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Hidden subjectivity: trans-subjectivity. Constructing transgender minority in Poland²

The article addresses the formation of transsexual minority subjects in Poland, shows the paradoxes of citizenship and mobility in the public space of the trans.

Key words: transsexuality, social minority, subjectivities, civic rights, exclusion

Defining transsexuality – from an illness to a minority

Transsexuality is still a taboo subject in Poland. It is regarded as a marginal phenomenon, negatively perceived as sexual deviations or aberrations. Most of the media coverage devoted to transsexual people or events is followed by unrefined comments. Not only are these comments vulgar, they also indicate ignorance regarding who a transsexual person is³. Common knowledge shared by a society is a certain conglomerate of various phantasms concerning the body, sex and gender.

The guide, *Accustoming transsexuality* published by Trans-Fuzja Foundation, informs the readers that: “Transsexual people are afraid of their environment’s reaction, so they often try not to reveal their identity. Transsexual people who underwent the process of surgical sex correction and changed their image in society simply become women or men, trying to hide the fact they had lived in asexual image different from the present one. We might meet transsexual people every day without being aware of this. If we find out that someone is a transsexual this information usually makes us confused. As we do not understand this phenomenon we tend to use common and untrue stereotypes” (2010–2011: 3).

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² This article is an English translation of the author’s Polish publication (Bienkowska 2012).

³ The example could be Internet comments of Trans-Miss contest.

In Poland transsexuality has been the subject of discussion since the mid-1990s when an article devoted to that subject, written by Stanisław Dulko, was published in a popular weekly magazine "Razem". It was a certain breakthrough, as many people were given a medical explanation of their condition as well as the possibility for help. Transsexuality is a medical disorder on the one hand and a very complex social phenomenon on the other, since transgenderism and transsexuality (meaning transgressing cultural norms related to sex) in particular, make us reflect on the traditional femininity/ masculinity division. The research concerning gender so far indicates that one should use a certain continuum, with a 100% woman on one end and a 100% man on the other, as ideal types. Real people are placed between these two categories. In the case of transsexual people, there is an entire extremity. Transsexual people do not form their identity on the basis of readily existing gender schemes attributed to sex. As Alicja Strzelecka points out: "Transsexuality as a phenomenon is often used as a proof that there is not a simple female/male dichotomy, that the matters of sexual identity are much more complicated than they seem to be. Transsexual people are perceived as the ones breaking social taboos, transgressing borders of sex, opening new perspectives of understanding their sexuality to average men and women" (2004: 481).

Medicine regards transsexuality as an illness, a gender dysphoria that can be treated by both hormone therapy and surgery. A transsexual person is one that does not identify with his or her sex and aims at adjusting the body to his or her mental identification. Authors of the Polish website devoted to transsexuality define the subject in the following way: "Transsexuality is a gender identity disorder in which a conflict exists between an individual's identification with a gender and their biological sex. This disorder is recognized in the International Statistical Classification of Diseases and Related Health Problems" (F64.0.)

The conflict mentioned above is developed during the fetal stage of life and is a congenital disorder. The changes are permanent and irreversible. Neither a sexologist nor psychiatric treatment is effective. The only effective treatment in the case of transsexual people is adjusting their body traits to match their mental sexual identification by using sexual hormones and surgical sex change procedures. Sex-change registration is also essential to achieving a successful personal and social⁴.

Queer or one's own way

Joanna Mizieleńska discusses the issues of transsexuality in order to present the complexity of the subject by these minority groups who, as they want to legitimize themselves, have to exclude others from their ranks. By doing so, they maintain the processes of stigmatization and marginalization in the cultural mainstream.

⁴ www.transseksualizm.pl (dostęp: 14.04.2009).

Queer theory and the theory of performativity developed by Judith Butler are an attempt to challenge and refute this mechanism. Butler discredits numerous classical feminist assumptions and denies that biological sex is natural, considering it to be a cultural construct. She demonstrates, referring to Foucault, how the heterosexual matrix works in a dominant culture, forcing individuals to behave in an appropriate way, to act like a woman or a man in an appropriate way and to direct their sexual needs to individuals of opposite sex in an appropriate way. Judith Butler calls this performativity. Being a woman and being a man is a constant performance of the roles that we were designated for. In Butler's concept there is no place for exclusion. It resembles performing in a Goffman stage and, at the same time, challenges the status of the society who is both the author and the audience evaluating this role according to its norms. Queer theory made use of the concept of refuting recognized categories, particularly identity. The theory is apparently different and apparently open to the excluded ones yet it contributes to a certain exclusion itself. The relation of queer to consumerism becomes dangerous. The possibility to create identity offers and promotes certain images playing with sexuality was immediately caught by market. Judith Butler uses the concept of: "Hyper-liquidity, not being committed to any aspect of one's identity, as it is possible to buy it; this is similar to following fashion which will soon be replaced by another trend. The market takes advantage of the liquidity of queer identity, making it a consumerist option" (2007: 258). Butler stresses liquidity becoming a queer norm, so one can conclude that transsexuals do not fit here, although they are often mentioned as an example of transgressing norms. However, the problem concerns the fact that transsexual people strive for surgical sex change and seek to enter the sex roles they identify with from the dominant culture. Patricia Gagné, Richard Tewksbury and Deanna McGaughey, who conducted research on the "coming out" process and the construction of identity by transgender people, stress the significance of the binary division of sexes (both relating to sex and gender). The binary division of sexes, which dichotomizes *man* and *woman* categories and treats one sex as being "alien" to the other, must be a real challenge to transsexuals. Transsexual people need to overcome numerous barriers on different levels of organized social life. Each interaction with another person requires defining oneself as a man or a woman. A transsexual person is under constant pressure of locating oneself in social reality in which either women or men are recognized. Transsexual people need to cope with discomfort and hostility if other people cannot place them into socially accepted sexual categories. According to P. Gagné, R. Tewksbury and D. McGaughey, this situation makes people who manage to accomplish "coming out" identify quickly with the sex in which they feel more comfortable (1997: 504). In this situation, queer theory is not interested in transsexual people anymore. Ki Namaste emphasizes that queer theory uses the category of a transsexual person entirely ignoring specific experiences of transsexuals.

The Lesbian and Gay Movement has been active in Poland for a long time and now it is an important actor in public debates, fighting for the rights of people with different sexual orientations. Transgender and transsexual people also gather around this movement, as it represents the problems for sexual minorities. However, the situation of transsexual people is quite specific. They often feel afraid to reveal their real identity due to a lack of understanding and sometimes ignorance of transsexuality, as well as the trauma connected with the disclosure of their sex change. It can be proved by the TS group, the postulates of which were read by Szymon Niemiec during the conference "Creation and Freedom of Thought" in January 2004: "There are three goals of support group for transsexuals in Warsaw. Firstly, they want to run the campaign making people realize what sex disapproval syndrome really is. Secondly, they want to help people who do not feel comfortable in a trap of someone else's body; they want to help by talking, giving support and providing information on the treatment. Thirdly, they want to let Polish transsexuals live without fear related to the public's reaction. These reactions are sometimes shocking today – discrimination at work, civil death (rejection by friends and relatives), necessity to live in a certain underground – it is only a part of phenomena we do not accept.

Today, at the conference, none of us are brave enough to show our face. We are sitting at the back seats, invisible. However, we believe that the day will come when each of us can say: Hi, I'm Adam. You used to know me as Kate. It's still me, I've had a sex change"⁵.

Specificity and relativity of transsexual people's sexual identity makes it difficult for them to construct their own minority. It would protect this group from exclusion. Transsexual people are different from feminists, from homosexuals, from those who are a part of mainstream. Nevertheless, the actions that have been undertaken for the last four years let us feel optimistic and pave the way towards a serious debate about respecting the rights of transsexual and transgender people.

Are transsexuals a minority?

In sociology, social minority is analyzed in terms of their relationship to a culturally dominant group rather than their number. Janusz Mucha in the introduction of the book *Dominant Culture as a Foreign Culture*, published in Poland in 1999, clearly presented this perspective. If we define a dominant group in Poland as a heteronormative one, with a standard relation between sex and gender, then one can obviously see that transsexual people form a minority. They do not prescribe to the widely shared social knowledge concerning the relation between the body and the sex. This was described by Harold Garfinkel, who studied the case of transsexual Agnes in his *Studies in Ethnomethodology*. Both Garfinkel,

⁵ http://dziennik_ts.republika.pl/page3.html/ 20 Aug 2008.

Kessler and McKenna (2000) present the social construct of sex, proving how strong social images of sexual invariability are rooted in society. Michel Foucault also analyzes this idea. He studied the hermaphrodite's biography, which allowed him to conclude that the way we perceive the body, sex and sexuality nowadays was initiated by biological theories in the 18th century. Then, in his opinion, the coercion to have one's real sex was formulated. There is one real sex that can be defined using various determinants. Particular ways of standardization of everything that was beyond normativity were related to the order defined in these terms. Transsexuality is one of these cases, being regarded as an illness, which can be treated using either appropriate hormone therapy or surgical body correction in order to make one's body fit their sexual self-identification and to let them enter binary sexual system. If a binary system of sex and an assumption of invariability of biological sex are norms, then it is obvious that transsexual people form a minority.

Other sociological minority determinants are the sense of distinctiveness and intersubjective social bonds. According to Tadeusz Paleczny: "(...) minority exists only when it is aware of (...) their distinctiveness and social, political and legal consequences being the result of this distinctiveness" (1999: 259). The sense of distinctiveness of transsexual people seems to be unarguable but the degree of social bonds is less clear. Transsexuals support each other during different stages of transition⁶. While analyzing transsexual people's biographies one can distinguish certain stages. They can be divided into three "states" of identity: the first – searching for your genuine self; the second – transitioning, the third – being yourself in life after the sex change⁷. This simplified scheme highlights the liquidity of transsexual people's identity.

This liquidity of transsexual identity questions the status of the minority itself – is it really a minority if it functions as a certain platform or a support group that is soon forgotten, being erased from one's biography as an embarrassing past? For different reasons people who had a sex change avoid their prior environments. They want to forget the past; they do not want to be in touch with other transsexuals – it is too depressing for them. Other people insist that they achieved their goal so they do not need the transsexual identity any more. "So... I am... as I have slightly less information how it's going on now... from Internet or so... well, I don't keep in touch with, let's say, these people, as I don't need it. (MB) I even avoid these contacts, 'cause my life is well-ordered and I see no point in maintaining these contacts. This way, I'd remember about it all my life" (MB) (A TS F/M).

Another common attitude of transsexual people is their wish to suppress their life before the sex change. Sally Hines, British lecturer on gender issues, stresses that transsexual people after having surgery are often advised by doctors to delete any marks of their previous lives, to break social contacts, to change their homes, in

⁶ Transition – process of sex reassignment in all its aspects – legal and medical.

⁷ Not all transsexual people decide to have sex change surgery – see Bieńkowska-Ptasznik 2010: 459–474.

order not to attract attention (Hines 2007: 12–13). These recommendations cannot be just the care of the patients, it is rather the conviction that their previous life, sex change, was something not worth discussing, a reason for shame and silence.

Constructing the minority

There is a tendency in Poland to consolidate transsexual people's environment. Their situation is gradually getting better. In the 1980s and 1990s the flow of information relating to transsexuality was close to none, and the only place where these people could meet was a sex therapist's waiting room. The unique place was the Institute of Sexology and Pathologies of Human Relations at Medical Centre for Postgraduate Education, where transsexual patients of Kazimierz Imielinski and Stanislaw Dulko could meet to establish contacts and exchange their experiences. Nowadays, a younger generation of transsexual men and women is becoming aware of the necessity of maintaining contacts in order to inform other people about the process of the sex change as well as to reject the stereotype that transsexual people are perceived as some kind of deviants.

Strongly consolidated groups of transsexual people are being created now thanks to Internet; they have the possibility to exchange their experiences and provide support to each other. It is the Internet where they can meet people to share their problems and, at the same time, be anonymous. Even people who preferred to isolate from others after their sex change in order to start "new lives" will, choose to help others go through the experience they had. In other words, they break the silence.

For several years the Association for Help for Transsexual People was active in Wrocław, Poland. It was suspended, although some engaged in negotiations and discussions to reactivate it. The problem was finding transsexual people who would agree to get involved in its activities in an open way. Unfortunately, most of them preferred to take "a free rider's" position, taking advantage of the association but not willing to be involved. This is how the situation is described by the administrator of the website for transsexuals: "The person who would like to be in charge of the Association would have to deal with all the bureaucracy and organizational matters, establish its address and present it to the authorities, have its stamp and P.O. box. And, apart from these things, this person would have to organize some activities to provide help to transsexual people, for example contact the group working around senator Prof. Maria Szyszkowska. The problem is, nobody wants to help her in the issues concerning us officially. You would have to publicize your name and sign some political documents, which would have to be issued in different matters, not only these concerning our problems. It would be necessary to attend the meetings of the group – they take place in Warsaw, after being announced by e-mail"⁸.

⁸ www.transseksualizm.pl/spt.html.

The issue of the association, in particular its statute and activities, was discussed in the Internet forum. One of the participants of these debates, using nickname SheDevil, mentions several essential matters: "The aim of the association ought to be help for people harmed or abused by doctors, courts or anybody preventing them from compensation or claiming their rights. The transsexual community is a closed, hermetic and anxious group, where a lot of pathologies are unpunished, since the people who were harmed will never report their harm, being afraid of some obstacles or being treated as hysterical people with mental problems who cannot be regarded as credible and trustworthy ones. That is why the Association should be the first place they should address and trust. It is necessary to cooperate with doctors, lawyers and, sometimes, the police, but it seems obvious that the Association must cooperate with these institutions. Next, the Association must react to untrue, biased and ignorant presentations of transsexuality, particularly in medical journals and popular press. The former shape the perception of gender problems amongst psychologists, psychiatrists and sexologists whereas the latter do the same with the rest of society. The standard of living of transsexual people in our country depends on both of them"⁹.

Moreover, this person recommends the Association be open to both transsexual and transgender people in order to prevent further exclusion.

Transsexual people's matters were taken up by people connected with LGBT groups, even though they were not transsexual themselves. It was the sign of the unity of all sexual minorities. Similar unity has occurred in the West; Jan Wickman mentions the fact that the transsexual movement in Western countries took over its strategy from feminist and gay-Lesbian movements. However, in the 1970s there was an increasing gap between gay-Lesbian and transgender activity (Wickman 2001: 20–21). In the 1990s, the discourse of sexual minority movements was dominated by queer theory. This theory allowed consolidating different groups into one movement. What is a common trait of all "other" groups is their marginalization by the heterosexual matrix.

Cooperation within LGBT¹⁰ and support of other groups was not always successful.

Among sexual minorities, transsexuals form a specific group. On the one hand they willingly accept the assistance from LGBT groups to represent their matters and to provide a place for transsexual support groups, but on the other hand, since a lot of transsexual people share very conservative opinions concerning sexuality and sexual roles, they do not fully support the LGBT image. A spectacular example of transsexuals' exclusion was Robert Biedron's publication "Tęczowy Elementarz". In this book, the definition of sexual minority is narrowed down to people of any sexual orientation other than heterosexual. Biedron stresses the fact that the concept of "sexual minority" is rather unsuccessful as it includes transsexual people.

⁹ <http://szafa.mikoland.net/~natalia/forum>.

¹⁰ LGBT – movement supporting lesbians, gays and transgender people.

He suggests using the phrase "Gay-Lesbian minority" instead (Biedroń 2007:19). It is rather surprising, as at the same time Robert Biedron, the President of the Campaign Against Homophobia, submitted a letter to the Minister of Health Zbigniew Religa (15th June 2007) regarding the funding of sex reassignment surgery.

"(...) According to recent medical knowledge, 1 in 30 000 men and 1 in 100 000 women is transsexual, so the problem of sex reassignment surgery not being refunded concerns several thousand Polish citizens. As most of these people suffer from social deprivation, including family and professional problems, they cannot bear the costs of medical procedures, which allows them to function in a society in a proper way. The problem is also related to the lack of specialist clinics which could grasp the problems of transsexual people in a professional and free-of-charge way¹¹.

"My Sex – My Own Thing"¹² – getting out of the closet

The slogan, "My Sex My Own Thing", refers directly to human rights which are often violated in the case of transgender people. Thomas Hammarberg, Commissioner for Human Rights, Council of Europe, in a document concerning transgender people, maintains that: "The human rights situation of transgender persons has long been ignored and neglected, although the problems they face are serious and often specific to this group alone. Transgender people experience a high degree of discrimination, intolerance and outright violence. Their basic human rights are often violated, including the right to life, the right to physical integrity and the right to health" (Hammarberg 2011: 3).

While analyzing the transgender people in Finland, Jan Wickman introduces the notion of *transgender community* which refers to bonds and relations among transgender people. This notion puts emphasis on constructing informal relations and communication among transgender people. He points to the active group of people in transgender organizations. Ekins and King (2006, 133–135) divide the transgender community into two types. First type is a local community, concentrated on entertainment and informal contacts. This type of community is characteristic of large cities and is related to other sexual minority groups. The other type emphasizes individuals and their identity. Written communication and documents is an important factor for this type of community. In Poland both types, particularly the latter one, are active. Transsexual people "come out of the closet", describe their own experience, sometimes demonstrate their distinctness in media, and often get involved in actions in order to start public debate on legal procedures and discrimination.

¹¹ Part of a post in <http://szafa.mikoland.net/~natalia/forum>.

¹² Slogan of Trans Fuzja Foundation.

In a guide “Accustoming transsexuality”, mentioned at the beginning of this paper, some main postulates were formulated:

- “Establishing, at the legislative level, clear and convenient procedures of name and sex designation change of a transgender person in the birth certificate and the identity documents which, respecting the dignity of transgender person, will allow an efficient procedure of sex reassignment,
- Introducing an obligatory change of transsexual person’s data in education certificates,
- Introducing an obligatory change of transsexual person’s data in certificates of employment,
- Removing all legal obstacles preventing transgender people from staying in relationships after sex reassignment,
- Introducing regulations fighting against discrimination and exclusion of transgender people from the job market, education and health service,
- Passing a law against hate crime and hate speech, which will prevent transgender people from transphobic crimes and incidents (*Oswajanie transpłciowości...* 2010–2011).

Trans-Fuzja Foundation for Transgender People

In April 2007 an informal group of people concerned about transgender matters initiated the Trans-Fuzja Foundation for Transgender People. The Foundation was registered in July 2008. This is when the transgender and transsexual community received the weapon to fight for their rights. The aim and the scope of the Foundation’s activity was defined in its statute, available on the website¹³.

Today, one can notice clear actions which represent the subjectivity of the transsexual community in Poland. One of the key issues is legal matters, from changing a transsexual person’s identity documents during the transition process to uprooting the whole legal procedure itself.

In the introduction to the book concerning transsexual people’s situation in Poland, Adam Bodnar reflects on the subject in the following way: “Transsexual people form a specific minority. Although they are generally classified with homosexuals (due to referring to LGBT – Lesbian, Gay, Bisexual and Transgender), their problems are significantly different from homosexual or bisexual people’s problems. (...) Linking the attempts for tolerant attitudes towards homosexual and transsexual people is effective, as transsexual people receive support and understanding from the minority that is more influential. On the other hand, however, transsexual people’s rights might be articulated not clearly enough or even marginalized within LGBT movement, as there are issues more essential to LGBT, like regulating homosexual partnership contracts” (Bodnar 2010: 13). Bodnar also

¹³ http://fundacja.transfuzja.org/pl/artykuly/statut_fundacji.htm/ 16 Aug 2011.

describe politicians' indifference towards transsexual people's situation (although prof. Szyszkowska is involved in this issue – MB). In his opinion, the indifference is the result of a small number of transgender people, which results in not considering them as an important target of public campaigns (2010: 13–14). “Poland is an exception in its attitude towards transsexual people's rights. Before other European countries decided to grant legal protection to them, Polish courts had seen social and legal problems of people after sex reassignment. It was in 1964 when the Provincial Court in Warsaw ordered correcting the Act of Birth of a transsexual man to the Act of Birth of a woman, effective legally on the day when the procedure of sex reassignment was completed. However, these were the judgments of the Supreme Court, particularly of 25th February 1978, that opened the way to sex reassignment in a legally defined way. Although the Polish Parliament did not devote its attention to transsexual people by adopting any single legal regulation, the courts acted in the best common law system – they regulated a certain area of social relations through judicial decisions” (2010: 14). This situation, as the author emphasizes, is not satisfactory. Although it offers certain solutions, it does not regulate transsexual people's rights in a comprehensive way. Bodnar refers to this situation as “a prosthetics institution”, leading to absurd solutions, such as transsexual people suing their parents (2010: 17). He presents numerous absurd situations resulting from the Polish law. Apart from the differences in legal procedures in different regions of Poland there are certain doubts related to the consequences correcting the act of. Which documents, apart from identity documents, need to be changed? Sex change, and as its result change of the name and surname, brings the necessity of verifying all documents connected with education and job issued so far. A transsexual person is, in this situation, constantly forced to reveal his or her former sex, to explain his or her personal matters to other people or to start all life from the beginning. A contentious question is the moment when a transsexual person can change his or her legal status. “(...) according to Polish law it is not determined which moment should be decisive to accomplish sex change. In the world, there is a tendency is to accomplish sex reassignment only on the basis of psychological examination confirming sexual identity different from biological sex defined in the act of birth. In Poland there is a requirement to start at least hormone therapy and the doctors' influence on the court's decision is huge” (Bodnar 2010:17). Wiktor Dynarski, Anna Grodzka and Lalka Podobieńska, who are the activists of Trans-Fuzja Foundation, also stress the legal situation of transsexual people in Poland, referring to their situation as being beyond the law. They present specific problems of transsexual people, such as using identity documents with a photo different from their appearance during a transition process. It causes difficult and humiliating situations for a transsexual person, making him or her explain this situation to a policeman or an office worker. The Trans-Fuzja Foundation came up with an idea to issue a special ID card for transsexual people, which would include two photographs. Initially, this idea won the ombudsman's favor, but the Ministry of Interior and Administration did not eventually agree

to introduce this idea to public servants (Dynarski, Grodzka, Podobieńska 2010: 26) These situations occur despite the fact that in 1998 the European Parliament stressed the necessity of regulating ID cards for transsexual people. This decision was included in the resolution preventing discrimination against transsexual people (Szczęsny 2010: 73). The aim of this notation was to make life easier for transsexual people either who are transitioning or who have not accomplished legal sex change but their appearance is different from the sex assigned in their ID.

Legal versus bodily contradiction

Lack of clear and precise legal solutions results in numerous absurd situations in both legal and medical areas. Dynarski, Grodzka and Podobieńska prove that sexologists who give their opinion to courts promote the situation in which a transman (F/M transsexual person) is forced to have a mastectomy to be able to bring his case into court. In this case, he bears all costs of this medical procedure. However, when he does not have to meet this requirement, his act of birth will have to be obligatorily corrected and the same medical procedure will be refunded (treated as removing gynecomastia from a man). At the same time, a transman is not allowed to have further surgery (gonadectomy) without a court verdict, which can lead to a risk of cancer if male hormone therapy is used.

Gonadectomy in the case of a person who is a woman in legal terms is against Polish Penal Code (k.k.), which defines this procedure as permanently depriving an individual of his/ her reproductive capacity (Art 1 k.k 155§1 d.k.k.). A person who is legally allowed to have sex reassignment, however, does have a right to undergo this procedure. Not only is this situation odd due to medical reasons, but also due to a social perception of the body. A transsexual person becomes suspended, through legal and sexologist practice, between male and female body images. This person's breasts must be removed, but the same cannot be done with the ovaries, which do not produce female reproductive cells, due to hormone therapy (Dynarski, Grodzka, Podobieńska 2010: 28).

Traps of a shared umbrella

Apparently it seems that transsexuality, as a sexual identity disorder, is easily adopted by gender subject matters. However, feminist researchers initiated numerous discussions about whether M/F transsexuals can be regarded as women and if they can be members of feminist organizations¹⁴. The reason for this exclusion is the fact they were not born and raised as biological women. Joanna

¹⁴ What is surprising, feminists rejecting transsexuality only refer to M/F transsexuality, ignoring F/M transsexuality.

Mizielinska points out that the exclusion of transsexuals by both Lesbians and feminists supports the assumption of a dichotomous division of sexes as well as the recognition that gender is determined by biological sex (2004:167–168). Transsexual people entering feminist movement based on the essentialist concept of subjectivity¹⁵ are regarded as men. This indicates that M/F transsexual people, having undergone the whole process of transition, are not perceived as women but still as men. It is not fair, especially since these people's identification with female sexual identity goes back to their early childhood. Identifying transsexuality with maleness and ignoring F/M transsexual transition is the typical perception of feminists and/or lesbians. At its beginning, transsexuality was commonly regarded as a kind of entertainment for patriarchy; transsexuals were thought to use instrumental female images for their and other men's entertainment only to return finally to their privileged male status (Mizielinska 2004: 169). The presentation of transsexuality indicates an entire ignorance about this subject. For example, transsexuality is commonly identified with transvestism¹⁶. Joanna Mizielinska points out a significant question. "Lesbians explain their exclusion of transsexual and bisexual people using the same stigmatizing discourse they were victims of" (2004: 166).

It seems peculiar that people who were discriminated themselves would use the same way of discrimination against others, who could be regarded as similar to them. There is an internal mechanism of exclusion from the minority everybody, attributing a mark of deviance to them. Deborah Rudacille elaborates this subject while commenting on anti-transsexual publications which strongly influenced the way transsexuals are perceived by feminists. These are: Janice Raymond's "The Transsexual Empire" and Catherine Millet's "Horsex". In her publication, J. Raymond argues that transsexuality is a product of contemporary medicine and its aim is to produce such women who are desired by men. She uses the concept of "artificial woman". According to Rudacille, Raymond deliberately does not distinguish transsexuals, transvestites and drag queens and also does not mention F/M transsexuals, as it would refute her main thesis of transsexualism being invented by men and serving men's needs. Richmond refers to F/M transsexuals as "sex traitresses", rejecting female identification and relations with other women. In her opinion, sex reassignment in their case is nothing more than anxiety to admit they are lesbians (Rudacille 2005: 168–172). Bernice L. Hausman brings up a similar train of thought while describing the relation between feminist theory and transgender theory or a theory critical of transgender matters, referring to transsexuality as sex denaturalization (Hausman 2001).

¹⁵ Subjectivity concepts (essentialism and constructionism) are further discussed by Ewa Hyży.

¹⁶ Transvestism is wearing opposite sex clothes to achieve sexual satisfaction, being only temporary using another identity whereas transsexual people's sexual identity is constant and it is not aimed at reaching sexual satisfaction.

Hidden subjectivity – transsexual coming-out

Appearing transsexual people in a public sphere is certainly conducive to their goals and aspirations in the legal and medical community. The Trans-Fuzja Foundation is particularly successful considering these matters and actively referring to transsexual people's problems.

In July 2011, prof. Irena Lipowicz, a Polish ombudswoman, issued a letter to Minister of Justice¹⁷. It was certainly a breakthrough in Polish debates concerning transgender people's rights.

Hidden subjectivity, which I define as any activities performed by others, hiding one's own identity, seems not to be effective. Transsexual people experience a specific kind of exclusion, which is double or even threefold: firstly, being excluded from category of normal people; secondly, being excluded from category of sexual minority, and thirdly, being excluded from the feminist movement. This division has both a personal and group dimension.

Transsexuality is often discriminated against and excluded due to its specificity and lack of understanding. Exclusion is incorporated in the identity because transsexuals are constructed as Others. Magdalena Środa insists that "Other is different from us, odd, unusual, beyond our place and order, beyond the world of our values and customs, a passer-by who wants to stay here, a deviant whose very existence is harmful, an enemy who is scary even when acquiescent, a monster which is disgusting because it is different. A barbarian, a savage, Jew, homosexual, a woman, a cripple, a madman, other..." (2008: 33).

Elaborating on the concept of Other in the Polish context, Joanna Mizielińska, one of queer theory's pioneers in Poland, mentions the problem of citizenship or, being more exact, who is eligible for it. She points out that "Democratically assumed legal egalitarianism is not exercised by those whose rights are limited and who are refused certain benefits meant only for individuals meeting particular initial conditions of "moral citizenship". The idea of a law-abiding citizen, being a proper figure from a "common good" perspective, is based on a forced heterosexuality and a dualist perception of sexually diverse social roles. Thus, it is possible to say that this is citizenship of a particular sex, favorably male, and of a particular sexual orientation, as preferred citizens' sexuality is defined and regulated in legal terms (Mizielińska 2006: 144).

Stigmatization of both transsexual and homosexual people influences the perception of their rights in public life. Edmund Wnuk-Lipiński, analyzing political and public life, uses the concepts of marginalization and exclusion. He refers to different forms of exclusion, proving that "Excluded people are those who want to participate in the mainstream of social life and the redistribution of national

¹⁷ http://transfuzja.org/pl/artykuly/ogloszenia_i_apele/wystapienie_rpo_do_ministra_sprawiedliwosci_w_sprawie_osob_transseksualnych.htm/ 16 Aug 2011.

income but they either do not know how it can be done or there are obstacles impossible to overcome on their way” (2005: 272).

Ireneusz Krzemiński, in the introduction to his book *Freedom, Equality, Distinctness. New Social Movements In Poland At the Beginning of the 21st Century*, documents the cases of excluding people of different sexual orientations from public space. A spectacular example was imposing a ban on the Equality Parade in Warsaw in 2005 and the Strasbourg Tribunal ruling in 2007, proving that the decision of the Mayor of Warsaw violated minority rights.

In Poland, a selective approach to democratic rights as well as a selective perception of tolerance – guaranteed only to the “normal” ones – are adopted; all categories slipping out of this convenient level are rejected and criticized publicly, using emotional rather than constructive reasons. Public opinion and culture maintain the division into “the normal ones” and “the deviants”. The example of such an excluding discourse is an article by Marek Horodniczy, “No retreat – sex change according to www.transseksualizm.pl” published in 2006 in “Frona.” At the beginning of the article its author informs the readers that in his opinion sex change surgery is only a physical mutilation. Then, he “analyzes” the content of the website, selecting particular fragments out of their context, which confirm his thesis; the conclusion of the article is a paragraph related to suicides. The author’s intentions are obvious and apparent: transsexuals are people who need to undergo psychiatric therapy. More shocking is the fact that the author does not search for any other sources of information, nor does he refer to scientific knowledge concerning the subject (Horodniczy 2006: 38–48). In other words, full rights in the public space are granted to those who are defined as “the normal ones” whereas being recognized as “the deviant” limits civil rights (limiting freedom of expression, discriminating and stigmatizing publicly, accepting offensive public remarks, preventing organizing public events etc).

Transsexual coming-out, transsexual people present in public space, open discussions concerning transsexual environment, monitoring the media, being involved in political actions – these are all forms of open subjectivity.

Bibliography

- Biedroń R., 2007, *Tęczowy elementarz, czyli wszystko, co chcielibyście wiedzieć o gejach i lesbijkach*, Warszawa: Adpublik.
- Bieńkowska-Ptasznik M., 2008, *Płynna tożsamość – wczoraj byłem/byłam transseksualistą, dziś jestem sobą*, in: G. Pactwa, J. Mucha (eds.), „*Status mniejszości*” i *ambiwalencja tożsamości w społeczeństwach wielokulturowych*, Tychy: Wydawnictwo WSiNS w Tychach.
- Bieńkowska-Ptasznik M., 2010, *Dylematy badacza – wybrane niuansy z badań nad transseksualizmem*, in: K. Slany, B. Kowalska, M. Ślusarczyk (eds.), *Kalejdoskop genderowe*, Kraków: Uniwersytet Jagielloński.

- Bieńkowska M., 2012, *Ukryta podmiotowość – transpodmiotowość. Budowanie transseksualnej mniejszości w Polsce*, in: A. Kłonkowska (ed.), *Transpłciowość-androginia. Studia o przekraczaniu płci*, Gdańsk: Wydawnictwo Uniwersytetu Gdańskiego.
- Bodnar A., 2010, Wprowadzenie, in: A. Śledzińska-Simon (ed.), *Prawa osób transseksualnych. Rozwiązania modelowe a sytuacja w Polsce*, Warszawa: LEX.
- Butler J., 2007, *Chcę społecznej zmiany*, „Krytyka Polityczna” 11–12.
- Butler J., 1997, *Critically Queer*, in: S. Phelan (ed.), *Playing with Fire. Queer Politics, Queer Theories*, London, New York: Routledge.
- Dynarski W., Grodzka A., Podobieńska L., 2010, *Tożsamość płciowa – zagadnienia medyczne, społeczne i prawne*, in: A. Śledzińska-Simon (ed.), *Prawa osób transseksualnych. Rozwiązania modelowe a sytuacja w Polsce*, Warszawa: LEX.
- Foucault M., 1999, *Prawdziwa płeć*, in: *Szaleństwo i literatura*, Warszawa: Aletheia.
- Gagné P., Tewksbury R., McGaughey D., 1997, *Coming Out and Crossing Over. Identity Formation and Proclamation in a Transgender Community*, „Gender and Society” vol. 11, no. 4.
- Goffman E., 2005, *Piętno. Rozważania o zranionej tożsamości*, Gdańsk: GWP.
- Hammarberg T., 2011, *Tożsamość płciowa a prawa człowieka*. Dokument tematyczny Komisarzy Praw Człowieka Rady Europy.
- Hausman B.L., 2001, *Recent Transgender Theory*, „Feminist Studies” no. 27.
- Hines S., 2007, *TransForming Gender. Transgender Practices of Identity and Intimacy and Care*, Bristol: The Policy Press.
- Horodniczy M., 2006, *Bez odwrotu „zmiana płci” według www.transseksualizm.pl.*, „Fron-da” no. 40.
- Kessler S.J., McKenna W., 2000, *Gender Construction in Everyday Life*, „Feminism & Psychology” vol. 10, no. 1.
- Krzemiński I., 2006, Wprowadzenie, in: I. Krzemiński (ed.), *Wolność, równość, odmienność. Nowe ruchy społeczne w Polsce początku XXI wieku*, Warszawa: Wydawnictwo Akademickie i Profesjonalne.
- Imieliński K., Dulko S., 2002, *Apokalipsa płci*, Kraków: ARC-EN-CIEL.
- Mizielińska J., 2002, *“You are not that name...”. The Problem of Exclusion of Male-to-Female Transsexuals from the Lesbian Movement*, in: T. Basiuk, D. Feres, T. Sikora (eds.), *Odmiany odmienca. Mniejszościowe orientacje seksualne w perspektywie gender*, Katowice: Śląsk.
- Mizielińska J., 2004, *(De)konstrukcje kobiecości*, Gdańsk: słowo/obraz terytoria.
- Mizielińska J., 2006, *Płeć, ciało, seksualność. Od feminizmu do teorii queer*, Kraków: Universitas.
- Mucha J. (ed.), 1999, *Kultura dominująca jako kultura obca. Mniejszości kulturowe a grupa dominująca w Polsce*, Warszawa: Oficyna Wydawnicza.
- Namaste K., 1996, *The Politics of Inside/Out: Queer Theory, Poststructuralism, and a Sociological Approach to Sexuality*, in: S. Seidman (ed.), *Queer Theory. Sociology*, Massachusetts-Oxford: Blackwell.
- Oswajanie transpłciowości*. Informator Trans-fuzji Fundacji na rzecz transpłciowych, 2010–2011, Warszawa.
- Paleczny T., 1999, *Mniejszość*, in: *Encyklopedia Socjologii*, t. 2., Warszawa: Oficyna Naukowa.
- Prosser J., 1998, *Second Skin. The Body Narratives of Transsexuality*, New York: Columbia University Press.

- Ridgeway C.L., Smith-Lovin L., 1999, *The Gender System and Interaction*, „Annual Review of Sociology” vol. 25.
- Rudacille D., 2005, *The Riddle of Gender. Science, Activism, and Transgender Rights*, New York: Pantheon Books.
- Strzelecka A., 2004, *Transseksualizm w procesie przekraczania barier*, in: A. Kuczyńska, E.K. Dzikowska (eds.), *Zrozumieć płęć. Studia interdyscyplinarne II*, Wrocław: Wydawnictwo Uniwersytetu Wrocławskiego.
- Szczęśny J., 2010, *Sytuacja prawna osób transseksualnych w Niemczech*, in: A. Śledziwska-Simon (ed.), *Prawa osób transseksualnych. Rozwiązania modelowe a sytuacja w Polsce*, Kraków: Wolters Kluwer Polska.
- Środa M., 2008, *Postawy wobec obcości*, in: K. Czyżewski (ed.), *Warto zapytać o kulturę. Obcy, inny, swój*. Sejny, Urząd Marszałkowski Województwa Pomorskiego i Ośrodek Pogranicze Sztuk, Kultur, Narodów w Sejnach.
- Wickman J., 2001, *Transgender Politics. The Konstruktion and Deonstruktion of Binary Gender in the Finnish Transgender Community*, Åbo: Akademi University Press.
- Wnuk-Lipiński E., 2005, *Socjologia życia publicznego*, Warszawa: Scholar.

Internet sources

- http://dziennik_ts.republika.pl/page3.html (dostęp: 20.04.2009).
- <http://szafa.mikoland.net/~natalia/forum> (dostęp: 20.04.2009).
- www.transseksualizm.pl (dostęp: 20.04.2009).