that is addressed through the mention of specific governmental agencies and ‘bureaucrats’ in municipalities and county councils; and in still others the government is addressed through the calling out of specific politicians, as in the quote above. Transförsvaret describes the state as all-encompassing, with a reach that is broad and deep, embodied in the bureaucracy of governmental organisations and agencies. It is an understanding of the state, shared by other trans organisations, that is formed by experiences of how the state impacts vital aspects of life, from experiences of health care and education institutions to problems with obtaining the identification documents necessary for travelling, banking, employment, renting houses and so on. The vastness of state influence is described as a quality of the Swedish state itself.

Transförsvaret's understanding of the state takes its departure in a description of how trans civil rights are conditioned by state recognition. As pointed out by scholars, Swedish civil registrations rely on gendered manifestations: juridical gender markers and gendered personal identification numbers (Alm 2006, 2019; Edenheim 2005). Citizens' interactions with the state are, hence, per definition, gendered. Given that gender-variant Swedish citizens describe the discrepancy between their gender identity and official papers as one of their main problems in everyday life (Government of Sweden 2017; Riksförbundet för homosexuella, bisexuella, transpersoner och queeras rättigheter 2017; Transgender Europe 2017), their relation to and their description of the state will be permeated by this strain of misrecognition. United States-based trans scholars such as Dean Spade (2011) and Toby Beauchamp (2019) have argued that gender-variant people to a larger extent than other citizens experience, in a tangible way, state governance. Spade characterises the administrative realm as the site where discrimination against gender-variant people is not only lawful but also an essential feature of the bureaucratic logic. Administrative systems distribute life chances and produce vulnerability so that those who are the most vulnerable in society are also the ones at the highest risk of having their lives dominated by administrative systems (Spade 2011: 13). Spade's analysis, which draws on the practice and analyses of people mobilising against institutionalised racism and cisheteronormativity, points out that administrative systems that claim to be neutral in fact produce stratifying categories like gender, race, etc. They are not 'the arbiters of justice, protection, and safety but [...] instead sponsors and sites of violence' (Spade 2011: 21).

Since the violence of administrative systems is so central to a comprehensive understanding of gender variance and the living conditions of gender-variant people, the impact of state governance has been scrutinised by scholars and activists. However, the function of *narratives* of the state have not been analysed as thoroughly. In the Swedish context, they range from notions of the benevolent state that pushes for legal reforms that benefit gender-variant citizens to notions of state violence and neglect. I argue that exploring the function of narratives of the state in discourses on trans rights can yield insights into the relation between state and civil society and the practicalities of governance.² A focus on

narratives of the state can provide material to explore notions of effective politics and social change among activists and scholars, and also among politicians and state representatives. One of the aims of this chapter is to examine whether the distinction, put forth by scholars working on US material, between trans activist work that is oriented towards the state and has a focus on legal reforms, and trans activist work that relies on an ardent critique of the state and argues for what scholars such as Spade have called 'transformative' strategies (Spade 2011)—strategies that break with institutional systems of oppression, arguing that they cannot be reformed—is applicable in the Swedish context. The empirical material for this chapter ranges from governmental reports and legislative material addressing the situation for gender-variant citizens to textual materials produced by Swedish trans organisations, individual activists, newspaper articles covering events and conflicts, and observations at local Pride events. The material reflects a range of positions; however, since I have focused on material that explicitly discusses the state's role, certain types of writing and thinking are not covered—namely, work that takes as its departure aspects of gender variant lives and experiences that are less influenced by interactions with the state.

In order to understand what is at stake in contemporary conversations on trans rights, I argue here, as I have before (Alm 2006, 2019), that it is of utter importance to understand the historicity of a particular context. The notion that gender-variant people suffer and that the state has a responsibility to attend to this suffering and marginalisation, has a well-established history in the Swedish context. It has been the dominant narrative in legislative discourses at least since the end of the 1960s, which is when the first governmental report that explicitly mentioned gender-variant people as a specific group in need of state intervention was published. The discourse of the suffering gender-variant person who is dependent on the aid of the state and its governmental agencies has been, and still is, also prevalent in the mainstream media. The dominance of this narrative is by no means unique to the contemporary Swedish context; it is and has been one of the hegemonic narratives of gender variance, internationally expressed in clinical work, mainstream media and popular culture alike (see for example Gill-Peterson 2018; Raun 2016; Haritaworn et al. 2014; Straube 2014; Serano 2013; Stryker 2008).

Activist mobilisation has also taken departure in the role of the state. Trans organisations have questioned the political investment in a self-glorifying self-image, and demands for legal reforms addressing the problematic implementations of the Gender Recognition Act (*Lag om fastställande av könstillhörighet i vissa fall* 1972: 119) have been on the agenda of LGBTQ organisations. Citizens have fought the state to be able to register their first name of choice (litigation won in 2003), to gain access to gender-affirming care without having to go through what used to be an obligatory sterilisation procedure (litigation won in 2013), and to be able to be registered as their children's parents under the correct juridical gender (litigation won in 2015).³

Swedish scholars have detailed the effects of state interventions in the everyday lives of gender-variant citizens with two distinct focuses: on the one hand scrutinising the discourses of pathologisation and medicalisation manifested in the evaluative system that determines whether or not people are eligible for gender-affirming health care, and on the other hand examining the subjectifying effects of state recognition through the introduction of a legal right, for gender-variant citizens, to have their gender identity juridically recognised and registered. Some scholars have studied how the state, through legislation and proscriptive instructions to physicians, has reinforced categorisations of gender variance that are intelligible to heteronormative and cisnormative systems of knowledge; categorisations that then become fundamental for state recognition and political subjectivity (Kroon 2007; Alm 2006; Edenheim 2005). Others have studied the lived experiences of being subjected to these state interventions (Linander 2018; Bremer 2011). I would argue that narratives of the state's role in the plight and marginalisation of gender-variant people echo in each of these studies, and hence this scholarly field has been instrumental in reinstating the relation to the state as a fundamental one.

An awareness of and an inquiry into the historical continuity of narratives of the state in discourses of trans rights, as they play out in the Swedish context, provide tools to understand and situate the tension between, on the one hand, liberal rights discourses of trans rights, that either demand assimilation or only allow for conditional recognition in which gender-variant people are understood as exceptions to the rule and in need of specific regulations (reduced to their uniqueness through

exotification, minoritisation and pathologisation) and, on the other hand, transformative politics asking for restorative justice.

8.2 Interpellating the State: The Dilemma of State Recognition

Two concrete examples of how Swedish activists have problematised state recognition can help highlight some of the themes of the chapter and the questions at stake. Both examples are from scenes of EuroPride—the first from EuroPride in Oslo, Norway, 2014, and the second from EuroPride in Stockholm and Göteborg, Sweden, 2018. For decades, Pride events have been the site of advocacy for social justice for sexual and gender-variant people, but they have also been the site of sharp critiques of activist organising and prioritising (see for example Puar 2007). Dean Spade (2011) identified queer activists, in particular trans activists of colour, as the driving forces of these critiques, arguing that they addressed the limits of state recognition and the perils of the commercialisation and pinkwashing of activist work, since they are the ones who are most affected by the demand for state assimilation.

EuroPride in Oslo 2014 brought some hard conversations about state recognition. The inauguration speech for Pride House was held by the newly appointed Norwegian Minister for Children, Equality and Social Inclusion, Solveig Horne, of the populist right-wing libertarian party Framskrittspartiet (The Progress Party). Some activists reacted strongly to the choice of inauguration speaker given Horne's previous statements about the LGBTQ community. Old news clips were circulated, in which Horne had talked in a pejorative, demeaning manner about LGBTQ people in general and trans people in particular. Some organisations decided to boycott EuroPride, claiming that it pinkwashed the racist, nationalist, conservative outlook on sex, gender and sexuality associated with Framskrittspartiet. Others problematised the pinkwashing within the frames of the programme for EuroPride. A statement of boycott written by a Swedish trans and intersex activist is an example of both the former and the latter strategy. The statement was read to the EuroPride

public by a representative of the organisation of which the boycotting activist was a member. It asked, rhetorically, what happens to a movement that describes itself as critical of disciplining norms around sex, gender and sexuality if it strives simultaneously for acceptance by the norm, manifested in the strategy of inviting representatives of the ruling government:

Some bodies will never be accepted in Solveig Horne's world. Some bodies will never live safe in a society with Framskrittspartiet or Sverigedemokrater [Swedish Democrats, a Swedish nationalist party that is represented in the Swedish parliament], no matter how many Pride Parades they march in. Pride ought to try to include all LGBTQI people instead of prioritising hetero cis politicians [translation by author]. (private communication)

In the intense media debates that followed, the organisers of the Pride House programme stated that they had simply followed the tradition of inviting the Minister of Equality to be the inauguration speaker. A press release prior to the inauguration described the presence of Horne as symbolically important (Oslo Pride 2014). This argument was turned on its head by critical scholars arguing that the invitation provided an opportunity for Horne's populist party to appropriate key values such as 'diversity' and 'freedom', resignifying them in a process of pinkwashing: 'Without concrete political demands or conditions, Horne's inauguration of EuroPride appears like the symbolic end to the political struggle for LGBT people's rights and living conditions [translation by author]' (Svendsen et al. 2014).

The letter of boycott highlighted the role of state recognition in activist organising and community building, and how the presence of state representatives, in an effort to obtain symbolic inclusion, puts constraints not only on what can be said and done under the flag of EuroPride but also on who feels welcome and safe during the event. As such, the letter offered tentative and contextual answers to the question of how conditional state recognition plays a part in who gets included and excluded from community gatherings, questions identified by scholars and activists as productive for theoretical explorations of how politics is being done and as performative for how community building is practiced

(Spade 2011; Butler 2004, 2009, 2015). At the core of the letter was a call to the LGBTQI community to discuss the question of how the search for conditional state recognition influences the ways the community imagines the future; that is, if one lets one's understandings of oneself be formulated in the discourse of normalisation and tolerance, what does it do to one's sense of self and of community?

The second example, from EuroPride in Stockholm 2018, actualises some of the same types of questions, but it also engages the commercialisation and professionalisation of social justice work, and how the state, through state funding, functions as an interlocutor in social justice work. During EuroPride in Stockholm, an application for permission to participate with an organisational booth, sent by the relatively small and newly founded political party Medborgerlig Samling (Civic assembly), was denied. The board of Stockholm Pride justified its decision with two arguments: that Medborgerlig Samling's political programme was devoid of an explicit LGBTQ politics; and that party representatives had expressed a distinct lack of understanding and respect for the gender-variant community. The decision drew reactions from conservative voices who claimed to be concerned about an encroachment on the freedom of expression in civil society in general, and in conversations about LGBTQ rights in particular. An opinion piece in one of the country's largest magazines publishing on so-called pink issues argued that it was remarkable that a political party with a liberal conservative position was excluded given that Stockholm Pride had previously housed organisations that the author categorised as left extremist (Kolsjö 2018). One of the arguments advanced in the media debate that ensued was that work done within the sphere of civil society ought not be politicised. A member of parliament—part of the nationalist party Sverigedemokraterna—asked the Minister of Culture if governmental funding to Stockholm Pride ought not be stopped, arguing that governmental funding should only go to projects that 'contribute to openness, tolerance and freedom of expression [translation by author]' (Wiechel 2018).

The example of Medborgerlig Samling, and the argumentation put forth by those who defended their right to participate as an organisation at EuroPride, raises questions about state involvement in social justice work done within the realm of civil society. The Minister of Culture

stated in her response that an independent, strong and multifaceted civil society is a central aspect of a vital democracy, and that the government ensures that all organisations that are funded by governmental money also uphold foundational values and human rights (Bah Kuhnke 2018). Studies of the so-called NGO-ification of civil society have shown that organisational funding, particularly when supplied by the state, creates distinct constraints on social justice work (see, for example, Bernal and Grewal 2014). When state funded, social justice work done in the regime of civil society is, in a very practical, concrete way, conditioned by the logics of state recognition. The reactions from conservative actors, arguing that the right to freedom of expression is compromised by a politicisation of civil society, draws attention to the fact that social justice work is always at risk of being delegitimised as identity politics, as too radical, as overtly political, as disturbing the social equilibrium and so on. But it also shows that there are radically different ideas about the nature of public events like Pride. The parliamentarian who demanded that all governmental funding to Stockholm Pride be pulled seemed to rely on an understanding of Pride as being a public event that ought to have no other restrictions than those that compromise fundamental civic rights (i.e. expressions that can be understood as hate crimes). Pride is depicted as a platform that ought not be exclusive for queer individuals and NGOs, but rather it ought to function as a platform for governmental agencies, political parties and commercial companies to showcase their organisations. The board of Stockholm Pride, however, was adamant that organisations that want to be present at Pride need to have a substantial and explicit agenda when it comes to LGBTQ rights, and that they demanded a higher grade of involvement in the work for social change from political parties (Board of Stockholm Pride 2018). The statement in which they argued for their decision begins with a note on the fact that several political parties are members of the association that organises Stockholm Pride, and that this broad political diversity is a strength, but that it cannot be considered to constitute a right to participate in Stockholm Pride. The board then proceeded to state that they would welcome *Medborgerlig Samling* as a dialogue partner should they be willing to engage with 'LGBTQ issues, and not only L and G issues [translation by author]', and

that all members of the party were welcome as civilians (Board of Stockholm Pride 2018).

Given that Stockholm Pride depends in part on state funding, the tension between these radically different understandings of the conditions for social justice work becomes acute in a political climate where social justice work related to gender equality, sexual rights and reproductive justice per definition comes under attack from conservative forces. As such, Pride and other state-funded civil society organisations targeting LGBTQ issues can be understood as formulated in alliance with the state, and part of their function is to reflect the state as tolerant and open minded. As I will show in the section on ‘Fighting State Repression’, Swedish activists have problematised this relation between civil society and the presumed benevolent state, and in order to understand the contextual conditions for that critique, it is necessary to scrutinise how the state talks about its own role in work for trans rights.

8.3 The State on Gender Variance: In the Gutters of the Welfare State

In 1972 the Swedish Gender Recognition Act was enacted. The *Statens offentliga utredningar* (SOU) (State Public Report), which proposed the legislation and detailed its medico-juridical framing, was published in 1968. One of the main conclusions of the SOU was that the state has a particular type of responsibility for its citizens in these cases, on account of their vulnerability (Government of Sweden 1968). The 1968 SOU stated that gender-variant people are marginalised not only because of the discrepancy between their gender identity and gender expression and official papers like passports, driver’s licences, tax rolls and so on, but also due to the lack of understanding from society at large, and state representatives such as physicians in particular, show them:

The obstructed social adaptation is reinforced by an unsympathetic attitude from the general public and physicians. Suspiciousness towards physicians and society sometimes comes into play, which adds to the feeling of loneliness and isolation. It is important to understand the development of

the latter symptoms as, in most cases, a valid reaction to the main problem [i.e. the lack of understanding] and not the other way around [translation by author]. (Government of Sweden 1968: 27)

The physicians who served on the commission that authored the report were aware of the stigmatisation of gender-variant people. Referring to clinical encounters with people who had sought their help, these physicians, themselves representatives of the state, insisted that the state needed to respond to these cries for help by adapting juridical procedures and legislation according to the needs of gender-variant citizens (Government of Sweden 1968). As practitioners partaking in the legislative process, these physicians relied on their professional experience to inform political decisions; their proposed legislation can be understood as a way to formalise already established procedures of alleviating bureaucratic problems and ensuring access to proper health care, turning what was an established medical practice into a formal civil right.

An important point of departure for the legislation was that the societal pressure gender-variant people live under was not only reflected in the administrative systems of the state but emanated from them: 'There is a strong pressure from parents and family but also from society, in particular from the parish registration, to quickly designate a child as a boy or a girl [translation by author]' (Government of Sweden 1968: 24). However, this awareness was no safeguard against a legislation that demanded assimilation and conformation to what was understood as the norm. The commissioners argued that an individual's sexed and gendered being is not only of importance to the individual but 'to other individuals and to society [translation by author]' (Government of Sweden 1968: 39), and that while the state has an obligation to help citizens in need, a reform ought not be pushed so far that 'the result is in too sharp a contrast to foundational values among the general public [translation by author]' (Government of Sweden 1968: 40). This insistence on the importance of sex and gender as categories for identification—in some instances described as the core of individuality and of personhood—frames sex and gender as a discernible property of the individual and simultaneously as the site where the individual is articulated as a property of the state—that is, as a citizen and a political subject to be governed.

Following suit in an administrative tradition of biopolitics (the management of life through governance), the SOU of 1968 was explicit about the conflict at hand: To function, the existing administrative systems in Sweden are reliant on binary sex and gender categorisations of citizens, so the state's responsibility to alleviate the pain caused by its administrative systems needs to be balanced against its desire to uphold those very same systems and, by extension, the order of society as we know it. Administrative systems distribute life chances across the population, creating a particular type of vulnerability in gender-variant people. The vulnerability that is ascribed to and experienced by gender-variant people is the very same vulnerability that is used as an argument, by the state, in the favour of specific legislative actions and legal reforms targeting gender-variant people (Spade 2011: 21).

In tracing the historical continuity of the state's way of describing its own role in matters of governing gender variance, it is important to note that the commissioners of the 1968 report were open to changes in social attitudes in general, and to changes in scientific knowledge production in particular. They proposed that new developments in the fields of sociology and medicine that put more emphasis on so-called 'psychosexual elements [translation by author]' ought to be reflected in the legislation (Government of Sweden 1968: 35). Hence, I argue that is not the contextually conditioned expression of the sex and gender binary that the experts were defending but rather the binary itself. This distinction is significant, it provides a background for the contemporary discussions about whether the Swedish state is as tolerant towards its gender-variant citizens as it claims, and also for the question of whether it really is the *lack of knowledge* among politicians and state representatives that is holding up the development of trans rights. In 1968, the commissioners who authored the SOU described their proposition as a liberalisation of the issues at hand, a shift towards self-determination as a liberal right, but they did not question the notion that sex and gender is the site where the individual is subjectivated as a citizen (Alm 2006; Edenheim 2005). A concrete example might serve the analysis: When the 1968 SOU was sent out for review, the tension between those who claimed that an individual's gender identity—and by extension their juridical gender marker—was the core of the sex and gender binarity and those who insisted on

preserving biological characteristics as objective markers became obvious. Medical and juridical experts voiced critiques, arguing that an objective determination that has juridical effects ought not be based on an individual's subjective opinion. Here is the wording of the professional organisation for forensic psychiatrists:

That a psychopathological syndrome, concerning the core of the personality, the gender identity, in several parts of the report is the sole, and decisive, criteria for the 'real sex' instead of the somatic and juridically registered gender, must—despite a humanist approach, compassion and the will to help—instil serious qualm [translation by author]. (Konseljakt: Justitiedepartementet, 3 December 1971)

These objections to the proposition that a person's gender identity ought to be the basis of the juridical gender marker did not compromise the overall aim of the legislative proposition—to uphold sex and gender difference—since there was, and I would argue still is, a shared investment in sex and gender binarity itself.

So what I previously identified as at the postulate of the state's way of describing its own role (i.e. the state has a unique responsibility to alleviate the pain of its gender-variant citizens) needs to be reformulated: The state has a specific responsibility to alleviate the pain caused by its administrative systems without jeopardising the cultural significance given to sex and gender difference. This expression of biopolitical logic, with a combination of paternalistic and disciplining techniques, was evident in the implementation of the legislation. Two distinct tropes can be distinguished in the state's way of talking about its own responsibility, from the report of 1968 and onwards. Both tropes rest on the notion that gender-variant people are pretending to be something that they are not: real women and men. The quote from the Swedish forensic psychiatrists is an example of how this notion delegitimised gender-variant people's lived experience and positioned so-called objective experts (i.e. psychiatrists) as the only ones able to make decisions on gender-affirmative care on behalf of the state. A 1978 review of the legislation described a problem that had been identified by practitioners: There were applicants who had gone through certain gender-affirming medical procedures but who did not

fulfil the criteria of having stable, manifest gender identities (Socialstyrelsen 1978). Consequently, psychiatrists who were meant to diagnose care seekers could be misled by the bodily transformations and the gender expressions of said care seekers (Government of Sweden 1968: 44). The notion that gender-variant people might be out to intentionally deceive state officials, the general public, friends and family—the trope of the evil deceiver—was coupled with the notion that they are deceiving themselves and that gender-variant people cannot be held accountable for their decisions—the trope of the make-believer.⁴ Trans scholars such as Sandy Stone (1991) and Susan Stryker (1994) have pointed out that gender-variant people are constructed as unintelligible subjects, both within medicine and in mainstream culture. The type of argumentation provided by the Swedish forensic psychiatrists falls into this category of epistemic violence (Spivak 1988) and has been documented in many national contexts (for the Swedish context, see Linander 2018; Bremer 2011; Alm 2006; Edenheim 2005).

The Gender Recognition Act relies on the presumption that the state is obligated to protect its citizens from making hasty decisions, and the paternalistic tone that informed the 1968 report is traceable in the most recent legislative texts. Recent years have seen the rise of a rhetoric, put forth by politicians, governmental agencies and physicians alike, of the need to reform the legislation; ‘modernise’ is the word most often used. A government report from 2014 aimed to put self-definition and self-determination at the center of legislation (Government of Sweden 2014). However, when the commissioners discussed access to a particular form of health care—genital surgery—they echoed previous legislators’ insistence on expert knowledge and the state’s obligation to protect its citizens (Alm 2019). This was also the rhetoric of the separate legislative proposal from the spring of 2018 that dealt with genital surgery (Government of Sweden 2018). Here the commissioners concluded that any regulations of medical care ought to rely on a profound trust in the profession’s ability to do what is best for the patient; too much regulation would circumscribe the agency of clinicians (Government of Sweden 2018). In short: Trust is placed in clinical evidence and scientific knowledge production, not in the lived experience of the care seekers, which is a textbook example of state governance (Alm 2019; Linander 2018; Garland 2016).

8.4 Negligence as State Violence

As I have shown, the state describes the vulnerability and pain that administrative systems inflict on gender-variant citizens and acknowledges its responsibility to alleviate that pain, yet it reiterates a paternalistic approach to trans rights. The fact that there is discursive room for the state to reflect on its role does not mean that it is responsive to the pain induced in the practice of governance. This discrepancy is something Swedish activists describe and negotiate.

One of the expressions of state violence described by activists is state negligence. Their descriptions often point towards the lack of sustainable work against the cisnormative structures permeating public institutions like the school system and the health care system, and governmental agencies like the Swedish Migration Board, the National Insurance Office, the National Employment Office and the National Tax Office. The discourse on negligence as state violence is prevalent in both the written material and in the material gathered in observations. Activists identify state negligence as one of the techniques used to govern trans rights and lives and as an effect of biopolitics; as such, it has commonalities with the theoretical conceptualisations of necropolitics and the politics of abandonment (Povinelli 2011; Mbembe 2003) in the sense that it insists that death and suffering are inherent in biopolitics itself.

For instance, a bleak picture of gender-affirming health care is painted in Transförsvaret's (2016) detailed description of how waiting times, lack of information and degrading psychiatric evaluations force people to self-medicate with unauthorised medicines at high prices, without medical supervision. Descriptions of state violence in the form of negligence can also be found in discussions about Swedish migration politics and the implementation of new guidelines for assessing asylum seekers who claim sexual and gender variance as grounds for their right to asylum. Two panel sessions at EuroPride in Göteborg addressed this issue. In some cases, the negligence of the state was described as an effect of the rigidity of administrative systems; in others, as an effect of the lack of knowledge. An example of the latter is when the Swedish Migration Board organised so-called safe houses for sexual- and gender-variant asylum seekers; the

panellist who used the example concluded that the strategy of gathering non-conforming people in one place not only risks isolating them but also makes the safe houses potential targets for homophobic and transphobic attacks. So what in policy documents and guidelines might be described as a proactive strategy from a benevolent state is experienced by the beneficiaries as negligence and lack of knowledge. As one of the panellists said: 'The system doesn't consider our vulnerability'.

It also becomes obvious that what at first sight might look like a biopolitics of negligence can be described as an enactment of other power technologies, like surveillance. An example used by one of the EuroPride panellists was that border police have instructions to register the original documentations of identity (if available), meaning that an asylum application is registered with reference to the current juridical gender, despite the incongruency between juridical gender and gender identity. During the evaluation process, state representatives—migration officers and interpreters—often use pronouns associated with the juridical gender, hence misgendering asylum seekers throughout the process. Reactions to such misgendering are monitored: if you don't react at all, you risk losing credibility, but if you react too strongly, it might be held against you in the process to come. The violence of migration and asylum politics has been documented by scholars studying how notions of sexual and gender variance are constructed in tandem with processes of racialisation and neocolonial notions of the Global North and West as the sites from which LGBTQ rights, secularisation and liberal tolerance are exported and spread (see for example Shakhshari [2013](#)).

8.5 Holding the State Accountable

The understanding of the state as all-encompassing and negligent, so prevalent among activists, manifests in specific strategies of negotiating one's relation to the state. One of the strategies is to hold the state accountable for the harm and pain it has caused. The discussions about Swedish migration politics described above is an excellent example of this. The panellists insisted on holding the state accountable by pointing out that progressive policies might have discriminatory effects; although

the revisions of the guidelines have had the effect that questions based on blatant prejudice have been replaced, the suggested lines of questioning demand a cultural sensitivity and deep knowledge about LGBTQ life conditions, not only on behalf of the bureaucrats but also on behalf of the asylum seekers and their juridical assistants. One of the juridical assistants on the panel described how the asylum seekers are asked to be reflexive and expressive not only about their experiences of threats and discrimination, but also about their feelings.

In these conversations, the discrepancy between legislative formulations and the practice that manifests in the interpretation of said formulations is exposed. The legislative regulations declare that discrimination on the basis of gender and sexuality ought to secure the right to asylum, but the guidelines for credibility evaluations were formulated by the Swedish Migration Board, by bureaucrats, not by jurists. It is the implementation of the guidelines—the practice—that sets the precedents. This is the sphere of governance, of the distribution of life chances. I argue that the tension that the activists identify between the Swedish state's rhetoric on human rights as fundamental for its asylum politics, and the violent, discriminating effects of the processes of governance condoned by the very same state, are the basis on which some activists have formulated their calls for state accountability. One of the panellists urged Swedish civil society to hold the state accountable in a very concrete way, by asking questions about what the intention was when the state appointed the Swedish Migration Board as a so-called LGBTQ strategic governmental agency. With such a confrontational approach, activists can hold individual state representatives responsible for the state violence directly inflicted on people by administrative systems and Swedish bureaucracy.

These descriptions of state violence can be read as a critique of the liberal welfare state's focus on legislation, rights and policies, and its lack of engagement with questions of redistribution and actual living conditions. The focus on state violence, and the insistence that the state needs to assume responsibility for it, is a problematisation of the trust in legal reform and individual rights as a method to abolish injustice, echoing the analysis that Spade has described in the US context, where trans activists, following critical race studies scholars and activists, have pointed out that

‘legal declarations of “equality” are often tools for maintaining stratifying social and economic arrangements’ (Spade 2011: 14). I would argue that the strategy of holding the state accountable can be understood as a way to repoliticise the state in a time when neoliberal processes of globalised economy, the expansion of multinational companies and the commercialisation of civil society often are claimed to weaken the sovereignty of the national state (Bernal and Grewal 2014; Lang 1997). When activists hold the state accountable, they insist that social inequality is a state affair by stating that governance is political.

The same type of insistence on the political character of state violence and governance was found in another conversation held at EuroPride in Göteborg, which dealt with Swedish policy and legislative work on politics governing queer families. The panel participants, an EU parliamentarian and a jurist, described how the Swedish state approach legislation as a means to reflect and uphold social norms but also as a means to challenge them. On the matter of family politics, the panellists were in agreement that legislation at best has tried to conform to changing social realities—to new family constellations and new practices in reproductive rights—and that the state has not used its potential to influence norms. The jurist described the state interest in transformative politics as lukewarm and insisted that what is needed is an engagement with ‘the third step in norm-critical work [translation by author]’, that of turning the focus from the so-called deviant to analysing and questioning the norm. The example that was used to illustrate this point was the right to have one’s gender identity recognised by the state through the amendment of the juridical gender marker, and the jurist argued that a truly transformative approach would be to get rid of juridical gender markers altogether. It seems as if the analysis done by the jurist was that the legislatively protected right to amend one’s juridical gender—a legal reform that has had a positive impact on the life conditions for gender-variant people—upholds gender binarity as a binary, and gender as the site of engagement between citizens and the state.

As suggested above, the strategy of holding the state accountable can be understood as reinstating it as an actor in political, transformative work. In this last example, a very concrete interpellation of the state is performed, with an explicit methodological suggestion in mind, namely

the invocation of norm-critical work as the basis of political work, and an insistence that this is a task that the state has a responsibility to take up. Perhaps this insistence can be understood as a reaction to what Spade has described as the effect of neoliberalism on social justice work and activism, where the focus has been on developing supplementary legislation that targets gender-variant people's specific needs—what can be understood as amending legislation—rather than on transformative strategies that uproot the foundation of discriminatory structures (Spade 2011). The argument is that liberal legal reforms uphold discriminatory structures through amending, and covering up, the violent effects they have, and that what is needed, if one aims at social justice, is a transformative approach. Spade's analysis leaves little or no room for the state as an actor in this turn towards transformative politics: 'Meaningful transformation will not occur through pronouncements of equality from various government institutions. Transformative change can only arise through mass mobilization led by populations most directly impacted by the harmful systems that distribute vulnerability and security' (Spade 2011: 28). Swedish activists, however, insist on the role of the state in transformative work.

8.6 Fighting State Repression

I have argued that Swedish activists are using different strategies to politicise the relation between citizen and state. Through insisting on holding the state accountable, they are insisting on a continuous conversation with the state as an interlocutor. However, there is also a streak of critique that problematises this orientation towards the state. In their manifesto, *Transförsvaret* formulated it as a need to turn away from what they called lobbying and "gentle" activism: 'Gentle activism only works when the people in charge care, which they currently don't. What is needed is to make them care; Rights [sic] don't come just because you ask nicely' (*Transförsvaret* 2016: n.p.). Here, *Transförsvaret* identified establishing affective relations—or at least affective responses—as a productive strategy in social justice work. Conversations on their social media accounts focused on democratic values and civil responsibilities, urging citizens to

mobilise around their critique and urging politicians to acknowledge their duty to engage with concerned citizens. This line of reasoning echoes arguments made by activists in the US context, working within the prison industrial complex, who make the case that in order for change to come, social justice activists need to engage with incarcerated trans people not only as professionals and civil servants; they must also form personal relations (Spade 2011). Personal relations will demand an affective engagement with the issues at hand, and hence also ensure a more connected, rooted analysis of lived experiences of state neglect and violence. Philosopher Ellen Feder (2014) has made a similar case for the importance of affective engagement when discussing how to sensitise physicians to the rights and needs of young intersex children, and how to have them engage in a change in medical standards of care that is responsive to children's rights to bodily integrity and autonomy.

The conversations on Transförsvaret's social media accounts contained explicit descriptions of state violence and of state repression. They identified the police as complicit in state repression, through physical coerciveness, and asked for people to be present in solidarity, as witnesses: 'We have work ahead of us, but we must not let the police walls and the politicians' silence dampen our morale. It is up to all of us to take the space we need, to keep our hopes up for a better future. Do what you can to come to the demonstrations; the more there are of us, the more opportunities we have and the further our common voice can sound [translation by author]' (Transförsvaret, Facebook, 24 January 2017). In other words, the strategy of seeking social change through engagement with politicians and bureaucrats is not a strategy that per definition is *less* critical of the state; perhaps it is rather the opposite. What Transförsvaret described as 'gentle activism' can be interpreted as the lobbying of NGOs that relies on having professional relations with state representatives, and it is in contrast to a call for civil disobedience as a strategy for social change.

Activism often takes a back seat to parties and celebrations. This in stark contrast to 1979 when Social Services were occupied by activists, demanding to remove the classification of homosexuality as an illness. Action and following change was [sic] quick. But why, you may ask, did we stop using a tool that worked? (Transförsvaret 2016: n.p.)

Transförsvaret organised an occupation of the Swedish National Board of Health and Welfare in November 2016 and also attempted to occupy the Social Department in 2017. During these acts of civil disobedience, or direct action, Transförsvaret interpellated the sitting government to secure trans rights by means of not letting up on the political work. They made the case that politicians in government had the knowledge needed; what they lacked was the engagement and political will. In order for momentum towards change to come about, civil disobedience was necessary (Transförsvaret, Facebook, 9 January, 2017). While Transförsvaret continuously interpellate the state as a vital actor, others reject the idea that true liberation can come out of an engagement with the state as we know it, with its monopoly on the legitimate use of violence and its investment in violent processes of upholding a nation-state with preconditions for citizenship and immigration status. An example of this is Reclaim Pride, described by the organisers as a flat organisation following principles of self-organisation, formed in 2018 as an alternative to EuroPride in Göteborg. The intent was to provide an alternative platform for the community, a platform without the presence of ‘governmental agencies, companies and political parties [translation by author]’ (Reclaim Pride 2018). Reclaim Pride was more than a reactive response to the pinkwashing and commercialisation of Pride events; it was a performative gesture of self-proclamation: ‘instead of protesting against the existing europride and hence let them become the subject, we create our own pride and accomplish our goal the very moment we go through with it [the event] [translation by author]’ (Reclaim Pride 2018). The statement of intent explicitly called out state violence in its different forms, and can be read as a call to arms for justice and transformative politics; it was a vision of a different type of future, a site for community building.

There are so many reasons why we are needed; one of the reasons being that the presence of police in commercial Pride festivals is scaring off LGBTQ asylum seekers without papers, due to the risk of ID controls; or trans people, since police on duty are the perpetrators in 25% of the cases of physical violence against trans people. But actually, it doesn't really matter why we are needed, because as long as there are queers that think that commercial pride festivals are not for them, for whatever reason—queers who

would rather visit a festival without police presence, capitalism and hypocritical politicians—we are needed [translation by author]. (Reclaim Pride 2018: n.p.)

One of the key components in the organising of Reclaim Pride was the turn away from the symbolic recognition of state participation. However, since Reclaim Pride was housed on city-owned premises, the goal of keeping both state and capital at arm's length was compromised when Göteborg city exercised its governing power and critiqued two of the events on the programme. The event that drew the sharpest critique was a screening and panel discussion of *Burka Songs 2*, a film that scrutinises discourses around the veil by focusing on the voices of veiled activists. The city argued that one of the panel members did not comply with the core values of the city, specifying that they felt the safeguard against extremist religious expressions was compromised (the decision was announced through email, but the chair of the municipal assembly defended it and described the logic behind it on her personal website: Hermansson 2018). The city also opposed another programme event, a workshop on anti-repression arranged by a local anarchist group, claiming that it was in conflict with democratic values. The organisers behind Reclaim Pride condemned the repressive tactics of Göteborg city in a press release, stating that the screening and panel discussion would be held as planned. In the winter of 2019, Reclaim Pride filed a complaint with the Parliamentary Ombudsmen, in which they argued that Göteborg city had acted in violation of the Administrative Procedure Act and that the decision to critique Reclaim Pride, and the process behind it, was in violation of the Instrument of Government in the Swedish Constitution (Reclaim Pride 2019). The Parliamentary Ombudsmen ordered the city of Göteborg to submit an explanatory report on the processes leading up to the decision.

The conflict between Göteborg city and Reclaim Pride testifies to the complexity of state recognition and state involvement in social justice work; in the Swedish context, large parts of the work done by civil society is dependent on state funding and is housed on premises owned by cities or municipalities. Compared to the conditions for activist organising in the USA, described by Spade as oriented by the influx of private money

and sponsorship (Spade 2011), trans organising in the Swedish context *is* state-oriented, despite the strong streak of state critique. Even in the case of Reclaim Pride, which was an attempt to turn away from the state as the main interlocutor, activists had to negotiate a complex understanding of the role of the state in their organising for social justice and change. Of the examples used in this study, the way Reclaim Pride envisioned the state, and its role in the struggle for trans rights, is the one that is the most expressive when it comes to calls for transformative strategies. However, I argue that while the hypothesis that radical social justice work cannot be done through reformatory strategies, only through transformative approaches that break with institutionalised systems of oppression—a notion prevalent in international queer and trans theorisation of organising and often brought up in Swedish discussions—has its points; it is problematic when it is used as a universal model for understanding the conditions of activist organising. It is a hypothesis developed from a particular empirical framework—the US one—and this empirical framework is imperative for the normative formulations themselves. Situated, context-sensitive empirical analyses and studies are needed to develop, and expand on this theoretical hypothesis.

8.7 Concluding Remarks

I have argued that it is crucial to investigate discourses about the Swedish state's role in the work for trans rights through an exploration of, for example, governmental reports. I have shown how legislative texts since 1968 have acknowledged that administrative systems are violent, in the sense that they induce pain and suffering in gender-variant people, while insisting that this is a necessity and that higher ends justify the means. Such higher ends have been identified as the state's interest in upholding social order and bureaucratic stability, protecting the nation's border and protecting citizens from hasty decisions that they might regret.

Because the state is explicit about its role in the suffering of gender-variant people and its responsibility to alleviate that suffering, Swedish activists have to actively negotiate its hypocrisy, and one way they do that is through the interpellation of the state. I have argued that one can

understand this interpellation as a strategy to stabilise the state by holding it accountable, as a way of putting state sovereignty back into the equation when questions about state agency and governance are discussed in these times of neoliberalism. Through interpellating the state, not only as a bureaucratic machine but also as a potentially ethically accountable or at least responding interlocutor, activists are making state violence visible and acknowledgeable. Swedish activists are indeed looking to 'transform current logics of state, civil society security, and social equality' (Spade 2011: 19), but a majority of them do so through engagement with the state, through an insistence on the state's responsibility and accountability.

In an article entitled *Statlig nåd* (Stately grace), activist and cultural worker Maja Karlsson sketches a grim picture of a society that has dehumanised generations of gender-variant people who did not meet the criteria for state recognition, people 'who kept their uterus to carry children, or were not deemed eligible for surgery, or chose to not pursue surgery, or never received a diagnosis since they were non-binary or had other gender expressions that didn't appeal to the evaluators' fancy [translation by author]' (Karlsson 2018: n.p.). The very same society now passes itself off as inclusive and tolerant, '[A] society that only on paper has cut down its transphobic violence, with new laws and rainbow flags covering up the cuts [translation by author]' (Karlsson 2018: n.p.). The Swedish state of today assumes neither moral nor juridical responsibility for the harms experienced under the administrative systems and medical practices of yesterday, Karlsson states, so the new generation of gender-variant people will get no apology. No 'pity money' in the form of compensations will be available for them as it has been for previous generations that were forced to go through sterilisation to be recognised by the state (Karlsson 2018: n.p.). Karlsson's poetic description of state violence points towards the need for a political approach that goes beyond liberal rights rhetoric and symbolic politics of inclusion, a reparational approach of true engagement with the culpability of the state. I would argue that the promise of such an approach is not to put state violence to rest as history but rather to facilitate an understanding of gender variance and the history of gender-variant rights as categories that are not foreclosed but open for resignification and repoliticisation in contemporary times.

Notes

1. A note on terminology: I will use the terms ‘gender-variant’ and ‘gender variance’ when referring to practices and subjectivities that do not fit the gender binary; these are descriptive terms. The term ‘trans’ is used when referring to discourses that use the terms ‘transgender’ and ‘trans’ to connote specific experiences, expressions, subjectivities and activism. For example, I use the terminology of trans rights instead of gender-variant rights specifically because discussions about human and civil rights are focused on a particular type of gender variance, namely the experiences, expressions, subjectivities and activism that are oriented towards the term trans or transgender.
2. While this is a study of the functions of narratives about the state and hence not an examination of the state per se, a note on my frames of reference on the issue might still be informative. I am departing from an understanding of the state that focuses on governmentality and governance, inspired by Foucault’s understanding of the state as ‘no more than a composite reality and a mythicized abstraction’ (Foucault 1991: 103).
3. Parental registrations are gender specific, following the juridical gender of the individual, but prior to the litigation, the praxis was to *not* change registrations of motherhood or fatherhood after someone had their juridical gender marker amended, which meant that a man could be registered as the mother of his child and a woman as the father of hers.
4. Both tropes, as they play out in the contemporary US context, are described by trans scholar Talia Bettcher in her canonical article ‘Evil Deceivers and Make-Believers’ from 2007.

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