

The Transgender Studies Reader

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Transgendering the Politics of Recognition

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IN "TRANSGENDERING THE POLITICS OF RECOGNITION," RICHARD JUANG argues that anti-transgender discrimination and violence are often accompanied by racial and ethnic discrimination, and conversely, that situations interpreted as instances of racial and ethnic injustice often also involve a policing of gender and sexual boundaries. He calls particular attention to the synergy of injustices that result from the combination of racialized gender stereotypes with sexualized racial stereotypes.

Juang notes that the equal valuation of persons is the basis for a liberal democratic politics of rights; this is not to claim that all difference should be eliminated through the universal enforcement of a homogenizing norm, but rather that differences such as race, ethnicity, sex, sexuality, gender, or physical ability should never provide a basis for disrespect, domination, and oppression. After theorizing the concept of "transgender recognition" through a close reading of Patricia Williams's *The Alchemy of Race and Rights*, Juang turns his attention to two specific hate crimes—the negligent homicide of African-American transgender woman Tyra Hunt, and the beating death of non-transgender Asian-American Vincent Chin—to demonstrate the ways he understands racism and transphobia to be mutually constitutive.

Juang contends that rigorously critical and ethical cross-cultural or multi-cultural analyses of gender, sex, and sexuality should play a vital role in advancing the recognition of transgender people as proper subjects of civil rights discourses in democratic societies. He concludes his article with a set of guidelines for engaging in ethically responsible cross-cultural investigations of gender difference. Juang feels that cross-cultural comparisons should always elaborate the historical context in which they take place, carefully define their purpose for being made, be reciprocal rather than parasitical, and exhibit an understanding of what is at stake in the struggles and choices of people different from oneself.

Being recognized within a liberal democracy means being valued, having one's dignity protected, and possessing some access to public self-expression. The struggle for recognition's key components—value, dignity, and self-expression—is a cornerstone of modern U.S. political, social, and cultural activity. Despite its unquantifiability, recognition's importance can be measured by the consequences of its absence: an unvalued person readily becomes a target or a scapegoat for the hatred of others and begins to see him or herself only through the lens of such hatred. An existence restricted to purely private expressions of the self, to the closet, becomes a corrosive situation.

The only acceptable vision of a just society includes equal recognition for transgender and non-transgender persons alike. While short-term, tactical compromises in the struggle for our rights are inevitable (for example, allowing employers to require a consistent gender presentation in order to gain the right to determine for oneself what that gender presentation will be), a society in which we

finally settle for anything short of the full array of rights and privileges enjoyed by non-trans citizens will remain an unjust society. Such an ethical horizon is not a utopian fantasy, but is inherent in the very idea of justice. As John Rawls observes, inherent to a concept of justice is the principle that “Each person possesses an inviolability founded on justice that even the welfare of society as a whole cannot override. For this reason justice denies that the loss of freedom for some is made right by a greater good shared by others. It does not allow that the sacrifices imposed on a few are outweighed by the larger sum of advantages enjoyed by many.”¹

To encompass all trans persons, a robust transgender politics of recognition should address the discriminations and prejudices targeted not only against gender, but against racial and ethnic differences. Present discussions of transgender issues in the classroom, mass media, and everyday conversation separate out transphobia, heterosexism, and misogyny from racism, ethnocentrism, and Eurocentrism. This separation misrepresents how oppressive forces intersect in practice: racism is frequently gendered, while gender discrimination is often shaped by racism. In the first half of this essay, I hope to outline some of the ways that anti-transgender discrimination and violence are often accompanied by racial and ethnic discriminations, and conversely, situations interpreted as instances of racial and ethnic injustice often also involve a policing of gender and sexual boundaries. Rather than provide a wide survey of examples, I will focus [attention] on two seemingly unconnected events separated by over a decade: the deaths of Tyra Hunter and Vincent Chin. In turn, our ability to address hate violence more generally depends on an expanded politics of recognition.

Articulating a web of connections does not mean that we ignore the complex differences among identities and forms of discrimination. Indeed, accuracy demands that we attend to the different origins, histories, and consequences of structures of oppression. While strategically useful in many instances, the representation of broad ranges of racial and gender identities under rubrics such as “persons of color” and “transgender” risks ignoring substantial cultural and economic realities that define and shape identities. One risks, in essence, the very kind of non-recognition that a politics of recognition intentionally seeks to avoid. While this essay cannot offer an overarching strategy for a robust transgender politics of recognition, it will close in on a narrower question raised by an intersectional analysis: the use of cross-cultural comparisons in asserting the legitimacy of transgender identities. A self-critical, multiculturalist ethics may be useful in avoiding an “imperializing” politics of recognition. In terms of a broader political strategy, I would simply note that direct political and cultural efforts toward recognition have been and will probably continue to be as heterogeneous as transgender persons and communities themselves.

I. RECOGNITION AND INTERSECTIONALITY

Conventional discussions of rights and equality, including sex equality, have excluded transgender persons as aberrant cases, and a simple assimilation of trans persons into existing paradigms for civil equality is inadequate; put crudely, it has not been enough, historically, to claim in theoretical terms that transgender persons are deserving of rights because we are “just like everyone else,” when the definition of “everyone” has been established, in practice, through the exclusion of transgender persons.

A politics of recognition consists of more than just the dissemination of positive images for a group. For Charles Taylor, recognition is shorthand for how value is attributed to both persons and groups. Its conceptual origins are in the classical liberal philosophies of the eighteenth century that predicated political life on a principle of equal dignity. Ideally, such a principle accords value to persons by virtue of their individual humanness, rather than by exterior considerations such as family, social rank, or wealth.² At stake in the contemporary idea of recognition is not the complete elimination of differences. Such assimilation would mean the forcible repression or purging of human difference and

diversity in favor of a single idealized norm. Rather, the goal of much of the contemporary politics of recognition is to make illegitimate the use of racial, cultural, sexual, or physical difference as a basis for stigmatization and inequality.

The emergence of democracy as a political system, Taylor notes, "has ushered in a politics of equal recognition, which has taken various forms over the years, and has now returned in the form of demands for the equal status of cultures and of genders."³ Taylor's use of "genders" rather than "men and women" is telling in its open-endedness. Although he does not seem to intentionally include transgender persons, the openness of Taylor's language fits well with an understanding of democratic politics that demands a constant vigilance against a priori exclusions from the realm of rights and civic participation. One should not have to "earn" a conferral of equal value. Rather, the equal valuation of persons is the *basis* for a democratic system of politics and rights. Furthermore, the assigning of unequal status as a precondition for civic and political participation, as in the case of racially segregated systems of education, is illegitimate.

Critical to a politics of recognition is both an attention to material conditions of inequality and to the semiotics of inequality. In regard to *Brown v. Board of Education*, Charles Lawrence has argued that "Read most narrowly, the case is about the rights of Black children to equal educational opportunity. But *Brown* can also be read more broadly to articulate a principle central to any substantive understanding of the equal protection clause, the foundation on which all anti-discrimination law rests. This is the principle of equal citizenship. Under that principle, 'Every individual is presumptively entitled to be treated by the organized society as a respected, responsible, and participating member.'"⁴ *Brown*, Lawrence argues, is simultaneously about ending unequal access to education and about dismantling the systems of signification that sanction white racial supremacy. Systems of meaning and valuation interact with material and economic practices in ways that complement, reinforce, or even guide those practices: "*Brown* held that segregation was unconstitutional not simply because the physical separation of Black and white children is bad or because resources were distributed unequally among Black and white schools. *Brown* held that segregated schools were unconstitutional primarily because of the *message* segregation conveys—the message that Black children are an untouchable caste, unfit to be educated with white children."⁵

Analytically, the concept of recognition is useful as a starting point, but not as an end in itself. The refusal of recognition is often not simply the consequence of a single form of discrimination, but often precedes or extends out of a constellation of social forces. Indeed, as Frank Wu observes, for opponents of desegregation, *Brown* "was thought to be the harbinger of a sexual calamity," with, for example, Judge Thomas Brady of Mississippi "predict[ing] that white Southern men would fight to the death to preserve racial purity, defined as whiteness and the honor of their women."⁶ For understanding such ideologies, Kimberlè Crenshaw's concept of intersectionality becomes useful. Crenshaw provides a way of articulating how constellations of forces operate such that racial hierarchies can both define and be defined by sexual policing. Analytically distinctive structures of oppression and privilege can manifest, in practice, simultaneously in complex patterns of collusion and antagonism.⁷ For Crenshaw and subsequent critical race theorists, analyzing an instance of injustice as *solely* racial, gendered, or economic in nature is likely to result in an inadequate understanding of causes, injuries, and solutions. Sumi K. Cho observes that "In light of the prevalent and converging racial and gender stereotypes of Asian Pacific American Women as politically passive and sexually exotic and compliant, serious attention must be given to the problem of racialized sexual harassment. . . . The law's current dichotomous categorization of racial discrimination and sexual harassment as separate spheres of injury is inadequate to respond to racialized sexual harassment."⁸ Stereotypes such as the hyper-femininity and sexual submissiveness of Asian-American men and women, for example, are

not merely a problem of negative images that can be remedied by creating more positive portraits. When a belief in the sexual submissiveness of Asian-Americans is taken to imply a broader social submissiveness, Asian-Americans are not simply misrepresented, but become more readily the target of sexual harassment and employment discrimination because perpetrators believe that we are unlikely to fight back. Alternately, one might see the intersectional translation of racial privilege into heterosexism and male privilege when whiteness appears to entitle young men to engage in homophobic violence as an extension of their masculinity ("boys will be boys") in situations where racial supremacist violence would be far less tolerated, such as in schools, and where violence by men of color would be interpreted as an indication of simple criminality.

Crenshaw's work has at least three further implications. First, specific constellations of racial and gendered discrimination result in unique kinds of physical and representational violence. Second, seemingly disparate acts of violence and discrimination may also be linked to one another by what Cho observes as the pattern of "synergism" that "results when sexualized racial stereotypes combine with racialized gender stereotypes."⁹ Third, no one particular form of oppression, for example sexism, is necessarily the root cause for, or automatically more urgent to address than another.

II. THEORIZING TRANSGENDER RECOGNITION: PATRICIA WILLIAMS'S *THE ALCHEMY OF RACE AND RIGHTS*

In the United States, the history and structures of anti-black racism stand as an intellectual touchstone for understanding how and why recognition is refused. This necessarily leads to the question, what is the connective tissue between transphobia and racism? A sufficient answer to the question is more subtle than simply saying that both are forms of unjust discrimination. In her ground-breaking work, *The Alchemy of Race and Rights*, Patricia Williams writes of meeting S., a white transsexual woman and law student. Intending to transition, S. "wanted to talk to me before anyone else at the school because I was black and might be more understanding. I had never thought about transsexuality at all and found myself lost for words."¹⁰ Williams's ambivalent silence should not be read, I think, as a signal of unconscious transphobia, but as the sign of an important experiential difference between the racism experienced by non-trans persons of color and the transphobia faced by white transgender persons.

Not surprising, S. was met, Williams recalls, with antagonism over what bathroom she should use; her fellow students asserted their proprietorship over public facilities, over the meaning of those facilities, and even over the significance of S.'s body when she enters "their" space:

After the sex-change operation, S. began to use the ladies' room. There was an enormous outcry from women students of all political persuasions, who "felt raped," in addition to the more academic assertions of some who "feared rape." In a complicated storm of homophobia, the men of the student body let it be known that they too "feared rape" and vowed to chase her out of any and all men's rooms. The oppositional forces of men and women reached a compromise: S. should use the dean's bathroom. Alas, in the dean's bathroom no resolution was to be found, for the suggestion had not been an honest one but merely an integration of the fears of each side. Then, in his turn the dean, circumspection having gotten him this far in life, expressed polite, well-modulated fears about the appearance of impropriety in having students visit his inner sanctum, and many other things most likely related to his fear of a real compromise of hierarchy . . .

At the vortex of this torment, S. as human being who needed to go to the bathroom was lost. Devoured by others, she carved and shaped herself to be definitionally acceptable. She aspired to a notion of women set like jewels in grammatical mountings, fragile and display-cased. She had not learned what society's tricksters and its dark fringes have had to learn in order to survive: to invert, to stretch, meaning rather

than oneself. She to whom words meant so much was not given the room to appropriate them. S. as “transsexual,” S. as “not homosexual,” thus became a mere floating signifier, a deconstructive polymorph par excellence.¹¹

Through their phobic responses, S.’s fellow students and their dean transform bathrooms from a ubiquitous public convenience into extensions of their own genders, sexualities, and institutional positions. S., Williams observes, attempted to adapt to the phobic “logic” of the situation by protesting that she was not homosexual, and thus not a sexual threat. However, this attempt at accommodation fails. The conceptual framework erected against S. denies her claim to self-definition in the first place by prohibiting her access to a public space in which the self-definition of one’s sex is a symbolic part of the act of entry.

It might seem strange, then, that in arrogating such power to themselves, S.’s fellow students would then imagine themselves the *victims* of sexual assault. But in conceiving of bathroom spaces as extensions of their sexed personhood, S.’s fellow students transform the bathrooms from a place of passive “urinary segregation,” in which entry and exit occur with minimal thought, into spaces requiring a vigilant and active patrolling of sex definition and their own bodies. In the transphobic imagination, the bathroom becomes the extension of a genital narcissism (which could be expressed, roughly, as “my body is how sex should be defined for all other bodies” and “the presence of other kinds of body violates the sex of my own body”).

At the same time, being black and non-trans is not the same as being transsexual and white, and the privileges of whiteness have a complicated relationship to the encounter with transphobia. We see in Williams’s account at least three levels of complication. The structures of racism and transphobia do not emanate from the same historical space or set of ethical assumptions; non-trans persons who would likely balk at racial restrictions on bathroom use often see no problem with excluding persons based on their gender expressions or transgender identity. At the same time, among the privileges of whiteness in predominantly white institutions is the ability to take inclusion for granted; it is, arguably, this sense of automatic belonging that S. finds betrayed by her fellow students. Lastly, the simple projection of kinship threatens an act of *misrecognition* in which Williams would be reduced to the status of a pure victim while her racial identity is enlisted into S.’s search for legitimacy: “Initially it felt as if she were seeking in me the comfort of another nobody; I was a bit put off by the implication that my distinctive somebody-ness was being ignored—I was being used, rendered invisible by her refusal to see all of me.”¹² The incautious use of the gains made by persons of color into furthering the social and political inclusion of white persons demands a certain degree of critical skepticism. In the context of LGBT political organizing, Allan Bérubé notes,

dramatic race-analogy scenarios performed by white activists beg some serious questions. Are actual, rather than “virtual,” people of color present as major actors in these scenarios, and if not, why not? What are they saying or how are they being silenced? How is their actual leadership being supported or not supported by the white people who are enacting this racialized history?¹³

The need for caution does not deny the existence of a connective tissue, however. For Williams, the link between herself, a black non-trans woman and law professor, and S., a white transsexual woman and student, lies in the ideological framework revealed by the refusal of material and symbolic recognition:

In retrospect, I see clearly the connection between S.’s fate and my being black, her coming to me because I was black. S.’s experience was a sort of Jim Crow mentality applied to gender. Many men, women, blacks,

and certainly anyone who identifies with the term “white” are caught up in the perpetuation and invisible privilege of this game; for “black,” “female,” “male,” and “white” are every bit as much properties as the buses, private clubs, neighborhoods, and schools that provide the extracorporeal battlegrounds of their expression. S’s experience, indeed, was a reminder of the extent to which property is nothing more than the mind’s enhancement of the body’s limitation . . .¹⁴

To Williams, S. was cut off from the natural act of claiming an identity (linguistically, one might imagine such an act as the simple but foundational grammatical act of speaking in the first person: “I am . . .”). The persons around S. relegated her a priori to the status of a non-person; they laid claim to an exclusive ownership of gendered and sexual identities. For Williams, her connection to S. extends out of the understanding that ideologies of segregation work through both material and symbolic exclusions. Segregation is material in nature insofar as public spaces are physically cordoned off and defended as the private reserve of certain privileged subjectivities. Segregation is also symbolic insofar as the material act of exclusion attempts to convey the message and bolster the illusion that the boundaries of proper identities and the attribution of value, and dignity are fully and solely in the hands of those privileged subjects.

In spirit, if not explicitly, transgender scholars have followed Williams’s work by providing increasingly nuanced analyses of the differences in identities and experiences *among* trans persons. In Williams’s account, the students who decried student S. as a “rapist” echoed a long-standing stereotype of transsexual women as secret sexual predators. Judith Halberstam has argued that trans men and masculine women are, in contrast, more likely to be imagined as targets than as threats. Halberstam notes that “The codes that dominate within the women’s bathroom are primarily gender codes; in the men’s room, they are sexual codes.”¹⁵ In turn, gender policing in bathrooms intersects with the asymmetries that structure the cultural ideals of the divide between public (coded as a space of masculine sexual privilege) and private (coded as feminine domesticity). Because of these intersections, “The perils for passing FTMs in the men’s room are very different from the perils of passing MTFs in the women’s room. On the one hand, the FTM in the men’s room is likely to be less scrutinized because men are not quite as vigilant about intruders for obvious reasons. On the other hand, if caught, the FTM may face some version of gender panic from the man who discovers him, and it is quite reasonable to expect and fear violence in the wake of such a discovery. The MTF, by comparison, will be more scrutinized in the women’s room but possibly less open to punishment if caught.”¹⁶ Masculine and androgynous women in the women’s room receive intensified scrutiny and face the demand by law enforcement to confirm their sex in ways that feminine men or androgynous persons in the men’s room typically do not. These are, of course, interpretively useful generalizations, not absolutes. One can refine the analysis of gender policing further by exploring the ways that persons are scrutinized also for skin color, class, age, body art, and other features.

Susan Stryker describes our contemporary moment as a “wild profusion of gendered subject positions, spawned by the rupture of “woman” and “man” like an archipelago of identities rising from the sea: FTM, MTF, eonist, invert, androgyne, butch, femme, nellie, queen, third sex, hermaphrodite, tomboy, sissy, drag king, female impersonator, she-male, he-she, boy-dyke, girlfag, transsexual, transvestite, transgender, cross-dresser.”¹⁷ This proliferation does not mark a momentary cultural confusion that will subside into some more simple model of sex, gender and sexuality later; on the contrary, such nuanced self-definitions indicate that such complexity is, as C. Jacob Hale argues, phenomenologically real.¹⁸ What is politically critical is the understanding that no single type of gender policing is exemplary of all other forms at the same time that these multiple experiences of gender policing are also experientially real, and function as preludes to the denial of recognition.

III. SOCIAL DEATH: TYRA HUNTER AND VINCENT CHIN

On August 7, 1995, Tyra Hunter, a black transgender woman, was struck by a car. As the emergency medical technician at the scene began to administer aid, he suddenly exclaimed, “This bitch ain’t no girl . . . it’s a nigger, he’s got a dick!” and walked away. Witnesses later reported that, while Hunter was possibly still conscious, the EMT stood, “laughing and telling jokes” with his fellow technicians for several minutes. Tyra Hunter would subsequently die of her injuries at Washington, DC General Hospital.¹⁹

On June 19, 1982, Vincent Chin, a non-transgender Chinese-American, was clubbed to death by Ronald Ebens and his stepson, Michael Nitz. In a national and local atmosphere poisoned by the media’s heavy-handed Japan-bashing, Chin’s attackers blamed him for taking away “American” jobs. Both men were charged with manslaughter and released on probation with a three-thousand-dollar fine. Wayne County Circuit Court chief justice Charles Kaufman defended his light sentencing by noting that: “We’re talking here about a man who’s held down a responsible job with the same company for 17 or 18 years, and his son who is employed and a part-time student. These men are not going to go out and harm somebody else. I just didn’t think that putting them in prison would do any good for them or for society. You don’t make the punishment fit the crime; you make the punishment fit the individual.”²⁰

These two instances of discriminatory behavior seem separated by different kinds of conduct, perpetrators, victims, and motives. Nevertheless, they are, I would suggest, two faces of one ideological coin. The deaths of a black transgender woman and a non-trans Chinese-American man are connected through acts of injustice predicated on gross refusals of civil and human recognition. In the first instance, the EMT’s marked hostility toward women as a whole—“this bitch”—colluded, in his eyes, with Hunter’s “failure” to meet his sexualized and gendered expectations of a black woman. Misogyny, racism, homophobia, and transphobia are all *simultaneously* audible in the EMT’s statement. Regarded as an “it,” Hunter is rendered socially dead, such that, lying injured on the ground, she is left to die, treated by the technicians at the scene as if she were *already* dead.²¹ The display of callousness and arrogance on the part of the perpetrators is not incidental; rather it arises from their implicit belief that they possessed the right to either withhold or grant recognition in the form of medical care according to racialized, gendered, and sexual criteria.

In the second instance, a similar arrogance is visible in Judge Kaufman’s explanation of his light sentencing. In effect, he absolves Chin’s attackers of their violent racism because they were “responsible” family men. Kaufman imagines himself as the defender not of racist killers, but of well-employed, heterosexual heads-of-households whose personal well-being and society’s welfare are imagined to be one and the same: “I just didn’t think that putting them in prison would do any good for them or for society.” Kaufman gives voice to a discourse that equates whiteness with middle-class heterosexual masculinity and with society in general. For Kaufman, a challenge to Ebens’s and Nitz’s racially motivated violence, legible as an assertion of supremacism, would threaten their socially sanctioned gender and class roles. In turn, Chin, while also employed and about to get married, has no standing as a man, a worker, or as a properly familial heterosexual. Although there is no clear reason why another attack on an Asian-American would *not* occur, Vincent Chin and Detroit’s Asian-American community are dismissed from view as merely “somebody else,” a referent without content.

My contention that these two instances of injustice are connected through their enactment of an exclusionary and *simultaneous* policing of race, gender, and sexuality, may seem overbroad. Nonetheless, I would suggest that neither Hunter’s nor Chin’s deaths are intelligible without reference to broader patterns of bias and exclusion. Barbara Perry has argued that hate crimes, understood as

assaults against the communities to which an individual appears to belong, are significantly oriented toward creating a *spectacle* of subordination, as well as physical harm. Hate crimes, Perry argues, are intended as a message to the *communities* who bear witness, as well as the immediate victims, to get back “in their place.”²² The “messages” conveyed by acts of hate violence are not idiosyncratic personal expressions, but attempts to reinforce publicly available discourses that support the subordination of historically marginalized groups. In short, even though the bulk of hate crimes are *not* committed by organized hate groups, acts of transphobic or racist violence are nonetheless attempts to turn beliefs in transgender deviance or white supremacy into concrete realities.

Tyra Hunter and Vincent Chin faced different historical legacies, to be sure. The intense demand to be “properly” gendered imposed on Tyra Hunter might be reckoned, in part, to be one of the consequences of the nineteenth-century construction of “womanhood” as white and centered in the domestic sphere; in contrast to such a standard, Cheryl Harris argues, “Black women functioned as important regulatory symbols: by representing everything that “woman” was not. . . . Indeed, through the rigid construction of the virgin/whore dichotomy along racial lines, the conception of womanhood was deeply wedded to slavery and patriarchy and the conduct of all women was policed in accordance with patriarchal norms and in furtherance of white male power.”²³ Vincent Chin and Asian-Americans stand in the shadow cast by a different history. As Ronald Takaki notes, we have been painted as “perpetual foreigners” whose presence in the United States is regarded as transitory or even parasitical. These historical differences do not mean that Hunter’s and Chin’s deaths are isolated from one another, however. Taken together, the EMT’s regard of black trans women as sexually deviant and socially dead and Judge Kaufman’s claim that white heterosexual family men are preeminently valuable are interlocking and mutually reinforcing. As a mass of beliefs, they echo historically enduring hierarchies of racial, gender, and sexuality.

Here, it becomes important to address the distinction between a politics of recognition and economic or redistributive justice. The severe economic vulnerability of trans persons makes us vulnerable to abuse in many settings, from the workplace to the criminal justice system. Non-discrimination laws alone are simply inadequate. In historical perspective, as Derrick Bell has argued, the gains made toward racial equality since *Brown* have been regularly undermined by the structuring of economic interests in parallel with racism. Economic justice remains a necessary part of civil and human rights struggles, Bell argues, stressing the need to develop strategies that will “dilute both the financial and psychological benefits” of discriminatory behavior.²⁴ Recognition is, generally, an insecure achievement when it relies on the largesse of those with the power to grant or deny it or when it pits self-interest against moral persuasion.

Yet, to the extent that discriminatory actions have their roots in phobic beliefs that are *not* economically motivated, an emphasis on recognition remains essential. Hate violence does not correlate readily to economic disparities and “hatemongers are not all alienated deprived youth. It is also the case that hate crimes knows no class boundaries. . . . Hate crime is increasingly likely to occur in places of privilege such as the workplace and college campuses.”²⁵ The beliefs surrounding Tyra Hunter’s or Vincent Chin’s deaths, or student S’s exclusion from bathrooms, had less to do with economic disparities than with the systematic devaluation of their personhoods and communities. Such devaluation took place in terms of cultural and social, rather than material worth. In all three cases, the question that became visible was not whether they could afford fair treatment, but whether or not they deserved fairness in the first place. Economic equality, whether measured in terms of income or more complex quality-of-life measurements, does not safeguard against the perception that one’s life, identity, psychological integrity, and communities are of *no inherent* value.

Transphobia and Hate-Motivated Violence

Hate-motivated violence deserves an extended consideration insofar as it is one of the areas in which an expansion of our current politics of recognition is particularly needed. From the schoolyard thug to the thug with a badge, both opportunistic violence and state-sanctioned violence are a barbed-wire cage that keeps us from fully participating in the culture, society and political life around us. While violence is by no means the only civil rights concern of trans persons or persons of color, it is, nonetheless, the most direct means by which we have been warded off from attempting to make rights claims or pointing out unjust inequalities.

The relationship between the refusal of recognition and hate violence is multi-layered. Most evidently, non-recognition promotes hate crimes by allowing perpetrators to regard victims as targets who “deserve” to be hated. Beneath this causal relationship are at least three other pernicious consequences of non-recognition. Non-recognition renders invisible the frequency of those crimes. For example, neither transgender persons nor perceptions of gender identity appear as categories of persons or motives in the FBI’s hate crimes statistics.²⁶ Non-recognition further leads to a dismissive attitude by the criminal justice system, the media, and the public toward the consequences of hatred for its victims and to victims being blamed for “bringing it on themselves.” Most perniciously, perhaps, when victims receive inadequate support, it becomes possible to accept such attitudes and to resign oneself to the “inevitability” of being hated. Often then, the consequence is that hate crimes then go unreported and unaddressed, thus creating a cycle of suppression and silence.

Trans persons are systematically misrepresented both within the mass media and within the criminal justice system. We are regarded as persons whose identities are not simply “deviant,” but actively deceptive and criminal. As I write this essay, a mistrial has occurred in the prosecution of Gwen Araujo’s killers. Araujo was a seventeen-year-old trans woman who was tortured and strangled by four men. Even when, because of pressures brought by family, friends, and transgender activists, the attention of the media and criminal justice system are sympathetic to the victims of anti-transgender hate crimes, trans persons can end up represented in ways that undermine the equal recognition implicit in hate crimes laws. Both prosecution and defense relied upon rhetorical ploys that have no actual ethical or legal basis. To the prosecutor, Araujo had committed “the sin of deception”²⁷ even as he closed his case by arguing that “the provocation [for murder] did not flow from Eddie [Gwen] Araujo.”²⁸ The defense, in its turn, accused Araujo of “sexual fraud.”²⁹

The mass media bears a significant responsibility for misrepresenting trans persons and the scale of violence that we face. Trans activists have changed, to be sure, the quality of non-LGBT press coverage, especially since Brandon Teena’s murder. We are less frequently represented as exotic pervers in order to create sensationalistic copy. Nonetheless, reporters still have trouble with names, genders, and, most important perhaps, context. (Indeed, I should note that the significance of turning Brandon Teena’s life into a movie, *Boys Don’t Cry*, remains to be seen; I have met a number of persons who, after seeing the film, did not know that he was an actual person.) In September of 2003, for example, *Newsweek* reported sympathetically on the murders of Ukea Davis, Bella Evangelista, Kiera Spaulding, Stephanie Thomas, and Mimi Young over a one-year period. However, the tendency to blame the victim for the crime still persisted; Bella Evangelista is implied to have been complicit in her death by deceiving unsuspecting heterosexual men: “[Evangelista] occasionally resorted to an especially risky form of prostitution—soliciting straight men on the street without telling them her true gender.” The chilling larger context of violence against trans persons is relegated to a parenthetical comment: “Evangelista’s killing was gruesome, but it wasn’t unique. In the past year, four other transgender men have been found brutally murdered in the Washington area. Another was attacked and narrowly survived. Police say that so far, they have found no connection between the crimes... (Nationwide,

nine other transgenders have been murdered in the past 12 months, according to Remembering Our Dead, a San Francisco-based activist group.)”³⁰ Among the consistent features of non-LGBT reporting on anti-trans hate crimes is the tendency for journalists to portray such crimes as a shocking new development or a sudden surge. In fact, it would have been more accurate to describe the violence in Washington as the continued expansion of an epidemic. Kylar Broadus observes that roughly two killings a month of trans persons are recorded each year. Furthermore, any number taken from currently available sources is likely to be *low* due to a combination of underreporting and misreporting, “because the individual victim is not identified as transgendered—because [authorities] will ignore the victims’ transgender name and identity and state, ‘It was a man,’ or say, ‘It was a gay man in drag’ that was killed.”³¹

Turns-of-phrase such as “sins of deception” and “sexual fraud” have no ethical or legal basis; they are strictly rhetorical strategems. Their effectiveness rests not only on widespread stereotypes and misconceptions, but on an a priori negation of transgender identity. Just as persons of color in the nineteenth century were excluded from testifying against white persons in court because their color presumptively negated the legitimacy of their testimony in a white supremacist juridical context, transgender persons are rendered “unreal” in a rigidly binaristic and heterosexist cultural environment.

IV. TOWARD A CRITICAL MULTICULTURALISM

The need for portraits of subjectivity that do not simply assimilate existing culturally dominant standards of normalcy and that enable a critical assessment the United States’ particular sex-gender system has lead many to search for alternative sex-gender systems in which gender non-conformity is valued. Indeed, I recall reading Walter Williams’s influential *The Spirit and the Flesh* for the first time as an undergraduate. With embarrassing hubris, I walked into Robert Warrior’s office, the professor for my Native American literature class, and asked why gender and sexuality were not more prominent topics in the class? Gently but firmly, he asked me if I had learned anything yet about water rights, education issues, or sovereignty. The question made clear that while gender and sexual identity were not unimportant areas of inquiry, they should not be detached from the concerns over survival and justice for the communities in which those systems of gender and sexuality emerged.

What are the benefits and risks of writing about apparently transgender aspects of cultures “outside” the West as a source of cultural legitimacy in the United States? This question might seem an odd departure from my explorations of Williams’s and Crenshaw’s works and the deaths of Tyra Hunter and Vincent Chin. However, as Derrick Bell and others have noted, U.S. black and Native American struggles over rights and self-determination were watched intensely by those engaged in decolonization in Africa, Asia, Latin America, and the Caribbean. For some observers, U.S. civil rights struggles were an extension inwards of anti-colonialism. No less, whether or not early transgender activists considered themselves part of a broader liberation movement, they were part of a milieu steeped in racial civil rights struggles, labor organizing, anti-war and peace movements, and second-wave feminism. One might argue that post-war civil rights struggles generally cannot be read in terms of strictly national beliefs and actors.

This broader historical intersectionality requires us to attend to one of the key strategies of legitimation in transgender politics: the representation of cultures in which apparently “third sexes or genders” have a positive role and of cultures with different taxonomies for embodiment and sexual life more generally. The precedent such intellectual work has been set by feminist and, more recently, gay and lesbian historians and anthropologists who have sought world-views in which gender relations are not organized around patriarchy and domesticity, and sexuality is not defined in terms of mutually

exclusive heterosexual and homosexual identities. Indeed, as Patrick Califia-Rice has noted, the archive of cross-cultural comparisons of gender and sexuality often undermines attempts to demarcate cleanly between transgender and gay-lesbian historiography.³²

Transgender writers have referred to cultural systems in which so-called “third” genders or sexes have an established role in order to develop a critique of the fixity and universality of contemporary Western taxonomies of gender and sex.³³ One relatively moderate argument that can be made based on cross-cultural comparisons is that transgender identities do not herald the decay and end of civilization, but is simply one of many cultural possibilities. The existence of other cultural taxonomies is part of a larger body of evidence supporting the claim that Western models of sex, gender, and sexuality do not reflect some bedrock cultural necessity, but is one of several roads of historical development that is open to future change. For trans persons, knowledge of other cultural systems lends credence to the idea that transphobia and rigid gender roles are neither a permanent nor an organic feature of societies, and offers the possibility that there might well be a future in which transgender persons possess cultural and social legitimacy despite or even because of their identity.

The benefits of cross-cultural comparisons entail an equivalent degree of ethical danger. At the outset, transgender or third sex/gender are labels that might well be rejected or culturally unintelligible if applied. The act of misrepresentation or mistranslation is not trivial. In prioritizing sex or gender over other dimensions of cultural reality or in isolating sex and gender from their cultural milieu, it is easy to treat other cultures and persons in a fashion similar to the way that U.S. trans persons have been regarded by, for example, medical and psychiatric institutions that have tended to be interested in us primarily as case studies of a ‘condition.’ When transgender writers are located within the United States, the danger of misrepresentation is compounded by the problem of taking on an imperialistic approach to political and intellectual work. To be sure, trans persons typically have neither the financial nor the cultural capital to be a neocolonial vanguard; there is nothing to be gained by rehearsing the facile metaphors central to Janice Raymond’s vitriolic *Transsexual Empire*. What is risked in using other cultures as a means to our own political ends, is an erosion of ethical consciousness in which we come to regard both “trans” and non-trans persons as mere instruments in struggles that they have had little voice in shaping and whose fruits they are unlikely to share.

By no means is the problem of cross-cultural representation faced by transgender writers alone. How transphobia intersects with the act of cross-cultural representation in the so-called mainstream of Western mass media is instructive about the uses to which the representations of other cultures can be put. One cornerstone of transphobic representation works through a radical constriction of the norms against which sex and gender expressions are interpreted and evaluated. Take, for example, a short review of a travel book from *The Economist*:

It is, one imagines, every sex-tourist’s nightmare: the go-go bar, the tuk-tuk, the hotel room and then . . . the discovery that there is rather more to the lovely lady than had been bargained for. Thailand’s ladyboys have struck again.³⁴

Within a few brief sentences, *The Economist* above imagines transgender subjectivity as nothing more (or less) than a threat to heterosexual genital security. “Thailand’s ladyboys,” Thai *kathoeyes*, are depicted strictly with regard to whether they conform to the desires of the heterosexual European sex-tourist, presented here as the standard of normalcy and the “one” whose subjectivity should be “imagined” by the reader. Whether or not Thai *kathoeyes* are represented in a positive or negative light in this instance is, to some extent, irrelevant; more important, I think, is the fact that *kathoey* identity is represented as dependent on, and subordinate to the presumptive gender expectations and heterosexuality of the narrator. The *kathoey* becomes nothing more or less than the extension of a sexual “nightmare.” At

the same time, the author invokes the common stereotype of the devious and cunning Asian: in effect, *kathoey*s are Fu Manchu posing as Madame Butterfly.

Writing for the *New Internationalist*, Urvashi Butalia offers an alternative and far more expansive mode of representation in a profile of Mona, an Indian *hijra*:

Mona Ahmed's visiting card currently lists five names. Apart from Mona, which is how I know her, there is Ahmad Bhai, Saraswati, Ahmed Iqbal and Radharani. These names are a mix of Hindu (Saraswati, Radharani), Muslim (Ahmed Bhai, Ahmed Iqbal) and Christian (Mona), but they also combine different genders. Mona, Saraswati, and Radharani are female names. Ahmed Bhai and Ahmed Iqbal are male names. This is entirely appropriate—with Mona it's difficult to tell from one moment to the next which gender she will assume . . .

As a eunuch she has limited ways of making a living: eunuchs live on the fringes of Indian society and can't easily find jobs. The group to which she belongs make their living by blessing newborn children in return for money—an act which plays on people's fear of the "evil eye" and is the reason families willingly oblige . . .

There are times when Mona yearns to be what she calls "normal." But that normality doesn't have to do with sex. Instead, it's a longing to be a part of mainstream society. It has to do with acceptability, with respect—all of which elude her simply because she cannot be classed as one or other of the two genders available us. At other times she laughs at the trap of "normal" society. Years ago she adopted a little girl when she felt a strong urge to motherhood which for her has nothing to do with biology.³⁵

The difference here is qualitative, not merely quantitative. Mona's identity cannot be reduced to either her physicality or her gender, but must be seen within the cultural, religious, and economic structures that are specific to India as a modern nation. Mona's identity, while understood relationally, is not represented as a subordinate extension of another's reality. Celebratory representation need not be a central concern here. Rather, the "positive" quality of Butalia's representation of Mona extends from the manner in which she depicts Mona's reality as composed through the complex relationships among her personal agency, the social and economic possibilities surrounding her, and the larger, evolving communities and histories within modern Indian society.

On the one hand, when portrayed as strange and deviant, different systems of sex and gender relations can be used to reaffirm the belief that the West's culturally dominant understanding of sex and gender identity is natural and superior. On the other hand, placed in a broader cultural and historical context, the depiction of a different sex and gender system can also be used to demonstrate that the binary and heterocentric understanding of "normal" sex and gender identity in the United States is not a fact of nature, but the product of a specific historical legacy, one that is reinforced not by the force of nature but by relations of privilege and exclusion. The desire to engage in comparative thought should not be dismissed merely as a search for Shangri-La. Instead, the use of cross-cultural comparisons as a strategy of legitimation requires a heightened awareness of the ethical stakes involved.

A multiculturalist ethics provides a useful vantage point. In the United States, multiculturalism has been, typically, an attempt to challenge ethnocentrism through education after the demise of overt racial and ethnic supremacism. At its weakest, multiculturalism descends into the tokenistic and easily forgotten celebration of cosmetic cultural differences. Ideally, more serious changes in ways of thinking can take place through a rigorous, critical multiculturalism in which education focuses "on the material historical productions of difference rather than on 'culture' as a ready-made thing,"³⁶ and explore how specific systems of identification, discrimination, and privilege become forged over time.

A critical multiculturalist approach toward the representation of cultural differences in transgender intellectual work has at least three dimensions: the elaboration of historical context, the need to

define the purposes and limits of cross-cultural comparison, and establishing reciprocity rather than parasitism. The representation of Native American cultures by trans persons, particularly the idea of two-spiritedness, provide a useful vantage point. When speaking of gender systems, the idea of a system or a structure should not be mistaken as meaning historical immobility or indicating a machine-like creation of identity categories. In the case of Navajo categories of gender, Wesley Thomas argues that “gender formulation and reformulation are ongoing processes that have been affected by the influence of Euro-American cultures. The Navajo world has always evolved by synthesizing traditional ideas and practices with new ones.”³⁷ Cultures should be recognized not as templates, but as dynamic systems containing internal debates, tensions, and contradictions. Awareness of this internal autonomy and self-reflexivity is analytically vital. Robert Warrior notes that: “American Indian intellectual discourse can now ground itself in its own history the way that African-American, feminist, and other oppositional discourses have . . . far from engaging in some new and novel practice that belongs necessarily to the process of assimilating and enculturating non-Native values, we are doing something that Natives have done for hundreds of years—something that can be and has been an important part of resistance to assimilation and survival.”³⁸ Second, information about another culture constitutes a critical vantage point from which to see one’s own culture from a different perspective; it does not enable one to claim those identity categories as one’s own. As Gary Bowen observes, “There are many ‘magpies’ who are drawn to latch onto the bright shiny aspects of Native culture, who misappropriate Native culture, customs, and artifacts in the belief that they are ‘honoring’ Native people by imitating them without understanding them.”³⁹ Finally, substantive cross-cultural work demands that one understand and value that the stakes present in struggles beyond one’s own.

NOTES

1. John Rawls, *A Theory of Justice* (Cambridge, MA: Harvard University Press, 1999), 3.
2. Charles Taylor, *Multiculturalism: The Politics of Recognition*, ed. Amy Gutmann (Princeton: Princeton University Press, 1994), 27.
3. *Ibid.*, 27.
4. Charles Lawrence III, “If He Hollers Let Him Go: Regulating Racist Speech on Campus,” in *Words that Wound: Critical Race Theory, Assaultive Speech, and the First Amendment*, [ed. Mari J. Matsuda and Charles Lawrence III], 59 (Boulder: Westview, 1993).
5. *Ibid.*, 59.
6. Frank H. Wu, *Yellow* (New York: Basic Books, 2002), 265–6.
7. Kimberlé Crenshaw, “Beyond Racism and Misogyny: Black Feminism and 2 Live Crew,” in *Words that Wound: Critical Race Theory, Assaultive Speech, and the First Amendment*, [ed. Mari J. Matsuda and Charles Lawrence III], 111–132 (Boulder: Westview, 1993). Crenshaw distinguishes among three kinds of intersectionality: structural, “to refer to the way in which women of color are situated within overlapping structures of subordination”; political, “to refer to the different ways in which political and discursive practices relating to race and gender interrelate, often erasing women of color”; and representational, “referring to the way that race and gender images, readily available to our culture, converge to create unique and specific narratives deemed appropriate for women of color. Not surprisingly, the clearest convergences are those involving sexuality, perhaps because it is through sexuality that images of minorities and women are most sharply focused” (114–6).
8. Sumi K. Cho, “Converging Stereotypes in Racialized Sexual Harassment: Where the Model Minority Meets Suzie Wong,” in *Critical Race Feminism*, ed. Adrien Katherine Wing, 212 (New York: New York University Press, 1997).
9. *Ibid.*, 205.
10. Patricia J. Williams, *The Alchemy of Race and Rights* (Cambridge, MA: Harvard University Press, 1991), 123.
11. *Ibid.*, 123–4.
12. *Ibid.*, 124.
13. Allan Bérubé, “How Gay Stays White and What Kind of White it Stays,” *The Making and Unmaking of Whiteness*, eds. Birget Brander Rasmussen, Eric Klinenberg, Irene J. Nexica, and Matt Wray, 245–6 (Durham, NC: Duke University Press, 2001).
14. Williams, *Alchemy*, 124.
15. Judith Halberstam, *Female Masculinity* (Durham, NC: Duke University Press, 1998), 24.
16. *Ibid.*, 25.
17. Susan Stryker, “The Transgender Issue: An Introduction,” *GLQ* 4, no. 2 (1998): 148.

18. C. Jacob Hale, "Leatherdyke Boys and Their Daddies: How to Have Sex Without Women or Men," *Social Text* 52, no. 3 (1997): 230.
19. Scott Bowles, "A Death Robbed of Dignity Mobilizes a Community," *Washington Post*, December 10, 1995.
20. Judith Cummings, "Detroit Asian-Americans Protest Lenient Penalties for Murder," *New York Times*, April 26, 1983.
21. In his comparative study of systems of slavery, Orlando Patterson argues that slaves are regarded as "socially dead," insofar as they are considered by the slave-owning culture to be cut off from family, kinship and community, and lack both honor and power. *Slavery and Social Death* (Cambridge, MA: Harvard University Press, 1982), 1–3.
22. Perry emphasizes the ideological and semiotic dimension of hate crimes, and argues that a hate crime "involves acts of violence and intimidation, usually directed toward already stigmatized and marginalized groups. It attempts to re-create simultaneously the threatened (real or imagined) hegemony of the perpetrator's group and the "appropriate" subordinate identity of the victim's group. It is a means of marking both the Self and the Other in such a way as to reestablish their "proper" relative positions, as given and reproduced by broader ideologies and patterns of social and political inequality." Barbara Perry, *In the Name of Hate: Understanding Hate Crime* (New York: Routledge, 2001), 10.
23. Cheryl I. Harris, "Finding Sojourner's Truth: Race, Gender, and the Institution of Property," *Cardozo Law Review* (18 November 1996): 315.
24. Derrick Bell, *Faces at the Bottom of the Well: The Permanence of Racism* (New York: Basic Books, 1992), 61.
25. Perry, *In the Name of Hate*, 38.
26. Federal Bureau of Investigation, *Uniform Crime Report, Hate Crimes Statistics, 2002*. <http://www.fbi.gov/ucr/hate-crime2002.pdf>.
27. Chris Lamiero as quoted by Michelle Locke, "Prosecutor: Transgender Teen 'Executed,'" Associated Press, Wednesday, April 14, 2004 11:01 PM. <http://www.guardian.co.uk/us/latest/story/0,1282,-3978164,00.html>
28. <http://www.nbc11.com/news/3378630/detail/html>.
29. Ibid.
30. Holly Bailey, "Targeting Transgenders," *Newsweek*, September 8, 2003, 53.
31. Quoted in Cei Bell, "Danger Across Genders" *The Philadelphia Enquirer*, April 14, 2003. <http://www.philly.com/mld/inquirer/news/editorial/5627384.html>.
32. Patrick Califia-Rice, *Sex Changes: The Politics of Transgenderism* (San Francisco: Cleis, 1997).
33. Leslie Feinberg, *Transgender Warriors: Making History from Joan of Arc to RuPaul* (Boston: Beacon Press, 1996).
34. "Skirting Pain." Review of *The Third Sex: Kathoey, Thailand's Ladyboys*, by Richard Totman. *The Economist* (June 14–20, 2003): 82.
35. Urvashi Butalia, "The Third Sex," *New Internationalist* (October 2002), 5.
36. David Palumbo-Liu, "Multiculturalism Now: Civilization, National Identity, and Difference Before and After September 11th," *Boundary 2* 29, no. 2 (2002): 110.
37. Wesley Thomas (Navajo), "Navajo Cultural Constructions of Gender and Sexuality," in *Two-Spirit People: Native American Gender Identity, Sexuality, and Spirituality*, eds. Sue-Ellen Jacobs, Wesley Thomas, and Sabine Lang, 169 (Urbana, IL: University of Illinois Press, 1997).
38. Robert Warrior (Osage), *Tribal Secrets: Recovering American Indian Intellectual Traditions*, (Minneapolis: University of Minnesota Press, 1995), 2.
39. Cited in Leslie Feinberg, *Trans Liberation: Beyond Pink or Blue*, (Boston: Beacon Press, 1998), 66.

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