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Crossing the Law: Trans Activism, Aleatory Materialism, and the Analyst's Discourse

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A thesis submitted in partial fulfillment of the requirements for the Master of Arts degree in
Theory and Criticism

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CROSSING THE LAW: TRANS ACTIVISM, ALEATORY MATERIALISM, AND THE
ANALYST'S DISCOURSE

(Thesis Format: Monograph)

by

Chris Bomba

Graduate Program in Theory & Criticism

A thesis submitted in partial fulfillment
of the requirements for the degree of
Master of Arts

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Abstract

This thesis examines contingency to elucidate transgender activism's leadership in radical politics. I take up Louis Althusser's theory of aleatory materialism to politicize everyday encounters. Trans activists gain a parallax view through gendered (mis)recognition that reveals the structure of ideology's vanishing points. By contrast, I criticize a cisgendered viewpoint and demonstrate the logical errors that result in transphobic behavior through Jacques Lacan's version of the prisoner's dilemma. I conclude to theorize trans activism's engagement with the state through Lacanian analytic technique. This technique does not result in traditional "treatment," but instead fuels activism with knowledge of the structures that must be reconfigured to attain liberation. To this end, trans activism's engagement with legal institutions is interpreted through Lacan's *Seminar XVII: The Other Side of Psychoanalysis*, and Althusser's *On the Reproduction of Capitalism*. I argue trans activists seize the opportunity of the encounter to transform an exploitative and repressive state.

Keywords

Transgender theory, Psychoanalysis, Marxism, Queer theory, Althusser, Lacan, contingency, materialism, activism.

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Introduction: Contingency and Transgender Studies

This thesis aims to intervene in the material conditions of the trans movement, crossing through the trappings of descriptive theory into theoretical practice. This crossing will occur specifically through the concept of “contingency” as theorized in Althusser’s Marxism and Lacanian psychoanalysis. The philosophy of contingency, also known as aleatory materialism, is a theory Louis Althusser developed in his later writings and published in the collection *The Philosophy of the Encounter* (2006). Drawing on this work of Althusser’s, and Lacan’s variable-length sessions, I have attempted to trace a common logic of contingency within the trans movement itself. In doing so, I celebrate the non-totalizable nature of the movement, and its refusal to be systematized. The primacy of process over systems is a recurring theme in Althusser, Lacan, transgender theory, and my reading of each. In this introduction I will undertake a survey of trans scholarship to show the degree to which a concern for contingency has already served an important, though not always visible or even necessarily conscious, role in the debate concerning the material practices of trans activism. I hope to establish the underlying tendencies in the movement to facilitate a way of reading transgender theory that emphasizes its stakes in political practice. What are the terms I am bringing to the conversation?

In “The Underground Current of the Materialism of the Encounter,” Althusser states:

I would like to bring out: *the existence of an almost completely unknown materialist tradition in the history of philosophy: the 'materialism' (we shall have to have some word to distinguish it as a tendency) of the rain, the swerve, the encounter, the take [prise]. [. . .]* To simplify matters, let us say, for now, a *materialism of the encounter*, and therefore of the

aleatory and of contingency. This materialism is opposed, as a wholly different mode of thought, to the various materialisms on record, including that widely ascribed to Marx, Engels, and Lenin, which, like every other materialism in the rationalist tradition, is a materialism of necessity and teleology, that is to say, a transformed, disguised form of idealism. (PE 167-8)

But what is the conceptual use of the aleatory and contingency beyond its simple opposition to teleology? What confusion might arise within Althusser's seemingly interchangeable use of the encounter, the aleatory, and contingency? The terms are very similar, but a couple of helpful distinctions may be drawn regarding their relation to time and causation. The aleatory tends to refer to a cause--a random or chance factor that produces a set of effects. In this way, the aleatory takes the limits of human knowledge and perception into account without wholly doing away with either; hence Althusser's philosophy of the encounter takes the label "aleatory materialism" over another less fitting term like "contingent materialism." The concept of contingency, on the other hand, is more closely tied to voluntarism; it delineates that which is unforeseen but which reason may account for and negate. Between these two terms Althusser revises the determinism/voluntarism dichotomy similarly to how he revises the idealist/materialist opposition. Althusser writes, "every accomplished fact, even an election, like all the necessity and reason we can derive from it, is only a provisional encounter, and since every encounter is provisional even when it lasts, *there is no eternity in the 'laws' of any world or any state*" (174). By theorizing cause as aleatory, reason cannot negate the contingency inherent to material encounters. Consequently, aleatory materialism is at once a philosophy of the encounter—the moment in which these concepts bear out reason's inability to fully conquer them. If reason could conquer contingency, laws would

be eternal, yet since causes are aleatory, the encounter is the site to take hold of the state's mortality and enact structural change.

Due to the fact that the encounter is unconquerable, this project adumbrates a *tendency* in transgender theory, rather than constructing a *system*. This tendency that I am following Althusser in calling an “underground current” should be understood as exactly that, which is to say, each text we read will likely have a dominant surface interpretation that contradicts my assertions. The important thing to recognize is this tendency's existence and its link to effective political practice, not the degrees of purity in its manifestations, which only misleads us into useless categorization. In a series of interviews titled “Philosophy and Marxism: Interviews with Fernanda Navarro, 1984-7,” Althusser claims, “I think that, in any philosophy, one finds idealist and materialist elements, with one of the two tendencies dominating the other in a given philosophy. In other words, there is no radical, cut-and-dried division because, in philosophies described as idealist, we can come across materialist elements, and vice versa. What is certain is that no absolutely pure philosophy exists. What exists are tendencies” (268). Since all theoretical works possess both elements of idealism and materialism, which Althusser has argued are better recapitulated as teleology and contingency, we recognize that through close reading we can trace this underground current. Althusser traces this current through political thought from Epicurus to Heidegger and Derrida, but my project focuses more specifically on trans theory: I will trace from Sandy Stone's “The Empire Strikes Back” (1991 version) to Julia Serano's 2013 book, *Excluded*. As we trace this current, it is important to recognize the import of process over systematization. That is in effect what

defines the difference between philosophies of teleology and contingency, idealism and materialism.

Many trans scholars (and others) recognize that effective critique occurs from a position that avows both its advantages and blind spots, not from a supposedly objective mind guided by a system of thinking. While systems return us to the pitfalls of attempting to “reason with contingency,” critical positions help us remain both reflexive and flexible to others as we struggle within and against dominant ideology. Althusser emphasizes the non-systematicity of aleatory materialism:

I think that 'true' materialism, the materialism best suited to Marxism, is *aleatory materialism*, in the line of Epicurus and Democritus. Let me make it clear that this materialism is not a philosophy which must be elaborated in the form of a system in order to deserve the name 'philosophy'. There is no need to make it over into a system, even if that is not impossible. What is truly decisive about Marxism is that it represents a *position* in philosophy. (PE 256)

Similarly, the trans community resists systematization because it is often among the first to be harmed by such misleading modes of thought. Indeed, systematic and totalizing forms of Marxist thought (i.e. dialectical materialism) have harmed many in their dogma, understandably resulting in widespread disengagement from its more meaningful insights, namely the position that class-based repression perpetuates exploitative labor relations throughout the global economy. However, transgender theory approaches problems of political practice and identity from other angles, angles that resist their own systematization and uphold contingency. In other words, transgender theory consistently holds an aleatory materialist position in philosophy.

Why pair aleatory materialism with Lacanian psychoanalysis? For one, the previous argument against systematization, and thus normalization, is also prevalent in

psychoanalytic thought (if not practice, unfortunately). Tim Dean argues for such a reading of Lacanian theory in his book *Beyond Sexuality*, viewing Lacan's obtuse style as a resistance to systematizing his thought (14). In addition to the well-established value psychoanalysis places on thinking through problems of gender and sexuality, this commitment to non-systematized thought reaffirms its importance for this project. Psychoanalysis encourages us to theorize gender and sexuality without succumbing to what Joan Copjec calls a "flight into the multiple," the tendency within scholarship to numerically multiply sexes and genders and posit them as discrete identities, thus substituting multiplicity for rigorous thought that investigates the basis of sex and gender ("Sexual Compact" 32). Moreover, Lacanian psychoanalysis, as Tim Dean points out, views the real as a "necessary contingency," rather than a contingent necessity as philosophical systems would have it. This "necessary contingency" is something the subject cannot account for, much less deal with, and therefore cannot be negated through reason in an idealist fashion (92). The real has a peculiar way of overloading brain activity and freezing subjectivity at the same time in a wave of anxiety morphed into a plethora of emotions.¹ We will examine such an imposition of the real in the encounter described in chapters one and two. In any case, the differing vocabularies between Marxism and psychoanalysis sometimes seem to render the two incommensurable. However, as I hope to show, their vocabularies (at least between Lacan and Althusser)

¹ I too have experienced the necessary contingencies of the real on several occasions when my gender has been objectified and discussed in public. On the bus for instance, "Is that a boy or a girl?" "A boy, definitely." "Did you hear him speak?" "Maybe she's transitioning." Afterward I was delighted to have been so gender ambiguous, yet in the moment I felt so invaded and embarrassed I couldn't look up. Forced by the Other to bear witness to my identifications, yet unable to speak, I unexpectedly found myself in the paralyzing grasp of the real.

can be translated from one to the other due to their similar concerns in structural analysis and cautions against the reproduction of repression and exploitation that an untroubled structure ensures.

At this point I will apply Althusser's concepts to several works of transgender theory written in the past 25 years, effectively tracing an "underground current" within it. To reiterate, I intend to draw transgender theory's use of contingency and the aleatory to the surface, and thereby emphasizing the political values that form the backbone of this thesis. Sandy Stone's essay, "The Empire Strikes Back" (1991) represents a discursive break that many identify as the beginning of transgender theory as a field in its own right. One could view the text itself as a swerve, or an aleatory cause, that took a transformative hold through its encounter with gender and sexuality. However, what interests me most about this text is that it is a manifesto without teleology. It is a call to action of a specific type. Stone argues for a future in which trans people cease to self-erase. In other words, trans experiences should be known, but what those experiences will be is open to lived conditions. Stone argues against the erasure of trans histories, and against "constructing a plausible history," the lies told about one's past required for transsexuals to receive treatment. This practice essentially relied on everyone involved turning a blind eye to lived experience. Commenting on medical and academic work of the 80s, Stone writes, "Each is an attempt to gain a high ground which is profoundly moral in character, to make an authoritative and final explanation for the way things are and consequently for the way they must continue to be. In other words, each of these accounts is culture speaking with the voice of an individual. The people who have no voice in theorizing are

the transsexuals themselves” (229). When reading passages like this one, it is easy to slip from the critique of authority and its teleology into an affirmation of identity politics. The issue at hand is that an illegitimate authority purports final explanations and believes itself to be able to predict a body’s trajectory. Transsexual voices reveal that authority’s illegitimacy and repudiate its repressive desire to predict. That is why trans voices are crucial beyond the reinstatement of totalizing authority of a different sort. Stone praises the inclusion of new voices, but cautions against such substitutions in authority:

And yet in even the best of the current debates, the standard mode is one of relentless totalization. The most egregious example in this paper, Raymond’s stunning ‘All transsexuals rape women’s bodies’ (what if she had said, e.g., ‘all blacks rape women’s bodies’), is no less totalizing than Kates’s ‘transsexuals . . . take on an exaggerated and stereotypical female role,’ or Bolin’s ‘transsexuals try to forget their male history.’ There are no subjects in these discourses, only homogenized, totalized objects—fractally replicating earlier histories of minority discourses in the large. So when I speak the forgotten word, it will perhaps wake memories of other debates. The word is *some*. (232)

Stone outlines this encounter resulting in a change of voice: “Here on the borders at the close of the twentieth century, with the faltering phallographic hegemony and the bumptious appearance of heteroglossic origin accounts, we find the epistemologies of white male medical practice, the rage of radical feminist theories and the chaos of lived gendered experience meeting on the battlefield of the transsexual body: a hotly contested site of cultural inscription, a meaning machine for the production of ideal type” (230). The transsexual body becomes a space which troubles origins and ends, thus troubling the teleology through which transition is temporally understood. Stone writes, “In the case of the transsexual, the varieties of performative gender, seen against a culturally intelligible gendered body *which is itself a medically constituted textual violence*, generate new and unpredictable dissonances which implicate the entire spectra of desire.” She continues,

“In the transsexual as text we may find the potential to map the refigured body onto conventional gender discourses and thereby disrupt it, to take advantage of the dissonances created by such a juxtaposition to fragment and reconstitute the elements of gender in new and unexpected geometries” (231). Contingency is inherent to change. Dissonance implies new, and new implies unknown. In other words, Stone’s political strategy is to allow genders and sexes to collide and to see what emerges. In her words, “The disruptions of the old patterns of desire that the multiple dissonances of the transsexual body imply[,] produce not an irreducible alterity but a myriad of alterities, whose unanticipated juxtapositions hold what Donna Haraway has called the promises of monsters—physicalities of constantly shifting figure and ground that exceed the frame of any possible representation” (232). By no means is this a hands-off approach. Stone’s analysis is rigorous, and the struggles surrounding it are real. The difference is the position of contingency from which they take place. Given the 25 years of prolific writing and political change that followed, I argue this position within philosophy is an effective one.

In “*Fin de siècle, Fin du sexe*” (1996), Rita Felski criticizes postmodern theories of history from a transsexual perspective in order to both revise them and apply their insights to the supposed teleology of transitioning. Her method brings out the contradictions of postmodern theory where, ironically, it fails to be self-reflexive and ends up reinstating teleology in the forms of its critique. Felski concludes that while postmodern theory at times fails to resist universal history, transsexual embodiment resists such historical pigeonholing. She opens her essay with a series of questions

problematizing the “then” and “now” of history, ending the series with two questions especially relevant to sex and gender: “what is the connection between discourses of the end of history and the end of sex? How do our cultural imaginings of historical time relate to changing perceptions of the meaning and nature of gender difference?” (565). Departing from Jean Baudrillard’s claim in *The Transparency of Evil* that “we are all transsexuals,” Felski observes gender within postmodern theory as “a privileged symbolic field for the articulation of diverse fashioning of history and time within postmodern thought. Thus the destabilization of the male/female divide is seen to bring with it a waning of temporality, teleology, and grand narrative; the end of sex echoes and affirms the end of history, defined as the pathological legacy and symptom of the trajectory of Western modernity” (566). Her aim is not to reject or confirm these claims, but to question their rhetoric and its implications for transsexuality.

Felski identifies a trend in postmodern writings such as those of Baudrillard and Haraway in how they exploit transsexuality as a figure. The symbolic usage of the transsexual that also serves as their “evidence,” prevents these theorists from “transcending” teleology in the way they intend. In fact their approach often results in “the paradoxical reinscription of historicity in the very act of its disavowal” (569). Rather than reproducing idealized femininity through the use of such symbols that also ignore lived trans experiences, Felski argues that we understand history to have multiple referents, that we renounce “this unilinear trajectory from the presence to the absence of history” (573). In other words, even arguing for the postmodern absence of history is a notion based on teleology that relies on the origin of presence to take its course through this particular system of philosophical idealism. Instead, Felski encourages us to be

attentive to “disjuncture and nonsynchrony in the experience of temporality while simultaneously acknowledging systematic connections and relations among discrete cultural practices.” If we are not attentive to these possibilities, she warns, “the thesis of the end of history merely repeats rather than subverts the ongoing myth of universal history” (573). Through the refutation of this “meta-teleology,” Felski shows her aleatory materialist colors. While she recognizes the “systematic connections” in isolated social practices, her critique aims to avoid constructing a total system based upon the negation of history. This requires that one be open to the possibility that history may become “present” again, or more pointedly, Felski implies the originary presence/absence of history required to declare its end presupposes causes to be anything but aleatory. Felski retains the aleatory cause in her attentiveness to temporality’s disjuncture and nonsynchrony.

In “Look! No, Don’t! The Visibility Dilemma for Transsexual Men” (2000), Jamison Green recounts his experience speaking to audiences of university students. Invited by professors to give talks on being a transsexual man, he likes to sit among students before being introduced. Knowingly turning himself into an object lesson, he gets the students’ attention to demonstrate prior to any verbal reasoning that trans men are fully men as students habitually imagine them. Yet the students’ reactions are telling, and their speech betrays their political inertia. Falling in line with contemporary North American values, they are tolerant but not quite accepting. Green writes, “Then I rise up from within their midst, students gasping and murmuring around me: ‘It was sitting next to me and I didn’t know!’ ‘Oh, my God!’ ‘I never would have guessed.’ ‘He looks so

normal!’” (500). Through incorrect pronouns, impersonal asides, and vapid interjections, they anticipate a spectacle, turning an apparently average man into a sensation. Green continues, “Nothing really changes when they acknowledge the existence of transpeople (transsexual and transgender people) and realize that we are not inherently monsters or perverts. Nothing really changes except that their compassion quotient expands exponentially. Nothing really changes except each of the students goes away with a little piece of me that they can own and mould and reinterpret as they wish” (501). Green quickly moves on to other examples, noting that students are compelled to behave in front of their professors, and are more likely to reveal their biases privately through essay questions and term papers. Between the university and journalism, in which Green has regularly represented trans men separate from his unrelated employment, Green expresses his exasperation, “Can I be just a man now, or must I always be ‘other’?” (503).

Despite living a man’s life unproblematically in most spheres of life, Green is overly represented by his transition history. “An even further irony is that once a man is no longer visibly transsexual—that is, once his previous androgyny has been transformed to unquestionable masculinity—he may no longer be of interest to the press.” Since Green is no longer visibly transsexual, journalists find difficulty viewing him as a knowledgeable source (503). However, Green’s point is that the fact that he has traversed the binary means it is more important than ever to listen to the history of that transition while simultaneously seeing him as a man through and through. The dominant ideology that turns Green’s past and present into such dissonance forms the visibility dilemma for trans men:

Look! No, don't! Don't notice that I am different from other men unless you are ready to acknowledge my uniqueness is the same difference that each man has from any other man. If transsexual men want to disappear, to not be seen, it is because they are afraid of not being seen as men, of being told they are not men, of being unable to refute the assertion that they are not men. All men fear this. In this way, all men—trans and non-trans—are the same. (506)

This argument opens up the visibility dilemma to contingency. Green's point is not to equate visibility with progress, nor to think this notion of progress is inevitable. The point is to be seen only in the course of an encounter where trans men and non-trans men become visible from the same anxious position. Liberation through visibility is conditional. In Green's words, "If you accept me—if you can acknowledge that I am a man, even a transsexual man—then you can accept that life has variation, life is rich, you don't control it, you experience it" (507). Contingency leads to a materialism of the encounter; a swerve that may or may not take: "You can still analyse concepts, you can still have opinions, you can even disagree with me. And if you don't accept me, well, then you don't" (507). He continues, "Maybe if we are continually not permitted to speak, not allowed to define ourselves, not given any corner of the platform from which to present our realities, then we will disappear and refrain from further complicating all the neat, orderly theories about gender and sex" (507). Ten years after Stone theorized a trans politics of dissonance, the collision between genders and sexes is still alive and well. Like Stone, Green intends to make a mess of what is neat, orderly, and overwhelmingly repressive about sex and gender. Yet perhaps most importantly for a philosophy of the encounter, Green recognizes the contingencies that lead to an encounter's inability to take hold. There is an inherent precariousness to it all.

Susan Stryker's introduction to the 2006 *Transgender Studies Reader*, "(De)Subjugated Knowledges: An Introduction to Transgender Studies," opens with an anecdote illustrating the changing landscape of queer theory following transgender inclusion. She recalls her experiences at a conference in 1995 when queer theory was dominated by Gay and Lesbian studies to the detriment and exclusion of trans people. This particular conference marked a turning point for Stryker. During a question and answer period, Jim Fouratt, a veteran of Stonewall and founding member of the Gay Liberation Front, went on a transphobic rant against what he saw as the infiltration of "reactionary transsexuals" into queer politics, and asserted transsexuals are "profoundly psychopathological individuals who mutilated their bodies and believed in oppressive gender stereotypes." Stryker addressed him publicly, "'I'm not sick.' The man across the auditorium stopped talking, and looked at me. I said, 'I'm transsexual, and I'm not sick. And I'm not going to listen to you say that about me, or about people like me, any more'" (1-2). Fouratt turned around and left. Stryker witnessed the sequel to this event in 2005. Fouratt showed up again to voice similar views, but this time trans scholars were giving papers at such conferences, and he was shouted down in a hurry (2). By Stryker's account, "Perhaps the most surprising aspect of the whole transgender thing back in the 1990s was the startling rapidity with which the term itself took root, and was applied to (if not always welcomed by) the sociocultural and critical-intellectual formations that were caught up in, or suddenly crystallized by, its wake" (2). To my mind, this crystallization of a political movement is exactly what Althusser means by an aleatory encounter taking hold despite the contingencies that follow.

Glossing J.L. Austin's version of performativity, Stryker notes, "Who gets to say 'I do' to whom is completely determined by social and political forces (and as such it is subject to change over time)" and shows the encounter is at the heart of transgender studies. She writes, "The emergence of transgender studies in the 1990s was one such moment of change, when sociopolitical activism, coupled with broad and seemingly unrelated shifts in material conditions, worked in concert to create the possibility of new performative utterances, unprecedented things to say, unexpected language games, and a heteroglossic outpouring of gender positions from which to speak" (11). Stryker is careful to relate transgender studies to issues that would otherwise treat transgenderism as an enclosed identity. Transgenderism is neither a stable identity in the traditional sense, nor is it simply an abstract example from which to generalize (in the vein of Felski's critique). Transgender studies inhabits a special relationship to the humanities, a revolutionary one, brought out in the form of an "epistemic rift."

In the 1990s, a revolutionary swerve took place, as Stryker describes it:

A calendar started rolling over; a world collapsed; a pandemic virus changed the way we thought about sexuality and identity and the public sphere; an existing world was invested with new meaning to mobilize a movement, and it all crashed together on a cultural landscape fractured by an epistemic rift. Amidst the wreckage, transgender people seized the moment to produce knowledge of transgender phenomena in a postmodern fashion. We fought our way into speaking positions, claimed our voice with a vengeance, said who we were, and erupted into discourse. (11)

This eruption of discourse has occurred at a historical moment in which appeals to institutional authority are viewed with suspicion. Those who speak must be accountable, but it is clear traditional avenues that produce authorities do not give anyone a free pass. Widespread anti-intellectualism is often viewed as the culprit, endlessly frustrating academics and experts, but such "anti-intellectualism" is not the end of the matter. Part of

my project is to demonstrate how we can fight against an institution without fighting against intellectuals. Stryker identifies this suspicion of authority within the production of knowledge as internal to transgender studies. Using language that ties it closely to the insights of psychoanalysis, she writes, “Transgender studies considers the embodied experience of the speaking subject, who claims constative knowledge of the referent topic, to be proper—indeed essential—component of the analysis of transgender phenomena; experiential knowledge is as legitimate as other, supposedly more ‘objective’ forms of knowledge, and is in fact necessary for understanding the political dynamics of the situation being analyzed” (12). Nobody is permitted to call on human universality and appeal to an unquestioned authority. These concerns between position and authority, institution and the production of knowledge, form the lynchpin of my critique in chapter three.

In “Normalized Transgressions: Legitimizing the Transsexual Body as Productive” (2008), Dan Irving urges us to consider the influence of capitalism on trans identities, subjectivities, and activism. Irving observes that trans studies are keen to fight invisibility and the reproduction of heteronormative sex/gender binaries, but this myopic approach tends to reify trans identity into an isolated matter of sex/gender. This scholarship views activism’s challenge to dominance as a part of human rights protection. The result is a form of activism that hinges upon producing trans bodies that are productive for capitalist labor, without questioning that process or the labor relations that result from it. In this capacity, the trans movement seems to have been defanged (39). Irving writes, “To move toward achieving social recognition, the transsexual body must

constitute a productive working body, that is, it must be capable of participating in capitalist production processes. This legacy impacts the trajectories of political organizing to achieve social justice for trans communities” (40). Capitalism pressures trans politics to take teleological forms. The production of working trans bodies constricts real variation in gender nonconforming bodies to the extent that they oppose capitalist labor. However, nonconformity beyond this exploitation-oriented constriction stands a chance to launch alternative modes of production—in both the sense that trans bodies are produced, and that those laboring bodies produce commodities.

In a certain light, Irving’s argument echoes Stone’s, that transsexuals are programmed to self-erase. Irving posits the post-World War II labor market as a ground for trans men to prove their masculinity, thus linking exploitation and transition through underlying sexism. Trans women faced the flipside of patriarchal exploitation. Describing male-to-female transition under Harry Benjamin’s rubric, Irving writes, “The success of their sexual reassignment was measured partly through their complacency (an ideal mark of femininity) and their willingness to assimilate into these gendered and exploitative relations” (46). Irving shows that a resistance to work under exploitative relations is internal to the transition process. The medical-legal institution picked up on such resistance and compelled trans women to succumb to labor exploitation as a precondition to authorizing treatment. For this system to work, the binary had to be upheld, and self-erasure had to occur. In the first instance, trans men had to be eager to show their “masculine prowess” in the labor market, and in the second, trans women had to wish for the feminine “ideal” of the exploited “second sex.” In the 20th century, there was no place for non-conformism when labor was involved. In congruence with capitalist idealism,

transition itself was made to be linear and teleological, ending at the opposite sex's predetermined form.

In the present market, Irving points out corporations' appropriation of trans identities that has deepened the partnership between exploitative labor and transgenderism. Corporations like IBM celebrate difference in order to absorb it as labor power. Irving writes, "Difference is appropriated not only as a market niche but also as a resource for capital accumulation when transsexual bodies are valorized socially because of the value their labor contributes to the economy. As explained to members of sex/gender minorities by IBM, 'When you join IBM's diverse team you are *encouraged to share your unique perspectives and capabilities*. At IBM we recognize individual differences and appreciate *how these differences provide a powerful competitive advantage* and a source of great pride and opportunity in the workplace and marketplace'" (55). However, these patterns assume a particular understanding of trans people by privileging those who are seen to contain both productive and socially conforming potential in the first place. Irving observes, "One must acknowledge transsexual individuals who are excluded as subjects and continue to exist on the margins of society, including transsexuals of color, those who do not pass as men or women, those with illnesses or disabilities, those who are impoverished, those who are unable or unwilling to be employed within the legal wage labor economy and thus work in the sex trade, as well as those incarcerated in prisons or mental institutions. Their narratives remain largely untold" (51). Critique from a trans position understands that repression exceeds, yet is inseparable, from transgenderism. Trans-ness is defined, narrated, policed, and exploited differently based on every other social element, all of which are bound up

in the present social formation's labor system. Unlike in the previous century, IBM accepts trans bodies before an idealized end form is realized, yet it retains the same end goal of employment. In effect, IBM offers labor as a shortcut through transition: as long as a trans body labors, that body has already successfully attained the aspired ideal as far as IBM is concerned.

However, because transgenderism is not absorbed wholesale into capitalist labor relations, but contains layered provisions that regulate disabled, impoverished, non-white trans people, etc., Irving's line of questioning leads him to be wary of idealist programs easily appropriated into neoliberal labor relations: "Appealing to mainstream society through a rearticulation of dominant socioeconomic discourses comes at a cost to those within trans communities who cannot be easily assimilated into normative categories" (55). Associating neoliberal thought with teleology, Irving avoids prescribing action beyond critical questioning of our conditions of existence: "We also need to acknowledge the ways in which neoliberal prescriptions for thought and behavior have influenced experiences that contribute to trans theory and activism despite transsexuals' rich history of militant oppositions to systemic power structures" (55-6). Irving closes his essay with the hope for an unknown alternative, outlining a position, but not a trajectory. He writes, "In the midst of a political climate in which we are told that 'there is no alternative,' their [trans] activism can still spark radical imaginations of a queer future" (56). Capitalism views labor as the end goal of transition. It is flexible in how it takes up the problem, but always leaves the trajectory to exploitation intact. Yet transition does not need to adhere to this ending. What we are left with is an affirmation of nothing other than the contingencies that may spring into revolutionary change. Trans activism has the potential

to cultivate emergent modes of production alongside transition. These new forms of transition and labor will be realized through exploration, critique, mistakes, and chance encounters between people and elements that show ways of living outside of capitalism's end causes.

The next two texts come out of *Gender Outlaws: The Next Generation* (2010), edited by Kate Bornstein and S. Bear Bergman. Although there are many other essays in this collection that reveal threads of contingency, I have chosen the following two for their particular relevance to this project. The first, by C.T. Whitley, reveals by comparison with other trans writing, most obviously Irving's in this case, that a Marxist position claiming to be aleatory materialist cannot in advance exclude certain (vocational) practices from the struggle, and that this struggle must take place on all levels. The second by Ryka Aoki works in a similar capacity regarding critique of the legal system. However, I have also chosen it to give more space to Aoki, whose work is examined in my following chapters.

In stark contrast to Irving, Whitley's "Trans-Corporation: A Benefit Analysis of a Transgender Man in a Corporate Setting" recounts his experience working in corporate America where he navigated the gender binary to his advantage. Whitley discovered that the knowledge acquired in the course of his transition gave him excellent communication skills across genders in what is otherwise a divisive and sexist work environment. Through Whitley's case we can see clearly why corporations like IBM would be keen to hire able-bodied and educated trans people, though reading Whitley's opening lines one has to wonder if he does not in fact work in a locker room. Whitley writes, "A harsh

voice bellows from the conference room. ‘You motherfuckers! You need to pull your heads out of your asses!’” This is not the “touch-feely environment” Whitley enjoyed in the course of his degree in sociology and ethnic studies. He admits, “It’s not an environment where I can capitalize on my queer theory and gender research by challenging the perception of gender norms in the work place” (31). However, Whitley does not conform to the ideal of masculinity either. “As a gender outlaw long accustomed to carving my own path, I learned to communicate in ways that were unavailable and unidentifiable to my non-transgender male and female coworkers, catapulting my own transgender status from corporate cost to corporate benefit” (32). He takes in the environment, and uses his position as a trans man to shape that environment, playing both sides as necessary to gain peaceful results.

This account is a bit different from what Irving observed in his analysis. Rather than pit the two essays against each other, I wish to emphasize the common aleatory materialist tendency used to transform labor relations. Whitley continues, “Gendered behavior patterns were the key to at least half of miscommunication in my office. Therefore, this is not a deconstructive analysis, but rather a discussion of the realities of the gendered professional world” (33). While Irving takes a broader view of corporate tactics linked to the production of laboring trans bodies, Whitley, one such trans body, shapes his relation within the workplace as a trans subject breaking down sexist divisions in communication styles. Both analysts take trans conditions of existence to apply solutions through analysis and speech without reproducing the received structures that made those conditions exemplary in the first place. However, although Whitley identifies the potential value for trans people in the corporate world, he was ultimately dissatisfied

with its “severe lack of self-reflection.” He hopes other trans people change corporations from within, but Whitley has since left the corporate environment to pursue academia (37).

The next writer I wish to look at, Ryka Aoki, holds a special place in my project. Another essay of Aoki’s will be closely read in chapters one and two, and it has provided much of the inspiration that resulted in chapter three. For my present purposes, I read her essay in *Gender Outlaws*, “On Living Well and Coming Free,” as exemplifying the ethics of safety and well-being for trans people that is central to my take on the encounter, but that otherwise may seem to fall by the wayside in the midst of theoretical jargon. Aoki practices martial arts and holds a black belt. She describes demonstrating a multi-attacker scenario at a self-defense competition. Rather than ending her demonstration with a flashy finishing move, she makes a point to step back and pull out her cell phone. “Forget machismo—for a woman attacked, it is victory enough not to be killed” (143-4). Aoki criticizes the gender studies symposiums for their combative language. She quips, “Shouldn’t we know better than to use the same rhetoric as a college football coach? Declining to participate in the chest-pounding and vitriol is not a sign of weakness; it’s a sign of disagreement. And disagreeing with someone else’s definition should not mean that one is less savvy, less informed, or less committed to gender equality than someone who has just discovered Judith Butler. Or, for that matter, Judith Butler” (145). The takeaway here is the need to theorize alterity in ways that do not overly privilege institutional authority. Two perversions are internal to this symbolization of authority. Those outside of academic circles begin to mimic its language, using theoretical concepts to speak over the heads of others without real engagement with the ideas they contain. On

the other hand, academia reveals its seeming impotence to do much other than produce the former problem when it relies on combative rhetoric to keep audiences drinking its theoretical Kool-Aid.

Aoki, who is also a university professor, imagines an alternative to the outlaw's traditional alterity. "No group of laws can encompass the varied desires and actions of an individual, and when any law omits or excludes us, we are by definition outlaw—not breakers of that law, but outside of it to begin with. We are all outlaws by omission" (145). As will be discussed in chapter three, gender outlaws do have a special relationship to the law, and Aoki describes that relationship perfectly. By omission, gender outlaws are engaged in structural change, which is very different from resistance based on the letter of the law alone (simply breaking it, ignoring it, etc). Aoki candidly outlines the difference: "Even during my martial arts demonstration, I realized that while most women would feel safe calling the police to report an assault, for trans women, dealing with the police is usually humiliating at best and dangerous at worst. It's more than prejudice; much of the legal system is simply not written to address trans people" (146). Trans people struggle against the state's structure on every level, from the letter of the law, to the courts, to the police and prisons, all the way back to ordinary citizens who break the law to harm trans people in the first place and get away with it. The law is more inclined to protect those who assault trans women by default, as Aoki puts it, not because of prejudice, but through omission.

However, Aoki is not one to get taken in by utopian ideals. She recognizes the real lived conditions of trans people, and the need to make structures that protect people rather than blindly destroying structures to be left with no shelter whatsoever (146). Her

position is not in contradiction with aleatory materialism as it asserts the primacy of practice over theory, material conditions and their necessary contingencies over teleology. In her words, “Living well is not an essay topic. It is not a theory. It is a practice. We must do it with intention as often as we can” (150). If her position seems counter-revolutionary, that is only because of the idealist philosophy surviving in previous theories of Marxism (for instance, Hegelian). These other forms are themselves counter-revolutionary in that they ignore the material struggles of living individuals by placing theory over practice. Aoki asserts, “Being an outlaw means understanding that freedom is not a zero-sum game. Freedom depends on its abundance. For it to mean anything more than another layer of oppression, my emancipation necessitates the emancipation of others—even of those who have oppressed me” (151). Commitment to living well as an outlaw necessitates a practice that strives toward equality instead of individual freedom, which is another form of oppression. As Aoki imagines it, emancipation must include oppressors because if it does not, the only thing that has been accomplished is the trading out of one master for another.

Lastly, Julia Serano’s book *Excluded: Making Feminist and Queer Movements More Inclusive* (2013) is a complex and significant effort to think through the web of identity politics surrounding transfeminist and queer movements. The book is divided into two parts. The first is composed of Serano’s previously published essays on transfeminism. The second follows with a long analysis of double standards within identity politics and makes an argument for a “holistic” rather than “fixed” approach to identity politics. For my purposes I will focus on two of Serano’s insights, specifically

her concept of “myriad double standards,” and her chapter “Self-Examining Desire and Embracing Ambivalence.”

Consistent with the tendencies we have seen recur over the past 25 years of trans scholarship, Serano argues against a totalizing view of oppression. Her innovations push scholars and activists to be increasingly and consciously open to contingency. She writes, “Rather than relying on one-size-fits-all gender systems that attempt to explain gender and sexism in their entirety, we should instead acknowledge that we live in a world of *myriad double standards*. In any given situation or setting, some double standards may be in play, while others may not.” Serano argues this approach has the advantage of challenging *all* double standards because we must remain vigilant against the outcropping of double standards not yet materialized, or in her words, “Having such a mindset can make us more open to learning about new double standards when they are first described to us (rather than outright dismissing them because they do not fit into our worldview), and more mindful of the fact that we ourselves are fallible (as we may be unknowingly engaging in, or enforcing, certain double standards ourselves)” (201). Serano outlines an approach similar in theory to the philosophy of the encounter, avowing “varying degrees of unexpectedness” when communicating about her identity with others, but that “[t]here is absolutely no such thing as a universal female, or bisexual, or transsexual experience. All groups are fundamentally heterogeneous” (202, 212). Following such observations, Serano is led to embrace ambivalence in a holistic over fixed perspective on identity.

In “Self-Examining Desire and Embracing Ambivalence,” Serano links analysis of our own desires to the fight against the myriad double standards that unrelentingly seep into discourse to transform would-be liberators into the latest oppressors. She writes,

“if we feel a strong sense of repulsion toward particular bodies, identities, or sexualities, that is usually a red flag—a sign that we may need to further examine what double standards may be unconsciously driving that” (259). I pursue an analysis of this type in chapter two regarding transphobia. Recognizing love and hate are opposed more by indifference than each other, Serano implores us to view desire and repugnance with equal criticism:

Along similar lines, we should critically examine what we do desire. Are we attracted to the conventional or unconventional? Do we just so happen to like the type of person who is valorized in our culture or subculture? Are we interested in them because we’re trying to fit in? Are we hoping their status will rub off on us? If we are attracted to someone or something that is atypical or maligned in our culture, are we simply more open minded than other people? Or are we partly turned on by the taboo nature of the encounter? Do we mystify them, and view them as exotic? Do we appreciate them as a whole person? Or are we sexualizing them—viewing them as a mere sexual or fetish object? What effect might the nature of our desire have on the person we are attracted to? (259-60)

Serano’s approach strikes me as a wonderful synthesis of aleatory materialism and psychoanalysis. Following a desire laden encounter, Serano calls for us to analyze the desires that shaped its unfolding. The aleatory cause explains the encounter’s intersubjective occurrence, while the subject’s desire embodies an intruding necessary contingency that will never be conquered through any amount of policing and premeditation. Through desire’s flexibility and metonymy, it attaches to various objects in its path, a necessary contingency, yet desire exhibits recurring tendencies that make analysis possible. This technique encapsulates what my project also strives toward: the analysis of our conditions of existence transformed through critical questioning of our unconscious desires that have solidified them.

Serano closes this essay with an embrace of ambivalence. She notes we should not confuse ambivalence with apathy, but realize ambivalence means holding both positive and negative feelings simultaneously. For Serano, “this means being able to feel empowered by my own expressions of femininity, while recognizing the harmful nature of compulsory femininity. It means experiencing dissatisfaction or dissonance with regards to some aspect of my body, yet recognizing that some people may find that trait attractive and/or love my entire body. It means enjoying experiences and ways of being that resonate with me, while recognizing that they are not for everybody” (261). To put Serano’s argument in terms of the underground current I have traced, the concept of myriad double standards avows the materialism of contingency that makes it a game-changing analytic tool, and thus requires an unstable view of identity and therefore one without teleology. Through the analysis of desire, we realize the relativism required to criticize cultural practices, leading us to more effectively question repressive tendencies from a philosophical position rather than through a prefigured system of knowledge. The result is an analysis that does not seek to reproduce exploitation, but rather is structurally opposed to the masters of society.

It is my hope that tracing this underground current of aleatory materialism through transgender theory has made apparent a way of reading theory that serves the following chapters. Elements of contingency and the aleatory are ever present, though they will often run underneath a given text’s stated goals and the accompanying dominant interpretations. However, if we become attentive to aleatory cause and the effects of contingency within politicized writing, we begin to see a set of political practices surface.

One becomes wary of teleology where it organizes activism and lurks within capitalist ideology. Teleology implies a certain reproduction of the status quo simply because all the involved elements are known, and the effects of their combination are posited in advance. On the other hand, liberation is repeatedly couched in terms of a future where the only thing known is that today's oppressed will not become tomorrow's oppressors. This stance implies structural change through openness to the other. A certain compassion and relativism are required in the course of critique to allow the liberatory potential of a random encounter to take hold. Through reading these values in past texts, it is my hope to theorize trans activism's role in spearheading these political forms.

To summarize what will follow, I seek to establish trans subjectivity as a position from which to guide revolutionary politics and critical theory. Chapter one introduces the broad strokes of this position via aleatory materialism as described in Althusser's later writings. First, I argue that trans subjectivity reveals the vanishing points that structure the representations of ideology by imposing a parallax view through the division of the typical singular point of reference into two (in this case the social representations of an oppressed ciswoman, and a passing transwoman read as cis). Second, I argue that the way this position combines with chance encounters places trans activists as leaders by example for the radical politics theorized as aleatory materialism.

Chapter two zooms in on the intersubjective relation within the moment of the same encounter described in chapter one. Through a reading of Lacan's prisoner dilemma, the chapter demonstrates the truthful and logical position held by the trans subjects in this encounter, and theorizes the illogical and flawed readings by others that lead to transphobia. I suggest that the trans subject in this type of encounter inhabits a

place not unlike a Lacanian analyst. Trans subjects have the power to suggest meaning but often recognize it is more effective to hold back interpretation, in part to stay safe, but also so that the “analysand” may be allowed to reveal their own cognitive dissonance through the analyst’s scansion and punctuations. This practice does not result in “treatment” in any traditional sense, but instead fuels activism with increased knowledge of the structures of desire that must be reconfigured to attain trans liberation.

Chapter three fleshes out this practice in analysis to suggest an ethics and technique in accordance with the aleatory materialist position described in chapter one, and expands it to show the nature of trans activists’ engagement with legal institutions, especially within the prison abolition movement. Trans activists tend to be in a position that does not simply reproduce the master’s discourse, but has more in common with the analyst’s discourse. Through participation in analysis, trans activism has particular advantages when it criticizes legal institutions. This explication builds bridges between Lacan’s *Seminar XVII: The Other Side of Psychoanalysis*, and Althusser’s *On the Reproduction of Capitalism*. In my view, the critique, struggle, and strategies for survival enacted by trans persons and activists authorize us as analysts producing change. Such analysis stands against the institutions of the state that both repress critique and give psychoanalysis its historically repressive features.

The end result is a provocation to include transgender theory in the theoretical practice of (usually unmarked) critical theory through furthering the political needs of the trans community. Hopefully I do not need to emphasize that this project does not intend to valorize one identity (trans “identity” is itself singular-plural). Instead, I suggest an approach to identity politics that analyzes a subject position’s critical potential to change

theoretical practice as a whole. To this end, I do not seek to engage in the patchwork of reinterpreting 20th-century psychoanalysis and Marxist theory to include trans identities. Instead, I argue that transgenderism itself is in a revolutionary position, one that breathes 21st-century life into 20th-century thought. This approach places sex and gender in a central position for theorizing political practice.

Chapter 1

1 Transgendered Encounters: Keep Your Hands Off My State-Machine!

Trans activism sustains a site of resistance against coercive gender assignment and the support lent to it by the state. Drawing on Louis Althusser's *Philosophy of the Encounter*, I will demonstrate my argument in two movements. The first movement implicates the state in gender policing that attempts to regulate the field of cultural intelligibility under 21st-century capitalism. This analysis focuses on cisgendered subjects, especially when they encounter gender nonconforming persons. I argue that cisgendered subjects are the gender enforcers backed by the capitalist state. The second movement elaborates on the aleatory aspects of trans resistance. This movement centers on trans subjects who must always remain open to contingency in practice, and against teleology in theory. I argue that this encounter breaks open ideology, refutes essentialism, and resists teleology precisely through its aleatory nature.

I will use Althusser's work to clarify the intersection between transgender theory, ideology critique, reproduction of domination, and theorization of the state's implication in liberatory struggles. However, a properly formed argument also requires engagement with both transgender theory and philosophical underpinnings that bring us to that intersection which marks its conclusion. Through a reading of Ryka Aoki's essay "When Something Is Not Right," contemporary transgender theory, and a return to Judith Butler's *Gender Trouble*, I will show how an aleatory materialist stance may guide trans politics where it seeks revolutionary change. Insofar as I take up the problem of transgender oppression and its reproduction by way of materialist philosophy, I will also

be theorizing the state's hand in micrological domination. The relation between contingency and liberation will be studied in terms of trans activism's theoretical practice as informed by a queering of Althusser's aleatory materialist critique. Rather than halt at identifying the incoherence of gender semiotics and assuming that incoherence leads to liberatory politics, it is my aim to contribute to an understanding of the material conditions of transgender oppression and the anti-statist repudiation of teleology required for a liberatory encounter to take hold.

To reiterate my introduction, Louis Althusser began work on his theory of aleatory materialism in what is now a collection of his later writings, *The Philosophy of the Encounter*. He identifies an "underground current" of aleatory materialism within political theory and traces it from Epicurus, through Machiavelli, into Spinoza, and others. They open themselves up to contingency, which Althusser claims is a truer mark of materialist philosophy than any philosophy housing teleological factors. To put this point simply, thought alone cannot fully account for the causes and effects of a chance encounter. We traced this current specifically within trans studies, noting the inherent philosophical impurities and understanding the temporal shift Althusser enacts on evaluating a theory's materialist qualities. It is my contention that this philosophy of the encounter is related to, but ultimately exceeds, the more prominent demonstrations of gender's instability. In *Gender Trouble*, Judith Butler writes, "Only when the mechanism of gender construction implies the *contingency* of that construction does 'constructedness' *per se* prove useful to the political project to enlarge the scope of possible gender configurations" (emphasis in original, 51). Butler revises social construction to take contingency into account, proving determinism to be more complex

than its older teleological forms. No amount of thought can predict and negate the future intelligibility of new gender configurations arising from an encounter between social or even not-yet-social elements. The contingency of the encounter, and the opportunity it fleetingly provides, will be read as a basis for negotiating between determinism that reproduces the conditions of domination and the demand for social change.

Althusser argues that any philosophy that includes teleology, including dialectical materialism, is idealist at heart. By rejecting questions of origins and ends, and opening ourselves up to contingency, we can begin to think in a more materialist fashion. Attempting to trace origins, and therefore causation, leaves one tracing back endlessly to symbol of an Origin like God or the Big Bang. Limiting this question to a particular moment, or supposedly discrete series of events, may seem to improve the matter, yet this line of inquiry tends to focus on utility: how does one understand the relationship between x (cause) and y (effect) over time to make the process conform to one's desires? The problem with this approach when applied to political ends is that capitalism has already monopolized this logic. Ideology has domesticated our ability to think revolutionary origins in concrete terms. Instead, if one maintains a critique based on tendency, it is possible to take advantage of aleatory encounters where ideology could not cover over their effects. Therefore, I suggest that one read Althusser's earlier interest in the reproduction of the conditions of production as intertwined with his later thoughts on non-teleological thinking.

Production is always reproduction, and hence, neither origins nor ends are ontologically viable. The state's special standing facilitates that reproduction. Althusser writes, "The state is 'separate' and 'above classes' only in order to ensure the

reproduction of the conditions of domination by the dominant class. This reproduction does not consist solely in the reproduction of the conditions of the ‘social relations’ and, ultimately, the ‘productive relation’; it also includes the reproduction of the *material conditions* of the relations of production and exploitation” (120). Althusser continues, “. . . we are not in a position to reason about the origin; *the origin, even if it could be pinned down, would be of absolutely no use to us.* For what functions in the state today has nothing to do with the origin; it has to do with *the forms of reproduction* of both class society *and* the state-machine itself” (124). Not only are questions of origin out of the question, but the problem of reproduction is not an isolated matter of cultural critique. Althusser shows us that once we engage in cultural critique, we are already bound up in criticizing the state. The necessary motion then is to link our cultural critique to effective state critique. For this reason, we must attempt to think through the intersections of transgender oppression, the superstructure, and the state-machine. This issue brings me to Ryka Aoki’s work.

Ryka Aoki is a transgender activist and poet. Her essay “When Something Is Not Right” contains an anecdote about a tense confrontation that she and her fellow trans activists had in a hotel lobby with a drunken group of well-meaning women and the straight men accompanying them. Aoki and the others are returning to their hotel in North Carolina where they are staying during that segment of the Tranny Roadshow. It is after midnight and they are just then returning from a night of activism and entertainment, which Aoki describes as, “convincing anyone who will listen that transwomen do more than inject ourselves with industrial silicone, blow wannabe frat boys in alleys for twenty bucks, and get beaten to death when a wannabe frat boy claims

he was fooled by a chick with a dick—all while keeping the audience entertained and wanting more” (195). Aoki’s activism by day focuses on reconfiguring a particular set of anxieties and ideological representations. However, at the end of the night she is thrust into an adjacent position in which she is forced to confront the flip-side of the same issues. In the hotel lobby she spots a group of four, two dressed up women and their “two young bucks, with their obligatory baseball caps and baby-fat muscles that roll from their arms to their backs all the way up their necks” (196). This social combination, paired with the open consumption of alcohol and the time of night usually “means Armageddon for a group of queers,” but Aoki stays hopeful until the blonde stops Aoki. She writes, “And it’s just as we pass them we hear, ‘Hold on, hold—hold on! Something is not right here. Something is *not right!*’” (emphasis in original, 196).

The cards are stacked against Aoki in this instant. She is in the South in an unfamiliar town, and she is the only one wearing a skirt and makeup. In terms of fashion choice, she stands out compared to her friends and fellow activists. She is also increasingly conscious that she is probably the only Asian person in the entire hotel. The blonde has grabbed hold of Aoki, insisting that she take a close look at her, and that something, whatever it is, is *not right*. This moment is overwhelmingly one of temporal tension if any moment deserves the label. “No, No *No*. Let *me* look at *you*,” the blonde presses (emphasis in original, 196). Aoki is already sizing up the situation. In the worst case, despite the big guys “who are really big, and drinking, and in mating mode,” Aoki anticipates the blonde calling her a drag queen and going down fighting with the battle cry, “Look who’s talking, bitch!” This tense encounter is rich for analysis. It contains

multiple misrecognitions, uncertainty, anxiety, potential for violence, and hence repressive or liberatory potential depending on what “takes hold.”

1.1 Ideology and Gender Enforcement

The potential for violence cannot be separated from its actualization. I take this as my entry to theorize the state’s involvement in social policing through everyday encounters, and Force as Althusser defines it. He writes:

Force designates *the Force of the one who has the greater force*, and Violence, the *Violence of the one who is the more violent*; and that Force and Violence consequently designate a *conflictual difference*, where, amid difference and conflict, it is the one who possesses the greater force who represents Force, and is therefore Force, and the one who is the more violent who represents Violence, and is therefore Violent. (emphasis in original, 109)

This Newtonian definition of violence and Force allows us to retain the mutual struggles and subversions of both parties without valorizing the underdog, erroneously declaring all subverted, and forgetting the fundamental power differential between the two. Althusser continues, “It is *this excess of conflictual force, real or potential, which constitutes energy A*, which is subsequently transformed into power by the state-machine: *transformed into right, laws and norms*” (emphasis in original, 109). This excess of force is bound up with the state-machine, which has a “special” relationship to struggles, as Althusser argues, in that it attempts to distance itself from them in order to decisively intervene. It is necessary then to read micrological conflict like that described by Aoki within the context of the state-machine insofar as that conflict not only clashes with heterosexist and gender norms (among others), but also results in the production of a text (Aoki’s essay) that continues to echo in an attempt to subvert the state that endorses those norms and backs the agents that reproduce the velocity (speed + direction) of Force (or

energy A). Therefore, whenever I speak of the conflict between the cisgendered subjects and the trans activists in terms of Force, Violence, or energy A, I am also signifying the fact that the state-machine backs the cisgendered group insofar as they constitute the process that reproduces gender conformity and the repression of nonconformity.²

A simple reading of this scene would interpret the privileged position as the instrument of energy A, and the oppressed group on the receiving end of Force and Violence. In this schema, the privileged cisgendered couples and trans activists become variables in a formula for oppression. However, the inherently unstable trans identity and its aleatory politics cannot fall into such a formula so easily. The layers of misrecognition and identities in transit that come to be the norm of trans praxis reveal that energy A, while maintaining certain constants in line with the intersectionality of oppression, remains susceptible to relativity. However, Aoki's example shows us that Newtonian metaphors alone are insufficient to theorize ideology. Light travels at 300,000 km/s in both water and air, but when we observe light in air, it appears to slow down in water

² Concrete connections of this sort are regularly observed and analyzed within trans studies. A notable example includes Toby Beauchamp's article "Artful Concealment and Strategic Visibility: Transgender Bodies and U.S. State Surveillance after 9/11." Beauchamp argues that increased state surveillance has resulted in mounting ambiguity and contradictions when dealing with trans individuals. Though trans persons may opt to "go stealth," that is, conceal their trans history, that concealment relies on disclosure through state identification that simultaneously marks them as safe travelers and "willing patriots" in contradistinction to the image of crossdressing terrorists who "employ novel methods to artfully conceal suicide devices" (9, 1). State surveillance and the complicit attitudes of certain trans advocacy groups subject stealth and non-stealth trans individuals alike to the "broader regulation of gender, particularly as it is mediated and enforced by the state" (1). Beauchamp observes, "The monitoring of transgender and gender-nonconforming populations is inextricable from questions of national security and regulatory practices of the state, and state surveillance policies that may first appear unrelated to transgender people are in fact deeply rooted in the maintenance and enforcement of normatively gendered bodies, behaviors and identities" (2). For my present purposes, it is worth noting Aoki's "visibility" within her essay, and the inherent volatility of the concept. As Aoki's essay makes clear, they do not live their daily lives as "stealth" individuals insofar as they are public speaking activists among other things, but within the hotel scene they suddenly found themselves in a situation where they instinctually anticipated their visibility as trans people, yet "concealment" was imposed and became advantageous in the moment. Here we also see the cruel contradictions emerge in narratives of "deception" that function as scapegoats for transphobic violence. This dilemma of "deception" will be reexamined through the same scene in chapter 2.

(shine it into a fish tank to observe). This situation is analogous when observing energy A as applied to trans oppression. The (at least) twofold misrecognition in Aoki's scene indicates this shifting point of reference, and though energy A continues to function despite that shifting vanishing point, the ideology that tends to conceal such struggles is shaken. Without a single vanishing point, perspective breaks down. Energy A is constant, though it does not always appear to travel at the same speed.

To put it in more concrete terms, Aoki is either perceived as trans or as a ciswoman. We may assume from Aoki's narrative that the blonde perceives her as a ciswoman. However, Aoki and her friends initially fear being found out as transgendered. In that first moment, when the blonde declares, "Something is not right," Aoki's perspective is framed within her trans identity, and she is prepared to go down fighting for it ("Look who's talking bitch!"). That perspective shifts as the situation unfolds. Aoki realizes the blonde thinks all the trans activists are cisgendered, and that the blonde is concerned Aoki will be abused by a group of men. Energy A is still functioning, and at the same speed, but the shift in viewpoint makes it appear to slow down. Aoki no longer expects to respond with violence. From her point of view, things have calmed down. Everything is tense, but at least she is no longer in fight or flight mode. This is a clear misunderstanding, and she plays along with it until they can get back to their own rooms safely. Yet as I stated, energy A is still functioning. The blonde's misrecognition brings rape culture to the surface, showing in some cases the danger of rape is far more believable than running into a group of transgendered persons.

Ideology grounds the reference points that reproduce the social relations that keep trans persons and women in subjugated positions. In most cases, ideology is able to

maintain separation between trans politics and feminism. The heated debates between transfeminists and older forms of feminism have not yet cooled completely. Therefore, in some exceptional cases, like Aoki's, we see misrecognition trade one form of oppression for another, and in that moment nobody is exactly sure what subjugation looks like. The separation between trans politics and feminism are conflated in a way that nonetheless opposes the solidarity the two strive to attain. This contradiction, in which the conflation of struggles exacerbates separation rather than solidarity, allows us to see the state-machine's overall interest in reproducing gender conformity. The transgendered encounter interrupts ideology, thus confusing the point of reference in relation to Force, and momentarily confounding energy A. I will detail exactly how this interruption works within Aoki's scene.

Rastko Močnik's essay, "Ideological Interpellation: Identification and Subjectivation," takes up Oswald Ducrot's theory of argumentation in language and applies it to Althusser's conception of ideology. Močnik explains that in Ducrot's "standard" theory there are two enunciators, E1 and E2. In an everyday case where E1 says, "The weather is fine," E2 says, "Let's go for a walk!" Ducrot argues that these two enunciations, the argument and conclusion, are linked together in a structure toward which both enunciations refer. This structure states, "whenever the weather is fine, the walk is pleasant" (310). Močnik criticizes what is taken for granted in Ducrot's process to arrive at a conclusion surrounding ideology. He points out that "interpretation relies upon a point within the sequence that is relatively 'fixed,' in the sense that its meaning does not seem questionable or that it appears evident" (310). He situates ideology within this space of self-evidence, and argues it is simultaneously "the locus of subjectivity." Interpellation

clues the subject in on a sequence's meaning, and situates the subject within that sequence (310). In other words, Ducrot's "the weather is fine, let's go for a walk" example involves a certain intersubjective recognition that fills in a logical leap. This logical leap is the space of ideology.

Lacan suggests that misrecognition is constitutive of subjectivity, emphasizing objectification and process over subjective recognition. I wish to go a step further than that. In Aoki's case we have constitutive misrecognition, but we also run up against ideological misrecognition. This double misrecognition interrupts ideology by creating two points of reference that destabilize the otherwise relatively "fixed" sequence Močnik describes. Močnik writes:

Interpellation by identification is reproductive; the discourses that are in play run in the same direction. Reproductive interpellation reproduces the same ideological horizon across subsequent discourses. This is the ideology that Althusser speaks of when he says that ideology reproduces relations of production. Interpellation by identification occurs whenever it appears that a locutor has used an expression in its 'normal', 'evident', 'lexical' sense. It is a trivial phenomenon that secures the everyday reproduction of social relations. (316)

It is important to note that encounters that utilize Force and Violence, though not trivial, are also everyday phenomena that act to reproduce social relations that include cisgendered dominance. Separating these encounters from social reality only contributes to understating the real political struggles at hand. In this regard, drawing on Močnik, we can see that Aoki's scene is a failure in subjective identification where the discourses, though still running in the same direction, are doing so from two points which E1 and E2 represent *not by virtue of being separate subjects, but through their misrecognitions that place them in distinct discursive positions*. The blonde in this case is E1. Her declaration "Something is not right," is structurally analogous to, "The weather is fine." Aoki is E2,

but her “Let’s go for a walk!” is split into two. Aoki anticipates “Look who’s talking bitch!” yet the blonde probably expects the grateful reaction of a frightened or defeated woman in danger of sexual abuse.³ Aoki cannot read the blonde’s conclusion from the initial premise. Instead, Aoki’s naturalized conclusion is that she is about to be the victim of transphobic Violence. Similarly, the blonde cannot access this seemingly evident conclusion either, and presumably never does. This parallax afforded by two reference points allows us to fleetingly perceive the movement of ideology.

I have been looking at ideology specifically in terms of gender norms, though ideology obviously encompasses far more within the social field. To be clear then, a few words from Butler’s underappreciated *Undoing Gender* recapitulates some similar views specifically in regard to gender:

If gender is a norm, it is not the same as a model that individuals seek to approximate. On the contrary, it is a form of social power that produces the intelligible field of subjects, and an apparatus by which the gender binary is instituted. As a norm that appears independent of the practices that it governs, its ideality is the reinstated effect of those very practices. This suggests not only that the relation between practices and the idealizations under which they work is contingent, but that the very idealization can be brought into question and crisis, potentially undergoing deidealization and divestiture. (48)

For my purposes, this tension between cultural intelligibility and crisis means that in the moment of the encounter it was more intelligible for a (drunk) white, cisgendered woman to read Aoki as a potential rape victim than any other possible configuration. Conversely, it was more intelligible for Aoki to read the blonde as transphobic than empathetic when singling her out. Norms regulate intelligibility, but are open to discrepancies and

³ A critical analysis of race here would also be beneficial, as the blonde seems to take on the role of the “white savior.”

contingencies. The encounter occurs when everyday practices are thrown into crisis. From the blonde's perspective, an Asian woman in a hotel after midnight with a couple men must end in rape. From Aoki's perspective, if drunken cisgendered people grab her arm and say "something is not right," that means she is in danger of being attacked for being a transwoman. Two conclusions may be drawn. The first is that, against their intentions, *the cisgendered subjects embody the process of gender policing, exerting Force in the direction of gender conformity*. The other conclusion takes the form of two observations: (1) both misrecognitions lead to the expectation of Violence, either inflicted by men mistaken to be cisgendered on a woman also mistaken to be cisgendered, or inflicted by cisgendered people (including men) on transgendered people, and (2) the crucial point for activism of the encounter is that although the trans activists are initially functioning under an ideology in which they reach an erroneous conclusion, *as the encounter unfolds they obtain access to both reference points, the ability to observe ideology, and to act in opposition to it*. In the short term, they are able to deny the accusation of gang rape, and in the long term, Aoki collects her experiences to write an essay that may have an impact on trans praxis as a whole.⁴

⁴ Aoki reflects on her experience in the hotel to engage in self-criticism, placing her own previous prejudices toward an elderly trans woman in relief. Despite the misrecognition that occurred, Aoki praises the blonde woman for acting to protect another woman. The blonde woman's ethical action inspires Aoki to more vigilantly question when she slips into reproducing what she has dedicated her life to eliminating: judging on appearance (199). She admits the necessity of the ongoing process over declaring ideals: "For me, this encounter and others like it keep me from vilifying people for slip-ups and ignorance. Whether someone misspeaks to me or misjudges me, if that person honestly is trying, I need to remember my own weakness, be humble, and forgive" (201). It is important to understand the privileged position within the University institution from which I am using Aoki's experience. I aim to bring out the plane of ideological representation, and psychical anxieties that pervade gender nonconforming encounters regardless of whether or not criminal violence has been actualized. The tone and content of my critique is made possible from such a position, as is hers, so it is my hope to offer a valuable critique alongside Aoki's.

1.2 The Aleatory Form of Trans Praxis

A second return to Judith Butler may assist in clarifying the terms through which I conceive of praxis within trans politics. Butler is critical of teleology in various texts throughout her career, notably countering Spivak's concept of strategic essentialism with strategic provisionality. It is perhaps one of her more consistent views. For that reason, it is fitting to trace these themes back to the beginning. In *Gender Trouble*, she criticizes teleology and effectively relates it to gender studies. She writes:

Mobilizing the distinction between what is 'before' and what is 'during' culture is one way to foreclose cultural possibilities from the start. The 'order of appearances,' the founding temporality of the account, as much as it contests narrative coherence by introducing the split into the subject and the *fêlure* [crack, flaw] into desire, reinstates a coherence at the level of temporal exposition. As a result, this narrative strategy, revolving upon the distinction between an irrecoverable origin and a perpetually displaced present, makes all effort at recovering that origin in the name of subversion inevitably belated. (106)

This "order of appearances" and questioning of narrative unfolding is key for understanding the contingencies within transgender encounters. Coherence is retroactively imposed. However, we cannot rest our critique on that argument. The future, the pressure to prescribe a method of change, seeps in at that juncture. Butler starts us off thinking through these difficulties. She writes, "If subversion is possible, it will be a subversion from within the terms of the law, through the possibilities that emerge when the law turns against itself and spawns unexpected permutations of itself. The culturally constructed body will then be liberated, neither to its 'natural' past, nor to its original pleasures, but to an open future of cultural possibilities" (127). This "open future" should not be compromised. To prescribe a political program with ends in sight is to fall into the trappings of idealist philosophy and an ideology of domination. The encounter produces

such an opening, albeit an opening that may disappear as quickly as it formed. We have seen why the transgendered encounter surfaces due to an aleatory break in ideology, but we have not described how such an encounter occurs in this instance and not others, nor have we described the causal logic within such an encounter. May teleological causes be reinstated during such misrecognitions in order to further a political goal? My answer is no. Trans activism in accordance with aleatory materialism must retain its anti-teleological stance all the way through. It is the aim of this segment to explain why.

Althusser suggests that an encounter cannot happen between any two things. They must contain a predisposition to encounter each other and enact a swerve. He argues that since the form of order and beings produced by the pile-up following an encounter is "determined as they are by the *structure* of the encounter," the primacy of the structure over its elements necessitates an account of the affinity or complementarity between elements in their "'readiness to collide--interlock' [*accrochabilité*], in order that this encounter 'take hold' . . ." (191). On the surface this argument seems to pose serious problems for aleatory materialism by limiting it to "atoms" predetermined to encounter each other, reinstating causality and teleology where it should have been evacuated. However, I propose we view those predetermined "atoms" as ones that are as of yet *undetermined*. The atoms are in material existence, yet inessential and provisional. For one example, due to their singular-plural status, trans identities lay claim to such strategic provisionality. However, to embrace this provisional identity poses certain difficulties, especially in terms of opposing a productive structure that often appears to play by other rules, step on everyone, and determine everything. This problem between contingency and determinism may be split into two. The first problem is to find a proper way to

theorize causality within this schema. The second issue necessitates giving primacy to the process over the subject, as Althusser does, precisely because that subject is provisional.

Giorgos Fourtounis takes up our first problem, that is, what causality means within aleatory materialism, in his essay, “‘An Immense Aspiration to Being:’ The Causality and Temporality of the Aleatory.”

Fourtounis lays out his problematic as follows:

[T]he absolute beginning of the subject involves an ontological oddity: How is it possible that something, which in an obvious sense does not yet exist (since it begins ‘from nothing’), to be a necessary condition of the very process that will produce it? This paradox can obviously be rephrased as an *aporia of causality*: What notion of causality can allow for a process of constitution that presupposes its own effect? Finally, this ontologically and causally intractable circularity is correlative with the equally paradoxical always-already temporality: how is it possible for something *sometime* to begin to be ‘always-already’? (44)

Althusser’s conception of structural causality implies taking up a form of immanent causality. This means that “the structure of a complex reality neither follows (as a mechanistic effect) nor pre-exists (as a teleological cause) the elements (and their relations) that constitute it.” A cause is not independent of its effects, but rather *a cause is dependent upon its effects*. This is how it is possible to say, as Althusser does in *Reading Capital*, that “[The structure] is nothing outside its effects” (Fourtounis 44-5). Fourtounis points out that “we cannot think of the structure as an abstract, formal system of relations and relational positions to be occupied by pre-existing and pre-determined entities” (45). The “always-already” temporality combines past continuous (the structure was existing) and present continuous (the structure is existing) tenses. This combination is only possible within a causality that is immanent, or else it falls back into conceiving of causes as independent of their effects. Hence, “As an immanent cause, the structure cannot be thought of as determined and fixed independently of its actualisations: *the structure exists*

only in and by its actualisations; the structure is always-already actualized” (Fourtounis 45).

This always-already relationship between cause and effect is where ideology comes in. Fourtounis writes, “Ideology constantly transforms human individuals so that they occupy the structural positions of the social whole and ‘bear’ the complex social structure. It is by this transformation, precisely, that individuals become *elements of the structure*: ideology transforms individuals to structural elements, that is, into effects of the social structure” (45). This is the point at which ideology intersects with structural causality, and it is the task of revolutionary politics to combat both in this space. We begin to see here why the aleatory encounter provides a chance to escape what the structure otherwise determines. Recalling the previous discussion of divergent logical sequences in Aoki’s scene, we can see how the always-already temporality becomes anticipatory, or hiccups into future tense. This moment of divergent misrecognitions that is made possible through an aleatory encounter lends trans activism a critical edge. However, immanent causality does not cease to function simply because the always-already temporality of ideology seems to be momentarily dispersed. Trans activism cannot hope to instrumentalize causes to achieve premeditated effects no matter how tempting it is. Teleological politics cannot be reinstated within these perceived cracks. Any action intended to achieve that effect is likely to be disappointed. Such instrumentalization would attempt to keep that anticipatory hiccup in ideology in the future tense, but as Fourtounis points out, “neither the encounter, nor its taking hold are instances of a history written in the ‘future anterior’ . The always-already temporality is that of a break, of a discontinuity, which is itself in break with any notion of *genesis*, with

any understanding of an individual's constitution as 'either the necessary result of given premises or [as] the provisional anticipation of an End'" (49). These observations pose difficulties for activism, an endless search for things to do. Aleatory materialism challenges us in exactly that way. If we change how we evaluate meaningful action, we may at least prevent counter-revolutionary despair over past actions that failed to yield hoped for effects. I will close this chapter with an attempt to sketch such an evaluation through a continued discussion of immanent causality.

To put it simply, I have problematized previous forms of liberatory politics that rely on teleology. The familiar formula is questioned: "if we abolish private property, then we will achieve workers' liberation." We may trace a development of immanent causality to at least two primary sources: Spinoza and psychoanalysis. Butler touches on this problem as related to psychoanalytic theory. She writes, "we know these drives as 'causes' only in and through their effects, and, as such, we have no reason for not identifying drives with their effects. It follows that either (a) drives and their representations are coextensive or (b) representations preexist the drives themselves" (*Gender Trouble* 120). Butler questions both paternal causality and Kristeva's critique, which amounts to maternal causality, and effectively identifies the univocal prescription embedded within this type of call for multiplicity within sexuality and gender. Consequently, it seems non-teleological thinking is intertwined with causality in ways that bring us from Althusser's critique of the state under capitalism, through gender theory, and back to older problems of political theory starting with Spinoza. A. Kiarina Kordela provides an invaluable commentary on this intersection.

In her book *Surplus: Spinoza, Lacan*, Kordela observes that psychoanalysis builds itself around immanent causality. She writes, “[Psychoanalysis] central concept itself--the unconscious--is defined as a structure that, as Louis Althusser and Etienne Balibar put it, 'is immanent in its effects in the Spinozist sense of the term, that the *whole existence of the structure consists of its effects*, in short that the structure . . . is nothing outside its effects' ([Althusser] 193)” (32). Next, Kordela discusses Žižek's use of an example from quantum physics where "it remains indeterminate *whether or not* the electron will create a proton while we are 'not looking' (280-81). For, otherwise, we would speak of exact prediction, since we would know that whenever we are 'not looking' this is what the electron invariably does" (37). Following these points, Kordela succinctly states her argument concerning self-causation and subjectivity:

The claim that self-causation may at first sight appear to contradict the obvious undeniable observation that there is a rich variety of external factors effecting the subject. But, just as in quantum physics the existence of a particle presupposes that it 'knows' whether another slit is aware of it, in human life, too, the existence of an external factor presupposes that it 'knows' whether the subject itself is aware of it. To say that the subject is the cause of itself amounts to the assertion that *everything* can be the cause of the subject, under the precondition that the subject 'agrees' that this is its cause. (38)

However, she is careful to point out, "*Self-causation is not the opposite of historical determinism but its proper understanding*" (emphasis in original, 39). This point is in fact what Fourtounis attempts to explain through the aporia of causality, and his accompanying explication of structural causality within Althusser's work. Always-already temporality is the proper combination of tenses that makes immanent causality intelligible, and a critique of history based on this logic is, as Kordela suggests, historical determinism's proper understanding.

If at times the conception of historical determinism based on teleology made the theory feel impersonal and nihilistic, a revision to understand it through immanent causality makes it down right infuriating. Susan Stryker knows this rage well. She writes:

Transgender rage is a queer fury, an emotional response to conditions in which it becomes imperative to take up, for the sake of one's own continued survival as a subject, a set of practices that precipitates one's exclusion from a naturalized order of existence that seeks to maintain itself as the only possible basis for being a subject. However, by mobilizing gendered identities and rendering them provisional, open to strategic development and occupation, this rage enables the establishment of subjects in new modes, regulated by different codes of intelligibility. Transgender rage furnishes a means for disidentification with compulsorily assigned subject positions. It makes the transition from one gendered subject position to another possible by using the impossibility of complete subjective foreclosure to organize an outside force as an inside drive, and vice versa. Through the operation of rage, the stigma itself becomes the source of transformative power. (253)

Stryker's utilization of rage inspires and supports what I advocate in terms of aleatory materialist praxis. The impossibility of complete subjective foreclosure is at the same time the possibility of the encounter that opens up the material conditions for structural change. These material conditions include the movement of bodies in relation to one another, and the way they interact with each other in physical space. Aoki's story had a happy ending, yet anxiety and transgender rage hovered just under the surface. Expecting the worst, Aoki was ready to go down fighting, and the blonde woman, also expecting the worst, was ready to physically intervene to protect a fellow woman. For each the outcome of the encounter was impossible to predict. Although each possessed an amount of subjective certainty that guided the interaction, this cocktail of errors and tensions could have caused any amount of unhappy outcomes. Yet transgender rage keeps the subject on edge to defend against repression from society's institutions to daily social interactions. Ideology smoothes over gender nonconformity, the state-machine utilizes Force to

repress it, and the prevailing structure produces the effect that all bodies are presumably normatively gendered “atoms” falling in parallel. Fittingly, Althusser opens his essay on aleatory materialism, “It is raining” (167). The transgendered encounter rages against this rain, the reign of gender coercion, to enact atomic reactions based on alternative structural, but no less immanent principles.

Chapter 2

2 Arresting Transphobia: Temporal Abuse from Illogical to Pathological

Aoki describes the depth of the visibility problem for everyday trans life: “To be transgender means never quite knowing which reaction you’re going to get, where, or from whom. You can be a sister one moment, then have a security guard stop you in the bathroom the next. In one store, the salesperson will smile and say welcome. In other, you’ll get ugly stares and giggles” (199). Aoki notes the precariousness of the situation, “Because they [the blonde woman, etc.] perceived me to be female, the women treated me with kindness. Had I really been in trouble, they might have saved my life. But if they had seen me as male, I’d have been dismissed as another potential threat” (199). This chapter takes a closer look at the visibility dilemma in Aoki’s scene and applies the homology of Lacan’s version of the thought experiment known as the prisoner’s dilemma. This dilemma revises the concept of erasure that has garnered much productive attention within trans studies and activism. As analyses of erasure are typically applied in everyday political struggles (restroom politics, law, social misrecognition, etc), trans erasure places the trans subject in a state of transition between the invisibility that compels binary gender conformity, and the visibility that espouses nonbinary gender self-determination. The trans political struggle has largely been a struggle for cultural intelligibility. As a result, we may in this particular historical moment identify erasure at the core of transphobic discourse as it attempts to smooth over gendered appearance, despite appearance’s continued citation in producing an effect of female/male essence.

Sandy Stone's "The Empire Strikes Back: A Posttranssexual Manifesto" demands a posttranssexual politics where trans individuals disassemble their programming to self-erase, thus for the first time engaging in a discourse that is candidly counter to gender normativity (230). Through blog activism and other mediums, trans activists continue to answer Sandy Stone's call for "posttranssexualism," or rewriting the historically self-imposed erasure of trans positions. In parallel with Stone, Viviane K. Namaste argues that erasure *produces* trans identities. Namaste writes, "Whereas previous scholars contend that medical and psychiatric discourses produce transsexuals, I suggest that transsexual and transgendered people are produced through erasure, and that this erasure is organized at a micrological level, in the invisible functions of discourse and rhetoric, the taken for granted practices of institutions, and the unforeseen consequences of social policy" (53). I intend to elaborate on the particular nature of the position trans persons hold in relation to institutions that leads to effective critique of those institutions.

Through the 1990s and early 2000s these views seem to have gained traction through political activism and theorization increasingly characterized, first by the dissolution of identity politics, and second by the rigor and application of interdisciplinary approaches to furthering liberation for subjugated positions through ever widening territories of intersectionality. Following Stone's imperative and Namaste's findings, erasure remains a fraught territory requiring further analysis. I propose we approach erasure through the contingencies of decentered and sometimes erroneous "self-discovery," that is, by foregrounding the production of subject positions that are then embedded within a system of oppression. Where some might suggest that the gender system rigidly determines those positions in a unidirectional flow, I argue that erasure is

also organized at a micrological level. Proper attention to the psychological processes involved in producing subject positions in concrete micrological moments that demand gender (mis)recognition may yield enlightening results for political action once we elucidate not only the character of intentional oppressions, but the embedded regressions of supposedly liberatory activism that a psychoanalytic perspective may discover. I am thinking specifically here of Lacan's claim that "we can find no promise in altruistic feeling, we who lay bare the aggressiveness that underlies the activities of the philanthropist, the idealist, the pedagogue, and even the reformer" ("Mirror Stage" 81).

Returning to trans politics' rightful focus on erasure in order to signal my present departure from it, I connect erasure to cruelties through logical-temporal errors that I argue are symptomatic of oppression. The concept of erasure, as it pertains to political activism, possesses a sense of unjust revision: writing over already correct content that has been perceived as a mistake, or worse, a threat. In other words, gender policing involves unjustly imposing a "truth" judgment on another. Moreover, the temporal avenues of erasure and accompanying politics become intertwined with space as trans activists and theorists vie for political voice and recognition in the social realm. Departing from these more reformist approaches to politics, this chapter will take a cynical view of one's ability to voice political views, and an anxious approach to intersubjective encounters by examining visibility through the lens of logical time as theorized by Lacan. I will argue, first, that gender (mis)recognition occurs outside of verifiability and in such a way that provisionally negates an evaluation of "truth." Second, I will argue that what we typically identify as erasure, especially in regard to transphobic behavior, is constituted by a failure of logical processes and their link with

subjectivity. Through these failings, transphobia ultimately appears to be pathological. Lastly, to properly situate the assumptions of this essay, it is important to note that erasure occurs not only through policing that makes a pretense to authority by “knowing what it’s dealing with,” but also through the very identity representations that dedicated activists use as a foundation to struggle for the rights of those subjugated positions.

All said, one would be out of step to fully support a politics based on identity categories. Anti-essentialist advances, and the reasoning behind them, plead for us to at least remain wary of political programs centered on an identity politics. This point has been well established, but the alternatives continue to be debated and are not quite yet internalized. The lopsided attention to theoretical advances often results in knowing very well that identity politics contain various flaws and their own violence, but we often act politically as if such theoretical claims have yet to be made. This disavowal of theoretical knowledge houses a deeper disavowal of history, as if the refutation of identity politics were not based on the successes and failures of political practice at the outset. Far from having their heads in the sand, theoreticians dealing with identity and intersectionality depend on theory’s relationship to practice. In her essay, “Imitation and Gender Insubordination,” Butler speaks to this effect:

If the rendering visible of lesbian/gay identity now presupposes a set of exclusions, then perhaps part of what is necessarily excluded is *the future uses of the sign*. There is some political necessity to use some sign now, and we do, but how to use it in such a way that its futural significations are not *foreclosed*? How to use a sign and avow its temporal contingency at once?

In avowing the sign's strategic provisionality (rather than its strategic essentialism), that identity can become a site of contest and revision, indeed, take on a future set of significations that those of us who use it now may not be able to foresee. (311-2)

To put it plainly, when a movement attempts to clamp down on an oppressive sign's present meaning, the ability to reclaim that sign for liberatory ends is impeded. The difficulty occurs in continuing to use a sign in the present while also subjecting it to the contingencies that may change it for the better. Within trans politics, one such site of contest and revision may be found between the terms "erasure" and "stealth." It is possible to imagine a future where the negative effects of erasure, which Namaste argues produce trans subjects, are conceptually reconciled within the idea of "going stealth," another concept with occasionally negative connotations for those that advocate trans visibility. If this shift and reconciliation occurred, we can imagine specific groups of trans people gaining unprecedented control over their gender identities, losing the stigma of invisibility, and finally producing themselves without being accused of self-erasing.

Following this attention to the contingencies surrounding the meaning of gendered signs, a micrological examination of the function of logical time, especially temporal tension, within trans struggles, suffering, activism, and the occasional happy accident forms the purview of my analysis. The ongoing and multi-faceted debate surrounding visibility within trans politics may be enlightened by the temporal contingencies that shape their imperatives. For example, some trans activists' highly critical attitudes toward "stealth" trans individuals posits a certain temporal stasis in self-determined identity. Moreover, the use of the term "cis" (meaning same) as an identity category of privilege that opposes trans identities suffers from similar distortions that produce a perceived temporal stasis yielding a constructed effect of stability and wholeness. In the same vein, the age-old everyday erasure and gender policing of trans persons hinges upon the unfolding of logical time that will prove to contain both a

constitutive uncertainty and an anxiety on the side of self-appointed and so-called “gender enforcers.”

The title of Lacan’s essay, “Logical Time and the Assertion of Anticipated Certainty,” cannot help but call forth the images, stories, and memories of gender nonconforming experience that span from horrifying to humorous. I aim to inflect such stories, imagery, and the politics derived from them with a more nuanced approach to gender (mis)recognition. The hope is that my contribution will aid the formulation of effective activism, and give pause to those who otherwise unknowingly continue to reproduce oppressions. In my view, these unwitting agents of oppression are driven to act through the determinations dictated by the “solutions” reached through logical time. This process, embedded within subjectivity and the “I” function, contributes to a construction of self-identity without regard to error, while simultaneously guiding actions that, in a mode of narcissistic self-preservation, conquer that very same process undergone by the other. The subject in power thus erases that process’s real effects on the other and overwrites it with the violence of an “empirically” derived identity placeholder. I will attempt to show the hypocrisy of this overwriting and its role in producing oppression. My point will be clarified through a reading of Lacan couched within a return to Ryka Aoki’s essay, “When Something Is Not Right.” Second, I will discuss A. Finn Enke’s essay “The Education of Little Cis: Cisgender and the Discipline of Opposing Bodies” to inform and apply the discussion preceding it more clearly to contemporary transfeminism and transgender theory.

2.1 Logical Time Can (Not) Advance

In “Logical Time and the Assertion of Anticipated Certainty,” Lacan criticizes the classical logical problem where three prisoners are placed in a cell with either a black or white disc on their backs and must discern the color of their own disc in order to be set free. They have access to each other’s discs, but they are not allowed to divulge the color of another’s disc to that person. They are told that there are three white discs, and two black ones, thus paring down the logical possibilities (i.e. three black discs are impossible, therefore if two prisoners have black discs the third knows his is white.) The first one to correctly identify his disc, along with the reasoning for believing so, is granted freedom. The warden places white discs on all three and the exercise in logic begins. Classical logic solves the problem from a perspective that posits all is visible at a singular instant (“Logical Time” 166). Lacan’s solution argues that only through two sets of “suspensive scansions” may the prisoners come to a conclusion (“Logical Time” 165). These scansions turn upon reading the other’s hesitancy in a moment of conclusion. By consequence this unfolding of body language is not accessible to the omnipotent objectivity of classical logic, but rather is ensconced in subjectivity and prone to factual error despite the consistency of rationally determined actions. The consistency of actions leading to variations in correctness is an important, though understated point in the essay. I will explore the consequences of the primacy of determined actions over the discovery of truth by the end of this segment.

If you recall, the blonde grabs hold of Aoki, insisting that she take a close look at her, and that something, whatever it is, is *not right*. This moment is overwhelmingly one of temporal tension if any moment deserves the label. “No, No *No*. Let *me* look at *you*,”

the blonde presses (emphasis in original, 196). This statement trips an alarm for Aoki, signaling danger.⁵ Enter Lacan and logical time. Considering the threat and insecurity surrounding being found out as trans, might Aoki have a “black disc” on her back? If we map the black/white disc binary onto “cis/trans” markers, what are the stakes brought to transfeminism and transgender theory through Lacan’s critique of classical logic? What logical moves occur in the time it takes Aoki to fully grip the situation and escape? It may serve as prudent foreshadowing to quote Lacan’s conclusion and revision of the classical syllogism that for some “proves” the assertion, “I am a man.” Lacan argues that the assertion appears closer to its true value when presented in the following form of anticipated subjective assertion: “(1) A man knows what is not a man; (2) Men recognize themselves among themselves as men; (3) I declare myself to be a man for fear of being convinced by men that I am not a man” (“Logical Time” 174).

Before delving into a discussion of the process of logical time, it is crucial to note that Lacan labels each of the prisoners A, B, and C, but that “‘A’ designates each of the subjects insofar as he himself is in the hot seat and resolves or fails to resolve to conclude about his own case. ‘B’ and ‘C’ are the two others insofar as they are objects of A’s reasoning” (“Logical Time” 164). This convention of labeling means that, for instance, both Aoki and the blonde are A in their respective processes of concluding the status of the other through a process of logical hesitancy in which they ultimately form a

⁵ The blonde woman’s correlating subjective alarm was already tripped, and provoked the utterance. As mentioned in chapter 1, it turns out she sensed Aoki was in danger and chose to act. However, it is also important we recognize the threat Aoki faces, which involves the possibility that in this moment the blonde woman has read Aoki as trans and truly is about to let loose a torrent of transphobia. In either case, these anxiety-ridden subjective alarms start the process.

conclusion at the expense of the other *about themselves*. They are then also B and C insofar as A objectifies them through reasoning, but this means that B and C as objects are the only ones with agency, as A may only react, and that reaction is determined in advance: insofar as Aoki is A, if the blonde calls Aoki a drag queen, Aoki will go down fighting. However, at the same time, the blonde is also A insofar as Aoki is the object of her reasoning to discern an uncertain X about herself (i.e. womanhood, whiteness, etc) that is dependent on Aoki's actions. Admittedly, each is bound up in the other to the point that agency, *in this particular exercise in logic and identity*, cannot be attributed in a hierarchical fashion to yield an argument amounting to the discovery of empty "subversions" or the banal confirmation of oppressions we already know very well exist. Within the scope of the phenomenon at stake, it does not take long to see that neither has true agency, but only temporal contingency that coalesces into an effect of certainty (independent of truth), and its associated rational action.

Lacan argues that a solution to the problem requires two suspended motions. These motions do not take on the character of verifying a hypothesis, but rather the two suspended motions play a role that is "intrinsic to logical ambiguity" ("Logical Time 165). Any logical problem from the outset contains ambiguity prior to discovery of the solution. Lacan's point is that this ambiguity necessitates that there be a temporal unfolding in pursuit of a solution. In opposition to classical logic's spatialized conception of problem solving that is shrouded in empiricism, Lacan argues, "the coming into play as signifiers of the phenomena here contested makes the temporal, not spatial, structure of the logical process prevail. What the *suspended motions* disclose is not what the subjects see, but rather what they have found out positively about *what they do not see*:

the appearance of the black discs.” In other words, positive content remains inaccessible, but temporality overrules simple perception by exceeding space. The solution is produced externally and negatively. He continues, “Their crucial value is not that of a binary choice between two inertly juxtaposed combinations—rendered incomplete by the visual exclusion of the third combination—but rather of a verificatory movement instituted by a logical process in which a subject transforms the three possible combinations into three *times of possibility*” (emphases in original, “Logical Time” 166). In this way, logical time does not function like a familiar and typical process of elimination in which, through a series of binary oppositions, one derives the conclusion. Instead, Lacan’s solution revolves around his theory of subjectivity in which three types of temporal possibility compel the subject toward a decision that has the potential to yield a correct answer, but more importantly will determine a course of action and structure of contemplation of the other in order to derive an aspect of one’s own identity.

At this juncture I will walk us through the logic portion of the problem, and exactly how A’s reading of B and C yields a solution, or more accurately, the assertion of an anticipated certainty. For simplicity’s sake I will focus on one particular “A,” but keep in mind the previous qualification that all subjects are simultaneously A insofar as B and C are the objects of A’s reasoning, and that despite the form of my explication the logic operates based upon this very fact. To begin, A sees B/C are both white, but more importantly, that *B/C have not instantaneously made a conclusion after seeing him*. Through this hesitation, A knows that B/C must wonder whether or not they have black discs, which means that A *might* have a black disc, but at least *nobody saw two*. This constitutes the first suspended motion. The second follows directly, and A sees that B/C

saw A hesitate in the first suspended motion. A knows that B/C know A did not see two black discs either, and so A is now wondering if he is the only one with a black disc. Since A is wondering if he is the only one who has a black disc, but also sees B/C reaching *the same point of contemplation* while knowing B/C both have white discs, is now certain that he also has a white disc. As Lacan describes it, this temporal unfolding is how the “*time for comprehending*” transforms into “*moment of concluding.*” However, Lacan is clear that this moment may be missed, that in lived experimentation the logical scenario probably would not play out so perfectly, and that even if one of the prisoners were to make a mistake and believe himself to have a black disc, he would act no differently from the others and go to the guard to present a conclusion (“Logical Time” 169-70). The extent and implications of this determinism will be further examined following the application of logical time to Aoki’s story, but for now let it be noted that for psychoanalytic technique, this moment of concluding could be read as an allegory for the variable-length session, that is, when to kick the patient off the couch.

The overuse of variables eventually becomes disorienting. Let us begin again with the conclusion of Lacan’s syllogism, “I declare myself to be a man for fear of being convinced by men that I am not a man,” and apply these principles to a micrological reading of concrete gender (mis)recognition. Continuing where we last left off with Aoki, the blonde had just grabbed hold of Aoki and asserted, “something is *not* right.” This action surfaces the subject’s processes of objectification where addressing the other ultimately refers back to the self. Until the encounter is resolved the subjects are akin to the prisoners in a cell. The tense moments that follow compose the two suspended

motions intrinsic to logical ambiguity. Aoki writes, “I look at her, at her electric-blue eye shadow, and try to think of something smart to say, something to help us get away, because we are about to be clocked as trans people, or at least I am, and with those big guys who are really big, and drinking, and in mating mode [. . .] I need to think of something right now. But no words come” (197). Aoki’s gaze and insecurity compose the first half of the first suspended motion. This motion concludes when the blonde reacts again: “But then, her expression changes to a strange little smile and she says, ‘You are so beautiful.’ And her friend with the brown hair walks next to her and nods, and her eyes are caring and—why do they seem so . . . sad?” (Aoki 197). When the blonde initially grabs hold of Aoki, the ambiguity behind her statement, “something is not right,” triggers a reaction within Aoki to prepare for impending transphobia, but she nonetheless must wait out the situation and read the blonde’s hesitations to ascertain how her gender is being read and whether or not she is in danger. When the blonde says, “you are so beautiful,” and Aoki sees the sad expressions that accompany the statement, Aoki knows the blonde does *not* see her through a transphobic lens. Aoki learns positively about what is not seen, but cannot yet discern how the blonde has seen her empirically, that is, whether she is seen as a woman (either trans or cis). This revelation may be read within a structure similar to A’s realization through the first hesitation that at most only one black disc is in the room, and the question is only whether or not it is on his back. In any case, Aoki starts to become privy to the blonde’s desires as suggested through speech.

The second suspended motion, like in the logical exercise, flows directly from the first: “But then the blonde squeezes my arm even harder. She glares at my friends. ‘*What are you gonna do with her?*’ . . . Each of them has worked for women’s and queer rights.

Now they've just been pegged as scraggly white guys coercing a lone woman, obviously not from around here, to their room" (Aoki 197). The blonde and brunette's own subjective logical time up until this point has led them to conclude Aoki is traveling with bad company. Aoki observes, "Now we're fucked, not because they think we're transgender or queer but because they think we're *straight*" (emphasis in original, 197). As the second suspended motion nears the moment of concluding it becomes clear that each of the subjects has first and foremost made a conclusion about themselves, not about their constitutive others: "The brunette puts her hand on my shoulder, 'Honey, you are so beautiful, you do *not* have to go through with this. *You don't have to do this.*' She says the last sentence as if I were a lost child at Walmart. The blonde nods. 'You can stay with us. You can stay in our room tonight'" (Aoki 198).⁶ Each subject through observation of the other effectively comes to realize an unverifiable "solution" or "truth" about her womanhood. For example, if "womanhood" is the white disc, then seeing "woman" signified by, among other things, the traits of "beauty," "masculine threat," "agency," "solidarity," the blonde and brunette reaffirm the gendered aspect of their identities. Through these two suspended motions the subject declares herself to be a woman "for fear of being convinced by [women] that [she] is not a [woman]" ("Logical Time" 174).

⁶ The story gets more complicated here than what I have conveyed for my purposes. I have kept it focused on the matter at hand for this essay, but masculinity also makes a notable entrance in this section. We would learn even more from an extended analysis that included it, but it would necessarily be required to branch out even further into gender and sexuality studies. To summarize this food for thought, one of the big guys goes over and interacts with Kelly, a transman, who is perceived by the blonde and company as preying on Aoki. The man says, "'You her boyfriend? Huh? Huh? Dude, they're trying to hit on your girlfriend'" (Aoki 198). With this comment, the situation proves to be much more complex than my analysis would suggest. The man does not perceive the same dynamic that the blonde does, thus creating a gendered scission surrounding women's safety. He cites lesbianism to connect with another man over "his girl." This gendered dynamic proves increasingly suspicious in terms of rape culture and gendered conceptions of sexuality.

Temporal tension resolves into the moment of concluding as a final assertion of uncertainty sublates into anticipated subjective certainty that results in collective action and release: “*What are y’all gonna do to her? Y’all gonna gang bang her?*” She is drunk and pissed and dangerous” (Aoki 198). The blonde reiterates her invitation for Aoki to stay in her room that night, but “Finally, she releases my arm. I hug her, say thank you, and nod. . . . We walk down the hallway, and once we turn the corner, we giggle like idiots and dash to our room and bolt the door” (Aoki 198). With the door bolted, all have presented their reasoning to the guard and have been let out of the cell.

At this point we may understand more or less how Lacan’s essay maps on to situations such as the one conveyed by Aoki. However, the crucial issue of the power relations between trans positions and structural oppression has not yet been factored in. In contrast with the common charge that Lacanian theory is depoliticized, I argue that logical time contains a perspective from which to diagnose and criticize social domination, and in fact reinforces the power of analysis of speech in elucidating and reconfiguring desire. Given the flow of information, Aoki inhabits a position not unlike a Lacanian analyst in this particular regard. This perspective in the end says many of the same things other theoretical perspectives have espoused for a long time. However, Lacanian notions of subjectivity, processes of objectification, and their unfolding within logical time allow us to pursue lines of inquiry that would otherwise derail the struggle for social liberation. The cis/trans debate, as A. Finn Enke argues, is one such red herring. Debates in which a privileged position attempts to “understand” or “empathize” with a subjugated position in order to gain a legitimate and educated voice over that subjugated

other is another example. By the end of this chapter I hope to show how logical time informs these debates.

Aoki's anecdote concludes tellingly, "Okay, now how many ways did they get *that* wrong!?" (198). Wrongness is pervasive. However, the formation of that wrongness (or rightness, whatever) has proven for our purposes to be more important than the solution itself. The collective action determined independently of such evaluations therefore must be examined. Since logic unfolds temporally, it is possible for the subject to miss the cue. In the case that there are two white discs and a black disc, the subject possessing the black disc may perceive himself to be lagging behind the others. Under subjective reflection, "This [objective] temporal instance reemerges for him therein in the subjective mode of a *time for lagging behind* the others in that very movement, logically presenting itself as the urgency of the *moment of concluding*" ("Logical Time" 168). It appears to the subject with a black disc that the other two do not require a different amount of time to understand the situation, but their puzzle is constitutively different from his, as each of them sees one black disc and one white disc. The one with a black disc will wonder if the two others have seen a black disc. This is a motion the other two do not have to complete, because in the first suspended motion nobody got up immediately. The subject with a black disc attempts to solve the puzzle under different temporal tensions, thus barring him from reaching the correct conclusion: "It is thus the *moment for concluding* that he is a white; should he allow himself to be beaten to this conclusion by his semblables, he *will no longer be able to determine* whether he is a black or not" (emphases in original, "Logical Time 169).

Two things are at stake here. The first is that the perceived progression of logical time, the sequence itself and unfolding of suspended motions, is subjective. Since the process arises from subjectivity, rather than some impersonal process to be followed, circumstances dictate logical time and the conclusions reached through it. “The ‘I,’ subject of the conclusive assertion, is isolated from the other—that is, from the relation of reciprocity—by a logical *beat* [*battement de temps*].” Moreover, this “I” parallels its original formation in the mirror stage, arising out of the subjectification of competition with the other under logical time. This dynamic “provide[s] the essential logical form (rather the so-called existential form) of the psychological ‘I’ (emphasis in original, “Logical Time” 170). The second point gleaned from this passage is that “[the subject] will be incapable of verifying [his assertion] unless he first attains it as a certainty” (“Logical Time” 169). He must attain it as a certainty, or in other words come to possess an amount of conviction incorporating the conclusion into his subjectivity, because he cannot obtain the answer from his cell mates. He may only obtain verification through the puzzle’s conclusion, that is, by presenting his solution and the reasoning behind it to the prison warden along with the others. At that moment in time, verification and the resulting truth or falsity has no bearing on the logical process, actions taken, or the consequences (being set free or not). As Lacan states, the subjective perception of lagging time presses each A toward the exit, “but even if he has not seized [the moment of concluding], the *objective* evidence constituted by the others’ departure leads him to act no differently: he leaves in step with them, convinced, however, that he is a black” (emphasis in original, “Logical Time” 170).⁷

⁷ It is also possible to read this out-of-step prisoner as a figure for a psychotic, someone who has reached

What does this externally determined subjective variation in logical time lead us to conclude about subjugated positions? If you recall, all subjects are A. B and C are the others who are objectified to serve A's logical processes. They are seen "empirically" by A, but Lacan shows that "empiricism" serves a secondary function to solving the problem, and in actuality does not get A very far. As we have seen, the solution is reached through logical time. The most important information comes from reading the others' hesitation in forming their own assertion of self-identity. The solution *for each A* is unverifiable, or to put it plainly, self-identity is unverifiable. If a particular A feels he possesses a black disc, the other A's will still know he has a white disc. However, in positing to *him* that he actually has a white disc, they would be erasing the fact that he went through the same process as an A, freezing him in the role of B or C. Having thus been placed in the subjugated stasis of being a B or C, that is, an object from which privileged A's derive logical conclusions, a certain cruelty is inflicted whereby the other remains unjustly and continually objectified. In other words, the oppressor commits a hypocritical error by applying two unequal logics. He subjectivizes himself through logical time, yet denies the other's status as "also A," or also a subject, and applies flat empirical logic to him. This move requires the oppressor falsely to maintain the primacy of "truth" over action, despite the demonstrated independence of truth in determining

certainty in the Imaginary, but has missed the organization of the Symbolic cue.

action. We may see clearly now how empiricism, insofar as it claims to be the “voice of reason” that directs action, transforms into fascism.⁸

Gender policing trans individuals amounts to a bidirectional transphobic motion. In the first motion, the gender enforcer exceeds the self-defining bounds in which he/she will inevitably objectify the other. She/he scrutinizes the trans individual’s gender identity through the hypocrisy of empiricism, often citing biological sex or other outward signifiers. In the second motion, the gender enforcer, again exceeding the bounds of logical time, succumbs to a paranoid fear that the “empirically defined” gender transgressor will convince him/her that she/he is not his/her desired gender. The result is to eliminate the perceived threat through transphobic behavior (violent or otherwise). This course of action is authorized by a failed logic, conducted in a “frozen” temporality; that is, it does not follow the premises of logical time in which suspended motions are necessary. Perhaps it is symptomatic of a pathological inability to cope with reality on the one hand, or to distort it, on the other. To be sure, as Lacan states, a man’s “fear of being convinced by men that [he] is not a man” is active in logical time. The fear itself is always present, and this is universal. The difference has to do with the instantiation of an irrational, atemporal logic. The neurotic compulsion to verify, that is to control, the Symbolic or social truth of the logical process, as it is described by Lacan, is a psychological impossibility. This coping mechanism depends on an obsession with the dominant rigid

⁸ By contrast, Lacan’s allegory is completely relativistic, and this relativism must be upheld even when attributing the label of “analyst” to particular “A’s” due to their institutional accreditation. Acknowledging the possibility for the analysand to start analyzing the analyst recapitulates the problem of transference within treatment. This dilemma points to a major difficulty in psychoanalytic training, yet it also enables anyone who is a “step ahead” to occupy the analyst’s position irrespective of payment or institutional authority.

gender system, and represses the possibility of anyone who does not conform. On the other hand, it may be a psychotic impulse to foreclose the meaning of the logical process and cling to an Imaginary system by releasing transphobic violence that results from an encounter with a gender nonconforming person. The pathological characteristics of transphobic behavior should not be surprising when one considers that most of us are socialized into a compulsory binary and inflexible gender system.

2.2 A Cis-Pool of Secret Gender Police

I previously associated transphobic behavior with fallacious logic conducted within a frozen temporality. This association will resonate throughout the following section in which I will posit the capacity for “cis-ness” for trans individuals, and vice versa.

However, regarding the issue at hand, the above analysis may have the unintended and unsound effect of equalizing the two parties in Aoki’s story. By applying a scenario involving prisoners, who are presumably on equal standing at least within a prison (yet we know prisoners are not equal amongst each other⁹), we risk derailing the political struggle against a social power differential by using the scenario to merely illustrate the decentered and insecure nature of gender identity, something we to varying degrees already knew. However, as long as we circumvent the error of performing analytic equality (or its more despicable cousin, declaring that simply because an emergent social practice is in the minority it inherently “subverts” a dominant one), we are prepared to

⁹ A case in point pertaining to transgender rights may be found in Dean Spade’s essay, “Compliance Is Gendered: Struggling for Gender Self-Determination in a Hostile Economy.” This essay draws on the case of a certain intersex person, Jim, to show the gross cruelties and structural inadequacies of the prison system to deal with intersexed and gender nonconforming individuals (225). As a result, the essay rightly situates itself within the prison abolition movement.

circumvent another: the error of sacrificing anti-essentialist gains made in the body only to reinscribe them by the conclusion. As Enke puts it, “How troubling: Just when queer and trans theory remind us that gender and sex are made and have no *a priori* stability (‘one is not born a woman’), cisgender arrives to affirm not only that it is possible to *stay* ‘a woman’ but also that one *is* ‘born a woman’ after all” (emphases in original, 63).

One may be tempted to articulate the power differential utilizing the discourse of privilege. That is to say, if we recognize Aoki is trans, the blonde is cis, and that cisgendered people have certain privileges trans people do not, and that these privileges somehow factor into the unfolding of logical time within our previous analysis, then we avoid reducing their respective positions to that of “equal” prisoners. Through an analysis of the blonde’s cis-privilege, it is said we may learn something about Aoki’s subjugated position, and if we draw on theories of intersectionality to compound it with her Asian identity, etc., the more bases we cover and the more pleased we can be with ourselves. Is this not what we have learned on blogs and in seminars? Our self-satisfaction marks the limit of this pedagogical practice. I urge us to take up Aoki’s story and logical time toward a more transformative, though less immediately satisfying, end. I say “more transformative” because through such a Lacanian anti-essentialist analysis we avoid the pitfalls of our own altruistic behavior and may provisionally instate the grounds for liberatory restructuration. This suspicion of our own good intentions in lieu of structural and unconscious reproductions of oppression disintegrates the satisfaction derived from diagnosing culture and phenomenon with a discourse of privilege (feels good) only to halt our efforts when structural change becomes the next step (feels bad, and divests us of our power to repetitively diagnose) (Enke 66).

To help reiterate my anxieties over the efficacy of identity politics, A. Finn Enke recognizes the worth of the term “cis,” but has noticed concrete shortcomings in recent years. She has used it since the 1990s in her classes on gender theory, but as the term becomes more popular she has had to grapple with the drawbacks it has brought to transfeminism and transgender theory (61). Though it facilitates a certain brand of lively discussion and satisfaction to students and others, and allows them to see and articulate with a fresh perspective trans political issues unlike ever before, activism and intellectualism centered on cis-privilege and trans subjugation erroneously assumes “transness” is somehow static, while also arresting the political gains transgender theory has made for anti-essentialist politics (Enke 68, 71).

Enke draws on a trans activist and biologist who coined the term “cis” and then makes her own point concerning the term. Enke quotes Defosse, “As a biologist, I simply used the prefix cis as the complement to that of trans. In the simplest interpretation, cis means on the same side and trans means across. *Cis and trans are not just where something is, however; they extend to the realms of their respective effects*” (emphasis Enke’s, 68). Enke argues, “Here, rather than being fixed in identities, cis and trans describe locations and effects. [. . .] Cis theoretically must also be *effected through* time and space, despite the presumption of stasis. Furthermore, cisgender’s value from a social-movement perspective comes from the recognition and denaturalization of its powerful *effects*” (emphasis in original, 68). One may see here where I intend to go with Enke’s argument. Time and space create the effects of cis and trans, yet both remain decentered and floating. What is important is how, despite this dual fluidity, one position becomes naturalized as the other is subjugated and oppressed. This point is what I

attempted to demonstrate through the hypocrisy embedded in transphobia as interpreted through the lens of logical time. Enke continues, “Cautionary reminders about the costs of identity politics have held little sway, as cis becomes a subject position in the performance of allyship. In the process, cis and trans both shrink, in exactly the way living things do when they desiccate and ossify” (68). As I conclude this chapter, I hope we keep these cautions in mind. Identity politics and the notion of allyship are linked. By refuting one, I remain cynical toward the other.

An interpretation of subject positions through logical time facilitates redrawing the lines between cis and trans that retain gender fluidity, while also outlining the connections between transphobia and the anticipated assertion of gendered certainty. These lines more aptly reflect the topography of trans oppression. By submitting each A, each subject, to temporal contingency, and showing that truth claims are independent of actions, but the judgment concerning self-identity is itself an action, we may have to attack oppression from an oblique angle. This angle does not reinscribe identity politics in the last instance, and it does not cling to hopeful, inclusive notions of allyship. It shows that identity’s stability arises out of time and space. It shows that the oppressor cannot change himself. It shows the mountains that must be shaped (not merely displaced) to instate change, that indeed, “Truth manifests itself in this form as preceding error and advancing solely in the act that engenders its certainty; error, conversely, manifests itself as being confirmed by its inertia and correcting itself only with difficulty following truth’s conquering initiative” (“Logical Time” 173). The inertia of systematic oppression and the errors within must be radically submitted to a violent restructuring by truth’s conquering initiative. However, we must recognize our own limits in our ability to

be (especially in isolation) on truth's side, lest we repetitively burrow into the inertia of error, acting as if it has no bearing on liberation. Therefore, in the next chapter I will outline a theory for practice that I already see occurring within the trans movement that stands to change the structures and institutions that repress and exploit trans people. Trans activists' contemporary discourse is wary of replacing one master with another, and instead opts to oppose the dominant structure that is all too visible to trans people as the struggle continues for employment, health care access, and legal justice.

Chapter 3

3 Theorizing Trans-Analytic Technique

This chapter will make the case for a radical, aleatory ethics that places the trans activist in the position of a Lacanian analyst, and a case for what I will call “trans-analysis.” To this end, the chapter will bring together those threads of the two previous chapters that form readings of trans subjectivity through aleatory materialism and Lacanian intersubjectivity. This position will be expanded to show that trans activists tend not to simply reproduce the master’s discourse, but instead engage in activities with the aim of social transformation that resembles the way in which a Lacanian analyst effects change through the process of analysis. Trans-analysis has practical similarities with Dean Spade’s use of Chela Sandoval’s “differential consciousness,” an amalgamation of various oppositional consciousnesses, for trans politics. As Spade points out:

We may be read as male on the subway, female at the welfare office, male at the airport, female at the clinic, freakishly gendered in prison, dangerously gendered in the shelter. To survive our day-to-day interactions with the various institutions of power that classify us differently and respond to us with simultaneous sexism and transphobia, in addition to the racism, xenophobia, ableism, and ageism that the most vulnerable trans people face, we are often required to alternate between varying and contradictory narratives about our own experience and identity as needed. (251)

To make my case, I will connect Lacan’s *Seminar XVII: The Other Side of Psychoanalysis* and Althusser’s *On the Reproduction of Capitalism*, both texts produced in the aftermath of May 1968. The end result will not judge or prescribe the forms that trans activism should take; the goal, rather, is to better understand from their particular narratives what trans activists are already doing collectively, so that effective practices

may be more easily learned, replicated, and applied. In short, these are the practices that make up “trans-analytic technique.”

As suggested in chapter one, and reexamined in chapter two, the sort of ethics for action that I propose gives primacy to aleatory cause, contingency, and the encounter over teleological and totalizing politics. Taken at face value, I am pointing toward an ethics that will be more effective when one is not counting on using it systematically. It is more accurate to view this theory as *background knowledge* that informs tendencies and provides a set of concepts to engage in critique. I have a few reasons for proposing a “weak” rather than “strong” theory. First, as will be demonstrated in the discussion of Lacanian algebra to follow, the type of relativism that is required for a Lacanian structural critique serves trans politics’ needs and concerns of avoiding the reproduction of oppression in another form. Second, in accordance with this relativism, we must recognize that for many activists, safety and survival cannot take a back seat to political allegiance, though I am confident that in many cases, like Aoki’s, the two are not in conflict. Third, my proposed theory for trans activism is aptly named an “ethics” not only because it prescribes a way of acting, but also because it must logically accept its proscriptions: this system’s “evil” is teleology and universality, concepts which at times have fostered solidarity, empowerment, and social change. To that extent, it may (subject to contingency) be praiseworthy to forget half of what I have argued and act unethically.

Dennis Schep takes a similar position in his article “The Limits of Performativity: A Critique of Hegemony in Gender Theory.” After recounting a transgender poet’s

pointed “fuck you” to Judith Butler,¹⁰ Schep observes that sexual identity seems to be a space of the “insurrection of subjugated knowledges.” He explains, “The reason for this is that the objects of inquiry of gender studies speak: there is always the possibility that a genuinely felt identity or affective attachment contradicts the theoretical framework that is supposed to account for it, and that its bearer will throw his/her existence in the line against the theory that attempts to nail him/her down.” Even something as seemingly liberating as “smashing the gender binary” has its hegemonic effects, “And as the transgender poet shows, one can even revolt against a theory as fluid as Butler’s theory of gender performativity. (‘No binary?’ Just watch me!’)” (7). Later on, Schep invokes Eve Sedgwick’s push for more “weak” rather than “strong” theory on the grounds of contingency, the ability to embrace contingency in a way that anticipates “something other than failure” (11).¹¹ This embrace of contingency cannot take the form of fully rejecting figures like Butler whose work tends to control entrance into the discourse on gender. Dominant forms of feminism and gender studies interpreted Butler’s work and sometimes in opposition to Butler’s text constructed the discursive figure she is today that is now the thorn in the side of parts of the trans community. Within other social formations, pervasive headache-inducing mistakes like “all gender is performed” would

¹⁰ I imagine a line like “Fuck you, Judith Butler” is pretty common, but it is possible the poet who goes unnamed in Schep’s article is Carolyn Connelly. Julia Serano quotes a poem that is similar if not in fact the same one in her essay “On the Outside Looking In,” “Fuck the lesbians who think I’m straight, I can’t be femme/I’m not a girl/Fuck the gay men who out me at Pride every fucking year/Call me fabulous/Tell me to work it/And they’re really girls too/Fuck the transsexual women who think I’m too butch /Cause of my short spiked hair/Cause I drink beer or I’m a dyke...Fuck the genderqueer bois and grrrls/Who think they speak for me/Or dis me cause I support the gender binary...Fuck Post Modernism/Fuck Gender Studies/Fuck Judith Butler/Fuck theory that isn’t by and for and speaks to real people...”

¹¹ See Sedgwick, Eve. *Touching Feeling: Affect, Pedagogy, Performativity*. “Paranoid Reading and Reparative Reading, or, You’re so Paranoid, You Probably Think This Essay Is About You.” Duke UP, 2003. 123-51.

be unthinkable. Therefore, as I suggested in chapter one, it is more productive to identify lesser emphasized elements of her work, namely an underground current of contingency that she has in common with transgender theorists. This current may assist in navigating through and between encounters, but it does not foreclose on the liberatory elements of a theoretical position in advance of its practical applications.

As for my present contribution, in the course of certain encounters, trans activists have the power to assert themselves and suggest meaning, but just as often recognize it is more effective to hold back interpretation in order for the analysand to be guided to his own cure through the analyst's scissions and punctuations (to recall the vocabulary from prisoner's dilemma in chapter two). In the Lacanian session, the analyst serves as a "blank screen" to expose the analysand's unconscious desires. Bruce Fink writes, "The analysand's notion of what the Other wants is projected and reprojected, but the analyst continually shatters it or shakes it up by not being where the analysand expects him or her to be. Embodying the Other's desire as cause, standing in for it in the analytic setting, the analyst does not conform to the analysand's expectations in his or her behavior, responses, or interventions" ("Clinical Introduction" 57). This shattering through nonconformity with the analysand's expectations is in effect what Aoki accomplishes in the hotel scene. Admittedly, those expectations were dual-layered in that the blonde perceived Aoki to be both in danger and cisgendered.¹² However, by allowing the blonde

¹² A counterargument might assert that the hotel scene is unlike an analytic setting because the blonde (the supposed analysand) was left in the dark and learned nothing about her own desires. This counterargument assumes the blonde walked away unaffected, an unlikely occurrence. We simply do not know her epilogue. A second meeting would make it clear, and this clarity that would be accrued through continued meetings is itself like an analytic relationship. The information gathered through a single encounter alone has proven its value several times over.

a space to speak, her desire (to protect Aoki) was revealed, yet Aoki observed and commented from a position where the blonde did not expect her to be. Aoki held back from asserting her identity, and meanwhile the other's desire was made clear in the moment of concluding.¹³ We could say the termination of the variable-length "session" followed when Aoki and the others got away safely. In fact, since Lacan's "Logical Time" can be read as an allegory for his variable length sessions, a version of what I am calling trans-analytic technique was already theorized in chapter two.¹⁴ You should by now be primed to understand what I mean by trans-analytic technique in the course of this chapter.

Given the high rate of violence inflicted against trans people, it is clear social change will involve a reconfiguration of the mainstream's relation to its own desires. As I hope the previous two chapters have demonstrated, trans activists are often the ones who are observant of the other's desires, and are able to tailor a given situation to resolve tension in their favor. Accordingly, this chapter will take us through the steps that I hope will justify the concept of "trans-analysis." First, I will show the importance of Lacanian algebra in achieving the proper balance of particularity, relativism, and structural coherence to demonstrate its many advantages for analyzing social situations. Next, I will show why trans activists, as contemporary literature suggests, do not tend to take the

¹³ If my approach seems to place power in the hands of the cisgendered person, that is first because they *do* have that power. Second, without that power differential, my method is unneeded and unintelligible, and this would be a good thing. Until then, that differential is what gives a basis for the reconfiguration of desires bound up between power and repression.

¹⁴ Admittedly, this termination is negotiated on different terms than through the analyst's clinical authority. In some sense this sort of interaction sidesteps some of the criticism leveled against Lacan's variable-length sessions that they were arbitrary and inevitably became shorter rather than longer. Within an encounter like this, termination ideally follows the trans person's safety and accompanying social cues, and its brevity is more likely celebrated.

master's, hysteric's, or university's discourses as their primary sites of intervention.¹⁵ Special attention will be paid to dissuading the reader from hastily pigeonholing trans activists into the hysteric's discourse (for whom the fundamental question is "am I a woman or a man?"). It will be seen that there are reasons beyond the derogatory core of this assumption to avoid such a claim. For now it will suffice to say that this stance assumes trans people lack certainty (even if that certainty only takes the form of rejecting the dominant sex-gender-sexuality system), forecloses the possibility that the question as a whole is ill-suited to trans experience in the first place, and undermines trans persons' rights to self-determination. No component of such an argument is very helpful. Alternatively, a discussion of the master's discourse and Althusser's work as they apply to trans politics will follow, each providing warnings against forms of political action that replace content without upending the structures that reproduce exploitation and repression. Lacan suggests the analyst's discourse allows for new types of master signifiers, and therefore a pathway to meaningful and lasting social change (176). The chapter will close with two current examples of the trans struggle being waged against the legal ISA and RSA: the claims against the Transgender Law Center, and the arrest of Monica Jones, who was recently convicted of the crime of, to coin a phrase, "walking while trans."

3.1 Lacanian Algebra and Structural Opposition

Lacan's algebra is one of the most opaque aspects of his work. Occasionally an empathetic scholar comes along who tries to explicate its mysteries, but the rest of the

¹⁵ For the sake of simplicity, the university discourse will be omitted from the current chapter and discussed in the conclusion. Admittedly, I am partaking in it by producing this text.

time these formulas are thrown around carelessly and everyone stays blindly frustrated.¹⁶ Students in the humanities, clinging to the stereotype that they are incapable of understanding math, avoid it like a vengeful reincarnation of their gen eds.¹⁷ This approach is understandable, as Lacan's writing seems to refuse us any favors, yet his algebraic formulas are undoubtedly among his most important contributions to psychoanalysis. I understand them as a theoretical commitment to relativism within psychoanalysis, which for Lacan takes the figure of an empty mirror. This is unlike most American schools of psychoanalysis, whereby the analyst becomes a parent substitute or moral authority. Lacan was disgusted by the idea that analysts would abuse their position to indoctrinate the analysand with a "corrective" set of values that would masquerade as a "cure." It may be difficult to imagine how this works in concrete situations, but for example, we witnessed this approach in chapter two, where it was crucial to remember in the prisoner's dilemma every B and C was also an A. Lacan succinctly declares his commitment to analysis of structure over value judgments through his use of algebra in "The Subversion of the Subject and the Dialectic of Desire." He writes, "This [structure of fantasy] is what is symbolized by the abbreviation ($\$ \langle \rangle a$), which I have introduced as an algorithm; and it is no accident that it breaks the phonemic element constituted by the signifying unit right down to its literal atom. For it is designed to allow for a hundred and one different readings, a multiplicity that is acceptable as long as what is said about it

¹⁶ Joan Copjec is one of these empathetic scholars. She provides a plain language translation of Lacan's formulas for sexuation in chapter 8 of *Read My Desire: Lacan against the Historicists*, "Sex and the Euthanasia of Reason."

¹⁷ For those unfamiliar, "gen eds" is short for general education. Within the American University system, all students are required to take a range of subjects before specializing.

remains grounded in its algebra” (*Écrits* 691). Algebra is perhaps one of the purest theoretical expressions of structure. The content of the variables is wholly unimportant until they are put in relation to one another. The structure is what permits meaning to arise, and for analysis to begin.

In Seminar XVII, Lacan utilizes algebra again to facilitate his critique of societal institutions and the student movement. He lays out a formula for the four discourses he identifies, each modified from the other by a quarter turn (master, university, analyst, hysteric). He points out that what tends to take place in revolutionary movements is mostly a contest over control of the master’s discourse. He introduces the analytic discourse as a counterpoint to the master’s discourse whatever its content, and similarly uses the hysteric’s and university’s discourses to discuss resistance or compliance with the master. Lacan cautions leftist students from simply replacing one master with another: “the revolutionary aspiration has only a single possible outcome--of ending up as the master's discourse. This is what experience has proved. What you aspire to as revolutionaries is a master. You will get one” (207). Instead he urges students to examine their own peculiar relationship of exploitation within the university discourse. Additionally, he describes two other territories of exploitation, the hysteric’s and analyst’s discourses. For reference, I will reproduce all four formulas as closely as possible to their appearance in the text, and the various values Lacan assigns to the variables. You may wish to refer back to them regularly.

M $\frac{S_1}{\$} \rightarrow \frac{S_2}{a}$	U $\frac{S_2}{S_1} \rightarrow \frac{a}{\$}$	$\frac{\text{desire}}{\text{truth}} \quad \frac{\text{Other}}{\text{loss}}$	$\frac{\text{master signifier}}{\text{Subject}} \quad \frac{\text{knowledge}}{\text{jouissance}}$
H $\frac{\$}{a} \rightarrow \frac{S_1}{S_2}$	A $\frac{a}{S_2} \rightarrow \frac{\$}{S_1}$	$M(S_1) \cong U(S_2)$	$\frac{\text{agent}}{\text{truth}} \rightarrow \frac{\text{work}}{\text{production}}$

In addition to the three variable assignments provided in the table, it may also be useful to note the meanings to which the variables typically (but not exclusively) refer. S_1 designates a body of discursive knowledge, that which is accumulated by society over time and selectively distributed to individuals through associated institutional avenues. S_2 stands for knowledge, specifically in the sense of “know-how” that is extracted in the course of labor; a is the object-cause of desire, and $\$$ is the split-subject. Lacan explains the terms S_1 , S_2 , a , and $\$$ “can be of use in a very large number of relations. One only needs to become accustomed to how to manipulate them” (188). You will quickly notice that each word value (desire, production, knowledge, etc), is dependent upon the discourse (master’s, analyst’s, etc) for its letter assignment, and following that, each variable contains every single value *except itself*. The four discourses turn around the production and extraction of knowledge, but each discourse pursues knowledge in a different structural configuration (notice knowledge remains in the upper right).

Lacan is attempting to outline these modes of knowledge while remaining true to his own analyst’s discourse, that is, the discourse counter to capitalist science’s partnership with the master’s knowledge. He writes, “In short, the master’s knowledge is produced as knowledge that is entirely autonomous with respect to mythical knowledge, and this is what we call science” (90). Moreover, he identifies energy as the constant in every calculation that takes place within the physical sciences, and this constant needs some sort of epistemological support within mathematics. He continues, “This support stems from the fact that mathematics is constructible only on the basis of the fact that the signifier is capable of signifying itself. The A that you have written down on one occasion can be signified by its repetition as A. Now, this position is strictly untenable, it

constitutes a violation of the rules with respect to the function of the signifier, which can signify anything except, surely, itself” (90). Lacan points out this logical error forms the basis of Western scientific knowledge. Lacan continues, “. . . the discourse of science only sustains itself, in logic, by making truth a play of values, by radically avoiding its entire dynamic power. In effect, the discourse of propositional logic is, as has been stressed, fundamentally tautological. It consists in ordering propositions composed in such a way that they are always true, whatever the value, true or false, of the elementary propositions” (90-1). The forms of logic under the master’s discourse (Western logic) in effect rig the game so that all propositions, whether initially true or false, are always true. This assertion may seem preposterous, but Lacan’s point is that from an epistemological standpoint positivistic sciences as we know them can only proceed by way of this tautology. Considering this insight, the analyst’s discourse is the perpetual counterpoint, regardless of the content of the science produced by the master’s discourse: “It’s just that since the market is linked to the master signifier, nothing is resolved by denouncing it in this way. For the market is no less linked to this signifier after the socialist revolution” (Lacan 92). This point knots together two claims you may recall from the previous two chapters.

The first is Althusser’s definition of Force and “Energy A.” For Althusser, Force was not a constant in which energy could ever equal itself, rather it was defined relationally as who possessed the most power. This definition recognized that although both parties may exert force, the constant “energy” found at the base of the relationship is not meaningful to the evaluation. In other words, force as a constant cancels itself out to become a differential show of Force. The second is found in Lacan’s prisoner’s dilemma

where every A is also a B or a C. Lacan is pointing out again, that although each subject is his or her own “A,” A never simply equals A where the two subjects may cancel each other out. If a subject is defined as A, the others are necessarily B or C, and vice versa. To return to the text at hand, if we do not recognize this base limit to signification that is also its condition of possibility, we are left with the tautologies that found the dominant forms of knowledge under capitalism. Admittedly, as subjects of capitalism, it is often most intuitive for us to think in these forms, starting from claims such as “all humans are created equal,” and then pursuing this delusional ideal in which the imaginary tautology $A = A$ may finally be realized between persons. Critical inquiry tends to recognize such logical errors. To be clear, it is rare to find anti-oppression advocates who argue for the total erasure of difference, but that tautological error runs as deep as the exploitation and repression within Western society.

Resistance to capitalism must come from outside the master’s discourse, because the master’s discourse can appropriate socialism for its needs. Due to their structural differences in the production of knowledge, the analyst’s and hysteric’s discourses will continue to resist the master’s discourse regardless of its content whether socialist or capitalist. This point will be drawn out in the following sections. To put it simply at present, the production and extraction of knowledge is what is at stake in these discourses, with the master’s discourse holding a dominant position over the others that structurally oppose it through alternative relations of production and extraction. The next section will show that the techniques found within the analyst’s discourse can contribute to revolutionary transformation of the Ideological State Apparatuses. At times Lacan’s four discourses and Althusser’s critique of ideology seem conceptually incommensurable,

but ultimately this impossibility of direct translation provides us with some of the greatest critical insights each theorist has to offer. I will argue that much effective trans activism occurs within the legal ISA and through the analyst's discourse, which exposes the barrier of jouissance between production and truth by inhabiting the discursive place of desire (or object *a*). Crucially, Althusser's ISAs provide a framework to work through these problems as concretely manifested. The reproduction of capitalism depends above all upon the ISAs, so true revolution cannot occur without a prolonged struggle against these apparatuses that ensure its reproduction and realize state ideology. Trans activists' participation in the analyst's discourse is hidden from view through the social-technical division of labor that masks their contributions through that mode.

3.2 The Master's Discourse and the Reproduction of Capitalism

In seminar XVII, the master's discourse is the dominant discourse in capitalist society. Lacan quips, "The master's discourse. I don't see any point in recounting its historical importance, given that you are, after all, on the whole recruited through this sieve called the university, and that, as a consequence, you are not unaware that it's all philosophy ever talks about" (20). Recalling the four formulas, S_1 is the master signifier, the essence that the master relies upon, and S_2 is the slave's knowledge, the one who has "know-how." This "know-how" must somehow be extracted and transmitted into articulated knowledge, from the slave to the master. Lacan asserts, "Philosophy in its historical function is this extraction, I would almost say this betrayal, of the slave's knowledge, in

order to obtain its transmutation into the master's knowledge" (22).¹⁸ Lacan demarcates a "dominant term" in each discourse intended more to justify their differentiation than to designate the primacy of a particular term. The dominant term in the master's discourse is "the law," occupied by S_1 . The law is not a synonym for "justice," but something tied up with it. Lacan clarifies:

On the contrary, the ambiguity and the trappings that this law adopts by virtue of the fact that it derives its authority from justice is very precisely a point on which our discourse can perhaps give a better sense of where its real resources are, I mean those that make the ambiguity possible and bring it about that the law remains something that is, first and foremost, inscribed in the structure. There are not thirty-six ways to make laws, whether motivated by good intentions, justice, or not, for there are perhaps laws of structure that make it the case that the law will always be the law located in this place that I am calling dominant in the master's discourse. (43)

Althusser comes to a similar conclusion, that the law occupies a peculiar place in society, bound up with, but not equal to, what is commonly thought of as "justice." The law functions through its structural position, in and beyond its visibility as a juridical system backed by the Repressive State Apparatus. Althusser provides an analysis of "the law" in congruence with Lacan's observations.

On the Reproduction of Capitalism is the larger project that formed Althusser's famous essay on interpellation, "Ideology and Ideological State Apparatuses." In that essay he identifies the family and school as the two primary ISAs which reproduce

¹⁸ There's resonance here with the "non-philosophy" called for by Marxists. Althusser states that Marx conceived of a future state as a "non-state" which would facilitate its disappearance, and that "We can say the same of philosophy: what Marx sought was a 'non-philosophy' whose function of theoretical hegemony would disappear in order to make way for new forms of philosophical existence" (PE, 259). This concept long predates the term's popularity and mutation for which Laruelle is responsible.

capitalism in the twentieth century.¹⁹ He reaches the same conclusion in *On the Reproduction of Capitalism*; however, he also spends a significant amount of time outlining the special differences the legal ISA has from the others. While all ISAs realize state ideology, the legal system is intertwined with the state in ways the others are not in that it is directly connected to and represents the repressive state apparatus in its absence. Considering the previously referenced tautology at the heart of human rights discourse, “all humans are created equal,” it may be prudent to discuss with what Althusser has to say about the legal ISA. According to Althusser, law strives for internal consistency where invocation of the law in one area does not contradict it in another and it seeks comprehensiveness to the extent that it may weigh in on every case it is faced with. In addition to these qualities, the law is a formal relation, and only makes sense if the contents defined by it are absent from itself. The contents of the law exist only as “a function of the existing relations of production,” and the law has “formal systematicity, only on condition *that the relations of production* as a function of which it exists *are completely absent from the law itself.*” He continues, “law ‘expresses’ the relations of production while making no mention at all, in the system of its rules, of those relations of production. On the contrary, *it makes them disappear*” (Althusser 58-9). However, it must also be noted there is a separation between formal law and legal ideology. While the law enables the relations of production while also making them disappear (i.e. no law states laborers must be exploited), legal ideology with a “moral supplement” infuses

¹⁹ Althusser makes the interesting observation on the family ISA after asserting the unborn child is always-already a subject. Drawing on Freud he writes, “There is no need to add that this familial ideological configuration is, in its singularity, terribly structured, and that it is in this implacable, more or less ‘pathological’ (If any meaning can be assigned to that word) structure that the quondam subject-to-be has to ‘find’ ‘its’ place, that is, ‘become’ the sexual subject (boy or girl) it already is in advance” (193).

individuals with the belief that they are naturally legal subjects who have an obligation to obey the law as good citizens. To make the difference clear, the law functions by contract and assumes all participating individuals are “legal persons” but never leaves its own language, while legal ideology relies on “nature” to claim all persons are naturally free, equal, and therefore participants in a system of law by birthright (Althusser 68-9).

These observations have a few direct implications for trans politics that deserve to be spelled out. A common form of activism seeks to increase the law’s comprehensiveness, filling in the gaps to represent and protect trans people where they are otherwise invisible. Another way to look at the situation is that the exclusion of trans experience from the law exposes the relations of production that the law otherwise makes disappear. Trans people still participate in most spheres of society, yet the law is unable to regulate them within those spheres as “legal persons,” or it does so haphazardly resulting in suffering (employer discrimination, wrongful imprisonment, lack of adequate health care, etc). To that effect, I propose we view the debate between “equality” and “revolutionary” consciousnesses a bit differently, perhaps bringing out the full value of “differential consciousness.” Explicating Chela Sandoval’s concept, Spade writes, “The differential is a ‘tactical subjectivity,’ utilizing various forms to move power. The differential is about traveling across worlds of meaning, shuttling between systems of understanding identity, and engaging narratives strategically with an underlying ethical commitment to equalize power between social constituencies as its guide” (Spade 243). As for equality discourse, it is undeniable that in many cases winning trans representation within the letter of the law helps countless people fight discrimination. On the other hand, the revolutionary argument states that any attempt at representation within the current

system is inadequate if not impossible; therefore trans people will only be helped on a massive scale when the old system has been dismantled. In addition to Sandoval's work, which argues the two are not mutually exclusive, we also tend to forget what Althusser points out concerning such legal debates. The law functions to make the relations of production disappear. *The lack of representation within the law is the negative space in which trans subjectivities expose the exploitative relations of production.* In fact, because the trans community cannot be totalized, it will continue to do this work of exposure even if today's dominant forms of "being trans" achieve full legal protection. Rather than arguing between equality and revolution, it is far better to follow Spade's lead: these forms are not mutually exclusive, and we may achieve social change through differential consciousness while simultaneously recognizing that the inability to totalize the trans community puts it in a state of perpetual nonrepresentation that empowers it as a productive critical force.

In chapter eleven of *On the Reproduction of Capitalism*, Althusser begins with the debate within Marxist theory as to whether the law is superstructural or exists alongside the relations of production, and attempts to move beyond the descriptive theory of law in chapter five to "the threshold of a proper theory of law in capitalist social formation" (166). The law is bound up with a special detachment of the Repressive State Apparatus (police, courts, prisons) and the legal-moral ideology by which it functions. Althusser writes, "On those grounds, law, which stands in a relation of determinate abstraction with the concrete reality known as the capitalist relations of production, stands at the same time in a relation of determinate abstraction (another, quite different modality of

abstraction, to be honest) with another concrete reality known as the state apparatus in two respects, repressive and ideological” (168). Because of the various parts that keep it functioning, the law proves to have a special relationship within capitalist societies to both the ISA’s and RSA. It has a hand in each, reproducing capitalist relations just as it ensures and guarantees them. The conclusion is that the “law” does not exist in isolation, but “as a component part of a system that includes law, the specialized repressive apparatus, and legal-moral ideology” (168).²⁰

This detachment of the RSA intervenes directly, “not just in the *reproduction* of the relations of production, but *in the very functioning of those relations of production*, since it punishes and represses legal infractions of them” (168). In fact, since the intervention of this detachment of the RSA is exceptional though visible (patrol cars are relatively rare, yet unsurprising when seen), and the law primarily regulates the day-to-day functioning of capitalist relations of production via legal-moral ideology, this ideology “intervenes not only in the reproduction of the relations of production, but directly and on a daily basis, indeed every second, *in the functioning of the relations of production*” (168). Althusser is led to the following claim: “the law is the Ideological State Apparatus whose *specific* dominant function is, not to ensure the reproduction of capitalist relations of production, which it also helps ensure (in, however, subordinate fashion), but *directly to ensure the functioning of capitalist relations of production*” (169). This role played by the legal ISA is decisive in that it is the “*specific apparatus*

²⁰ The language here suggests that “law” is a system which includes itself as a part of its whole. This implication is important to consider, but for now I will draw us away from it. Althusser’s language actually suggests that our commonplace understanding of “law” views it in isolation, but what he is outlining is a separate legal apparatus that includes law as a part, thus it is a system like others which must exclude itself to be a totality.

articulating the superstructure upon and within the base” (169). Althusser notes that while the scholastic ISA dominates reproduction, the legal ISA dominates the practical sphere. Because the legal ISA articulates the superstructure *upon* and *within* the base, struggles that affect this apparatus are among those capable of: 1. seizing portions of the RSA (namely that special detachment), and 2. enacting change *upon* and *within* the base that is determinate in the last instance. One way in which radical transformation is possible within this sphere is through the pursuit of new master signifiers via the analyst’s discourse, and trans activists are realizing the political efficacy of this discourse.

These observations have important consequences for trans politics. We only need to scan a few headlines to realize trans struggle takes place primarily within the legal ISA, and before long we see that trans experience intervenes on every level of the functioning of legal-moral ideology and its RSA detachment.²¹ For one recent example, Laverne Cox touches on these concerns in her acceptance speech for the Stephen F. Kolzak award at the 2014 GLAAD awards on April 12th. Cox references the story of CeCe McDonald, a black transwoman who was assaulted on the street, convicted after defending herself, and sentenced to serve in a male prison, and follows it with another call to rally activists like those who fought for Cece McDonald’s early release:

Just yesterday one of my transgender sisters, a woman by the name Monica Jones, was found guilty of a crime in Phoenix, Arizona that is basically called ‘manifesting prostitution,’ [. . .] which basically means that as a transwoman of color walking in a certain neighborhood you can be arrested for prostitution just for walking while trans. That happened in Arizona just yesterday, so there is so much more work that needs to be done to make sure that never happens again.

²¹ Even Aoki’s situation should be viewed in this light because it is structured by law and the threat of crime--assault from Aoki’s perspective, or rape from the blonde woman’s.

Trans struggle takes place within legal representation, the courts, the police, and the prisons. While the legal ISA is patently unjust for the general population, it falls into disarray in its attempts to control trans people, especially trans people of color. Recall Althusser's claim that the law seeks to limit internal contradiction and maximize comprehensiveness. Confronted with trans subjects, the law cannot help but reveal its self-contradiction and incomplete coverage. As mainstream actresses like Cox suggest, the legal ISA fails even by its own standards to the point that the moral supplement of "duty" and "conscience" to obey is replaced by a moral injunction to engage in struggle on every front simultaneously: attaining legal representation in the code of the law, countering police harassment and brutality, acquiring prison rights to medical care and gendered placement, and for the system's abolition. The struggle runs as deep as the capitalist relations of production, down to the base. This is an important point for those who would otherwise read Althusser and identify the scholastic ISA as the place of radical change, an approach he warned would-be revolutionaries from mistakenly utilizing. In the last instance, the base determines the superstructure, and the superstructure does not "react back on" the base, but *reproduces* the relations of production established by the base's material organization.

Cox cites an acquaintance, "I am an inheritor of cultural trauma. I have been both a survivor and perpetrator of cultural violence," and she observes, "Each and every one of us has the capacity to be an oppressor." Cox encourages us "to interrogate how we might be an oppressor, and how we might be able to become liberators for ourselves and for each other." The fact that each of us is both oppressor and liberator foregrounds that while meaningful struggle may occur within the legal ISA, we should not delude

ourselves into thinking anyone is outside or above it. Lacan refutes the notion that some psychoanalysts have about being freed from the law through their training and position. Contrary to certain “libertarian” psychoanalysts who think otherwise, the fact that we are not freed from the law “is the entire meaning of what I am calling the other side of psychoanalysis.” To elaborate, “The pinnacle of psychoanalysis is well and truly atheism, provided one gives this term another sense than that of ‘God is dead’ where all the indications are that far from calling into question what is at play, namely the law, it is consolidated instead” to the point that “Nothing is permitted anymore” (119). This point is more in line with Althusser’s observation that the legal ISA functions every second than with the conservative stance that expects to change a system using that system’s terms. The fact that trans struggle occurs substantially within the legal ISA and its RSA detachment does not mean we should all become lawyers. Instead, we should become analysts who recognize that the belief one could ever be “freed” from the law’s materialization is an illusion of idealism. Hence, the notion of “seizing the state” starts to acquire a different tone. Trans inclusion in the law may mean altering the structures through which desire is regulated, and while this process must include taking control of the RSA, a radical movement cannot be content with that form of revolution alone.

3.3 Trans-Analysis and the Relations of Production

This section will argue first that the analyst’s discourse is an alternative and emergent mode of production dominated by capitalist relations of production, and second that trans activists tend to be a productive force inhabiting the analyst’s position within this mode

of production.²² From this position trans activists intervene directly in the legal ISA to create new styles of master signifiers (even their specific content is not yet known); that is, we engage in alternative relations of production. It is my belief that this form of action is structurally effective, producing real and lasting change in accordance with both Lacan and Althusser's concerns, albeit without the glory of a sweeping mass revolution many dream of. These effects are readily apparent in the press surrounding the transgender movement, some examples of which will be surveyed by way of the conclusion. In demonstrating these points I will show the mistakes involved in using the hysteric as a figure for resistance. I will also justify my claim that all trans activists enacting what I have described as trans-analytic technique are to be seen as "true," not figurative, analysts. We are barred from being seen as such due to the repressive functioning of the

²² Some may argue that "discourse" is not a mode of production, but a means of production (Raymond Williams for instance), and that while discourse may reproduce the relations of production, only systems of commodity production deserve the label "mode of production." One must see truth in this claim. Psychoanalysis for all its productive capacity does not produce its own books, offices, couches, or cigars. However, this dispute perhaps stems conflicting usage of each term involved. I am using Althusser's definition of a mode of production in particular wherein a mode of production = productive forces + the relations of production. I am also using "discourse" in the way Lacan does when labeling his four discourses in Seminar XVII in that it denotes a specific set of relations between speaking subjects (in other words, relations of production + productive forces). This usage differs significantly from Foucault's sense in which a historically specific genealogy begins to have socially dominating effects. Foucault's use of discourse through its set of disciplinary practices and facilities which support those practices is more aptly compared to a means of production. By contrast, Lacan's usage denotes relations that may persist beyond any content oriented production of knowledge and its supporting facilities. When paired with Althusser's work, this particular usage of the term "discourse" allows us to better theorize revolution in the dominant mode of production to account for the unconscious, and language's historicity in that it is utilized simultaneously in all modes of production (indeed if it was a means of production, how could it be seized?). I challenge us to take Lacan's formulas to understand how the capitalist production of the couch, cigars, etc, are symptoms of the dominant social formation that attempts (and often succeeds) in recruiting psychoanalysis into the master's discourse and wholesale into the market economy. Consequently, if psychoanalysis opposes anything in its alternative relations, it is through its ability to persist without the commodities that prop it up, and therefore should be viewed as an emergent mode of production which also opposes orthodox communist views who have perhaps misrecognized the terms by which a mode of production is ultimately defined (relations of production + productive forces). The analyst's discourse exists alongside other emergent modes, such as worker owned production, and other not yet realized forms. One question worth asking is if analysis can ever subjugate the master and become dominant. My view is that analysis is a helping hand that can make new modes of production which do not themselves become "master" conscionable.

technical division of labor that Althusser describes. Although it is impossible for friends and family to be each other's analysts (despite any amount of training), insofar as an individual inhabits the proper structural positioning, anyone is potentially an analyst. As Lacan points out and Althusser reinforces, the restrictions are structural, not institutional.

Part of placing trans activists as analysts involves invalidating the inclination to deny analysts access to that discourse by appealing to institutional authority. However, activists are participants, potentially participating in all four discourses simultaneously. Therefore, I am not arguing for exclusivity, but for primacy of the analyst over others. At times an analyst is also a student within the university and a wage slave within capitalism. However, painting trans activists as part of the hysteric's discourse is about as thin as that coat of paint. This pejorative misconception relies on taking a diagnostic category figuratively to perform a productive critique. Otherwise such a comparison is not productively thin, but thickly derogatory. To my knowledge, Shanna T. Carlson is one of the few who mentions the hysteric's societal resistance in relation to trans politics. She argues that rather than viewing transgenderism as a "solutionless solution" to the subject's originary unconscious bisexuality and the impasses of sexual difference, we view transgenderism as the logical conclusion of the "not-all" of Woman, that "Feminine subjects identify in multiple directions" (65-6). However, this argument tends to bond feminine and transgender together, which may often be compelling, but will inevitably fail to represent some trans men. Most transgender theorists do not even so much as hint that trans recalcitrance is similar to the hysteric's, so you may wonder why I seem to be shadow boxing on this one. Despite benevolent efforts like Carlson's to interrogate and destabilize cisgendered "certainty," I believe dominant ideology slots trans subjectivities

into the hysteric's discourse as a subject of gendered uncertainty, that is, not as a figure of resistance, but as a "reality." How many ears suddenly perk up when they hear, "am I a woman or a man?" in proximity to their passing curiosity in transgenderism? I am willing to bet for many who are generally divorced from trans experience, this question seems like an intriguing point of entry. However, from this point, they must ignore that within psychoanalytic theory many cisgendered individuals birthed and reflect this unconscious uncertainty regarding their sex.

Trans experience is not based on this sort of *unconscious* uncertainty, but rather a certainty that even if it takes the form of a question nonetheless requires a degree of *conscious* certainty not present for the hysteric. In fact, on a practical clinical level, the hysteric helped by ideology may possess conscious certainty ("of course I know what sex I am!"), and yet the unconscious remains in conflict despite ideology's attempt at total subjective domination. Similarly, it makes little sense to prematurely attribute hysteria to trans subjectivity and create additional barriers to trans people seeking mental health services. As I mentioned earlier, we may participate in all four discourses at once. You may then ask why I am taking the analyst literally to include trans activists that have not received psychoanalytic training. First, while not all of us are certified as analysts by an institution, we are still participants in the discourse as defined by Lacan's algebra. Second, the technical division of labor masks our participation through credentials distributed by the scholastic ISA.

To return to my one caveat with Carlson's work that suggests a liberatory potential within the figure of the hysteric, my logic may be pushed toward a biopolitical argument that states the same set of institutions that define the analyst as an authority are

also what defines the hysteric as a pathology, and therefore the hysteric deserves to be read “vocationally” to equalize the power differential between hysteric and analyst. In that sense, the primacy I have given to the analyst’s position would seem to be devalued. However, my point is not to defend the analyst as an institutional authority (Lacan never took that approach), as if analysts have much pull in North American psychology in the first place, but to do the opposite. Psychoanalytic theory and practice (regardless of any institutional allegiance) is well-suited to question and dismantle psychology’s authority (the master’s discourse), that is, those who through the DSM-V have eliminated the category of neurosis to replace it with countless other positivistic “pathological” categories, including gender dysphoria. With that necessary detour aside, let’s move on to the questions surrounding modes of production, and so as not to foreclose future work on the topic, the hysteric’s discourse is admittedly one too.

Althusser starts his analysis by asking “what is a mode of production?” Following classical Marxist theses, he notes that every social formation has multiple modes of production, one of which dominates the others. Lenin identified four within Russian society in his time. A mode of production is defined simply as a unity between the productive forces and the relations of production. Within this unity the relations of production set the productive forces in motion and are therefore determinant (19-21). Lacan places the master’s discourse in partnership with capitalist production, nearly equating them by viewing capitalism as the latest excessive mutation of the master’s

discourse, thus redefining the terms through which we critique political economy.²³ He moves from there to establish the analyst's discourse's opposition. A potential conflict with Althusser arises when Lacan states that socialist production also takes place in the master's discourse, but Althusser, in line with an analysis of capitalist reproduction, is wary of incomplete revolutions that claim to be socialist as well. It is clear that both are concerned with a revolution that does not replace the master's discourse. Therefore, in lieu of a lengthy comparative analysis, it will be expedient to strike at the heart of the two theorists' problematic and treat each of the four discourses as a mode of production, the master's discourse being dominant in capitalist society. Lacan's formulas and Althusser's critique may be mapped onto each other in a simple way. Lacan's algebra does the work for us. Each formula's configuration delineates the relations of production, while each variable stands for the productive forces, whether analyst/analysand, master/slave, subject/desire, etc. Trans-analysts (the ones who are not practicing clinical analysts and the clinicians who are off the clock) are workers who do not provide their labor-power in advance of their wages. The analysand whose desires the analyst exposes is the motor of analysis, and he or she pays with this cooptation for social change. Although the analysand seems to be in the exploited position, the analyst does not extract knowledge or

²³ Lacan suggests this point at least twice. He states, "It is odd to observe that a doctrine such as Marx's whose articulation onto the function of struggle, the class struggle, which he instituted has not prevented it from giving birth to what for the moment is, indeed, the same problem that confronts us all, namely the persistence of a master's discourse" (31). Lacan observes that the master's discourse demands everyone must work, and for it to accomplish widespread acceptance of this idea, it needed to exceed certain historical limits. Lacan refers to this excess as a mutation. He states, "I am speaking of this capital mutation, also, which gives the master's discourse its capitalist style" (168). To be clear, these passages also suggest that the master's discourse will direct the production of knowledge transcending any particular Marxist defined mode of production, and in a way supersedes economic determinism. The point remains that the analyst's discourse will always oppose capitalism while it's the dominant mode of production, and that a reevaluation of what "mode of production" means in the first place is in order.

capital in the same way the master does. The analysand's knowledge is not conscious "know-how" extracted into a greater body of knowledge. The analysand's knowledge is primarily unconscious, and if anything, that "know-how" obstructs analysis. Moreover, while the knowledge brought out may contribute to psychoanalytic theory, the analysand has a personal stake in this knowledge and must retain an amount of ownership if a cure is at all possible. For our purposes, reconfiguring society to support, include, and benefit from the contributions of trans people requires that this knowledge become a public good. Therefore, trans-analysts are engaged in the project of redistributing knowledge and social equality. I suggest this fundamental difference from clinical analysts who trade their services within a market system.

Althusser describes the social-technical division of labor which regulates the "know-how" of workers within the dominant relations of production. This regulation is achieved in partnership with the scholastic ISA that imputes its subjects with knowledge in exchange for the credentials that mask the distribution of "know-how" within the social-technical division of labor. Class divisions are solidified through this hierarchical system of authority tending to keep workers in their respective class positions for life. These observations fall in line with two classical Marxist theses: "1) The relations of production radically determine *all* the seemingly 'technical' relations of the division and organization of labour," and "2) By virtue of what we have said so far, since the relations of production are relations of capitalist exploitation, the relations of capitalist exploitation radically determine, not in general and indistinctly, but *in specific forms*, all the apparently 'technical' relations that come into play in material production itself" (50, 34). Althusser also observes that "the reproduction of labour-power requires not only that its

qualifications be reproduced, but that its *submission* to the rules of respect for the established order be reproduced at the same time” (51). Consequently, this structure is also what shapes our perception of who is and is not a “legitimate” analytic worker while at the same time reproducing submission to authority within that structure. The analysts who attain credentials through dominant educational institutions and find employment through clinical institutions are subsumed into the capitalist system even as they participate simultaneously in an alternative mode of production. Trans-analysts need not submit to such a system to practice trans-analytic technique. Submission is only necessary to the extent one wishes to be included within the dominant mode of production, which also happens to be in service of the master’s discourse, two things trans-analytic practice opposes. I will add this opposition is not voluntaristic, but structural, therefore it is less a call to action than an alert to the legitimacy of an ongoing process.

To continue, within Lacan’s four formulas, between the top two terms there is an arrow that stands for communication. Between the lower two terms there is a block, and this block is *jouissance*. In this instance *jouissance* is specifically a block between truth and production, whatever its discursive configuration. However, the curious thing about the analyst is that *zie* produces the master’s discourse (176). To put it in terms of the above formulas, the “agent” in the master’s discourse (S_1) comes to occupy the place of “production” in the analyst’s discourse (also S_1). The analyst, who is the agent in this respective discourse, positions herself in the place of desire, thus acting as a counterpoint to the master from which to expose his pursuit of truth blocked by *jouissance*. Whereas in the master’s discourse the slave is exploited, and in the university discourse the student is

exploited, in the analyst's discourse the master is exploited. Importantly for these formulas, it is the master, not the analyst, who is blocked from truth by jouissance in the midst of production. However, conjoining the master's truth ($\$$, the subject that concerns Althusser) and jouissance results in a calculable surplus jouissance (aka surplus value) and the accumulation of capital (177). Jouissance, unnamable and existing only through its prohibition, stands a chance at being uncovered by the analyst. This set of relations is what brings Lacan to conclude that "perhaps it's from the analyst's discourse that there can emerge another style of master signifier" (176). The barrier of jouissance makes the master blind to knowledge, its object *a*. However, the analyst listens from a special vantage point.

Lacan writes, "Concerning the position called that of the analyst--in cases that are moreover improbable, for is there even a single analyst? Who knows? But one can raise it theoretically--it is the object *a* itself that comes to the place of the command" (106). In this way, the analyst inhabits the place of all articulable knowledge above the jouissance barrier, whereby between the MD, UD, and AD, $S_1 = S_2 = a$ (107). The algebraic substitutions involved here may seem unnecessarily confusing, but they bring out the intertwinement between different sectors of society while conserving an individual's multiple participation.²⁴ Importantly, the master's, university's, and analyst's discourses are bound up in this operation of knowledge, articulation, and perception. This set of algebraic operations form the crux of this chapter. Recall earlier when Lacan stated that "the law" was the dominant term within the master's discourse, the formulaic position of

²⁴ I say it "conserves" because this schema allows each of us to participate in precisely four ways, no more or less, thus preventing endless multiplication from substituting for thought.

which is S_1 , the master signifier. Trans activists intervene directly in the dominant term of the master's discourse, the law, that critical point where the superstructure is articulated upon and within the base. In restructuring the practical field of the legal ISA and its RSA detachment, trans-analysis designates the technique that will effectively install alternative legal structures through emergent styles of master signifiers.

My lengthy theoretical detours have at times had the effect of separating us from trans experience, but this is only to bring it back in full force. As Lacan asserts, "The intrusion into the political can only be made by recognizing that the only discourse there is, and not just analytic discourse, is the discourse of *jouissance*, at least when one is hoping for the work of truth from it" (78). Althusser states in parallel, "The possibility, for the party of the working class, to intervene in revolutionary (non-reformist) fashion in the 'play' of the system of the *political* Ideological State Apparatus, rests on the possibility of *circumventing* the law *even while respecting it*" (112). The discourse of *jouissance* at the site of legal struggle among others marks trans activists prolonged and effective struggle against the capitalist social formation. Examples of the action I have described are countless; many are to be found in my introduction, or previously in this thesis. Ryka Aoki's work is one such example with which we are already familiar, and so are the experiences of Laverne Cox and CeCe McDonald, mentioned in the previous section. Dean Spade's oeuvre clearly falls into this category too. However, the trans movement can never have enough voices, so I will add a couple more. One such voice belongs to the Transgender Law Center, notable for its "#morethanmarriage" movement. Another's is Monica Jones, a black trans woman who was recently arrested for "walking while trans" of whom Laverne Cox spoke about above.

By its own account, the Transgender Law Center functions primarily through equal rights oppositional consciousness. Its website reads, "Transgender Law Center works to change law, policy, and attitudes so that all people can live safely, authentically, and free from discrimination regardless of their gender identity or expression." However, the "#morethanmarriage" campaign, which seeks "to amplify the voices of our community and raise awareness of the critical issues we need to address in order to thrive - including marriage, immigration, bullying, health care access, family rights, employment, and more," suggests a deeper satisfaction with the present system. The organization's rhetoric suggests multiple oppositional engagements in accordance with differential oppositional consciousness than the one-dimensional equal rights consciousness suggested on the surface. The commitment to equality regardless of gender identity or expression reveals a commitment for other styles of master signifiers. The point is not to say trans people's likenesses to the rest of the population outweigh their differences and therefore deserve equal rights. The goal is to transform an "out-of-date legal system that allows blatant discrimination" to ground itself by other means. Gender discrimination is already illegal, but that law in itself is housed in a gendered field of ideological representation. A new style of master signifier overturns that set of representations and gives way to the possibility of equality without discrimination. This struggle takes on the full sense of the term with the RSA often violently subduing the threat trans people pose to the establishment.

Monica Jones, both as a victim and activist, shows the urgent need for such change in the ways discrimination is articulated and endorsed by the legal ISA and RSA. As I have argued, this case confirms the primary territory of trans struggles. The ACLU

conducted an interview with Monica Jones on April 2nd, 2014. Jones explains, “I believe I was profiled as a sex worker because I am a transgender woman of color, and an activist.” The wrongful charges threaten her student career at Arizona State University, as well as her safety with the threat of being put in a men's prison. The ACLU assisted her in her trial on April 11th, 2014, and sadly she was convicted for “intent to solicit prostitution,” which amounted to “walking while trans.” *The Huffington Post* states, “The kicker? Jones did not actually engage in prostitution the night of her arrest. Rather, she accepted a ride to a bar in her neighborhood by two undercover cops,” which in their view manifested “intent” to solicit or commit an act of prostitution.²⁵ It is my hope that through the use of Marxist and Psychoanalytic theory I have contributed to an understanding of the depth of both the trans struggles’ repression and its opportunity for action. Admittedly, my work here is theoretical, but as we have seen the legal ISA is primarily practical, and trans-analysis is indeed a technique intended to be practiced.

²⁵ Monica Jones responds to the question, "What are some of the most pressing issues facing trans people of color in your community?" She responds:

Some of the most pressing issues facing trans people are criminalization and threats of violence. All around the country trans people are targeted for police harassment. Due to discriminatory policing and social inequities experienced by trans people of color, nearly half of Black transgender people have been incarcerated at some point in their lives.

We also deal with increased harassment and violence on the streets by both civilians and police officers. We also face disproportionate job and housing discrimination. Trans women of color like myself, and trans individuals in general, have a huge unemployment rate due to discriminatory policies like Arizona being a "right to work" stat v43e, which makes it generally hostile for workers, and then a lack of affirmative employment protections for transgender people.

There is a lack of understanding of trans issues and the needs of trans communities. One example of the discrimination we face is the attempted passing of SB 1045 in Arizona, the "bathroom bill," which would have made it illegal for trans individuals to use the bathroom of the opposite gender to which they were assigned at birth. We fought against that bill and won.
(ACLU)

4 Conclusion

In this thesis I have aimed to extend trans politics to the critique of institutions. From an aleatory hotel encounter, to the organized struggle against a capitalist legal system, I have shown how trans positions are committed to changing social institutions. In the first instance, these are the institutions through which state ideology's conception of gender is made intelligible and reproduced through intersubjective relations. In the second, legal institutions enforce the contracts through which all people are declared "legal persons" and are compelled to participate in the capitalist mode of production. These contracts effectively start with a birth certificate that declares a gender, which either conforms or conflicts with future forms of state identification, employment, and legal action, including that of the RSA. A structural connection holds together the micrological and systemic politics between these two instances to reveal that the processes of socialization and subjectivization at once realize and oppose state ideology through individuals. This structural relation is the constant that regulates the meaning of conformist or oppositional content through movements and individuals. Therefore, critique holding out for structural change must take subjects' relations to institutions into account, including the effects these institutions have on subjectivity beyond their objective injustices. This approach opposes the cynical view that individuals are crushed by a monolithic system, yet it criticizes democratic individualism just as harshly. Navigating the two involves theorizing what drives the content or active elements in a structure, whether it's desire, command, or otherwise. I understand that I am also caught within a system that tends to instrumentalize the effects of my socialization in the name of democratic voice; therefore the next few pages will reflect on my own relationship to

institutions. To do so, I will look at Althusser's attempts to move beyond "descriptive theory" toward "theory in the full sense," Lacan's insights surrounding the university discourse, and Viviane K. Namaste's multivalent criticisms of academic work on gender and trans people.

In *On the Reproduction of Capitalism*, Althusser's theory of Ideological State Apparatuses arises from what he identifies as a fundamental limitation to the Marxist theory of the state: its tendency to remain at the level of description. Althusser notes that the Marxist theory describes the state as fundamentally repressive, and further distinguishes between state power and the state apparatus. Whereas *state power* must be seized, the *state apparatus* is bourgeois in form and must ultimately be dismantled (74). Althusser points out that every theory must start with a description of its object, and if successful does so in such a way as to describe it accurately in most situations. However, he is quick to point out this invaluable "descriptive theory" is a transitional phase in developing "theory in the full sense" (71). Althusser observes that the term "descriptive theory" contains a contradiction between its constituent terms. He writes, "1) that the 'descriptive theory' really is, beyond the shadow of a doubt, the irreversible commencement of a theory, but 2) that the 'descriptive' form in which the theory is presented *requires*, precisely as an effect of this 'contradiction', a development of the theory that goes beyond the form of 'description'" (71). In other words, the term "descriptive theory" implies the absence of a full theory, yet signifies its inevitable completion. This birth of a theory is distinguished by its descriptive power, whereby as Althusser puts it, we think, "Yes, that's really how it is, that's really *true!*" (72). For Althusser, classical Marxist theory is at this stage, and for that reason it is invaluable for

future theory, but still susceptible to falling into bourgeois idealism. This idealism argues that the state is an instrument of the dominant class's conscious will. Althusser claims we must go beyond description to close off theory's vulnerability to such misconceptions.

Althusser writes, "To develop this descriptive theory into a theory in the full sense, that is, in order to grasp the *mechanisms* of the state in its functioning, rather than merely identifying and ranging the facts of repression under the concept of state apparatus, we think it is imperative to add something to the classic definition of the state as state apparatus" (73). Althusser notes the reality is more complex than the theory, and in fact, he claims only to add something "very little" in theoretical form that has already been recognized in the practice of the proletarian class struggle, yet that "very little" can be crucial to the struggle itself. He states, "Without revolutionary theory, no revolutionary movement" (75). Althusser's decidedly "modest" addition is his theory of the ISAs, distinct from the RSA, which adds to the previous distinction between state power and the state apparatus (75). Beyond the value these insights have to Marxist theory, we gain something about the writing of theory itself. We see that description, no matter how compelling or true, is politically ineffective (susceptible to all sorts of perversions of its purpose), yet is necessary to understand the object of the inquiry's operation. For Althusser, the state's effects were observed since Marx, but nobody demystified exactly how it functions to continually reproduce capitalism. For our purposes, I began with a descriptive theory of aleatory encounters for trans activism and observed the surprising effects they produce to evaluate their political potential. By chapter three I attempted to lay out a theory of trans activism, essentially already

recognized in practice, that understands the mechanisms operating between intersubjective relations and the legal apparatus.

Yet, admittedly I am participating in the production of knowledge. We saw in the discussion of Lacan's seminar XVII that the production of knowledge is especially fraught in contemporary society. Lacan explains that his four discourses designate how and what one produces. He states, "And when one thinks like the university, what one produces is a thesis" (190-1). He continues, "This order of production is always related to the master signifier--not simply because that discerns it for you, but quite simply because it forms a part of the presuppositions according to which everything in this order is related to the author's name" (191). Lacan claims that the right to speak at the university is held by the weight your thesis, and through that "you will always be able to say whatever you want if you have already become a name. This is what plays the role of a master signifier" (191). In the master's discourse, the master signifier is what does the otherwise tiring job of getting everyone working (174). In the master's discourse, the master signifier (S_1) occupies the place of the "agent" and is in direct relation to "work" (S_2). One could think of it like the mechanism that keeps capitalism operating, though with the added complexity of desire.

By contrast, within the university discourse, the master signifier occupies the space of "truth," which *jouissance* blocks from the split-subject. This same split-subject also happens to be what the university discourse produces. What this means is that the university discourse aims to produce a subject (a divided subject) who desires to know. To put the other pieces into place, *a*, the object-cause of desire, is the student who within Lacan's formula also does the "work" to become the university's product. The "agent"

directing this particular operation is (S₂), that is, those who have “know-how” and direct the work within the university (169). Although the master’s discourse (and capitalism) either instrumentalizes or tolerates the university, the university contains one precise structural advantage: it can illuminate the master’s discourse which has managed to go on hidden throughout most of history, yet “[t]hrough its internal necessity it will become less and less masked” (148). All of this is to say, as a student engaged in producing a thesis, I must recognize the structural determinations within my institutional engagement and play them toward their outstanding advantage. I have the opportunity to mobilize the university’s “desire to know” beyond a descriptive theory of the master’s discourse toward the clarification of its scope and functioning. Between Althusser and Lacan it is apparent that theory and the university do not stand in for practice, but are nonetheless pivotal components for revolutionary movements.

Namaste argues for commitment to these principles within any academic work, admonishing previous forms of transgender theory that have dubious application to the lived difficulties transsexuals experience within various institutions from health care, to employment, to legal representation. In *Sex Change, Social Change* she summarizes her previous work: “transsexuals are not, in point of fact, produced by the medical and psychiatric institution. Rather, they are continually *erased* from the institutional world—shut out from its programs, excluded from its terms of reference” (3). Consequently she poses a challenge to theory, “I inquire about the relevance of writing theory that cannot make sense of the everyday world, and that actually contributes to the very invisibility of transsexuality that a critical theory needs to expose” (3). Noting that this is embedded within a broader discussion of the university and role of the intellectual, she argues, “if

theory and university scholarship erase transsexuals in much the same way as do different institutional practices, then they are really part of the problem that needs to be understood, and not at all critical inquiry” (3). Erasure can take unexpected forms. At times scholars may think they are doing justice to the subject of inquiry through thick description. Yet as we saw with Althusser, description, no matter how thick, is more vulnerable to ideological reversal.

Relying on narration to produce truthful sounding descriptive theory may be a fruitful starting point, but it cannot stand for full development. For example, Namaste summarizes a narrative from the late 1960s when sex-reassignment surgery was illegal in Canada. Transsexuals would obtain surgery from doctors outside the health care network, often made to enter and leave by back entryways via cabs waiting in alleys. A transsexual would be made to walk down four flights of stairs following castration surgery. Namaste argues that criticizing these doctors for their treatment of transsexuals forecloses the opportunity to criticize the health care institution that made such practices necessary. She writes, “we need to understand [these doctors] as our allies, offering us services to change our sex and ensuring (through secrecy and discretion) that these services would be available to other transsexuals. *It is only in examining the criminalization of transsexual lives that we can adequately appreciate the complexity of our experiences*” (emphasis in original, 15-6). Namaste’s point is that such examination contributes to an understanding of everyday transsexual social life that would otherwise remain opaque. We see how a transsexual’s body becomes a living record of “criminal” activity.

As for my contribution, I recognize that it is imperative that trans theory and activism work to change state institutions for the betterment of trans lives. I have

attempted to show how the philosophy of the encounter can be used in conjunction with psychoanalytic theory to develop an effective critique against the state, its ideology, and legal apparatus where it represses and exploits trans people. By acknowledging aleatory cause, this form of critique does not fall into the idealist traps of positing a set of preconditions for change, or falling into the cynical apathy that arises from rigid determinism. Congruently, contingency's effects prevent us from knowing what form liberation will take. However, for all this, our political position remains committed through its structural opposition to the master's discourse that has retained its tight grip on the capitalist mode of production. We can be sure of the injustices trans people face in the present, and must work to avoid reproducing the structure of these wrongs as we act for radical change to take hold in the future. It is my hope that the theory I have discussed moves beyond the truisms of description and stands a chance to inform how future encounters involving trans persons and activists unfold, whether in the form of everyday perception of gender, negotiating with police, engaging in employment, skirting transphobic violence, or taking legal action.

The issue at hand surrounds this everyday engagement with social institutions, and the struggle involved against a state ideology that functions to omit an entire population. Considering the stakes, analysis must go beyond using a narrative to advocate for particular health care rights, or worse, omitting the institutional discussion completely by simply illustrating a “disruption” of binary identities (22). Namaste’s stance is refreshing as it is uncompromising. Capitalism has no problem omitting trans people in the course of its reproduction, but we can also see how the master’s discourse can turn the master signifier to exploit the trans population appropriating its “know-how” for its

cause under the rubric of “celebrating diversity.” Critical theory for trans activism, whether it takes the form of transanalysis that I have proposed or another, must remain vigilant against institutions as they continue to repress, exploit, and shape the social reality of transgenderism.

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