

Evil Deceivers and Make-Believers: On Transphobic Violence and the Politics of Illusion

TALIA MAE BETTCHER

This essay examines the stereotype that transgender people are “deceivers” and the stereotype’s role in promoting and excusing transphobic violence. The stereotype derives from a contrast between gender presentation (appearance) and sexed body (concealed reality). Because gender presentation represents genital status, Bettcher argues, people who “misalign” the two are viewed as deceivers. The author shows how this system of gender presentation as genital representation is part of larger sexist and racist systems of violence and oppression.

In Newark, California, on October 3, 2002, Gwen Araujo was beaten, killed, and then buried 150 miles away in the Sierra wilderness.¹ Afterward, the four men who buried her apparently stopped to enjoy a drink at a McDonald’s restaurant. The slaying occurred at a party held at a private home and the violence apparently occurred in front of many of the partygoers. The events, however, remained undiscovered until two weeks after the fact. Although the reports about what happened that evening have been to some degree conflicting, it appears that at some point Araujo was subjected to forced genital exposure in the bathroom, after which it was announced that “he was really a man” (Reiterman, Garrison, and Hanley 2002). Indeed, this seems to have been the crucial event that precipitated the subsequent acts of torture and murder.

Araujo had three years earlier come out to her mother (Sylvia Guerrero), asked her to refer to her as Gwen (a name which she had chosen after Gwen Stefani of the band No Doubt), and expressed the intention to have “sex-change surgery.” According to Sylvia Guerrero, who reportedly had originally

struggled accepting her child's identity, "He felt like a girl trapped in a man's body." Araujo had also experienced persistent harassment at school, as well as difficulty finding employment because her appearance as a girl did not match her legal name on job applications (Reiterman, Garrison, and Hanley 2002). Her brutal murder at age seventeen followed closely on the heels of consistent discrimination.

The murder itself was subsequently surrounded by suggestions that Araujo had herself engaged in wrongdoing (namely "sexual deception"). For example, Jose Merel (charged in the murder, but pleading innocent) was quoted as saying, "Sure we were angry. Obviously she led us on. No one knew she was a man, but that's no excuse for anyone to hurt someone. I don't believe two wrongs make a right" (Fernandez and Kuruvila 2002). Accusations of wrongdoing were also embedded within murder-excusing and blame-shifting rhetoric. For example, Jose Merel's mother Wanda Merel was quoted as saying, "If you find out the beautiful woman you're with is really a man, it would make any man go crazy" (Reiterman, Garrison, and Hanley 2002). And Zach Calef (writer for the *Iowa State Daily*), despite the fact that the only sexual assault that we know to have occurred is the forced genital exposure to which Araujo herself was subjected, argued that Araujo's murder was not a hate crime because Araujo had raped some of her killers, ones she allegedly had sex with. According to Calef, "The men did what they did because Araujo violated them. He used lies and deception to trick them into having sex. He was not honest with them and had he been, none of this would have happened. A hate crime should not even be considered. No one killed him because he was a cross-dresser. These men were truly violated. They were raped" (2002).

Such allegations of deception were subsequently taken up during the trial of the three men charged with the first-degree murder of Gwen Araujo: Jason Cazares, Michael Magidson, and Jose Merel.² Both Jack Noonan, Merel's attorney, and Mark Thorman, Magidson's attorney, argued that their clients were only guilty of manslaughter on the basis of what came to be known as the "trans panic defense" (a variant of the gay panic defense).³ The slaying, they argued, was committed in the "heat of passion" upon discovery of Araujo's "biological sex" (Locke 2004b).

Apparently, both Merel and Magidson had earlier entered into sexual relations with Araujo and had also already been discussing Araujo's identity several days prior to the slaying. Yet Thorman nonetheless spoke of the "extreme shock, amazement and bewilderment" at the public disclosure of Araujo's identity, subsequently using allegations of "sexual deception" as a main tactic in his defense (Kuruvila 2003). In particular, he argued that the discovery of "Eddie's true sex" had provoked the violent response to what Thorman represented as a sexual violation "so deep it's almost primal" (Locke 2004a). "Sexuality, our sexual choices, are very important to us," claimed Thorman in his closing

argument, “That’s why the deception in this case . . . was such a substantial provocation—sexual fraud, a deception, a betrayal” (St. John 2004). By contrast, the prosecution argued that, far from constituting manslaughter, the slaying involved premeditation constituting murder in the first degree. And Gloria Allred, Sylvia Guerrero’s attorney, represented the slaying as a “Tony Soprano-style murder” (Lagos 2004).

The jury itself failed to reach a verdict for any of the men charged with the first-degree murder of Gwen Araujo. They reportedly deadlocked 10-2 against a first-degree conviction for both Merel and Cazares, while deadlocking 7-5 for conviction in the case of Magidson. Judge Harry Sheppard was forced to declare a mistrial. According to informal polling of prosecutor Chris Lamiero, none of the jurors had accepted the trans panic defense, but remained divided on the question of whether the three were guilty of first-degree murder or second-degree murder, a killing promoted by an “unconsidered rash impulse” (Wrong 2004). In seeming contradiction to this, however, Thorman countered that some of jurors had in fact agreed that sexual provocation led to the killing (Locke 2004b). And he claimed, “The prosecution’s case is likely to hang no matter how many times you try it” (Wrong 2004). After a second trial, both Magidson and Merel received second-degree murder convictions, while the jury again could not reach a verdict for Cazares, who subsequently pleaded no-contest to voluntary manslaughter. The jury, however, did not find in favor of hate-crime enhancement for either Magidson or Merel.

PRELIMINARIES

I write this essay as a white, Anglo, transsexual woman. The work reflects inspiration from my personal involvement in Los Angeles-based grass roots responses to transphobic violence and my experience moving through the intersections of race, class, and gender within transgender communities, as well as a sexist, racist, and transphobic society more generally. My perspective is culturally located in ways that allow for insight as well as obliviousness. This essay is a personal attempt to think through the meaning of transphobic violence and its embeddedness within other systems of oppression.

My central goal is to provide a reply to the charges of deception, betrayal, and rape made against Gwen Araujo and many other people like her. In doing so, I hope to provide a deeper understanding of the nature of what I call “transphobia.” A second, related goal is to argue that this notion of sexual deception is fundamentally grounded in sexual violence against women and in race-based oppression. My aim is to request help in ending transphobic violence by those who are currently indifferent to it, as well as motivating those particular transpeople who are currently not so motivated to take seriously broader issues of gender- and race-based oppression.⁴

'TRANS' TERMINOLOGY

Transgender may be used to refer to people who do not appear to conform to traditional gender norms by presenting and living genders that were not assigned to them at birth or by presenting and living genders in ways that may not be readily intelligible in terms of more traditional conceptions. The term may or may not be used to include *transsexual*. *Transgender* also has a political connotation: it flags a political stance, mainly in the Anglo United States, which generally resists medical pathologization. This places it in *prima facie* opposition to the notion of *transsexual* (at least in the more traditional sense of that word).

Transsexual may be used to refer to individuals who use hormonal and/or surgical technologies to alter their body in ways that may be construed as at odds with the sex assignment of birth or which may not be readily intelligible in terms of traditional conceptions of sexed bodies. Traditionally, the term has been connected to psychiatric notions such as gender dysphoria and also associated with the metaphor "trapped in the wrong body." Yet *transsexual* has also been redeployed in ways amenable to and possibly subsumable under the more recent term *transgender*. In general, both terms now appear to be used in many (and frequently contested) ways. Here, I will leave such terms undefined—subject to interpretations and negotiations by specific individuals who self-identify with them.

I use *MTF* in this essay to refer to individuals assigned male at birth whose gender presentation may be construed as "unambiguously" female, and *FTM* to refer to individuals assigned female at birth whose gender presentation may be construed as "unambiguously" male. I use *transperson* to apply to FTMs and MTFs alike, as well as some people who present gender in ways that may be construed as inconsistent or androgynous. I do not intend such terms to attribute identity.⁵

TRANSPHOBIA

I use the term *transphobia* not necessarily to imply the fear of transpeople, but simply any negative attitudes (hatred, loathing, rage, or moral indignation) harbored toward transpeople on the basis of our enactments of gender.⁶ Such attitudes no doubt lie at the root of much violence against transpeople. In 2003, fourteen murders of transpeople were reported in the United States, and thirty-eight were reported worldwide. Most were MTFs, and most were people of color.⁷ Recent studies also indicate a consistently high degree of reported transphobic verbal abuse against transpeople—80 percent or higher—and reported transphobic physical assault—30 percent to almost half (Lombardi et al., 2001; Clements 1999; Reback et al. 2001; and Lombardi unpublished). Once again, it also appears that transpeople of color may have a higher rate of abuse.⁸

In this essay, I am specifically concerned with the ways in which victims of transphobic violence can be subject to blame shifting through accusations of deception and the way in which transphobic violence may be understood in terms of the related notions of 'exposure,' 'discovery,' 'appearance,' and 'reality.' To be sure, the transphobia that motivated the murder of Gwen Araujo appears, at first blush, to be a straightforward case of homophobia. This is because the violence clearly involved the implication of her killers' own sexual desire toward her.

Yet it also seems to me that the relationship between transphobia and homophobia is far more complicated than it might initially appear. The view that the murder was grounded in homophobia only makes sense on the condition that we view Araujo as "really a boy"—specifically contrary to her own way of identifying—or at least on the condition that we privilege the attitudes of her killers in providing such an account. Beyond these obvious problems, it is clear that this type of account, while successfully explaining the attitudes of Araujo's killers, would fail to explain the transphobic charge of wrongful "sexual deception" and constitute yet another transphobic denial of Araujo's own identity. It cannot, therefore, be accepted as an account.⁹

To repeat, then, I am concerned with the rhetoric of deception. Rage at having "been deceived" may play a role in some transphobic hostility, interwoven, of course, with homophobic and possibly sexist attitudes. More generally, the persistent stereotype of transpeople as deceivers and the equation of deception with rape need explanation. In addition to contributing to transphobic hostility, the stereotype plays a significant role in blame-shifting discourse that can be deployed to justify or excuse violence against transpeople.

The rhetoric of deception appears deeply connected to deployments of gender attributions that run contrary to a transperson's own self-identifications (I'll use the phrase *identity enforcement*). For example, while Araujo was represented as a "boy who dressed like a woman," she understood herself to be a girl and presented herself in that manner. Such gender attribution, of course, is frequently intertwined with notions of appearance, reality, and discovery. For example, some of the rhetoric that surrounded the slaying of Araujo involved the idea of "discovering" that she was "really a boy," appearances notwithstanding.

Genital exposure as sex verification may also be implicated in some forms of transphobic violence. For example, both of the highly publicized murders of Gwen Araujo and Brandon Teena involved forced genital exposure (sex verification) that occurred in a bathroom amid accusations of deception and betrayal, followed by extreme violence and finally murder.¹⁰ Identity enforcement may itself involve a kind of violence, such as the raping of Brandon Teena one week prior to his murder. And it seems fair to say the deceiver representation (with its related identity enforcement) in and of itself constitutes considerable emotional violence against transpeople through its impeachment of moral integrity and denials of authenticity.

The rhetoric of deception appears to apply most appropriately to people who present gender that may be construed (at least at the specific moment of transphobia) as “unambiguously” masculine or feminine as opposed to transpeople who present in ways that may be construed as “inconsistent,” “androgynous,” or “incomprehensible.” By “unambiguously” I mean that the gender presentation can be read as “misaligned” with the sexed body (either successfully or not). My account should be understood to apply in such cases rather than those involving more ambiguity.¹¹

DECEIVERS AND PRETENDERS

Fundamental to transphobic representations of transpeople as deceivers is an appearance-reality contrast between gender presentation and sexed body. For example, an MTF who is taken to misalign gender presentation with the sexed body can be regarded as “really a boy,” appearances notwithstanding. Here, we see identity enforcement embedded within a context of possible deception, revelation, and disclosure. In this framework, gender presentation (attire, in particular) constitutes a gendered appearance, whereas the sexed body constitutes the hidden, sexual reality. Expressions such as “a man who dresses like a woman,” “a man who lives as a woman,” and even “a woman who is biologically male” all effectively inscribe this distinction.

Frequently connected to this appearance-reality contrast is the view that genitalia are the essential determinants of sex. This identification is of a piece with what Harold Garfinkel called “the natural attitude about gender” (1957, 122–33; see also Kessler and McKenna, 1978, 113–14; Bornstein 1994, 45–51).¹² According to Garfinkel, individuals (whom he called “normals”) maintain fundamental beliefs that constitute a kind of pretheoretical common sense about gender and sex (“the natural attitude”). While this view is obviously naïve,¹³ the essentiality of genitalia in determining sex status also remains a deeply entrenched view pervading dominant cultural mainstream conceptions of gender in the United States (Kessler and McKenna 2000). To my mind, it seems clear that such a position is connected to this distinction between gender appearance and sex reality, where genitalia play the role of “concealed truth” about a person’s sex. We may gain an intuitive understanding of this through recognizing how often expressions such as “really a man,” “discovered to be male,” and so forth, are linked with genital status.

To be sure, even transpeople who have undergone genital reconstruction surgery have been represented as deceivers.¹⁴ Nonetheless, I do not believe this fact seriously undermines the significance of genitalia as “concealed truth or reality” about a person’s sex. Transpeople who have undergone genital reconstruction surgery challenge some of the basic tenets of the natural attitude, whereas it is less clear that those who have not undergone such surgery do so in

the same way. In addition to regarding genitals as essential to sex, for example, the natural attitude also maintains that sex is invariant. It would seem, then, that genital reconstruction surgery forces rejection of either genital essentiality or the invariance of sex. How “normals” are to treat such cases, however, is a complicated and unpredictable affair; certainly, the status of a postsurgical transperson is both controvertible and fragile. Notably, however, those “normals” who come to believe that such surgery legitimately constitutes a sex change (and thereby reject their view that sex is invariant) or else view gender self-identity as the essential determinant of sex (and thereby reject genital essentiality) will generally not regard such a surgically transformed transperson as a deceiver.¹⁵

Basic to the natural attitude is the tendency to dismiss counterexamples as “exceptional” and “abnormal.” In fact, both the invariance of sex and the essentiality of genitals can be maintained by dismissing surgically constructed genitals as “artificial” in conjunction with the ad hoc stipulation that birth genital status determines sex. To the extent that such a view underlies the belief that even transpeople who have undergone genital reconstruction are deceivers, the role of genitals in determining sex remains in full force. (Only now there has been a new ad hoc clarification that surgically constructed genitals are invalid.)

Of course, it is also true that there are many other ways of determining sex. For example, one might cite chromosomes as a way of claiming that a transperson is “really a so and so.” And the actual complexities of sex and sex determination are certainly treated with greater sophistication in more specialized medical, legal, and psychotherapeutic discourses. However, those who embrace the natural attitude tend to be suspicious of more theoretical notions of sex (see Hale 1996). For insofar as the natural attitude constitutes a kind of pretheoretical common sense about sex, it tends to maintain itself even in the face of clear-cut evidence that the attitude is false.

Notably, there are ways in which the natural attitude affects even these more specialized discourses. A professional working in a specialized discourse nonetheless must leave her job and move through a world in which the natural attitude tends to prevail. Moreover, such an individual may not herself be immune to the force of the natural attitude—maintaining it at some visceral level, while rejecting it in a professional capacity. Indeed, it often seems that specialized discourses themselves aim, in part, to preserve as much of the natural attitude or common sense about sex as possible (Hale 1996). It therefore seems to me that even an appeal to chromosomes to disallow genital reconstruction surgery as sex-change surgery may be underwritten by, or at least deployed in defending, the deeper (“natural”) view that sex is invariant and that surgically reconstructed genitalia are artificial or invalid. For these reasons, I think, the application of “deceiver” to transpeople who have undergone genital reconstruction surgery must nonetheless also be understood fundamentally in terms

of a contrast between gender presentation (appearance) and genital status (reality).¹⁶

A DOUBLE BIND

The contrast between gender presentation (appearance) and sexed body (reality), when intersected with possibilities of either being or not being visibly trans, yields a dangerous double bind. In speaking of a double bind, I am explicitly drawing on the work of Marilyn Frye, who has characterized oppression as a complex network of immobilizing social barriers and forces (1983, 2–4).¹⁷ To understand this bind, we need only examine the rhetoric of deception and disclosure that informed the murder of Gwen Araujo. While she was considered a deceiver for failing to disclose her “true status,” one can only imagine the reaction that she would have received had she simply announced herself as trans. For in coming out, she would have no doubt been interpreted as “really a boy, who dressed up like a girl.” Hence the option: disclose “who one is” and come out as a pretender or masquerader, or refuse to disclose (be a deceiver) and run the risk of forced disclosure, the effect of which is exposure as a liar.

I want to be clear that far from mere “stereotype” or “ignorant misconception” this double bind between deception and pretense actually reflects the way in which transpeople can find ourselves literally “constructed” whether we like it or not. That is, if these are somehow “stereotypes,” then they are “stereotypes” that we can find ourselves involuntarily animating. Views, particularly when they are held by many and have consequences in terms of how people behave, speak, and interact, can be far more than mere negative attitudes existing only in the minds of some people. Rather, they can help constitute “who one is” in a situation that is utterly beyond one’s control.

Recognizing this allows us to characterize more fully the two sides of the bind. On the one hand, visibility yields a position in which what one is doing is represented as make-believe, pretending, or playing dress up. Some of the general difficulties with this side of the bind run as follows: (1) having one’s life constructed as fictitious; and so (2) failing to have one’s own identifications taken seriously; (3) being viewed in a highly condescending way; and (4) being the subject of violence and even murder. On the other hand, to opt for invisibility is to remove one’s life from the domain of masquerade into actual reality. Yet this is complicated by the way in which the visible/invisible contrast tracks the deception side of the bind. For the movement from invisible to visible generates the effect of revelation, disclosure, or exposure of hidden truth. Hence, some of the possible consequences are: (1) living in constant fear of exposure, extreme violence, and death; (2) disclosure as a deceiver or liar (possibly through forced genital exposure); (3) being the subject violence and even murder; and (4) being held responsible for this violence.

Overall, we can characterize some of the consequences of this bind as follows. Insofar as transpeople are open to constructions as “really an x,” (appearances notwithstanding) we will immediately find ourselves represented in ways that are contrary to our own identifications. This construction literally *reinscribes* the position that genitalia are the essential determinants of sex by identifying that essential status as the “hidden reality or truth of sex.” Through such a construction, we will invariably be represented as deceivers or pretenders. This has the effect of doubly delegitimizing our own voices by constructing us as both fictitious and morally suspect. Hence, after identity enforcement, nothing we might say could possibly matter. A framework has been deployed whereby transphobic violence may be excused or justified on the grounds that deception had been involved. The only latitude appears to involve the degree to which our pretense is viewed as harmless make-believe or evil deception.

SOME COMPLEXITIES

While the two options of the bind are to some degree distinct, they also blur into each other in important ways. First, “exposure as deceiver” does not lead to the consequence that one’s life is *not* viewed as a kind of pretense or masquerade. Clearly, descriptions such as “boy who lived as a girl” indicate that precisely the opposite is the case. For while one’s “acts of deception” may be taken very seriously, it hardly follows that one’s own life will be regarded in that way. Second, even in cases in which one is out as trans, one may not necessarily be exempt from accusations of at least the potential for deception. Indeed, accusations of “heterosexual male” infiltration of women’s space (such as restrooms) and the possibility of the intention to rape have been made against uncloseted MTFs.

Moreover, it is important to be clear that the possibilities of visibility and invisibility are not always within our control, and can shift from one to the other in complicated ways. For example, passability as non-trans may not always be an all or nothing affair, and can be a function of physical proximity as well as the degree, nature, and context of social interaction. An MTF may pass as a woman (from a distance), only to be exposed as “really a man” upon closer proximity and greater scrutiny. Consequently, some transpeople may find themselves shifting from the invisible to visible on a regular basis (and in a way that affects an “exposure” or “revelation”). Indeed, in order to avoid this “exposure” effect and the attendant representation as “revealed deceiver” it appears that a transperson must either consistently pass, fail to pass, or explicitly (and repeatedly) come out as trans in order to prevent such shifts from occurring.

There are complicated intersections of visibility/invisibility with both race and class privilege. For example, it seems that the price of visibility is a function of class (which is itself intersected with race). The thesis that degree of transphobia will be higher in geographical areas that already involve a higher

degree of violence and that the likelihood of transphobic discrimination (and severity thereof) will be greater in lower-paying jobs is a plausible one. That being said, opportunities for invisibility itself are also a function of class privilege. For while it is generally acknowledged that the privilege of passing is a function of overall appearance and body type, the effects of class privilege are insufficiently acknowledged. At least in my own experience, some MTFs whose general physical characteristics may be more likely to be read as male can successfully pass given access to techniques and technologies of passing (nice wig, clothes, hormones, pedicure, and so on), whereas poor and possibly homeless MTFs who do not have similar access to these aids may sometimes be quite easily "read" and face considerable harassment and violence irrespective of physical considerations. If this is right, then as class status decreases, so will the option of invisibility while the negative consequences of visibility will increase.

Related to this, it is important to recognize that many MTFs are vulnerable to sexualization on the pretender side of the bind, where "pretense" is transformed into "sexual fantasy." This is to say that many MTFs who are uncloseted find that they are represented as whores—sexually available and disposable. This dovetails importantly with the ways in which many MTFs find themselves economically subject to forced visibility in dangerous contexts, helping to constitute the conditions that make the reality of MTF sex work. This "whorification" of MTFs constructed as make-believe contrasts sharply with the relative dearth of sexualized images of FTMs (at least in non-trans, heterosexual mainstream, and gay male subcultures). This is important, because it helps identify one of the many reasons why invisibility and erasure may be particularly relevant to FTMs while enforced, sexualized visibility may be particularly relevant to MTFs. While this sketch is crude, it may also be correct to say that MTFs and FTMs are to some extent divided across the visible/invisible border, and as a result, the deceiver/pretender bind is manifested for MTFs and FTMs in different ways.

SEXUAL DECEPTION AS RAPE

GENDER PRESENTATION AS GENITAL REPRESENTATION

Foundational to this appearance/reality contrast and the related deceiver/pretender bind is a representational relation that obtains between gender presentation and sexed body (that is, genitalia). Gender presentation is generally taken as a sign of sexed body, taken to *mean* sexed body, taken to *communicate* sexed body. And it is precisely for this reason that transpeople who "misalign" gender presentation and sexed body are construed as either deceivers or pretenders. Indeed, the very fact that transpeople are viewed as deceivers demonstrates that a representational or communicative relation is taken to hold between

presentation and body. For if “misaligning” gender presentation and sexed body is tantamount to lying and misrepresentation, then “correctly aligned” cases must surely involve truth telling and accurate representation.

If this is right, then people in general disclose their genital status on a regular basis through gender presentation. This is ironic, of course, since one of the main functions of attire is to conceal the sexed regions of the body. Yet insofar as gendered attire and gender presentation more generally indicate genital status, systematic symbolic genital disclosures are secured through the very items designed to conceal sexed body. It is therefore little wonder that people who misalign gender presentation and sexed body are frequently subject to forced genital exposure as sex verification, and then subsequently represented as deceivers.

This account is important, because it shows why the common responses to accusations of sexual deception made by transgender advocates often fail to go deep enough. For example, one common response involves simply denying that there is any deception involved at all. On the contrary, according to this view, people like Gwen Araujo are merely “being themselves.” A second, related response involves posing the question why somebody like Araujo should have been *expected* to announce that she was “transgender” (or declare her genital status) in the first place. After all, Araujo’s killers did not have to disclose their own genital status. So, why should Araujo have had to? Both thoughts are nicely expressed by Dylan Vade (2004), cofounder of the San Francisco Transgender Law Center, who writes:

Why do some folks feel that transgender people need to disclose their history and their genitalia and nontransgender people do not? When you first meet someone and they are clothed, you never know exactly what that person looks like. And when you first meet someone, you never know that person’s full history. Why do only some people have to describe themselves in detail—and others do not? Why are some nondisclosures seen as actions and others utterly invisible? Actions. Gwen Araujo was being herself, openly and honestly. No, she did not wear a sign on her forehead that said “I am transgender, this is what my genitalia look like.” But her killers didn’t wear a sign on their foreheads saying, “We might look like nice high school boys, but really, we are transphobic and are planning to kill you.” That would have been a helpful disclosure. Transgender people do not deceive. We are who we are.

Yet, while I do believe that it is quite right to ask the question why it should have been important for Araujo to declare her status in the first place, there are several difficulties with this response. The major difficulty is that it does not

appreciate that a disclosure of genital status (or disclosure as trans) may only reinscribe a transsubject as a deceiver/pretender. In effect, this response fails to discuss the way in which it was effectively impossible for Araujo to “come out as herself” at all. Clearly, if she had publicly declared her trans status, she would have simply been constructed as a “boy living as a girl” or as a “boy pretending to be a girl.” She still would have been vulnerable to the deceiver/pretender construction.

For just as we do not always have authority over how our bodies are understood, so too we do not always have authority over what our words mean. The point is worth stressing, since it is not sufficiently appreciated in current criticisms of the “trans panic defense.” After all, there is an important difference between coming out as a “transgender woman” and as “really a man disguised as a woman.” Yet it is often the latter that does much of the work in transphobic violence, accounts which justify or defend such violence, and accounts which blame the victim. Indeed, it is precisely the fact that transpeople often do not have their self-identifications taken seriously that is so deeply bound up with the transphobic hostility and violence. How can we ignore the fact that often “transgender woman” simply *means* “man disguised as a woman” to many people—whether that is our own understanding or not? And this surely stands in marked contrast to the hypothetical disclosures of Araujo’s killers. Had they confessed their own intentions, they would not necessarily have found their claims invalidated or disregarded. They would not have been represented in ways contrary to their own self-identifications, and the very meaning of their own words would not have been interpreted in ways hostile to their very existence.

Moreover, the response does not appreciate the fact that most people do in fact regularly declare their genital status. They do so through the very gendered attire which is designed to conceal body because such attire represents genital status. Transpeople, by contrast, according to this particular system of meaning at any rate, “misalign” such genital representation and thereby opt out of the mundane, daily disclosures made by most people. This is why we are taken for deceivers in the first place. And this is why our sex, and therefore our genital status, is the subject of such (generally abusive) scrutiny. In other words, the point that it is unfair to demand that transpeople disclose our genital status when other people do not have to do so is actually dead wrong insofar as gender presentation is a ubiquitous system of genital representation that transpeople opt out of.

Finally, I believe that this response fails to acknowledge the depth of the deceiver representation. For if what I have claimed is correct then deceiver/pretender is not merely one of the many unfortunate stereotypes that plague transpeople. Rather, it flows primarily from a fundamental communicative relation that obtains between presentation and body—a relation within which

even non-transpeople are implicated. For insofar as gender presentation means sexed body, we *do* engage in “false representation.” In other words, it is precisely because of this communicative relation that transpeople are fundamentally constructed as deceivers/pretenders—and to that extent are liars and frauds—whether we like it or not. And given that the only “option” is between invisible deception and visible pretense, it would appear that this representational system actually prevents transpeople from existing at all (except, of course, as fakes and frauds).

To be sure, trans claims to “authenticity” may be understood as directly opposing constructions as deceiver/pretender. Thus, for example, the metaphor “really a woman trapped in the body of a man” turns the accusation of deception or betrayal on its head by representing the body itself as somehow deceptive. Similarly, claims that transpeople are “simply being true to themselves” in presenting a particular gender take up the theme of authenticity and, in their own way, contest allegations of fraudulence. Yet such contestations should also not be understood as literally claiming “authenticity” in the sense that is instituted by a gender-genital system of representation. For in saying that one is being one’s true self through gender presentation or that one is a woman concealed within a betraying body, one is not identifying genitals with the deep, concealed, reality of sex.

Overall, I wish to stress that by making labels such as “deceiver” seem like inexplicable and bizarre stereotypes that are used against transpeople, or by simply claiming that transpeople are simply being ourselves, one overlooks some of the most important issues that confront transpeople. For because of the systematic representational alignment between gender presentation and sexed body, transpeople are never allowed to be ourselves in the first place insofar as we are fundamentally constructed as deceivers/pretenders. Nothing short of the elimination of this communicative relation will alter the deep social mechanism that prohibits transpeople from existing within dominant mainstream with any authenticity at all.

RAPE, SEXUAL SEDUCTION, AND RACE

It is not uncommon for transpeople who are “exposed as deceivers” to be sexually assaulted as a kind of punishment. And forced genital verification itself obviously constitutes sexual assault and abuse. Yet it is also a perverse fact that “sexual deception” is itself identified as a kind of rape. After all, Calef’s and Thorman’s remarks about Araujo are not unique. For example, in *The Transsexual Empire: The Making of the She-Male*, Janice Raymond not only accuses all male-to-female transsexuals of raping women’s bodies by “appropriating them to themselves” but also accuses some of deception, equating conflation with rape.

All transsexuals rape women's bodies by reducing the real female form to an artifact, appropriating this body for themselves. However, the transsexually constructed lesbian-feminist violates women's sexuality and spirit, as well. Rape, although it is usually done by force, can also be accomplished by deception. It is significant that in the case of the transsexually constructed lesbian-feminist, often he is able to gain entrance and a dominant position in women's spaces because the women involved do know he is a transsexual and he just does not happen to mention it. (1979, 104)

While a thorough account of the connections between the deceiver/pretender construction and sexual assault constitutes an enormous task, it seems to me that part of the explanation for this association is the fact that the representational relation between gender presentation and sexed body is actually a piece of the communication system that facilitates and justifies sexual violence against women as well as helping promote and justify racial oppression. If this is correct, then the deceiver/pretender bind is part of a larger system of oppression.

Begin by noticing the close analogy between the role of gender presentation in "communicating" genital status, and the role of female gender presentation in "communicating" sexual interest. All too frequently a woman's attire may be construed as a "provocative" invitation; and even such decisions as accepting the drink a man offers may be taken as an unspoken commitment to have sex. Obviously this "communicative" function of gender presentation and behavior plays a role in facilitating the tactics of seduction in date rape as well as providing the basis for the "she wanted it" defense and tactics of blaming the victim. The analogies seem especially strong once we recognize that in both cases the actual subjectivity of the "communicator" is erased through the imposition of intentions vis-à-vis the fact that the presentation is construed as communicative.

Looking more deeply, however, we see that all of this has less to do with analogy and more to do with the fact that both types of "communication" are a part of the system of sexual violence. A heterosexual framework that centers upon the model of penis-vagina penetration undoubtedly informs the genital division of male and female; and one major reason for (nonverbally) communicating genital status is to secure heterosexual engagement. Crudely put, within a dominantly heterosexual context, a man needs to know a person has a vagina for the same reason that a man needs to know about sexual willingness without actually having to ask.¹⁸ To put it differently, insofar as genitals (as sex determining) fall within a sexualized heterosexual framework, and insofar as this framework relies upon a pursuer/pursued model—complete with refusals that supposedly mean acceptance—to this degree, the communicative function

of attire with respect to genital status is simply part of a sexually manipulative heterosexuality.

Once we take the preceding considerations seriously, however, it starts to become clear why accusations of sexual deception should be *equated* with rape and that transpeople themselves should be vulnerable to rape (as identity enforcement). For example, the charge that MTFs infiltrate women's only spaces, and are thus predators in prey's attire, is predicated upon the identification of penis with rapist and the assumption that female attire communicates absence of penis.¹⁹ And the raping of FTMs emerges as an obvious strategy for putting "women back in their rightful place." Calef's specific allegation of deception emerges as a complaint that the day-to-day operations of (hetero)sexual sexuality and the nonverbal system of communication that underwrites it were "misused." Surely, the conflation of "deception" with "rape" is hardly accidental.

Yet once we square with the fact that transphobia is fundamentally a part of (hetero)sexual systems of violence and rape mythology, we must immediately accept the view that it is also fundamentally imbricated in systems of racial oppressions, sexual violence, and racist rape mythology. For example, to the degree that gender presentation is itself racially specific the (communicative) relationship between gender appearance and sexed reality must be understood in term of racialized bodies, genitalia, sexualities, and sexual intentions. We must also recognize that white female gender presentations have a special place in dominant standards of female attractiveness (hooks 1992; Collins 2000).

Beyond this, however, we must recognize the deep historical connections between rape, rape rhetoric, and racial oppressions. Angela Davis (1981) argued, for example, that the myth of the black rapist has been used as a tool to justify lynching and imprisonment of black men—a powerful example of racial oppression. Davis has also claimed that the myth serves to obscure the historical systematic raping of black women by white men of power (itself a tool of racist domination). Correspondingly, black women, subjected to racialized sexual violence, have been animalized and sexualized as black "prostitutes" or "Jezebels."²⁰ Consequently, one may not simply argue that transphobic violence is embedded within a system of sexual violence without appreciating the obvious racial aspect of sexual violence and accusations of sexual violence within this country. Indeed, to demonstrate the connection between transphobia and sexual violence is ipso facto to demonstrate the connection between transphobia and racial oppression in a country with its particular history of lynching and where rape and accusations of rape continue to be used as instruments of racial subordination.

The central conclusion, then, is that gendered representation of genitals is fundamentally intertwined with a much larger, violent system of communication. And this means that there are significant grounds for coalition among

trans, feminist, and antiracist politics. Yet even talk of “coalition” is deeply misleading, if we recognize that many transpeople are not merely oppressed as trans, but also as women and as people of color. In such cases, the doubling and tripling of violence as well as the deployment of hybrid forms of violence is inevitable.

BEYOND LEGAL SOLUTIONS

As I see it, specific work needs to be done directly opposing the representational relation between gender presentation and sexed body that grounds the construction of transpeople as deceivers. And opposition to transphobic violence must be embedded within larger feminist and antiracist politics. This ought to have been obvious given the fact that MTFs who pass as women and FTMs who are regarded as “really women” are similarly vulnerable to violence against women. It ought to have been obvious given the fact that many transpeople are people of color who are vulnerable to racial oppression. Yet if what I have suggested is correct, then any attempted marginalization of such intersections is simply a nonstarter because the central mechanism that grounds any transphobic violence in the first place is fundamentally implicated in such broader oppressions. No one truly interested in opposing transphobic violence may ignore violence against women and racial oppression.

In light of this, I would like to complain that transgender advocates have placed far too much emphasis on legal solutions to transphobia and transphobic violence. In particular, I would point out that to the degree to which the criminal justice system has been deployed as a weapon against men and women of color, any politics designed to root out transphobic violence must pay particular attention to the ways in which working through the criminal justice system is inherently problematic. For example, I would caution transgender advocates who have currently latched onto the “simple solution” of passing a law that would make prohibit the use of “trans panic” as a defense strategy.²¹ We need only consider, for example, the remarks of Sue Hutchison, writer for the *Mercury News*, who says of Gwen Araujo’s failure to disclose her trans (that is, genital) status,

And it was a deception. Several people who sent me e-mails also told stories of men they knew, reasonable and well-adjusted men, who were devastated to discover that someone they were dating was transgender. They said these men felt betrayed and responded with outrage, immediately breaking off the relationship or even sinking into a profound depression. That’s a defensible reaction. Beating someone to death over a period of hours . . . is not. (2004)

Simply legally banishing the trans panic defense may only intervene in securing the outrageously obvious point that nothing that somebody like Gwen Araujo ever did could excuse her brutal slaying. But this is entirely compatible with leaving intact the view that she did, in fact, engage in wrongdoing (that is, sexual deception). Recall that Merel himself recognized the obvious truth that two wrongs don't make a right. If I am right about this, this type of law could leave the very foundation for much transphobic violence in full force. Indeed, if the position that I have defended is correct, any effort made to oppose transphobia by working with mechanisms of racial oppression is bound to fail.

I am therefore pessimistic about the possibilities of any easy solutions in opposing transphobic violence. For insofar as the communicative function of female attire is determined by a model that embeds female bodies within a broader framework of naturalized rape, it is hard to see how gender presentation could lose its communicative force without also intervening in the very ways in which heterosexual sex and racialized bodies are fundamentally conceptualized. However, given the resiliency of racialized conceptions of the body, the centrality of genitals as sex determining, and the promotion of sexual objection of women in the mainstream, it would also seem that transpeople will be deceivers/pretenders for a long time to come.

In the meantime, however, it is important to come to a better understanding of how it is exactly that many of us resist and survive in this world. Given that we are systematically constructed in ways that run contrary to our own self-identifications, given that we are fundamentally viewed as illusory—as either evil deceivers or as openly bogus—how do we find the moral integrity and realness which has been taken from us? When we claim “reality” what do we mean? In what sense, specifically, is authenticity claimed in resistant assertions such as “being true to oneself”? What does it mean to lay claim to a gender category such as ‘man’ or ‘woman’ in the first place in cases in which such categories are claimed in opposition to the natural attitude? How is it so much as possible to meaningfully make such resistant claims—to oneself and to others?

The issues here are exceptionally complex. So, let me simply observe that often within trans-specific communities, gender presentation does not represent genital status at all, instead constituting a visible indication of how a transsubject wishes to be interacted with. In such contexts, the authority of transsubjects in determining self-identity is generally taken as a starting point, and the significance of the gender presentation as well as gender identification category is generally provided by the subjects own personal “intelligibility conferring” narrative. In this way, gender presentation, identification, and self-identification are played out according to very different rules than are found within less trans-friendly contexts. We can say that in such contexts the meaning and use of gender presentation has been significantly altered, and so too has the meaning and use of gender identification categories. In this way,

trans-specific communities may afford contexts in which escape from the system of gender as genital representation may be possible.

We might wonder why transpeople should feel apologetic about “gender deception” in the first place. In a world that constructs us as either deceivers or pretenders to begin with—invariably denying our authenticity and preventing our very existence, surely “gender deception” must be seen as one laudable tactic of attempted survival in what appears to be an exceptionally violent, no-win situation. After all, isn’t the adoption of “honesty is the best policy” only to acquiesce to the morality of oppression? Perhaps, in this respect, it may also prove useful to understand anew the contrast between appearance and concealed reality in terms of the split between dominant mainstream and trans-centered constructions of transpeople. There is a sense in which, in dominant constructions, we are always “in disguise” while the “concealed realities” are the multiply resistant community contexts that sustain us.

It may also behoove us to turn within to examine the degree to which we have been fragmented by pervasive invalidation and danger. What might it take to heal ourselves? And what should it take to begin fully to see the tremendous beauty, defiance, strength, and courage of somebody such as Gwen Araujo? Can we look past the doubling, tripling, quadrupling of identity-based oppression that foregrounded her murder? Can we peer past the discourse of deception, victim, and blame to see an agent, a living human being? Dare we forget the sheer value of one human life that is lost? And can we bring about the changes that are needed within so that we may undo the distortions that blind us to this? What might it take to be real?

NOTES

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1. “Gwen” was not Araujo’s legal name and during the party she was also using the name “Lida.” I use the name “Gwen” since this was the name that she had asked her mother to use upon coming out to her. I refer to Araujo as “she” since she saw herself “as a girl trapped in a man’s body.” Araujo’s mother, Sylvia Guerrero, buried Araujo dressed as a girl, and the name “Gwen” was engraved on her headstone. On June 23, 2004, Sylvia Guerrero’s request for a posthumous name change was granted.

10. John Lotter and Marvin Thomas Nissen murdered Brandon Teena on 31 December 1993 in Humbolt, Nebraska. A week earlier, Lotter and Nissen kidnapped and raped Teena after forcibly exposing his vagina. In the emerging transgender movement of the 1990s, the name Brandon Teena was solidified. There is not substantial evidence that Brandon (the name this individual used most commonly before the murder) actually used Teena as a last name. Ultimately, any name choice is problematic. For a thorough and thoughtful discussion of these issues, see Hale 1998a (311–48). While Hale is right to question the solidification of a fixed “transgender/transsexual” identity of Brandon on the grounds that he appeared to be “a border-zone dweller: someone whose embodied self existed in a netherworld constituted by the margins of multiple overlapping identity categories” (318), I fear that Hale also overstates his position by refusing the masculine marker “he” without explaining why this is not in line with Brandon’s own public self-representations. The point here is not how Brandon saw himself privately, but how he wished to be taken publicly.

11. Lombardi’s (unpublished) distinction in measuring transphobic life events between trans people who present “consistent” masculine or feminine gender presentations (FTM, MTF) and those who present “inconsistent” or androgynous gender presentations (FTO, MTO; where ‘O’ stands for “other”) indicates how these might differences might matter. Her study finds that MTF and FTO individuals report more discrimination over a lifetime and over the past year than do MTO and FTM individuals. Although the differences were not statistically significant, they may indicate a trend that could not be conclusively measured due to limitations in sample size. At any rate, the account of transphobia that I discuss in this essay does not include FTO transphobic discrimination and is therefore limited.

12. The propositions that constitute this attitude include (in addition to the fundamentality of genitals): (1) there are two mutually exclusive and exhaustive categories (male and female); (2) this distinction is natural; (3) membership in a particular sex is natural and invariant; and (4) exceptions to the preceding claims may be dismissed as abnormal.

13. For a good discussion of the complexity of concepts such as ‘woman’ see Hale 1996 (94–121). Hale argues that no necessary or sufficient conditions for application of “our culture’s” concept ‘woman’ can be specified. Rather, the concept involves thirteen variably weighted defining characteristics. In this view, the concept ‘woman’ is to be understood in terms of Wittgenstein’s family resemblance theory.

14. Michael Lavin (1987) defends post-operative transsexuals against the charge of deception. He argues that while there is a fact of the matter what sex a person is and that this true sex is determined by genotypic considerations, this is not significant in everyday life since we do not ordinarily know what the real sex of a person is. Although he does not say this, he would presumably maintain that a transperson who has not had genital reconstruction surgery ought to be viewed as deceptive since genitals are indeed relevant in everyday life. By contrast, I am not interested in defending transpeople against charges of deception. Rather, it is a starting point of my work that transpeople live morally acceptable lives. I take it for granted that transpeople have a kind of authority over their own gender identities and take respect for this authority as the necessary starting point for any liberatory theory for transpeople. I also disagree with Lavin in finding it far more difficult to say unequivocally that “real sex” is determined

2. Jaron Nabors, also originally charged in the slaying, pleaded guilty to manslaughter in exchange for his testimony against the other three men.

3. Tony Serra argued that his client, Cazares, had only helped bury the body and was not involved in the slaying.

4. The concerns I articulate in this essay as well as the specific politics I outline are to be understood as more or less indexed to the United States. This is not to say that the concerns are limited to only what occurs within the U.S. border. On the contrary, the impact of U.S. ideology is undoubtedly felt worldwide. I do not think that everything I say is irrelevant to an understanding of transphobia beyond the United States. Yet the relevance and the connections cannot be immediately taken for granted. For example, my specific concern with race and racism is bound up with the United States in a very distinctive way. Moreover, terms such as *transgender woman* are largely Anglo-American, and may not be straightforwardly translated into terms such as *fa'afafine* (a Samoan word which means literally "like a woman") (Roen 2001). And since dominant conceptions about gender and sex are also culturally specific, accounts of transphobia must be situated within specific contexts. This raises deep concerns about transgender as a potentially colonizing discourse, and points to the importance of examining ways in which transgender politics, queer politics, and medical transsexual discourse are negotiated in terms of complex intersections among race, class, culture, and nation. For a good preliminary discussion of such issues, see Namaste 2000 (62–64); Roen 2001.

5. In the United States, trans self-identifications may vary considerably (man, woman, FTM, MTF, MTM, third gender, and so on) and the significance of such labels may shift as well. Moreover, transpeople may use multiple identifications (sometimes in seemingly incompatible ways) and claim liminal or borderland space in ways that trouble any firm identifications and which resist translation. In cases where race is not treated as invisible, such identifications may involve complicated hybridizations of race, gender, and sexual identifications.

6. By "gender presentation" I mean not only gendered attire but also bodily gesture, posture, manner of speech (pitch, tone, pattern, and expressive range), and socially interactive style. By "sexed body" I mean physical characteristics such as genitals, presence or absence of breast tissue, facial and body hair, fat distribution, height, bone size, and so forth. I intend for this distinction to admit of some blurriness.

7. See Gwendolyn Ann Smith, "Remembering Our Dead," www.rememberingour-dead.org. Smith is founder of the Transgender Day of Remembrance.

8. While both the GenderPAC study (2001) and the Los Angeles Transgender Health Study (2001) fail to discuss correlations between race and ethnicity, on the one hand, and reported incidence of transphobic abuse and violence, on the other, Lombardi finds in her unpublished study that African American transpeople reported the highest levels of discrimination over the past year, while white transpeople reported the lowest.

9. For a good preliminary discussion of transphobic violence and its relation to "gay bashing" see Namaste 2000 (135–56). One of Namaste's central concerns is to think through intersections of distinctions between sexual orientation and gender presentation. She points to the ways in which gender presentations may function as visual cues in queer bashing. For the argument that current transgender theory and politics are not equipped to address this sort of transphobia, see Bettcher 2006.

by genotypic considerations. It seems to me, rather, that which features ought to be used to determine sex (e.g. chromosomes, identity, genitalia) is a matter of some dispute. As a concept which circulates in ordinary discourse, it is not obvious which features should count more in cases in which they are at odds with each other. Whether "sex change surgery" is a genuine sex change, for example, depends a lot upon whether one construes sex as genitalia or as karyotype. Certainly the way in which the concept of "real sex" is often used in ordinary discourse (where the natural attitude prevails) has not much to do with genotypic considerations, and much more to do with what genitalia a person has concealed under their gendered attire. And my particular account is designed to accommodate this important, everyday use of "real sex." To be sure, part of the issue concerns the role of the experts in determining the meaning of terms in ordinary, nonspecialized contexts. But this takes us into issues that are well beyond the scope of this paper.

15. Even in this situation, it seems to me that the best transpersons could hope for would be to be assigned to their sex of preference "with qualification." As such, they might still be held accountable for failing to disclose "the truth." Such a fragile achievement could be secured only to the extent the some socially recognized authority (such as medical and psychiatric authorities) were taken seriously enough to force a modification in the natural attitude.

16. There may be a way in which gendered surgical body modifications begin to threaten the distinction between gender presentation and sexed body. To the extent that bodies are culturally stylized, bodies themselves become gender presentations. Consequently, surgically enlarged breasts, reconstructed genitals, and the like can be seen as "artificial" and "mere appearance" in much the way clothes are, while undermining the very line between appearance and reality in a kind of postmodern moment.

17. I am following through on Hale's suggestion that "ignoring Frye's insight and its applicability to transsexuals also enables the more recent questions of whether transsexuals are duped or duplicitous or both" (1998b, 106).

18. I have not discussed the communicative role of attire in nonheterosexual contexts, as it is beyond the scope of this essay. I do not take the framework that I outline to be monolithic even within heterosexual contexts. Yet I do believe that my framework has considerable salience, especially in cases where the natural attitude about gender is taken for granted.

19. Obviously, the issues here are deep. For example, one of the tactics in feminist criticism of MTFs involves an appeal to "identity" and the effects of personal history and social upbringing. I do not wish to suggest that such concerns are irrelevant. The problem, however, is that even if this difference is granted, it does not follow that MTFs are "rapists in disguise." It only follows that there may be a difference between MTFs and non-transwomen. (This alleged "difference" is far too simple in its own right. However, I do not discuss the problems with it here.) My point is that the transphobic deployments of notions such as 'deception' and 'rape' replicate analogous transphobic rhetoric in nonfeminist contexts. A tragic consequence of this is that it is impossible to get a fix on the real identities of transpeople, since we can never be heard in such a construction.

20. For example, see Davis 1981 and Collins 2000

21. The Gwen Araujo Justice for Victims Act (AB 1160) was signed into law by California Governor Arnold Schwarzenegger on September 28, 2006.

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