

## Exploring the (Cis)Gender Imaginary in the Nordic Region

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The Nordic region has, for decades, been regarded as a global frontrunner in the movement toward gender equality. With a long history of state-legislated women's empowerment, as well as a reputation for being markedly 'gay-friendly', it is easy to understand why the Nordic countries tend to be seen as culturally progressive. However, it must be asked whether this exceptionalism carries over to gender diversity, such as trans rights. It would seem self-evident, but in this article, I will argue that the progressiveness we have witnessed with women's and gay/lesbian rights does not necessarily extend to trans rights. Using the concept of the (cis) gender imaginary, I will offer some ideas as to why.

### Keywords

gender, diversity, transgender, Nordic region, cisnormativity

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The Nordic region has long been regarded as a global frontrunner in gender egalitarianism, having implemented policies to promote women's participation in the public sphere long before much of the world. This region has also developed a reputation for being gay-friendly, with relatively

high societal tolerance and extensive legal recognition of gay and lesbian people. Overall, the Nordic countries have established a reputation for exceptionalism when it comes to gender and sexuality, demonstrated again and again in various international reports on equality, develop-

ment and happiness.

However, the region does not appear to maintain the same trend of progressiveness with respect to transgender rights (Nord, Bremer, & Alm, 2016; Van der Ros, 2018; Repo, 2019). Until very recently, states across the Nordics enforced sterilization for legal gender recognition; Finland still requires it. Legislation assuring protection from discrimination similarly took a long time to be enacted. Both abovementioned legislative changes were initiated through the intervention of international human rights organizations. In addition, the Nordic states still do not legally recognise third gender identification, with the recent exception of Iceland that passed a law recognising the third gender in 2019. Besides legislation, gender-confirming medical treatments are highly regulated by the governments of individual countries and are difficult to access (Sørli, 2018; Repo, 2019). Social attitudes are generally tolerant in comparison to most of the global West and are even accepting of trans-identified people. However, a strong attachment to gender norms remains, and trans people continue to face processes of societal invisibilisation and invalidation (Johansen, 2019; Nord, Bremer & Alm, 2016; Van der Ros, 2013).

It becomes clear in this context that the renowned liberalism of the Nordic states does not necessarily extend to trans people. Rather than fostering the gender diversity inherent to the trans community, recognition is prioritised for trans people who are binary-identifying and who “pass” as

one normative gender or the other (Van der Ros, 2017; Repo, 2019). In other words, only those trans people who do not disrupt the dichotomous system of gender norms are deemed worthy of state protection and social recognition.

In this article, I consider how normative gender values may be sustained in the Nordic social framework. The sections that follow describe how some trans embodiments, identities, and performances are excluded from materialising. They also look into why the image of Nordic progressiveness and exceptionalism is not undermined by this pattern of exclusion. Referencing existing research conducted by other scholars in the Nordic region, I offer some rationales about why the region appears so progressive in terms of gender equality even as it maintains trans-exclusionary practices. By doing so, I hope to shed light on why trans socio-legal integration has not followed the trend of women’s and gay and lesbian advancement. I also would like to provoke further discussion on whether equality for all trans people is possible in the Nordic region’s current climate, and, if not, what may need to change.

To begin with, I provide an overview of the (cis)gender imaginary, as well as the Nordic Model in terms of gender and sexuality. Following, I present a hypothesis as to why trans rights are not well developed by exploring three qualities unique to the Nordic region which underpin the gender normativity. These include “imagined sameness”, repro-normativity, and the narrative of social progress. By discuss-

ing the Nordic region's characteristics and history in respect to gender equality, I aim to contribute to the discussion as to why trans people have not been able to enjoy the degree of exceptionalism the region is famous for.

### **Introduction: Setting the stage**

#### The (cis)gender imaginary

In this article, I explore the boundaries of gender diversity in the Nordic region using the concept of the (cis)gender imaginary. Cisgender refers to the socially-deemed default gender identity, whereby one identifies and behaves in accordance with the gender norms associated with the sex assigned to them at birth (Linander et al., 2019). This term was introduced in the early 2000s by feminist and trans activists who wanted to decentre gender normative people by creating a complementary term to “transgender” (Koyama, 2002). I use parentheses around “cis” in order to reiterate the point that gender and cisgender are operatively conflated in current socio-cultural practices, as one is generally assumed cisgender until proven otherwise (Nord, Bremer, & Alm, 2016).

Understanding cisnormativity as a system of sociocultural ideals and practices which promote the validity of cisgender identification and visibility of cisgender bodies (Nord, Bremer, & Alm, 2016), the (cis)gender imaginary describes the space in which cisnormativity is sustained and recycled (hartline, 2020, 130). It is a normalising and hegemonic mode of interpreting gendered identity and experi-

ence (hartline, 2020, 99). The concept is inspired by Judith Butler's “heterosexual matrix,” which “requires the simultaneous production of a domain of object beings, those who are not yet ‘subjects,’ but who form the constitutive outside to the domain of the subject” (1993, xiii). The imaginary is a sort of fiction which informs institutions, such as law and medicine, as to how to value and organise bodies (see, for example, Foucault, 1978). Through the (cis)gender imaginary, gender norms are (re)produced and bodies are accordingly categorised to determine viability. This space intersects with myriad other imaginaries—that of race, class, ability, religion, geographical location, etc.—to open or close possibilities for self-materialisation and intelligibility.

Such a concept proves useful when considering why some laws and practices may appear to foster transgender lives whilst precluding multiple formations of gender diversity. Transgender identities, bodies, desires, practices, and belongings are remarkably diverse. Some trans people, for example, are non-binary and may not wish to have medical intervention, while others may yearn to erase their past and start again as the “opposite” gender. These are just two of many trends in a vast landscape of gender diverse experiences. Trans-specific policies do not reflect this diversity, as will be further discussed below.

#### The Nordic Model

Stepping back for a moment, it is important to keep in mind that the parameters

of gender diverse expression are—just as all social constructs—contextually situated and continually shifting. What makes the Nordic region an interesting case study is its long history of notable measures to promote gender equality. The region comprises Norway, Sweden, Denmark, Iceland, and Finland (the Faroe Islands and Greenland also form part of the region but they are not included in the present discussion as their LGBT-specific policies diverge from the other nations). Together, these countries share a history of state welfarism, universalist policies, and extensive state intervention, which are captured by the term Nordic Model (Brunila & Edström, 2013). The Nordic version of modernity is founded on two intertwined types of equality: first, equal access to resources and political parity, and second, cultural conformity (Brunn, 2017). The nation's solidarity with its citizens is regarded as amplified in this region, a quality that is founded on trust and sustained through a perceived sameness (Bendixson & Bringslid, 2017). The Nordic Model has been slowly disintegrating for a few decades because of globalization and the ascent of neoliberalism. Nonetheless, the underlying qualities that have distinguished this framework sustain an “ethos of equality” (Bendixson, Bringslid, & Vike, 2017, 4).

### **Women's and gay and lesbian rights**

Gender equality between men and women has been a fundamental aspect of the rise of the welfare state: marriage reforms were

enacted as long ago as the late 19<sup>th</sup> century, and political parity was achieved in the early 20<sup>th</sup> century (Borchorst and Siim, 2008). The famously coined phenomenon of “state feminism” describes the implementation of policies designed to ensure greater access for women to the public sphere (Hernes, 1987). In general terms, the Nordic region led the rest of the modern world in ensuring suffrage for women. Moreover, the extensive state-established measures instituted in this region to integrate women into the labour market have paid off and resulted in the adoption of the “dual breadwinner model.” Eventually, in the 1990s, a “daddy quota” was introduced across the region to offer paternity leave, which would enable the earlier re-entry of mothers into the workforce (Borchorst and Siim, 2008; Lister, 2009). These measures are perceived to destabilise the patriarchal model to a noticeable extent (Melby et al., 2011).

With the softening of the divide between the private and public sphere, as well as between men and women, it is easy to see how the Nordic region has gained its reputation. The region's perceived success in gender egalitarianism has, in some ways, become packaged as an exportable product. Other countries often refer to the idyllic Nordic Model in their endeavour to achieve prosperous and happy societies (Melby et al., 2011). It is understandable that the Nordic culture would be seen as desirable, given that the countries tend to rank quite favourably when it comes to life quality. For example, the United Nations

annually issues a World Happiness Report that ranks countries on the basis of an evaluation of the general happiness and well-being of its citizens. The Nordic countries are usually ranked at the head of the 159 countries that are surveyed. Finland, Denmark, Norway, and Iceland respectively took the first four places in the 2019 edition of the World Happiness Report, and Sweden was placed seventh. The Nordic region's image of gender egalitarianism has also been endorsed by the World Economic Forum's Global Gender Gap Index, which ranks countries based on gender parity related to economic equality, education, health, and political participation. In 2018, the Nordic countries stood out as a whole with Iceland, Norway, Sweden, and Finland respectively taking the first four places. Denmark was a slight exception: it placed 13<sup>th</sup> out of the 149 nations that were assessed.

These high rankings extend to gay and lesbian rights as well, according to several wide-reaching studies on gay and lesbian people's life quality (Rainbow Europe, 2019; Planet Romeo, 2015; HRW, 2018). Domestic partnerships between two people of the same legal gender became available in the Nordic landscape quite early on: Denmark in 1989, Norway in 1993, Sweden in 1995, Iceland in 1996, and Finland in 2002. Same-sex marriage was legalised not long after, with Norway and Sweden leading the group in 2009, followed by Iceland in 2010, Denmark in 2012, and Finland in 2017 (Rainbow Europe, 2019). The recognition of same-sex

partnerships is one way in which the five primary countries are easily differentiated from Denmark's territories of the Faroe Islands and Greenland. Even though the latter's legislation is not so far behind, gay and lesbian people experience limited social respect. There are quite a few reports of gay-bashing there, and a number of LGBT people have been relocating to Denmark (Ammon, 2015).

It should be noted that while such reports can be good indicators of what is working and what is not, they cannot be taken at face value. They are produced within a specific context to serve a specific purpose and therefore will contribute to a specific master narrative of what progress, human rights, and equality look like (Ayoub & Paternotte, 2014; Grewal & Kaplan, 1994). This is essential to keep in mind when studying trans rights and experiences around the world. The images constructed of trans empowerment and trans suffering are only accurate to a certain degree, as they are created against the backdrop of existing Western-centric paradigms of gender equality and human-centred development (Tudor, 2017). It is essential to remain critically mindful of the potential constraints of such depictions in places where trans people appear to be fully recognised by the state.

### **Transgender rights**

In this section, I will present an overview of transgender rights in the Nordic region, focussing on legislation and access to gender confirming medical technologies.

Contrary to the more recent delays, the Nordic region's history pertaining to transgender rights is unique in terms of medical options and legal recognition because it began earlier than nearly anywhere else. The marked difference in advancement is especially distinct in Scandinavia. Gender confirming surgery became available in Denmark in the early 1950s and was allowed in Norway and Sweden in the early 1960s (Sørli, 2018; Linander, 2018; Dietz, 2018). The right to change legal gender following surgery came soon after, in the 1960s in Denmark and the 1970s in Norway and Sweden (ibid.). Finland and Iceland followed suit much later on, in 2002 and 2012, respectively. Important to note is that such medical intervention was only available in the form of irreversible sterilisation, meaning that one became permanently infertile (Amnesty, 2014; Elliott, 2019; Fontaine, 2019).

All the Nordic countries have since changed their laws to abolish the requirement of irreversible sterilisation for changing legal gender. Removing the diagnosis requirement and making the law self-determination based is seen as monumental for the trans movement because it signals to society and its constituents that trans people are capable of making decisions about their own bodies (Dunne, 2017; Dietz, 2018). The removal of the requirement of irreversible sterilization also allows people to avoid unnecessary medical treatment when choosing to legally change their gen-

der. Finland still requires sterilisation, but it need not be irreversible (one can technically become temporarily infertile through hormone replacement therapy). Finland has been censured for this requirement on the basis of violating human rights just as the other countries had been before they updated their laws (Council of Europe, 2019). Sanna Marin, elected the Prime Minister of Finland in 2019, has indicated that she plans to address this issue during her time in office (ibid.). Also, all the countries have also enacted laws protecting people from discrimination on the basis of their gender identity and expression (Transgender Europe, 2019). This legislation is important because it helps to ensure the safety of trans people, increases their access to the public sphere, and aids the assurance of some degree of economic equality.

In following the welfare tradition, the gender-confirming medical treatments are financially covered and provided by the state. This means, however, that access to treatment is state regulated and the clinics that offer it must apply strict selection practices. The state intervention results in a high exclusion rate for the medical treatment, a strong preference for more normative narratives that comply with gender and sexual stereotypes, and very long-waiting times (Van der Ros & Munro, 2018; Linander, 2018; Holton, 2014; Repo, 2019).<sup>1</sup> Many people who desire or require medical assistance are unable to access it. They must pay privately in full, and often

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1 Iceland has recently updated its medical practices in its 2019 Gender Autonomy Act, to make the

go abroad (Amnesty, 2014).

The table below presents the dates of some key legislative moments: when gender-confirming medical technologies became available; when legal gender change in the population registry became possible; when one could change legal gender without undergoing sterilization; when legislation was enacted or expanded to include protection against discrimination on the basis of gender identity and expression; and when the third legal gender option became available. It should be noted that Iceland removed the sterilization requirement in 2012, but still required a diagnosis of “transsexualism.” In 2019, it passed a law to remove the diagnosis requirement and allow self-declaration; this law should come into effect by 2021 (Fontaine, 2019).

Clearly, there has been a lot of advancement in legislation for trans people. However, it seems to lack that quality of exceptionalism that we see with women’s rights, and to some extent gay and lesbian rights. The sterilisation requirement was repealed in other countries less globally celebrated than the Nordics for being gender egalitar-

ian, such as South Africa in 2003, Spain in 2007, and Argentina in 2012.

It is interesting to note that changes in state practices around gender recognition came after pressure from international human rights groups, such as Amnesty International, who called out the countries for violating the human rights of its transgender citizens in its extensive 2014 report. There was some initial resistance before the laws were developed, but it appears that the intervention by human rights groups was very effective. I would argue this was in part because their accusations were likely embarrassing for the state governments. Countries well-known for being egalitarian were being called out for forcibly sterilising a social group that was, at that time, gaining a lot of attention in the media as a group worth protecting. When considering the liberal reputation of the region and its slowness to honour trans people’s requests for recognition, there is a palpable discontent. The reason for this becomes clearer when we consider three qualities that distinguish the Nordic region.

	<i>Medical intervention available</i>	<i>Legal gender change available</i>	<i>Legal gender change without sterilisation</i>	<i>Anti-discrimination based on gender identity and expression</i>	<i>3<sup>rd</sup> gender option</i>
<b>Norway</b>	early 1960s	early 1970s	2016	2014	<i>none</i>
<b>Sweden</b>	early 1960s	early 1970s	2013	2009	<i>none</i>
<b>Denmark</b>	early 1950s	late 1960s	2014	2015	<i>none</i>
<b>Finland</b>	2004	2002	<i>by 2023?</i>	2005	<i>none</i>
<b>Iceland</b>	1996	2012	2012/2019	2014	passed 2019

Source: Dietz, 2018; Transgender Europe, 2019; Sørli, 2018; Rainbow Europe, 2019; Ammon, 2015; and Fontaine, 2019

process easier and more patient-oriented (Fontaine, 2019).

### Three principal Nordic qualities

In this section, I present three qualities of the Nordic region — “imagined sameness”, repro-normativity, and the narrative of social progress — which help paint a picture of the values, practices and ideologies sustaining the (cis)gender imaginary. I explore each quality to show how it has laid the groundwork for the region to be regarded as gender egalitarian whilst maintaining the cisnormative values underpinning limited trans rights progress.

#### Imagined sameness

To begin, the Nordic Model is underwritten by “imagined sameness” (Gullestad, 2002), in which citizens bond with one another and the state through shared values and emphasised similarities, thereby building trust and interdependency (Delhey & Newton, 2005). Differences in gender expression and identity are not easily acceptable in such a scheme (Johansen, 2019; Van der Ros, 2014). In the following, I explore how the quality of “imagined sameness” has operated to govern what type of gendered bodies are intelligible and deemed worthy of protection, and how the image of gender inclusion has been formulated accordingly.

In terms of gender equality, the homogeneity inherent to the Nordic Model has been demonstrated throughout the women’s rights movements. The category of “women” in the movements has long referred to a uniform group in terms of ethnicity, race, religion, sexuality, gender

expression and identity, and nationality (Borchorst and Siim, 2008; Melby et al., 2011). A lot of critical work has been produced on this issue, demonstrating how and why the gender equality the Nordic region is famous for has not been available to all women. They show that in both public discourse and academic research, the intersecting qualities which distinguish women from each other tend to be left out of the discussion on women’s rights unless the subject of discussion is specifically those differences, such as in discourse around multiculturalism, immigration, LGBTQ rights, etc. In other words, the “*women*” of women’s rights in the Nordic region is typically reproduced to reflect the middle-class, native-born, cisgender, heterosexual, white, educated, able-bodied and reproductive women.

The equality that was achieved in the women’s movement was largely socio-economic, as welfarism promoted re-distribution of resources to break down class barriers (Melby et al., 2008). Undoubtedly, this contributed to the breaking down of gender stereotypes, which have been a large part of the reason that gender equality from a socio-cultural perspective continues to be quite strong in the Nordic region. Over the last half century, however, this model of redistribution has shifted to a model of recognition as the principle source of social mobility (Brunn, 2017; see Fraser, 1995). This is perhaps the main discrepancy between the fight for women’s rights and the fight for trans rights. Because the welfare model was so dependent

upon homogeneity, there were few mechanisms put in place to accommodate diversity (Bendixsen & Bringslid, 2017).

The effects of this imagined sameness have been demonstrated for decades through immigration-related issues. In the early 1990s, the Nordic region witnessed a steady rise in diversity due to significant policy and economic shifts, and its cultural diversity proliferated because of increased immigration (Melby et al., 2011). The system of sameness was confronted by the entry of people with discrete backgrounds, raised in different value systems, endeavouring to become part of Nordic society. Integration provokes uncertainty about how personal freedom, interpersonal relationships, and state governance should be understood and practiced, as various cultural ideologies meet and compete for relevance (Melby et al., 2008; Baeten et al., 2015). Immigrants face the challenge of being recognised as both different and equal. States do not always handle such claims to respect very well, and this inefficacy is particularly true when the intersection of nationality/ethnicity is complicated by gender. For example, women are compelled to participate in the workforce even if they would prefer to work in the private sphere by caring for their children or elders (ibid.; Sümer et al., 2014; Carbin, 2008). There are no adequate state benefits in place for such domestic work and the cost of living is so high that it is difficult for women to choose this path in any case. Care-giving is outsourced to kindergartens, nursing homes, and medical profes-

sionals (Carbin, 2008).

Moreover, Nordic cultural homogeneity and the push for sameness display strong (neo)colonial roots. The region's gender-egalitarian values are largely sustained in popular discourse by contrasting them with ostensibly less-humanitarian and progressive cultural contexts. It is thus immensely difficult for Muslim women immigrants to practice Islam in the Nordic region without being stigmatised (Melby et al., 2011). Wearing a hijab is often perceived as cultural backwardness, and an ethnocentric or even neo-colonialist "us" versus "them" dyad is often invoked in describing the freedom enjoyed by Nordic women (Keskinen et al., 2016). For example, Denmark passed a law in 2017 banning the burqa and niqab, apparently to protect women from undue subjugation (Samuel, 2018). Conversely, such a law may actually be further ostracising an already vulnerable population because it demonises a cultural practice as fundamentally contrary to one of the Nordic model pillars—women's "liberation".

While the link between trans rights and the rights of immigrant women of colour is not immediately obvious, the oppression they experience stems from the same place. The push for assimilation, and the comparatively weak push for integration, are part and parcel of a societal model built on welfarist collectivism. The Nordics have a long history of prioritising nation-building over individual rights, with the economic stability of the welfare state taking precedence over the recognition of

differences between citizens (Sümer et al., 2014).

This prioritisation has been shifting, however, and it is doing so with palpable effects. The last few decades have witnessed an increasing cultural diversification with the rise of the social logic of neoliberalism and decline of public policies. The result has been a growing emphasis on individual empowerment, personal responsibility, and active participation in the economy (Brunn, 2017; Dahl, 2012). The trans communities of the Nordic region have fuelled a political divide along two lines labelled “transnormative” and “transformative” (hartline, 2020; also see Van der Ros, 2017). Broadly speaking, the terms transnormative and transformative describe two responses to the pressure to conform: the first advocates assimilation into gender norms and the second challenges gender norms. Rather than being mutually-exclusive categories, the two responses designate opposing ends of a spectrum of embodiments, ideologies, and practices that surround the issue of gender diversity (Linander, 2019; Van der Ros, 2017). The transnormative vs. transformative phenomenon is not unique to the Nordic region; however, the tradition of imagined sameness and the image of gender equality fuel the political divide in a specific way in this part of the world.

The divide manifests along legal and medical lines as well as the communal. As described previously, medical technologies are state-controlled and highly exclusionary, and access is limited to those who

fall into the more normative version of gender—namely, binary-identifying and desiring full bodily transformation into the “other” designated sex (Alm, 2018; hartline, 2020). Each country has had internal debates as to what parameters should be imposed in approving patient requests for trans-specific medical assistance, with some arguing that the practices are outdated and others implying that state funding would be poorly spent on patients who will not blend back into society (see Linander, 2019; van der Ros, 2017; Offerdal & Tønseth, 2018; Council of Europe, 2019; Holton, 2014). Moreover, lobbying efforts for improved gender recognition policies, such as the addition of a legal third gender, have been largely unsuccessful (van der Ros, 2017; Linander, 2019; Arnesen, 2017). So far, efforts supporting normalising medical practices are succeeding. This further entrenches the rift in the trans community by designating the validity of trans experiences (and who deserves state support) along cisnormative lines.

Furthermore, in tandem with the rise of neoliberalism, the tradition of sameness has contributed to a personalisation of the failure of the trans person to achieve “the good life”. In line with the globalising movement for trans empowerment, the good life for a trans person is becoming increasingly centred on self-realisation through personal agency, (Spade, 2009). Under the regime of social equality, whereby one has high trust in the state and its institutions, there is a reasonable expectation by individuals to be properly cared

for by the state (Delhey & Newton, 2005). The narrative of equality for everyone is still strong in the Nordic region, even as its welfarist qualities are fading into a dull undertone. If a trans person does not feel sufficiently liberated and empowered, it can easily translate as a personal failing of that individual (hartline, 2020). The custom of challenging the state is less pronounced in the Nordics, so there are fewer radical movements and therefore less open discussion and general awareness that the state may not be fulfilling its duties to the public (Dahl, 2012). This has the two-fold effect of normalising inequality for trans people and indicating to the general public that being transgender is only acceptable in certain forms, such as when it is binary, impossible to detect and diagnostically-established.

### **Repro-normativity**

The invisibilisation of gender and sexual diversity stands on a long, yet often washed out, history of maintaining sex/gender norms around reproduction (Honkasalo, 2018; Alaattinoğlu, 2019). The tradition of reproductive normativity is most notable in the region's shared past of eugenics. This is a dark side to Nordic history that may not be well known to the public. From the 1920s to 1940s, a series of laws were implemented across the Nordic states that limited reproductive rights to certain groups based on ability, mental health and, to some degree, social desirability. The legislation was intended to reduce expenses in welfare programmes, which were

overburdened by economic troubles at that time (Honkasalo, 2018; Nordström, 2019). Many people, up to 100,000 it is estimated, were forcibly sterilised in the time the laws were in effect. The laws introduced in the early 20<sup>th</sup> century were repealed in the 1970s (ibid.). Although the era of eugenics is long over, there is a startling similarity between those policies and the ones which have compelled trans people to undergo sterilisation in exchange for legal recognition (Lowik, 2018, Honkasalo, 2018; Broberg, 2005).

The welfare state established its role in population control long ago through its repro-normative and eugenic practices that involved intervening in the domestic lives of its citizenry. Perhaps this intrusion represents a disadvantage of a nation being “one” with its people. The act of preventing certain social groups from reproducing is linked to the Nordic emphasis of social homogeneity and nation-building. The present study contends that this history may explain why Nordic states deemed sterilization to be a reasonable requirement for gender recognition for such a long duration.

The central argument offered by human rights organisations for the repeal of the sterilisation requirement in the Nordic countries, just as elsewhere, cited the “coercive” nature of the laws that therefore violated the individual right to bodily integrity and privacy (Amnesty, 2014). Despite decisions to overturn the requirement (with the exception of Finland), the Nordic state governments do not agree about the

description of the laws as coercive. Sweden acknowledged that its law was unconstitutional and contrary to the European Convention on Human Rights, and has offered compensation to those who were sterilised under the law (Ahlander, 2017). It was the first country to do so, and many people report feeling vindicated. However, a similar lawsuit filed in Norway did not yield the same success (Urbye, 2018). The Norwegian state did not agree to the charge of coercion; it maintained, rather, that trans people wilfully made the decision to be irreversibly sterilised.

Gate-keeping practices are so embedded in the Nordic state's procedures to establish population control that they were continued even when they should have been forgone. Finnish trans studies scholar Julian Honkasalo cites the example of Finland: the Trans Act of 2002, which made infertility a requirement for legal gender change, coincided with the government's decision to establish a plan to address the problem of birth-rate decline (2018). The state began to take measures to encourage married ciswomen to reproduce while it simultaneously reinforced health care limitations for trans people. The Finnish state also continues to withhold ART from non-married women (ibid.).

Honkasalo also mentions the administrative chaos that ensued when a legal trans man gave birth in Finland because the records system was not set up to register such an event (2018). For some time the trans man had to struggle to receive the same post-natal benefits that are ac-

corded to legal women after birth. Norwegian scholar Anniken Sørliie has discussed this issue in the Norwegian context (2018). Even though legal gender change does not require any medical intervention in Norway, the Children Act mandates that parenthood must be established based on the sex assigned at birth. Thus, trans men are recorded and treated as mothers while trans women are listed as fathers. Sørliie argues that this shows how the power of medicine continues to guide the state's decisions about who is 'normal' and 'abnormal', which privileges the position of cisgender people (2018, 78).

Though I am focussing on trans people in this article, I want to point out that when it comes to intersex individuals, the biomedicalisation of bodies is again apparent. The sanctity of so-called *normal* sex organs is prioritised over personal choice (Sandberg, 2018). Swedish scholar Erika Alm writes on Sweden's practices in this context, that "intersex bodies are largely in a juridical limbo, unprotected and without rights" (2018, np). This statement also applies to the rest of the Nordic states. Consent in bodily modifications is not always sought, as can be seen in so-called corrective surgeries on intersex patients. These procedures are typically performed on new-borns and are justified as being in the best interests of the child. A provision protecting against this intervention in fact formed part of the recent bill in Iceland that allows a third gender option; however, it was dropped from the eventual law (Fontaine, 2019). The gender identity and

experiences of the individual tend to take second place to the body's governability (Sandberg, 2018). Swedish scholar Erika Alm explains that "The important thing is that there is a stable referent that the juridical gender can home in on" (2018, np). The regulation of the intersex body resonates with the control over the trans body, but the intersex body is perceived as a physiological matter and the trans a mental construct. Thus, while the intersex body may be "amended" without requiring any or much individual desire, the trans body may require an abundance of will. In both cases, the ultimate goal of the state's involvement in the body's re-construction appears to be to render a body gender and sexual normative and therefore more governable.

### **The narrative of social progress**

The narrative of social progress—which I use to refer to both the direction we perceive ourselves to be headed as a society, as well as the collectively envisioned goal of complete social equality and well-being—is fuelled by both a revisionist history and the myth of Nordic exceptionalism around gender equality (Palmberg, 2016). Revisionist history is nothing new. It happens everywhere. However, when it is combined with the myth of Nordic exceptionalism (the belief that the Nordic region has remarkable humanitarian policies and social solidarity), I contend it has cultivated an image of burgeoning gender/sexual diversification that belies history.

A salient example of this narrative ema-

nates from the Swedish context. Scholar Sam Holmqvist wrote their dissertation on historical popular and scientific 19<sup>th</sup>-century texts from Sweden that depict gender- or sexually diverse people (2017). These texts illustrate that trans experiences have often been filtered through normative lenses. Identity-based experiences that are gender/sexually diverse are explained away through circumstantial justifications for gender norm transgressions, such as escaping the police force or traveling. Stories about people were heavily based on assumptions around birth-assigned sex, and the complexities of gender experience were overlooked or toned down. Presumptions and misrepresentations formatted trans identities and experiences throughout the 20<sup>th</sup> century and continue to do so in the present. Holmqvist evinces how gender norms have pervaded feminist historical writing; as a result, the extant gender diversity records concerning Sweden's past over the last few centuries can diverge substantially from the lived experiences of individuals (*ibid.*). Cisnormative assumptions about the past are reinforced, in tandem with the idea that gender-bending is a recent phenomenon that could not occur until the present because there was no space for it.

Danish scholar Sølve Holm writes on a similar matter. For their 2017 doctoral dissertation, they conducted a historical analysis of autobiographical accounts alongside medico-legal accounts of gender diverse people who, in the first three quarters of the 20<sup>th</sup> century, were patients seek-

ing gender-confirming medical assistance. Holm looks at how medico-legal experts' re-articulations of these personal narratives would end up shaping historical imaginings about what kind of intersex(ed) and trans lives were liveable or not (2017). They point out that 'state regulation of body-modifying technologies is closely connected to the cultural imaginary of what a normal subject is' (2017, 34). This resonates with the matters discussed above, regarding the issue of non-consent medical procedures performed on intersex children, and the difficulty for trans people to access trans-specific healthcare options.

Holm also demonstrates how the narratives constructed by those seeking medical assistance were reformulated by the medical and legal authorities, leading to discrepancies between the actual lived experiences of gender and sexually diverse people and the medico-legal versions created in the justifications or explanations of their treatment processes. Holm offers some personal accounts they were able to access and compares them to the manners in which authorities relayed these narratives. In so doing, they prove that the way that these individuals imagined their futures varied significantly from the accounts of the authorities. The authorities tended to focus on the un-livability of the individual based on the lack of a genitally typical body. Their interpretations generally tended to survive the versions of the patients, who were lost or whose reports were sealed citing privacy. Such authoritative renderings overlook the ways in which

these individuals managed to navigate and flourish in varying social spaces.

The invisibilisation of gender diversity is also perpetrated through colonising discourses that effectively distinguish Sápmi culture from what is regarded to be mainstream "ethnic" Norwegian culture. The ideal of Norwegian progressiveness is constructed in part through its distinction from the Sápmi culture, which is often reported as being unaccepting of gender and sexual diversity (Løvold, 2014). However, Ane Hedvig Løvold highlights in her 2014 master's thesis that there exists a silencing mechanism that hides gender and sexual diversity in Sápmi culture because of the disjuncture between how such diversity is made intelligible through Western rights movements and how it is experienced and enacted within the Sápmi traditions. The issue with the globalising movement relating to gender and sexual diversity concerns the specific way in which it envisions progress, which is in turn grounded in a specific history (Palmborg, 2016). Such imaginings can prove contrary to the lived experiences of the Sápmi people; it can also hide how cultural gender norms could be imported through Norwegian Christian colonialism rather than belong to traditions rooted in Sápmi culture (Giertsen, 2002). The narrative of social progress thus obfuscates the possibility that Sápmi culture could incorporate a history that is rich in gender variance. In fact, some of Løvold's research participants have testified to this gender diversity as indicated by their elders.

The diversity of experiences by gender and sexual diverse individuals are hidden through these reiterations of normativity as the standard of the past, along with the communities they helped build and the movements to which they contributed. The narrative of social progression leads to the conclusion that there was little or no possibility for gender and sexual diverse people to flourish before the recent execution of human rights legislation. Moreover, public rhetoric tends to strongly focus on the so-called “transgender tipping point,” which links individual success and equality (Honkasalo, 2018). Structural oppressions that preclude some trans-identifying people from coming out or accessing resources can then be swept under the rug.

### **In closing**

The rewriting of historical gender/sexual diversity, the foundation of repro-normativity, and the promotion of sameness in the quest for national advancement work together to uphold the (cis)gender imaginary. Through this system of norms, gender/sexual diversification in the Nordic region is restricted whilst an image of inclusion and progressiveness is maintained. The imaginary is traceable in the trans rights movement. The trans community is divided along the lines of inclusion and exclusion, as reflected by the fact that transnormative people are listened to over transformative people. Trans demands for equality that do not significantly disrupt cisnormativity are granted precedence by the state, thus giving the impression that

all trans people are being attended to. As for those whose demands challenge the status quo, they are regarded as a threat to the nationalist foundation of sameness and relegated to the sociolegal margins.

However, this is not to say that those who appear more normative are able to live more fully and contentedly than those who are not. All trans people in the Nordic region are implicated in the same broad system of norms which operates to foreclose non-normative gender expressions, embodiments and identities. Cisnormativity works equally against those who “pass” and identify within the binary and those who do not. For everyone, there is a pressure to conform, and for those who pass as men or women, this carries with it the pressure to revise one’s personal past to fit one’s presumed present. There is always a risk of being “discovered.” For those who do not pass, there is pressure to both justify it and to compensate for the lack of cisnormative capital through other capitals (hartline, 2020).

In this way, the (cis)gender imaginary operates to govern the conditions for gendered materialisation by narrowing the scope of transgenderism to that which can be (re)fitted into society without significantly disturbing existing gender norms. Predicated on historical tradition of sameness, state-endorsed repro-normativity, and a narrative of social progress, I believe that cisnormativity has guided the Nordic states’ decisions around trans rights legislation and practices, lending to an uncharacteristically stunted development. Since

the (cis)gender imaginary still continues to close down multiple opportunities for gender diversity, I recommend further research on how trans people are being re-

stricted, dehumanised and obscured in a region celebrated for being gender egalitarian.

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## 要旨

### 北欧5ヶ国の（シス）ジェンダー的想像を検証する

フランス・ローズ・ハートライン

北欧5ヶ国は、ここ数十年来、ジェンダー平等に向けた取り組みにおいて世界の最前線を走る地域と目されてきた。女性に力を与える国家主導の法整備について長い歴史があり、きわだって「ゲイに好意的」と定評のある北欧5ヶ国の文化が進歩的とみなされるのは理解できる。しかし、この例外主義的特色は、果たしてトランスの人々の権利を含めた「ジェンダーの多様性」にまで及ぶといえるのか。自明のことと思われがちだが、本稿では、これまで私たちが目にしてきた女性やゲイ・レズビアンへの権利に関する先進性が、必ずしもトランスの権利にまで及ばないことを論じ、（シス）ジェンダー的想像という概念を用いて、その理由について考察する。

#### キーワード

ジェンダー、多様性、トランスジェンダー、北欧5ヶ国、シスジェンダー規範

