

# 1. Unlivable Lives

## *The Origins and Outcomes of Identity-Based Anti-Violence Activism*

On October 28, 2009, President Barack Obama signed the Matthew Shepard and James Byrd, Jr. Hate Crimes Prevention Act into law. At the signing, he stated:

We must stand against crimes that are meant not only to break bones, but to break spirits—not only to inflict harm, but to instill fear. . . . And that’s why, through this law, we will strengthen the protections against crimes based on the color of your skin, the faith in your heart, or the place of your birth. We will finally add federal protections against crimes based on gender, disability, gender identity, or sexual orientation. Because no one in America should ever be afraid to walk down the street holding the hands of the person they love. No one in America should be forced to look over their shoulder because of who they are or because they live with a disability.<sup>1</sup>

On March 7, 2013, he again signed into law a piece of legislation intended to reduce violence experienced by specific Americans, this time through a reauthorization of the Violence Against Women Act. At the signing, Vice President Joe Biden, who had participated in drafting the original bill in 1994, argued: “With all the law’s success, there are still too many women in this country who live in fear of violence, who are still prisoners in their own home; too many victims that we have to mourn. . . . So when Congress passed this law that the President will sign today, they just didn’t renew what I consider a sacred commitment to protect our mothers, our daughters, our sisters. They strengthened that commitment.”<sup>2</sup>

Leading up to the passage of both of these laws were extensive efforts by anti-violence activists, including families of victims, survivors of violence, and organizations focused on the rights of women, people of color,

religious groups, people with disabilities, gay men and lesbians, and transgender people.<sup>3</sup> This activism included numerous vigils and protests, often incorporating pictures of victims of violence, attendees holding candles in honor of victims, and speakers beseeching the crowd (and the attending journalists) to never forget these acts of violence. Activists argued that the violence against members of their identity group was caused by hatred and that, since society is plagued with a disdain for difference, all group members were potentially at risk. They actively sought news coverage of acts of violence in hopes of educating the public about their cause. Finally, to try to reduce the violence, activists lobbied members of Congress, victims and their families testified before Congress, and organizations gathered and distributed statistics about crimes—all with the aim of writing into law protections for certain groups of people.

These movements to stop violence against women and to add race, religion, ability, sexual orientation, and gender identity to hate crime legislation are all forms of what I term *identity-based anti-violence activism*: activism done to reduce violence against a particular identity group. Identity-based attempts to reduce violence have become so commonplace as to seem a natural way to combat it. Indeed, the vast majority of anti-violence activism in the United States occurs within the framework of identity politics. However, this form of activism can have a number of unintended consequences. In this book I turn a critical lens on these actions, asking: What happens when identity politics and anti-violence activism are combined?

I answer this question through analysis of an original data set of more than one thousand documents produced by thirteen national organizations working between 1990 and 2009 to reduce violence experienced by transgender people in the United States. I define *trans activists* as those people who advocate for the rights of those who fall under the umbrella category *transgender*. For the purposes of this book, I refer to the group of people advocated for by trans activists as transgender and trans. Although these terms may not always have been claimed by the people on whose behalf trans activists have advocated, they are the categories used by the activists themselves. Throughout the book I use quotes from activists that contain language now considered offensive (e.g., “transgendered”). I include it without marking it with “[sic]” both to be respectful to the speakers and to highlight how language about identity groups changes over time. When relevant, I bring in illustrative examples from other identity-based anti-violence movements, such as the civil rights movement, the women’s rights movement, and the gay rights movement.<sup>4</sup>

In my focus on all of these movements, I take up two central questions about the unique consequences of combining identity politics with anti-violence activism: (1) How might anti-violence activism shape beliefs about the identity group and experiences of being a member of that group? and (2) How do ideas about the identity group, as well as the particular logics of identity politics, influence the tactics of fighting violence, including ways of getting attention for the cause and proposed methods of reducing violence? In other words, what are the effects of President Obama's and Vice President Biden's depicting certain groups (and not others) as living in fear? How is the experience of being a person with a disability, a woman, gay or lesbian, transgender, and/or of color influenced by the message that you are always at risk for violence and that many people hate you for your social category? What beliefs about the groups and the dangers they face made protection by the government the logical remedy?

Although violence is usually only studied in terms of what philosopher Michel Foucault called *repressive power*, the stories we tell about violence are highly productive of ideas and practices. Narratives about violence can have far-reaching consequences, shaping beliefs about victims, perpetrators, and potential solutions.<sup>5</sup> For example, in my analysis of identity-based anti-violence activism, I find that social movement actors use frames and narratives to try to produce an idea of the identity group as valuable humans with a right to live a fulfilling life free of fear.

Faced with what philosopher Judith Butler termed *unlivable lives*, activists attempt to make those lives more livable through identity-based anti-violence activism.<sup>6</sup> For less well-known categories, such as transgender, they do so first by educating the public about the existence of this identity, increasing the group's visibility. For all marginalized identities, activists work to reduce the stigma against them. Historically, many oppressed groups have been seen socially as villains. American culture has portrayed transgender people as monstrous "evil deceivers," both trans and gay people as dangerous to children, and black people as criminals.<sup>7</sup> In response, identity-based activists have worked to construct these groups as socially valuable rather than as villains. Part of the activism of these groups has been to say "we aren't dangerous, you are," flipping the script in terms of who is the villain and who is the victim.<sup>8</sup>

By increasing visibility and highlighting vulnerability, these groups hope to garner rights and decrease violence against them.<sup>9</sup> However, in their fight to mark violence against their group as morally wrong, identity-based anti-violence activists utilize a number of techniques that, though highly effective in getting attention for the cause, can also have significant unintended

consequences. These run counter to the goals of reducing violence and making the lives of group members more livable. Social movement actors both intentionally and unintentionally engage in *emotion work*, shaping the feelings held by, and about, the group they are advocating for.<sup>10</sup> Rather than decreasing fear, the tactics used in identity-based anti-violence activism can actually increase it, leaving members of the identity group convinced that a violent fate is inevitable. This is not a *livable life*. As Butler argued: “In the same way that a life for which no categories of recognition exist is not a livable life, so a life for which those categories constitute unlivable constraint is not an acceptable option. . . . The task . . . seems to me to be about distinguishing among the norms and conventions that permit people to breathe, to desire, to love, and to live, and those norms and conventions that restrict or eviscerate the conditions of life itself.”<sup>11</sup>

In addition to utilizing tactics that exacerbate fear, identity-based anti-violence activists often focus on only one identity category and usually on only a few famous victims. In doing so, they unintentionally misrepresent patterns of violence that, if attended to, could aid reduction efforts. Furthermore, in their attempts to value the victims of violence, activists often focus their efforts on mourning the dead through holding vigils and demanding that the government recognize the violence against their group. Thus, the tactics utilized by those merging identity politics with anti-violence work have encouraged a suppression of alternative techniques that may be more effective in reducing or, preferably, eliminating the violence. Moreover, as I argue throughout this book, these efforts do not achieve their main goal of increasing livability. In the conclusion, I take up the question of how to successfully reduce violence without unintentionally making an *unlivable life* for those we seek to protect. Key to a livable life is what Butler termed *possibility*, or “the ability to live and breathe and move,” which she argues is central to “freedom.”<sup>12</sup> As Butler stated: “Possibility is not a luxury; it is as crucial as bread. I think we should not underestimate what the thought of the possible does for those for whom the very issue of survival is most urgent.”<sup>13</sup> My suggestions include attending to intersectionality in analyzing patterns of violence, highlighting moments in which violence was reduced or deterred, encouraging positive representations of the identity group, and forming coalitions around reducing violence outside of an identity politics model.

#### IDENTITY-BASED ANTI-VIOLENCE ACTIVISM

The vast majority of anti-violence activism in the United States occurs within the framework of identity politics. Although there is extensive

research on specific identity-based anti-violence organizations, particularly those working on behalf of women, gay men and lesbians, and people of color, no one has yet examined how the combination of identity politics and anti-violence work may shape understandings of the group and practices of activism. In this book I build a theory of the practices and consequences of identity-based anti-violence activism by combining three sources of knowledge: (1) my insights from analyzing the transgender rights movement; (2) scholarship on social movements more broadly; and (3) existing research on activism seeking to reduce violence against people of color, women, and gay men and lesbians.

Within what sociologist Joel Best has termed the *social problems marketplace*, countless organizations and individual activists compete for attention for their causes.<sup>14</sup> This struggle encourages the use of tactics designed to mark their issues as highly important and deserving of public notice, media coverage, and government resources. These include certain ways of protesting, types of narratives to tell about the importance of their causes, methods of raising money, decisions about whom to try to reach with their messages, and ways of framing their issues, all of which coalesce into *tactical repertoires*.<sup>15</sup> Which tactics are effective is shaped by historical context, the culture in which they are taking place, and the *political field* in which they operate. Sociologist Raka Ray defined a political field as an environment comprised of “the state, political parties, and social movement organizations” and populated by actors with differing levels of access to power.<sup>16</sup> In the twentieth and twenty-first centuries, identity politics has deeply influenced the political field of the United States, and anti-violence activists have adapted their tactical repertoires to match.

Engaging in identity-based activism has become a seemingly obvious way to try to enact social change within the current political field. Factors like race, gender, and sexual orientation stratify US society, and resources are more readily allocated to those at the top of the hierarchy within each of those social systems than to those lower down. Thus, for most Americans groups fighting for women’s rights; other groups fighting for the rights of people of color; and still other groups fighting for the rights of gay men, lesbians, bisexuals, and transgender people seems like a logical way for non-dominant groups in society to gain access to resources and reduce discrimination. Within academia, however, identity politics is more contentious. Those in favor of maintaining identity groups argue that identity politics is a necessary tactic for empowerment because it helps maintain community, creating a base from which to gain strength to fight oppression.<sup>17</sup> In addition, identity-based tactics can be quite successful in the political field.<sup>18</sup>

Although this form of activism can be highly effective in garnering support for struggles against oppression, it can also negatively affect activists' responses to that oppression. In particular, identity politics can discourage an awareness of *intersectionality*.<sup>19</sup> The dominant model of identity politics encourages a focus on discrimination against only one identity category. In highlighting a single identity category, activists ignore the role that multiple socially constructed systems of stratification, such as race, gender, sexuality, age, ability, and class, play in maintaining inequalities faced by their group members. This failure to attend to multiple systems of stratification makes it challenging to implement effective solutions. For example, activists working to reduce domestic violence experienced by women have tended to focus only on gender, not on how citizenship status, race, and class may also play a role.<sup>20</sup> Moreover, by only attending to one system of oppression, activists often unintentionally perpetuate others, such as lesbians and gay men working to expand a police state that disproportionately punishes people of color.<sup>21</sup>

An additional academic dispute over identity politics centers around whether it is desirable to maintain a group (and group identity) originally created through domination. Historically oppressed identity groups came into being through being marked as "other" by those in power. Can activism change the meaning of those identity categories enough to free them from that coercive birth? In this debate, scholars have argued that identity politics is disempowering and unintentionally reproduces the very sources of oppression it is trying to end. They see attempting to create social change by organizing around identity as reifying categories of oppression, treating them as essential characteristics of people.<sup>22</sup> By essentializing these categories, activists engaged in identity politics are unable to undo the categories on which their oppression is based.<sup>23</sup> Moreover, scholars argue that identity groups often become invested in their own domination through struggles to be recognized within the social problems marketplace, as it is through claims of woundedness that they are able to be recognized and heard in the political field and the larger culture.<sup>24</sup> For example, education scholar Valerie Harwood detailed how those struggling for the rights of queer youth tell narratives of violence, parental abuse, and risk for suicide in their activism, rather than stories about the joy of being queer.<sup>25</sup> In the current cultural and political moment, what she termed *wounded truths* are particularly resonant when struggling for rights. Thus, activists tell narratives of pain instead of pleasure, which can seriously impact group members' sense of self.

Identity groups have commonly taken up the issue of violence experienced by members of their group. Civil rights organizations such as the National Association for the Advancement of Colored People (NAACP) engaged in extensive campaigns against lynching and police brutality, causes most recently addressed by the Black Lives Matter movement.<sup>26</sup> Women's rights organizations have focused on making others aware of, and opposed to, sexual assault and domestic violence, issues that have garnered widespread attention recently through the #MeToo movement.<sup>27</sup> Gay and lesbian organizations have demanded the right to move safely in public spaces as well as the termination of police harassment, both factors in the push for the inclusion of sexual orientation in the 2009 hate crime law.<sup>28</sup> And as I detail in this book, trans activists have worked to end violence against transgender people, particularly murder. By highlighting violence that has been either ignored or seen as socially acceptable, these movements work to shift cultural norms such that it is understood to be immoral to assault a member of their group.

In doing so, they face the pressures of the social problems marketplace and have utilized specific tactical repertoires in their struggle to get attention for their cause. Social movement actors often borrow tactics from previously successful movements, particularly those with similar goals. In their struggle against violence, women's rights activists adopted framings and tactics used in the civil rights movement; similarly, gay and lesbian anti-violence activists borrowed from both the civil rights movement and the women's rights movement.<sup>29</sup> By using historically effective tactics, social movements on behalf of marginalized people increase their ability to be heard within the political field. However, as I demonstrate in this book, although effective, these tactics often have negative unintended consequences which, if not addressed, impact members of each successive movement.

#### TRANS ACTIVISM AGAINST VIOLENCE

In the United States, the first organization-based trans activism began in the 1960s in the form of self-identified transsexuals fighting for access to hormones, surgery, and the ability to change the sex listed on their identification documents, as well as working to educate doctors and the general public.<sup>30</sup> In the 1970s more radical activist groups were formed that engaged in public protests and demonstrations.<sup>31</sup> After a period of relative silence throughout the 1980s, trans activism emerged once again in the

early 1990s, this time under the umbrella term *transgender*.<sup>32</sup> Although access to medical care was still a goal of the latest incarnation of this movement, as was fighting employment discrimination, by far the most common issue taken on by trans activists was physical violence against transgender people.

The murder of Brandon Teena in the early hours of December 31, 1993, pulled together the trans activist community and solidified a focus on violence.<sup>33</sup> Trans activists labeled Brandon Teena, a man who was assigned female at birth, as transgender and drew on networks and organizations established during the early 1990s to mobilize around the murder, coordinating vigils, demonstrations, press releases, and letters to the editors of mainstream news publications.<sup>34</sup> From 1994 on, violence against transgender people became a central issue in trans activism. Most of this anti-violence activism has centered around murder rather than more common incidents of nonfatal violence; in fact, almost all anti-violence documents produced by trans activists included mention of fatal violence.

This shift toward focusing on violence can be seen in transgender community publications, such as *FTMi* and *TV-TS Tapestry*. From 1990 to 1993, *FTMi*, a popular newsletter for trans men, covered no incidents of violence, but after the murder of Brandon Teena it began to regularly feature stories about violence, particularly homicide. Similarly, in the four issues published in 1991, *TV-TS Tapestry*, a long-running magazine for members of the trans community, ran a total of two stories about violence; one described three homicides and the other mentioned the possibility of someone being killed if discovered to be trans. For the next three years, stories about violence were rare. Issues in 1992, 1993, and 1994 included one, two, and three such stories, respectively, and only one murder victim was mentioned by name in any of those three years (Brandon Teena in 1994). By contrast, the winter 1995 issue alone contained details on five separate murders. Moreover, that issue featured an explanation for renaming the magazine *Transgender Tapestry*, which included a list of notable events from the year. At the top of the list was the murder of Brandon Teena.<sup>35</sup>

The sudden shift in news coverage by the trans community press was not because there was an increase in fatal violence after 1994. There were nineteen murders in 1990, including four in the San Diego area alone; fourteen in 1991; fifteen in 1992; and twenty in 1993, whereas there were seven in 1994, fourteen in 1995, and eight in 1996.<sup>36</sup> Instead, the new focus on violence in these publications was the result of trans activists' attention to

violence and the resulting belief that the risk of experiencing violence was central to what it is to be transgender.

As I demonstrate in this book, when trans organizations shifted in the 1990s to working to end violence, trans activists adopted a framing that began in the 1980s and was circulated by other identity-based social movements: the claim that violence against minority groups is motivated by hate and that hatred of difference is a society-wide problem.<sup>37</sup> Trans activists argued that it is category membership—the essence of the person—rather than individual interactions between the victim and perpetrator that sparked the violence. Sociologist Kathleen Blee demonstrated that the “racial fungibility of victims” is a defining characteristic of current understandings of “racial violence.”<sup>38</sup> Similarly, trans activists produced an idea that trans people are hated for their group membership, so any transgender person could be interchangeable with any other trans victim of violence being described.

In addition to adopting the rhetoric of other identity-based anti-violence activists, trans activists also implemented their tactics, including focusing media and activist attention on “ideal victims” rather than representative cases; ignoring or denying other possible causes for violence besides membership in a single identity category; highlighting victims rather than perpetrators in a way that elided patterns of perpetration; portraying violence as being at “epidemic” levels; and actively participating in what scholar-activists Angela Davis and Elizabeth Martinez dubbed the *oppression Olympics*.<sup>39</sup>

With the adoption of other activists’ tactics came the adoption of their proposed solutions. Trans activists organized vigils, worked to educate the public about levels of violence experienced by transgender people, and lobbied for the addition of “actual or perceived gender” and “actual or perceived gender identity” to hate crime legislation. As a result of their activism, actual or perceived gender and gender identity were added to hate crime legislation in thirteen states between 1990 and 2009: Minnesota (1993), California (1998), Missouri (1999), Vermont (1999), Pennsylvania (2002; although it was ruled unconstitutional in 2008), Hawaii (2003), New Mexico (2003), Connecticut (2004), Colorado (2005), Maryland (2005), New Jersey (2008), Oregon (2008), and Washington (2009), as well as the District of Columbia (1990) and Puerto Rico (2002). Moreover, after more than fifteen years of activism, actual or perceived gender and gender identity were added to US federal hate crimes laws in 2009 in the form of the Matthew Shepard and James Byrd, Jr. Hate Crimes Prevention Act.

STUDYING TRANSGENDER IDENTITY-BASED  
ANTI-VIOLENCE ACTIVISM

In this book I detail and analyze this history through a systematic collection of documents produced by national social movement organizations engaged in anti-violence activism on behalf of transgender people in the United States between 1990 and 2009. These documents include web pages, press releases, flyers, transcripts of speeches, blogs, e-mails to group members, magazine articles, newsletters, reports on violence, and instructions on how to run vigils and protests. Analyzing publicly available documents produced by trans activists allows me to investigate what messages about the relationship between trans identity and violence were circulated among both transgender and cisgender people.<sup>40</sup> Although this analysis cannot speak to motivations for actions, documents are not subject to revisionist recollections and so are ideal for examining the messages about violence experienced by trans people that were circulated during this period.

My selection of social movement organizations covers the majority of activism being done on the national level around violence against transgender people during the twenty-year period from 1990 to 2009. I include organizations that engaged in this sort of advocacy whether or not it was their sole focus and whether or not they self-identified as a trans group. These organizations include FTM International (FTMI), publisher of the newsletter *FTMi*; Gay and Lesbian Alliance Against Defamation (GLAAD); Gay Straight Alliance (GSA); Gender Education and Advocacy (GEA); Gender Public Advocacy Coalition (GenderPAC); Human Rights Campaign (HRC); National Coalition of Anti-Violence Programs (NCAVP); National Center for Transgender Equality (NCTE); National Transgender Advocacy Coalition (NTAC); Remembering Our Dead (ROD); Southern Poverty Law Center (SPLC); Transgender Day of Remembrance (TDoR); and *Transgender Tapestry*. For details about each organization, see appendix A. I focus on national, rather than local, organizations, as national organizations are more likely to influence mainstream media coverage, federal and state policies, and the style of activism utilized by local groups.<sup>41</sup> By examining this diverse group of organizations, I am able to explore the variety of narratives about violence experienced by trans people as well as the range of tactics utilized to attempt to reduce that violence on a national level.

Trans activists' fight against violence is an ideal site for exploring identity-based anti-violence activism, as trans activists engaged in a very public campaign, producing a large number of advocacy documents aimed at both trans communities and the general public. Most of the documents