[2:05]

We must consider the queer subject and critique underlying assumptions about what outness entails. **Roen 1:**

[Roen, Katrina. ""Either/Or" and "Both/Neither": Discursive Tensions in Transgender Politics." *Signs: Journal of Women in Culture and Society Signs* 27.2 (2002): 501-22. *JSTOR [JSTOR]*. Web.]

Therefore, [I]t is important to be aware of the risks associated with identity categories. Butler writes that although “identity terms must be used, [and] as much as **“outness”** is to beaffirmed, these same notions **must become subject to a critique** of the exclusionary operations of their own production: **For whom is outness** a historically **available** and affordable option? Is there an unmarked class character to the term, and who is excluded? For whom does the term present an impossible conflict between racial, ethnic, or religious affiliation and sexual politics?... In this sense, the **genealogical critique of the queer subject will be central to queer politics** to the extent that **it constitutes a self-critical dimension** within activism, **a** persistent **reminder** to take the time **to consider the exclusionary force of** one of **activism**’s most treasured contemporary premises.” So perhaps bringing a queer critique to Bornstein’s notions of transgenderism and promotion of “outness” will be informing to transgender theorizing.

There is no singular procedure that solves all other gender problems – identity is fluid, and focus on anatomy is just myopic sensationalism, **Filar 1:**

Ray Filar. "Is it a man or a woman? Transitioning and the cis gaze." 24 September 2015.

So 'transition', 'sex change' or, to some extent, 'coming out' are cis fantasies. They are cis fantasies that obscure the processes by which cis people create their own genders. Whether cis or trans or gender non-conforming, gender is never static. **Gender identity** has no fixed end point: it **is a lifetime of changing** feelings, **experiences and attitudes.** If gender is a set of relationships – to ourselves, to others, to the boxes others put us in – then no adults are the same gender, really, as when they were born, and in ten years they will be different genders still. **Medical intervention is not the culmination of a clear** process of **transition** between woman and man or vice versa, it is a set of technologies that help to alleviate body dysphoria at a particular point in time. After the 'transition' is over, there's still a lifetime of gendered experience to have. The myth is that that identity is contained within anatomy: **society is fascinated with changing bodies.** The lie is that this ritualised gawping is not erotic. As Jacques points out, **mainstream** media **representation of trans people is** almost synonymous with the use of **sensationalist 'before' and 'after' photos** that mask “processes of change, even as they ostensibly reveal them”. Trans peoples' **body alterations must be seen. Trans people who do not body modify are ridiculed, or presumed not to exist.** This is why some of the UK's more backwards feminists get so het up over the idea of female or lesbian penises – for them, biology is destiny. Even more sympathetic coverage doesn't always avoid the tendency toward spectacle – deviant bodies are simultaneously put on display, and stripped of their agency. In this there are clear parallels with coverage of sex work and sex workers. As [Melissa Gira Grant](http://www.versobooks.com/authors/1838-melissa-gira-grant) writes: [“Aside from an origin story of her life “before,” this is where the exposition will be confined: the red light, the bed, the men, the money. Everything else is out of frame.”](https://www.guernicamag.com/daily/melissa-gira-grant-the-peephole/) But trans peoples' understandings of themselves, trans and queer communities' takes on gender, are far more developed than any other. We understand the expansive possibilities for gender expressions and experiences beyond and outside of the binary, or within it. The challenge that we present to the cis mainstream is to question not just how bodies and identities relate, but how gender identities are organised around the regulation of populations into life and death: while trans women of colour are streamlined, often, toward death, white cis men make the decisions that put them there. **Fixation on the sex change obscures a whole realm of trans experiences that** may **have little to do with genitals.** This the context in which Trans emerges: claiming the right to self-define, to self-represent. In this it sits within the canon of trans memoirs, most famously Lili Elbe's Man into Woman and Jan Morris' Conundrum, self-authored life stories framed around being trans. Jacques sets the book up against the 'born in the wrong body' stereotype – and in doing so tries to escape from the genre's usual constraints. It is more than trope of "‘unhappy girl’ trapped ‘in the wrong body’ becomes happy woman after medical intervention"—there is art, music, there is experimentation with the trans memoir form. But by framing the book around her reassignment surgery, Jacques steps out with only limited success. Still, it's a double bind: do you start your book with what people will find most interesting/appalling, what people see as the epitome of the trans experience, or refuse to and lose readers? Will cis people still care when we stop showing them what's in our pants?

Reassignment surgeries are disproportionately available to white, middle class people; the aff’s emphasis on transitioning marginalizes the experiences of transpeople of other races and socioeconomic positions. **Roen 2:**

For instance, one of the transgenderists Nataf quotes Riki Ann Wilchins, identities the **selective availability of sex reassignment surgery** as one factor **creat[es]**ing **divisions** among transpeople. She argues: “It used to be that we were all gender trash rejects together…. When we started to get empowered for having sex change surgery all of a sudden the distinction between post-op and prep-op becomes extremely important, as a postoperative you got certain privileges and power. Essentially surgery breaks down for me as a class and race issue. **People who are economically empowered** and want surgery, **get it**. Which means**, essentially, people who are white and** educated and largely **middle class**.” **If**, as Tania and Tracey’s experiences suggest, some transsexuals regard **access to** sex reassignment **surgery,** and an effort to pass, as **measures** of **the degree to which one “counts”** as transsexual, and if Wilchin’s observations about access to sex reassignment surgery are accurate, **then the question of who counts becomes a question of race and class** as much as a question of outness. This harks back to Butler’s comment that the possibility of being out could be partially dictated by issues of race. **We might best understand the role of race** and class **not simply in terms of who can** financially **afford** medical and legal costs of **transition** **but also** in terms of **who can afford** to take **the diverse risks associated with being out**. It would be oversimplistic, for example, to assume a linear relationship between access to financial resources and opportunities to live as an out transperson. To reiterate the central concern here: two hierarchies are established through transsexual and transgender discourses. **Transgenderism** (the both/neither stance) **exalts outness,** fluidity, and transgression. Therefore, who counts (as a gender outlaw) depends on how possible it is to be out. Who counts as a transsexual (in the sense of the either/or stance) rests on who can pass, which depends partially on who has access to reassignment technologies, and is therefore influenced by class, race, education, and so on. This suggests that the both/neither position and the either/or position are problematic in terms of exclusivity and their failiure to account for socioeconomic factors.

Their strategy justifies tactics by which the state must authorize identity and in which being out precedes recognition – turns case, **Filar 2:**

Trans lives are structured by dehumanising constraints invented by **cis people**. These **regulate how you are** and aren't **allowed to be trans, through law**making **and medical institutions.** Just **to live while trans requires supplication to stigmatising state processes**; it is invariably compulsory to state your gender when doing anything 'official': opening a bank account, renting a room and getting a job are just three examples. Amnesty International’s 2014 report ‘[The state decides who I am: lack of legal recognition for transgender people in Europe](https://www.amnesty.org/en/documents/EUR01/001/2014/en/)’ details how “**in several European countries**, including Belgium, Denmark, France, Italy and Norway, **transgender people cannot obtain new documents reflecting their gender identity unless they undergo genital reassignment surgeries and sterilization.  For many trans people, there are more important things than** gender reassignment **surgery.** Particularly if you are of colour, being trans disproportionately means experiencing poverty, unemployment, homelessness, state violence and male violence. It means being subject to a wildly high rate of mental ill health: one survey found that 48% of trans youth had tried to kill themselves, in comparison to 6% of young people generally. Meanwhile, wanting gender freedom is considered more pathological than believing, against all the evidence, that people divide neatly into two unchanging types. Only last week the UK Ministry of Justice declined to extend legal recognition to non-binary gender identities despite being petitioned by over 30,000 people, stating that they did not see non-binary people facing “any specific detriment.” As [Nat Raha explains](http://www.versobooks.com/blogs/2245-the-limits-of-trans-liberalism), **the liberal trans-activist push towards political rights**, “viciously **reproduce[s] socio-economic divisions along** intersecting lines of **race and class**, gender, sexuality, dis/ability, nationality and immigration status.” While any meaningful trans movement must look past rights to radical action – at a basic level, lacking legal recognition means that **non-binary people are closeted by law.** To be trans is to have the fight against gender oppression inscribed on your body. Jacques points out that the difficult part is not living as the gender(s) you identify with, it is living in a neoliberal patriarchal society. It is facing down the simultaneous fascination and horror with which many people regard the idea of stepping out of an assigned gender box. Intrusive personal questioning and the disproportionate murder rate of trans women of colour are two ends of a spectrum that offers up trans lives for examination through the scrutiny of our bodies.

My argument is not a generic states bad claim – it is specific to the systemic harms perpetuated against transpeople when policies such as the AC are passed. Oppression is legitimized on the basis of “you could have just chosen surgery,” creating a racialized and classified underclass. Thus, the alternative is to reject the aff’s fixation on anatomy in order to affirm gender self-determination – a collective praxis of becoming that locates freedom beyond the constrictive frames of legal recognition. **Stanley:**

Eric Stanley. “Gender Self-Determination,” TSQ: Trans Studies Quarterly, Vol. 1-2, pp 89-92. 2014.

Gender self-determination is a collective praxis against the brutal pragmatism of the present, the liquidation of the past, and the austerity of the future. That is to say, it indexes a horizon of possibility already here, which struggles to make freedom flourish through a radical trans politics. Not only a defensive posture, it builds in the name of the undercommons a world beyond the world, lived as a dream of the good life. Within at least the US context, the normalizing force of mainstream trans-politics, under the cover of equality, operates by consolidation and exile. Or put another way, **through** its **fetishistic attachment to the law** and its vicissitudes, **mainstream trans politics argues for inclusion in the same formations of death that have already claimed so many.** This collusion can be seen in the lobbying for the addition of ‘‘gender identity’’ to federal hate crimes enhancements. While the quotidian violence many trans people face—in particular trans women of color—is the material of daily life, this push for the expansion of the prison-industrial complex through hate crimes legislation proliferates violence under the name of safety. Legislative and semilegislative apparatuses from the United Nations and NGOs to local governance have begun to include similar language around ‘‘gender equity.’’ Champions of such moves might cite the Yogyakarta Principles (2007), which are the findings of a human rights commission convened to foreground globally, or such recent decisions as that of the Australian government to add a third gender option of ‘‘X’’ to their passports as signs of progress. However, **an ethic of gender self-determination helps us to resist** reading these **biopolitical shifts** as victories. Here the state and its interlocutors, including at times trans studies, work to translate and in turn confine the excesses of gendered life into managed categories at the very moment of radical possibility. **To begin with the ‘‘self’’** in the wake of neoliberalism **might seem** a **dangerous** place to turn a phrase, especially one that is suggested to offer such radical potentiality —and perhaps it is. After all, the ‘‘self ’’ in our contemporary moment points most easily toward the fiction of the fully possessed rights-bearing subject of Western modernity, the foil of the undercommons. **However, here it is not the individual but a collective self, an ontological position** always in relation to others and dialectically **forged in otherness**, that is animated. The negation of this collective self, as relational and nonmimetic, is the alibi for contemporary rights discourse, which argues that discrete legal judgments will necessarily produce progressive change. Rather than believe that this is an oversight of the state form, critics of human rights discourse remind us that this **substitution is a precondition of the state’s continued power.** Antagonistic to such practices of constriction and universality, gender self-determination is affectively connected to the practices and theories of self-determination embodied by various and ongoing anticolonial, Black Power, and antiprison movements. For Frantz Fanon and many others, the violence of colonialism and antiblackness are so totalizing that ontology itself collapses; thus the claiming of a self fractures the everydayness of colonial domination. The Black Panther Party for Self Defense echoed a similar perspective in their 1966. Self-determination, for the Panthers and for many others, is the potentiality of what gets called freedom. Connecting these histories, ‘‘gender self-determination is queer liberation is prison abolition’’ was articulated by the gender and queer liberation caucus of CR10, Critical Resistance’s tenth anniversary conference in 2008 (The CR10 Publications Collective, 2008: 7). To center radical black, anticolonial, and prison abolitionist traditions is to already be inside trans politics. From STAR’s (Street Transvestite Action Revolutionaries) alliance with the Young Lords in New York City and the recent organizing against US drone attacks led by trans women in Sukkur, Pakistan, to Miss Major’s words that anoint this essay, these forms of gender self-determination, even if left unnamed, argue that national liberation and the overthrow of colonial and carceral rule must be grown together with gender liberation (see Littauer 2012). **Gender self-determination opens up space for multiple embodiments** and their expressions **by collectivizing the struggle against both interpersonal and state violence.** Further, **it pushes us away from building** a trans politics **on the fulcrum of realness** (gender normative, trans, or otherwise) **while also responding to** the different degrees of **harm** people are forced to inhabit. As a nonprescriptive politics, its contours cannot always be known in advance—it is made and remade in the process of its actualization, in the time of resistance and in the place of pleasure. Becoming, then, as Gilles Deleuze might have it—or more importantly, as Miss Major lives it (Stanley and Smith 2011)—is the moment of gender self- determination: becoming liberated as we speak

*The ballot should* prioritize the most vulnerable – their legal reform strengthens institutions by creating a whitewashed illusion of protection by sacrificing the most vulnerable, **Spade:**

Dean Spade Assistant professor at Seattle University School of Law. “Trans Law Reform Strategies, Co-Optation, and the Potential for Transformative Change.” 2009.

Our policy reform work also needs to come from this perspective. **Changing** key laws and **policies** that impact the survival of our communities is important, but **must be done with care to avoid** the dangers of **legitimizing and expanding oppressive systems.** When we seek to reform oppressive institutions, **we have to ask** ourselves **how** the **reforms** we are considering, or the various compromise positions we might be pushed into, **will impact the most vulnerable people** in our communities. For example, **if we** are **try**ing **to get a discriminating institution** or system **to recognize trans people**'s genders, **but they want to use a surgery standard,** we must recognize that **this** type of policy **is not a victory** for our community. Most trans people cannot or do not want to access such healthcare, and surgery-reliant policies shore up the stereotype that such care defines trans people's identities. Changing a law or policy from one transphobic position (trans people do not exist/cannot be recognized) to another (trans people can be recognized only through surgery) can actually make it harder to push for a policy that is based in the realities of trans people's lives, **dividing** our **communities along lines of class, race, and gender.**