

The Misrecognition You Can Bear

by

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Acknowledgements

Recognition is a profound relationship between subjects. In this dissertation, I discuss forms of social recognition that index both domination and affirmation. Happily, my intellectual life has been largely defined by the latter form. In this section, I offer my own recognition to some of those who have brought me joy, connection, trust, and growth.

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Abstract

The Misrecognition You Can Bear investigates how gender non-conforming and racialized subjects navigate systems of legal recognition. Through close textual analysis of historical archives, literary fiction, digital media, and public policy, this dissertation examines how technologies of legal recognition—namely, identification papers such as drivers’ licenses, name change orders, and birth certificates—shape gendered and racialized belonging. Identification documents and their attendant public policies persist as controversial topics in twenty-first century U.S. life; voter ID legislation, transgender activists’ appeals for gender marker changes, stop-and-identify policing, and the emergence of an undocumented movement are all instances in which documents index social debates about identity and belonging. These debates are not confined to the headlines, but instead are deeply embedded in the social, aesthetic, and personal lives of those whose identities are contested through state identification.

Drawing on early twentieth-century newspapers from Atlanta and Chicago, contemporary short stories by transgender authors Casey Plett and A. Raymond Johnson, archived posts from the early digital communication service Usenet, and a novel by Bengali-American writer Jhumpa Lahiri, I demonstrate how state regulatory practices are central concerns in both the political and aesthetic lives of marginalized subjects. I argue that these texts expose the mutually constitutive relationship between the legal apparatus of recognition and recognition as a social and embodied practice. As such, *The Misrecognition You Can Bear* intervenes in transgender studies, queer studies, and ethnic studies through understanding recognition as both a legal status and an intimate relationship. This dissertation therefore explains why identification is, for marginalized people, both political and personal.

Author's Note

This is a work of scholarship that also comments on contemporary political and legal concerns. Therefore, some of my scholarly objects detail legal disputes that involve living people. In these instances, I have deferred to written accounts of the actions of these individuals; in essence, I read these events as texts. My intent here is not to presume that a press release or investigative report can contain the contingencies of lived experiences, especially when it is the narratives of marginalized people that are filtered through these institutional genres. At the same time, neither do I wish to presume intimate knowledge of these individuals' lives. My critical move is to examine *how these narratives circulate within institutional logics*, and what that says about the way that identification documents construct truth claims that are legible to state systems. This is a place where the methodological affordances of close textual analysis find their limit cases: how can an individual's life experience, a story that is only available to me by virtue of that individual having purportedly suffered at the hands of a state institution, be ethically considered as a scholarly object?

This is all to say: I am not a professional advocate for any of the individuals discussed herein; I have a scholarly interest in these cases for what they demonstrate about contemporary culture and politics.

Introduction: “Caught in the Frame”

I. “someone chuckles & lets you pass”

In the airport / the bar / the movie theatre /
the grocery store someone looks at you, your
face, then your face in the plastic of your card,
then the card, then the card, then you
are caught in the frame of their looking,
sealed between two panes of glass. You don’t
know what has caused the moment to harden
around you, not this time, but then someone
chuckles & lets you pass.¹

I open with this poem by Cam Awkward-Rich, published in 2016. I read it in early 2017, as I was completing the project that began its life as a series of moments like this one. Well, like this one, and not like this one. In this poem, Awkward-Rich is saying: I am trans, and people stare at my ID, then at me, then back at my ID. He is also saying: my last name is unfamiliar and strange, it is a legacy of family lore and American slavery, it is an inheritance from a father that both I resemble and do not resemble. In other words, the hardened moment that Awkward-Rich describes is not merely a function of a mismatch between a face and a gender marker, an M or F. It is also a historical question of who is permitted to name oneself, who has been unjustly named by others, who is looked at with suspicion.

These questions, around naming and race and discomfort and identity, appear in each chapter of this dissertation. Spanning approximately a century, the period of American liberalism from the Progressive Era through 2017, *The Misrecognition You Can Bear* examines how identification documents structure encounters like the one Awkward-Rich describes: encounters that are both between individuals and between individuals and states. These are big questions, necessitating key words like “recognition,” “identity,” and “belonging.” But as Awkward-Rich’s poem reveals, they are also small questions, disruptions in daily life that happen in quotidian and

¹ Awkward-Rich, Cameron. *Sympathetic Little Monster*. Ricochet Press, 2016.

silly places—“the bar / the movie theatre / the grocery store”—and that happen with roulette-wheel randomness.

As such, this project makes two moves towards understanding the operations of recognition as a political phenomenon. First, I put forth a particular case—the use of early state identification documents in the United States—as a materialization of U.S. recognition logics. Through this, I assert that tracing the meanings of identification documents as they have morphed from burdensome regulation to a nearly omni-present icon of citizenship and belonging—both in the popular political imagination and in literary fiction -- is a way to understand recognition *as it happens to individuals*. To that extent, this project could be understood as a close-up look at the relationship between difference and subjection, between whatever it is that might be understood as “personal” or “cultural” identities and how those identities are martialled into something that can be recognized by state systems. In particular, when this project turns to cultural production, it finds in those Western technologies of representing subjectivity—the novel, the short story, autobiographical writing— just how intimate these state systems can *feel*, even as they rely on impersonal bureaucratic systems for their operations.

Second, although not all subjects in this project are transgender, I argue that trans subjects are precisely those subjects whose claims for inclusion most challenge liberal recognition regimes over the period during which I constructed this project (2011-2017). Transgender individuals, in particular those who petition states for modification of the vital data (names, sex markers) by which states understand them, make manifestly literal the double meaning of political recognition. After all, “recognition” by a state is firstly a metaphor. Literally, recognition means that one can be *known again*. States themselves don’t have the capacity to know, to cogitate. Thus “recognition,” as a political concept, extrapolates from an interpersonal encounter between individuals (you might run into someone on a street, in a town square, and remember that you have met them before, perhaps in a childhood classroom, in line at the convenience store, on a dance floor one drunken evening). For those transgender people who change how they appear in the social world, they change their bodies such that they may not be recognized by people who have known them previously. The refusal of states to recognize changed bodies might not be a surprise. Instead, it underscores just how much state recognition actually relies on *sense data, gathered by individuals*. Even if my social security number does not change, for example, despite the common use of this number as the ur-bureaucratic proof of

my identity and legal citizenship, as soon as my face changes, I am forced to prove over and over that I am who I claim to be. This confluence between sensory recognition of one person by another and the overarching category of “state recognition” as it appears in works like Elizabeth Povinelli’s, and, earlier, Charles Taylor, Judith Butler, and others, is the reason that this project pays special attention to *photo* identification in particular, which operates precisely by invoking interpersonal recognition as a pathway to legitimation.

II. A moment of autoethnography, pt. 1

The origin story of this project can be told two ways.

One way to tell the story is this. In 2011, when I moved to Michigan from Virginia, I knew that I needed to change my legal name and acquire new identification. Having researched the relatively draconian Michigan name change laws (involving fingerprinting, a year of residency, and publication of a new name in a print newspaper, totaling hundreds of dollars), I waited to change my name in my Virginia hometown (time: thirty minutes; cost: \$42.00), when I went home for my first uneasy Christmas.

In Virginia, you do not have to stand before a judge. I drove to the city clerk’s office, submitted my petition for change of name, a document that I wrote myself in Microsoft Word 2003 on my parent’s aging PC, to a chipper clerk behind the counter. American flags hung behind her. I told the clerk that I was a student (allowing her to think that I meant college) and that, although I still had legal residency in Virginia (and, indeed, would continue to have that residency for four full weeks while my paperwork was being processed), it would be just so helpful and convenient if I could get my completed name change paperwork sent to me at “school” (my Michigan apartment) in order to save my parents the money on forwarding postage.

The paperwork was sent, three notarized copies arriving with the January snow. With these copies, I changed first my Social Security card (name only, not gender marker; thankfully the recent policy changes had eliminated the dreaded “no match” letters of the early 2000s, one trans-generation earlier) and then my passport. In my passport photo, I look disconcertingly like an Eagle Scout. My doctor had provided a letter stating that my transition was “complete,” a letter which can only be considered a lie if you imagine that anyone can truthfully state

transition to be a terminal event. I sent off the federal paperwork, received a passport with my pretentious new legal name and the letter M affixed beneath the lenticular “security features” of the document. Everyone behind the counter was so nice.

My M now secure, I attempted to change my driver’s license with the Michigan Secretary of State. I had my old Virginia license, affixed with an F, as proof that I could safely operate a motor vehicle. I had graciously taken control of the energy and internet bills for my Michigan cooperative house, which helped me establish residency in my new name. I had three notarized documents from a courthouse in the Commonwealth of Virginia which, while admittedly appearing exactly as if they were designed in Microsoft Word 2003, were indeed legal documents. My new passport sealed the deal, I’d thought, attesting to my ability to meet the federal qualifications for manhood.

The Secretary of State took my documents across the counter. She chatted with me, I smiled; I had learned, as a trans person, to be aggressively charming. Suddenly, it became clear that there was some sort of confusion about the gender marker, managers were sought after and consulted. A physical binder, full of 8.5 x 11 sheets with three punched holes, was opened and shut multiple times. More, different binders emerged. Everyone felt very sorry for me; they explained a recent policy change, the text of which seemed to be, “we can’t change your gender for reasons that we don’t fully understand.” Perhaps try the Secretary of State in Ypsilanti, the next town over, one employee suggested. They aren’t as updated on the rules out there in Ypsi, maybe you can sneak in under the old policy. But no, someone else pointed out, this is a state issue, not local. More binders were opened, flipped through, slammed shut.

Finally a manager told me that they would just type an “M” into the gender field, because clearly, they said, that was what I was. I was issued a temporary license, a piece of paper that appeared to be made on an Apple II. It read “M.” I was advised to hold on to that document, not to lose it. In the mail, they said, I should receive a hard-copy license within three to five weeks.

It should already be clear that I did not receive a license reading “M” in the mail. Instead a received a very official looking document from the State of Michigan itself, noting that the information that I had provided from my Virginia license was inconsistent and that my license could therefore not be issued.

There was a number to call if you were upset by this. I called it. They called me back in the middle of a graduate seminar, on an unknown number, at noon. I stopped mid-sentence from the point I was making about a text I'd not had time to fully read and walked out the door. The person on the other end was not charmed. I needed to update my birth certificate, she explained. When I told her that this was not possible because my birth certificate was in Virginia, and that a petition to alter a birth certificate in Virginia in 2012 necessitated, first, that I undergo a surgery that I could not afford and was not sure I wanted and, second, that I establish residency in the Commonwealth of Virginia after acquiring that surgery and subsequently attest (probably with the help of legal counsel) to the fixity of my post-operative body, she asked me to please hold.

I held. I imagined her filling up a styrofoam cup of coffee and chatting casually with her coworkers about transsexuals while she pretended to "consult her supervisor." I remembered the times my parents have told me about how they handle so-called "crazy" clients, asking for things which are impossible, such as providing medical care to a ceramic cat ("it isn't breathing!" howled an elderly woman in the lobby). What you do is: you go to the back, you laugh in private or just kill time, maybe eat a piece of the candy that your diabetic coworker keeps in his desk. You come back with a plan to defer the situation. (They offered to take the ceramic cat to the back for "treatment" while a coworker called the woman's daughter to come take her away.)

The representative returned to the phone, explaining that there was nothing she could do. She did not apologize. I said, "Well, does it make sense to you that the State of Michigan will not be able to properly identify me? Doesn't that make things worse for you, if you're in the business of knowing who people are?" This argument was not well-received by the woman on the phone, although did earn me a good grade when I made it at length in a seminar paper that spring.

This version of the story foregrounds one set of claims made in this project. The function of documents is arbitrary, and their power contingent on particular social conditions, not on some neutral legal standard. Identification's power dissimilates when it butts against conflicting policies or non-normative bodies. And, importantly, people narrate what it feels like to be misidentified or identified by state systems in different ways, leading to a range of relationships between stories, selves, and documents.

III. A moment of autoethnography, pt. 2

Then there is the second story of this project, the one that emerges only via a close reading of the first.

Here is the codex: Michigan is a border state. The word “student” affixes easily to my body. The people behind the counter were primarily Black women, although some were white; I am white. My doctor, paid for by my university insurance, wrote me a letter. I am a man. Unlike ceramic cat lady, my own mental illnesses are not visible, unless of course you count my 2011 diagnosis of “chronic transsexualism” among them. With the exception of the woman calling from Lansing who interacted with me only by phone, and seemed to have the explicit job of telling everyone no, everyone smiled at me, chatted, called me “sir.”

This second story project is about how eerie the niceness was. In turn, it articulates a second category of claims. Whiteness is a way of interacting with state surrogates in a way that *feels good*. Under certain conditions, it can even feel pleasurable to be properly identified. Thus, it is clear that there are affective relationships that circulate amongst the documented and the documenters, and that these relationships are embedded in historical processes that predate the computer systems that flagged the error of my unmatching gender. As such, there are historical, theoretical, and social reasons why my identification experiences are so different from those that produced immigration checkpoints and slave passes. In other words, race and racism are at the heart of how transgender articulations of identification and recognition operate.

From this reading, then, the evil twin of those claims must also arise: scholars must account for not just the breakages, but also the smoothness, the affirmation, that can come with being identified. We must understand who gets to feel that way, and why.

Thus, because this project tackles social problems that have both affirmative and negative resonances, a careful accounting of the language used throughout the text is necessary. Indeed, many of my deployments of critical keywords are somewhat differently articulated than they might be in other theoretical contexts. My aim here is to lean into the ambivalence allowed by some language, such as “recognition,” or “transgender,” and allow this language to be part of the story of why identification is such a fraught subject. To that end, I provide in the next section a brief discussion of key terms.

III. Keywords

Recognition

Among the many books without which this project would not exist is Lauren Berlant's *Cruel Optimism*, from which the dissertation's title is taken. When she writes that "recognition is the misrecognition you can bear," Berlant is referring specifically to the impossibility of intersubjectivity, as being seen as oneself by another. She also calls intersubjectivity "that big knot that marks the indeterminate relation between a feeling of recognition and misrecognition," and that it is "a wish, a desire, and a demand," a feeling that one can hold towards another thing, not a relation between equals. It's important to note that Berlant means recognition "existentially and psychoanalytically speaking," not strictly in the political sense of being recognized by a state.² It's also important to point out that the wish, the desire, and the demand for recognition, even from the state, are at the heart of this project.

By recognition, this project means a number of things, some of which align closely with what Berlant means, and others that veer into legal, political, and philosophical meanings of the term. I start with the most literal meaning of recognition, which is to "know" "again," from *re-* and *cognōscere*.³ Recognition, as it applies to transgender forms of embodiment or subjectivity, is complex even in this most pedantic etymological form: if one is first observed as having one body, even "gotten to know" as that body, and then that body changes, can they really be *known again*, seen as what they once were? Is being recognized as something you were before the goal of transition? Are trans people like, or unlike, what they have appeared be in the past? These questions are interpersonal questions, even questions of what Berlant would call intersubjectivity: if I meet a friend from high school on the street, will that person recognize me or not? How will they treat me, given that they may believe me to be a stranger?

These microsocial recognition questions are, for transgender people in the United States, both a synecdoche and a literal representation of their political status. If I am born under one particular name and gender, my vital data collected and filed away, if I am issued papers under that particular name and gender, how should that data be amended as I change? Should I empower states to recognize me as the person I once was? Do I have any choice? Does it matter if the person behind the counter or behind the judge's dais, to whom I must appeal my case, sees me as who I say I am? These are live legal questions, the subject to both litigation and statutory

² Berlant, Lauren. *Cruel Optimism*. Duke UP: 2011.

³ "Recognition," "re- (prefix)," *Oxford English Dictionary*. Accessed 5 May 2017.

maneuvering at the time of this writing, and therefore appear as questions here. In the moment in which I am producing this document, the relationship between trans representation and trans recognition is a central concern of states, and remains unresolved.

In other words, for that subset of people who change their bodies and legal identities to the point where interpersonal recognition is in question, political recognition is necessarily at issue. As Paisley Currah and Lisa Jean Moore argue in their article on gender marker changes in New York City, governments believe they have an inherent interest in “knowing who you are.”⁴ The mechanism that they use to know (*cognōscere*) citizens and authorized residents is identification paperwork. Thus, by examining identification paperwork and the regimes of government and private sector scrutiny that permit those documents to operate, this dissertation asks how marginalized subjects, transgender people in particular, manage being “caught in the frame” of the state’s gaze.

At the same time, the term “recognition” inevitably recalls the multiculturalism debates of the 1990s-present, in which some minority activists were seen as pitting recognition against redistribution. Charles Taylor, for example, introduced recognition as a key concept through which critical theorists should understand minority appeals for redress.⁵ Furthermore, as Elizabeth Povinelli has pointed out, recognition is not necessarily a rhetorical appeal for inclusion in an assimilative sense, but rather is the very mechanism that states use in order to manage redistribution projects.⁶ To speak of recognition as if it is somehow a weaker substitute for a more robust redistribution politics is to misunderstand the way liberal systems mandate recognition as the precondition of *consideration of personhood*. As I’ll discuss further, Povinelli’s account of recognition as a political operation through which some subjects are deemed different enough, but not *too* different, and that acceding to such scrutiny has material stakes for those subjects, is a critical idea in this text. Thus, this project does not understand recognition as a fool’s investment in liberalism, but rather as a field of relations to power: desire

⁴ Currah, Paisley and Lisa Jean Moore. “We Won’t Know Who You Are: Contesting Sex Designations in New York City Birth Certificates.” *The Transgender Studies Reader*. Eds, Susan Stryker and Stephen Whittle. New York: Routledge, 2006. p. 607.

⁵ Taylor, Charles. *Multiculturalism: Examining the Politics of Recognition*. Princeton UP: 1994.

⁶ Povinelli uses indigenous Australian land claims, which must operate via Western epistemic frames in order to be understood as legitimate, as an example of this trap. In the context of this dissertation, any instance in which an identification document must be presented in order to receive some service, such as SNAP benefits or entrance to temporary housing, as an instance in which technocratic recognition is the managerial mode of (minimal) redistribution. (<https://www.nytimes.com/2015/03/28/upshot/theres-just-one-problem-with-photos-on-food-stamp-cards.html> ; https://www.nlchp.org/documents/ID_Barriers)

and attachment, punishment and violence, and strategic assimilation to norms are all modes of perceiving what it feels like to be recognized by a state. Notably, these are also modes of perceiving what it feels like to be recognized by other subjects.

Identification / documentation

Throughout this project, I use both identification and documentation to mean something like, “the paperwork, photography, ID cards, digital signatures, and data profiles that make up what information states use to determine who a subject is.” While it might have made sense to stick with either identification or documentation as a key term throughout the project, I choose to invoke both throughout. This is because I want to lean on the very different connotations of both words.

Identification, which pairs naturally with “photo identification” and is easily shortened to “ID,” is a term that is more likely to connote a U.S. citizen, while “documentation” more readily invokes its opposite, the political status of being “undocumented.” In addition, identification, unlike documentation, bears the additional psychoanalytic meaning to which I alluded in my discussion of Berlant above. I am careful to explicitly note the few cases in which I directly discuss what I call “identification *with*” another, as opposed to “identification *as*” some gender or racial identity. Still, this slippage in meaning is important, and I am loathe to leave it behind.

Documentation, on the other hand, does not invoke psychoanalysis as much as it does a historical regime of issuing literal paperwork: one might document a crime, or document a border-crossing, but wouldn’t “identify” it. “To document” can therefore have the dual meaning of “to write down,” “to create a history of,” “to archive.” In a project which examines both fictional and non-fictional print objects, there are instances in which the contrast between a state-issued document and a literary document is crucial to the contrasting official and marginal accounts of a person or event.

Thus, I ultimately did not delimit the project to a consideration of either identification or documentation. Instead, these words retain the ambiguity with which they are used in conversation English, as well as their complex adjacent meanings.

Identity words: transgender / trans / gender variance / racialized / marginalized

This dissertation uses the word “transgender” and the shorthand term “trans” to refer to a broad spectrum of gender non-conforming / gender-variant individuals. I do so with caution. “Transgender,” as an Anglophone term of Western origin, is surely not sufficient to encompass all subjects who identify outside of a Western gender schema. Nor is it necessarily the term of choice for all who might consider themselves outside of the gender binary, even if they do exist within a Western frame of reference. Noting these conditions, I use “transgender” as a sign for “those whose gender identities do not align, or have at some point not aligned, with whatever gender identities they were assigned at birth.” I use trans as a stand-alone adjective, not as a prefix, to mean the same general idea. At times, I use the phrases “gender non-conforming” or “gender variant” to describe a condition of gender difference that is not necessarily rooted in a particular identity, or to help define what I mean by “trans” without being tautological. These terms, too, are subject to much discussion and debate; my intention is not to litigate linguistic politics in this dissertation, but to use terms fluidly and dynamically.

I also use the phrase “racialized subjects” to mean “those whose identities are subject to racist and racial imaginaries, policies, and treatment.” I do not use this language as a blanket substitute for specific identities when those specific identities are at issue: that is, I use “black” or “blackness” when anti-blackness is the social condition under analysis. There are times when states themselves are imprecise or ignorant about the identities of the subjects upon which they inflict racist policy; in these cases, I might use “racialized” or “racializing” as a term for this *mode of oppression*, not to imply that someone’s race is a fiction opposed from the outside. “Marginalized” is another term that I use to name a condition of having been abandoned, surveilled, or otherwise oppressed by state power; I use “marginalized” as a way to discuss groups of people whose identities fall within multiple categories, so as to not always invoke a litany of particular affected parties.

IV. Methods, Genres, Intertexts

This is an interdisciplinary literary and cultural study that analyses fictional and non-fictional texts by means of historical investigation, policy and legal analysis, digital archives and oral histories, and literary close readings. In addition to the writers already mentioned (Berlant and Povinelli), a range of scholars are critical to the production of this dissertation: the work of visual culture scholars like Shawn Michelle Smith, Anna Peglar-Gordon, and Thy Phu, feminist

surveillance studies writers like Simone Browne, disability scholars such as Ellen Samuels and Mel Chen, legal theorists like Dean Spade, and transgender writers and activists too numerous to list.

The diversity of this list of scholars originates from the fact that “identification” has received critical attention from a range of fields. Surveillance Studies, for example, is a subfield of cultural studies that understands identification documents as an apparatus of state invasions of privacy and tracking. The Canadian sociologist and surveillance theorist David Lyon has paid perhaps the most critical attention to the identity card in particular, both in his monograph *Identifying Citizens: ID Cards and Surveillance* and as editor, with Colin J. Bennett, of *Playing the Identity Card: Surveillance, Security, and Identification in Global Perspective*.⁷ These books contain a skepticism of documentation as government overreach that echoes, not only the queer and ethnic studies texts discussed in the following paragraph, but a strain of U.S. libertarian thought stretching back to the George W. Bush administration. After the 2005 REAL ID Act increased the power of the federal government to regulate state identification documents, for example, the right-libertarian CATO Institute issued a book-length report arguing that identification is “overused and misunderstood.”⁸ However, when these largely white and male perspectives consider identification systems through a scholarly lens, they tend to efface two critical insights: that identification documents have racial histories, and that, seemingly paradoxically, the ability to amend identification documents is a *desirable* outcome for many contemporary minority activists. *The Misrecognition You Can Bear* accounts for each of these lacunae through historical and cultural analysis.

In response to the implicit whiteness and maleness of dominant strains of Surveillance Studies, scholars like Shoshana Amielle Magnet, Kelly Gates, Rachel Dubrofsky, and Simone Browne have produced a second wave of Feminist Surveillance Studies, including a 2015 edited collection by that name.⁹ Magnet and Gates, in particular, have been instrumental in bringing their critiques of the surveillance state into the cultural studies realm, taking as objects of study

⁷ Lyon, David. *Identifying Citizens: ID Cards as Surveillance*. Boston: Polity, 2009. Print; Bennett, Colin J., and David Lyon. *Playing the Identity Card: Surveillance, Security and Identification in Global Perspective*. London: Routledge, 2008. Print.

⁸ Harper, Jim. *Identity Crisis: How Identification is Overused and Misunderstood*. Washington, DC: the CATO Institute. 2006. Print.

⁹ Shoshana Magnet and Kelly Gates, eds. *The New Media of Surveillance*. London: Routledge, 2009. Dubrofsky, Rachel E. and Shoshana Amielle Magnet, eds. *Feminist Surveillance Studies*. Durham, NC: Duke University Press. 2015. Press.

the film *Minority Report*, photographs from *National Geographic*, and reality television. Understanding how cultural texts reflect and construct normative concepts about the relationships between individuals and state systems is critical, as well, to Simone Browne's *Dark Matters: On the Surveillance of Blackness*. At the same time, Browne's mixed-methods work integrates (to name only a few) historical investigation into early American slave ledgers, close readings of contemporary protest art, and deep theoretical considerations of Franz Fanon as a visual critic.¹⁰ My work is indebted to Browne's, not merely in subject matter, but methodologically: I, too, see the boundaries between historical evidence, contemporary political and social formations, and artistic expression as extremely permeable, and my approach asserts that there is more to gain by layering these together, allowing their genealogies to intermingle, than to call attention to their distinctions.

At the same time, my work insists not only upon understanding identification documents as objects of regulation, in a criminalizing sense, but also of the affirmative, feel-good aspects of state recognition: documents are objects that can make people feel like they belong. Here, Anna Pegler-Gordon's work on the careful way that Chinese immigrants constructed photographic respectability in their passport photos, and Lily Cho's deeply affective reading of a similar archive in her essay "Anticipating Citizenship: Chinese Head Tax Photographs" provide a starting point for *The Misrecognition You Can Bear's* account of identification and recognition as sites of desire.¹¹ Although the book *Feeling Photography*, in which Cho's essay appears, takes a variety of photographic objects—not necessarily governmental documents—as its subject of concern, this collection represents an important counterpoint to the texts above. The intervention of my project, vis-à-vis these two branches of scholarship, is to understand the surveillance and self-fashioning roles of state documentation in tandem. By drawing on both literature that accounts for the violence of identification, especially for Black Americans, and that which accounts for its attractiveness to many of citizens or would-be citizen subjects, my work underscores the inherently dual nature of identification and recognition.

Such an intervention—one which emphasizes the inherently ambivalent nature of recognition—also reflects an inherent tension within Transgender Studies' consideration of the

¹⁰ Browne, Simone. *Dark Matters: On the Surveillance of Blackness*. Durham, NC: Duke University Press. 2015.

¹¹ Pegler-Gordon, Anna. *In Sight of America: Photograph and the Development of U.S. Immigration Policy*. Berkeley: University of California Press. 2009. Print; Cho, Lily. "Anticipating Citizenship: Chinese Head Tax Photographs." *Feeling Photography*. Elspeth H. Brown and Thy Phu, eds. Durham: Duke UP. 2004. Print.

subject. Trans legal scholars Dean Spade and Paisley Currah, now joined by a second wave of trans cultural theorists such as Nick Clarkson and Toby Beauchamp, have constructed rich and generative critiques of what Spade has called “administrative violence.”¹² This work tends to understand the state’s refusal or inability to integrate trans people’s genders into systems of recognition as a form of political, social, and economic exclusion; simultaneously, it situates transgender people’s bodies as sites of extraordinarily gendered surveillance. While I rigorously agree with these critiques, *The Misrecognition You Can Bear* furthers them by understanding trans people as also having a cruelly optimistic relationship to state systems of gendered surveillance, as well as strategic or economic ones. In addition, this project foregrounds state identification systems within the anti-Black genealogies of these technologies, elucidating productive tensions between identification’s capacity to grant gender recognition and its genealogy as a method of policing racialized bodies, especially those of Black people. Finally, this work draws upon literary objects in order to emphasize the role of internality, intimacy, and desire—states of mind that first-person and close third-person narration are uniquely designed to capture—in trans relationships to identification.

In its concern with internality, then, *The Misrecognition You Can Bear* is distinct from its predecessors in Surveillance Studies and legal analysis. Indeed, the work of Gayle Salamon, a phenomenologist whose readings of transgender embodiment draws heavily on psychoanalysis, and her mentor Judith Butler, especially her consideration of subject formation in *The Psychic Life of Power*, provide much of the critical infrastructure for considering materiality and internality as mutually constitutive formations.¹³ In transgender rhetorics, as Salamon has pointed out, strategic invocations of mind / body dualism (“trapped in the wrong body”) can recapitulate an idea of a gendered mind as somehow distinct from the social processes through which subjection occurs. In her rereading of Irigaray, Salamon points out that it is important to understand “sexual difference as that which makes relationality possible,” without extending such a claim mean that sexual differences are fixed as “male” and “female” forms of

¹² Spade, Dean. *Normal Life: Administrative Violence, Critical Trans Politics, and the Limits of Law*. Brooklyn, NY: South End, 2011. Print; Currah; Clarkson, Nick. “States of Incoherence: Biopolitics and Transnormative Citizenship,” diss. University of Indiana, Bloomington, 2015.; Beauchamp, Toby Cason. “Going Stealth: Transgender Bodies and U.S. Surveillance Practices,” diss. University of California, Davis. 2010.

¹³ Butler, Judith. *The Psychic Life of Power: Theories in Subjection*. Stanford, CA: Stanford UP, 1997. Print; Salamon, Gayle. *Assuming a Body: Transgender and Rhetorics of Materiality*. New York: Columbia UP, 2010. Print.

embodiment. In making such a move, she articulates the necessity of a theory of internality that productively reckons with the social—including the legal, administrative, and bureaucratic— aspects of externalizing and regulating gender, neither collapsing one into the other nor understanding them as dually opposed.¹⁴ Such a nuanced understanding of the relationship between selves and subjects or, to put it another way, identity and identification, does not extend only to sex or gender: Frantz Fanon, for example, himself trained in psychoanalysis, understands being hailed as “a Negro” through a similar frame. Indeed, this project itself follows Salamon’s exhortation to take seriously the intertwining of the psychoanalytic and the legal. Salamon writes that “Lacan would have us believe that we can do no better [than misrecognition] when questions of recognition are at stake, and he may be correct. And yet we must.” Because, she writes, “there is a cultural imperative to corral and bend all these resignations to the service of a singular [sex] designation,” the stakes of understanding the relation between subjects and the state apparatus that purport to recognize those subjects is “nothing less than life itself.”¹⁵ In other words, this project takes seriously the psychoanalytic as a mode of knowing, not just about the self, but about the social structures that construct selfhood and societies.

Due to the interdisciplinary nature of this project, the closest academic home for this dissertation is Transgender Studies, an interdisciplinary sub-field in its own right. Outside of a commitment to anti-transphobic, anti-racist, and anti-imperial scholarship, Transgender Studies has not articulated a set of methodologies that are more or less authentically “trans.” This is a good thing. In constructing a dissertation that relies deeply on a mixed methods approach, and which is uninterested in the type of designations that might make it more marketable, I am not just making a negative argument against the siloing of knowledges. In fact, I am making an affirmative one: that for identity-based fields like Transgender Studies, methodology should be radically open, while simultaneously guided by a set of ethical commitments and epistemic experiments. By ethical commitments, I mean that trans scholarship should seek wherever possible to avoid positioning trans individuals as mere objects of inquiry; that it should presume trans embodiments as themselves sites of knowledge; that it should understand “trans” as a historically, geographically, and culturally specific term, with its roots in Western gender norms; and, following from the previous point, that “trans” should be defined flexibly, encouraging

¹⁴ Salamon, p. 163

¹⁵ Salamon, p. 193

scholars to refuse definitions that turn away from the lived experiences of those who self-identify as trans. By epistemic experiments, I mean that trans studies scholars owe very little inherent allegiance to disciplinary knowledges. African American Studies has led in carving out academic spaces that fuse community ways of knowing with critical scholarship, in mixing methods, in allowing independent scholars to provoke the field into movement into new directions. Other fields have followed suit. While refusing to consolidate a methodological framework can create significant uncertainty—namely, does this mean that “trans studies” is any study done by a trans person? Or any study *of* trans people?—I argue that these questions and debates are ultimately productive ones to continually revisit over time. Precisely because trans identity is constantly shifting, the field itself should embrace its undefined status. Trans people know that sometimes being unrecognizable can be a place of growth, despite the risks. This project is an experiment in such productive instability.

Lastly, this project would also not exist in this form without my experience working in local radio journalism between 2015 and 2017. At times, my footnotes will cite as a source a phone call or an email to a relevant actor: a trans woman who taught herself programming in order to find anonymity on early internet message boards, for example; a spokesperson for the national organization that regulates drivers’ licenses; a lawyer who sued the state of Michigan over its photo ID restrictions. These are methods that I learned working on a daily news show, not in a seminar. Because this dissertation is, for the most part, a study of what Berlant calls “amassing genres of historical duration that mark the unfolding activity of the contemporary moment,”¹⁶ or what Jasbir Puar has called “a historicization of the contemporary moment,”¹⁷ these oral histories allow my work to speak directly to the shifting ground of recognition and identification that took place over the time of this writing. Literary scholars, in general, do not make phone calls; this project gently suggests that they could stand to do so. By selectively engaging in a methodology that engages non-academic knowledge, this project ultimately understands itself as in dialogue with a broader public, staking claims that have implications within contemporary public culture.

V. Chapter Descriptions

¹⁶ Berlant p.4

¹⁷ Puar, Jasbir. *Terrorist Assemblages: Homonationalism in Queer Times*. Duke UP: 2007. Preface, p.xix.

This dissertation spans multiple time periods, multiple genres of primary objects. The questions it asks about identification are at times policy questions, at times literary, at times philosophical. I've tried to bind all these things together, but at times the linkages are loose, like the threads that bind the Cam Awkward-Rich poem and my own narrative.

Such a dispersed method—one chapter on history, with archival periodicals forming the bulk of its objects, a second that compares a short story to a news event, a third that reaches into the internet of the 1990s, and a fourth that close reads the narratological characteristics of a best-selling novel—mirrors an underlying argument of this project. Despite state's attempts to assimilate subjects into discrete and understandable types, humans are liable to change their bodies, their identities, or their locations, in way that undermine administrative dreams at fixity. In order to understand the way that U.S. subjects strain and break the containers into which official paperwork places them, this dissertation has to follow those breakages wherever they lead. Thus, I have followed the story of identification of marginal subjects from interwar rural Atlanta, to early cyberspace, to a variety of fictional texts, letting my encounters with those subjects roam freely.

Still, as in many dissertations, I have four distinct chapters to describe:

My first chapter uses archival research to construct a genealogy of the racial origins of domestic identification documents. "Recognizing Mobile Subjects: Driver's Licenses, Racial Governance, and Identification as Belonging, 1910-1940" argues that anti-black cultural narratives animated the institutionalization of driver's licenses during the Jim Crow era. By constructing black drivers as both criminally reckless and foolishly negligent behind the wheel, Progressive whites were able to override white concern about the incursion of policing and surveillance into the everyday mobility of U.S. citizens. As such, the drivers' license assumed the power to determine the truth of individual identity. This foundational chapter historicizes the material anti-transphobic and anti-racist stakes of the project as a whole.

In "State Misrecognition: Transness, Racialization, and Photo Identification," my second chapter, I turn to the contemporary era, arguing that identification documents mandate encounters between a state actor and a marginalized subject. These scenes of identification are interpersonal forms of what Dean Spade calls "administrative violence." Using two real-world examples—the refusal of a state agency to provide two trans women with updated paperwork, as

well as the police beating of Black cis student suspected of carrying a fake ID—I show how identification documents empower people from dominant groups to determine who does not belong. I then turn to Casey Plett’s short story “Lizzy and Annie” for an account of how love between two trans women of color supersedes the psychic and physical violations inherent in identification. While state documents use interpersonal ways of looking in order to discriminate, literary texts account for the importance of erotic and emotional recognition in trans lives.

While my first chapter looks to the past and the second explores the present, my third chapter bridges past, present, and potential futures. In “Be Anonymous and International!”: Technological Pseudonymity and Non-Legal Identities on the Early Transgender Internet,” I turn from visual scenes of identification to virtual ones, examining how legal identification operates in contexts which are imagined to be borderless and disembodied. By tying proper state documentation to inclusion in the social public, contemporary “real-name” social media sites such as Facebook operate as pseudo-states, adopting quasi-legalistic methods of regulating personhood. However, such an intertwining of legal and digital identities was not inevitable, but rather reflects the ascendancy of one side in a debate over pseudonymity and personhood that is as old as the internet. Through a deep investigation of the struggle to maintain anonymous server capacity on early-1990s Usenet message boards, I show how anonymity and digital self-making was central to the self-making of elite, white, trans identity. These debates were high-stakes for the Usenet participants, pitting their consolidated legal selves against the newfound capacity to interact with others as a newly gendered person. By arguing that Usenet constructed a trans social world outside of formal identification systems at the same time as it remained a hyper-exclusionary site, this chapter complicates and deepens contemporary debates around “real name” policies and trans lives.

Finally, chapter four, “In America, Anything Is Possible:” Trans Identity, Immigration, and Paperwork in Jhumpa Lahiri’s *The Namesake*,” deploys a transgender mode of reading in order to intervene in a classic debate in trans studies: the propriety of using immigration as a metaphor for gender transition. By reading Jhumpa Lahiri’s account of a second-generation immigrant’s anxiety about his legal identity, I argue that the experience of having inappropriate paperwork can be a common thread between migrant and non-migrant, trans and non-trans narratives. Considering how the shared political and psychic space of non-recognition can be a

mode of alliance rather than appropriation, this chapter argues that a trans studies account of legal identity aids the ethnic studies project of imagining citizenship outside the state.

Throughout, my work contributes to a body of cultural scholarship that sees state recognition as a variegated, uneven structure, in which the rigidity of race and gender data are fundamentally at odd with the changeability and mobility of human bodies. In a moment in which so-called “Voter ID” laws, in particular, threaten to reinstate racialized disenfranchisement within a purportedly democratic process, it is critical to understand how identification came to stand in for human legitimacy. The intimate recognitions forged between transgender subjects offer an anti-racist and feminist strategy for doing identification otherwise.

Recognition-espionage-camouflage

As I was searching for a framing narrative to stitch together the paradoxical nature of identification—a process which both enforces racial projects of categorization and domination and which permits, in the post-Obama era, certain gender non-conforming subjects to obtain state recognition—I came across Elizabeth Povinelli’s reconceptualization of recognition in *Economies of Abandonment: Social Belonging and Endurance in Late Liberalism*. Povinelli writes that “recognition itself should be understood as simply one modality of a larger triadic dynamic of *recognition-espionage-camouflage*.”¹⁸ At that moment, something clicked into place.

Povinelli’s earlier work, *The Cunning of Recognition: Indigenous Alterities and the Making of Australian Multiculturalism*, had already been a touchstone text for this project for nearly a year. However, that book doesn’t always appear in my citations, in part because I have hesitated to import her observations of indigenous Australian recognition schemes into a U.S. political context. On the other hand, Povinelli’s *recognition-espionage-camouflage* formation extends across what she calls the “late liberalism” of settler states, a condition (she would use the temporal word “tense”) that describes “the shape that liberal governmentality has taken as it responds to a series of legitimacy crises in the wake of anticolonial, new social movements, and new Islamic movements,” a “belated response to the challenge of social difference.”¹⁹ As a writer who was born after the Reagan Era, late liberalism and its presuppositions inevitably

¹⁸ Povinelli, Elizabeth A. *Economies of Abandonment: Social Belonging and Endurance in Late Liberalism*. Duke University Press, 2011, p.30

¹⁹ Povinelli 25

structure the way this project understands state systems of identification, recognition, and difference, even in moments when I engage historical objects or texts of digital utopianism.

Yet I write now—in early 2017—in a moment very different from Povinelli in 2011. At the publication of *Economies of Abandonment*, Povinelli could write that “we see some contours of a post-post-Bretton Woods world emerging—the return of a more robust regulatory environment, the partial nationalization of industry and banks, and the call for a global currency independent of the U.S. dollar.”²⁰ I agree that we are in a post-post-Bretton Woods moment in 2017, but it is one in which liberalism is collapsing in the opposite direction, as if someone pulled a block out from the left of the Jenga tower instead of from the right. Hyperconsolidation of anti-liberal sentiment has highlighted the necropolitical impulses that Western states direct towards their own residents, not merely those geographically distant. As such, while I agree with Povinelli that “recognition” has been “the major feature of modern late liberalism,” I am unsure whether recognition’s power will outlast the late-liberal structure that created it as a technology of governance. The critiques of governmentality embedded within this project may therefore arrive somewhat belatedly, preserving in amber a particular late liberal moment, rather than offering any predictive power.

However, regardless of these global shifts—the shift of the tense in which late liberalism itself, not merely the concept of “difference,” might be expressed as a past perfect—Povinelli’s understanding of recognition as a triad with *espionage and camouflage* describes well the central tension of this project. Povinelli writes that liberal recognition logics contain an “internal incommensurability.” She continues that “in cases of cultural conflict the problem of difference is solved through public reason and in these same cases moral reason must draw red lines across which difference cannot proceed, or a bracket must be put around the difference so that it can be removed from public debate until that time its challenged can be managed.” Trans subjects, I argue, are exactly that population whose “difference” has begun to cross liberalism’s “red line” over 2011-2017, a bizarre and swift historical phenomenon which I outline in more detail throughout this project. For sexual deviants to emerge as citizens, a process which gay and lesbian scholars have detailed and critiqued at length over the last decade,²¹ certain narratives

²⁰ *ibid*

²¹ Touchstone examples of this genre from the late 20th century include Vaid, Urvashi. *Virtual Equality: The Mainstreaming of Gay and Lesbian Liberation*. Anchor Press: 1996; Warner, Michael. *The Trouble With Normal: Sex, Politics, and the Ethics of Queer Life*. Harvard UP: 1999.

much become legible to state systems. Those narratives are central to the larger question of identification and recognition that I study here.

That said, in the present moment, some trans people are moving “through” espionage and camouflage as if those are evolutionary stages to be left behind, while others are experiencing increased and severe espionage and responding with camouflage. Whose relationship with recognition-espionage-camouflage feels most like affirmation, and whose feels most like oppression? Who is permitted to make this recognition bargain mostly pay off? In this dissertation, I argue that the answer to those questions can be found by studying race, and, as I outline in the conclusion, immigration status. In some ways, differentially racialized trans people experience wholly different temporalities of recognition. For some, their experience of “espionage” (which Povinelli defines as “actual practices of spying and being spied on, as well as a much broader and diverse set of assumptions that someone is trying to penetrate a socially sealed space”) is localized to measures like North Carolina’s HB2 “bathroom bill,” an unpopular legislative action that is in the process of being repealed (albeit slowly). For others, espionage—being spied on—feels like racist policing, aggressive immigration enforcement, having one’s documents scrutinized and rejected as entrance to emergency shelters or public housing, being denied access to the ballot, a surveillance landscape in which HB2 and other measures make up a small part. Likewise, while the “camouflage” (“the art of hiding within a given environment via embodied disguise”) aspect of Povinelli’s recognition triad echoes the old transphobic trope of trans people as “evil deceivers and make-believers,” camouflage can also invoke complex strategies of passing, pseudonymity, and obfuscatory social practices that Daphne Brooks, in a different context, has called racial “opacity.”²² Depending on one’s location in a matrix of racial and gendered exclusions, camouflage might feel like a mandate to perform an unwanted self-essentialism (as Dean Spade describes at length in his essay “Mutilating Gender”),²³ or it might also feel like a demonstration of the survival skills necessary to survive the material conditions of white supremacy (an analysis offered by Marlon Bailey in *Butch Queen Up in Pumps*).²⁴ In other words, one way to understand why identification documents, as indexes of recognition,

²² Brooks, Daphne A. *Bodies in Dissent: Spectacular Performances of Race and Freedom, 1850-1910*. Duke UP: 2006.

²³ Spade, Dean. “Mutilating Gender.” *The Transgender Studies Reader*, Susan Stryker and Stephen Whittle, eds. Taylor and Francis: 2006. p. 315.

²⁴ Bailey, Marlon M. *Butch Queen Up in Pumps: Gender, Performance, and Ballroom Culture in Detroit*. University of Michigan Press, 2013.

evoke different responses and relationships to the self and to the state is that those documents operate at the nexus of recognition-espionage-surveillance. Another way to understand it is that the relative sharpness of each point on the recognition-espionage-surveillance triangle depends upon an intersection of one's social identities.

So where does that leave the subjects of this dissertation, some fictional and some not, holding a variety of different gendered and racialized identities, at the collapse of late liberalism in 2017? Having been provided with access to recognition in some U.S. states and, by a tentative administrative fiat, within some aspects of the federal government, some privileged trans people now must reckon with what it means to “present difference in a form that feels like difference but does not permit any real difference to confront a normative world.” At the same time, the threat of material state abandonment—or explicit necropolitical attack, especially for people of color and non-citizens—feels quite real. It is possible that the tentative hesitation that Awkward-Rich describes above will no longer result in pseudo-benevolent tolerance, that no longer will “someone chuckle & let you pass.” Such is the risk of writing in the present.

Regardless of those future outcomes, this dissertation aims to intervene in the naturalization of racial and gendered espionage, surveillance, and subjection inherent in the project of state recognition. It does so by bringing together a variety of subjects who, historically and in the contemporary U.S., find themselves “caught in the frame of their looking,” in which “they” is all who scrutinize one another's paperwork. My hope is that this project permits those subjects to, even temporarily, in the small space of this unofficial document, break that frame.

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Chapter 1 : Recognizing Mobile Subjects: Driver's Licenses, Racial Governance, and Identification as Belonging, 1910-1940

In the late summer of 1953, a young Black woman and her friend approached the counter at the Department of Motor Vehicles in Birmingham, Alabama. Perhaps they took a number, waited in a line of other hopeful applicants. The young woman's turn came, and she approached the desk. It was then that the white police officer on duty leaned back, crossed his arms, asked, "Which one of you is here to take the test?"

"This young lady," answered the woman's friend. The applicant herself stood quietly before the officer's desk.

"What young lady?" the cop answered. Maybe he even looked around the room, pretending to scan for an Alabama blonde in a skirt and blouse. Then he turned back to the woman waiting at the counter, and spit out, "I don't see nothing but a nigger gal."²⁵

This scene, reported in a pro-integrationist *Arkansas State Press* editorial, stages a complex encounter, both between two individuals and two systems of distributing subjecthood. On the one hand, the white male cop, multiply imbued with the signifiers of state-backed violence, denies the Black woman's access to the markers of citizenship based on a legal framework of exclusion. At the same time, he also subjects her to racialized and gendered verbal harassment. When he replaces the words "young lady" with the phrase "nigger gal," the police officer denies this woman both recognition of her citizenship and access to proper mid-twentieth century Southern femininity. Femininity was reserved for whites, who a white policeman would almost certainly have called "lady" or "ma'am." On the other hand, "gal," "girl," and such diminutives were mechanisms by which white actors performed patriarchal and paternalistic dominance, casting Black women as their "half-child" charges.²⁶ This denial of proper femininity

²⁵ Durr, Robert. "The Domestic Iron Curtain," *Arkansas State Press*, Sept 18, 1953. There are plenty of reasons to be cautious about the precision of these quotations, which are not included in reportage but rather in an out-of-state editorial section. However, the mere representation of drivers' licenses as *de facto* segregated documents is significant, for reasons that I unpack throughout the remainder of this chapter.

²⁶ For more on the diminutive form as the language of social and gendered oppression, see Powdermaker, p.44. For the ways that white Southern masculinity borrowed from Rudyard Kipling's notion of the "white man's burden" from which the phrase "half-child" is borrowed, see Gilmore, p.61. Powdermaker, Hortense. *After Freedom: A Cultural Study in the Deep South*. New York: Russell and Russell, 1939; Gilmore, Glenda Elizabeth. *Gender and Jim Crow: Women and the Politics of White Supremacy in North Carolina, 1896-1920*. Chapel Hill: U of North Carolina, 1996. Print.

is mirrored in the line's tone: the officer's renaming has both the bite of a dehumanizing verbal attack and the faux-playfulness of a cruel joke. Rather than merely say, "that's not a young lady, that's a nigger gal," the cop's language indicates that he pretends to not see the woman at the counter ("I don't see nothing but"). Not only does this denial of service come with a Jim Crow policing of race and gendered citizenship, it is also communicated through the cop's ironic performance of levity, a little light white supremacy. The verbal harassment of this young woman, thus, is both a refusal to recognize this person via the state bureaucratic apparatus and a refusal to literally and figuratively see her as a young woman at all.

Understanding the logics that allow for interpersonal misrecognition and non-recognition—literally not being seen as what you claim to be—to produce social and political misrecognition and non-recognition within state apparatus is the prevailing occupation of this dissertation. This chapter uses a historical approach to frame my larger inquiry into these questions, and to attempt to understand how U.S. residents came to accept the power of individual bureaucrats, clerks, and even liquor purveyors to determine whether we are who we say we are. I argue that looking at the proliferation of everyday identification documents, that is, those used by citizens in daily life, domestic encounters rather than at national borders or in relatively infrequent encounters with state agencies, is one way to examine the transformation of U.S. identities into things that could be measured, classified, and verified, not only by the state as such, but by fellow citizens.

Therefore, allow me to return to the opening scene, in which a Black applicant is refused service by a white government agent. Whether or not this scene is a historical event or an invented one designed to instigate a sentimental white liberalism hardly matters; Arkansas readers in 1953 would have immediately recognized the social dynamic between the two figures as indicative of Jim-Crow sociality. The space of a local counter, across which a white administrative agent and a black service-seeker meet, has its own performative logics of power and subjection, what Steven A. Berrey has called a "Jim Crow routine."²⁷ So repetitive is this particular staging that, by the contemporary era, it has developed its own visual iconography, its own life as a national trope that indexes the very concept of discrimination.

²⁷ Berrey, Stephen A. *The Jim Crow Routine: Everyday Performances of Race, Civil Rights, and Segregation in Mississippi*. Chapel Hill: U of North Carolina, 2015. Print.

Indeed, the scene of the young lady in Birmingham in 1953, published contemporaneously, reads eerily like the iconic opening scene of Ava DuVernay's 2014 film *Selma*. As Oprah Winfrey, playing historical figure Annie Lee Cooper, approaches the Selma county clerk asking to register to vote, the white clerk intimidates her, asks her to pass an onerous voting test, and at one point even calls her a "gal." The film primarily attends to the spectacular macropolitics surrounding the voting rights struggle in Selma, eventually including scenes between actors playing President Johnson and Martin Luther King, Jr. and a profound reenactment of the march on the Edmund Pettus Bridge. However, the performance between Winfrey and the registrar is shot sparingly, almost silently. This is the first image that the audience sees of Selma, the place, in the film, and this establishing shot is critical to articulate what this place means for Black citizenship and freedom. So imbued with social power is this counter scene that director Ava DuVernay depends on it to index for the audience what this performance (both on film and as an administrative performance, a pretense at law) means. To a contemporary reader, then, encounters between a government official in the Jim Crow south and a Black citizen appealing for access to local services, inevitably signify the question of voting access.

However, the unnamed Black woman in the Birmingham DMV with which I opened this chapter is not registering for the right to vote, but instead trying to register to *drive*. Driving is a privilege that had never been formally denied to her by statute, nor otherwise subject to differential assessment based on ancestry.²⁸ Although some (but not all) states had instituted driving tests by the mid-1950s, there were no literacy tests for motorists. By 1953, however, the drivers' license had fused with the ballot as a marker of citizenship, and therefore became a new object through which to articulate racial apartheid.²⁹ Not only did the scene of voting application

²⁸ I have not found evidence of explicit racial exclusions in municipal driver's law—at any rate, thorough coverage of this research question is beyond the scope of my project. However, driver's license laws were (as now) typically instituted at the state level by the 1950s, and the contemporaneous law source book *States' Laws on Race and Color*, published in 1950, contains only racial regulations for public transit, not driving or licensing restrictions.

²⁹ The link between voting and identification logics persist in a somewhat askance form in the official language used by identification professionals today. In a paper published by the American Association of Motor Vehicle Professionals concerning the adoption and management of facial recognition technology in drivers' license contexts, the technology was justified as a way to enforce the principle of "one person/ one record." This industry/ administrative framing is a clear citation of the constitutional law language of "one person, one vote." In each case, the singularity and fixity of particular individuals is a precondition for their access to recognition, either literally in the case in visual software or metaphorically in the case of political recognition. For more on the strange confluences between technological recognition and political recognition, see Chapter 4. *Facial Recognition Program: Best Practices*. Driver Standing Committee and Law Enforcement Standing Committee, Facial

and the scene of drivers' licensing begin to mirror each other, but it is in the Jim Crow Era that the mechanism of voting and the mechanism of driving began its fifty-year march towards fusion into contemporary "Voter ID" legislation.

This chapter reaches into the pre-Voting Rights Act era in order to rearticulate the drivers' license as a significant tool of racial regulation. As historians John Dittmer and Neil McMillen have argued, constraining the mobility of Black subjects in space has been an integral project of white supremacy, a centuries-long regulatory priority that can be traced from slave passes to stop-and-frisk.³⁰ Furthermore, unlike earlier technologies of capture that relied only on written description, the drivers' license adopted then-new photographic data systems in order to identify potentially dangerous motorists, who were themselves variously racialized throughout the early decades of licensing practice. Drivers' licenses thus occupy a complex site in histories of U.S. racial regulation and citizenship. A visual technology that fixes an image of a body in stasis in order to allow for a fleshy body's movement in space, drivers' licenses come to mean both surveillance and freedom in the twentieth century. The license and the social relations it produces oscillate between these meanings based on the racial anxieties of the white civic actors that support or opposed them. By examining the way the driver's license consolidated racial identification logics in the early-mid twentieth century, I show how everyday identification documents became a technology that could recognize and affirm white national belonging.

"Like Putting Owners in A Rogues' Gallery:" Early Drivers' Licenses and Criminal Images

In 1910, only two years after the Model T was released, New York City moved to issue the first licenses, first for professional chauffeurs and then for all drivers. Almost immediately, licensing drivers was a controversial idea, one which exposed divides in the rural and newly-urbanizing populations of the nation. New York City's licensing scheme seemed to pass without substantial uproar. However, when upstate and rural New Yorkers found out that licenses might move from the big city to the countryside, they responded with suspicion and anger. In late 1910, the upstate New York newspaper *Rochester Democrat and Chronicle* published an op-ed that

Recognition Working Group. American Association of Motor Vehicle Professionals. August 2015. Accessed April 6, 2016. p.6

³⁰ Dittmer, John. *Black Georgia In the Progressive Era, 1900-1920*. Urbana: University of Illinois Press, 1977; McMillen, Neil R.. *Dark Journey: Black Mississippians In the Age of Jim Crow*. Urbana: University of Illinois Press, 1989. On the link between slave passes and contemporary racial surveillance, see Browne, Simone. *Dark Matters: On the Surveillance of Blackness*. Durham: Duke University Press, 2015.

argued vigorously against the new licenses. In addition to being used to “discriminate against self-propelled vehicles in favor of vehicles of other types” (car drivers were forced to pay a fee, for example, whereas riding one’s mule was free), the *Democrat and Chronicle* saw the mandate to “carry an identification bearing [one’s] photograph” as akin to “putting [car] owners in a ‘rogues’ gallery.’” In a context in which new surveillance technologies such as Bertillon cards, fingerprints, and consolidated police information bureaus were popping up across the nation, the association between drivers’ license photography and mugshots may not have been an unreasonable one.³¹

Proponents of licenses, however, were not sympathetic to rural whites’ dissent. The editors of the *New York Times* countered the *Rochester Democrat and Chronicle’s* association, pointing out that

“officials of the Police Department of this city would testify that a large number of automobile owners have already voluntarily provided themselves with identification cards containing their photographs, certifying to the police that they are responsible and respectable citizens, who need not be arrested in order to assure their appearance at the Magistrate’s court to answer charges of infringement of this city’s ordinances. Copies of these photographs are on file with the police. They are not considered as constituting a ‘rogues’ gallery’-- quite the contrary”

While opponents of licenses argue that to be licensed is to be treated as a criminal, proponents of licenses countered that their own willingness to submit to licensing was in fact proof of their *non-criminality*. The opposite of the rogue in the gallery, for these license supporters, is the “responsible and respectable citizen” who willingly gives the police an identification document. For proponents, a driver’s self-identification was a kind of social collateral against arrest. Of course, this is somewhat strange logic: functionally, these pro-license drivers are arguing that they have given the police the means to arrest them in order to signal that they “need not be

³¹ For more on this historical phenomenon, a small slice of which I outline here, see: Amoore, Louise. “Governing by Identity.” *Playing the Identity Card*, eds. Colin J. Bennett and David Lyon. New York: Routledge, 2008. 21-36; Finn, Jonathan M. *Capturing the Criminal Image: From Mug Shot to Surveillance Society*. Minneapolis, MN: U of Minnesota, 2009. Print.; Browne, Simone. *Dark Matters: On the Surveillance of Blackness*. Durham: Duke University Press, 2015.

arrested.” Yet these early automobile operators found affirmative meaning in the submission of their personal data to a police department, working to establish a sort of informal “citizens’ gallery” as a counterpoint to a rogues’ gallery.³² Put in today’s terms, license proponents seem to be saying, “Why worry about surveillance if you have nothing to hide?” The debate wore on for more than a decade, but the proponent’s logic was eventually persuasive: the state of New York licensed all drivers by 1924, making it a relatively early adopter of comprehensive statewide license legislation³³.

Even at their moment of introduction, driver’s licenses already signify more than just automobile safety. The new technology of the driver’s license staged a social conflict between earlier conceptions of documentation as punitive and incipient understandings of documentation as marking authentic citizenship and social belonging. Especially because many (although not all) licenses incorporated photography, a still-new visual medium that the state had begun to use in order to regulate immigrants and ‘criminals,’ early opponents to licenses understood these documents as intrusions into their freedom.³⁴ Against this suspicion of state data collection, license proponents appealed to “proper citizenship,” a move that implicitly invokes the figure of an improper, unlicensed, non-citizen.

Eventually, of course, license advocates won. First in New York and gradually in other states and localities, the meanings of drivers’ licenses shifted from markers of surveillance to citizenship. Rural white drivers worried that licenses would restrict individual mobility, that they represent state overreach and additional taxation, and that they would bring with them unprecedented regulation of the bodies of (white) citizens in peacetime. These concerns were powerful enough that licensing regimes, which include identification paperwork as well as driving skills and fitness tests, took four decades to spread across the U.S. And yet those writers in 1910 who hoped that licensing would denote citizenship and non-criminality won out, not just in the legislatures but in the U.S. imaginary: as the United States developed an expansive

³² 1910 was only three years after the peak immigration year, 1907, and one million people per year entered through Ellis Island between 1905 and 1914. It stands to reason that anxiety around personal data collection and criminality is influenced by the surveillance techniques that were then being practiced at this major immigration site, but I have not yet found explicit mention of this in the archive.

³³ “Year of First State Driver License Law and First Driver Examination” Federal Highway Administration, U.S. Department of Transportation.

³⁴ A note on the language of “criminals:” I do not mean to implicitly adjudicate century-old accusations, or reify an imagined type of law-breaking persona. Instead, I am mirroring the language of the historical discourse surrounding these technologies and the figures they produce.

automobile culture through the mid-twentieth century, having a license came to mean maturity, mobility, and, eventually, even the right to the ballot. There are those in contemporary culture who argue that the use of these identification documents to regulate voting access is discriminatory against certain types of people, disproportionately those who are already culturally marginalized³⁵. However, there are fewer people today who would argue, as license opponents in the early 20th century did, that licenses *themselves* are invasive or unfair.³⁶ Where did those oppositional voices go? How were their concerns addressed or quelled?

The answer to these questions lies in the emergence of a new discourse, one which associated reckless driving with black drivers. The association in the U.S. cultural imaginary between blackness and criminality was not new (and, of course, persists today). However, in the 1920s and 1930s, attaching this association to driving crimes in particular helped soothe rural white anxieties about this new licensing schema. Driver's licenses, especially as they evolved into the 1930s, not only entailed individual registration but also physical examinations (to ensure that drivers had adequate eyesight) and, in some jurisdictions, photography or fingerprinting (to ensure a match between a driver and a document). Such regulation would have had few cultural analogs for white non-immigrant drivers. The bodies of immigrants, especially those of Asian origin but also those coming from Eastern Europe or other parts of the globe, were already

³⁵ In addition to the numerous social organizations who oppose voter identification laws on ideological grounds, there seems to be relative consensus among political scientists that they are unnecessary, as well as potentially discriminatory. Richard Sobel, in his introduction to a written symposium in the journal *Political Science and Politics*, goes so far to compare them to poll taxes, noting that “the poll tax in 1964 was small in monetary terms (about \$1.50), but the idea that it could be used systematically to disenfranchise a particular set of citizens made it indefensible. Considering the larger impact on lower-socioeconomic citizens of the costs of obtaining background documents to obtain a government identification card, strict voter-ID requirements function similarly.” Furthermore, the scholars in this journal's symposium argue that voter ID disproportionately affect minority voters, and that they give too much power to local officials to ID people at their discretion, which may result in further racial bias: “Election officials ask for IDs, including photo IDs, of more people than many state laws require (and sometimes permit) (Ansolabehere 2009), and request it disproportionately of minorities. This leaves too much discretion in the hands of local officials. Voter-ID laws facilitate discrimination because they provide a reason that local election officials can use to bar access to voting.” For more on this, see Sobel, Richard. “Editor's Introduction: Symposium: Voter-ID Issues in Politics and Political Science,” *Political Science and Politics*, 42:1, 2009. In addition, both activist/ non-profit organizations and academic researchers have critiqued voter ID on the grounds that it constitutes an undue burden on transgender voters. See policy brief from: Brown, Taylor N.T. and Jody L. Herman, “Voter ID Laws and Their Added Costs for Transgender Voters.” The Williams Institute, UCLA School of Law, March 2016.

³⁶ One prominent counterexample to this claim emerged in May 2016, while this chapter was in the midst of revisions. The Libertarian Party's presidential nominating convention contained a debate about whether licensing drivers is a legitimate form of state power. While this dissertation does not claim that drivers' licenses are a state overreach per se, and therefore does not examine licensing within a Libertarian framework, it is important to note that there are some minor political organizations within the U.S. context who maintain the critiques of licensing made in the 1910 *Rochester Democrat and Chronicle*. <http://www.c-span.org/video/?c4600014/libertarian-debate-drivers-licenses> ; <http://www.nbcnews.com/politics/2016-election/libertarian-party-ready-prime-time-n582351>.

measured, screened, and recorded³⁷. Before that, enslaved people had endured bodily invasion on the auction block or documentary restrictions on movement in the form of slave passes.³⁸ On the other hand, white non-immigrants were not typically measured or photographed or databased. Wartime draft boards mark one exception to this, but it is still the case that asking white non-immigrants to submit to an examination, have their information recorded by a government entity, and carry their documentation on their person, all during peacetime, would have been understood as an intrusive measure. This type of intrusion threatens one privilege of early twentieth-century whiteness: the privilege to not have one's body surveilled.³⁹ To combat this perception of diminished privilege, new understandings of blackness needed to be constructed.

For the purposes of this chapter, I attempt to tell the story of licensing within two historical frameworks: that of the Progressive Era and that of the Great Migration. Many historians have noted how leveraging racial and regional attitudes helped white reformers negotiate opposition to Progressive-Era state expansion. In particular, Glenda Elizabeth Gilmore has pointed out that the expansion of state services and regulations was, in effect, only able to operate in the U.S. South by excluding African American citizens from state benefits.⁴⁰ In discussing the same period, others have discussed how changes in economic relations and transportation produced the conditions under which thousands of Black individuals and families left exploitative land and labor relationships in the U.S. South to seek greater opportunities in the

³⁷ A broad literature on the surveillance of immigrant bodies, especially around the late nineteenth and early twentieth centuries, already exists. For the most relevant sources on the development of surveillance technologies to inspect immigrants during this time, see: Cole, Simon. *Suspect Identities: A History of Fingerprinting and Criminal Identification*. Chicago: University of Chicago Press, 2008; Pegler-Gordon, Anna. *In Sight of America: Photography and the Development of U.S. Immigration Policy*. Berkeley: University of California Press, 2009.; Sekula, Allan. "The Body and the Archive," *October*, Vol 39 (Winter 1986), 3-64.

³⁸ See Browne, p.12

³⁹ That "not being surveilled" is attached to whiteness does not mean to deny that some white individuals, especially working-class/poor whites swept up in systems of examination and criminalization or white women who were subject to the male gaze, were looked at with an inspector's eye. Rather, it is to underscore how privacy was constructed as an ideal of whiteness: in the example of white women, for example, white men understood women's confinement to the private sphere as protection from the gaze of others, i.e., surveillance by men.

⁴⁰ Gilmore argues that the power vacuum caused by the disfranchisement of Black men after 1898 produced new relations between Black women and the public sphere, who in turn seized upon the opportunity to wield influence as government "clients" and sometimes even work in tandem with white women towards Progressive goals. However, the capacity of these black women to make lemonade out of lemons does not erase the fact that the Progressive Era functioned via racial exclusion: "In a period when the country moved from an administrative government that maximized free enterprise toward an interventionist state, the white South busily invented and embellished segregation and drove black men away from the polls. White southern Democrats applied a pernicious ingenuity to the task of expanding state services in a society divided by the color line, and they allocated government money in increasingly unequal racial divides." p. 148-9.

North.⁴¹ Although more African Americans probably traveled North via train or steamer instead of by personal automobile, the idea of Black mobility by any means angered white police so much that they sometimes “tore up [their] tickets,” temporarily detained individuals until their trains departed the station, or simply arrested them.⁴² Therefore, historicizing the development of drivers’ licenses between 1910 and 1940 necessitates understanding the importance of each narrative. Licensing was both a Progressive reform movement oriented around safety and public health, one which emphasized the importance of curtailing bad driving behavior and preserving the (white) lives of those framed as innocent, *and* a specific technology of regulating mobility in an era when intra- and inter-state movement were empowering African Americans. Identification, examination, and criminalization were offered as solutions to both sets of social concerns, although advocates couched their appeals firmly in the language of reform rather than regulation. In addition, the interrelatedness of these two historiographical frames underscores the importance of examining two distinct geographies of licensing debate, one northern and one southern, one site of destination and one of departure, in this transient period. In doing so, I follow the lead of recent historians of the Southern twentieth century in asserting that race and racial politics dominated state-level discourse nationwide during this era, despite white supremacists’ seemingly stable takeover of Southern local and state public politics after the disfranchisement of Black voters.⁴³

My claim that driver’s license discourse is consolidating during this time period, whether it is deemed the Progressive Era or the Great Migration, depends on constructing an archive of that discourse. Because I am studying the way that narratives around this new regulation are introduced, circulated, and adapted within the everyday racial order, I mostly leave legislative papers or other legal documents on the sidelines. Instead, I am using widely-circulating municipal newspapers as the primary sources for this investigation. Using newspapers as

⁴¹ Historian Neil R. McMillen, in his exhaustive history of Black Mississippi under Jim Crow, describes the Great Migration as a “race-conscious diaspora” which was “an instrument both of protest for a politically impotent and economically dependent people and of social leverage for those blacks who remained behind” (xv).

⁴² Dittmer, John. *Black Georgia in the Progressive Era 1900-1920*. Urbana, IL: University of Illinois Press, 1977. p. 180

⁴³ J. Douglas Smith describes how historians have understood the 1920s and 1930s as “the classical period of segregation,” which is sometimes wrongly understood as “one during which little of consequence occurred, at least in terms of race relations.” However, Smith and others contend that this period was in fact highly contentious along racial lines, especially if one looks at “a sphere of directed activity larger than what happens in elections” in order to examine the “daily” operations of white supremacy. Smith, J. Douglas. *Managing White Supremacy: Race, Politics, and Citizenship in Jim Crow Virginia*. Chapel Hill: University of North Carolina Press, 2002. p.16-17.

indicative of popular social understandings of a phenomenon has both limitations and strengths. Although not elite in the way that government documents or academic papers are elite, and pitched at a mainstream population, newspapers of course depended on literate citizens with extra spending money. In addition, newspapers before World War II tend to be multitudinous and *de facto* segregated, which makes it difficult to establish which publications best represent broader social norms.⁴⁴ However, newspapers from this period also present opportunities to study the intersection of historical accounts and narrative formation. In the early-mid 20th century, newspapers were developing into their modern form, bringing together letters, cartoons, local features, and nationally-circulating pieces of reportage. The idea of objectivity in reporting was relatively new during this period, emerging as a response to both the tabloid “yellow journalism” of the late 19th century and the propaganda of World War I. To manage the new mandate towards objective reporting, editors begin to include both editorial (that is, subjective) content and reporting, which they began to actively construct as accurate and balanced.⁴⁵ Therefore, periodicals from this era can provide insight into both popular folklore and what we would now understand as “news.” As such, my archive has interest for cultural and literary critics. Because the factual status of many aspects of my constructed archive is debatable, many of the events in the archive might be best studied as examples of developing narration.

The archive that I constitute here includes material from both white and African American newspapers, with a focus on Chicago and Atlanta. Although my reach into this archive is far from totalizing, a few patterns have emerged. African American newspapers of the period seemed to have done less day-to-day reporting on motor vehicle accidents and crime than white newspapers. When crashes were reported in African American papers, the race of the drivers was

⁴⁴ The changing role of newspapers and their racial politics during the first three decades of the twentieth century is a complex story. Both white and non-white muckrakers published exposés of social and political issues of the day, but in separate news outlets with separate readerships. Further, according to Juan González and Joseph Torres, white journalists “did almost nothing to confront the spread of racial segregation” or resist “territorial conquest.” White newspapers’ determination to ignore racial injustice is a limitation to understanding the social landscape as citizens of all races actually experienced it, but is also a useful litmus test for white attitudes in the period. For more, see González, Juan and Joseph Torres, *News For All the People: The Epic Story of Race and the American Media*. New York: Verso Press, 2011.

⁴⁵ While some historians have linked the rise of objectivity in reporting to Progressive Era ideological systems, few have connected the idea of journalistic objectivity with the contemporaneous expansion of segregationist thought. This area seems fruitful for future scholars. For a longer history of “objective” journalism, see Schudson, Michael. *Discovering the News: A Social History of American Newspapers*. New York: Basic, 1978. Print.

mentioned only in extraordinary circumstances.⁴⁶ On the other hand, reckless drivers (and others accused of crime) were almost always identified by race in white reportage.⁴⁷ Although it is difficult to make a concrete claim concerning the absence of evidence, it stands to reason that African-American newspapers of this period were not as interested as were white newspapers in reporting on vehicular crime committed by African-Americans, or in emphasizing (and likely distorting) the racial breakdown of motor crime statistics.

This chapter, therefore, examines regulatory discourse-- both in the sense of discourse that regulates human bodies and discourse about forms of legal regulation. Such discourse is more prevalent and has more discriminatory power when coming from dominant groups. In other words, I cannot claim to know the truth about what happened when black people were accused of motor crimes pre-licensing, or, later, when they encountered this particular regime of identification for the first time. Instead, I am more interested in what state decision-makers-- and the constituencies that they were most concerned with pleasing-- *imagined* might happen, and what this says about how dominant anxieties about mobility, belonging, and social stratification were being mediated via this new discourse. Presumably, the more broadly these tropes circulated in both regional and the national cultures, the more likely they are to have taken hold and persisted as trans-historical ideas. As such, this work is a prehistory of certain attachments, relationships, or ideas about driver's licenses, identity, and citizenship that persist today.

By narrating the popular debates around licensing, I show how white citizens of the 1920s and 1930s negotiated this new form of bodily regulation without sacrificing their cultural claims to dominance. I first examine license controversy in the booming-- and diversifying-- metropolis of Chicago, where rural driver's hesitance to adopt a licensing system is overcome by Illinois' willingness to drop the physical examination, except when "fraud" is suspected. Because "suspected fraud" might encompass a variety of offenses, I argue that this exemption is

⁴⁶ For example, a mysterious headline from a 1931 edition of the *Atlanta World* reads "Hits Another Car, White Takes It Up, All Escape." As far as I can tell, two vehicles (race of drivers unknown) get into a collision, and a white man (perhaps one of the crash participants?) runs alongside one of the fleeing vehicles and begins choking the driver (!). At some point guns are drawn, but fail to discharge. The story copy is unclear to the point of incomprehensibility, but this document is also one of the few that I found in my searches that explicitly names whiteness in reporting vehicular crime. "Hits Another Car, White Takes It Up, All Escape." *The Atlanta World*. 4 Dec. 1931: 1. Print.

⁴⁷ McMillan writes that well into 1940, "most white newspapers still honored the Jim Crow custom of reporting black news largely when it involved crime," and "national or international developments with implications unflattering to blacks were often carefully covered" in the white press. McMillan, Neil R. *Dark Journey: Black Mississippians in the Age of Jim Crow*. Urbana: University of Illinois Press, 1989.

intentionally flexible enough to allow for certain subjects to be regulated while others maintain their presumptive innocence. I then move down to Atlanta, the capital of the “New South,” where racial discourse is more overt. For white Atlantans, the figure of the black reckless driver persists through early discussion of adopting licenses in the 1920s and then wanes a bit through the 1932 elections (possibly in a move by both political parties to avoid an issue that was unpopular with majority-rural constituencies). In 1933, however, public debate over the reckless black driver comes roaring back in the form of one spectacularized event of vehicular manslaughter. After the eventual passage of a statewide license bill (instigated in part by the events of 1933) in 1937, the reckless black driver becomes a less prominent figure in the popular discourse. Instead, he is replaced by a new racial figuration: the black would-be driver who is too incompetent to even acquire a license. In this way, vernacular narrative rewrote the racial and cultural meanings of drivers’ licenses. No longer a hostile regulation that violates the terms of whiteness, by 1940 the documents signal a new form of white privilege. I end the chapter by revisiting Chicago just a few years after licensing passed, and where license law has already encoded racialization into its administrative powers. As whites rearticulated regulation as a form of belonging, they reverse-engineered the license technology into one of racial governance, authorizing the drivers’ license to assert racial fixity in a time when overt scientific racism was beginning to be challenged in the public sphere. Thus, the transition of this form of everyday photo ID from repressive to honorific, from punitive and phrenological to patriotic and “post-racial,” was complete, while remaining racially equal just below the surface.⁴⁸

Unless Fraud is Suspected: Bodily Regulation and Driver’s Licenses in Chicago

In both the North and the South, debates around identification laws hinged upon notions of white innocence and racial fitness. In the Northern state of Illinois, the question of race is generally articulated as a rural/urban cultural divide. Here, the city of Chicago acts as metonym (as it does today) for blackness and danger, while downstate populations frame themselves as white innocents who are unjustly regulated by a too-expansive state law. Newspaper accounts of legislative debates around drivers’ license regulations in 1930s Illinois reveals how the liberal-

⁴⁸ The language of “repressive” and “honorific,” as well as the understanding of the photographic as straddling these two modes of meaning, come from Sekula. See: Sekula, Allan. “The Body and the Archive,” October, Vol 39 (Winter 1986), 3-64. p.6.

progressive case for “public safety” deploys normative notions of the body, racially unmarked but framed as white, in order to pass identification laws.

Illinois did not introduce drivers’ license legislation until 1935, after thirty-one states (out of forty-eight) had already done so. Legally unlicensed drivers were relatively rare amongst Northern states: most New England states, for instance, had issued at least some licenses since the introduction of motor vehicles⁴⁹. However, rural Illinoisans were well-organized against the measure. One article describing a draft of the bill notes that “Illinois had lagged behind, according to observers of the legislature, principally because of downstate opposition.”⁵⁰ An article from a month later gives more information about what that “downstate opposition” entailed. Rural Illinois legislator David Hunter expressed skepticism about adding additional taxes and inflating the state’s bureaucracy. He also had core reservations about the efficacy of the measure, doubting the claims by the “so-called experts” that “we weren’t going to run into each other any more if we passed their law.” Overall, at least insofar as the *Chicago Tribune* understood it, “rural legislators [...] felt that a driver’s license was an unnecessary imposition upon farm car owners, intended to benefit Chicago only.”⁵¹

Rural Illinoisans were not uniquely opposed to licensing per se: rather, opposition to taxation and government intervention was a fundamental part of Southern Illinois tradition and politics. According to anthropologist Jane Adams, as far back as the 1870s, Southern Illinois “townspeople, concentrated along the railroad line, repeatedly tried and failed to pass a law [...] that would have permitted taxation for improved roads.” Poor farms were primarily self-sufficient operations and trade operated based on kin and social networks, such that they had “little interest in smooth farm-to-market roads.”⁵² Driving itself caught on much later in rural Illinois than in the city: one elderly woman, interviewed by Adams, recalled using the wheel of a Model T to help grind and stretch sausage.⁵³ Using trucks to move produce to market spread to rural counties in the 1930s, nearly a decade after Black migrants in Chicago had already begun to start taxi companies and sell Fords. To make matters worse, shipping agricultural goods up to Chicago during the Depression hardly allowed rural Illinoisans to break even. Says one

⁴⁹ “Year of First State Driver License Law and First Driver Examination”

⁵⁰ “Driver’s License and Liability Bills Drafted,” *The Chicago Daily Tribune*. 23 Nov 1936. p. 4

⁵¹ Foust, Hal. “Driver License Bill Faces Vote In House Today,” *The Chicago Daily Tribune*. 11 Dec 1935. p. 18.

⁵² Adams, Jane. *The Transformation of Rural Life: Southern Illinois 1890-1990*. Chapel Hill: University of North Carolina Press, 1994. p.123

⁵³ Adams, p. 62

informant, “we’d work all day long and ship up to Chicago and it wouldn’t pay for the freight.”⁵⁴ Another remembers quitting farming altogether in 1930 and going into the automobile business, but losing money for five straight years: “These people would come in there with a long face, and maybe had a load of fruit on their truck. They just had to have a tire, just got to have a tire. All right, old bighearted Fin would sell it to them on credit. Put it on the books. It’s still there on the books...”⁵⁵ While automobiles were changing how Chicago’s black and white residents related to space, time, and each other, rural whites were getting left behind.

In the 1930s, drivers’ license bills also likely felt like a retread of an old antagonism: the relationship between rural areas and the state government. Until 1915, the state of Illinois had had no significant role in road-building in rural areas: roads were mostly dirt paths cut across private land, and were owned by default by the landowners. The first state-regulated highways weren’t built until 1923. A “motor fuel tax” passed four years later paid for better paving and expanded road systems, but progress (likely because of the 1929 crash) moved at a snail’s pace. By the time licensing was being debated in the state legislature in 1937, the country roads that rural taxes had funded for over a decade were still not fully paved. Some would remain dirt and mud until after the Second World War⁵⁶. State government’s promise, undergirded by the massive expansion of federal power and funding under the New Deal, had not uniformly improved the transportation capacity of rural Illinoisans, but it had produced new regulatory infrastructure and taxation plans. To a populace that was made up, in the large parts, by ex-Southerners, some of whom had owned slaves less than a century earlier, and for whom the Democrats signified “the democracy of Andrew Jackson,” suspicious racial attitudes dovetailed with a well-founded and savvy suspicion that regulation equated with taxation, and that taxation did not always produce the innovations in transport that reformers in Chicago or Springfield promised.⁵⁷

Eventually, however, a compromise bill was able to emerge, due to two concessions to the rural anti-license faction. The first was a promise that the license fee be “only 50 cents” (about \$8.50 in 2015 dollars), and that the amount would also cover the licensing fees of one’s under-21 children. This measure served to quell the anti-tax sentiment of relatively

⁵⁴ *Ibid* p.137

⁵⁵ *Ibid* p.143

⁵⁶ *Ibid*, p.145-146

⁵⁷ *Ibid*, p.43; p.144

disadvantaged rural whites, as well as, it seems, account for the fact that rural farmers used their children as farm-hands. The second compromise, however, speaks to a broader, and much modern anxiety: that the increased size of state and federal governments would enact further intervention into not just the trade routes, but the actual bodies of white individuals. The language that Illinois legislators settled on was thus accommodating of that anxiety, while still signaling a commitment to law-and-order politics: a “physical examination” would not be required in order to receive a license, except if “fraud is suspected.”⁵⁸ (Indeed, although the license law went into effect in 1939, Illinois had no examination requirements at all until 1953.)⁵⁹

It is this second compromise that signaled a broader cultural anxiety: that drivers’ licenses were a way to regulate individual bodies. Like the anti-license New Yorkers in 1910, anti-license Illinoisans understood bodily data collection as a criminal enforcement measure, not as something that was done to white citizens who had not been accused of crimes. By the 1930s, however, there was an additional layer to the meaning of “examinations” performed by the state. Progressive Era appeals to public health had taken hold in the U.S. political sphere, as new national consciousness about wellness and poverty dovetailed with theories of eugenic and racial fitness. During the first three decades of the twentieth century, there was a general expansion of the regime of bodily examination, as health and safety concerns moved into the public sphere. The U.S. subjects who were most likely to experience this form of inspection were those already marked as social others. As Anna Pegler-Gordon and other historians have noted, the first wave of federal orders regulating and restricting Chinese immigration marked an unprecedented expansion of bodily scrutiny and documentation, using the photograph as an agent of physical inspection. Nayan Shaw and Mae Ngai further detail the extent of bodily regulation on immigrants around the turn of the 20th century; a variety of data-gathering and exclusionary practices occurred under the guise of “sanitation” and public health. Scholars of immigration such as Margot Canaday and Eithne Luibhéid have noted how queerness fell into the nebulous category of “likely to become a public charge,” allowing officials to exclude suspected

⁵⁸ “Driver License and Liability Bills Drafted,” *Chicago Daily Tribune*, 23 Nov 1936, p. 4.

⁵⁹ “Year of First State Driver License Law and First Driver Examination” Federal Highway Administration, U.S. Department of Transportation. <https://www.fhwa.dot.gov/ohim/summary95/dl230.pdf>

homosexuals, making marks on their documents that would then restrict their mobility across the border.

It is not a coincidence, then, that it was during the 1920s and 1930s, too, that the motor vehicle shifted from being understood as an appliance, something owned by an individual and used in a domestic context, to a social technology that might be regulated within public health and safety measures.⁶⁰ As such, driving itself became a new arena in which certain bodies could be dangerous to the public. Indeed, much of the discourse around early driving “examinations” echoes language from immigration and disability rhetoric. For example, one early driver’s education textbook took great pain to note a wide range of potential impairments that would supposedly limit one’s driving ability:

“While it is true that men minus an arm or a leg have qualified as safe drivers in spite of their disabilities, they did so because they exercised the most extreme care. Those who are afflicted with deafness, chronic disease, habitual nervousness, emotional instability or high blood pressure and heart disease must realize that they too are seriously handicapped for safe drivers. They should either stay away from the wheel or be prepared always to drive with exceptional caution.⁶¹”

Just as border agencies were charged with excluding those who might be “feeble-minded” or who might have any nature of diseases, motor bureau officials and driving safety councils imagined that they could keep those with “habitual nervousness” from driving.⁶² This list of impairments is striking because few, if any, of the impairments would exclude someone from acquiring a driver’s license today. Instead, this list reflects contemporary ideas of physical fragility, especially along gendered lines. Losing an arm or leg, in the decades after World War I, might have been a common war injury. On the other hand, “habitual nervousness” and

⁶⁰ Earlier accounts of the motor car remind me of how personal computers were understood in popular accounts during the 1980s: as niche items that might be enjoyed at home by hobbyists. When computers became linked via networks, the idea of “internet safety” emerged, turning computers from a strange toy into a social problem. I’m implicitly reading cars as having a similar expansion. (One might also look at the current federal regulations on personal drones as another example of this pattern of social anxiety, although the drone analogy more explicitly stages the origins of these technologies within militarist, not hobbyist, circles.)

⁶¹ Whitney, Albert W., ed. *Man and the Motor Car*. Michigan State Safety Council. Lansing, 1936. p. 54

⁶² For an extensive literature review of the relationship between public health screenings and border inspections, see Canaday, p. 32

“emotional instability” were much vaguer diagnoses, using language that reflects feminizing diagnoses such as “hysteria.” This implies that this broad and expansive list of potential exclusions was arrived at, not via in-car experimentation, but rather due to perceptions of bodily difference or deficiency. Of course, there is no reason to believe that these drivers’ education textbook authors had any intentions beyond preventing roadway accidents. However, even if their motives were purely automotive, the text nonetheless signals their implicit support for a particular strand of licensing discourse: that which desires the expansion of medical examinations as license prerequisites.

Although this particular drivers’ education text frames impairment-based driving bans as a matter of personal restraint, in which, drivers themselves “must realize” that they cannot safely drive, this is somewhat of an aberration in the popular discourse. Indeed, the idea that drivers’ licenses themselves should determine, preemptively, which bodies were fit for driving, or else be used to locate and punish “unfit” drivers *retroactively*, was a matter of significant discussion during the early twentieth century. As discussed above, many rural Illinoisans resented the idea that an otherwise-normative individual might have to submit to a physical examination. One doctor, writing a letter to the *Chicago Tribune* during the licensing debates, argued that medical professionals should “check every application” for a license in order to ensure that a candidate truly is “mentally and physically sound,” an exhortation for a type of screening that would go well beyond even the current DMV eye-test.⁶³ Against the backdrop of the examination debate, spectacularized headlines about individuals driving despite certain disabilities rolled off the presses. Articles that boldly announced “One-armed artist safe driver” or tell stories about a “disease-crippled couple” who were able to “drive their car anywhere with impunity” populated major newspapers in the 1930s.⁶⁴ The status of certain impairments, such as deafness, as disabling or non-disabling in driving contexts was uncertain; it seems that professionals in the business of examinations argued *for* excluding deaf people from the roads, whereas deaf people themselves argued for their fitness as drivers.⁶⁵ Some advocates even proposed adding “intelligence tests” weed out would-be drivers with intellectual disabilities. “States cannot

⁶³ Wietrzykowski, John F. “Driver’s License Questioned.” Letters to the Editor. *The Chicago Tribune*. 30 October 1938. p. B11

⁶⁴ “One-Armed Artist Safe Driver,” *The Atlanta Constitution*, 19 Jan 1936, p. 14A ; “Paralysis Victims Able to Drive Their Car Anywhere With Impunity,” *The Atlanta Constitution*, 16 June 1937. p. 4.

⁶⁵ Funk, John N. “Deaf Automobile Drivers,” Letters to the Editor, *The New York Times*. 6 December 1927. p. 28

legislate judgment into a driver's head," argued one letter writer in a 1930 edition of *The New York Times*, "but they might prescribe intelligence limits below which no applicant could get a drivers' license."⁶⁶

Overall, the lack of consensus around whether or not examinations were necessary for drivers, and, if so, what these examinations should screen for, seems indicative of a broader concern with the status of the potentially-diseased body in public space. However, this conversation about fitness and unfitness, already live during this historical period as it related to the bodies of immigrants, queer people, and people with disabilities, did have one significant distinction in the context of driving. The idea of examining all drivers widened the net of whose body would be tested, measured, and assessed. What was new, and so controversial, about the regulatory mechanism of the driver's license is not *what* data it collected or what categories of personhood it sought to marginalize or eliminate. Rather, what was new was *who* these mechanisms sought to target: white, able-bodied, non-immigrant men (and sometimes women).

Rural drivers' anxiety about pre-licensing examinations collided with another anxiety: the relationship between shifting racial dynamics and new urban centers. Recall that license dissenters, at least in their public statements, argued that license legislation would benefit "Chicago only" (and thus did not need to be statewide law). In the 1930s as now, calling something "Chicago only" was making a distinction that was not merely geographic, but also demographic. It is true that Chicago politicians, especially the mayor, were the major proponents of this bill, while farmers were construed as obstacles who were "endangering" its passage.⁶⁷ However, this statement is multi-layered. An allusion to Chicago as having significantly different investments in licenses, even though both urban and rural residents used motor cars, would have signaled larger cultural tropes about urban-dwellers, racialization, and crime. Indeed, Chicago's black population soared from around 44,000 to over 233,000 between 1910 and 1930, just before the license debates emerge in Illinois.⁶⁸ Perhaps *those people*, rural white Illinoisans seem to be arguing, could benefit from regulation such as drivers licenses. But that need not concern *us*.

⁶⁶ Tinkham, Julian. "Present Automobile Laws Ignore Fundamental Facts," Letters to the Editor, *The New York Times*. 29 June 1930. p. 56.

⁶⁷ "Mayor Urgent for a Driver's Tag Law Here." *Chicago Daily Tribune*. 30 May 1935. p.6.

⁶⁸ Hine, Darlene Clark. *Hine Sight: Black Women and the Re-construction of American History*. Indiana University Press, 1994. p.89.

The massive upheaval in Chicago's, and thus Illinois', demography during the years leading up to the licensing debates cannot be understated. The status of Black Chicagoans seemed to be alternately ignored or menaced by those invested in highlighting the region's transportation infrastructure. In a book collecting interviews and data from mid-1930s Chicago, the Works Progress Administration (WPA) provides a dozen travel guides for driving tours around the city and surrounding areas. The guides were seemingly aimed at a middle-class, newly mobile white audience, who were encouraged to take in the local sites and, presumably, build suburban economies via tourism. Each guide took care to note when there was "hard-surfaced roadbed throughout" the drive, as well as alert travelers to the presence of multi-lane highways, dangerous intersections, and ample accommodations along the road. (The road between Chicago and Joliet, apparently, was rough: despite have adequately paved roads, "heavy traffic, sharp corners, and narrow pavement necessitate cautious driving.") The same guide mentions the massive Black population only as a demographic oddity: Chicago's 233,903 "Negroes" appear in a short paragraph which notes that a quarter of the city's over three million residents are "foreign-born," and the only Black individual mentioned by name is the namesake of a building that a white visitor might pass on their automobile joyride.⁶⁹

Despite being positioned as immobile non-citizens by white visitors at the time, however, Black driving culture in 1930s Chicago was actually booming. In his popular history *The Promised Land*, Nicholas Lemann describes the symbolic power of cars to African Americans in both the North and South during the Great Migration:

"There really wasn't any young black person in Clarksdale who wasn't thinking about Chicago. During the traditional family reunion period, July Fourth and Christmas time,

⁶⁹ This source appears in a somewhat different form than its original format. In 1939, the WPA Federal Writers' Project produced an account of the city called "Chicago and Suburbs, 1939," which was originally published as a chapter within the WPA guidebook for Illinois. The Chicago section constituted a third of the state guide, and in 1991 was reprinted as its own text by Chicago Historical Bookworks. This may account for the fact that the index lists four mentions of "Negroes" in the text, but actually lists only three; a startlingly slight representation given Chicago's already-established reputation as a "Black Metropolis." In addition, the mention of "Negroes" as a "foreign-born" population requires some arithmetic to verify. If a quarter is "foreign-born," that's 844,109.5 foreigners given the total population recorded by the WPA at the heading of the book. Taking out the largest populations (Poles, Germans, and Russians respectively) and taking the text at its word that the smallest "foreign" group is 8,766 French and French-Canadian, it's likely that the city's 233,903 Negroes are classified as foreigners (otherwise the math wouldn't be likely able to account for the 500,000 citizens of other foreign groups without going over the numbers of the "most numerous" groups, 149,622 Poles, 111,366 Germans, and 78,462 Russians). Therefore, the "Negro" population was almost certainly included in this paragraph on purpose, not by accident. pp.1, 5-6.

people who had made the move would come home wearing dressy clothes and driving new cars. The mere sight of a black person, dressed as a businessman, pulling up to his family's sharecropper shack in an automobile-- sometimes a Cadillac!-- was stunning, a paradigm shift, instant dignity” (40).

On the next page, Lemann accounts for the fragility of Black wealth in the manufacturing North by tempering his statement, speculating that, "The new Cadillac was likely to be rented, or to have bought on credit, and destined to be repossessed soon after the return to Chicago."

However, the automobile still retained its value in a non-monetary fashion: as a symbol of the independence, affluence, and mobility available to Black masculinity in the U.S. North.⁷⁰

That said, at least some of Chicago's booming transportation landscape actually did generate real Black-owned wealth. According to social historian Christopher Robert Reed, "In transportation, African American enterprise led to the operations of nine taxicab companies, nineteen garages, fifty-one express and storage operations, and fifteen transfer companies." One businessman, "[Walter Howard] Lee started his own cab company after watching Yellow Cab Company dominate the transportation scene while sometimes mistreating its black costumers with poor service on the South Side. In July 1923, Lee formed a stock company and placed ten maroon-colored cabs labeled Your Cab Company on South Side streets. All vehicles were well-equipped taxis with their drivers in chauffeur's uniforms." Black enterprise gained entry into the city's Taxi Association, and soon was able to transition from the professional driving sector to personal motoring. Reed notes that "in January 1929, Kansas City transplants Herman Roberts and Kenneth Campbell opened a new car dealership at 5046 South Parkway," and this soon "led to the establishment of garages, such as Powell's Garage, which offered a variety of automobile services at [...] facilities located nearby."⁷¹ Thus, Black residents of Chicago were not merely mysterious foreigners, crammed into the South Side, to be observed only as they boasted their debt-bearing goods to their families in the South or to be passed over by white motorists as they zipped away on their Midwest motor tours. They were instead a significant aspect of inter-war Chicago's transportation industry, competing in a crowded transportation marketplace and, at least temporarily, succeeding. Viewed in this light, rural Illinoisans' claims that drivers' licenses

⁷⁰ Lemann, Nicholas. *The Promised Land: The Great Black Migration and How It Changed America*. New York: Vintage Books, 1991. p.40-41

⁷¹ Reed, Christopher Robert. *The Rise of Chicago's Black Metropolis, 1920-1929*. Urbana: University of Illinois Press, 2011. p.100-101

might be useful in “Chicago only” seem to reflect an early instance in which “‘urban’ had become a synonym for ‘black.’” Licensing, framed as an undue economic burden that should not be imposed on law-abiding rural whites, might be alright to impose upon Black drivers, who constituted economic competition as well as, potentially, a safety threat.

Among those rural white men who believed that submitting to government examination and regulation *de facto* associated them with law-breakers and foreigners, drivers’ licenses were a hard sell. Advocates, on the other hand, argued that licenses and license-issuing bureaus should have significant power to regulate the bodies, and not just behaviors, of drivers, widening the gap between the two factions. In the meantime, traffic fatalities were not merely a specter conjured up by pro-license advocates, but rather a real and significant issue in increasingly densely-populated U.S. cities. By intertwining the discourse of those racial and non-normatively embodied Others who deserved inspection with the (racial, degenerate) signifier “Chicago,” Illinois legislators attempted to promote regulatory discourse that would affect whites without seeming to diminish their privileged autonomy, economic status, and mobility.

In the South, however, the conflict between a seemingly dire collision rate and even more fervent resistance to expanding state regulatory power created a political stalemate. It was when the debate gained a racial resonance that the roadblocks to license legislation seemed to finally give way. In order to understand the intertwining of racial discourse and political movements to pass drivers’ licenses in the South, this chapter next moves to Atlanta, another contested urban site along both urban-rural and black-white social divides of the period. While the figure of the reckless “negro” driver had floated through Atlanta’s public discourse through the 1920s, it was made particularly manifest in 1933, when a black man, an ex-convict, killed a white man with a car.

Licensing in Atlanta: Negro Recklessness

On February 28th, 1933, councilman Raymond Curtis asked the Atlanta City Council to consider passing a strict law regulating the examination and licensing of drivers. Whether or not to license drivers reignited a decade-long controversy, one that had been so heated that the city’s major newspaper, the *Atlanta Constitution*, had deemed it a “war.”⁷² A flurry of pro-license

⁷² “Driver’s License War is Renewed.” *The Atlanta Constitution*, 1 March 1933, p.2.

activism from Georgian motorist clubs and urban-dwellers throughout the 1920s and into 1931 had been met with resistance by rural residents. In the midst of this conflict, racial logics began to attach to licenses, as license proponents employed the figure of the “reckless negro” to convince their rural opposition of the public health crisis wrought by urban drivers. The driver’s license debate had racial stakes across the nation, most acutely in the unofficial capital of the “New South.” Arguments over the adoption of driver’s licenses in the 1930s, especially but not exclusively in Atlanta, were also arguments about the racial politics of criminalization, surveillance, and mobility restriction.

When he presented his case for driver’s licenses to the Atlanta City Council in 1933, Councilman Curtis was not acting from an abstract interest in public safety. Instead, he was responding to a recent automobile tragedy, one that was understood through a racial lens. On the previous Sunday, February 26th, 1933, Councilman Curtis’s friend and Atlanta Fire Department Chief John Terrell had been struck and killed a driver named Garfield Towers. Towers’ car slammed into the side of Terrell’s truck while the chief raced out of the firehouse on a call.⁷³ Towers, whom census records indicate had already served time in prison by the time of the accident, was being held without bond on the day that Raymond Curtis requested that driver’s licenses be issued in the city.⁷⁴ Terrell was white; Towers, black. Although licenses would not be adopted in the city until 1937, this event of black-on-white vehicular manslaughter ended the political stalemate that had stalled the question throughout the election of 1932. Now, the “war” was back on, and ripe to be won by those who advocated for a very strict licensing and examination system.

Thus, a traffic incident involving a white victim and a black alleged perpetrator undergirds the adoption of the first driver’s licensing law by this major Southern city. Unlike in Chicago, where the name of the city itself operated as a shibboleth for unspoken demographic anxieties, Atlanta’s public license discourse in the 1930s evoked race much more explicitly. I

⁷³ “Driver’s License War is Renewed”

⁷⁴ Due to what may have been a clerical error, Towers was released on bond the next month; his case was meant to be taken up again in late Spring, but by then the public outcry at the unexpected loss of Chief Terrell seems to have diminished in favor of more general discussion of license policy. As far as I can tell, Towers disappears from the newspaper records by late Spring 1933. “Senator Change House Bank Bill,” *The Atlanta Constitution*. 22 March 1933. p.5

Information on Towers available in US Census data via genealogical resources: <http://www.mocavo.com/1930-United-States-Census/126213/004950347/347#row-32>

“Driver’s License War is Renewed”;

situate 1930s Atlanta as a particular case study, in which overt racial politics intersected with eugenic concerns about bodily fitness, anxieties about modernity and mobility, and the new science of criminology. The confluence of widespread social fears about licenses with Southern racial anxiety created a familiar logic: that the identification of social ‘others’ can be construed as a public safety measure. From this logic, the figure of the reckless negro emerged, enabling extant tropes of criminal and ignorant blackness to attach to the phenomenon of black spatial mobility. An examination of licensing discourse in this racially-charged city helps unpack how and why drivers licenses gained their contemporary social meanings, and why certain types of identification documents became extraordinarily indicative of normative social belonging.

Prior to the death of Chief John Terrell, advocates for licenses had not been able to push through licensing bills, despite the fact that Atlanta had one of the most-fatal road systems in the nation. Without licenses, states had no regulatory mechanism for determining driver safety; Southern states, which had been especially slow to pass license regulation, dominated the driver fatality statistics in the early 1930s. Even among other members of this reckless region, however, Georgia was a standout, at 34.5 deaths per 10 million gallons.⁷⁵ Earlier moves to pass driver’s licenses in Georgia had gone nowhere; throughout the 1920s, bills were discussed in the press but had failed to be brought to the floor. Like rural Illinoisans, rural Georgians, as well as many city-dwellers, were suspicious of licenses, seeing them as a state intrusion. It is clear that the Atlanta City Council, however, had long been content to ignore the frequent petitioning of the Atlanta Motor Club, officials from other Southern cities who had seen the measures’ success,⁷⁶ and drivers’ organizations for more regulation on the roads.⁷⁷ However, the apparent reluctance

⁷⁵ A status that persisted past the adoption of the Atlanta license, since the rest of the state of Georgia had not yet adopted stringent licensing laws. I do not know how to interpret the “deaths per gallon” unit of measurement, but it was the highest number reported in the article. “Georgia’s Shame,” *The Atlanta Constitution*, 26 Nov 1936, p.4.

⁷⁶ In 1933, the President of the Chattanooga Safety Council, Harry Wise, visited Atlanta to do “missionary work” on the subject of driver safety. He urged Atlanta to do what his own city had done and introduce local drivers’ license ordinances. The need for cities to take this regulation into their own purview was acute, he argued, given that state governments had been slow to introduce state-wide licensing legislation. Notably, the Chattanooga ordinance did *not* necessitate drivers to be examined before getting a license; the mechanism seemed to be more about identifying, making liable, and restricting the driving of those who did cause accidents, rather than ensuring that accidents did not occur in the first place. Perhaps this was a compromise with constituents who either had been driving before the passage of the ordinance or with those who saw examinations as unnecessarily intrusive. “Chattanooga Drivers’ License Law Reduces Auto Casualties By Half,” *The Atlanta Constitution*, 16 July 1933. p. 4A.

⁷⁷ On “the petitioning of the Atlanta Motor Club,” see Haymond, Oscar L. “Atlanta Motor Club Urges the Licensing of Auto Drivers,” Letter, *The Atlanta Constitution*. 16 Sept 1926. p. 6.

of white rural Southerners to register and regulate their vehicles seemed to diminish when weighed against the specter of black negligence or criminality.⁷⁸

Throughout the U.S. South, especially in the Deep South, the status of the “Negro driver” had long been a site around which white racial anxieties were organized. For one thing, an automobile was an expensive commodity, an object that working class and poor Southern whites could not easily acquire. Black drivers who owned their own vehicles, then, were a highly-visible, rapidly-moving affront to a social order that depended on black subordination. Historian Neil McMillan describes a Mississippi case, recovered from the NAACP archives, in which “a black physician and his fiancée were beaten and seriously wounded by gunfire when whites forced them off a road near Meridian... [The NAACP] investigated and attributed the assault to ‘jealousy among local whites of the doctor’s new car and new home.’”⁷⁹ During the Depression a decade later, when working-class white Southerners may have needed to purchase “cheaper cars or to stop driving altogether, because gasoline was too expensive,” affluent Black drivers cruising through town may have seemed to be rubbing even more salt in whites’ perceived racial and economic wounds.⁸⁰

In addition, Black drivers also represented Black workers who were not as physically tied to sharecropped land, and who could therefore take their labor to new farms looking for better treatment or opportunity. They could even leave for a Northern city and, as discussed above, perhaps acquire enough wealth to make money from driving or selling automobiles.⁸¹ Mob violence and legal strictures in the South had regulated Black mobility by opposing “vagrancy, contract labor, [and] emigrant agents” both before slavery and after Reconstruction. Taxation and

⁷⁸ This is not to say that only Southerners doubted black people’s competence as drivers. A feature article in the *New York Times*, written by the New York Commissioner of Motor Vehicles, describes why licensing and the ability to suspend licenses for bad drivers is a public good. The Commissioner’s key evidence is a news story from Indiana, which reports that “Jack Johnson, negro, former heavyweight champion, was fired upon and halted by a Gary policeman today who alleged that the pugilist was driving his automobile seventy miles an hour. He paid a fine of 1\$ and costs and was released.” The commissioner does not remark on the fact that gunfire was apparently the Gary, IN PD’s method of traffic control. Instead, he goes out of his way to remind readers that “there are thousands of white people guilty of the same offense.” This line only becomes coherent if you imagine a readership that is primed to consider black crime, even traffic crime, to be routinized, and to therefore not see black people’s law-breaking as necessarily indicative of what whites were likely to do. Thus, it seems that the figure of a reckless black driver is coextensive with arguments for expanding the motor bureau’s regulatory powers. Harnett, Charles A, New York Commissioner of Motor Vehicles. “Limit Driving Licenses to the Physically Fit.” Jan 4, 1925. *The New York Times*. p. A12

⁷⁹ McMillan, p.30

⁸⁰ Powdermaker p. 17; p. 29

⁸¹ Reed, 100

other economic penalties were leveled against those who would “entice” Black laborers to move away, either from one plantation tenancy to another or from the South to the North. In a world where “no facet of plantation life commanded more attention than the need for a stable work force,” picking up and leaving was Black Southerners’ strongest weapon to control the terms of their own labor.⁸² The economic symbolism of the automobile was so powerful that famous WPA photographer Dorothea Lange shot stills of Black Mississippians crammed into a 1930s pick-up truck, setting off on a dangerous search for better wages or more fair treatment.⁸³

On a day-to-day basis, Southerners integrated driving into a Jim Crow racial order. Even beyond the economic pressures and white fragility that spurred white supremacist anxiety about Black drivers, whites racialized driving activity itself. For example, McMillan writes that “Early in the automobile age white opinion and the local constabulary in some communities arbitrarily denied black motorists access to the public streets. Many towns informally restricted parking to whites on principal thoroughfares; for a time following World War I, Jackson’s Capital Street, portions of Greenwood, the entire city of Laurel, and doubtless all or parts of many other communities were known to be open only to white motor traffic.” Drivers’ licenses were not segregated objects—who needs to segregate licensing, when the roads themselves were segregated? Instead, licenses made it easier to trace and criminalize Black drivers.

And all Black drivers, it seemed, could be criminals. When white and Black drivers did share roads, white Southerners did not necessarily follow standard (or at least, standardizing) driving rules, choosing instead to import the discriminatory social norms of Jim Crow pedestrian life. As Hortense Powdermaker’s then-groundbreaking 1939 anthropological study of “Cottonville” (Indianola), Mississippi exposed, just as black men and women were expected to step off the sidewalk when a white individual approached them, black drivers were always to heed way to white ones, allowing themselves to be passed on the roadway or even rammed into with no legal penalty. Likewise, McMillen reports that, “in the Delta, custom forbade black drivers to overtake vehicles driven by whites on unpaved roads. ‘Its [sic] against the law for a Negro to pass a white man,’ a black Holmes Countian reported in 1940, ‘because the black man might stir up dust that would get on the white folks.’”⁸⁴ As Powdermaker explains more systematically, “Courtesies of the road are among those withheld. Negroes in Cottonville are

⁸² McMillan, p.140-141

⁸³ McMillan, p.194

⁸⁴ McMillan, p.14

very cautious drivers, and they have need to be, since white drivers customarily ignore the amenities toward a car driven by a colored person. A white Northerner driving through the town with Negro passengers in the rumble seat of her car was startled to find other machines passing her without sounding their horns. It is simply assumed that the Negro will proceed with caution, keep to the side of the road, and not count on the right of way. The assumption is sound, since if there is an accident the Negro as a rule shoulders the penalty".⁸⁵

In one telling example, Powdermaker records a conversation with a white woman informant, who described a local traffic accident as follows:

A white lawyer driving at about fifty miles an hour came to a cross road. He saw another car coming but did not stop, figuring that the other would do so. He figured wrong, and there was a collision in which he was slightly bruised and his car was battered. A white bystander urged him to "just kill the nigger," since he wouldn't collect any money for damages. "That's the only thing to do-- just kill him." The lawyer said he would not kill him, but would take the case to court. When it came up, the Negro pleaded guilty and was fined \$25, which he had to work out at the county work house, as he did not have the money. The white woman who told the story said it was good he pleaded guilty or "he'd have got worse." It might be unjust, she admitted, but "you have to treat the niggers that way; otherwise nobody knows what would happen." The lawyer received insurance for his car and nothing but satisfaction from the Negro's sentence.⁸⁶

Furthermore, even in instances where fault was obvious according to driving convention or common sense, white men took pains to pin the fault on black drivers. Powdermaker explains this by recording a conversation with a black informant, describing a rare instance of justice for the black accused: "[...] the mayor of the town happened to witness an accident in which the white man was unmistakably at fault. The white driver, not knowing this, had the Negro arraigned and brought before the mayor, who promptly dismissed the case. The Negroes' [sic] comment was that the mayor 'is mighty fair for a southern man'.⁸⁷ Thus, any of Powdermaker's

⁸⁵ Powdermaker, p.49

⁸⁶ *ibid*

⁸⁷ Powdermaker, p.50

contemporaneous observations about the “Negro driver” in Mississippi might be extrapolated across state lines into Georgia, it stands to reason that the only bad drivers, according to white Georgians, would be their black neighbors. Since white drivers were never at fault for the auto accidents that they themselves caused (perhaps by not signaling while passing a black driver, thinking it unnecessary or even demeaning), virtually all crashes would have been reported as having black perpetrators. Southern white publics would have read multiple stories, or at least heard multiple rumors, about extraordinarily reckless, aggressive, foolish, and/or ignorant black drivers and their contributions to Georgia’s high automobile death toll.

For Atlantans who followed the newspapers, the trope of reckless black drivers would have been instantiated and proliferated via local coverage for at least a decade before Terrell’s tragic collision with Towers. For example, in 1924, an article in the *Atlanta Constitution* listed the names and offenses of an “unusually large number of cases” involving traffic ordinance violations, including descriptions highlighting some particularly egregious cases.⁸⁸ All of the cases that garnered explicit detail in the paper involve a “negro” who is either speeding or driving recklessly. One such man, Flam Glasengale, was given a suspended license, a \$100 fine, and 30 days in the city “stockade” (Atlanta’s term for its prison). \$100 is the equivalent of \$1,357.29 in 2015 dollars.⁸⁹ Glasengale’s crime was driving approximately eight miles an hour faster than the cop car that pulled him over. The other speeding fines, for individuals whose race is not noted, are all \$25 dollars, while other reckless driving fines ranged from \$15 to \$25 dollars.⁹⁰ It seems that anxiety about the particular propensities of “negroes” to be reckless or intoxicated drivers was widespread, even as the whole of Atlanta (black and white) was reported to be a hotbed of speeding vehicles, unmarked intersections, and pedestrian carnage.⁹¹ Of course, all of this discourse is embedded within what is perhaps the most profound irony of the reckless Negro trope: the fact that Black Southerners would have encountered white drivers, not as innocent victims, but as perpetrators of terror. In 1920s Mississippi, for example, according to

⁸⁸ See: “Police Continue Traffic Crusade,” *Atlanta Constitution*.

⁸⁹ <http://www.dollartimes.com/inflation/inflation.php?amount=100&year=1925>

⁹⁰ (Note: the fact that Glasengale had his license suspended indicates that Atlanta did have some licensing regime, but it was neither compulsory nor included a driving examination.)

⁹¹ For example, a 1920 newspaper article noted that Georgia had the second-highest rate of “excessive number of [automobile] fatalities in proportion to population,” and admonished the state’s poor ranking in economic, as well as humanitarian, terms: “we are needlessly wasting human life on our streets-- precious human life that we cannot afford to waste!” Driver’s licenses were a remedy suggested to correct “Atlanta’s Bad Record,” *Atlanta Constitution*, 7 Dec 1920, p. 8.

oral histories conducted by Lemann, a Black young man was acquitted of rape, but “freedom lasted only a few minutes. A gang of white boys waylaid the black boy as he was walking home from the courthouse, tied his feet to the back of a car, and drove all the way from Clarksdale to Marks with the black boy's crushed, bloody head bouncing along the roadbed.”⁹²

However, as the story of Garfield Towers’ vehicular manslaughter and others, illustrate, popular accounts of car accidents only seemed to pierce white consciousness when white people were injured or killed by black people. Constructions of certain types of criminality, then, coevolved with racial typology. That blackness was associated with particular forms of negligent criminality as well as intentional violence was neither new in the early twentieth century nor restricted to the early twentieth century. For a modern-day analog, one might examine the figure of the “radical Muslim terrorist,” against whom the 2005 Real ID Act passed through both houses of Congress. The Real ID Act greatly expanded the standardization, digitization, and inter-state data-sharing ability of the drivers’ license, formally codifying the state ID as a domestic security document rather than merely an automotive safety mechanism. In the interwar period, as in the post-9/11 period, racial others were invoked in order to expand previously-racialized domestic surveillance measures to white non-immigrant subjects.⁹³ However, perhaps because drivers’ licenses appear to be neutral or affirmative documents, the role of racial rhetoric in constructing these documents in the first place has been under-acknowledged.

Licensing in Atlanta: Negro Ignorance

From here, the chapter pivots towards a key question: how did the social meanings of these documents move from punitive to affirmative, especially amongst white citizens who heretofore did not consider themselves deserving of what they considered a government intrusion? My contention is that a new type of *identification narrative* emerges during this period, in order to manage the potential threat to whites’ sovereignty over their unrestricted mobility as well as their personal data. After licenses became commonplace, often over the objections of rural white drivers, new narratives emerged that consolidated black drivers as

⁹² Lemann, p.35

⁹³ In the parlance of right-libertarians, this might be called “treating innocent people like terrorists,” a phraseology that implicitly understands “terrorists” to be immediately recognizable as deserving certain surveillance and inspection measures whereas “innocent people” do not.

incapable of acquiring the new licenses. These narratives, which emphasized not black recklessness but black ignorance, circulated in a strange genre: short Associated Press clips that read more like jokes than like news bulletins. The construction and circulation of these humorous “news” items were part of a larger reorganization of the meaning of drivers’ licenses, allowing them to signify privilege instead of constraint.

As discussed above, the driver’s license was not a whites-only franchise in the early twentieth-century U.S. South. While people of color were not barred access to driving, however, the scene of encounter between the state and Black applicants became a ripe site for white-produced racial humor. Within five years of the introduction of driver’s licenses to the state of Georgia, the *Atlanta Constitution* began reprinting Associated Press newsclips from other Southern cities, detailing supposed conversations between motor bureau officials and “negroes” applying for licenses. These reports often ended with a quote which functioned as a punch-line. Although not explicitly labeled as jokes, these pieces reproduce tropes of Southern racial humor in content and in genre. It is difficult to assess how widespread the circulation of these texts was, or how many other documents of this type were spread around in the early years of the driver’s license. However, a closer analysis of examples of this trope provides context for contemporary anxiety about proper and improper documentation.

Below, I reproduce and discuss three examples of this emergent genre, examples which represent three stages of state encounter within licensing systems. The first text describes taking a drivers’ examination, and stages an encounter between an elderly black man and a police officer. The second text describes the formal application for a driving license, and describes a young black man’s unorthodox answer to a clerk’s question. The third text is set in traffic court, in which a black man is sentenced to a fine, a “public work camp,” and a revoked license. In each of these three news items/ jokes, black individuals are framed as incapable of interacting correctly with state actors, in particular due to their inappropriate speech or lack of speech. Unlike a news spot, which might inform the reader of the outcome of these interactions, instead these newsclips allow readers to infer the fate of these individuals, allowing these racialized linguistic deviations to speak for themselves. Presumably, an audience is meant to understand that these subjects clearly were not fit for driving, or, indeed, for a civil interaction with officials of the state. By staging the exclusion of these subjects from licensing scheme, as well as staging the white officials who were able to prevent these supposedly inappropriate subjects from

obtaining or retaining licenses, drivers' licensing systems were renarrativized as renewed sites for white performances of dominance. Thus, drivers' licenses have more in common with other Jim Crow-era bureaucratic systems than one might first imagine: just as literacy tests became a vehicle for staging black ignorance, and therefore justifying exclusion from the political, interpersonal encounters with bureaucrats may have been mobilized to exclude black people from the increasingly-motorized public.

As discussed at length above, driving examinations were a controversial part of drivers' license laws. Some white rural voters understood them as bodily intrusions, while white elites such as doctors tended to see them as necessary regulations. In many states, license measures only passed skeptical legislatures if they did not include mandatory examinations. As such, it is striking that the examination, in particular, becomes rewritten as a scene of exclusion for black would-be drivers. In this section, I take a closer look at how this scene became reconstructed as a comedy for white audiences.

In the archival text (below right), a police officer is verbally assessing an older black man's knowledge of the traffic light system. The man correctly answers two out of the three questions, but is stumped by the question about an "amber light" (what we now would call a yellow light). The applicant, after pondering the question, comes up with a neologism, "amberlance," a portmanteau of 'amber' and 'ambulance.' Presumably, his answer means that a yellow light indicates an alert that an ambulance is coming. The news clip ends on this line, although a reader can reasonably assume that the elderly man failed his driving test, and was therefore not issued a license.

This text, like the other two texts that I examine, has both the paratextual trappings of a news story and the formal, narrative qualities of a written joke. The article has a byline (indicating that it circulated from the Associated Press) and a dateline

**Amber Light Denotes
Amberlance. Cop Told**
WILLIAMSBURG, Va., July
23.—(AP)—State Policeman John
D. Rush was giving an elderly
negro an examination for a
driver's license.
"What does a red light mean?"
the officer asked.
"Stop," answered the negro.
"How about the green light?"
"Go."
"What does an amber light
mean?"
The applicant scratched his
head a minute and replied,
"amberlance."

Figure 1: "Amber Light Denotes Amberlance Cop Told." *The Atlanta Constitution* (1881-1945); Jul 24, 1938; ProQuest pg. 2C

(indicating that the spot is from the day before the newspaper circulated, and originated in Williamsburg, VA). It has a headline that reads like a normative headline: it tells the main idea of clip, to the point that it prematurely gives away the “punchline.” However, it also follows the generic form of a joke, with a scene, a set up, and a punch. The first paragraph, rather than summarizing the main events of the story, instead narrates a teasing scene, one that occurs in the past progressive (“was giving”) rather than the standard simple past (“gave”). Although this may seem like a minor aberration, this aberrant tense creates an unorthodox sense of ongoing action, signaling a reader to continue reading in order to understand the significance of these events. Yet this particular opening paragraph, as well as the short length of the text, does not clearly signal a generic allegiance to the feature or human interest story, either. A human interest or even tabloid spot might have a *more* compelling hook, an opening to a gripping story that would unfold with the reader. Instead, this paragraph is simultaneously temporally progressive and clipped: as such, it reads like a “quip,” an opening move in a short comedy.

In addition, the tripartite exchange between the police officer and the “elderly negro”—first one question, then a second, then a punchline on the third—has a formal, even classical uniformity to it. In a real driving examination, of course, this line of questioning makes perfect sense: there are three lights, and it seems important that a prospective motorist know the function of all three of them. However, from a *reporting* perspective, the inclusion of quotations for the two previously-answered questions makes less sense. Why not simply report that “the applicant answered the first two questions correctly?” Why is it important to integrate supposed quotations for such banal content? Thus, it seems that these quotations are included in this article in order to perform an entertainment, rather than journalistic, function: to capture the humorous contrast between the correct answers at the beginning and the comedic answer at the end. Likewise, the applicant’s gesture of confusion (“stratch[ing] his head a minute”) is included before the final line. This reads like a realism-effect, an attempt to make an audience feel immersed in the truth of the narrative, even as it simultaneously operates as a breath or pause before the payoff of the joke.

The final line, what I have been calling the punchline, is perhaps the strangest element of this clip. Even as a reader is aware, from the headline, that it is coming, it still purports to be funny; it is meant to come as a surprise, since the first two answers were correct. (That said, this joke form is predictable *because* of that genre expectation: what is the point of including the first

two correct answers in the text, except to set up an incorrect answer to the third?) One way to understand this joke is that, put most simply, “amberlance” is a strange-sounding made-up word coming from a grown man. Of course, however, the race of this applicant, in a Southern city in 1938, should be understood as central to the joke.

Race relations in Williamsburg, Virginia during 1938 were likely to have been significantly strained. The “living history” museum Colonial Williamsburg, which the oil-baron Rockefeller family built as both a financial investment and a patriotic monument, had opened a mere four years earlier. The outdoor museum, which purports to represent a glorified 18th-century version of the Virginian city, had at that time no representations or significant acknowledgment of slavery, and had been completed without the consultation of any of the city’s African American residents. (A black man who was “elderly” in 1938 may well have been born into slavery, which had ended in Williamsburg only 73 years prior.) In addition, the College of William and Mary, Williamsburg’s most prominent institution, had during the previous decade accepted a significant gift to the college: a ceremonial flagpole from the Ku Klux Klan. The 1926 flag dedication ceremony had been held at College Corner, a central intersection in town, an event that had attracted over 5000 Klan members.⁹⁴ In sum, it is likely that a black Williamsburg resident in 1938 could have felt acutely alienated or targeted by a white police officer, and white police officer, even if he himself was not a Klan member, might have felt especially empowered to circulate a story of black ignorance.

The fact that the punchline of this joke is not only an incorrect answer, but also a neologism, also has racial significance. The purportedly “bad” English of Black Americans has a long history of being played as comedic to white audiences, a comedic history that long outlasts slavery and continues into the contemporary. While ‘amberlance’ is a portmanteau and not a traditional example of racialized linguistic variation, a white readership may have understood this speech act as part of a vernacular variation that they deemed inferior. When circulated by the Associated Press and reprinted in white newspapers, this line signifies a type of creative foolishness that is familiar from Southern vernacular folktales and race jokes.

⁹⁴ Zagursky, Erin. "Slavery by Another Name' Reveals Realities of W&M's past." William & Mary News and Media. The College of William and Mary, 12 Nov. 2014. Web. 09 Apr. 2016.
<http://www.wm.edu/news/stories/2014/slavery-by-another-name-reveals-realities-of-wms-past123.php>

Linguistic non-normativity is also the punchline of the second example of this genre, a scene in which a young man gives an unexpected answer to the clerk at the Motor Bureau. In this exchange from Memphis, the set-up is slightly different; unlike the progressive tense of the examination scene, this application scene is clearly set in a reporter's simple past tense. In other aspects, however, this clip bears similarities to the examination scene: the headline gives away the punchline, but the opening paragraph, counter to journalistic norms, withholds the outcome of the scene. In addition, the final line once again is the supposedly-humorous retort by the black individual, rather than a reporter's description of the outcome, thus allowing this young man's statement to operate as a stand-alone punchline.

**Clerk: 'Your Occupation?'
Youth, 19: 'I'se Retired'**
MEMPHIS, Tenn., May 26.—(AP)
A 19-year-old negro walked into the state license bureau today and applied for a driver's license. He gave the clerk his name, age and other information. "Your occupation, now?" inquired the clerk. "No occupation, boss," replied the negro. "I'se retired."

Figure 2: "Clerk: 'Your Occupation?' Youth, 19: 'I'se Retired.'" *The Atlanta Constitution* (1881-1945); May 27, 1939, ProQuest, pg. 1

Here, the textual humor comes not from an invented word, but a conflict between the word with which the man describes himself (retired) and his calendar age (nineteen). Notably, however, the youth's answer is not necessarily an incorrect or silly one, but could in fact reflect an understanding of these terms outside of a governmental setting. Although the word "occupation," in official capacities such as bureaucratic paperwork, usually signifies "employment," outside of this context the term occupation can just as easily signify "the state of having one's time or attention occupied," "what one is engaged in," or "a particular pursuit or activity."⁹⁵ In addition, the word "retired" has multiple meanings: "Of a person: that has left office, employment, or service permanently, now esp. on reaching pensionable age" is actually definition four, listed beneath other commonplace sense of the word such as "Of a way of life, an activity, a period of time, etc.: characterized by seclusion or withdrawal from society; private, quiet."⁹⁶ Therefore, if this young man understood the question, "your occupation, now?" to be a

⁹⁵ "occupation, n." *OED Online*. Oxford University Press, September 2015. Web. 8 November 2015.

⁹⁶ "retired, adj. and n." *OED Online*. Oxford University Press, September 2015. Web. 8 November 2015.

question about an *activity*, rather than a person, his answer makes sense. That is, if the clerk had meant “what are you, at this minute, engaged in?” then the answer, “I am not currently engaged in an activity” makes logical sense, and is neither an incorrect or even particularly non-standard usage of the term “retired.”

That said, merely rereading these two words in an attempt to bring this young man’s language back into Oxford English Dictionary-normativity does not sufficiently address the problem of this joke. Indeed, the non-standard contraction “I’s’e” is likely just as responsible for the racial pleasure of this joke for its white audience. Although the headline could represent the main text of the punchline perfectly well without this contraction, “I’s’e” is included, even as the white clerk’s speech act is edited down (“Your Occupation?” from “Your occupation, now?”). Capturing this contraction, which white readers would likely have understood as a familiar textual mimicry of African American Vernacular English, frames its object, “retired,” as also inevitably “wrong.”

The “amberlance” scene, with its care to portray the applicant as thinking very hard about the answer before speaking it, is hard to read as an example quick verbal repartee. However, this young man’s reference to himself as “retired” might signify an act of cheek or pluck, a chance to make light of either the economic conditions of black underemployment or the (paradoxical) stereotype of black people as inherently lazy. Occupation, after all, was likely not recorded on a drivers’ license;⁹⁷ it is unclear why this clerk would have asked this question in the first place. Perhaps the young man understood this question as an invasive, and even insulting one. This explanation would make his use of the term “boss” to address the clerk sound funny and sarcastic, rather than indicative of either familiarity (in a slang usage) or (more literally) a performance of subservience. If this exchange could be read, against the grain, as a recording as a type of resistant back-talk, however, it is a risky form of it; if this clerk decides that this young

⁹⁷ In fact, this is merely a hypothesis: throughout my research, I have been surprised to discover that the data that appeared on licenses in the early-mid twentieth was often much different than is collected now. For example, California in the 1950s listed one’s marital status on a drivers’ license, which inspired a strange wallet-theft plot in an episode of the *I Love Lucy* spin-off *The Lucy Show*.

man does not deserve a license on account of his unorthodox “occupation,” by what channels could he, in 1939 Memphis, appeal his case?

The final example of a racialized encounter with a drivers’ license regulator occurs on the revocation, rather than acquisition, end of the document system. As will be discussed below, this news clip (left), the humorous aspect of the text is more submerged than in the two previous examples. However, it is still a notable instance in which a black individual’s encounter with a state actor is represented as incompetent. Although John Gordon, like Garfield Towers, had crashed a car into a significant community figure, Gordon is not figured as reckless or in need of control. Instead, he is non-normatively *in* control, too silent to even speak appropriately in his own defense.

Of the three clips from this archive, this text most occludes interpretation. While I do not empathize with the sensibility, I recognize the perverse pleasure of the racial humor in the first two clips, the ways in which these white-authored texts circulate as evidence of white legitimacy and proper citizenship. In this final clip, what may have been intended as a punch line reads inevitably to me like a different genre: a tragedy. Perhaps Gordon did not fully understand the court procedures under which he was being tried. Perhaps when he finally asked to say something, he meant to say something that was *not* intended as his defense—perhaps an apology, or a plea—but instead the judge cut him off, interpreting his desire to speak as a foolish aberration to normal court procedure rather than a human desire to address someone in the room. The headline, “Silent Too Long, Speaks Too Late,” does not hint at a joke, even though the judge’s quotation at the end of the article seems to function like a punchline. If this is a joke, it is a grim one, one that accidentally exposes larger inequities in the enforcement and prosecution under new driving ordinances. As an editorial in *The Atlanta Constitution*, published only two weeks later on May 19th, would point out,

Silent Too Long, Speaks Too Late

Special to THE CONSTITUTION.
THOMASTON, Ga., May 4.—
John Gordon, negro, waited too
long to talk.

He was being tried before
Judge J. M. Middlebrooks, ordi-
nary, on charges resulting from
a crash with a state patrol car
on April 22.

Judge Middlebrooks asked
Gordon if he had anything to
say in defense before sentence
was passed. He didn't. The judge
fined him \$20.50, sentenced him
to the public works camp, and
took his driving license away.

Gordon said, "Can I say some-
thing now?" The judge said,
"No, don't say anything now, it's
too late."

Figure 3: "Silent Too Long, Speaks Too Late." *The Atlanta Constitution* (1881-1945); May 5, 1939; ProQuest pg. 13

There can be no denying that, in many instances, a negro defender gets a heavier penalty than a white man for the same offense. For instance, take traffic or driving violations. Presume a negro is guilty of reckless, fast driving, and of driving while drunk, on the city streets. Convicted he will probably draw a chain gang sentence of six or twelve months, without the option of a fine or with a fine added.

An average white man, guilty in the same degree of the same offense, will probably be fined and have his driving license taken away for a few months. And that is all. Understand, there are exceptions to every rule. I'm speaking of the average rule.⁹⁸

It is unclear if this depressingly familiar discussion of racial disparities in sentencing was directly influenced by the case of John Gordon. Most likely it was not, given that Gordon's crime took place in Thomaston, a town sixty-five miles outside of Atlanta, and this opinion writer mentions "the city streets," implying Atlanta specifically. However, it is still significant that inequitable penalties for driving violations was the first example that this writer used to illustrate the injustices of Atlanta's justice system. Perhaps the license system, at least in Atlanta, fulfilled its intended purpose: making it easier to identify and detain those convicted of driving violations. Thus, it also fulfilled an unstated function: expanding mechanisms for policing and criminalization of those citizens who were already policed and criminalized.

In understanding all these of these texts as forming a genre of racial discourse, I contend that these texts may or may not reflect true events, but they nonetheless exhibit consolidation of new beliefs about drivers' licenses as indexing racialized social relationships. As a contemporary reader, I find myself doubting whether these "news items" bear any significant relation to actually-occurring conversations between historical figures; they each seem to too-easily reflect preexisting tropes of black linguistic non-normativity (and, in the logic of white supremacy, inferiority). I did find some evidence that "John D. Rush," the state policeman who hypothetically gave the "elderly negro" a driving examination in Williamsburg, VA, may have been a real person; a John D. Rush appears in Norfolk during the 1930 census. This entry would make Rush 28 years old in 1938, which makes it reasonable that he could have been living or

⁹⁸ Jones, Ralph T. "Silhouettes: Justice and the Negro." *The Atlanta Constitution*. 19 May 1939. p. 10

working in Williamsburg (forty-five miles away, just across the James River) in the late 1930s. That said, as I have argued above, the function of these documents extend beyond their status as reportage. Indeed, their mere circulation operates as a textual spectacle, highlighting instances of language slippage or omission that, if even extant, are hardly newsworthy on their own terms. How would contemporary white audiences have understood these articles? Would they have read them as news, rather than titillation or spectacle?

Ultimately, regardless of their contemporary reception, these news-jokes indicate that blackness and keeping a driver's license are being figured as incompatible. Even as driver's licenses were, just a few years prior, a threat to white bodily sovereignty and personal privacy, they are quickly consolidated as a privilege as soon as they become an inevitability. That is, if black people are imagined as unable to pass a license examination, fill out the basic information at the DMV, or drive appropriately once they acquire a license, then logically, being able to acquire and retain a driver's test is being consolidated as an attribute-- a privilege-- of whiteness.

Over the course of three decades, white citizens' perceptions of driver's licenses transformed from being reminiscent of "rogues' galleries" to being normalized indications of white privilege. By operationalizing fears of black criminality in order to overcome hesitation from rural constituencies, pro-license special interest groups, legislators, and law enforcement were able to make the case that driver's licenses had a crucial role in keeping both rural and urban areas safe from racialized vehicular manslaughter. Once these laws passed key contentious states, however, a new trope emerged within a hybrid vernacular genre. Rather than in need of exceptional new forms of documentation and regulation, black drivers were narrated within existing stereotypes, played for laughs within a system that increasingly understood state identification as central to citizenship, rather than marking its other.

Categories of Resistance: Racial Identification Protest in the Black Metropolis

By 1939, driver's licenses were beginning to assume their place as an everyday, common sense document in the lives of twentieth-century white Americans. Not only were many state legislatures moving to pass fairly comprehensive licensing and examination requirements for drivers, but the issue was also being taken up by future President Harry S. Truman in the United States Senate. Truman had, in fact, made passing uniform driver's license laws (using the interstate commerce clause) a key aspect of his political career during the late 1930s, and gave

two significant speeches on the issue in the state of Illinois in 1937 and 1939.⁹⁹ Truman, like many white Progressives described above, leaned on the rhetoric of health and safety to attempt to pass licensing legislation, and makes no mention in his speeches or his bill of the specific personal information that must be recorded on an individual license. While Truman's speeches do traffic in explicitly ableist forms of argumentation (that is, he proposes licenses as a way to decrease the number of drivers who are "insane"), he is also intently colorblind in his proposals.¹⁰⁰ As the license question moved from a local and state controversy into the federal domain, the more the urban-rural, black-white, criminal-innocent debates became subsumed into the neutralizing rhetoric of "common sense" and "life-saving" regulation.

In local and state practice, however, drivers' license laws did create systems of racial categorization. While the Illinois state statutes, passed in mid-1938, do not explicitly mandate that race be recorded on license applications (opting instead that a "brief description of the applicant" be included on the document, along with legal name, date of birth, and sex), it is clear that this description was widely interpreted to include race.¹⁰¹ For the Chicago chapter of the NAACP in 1939, driver's licenses were understood as state technologies that exposed the arbitrary and discriminatory logics of mid-century racial ideology. Indeed, as eugenic science began to give way to new modes of thinking about race and culture in the mid-twentieth century, the idea of recording race on a state document began to feel not only discriminatory, but actually preposterous.

⁹⁹ At the risk of pursuing too deep of a research rabbit hole, I mention Truman's key role in standardizing license regulations for a few reasons. One is that it helps demonstrate the shift from imagining licenses as affirmative, commonplace, necessary forms of regulation, as opposed to documents that felt like *de facto* criminalization. Another is that the historical context of the New Deal era was also the rise of a certain form of colorblind federal legislative ideology, despite the fact that the New Deal included within it clear racial exclusions and that the federal government had been explicitly *resegregated* in the 1910s. The idea then, that the drivers' license was merely (as Truman frames it repeatedly) an obvious safety measure, and that critics could only possibly be worried about an expansion of federal regulatory power, smooths over the complex race, class, and region politics that consumed state and local legislators surrounding this question. It is this colorblind, "neutral" conception of the license that persisted through the 20th century. Race and class controversy was "rediscovered" in licenses after 9/11, but the idea that licenses *themselves* are neutral objects seems to have consolidated via this particular federal-level articulation of their public health and safety value.

¹⁰⁰ I'm drawing here on two very similar Truman speeches from the same approximate period, although only the speech from 1937 uses the language of "crazy drivers" or "insane drivers" as a reason to pass licensing laws. "Speech of Senator Harry S. Truman at the National Convention of the Fraternal Order of Eagles at Chicago, Illinois, August 14, 1937." Truman Papers - Senate & Vice Presidential Papers ; "Speech of Senator Harry S. Truman to the Traffic Club at Decatur, Illinois, June 13, 1939." Truman Papers - Senate & Vice Presidential Papers.

¹⁰¹ 35 c. Illinois Rev Code, L1938. This statute is found in section 95 ½ of the Illinois Revised Statutes published in 1939. The act is listed as filed on July 12, 1938, which was approximately six months prior to the Chicago NAACP's activation around the issue of race and licensing.

A close examination of this Jan 28, 1939 article from the African American newspaper *Chicago Defender* shows how African Americans understood drivers' licenses as not just documents that

APPLICATION BLANKS DRAW N.A.A.C.P. FIRE

Chicago Branch Asks That Secretary Of State Take Action

Figure 4: Headline, "Protest 'Race' on License Questionnaire." *The Chicago Defender (National Edition)* (1921-1967); Jan 28, 1939; ProQuest Historical Newspapers: pg. 6

might invite future discrimination, but also technologies that actively produce an outdated and incoherent racial ideology. The mere presence of a question about race on a government document was enough to arouse suspicion, even in the North, that racial categories could only be tools of racial exclusion. While this argument is not wholly unique, the rhetorical strategies that the NAACP invoked in order to make this argument are worthy of close examination. They reveal an administrative state grappling with the consequences of licensing drivers using racial identifiers, and a Black citizenry resisting the expansion of administrators' legal capacity to dictate its identity.

The NAACP's rhetorical strategy, as reported within the *Defender*, is two-fold. First, they make an argument about utility, noting that "knowledge of the race of a driver could not serve any particular purpose, except possibly to aid in discriminating." Strangely, it is not explicit what form this discrimination might take. Presumably, one potential occurrence might be the denial of the license itself based on the racial marker put on the application form. The article itself, however, seems to offer up the possibility of an expansive regime of discrimination once one's race is recorded by a state bureau in this manner. In particular, the demarcation of multiple non-white races is understood as a

Officials of the Chicago branch of the N.A.A.C.P. lodged a protest with Secretary of State Edward J. Hughes this week and demanded the elimination of the word "race" from application blanks for automobile drivers' license.

It was pointed out that knowledge of the race of a driver could not serve any particular purpose, except possibly to aid in discriminating.

"There were supposed to be five racial groups which included the Indian, the Caucasian, the Mongolian, the African, and the Malay," the complaint pointed out and Mr. Hughes was asked if he were able to tell one from the other since it is now accepted that there are no pure racial strains.

Demand Forms Revised

The Branch protest further pointed out that many persons could not with truth swear under oath, as is required, to what race they actually belong. The communication expressed the fear that this requirement on the application blank could be used to discriminate against members of the Race as there could not be sufficient numbers of the other races in Illinois for such a separation to be of any value.

State legislators were asked to introduce amendments to this law which would prohibit the Secretary of State from requiring such information on the Drivers' License application.

The situation is important to all persons the Branch says because failure to give such information may be the basis for refusal to issue a license. Further any faulty information may be used as a basis of revocation of license.

smokescreen for a more deliberate anti-Blackness: the protestors claim that marking race on the form might be discriminatory because "there could not be sufficient numbers of other races in Illinois for such a separation to be of any value." Although this sentence is somewhat cryptic, a plain meaning might read something like: this licensing measure only serves to count and identify Black Illinoisans, for unknown reasons and to unknown ends. Understood this way, the NAACP's protest seems to cite both the still-recent segregation of federal employment offices, a measure enforced via attaching photographs to job applications, and the statutory Jim Crow laws that many Black Illinoisans would have just escaped via their automobiles.¹⁰² Three decades after white citizens had protested being made to feel as if they were in a "rogues' gallery," their concerns seem to have largely dissipated. On the other hand, these Black citizens, newly entering into licensing regimes, protested being asked to register with the state as Black.

This anxiety is particularly acute given its overlay with the second major rhetorical strategy that appears in the *Defender*: the argument that race is fundamentally indeterminate. The means by which the NAACP puts forth this claim, which they implicitly understand as a modern and scientific understanding of human

Figure 5: Body, "Protest 'Race' on License Questionnaire." The Chicago Defender (National Edition) (1921-1967); Jan 28, 1939; ProQuest Historical Newspapers: pg. 6

¹⁰² For a basic overview of the Wilson Administration's use of photographs to forcibly segregate the Postal Service and other federal jobs, see Boyd, Deanna and Kendra Chen, "The History and Experience of African Americans in America's Postal Service," *Smithsonian National Postal Museum*, n.d., n.p. Accessed 20 June 20, 2016. <http://postalmuseum.si.edu/AfricanAmericanhistory/p5.html>

categorization, is particularly striking. Noting that the license application forced individuals to indicate their belonging to one of five racial groups, “the Indian, the Caucasian, the Mongolian, the African, and the Malay,” the protest letter asked Illinois Secretary of State Edward J. Hughes “if he were able to tell one from the other.” In this sentence, the NAACP performs a strategic inversion of the relationship of interrogator and subject, identifier and identified, that structures the licensing relationship. While the white-authored popular accounts of licensing scenes discussed above show white bureaucrats quizzing Black citizens in order to receive licenses, this line in the NAACP protest serves as Black citizens quizzing a white bureaucrat in order to accept being licensed. The roles thus reversed, the black subject is no longer a foolish or reckless object of state registration, or even a clever but ultimately unsuccessful applicant for state permission. Instead, the NAACP petitioners perform the role of racial experts, well-armed with the most recent understandings of race science—the fact that “it is now accepted that that there are no pure racial strains”—and ready to ask Secretary Hughes something that they already know is a trick question. It isn't clear if Hughes did, in fact, attempt this feat; presumably this was only a rhetorical question. But in inverting the staging by flipping the role of questioner and questioned-asking, “who am I?” rather than “what are you?” or even “let me tell you what you are”—the NAACP officials strike at the very heart of the injustice of this documentation schema: the structure of visual assessment, racial categorization, and interpersonal presumption that underlies identification systems. Demanding that Hughes imagine assessing proper racial membership, that is, to take on the role of a lower-level white officer in his own administrative body, shatters Hughes’ capacity to imagine racial identification as a neutral or obvious act.

Perhaps due to internal upheaval in 1939, as well as the shift in focus to protesting unequal treatment by defense contractors during World War II, the Chicago NAACP did not succeed in eliminating the racial categories from drivers’ licenses.¹⁰³ However, their protest does

¹⁰³ On the internal politics of the Chicago NAACP between 1939 and 1940, see Reed, Christopher Robert. *The Chicago NAACP and the Rise of Black Professional Leadership, 1910-1966*. Bloomington: Indiana University Press, 1997. On the evolution of race designation on licenses: I have had a difficult time getting data on when racial categorization was removed from licenses throughout the country. When I reached out to the American Association of Motor Vehicle Administrators, media spokesperson Claire Jeffrey sent me this statement: “Race is a data element that some jurisdictions collect information on but no longer include on DL/ID cards. We do not have information on which, if any, jurisdictions include race on their DL/ID cards, and we don’t have definitive information on who included the data or why or when they would have dropped it - those decisions are made by each jurisdiction. Generally speaking, race began disappearing from physical driver’s license cards about 25 years ago.” For reasons that I discuss below, I do not believe that race began disappearing from cards during the early 1990s, but instead did so far earlier in some jurisdictions and far later (or never) in others. Jeffrey, Claire. Personal Communication (email). 11 April 2016.

seem to have been eerily prescient. According to historian Lionel Kimble, in 1946, over 100 members of the Illinois Cab Drivers' Association for Discharged Veterans, an organization of Black World War II veterans, drove from Chicago to Washington DC in protest. Writes Kimble, "Two-thirds of the group's membership had been cabdrivers before their military service, but upon their return to civilian life, they, like many of their colleagues, were denied driver's licenses, despite provisions mandating the contrary. This denial cost them the right to operate a cab legally in the city of Chicago. Their inability to secure licenses, and thus economic freedom, was undemocratic and ran counter to federal protections that many of these vets knew they had."¹⁰⁴ The racial discrimination that the 1939 NAACP had feared would emerge from licenses' racial categorizations had seemingly come to pass. Whereas in the early 1930s, African American cab companies had been big business for middle-class Black residents, by the next decade licensing had become a new administrative barrier to this marketplace. Meanwhile, the anxieties of white rural Illinoisans and Georgians, that they would be subject to invasive inspection or economic hostility, are functionally absent. White post-war America became (as countless cultural critics have called it) an "automobile culture," and the license empowers middle and working-class whites alike to safely and efficiently flee to the restricted covenants and sundown suburbs of the 1950s.

Conclusion: Voter ID and Race Left Blank

By the time the young woman in the opening anecdote approached the DMV counter to apply for a license in 1953, most state legislatures had enacted drivers' license laws. Despite the fact that it was still one year before *Brown v Board of Education* would begin the slow desegregation of public institutions in the U.S., no drivers licenses appear to have been formally differentiated based on the racial markers of the applicants. Whereas railcars, streetcars and buses were, famously, *de jure* segregated (by car or by section) in the U.S. South, and some black and white citizens technically had equal legal right to drive a private motor car, presuming they could acquire a vehicle. However, apartheid regimes do not operate via legal strictures alone; individual state actors, like the police officer above, used soft power and racial threats to keep black individuals from acquiring the right to be mobile. Given that flight from the Jim

¹⁰⁴ Kimble, Lionel. *A New Deal for Bronzeville: Housing, Employment, and Civil Rights in Black Chicago, 1935-1955*. Carbondale: Southern Illinois University Press, 2015. p.4

Crow South was increasingly, during the years of the Great Migration, understood by white landowners as not only an attempt to escape unequal social conditions but also as a sort of mass labor strike by black workers, restricting the right to drive for black individuals had an important social and economic function in the mid-century South. White landowners attempted to constrain black mobility in order to retain their monopoly on a wage-depressed labor market as well as the pleasures of their social dominion. One can easily imagine, therefore, even into the 1950s, that a white DMV agent could be motivated—consciously or unconsciously—by his desire to keep black femininity immobile, locked into a labor market that would keep him a gatekeeper of her economic, social, and even sexual choices. The idea that the act of checking a document gives bureaucrats and other officials extraordinary power over the basic social mobility of other individuals is an idea with massive contemporary repercussions in American life. In particular, racially enforced stop-and-frisk laws, “reasonable suspicion” immigration enforcement such as Arizona’s SB1070, and the use of ID documents to regulate the religious expression of Muslims have all emerged out of the state-enforced logic that an identification document is not *de jure* discriminatory, but might be required in particular ways by particular individuals at particular times.¹⁰⁵

Slippage between scenes of enfranchisement and identification during mid-twentieth century Jim Crow regimes continues in the contemporary era, making further scholarly inquiry into the racial genealogies of state identification documents necessary. As voter ID laws spread through U.S. states throughout the Obama period, left-leaning periodicals began publishing stories revealing the open secret that elderly people of color, especially, are less likely to possess photo identification.¹⁰⁶ Headlines such as “The 94-Year-Old Civil-Rights Pioneer Who Is Now Challenging North Carolina’s Voter-ID Law” make the link between segregationist policy, framed as past, and contemporary voter-ID law, framed as the “now,” the urgent present.¹⁰⁷ Yet,

¹⁰⁵ Sources for each of these examples are myriad. See, for example: "Stop-and-Frisk Data." New York Civil Liberties Union. NYCLU, 2014. Web. 20 June 2016.; Morse, Ann. "Arizona's Immigration Enforcement Laws." National Conference of State Legislatures, 28 July 2011. Web. 20 June 2016.; "ACLU Asks Florida Court to Reinstate Suspended Driver's License of Muslim Woman Forced to Remove Her Face Veil." American Civil Liberties Union. ACLU, 27 May 2003. Web. 20 June 2016.

¹⁰⁶ For a full rundown of these laws, continually updated by the public journalism source ProPublica, see: Lee, Suevon, and Sarah Smith. "Everything You've Ever Wanted to Know About Voter ID Laws." *ProPublica*, 9 Mar. 2016. Web. 8 Apr. 2016.

¹⁰⁷ Berman, Ari. "The 94-Year-Old Civil-Rights Pioneer Who Is Now Challenging North Carolina's Voter-ID Law." *The Nation*. N.p., 25 Jan. 2016. Web. 06 Apr. 2016

as the parallel staging between the Jim Crow-era driving test and literacy test reveals, the linkages between ID and participatory forms of citizenship were already embedded in the meaning of these documents in their earliest stages. Alabama's license law, which the "young lady" above was attempting to follow, was only passed in 1935, a formal driving test only in 1939, and had transmuted into a potential tool of civic exclusion within a decade and a half. Therefore, one can understand voter ID laws, not as a corruption or misuse of the technology of the photo ID, but rather a natural expression of the function of an identification document: to articulate which bodies deserve entry into certain sites of public life, and provide a technocratic way to restrict entry for others in a "colorblind" fashion.

Between 1910 and 1940, elite urban white men labored to reformulate the popular cultural meanings of identification documents, transmuting them from objects of explicit racial control to things necessary for "public health and safety" in increasingly crowded—and diverse—urban spaces. In order to do so, mainstream white public discourse updated older racial figurations to speak to the white supremacy of the automobile age, initially in order to mandate the registration of reckless motorists, framed as black, and later to establish driver registration as a social status-marker for whites. This chapter, by assembling an identification archive from the early twentieth century, accounted for these discursive turns through both reportage and rumor in the U.S. popular press. In doing so, I have aimed to provide a genealogy of the ID document as a racial technology, a genealogy which illuminates the stakes of contemporary struggles for citizenship and enfranchisement via paperwork.

In closing this chapter, I provide one final image: a current North Carolina state drivers' license. This license, or the almost-identical state identification document issued by the same agency, is what the "94-Year-Old Civil Rights Pioneer" in the article above would likely need to acquire in order to vote in the 2016 presidential election in her state. She may or may not face explicit racial and/or gendered harassment when she walks up to a DMV administrator in contemporary North Carolina: it is a state of shifting demographics and political meanings, especially around gender identity and racial control. However, she would probably note that this document retains, left over from the decades when a document like a drivers' license might have been used to "prove" her belonging to that class of "Negroes" who would be asked to ride separately on public transportation, a space for her to list her race. Despite a license redesign in 2015, the word "race" is still electronically printed on the front of the smooth plastic card.

However, each individual's race has been erased from the front of the card, giving the photograph on the front primacy as the icon of racialization. No longer would a clerk need to guess: instead, like the status of race in other aspects of American life, the category is printed on the document, yet left intentionally empty, as if simultaneously present and disavowed.



Figure 6: Drivers' License Prototype, State of North Carolina. From Sicheloff, Bruce. "NCDOT Lets NC Residents Get New Driver's License Online." *Traffic. The News and Observer*, Raleigh NC, 10 June 2015. Web. 20 June 2016.

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Chapter 2 : State Misrecognitions: Transness, Racialization, and Photo Identification

Identification documents and their attendant regulatory procedures do not merely construct one scene of identification, in which one applies for and receives some document. Instead, they are part of a matrix of encounters with state and pseudo-state actors, used throughout everyday interactions from the high-stakes to the wholly mundane. It is the aggregate of these meanings—both their role in assigning an individual a legal presence and through performatively confirming that status via checking one’s ID—that allow the ID document to become a stand-in for a self.

In the last chapter, I outlined the social and political history that allowed these documents to emerge in their everyday, contemporary form, using the case of driver’s licenses in the United States to illustrate how bodily regulation and racial antagonism produce the conditions for individual surveillance-by-ID. In this chapter, I take as a starting place two very different scenes of racial and gendered identification. I then use these two examples to make sense of an ambiguous scene in Casey Plett’s short story “Lizzy and Annie,” in which two trans women of color are identified by a bar bouncer. While the previous chapter looks at how identification is instantiated and issued, this chapter unpacks how photo identification checks are used to authenticate or delegitimize non-normative bodies in everyday life, both as described in detached narrations like legal briefs or news reports and in intimately-narrated realist fiction. My contention is that when identification itself can only attach to certain gendered and raced bodies, and only identified bodies can attain proper citizenship, mundane moments become checkpoints. Those checkpoints mandate certain circumscribed types of racial and gendered relationality between individuals, constructing scenes of encounter with state and pseudo-state actors. This chapter is my attempt to understand how and why these encounters happen, and what they means for one particular class of subjugated people—those who have documents, but whose documents fail to afford them equal citizenship—in the United States.

Part I: “As They Appear on a Regular Basis”

State identification relies on a visual logic to which trans people can never adhere. In this section, I show how the technology of the photography, when taken up by state apparatus,

produces a visual system that relies on fixing bodies in time in order to ensure their legitimacy. In my sustained account of two West Virginia trans women's identity trouble at the Department of Motor Vehicles, and the legal response to it, my aim is to provide a thorough unpacking of this logic. Although one could argue that the legal case that I examine is a slightly more conservative one than might be employed in New York or California, my aim in studying West Virginia is not to portray this region as uniquely cissexist. Instead, I mean for this case study to represent a fairly representative trans experience at the DMV. The dynamic that I unpack, in which trans people cannot be assimilated into existing state regimes of visualizing gender, is central to trans experiences of misrecognition.

First, an account of the facts of the case. In May 2014, West Virginia Department of Motor Vehicles (DMV) offices refused to issue photo identification documents, on two separate occasions, to two white, U.S.-born women. Trudy Kitzmiller and Kristen Skinner, a press release from the women's defense team reports, also sustained abuse and harassment at the hands of West Virginia DMV officials. Both women were called "it" by employees. Kitzmiller was ordered to "take off her wig, makeup, and jewelry before they would take a photo for her." Skinner "was told that men cannot be photographed for a driver's license photo wearing makeup" and that she should "remove her false eyelashes and wig," even though she was not wearing either item.¹⁰⁸ Both Kitzmiller and Skinner left the DMV offices in tears, unable to acquire the documentation that would allow them to open bank accounts, rent apartments, or apply for jobs in their home state.

In response to what they understood as discriminatory conduct by the West Virginia DMV, the Transgender Legal Defense and Education Fund (TLDEF) took up Kitzmiller and Skinner's case. They issued a press release in defense of the two trans women's right to acquire appropriate photographic documentation. This press release is straightforward: it reads "TLDEF calls upon the West Virginia Division of Motor Vehicles to allow two transgender women to take their driver's license photos as they appear on a regular basis" and argues that they should have been allowed to be photographed wearing "their everyday makeup, hair and jewelry."¹⁰⁹

¹⁰⁸ "TLDEF Calls Upon WV DMV to Allow 2 Transgender Women to Retake Driver's License Photos." *TLDEF*. Transgender Legal Defense & Education Fund, Inc., 07 July 2014. Web. 03 July 2015.

¹⁰⁹ The strangeness of "hair" as a gendered attribute is accentuated by the fact that Skinner's hair, as one can see in the photographs attached to the press release, was cut relatively short at the time of this incident.

The West Virginia DMV understood Kitzmiller and Skinner’s embodiment and adornment to be part of an inauthentic masquerade, and therefore inappropriate to integrate into a document that purports to reflect a stable and referential appearance. On the other hand, TLDEF understood those same visual cues (hair, makeup, jewelry) to be integral aspects of Kitzmiller and Skinner’s appearance, and therefore argued that reflecting them on an identification photograph would be not only appropriate, but possibly the only accurate way to document these two women. In other words, setting aside the (substantial) verbal animosity embodied in the word “it,” the framing argument between the DMV and TLDEF is whether or not Kitzmiller and Skinner could be accurately photographically represented to the state as individuals with embodiment and adornments that code “feminine,” despite being designated male in other state records. Presumably, TLDEF’s answer to this question is that yes, Kitzmiller and Skinner might be accurately represented as such, given the stability of this appearance: their “hair, makeup, and jewelry,” after all, is described as “*everyday*.”

A calcified matrix of meaning between gender, photography, and time is framed as common sense in both affirmative and oppositional commentary on transgender identification policy. State recognition of trans and gender non-conforming subjects is both supposedly desirable, and supposedly rests upon being able to produce and inhabit stable images of one’s gendered body. Yet multiple threads of inquiry emerge. Why does the Department of Motor Vehicles have jurisdiction to determine the authenticity of Kitzmiller and Skinner’s body parts? Why is gender authenticity measured, even by Kitzmiller and Skinner’s defense team, via its temporal duration? Why do states understand photography, which can only measure a particular moment in time, to be a stable way to identify bodies across an extended duration? In the following few paragraphs, I will consider how these strands of thought produce contradictory effects for white trans subjects like these West Virginia women, and what alternate meanings might be produced at these moments of state misrecognition.

White queer desire for state recognition is currently a popular object of both academic and non-academic critique.¹¹⁰ When I discuss state recognition in this chapter, I mean something

¹¹⁰ Not all critique of white queer desire for state recognition uses the language of recognition per se: some authors use the terms “assimilation” or “inclusion” to signal a similar politic. A full list of scholars and activists engaged in this project would be too expansive to include here: a partial listing would include Kenyon Farrow, Urvashi Vaid, the writers publishing as *Against Equality*, many affiliated with the Black Lives Matter movement, Jasbir Puar, Jin Haritaworn, Mattilda Sycamore Bernstein, and the late James Baldwin.

more specific than the desire to be sutured into (for example) the Equal Protection Act as a protected class of subjects, or to have one's marriage validated within state and federal registrars and taxation. Building off my inquiry in the previous chapter into the transformation of individual white (primarily male, but also female) U.S. citizens into subjects who would submit to legal identification regimes, I examine the ways in which certain white U.S. citizens have come to desire, rather than resist, their individual names, visual likenesses, and identifying data being recorded by local, state, and national governments. While people of color in the U.S. have long been subject to such tracking and record-keeping, either via immigration policy, slave-era regulatory frameworks, or (although I do not discuss this thoroughly in this project) federal Indian policy, white people's transformation into identified subjects is a function of Progressive-era regulatory and (limited) redistribution frameworks. I do not mean that Kitzmiller and Skinner's desire to be identified as themselves—as women—to the state of West Virginia is racist, nor do I mean that trans people of color would not be interested in having proper documentation. Rather, I assert that this particular type of identification-as-affirmation is a relatively new aspect of whitened citizenship, and that therefore it should be properly understood as historically contingent, rather than as a common-sense expression of belonging or self-validation.

With that in mind, Kitzmiller and Skinner's case reveals more than simply the historical origins or the depths of feeling that undergird a white person's desire to be properly identified. It reveals the underlying logics that produce the idea of accurate identification. Trans legal scholars and theorists of late have produced a rich archive of critique of state identification, some of which I outline below. However, few of these critiques take into account critical studies of visual culture or disability, which would allow trans theorists to more sharply account for the role of the photograph in upholding this embodied mode of state regulation. These forms of analysis also provide ways to better understand not just how identity regulations are enacted, but how they are enforced in encounters with unofficial, non-state actors: that is, how identity checks happen between individuals in the majority of life (for non-incarcerated people) that is lived outside of institutional contexts. Everyday identity verification does not happen with the presentation of a birth certificate or (despite some trans activists' intentionally hyperbolic rhetoric) an examination of someone's genitalia. It happens by looking at someone, looking at them as they appear, face-

to-face, in a fleeting or more scrutinizing moment, in a moment that might be banal and unnoticed or might result in violence.

What allows photo identification and trans lived experience to contradict each other so prominently is that they rely on contradictory temporalities of the body. Trans theory understands bodies as always in motion: bodies do not achieve a permanent state of being. In this way, trans theory is influenced by disability studies' notion of "temporarily able-bodiedness." Photography, on the other hand, has long been theorized as a technological attempt to index a moment in time: although the river of time may be flowing, according to Western temporalities, photography enables us to capture a slice of it. U.S. identification law, in general terms, defaults to a notion of embodiment that relies upon permanence, and uses therefore photography to index that presumably stable embodiment.

The use of photography as a criminalization technology relies on its relation to temporality. Susan Sontag has argued that a photograph is "a neat slice of time," which therefore allows it to "testify to time's relentless melt." For Sontag, it is the ability to freeze time via the taking of a photograph that makes time as experienced understandable as moving forward, therefore, she argues that "photographs may be more memorable than moving images," and even that "all photographs are *momento mori*."¹¹¹ Later in the same essay, Sontag aligns photography with "information," implying that information is a collection of data-points, or perhaps "slices" of understanding, but which does not equate to knowledge. It is "information," that is, frozen or sliced impressions of temporality, which state agencies are collecting when they use photography in the service of state systems. For Sontag, "the realistic view of the world compatible with bureaucracy redefines knowledge—as techniques and *information*. Photographs are valued because they give information. They tell one what there is; they make an inventory. To spies, meteorologists, coroners, archaeologists, and other information professionals, their value is inestimable."¹¹² Those information professionals, within this framework, include those who issue government documents. Thus, "photographs were enrolled in the service of important institutions of control, notably the family and the police, as symbolic objects and as pieces of information.

¹¹¹ In this paragraph, I draw on two inter-related sections from the first chapter of Sontag's *On Photography*. My purpose is to synthesize Sontag's articulation of photography and temporality, even though she diffuses that articulation throughout the multiple essays that construct her text. Sontag, Susan. *On Photography*. New York: Farrar, Straus and Giroux, 1977. p.15, p.17

¹¹² *Ibid*, p.22

Thus, in the bureaucratic cataloguing of the world, many important documents are not valid unless they have, affixed to them, a photograph-token of the citizen's face."¹¹³

In his study of what he calls the “repressive” function of photography, Allan Sekula expands Sontag’s observation that the frozen temporality of the photograph allows for its uptake within bureaucratic systems. Allan Sekula’s exploration of the repressive function of photography, as it developed throughout the 19th and early 20th centuries, is based in the acknowledgement that this then-new technology allowed for state actors to construct new forms of social control. From its origins, photography served a police function, as well as a gendered and racialized one, as Sekula argues: “...photography came to establish and delimit the terrain of the other, to define both the generalized look—the typology—and the contingent insistence of deviance and social pathology.” Furthermore, “criminal identification photographs [...] are designed quite literally to facilitate the arrest of their referent.”¹¹⁴ We might read the word “arrest,” however, also less “literally” than does Sekula: as both a police action and, more broadly, as a rendering-immobile. To arrest also means to freeze, to stop, to fix in place. Although Sekula, unlike Sontag, is not directly concerned with the temporality of photography, one might extend her thinking into his: if a photograph is a slice of time, and an identification photograph is meant to facilitate an arrest, then perhaps the arrest of the ID photograph—stopping someone in place—is also happening chronologically—stopping someone in time.

As I have argued previously, the driver’s license photograph is a genealogical descendent of the “criminal identification” image of the 19th century. Sekula’s work is a powerful indictment of the ways that state violence can proliferate via the weaponization of certain types of standardized images: he cites the use of photographic passbooks in South African Apartheid as one example of such weaponization.¹¹⁵ However, what Sekula could not have accounted for, writing in 1986, was the ways that the United States would continue to invest in the state photograph as a regulatory technology well into the 21st century. Sekula is careful to define the limits of what he calls “the powers of optical realism,” noting that the truth-function of visuality, even photographic visuality, was far from a settled debate at the time when photographs were entering into state identification systems. Instead, he argues, “the camera is integrated into a

¹¹³ *Ibid*, p.21-22

¹¹⁴ Sekula, Allan. "The Body and the Archive." *October*, 39:3. 1986. p. 7. Emphasis in original.

¹¹⁵ *Ibid*, p.63

larger ensemble [...] the central artifact of this system is not the camera but the filing cabinet.”¹¹⁶

Yet, as the United States’ “filing cabinets” have expanded to include ever-increasing surveillance of citizens, and biometric technologies that can much more accurately match individual bodies to their documentation, have emerged, the photograph persists as a primary technology of policing. If we believe Sekula that the photograph is merely a tool of “a bureaucratic-clerical-statistic system of ‘intelligence,’” then it would seem logical that intelligence systems with access more precise identification technologies would divest in the photograph. Instead, in 2005, with the passage of the anti-“terrorism,” anti-“illegal immigrant” REAL ID Act, the United States actually expanded the importance of the photograph in its everyday identification systems: that is, state driver’s licenses.¹¹⁷ Therefore, the photograph does seem to have a special status for identifying bodies, or purporting to do so, that endures beyond its utilitarian role within ever-“improving” surveillance technology systems. Therefore, while I accept Sekula’s contention that state actors in the 19th-century disagreed on whether photography could literally determine someone’s criminality, I nonetheless maintain that the specific technology of identification photography itself indexes not bodies in particular, but instead an expression of state ideology about the fixity and permanence of embodiment.

Instead, following the work of Shoshana Magnet and Ellen Samuels, we might see the state’s repetition of identification logic as a *fantasy* of regulation, an assertion of a *desire* to perfectly identify individuals, rather than a verifiable claim of perfect knowledge.¹¹⁸ In fact, as Anna Pegler-Gordon and Lily Cho each point out, the first use of photographs in the U.S. was meant to combat the threat of Chinese immigrants who were thought to all look the same: Pegler-Gordon quotes a congressional representative from California arguing for photographing the Chinese because “all Chinamen look alike, all dress alike, all have the same kind of eyes, all are beardless, all wear their hair in the same manner” and that therefore “written descriptions alone

¹¹⁶ *Ibid*, p.16

¹¹⁷ For more on the 2005 Real ID Act and its effect on everyday photo ID documents in the United States, see both Amore, Louise, “Governing By Identity” and Gates, Kelly, “The US Real ID Act and the securitization of identity” in Bennett, Colin J. and David Lyon, eds. *Playing the Identity Card: Surveillance, Security and Identification in Global Perspective*. London: Routledge, 2009.

¹¹⁸ Both Magnet and Samuels have articulated how attempts by states to identify and categorize citizens have tended to reiterate hierarchical and exclusionary evaluation of subjugated groups, rather than create “accurate” metrics for assessing who is who. See: Magnet, Shoshana Amielle. *When Biometrics Fail: Gender, Race, and the Technology of Identity*. Durham: Duke UP, 2011. Print.; Samuels, Ellen Jean. *Fantasies of Identification: Disability, Gender, Race*. New York: New York UP, 2014.

were insufficient” to capture the identity of each individual migrant.”¹¹⁹ Logically, this suggests that this representative understood non-Asian (or, more likely, just white) bodies to be identifiably unique. Cho puts the irrationality of this approach succinctly: the photograph was meant to “distinguish people who have already been declared visually indistinguishable.”¹²⁰ It is fair to say that photographic identification had, even in its earliest instantiations, both an always-already impossible mandate and a supposed national security function. In the context of Chinese exclusion, as expressed in the racial logic of the time, the mere presence of a photograph attached to a document actually intends to signal that this individual deserves more heightened scrutiny, rather than verify the validity of a single identity. Pegler-Gordon argues that these early photo IDs, which at the time were mandatory only for people of Chinese descent and therefore were co-extensive with East Asian racialization in the U.S., “signaled a shift in the presumption of guilt” to an entire national group, so much so that even white contemporary commentators noticed that “all Chinese are treated as suspects, if not as criminals.” If photo identification in the U.S., from its initiation into state service, did not identify individuals but rather attached intangible characteristics to racialized bodies (“guilt,” or “suspicion”), it makes sense that photo identification might be best understood as both state distribution of racial fantasy, borne out through visual technology, as well as an interpersonal, relational process of recognition.

Indeed, what the critics above do not name is that it is *viewers*, implicitly trained in techniques of observation called “identification,” that determine whether someone looks enough like their picture to deem the body-picture dyad to be valid. For Roland Barthes, who is not unaware of the potential criminalizing function of the photograph, the scrutiny of a photograph is a type of loving gesture, even though one “discover[s] nothing.”¹²¹ On the contrary, the type of

¹¹⁹ Representative Thomas Geary of California, published in the *Congressional Record*, 1893. Quoted in Pegler-Gordon, Anna. *In Sight of America: Photography and the Development of U.S. Immigration Policy*. Berkeley: U of California, 2009. Print, p.34.

¹²⁰ Cho, Lily. "Anticipating Citizenship: Chinese Head Tax Photographs." *Feeling Photography*. Eds. Elspeth H. Brown and Thy Phu. Durham: Duke UP, 2014. 158-80. Print, p.162. Lisa Nakamura's work on the website "alllookslike.com" chronicles a contemporary iteration of this logic. In a digital project on Nakamura's work, a student named Katie Reilly created a Storify of assorted tweets that reiterate this stereotype. One even asks: "I wonder how easy it is for asians [sic] to use fakes [that is, fake IDs]. You all look the same." See: Nakamura, Lisa. *Digitizing Race: Visual Cultures of the Internet*. Minneapolis: U of Minnesota, 2008. Print, p. 70-94; Reilly, Katie. "Digitizing Race - Asian Reputation Online." *Storify*. <https://storify.com/ratiekeilly/digitizing-race>

¹²¹ Barthes' assessment of photographic looking is famously mercurial throughout *Camera Lucida*. What Barthes understands as the repressive functions of photography are always intertwined with intimacies, and often overtaken by them, as in this excerpt from a long apostrophic passage: "Alas, I am doomed by (well-meaning) Photography always to have an expression: my body never finds its zero degree, no one can give it to me (perhaps only my mother? For it is not indifference which erases the weight of the image---the Photomat always turns you into a

scrutiny demanded by identification regimes is predicated on asserting a (fictional) truth-effect to that form of looking. This form of looking is a sight backed by legal power: the individual checking the ID gets the message to hyper-inspect the subject's body, while the individual who owns the ID is at the mercy of the inspector's technologized eye. State photography is a biometric tool with significant error rates built into the system, dependent on presumably-patriotic viewers to make always-already subjective judgements about who "matches" and who does not match. Understanding state photography as a tool for producing types of looking, rather than producing security via identity verification, thus necessitates a critique of photo ID in its particularities as everyday surveillance. To update Sekula's adage, the central artifact of this system is not the camera or the filing cabinet, but the well-trained viewer.

The well-trained viewer, that individual who is tasked with determining the legitimacy and accuracy of people's photo identification documents, faces a particular challenge with respect to transgender people. Indeed, multiple legal scholars have understood transgender subjects as inherent challenges to the regimes of identification on which the U.S. state apparatus relies. One essay, Lisa Jean Moore and Paisley Currah's "Legally Sexed," acutely articulates the breakage between subjective articulation of transness and state documentation. Moore and Currah do understand the differing meanings of permanence and the temporality of embodiment a critical problem within trans identification law, although they scarcely mention the role of photography as a particular technology.¹²² Thus, it is not difficult to see how a consideration the temporality of the photographic might be useful stitched onto a study of the temporality of transsexuality vis-à-vis state documents. In bringing these lines of thought together, I aim to excavate why Kitzmiller and Skinner—again, subjects whose experience I mark as fairly representative of white trans individuals, rather than uniquely disadvantaged in a quest for

criminal type, wanted by the police--but love, extreme love)" (11-12). His account of "scrutiny" in particular, however, a word that will become increasingly important throughout this chapter, is more clear: "...to scrutinize means to turn the photograph over, to enter into the paper's depth, to reach its other side (what is hidden is for us Westerners more 'true' than what is visible). Alas, however hard I look, I discover nothing: If I enlarge, I see nothing but the grain of the paper: I undo the image for the sake of its substance; and if I do not enlarge, if I content myself with scrutinizing, I obtain this sole knowledge, long since possessed at first glance: that this indeed has been: the turn of the screw had produced nothing" (100). Barthes, Roland. *Camera Lucida: Reflections on Photography*. New York: Hill and Wang, 1981. Print.

¹²² Moore, Lisa Jean and Paisley Currah. "Legally Sexed: Birth Certificates and Transgender Citizens," *Feminist Surveillance Studies*, eds. Rachel E. Dubrofsky and Shoshana Amielle Magnet. Durham: Duke University Press, 2015. An earlier treatment of these ideas can be found in Currah, Paisley and Lisa Jean Moore. "We Won't Know Who You Are: Contesting Sex Designations in New York City Birth Certificates." *The Transgender Studies Reader*. Eds, Susan Stryker and Stephen Whittle. New York: Routledge, 2006. p. 607.

documents—provided such a problem for the West Virginia DMV, and why in turn the TDLEF’s response does not inherently deconstruct those root problems.

While Moore and Currah are not the only authors to understand the idea of “gender permanence” as a problematic one for trans identification policy and for trans individuals, they have perhaps the most pertinent outline of this argument. Two earlier models of trans identification understand the status of gender significantly differently: first, as fixed at birth, and therefore unamendable on identification documents, and second, as neutralized by transition, resulting in “no gender” birth certificates that ultimately outed trans individuals. Moore and Currah then locate the shift to a “gender permanence” regulatory model, which meant that states were open to changing sex markers on birth certificates (and thus other documents) as long as the changes were, according to the New York City Department of Health and Mental Hygiene, “permanent and irreversible.”¹²³ Moore and Currah locate this shift in understanding of transsexuality, from something that is fundamentally impossible to something that can be done, but only totally and once, as coincident with the emergence of a visible trans social movement. I would add that this early 2000s trans social and academic movement mirrored the national gay and lesbian movement by centering white middle-class individuals and making more-or-less strategic arguments for state inclusion, which in turn produced political focus on gender marker modification on birth certificates as opposed to “upstream” issues such as universal transition health access. But whatever the tactical considerations, it stands that in the mid-2000s, trans activists chose to argue for appropriate mechanisms for updating gender on birth certificates, and did so in a cautious way, jettisoning more radical policies such as “extend[ing] the...1971 policy—no gender marker—to everyone’s birth certificates, as an initial step to get the state out of the business of defining and regulating gender.”¹²⁴

As a compromise, then, trans advocates pushed for a gender self-nominating policy, in which individuals could modify their birth certificate by simply making a request to the city. However, “officials’ preoccupation with gender permanence...made it unlikely that an individual

¹²³ Moore and Currah’s work centers on New York City in 2002, which makes their case study somewhat non-representative; New York City is a municipality that has relatively lax identification regulations compared to other states and local governments. However, since the earliest gender marker change petition in New York City was filed in 1965, Moore and Currah are able to track the changes in reasoning across four decades of debate. Quotation from New York City Department of Health and Mental Hygiene “Transgender Advisory Committee,” January 2005, qtd in Moore and Currah, p.68.

¹²⁴ *Ibid*, p.69.

could change their sex designation without the involvement of specialized experts to ‘attest’ to the permanence of the transition.” Moore and Currah carefully outline the multiple registers on which an idea of gender transition as “permanent” relies on mistaken and pseudo-scientific ideas of gender as stable in the first place, but pointed out that for cis officials, “the narrative that the body’s anatomical markers (sexed genitals) define, legitimate, and authorize gender (identity) and make it permanent is crucial to the gender ideological system” and that this “‘common sense’ importance of anatomy is so strongly established that it is immune to arguments that reveal that the criteria are social and structural.”¹²⁵ The state’s ‘common sense’ rebuttal that genitals proved the permanence of gender, and therefore that genital-altering surgery was the only way to ensure permanence, was in turn unacceptable to trans advocates, who pointed out that under those circumstances, “the distinction between those who can afford surgery and those who cannot becomes the arbiter who can legitimately be a man or a woman: the difference between a transgender woman who has had surgery and one who hasn’t is \$30,000.”¹²⁶

In an attempt to bridge the epistemic gap between the two sides, trans advocates both offered evidence that medical assessments of gender ‘permanence’ are impossible, *and* argued that “‘permanence’ could be attained in social relationships without medical intervention.”¹²⁷ It is the second claim that, I argue, ultimately produces even more conservative understandings of transness, which states ultimately use to inflict new visual markers of a surveillance-oriented stability of self. Moore and Currah anticipate this when they point out that “the officials’ concern with permanence and irreversibility” did not just originate from their gender ideology in particular, but in fact “reflected their perception of the government’s need for identity fixity.” They go on to historicize this belief by arguing that

Changing the designation of sex could loosen the link between an individual and the administrative identity document. This bureaucratic fear of ‘not knowing’ a citizen evokes a central problem of modern statehood, exacerbated in a post-9/11 era, but described as early as 1796 by J.G. Fichte in the *Science of Rights*: ‘The chief principle of a well-regulated police state is this: That each citizen shall be at

¹²⁵ *Ibid*, 70

¹²⁶ *Ibid* 70

¹²⁷ *Ibid* 71

all times and places...recognized as this or that particular person' (cited in Caplan 2001, 50).' (72)

In effect, Moore and Currah reveal that U.S. state reluctance to alter gender documentation is based on a belief that such alterations will ultimately undermine the entire security-state apparatus, an apparatus that depends on states and their individual surrogates being able to recognize their citizens and enemies. Most mainstream trans advocates have not been willing, in their negotiations with New York City in 2005 or since, to critique the fundamental possibility or utility of identifying citizens.¹²⁸ As such, pro-trans organizations end up producing arguments that shift the burden of permanence from expensive surgical procedures to somewhat cheaper, but no less arbitrary, physical adornments and other visual signifiers of stable gender identity. These “permanent” visual elements, which might help an individual succeed at the goal of attaining gender permanence, as argued by advocates, “in social relationships without medical intervention,” have an additional advantage over genital-based gender ideologies: unlike images of genitals, which are usually not seen in public or attached to official documentation, images of faces can easily circulate as “proof” of gender in the public sphere. While Sontag might argue that “in the situations in which most people use photographs, their value as information is of the same order as fiction,” states tend to disagree.¹²⁹ Shifting from a medical model to a social and interpersonal model of gender permanence also allows for a shift from necessitating expert scrutiny of “true” gender to that of a layperson’s eyes, from a concealed to a highly visible marker of gendered truth.

Thus, the problem that this supposedly trans-affirming shift in the politics of identification shifts, rather than alleviates, the problem of authenticating gender. Consider, again, the case of Kitzmiller and Skinner. The assessments of “mismatch” made by the West Virginia DMV employees were, to those who consider trans people’s gender expressions to be legitimate ways of being in the world, offensive as well as inaccurate. Starting from the assumption that

¹²⁸ There are admirable tactical reasons for this refusal, such as the fact that identification is the primary mechanism by which states distribute material aid to individuals. Challenging the fundamentals identification systems might be misunderstood, then, as an argument that would destabilize redistributionary systems of health care, food assistance, and other benefits. Dean Spade’s work, in particular, might fall into this category. In addition, other scholars such as Graham Mayeda understand state gender recognition as a matter of ethical encounter with subjugated individuals. These arguments will be considered more fully in a future chapter.

¹²⁹ Sontag p.22

trans women are women, there is no reason that Kitzmiller and Skinner should have been denied adornment that is clearly in comportment with normative femininity. Indeed, TLDEF points out that the treatment of Kitzmiller and Skinner at the DMV is clearly the result of anti-transgender bias because “Other women are permitted to wear makeup and items that facilitate female gender expression in their driver’s license photos as a matter of course.” The fact that the DMV would not allow Kitzmiller and Skinner to appear in the same ways that presumably cisgender women appear in their photographs makes clear that the DMV considers the gender marker “M” on a document to be the true signifier of gender, regardless of an individual’s visible gender presentation.¹³⁰ Such a logic, that a gender marker assigned at birth can overrule an individual assertion of identity, is foundational to anti-transgender rhetoric, casting trans people as always already engaged in a form of criminal deception.

However, the TLDEF responds to the West Virginia DMV’s transphobic articulation of match logic by asserting, instead, a different match logic. Taking for granted the state’s insistence upon being able to match a body with a document, TLDEF argues that the West Virginia DMV’s transphobic rhetoric is contradictory to the state’s own interest, and should be modified to be more in line with state identification aims. While one small section of the press release, quoting from a statement by TLDEF Executive Director Michael Silverman, argues that “forcing them to remove their makeup and other items that facilitate a female gender expression before allowing them to take their driver’s license photos restricts their free speech rights in violation of state and federal constitutional protections,” most of the press release does not affirmatively assert that gender expression is speech.¹³¹ Instead, the TLDEF press release argues throughout that it is the “regular basis” with which Kitzmiller and Skinner wear normatively-

¹³⁰ One wonders whether a cisgender man, presenting as a man, would have been permitted to wear jewelry-- after all, plenty of men wear necklaces or earrings. The press release only specifies a ban on “men” wearing makeup. It would be useful to present a long-haired man as a test case to see if the DMV’s understanding of an unacceptable mismatch between particular adornments and the gender marker “M” extends to cisgender individuals, or whether it is motivated by purely anti-transgender animus (i.e. disgust).

¹³¹ As far as I know, Silverman’s assertion that gender expression in state identification is protected by the first amendment is aspirational, rather than tested within existing case law. Gender expression has only recently been interpreted as legally protected, and then as part of what is afforded by Title VII (that is, discrimination based on gender identity/ expression is sometimes now interpreted as discrimination on the basis of sex). See: <http://translaw.wpengine.com/issues/employment/eecofa>. I am not a lawyer, but I do not think that the West Virginia DMV, in refusing to issue updated photographs, actually violated any particular federal guidelines. To suggest otherwise strikes me as disingenuous, because it implies that the West Virginia DMV is enacting local violations of freedoms that transgender people already have, rather than enforcing extant federal guidelines and normative understandings of gender in the U.S. In sum, I do not fully understand why Silverman would wish to suggest that gender expression is “free speech.”

feminine adornment that justifies the inclusion of gendered signifiers in their identification photos.

Again and again, the press release notes that Kitzmiller and Skinner wear makeup and accessories “on a daily basis.” From the first line of the document— “TLDEF calls upon the West Virginia Division of Motor Vehicles to allow two transgender women to take their driver's license photos as they appear on a regular basis—” to the last line, which describes “their everyday makeup, hair and jewelry,” the frequency and regularity of these women’s appearance is meant to justify their right to appear as such. This implies that the right to be represented as a particular gender is based on the assumption of fixity and stability of one’s gendered appearance. If these women did not wear makeup every day (as many women, trans and cis, choose not to), would their gender expressions be any less valid? By rhetorically tying the expression of a “true self” with the ability of these women to present unwavering feminine gender presentations, TLDEF reifies the assumptions of fixity and stability of embodiment that underlies the logic of identification in the first place. While Kitzmiller and Skinner are women, they are women because they articulate themselves as such. Putting an additional burden on these two trans individuals— that they maintain, “every day,” arbitrary markers of proper femininity, in exchange for appropriate ID— not only constrains their freedom of expression, but normalizes the state’s power to distribute personhood based on whether or not an individual body matches a particular photograph.

To be clear: making a strategic argument such as this one from TLDEF is understandable in a context in which the day-to-day lives of trans people are endangered by having “inaccurate” identification. Indeed, it is the mismatch between the text on their documents (which still read “M” and contained their birth names) and their physical appearances, according to Kitzmiller and Skinner, that led to their dehumanizing treatment at the hands of the DMV. Even beyond the immediate scene of encounter within the DMV, it is also clear that there were significant material repercussions of having mismatched ID. The press release notes that “Trudy [Kitzmiller] left the office despondent and still retains her old driver's license that does not reflect her legal name or appearance. This has caused her great difficulty on a day-to-day basis, including when applying for jobs, which require that she provide accurate identification.” This is to say, my point in discussing how TLDEF continues to employ the logic of the match is not to say that Kitzmiller and Skinner should continue to have mismatched ID. Instead, I want to raise

doubt about both the possibility of enforcing “accurate” identification via photographic identification and the desirability of being more “accurately” regulated.

Gender assessments are not uniform, but rather visually ascribed onto the body by others.¹³² As such, individual perceptions of people’s genders are always shifting, regardless of whether individual’s identities are shifting. Transgender people, while often figured as extraordinary examples of the instability of bodies, share with cisgender people the fact that people perceive them differently over time. Nonetheless, TLDEF's press release strategically invokes fixity itself as "proof" of Kitzmiller and Skinner's identities, and over and over link their bodily appearance to their true self. Whereas cis women are allowed, one assumes, to wear jewelry one day and no jewelry the next without being accused of being untrue to oneself, trans women are not afforded the same luxury.¹³³ In order to advocate for their right to be treated like human beings, Kitzmiller, Skinner, and their lawyers need to argue for the unwavering stability of gender identity and gender expression, genders that are as stable as a photograph. Fixity underlies the logic of the match, and both of which produce incoherent identification for trans people.

In arguing that trans people should perform extraordinarily consistent gender expressions, the TLDEF attempts to compensate for the inherent instability of the ID photograph as a signifier of identity. The state of West Virginia wanted to enforce a “match” between the women’s gender markers (M) and their bodies (styled in normatively feminine ways). The TLDEF offers up an alternative match: a match between the photographs of those women’s bodies (in which they appear as women) and the bodies that exist in the world (styled, apparently constantly, in normatively feminine ways). To insist on a match between “M” and the bodies of Kitzmiller and

¹³² This is a large theoretical claim, but it is also one that has been empirically demonstrated. For an old but still-canonical social science study of this phenomenon, see: Kessler, Suzanne J., and Wendy McKenna. "Toward a Theory of Gender." *The Transgender Studies Reader*. Ed. Susan Stryker and Stephen Whittle. New York: Routledge, 2006. 165-82. Print.

¹³³ The fact that these cases tend to coalesce around trans women likely reflects the fact that feminine attire is stereotyped as more superficial than male attire, and thus more likely to interpreted through the lens of masquerade or costume. If femininity is a costume marked by items like “wigs” or “jewelry,” then it is implied that individuals who present femininity, regardless of their sex assigned at birth, are potentially imposters. Julia Serano has perhaps the most sustained engagement of tropes of adornment and inauthenticity as they apply to both trans and cis femininities. Although I disagree with her contention that theories of gender performativity contribute to the cultural conception of gender as inauthentic, the overall arc of her argument is extremely useful. See especially Chapter Two, “Skirt Chasers: Why the Media Depicts the Trans Revolution in Lipstick and Heels,” and Chapter 19, “Putting the Feminine Back into Feminism,” both from *Whipping Girl: A Transsexual Woman on Sexism and the Scapegoating of Femininity*.

Skinner would be irrational, they argue, since, as Skinner points out, “I was told to alter how I normally appear so that I would look like a man.” In each instance, however, whether the West Virginia DMV or the TLDEF’s “match” prevails, each legal win would still operate within state norms of visual identification. The “conservative” interest of the state to restrict particular gender expressions “wins” in the first case, while the liberal (in the classical sense) interest of the state to fit individuals within systems of visual verification “wins” in the second.¹³⁴ Clearly, the TLDEF has chosen a strategic argument: that allowing Kitzmiller and Skinner to take photographs that match their IDs is, in fact, within the state’s own best interest. Having accurate identification, according to Kitzmiller, will allow her to “participate fully in society with an ID that accurately reflects who I am.” No doubt this will be the case: the logic of the ID itself operates in order to provide the privilege of social integration only to those who submit to a visual assessment and emerge unmarked.

“Mismatched” identification for trans people is a problem that is not easily solved by an appeal for “better” types of identification. Too often, these solutions appeal back to the state as the legitimate determiner of valid and invalid identities. Presumably, having identification documents that reflect Kitzmiller and Skinner’s desired appearance and sense of self would be preferable to them; having updated driver’s licenses would allow them to receive less visual scrutiny in identificatory encounters. On the other hand, elevating the photographic image as the mark of bodily “truth” is not only engaging in a strange fiction, but implicitly submitting to an even more highly charged regime of visual assessment. Presenting an ID allows another human being, backed by the force of the state, to determine whether or not you are who you say you are. Whether or not the photograph is “accurate” or “inaccurate,” the power behind that assessment constitutes a problem for individuals whose identities are always already deemed invalid.

Part II: Stop and Identify

Not even a year after Trudy Kitzmiller and Kristen Skinner were denied licenses, another photo identification controversy erupted in another Appalachian foothills town. Located about two hours south from the West Virginia towns where Kitzmiller and Skinner had been

¹³⁴ I use the language of “winning” and “losing” for rhetorical clarity, here; my intent is not to oversimplify the complex interactions between individuals and states into a story of who deserves to win a court challenge.

humiliated, Charlottesville, Virginia is a prominent college town of about fifty thousand people.¹³⁵ It is also a city that, like many Southern university towns, has a deep racial divide between the mostly-white faculty and student population and the disproportionately-black service workers whose labor sustains the everyday operations of the campus.¹³⁶ In March 2015, during the birth throws of the #BlackLivesMatter movement and uprisings in Ferguson and Baltimore, a black UVA student leader named Martese Johnson was battered by Alcohol and Beverage Control (ABC) officers, emerging with a bloody head wound. Johnson had, reports emerged, allegedly shown a fake ID at the entrance to a popular bar near UVA's campus.¹³⁷ In a community that has lived under the shadow of Thomas Jefferson for two centuries, the beating of Martese Johnson was a renewed flashpoint for protest of racial violence and inequality in Charlottesville and across Virginia.¹³⁸

As of this writing, many of the facts of the case remain in dispute, but the key plot points are not in question: a young Black man tried to enter a bar, attempted to show ID, ended up bleeding on the ground. The Virginia ABC statement describes the events in more neutral terms: "A determination was made by the agents to further detain the individual based on their observations and further questioning. In the course of an arrest being made, the arrested

¹³⁵ "Charlottesville City Virginia-- Population Estimates, July 1, 2015." *QuickFacts from the US Census Bureau*. United States Department of Commerce, 1 July 2015. Web. 30 June 2016. <http://www.census.gov/quickfacts/table/PST045215/51540>

¹³⁶ During the 2011-12 graduation year, the year with the most recent data reported on the university's website, UVA's bachelor degree recipients were 60.6% white and 8.2% black. It is unclear if multiracial students are counted more than once. Percentages calculated by the author. "Degrees Conferred by Race." Institutional Assessment and Studies. *University of Virginia*, 2013. Web. 30 June 2016. UVA and its related institutions (such as the medical center and Aramark, which provides food services for the campus) are, taken in aggregate, the largest employers in Charlottesville. "CITY OF CHARLOTTESVILLE, VIRGINIA COMPREHENSIVE ANNUAL FINANCIAL REPORT FOR THE YEAR ENDED JUNE 30, 2015." *Charlottesville.org*. City of Charlottesville, 10 Dec. 2015. Web. 30 June 2016. African American workers make up a majority of "service and maintenance" workers on campus, and are disproportionately represented as clerical and technical staff. "University of Virginia Full-Time Employees by Race." Institutional Assessment and Studies. *University of Virginia*, 2013. Web. 30 June 2016. By contrast, as of 2013 there were only 43 total tenured African American faculty members across all schools, constituting three percent of total tenured faculty. "University of Virginia Tenured Faculty by Race and Gender, Fall 2013." Institutional Assessment and Studies. *University of Virginia*, 2013. Web. 30 June 2016.

¹³⁷ Shapiro, T. Rees, and Susan Svrluga. "Racial Tensions Flare at U-Va. after Arrest of Black Student." *The Washington Post*, 19 Mar. 2015. Web. 01 Nov. 2015. <http://www.washingtonpost.com/news/grade-point/wp/2015/03/18/racial-tensions-flare-at-u-va-after-a-black-student-sustains-head-injuries-during-arrest/>

¹³⁸ A small sample of modern-day, popular-press discussion of racism in Charlottesville can be found in the following places: D'Ambra, Delia. "Community Leaders: Charlottesville Needs to Address Racism." *NBC29 WVIR Charlottesville, VA*. WVIR Frankly Media, 19 Mar. 2015. Web. 01 July 2016.; (from two years before the Johnson incident) "Charlottesville Men Share Stories of Race Relations in the City's Past." *NBC29 WVIR Charlottesville, VA*. WVIR Frankly Media, 21 May 2013. Web. 01 July 2016.; Railton, Ben. "Behind UVA's Violent Arrest, A Racist Past In Charlottesville." *Talking Points Memo*. TPM Media LLC., 25 Mar. 2015. Web. 01 July 2016.

individual sustained injuries.”¹³⁹ The full investigative report, issued to the press in September, makes no judgement about whether or not the officers pushed Johnson to the ground intentionally, saying instead that “the injury to Johnson occurred when the agents and Johnson went to the ground and Johnson’s head came into contact with the hard surface sidewalk” and pointing out that “photographs also depict abrasions to the [ABC] agent’s extremities when they contacted the sidewalk.”¹⁴⁰ Initial reports describe the officer’s instigation as the result Johnson’s presentation of a fake ID: Johnson could not verbally provide the zip code that matched the zip code on the identification document.¹⁴¹ Johnson’s lawyer and a witness later disputed the claim that Johnson even had a fake ID: the zip code mismatch, they said, occurred when Johnson provided the zip code for his mother’s Illinois neighborhood, rather than his most recent place of residence.¹⁴² No one disputes that Johnson was twenty years old at the time of the incident, below the legal drinking age, and many witnesses state that he had been drinking prior to attempting to enter the pub in question. However, UVA students questioned in the case also told internal investigators that they had been able to enter Charlottesville pubs before they turned twenty-one, and three students even admitted to having their own fake IDs.¹⁴³ In at least one study, researchers have found that about 50% of underage college students who, like Johnson, are affiliated with the Greek Life system, have acquired fake IDs.¹⁴⁴ In the popular culture, having a fake ID for alcohol consumption is functionally a trope of white college-age masculinity. In the popular film *Superbad*, for example, a nerdy white fictional character secures his masculinity and sexual maturity after acquiring a fake ID. Even though his ID is obviously exposed as fraudulent, he is taken on a fun drive by two white male police officers, who even teach him how to shoot their guns. While this film is hardly realist in its depiction of teenage white male fantasy, it is also true that real-life cultural critics failed to read the narrative of this

¹³⁹ ABC statement quoted in “Racial Tensions Flare,” *Washington Post*

¹⁴⁰ White, Craig P. “Administrative Investigation/Review-- Arrest Incident Martese Rashaad Johnson.” *Department of Alcohol Beverage Control*, 17 July 2015. Web. 01 July 2016, p.18.

¹⁴¹ Winter, Michael. “U.Va. Bar: Black Student Denied Entry Not ‘Belligerent’” *USA Today*. Gannett, 23 Mar. 2015. Web. 06 July 2015.

¹⁴² Kingkade, Tyler. “Martese Johnson Did Not Have A Fake ID, Attorney Says.” *The Huffington Post*. TheHuffingtonPost.com, 19 Mar. 2015. Web. 06 July 2015.

¹⁴³ “Administrative Investigation/Review,” p.11-12

¹⁴⁴ Martinez, Julia A., Patricia C. Rutledge, and Kenneth J. Sher. “Fake ID Ownership and Heavy Drinking in Underage College Students: Prospective Findings.” *Psychology of Addictive Behaviors : Journal of the Society of Psychologists in Addictive Behaviors*, 21.2 (2007): 226–232. PMC. Web. 1 July 2016.

young white man's illegal misrepresentation as depicting fraud or criminality.¹⁴⁵ In such a way, it provides a commonplace counterpoint to the Johnson case. Fake IDs are understood as mere adolescent pleasures for some subset of young college men (and, to a lesser extent, women), but not, apparently, in the case of Martese Johnson.

My contention here is hardly novel, indeed, it dovetails exactly with what student and community protestors in Charlottesville asserted at the time, but it bears repeating: even if Johnson had allegedly broken underage drinking laws or produced a fake ID, his encounter with Virginia ABC officers was so disproportionate that it must be part of an inherent racial bias of policing.¹⁴⁶ However, my project here is more specific than merely asserting uneven treatment: I aim to explain the role of the ID document itself in producing the conditions for this encounter. Just as the logics of photo identification inevitably produce strictures into which even white-privileged transgender individuals cannot be equitably assimilated, I argue that the same is true for people of color of all genders, and perhaps Black individuals in particular. At the same time, without artificially disaggregating these often-intersecting populations, I want to show how anti-Black genealogies produce different forms of identification policing, with different results, than those gendered genealogies that exclude white trans women from being identified as proper citizens. While the racial history behind the construction of ID laws was covered in the previous chapter, this section deconstructs the black individual's photograph and embodiment themselves when seen by white viewers. Identification constructs scenes of visual scrutiny, tasking some citizens the obligation to assess the validity of others. However, the relationship between photography, policing, and anti-Blackness strains the frame of mere photograph or document "mismatch." Instead, the demand for a photo ID provides the terms under which a state agent may exert arbitrary instances of racialized control. The power of the viewer, again, rather than the legitimacy of the document itself, is the primary determinant of whether someone is accused of identity fraud. In other words, there are some subjects for which all identification is always already deemed fake.

¹⁴⁵ Indeed, prominent David Edelstein gushes in the *Rolling Stone*, "Dispatched to buy the booze, Fogell has created a fake I.D. bearing the one-word pseudonym 'McLovin' [...] He's so endearingly not a McLovin that you can almost understand the policemen's infatuation with him. He is the primordial, Jungian dork within us all." Edelstein, David. "The Boys of Summer." *NYMag.com*. New York Media LLC, 27 Aug. 2007. Web. 01 July 2016.

¹⁴⁶ For one multimedia account of the March 2015 protests in Charlottesville, see: Beckman, Brittany Levine. "Martese Johnson Weeps during a Protest Prompted by His Bloody Arrest." *Mashable*. Mashable, Inc, 19 Mar. 2015. Web. 01 July 2016.

The forms of visual hyperscrutiny and misrecognition with which whites interpret black people are already well-theorized. Indeed, Simone Browne calls surveillance, a term which seems especially apropos in the Johnson case, as “the fact of antiblackness.”¹⁴⁷ As such, her book *Dark Matters* offers a powerful rejoinder to surveillance studies critics who fail to understand the everyday, often quite low-tech, forms of surveillance to which black people in the U.S. are subject. While “blackness is often absented from what is theorized and who is cited,” she writes,

it is ever present in the subjection of black motorists to a disproportionate number of traffic stops (driving while black), stop-and-frisk policing practices that subject black and Latino pedestrians in New York City and other urban spaces to just that, CCTV and urban renewal projects that displace those living in black city spaces, and mass incarceration in the United States where, for example, black men between the ages of twenty and twenty-four are imprisoned at a rate seven times higher than white men of that age group, and the various exclusions and other matters where blackness meets surveillance and then reveals the ongoing racisms of unfinished emancipation.¹⁴⁸

Given this diffuse definition of anti-black surveillance mechanisms, it would make sense to add “disproportionate ID checks by ABC officers” to this list. Here, I mean to leave behind the specifics of Johnson’s case—which, after all, is still being adjudicated—and examine the mechanics by which photography and its attachment to identification reproduces racial subjection.

The medium of photography itself produces and codifies racial misrecognition. In his study of black masculinity and the visual, Maurice O. Wallace (building on the work of W.J.T. Miller) argues that some images of black men form “a metapicture, a representation of a representation.” That is, visual representations of black men, across multiple genres, cannot help but traffic in “spectacle, fetish, and the chronic foreclosure of realist representation.”¹⁴⁹ Produced

¹⁴⁷ Browne, Simone. *Dark Matters: On the Surveillance of Blackness*. Durham, NC: Duke University Press. 2015. p.10

¹⁴⁸ *Ibid*, p.13

¹⁴⁹ Wallace, Maurice O. *Constructing the Black Masculine: Identity and Ideality in African American Men's Literature and Culture, 1775-1995*. Durham: Duke UP, 2002. Print. p.21; pp.30-31

through white gazes, black men, despite the fact that photography is understood as having indexical (that is, fundamentally realist) aesthetic properties, end up appearing as icons of blackness and black masculinity, chronically overdetermined by white ideological apparatuses. When black men are photographed, they are inevitably hailed as subjects of whiteness.¹⁵⁰

Wallace's theoretical insight here draws inevitably on the work of Frantz Fanon, whose theories of the racializing properties of white sight are canonical, but bear rehearsing here.

For Fanon, interpolation by white lookers both produces a loss of body, a dissolution of his "physiological" self, and fixes onto him a white supremacist historicity that calls forth a new, static body ("an epidermal racial schema").¹⁵¹ Even in his retelling, Fanon splits his performance of authorship in response to a white gaze: in response to the "suffering reification" of being called out by a white boy, being fixed into a white-constructed identity "the same way you fix a preparation with a dye," he "explode[s];" the remainder of the pages in this section are, therefore, "the fragments put together by another me."¹⁵² In his anti-colonial re-writing of Hegel, there is no dialectical synthesis in encounter with an Other: instead, the white colonial gaze shatters the self to the extent that it cannot perceive its own "bodily schema," leaving it "disoriented and unable to encounter the other, the white man, who had no scruples about imprisoning me [...]." Being seen ("Look!") through the lens of whiteness inevitably is twinned form of violence, a

¹⁵⁰ I use the language of interpolation with caution here. I understand that Althusser's depiction of a police officer shouting "you there!" is a metaphorization of the impact of ideology on subjects (subjectification), not a literal account of state power embodied by individual actors. I suggest, on the other hand, that reading Althusser within the context of the physical impact of white supremacist policing is a legitimate method through which to explain the mechanisms of contemporary state power: the aim of this section of the chapter is the point out that the workings of power via psychic or technocratic forms of subjection are insufficient to explain spectacularized-yet-commonplace distribution of racial force. All that said, it is still the case that merely de-metaphorizing the twentieth-century metaphor of ideology is not a wholly sufficient match for the Johnson case. For Althusser, ideology operates just as the "concrete" encounter with a police officer shouting "you there!" causes a person to stop and turn around, thus making a state subject of that person. This works because "the one hailed always recognizes that it is really him who is being hailed," regardless of his guilt of any particular thing; his senses interpret the officer's order and understands that officer as authoritative. In Johnson's case, however, the ABC officers apparently approached Johnson directly, tried to question him, but Johnson walked away. An officer put a hand on Johnson's shoulder. Johnson shrugged him off; the officer said "'stop, police,' as he grasped the left wrist of Johnson." Johnson, according to his detractors, was resisting arrest. In another reading, he was resisting the call to subjection issued by the state officer, refusing (literally) to turn towards the sound of the hail. Constantly turning away, in this reading, was Johnson's true crime. Althusser, Louis. "Ideology and Ideological State Apparatuses (Notes towards an Investigation)." *Lenin and Philosophy, and Other Essays*. Trans. Ben Brewster. New York: Monthly Review, 1972. N. pag. Print.

¹⁵¹ Fanon, Frantz. *Black Skins, White Masks*. Trans. Richard Philcox. New York: Grove, 2008. Print. p.91

¹⁵² Fanon, p.89

suspension between corporeal and modern forms of punishment, between being psychically drawn and quartered or being psychically rendered immobile and surveilled.¹⁵³

Fanon is not thinking of the photograph in particular in the above passage. But might we read the consequences of encounter with whiteness—self-annihilation and a forced fixity of self—alongside the temporal mechanics of identification photographs? If so, will this help explain what happened in the Martese Johnson case? The answer to these questions is both yes and no; that is, photo identification and its role in producing Fanonian racial-visual encounters is both necessary and insufficient to explain the racialized violence that erupts in the type of policing that caused an uproar in Charlottesville. First I will explain why Shawn Michelle Smith’s work on W.E.B. Du Bois’ photography theory helps explain the “necessary,” after which I will attempt to tackle why it remains insufficient.

Forty years before Fanon published *Black Skin, White Masks*, W.E.B. Du Bois entered into the 1900 Paris Exposition a selection of photographs called *Types of American Negroes, Georgia, U.S.A.*¹⁵⁴ This dossier of middle-class Black Americans, collected for a mostly white European audience, an audience that may have been the parents and grandparents of the young boy that Fanon encounters on the train, was specifically designed to counteract the reifying and “exploding” gaze of white onlookers. In Smith’s analysis, the rhetorical force of the *Types* photographs is earned through troping on the visual genres of scientific racism and mug shots: the frontal and profile headshot against a neutral background. As Smith writes, “the photographic mug shot served as a site of convergence for varied discourses claiming to describe racialized degeneracy and depravity.”¹⁵⁵ In response to these congealed images of Blackness, the types of associations that Fanon would later project onto his own body through the eyes of the young white boy (“The Negro is an animal, the Negro is bad, the Negro is wicked, the Negro is ugly; look, a Negro”), Du Bois explicitly stages the operations of racist ways of looking:

In other words, when projected through the eyes of white others, the image of the African American middle-class individual often transmuted into the mug shot of an African

¹⁵³ I borrow this adaptation of Foucault’s thesis in *Discipline and Punish* from Smith, although her analysis concerns photography and mug shots in particular while I apply it here to Fanon’s sense of self. Smith p.139.

¹⁵⁴ Smith, Shawn Michelle. *Photography on the Color Line: W.E.B. Du Bois, Race, and Visual Culture*. Durham: Duke UP, 2004. Print. p.1

¹⁵⁵ Smith p.89

American criminal. It is precisely this transformation of the black image in the eyes of white beholders (a transfiguration of the middle-class portrait into a criminal mug shot) that Du Bois's Georgia Negro portraits unmask.¹⁵⁶

The play of Du Bois's collection, then, is to reveal how easily "respectable" black subjects, when viewed through certain racializing frames, are transmuted into criminals. Photography is the medium through which this transmutation occurs, educating white viewers into particular forms of looking; therefore, it can be weaponized to educate viewers others, can produce a sort of anti-racist counter-spell. This type of photographic counter-programming as anti-racist strategy was later adopted in a different form by *Crisis* magazine when it reprinted lynching photographs in order to expose images of murderous white barbarism.¹⁵⁷ However, unlike lynching photographs, which clearly represent smiling whites standing in front of mutilated black bodies, to mimic the visual genre of state institutions did not allow Du Bois to directly represent the white gaze. Instead it was merely implied, demanding that a white viewership understand the logic of the reversal in order to reconstruct the images' meaning. While Smith, even while critiquing Du Bois's class stratification, is not wrong about the force of this tactic, on its own terms, my own research shows that the type of scientific and racist forms of looking built into this identification genre were poised to massively proliferate and expand after 1900. Indeed, even as phrenology and other nineteenth-century concepts of the racial order were in the process of being replaced by more "modern" (that is, eugenic-Progressive) forms of racism, the photographic strategies of representing bodies as reified and fixed became so integrated into state techniques of power that their racial underpinnings now appear "color-blind." In other words, the photographic is critical to understanding Du Bois's account of the color line. However, "the problem of the Twentieth Century" was enacted through adoption of this genre: middle-class African Americans, like all U.S. citizens, were increasingly photographed in frontal, institutional poses for purposes other than mug shots. These institutional photographs, even as they became markers of proper citizenship rather than criminality for whites, did not do the same for black signification of national belonging. Instead, states

¹⁵⁶ Fanon, p.93; Smith p.90

¹⁵⁷ Smith p.121; see also Wood, Amy Louise. *Lynching and Spectacle: Witnessing Racial Violence in America, 1890-1940*. Chapel Hill: U of North Carolina, 2009. Print.

developed new ways to produce subjection-by-photograph, a process that I argue occurred via making ID checks a new technique of police encounter.

The policing power of visual assessments of blackness is hardly dependent on ID checks. A kaleidoscopic array of scholars have argued that white surveillance of blackness is foundational to the process of racialization in the U.S., built into both foundation of the racial state and in everyday encounters. In her study of miscegenation law in the early twentieth century, Peggy Pascoe describes how visual assessment of race produced legal exclusions: “Whenever they could, lawyers relied on the jury’s visual scrutiny to determine the race of the plaintiff or defendant who appeared in the courtroom before them.” She further explains that “the visual scrutiny technique made it seem as if judges and juries were merely recognizing or identifying preexisting race rather than producing and enforcing race classifications.”¹⁵⁸ As Smith notes, this type of empirical-seeming visual classification had become paradoxically both more imperative and less intuitive after *Plessy v Ferguson*.¹⁵⁹ If separate but equal was an allowable doctrine, but also coincided with definitions of race and color that included anyone deemed black by virtue of “one drop” rules, it was more important than ever to know who was who, but at the same time interpersonal sensory recognition—looking at someone to see who they were—were thrown into confusion. Rather than abandoning the visual as a method for classification, however, Pascoe shows how performances of visual scrutiny bled into various aspects of embodiment beyond the epidermal: “in the hope that race would surely become evident if juries were only allowed to see enough physical markers, judges sometimes allowed juries to see parts of the body that would not ordinarily have been visible in the classroom. One woman was asked to display her fingernails and remove her shoes, another to partially disrobe before a jury in an attempt to uncover supposedly persuasive physical evidence of race.”¹⁶⁰ Steven A. Berrey accounts for racial surveillance outside scenes of legal classification by arguing that “the interracial intimacy of Jim Crow [...] produced a surveillance network closely tied to the possibilities of violence and to a white audience daily watching,” a network that was only disrupted by Northern photojournalism and television reporters producing a double layer of

¹⁵⁸ Pascoe, Peggy. *What Comes Naturally: Miscegenation Law and the Making of Race in America*. Oxford, England: Oxford UP, 2009. Print. p. 113

¹⁵⁹ Smith p.140

¹⁶⁰ Pascoe p.113

external surveillance over the South.¹⁶¹ Citing C. Vann Woodward, Berrey shows how “Jim Crow gave the authority of enforcement to the ‘streetcar conductor, the railway brakeman, the bus-driver, the theater-usher, and also...the hoodlums of the public parks and playgrounds.’ Indeed, that authority to enforce extended to virtually any white person.”¹⁶²

Of course, it is no longer legal to separate public space due to assessment of race, and thus it is no longer true that “any white person” has universal legal responsibility for enforcing spatial boundaries.¹⁶³ But systems of visual assessment are more difficult to eliminate than statute. In her study of Frederick Douglass’s theories of photography, Ginger Hill shows that Douglass understood racial stigma to emerge from, as she quotes in Douglass’s own words, “the *particular standpoint from which we have been viewed* by those who have sought to investigate our true character and to ascertain our true position in the scale of creation.”¹⁶⁴ Therefore, Hill summarizes Douglass’s visual theory as arguing that “visuality is habituated through society’s ‘schooling’ in race” and “it is the lens of the *viewer* him- or herself that creates what is seen.” “Douglass maintained,” writes Hill, that the phrenologists and polygenists who were then producing photographic and ethnographic assessments of race “made the repeated mistake of interpreting behaviors enforced by power relations—such as a black man speaking softly to a white man in U.S. society—as essential biological differences.”¹⁶⁵ Compare this nineteenth-century account to Simone Browne’s description of stop-and-frisk and surveillance in the early 21st century: “categories of suspicion could include ‘furtive movements,’ or ‘fits a relative description,’ or ‘change direction at the sight of an officer,’ or ‘inappropriate attire for season.’”¹⁶⁶ Consider that the presence of an officer’s watching another’s gaze produces the conditions for a stop: to “change direction at the sight of an officer” means to respond to a

¹⁶¹ Berrey, Stephen A. *The Jim Crow Routine: Everyday Performances of Race, Civil Rights, and Segregation in Mississippi*. Durham: U of North Carolina, 2015. Print. p.112-113

¹⁶² *Ibid* p.106

¹⁶³ That said, the anti-“terror” slogan “if you see something, say something” comes close to reinstating such a visual weaponization. For more on the connection between visual racialization of blackness and anti-terror imperial rhetoric, see Puar, Jasbir K. *Terrorist Assemblages: Homonationalism in Queer Times*. Durham: Duke UP, 2007. Print. p.183-191.

¹⁶⁴ Frederick Douglass, “The Races,” qtd in Hill, Ginger. “‘Rightly Viewed:’ Theorizations of Self in Frederick Douglass’s Lectures on Pictures.” *Pictures and Progress: Early Photography and the Making of African American Identity*. Ed. Maurice O. Wallace and Shawn Michelle Smith. Durham: Duke UP, 2012. 41-82. Print. p. 57. Emphasis added by Hill.

¹⁶⁵ Hill, p.57

¹⁶⁶ Browne, p.39. Quotations are from “Stop and Frisk Data,” New York Civil Liberties Union, 2014.

stimulus that is only there to produce surveillance in the first place.¹⁶⁷ In other words, to acknowledge that one is being surveilled serves to justify that same surveillance, putting the primarily black and Latino men who are subject to stop-and-frisk in the impossible position of pretending to not notice that they are being watched while still being expected to behave naturally (as opposed to “furtively”) as if they are not pretending. Furthermore, fitting a “relative description” or wearing “inappropriate attire” are so broad, of course, that they can only rely on officer judgement, judgement that is inevitably framed through “the *particular standpoint*” of centuries of racist imagery. In the courtroom or on the street, racial profiling produces a racial profile.

So what is the role of the identification card in producing and activating this racial profile? In a post-*de jure* segregation context, in which explicit racial classification and discrimination is outlawed, the scrutiny of the identification card can act as a performative substitution—an excuse—for the scrutiny of a body. Legal scholar Jeffrey Fagan and sociologist Amanda Geller have studied how police stops known as *Terry* stops legally require police to make judgements based on an individual’s actions, but almost inevitably drift into racially-bound policing “scripts.” *Terry* stops are named after the Supreme Court decision (*Terry v Ohio*) that determined that it is not unconstitutional for individuals to be stopped on the street and asked to identify themselves, as long as there is “reasonable and articulable suspicion” that they might be involved in wrongdoing.¹⁶⁸ However, one of the reasons why an “individual” might be understood as suspicious is their presence in a “high-crime” area, and a “high-crime” area might be defined as “a place where police discover more crime.” In other words, these policing rationales are clearly “tautological,” to use Fagan and Geller’s language, and open to barely suppressed racially motivated judgments.¹⁶⁹ Asking for an identity card, however, ensures that it is an “individual” who is stopped; it is legally mandatory to assert that a person has been stopped for a reason beyond being a representative of a racial type associated with criminality, even if that individual is stopped on the basis of a particular officer’s visual assessment of that individual’s group belonging. Indeed, being asked for an ID is part of a policing script that performs compliance with *Terry*, a script that only comes into play if someone is in, for example,

¹⁶⁷ Fagan, Jeffrey, and Geller Amanda. "Following the Script: Narratives of Suspicion in "Terry" Stops in Street Policing." *The University of Chicago Law Review* 82.1 (2015): 51-88. Web. p.79

¹⁶⁸ *Ibid* p.52

¹⁶⁹ *Ibid* p.84

a “high-crime” area. The *Terry* mandate for individuating suspicion for stops emerged in 1967, only two years after the Civil Rights Act made racial judgements by state actors subject to stricter scrutiny. Collective racial evaluation of criminality was now illegal, but was instead replaced by the *language* of individual identification. Asking for state-backed documentation of individuality helps validate this performance of particularity: in the police paperwork below, officers must describe an individual as well as what ID they provided, as if this proved that racial profiling did not occur.

(COMPLETE ALL CAPTIONS)

**STOP, QUESTION AND FRISK
REPORT WORKSHEET**
PD344-151A (Rev. 11-02)

Pct. Serial No. _____
Date _____ Pct. Of Occ. _____

Time Of Stop _____ Period Of Observation Prior To Stop _____ Radio Run/Sprint # _____
Address/Intersection Or Cross Streets Of Stop _____

Inside Transit Type Of Location
 Outside Housing Describe: _____
Specify Which Felony/P.L. Misdemeanor Suspected _____ Duration Of Stop _____

What Were Circumstances Which Led To Stop?
(MUST CHECK AT LEAST ONE BOX)

Carrying Objects In Plain View Used In Commission Of Crime
e.g., Stim Jim/Pry Bar, etc.
 File Description
 Actions Indicative Of "Casing" Victim Or Location
 Actions Indicative Of Acting As A Lookout
 Suspicious Bulge/Object (Describe)
 Other Reasonable Suspicion Of Criminal Activity (Specify) _____

Actions Indicative Of Engaging In Drug Transaction
 Furtive Movements
 Actions Indicative Of Engaging In Violent Crimes
 Wearing Clothes/Disguises Commonly Used In Commission Of Crime

Refusal To Comply With Officer's Direction(s) Issued To Reasonable Fear For Safety
 Violent Crime Suspected
 Suspicious Bulge/Object (Describe)
 Admission Of Weapons Possession
 Hard Object
 Assault Weapon
 Knife/Cutting Instrument
 Rifle/Shotgun
 Pistol/Revolver
 Machine Gun
 Other (Describe) _____

Evasive, False Or Inconsistent Responses To Officer's Questions
 Changing Direction At Sight Of Officer/Fight
 Suspicious Sounds Of Criminal Activity, e.g., Bloodsplains, Ringing Alarms

Name Of Person Stopped _____ Nickname/Street Name _____ Date Of Birth _____
Address _____ Apt. No. _____ Tel. No. _____

Identification: Verbal Photo I.D. Refused
 Other (Specify) _____

Sex: Male Race: White Black White Hispanic Black Hispanic
 Female Asian/Pacific Islander American Indian/Alaskan Native

Age _____ Height _____ Weight _____ Hair _____ Eyes _____ Build _____

Other (Scars, Tattoos, Etc.) _____

Did Officer Explain? If No, Explain: _____
Reason For Stop Yes No

Were Other Persons Stopped/Questioned/Frisked? Yes If Yes, List Pct. Serial Nos. _____
 No

If Physical Force Was Used, Indicate Type:

Hands On Suspect Drawing Firearm
 Suspect On Ground Baton
 Pointing Firearm At Suspect Pepper Spray
 Handcuffing Suspect Other (Describe) _____
 Suspect Against Wall/Car

Was Suspect Arrested? Yes No Offense _____ Arrest No. _____

Was Summons Issued? Yes No Offense _____ Summons No. _____

Officer In Uniform? Yes No If No, How Identified? Shield I.D. Card Verbal _____

Was Person Frisked? Yes No **IF YES, MUST CHECK AT LEAST ONE BOX**
 Inappropriate Attire - Possibly Concealing Weapon
 Verbal Threats Of Violence By Suspect
 Knowledge Of Suspect's Criminal Record
 Knowledge Of Use Of Force/Use Of Weapon
 Other Reasonable Suspicion Of Weapons (Specify) _____

Was Person Searched? Yes No **IF YES, MUST CHECK AT LEAST ONE BOX**
 Outline Of Weapon Other Reasonable Suspicion Of Weapons (Specify) _____
 Machine Gun Other (Describe) _____

Was Other Contraband Found? Yes No **IF YES, Describe Contraband And Location**

Additional Circumstances/Factors: (Check All That Apply)
 Report From Victim
 High Incidence Of Reported Offense Of Type Under Investigation
 Time Of Day, Day Of Week, Season Corresponding To Reports Of Criminal Activity
 Consistent With Persons Known For Their Criminal Activity Proximity To Crime Location
 Other (Describe) _____

Pct. Serial No. _____ Additional Reports Prepared: Complaint Rpt. No. _____ Juvenile Rpt. No. _____ Absent Rpt. No. _____ Other Rpt. (Specify) _____

REPORTED BY: Rank, Name (Last, First, M.I.) _____
Print _____ Signature _____
Team _____ Command _____

Figure 7: “UF-250 form” aka “Stop, Question, and Frisk” form reproduced in Fagan and Geller, p.88.

Furthermore, Law Professor Tracey L. Meares has suggested that a racial stop under such laws should be understood not as “incident,” but as part of a “program.” In her powerful indictment of the wide-ranging racial violence caused by stops, Meares writes:

Is it not the case that a mass of stops and frisks is simply an aggregation of individual incidents? The answer, in short, is no. When policing agencies engage in an organizationally determined practice of stopping certain "sorts" of people for the stated purpose of preventing or deterring crime, as the NYPD did, they are engaging in what I call a "program." The stops that flow from these programs are not individual incidents that grow organically - endogenously - out of a collection of individual investigations occurring between an officer and a person that the officer believes to be committing a crime. Rather, programmatic stops are imposed from the top down [...].¹⁷⁰

In this reading, stops demanding identification have nothing at all to do with identifying individuals *per se*, but rather operate as part of a systemic program of subjecting men of color to increased visual surveillance. Identification submerges this reality by producing the effects of suspect individuation, even as asking for identification of racial group members is itself the excuse for many of these stops.

These findings—that being asked to provide identification is part of a performance of equitable policing, rather than an encounter that all individuals are equally subject to—are not limited to discussions of the “stop and identify” laws made constitutional by *Terry*.¹⁷¹ Voter ID laws, which were discussed in the previous chapter as legal infrastructure that discriminate against people of color due to the historic exclusion of people of color from driver’s licenses and other everyday ID documents, also operate via another mode of discrimination. When “street-level bureaucrats” such as poll workers, “are given substantial discretion in the application of voter identification requirements, they tend to rely on their own attitudes and beliefs rather than

¹⁷⁰ Meares, Tracey L. “Programming Errors: Understanding the Constitutionality of Stop-and-Frisk as a Program, Not an Incident.” *The University of Chicago Law Review*. Vol. 82, No. 1 (Winter 2015), pp. 159-179. p.162.

¹⁷¹ Even between states, the interpretation of how *Terry* applies to identification checks varies. For more on how various states balance Fourth Amendment protection against unreasonable search versus the potential for expanded policing, see Haines, Patricia. "Your Papers, Please: Police Authority to Request Identification from a Passenger During a Traffic Stop in Alaska." *Alaska Law Review* Dec. 2012: 261+. General OneFile. Web. 4 July 2016.

the law and their training.”¹⁷² Therefore, significant evidence “that Hispanic and African American voters were asked to show physical forms of identification more than non-Hispanic whites (Alvarez et al. 2010; Ansolabehere 2009; Atkeson et al. 2010; Atkeson, Alvarez, and Hall 2010; Cobb et al. 2012)” might be explained by the fact that poll workers, not unlike police, or judges and juries in the post-*Plessy* courtrooms that Pascoe described, apply legal force based on racial visual evaluation.¹⁷³ Purporting to be checking identification documents, documents which represent bodies within photographic genres that have historically melded racialization and criminality, is a method by which state and “street-level” individuals may police racialized bodies. Photographs encapsulate certain forms of racial sight, recirculated by white gazes as they make a visual assessment that results in a demand for an ID, as they flit between a racialized individual holding an ID and a mug shot-like picture on a card. These gazes have always been looks of subjection. Post-*Brown*, they must shift their *stated* objects of surveillance from bodies to surveillance of *images of* bodies, but in many cases this is a distinction without a difference. While “authority to enforce” identity is no longer the purview of “any white person,” it remains the purview of a shockingly large set of persons, from municipal police officers down to bouncers at a neighborhood bar in a mid-size Virginia college town.

Therefore, although the case of Martese Johnson is horrific, it is also banal, almost inevitable. The technology of Martese Johnson’s identification was not designed to authorize his freedom of mobility as a citizen, but rather to authorize some context under which Johnson could be encountered by an officer. Whether or not Johnson’s ID was fake—he was not ultimately charged with possessing a fake ID—is less relevant than the fact that ABC officers on duty that night understood the bouncer’s refusal to allow him into a bar to be “reasonable suspicion” that his ID was fake.¹⁷⁴ The officers did not check every student’s ID in the line, despite the fact that a bar in a college town, assuming that “having a fake ID” and “drinking underage” are the relevant crimes, might reasonably be understood to be a “high-crime” area. (It bears admitting here that Virginia statute differs from New York’s, but police still have discretion to ask to see

¹⁷² Atkeson, Lonna Rae, Yann P. Kerevel, R. Michael Alvarez, and Thad E. Hall, “Who Asks For Voter Identification? Explaining Poll-Worker Discretion,” *The Journal of Politics* 76, no. 4 (October 2014). p. 954

¹⁷³ *Ibid* p. 947. Citations in original.

¹⁷⁴ For officers’ accounts of their encounter with Johnson, see White p.26-32. For the discussion of charges, none of which include having a fake ID, see p. 30. Particularly of interest is the section describing the discussion of charges: the officer who initiated physical contact with Johnson told his supervisor that he would be “much more comfortable bringing at least the Obstruction of Justice charge because of the injuries Johnson received as a result of the incident,” even though the ABC Regional Agent in Charge advised that only Drunk in Public charges be filed.

identification even in jurisdictions where citizens have less of a mandate to answer them.) Accounts of Johnson's behavior differ, but whether he was calmly walking away after being denied entry or acting belligerently drunk is less relevant, in my reading, than the mere fact that the ABC officers saw him as "suspicious." The officers did not initially see his ID, and thus did not respond to definitive proof of identification fraud itself, but rather to the spectacle of a black student being turned away from a place mostly frequented by white students. The bar bouncer deemed his ID card invalid, the police saw his body as out of place, and Johnson ended up bleeding on the ground, handcuffed and shackled, all due to a photograph that resembled his own future mug shot.¹⁷⁵

Part III: Watching Her Dance

From the first two sections, we might derive two claims. First, photo identification documents do not merely produce images of individuals, but rather structure and enforce particular forms of visual scrutiny between an identifier and an identified. Second, these forms of visual scrutiny adopt some of the presuppositions of state photography (that of bodily fixity or immutability, that of racial transparency), while also exceeding these frames to produce highly uneven and bias-motivated norms of visually examining those photographs and bodies. These claims build a hypothesis about the governmental function of photo identification: to classify people as types under the guise of identifying people as individuals. These descriptions account for a particular type of dyadic, or even dialectic, relationship: identifier and identified, and, usually, a dominant group member as the former and an oppressed group member as the latter. However, this neat structural fable hardly accounts for the proliferation of affective meanings of identification, the ways that those relationalities might make meanings for marginalized people outside of the actualization of physical violence. By moving into fiction for the third section of this chapter, I ask how the everyday surveillance of ID checks produces strange intimate misrecognitions, misrecognitions that can only be countered by looks of intra-group love.

"Lizzy and Annie" is constructed as a series of vignettes, tracing the development of a romantic relationship between two trans women. Casey Plett's eponymous protagonists live a conventional twenty-something queer hipster New York City life, bouncing from burrito joints to

¹⁷⁵ See White p.33 for a description of Johnson's physical submission, including shackling, and his injuries.

brunch spots, dodging awkward encounters with ex-lovers and dealing with annoying dudes at crappy customer-service jobs. The story's plot reflects an insistence that trans women have daily lives, and that those lives are not defined by spectacularized physical transformations or unrelenting pathos: this is a romance, not a transition narrative. At the same time, Plett makes clear that transmisogynist violence always stalks Lizzy and Annie, such that they aren't ever truly safe at their jobs, in their neighborhoods, or out on the town. Plett uses descriptions of the visual—other people's stares, and the way that Lizzy and Annie can or cannot return those gazes—to articulate the threat of harm that these trans women face if they are "clocked:" that is, visually assessed by others as trans.¹⁷⁶ However, there is another dynamic beneath the main text: in small snippets of the story, both Lizzy and Annie are implied to be women of color. In this white-authored text, the racial identification of the main protagonists is significant, especially given that most of the characters in the wider collection read as white. Plett depicts strands of these intersecting forms of marginality in different ways, which in turns produces a complex portrait of the types of visual scrutiny that trans women of color face. My reading of the lines of sight within the story, and the way that state identification distorts the intimate forms of looking that Lizzy and Annie adopt for each other, accounts for the modes of subversive, affirmative looking that marginalized people must develop between each other. Casey Plett's "Lizzy and Annie" demonstrates the enormous psychic labor that is necessary to see and love bodies that the state is determined to destroy.

To a careful reader, the types of transmisogyny that Lizzy and Annie experience are easy to track within the story, even without noticing how the two women are subject to dominant gazes. For example, almost all of Lizzy's interactions with men at her job (which is at a video store, perhaps a nod to the story's interest in visual assessment) result in her being misgendered, called "sir" by customers or "stud" by a coworker.¹⁷⁷ Even when she is misrecognized as a feminine man, she is treated with less deference or respect than the presumably-cis men

¹⁷⁶ This is trans-specific slang for "getting read [i.e., being seen] as trans." The Oxford English Dictionary also includes "to clock" as general U.S. slang for "to watch or observe; to look at, notice." Following the everyday usage in trans contexts, I read "clocking" as a visual engagement that is more like an inspection or discernment, not just a type of "looking at." To "clock," throughout this chapter, is "to visually categorize." As Ruby Tapia has suggested, "to clock" can also be a slang term meaning "to hit or strike." This additional meaning adds to the notion that clocking, in the trans sense, is a form of visual violence (which may or may not be followed by a physical altercation). "clock, v.1." *OED Online*. Oxford University Press, June 2015. Web. 26 June 2015.

¹⁷⁷ Plett, Casey. "Lizzy and Annie." *A Safe Girl to Love: Stories*. New York: Topside, 2014. 64-87. Print. p. 70; p.74.

surrounding her: in one scene, a would-be customer misgenders Lizzy, but the same customer also refuses to believe that the video store is closed until the more masculine manager informs him.¹⁷⁸ Incidents like these sometimes operate as small crystalized vignettes within the larger plot, rather than action that drives the story; in fact, Lizzy does not even mention them to Annie, insisting instead that her job is “fun,” that her coworkers are “nice, innocent,” and that she’s “lucky.”¹⁷⁹ Readers are nevertheless meant to understand that transmisogyny is baked into the substrate of Lizzy’s view of the world, so much so that she rarely allows herself to examine it as such. Annie, who is three years older, is more open about her encounters with transmisogyny, telling Lizzy that “most days [she] just feel[s] really scared and sad and weak [...]”¹⁸⁰ Annie openly narrates, in the context of a discussion with her lover about transmisogyny, tokenism, and terror, the psychological burden that Lizzy can scarcely allow herself to feel.

Not only does Lizzy attempt to submerge her experience of transmisogyny, she also relates to racial identity in a distant way—so much so that the narration, which is mostly from Lizzy’s point of view, hardly discusses race openly. Unlike another short story that tropes on a reader’s desire to know the “truth” of characters’ racial characteristics, Toni Morrison’s “Recitatif,” Plett does not describe Lizzy or Annie’s racial identity using interior monologue.¹⁸¹ Instead, race appears incidentally, concealing its narrative importance. For example, in one scene, Lizzy tells Annie that her father is “just this, like, overzealous Japanese man from Fresno who ended up in the hick Northwest and plays bass in a jazz band.” It’s unclear whether or not Lizzy’s paternal nationality is supposed to indicate that Lizzy herself identifies as Japanese American or Asian American, or whether other people would perceive her as belonging to these categories. Indeed, Plett teases a much deeper story behind Lizzy’s identification with her father, one that leaves space for any number of potential biological or non-biological relationships between them, given that Lizzy describes parentage through a strange circumlocution: “He sort of raised me. No, not sort of, he did raise me. Lizzy giggled.”¹⁸² Although readers have scraps of information about Lizzy’s *affective* relationship with her father, and is tagged in a single social

¹⁷⁸ Plett 70

¹⁷⁹ *Ibid* 71-72

¹⁸⁰ *Ibid* 77

¹⁸¹ Of course, “Recitatif” is not the only short story that plays with this theme, or uses dialogue and inner monologue to explore the psychic dimensions of racial encounter. However, its canonical status and focus on the experiences of women makes it a useful countertext here. Morrison, Toni. “Recitatif.” *Crossing the Color Line: Readings in Black and White*. Ed. Suzanne Whitmore. Jones. Columbia: U of South Carolina, 2000. 157-74. Print.

¹⁸² Plett 74

media post as “Lizzy Inada,” we learn little else about how Lizzy’s relationship to Japanese-ness per se.¹⁸³ Readers have only scant textual evidence about how Lizzy might be understood as a person of color, whereas simply counting the number of times Lizzy is called “sir,” “buddy,” or “son” would give readers near-constant cues about how Lizzy is gendered. Likewise, whether or not Annie is understood as a person of color is equally difficult to disaggregate, in the context of this narrative, from the processes of gendering and misgendering that she undergoes at the hands of strangers. One of the first thing readers learn about Annie is that she experiences a significant amount of public harassment: as Lizzy recovers from her post-coital hangover, she remembers that, the night before, “Annie had been talking about how she got some street on the street here but it also wasn’t too bad.”¹⁸⁴ Street harassment is a constant feature of both women’s lives, but there is one hint that Annie’s skin color might attract additional violence: “One night after taking sleeping pills, Lizzy realized that she had been wide awake, scrolling through Annie’s pictures online,” and in one picture Annie had appeared had “skin [...] slightly darker than its usual acorn shade.”¹⁸⁵ “Acorn shade,” that is, some shade of brown, is hardly a definitive marker of racialization. However, in the context of a short story that seems intentionally set on confounding visual description and operationalizing race and gender as difficult to determinately ascertain, it makes sense to read this single mention as a hint, not that Annie has any particular identity, but that Annie might be understood by observers as dark-skinned, and thus might be viewed via a white supremacist lens.

Given the way that race scarcely appears in “Lizzy and Annie” at the level of narrative description, one way to understand the visual scrutiny that these two characters suffer is by seeing the overt misgendering, fetishism, and/or threats of violence as always already inflected by responses to perceived racial, as well as gender, difference. That is, when characters are discussing transmisogyny openly, as they do relatively frequently, it could be read as also indicting racist transphobia and/or transmisogynoir, despite the fact that neither woman uses the language of racism overtly.¹⁸⁶ One example of how social surveillance reveals the intersection of

¹⁸³ The passing mention of what might be Lizzy’s full name is buried in a larger conversation about the status of social media and photography in perpetuating fetishism, and not commented on by any character. Plett p. 76

¹⁸⁴ Plett p.66

¹⁸⁵ Plett 79

¹⁸⁶ The term transmisogyny comes from a portmanteau of “misogynoir,” a term coined by scholar Moya Bailey to describe the specific oppression of Black (“noir”) women, and “transmisogyny,” a term coined by Julia Serano to describe the specific oppression of trans women and trans feminine individuals. I use the term advisedly here because Bailey is clear about the terms reference to Blackness, and readers do not have enough information to

these multiple oppressions appears midway through the short story, when Lizzy and Annie encounter a cis lesbian who is revealed to have a history of sexually fetishizing trans women. In fact, Annie has already dated this woman, and is somewhat shocked that Lizzy hasn't yet: "The fact that you're a trans woman in this city and she *hasn't* tried to fuck you blows my mind. Wait, she hasn't, has she?" This fetishism comes with a veneer of faux-"allyship," which Annie parodies to Lizzy, imagining the cis lesbian's ironic self-denial: "How can I be a chaser if I can't read my fucking Post-It marked copy of *Whipping Girl* at the dance nights where all the trannies go?" Apparently, cis lesbians attempt to use books of anti-transmisogynist theory as fashion accessories to performatively signal that they are into fucking trans women. Neither woman muses on whether or not racism is a factor in this form of dehumanization. However, Lizzy and Annie's conversation is abruptly interrupted by a Facebook notification on Lizzy's phone. Although neither Lizzy nor Annie have consented to it, both appear tagged in a social media post that reads "Mushroom omelet mission turned into run-in with two strong and fierce lovely ladies!"

Lizzy and Annie are incredulous, both at the speed with which this cis fetishist brags to her social media feed about being seen with the two trans women and at being labeled "strong" and "fierce:"

Fierce? Said Lizzy.

Annie leaned her forehead on her hand. Right? she said.

Y'know, I don't have as much of a problem with her as you do, said Lizzy. But like *fierce*? Not to mention, *strong*? What the fuck?¹⁸⁷

Both "fierce" and "strong," as Lizzy and Annie recognize, are coded words, indicating stereotypes projected onto trans women. "Fierce," in particular, is a term made popular amongst mainstream U.S. television audiences by *America's Next Top Model* judge Christian Siriano alongside his other TV catchphrase, "hot tranny mess."¹⁸⁸ The term also appears regularly on

ascertain whether either Annie or Lizzy would experience anti-Blackness. I introduce the terminology to open up a possibility concerning a social dynamic, not to stake a claim to particular reading of either fictional character. The term "transmisogyny" itself may have its origins with social media personality and vernacular theorist Trudy (@thetrudz) although this may not be the first instance of the term. For more on this language and usage, see: Bristol, Keir. "On Moya Bailey, Misogynoir, and Why Both Are Important." *The Visibility Project*. The Visibility Project, 27 May 2014. Web. 05 July 2016. ; "Transmisogynoir," *SJWiki*. N.p., n.d. Web. 05 July 2016.

¹⁸⁷ Plett 77

¹⁸⁸ Wilson, Eric. "Moving Past 'Fierce'" *The New York Times*. N.p., 8 Feb. 2012. Web. 5 July 2016.

RuPaul's Drag Race, a program that, many critics have asserted, celebrates drag performance while denigrating trans women.¹⁸⁹ However, “fierce” and “strong” are also signifiers of *racial* ideologies of gender non-conformity. In the same year that “Lizzy and Annie” was first published, pop culture commentator Perez Hilton tweeted that “Inside every gay man is a fierce black woman!”¹⁹⁰ The same period saw a flurry of critique concerning the archetype of the “strong black woman.” According to these critiques, lodged by writers, bloggers, and scholars such as Tamara Winfrey Harris, Bridget Minamore, and Chanequa Walker-Barnes, “strong” signifies a type of gender non-conformity that is inextricable from its racial meanings. Strength is both a stereotypically masculine attribute *and* an adjective that denies black women humanizing forms of emotionality and sensitivity, a conflation of racist gendered tropes that reaches back into the times of U.S. slavery.¹⁹¹ When Lizzy and Annie resist being deemed “fierce” or “strong,” they are just as likely to be resisting the racially-gendered meanings of these words as they are their transmisogynist associations. That they are not merely called these terms, but publically “tagged” as such on Facebook, they are outed *and* their physical location is broadcast to the social web, locking them into a web of digital surveillance as well as stereotypical visual ascription. The cis lesbian, whose “red hair” may or may not code her as white, need not be intentionally racializing Lizzy or Annie for her language, and her invasive behavior, to have this effect, or for Plett to use this scene to show how both racial and gender misrecognitions pervade the everyday experiences of her protagonists.¹⁹²

Understanding Lizzy and Annie as racialized figures resignifies Plett’s descriptions of gazes and photographs. As discussed above, photography freezes changing bodies into particular static forms, dismissing the transformation of trans embodiment from photographic meaning. At

¹⁸⁹ For example, see the use of the word “fierce” by hyper-mainstream magazine *People* to describe the contestants on *RuPaul*. “Meet the Fierce Contestants of RuPaul’s Drag Race!” *PEOPLE.com*. N.p., 01 Feb. 2010. Web. 05 July 2016. The relationship between *RuPaul* and trans communities is complex, to say the least, and an argument in which I have little standpoint or interest. However, for a rebuke of *RuPaul*’s alleged transmisogyny by a prominent black trans woman writer, see: Roberts, Monica. “Why I Can’t Stand RuPaul.” *TransGriot*. N.p., 30 Jan. 2013. Web. 05 July 2016.

¹⁹⁰ Minamore, Bridget. “The ‘Fierce Black Woman’ Inside You Doesn’t Exist.” *Poejazzi*. N.p., 27 Feb. 2014. Web. 05 July 2016.

¹⁹¹ Harris, Tamara Winfrey. “Precious Mettle.” *Bitch Media*. N.p., 13 May 2014. Web. 05 July 2016. ; Walker-Barnes, Chanequa. *Too Heavy a Yoke: Black Women and the Burden of Strength*. Eugene, OR: Cascade, 2014. Print.

¹⁹² “Red hair,” in the context of this short story’s unorthodox use of physical description to indicate other identity categories, does not definitively mean white skin: in the same scene in which Annie’s skin is described as “acorn,” Annie’s was also photographed as a platinum blonde. However, given the other ways this character is portrayed naïve around issues of race and gender, it is not improbable that readers are supposed to catch this hint of her whiteness. Plett 75.

the same time, photography in a U.S. context is always overdetermined by racial ways of seeing, lines of sight that see people of color through the lens of deviance and criminality. In the face of these meanings, Plett carves out ways that trans women of color learn to look at one another outside of identification, classification, and racial-gender surveillance. In the following few pages, I will offer close examinations of the types of stares that Lizzy and Annie receive, and then pull back to highlight instances of recuperative, intimate sight.

In the earliest scene, a young boy watches Annie and Lizzy kiss as the two women meet up after their first date. Although Lizzy and Annie are in a public space, they desire to show serious affection for one another in order to communicate their desire for a continuing relationship; Lizzy returns the initial intensity of Annie's kiss, "cupp[ing] the square of her back, and Annie's muscles slack[en] and she slouch[es] into Lizzy's arms." Their erotically charged moment, however, is being surveilled: "when Lizzy opened her eyes she saw a boy in a blue hoodie staring."¹⁹³ In the context of this scene, this boy's look doesn't register as a threat. However, that it registers in the *narrative* is itself significant. Perhaps Lizzy, who merely turns back to Lizzy after noticing the boy's stare, is merely used to this. But Plett ensures that audience "sees" the boy looking at Lizzy and Annie. This scene of a child staring at two trans women of color recalls, therefore, Fanon's famous encounter with a child who exclaims, "Look, a Negro!" Although the white child on Fanon's train is not physically capable of harming the grown man, the look itself is wounding, makes Fanon's psyche "explode." Lizzy does not experience it in this moment, but a look meant to gender or to racialize does nevertheless have the capacity to produce violence. This short description of a child's look thus, when read alongside theories of racial-visual subjection, emerges as an important piece of foreshadowing, marking the ever-present threat of attack.

Of course, unlike in Fanon's narrative, here there is no shout of "look!" Without an accompanying speech act, there is some potential space for boy's meaning to be affirmative or recuperative; maybe he is gender non-conforming himself. Rosemary Garland-Thomson's work on staring, in particular, attempts to reassess the cultural meaning of intense, inquisitive looks such the type that Fanon discusses in *Black Skin, White Masks*. Garland-Thomson that stares can be potentially affirmative "searches for knowledge" about non-normative bodies, asserting the

¹⁹³ Plett 71.

“generative” force that staring could have in modern social order.¹⁹⁴ Stares, she argues, can bring individuals into new types of inquisitive, knowledge-oriented relations with each other. What happens, however, when “knowledge” of a type of subjectivity cannot be read onto the body via a closer visual inspection? What happens if a way of looking is, in fact, compelling someone towards what they imagine is knowledge, but in fact is a misrecognition? In a social script in which legal gender is the only “true” marker of gender identity, and, furthermore, in which racial scripts overdetermine social assessments of gender conformity and non-conformity, it is doubtful whether a knowledge-seeking look can result in anything *but* misrecognition from a presumably-cis viewer. Therefore, even if this child’s stare might otherwise have the potential to bring these subjects into a more intimate form of social relation, the dominant history of visibility for the purposes of transgender and racial scrutiny are likely to edge out this potential reparation.

Later in the short story, when Lizzy and Annie are called “boys” by men on the street and then aggressively chased down the road, Plett makes clear that being visually assessed as both people of color and as non-women can result in physical violence. The men, sitting “in lawn chairs as [Lizzy and Annie] walked up Broadway,” hail them first, shouting, “Oh hello, boys!” (“Look!”) To this aggressive and intentional misrecognition, an attempt to interpolate each trans woman into maleness, each woman responds differently. Annie, always more cautious, lowers her gaze, “tilt[ing] her head down,” but Lizzy instead “turn[s] around and glare[s] at them.” Used to either ignoring or, sometimes, meeting the stares of hostile onlookers, Lizzy is startled when “a big middle-aged *white* man with a crinkled kind face about to pass them on the sidewalk saw them and started laughing.” This white man blocks their path, “spread[ing] his arms wide, as if going in for a hug” and “danc[ing] in front of them, not letting them through.”¹⁹⁵ The man on the sidewalk, now in concert with the men sitting in lawn chairs, has now clocked Lizzy and Annie. They are surrounded.

Lizzy looked down the street and saw cars coming fast one street down and she grabbed Annie’s arm and pulled her into the street and ran around the laughing man and back on the sidewalk then turn around, backpedaling north and yelled in

¹⁹⁴ Garland-Thomson, Rosemarie. *Staring: How We Look*. Oxford: Oxford UP, 2009. Print.

¹⁹⁵ Plett 81, emphasis mine

her deepest, most growly voice, FUCK YOU ASSHOLE DON'T TRY SHIT YOU FUCKING PIECE OF FUCK.

Then there was a bunch of shouting and somebody starting running towards them and the two of them turned around and booked it up Broadway. There were lots of people. Lizzy wasn't sure how many ran after them but none of them had seemed in too great shape and she only looked around once and everything was kind of a blur.¹⁹⁶

Lizzy's vision fails in more ways than one. She is running so fast that she can no longer see the men chasing her and Annie, can no longer make out distinct shapes behind her. She also failed to reassert her humanity, couldn't return the gaze, since that tactic has no purchase against people who would first call her "boy" and then try to punish her for her gender non-conformity. Annie, it seems, has already recognized the futility of this tactic when the encounter began: when Lizzy turns to stare back at the approaching men, Annie whispers "Don't." When they finally return to the apartment, physically unscathed but shaken, it is Annie who collapses into tears, yelling at Lizzy as if Lizzy was the attacker: "Whywhywhywhywhywhywhy would you do something like that?! WHY?" At first, Annie blames Lizzy's return of the gaze, her refusal to just look down, for inciting the men to further violence. When she calms down, Annie admits that she understands Lizzy's reaction, telling her, "I know, that's the thing, really, I know," but reiterates that Lizzy's confrontation was still terrifying. The two women sit in silence for a long time; their powerlessness is palpable.¹⁹⁷

Perhaps, as Annie imagines, Lizzy and Annie would never have been chased down the street if Lizzy had not turned around to stare back at the jeering men. However, the encounter was violent to begin with-- these men looked at the women, found some visual cue (unknown to the reader) that they read as "proof" that Lizzy and Annie were "actually" boys, and shouted "boys" at them on the street. This shout tipped off another man, passing on the road, that Lizzy and Annie were acceptable targets of physical violence. He picked up the signal, looking at them as unacceptably feminine "boys" as well. Neither the men in the lawn chairs nor the man on the

¹⁹⁶ Plett 82

¹⁹⁷ *Ibid*

street are looking at Lizzy and Annie with the intention to seek out humanizing knowledge about them. Instead, they are assuming the role of looking through a medico-judicial identificatory lens, assessing whether Lizzy and Annie are “boys” or women. In addition, the fact that Plett marks these men as explicitly white is an aberration within the context of her text—very few individuals are described with racial markers—but not an accident. Racial vulnerability fuses here with gendered victimization. Like the officials at the West Virginia DMV who turn away Kitzmiller and Skinner because “men” aren’t supposed to look like that, or the ABC officers who could not help but see Martese Johnson as deserving of additional inspection, the anonymous white men on the street see Lizzy and Annie as fundamentally othered, as inhuman targets deserving of their stares. In this case, their stares could also have guided their fists.

However, unlike the state actors who encountered Kitzmiller, Skinner, or Johnson, this scene connects visual assessment of trans women of color to random street violence, not necessarily to photographic inspection or identification. In order to circle back to this thesis, allow me to first linger on the techniques through which Plett subverts oppressive ways of visualizing bodies throughout the text. This embedded theory of looking is ultimately encapsulated in a description of, ironically, Facebook. Unlike the earlier depiction of the social media platform as a type of stereotyping and non-consensual surveillance, this second scene shows how the site might offer anti-reifying forms of sight. After this account, I end where the short story itself does, with an encounter with a club bouncer and its aftermath. Unlike the true-life narrative of Martese Johnson, this ID check fortunately does not result in bloodshed. However, it does, in Fanonian terms, “explode” Lizzy’s gentle ways of seeing her lover, temporarily replacing her loving gaze with a look of inspection. By allowing us to see inside Lizzy’s psychic state at this moment, Plett draw out an alternative schema of sight, one in which intentional looks of desire between members of Othered groups might produce new visual worlds.

Casey Plett’s short story takes place in a broader social context in which racialized trans femininities are always under visual threat. In response to normative regimes of sight that are at once racist and transmisogynist, Plett uses the space of her short story to represent these normative ways of looking, as well as imagine potential trans-affirmative sight. Trans-affirming ways of looking are most easily defined in the negative: as visual interactions that are not predicated on attempts to identify an individual’s birth-assigned gender, assess their relative

conformity to gender norms, or discern the presence or absence of particular body parts. That is, trans-affirming ways of looking suspend identificatory scrutiny.

Of course, the normative idea that certain visual cues are imagined to contain the truth about gender and race means that authors who wish to simply describe the appearance of trans women of color characters in a double-bind. On the one hand, since how Lizzy and Annie are visually perceived as one gender or another determines how they are treated in the social world, it makes sense that Plett would narrativize her characters' physical features. On the other hand, to describe particular attributes in always-already gendered terms might serve to reify the othering of trans women. While Plett, as discussed above, made the choice to largely submerge racialization in her story, she uses coded language to describe characters' genders, signaling their embodiment to a trans audience long before spelling it out to cis people.

In Plett's trans-affirming visual descriptions, Lizzy and Annie's physical transitions are not spectacularized, nor are their physical appearances available for readers' gender attributions. For example, we do not know the extent to which Lizzy and Annie have features that are normatively designated "masculine." Instead, Plett uses the code words "tall" and "very tall" to describe Lizzy and Annie, respectively. While average heights in the U.S. do differ between men and women, height is not necessarily an overdetermined gender attribution cue: very tall female basketball players, for example, are not automatically assessed as "men." Readers are often given various signifiers for Lizzy and Annie's genitalia: Lizzy describes her clit, while Annie uses the word "cock," but it is unclear if these two words describe the same body parts.¹⁹⁸ We learn that Lizzy is very concerned with staying thin, and that Annie has undergone electrolysis, but, despite these flashes of physical description, the text denies readers the types of hyper-visual scenes that are so often used in texts about trans women: scenes of putting on make-up, tucking genitalia, shaving faces, trying on clothes, or staring in mirrors.¹⁹⁹ Via her narrator, Plett demonstrates trans-affirming ways of describing how trans people look, without constructing metrics of visual gender assessment.

Indeed, in one scene that might have otherwise signaled gendered or racialized hyperscrutiny, Plett subverts a cis gaze by narrating all sorts of bodily modifications *besides* gender presentation. In addition, she does so by representing these transformations via

¹⁹⁸ Plett 65; 73

¹⁹⁹ For more on this trope, see Serano and Keegan, Cael. "Moving Bodies: Sympathetic Migrations in Transgender Narrativity" *Genders*. Issue 57, Spring 2013. p.10; 22

descriptions of *photographs*, a device that allows Plett to resignify the transphobic and racist attachments between oppressive gazes and the fixity of the picture. Instead of surveilling, this scene is intimate, the inspection of photographs serving as an earnest desire to learn rather than merely to identify.

In order to demonstrate the potentially recuperative nature of photographs, Plett shows Lizzy “Facebook-stalking” Annie.²⁰⁰ Despite of the sinister slang term for this behavior, the writing reveals instead a complex and intimate interrelation between Lizzy and her photographed lover. In short, the scene is profound because, although Lizzy is certainly guilty of objectifying some aspects of Annie’s gendered personhood (in particular, her fluctuating weight), Lizzy is not attempting to determine whether or not Annie looks more or more feminine in her photographic history. In a scene halfway in the short story, as the two women’s relationship is growing more serious, Lizzy “realize[s] that she’d been wide awake, scrolling through Annie’s pictures online.”²⁰¹ This scene of intimate looking might signal two visual behaviors that Facebook’s photo albums facilitate: “Facebook stalking” a crush, that is, looking through their old photographs to get a sense of the type of person they have been over time, especially before meeting them, and a type of transition voyeurism, looking through trans people’s online photos attempting to scope out before-and-after images.²⁰² Lizzy is notably not engaging in transition voyeurism: the reader has no information about how Annie’s body changes along an explicitly gendered axis. Nonetheless, Lizzy is still attuned to all the changes in Annie’s appearance that the online album depicts. Lizzy sees Annie in a series of “phases,” from “the present with lots of pictures in a park,” to “another phase with straightened long blonde-highlighted hair and streaks of eyeliner,” “another phase with her hair like it was now, with a lot of party pictures,” then a phase

²⁰⁰ I tend to be uncomfortable with the use of the word “stalk” in this phrase, but I want to use the language that would be most readily circulating to describe this voyeuristic-yet-normalized behavior.

²⁰¹ Plett 78

²⁰² Like other claims about trans-specific social behaviors, I cannot prove that the second of these points (i.e. looking for transition images) is in fact a common use of Facebook and other visual social media. I presume that this is meant as trans-specific subtext in this story. However, the association between “Facebook stalking,” looking through years of someone’s photographs online, and attraction or romantic interest is well-documented in the popular press. See articles in *Bustle* and *Cosmo*: <http://www.bustle.com/articles/57743-how-can-you-tell-when-someone-has-a-crush-on-you-here-are-12-signs-a> and <http://www.cosmopolitan.com/sex-love/advice/a4782/facebook-stalking-fails/>

with straightened black hair, a set of which looked professionally taken, Annie in a purple bikini and pink eye shadow on some Brooklyn rooftop with the Manhattan skyline in the distance. And then one picture of her after that with her hair platinum blonde [...] and in this last picture she was playing cards in a room with another girl who looked trans, laughing and holding a glass of beer, and her skin was slightly darker than its usual acorn shade.

Throughout these descriptions, Annie's hair color changes four times, her make-up style changes twice, and her skin tone changes once. Lizzy, who is in other scenes hinted to have issues with her own weight, also mentally remarks every time Annie seems to gain or lose weight between the photographs (and then berates herself for doing so: "man, Lizzy thought, she definitely looked a little heavier in this one...oh fuck you Lizzy").²⁰³

Without spectacularizing Annie's transition—which seems not to be represented in the photographs attached to this social media account anyway—Plett uses Lizzy's observations about Annie's shifting image to underscore the unfixity of bodies. Hair color and weight, for example, are data that appear on many state identification documents as markers of selfhood. However, as Lizzy points out, these are fluctuating indicators: all of these changes to Annie's appearance have occurred within the last two years—or, at least, these photographs been uploaded to the internet and timestamped within the last two years. This scene of Lizzy "watching" Annie via photographic mediation is a counterpoint to the scene in which she will later watch Annie with identificatory scrutiny. The bodily changes that Lizzy observes in Annie's social media pictures make Annie more different, photograph-to-photograph, than the mere fact of her transness; that is, her changes in hair color make her more potentially difficult to "identify" than would just knowing the sex on her birth certificate. Implicitly, this contrast between non-trans bodily changes, which are significant alterations to appearance that are nonetheless not regulated by the state, denaturalizes the state's apparent surveillance interest in controlling the gender marker on someone's ID. Gender is, in these photographs, the least unstable aspect of Annie's appearance: she is a woman in all of these images. Yet her body, like all bodies, is always changing, and each individual photograph is an unreliable index of what her body looks like in real life.

²⁰³Plett 79

In Plett's short story, thus, a trans-affirming sight is not an ethics of looking that disregards the body or its mutability. Instead, it is an ethics of looking that does not search for the truth of a body, attempting to excavate the birth-assigned gender (the birth certificate gender) "beneath" someone's appearance. Rather, a trans-affirming way of looking at a body may merely mean observing, rather than interrogating, bodily changes. Just as individuals might change their hair or weight, individuals might change their purportedly-gendered characteristics. However, these trans-affirming ways of looking are not the normative visual system in which Lizzy and Annie must live. The final vignette of Plett's short story makes clear that official ways of observing bodies can interrupt even the most intimate moments, and that it takes explicit labor to refuse to allow one's own eyes to become weaponized into racial and gendered surveillance.

The final scene of "Lizzy and Annie" is, importantly, *not* the attack scene described above, but instead stages a much more innocent-seeming encounter: between Lizzy and bar security. Plett places these two scenes close together: it makes sense that the encounter with the would-be attackers would undergird Lizzy's anxious reaction to being clocked via her identification documents at the bar's door. However, it is important to note that Plett chose to narrate the driver's license in particular, rather than an individual's glare alone, as the agent of vulnerability in this scene. Rather than merely repeat Lizzy and Annie's victimization-by-sight, Plett shows how state-issued documents can produce levels of psychic harm to rival that of a gang of violent white cis men. Thus, Plett shows that Lizzy's encounter with her own documentation, even moreso than the encounter with racist and transmisogynist starers, momentarily restructures Lizzy's way of seeing Annie.

The bouncer scene is a familiar one: an ID is checked to ensure only patrons of legal drinking age may enter a bar. When Lizzy and Annie attempt to enter the beauty salon/ bar in Manhattan, they, along with all the other bar-goers, are asked to present ID. The texts notes that this stringent ID enforcement is due to the fact that "the NYU crowd"—presumably, like in Charlottesville, a group of mostly-white, mostly-underage students who are likely to have fake IDs—frequents the place.²⁰⁴ It is clear, then, that the aim of the club is to comply with state and federal alcohol regulations, not to assess individual's gender or race and then deny entry to transsexuals of color. Of course, as discussed above, the intent to deny particular individuals

²⁰⁴ Indeed, the idea that bouncer is there to check the IDs of the "NYU crowd" at a time when NYU is a major gentrifier of parts of New York City might imply another layer of rationale behind ID enforcement, beyond merely age: policing forms of belonging based on race and class markers.

access to alcohol is not mutually exclusive with racial or gendered forms of extralegal scrutiny, surveillance, or violence. The threat of a violent encounter between identifier and identified is heightened in this instance because, when Lizzy has to produce her photo ID to prove that she is over 21 years old, she also has no choice but to reveal her birth name and original gender marker. The gaze of the bouncer, presumably, tracks from Lizzy's body to her out-of-state driver's license and then back to Lizzy.²⁰⁵ Although the actual encounter with the bouncer is brief, and Lizzy and Annie are still permitted entrance to the bar—the doorman “balked” for merely “a second at the M and old name on Lizzy's Oregon license,” and “then shrugged”—Plett shows that this encounter instigates a reordering of Lizzy's once trans-affirming ways of seeing.²⁰⁶

Unlike Annie, whose survival strategies are already predicated on strategic avoidance, on mostly keeping her head (and thus her eyes) down, Lizzy has up to this point exhibited significant boldness, even flippancy in the face of male stares. Only when the seemingly unambiguous legal document emerges, seeming to reveal to the bouncer the “truth” of Lizzy's abnormal embodiment, does Lizzy begin an anxious spiral of protective watching. Projecting this anxiety onto Annie, who (in other parts of the text) is hinted to be more likely to be seen as trans than Lizzy herself, Lizzy proceeds to deconstruct her lover's body into “purportedly gendered” body parts.²⁰⁷ Lizzy, attempting to protect Annie, unwittingly begins to subject her to the same types of visual scrutiny that have haunted the two women through the rest of the story.

Lizzy's internalization of state ways of seeing begins with mere anxiety, but ends up with a cissexist projection of her lover's body. After they arrive at the dance floor, Lizzy immediately leaves to go to the bathroom, but “midway through peeing... [is] struck with worry that something might happen to Annie in her absence.” Luckily, “she came back to see Annie in the back room, dancing in a corner by herself, her long body outlined by the flashing lamps.” In fact, “no one else was paying attention to her, the six-and-a-half foot tall girl in the black and white

²⁰⁵ I note that Lizzy's license is from out-of-state because, in my personal experience, a bouncer is more likely to notice additional inconsistencies on an ID card if their eyes have to search through the entire card in order to find where the birthdate is written on the card. (The parts of card on which birthdates are written vary from state to state; the design of individual cards may vary across states, even though presence of particular data items is generally uniform, as mandated by federal law.) When a bouncer assesses an in-state ID card, they generally know exactly where to look to find the birthdate, and therefore are less likely to even notice the other data on the card. This is especially true on busy nights, when a bouncer is additionally tasked with moving a large crowd efficiently. As far as I can tell, there are no other academic sources discussing this in-state vs. out-of-state phenomenon-- it remains anecdotal.

²⁰⁶ Plett 86

²⁰⁷ This phrase comes from Dean Spade's essay concerning the language of gender and embodiment. See: Spade, Dean. “On Purportedly Gendered Body Parts.” February 2011. Web. 03 July 2015

checked dress and black tights and black Cons.” However, after this brief observation of Annie’s body from her own perspective, Lizzy’s gaze seems to shift into seeing her from the outside. Suddenly, she sees—or imagines—a group of girls looking at Annie: “One or two people nearby, Lizzy saw, glanced over to Annie, and one maybe snickered at her (she thought?), pointed at her Adam’s apple (she thought?).” It is important that Lizzy herself is not clear on whether or not the fellow dancers are laughing at Annie; it is Lizzy’s eyes, then, that follow the pointed finger to land on her lover’s Adam’s apple.²⁰⁸

Lizzy recognizes that her way of looking at Annie, through the eyes of cis people who want to ‘clock’ and potentially harm her, is based in fear. The close narrator reveals that “She was angry that she had to consider the possibility. She suspected everybody, she realized. Everybody of meanness. Whether the softly snickering girl looking to Annie’s right was unkind or not, all Lizzy could do was assume. She had to assume.” That assumption, that others were constantly attempting to visually deconstruct the bodies of trans women in order to see them as men, is a legitimate response to a tense situation, a situation that might at any moment erupt in violence. It also makes sense to try to understand how the (maybe?) snickering women were talking about Annie’s body, in order to accurately assess the women’s capacity to do harm. However, neither of these responses is typical of Lizzy’s ways of handling probably-transmisogynist encounters throughout the rest of the story. Something has shifted, for Lizzy: rather than deflect or confront the cissexist gazes of their fellow club-goers, she instead watches Annie with them, clocks Annie’s Adam’s apple herself.

ID documents prime viewers to look at others with a particular type of discernment. As discussed in the opening of this paper, photo identification depends upon a human looker to assess whether or not a photograph matches the body that it claims to index. Cultural theorists have long been concerned with how certain types of informed or interested looking produce, for example, aesthetic judgements, and the relationship between those aesthetic judgements and the enforcement of social normativity . However, looking with the attempt to identify an individual or flag down a mismatch, looks of disassemblment, inspection, and verification, have not been widely theorized. The type of sight that the bouncer uses on Lizzy, looking in order to identify, is a state-sanctioned way of looking: its origins are in the long history of photographic surveillance and the instruction to law enforcement and border guards to use visual assessment to identify

²⁰⁸ Plett 87

criminals or improperly documented individuals. However, this type of seeing-like-the-state can also travel, infusing types of interpersonal looking that are not directly mediated by documents. Lizzy's way of looking at Annie in order to discern a potential mismatch (even when doing so as a defensive tactic) carries on a chain of visual gender-assessment: from the state who produces identification, to the bouncer who enforces the laws of the state, to the snickering women, to Lizzy. In the bouncer scene, the ID document performs its overdetermined function as the purveyor of gendered "truth:" that Lizzy is "really" an M, and her bodily appearance is invalid, a mismatch. In response to being surveilled, Lizzy herself assumes the role of the surveiller. While Lizzy's intent may be defensive and caring-- an attempt to anticipate and thus shield Annie from potential threats-- her technique of observing is not different.

The technology of the photo identification document depends on the labor of the individuals doing the identifying. Here, I distinguish the act of identification from mere looking. Identification is not just seeing, but a specialized, technocratic way of visual inspection. In order to identify someone based off of a photograph, one must be able to systematically suss out mere imitation or mimicry in order to arrive at a "true" verification. While of course not all bouncers or bartenders or bank tellers actually do this, it is nonetheless what gives the photo identification document its claim to accuracy. The bouncer who looks at Lizzy's ID is trained to find mismatches, to determine if the person before him is the same as the person in the photograph, and to exclude from his domain those bodies that do not match. Presumably, like in the Johnson case, this gatekeeping is intended to enforce appropriate alcohol consumption—and, indeed, Lizzy is allowed into the bar, on account of her ID stating that she is 21—but the effects operate within broader logics of inclusion/exclusion and personhood.

In other words, the bouncer at the bar is both abstractly metonymic of other state gender-policers (border guards, cops) and, in a concrete sense, a representation of how the identification logic of the match/mismatch becomes naturalized into everyday, non-state visual transactions. The technology of the photo identification document devolves (and thus expands) the state's power to regulate the mobility of bodies, allowing people to "independently verify" the identities of others: as long as they can perform certain ways of looking. The surveillance technology of the photo ID is the way it necessitates, produces, and circulates inspection-oriented ways of looking at each other. In the club, on the dance floor, it is Lizzy's eyes that start looking for Annie's mismatched parts: Lizzy's eyes become technologies of identification. As such, Annie

herself becomes dehumanized, disaggregated instead into body parts, while simultaneously spectacularized as a reification of a trans woman of color, always already about to be attacked, rather than as the vulnerable, intimate lover that she had been just moments before.

What, then, de-operationalizes Lizzy's gaze, allows Lizzy to look back at Annie as a lover rather than as a surveilled Other? At the risk of oversimplifying the process by which visual deprogramming occurs, Lizzy just looks again. Rather than moving towards the target of her gaze, like the attacking men who ran at her, like the officer who approached Martese Johnson and place a hand on his shoulder, Lizzy instead hangs back, leaves Annie alone for long enough to regain control of her gaze before engaging. Lizzy is thus able to do to Annie what Garland-Thomson hopes that, in her most optimistic view of social staring, humans can learn to do for each other: to look in order to learn. What Plett's short story teaches, however, that it is not the initial look that can do this, not the quick assessment that has historically been martialled in order to identify and categorize. Instead, it is the capacity to discard this visual training and to look anew—to *re-cognize*, to *know again*—that allows for sight to become an intimate encounter. Recognition, in this intimate frame, is a type of non-interference. Lizzy, after all, recovers her view of her lover *because* she “didn't want to go up and dance with Annie,” but instead “wanted to lean against the wall and watch her, just for a minute.”

She didn't want to break the beautiful sight of her. She didn't want to fuck it up. So she did. Watched her, that is. She stood on the opposite corner, touching her back to the velvet paisley wall. She wondered, if she stayed there long enough, if, when, Annie would come looking for her, then Lizzy pushed the thought down, underwater, and looked at her lover's body vibrating against the light.²⁰⁹

The short story ends here, with Annie's long body twirling in the club. Rather than looking via the temporality of the photograph—the immediate snapshot, the slice of time that, as Sontag wrote, allows for no edifying context, no ethics—Lizzy's gaze re-enters a temporality of movement, of vibration, of dance. Despite what New York State might have argued, trans bodies, like all bodies, can never truly be in a state of permanence, can never be converted into the “information” of images. A body in motion, like Lizzy's dancing lover, cannot be pinned

²⁰⁹ Plett 87

down as one thing, cannot be accurately surveilled. Only in this mode of looking will recognized not as an object, but as a subject whose mobile racial and gendered truths will always exceed the frame.

My theoretical flight into motion, against the stability and fixity of the identification photograph, is not meant to imply that mere personal movement can permanently subvert any violent gaze. Instead, it is meant to metaphorize my claim that embodiment is not only inevitably mobile, but that there is an ethics inherent in affirming the mobility of personhood. This chapter has revealed the inherent problems that arise when state actors can determine how a person looks, fix a person into a particular legal embodiment, and then encourage particular citizens to regulate others' adherence to that image. If official modes of looking, backed by legal documents, inevitably pin individuals into immobile modes of being, like a butterfly frozen into a collector's glass box, then this type of everyday surveillance is just as damaging as any Panopticon.

Furthermore, beyond a psychic sense of behavioral observation, the technology of photo identification actually produces the material conditions for a form of relationality in which individuals learn to see others as either fraudulent or legitimate, as either matching or not matching their state-produced images. For trans people and people of color, and all individuals for whom the photographic has long been a method of determining pathology and illegitimacy, the types of relationality that identification demands are always already invocations or instigations of violence. Without accounting for how photo identification delimits the expression of individual racial and gender identities, theories of visual control and state power in a contemporary U.S. context cannot fully account for the workings of subjectification. On the contrary, this chapter's suspicion of photo identification and its expanding role in everyday U.S. public and intimate life is ultimately an assertion that all humans deserve to grow, move, change, and even dance.

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Chapter 3 : “Be Anonymous and International!”: Technological Pseudonymity and Non-Legal Identities on the Early Transgender Internet

What does it mean that digital life is now scaffolded on top of one’s “authentic” legal identity? Throughout this dissertation I have discussed how identification documents construct interpersonal interactions in which one person may scrutinize the body of another. In digital contexts, this interpersonal examination is dispersed across thousands or millions of potential onlookers. Of course, the explosive expansion of our capacity to scrutinize each other via visual data online has produced plenty of academic and popular conversation. As scholars in the emergent field of Feminist Surveillance Studies have argued, the digital world has produced a world of high tech surveillance whose disproportionate effects on marginalized subjects are in urgent need of examination.²¹⁰ Others have examined how forms of surveillance and surveillance that used to operate in analog spaces, or as blends of digital and analog forms of watching, have now blurred into online spaces.

In the rich conversation about these new forms of surveillance culture, however, few have explicitly connected contemporary forms of digital scrutiny to still-extant analog forms such as identification documents. When analog surveillance is discussed by digital scholars, it tends to be done as a linear genealogy: a story that moves from Bertillon cards to IBM punchcards to contemporary metadata sweeps, for example. However, analog surveillance mechanisms are not obsolete. In fact, photo identification documents and other legal papers have increasingly come to validate and police online identity in ways that expand these analog state systems into supposedly more “free” digital spaces. Indeed, the expansion of legally-backed state identification logics into social life online is perhaps the most mundane way that state regulation of digital identity operates, the greatest surveillance story never told. Presumably, one reason that the use of state identification to curtail and delimit identity online is under-explored in surveillance scholarship is because this phenomenon disproportionately affects populations who are already excluded from constructions of “the public,” subjects who already have multiple identities or whose identity cannot easily be consolidated within systems of identification and capture.

²¹⁰ Browne, Simone. *Dark Matters: On the Surveillance of Blackness*. Durham, NC: Duke UP, 2015. Print.

This chapter, therefore, reorients conversations about pseudonymity/ anonymity online and surveillance by reading these concerns against the liberal consolidation of a legal self. What happens when state / national identification documents implicitly regulate users' mobility through digital spaces that were once imagined to be open to all, even borderless? What happens to online discourse, self-presentation, and aesthetic culture when digital identities, those things that are understood in the vernacular as mobile and exploratory, are brought back into the fold of legal identification? How do marginalized community members respond to the uptake and circulation of analog identification into digital life?

The formation of the earliest digital trans communities is an especially rich site for investigating these questions. Indeed, contemporary trans legal scholar Stephen Whittle credits early internet communities with constructing the political identity category of "transgender," designed to bridge the cross-dressing and transsexual communities into one advocacy block.²¹¹ In 1998, he argued that the symbiosis between trans communities and digital spaces almost inevitable:

...[T]ransgender people are daily involved in portraying a holographic version of the self which cultivates others' consensual conceptions. A cyberworld of virtual reality, virtual space and virtual beings is not a new and strange world to the transgender person, but one in which they have inbuilt expertise and of which they already have a range of experiences, albeit gained outside of cyberspace.²¹²

Such an assertion places these trans subjects, left unmarked but implicitly white, into a unique relationship with "cyberspace." Writing a few years later, Lisa Nakamura asserted that "everyone in cyberspace is disoriented," but people of color exist in such a "marginalized, fragmented, and [...] contradictory" state offline as well as online. Such a state, she shows, has rarely connoted power or freedom for people of color in the West.²¹³ Therefore, it is reasonable to be suspicious of theories of both digital and analog identities that treat fragmented selves as liberatory. Whittle, on the other hand, imagines that the phenomenological echo of trans people's already "virtual"

²¹¹ Whittle, Stephen. "The Trans-Cyberian Mail Way." *Social & Legal Studies*, September 1998 7: 389-408.

²¹² Whittle p.392

²¹³ Nakamura, Lisa. *Cybertypes: Race, Ethnicity, and Identity on the Internet*. New York: Routledge, 2002. Print. p.xvi.

sense of identity within digital spaces results in an “inbuilt expertise” online. In this view, digital spaces could become liberatory venues for gender exploration, freed from “the body or its performativity” as “the dictator of gender.” However, read alongside Nakamura, this supposed trans expertise is predicated on a white relationship to digital spaces, especially in the early internet, in which discursive norms are already structured by majority-white educational institutions.

In other words, the simultaneous freedoms and exclusions of early digital life construct both trans identity and its racialization. It is not a coincidence that the expansion of white Western middle-class trans cultural visibility mirrors the emergence of digital communication technologies. I specify whiteness here for a reason: it was long after trans people of color pushed their way into U.S. political life through social movement and protest that white trans individuals turned to the early internet to formulate their own norms of trans identity formation. Indeed, the very invocation of transsexuality as mode of self that co-evolved with medical technology threatens to either erase or reify instances of gender diversity across cultural contexts. However, the specificity of the archive that I examine here has important implications for the politics of digital life across the nearly three decades of debate around anonymity online. Early internet access was sharply stratified by race and class; the first online conversations took place in digital contexts where personal anonymity (a privilege which, after all, can be more readily expected by people who can otherwise avoid surveillance) was broadly understood as a technological or philosophical question. Within the early internet of the 1990s, digital trans communities had to work to assert the importance of anonymity and pseudonymity as a means of survival. Now, when the demographics of the internet have radically shifted, white trans individuals online find themselves amongst a larger class of people—mostly, perhaps, people of color—who are implicitly targeted by the marriage of technological identity verification and legal identity bureaucracy. Understanding how trans subjects developed one of the first set of tactics and beliefs about the importance of anonymity online can help situate the power and limits of unrecognizability as a politic.

In doing so, I show how feature of internet sociality—the ability to use a non-legal identity online—was and remains the engine that drives trans community online. The likely expansion of identity policing into the digital realm deserves to be historicized, contextualized, and questioned. Understanding that the use of legal names online has shifted dramatically from

recommended to taboo and back again denaturalizes the relationship between state-backed forms of identity and digital life. In contemporary life, where online spaces are increasingly the sites at which individuals organize new forms of social belonging, the move to exclude those without proper identification forecloses people from engaging in one of the last avenues of public discourse that is not regulated via belonging to a particular national category. As Grace Hong has argued, “visibility is a rupture, an impossible articulation.”²¹⁴ Without misappropriating a formation that Hong uses to describe women of color feminists, I think it’s legitimate to claim that visibility was a rupture for early digital trans subjects too; this chapter is the story of how some people used anonymity as a mode of “impossible articulation.”

In order to tell the story of the evolution of trans identity online, I focus on a specific microhistory: the moment in early Usenet when an anonymizing relay service went temporarily offline in 1993. The pseudonymity of Usenet produced new forms of gender non-conforming community, while simultaneously cementing norms of transness for those whose class, race, geographical, and technological advantages allowed them internet access.²¹⁵ The effect of Usenet on gender identity was a matter of comment—and some panic—in the contemporaneous scholarship, but most of that scholarship underappreciated the way that actual trans-identifying individuals were finding new selves, under non-legal identities, online. The Usenet archive does not reveal a postmodern landscape of gender play and performance. Instead, it shows individuals who make pragmatic materialist arguments for their use of non-legal identities online.

The anxiety that erupted when anonymity on Usenet was temporarily threatened reveals a critical prehistory of a variety of contemporary arguments about digital safety, anonymity, and identity formation. Among them: Facebook’s “real name” policy, which discriminates against trans people and people with non-Anglophone names; concerns about safety and security for feminists online after #gamergate; the targeting of black activists online in the age of

²¹⁴ Hong, Grace Kyungwon. *The Ruptures of American Capital: Women of Color Feminism and the Culture of Immigrant Labor*. Minnesota UP: 2006. p. xxviii.

²¹⁵ Here, and throughout this chapter, the terms “pseudonymous” and “anonymous” are used somewhat interchangeably. I recognize that this might be confusing to some readers. My aim here is to reflect the language that my subjects are using to discuss their deployment of a non-legal name. In general, the use of an anonymizing server on Usenet actually *produces* the conditions for individuals to speak with names that some would consider “pseudonyms.” However, coming from a trans political perspective, chosen names are not ‘pseudo,’ but rather expressions of self that are importantly resistant to state systems of naming. Aligning the personal renaming of trans subjects with the type of protective pseudonymity that might be employed by, say, abuse survivors might be a conflation of intention. However, I position each non-legal naming as an act in defiance of legal name verification systems and their private sector counterparts, and therefore possible to be read alongside each other.

#BlackLivesMatter. In the 1990s, trans and gender non-conforming responses to the lack of anonymous community outlets appears as articulations of the material and social abandonment that exclusion from digital life can produce. In this alone, contemporary scholars have much to learn from this period. Beyond even that, however, I propose an additional frame for these conversations: the fact that real-name policies on social media can be understood as part of a broader effort within multiple branches of U.S. policy to stitch together verifiable legal identities with online personae, an effort that has disproportionate effects for non-U.S. citizens or any subject who might be flagged as “fraudulent.”

Methodology and The Ethical Quandaries of Citing Trans Usenet

It is unclear whether the original authors of the Usenet posts collected here understood that their words would be archived and, later, made available to researchers. While these authors may or may not be still living, their use of pseudonyms makes them—perhaps in direct accordance with their wishes!—difficult to contact for permissions. These posts very appearance within a sensitive space such as alt.transgendered presents a challenge for me as a researcher: in general, I am cautious about the siphoning of vernacular digital material of this sort into academic spaces, especially when authors are part of marginalized groups. Nevertheless, I include this material here having considered the following facts.

One, I have made efforts using the ordinary tools of search to see if I could establish contact with the authors of posts within alt.transgendered. Being unable to find these individuals based on their email addresses or provided names assured me that using their words and citing them with their chosen pseudonymous monikers would not expose these posters to unwanted harassment or attention. (My own methods, here, unintentionally support the hypothesis of the chapter.) Two, to help insure this security, I have cited each author using only a first name, even in instances in which authors themselves posted with a first and last name. I have chosen this referential option over assigning my own pseudonyms because of my belief that trans people, in particular, have specific and personal reasoning behind their renaming, and that in lieu of asking these individuals which academic pseudonym they prefer, I should default to the name that they have already asserted. In my footnoted citations, I have often placed quotation marks around these first names, not to indicate that these names are false, but to indicate that they are not

always the exact names by which individuals sign their posts (since I have intentionally left out middle and last names). Third, in the one instance in which I was able to make contact with a subject for this study (Karl Kleinpaste, creator of Godiva), I have received his permission to use his statement in this work, for which I am grateful.

In accessing the Usenet archive, I used a combination of Google's archiving via Google Groups, which has the benefit of being more navigable and providing full-text search, and a downloadable .mbox zip file and .mbox reader, the latter of which was designed to mimic the original interface through which users in 1992-3 might have interacted with the service. (When I began this chapter, I did not understand how Usenet itself worked, since I did not acquire internet access myself until 2000. A long oral history interview with a trans woman named Paige helped me understand some relational and technological aspects of Usenet participation during this time period—thank you so much, Paige.) For the sake of consistency, I have provided hyperlinks to each Google-archived thread as post citations in this paper. This does sacrifice some of the anonymizing labor that I have done in my in-text citations, especially the removal of last names. I opted for this method to balance the citation norms of academic research, which require me to reveal my evidence, against privacy: hopefully, leaving last names (where applicable) off of text citations will prevent this paper appearing in text searches for individual's full names in the future, while providing the hyperlink (which provides no personally identifying information in the URL) will allow interested readers to verify the work and explore the archive further.

Lastly, I focused specifically on the 1992-3 period because I was most interested in the moment when trans communities online were consolidating norms around anonymity/pseudonymity for the first time. I also read and took notes on a large percentage of the alt.transgendered archive between 1992 and 1996. This is by no means the entirety, or even really a representative sample of the entire text. The researcher Avery Dame at the University of Maryland will be doing a more thorough coding of the archive within the next year, and I hope that his work will allow more researchers, as well as myself, further insight into changes and trends throughout the long life of alt.transgendered. (Unfortunately, the dead group has been populated only with far-right trolls over the last few years, who send occasional conspiracy theories to whatever email addresses still remain on this list. There is no evidence that trans people still use the alt.transgendered list.)

On March 23rd, 1993, not even six months after the creation of the Usenet group called “alt.transgendered,” the group was destabilized by events beyond their control.²¹⁶ Alt.transgendered was a support-centered Usenet newsgroup in which trans and cross-dressing users could talk about their daily experiences and seek gender-related peer support without having to weed through pornographic content. In the words of its creator, it was founded “for the intention of NOT drawing the folks that subscribe to ANYTHING in the alt.sex hierarchy.”²¹⁷ This anti-porn stance was less puritanical than it was pragmatic: in addition to being censored by some academic institutions and even some entire nations, the trans group that existed within the subheading “sex” inevitably categorized trans lives as fetish objects, putting people seeking emotional support and services in the spotlight of chasers. In order for this online space to serve the everyday emotional and material needs of its target audience, it needed to be its own group. To the early users of alt.transgendered, reimagining transgender as an identity category rather than an item on a porn menu was significant political work, work that was emergent both on and offline during the early 1990s.²¹⁸ By creating a pseudonymous online platform where trans individuals could come together and swap stories, early trans Usenet produced new norms of gendered self-fashioning, non-legal nomenclature, and anti-surveillance attitudes that continue to shape trans politics. Without alt.transgendered, perhaps there would be no Chelsea Manning.

However, the initial year of the group was a turbulent one. The six months since its founding had seen internecine disagreements about the status of cross-dressing and of feminists,

²¹⁶ The earliest post under the listing alt.transgendered was posted on 30 Oct 1992. “PakRat’s Anonymous,” “alt.sex.trans,” 30 Oct 1992. <https://groups.google.com/forum/?hl=en#!topic/alt.transgendered/IgNYrFdegLE>

²¹⁷ “PakRat’s Anonymous,” “Re: Another Listing of newsgroups in the “alt” Usenet hierarchy.” 10 November 1992. <https://groups.google.com/forum/?hl=en#!topic/alt.transgendered/4kahmwTYAbk>. Other users later made these norms more explicit by constructing a “charter” that instructed that “this is *not* a newsgroup for discussing the morality or lack thereof of the participants or their behavior.” “Laura,” “alt.transgendered charter thoughts,” 15 December 1993. <https://groups.google.com/forum/?hl=en#!topic/alt.transgendered/zI3z3-1rV1U>

²¹⁸ For more on offline trans activism during this time, see Stryker, Susan. *Transgender History*. Berkeley: Seal Press, 2008. For more discussion of the strategic respectability and anti-sex politics of alt.transgendered, see thread on the “charter.” One writer, for example, insists that “What is needed is a serious informative forum for those seeking help and information. In addition, it may help in a PR sort of way to help others understand that we are not all a bunch of perverts.” “Judy,” “re: Non censorship.” 10 December 1992.

<https://groups.google.com/forum/?hl=en#!topic/alt.transgendered/OAZDEzAXIjE> and multiple authors, “We need a charter for alt.transgendered,” 9 December 1992. <https://groups.google.com/forum/?hl=en#!topic/alt.transgendered/24GoFPCJ1V4>

of Republicans and Leslie Feinberg. However, the March 23rd, 1993 disruption struck at the very heart of the community's ability to exist. This threat came in the form of the shutdown of an anonymous relay service called anon.penet.fi, which had been run by a Finnish man known on Usenet as "Julf."²¹⁹ Although this service was offline for only a few days, for the trans Usenet community this was a minor seismic shake, unsettling users enough to cause real emotional distress. Alt.transgendered, participants in the resultant discussion argued, was not a mere interest group like, say, alt.tv.melrose-place. While recreational groups could arguably benefit from identity transparency, since there was relatively little personally sensitive content, alt.transgendered was fundamentally different.²²⁰ Instead, trans participants argued, alt.transgendered was a digital space was more akin to alt.sexual.abuse.recovery and other intensely revealing and risky newsgroups. In addition for the pleasurable aspects of the group, alt.transgendered members and lurkers used the group for support, needing jobs, housing, health care, and basic human interaction. In order for the basic purpose of the community to function, users needed to know that their experiences and writing would be kept separate from their public personae.²²¹ Therefore, the obscure events that led up to and resulted from the shutdown of anon.penet.fi had a ricochet effect in the everyday lives of trans users.

Unearthing the context and meaning of this event in internet history helps explain how this segment of the trans community, while a privileged one to be sure, nonetheless relied on digital anonymity for safety and security. That gender exploration was a function of the

²¹⁹ Julf, or Johan Helsingius, eventually had to shut down anon.penet.fi for good in 1996 due to pressure from the Church of Scientology. The 1996 news appeared in multiple news outlets, including *Time* magazine. The 1993 outage, however, is less well-covered. For more on Julf and his relay service, see: "Johan 'Julf' Helsingius," *Internet Society*. <https://www.internetsociety.org/who-we-are/other/johan-julf-helsingius>; Helmer, Sabine. "A Brief History of anon.penet.fi - The Legendary Anonymous Remailer," *Computer-Mediated Communication Magazine*. September 1997. <http://www.december.com/cmc/mag/1997/sep/helmers.html> ; Quittner, Joshua. "Requiem for a Go-Between," *Time Magazine*. 16 September 1996. ; Quittner, Joshua. "Anonymously Yours- An Interview with Johan Helsingius." *Wired.com*. Conde Nast Digital, 1 June 1994. Web. 14 July 2016.

²²⁰ The example of alt.tv.melrose-place comes from an oft-cited ethnography of Usenet, Paul Baker's "Moral Panic and Alternative Identity Construction in Usenet." *Journal of Computer-Mediated Communication* 7:1, 2001. Baker's article discusses how Usenet communities attempted to siphon out abusive trolls without limiting genuine free expression, especially with reference to issues of hate speech and sexuality.

²²¹ Throughout the controversy over anon.penet.fi, even opposed users acknowledged that an anonymous relay could be helpful for those members of groups like alt.sexual.abuse.recovery. Karl Kleinpaste, who had written Godiva, the original program for anon.penet.fi, in fact favored its very selective use, and could be counted as a Julf skeptic. In a February 1993 discussion of the ethics of the service, he wrote, "anonymous access should be reserved for those groups where it is truly needed (alt.personals*, alt.sex.bondage, alt.sexual.abuse.recovery, &c) and not supported elsewhere at all." Indeed, Julf's reinstatement mentions this group by name as an example of a group that could opt-in to anon.penet.fi by popular vote. Kleinpaste, Karl. "re: Anonymous posting to non-personal newsgroups." 3 February 1993. <https://groups.google.com/d/topic/news.admin.policy/oHfoOarG6Zw/discussion>

expansion of digital spaces during the 1990s is somewhat of a commonplace, both amongst scholars of the time and contemporary theorists. However, less scholarship then or now understood the extent to which these spaces operated as support and exchange spaces, rather than sites of pleasure or personal experimentation.²²² Additionally, the few critics who do (many of whom, it bears pointing out, are trans themselves) scarcely contextualize the way that race and class delimit which trans subjectivities were able to emerge from these spaces. This section of the chapter uses the 1993 conflict over Julf's "anon.penet.fi" relay service and its reverberations through the alt.transgendered community as a way to dive deeply into the relationship between digital anonymity and this specific form of white trans identity. This relationship, I argue, is neither as suspect as many cis theorists had hinted, nor as liberatory. Instead, anonymity produced critical and important identity safeguards, but also produced a notion of privacy that applied only to a small segment of trans subjects.

The opportunity for these trans subjects to access a gender-variant community while keeping their legal identities private had a profound effect on what would become trans politics. In part, this is because Usenet users did not actually articulate a theory of gender outside of "the body or its performativity." Whittle's terms to explaining this state of gendered being ("personal recognition of the internally defined actual self") are necessarily vague, and no Usenet user developed an account of transness that was any more internally coherent. I, likewise, do not solve this problem in this chapter. While Whittle argues that operating via a virtual body is prototypically trans, the archival material to which I have access does not tend to linger on phenomenological questions. Instead, users use digital anonymizing technology as a way to write themselves into less unbearable identities, allowing themselves a textual reprieve from the legal nomenclature and gendered language to they were non-consensually assigned at birth.

The role of anonymity was especially critical in North America and Europe during the early 1990s, when access to transition related services was both increasingly widespread *and* tightly regulated by medico-juridical gatekeeping systems. In a 2011 retrospective panel, Susan

²²² An exception is Barbara L. Ley's excellent "Vive Les Roses!: The Architecture of Commitment in an Online Pregnancy and Mothering Group." Although published in 2007 about a group operating approximately contemporaneously, and therefore significantly after (in internet time) the Usenet era, Ley's essay takes seriously the support ecosystem constructed by pregnant women online. Although perhaps coincidental, it is notable that this population is also undertaking a set of gendered bodily changes. Ley, Barbara L. "Vive Les Roses!: The Architecture of Commitment in an Online Pregnancy and Mothering Group." *Journal of Computer-Mediated Communication*, 12, 1388-1408. 2007.

Stryker, Kate Bornstein, and Sandy Stone used a substantial portion of their keynote panel to discuss how the internet changed each woman's life.²²³ These three prominent white trans women have differences in age, political ideology, understandings of gender identity, and academic training that are too complex to attend to here. What connects all of them, however, is that they were out as trans (in some form) during the early 1990s, and simultaneously had enough social and educational privilege to fit the demographics of other internet "early adopters." Stone, Bornstein, and Stryker all emphasized the importance of trans Usenet newsgroups and mailing lists to trans lives in the 1990s. Their assertion was that these digital groups made it easier to experiment with a new gender in a social realm than it would have been offline, especially given the strenuous medicalizing regimes that forced trans women to be live as women (whatever that means) in "real life" before receiving transition care.²²⁴ As Stone's 1986 had work put it, trans people were both held to extraordinary standards of gender conformity and then "programmed to disappear," that is, blend in to cisgender society and never reveal their trans status.²²⁵ Stone's use of the language of computing is likely not an accident: she herself was an early pioneer in programming before moving into academia, participated in alt.transgendered in its earliest instantiations, and published early digital studies and gender studies scholarship during the mid-1990s.²²⁶ In essence, according to both scholarly and non-

²²³ The panel referred to above took place during the *Post-Post Transsexual* conference at the University of Indiana, Bloomington, organized by Stryker, April 8-9, 2011. I do not have a transcript of this conversation and am paraphrasing the contents from memory. I take responsibility for errors of factual detail but am confident that the discussion of the early trans internet did occur. Stone refers in passing to this conference and its importance on her homepage, sandystone.com.

²²⁴ Put simply, the "Real Life Experience" (RLE) test was a facet of the Harry Benjamin Standards of Care that require a prospective candidate for medical transition to live in the target sex for a year before receiving any medical intervention. This creates a conflict in which individuals are asked to go into a gender-normative social world without—indeed, as a precondition to acquiring—the very physiological aids that might help them be understood as their target gender and thus be treated as such. A predictable outcome of this scenario is that the RLE test opened up individuals to violence and discrimination, as well as weeded out potential candidates whose gender presentation could not immediately conform to the social norms of wherever they happened to be located. Many trans authors have pointed out that this operated in practice as a hazing ritual, designed to limit the number of trans patients rather than assist patients in exploring or meeting their psychological needs. For more on the ways that the RLE operated as gatekeeping and gender hegemony, see Irving, Dan. "Normalized Transgressions: Legitimizing the Transsexual Body as Productive." *Radical History Review* 100 (Winter 2008), 38-60.

²²⁵ Stone, Sandy. "The Empire Strikes Back: A Posttranssexual Manifesto." *The Transgender Studies Reader*. By Susan Stryker and Stephen Whittle. New York: Routledge, 2006. 221-35. Print.

²²⁶ Stone's technology theory work, published under the name Allucqu re Rosanne Stone, is rarely considered by the trans scholars for whom her "Empire Strikes Back" essay is canon. One reason for this may be that her book *The War of Desire and Technology at the Close of the Mechanical Age* is an experimental work, stretching its scope from sex work and digital gaming, to William Gibson's novel *Neuromancer*, to vampires. It is a difficult book, in other words, to cite. Still, Stone's conceptualization of the "socially apprehensible citizen" as having "physical and discursive elements," assimilated through "psychological testing, census taking, legal documentation, telephone

academic accounts, the early internet was a space in which a privileged slice of trans people could gain social recognition in their target gender *or as trans* without risking death.

Thus, in both a theoretical and a literal way, the digital's capacity for anonymous dialogue enabled the existence of alt.transgendered's community. Anonymous posting began within the first weeks of the groups' existence, enabling trans or gender-questioning users to log in and go by whatever name and identity they chose, sometimes using new names for the very first time. An early disruption, foreshadowing the 1993 event, exposed the extent to which the group needed anonymous posting to construct its digital community. In November 1992, the month after the founding of alt.transgendered, a service named Godiva went offline.²²⁷ The sudden rupture in posting procedure left Usenet members feeling vulnerable and detached, and eventually spawned a complex conversation about users' multi-faceted needs for anonymity. In a post entitled "Deep Sadness," "Shelley" wrote,

I am very distressed to learn of the demise of the anonymous posting facility. As we all can guess, there are many many more of us out there quietly listening and taking heart than there are actually sending messages. But many, like myself, will eventually get involved and learn and share. Without the godiva service, this will not happen. Nor will the vast majority of us be willing to be identified. (We are, afeter [sic] all, the last group on earth it is still politically correct to dump on.)²²⁸

Shelley's assertion that trans people were "the last group on earth" that face over oppression was, of course, an overstatement. (A few months later, a user would playfully discuss attending a

numbers, street addresses" and other data points, is a useful concept in the context of this study. Stone's "fiduciary self," that self which is determined through this type of accounting, can be dissimilated through the virtual—or at least could have been during the 1990s. It is this fiduciary self, in other works, with which the trans individuals on Usenet are consistently in tension. Stone, Allucqu re Rosanne. *The War of Desire and Technology at the Close of the Mechanical Age*. MIT University Press: 1995. p. 39-41.

²²⁷ Godiva creator and system administrator Karl Kleinpaste, whose code would later form the basis of anon.penet.fi, posted that his employer, Carnegie Mellon University, had ordered him to dismantle the service. An anonymous user (who turned out to be an individual originating from a pitt.edu account) posted abusive content via Godiva, which attracted the attention of CMU authorities. Local academic mischief, it seems, took down a service that had, according to Kleinpaste, a "vast majority of legitimate, decent users of the system, some 3068 people." The service had lasted, "Eight weeks, birth to death," he wrote, and "may the few abusers of it, who managed to be its downfall even being such a minority, just rot in hell." Kleinpaste, Karl. "24-hour notice: anonymous@godiva going down." 12 November 1992. https://groups.google.com/forum/?hl=en#!topic/alt.transgendered/O_EpOYsf884

²²⁸ "Shelly," "Deep Sadness," 13 November 1992.

<https://groups.google.com/forum/?hl=en#!topic/alt.transgendered/3dlosxZVVkU>

Southern California crossdressing convention while the LA riots raged outside.)²²⁹ Indeed, Shelley's perception of belonging to a uniquely oppressed group further suggests the privileged position of many early trans Usenet adopters: presumably, she is somewhat isolated from the material conditions those who experience overt forms of discrimination and vulnerability. This is especially true when considering the class status of many active members: even without Godiva, some users were wealthy enough to pay for alternate systems of anonymity. According to a poster named Heather, some websites would allow users to register internet accounts in non-legal names, as long as you could provide a valid credit card number. Even though one had to call a hotline to verify the card, which could be stressful "if your phone voice doesn't match the name you gave," it was worth it to Heather because "it sure is fun to have a full female net.identity!"²³⁰

However, there were certainly users who were not willing or able to pay \$5 for activation plus a \$2 an hour usage fee. One user, Judy, included in her online signature that she was unemployed and looking for work; one imagines that she was not likely to pay extra for a new account if she could help it.²³¹ At least one user shared that Cleveland and Youngstown, Ohio provided "freenet" no-cost public internet accounts that anyone could request, but this service had an application process; perhaps because of this, it does not seem that this option was widely adopted.²³² Instead, laments for Godiva and pleas for posting help continued for days from those users who were not fortunate enough to purchase new online access methods.

Alt.transgendered members needed others' help with anonymous posting, not because they were technically unskilled, but because the power centers of Usenet itself were very hierarchical. Within the context of Usenet's larger administrative community, trans members *were* likely among the most marginal voices. This is likely true in part because most of the active

²²⁹ On March 31, 1992, "Linda" wrote: One of the absolute best times that I have had since coming [sic] out was attending the "California Dreamin'" convention in Burbank last year. If you have never been to a T-convention, GO! Just imagine spending almost a full week 'en femme', in public! The feeling is like nothing else in the world! "California Dreamin' '92" started, as chance would have it, on the same day that the LA riots began. What timing! By the second day, the Burbank Holiday Inn was filled with 150 TV/TSs and 200 California Highway Patrol Officers! THAT is a story that I simply MUST tell in a future posting. Promise!" "Linda," "Intro." 31 March 1993. <https://groups.google.com/forum/?hl=en#!topic/alt.transgendered/7OzT1kCZLTE>

²³⁰ "Heather," "re: Help! No more anon. posting!" 12 November 1992. groups.google.com/forum/?hl=en#!topic/alt.transgendered/I931Ng9fnVo

²³¹ Her signature read, "By the way. I find myself to be a recent addition to the unemployment statistic. I am a software manager. If you know of an opportunity, please let me know!" "Judy," "re: Non censorship." 10 December 1992. <https://groups.google.com/forum/?hl=en#!topic/alt.transgendered/OAZDEzAXIjE>

²³² Michelle, "Anonymous posting service," 24 November 1992. <https://groups.google.com/forum/?hl=en#!topic/alt.transgendered/8HEo75jF0zY>

participants on alt.transgendered identified as women at least part of the time, which meant that they may or may not be counted amongst the perhaps 10-15% of total Usenet users estimated to have been women in 1993.²³³ When mentioned at all in scholarly or popular consideration of Usenet users, trans participants were either understood as theoretical set-pieces for a supposedly-new pomo gender universe, or as “transsexual men” (that is, women) whose existence served as an ill-conceived form of “proof” of pervasive male gender bias online.²³⁴ It is unlikely that this group would have been able to consolidate representative power in this situation, even within Usenet’s already “alternative” internal politics. Alt.transgendered was also the target of harassment from organized trolls, who scavenged Usenet for vulnerable populations to pick on.²³⁵ As an extremely marginalized group within the context of Usenet’s internal politics, alt.transgendered’s lack of social capital came to matter when administrators’ internal struggles trickled down into user’s everyday online lives.

²³³ Best available data for alt.transgendered users’ gender identities as of 1993 can be found in informal survey, reproduced in Appendix E. Percentage of female Usenet users is of course impossible to accurately quantify, but this number is a low-end estimate cited in: Shade, Leslie Regan. “Gender Issues in Computer Networking.” Community Networking: the International Free-Net Conference, Carleton University, Ottawa, Canada. August 17-19, 1993. Lecture. Paper online: <http://feminism.eserver.org/gender/cyberspace/gender-issues.txt>. A different set of figures appears in Michele Evard’s essay “‘So Please Stop, Thank You’: Girls Online,” in 1996: Evard writes that “it has been informally estimated that less than ten percent of the public messages [on Usenet] are written by women,” which is “much smaller than one would expect, given that an estimated 36 percent of Internet-accessing accounts belong to women.” Evard’s 36 percent number comes from a December 1994 survey. It is unlikely that the number of female Usenet users will ever be determined with statistical precision.

²³⁴ Within 1990s academia, readings of post-structuralist theory, transgender identities, and digital lives as inherently mutually constitutive are common. In my view, many of these theories misunderstand the articulations of transness as expressed in sites like alt.transgendered, taking as their object instead cases of gender-swapping in mainstream cis-dominated forums. A few of these papers take Kate Bornstein as the archetypical arbiter of gender fluidity and expression, quoting her work in their analyses of online gender norms. This pattern confirms what Julia Serano and Viviane Namaste have discussed in their work: that cis writers often position trans women as stand-ins for academic theories of gender variance, without considering the lived experiences of gender that these subjects themselves articulate. While I tend to disagree with the interpretations of performativity contained in these critiques, I share a commitment to understanding trans lives online as such, instead of as sites of identity experimentation per se. For examples of this tendency to cite Bornstein, see Baker, Paul. “Moral Panic and Alternative Identity Construction in Usenet.” *Journal of Computer-Mediated Communication* 7:1, 2001 and Kendall, Lori. “Meaning and Identity in ‘Cyberspace’: The Performance of Gender, Class, and Race Online.” *Symbolic Interaction* Vol. 21, Issue 2. Date: 05/1998 Pages: 129-153. Furthermore, in his wide-ranging critique of all things digital, Ziauddin Sardar wrote: “Most people on the Internet are white, upper- and middle-class Americans and Europeans; and most of them are men. Indeed, women are conspicuous largely by their absence: less than 1% of people online are women; most of these are bored housewives, and perhaps quite a few are actually transsexual man.” p.784. No citations are given for these demographic estimates, which conflict with other contemporary accounts of and by women online. Sardar, Ziauddin. “alt.civilizations.faq: Cyberspace as the Darker side of the West.” *Futures*, Vol. 27. No. 7, pp. 717-794, 1995

²³⁵ One particularly vile trolling post from 1995 has the subject line “Death Therapy - Gauranteed Cure!” [sic] and includes death threats combined with a neo-Nazi signature line. <https://groups.google.com/d/topic/alt.transgendered/u0fNwEN0A9A/discussion>

Having little social or technological capital with which to directly protest the Godiva shutdown, collectively-grown alternatives were the best solution for most users. Some “out” members volunteered to forward messages from those people who were unwilling to be identified directly. A frequent poster, “M. Otto,” wrote:

Until a new anonymous posting service is found, I volunteer to forward any posts emailed to me to alt.transgendered, stripping off headers and other information in the process. If you wish to take advantage of my offer, please keep a consistent nickname and signature block, as I don't plan to keep track of who uses what nickname.²³⁶

Luckily, such laborious posting relays were not necessarily for long. A poster named Ed Wright introduced anon.penet.fi to alt.transgendered by November 18th, writing that, “All things considred [sic] I thought some readers of this group might want to avail themselves of the service.” Presumably, Wright’s implication is that trans users are especially likely to desire an anonymizing server, and he is spreading the message as a public service. (His guess was likely correct: that same week, users on the site were writing that the group was a “lifeline” and that “there are probably about 100 of us remaining slient out ther [sic] for every one of us that posts.”)²³⁷ After a brief kerfuffle about whether or not the .fi address would mean that posts would take a long time to appear, since they had to travel all the way back and forth to Finland, Wright confirmed that the distance between Northern Europe and North America was not a communication impediment in this medium.²³⁸ Pointing out that, “if you are the internet, it take darn little time to propagate to finland [sic] and back,” Wright exhorted trans users to “Be anonymous and international!”²³⁹

²³⁶ The use of the term “nickname” here is somewhat surprising—most of the time, participants use language like “chosen name” or “girl name” (for trans feminine folks) to describe their online monikers. “M.Otto,” 12 November 1992. “re: 24-hour notice: anonymus@godiva going down.”

https://groups.google.com/d/topic/alt.transgendered/O_EpOYsf884/discussion

²³⁷ “Karen” and “Michelle,” “re: The spread of alt.transgendered...” 24 November 1992.

<https://groups.google.com/d/topic/alt.transgendered/MbyOYlnwY4M/discussion>

²³⁸ That sending posts through a faraway relay service would slow down their distribution seems to be a common misunderstanding at the time. In the *Wired* interview with Helsingius, interviewer Joshua Quittner takes the time to ask, “How long does it take for a message to go through your machine [...]?” (The answer: “only... a couple of minutes,” unless the servers are really overloaded.)

²³⁹ Wright seemingly wanted to bring anon.penet.fi to the attention to trans users in particular, posting that “*All things considred* [sic] I thought some readers of this group might want to avail themselves of the service.”

And alt.transgendered did. By November 26th, 1992, a poster named Marge posted a test via anon.penet.fi.²⁴⁰ Immediately after her post successfully appeared through alt.transgendered, a flurry of “just testing” posts appeared as the new email relay spread through the group.²⁴¹ Some, like “Judy,” were likely new users, “delurking” now that they had instruction for anonymous posting. “I would really be happy if this thing works,” she wrote. “I am post op now for about 5 years and could share some wonderful experiences with many here.”²⁴² A full statistical analysis of how many alt.transgendered posters used anon.penet.fi is difficult to do, given the fact that individuals could hypothetically choose new aliases for each post they made. However, because posts sent through anon.penet.fi included an automated signature tag explaining to others how to access the service, a survey of archived posts from between late 1992 and early 1993 do seem to indicate its widespread adoption.²⁴³

However, on other parts of Usenet, the spread of anon.penet.fi was seen as a scourge, not a balm. By early 1993, rumblings of discontent and sometimes all-out mud-slinging began to emerge on the administrative forum of Usenet, news.admin.policy. Sometimes these debates leaked over to the alt.transgendered group, probably cross-posted or forwarded by interested members. Witnessing the debates over anonymity and privacy between Usenet power players prompted self-reflection within the group, and a thread topic opened asking users why they used such a service. The question, originating from a Berkeley.edu address, was initially framed, not in terms of personal or social comfort, but instead as a question about U.S. state surveillance:

I have a question for all of you, why do you choose to go through an anonymous contact service? I can understand why you would do that here in the United

(Emphasis mine.) Wright, Ed. “An anon posting/mail service.” 16 November 1993.

<https://groups.google.com/forum/?hl=en#!topic/alt.transgendered/RSeuzRLMzik>

²⁴⁰ “M.Otto,” “Another test,” 26 November 1992.

<https://groups.google.com/forum/?hl=en#!topic/alt.transgendered/RvnPEwuLPj4>. Note that the title of this post is “another” test; it seems that this refers to the fact that this poster sent multiple queries through the service before one got through, not that there had been multiple other users testing the service first.

²⁴¹ Six “test” messages were posted to alt.transgendered via anon.penet.fi between November 26th and November 30th, 1992. One example thread can be found at “anon,” “test.” 29 November 1992.

<https://groups.google.com/d/topic/alt.transgendered/Mc71AAlhO-U/discussion>

²⁴² “Judy,” “testing the anon service.” 27 November 1992.

https://groups.google.com/d/topic/alt.transgendered/sstMB_UyE1Y/discussion

²⁴³ This tag read: “To find out more about the anon service, send mail to help@anon.penet.fi. Due to the double-blind system, any replies to this message will be anonymized, and an anonymous id will be allocated automatically. You have been warned. Please report any problems, inappropriate use etc. to admin@anon.penet.fi.”

States, since someone government agency (FBI) or slimeball is monitoring this net seeing what kind of embarrassing information they can dig up on you so they can use it against you, e. g. the House Un-American Activities Committee, J. Edgar Hoover, Meyer Lansky, etc. Do you worry about that elsewhere?²⁴⁴

Despite the comparative framing of the question, many respondents answered within a U.S. context. One user named Jenifer confirmed the question's initial assumptions:

- 1) Some of us work in some very high profile jobs
- 2) Some of us work for the U.S. Government
- 3) Some of us help various three-letter agencies as part of our jobs
- 4) Some of us would get in trouble if it were found out that we read alt.tg using office computers (ie., misuse of government facilities, etc).

While I do know that the FBI does achive all of usenet, I truely doubt that they are interested in us, except where security clearances may be involved.

If you have a clearance, they would care about it if it was something that could be used to blackmail you. I don't think that they consider us as having questionable character. But I could be wrong here.²⁴⁵

Jenifer's account of trans subjects' likely interactions with federal surveillance balances an optimism about the state's motives with skepticism of the agency. By asserting that she "truely [sic] doubt[s]" that the FBI is "interested in us," she simultaneously invokes the possibility that the FBI could be reading all of alt.transgendered for potential deviants. She hedges her assertion that the FBI would not "consider us as having questionable character" by also writing that she "could be wrong." Furthermore, she hypothesizes that trans status is something that might result in "blackmail" if an individual also has a security clearance, a concept which the state also

²⁴⁴ "Randy," "Anonymity." 16 March 1993.
<https://groups.google.com/forum/?hl=en#!topic/alt.transgendered/iLpL3m5Ed2U>

²⁴⁵ "Jenifer," "re: Anonymity." 17 March 1993.
<https://groups.google.com/forum/?hl=en#!topic/alt.transgendered/iLpL3m5Ed2U>

invoked to purge agencies of homosexuals in the “Lavender Scare.”²⁴⁶ Nevertheless, her initial reasoning for needing anonymity positions trans subjects as *members* of the surveillance state (“some of us work in some very high-profile jobs,” “some of us work for the U.S. Government”) rather than its victims. Jenifer was likely right that the FBI was not staking out Usenet in order to pursue transsexual or crossdressing deviants. Still, her post reveals the extent to which alt.transgendered users positioned their interests as in turn aligned with U.S. state interests insofar as these individual trans folks held positions of relative power. At the same time, she simultaneously understood that trans individuals might be targeted as a group, an “us.”

Another user, Madeliene, answered more personally, framing her reasons in terms of both individualized and classical feminist notions of privacy:

I study and work in a university setting where unfortunately there is a lot of intolerance towards the gender community. It is paradoxical that we post anonymously in order discuss things openly-- but understandable when one considers the consequences of being "outed" to a largely misunderstanding community. My postings can be read by anyone with access to a computer at home or on campus, and it is very easy on our system to cross-reference these postings to the phone directory database; as Tierney [another poster] says, "why take on this grief?".

It is difficult enough to find others like us in our society, and having this discussion group (and the ability to post anonymously) not only provides us with "a room of our own", but also allows us to communicate with others on an international scale. A chance to talk with lots t* folk will certainly help others within (and outside) the t* community to understand more about gender issues. I would guess that much of the same applies to other areas on the net.

By opening by describing the conditions of her workplace, Madeliene also positions employment security as a motivation for staying anonymous online. However, her focus is less

²⁴⁶ Johnson, David K. *The Lavender Scare: The Cold War Persecution of Gays and Lesbians in the Federal Government*. Chicago: U of Chicago, 2006. Print.

on sophisticated state surveillance than on the scrutiny that others might exact using everyday methods such as a university email directory. “Intolerance” and “grief” are the only things that might come from her legal identity being exposed, in Madeliene’s reading. Reappropriating Virginia Woolf, she then switches to a meditation on the importance of the group itself. The ability for trans people to come together in this sort of support network, even pseudonymously or anonymously, is ironically the antidote to the fact that “it is difficult enough to find others like us in our society.” The non-legal names that these trans writers use produce a strategic type of anonymity; they are identifiable to each other (as Madeliene or Jenifer, for example) based on how they sign their posts. Using non-legal names like a secret code, they are able to signal their identities and existence to each other, forging bonds that formal, legally-backed identities would render impossible.

For still others, social pressure and personal self-fulfillment were equally important reasons to use an anonymous server. Pam wrote,

To me it is almost as much as a rush to sign my messages with "Pam" as it is to dress as her. If people around here were more understanding, I'd be completely open and not have to hide behind the anon contact service. But there's too much on the line to risk that (you know, traditional things like career and family).²⁴⁷

Suzanne agreed. “I also like being able to post with my personal name and having people refer to me by it,” she wrote.²⁴⁸ Pam and Suzanne could go by these non-legal names only on Usenet, and only then by employing an anonymous relay service like anon.penet.fi in order to wipe away the legal names attached to their university or government email addresses. Pam discusses this feeling of self-alignment and recognition as a “rush,” a physical sensation of pleasure, not just anxiety or paranoia.

During the months between the uptake of the anon.penet.fi and its outage, a robust dialogue emerged about the interrelations between trans identity, state surveillance, and pseudonymous speech. Far from adopting a privileged notion of privacy (that is, private as in

²⁴⁷ “Pam,” “re: Anonymity.” 17 March 1993.
<https://groups.google.com/forum/?hl=en#!topic/alt.transgendered/iLpL3m5Ed2U>

²⁴⁸ “Suzanne,” “re: Anonymity.” 19 March 1993.
<https://groups.google.com/forum/?hl=en#!topic/alt.transgendered/iLpL3m5Ed2U>

“private property”), many trans Usenet users understood that it was the combination of their gender identities and a repressive legal and executive apparatus that produced the need for pseudonymity. Although many trans individuals also used their anonymous Usenet relays to disguise their birth names and unify their identities under a single, gender-appropriate, non-legal signature,²⁴⁹ these were not always the first reasons that users mentioned for using an anonymous server. People were genuinely afraid that their presence on the site would be cause for discrimination or job loss. This evidence hints at a key distinction in understanding the lives of trans subjects on Usenet: while Nakamura’s contemporaneous description of identity tourism notes that “in cyberspace, players do not ever need to look for jobs or housing, compete for classroom attention, or ask for raises,” these trans subjects thought of themselves as taking on an acute economic risk by using women’s names.²⁵⁰ Their identities, thus, do not fit neatly into theories of identity tourism, but align better with the Butlerian notion of performativity: that formulating an identity, any identity, is an iterative process. Furthermore, if tourism is a kind of play, a vacation, then the transgender identity formation happening within the anonymous spaces of Usenet is closer to a kind of work. This trans labor of self-making that is closer to the mode of embodied self-representation that Stone describes in her account of phone sex work: the work of taking “an extremely complex, highly detailed set of behaviors” (that is, gendered behaviors) and “translat[ing] them into a single sense modality” (in this case, textual communication on Usenet).²⁵¹

Read this way, the fact that most trans users were able to access Usenet only at those sites of employment that they understood as precarious comes through as a type of irony. Of course, this was not just because of the specific trans content: groups within the .alt hierarchy were classified there because they were “alternative,” and thus clearly not exactly work-related. Being found on those sites would be a pretty clear sign that someone was goofing off online at work instead of doing their actual job. However, given the extreme social stigma that these (often-

²⁴⁹ Although users discuss this phenomenon at length, it is difficult to verify without screenshots from a newsgroup reader at the time. A perusal of the Usenet archives reveal a mix of naming practices, from consistent nicknames to fluctuating gendered names to unverifiable pseudonyms. A partial list of usernames exists from a 1994 vote to establish a spin-off group explicitly for emotional support. This vote list reveals a mix of traditionally male names, traditionally female names, obvious pseudonyms, initials, and blank spaces. It is difficult to verify the individual meanings behind this variety of practices, which is likely the point. “Peter,” “CFV: soc.support.transgendered,” 15 June 1994. https://groups.google.com/forum/#!topic/alt.transgendered/1C_8gXq2V3g/discussion

²⁵⁰ Nakamura p.56

²⁵¹ Stone, Allucqu re Rosanne, p. 7

closeted) trans women faced in their mainstream social worlds, anonymity means more here than merely the freedom to slack off.

Indeed, the use of real names and accounts versus pseudonyms was an area of discussion and debate throughout the various mailing groups that made up the Usenet system. In their academic account of Usenet communities, information studies scholars Burnett and Bonnici note that different newsgroups established different norms around “real” names and pseudonyms, and that these decisions aligned broadly with these communities’ sense of relationship to mainstream offline culture. Posts in real name groups “maintained a strong sense that the interests, lives, and identities of its participants were, in most ways, indistinguishable from the interests, lives, and identities of others,” while those in the pseudonymous Usenet group “were distinguished by a feeling of disaffection and ‘otherness’ from the mainstream, which was used by the group itself to mark its boundaries.” Burnett and Bonnici’s explication for this gap is hinted in their claim that people using pseudonyms were “marginalized by their chosen lifestyles” and used the internet to socialize in a “safe environment.”²⁵² The trans group that I analyzed seems to fit more into the latter category, but in practice has a more complex naming system. Alt.transgendered produced a general consensus around an online etiquette (which, in the 1990s, would have been called “netiquette”) that allows for the use of chosen names, indicated in a forum signature or a sign-off, even when those names contradict the name on a person’s email account.²⁵³ Probably because of the community’s awareness that anonymous email services were not always available or accessible, participants (except obvious trolls) almost always refer to each other using whatever name *signs* a post, not by other naming indicators.²⁵⁴ A clear unspoken ethics of recognition emerged, and users are careful and tentative about referring to others by appropriate

²⁵² Burnett, Gary and Laurie Bonnici, “Beyond the FAQ: Explicit and Implicit Norms in Usenet Newsgroups.” *Library & Information Science Research*. Volume 25, Issue 3, Autumn 2003, Pages 333–351

²⁵³ Newsgroup “reader” programs often automatically listed the name on a person’s email account in the “from” line, as one user complained. “I would think that people could probably just do a minor edit to respects sensitivities,” she wrote. In the meantime, while the technology automatically outed people, anonymous emails were the best option, since they only listed a string of characters and the domain @anon.penet.fi. in the “from” position. “Suzanne,” “Anonymity,” 19 March 1993. <https://groups.google.com/forum/?hl=en#!topic/alt.transgendered/iLpL3m5Ed2U>

²⁵⁴ One example is this “coming-out” post, using an email address attached to a traditionally male name, but signed with a traditionally female first name. This individual is coming out as “TS” (transsexual), which is significant because some who identified as cross-dressers (CDs) chose to use their legal names on the site in some contexts. Although users would have been able to see the name attached to the email (in this case, an Oxford University address), the replies all respond only to “Angela.” This is the norm throughout the hundreds of posts that I have read on this site. Angela, “Out!” 19 February 1993.

<https://groups.google.com/d/topic/alt.transgendered/agDKb3Ao5OE/discussion>

language. In other Usenet contexts, such as news.admin.policy, where the power players of the service argued over the legitimacy of anonymizing technologies) having multiple names could be understood as duplicity or weakness. However, trans people developed norms of self-naming and renaming that nonetheless felt authentic and honest.

In some ways, the importance of Usenet's pseudonymous sociality can be understood most acutely in its absence. When anon.penet.fi went temporarily offline on March 23rd, it immediately created a swirl of controversy within various newsgroups. These debates, which were cross-posted across a broad swath of fora, are historically significant for their early vetting of the power and limitations of anonymous commentary online, include the relationship between anonymity as abuse vs anonymity as safety. Julf's statement on the shutdown on news.admin.policy, the newsgroup for systems administrators and others to discuss Usenet norms, comes down fully on the side of safety:

The anonymous service at anon.penet.fi has been closed down. [...] Due to the lawsuit-intensive climate in the US, many anonymous services have been short-lived. By setting up anon.penet.fi in Finland, I hoped to create a more stable service. Anon.penet.fi managed to stay in operation for almost five months. The service was protected from most of the usual problems that had forced other services to shut down. But there are always going to be ways to stop something as controversial as an anon service. [...] This is especially unfortunate considering these people [abusive posters] really are a minuscule minority of anon users. The latest statistics from the service show 18203 registered users, 3500 messages per day on the average, and postings to 576 newsgroups. Of these users, I have received complaints involving postings from 57 anonymous users, and, of these, been forced to block only 8 users who continued their abuse despite a warning from me.²⁵⁵

By the time Julf, whose legal name is Johan Helsingius and who is now a prominent internet activist, closed down the server, the firestorm over the ethics of anonymity on Usenet

²⁵⁵ Ze Julf, "Anon.penet.fi no more," 23 March 1993, https://groups.google.com/forum/?hl=en#!topic/news.admin.policy/_FeLD4LM6OQ%5B1-25%5D. Full statement in Appendix B, below.

had been heating up for months.²⁵⁶ In one .sci newsgroup, for example, one or more anonymous posters had used Julf's service to send out conspiracy theories about the role of the U.S. government in the Challenger disaster.²⁵⁷ In response, a user named Dick Depew wrote a piece of software that could automatically crawl, identify, and recommend the deletion of any and all posts that came through an anonymous server. Depew posted an official-sounding notice to the .sci hierarchy, "I am writing to inform you that if Julf [...] does not soon block anonymous postings to the "sci" hierarchy, then I will activate an "Automated Retroactive Minimal Moderation" script that will cancel postings to this hierarchy from his server."²⁵⁸ Usenet exploded. Accusations of censorship erupted, lawsuits were threatened, and Depew's boss's contact information were posted to the thread. An epic poem even emerged.²⁵⁹ Although Depew's software ended up failing—instead of inobtrusively flagging messages, an error in the code made the program endlessly spam empty messages with the subject line "ARMM" to the supposedly "minimal[ly]" moderated fora—the battle did make a much bigger swath of Usenet users aware of Julf's servers.²⁶⁰ Eventually, the escalation of this chain of events resulted in the temporary stoppage of anon.penet.fi.²⁶¹

In news.admin.policy, the drama around the server was theoretical and philosophical. Libertarian ideas around free exchange of information clashed with capitalist ideas about control and ownership. As often happens in online conflict, various mis/understandings of freedom of speech flew back and forth, while a few international system administrators pointed out that they themselves had no such constitutional mandate. The politics aside, the whole event was shrouded

²⁵⁶ "Johan 'Julf' Helsingius," *Internet Society*. <https://www.internetsociety.org/who-we-are/other/johan-julf-helsingius>; Helmer, Sabine. "A Brief History of anon.penet.fi - The Legendary Anonymous Remailer," *Computer-Mediated Communication Magazine*. September 1997. <http://www.december.com/cmcmag/1997/sep/helmers.html> ;

²⁵⁷ Later discussion revealed this post to be a deliberate test of the capacity of the .sci hierarchy to tolerate dissonant (and non-scientific) accounts. Few posters appreciated this use of anonymity, however. "anon.," "The Courage of Anonymity." 6 March 1993. <https://groups.google.com/d/topic/news.admin.policy/6yMN78KFxvU/discussion>

²⁵⁸ Richard Depew, no title, 13 March 1993.

https://groups.google.com/d/msg/news.admin.policy/ep1Ln02_rkM/soP-5bfGSJ4J

²⁵⁹ Detweiler, L. "The Tale of Julf and Depew." News.admin.policy, 1 April 1993.

<https://groups.google.com/forum/?hl=en#!topic/news.admin.policy/dJYTtSOk22c>

See Appendix C for the entire poem.

²⁶⁰ See Appendix D for an image of this accidental spambot. Dozens of posts like this were distributed within a short time period in late March 1993, causing significant consternation amongst users.

<https://groups.google.com/forum/?hl=en#!topic/news.admin.policy/VAJyt0HQzo>

²⁶¹ Even during the week of the events, different accounts provided different explanations for the timeline, major players, and causes of the shutdown. In particular, Depew's relative responsibility for anti-Julf sentiment was debatable. A snippet of that real-time debate can be found here: "the shutdown of anon.penet.fi," 24 March 1993. <https://groups.google.com/forum/?hl=en#!topic/alt.transgendered/9EZuTSY9ySM>

in mystery. Because Julf refused to name the particular complainants who had pressured him to shut down the service, many posters suspected that there were ulterior motives or unnamed antagonists behind the shutdown. Some posters suspected that U.S. universities, who had significant control over global norms of internet use, were behind the shut-downs. When one poster defended, by way of making an example, universities' supposed right to filter and control the communication channels that they pay to support, another user sarcastically responded, "Thank you for so clearly targeting US universities as the source of the problem for anon service shutting down." It is unlikely that U.S. universities did genuinely have a role in pressuring Julf to shut down his server in Finland; he later denied that theory in a 1994 interview with *Wired*.²⁶² Nonetheless, the incident did expose the extent to which specific technological and/or governmental "elites" still controlled Usenet at the time. Usenet was still recovering from political revolution of sorts, one which had resulted in the creation of the ".alt" hierarchy for new groups that did not fit into traditional academic-inspired conversation categories.²⁶³ The devolution of internet power, especially to anonymous would-be trolls, felt threatening to those who worried about mob rule or unearned autocracy. Even the accusation that system administrators were "elites" caused some consternation amongst .admin posters: one poster, a sysadmin at the University of Texas, dismissed this language, writing, "Elitism? Gee, you mean that just because my boss decides if I get paid or not, he's an elitist? Wow! And in America we call it capitalism."²⁶⁴

Meanwhile, as central players in Usenet admin argued over anonymity in technological or philosophical terms, alt.transgendered users found themselves scrambling for psychological

²⁶² According to Julf, "I shut down because of the sensitive nature of the connection. The international network connection went through the Finnish University net, FUnet, and this man complained to the domain administrator at FUnet. He said basically that the anon server was generating lots of junk traffic on the Net. He was saying it wasn't a good thing. Most of it was just stuff like silly arguments, personal attacks against people. The domain administrator contacted me and said he had received complaints; because of the delicate situation with the international connection, I thought it was best to restrict the service for some time until we actually got the international thing sorted out." Quittner, Joshua. "Anonymously Yours- An Interview with Johan Helsingius." *Wired.com*. Conde Nast Digital, 1 June 1994. Web. 14 July 2016.

²⁶³ For more on the power struggle over Usenet hierarchies and the overthrow of the "Backbone Cabal," see: Hangwool Lee (2002) "'No Artificial Death, Only Natural Death': The Dynamics of Centralization and Decentralization of Usenet Newsgroups," *The Information Society*, 18:5, 361-370, DOI: 10.1080/01972240290108177

²⁶⁴ Richard, "You Want An Example of Elitism? (Was Re: Anon.penet.fi no more). 25 March 1993. https://groups.google.com/d/msg/news.admin.policy/FeLD4LM6OQ/zd4z_-Bjp8sJ

help. Using a mirror service,²⁶⁵ an anonymous user lamented the loss of anon.penet.fi and begged someone else to organize a vote to petition Julf to allow them to keep the service:

As you can see from this posting (I certainly *hope*), there is at least one other anonymous server. Nonetheless, I (for one) would appreciate it you [sic] the utter depths of what passes for my soul if one of the out-of-closet net.guru types within this group would post an address for the collection of votes to return a.t to the purview of the Finnish anon server. As the documentation of the new (also in some sense resurrected) server run by Karl (you get it by sending an empty message to anonymus+info@charcoal.com) states, anon servers seem to have desperately short lifespans, due to the--no doubt well-intentioned--actions of net.personalities who see the abuses more than the benefits.

I'll make it a plea, in fact: I had a *really* bad day the day the server went down; as it happened, that was a day I really wanted to post, and I felt as if I had been cut off from humanity, no point in continuing the play, etc., etc. (I have a therapist, in case that last sounds too absolutely panicked for somebody; we're working on this minor death wish problem).

Somebody want to collect some votes? Please?²⁶⁶

This anonymous writer's "plea" drifts from a stalwart explainer of the anonymous server situation to a confession of suicidality. The alt.transgendered group, in this author's mind, serves as a critical piece of their support system, a social network that enables their basic functioning. Without access to fellow trans individuals online, with the assurance of anonymous contact, this user feels "cut out from humanity." Perhaps the urgent tone of this message spurred the group into action. Within hours, a user named Kieran offered to coordinate the reinstatement vote.

²⁶⁵ According to its creator, this mirror service was actually a reinstatement of Godiva, on which anon.penet.fi was originally based. Karl, "re: New anon server," 27 March 93

<https://groups.google.com/forum/?hl=en#!topic/alt.transgendered/AIROqD-EhX4>

²⁶⁶ anon., "Call for action: anon servers." 29 March 1993.

<https://groups.google.com/forum/?hl=en#!topic/alt.transgendered/2a6cTcKhPHU>

Hello World!

I am out-of-closet but not a net.guru, however I am willing to provide the service of collecting votes for the return of anon.penet.fi as an anon server for this group. I was bothered by the fact that it was 'eliminated' for whatever reasons. I shall inform Julf of our intentions of collecting the votes and ask him what the specifics are that he requires for a group to be added to his service, other than the request. Unless I hear otherwise from a number of *family* members. I say family since I see this group as being one.

TO submit your vote please do the following:

- 1) e-mail [redacted]@sage.cc.purdue.edu²⁶⁷
- 2) PLEASE put "ANON VOTE" in the subject line

Note: all names and addresses will be kept confidential!!

I shall also after the period of 1 week let the group know what our vote numbers were, and I shall send those numbers and our request to Julf. Any person wishing to assist in wording of the request to Julf may send mail separate or inclusive of their vote but please keep the subject line "ANON VOTE"

Your voting servant

Kieran [...] (e-hugs to all)²⁶⁸

It is not clear if the vote ever took place; over in news.admin.policy, the system administrator drama was beginning to turn in favor of some version of anonymity, and Julf was figuring out how to reinstate the service without interpersonal or technological disaster. Meanwhile, Karl

²⁶⁷ Email address has been redacted here for privacy reasons; I could not track down the identity of this user and therefore could not receive permission to use this email address, which may reveal identity information, in the dissertation text.

²⁶⁸ "Kieran," "re: Call for action: anon servers." 29 March 1993.

<https://groups.google.com/forum/?hl=en#!topic/alt.transgendered/2a6cTcKhPHU>

Kleinpaste re-started his Godiva service under a new name as a stop-gap, and spread the user instructions to alt.transgendered.²⁶⁹ This likely had the unintended consequences of giving lurkers (users who read the group but never posted) a step-by-step guide to using an anonymous service, a procedure that otherwise might have seemed intimidating or complex to people who were not used to posting online. Perhaps users were also inspired by the passionate defenses of anonymity within the group during this state of emergency. Whatever the case, at least three users joined or delurked alt.transgendered using the week between anon.penet.fi's suspension and its partial reinstatement.²⁷⁰ Finally, on March 28th, Julf announced that the popular outcry in support of the anonymous service had moved him to bring it back online in a few days' time. For groups who had already conducted reinstatement votes, it would be resumed immediately.

I'm probably not the only one who has been really surprised at the very strong reaction in support of anonymous services that the suspension of the anonymous posting service at anon.penet.fi caused. This proof of support (evidenced, among other things, by the fact that I have received more than 350 personal mail messages since the announcement of the suspension of the service. Of these, only 6 have been against resuming the service) have vastly improved my chances of resuming full operation. I really want to thank everybody who expressed their support for the service, both on news and in e-mail. I don't have the words to express how much I appreciate it!

[...]

²⁶⁹ Kleinpaste, Karl. "Anon server comes to life." 27 March 1993.

<https://groups.google.com/forum/?hl=en#!topic/alt.transgendered/bspiUkeLSiw>. In an email interview with Kleinpaste, he wrote that he "never did anything more than to mention [his server's] existence in newly-added groups in the group-match file. alt.suicide was a late addition, as I recall, so I dropped a note there to let folks know anonymity was available if they needed it, and several did." It isn't clear from the digital records whether this message was cross-posted from alt.suicide or if Kleinpaste did spread this message to alt.transgendered intentionally but doesn't recall doing so. Kleinpaste, Karl. Email correspondence with author, 25 July 2016.

²⁷⁰ One user, Linda, made explicit the link between the new visibility of anonymous servers and her ability to participate online: "Hi girls! This is mostly just a test to see how this new anonymous service is working. Since I have only been lurking on alt.transgendered, if this works, I'll post more soon." "Linda," "Hello," 30 March 1993. <https://groups.google.com/forum/?hl=en#!topic/alt.transgendered/6Y4xOINVHMs>. See also: "Linda," "Intro," 31 March 1993. <https://groups.google.com/forum/?hl=en#!topic/alt.transgendered/7OzT1kCZLTE> ; "Madeleine," "Hello from north of Sweden," 2 April 1993.

<https://groups.google.com/forum/?hl=en#!topic/alt.transgendered/mu8jC7eHGBc>

I will also re-enable the service to those groups that have explicitly voted to allow anonymous postings (misc.kids and alt.sexual.abuse.recovery come to mind). If other groups subsequently take an explicit vote to request anonymous service, I will resume service to those groups as well. I have also re-enabled anonymous postings to news.admin.policy, as a lot of people have expressed their unease with discussing in public their reasons for needing anonymity.²⁷¹

By March 30th, one week after anon.penet.fi went offline, it was restored to alt.transgendered. With a post entitled “Thanks Julf,” a user named Joni used multiple exclamation points and all-caps to shout her excitement at the service’s return: “I think we are back on the air! Thanks to Julf! Let's get the ball rolling and keep it that way! YEA!”²⁷² The very next day, a user named Kelley alerted her online friends that she had switched to using the anonymous service: “although I have been posting as my boyleft,” she wrote, “this allows me the luxury of having my femme name appear in the mail message, as well as provides a bit higher level of comfort.”²⁷³ She may as well have been speaking for hundreds of other users during the Usenet era. Anon.penet.fi remained online until 1996, a critical three years for both internet access and for trans visibility in the U.S.²⁷⁴ Alt.transgendered stayed a robust community through the mid-1990s, attracting participants (Dallas Denny, Sandy Stone) that would become prominent figures in academic and activist trans movements.

Given that the entire narrative arc that I’ve sketched out above—from the founding of alt.transgendered, the adoption and loss of Godiva, and the suspension and reinstatement of anon.penet.fi—all took place within an 18-month period, it might seem that this entire story is simply a tempest in a teacup. However, I suggest that a precise look at the role of anonymity in early trans Usenet provides critical context for multiple scholarly conversations. First, trans

²⁷¹ Helsingius, Johan “Julf.” “Son of anon.penet.fi.” 28 March 1993.

<https://groups.google.com/d/topic/news.admin.policy/mUHYeyMLnGE/discussion>

²⁷² “Joni,” “Thanks Julf,” 30 March 1993.

<https://groups.google.com/forum/?hl=en#!topic/alt.transgendered/SX7CdcYrrxY>

²⁷³ “Kelley,” “hello,” 31 March 1993. <https://groups.google.com/forum/?hl=en#!topic/alt.transgendered/Mm-r7Cp1Po0>

²⁷⁴ Of course, Julf’s reinstatement was upsetting to many other administrators, including those who favored some form of anonymity. Karl Kleinpaste, who kept a “group-match file against which an intended destination was matched, so I could control exactly to which newsgroups its support would extend,” considered his more restricted version of the service a much better check on abuse such as online stalking than Julf’s unlimited anonymity. Julf’s utopian vision of internet anonymity vs Kleinpaste’s more cautious approach is still an important ongoing argument within digital cultures.

people were articulating themselves against and beyond state formations of oversight, legal identity strictures, and surveillance, even as many of them accessed the internet through the very institutions that constructed these institutions. Secondly, it provides insight into a moment where the ability to anonymously post content online was not an obvious feature of the technology, but rather the object of a hard-fought ideological battle between a narrow set of players—mostly white North Americans or Europeans with advanced technical skills. The individual skirmishes of this long conflict affected trans internet users, and other vulnerable populations who operated within Usenet’s margins (particularly within the alt hierarchy), as users contended with the emotional threats of being abruptly cut off from the only community which did not require them to reveal their legal identifiers. Understanding anonymity as contentious, and trans online identities as dependent on the success of pro-anonymity forces, helps elucidate the stakes of contemporary struggles over individuals’ rights to inhabit non-legal selves online. Thirdly—and I return to this point at the end of this chapter—individuals on all sides of the 1992-1993 debates over anonymous email servers agreed that having anonymous posting capacity produces a different type of linguistic and ethical culture, with different types of discourse, than does legal-name-only posting. Anonymity, of course, produces the conditions for abuse and harassment as well as liberation from oppressive norms; at the same time, there’s no denying that there’s significant abuse on real-name networks as well. The stakes, then, concerned a wider ethos of internet use, forging new norms that could adhere to spaces where identities are not necessarily those that one is assigned at birth. Thus, the conversation around anonymity and non-legal identification is always a conversation about cultural practices and their attendant forms of expression.

Conclusion: “There’s No Such Thing As a Real Name Policy”

Trans internet users face a very different landscape online today as they did in the days of Usenet. Arguments about trans identity and digital identity have been reinvigorated by Facebook’s “real name” policy, later articulated as an “authentic name” policy. In these debates, the stakes have shifted; the internet is no longer a research tool with an undercurrent of truth-seeking ideology (however misguided that ideology could be in practice). Instead, Facebook, reflecting the post-1995 internet world, is unabashedly a commercial enterprise. Even so, it has

an enormous political and social impact on the quotidian lives of millions of individuals, U.S. citizens and otherwise. This makes Facebook's attempt to consolidate a user's online identities into one "real" name a significantly different debate than the one had between Depew et. al. and Julf in 1992-3. A closer examination of Facebook's own explanation of its aims and intents reveals a troubling skepticism on Facebook's part of anyone who uses a non-legal name, or even a legal name that is sufficiently non-Western or Anglophone that it seems illicit to the powers-that-be. In effect, despite the fact that it claims that "approximately 84.2% of our daily active users are outside the US and Canada," Facebook adopts, circulates, and globalizes U.S. norms of identification documents.²⁷⁵ It doing so, it constructs new digital identity policing mechanisms using these always-already gendered and racializing domestic technologies.

To some extent, the first-person narratives that emerge from the real name policy fallout feel like a replay of 1992-3. On June 27, 2015, Zoe Cat published an essay on Medium that quickly went viral. In a powerful opening, she wrote, "I always knew this day would come. The day that Facebook decided my name was not real enough and summarily cut me off from my friends, family and peers and left me with the stark choice between using my legal name or using a name people would know me by." Like the users of alt.transgendered, Cat experienced the threat of isolation from Facebook as a loss of an entire social world, a social world in which she received emotional and material support that contributed to her survival as a trans woman. In her essay, she makes clear that Facebook is not a mere pleasure or distraction for her: instead, she writes, "Facebook is my main way of communicating with much of my social circle. It's how I've found housing and housemates. It's where I've found job leads, received support in hard times, and helped other people through theirs."²⁷⁶ To make matters worse, she used to work at Facebook and she herself had a hand in making the site's gender drop-down options more expansive and non-binary. Like the anonymous Usenet poster who had felt "cut off from humanity" after the suspension of anon.penet.fi, Cat articulates the inability to participate in the world of Facebook as a profound isolation. Also like the 1992-3 Usenet participants, she feels this isolation and anxiety despite her position of relative privilege and ability to navigate (and even build!) aspects of the complex technological architecture that make digital re-naming

²⁷⁵ Reported international user demographics are as of 31 March 2016. "Company Info." *Facebook Newsroom*. N.p., n.d. Web. 26 July 2016.

²⁷⁶ Cat, Zoë. "My Name Is Only Real Enough to Work at Facebook, Not to Use on the Site." *Medium*. N.p., 27 June 2015. Web. 21 July 2016.

possible in the first place. In other words, she is the type of subject for whom online identity-creation is a possible mode of self-fashioning, something that has heretofore allowed her to subvert state naming systems in her everyday social practices.

For trans users, real-name policies are a form of digital expulsion. Although Facebook claims that real names are not the same as legal names, flagged names are verified via legal documents. In addition, Facebook's "real name" policy and others like it create unequal relations of regulators and the regulated. In Cat's description of being banned from another social media site, Next Door, when she called out another user for racism, she writes, "The policy is that you should use a name you'll be recognised by, and the reality is that you must use a name that sounds plausible to whichever support person is validating it." In other words, it was her political behavior, not really her non-legal name, which got her flagged and then banned. In essence, Cat argues, "There's no such thing as a real name policy, only an undesirable users policy."²⁷⁷ As I discussed in earlier chapters, this type of selective enforcement of state identification documents is often a feature, not a bug. In the case of Facebook in particular, scholarly sources corroborate Cat's account. In their study of authenticity and naming on Facebook, Oliver Haimson and Anna Lauren Hoffman write that the social exclusion of trans people and abuse survivors is "an unavoidable consequence of users with multifaceted, changing, or non-normative identities engaging a system that enforces an administrative and largely inflexible notion of 'real names.'"²⁷⁸

The problem of online pseudonymity for trans people is just as urgent now as it was in 1992 and 1993. The presumption that the only legitimate subjects are those who have legal identification documents, and those embodiment and names match those documents, has not dislodged. Instead, this social presumption now forms the cornerstone of digitally-enhanced security apparatus that have spread across geographical borders, adding identity checkpoints throughout the internet and the globe. Perhaps that sentence feels hyperbolic or dystopian: it is neither. It is simply the case that states and private corporations have strikingly similar interests in targeting and identifying "inauthentic" or "abusive" members, who may then be expelled from the public sphere. When it comes to data, systems of classical liberal / Foucauldian

²⁷⁷ Cat, Zoë. "Now My Name Isn't Real Enough for Nextdoor." *Medium*. N.p., 19 Dec. 2015. Web. 21 July 2016.

²⁷⁸ Haimson, Oliver L and Anna Lauren Hoffman. "Constructing and Enforcing "Authentic" Identity Online: Facebook, Real Names, and Non-normative Identities." *First Monday*, Jun. 2016. <http://firstmonday.org/ojs/index.php/fm/article/view/6791>. 01 Aug. 2016.

governmentality share interests with systems of neoliberal / post-liberal profit. In their desire to mitigate risk to normative users/citizens, states/services use identification documents to police forms of social belonging.

When trans people in 1993 advocated for the preservation of pseudonymous spaces on the early Internet, they did not necessarily understand themselves as part of a social justice framework. While some were skeptical of state surveillance, at least one other admitted to working as part of that very surveillance apparatus. The narrow set of predominantly white and professional identities on the site limited these users' ability to lodge a more robust critique of the intersections between trans individuals and other marginalized Usenet users who risked harm from having their "real names" exposed. At the same time, the concerns about anonymity / pseudonymity that these trans individuals put forth in the early 1990s are critical to understanding the alternative world that the internet might have been. Instead of a set of private entities whose incentive is to microtarget particular individuals for surveillance and marketing purposes, the social web might have been a site of identity formation outside of legal names. The story of identification in the contemporary era cannot be told without understanding these alternative digital worlds, fought for by anonymous and pseudonymous trans writers online.

Appendices

Appendix A: Statement by Julf, 23 March 1993

“The anonymous service at anon.penet.fi has been closed down. Postings to netnews and mail to arbitrary addresses has been blocked. To enable users who know each other only by their anon ID's to arrange alternate communication paths, mail to anonymous users will still be supported for two weeks. After this period all database entries will be deleted. Due to the lawsuit-intensive climate in the US, many anonymous services have been short-lived. By setting up anon.penet.fi in Finland, I hoped to create a more stable service. Anon.penet.fi managed to stay in operation for almost five months. The service was protected from most of the usual problems that had forced other services to shut down. But there are always going to be ways to stop something as controversial as an anon service. In this case, a very well-known and extremely highly regarded net personality managed to contact exactly the right people to create a situation where it is politically impossible for me to continue running the service.

But of course this political situation is mainly caused by the abuse of the network that a very small minority of anon users engaged in. This small group of immature and thoughtless individuals (mainly users from US universities) caused much aggravation and negative feelings towards the service. This is especially unfortunate considering these people really are a minuscule minority of anon users. The latest statistics from the service show 18203 registered users, 3500 messages per day on the average, and postings to 576 newsgroups. Of these users, I have received complaints involving postings from 57 anonymous users, and, of these, been forced to block only 8 users who continued their abuse despite a warning from me.

In retrospect I realize that I have been guilty to keeping a far too low profile on the network, preferring to deal with the abuse cases privately instead of making strong public statements. Unfortunately I realized this only a couple of days before being forced to shut down the service, but the results of a single posting to alt.binaries.pictures.erotica.d gave very positive results. I take full blaim [sic] for my failure to realize the psychological effects of a strongly stated, publicly visible display of policy with regards to the abuse cases. For this I have to apologize to the whole net community.

On the other hand I am deeply concerned by the fact that the strongest opposition to the service didn't come from users but from network administrators. I don't think sysadmins have a god-given mandate to dictate what's good for the users and what's not. A lot of users have contacted me to thank me for the service, describing situations where anonymity has been crucial, but I could never have imagined in my wildest dreams. At the same time quite a few network administrators have made comments like "I can't imagine any valid use for anonymity on the net" and "The only use for anonymity is to harrass and terrorize the net".

Nevertheless, I really want to apologize both to all the users on the network who have suffered from the abusive misuse of the server, and to all the users who have come to rely on the service. Again, I take full responsibility for what has happened.

Julf”

Appendix B: “The Tale of Julf and Depew”

The Tale of Julf and Depew

A patriot hero named Julf
bridged a cavernous gulf.
By building a server
with fanatical fervor
That gave the anonymous hope.

Along came a Dick named Depew
Who ranted 'gainst anonymous spew
He created the ARMM
that grew to a swarm!
Achieving the net-infamy of few.

The drama of the saga is vast
as flames fly increasingly fast.
Julf is our savior;
Depew's lost all favor.
And Usenet is about to collapse!

L. Detweiler

Appendix C: ARMM: ARMM: ARMM:



Figure 8: A Google Groups-archived version of the ARMM error that spammed news.admin.policy as a result of Richard Depew's anti-anon actions

Appendix D: Informal Survey of alt.transgendered

(Paulette, 10 November 1993,
<https://groups.google.com/d/topic/alt.transgendered/ynL5tYSOwzY/discussion>)

Ladies and Gentlemen:

Here are the results of the alt.transgendered survey.

The results are expressed as percentages with actual numbers shown

in square brackets [#] when I thought the numbers may be interesting.

The numbers in parenthesis () reflect the inclusion of a total of results of the survey circulated to the American On Line system (thanks to Crystal for the input).

I'm having to send this through the penet server so it may take a bit longer than using the laUNCPad. There is no way to upload a file on that system and the results were compiled on my PC. '-)

So with our further adeiu, here are the results:

RESULTS OF THE alt.transgendered SURVEY

1) Average age: 32.2 years (32.7 years)

2) Birth sex: Female 0% Male 100%

3) Location:

country: USA 76.1% [51] (78.9% [60])

Canada 11.9% [8] (10.5% [8])

Europe 9.0% [6] (7.9% [6])

Pacific 3.0% [2] (2.6% [2])

Urban environment 82% (80.3%) or Rural environment 18% (19.7%)

4) Sexual partner preference: Female 68.6% (65.8%)

Male 4.5% (7.9%)

Both 23.9% (22.4%)

Neither/No response 3% (3.9%)

5) Time aware of gender ambiguity: 16.9 years (14.8 years)

6) Current personal status: Acceptance 83.6% (85.5%) Denial 16.4% (14.5%)

7) Are you a: Transsexual 37.3% [25] (42.1% [32])

Transvestite 50.7% [34] (47.3% [36])

Interested third party 6% [4] (5.3% [4])

8) If transsexual, are you: Preoperative 60% [15] (59.4% [19])

Post-operative 8% [2] (12.5% [4])

Neither 32% [8] (28.1% [9])

9) Do you participate in professional therapy: Yes 28.4% (31.6%)

No 71.6% (68.4%)

10) Are you a member of a support group (other than alt.tg): Yes 38.8% (40.8%)

No 61.2% (59.2%)

11) Marital status: Single 40.3% [27] (39.5% [30])

Married 43.3% [29] (42.1% [32])

Divorced 7.5% [5] (9.2% [7])

Lasting relationship 8.9% [6] (9.2% [7])

12) If married or involved:

A) Does your S.O. know of your gender ambiguity: Yes 86.1% (87.5%)

No 11.1% (10.0%)

Maybe 2.8% (2.5%)

B) If yes, is your S.O. accepting and/or supportive: Yes 83.3% (82.4%)

No 16.7% (17.6%)

13) Do you cross dress: Yes 77.6% (75%)

No 22.4% (25%)

If so, how many years have you been

consistently crossdressing: 11.3 years (11.9 years)

14) Do you subscribe to any transgendered publications: Yes 22.4% (22.4%)

No 77.6% (77.6%)

If so, please list:

Tapestry 6 (8)

Chrysalis 2 (2)

TV Girl Talk 2 (2)

Others with 1 response: FPE-S, Femin Form, Intermezzo, GEMS,

GDTI, Tri-ess

15) Political leanings: Conservative 17% (17.6%)

Liberal 55.9% (58.8%)

Libertarian 25.4% (22%)

Anarchist 1.7% (1.6%)

16) Generally speaking, are you happy with your life: Yes 70.1% (69.7%)

No 29.9% (30.3%)

JUST FOR FUN!

17) Best transgendered song ever recorded & artist:

#1 - Walk On The Wild Side by Lou Reed [10 votes]

#2 - Lola by The Kinks [9 votes]

#3 - Dude Looks Like A Lady by Aerosmith [4 votes]

Others Mentioned: As Girls Go, I Ain't Got No Body, Supermodel,
The Lumberjack Song, Where's The Dress, Brand New
Girl, Living On The Edge

18) Personal transgendered hero/heroine:

#1 - Caroline Cossey (Tula) [8 votes]

#2 - Renee Richards [4 votes]

#3 - Amber Kay [2 votes]

Numerous other single reponses including personal acquaintances, net
type people, themselves, therapists, etc.

19) Estimated amount spent per year in crossdressing activities:

\$412.41 [29 responses for \$11,960] (\$387.80 [32 rersponses for \$12,410])

Time: 75 1/4 days per year

Polster's Comments %-)

Just a few with no analysis.

Question 3, Location: In the interest of anonymity, actual city or state/province references were not reported. The Europe classification results from there being a singular response per country, except for the UK. The Pacific refers to the Pacific Rim and once again only a singular response per country.

Question 13, Crossdress: Many TS responses indicated that they do not consider themselves to be crossdressing (and who am I to argue) so such cases were considered as a negative reply.

Question 14, Publications: I did not include electronic publication such as cd-forum and transgen even though they got a few responses. The intent was for normal print type magazines, etc. In retrospect, electronic is just as valid a medium but since it was not specified, I chose not to include those responses.

Question 15, Politics: Many international respondents did not know how to answer this question. I suppose it should have been phrased differently such as Left, Right, Middle. Most responses were from the USA.

Question 17, Song: This one caused a bunch of ? responses. By looking over the results, I think you can finally get the idea. One thing that did surprise me was that nobody mentioned The Cramps. There is a real tg band if there ever was one. Of course, I didn't vote for them either even though I like most of their work, especially "Look Ma, No Head" their latest offering.

Question 19, Amount: Some respondents answered by indicating time spent so

I totalled and averaged those responses in addition to the dollar amount that was the original intent. Many responses came with a "I would hate to think about how much I spend" type of answer and others were more on the lines of "Wow, I don't know, \$200, \$400, \$???" which is sort of the category I fit into (probably spend more than I care to admit).

Well, that's about all. Hope you enjoyed reading the results. My thanks to all that took the survey and thanks for excusing the tardiness of the post of the results.

Take good care of yourselves and be happy.

E-Hugs, :-x

Paulette

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Chapter 4 : “In America, Anything Is Possible:” Trans Identity, Immigration, and Paperwork in Jhumpa Lahiri's *The Namesake*

Why is it important for a literary scholar to study identification? What can close attention to these stories reveal about states, subjects, and texts that, without noting the strange role that identification documents play in contemporary U.S. literature, scholars would otherwise miss?

That is the overarching question of this chapter, building on work in the previous three chapters that establish identification documents as critical indexes of recognition and self-understanding in U.S. culture. If it is the case that these documents do certain amount of work in the world, and that their imposition and disruption have social and aesthetic consequences, it stands to reason that contemporary authors would struggle to construct characters outside of state regimes of identity. If the relative fixity of state-imposed identity categories is up for debate, then the textual space of the fictional novel, not the bureaucratic document, might be a ripe site for experimenting with the boundaries of those identities.

At the same time, contemporary U.S. literature does not just reveal a slate of subjects who resist their legal identities. Instead, characters orient themselves to state identities in a variety of ways, including many ways that look more like attachment, desire, or supplication. The extent to which these relationships to the state reflect the promise of a liberal citizenship contract—in which one provides to the state the right to regulate identity, and the state in exchange provides material security and protection from abandonment—depends on how states otherwise determine the valuation of these lives. That is to say, most citizens are identified, but not all identification leads to equal citizenship. As such, one might expect to find in contemporary identification narratives not just resistance or acceptance, but also ambiguity, attachment, dissonance, uncertainty, and pleasure.

These presuppositions frame my reading of Jhumpa Lahiri's *The Namesake* as an identification narrative. In Lahiri's novel, a U.S.-born Bengali-American is given the first name “Gogol,” a reference to his father's favorite Russian author. Although the family intended for this to only be a “pet name,” preserving a Bengali naming practice that distinguishes between formal and informal usages, the state mandate to file a birth certificate for the newborn means that “Gogol” appears on all of the young man's official documents. When the protagonist does file a legal name change at age 18, adopting the Bengali name “Nikhil,” the novel stages a series of conflicts between cultural legacy, familial intimacy, and American notions of identity.

For many critics the central puzzle of the novel is the extent to which *The Namesake* belongs to the genre of “ethnic bildungsroman,” and thus adheres to the assimilative aims that tend to underpin that form. In her elegant reading of *The Namesake*, Min Hyoung Song contrasts the work’s realist form, which mirrors the genre-fiction prescription to align American-ness with maturity, and its refusal to resolve identity conflicts by the end of the novel. “For Asian American authors in the late twentieth century,” writes Song, “such a narrative expectation of reconciliation—between aggrieved minority and the nation-state that has so often been the source of racial grief—has meant that their characters could easily become a composite model for other minorities to emulate, a social ideal of suppressed anger and a constantly performed willingness to get along.”²⁷⁹ However, to Song, Lahiri offers neither a narrative of reconciliation nor, importantly, a narrative of resistance. Instead, it is the very ambiguity of the novel’s ending that marks the work’s “postmodern” break with the twentieth-century ethnic bildungsroman. Song calls the novel (and I agree) the story of a “largely uneventful life,” one in which the “futility” of the protagonist’s travels leaves him to “imagine ‘another sort of future’ without any clear idea of how he should do this.” The supposed personal maturity that comes with assimilation into a post-1965 Asian America never arrives in *The Namesake*; only further anxiety about “nation and ethnos.”²⁸⁰ Thus, Lahiri’s innovation is to build an unexpected immigrant narrative, one in which nineteenth-century Russian literature arguably plays as important a role as Bengali cultural practice, and in which assimilation into the nation-state produces neither a feeling of belonging or maturity, onto an otherwise-familiar generic scaffolding.

Other readers, however, find in *The Namesake* exactly what Song did not find: an anti-state mode of ethnic resistance. In his book *The Reorder of Things: The University and Its Pedagogies of Minority Difference*, Roderick Ferguson offers a sustained reading of *The Namesake*’s representation of two institutions, the courthouse and the lecture hall. In each of these sites, Ferguson argues, Lahiri “critiques the growing conditions of subjectfulness, that is, the ways in which hegemonic institutions demanded and objectified immigrant subjectivity, demanded immigrant subjectivity to be the alibi for U.S. neocolonialism, objectified international migrants so that immigrant communities could be absorbed into an expanding ideal

²⁷⁹ Song, Min Hyoung. “The Children of 1965: Allegory, Postmodernism, and Jhumpa Lahiri’s ‘The Namesake.’” *Twentieth Century Literature*, vol. 53, no. 3, 2007, pp. 345–370., www.jstor.org/stable/20479817.

²⁸⁰ *Ibid*, p. 366

of U.S. culture.”²⁸¹ For Ferguson, the school is “a kind of institutional encroachment in which administration seems to have access to every bit of him— no part withheld, every part made available.”²⁸² The courthouse, meanwhile, where the protagonist attempts to modify his unfit name, is an “allegory of minoritized subjects appealing to the state for recognition and redress, recalling that part of the civil rights struggle, for instance, that engaged the state as the domain of political emancipation.”²⁸³ Eventually, Ferguson asserts, the courthouse proves a false promise, merely “an institutional ethos that makes minority difference into an official matter and urges us to use minority culture as a critical lever to alienate the institutionally legible ways in which we are put into action and representation.” Thus, by refusing to allow her protagonist’s name change to resolve his identity anxiety, Lahiri closes her novel “where it begins— with the necessity of retaining and cultivating the unofficial.”²⁸⁴

To this critical landscape I offer a reading that borrows from both Song and Ferguson, yet adds an additional, perhaps unexpected element: an evaluation of *The Namesake* as an identification narrative, read from a trans perspective. Like Song, I find postmodern and self-referential elements embedded within a seemingly conventional realist narrative structure. However, using a trans-inflected mode of reading, I locate these innovations at the level of narrative voice, an understudied aspect of Lahiri’s novel. In addition, like Ferguson, I read *The Namesake* as a novel about the contrast between “minority” or non-Anglo-American identities and those identities mandated by the U.S. administrative state. However, by tracing the invocation of trans figures as metaphor within the novel, I understand *The Namesake*’s implicit endorsement of assigned-at-birth identities as “authentic” identities as a potential challenge to intersectional articulation of trans and “ethnic” forms of citizenship. Ultimately, this reading positions the protagonist’s legal name change as neither a reaction to the weight of being an allegorical Child (to use Song’s language) of the post-65 immigrant generation, nor as a stymied desire for assimilation to U.S. state norms. Instead, the drama of the protagonists’ name change in *The Namesake* marks how the strictures of legal identities create a field of subjects—cisgender non-Anglo residents, Anglo-American transgender citizens, non-citizens of all national

²⁸¹ Ferguson, Roderick A. *The Reorder of Things: The University and Its Pedagogies of Minority Difference*. Minneapolis, US: University of Minnesota Press, 2012. ProQuest ebrary. Web. 14 April 2017. p. 160

²⁸² *Ibid*, p.167

²⁸³ *Ibid*, p.169

²⁸⁴ *Ibid*, p. 177

backgrounds, and people with multiple overlapping instantiations of these identities—whose inability to become their legally-identified selves forces them into positions of ambiguity and mismatch. Thus, although Song writes that “there is, to be sure, absolutely nothing queer about [Lahiri’s protagonist],” reading *The Namesake* through a trans lens offers coalitional modes of denaturalizing state power without naturalizing birth identities as *de facto* more authentic.

Narrative Voice and Legal Trouble in The Namesake

In *The Namesake*, Jhumpa Lahiri represents the distinction between a family name and a legal name, the Bengali practice of using a “pet” name and a formal name, through an unorthodox use of third-person narration. Throughout the novel, narration always refers to the protagonist as “Gogol,” even when no other characters do so.²⁸⁵ For most of the text, the third-person narration is close, sometimes dipping into free indirect discourse. In general, such liberal use of free indirect narration would imply that Lahiri intends for the third-person narration to represent the protagonist’s interiority, except where otherwise stated. Therefore, the conflict between intimate identity and legal identity is staged, not just at the level of *The Namesake*’s plot, but at the level of narrative structure.

Using the protagonist’s birth name, “Gogol,” as a third-person identifier throughout the text poses a narratological puzzle within the novel. It also disrupts a social norm that Lahiri was likely unaware of: the practice, led by transgender people, of discouraging the use of birth names in print for individuals who have pursued legal name changes.²⁸⁶ As such, the discussion of naming in *The Namesake* offers space to complicate a practice urged by Anglo-American trans activists, who tend to represent the adoption of a new name, especially via a legal process, as an erasure of the old. Ultimately, holding together *The Namesake*’s critique of Western unitary identities and Western trans activists’ critiques of cissexist naming practices can help literary

²⁸⁵ Throughout this chapter, I refer to Lahiri’s protagonist only as “the protagonist” unless using the names “Gogol” or “Nikhil” are syntactically unavoidable. I do so for two reasons: first, because I insist that the use of the term “Gogol” is a specific signal of a narrator’s intimacy with the protagonist, I do not wish to mimic that relationship in my own critical writing; second, this un-naming is part of this chapter’s overall experiment in coalitional critical practice, and thus I do not want “Nikhil” to signal an investment on the part of this critic in some aspects of that project more than others.

²⁸⁶ *GLAAD Media Reference Guide - In Focus: Covering the Transgender Community*. GLAAD, Accessed 21 April 21, 2017.

scholars of all gender identities better evaluate the shifting relationship between legal cultures and aesthetic cultures in the contemporary United States.

In *The Namesake*, Lahiri distinguishes Western and Bengali ways of naming both through explicit rendering within the plot and at the meta-level of narration. The paragraph that I will examine below is a critical moment in the text where each of these levels operate in tandem. As such, a sustained close reading of this paragraph will establish both how Lahiri's narrator operates in both free-indirect modes and in omniscient third-person modes. Importantly, this scene occurs *before* the protagonist's legal name change, so the even more complex issue of narrating the protagonist's birth name is not yet at issue. In putting forth this paragraph, I show how Lahiri provides her narrator with the technical capacity to move from limited to omniscient point of view within the space of a few sentences. This capacity will ultimately help explain how Lahiri can use her narration to articulate a "Bengali" mode of narration, despite the work's indebtedness to a Western literary canon.

At the beginning of chapter five, the chapter in which the protagonist will acquire a court-granted legal name change, Lahiri's narrator offers the following four sentences:

Plenty of people changed their names: actors, writers, revolutionaries, transvestites. In history class, Gogol has learned that European immigrants had their names changed at Ellis Island, that slaves renamed themselves once they were emancipated. Though Gogol doesn't know it, even Nikolai Gogol renamed himself, simplifying his surname at the age of twenty-two from Gogol-Yanovsky to Gogol upon publication in the *Literary Gazette*. (He had also published under the name Yanov, and once signed his work "OOOO" in honor of the four *o*'s in his full name.)²⁸⁷

In this paragraph, each successive sentence moves further from the perspective of the teenage narrator. In the first sentence, the casual and generalizing language, and (as I will discuss further below) the misunderstanding of what "transvestite" means, implies a youthful narrator, one looking for precedent for the social risk that he is about to undertake. In the second sentence, Lahiri provides more information about the origin of her narrator's understanding of name

²⁸⁷ Lahiri, Jhumpa. *The Namesake*. New York: Houghton Mifflin, 2004. Print. p.97

changes, information that could be garnered “in history class.” In the third sentence, however, the perspective begins to shift out of the protagonist’s point of view. The narration announces this shift directly—“Though Gogol doesn’t know it”—and then provides historical information about the namesake of the protagonist. The narration adds another reason why one might change a name (publication), one which echoes the protagonist’s own understanding of who changes names (“artists”). Still, this effect adds a layer of distance between the personal world of the *protagonist*, a world of U.S. high school-level common knowledge and unsurprisingly limited understandings of gender difference, and the knowledge base of the *narrator*, who clearly knows expert levels of information about Russian literary history. In the fourth sentence, this effect is compounded with the parenthetical, as if the narrator is giving an aside to the reader to further complicate the protagonist’s own perspective in the first sentence. “Plenty of people” change their names, but one person also changed his name plenty of times. The narrator, then, already “knows” what the protagonist is only just now figuring out: that names can be contingent and multiple.

Lahiri’s invocation of increasingly specialist knowledge in order to mark the shift to and from free indirect discourse is not a new innovation. Indeed, according to narrative theorist Seymour Chatman, one way to signal a distinction between narrator and a close third person protagonist is precisely through the difference between a “simple colloquial voice of the character” and “the voice of a covert narrator of literary ability.”²⁸⁸ In his reading of *The Dubliners*, for example, Chatman points to the simplification of the young adult character Eveline over two revisions of the text: between the two versions, Joyce emphasized the limited third-person narrative voice by using a less lofty subjunctive form (“would do to her only for” instead of “would do if it were not for”), dropping distancing scare quotes around dialect and slang, and dropping the too-formal term “secrete” from a passage about dust. In Lahiri’s paragraph above, since the protagonist is a teenager, and we know from the linguistic tag “Gogol doesn’t know it” that a turn towards a stronger narrative voice occurs between sentences two and three, it makes sense to credit the opening sentence to the teenage protagonist, if only because it is *unmarked* by the literary language of the narrator.

²⁸⁸ Chatman, Seymour. "Story and Discourse: Narrative Structure in Fiction and Film." *The Novel: An Anthology of Criticism and Theory*. Ed. Dorothy J. Hale. Oxford: Blackwell, 2004. 220-28. Print.

At the same time, since the novel's plot mechanics turn on the tensions between Western modes of naming and Bengali ones, this paragraph does not serve only to establish the narrator's capacity to work at both limited and omniscient scales. The content, both that which is provided in the limited third-person and that which is delivered in the scholarly omniscient, serves to defamiliarize presumably-Western readers' understanding of legal names in the United States. Indeed, Lahiri's narrator has already done so with Bengali names. In chapter two, the narrator breaks into the protagonist's birth scene to explain that "In Bengali the word for pet name is *daknam*, meaning, literally, the name by which one is called, by friends, family, and other intimates, at home and in other private, unguarded moments," and that "every pet name is paired with a good name, a *bhalonam*, for identification in the outside world. Consequently, good names appear on envelopes, on diplomas, in telephone directories, and in all other public places." Chapman argues explicitly that "pet names, technical jargon, [and] foreign language elements" are examples of speak acts that reveal the persona of a narrator; "a narrator could hardly remain covert if he himself were to use such forms," he writes. As such, even down to the use of italics to mark the Bengali terms, these passages are marked as a narrative intervention aimed at a non-Bengali audience, explaining patiently how the protagonist's parents would understand the role of the legal name, "identification in the outside world," as opposed to family naming. Within the Bengali system, having two names indicates "a persistent remnant of childhood, a reminder that life is not always so serious, so formal, so complicated," and "a reminder, too, that one is not all things to all people."²⁸⁹

Given the anthropological tone used to describe the Bengali naming system, it is striking that, when the narrator breaks into the teenage protagonist's musings in chapter five, it once again to adopt the explanatory mode. This time, the narrator notes that, in the West, only some people have two names, and that those people adopt second names for very particular reasons: aesthetic, political, or (perhaps) for gender transition. By mirroring the narrative mode of chapter two, Lahiri ensures that both Bengali and Western naming practices retain their specificity, and that a presumably Western, Anglophone audience will feel the narrator's anthropological eye turned back on themselves. Thus, Lahiri uses omniscient third person narration to describe the operations of both Bengali and U.S. naming practices. When she does so, she disrupts the intimate, even free-indirect, third person narration that structures much of the novel.

²⁸⁹ Lahiri 25-26

I contend that Lahiri modulates between these two perspectives in order to mimic the division between *daknam* and *bhalonam* that, her narrator claims, separates “friends, family, and other intimates” from “identification in the outside world.” Importantly, Lahiri does not imply that either a *daknam* or *bhalonam* is a more real or authentic expression of self. Instead, the adjective “real” is reserved for two types of names: names assigned at birth for Western celebrities who changed their names for artistic or political purposes, and the pre-Anglicization spelling of the protagonist’s surname, “Ganguli.” By constructing a dual-voiced narrator, then, Lahiri does not imply that the narrator’s name for the protagonist is more “real” than any of his other names. Instead, it constitutes a narrative voice that can, at will, become distinct enough from the protagonist’s own perspective to provide metacommentary on the cultural context, *and* retain the intimacy that permits the use of a *daknam* for the protagonist.

The idea that the narrator’s use of the *daknam* for the character marks the narrator as a stand-in for an intimate of the protagonist becomes more pronounced in the second half of the novel. While the shifts in narrative perspectives in the paragraph above do exemplify the basic mechanics of the divergence between the protagonist and the narrator, the passage does not yet reveal the extent to which this divergence will sustain the text. This is because, in the section of chapter five excerpted above, the protagonist still thinks of himself as “Gogol,” is still called “Gogol” by his peers. Later in this same chapter, that will change, through a legal process and a move away from home to college. When he submits his college and graduate work, his own creative output as an architect, the narrator will sign his name “Nikhil,” not “Gogol.” The narrator, nonetheless, refers to “Gogol” throughout the novel, something that I contend is a central problem of this text—and one that is largely unexamined by critics who read through a cisgender lens.

In other words, a close reading of Lahiri’s narrative strategy in *The Namesake* reveals a narrator with its own shadow subjectivity, not a neutral authorial stand-in. After all, even after his legal name change, the narrator remarks that “his parents, and their friends, and the children of their friends, and all his own friends from high school, will never call him anything but Gogol.” “Good names had no place within a family,” writes the narrator in chapter seven—in one of the rare instances in which the narrator operates in free indirect discourse from a perspective other than the protagonist’s own, readers are permitted this piece of definitive information in the voice of Ashima, the protagonist’s mother. Here, the tone is not

anthropological or literary-historical, as in the previous asides: it is a mother's staunch refusal to treat her adult son as a distant other. Ashima, through the narrator, thinks that "no parent ever called a child by his good name." While according to Western legal processes, "Nikhil" is the narrator's *only* name, having supplanted "Gogol" in official documents and thus in the eyes of the state, Ashima sees the legal intervention as having merely produced, in statute, the Bengali *daknam-bhalonam* split. While the protagonist himself views this split, even in regretful moments, as one of old and new, discarded and adopted—"Nikhil will live on, publically celebrated, unlike Gogol, purposefully hidden, legally diminished, now all but lost"—neither the narrator nor the protagonist's parents feel this way at all.

It is here that I build on Song's understanding of *The Namesake* as an unexpectedly postmodern text. While, for Song, Lahiri's innovation is to disrupt the conciliatory expectations of the ethnic bildungsroman, I extend the label of "postmodern" into the very nature of the narration. While I cannot say for sure that the narrator "is" a representative of a particular family member of the protagonist's, I believe there is sufficient evidence to assert that Lahiri has left a trail for readers to determine that the narrator's voice is indeed meant to represent a close Bengali family member. The best candidate for the position of shadow narrator is perhaps the ghostly presence of the protagonist's father, who gives the protagonist his birth name (and thus has the strongest attachment to it), who passes away suddenly during the course of the novel, and whose presence reappears at the novel's end of the in the form of an inscription inside a copy of Gogol's short stories. While Ashoke, in life, would not have the omniscient perspective necessary to comment on the subjectivity of the protagonist (and, as noted, Ashima's perspective for part of a chapter and the protagonist's wife Moushumi's for part of another), narrative haunting is not an unheard of tactic in modern and contemporary literature. While this is perhaps another stretch, the technique seems to invoke those used by Vladimir Nabokov, an author who borrowed from both Nikolai Gogol and the Francophone writers that Moushumi, within the novel, studies for her literature degree. While Lahiri's narrator is no Kinbote or Humbert, the extent to which the third-person voice refuses to adopt any name other than "Gogol," as well as the text's repeated insistence that "Gogol," after the protagonist's legal name change, is only used by family and intimates, implies that the narrator is not a stand-in for Lahiri herself, but a stand-in for some figure who is close to the protagonist himself, close enough to use a *daknam* on almost every page.

“Actors, writers, revolutionaries, transvestites.”

Non-trans critics do not tend to notice the fact that the narrator’s use of “Gogol” is a deliberate, and dissonant, authorial innovation. I contend that this critical oversight is due to the fact that Western cisgender cultural norms imagine that identities such as names are fixed at birth, imbued with meaning by both the family and the court, and that they follow a person until death. Although Lahiri’s narrator describes the *daknam* / *bhalonam* distinction as a reminder that “one is not all things to all people,” Anglo North American naming conventions rarely operate that way. Whereas “Dick” might also be “Richard,” most “Dicks” are in fact “Richards,” and there is little belief that “Dick” might be more real or more authentic than “Richard.” “Richard” is the name on the birth certificate; it thus has the cultural force of the *true* name, not just the perfunctory administrative name. In the Anglophone context in which *The Namesake*’s protagonist grows up, one *is* meant to be “all things to all people,” to have an individual self that can be identified by the state as one particular subject, not a shifting, fluid, multiple persona based on a network of intimate, familial, and cultural ties. Thus, a cis Western reader is likely to see “Gogol,” the protagonist’s name as assigned at birth, given by the father and underwritten by the official birth certificate, as the “real” name, and “Nikhil,” the chosen name, amended at age 17, as less authentic.

For trans critics, however, the matter is more complicated. The adoption of new names is a common (albeit not universal) aspect of trans identity, and the consolidating norms of anti-transphobic discourse discourage the use of birth names when referring to trans people. Consider the following advice for journalists under the heading “disclosing birth names,” provided by GLAAD, a gay and lesbian political organization and media watchdog group:

When a transgender person's birth name is used in a story, the implication is almost always that this is the person's "real name." But in fact, a transgender person's chosen name is their real name, whether or not they are able to obtain a court-ordered name change. Many people use names they have chosen for themselves, and the media does not mention their birth name when writing about them, (e.g., Lady Gaga, Demi Moore, Whoopi Goldberg). Transgender people should be accorded the same respect. When

writing about a transgender person's chosen name, do not say "she wants to be called," "she calls herself," "she goes by Susan," or other phrases that cast doubt on a transgender person's identity. Do not reveal a transgender person's birth name without explicit permission from them. If the person is not able to answer questions about their birth name, err on the side of caution and do not reveal it.

I don't read these prescriptions as mere non-profit didacticism. Indeed, in my everyday life in trans communities, during my time as a practicing journalist, and when I have taught trans studies to undergraduates, I have followed cultural norms that essentially comport with GLAAD's prescription above. While trans people might have "two" names if one counts the birth name, GLAAD points out, "a transgender person's chosen name is their real name." The legal process of a name change is not necessarily what makes a chosen name "real," but GLAAD implies that using someone's birth name indicates a lack of "respect" and might "cast doubt on a transgender person's identity." Far from signaling intimacy, closeness, and a playful familiarity, using a birth name under this particular set of trans norms signals a transphobic attack, undermining the identity of a trans person. Invoking a birth name is something that must be done, not with closeness, but with "caution."

My trans reading of *The Namesake* thus operates at the nexus of two competing naming systems. In one naming system, which operates within the novel both in specific instruction from an omniscient narrator and in implicit narration from a close narrator, the use of a birth name or *daknam* signals respect, intimacy, and love. In another naming system, one which structures my reading as a white Western Anglophone trans critic, using a birth name signals just the opposite: disrespect, erasure, and doubt.

At first, the dissonance through which I experience this text might seem like at best my own personal problem, and, at worst, a colonizing heurmaneutic imposition. Lahiri certainly does not advertise *The Namesake* as about or even distantly related to the trans experience; no character in the book is openly trans, or even queer. Perhaps my reading is egocentric, an act of colonial domination, an uprooting of the Bengali social context of this book and a transplanting of it into Eurocentric gender theory. I'll grant that this is an anxiety that I myself have shared; I have drafted this chapter with an awareness that, just as my reading practice is inherently informed by the trans cultural context through which I view names, it is also informed by the

Western cultural context through which I view authenticity, administrative law, and individualism.

Yet I have decided to push forth with this reading despite these hesitations. I have done so because trans figures do in fact appear in *The Namesake*. Rather than brashly imposing transness where it does not appear, instead I believe that I have excavated transness from the text itself. What I have found in *The Namesake*, then, is not just a narrator that contains its own possible subjectivity, unremarked upon by other critics. I have also found that transness operates as metaphor during key moments of this text, a phenomenon that is made even more notable by the aforementioned lack of trans and queer characters. To me, this finding necessitates a reading of *The Namesake* that grapples directly, not just with the narrative technology that allows the work to refuse the Western mandate to consolidate identities behind just one set of paperwork, but also with the complex and sometimes contradictory effects of this literary innovation. While this reading must necessarily produce a conclusion that is somewhat messier than that offered by either Song or Ferguson, I contend that reading transness as it operates in *The Namesake* opens a door to unexpected coalitional modes of analysis.

In two notable instances, *The Namesake* invokes a trans figure as a corollary case to the protagonist's split identity. The first instance has already been discussed briefly, but deserves slightly more consideration in light of its strange usage of the word "transvestite." The second instance, which structures a significant turning point in the latter half of the novel, invokes trans name changes more explicitly, and even more problematically. A close reading of this second scene, in particular, reveals how trans individuals serve as the foil for the protagonists' own identity trouble, an uncomfortable presence that deserves consideration as a narrative question. It also offers a keyhole into a potential reading of the protagonist's identification narrative as, in part, a trans narrative. I do not mean that the protagonist experiences what is often medicalized as "gender dysphoria." Rather, taking seriously the presence of trans figures as an invitation to read the protagonist's identification trans-ly, I find in *The Namesake* identity trouble that is neither a mere reflection of a Western-Bengali identity binary, nor is easily separable from that cultural dualism. Instead, *The Namesake*'s protagonist is a figure whose identity trouble spans multiple origins, and thus whose identification dilemma might provide a nexus for multiple and simultaneous modes of analysis.

In the first instance, the clause that forms this section's title, the narrator's language mysteriously lists, within a series of people who "change their name," a category of trans persons who are not particularly likely to do so. The term "transvestite," which perhaps Jhumpa Lahiri herself would recognize as from the Latin word "vestire," to *clothe*, is a somewhat obsolete term for "cross-dressing."²⁹⁰ There's no bright line between the populations who might call themselves transvestite and those who might identify as transgender or transsexual; my point is not to point out a strict inaccuracy, per se. Rather, the term in this context is simply bizarre. If this term is meant purely as an example of subjects that "changed their name," then a population that often self-identifies *against* people who legally and socially transition is an odd choice.²⁹¹ Such a confusing invocation of "transvestite" adds evidence to the claims above pertaining to narrative voice: it seems unlikely that the narrator who includes a scholarly parenthetical about Nikolai Gogol's most obscure pseudonyms would miss the English cognate etymology of "vest." Such an erudite narrator would likely know better, whereas a teenager who has recently learned about Ellis Island would not. This reference to trans figures might be dismissed as a voicing of an adolescent error, possibly intended as humor. However, when read in concert with the second instance of trans narration, the unexpected appearance of the word "transvestite" adds evidence to the claim that trans figures have an outsized role in indexing legal name changes in *The Namesake*.

The second reference to trans people occurs at a critical moment in the novel's plot. The protagonist and his wife are at a New York dinner party with an "intelligent, attractive, well-dressed crowd" of, incidentally, writers and artists. The guests are mingling, drinking, discussing

²⁹⁰ For what it's worth, "cross-dressing" is also a fairly obsolete term. An expansive look at the politics and meanings of gendered clothing is beyond the scope of this chapter. GLAAD (a problematic but ultimately useful source in this case) defines "cross-dresser" as people who "do not wish to permanently change their sex or live full-time as women" and notes that the term "replaces the term 'transvestite.'" <http://www.glaad.org/reference/transgender>

²⁹¹ To some extent, my claims about Lahiri's usage could be moderated by the fact that the word "transvestite" has shifted in meaning over the period covered by the novel (that is, 1968-2000). Indeed, perhaps the most famous use of the word in a trans of color analytic context underwent that same shift during the same period: STAR, the "Street Transvestite Action Revolutionaries," was founded in 1970 by Sylvia Rivera and Marsha P. Johnson, and briefly replaced the language of "Transvestite" for "Transgender" in 2001. My presumption is that Lahiri is more likely to be aware of the technical etymology of the word "transvestite," and therefore use it strategically in order to mirror the vernacular voice of her teenage narrator, than she is to know the complex invocations and disidentifications that took place around the word "transvestite" in late twentieth-century New York City trans / queer of color organizing. For more on STAR, see Kasino, Michael, *Pay It No Mind: The Life and Times of Marsha P. Johnson*. Frameline Films, 2012. <https://www.youtube.com/watch?v=rjN9W2KstqE>. For more on the racialized politics of naming gender categories, see Valentine, David, *Imagining Transgender: An Ethnography of a Category*. Duke UP: 2007.

baby names. The protagonist finds this conversation excruciating. The narrator remarks that neither the protagonist's birth name, Gogol, nor his wife's name, Moushumi, appear in the baby books. The protagonist remembers a time that one of the guests, while drunk, called him by his wife's ex-fiance's name. The protagonist learns that "Moushumi" means "a damp southwesterly breeze," and it bothers him that he didn't know before. He wanders away from the conversation, tries to chat up one of the yuppie Brooklyn hosts, who is cooking. The protagonist is out of place, a Bengali American with "no interest in moving to Brooklyn," surrounded by the kind of people who have opinions about European bedsheet designers and want to name their babies Innocent, Clement, or Patience. For the protagonist, it's a head-on collision with the white professional class.

Importantly, just before trans people explicitly become the subject of conversation, the most dissonant moment of narrative disjuncture occurs. In this short exchange, the protagonist ditches his wife's baby name conversation in order to play sous-chef to the host:

"Hey there," **Gogol** says. "Need any help?"

"**Nikhil**. Welcome." Donald hands over the parsley. "Be my guest."

In this spare slice of text, the narrator identifies the protagonist as "Gogol," followed immediately by the character Donald addressing him as "Nikhil." On the page, the character is split in two. Even the choice to reverse the commonplace "Welcome, Nikhil" to the more deliberate "Nikhil. Welcome" foregrounds the protagonist's legal name. There are others scenes like this, in which dialogue and third-person narration are juxtaposed to heighten the difference in the protagonist's birth and legal names, but usually Lahiri leaves more breathing room between the two, at times even overusing the pronoun "he" to avoid the distinction. Yet in this already claustrophobic scene—trapped in the too-small kitchen of a bourgeois Brooklyn apartment, around people he does not like and cannot relate to, amongst the white gentry of the city—that Lahiri allows readers to experience the intensity of this narrative dissonance.

Still, the discomfort that Lahiri teases in this scene becomes more explicit in the following one. When the protagonist returns from the kitchen, he finds that "the name conversation is still going full force." It is then that a trans figure is invoked. The moment is brief, a flicker of lightning before the thunderclap of a major breakdown in the protagonist's

relationship with his wife. Although it might at first read as a throw-away line, a bit of narrative color, I read its placement as significant to the overall question of legal names and identity narratives in *The Namesake*. Consider this exchange between two insufferable white New Yorkers, an exchange in which the protagonist is growing increasingly agitated:

“It just feels like such a huge responsibility to name a baby. What if he hates it,”
Astrid frets.

“So he’ll change it,” Louise says. “By the way. Remember Joe Chapman from college? I heard he’s a Joanne now.”

The concept of a legal name change is used to invoke a trans figure, dropped into the conversation as a bit of lurid gossip. It isn’t clear that this party guest actually knows the new name of this trans character. The indefinite article—“a Joanne”—and the speculative “I heard” make it seem like “Joanne” is merely a metonym, a name meant to stand in for “a female version of Joe.” The pronoun “he” (“he’s a Joanne”) adds to the impression that the party guest is invoking tropes of trans womanhood, rather than telling a story about an individual. Even within the already-fictionalized setting of a novel, the very idea of a trans woman is yet another fictionalized figure, an idea rather than a person. This line comes from a character, not from Lahiri’s narrator. Therefore, like in the case of the word “transvestite” above, it would be baseless to use these scraps of uncomfortable trans discourse to call the novel itself transphobic or Lahiri a biased author. On the other hand, as I will show, the placement of this line within the novel, at the moment when the narrative reveals its first crack in the protagonist’s doomed marriage, implies that trans figures can be functionalized as metaphors for split persona, with no life of their own.

As soon as the figuration of a trans woman bursts fully formed onto the scene, she is whisked off stage just as quickly. However, she is replaced by a return to the protagonist’s own split subjectivity and split naming, implicitly analogizing the two. When another partygoer says “God, I would never change my name,” the protagonist’s wife Moushumi “bursts out suddenly” that “Nikhil changed his.” The room immediately understands this as an uncomfortable revelation, something that breaks the smooth surface tension of WASP chat. “For the first time all evening... the room goes completely quiet,” writes Lahiri, while the protagonist stares,

“stunned,” at his wife. It is as if she had outted him in public. The protagonist glares, trying to communicate his “reproach” without words, but his wife is casual, telling the story like any other supposedly-humorous anecdote, like the cis partygoers utilize the anecdote of a “Joe” who became “a Joanne.” The hostess speaks up, “I can’t believe you’ve kept this from us, Nick,” bringing the protagonist’s third name into the mix: the Anglicized version of Nikhil, his legal name. For a moment, all three names from three languages, Gogol, Nikhil, and Nick, reside together at the kitchen table.

At that point, the narration zooms back to the protagonist, resuming a close third-person. From his internality, readers learn that what “upsets him the most” about being outted as having changed his name is not the revelation of the secret per se, but that Moushumi and the dinner guests do not seem to understand it as a central aspect of self. Instead, his birth name and the story of its bestowal are pigeonholed as merely a “tiny, odd fact about him, an anecdote, perhaps, for a future dinner party.” The fact that his father was reading “The Overcoat” when he was almost killed, that the book may have saved his life, had “become a joke” to his wife. To cram this transcontinental narrative, a multiply transnational experience of identity, immigration, and belonging into a silly story, is to strike at the core of the protagonist’s sense of self. In other words, just as “Joe Chapman from college” is reconfigured into merely an icon or a punchline, “a Joanne,” Nikhil’s birth name is suddenly rendered “impulsive,” “naïve,” a “blunder.”

This flattening, transformation of a person into an anecdote, transfiguration of subject into object, is a form of dehumanization. It may be strange, then, that the protagonist’s response to all this naming trouble is to advocate for even further abstraction from personhood. When the same guest who had volunteered that *she* would never change her name advises the pregnant hostess that “the perfect name will come to [her] in time,” the protagonist abruptly interrupts.

... “There’s no such thing.”

“No such thing as what?” Astrid says.

“There’s no such thing as a perfect name. I think that human beings should be allowed to name themselves when they turn eighteen,” he adds. “Until then, pronouns.”

The protagonist insists that the mere fact of being named by some other is an imposition, something that prevents people from “being allowed” to determine their own identities. The

protagonist renamed himself at age eighteen; not only does he want that act to become a norm, but, he implies, he wants those to be the original names, not replacements for some earlier “blunder.” In place of names, he wants to elevate personal pronouns, small words that reveal little about the family stories that undergird proper names.

The call to replace names with pronouns instigates another intentional collision between trans and non-trans modes of naming. Within Anglophone trans discourse, personal pronouns are often as contentious linguistic signifiers as proper names, since personal pronouns have retained the gendered signification that most English nouns have shed. But within the narrative world of *The Namesake*, in which the conflict between legal and non-legal identities is figured through the question of national culture, not sex assignment, this method to identify individuals without legally imposed names would have solved the identification problems that drive the plot. There is no doubt, in *The Namesake*, that whatever the protagonist’s name, he is still a “he.” Furthermore, although the narrator does not explicitly remark on this, the protagonist’s “until then, pronouns” proposition is an echo of the informal status of children’s names in his parent’s Bengali context.

From the protagonist’s parents’ point of view, using pronouns until age eighteen would not be such an absurd stretch. In contrast to how the Brooklynite partygoers feel about baby names, the narrator has already offered a Bengali alternative, through the point of view of the protagonist’s parents Ashima and Ashoke:

After all, they both know, an infant doesn’t really need a name. He needs to be fed and blessed, to be given some gold and silver, to be patted on the back after feedings and held carefully behind the neck. Names can wait. In India parents take their time. It was not unusual for years to pass before the right name, the best possible name, was determined. Ashima and Ashoke can both cite examples of cousins who were not officially named until they were registered, at six or seven, in school.

Although he doesn’t know it, the protagonist agrees with his parents when he states that he doesn’t believe that “perfect names” can be assigned at birth. Indeed, he doesn’t think there’s such thing as “perfect names” at all, instead unconsciously echoing his parents’ belief that only “the best possible” name could possibly be determined. While the protagonist invokes age

eighteen as the age of naming decision, citing a common marker of legal adulthood in the United States, and Ashima and Ashoke use instead school registration as the appropriate timeline, in both instances birth assignment is rejected as an appropriate metric of true, authentic, or “perfect” identities. Like an archetypical trans narrator, the protagonist considers his birth-assigned identity a “mistake,” and has used the means of the administrative state to correct it. He then wishes that his parents were not obliged to assign him an identity, a possibility made more real by the fact that his parents did not, in fact, desire to do so.

In the next section, I will linger in?or on? the conditions under which the protagonist received an inappropriate birth assignment, the mechanism by which he corrected this assignment, and the implications of this sequence for trans modes of reading non-trans texts. Before I do so, however, I want to mention that this moment at the dinner party happens at a crucial moment of split and separation in the text. In the chapter that follows the protagonist’s outburst about pronouns, the narrator adopts his wife’s subjectivity, reveals her unhappiness, her infidelity. While the protagonist himself longs for the world of a French novel in which “the main characters were simply referred to, for hundreds of pages, as He and She,” feeling “oddly relieved that the names of the characters were never revealed” and wishing that “his own life were so simple” as a classic “unhappy love story,” his wife seeks instead an affair with another man with a Russian first name, Dimitri. His name slipped out of her mouth a few months later, ending the marriage. “For the first time in his life,” the narrator states, “another man’s name upset Gogol more than his own.” Eventually, the marriage itself feels like “a permanent part of him that no longer has any relevance, or currency,” like “a name he’d ceased to use.” Before all that, however, the event that preceded this dissolution and narratively set the breakup in motion was the protagonist’s unexpected outburst at the party. Moushumi was too drunk to understand that his birth name was private, intimate, not to be revealed to a group of strangers; the protagonist “ignores” the look that his wife “shoots him” when he starts proclaiming the irrationality of assigning names at birth. Within a few pages, the break-up begins.

In this context, the invocation of a trans figure occurs at a critical moment in the text, not as a throw-away line. It conjures the image of a subject who changes a name due to a deep personal dissonance between a birth-assigned identity and a felt one, a subject who potentially uses the administrative state to ameliorate this dissonance. While the protagonist notably does not identify with the story of “a Joanne,” it does—for reasons not fully explained in the text--

spark his wife to reveal the protagonist's own name change. In the context of the larger scene, in which "Gogol" and "Nikhil" are set in perhaps the sharpest narrative tension of the entire narrative, the breakdown of the narrator's balance between birth identity and adopted legal identity has the eventual consequence of ending the protagonist's most significant intimate relationship. No wonder the protagonist dreams of a world in which names were not assigned at birth, a world that corresponds with his parents' Bengali view of the practice; being "outed" as having changed his name makes him feel vulnerable, joked about, angry. In the world of white dinner parties, having two names aligns him not with his Bengali heritage, but instead with other social Others, others that he perceives as incommensurate with the white, reproductive, heterosexual world in which he has landed. Social others such as, for example, trans women.

"Painfully and Without Warning"

In the previous two sections, I've read Lahiri's split narration as a sign of intimacy, but also one which troubles Western anti-cissexist modes of reference. I've also discussed how trans individuals operate as figures or metonyms in *The Namesake*, appearing in ways that reveal underlying psychic tension within the protagonist's self-perception. As much as the protagonist attempts to script his name change into what Song would call a "Post-65" ethnic-American subject, using a Western legal process to give himself a Bengali-origin name, the figure of a more outwardly transformed subject—a "transvestite," "a Joanne"—lurks behind the smoothness of his legal transition. This dissonance, heightened by its analogy to gender and sexual deviance, creates in the protagonist a type of dysphoric, as well as diasporic, subjectivity, one which emerges in the interstitial places between a legal self and a felt sense of self. For this reason, Ferguson's assertion that the novel elevates informal naming as an anti-state mode of identification is insufficient to describe the protagonist's journey.

Indeed, the complexity of the protagonist's relationship to the administrative state is best described through transgender theory. While not all trans people encounter the state in the same way, I assert that there are certain subjectivities that might emerge out of the dialectical relationship that trans people tend to have with administrative states under U.S. late liberalism. As I have written about elsewhere, while anti-state and decolonial trans critiques might emphasize resistance to the administrative measures that delimit how and when states control

access to name and gender marker changes, vernacular trans images on social media and elsewhere are more likely to celebrate their name and gender marker changes as a sign of affirmation and recognition, rather than as assimilation to a bureaucratic order. This is not to say that such radical critiques are inauthentic, nor that vernacular expressions are signs of false consciousness. It is instead to bear witness to the complexities of state recognition, to mark that there is an affective tug towards being recognized *as oneself* to a state system, and that being misrecognized by that system can produce deleterious material and psychic effects.

This move is meant neither to contrast nor to analogize “white trans” and “ethnic cis” identities. Instead, my aim is to point out the interconnected social possibilities that might emerge from reading legal mis-identification more broadly. Since *The Namesake* depends, in key moments, on trans figures for making sense of what name changes mean, it further makes sense to bring trans theory to bear on the name change in *The Namesake*.

The problem of *The Namesake* begins at the protagonist’s birth, when he is assigned a name that he would later come to not identify with. Crucially, the mis-assignment is the result of a mismatch, not between gender and genitals, but between Bengali and U.S. ways of knowing. Despite the fact that infants are rarely named in his parents’ cultural context, the protagonist is born in Cambridge, Massachusetts, where his parents receive “bad news.” They “are told by Mr. Wilcox, the compiler of hospital birth certificates, that they must choose a name for their son. For they learn that in America, a baby cannot be released from the hospital without a birth certificate. And that a birth certificate needs a name.” In haste, the protagonists’ parents provide their son with a *daknam* on the birth certificate, misunderstanding the cultural force that the birth certificate, with its legal status as a “breeder document,” would take on in their son’s life.

Their son soon comes to resist identification with the name “Gogol,” for reasons that are not altogether clear. Although he is sometimes teased for having an unconventional name, “after a year or two, the students no longer tease and say ‘Giggle’ or ‘Gargle.’ In the programs of the school Christmas plays, the parents are accustomed to seeing his name among the cast.” In other words, even with a strange name, he is not outcast, no one is outcasting him. Instead, as a boy, he experiences integration into the Massachusetts middle-class social. It is at puberty, when “a can of deodorant, a tube of Clearasil” appear on his desk, “an Adam’s apple is prominent on his neck” and “a scattered down [is] emerging on [his] upper lip,” that the real dissociation from his first name begins. “He hates having to wear a nametag on his sweater at Model United Nations

Day at school,” he “hates signing his name at the bottom of his drawings in art class,” “he hates seeing it on the brown paper sleeve of the *National Geographic* subscription his parents got him for his birthday the year before and perpetually listed in the honor roll printed in the paper.” While some of these dissociative thoughts are related to the protagonist’s ethnic or national origin—“he hates having to tell people that it doesn’t mean anything ‘in Indian,’” and “he hates... that is has nothing to do with who he is, that it is neither Indian nor American but of all things Russian,”—not all of them clearly are, and these explanations are framed as part, not the whole, of a larger list of name-related grievances that arrive at puberty.

Indeed, the discomfort that spawns from his name seeps into the body. “At times,” the narrator reveals, “his name, an entity shapeless and weightless, manages nevertheless to distress him physically, like the scratchy tag of a shirt he has been forced permanently to wear.” Even after his legal name change, the sensation of this birth-assigned name will manifest itself physically:

At times he still feels his old name, painfully and without warning, the way his front tooth had unbearably throbbed in recent weeks after a filling, threatening for an instant to sever from his gums when he drank coffee, or iced water, and once when he was riding in an elevator. He fears being discovered, having the whole charade somehow unravel, and in nightmares his files are exposed, his original name printed on the front page of the *Yale Daily News*” (105-106).

These embodied sensations of dissociation from his own name cannot help, for this reader, but echo trans narratives. In particular, consider Lahiri’s use of the verb *feels* for the relationship that the protagonist feels with his old name. On the one hand, the metaphor of the toothache is perhaps a pedestrian example of literary language, a simple analogy between psychic sensation and bodily sensation. Yet by positioning the metaphor as a *feeling*, and marking it as occurring “painfully,” Lahiri actually roots the psychic encounter with an old name as an embodied one *prior* to the introduction of the toothache metaphor. Likewise, “painfully” can also denote a purely emotional state, as in grief. But what if a reader were to take seriously the sensory meanings of both “feel” and “pain,” reading them as compounding the physical metaphor of the toothache? As noted above, the narrator has already revealed that the protagonist’s birth name, though “an entity shapeless and weightless, manages nevertheless to distress him physically.”

Why not take this seriously? What if we therefore read this paragraph as about what it seems to be about: pain?

Lahiri's protagonist's experience of his old name as a form of pain recalls philosophical debates about the relationship between psychic and sensory embodiment. Transgender theorist Gayle Salamon might understand the intensity of the connection between psychic and material as evidence for discussion of bodies "of which one has a 'felt sense,' [but] is not necessarily contiguous with the physical body as it is perceived from the outside," a status that she aligns with trans individuals but that "is the case even for any normatively gendered subject."²⁹² She finds in multiple psychoanalytic accounts of bodily schema ample evidence that "the body schema's *origins* are relational," and that the body is therefore neither "mere perception" nor "mere representation."²⁹³ Using Merleau-Ponty's language of the phantasmatic, Salamon notes that "the first distinguishing property of the flesh is *that it suffers*," but also that there is "a distinction between the body as it is seen, as object, and the body as it is felt and phenomenologically experienced."²⁹⁴ Like the phantasmatic experience of the "phantom limb," Lahiri's protagonist experiences the old name as a broken-off body part, leaving both a wound and a continued presence.

Furthermore, his *files*, the official documents that index his legal transition from "Gogol" to "Nikhil," are the fantasy image that emerge from this phantasmatic wound. Judith Butler has written, as Salamon cites, that fantasy is "the location of subjectivity itself," and "the structure of identification."²⁹⁵ Here in the protagonist's fantasy, "identification" insists upon its double meaning: through his nightmare, he is identifying as a subject constituted through "charade," whose subjectivity could both be threatened by exposure and simultaneously is produced by the covering over of this exposure. At the same time, the negative fantasy takes the form of revealing, not some body part (not a "lesbian phallus"), but instead documents, "his files." These identification papers have become rooted in the psychic-somatic schema that centers the protagonist's sense of self. In other words, by linking the protagonist's dual legal identities to an embodied sense of discomfort, Lahiri has—presumably by accident—echoed the most contentious, complex, and theoretically rich problems in trans theory: how to articulate the

²⁹² Salamon, Gayle. *Assuming a Body: Transgender and the Rhetorics of Materiality*. Columbia UP: 2010. p.14

²⁹³ 31

²⁹⁴ 63

²⁹⁵ 35-36

relationship between a mis-fit legal gender identity, assigned to a person by a medico-juridical structure at birth, and one's differential "felt sense" of their own subjectivity. In *The Namesake*, the representation of a presumably-cis character who feels the same disjuncture, even imports it into his bodily schema as a form of physical discomfort, suggests that the trauma of gender dysphoria might not originate purely in genital difference at all. Rather, the experience of being misidentified—of being asked to identify with a legal subject which does not describe one's self—might be an experience belonging to a variety of subjects, regardless of gender identity.

One counterargument to this trans reading is one that at first seems fairly straightforward: of course there's a disconnect between the protagonist's legal identity and his felt sense of self, because he is a second-generation immigrant. In other words, in readings that understand *The Namesake* as primarily "about" immigration and assimilation, the question of paperwork takes on an extremely difference valence. In such readings, the protagonist's appearance before a circuit court to receive a legal name change would seem to echo his parent's process of moving from foreign national to citizen, from Indian to American. While I do not mean to dismiss the importance of this reading from placing *The Namesake* in conversation with ethnic and immigrant contemporary fiction, I also think that it deserves additional nuance. Because if one reads the protagonist's name change as analogous with his parents' citizenship change, one must contend with the fact that his parents' citizenship change happens entirely outside the text's narration.

Whereas the protagonist's legal transformation from one identity to another is the central drama of the novel, his citizenship status is never at issue. His parents, by contrast, do arrive as immigrants, need to bring "their passports and green cards" when they fly back to India to visit relatives. Lahiri uses identification documents to represent citizenship, not some challenge to the bodily schema, in these instances. For example, when the protagonist is in middle school, the narrator makes clear that he, his sister, and his parents board a plane with "two U.S. passports and two Indian ones." However, by the end of the novel, his mother "will return to India with an American passport," will keep "her Massachusetts driver's license, her social security card" in her wallet. Nowhere in the novel do readers learn how or when Ashima Ganguli became a U.S. citizen, despite the fact that a citizenship ceremony would have been an obvious set piece for a novel "about" immigration.

By contrast, the protagonist's formal name change process is described in detail. Lahiri lingers in the bureaucratic details of the paperwork, and here the documents that caused the protagonist to be given the name "Gogol" in the first place reappear in the narrative: "he had obtained a Commonwealth of Massachusetts change-of-name form, to submit along with a certified copy of his *birth certificate* and a check to the Middlesex Probate and Family Court." He filled out the paperwork and gets a court date, arrives on time:

He enters a room and sits on an empty wooden bench at the back. The judge, a middle-aged, heavysset black woman wearing half-moon glasses, sits opposite, on a dias. The clerk, a thin young woman with bobbed hair, asks for his application, reviewing it before handing it to the judge. There is nothing decorating the room apart from the Massachusetts state and American flags and an oil portrait of the judge.

In his reading of this scene, Ferguson writes that "we might think of the scene in the courthouse as an allegory of minoritized subjects appealing to the state for recognition and redress, recalling that part of the civil rights struggle, for instance, that engaged the state as the domain of political emancipation." Ferguson permits this reading, but he also writes that the state here is "untrustworthy ground," and that "the letdown that [the protagonist] experiences in the latter part of the scene is a metaphor of the eventual impotency of political emancipation;" "the courthouse granted a recognition," writes Ferguson, "that was anemic and frustrated in its consummation."

Ferguson's reading of the "impotency" of the legal process's emancipatory power relies on a few sentences that describe the moments between when the protagonist has been granted his name change order and when he leaves the courthouse. "No one accompanies him on this legal rite of passage, and when he steps out of the room no one is waiting to commemorate the moment with flowers and Polaroid snapshots and balloons," Lahiri writes, noting that "the procedure is entirely unmomentous" and "had taken all of ten minutes." And yes, although Ferguson doesn't mention this, "thick clouds conceal the sky, which appears only here and there like the small lakes on a map, and the air threatens rain," an objective correlative that marks the event as foreboding and loaded.

Yet the very next sentence says something very different. Instead of feeling the impotence of the state, the protagonist instead feels overwhelmingly, even comically, unburdened. “He wonders if this is how it feels for an obese person to become thin, for a prisoner to walk free,” Lahiri writes. “He thinks of how many more women he can now approach, for the rest of his life,” given that he is no longer embarrassed by his name. He wants to tell his name to everyone, to strangers, to the cashier at the comic book store. This is no mere technocrat’s shifting of paper. Instead, it is a dramatic reversal of how the protagonist had felt before he underwent the procedure: “chronically aware of and afflicted by the embarrassment of his name, the only person who constantly questioned it and wished it was otherwise.” That chronic hyperawareness does reappear, but only when the protagonist is worried about his *birth name* being discovered, since he “corrects the error in stealth.”

While he “doesn’t feel like Nikhil,” “not yet,” in college, and it sometimes feels “as if he’s cast himself in a play, acting the part of twins,” this is not ascribed to the state’s failure. Instead, the protagonist understands the troubling doubling of his persona as “the mess *he’s* made,” the tension between his birth name and his legal name a construction of the fact that every time he takes the train home, “Nikhil evaporates and Gogol claims him again.” In other words, it is being drawn back into his parents’ world that articulates his split self, something he regrets, wanting to flee back to college where he can be Nikhil again. The protagonist, although he feels uneasy balancing the two names, does so because he so much wants to be Nikhil, so much “misses Sterling Library,” “misses being in his suite” in the dorm, hanging out with his roommates who know him only by his legal name. In other words, where Ferguson finds a tension between the legal apparatus of multiculturalism and an individual minority subject, I find quite an additional problem: an individual psychological burden of being “chronically aware of and afflicted by the embarrassment of his name,” a burden that only the protagonist himself feels is dissonant, and his desire to use any means, including an “unmomentous” legal procedure, to escape that affliction.

In this way, too, Lahiri’s name change scene mirrors scenes in trans narration. Consider, to this end, this passage in the short story “Tammy Faye” by A. Raymond Johnson. Published as part of one of the earliest “trans” short story collections, *The Collection*, “Tammy Faye” contrasts two understandings of “identification:” identification with another person, and legal identification through the courts. CeCe, a trans woman who has been estranged from her family,

once caught sight of Tammy Faye Bakker (Messner, a real-life televangelist and reality show star who died in 2007) in a Utah ski resort. It was Tammy Faye's easy femininity that ultimately inspired CeCe to transition, a moment that both "revealed what CeCe would have to do for herself" and "would prove to be the last time her brother was able to look her directly in the eye without fear or shame." The first part of this short story, which describes the intensity of CeCe's identification with Tammy Faye, her desire to be like her, however, soon gives way to a second description of identification: that which CeCe desires from the state.

She has not yet appeared in court, though she has chosen the outfit for that day. Her name is written on a piece of handmade paper, so thick and porous that the ball point pen tip pressed deep grooves which swallowed up the ink and she had to go back over the lines with a fountain pen. So thick that she felt she was painting on canvas, her own portrait, her name. Then she sealed it into a matching envelope and locked it in a bottom drawer where it remains until her court date.

CeCe doesn't tell anyone her real name, she doesn't even say it aloud to herself alone, though sometimes she will silently mouth the words while lying in bed, late at night, or upon waking in the morning. She will be anointed by a judge on her own day of reckoning, they will speak the name aloud and she will receive the baptism of the law and of the city with much gratitude and elation.

She wrote it down because sometimes she fears she'll forget, then the judge won't know it's her and the name will float in the courtroom above all their heads, never coming to rest on its owner.²⁹⁶

A. Raymond Johnson's is unambiguously "trans literature:" a story featuring a transgender character, about the experience of transition, written by a trans author, published in a collection of stories that identifies itself as "fiction from the transgender vanguard." Still, the main character's experience of two different types of identification—with Tammy Faye and as her future legal name—allows Johnson to explore a similar space as does Lahiri in *The Namesake*: the relationship between a psychic sense of self and a legal one. Importantly, the disconnect that both Johnson's and Lahiri's protagonists feel with their assigned-at-birth identities lead them to see legal intervention as a *desired* thing.

²⁹⁶ Johnson, A. Raymond. "Tammy Faye." *The Collection: Short Fiction from the Transgender Vanguard*. Eds. Tom Léger and Riley Macleod. New York: Topside Press, 2012. 151-160. Print.

The type of desire is complex: it is both a desire for recognition and a desire for transformation. The analogy that appears in both Johnson's and Lahiri's story, overtly or otherwise, is *baptism*. It operates overtly in Johnson's story, in which "the baptism of the law" echoes the exultation that CeCe might identify with Tammy Faye's evangelism. However, it is appears more subtly, but no less importantly, in *The Namesake*. Indeed, "the idea to change his name had first occurred to him" when Lahiri's protagonist was "sitting in the waiting room of his dentist, flipping through an issue of *Reader's Digest*," and "came to an article that caused him to stop." Lahiri emphasizes the article's title with its own sentence: "The article was called 'Second Baptisms.'"²⁹⁷ None of the names in the *Digest* article change in their traditionally gendered signifiers (Gerald Ford, born Leslie Lynch King, Jr., is an ambiguous case). The article's format, however, asks readers to "identify the following famous people," matching names like Bob Dylan to his "real name," Robert Zimmerman. The "Second Baptisms" article excites the protagonist, and he imagines his name included, "envisioned 'Gogol' added to the list of names, 'Nikhil' printed in tiny letters upside down."²⁹⁸

It is within the "Second Baptisms" article that Lahiri's protagonist learns something about legal name changes that is both coded in nationalist language and also, importantly, untrue. The article states that the process is "a right belonging to every American citizen," and that "all it took was a legal petition." While U.S. citizens do have the right to petition a court to receive a change of name order, they do not have the right for it to be granted. The entire point of going before a judge is that in the U.S., the efficacy of this procedure "belonging to every American citizen" in fact exists at the discretion of county and city courts. In her review of the practice in *UCLA Law Review*, Julia Shear Kushner writes

Most states continue to recognize a person's right at common law to change names through use and passage of time, without resort to judicial procedure. I assert, as do most others who write on the topic, that this right includes the right to change one's name with legal affect without resort to state assistance or approval. However, given the proof-of-identity requirements to obtain government identification, and the practical necessity of

²⁹⁷ I have not yet been able to determine if this article could be found in the *Reader's Digest* archive, or if Lahiri invented it for use in this scene. Since Lahiri's writing is strongly citational and realist, it is possible that there is a non-fictional analog of this text.

²⁹⁸ Lahiri 99

such identification, regardless of the contours of the common law right, I argue that government recognition of name changes no longer occurs outside of the statutory process.²⁹⁹

In the U.S., and increasingly so as surveillance systems have expanding into the domestic realm, the state's interest in "properly" identifying subjects can outweigh an individual's personal desire to change a name.³⁰⁰ Indeed, the interlocking system of identification with which Lahiri's protagonist must contend—"it's his responsibility to notify the Registry of Motor Vehicles, banks, schools"—has the effect of magnifying the number of points at which states might determine an interest in identifying a subject. Kushner further argues that, "despite the general uniformity of judicially developed standards, judges retain broad discretion to grant or deny name-change petitions. This discretion results in rejections of petitions that are undesirable for policy reasons and may in fact violate a denied petitioner's First and Fourteenth Amendment rights. In practice, denials often appear to be influenced by personal opinion or governing social values." In other words, it is a legitimate legal question whether or not one has the "right to control one's names."

While it might be tempting to read this error as one of the *Reader's Digest*, not of the novel, the presumption that U.S. law provides an affirmative right to a legal name change is also voiced by the protagonist's father, Ashoke. At first opposed to his son's name change, "after a while" he relents, telling the protagonist, "In America anything is possible. Do as you wish." This statement is complex. First, Ashoke's attachment to the U.S. his sense that "anything is possible" in this country, does indeed reflect his position as a post-1965 multicultural subject. As Ferguson points out, he is not subject to the type of explicitly racialized immigration restrictions that would have kept him out of the country for the first half of the twentieth century. Instead, Ashoke's immigrant optimism occludes the fact that name changes are in fact a highly uneven and politicized process, one which signals the power of state entities to accept or reject personal identity. Indeed, this statement comes despite *Ashoke's own experience*, which taught him that it was not "possible" to take his infant son home without a legal name, or to retain for his son the good name / pet name distinction. In context, the sentence "anything is possible" feels rueful,

²⁹⁹ Kushner, Julia Shear. "The Right to Control One's Name." 57 UCLA Law Review (2009), pp. 313-364

³⁰⁰ Kushner 327

even ironic, even as it comes coupled with permission to engage further with the same U.S. legal system that created his son's mis-naming in the first place. Still, it is worth pointing out that it is not true that "anything is possible" with respect to legal name changes: although these cases are exceptions rather than the norm, judges do reject trans petitioner's requests for legal name changes on the grounds that the state has an interest in identifying an individual by a name that "matches" the gender that a person was assigned at birth.³⁰¹ While not as extensive a regime as those of many other countries, such as many of those in Scandinavia and other parts of Europe, what is articulated as an affirmative right in these pages of *The Namesake* is, in actual practice, a form of legal regulation.

That same form of legal regulation, the power to determine names and naming, in fact appears in *The Namesake* in a much different context. Instead of locating it within America, however, Ashoke places it within the history of British Imperialism. When the protagonist and his family return to India, he finds "six pages full of Gangulis, three columns to a page, in the Calcutta telephone directory." His family name is so common that it appears "on the awnings of confectioners, and stationers, and opticians." His father "had told [the protagonist] that Ganguli is a legacy of the British, an anglicized way of pronouncing his real surname, Gangopadhyay." In this slight passage, buried right before the only description of a racially-motivated hate crime that occurs in the novel, empire appears as the force that overwrites some original name—coded here as Ashoke's "real" surname, as if Ganguli is itself a legal fiction. Although Ashoke understands his son's legal name change as an act of freedom, he is also well aware that the very concept of permitting states to control what individuals are called is itself a technology of Western empire.

Transgender Reading and Minority Cosmopolitanism

Ashoke both permits his son to access the "possibility" of legal recognition in America and teaches him the colonial underpinnings of the very enterprise. Lahiri does not represent this tension as a contradiction or as bad faith on the part of her immigrant character. Instead, as Susan Koshy describes in her reading of Lahiri's earlier work, *Interpreter of Maladies*, the complexity of Ashoke's orientation towards Western legal identities is endemic to Lahiri's representation of

³⁰¹ Kushner 335; 341

“minority cosmopolitanism.”³⁰² For Koshy, minority cosmopolitanism has three features, each aspects of the inherent tension of representing culturally or geographically specific modes of being in the context of transnational and increasingly global capital. Firstly, minority cosmopolitanism permits the representation of figures across multiple legal statuses—“new immigrant, refugee, resident alien, member of a racial minority”—within a similar field of difference, each status represented “not as an identity but as a condition under globalization that affects the long-settled and the migrant in multiple locations.” If Koshy is correct, then Lahiri’s understanding of legal citizenship as a vestigial feature of a mobile, global minoritization helps explain why Ashoke and Ashima’s acquisition of U.S. citizenship happens off-stage, while their son’s psychic naming drama inhabits the novel’s spotlight.

Second, minority cosmopolitanism permits a critique of both Western and non-Western gender and sexual mores “through the vehicle of comparison,” elevating neither as more or less “feminist.” According to Koshy, Lahiri does so by “focusing on how incursions of domestic spaces unsettle the divide between private and public and disturb the distinctions between familiar and stranger,” rather than necessarily through representing female subjects. The extent to which state systems “unsettle the divide between private and public,” by means of eradicating the distinction between *daknam* and *bhalonam*, is the central question of *The Namesake*. Thus, Koshy scripts the public/private problem in Lahiri’s work into a feminist analysis, one which extends beyond the question of gender identity *per se*. I argue that it is exactly this analysis that permits my reading of *The Namesake* through the lens of transgender subjectivity, a mode of analysis that re-figures the “public / private” identity divide as “state-assigned / felt-sense.”

Thirdly, minority cosmopolitanism “insists on the linkages between the home and the world by placing individual lives and stories against an ever-shifting cosmopolitan horizon of meaning.” For Koshy, Lahiri’s aesthetic “zoom[s] in on small happenings and circumscribed settings, maintaining a spatial focus on the home and a formal and thematic focus on the slight, inconspicuous, and fleeting events and affects in daily life.” At the same time, these events are “hooked into wider social forces that operate at a remove from the narrative action but exert an ineluctable pressure on it.” Balancing the scales between quotidian and global, Lahiri’s narrator moves between free indirect focus on her narrator’s strangely diasporic/dysphoric subjectivity

³⁰² Koshy, Susan. “Minority Cosmopolitanism.” *PMLA*, vol. 126, no. 3, 2011, pp. 592–609., www.jstor.org/stable/41414132.

and the larger context of British imperial rule (of both South Asia and North America) that created the historical conditions for his eventual psychic dislocation. It is this balance that permits the protagonist's name change from "Gogol" to "Nikhil" to register, not just as a family event, but as the result of a long chain of transnational events, beginning not with his own birth certificate, but with the transformation of Gangopadhyay into Ganguli. Indeed, while the narrator does not refer to either "Nikhil" or "Gogol" as the protagonist's "real" name, Gangopadhyay is explicitly called his "real surname." A precolonial "real" thus resides alongside *three* legal fictions: the Anglo-Indian legal fiction of "Ganguli" and the U.S. legal fictions of both "Gogol" (written on paperwork at birth as mandated by the state) and "Nikhil" (written on paperwork as modified by the court).

Koshy's formation of "minority cosmopolitanism," although she uses the phrase to describe *Interpreter of Maladies* rather than *The Namesake*, offers a framework through which to read Lahiri's novel through a coalitional frame. In particular, in order to explicate how minority cosmopolitanism can both be constructed by nation states and through a dissociation from them, Koshy defines a status that she calls "exorbitant citizenship." Exorbitant citizenship, as Koshy describes below, is an expansive figuration that encompasses a broad field of identity mismatch. She writes,

In *Interpreter of Maladies*, the lack of correspondence or lag between cultural and political citizenship characterizes both ends of the hyphen in the South Asian diaspora. The noncoincidence of nation (the cultural identity binding a population as a people) and state (the political body with sovereign jurisdiction over a territory) in both locales is emphasized in narratives of characters who may have formal citizenship in a state but are excluded from or tangential to its cultural-national genealogies. These forms of what I name exorbitant citizenship expose the limits of civil rights in securing belonging and stress the myriad ways in which gender, religion, race, class, and sexuality configure the norms of proper citizenship.

Exorbitant citizens are those whose citizenship is eccentric, erratic, or irregular because they fall outside hegemonic cultural narratives of membership or are denied the full rights of citizens. The term emphasizes the differential incorporation of citizens into polities. Minorities, indigenous people, queers, the Romani, the homeless, and diasporic

groups are paradigmatic exorbitant citizens.

One might summarize Koshy's formulation in the following way: while not all minority subjects experience exclusion in the same way, they all have in common the fact of "noncoincidence," a "lack of correspondence between cultural and political citizenship," an experience of being "tangential" to the majority paradigm of a nation state. While she first roots her formulation in the context of a South Asian diaspora, Koshy points out how Lahiri aggregates subjects into her short stories who have different nationalities and citizenships statuses, yet feel similarly disconnected. Thus, she cannot arrive at "immigration," "ethnicity," or "citizenship" as *the* determinant that provides Lahiri's characters with their experiences of isolation and non-belonging. To bring together the various figures across *Interpreter of Maladies*, Koshy arrives at a coalitional term, one which puts forth the fact of mismatch of culture and nation *itself*, not the etiology of that mismatch, as its definitional premise.

Koshy's move is both unsettling and generative. It is unsettling insofar as it unflinchingly dives into the problematics of comparative racialization and identity construction: indigenous scholars, in particular, have long argued that the status of indigenous peoples under settler colonialism is not analogous to the status of ethnic minorities within a multicultural nation-state, because the history of dispossession marks even ethnic settlers as part of dominant colonial practice.³⁰³ Furthermore, queer of color scholars have discussed at length the extent to which white queer incorporation and homonormativity has created the conditions for certain white queers to shed their status as "exorbitant," while queers of color remain othered. For example, in his excellent critique of Jay Prosser's *Second Skins*, which I will consider at length in this dissertation's conclusion, Nael Bhanji writes that he is "frustrated by transsexual theory's failure to take into account racial and ethnic differences without resorting to imperializing gestures," Bhanji stages the question of a white imperial impulse within trans studies as a problem with metaphors of homecoming.³⁰⁴ "To what "home" does the trajectory of transition, the act of border-crossing, lead the already in-between diasporic, gender liminal subject," Bhanji asks.

³⁰³ See, for example, Haunani-Kay Trask, "Settlers of Color and "Immigrant" Hegemony: "Locals" in Hawai'i." *Amerasia Journal*: 2000, Vol. 26, No. 2, pp. 1-24.

³⁰⁴ Bhanji, Nael. "TRANS/SCRIPTIONS: Homing Desires, (Trans)sexual Citizenship and Racialized Bodies." *Transgender Migrations: The Bodies, Borders, and Politics of Transition*. Ed. Trystan T. Cotten. New York: Routledge, 2012.

“Who is the correct and proper citizen that gets to speak in the name of a transsexual subjectivity?” A comparative study that would align the articulations through bodily schema of diaspora and dysphoria, even within the context of narrative overlaps, might risk rearticulating an imperial desire for allyship or sameness without an analysis of power.

However, I must imagine that Koshy herself would grant these critiques. Her notion of exorbitant citizenship is generative insofar as it permits the imagining of “an ethics of affiliation grounded in minority experiences of exclusion or partial inclusion.”³⁰⁵ Affiliation, as I understand it, does not denote erasure or mere erasure, but a consideration of the material conditions of power as it produces both differential identities and similar processes of abandonment. In my reading of *The Namesake*, the “minority experience of exclusion or partial inclusion” that permits reading the novel through a trans lens is that experience of documentation trouble. Complicating this move is the fact that the novel itself uses one form of documentation trouble, the misnaming of a citizen, for another form: the documentation trouble faced by non-citizen U.S. residents. In my reading, however, the protagonist’s legal name change is not a mere mirror of his parents’ (off-stage) legal naturalization, but instead operates somewhat askance; a mirror, perhaps, but one found in a funhouse. Likewise, when I put forth an account of a “noncoincidence” between assigned-at-birth identity and emergent identity, I do not wish to perform a shallow metaphorization of transness *as* a form of immigrant story. Instead, my aim is to further Koshy’s coalitional reading move by providing a technical apparatus for reading such accidental correspondences among those who might share exorbitant citizen status, but perhaps little else outside the experience of psychic dissonance, non-belonging, and misrepresentation by state paperwork.

To that end, I close with an unexpected image: a geometrical shape. I offer this as a useful object to help further the project of thinking differently-constituted identities alongside each other, when those differently-constituted identities are constructed via analogous experiences of power. Because Western state systems of identification and their meanings—the mandate for a unitary subjectivity, aligned until one legal name, that essentially constructs names as a form of state property, in order to track and surveil both citizens and non-citizen residents—compound genealogies of slavery, immigration and border enforcement, and gendered / sexual subjection, their effects marginalize a field of individuals whose experience of names, naming,

³⁰⁵ Koshy 599

and legal identity is marked by “noncoincidence.” Thus, I here return to Koshy’s point that a “lack of correspondence between cultural and political citizenship” produces an experience of being “tangential” to the majority paradigm of a nation state. However, “tangential” has another meaning, one that doesn’t signal excess but instead points of connection. Using this second definition, I suggest a framework that might allow for alternative readings of texts and bodies, one that approaches but that attempts to limit the type of colonizing metaphorization that emerges from comparing, say, a trans subject to an immigrant, or a cis person who changes his name to “a Joanne.”

One might describe this particular relationship, between experiences of precarity that are importantly different in their historical meanings, but that do have material conditions in common (even temporarily), as “tangential.” In doing so I am borrowing from the mathematical concept of two lines that are just touching. In positing the language of the “tangent,” I am offering a parallel case to a more familiar geometric metaphor, “intersectional.” I am not offering an alternative to intersectionality. Rather, I am taking

seriously the extent to which “intersection” describes a particular set of identities that overlap and interact, that cross. Although some in popular feminism use “intersectionality” to describe something closer to “multiculturalism,” I resist this flattening out of the precision of the metaphor of the intersection. Thus, it is necessary to produce a language for what happens when identities are *not* intersecting—Lahiri’s

protagonist is *not* a trans person of color in any legible sense—but constituted through interlocking forces of power. Instead of an intersection, then, one might draw two lines that meet only at a single point before diverging: in this example, the tangent point is the psychic experience of being a person outside of normative state identification schema.

Thus, I return to the question that began this chapter: why is it important to understand identification systems, in the context of reading literary and cultural production? Why, for example, spend time essentially fact-checking the presumptions that fictional characters make about the law, or close-reading the extent to which fictional characters might feel dissonance with their documents? One way to answer this question is that it is critical to understand how

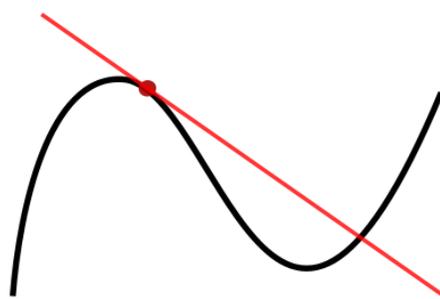


Figure 9: Public domain Wikipedia image of a tangent line: “Tangent to a curve. The red line is tangential to the curve at the point marked by a red dot.”

certain operations of state power—such as the identification systems mandated by late liberal Western societies such as the contemporary U.S.—produce psychic and embodied experiences of difference. These psychic and embodied experiences of difference are, importantly, not always identical to each other, but react to shared marginalities—shared experiences of “exorbitant citizenship—in ways that have surprising overlaps. To commit to a coalitional politics, even insofar as that politics is produced through cultural criticism, necessitates holding together both the differential identities that people constitute through their experiences of living under bureaucratic regulatory systems, and the shared problem of responding to those same regulatory systems. Identification documents are a shared field of contention across multiple modes of difference. Unraveling the Euro-centric and transphobic legal processes that uphold these documents’ power will take mobile and sometimes strange alliances, operating sometimes despite mutual suspicion or non-understanding. For those whose belonging to the U.S. nation-state might come stamped with Koshy’s exorbitant citizenship, coming together at specific tangent points, moments of connection and hermeneutic alliance in which no one identity is mere metaphor for another, might provide a pathway to think of modes of belonging outside the nation.

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Conclusion: “What Body Would They Have Named Me?”

In Janine Joseph’s debut collection *Driving Without a License*, being an undocumented immigrant is figured through images of wreckage. The first cycle of poems in the book describes the speaker surreptitiously driving through California suburbs, taking daily risks that end, in the second cycle, with a crash. In Chapter One of this dissertation, I described how the license to drive signified both physical and social mobility for African Americans, albeit at the cost of submitting rigid racial data to state agencies. In Joseph’s work, too, the lack of a license is both a transportation inconvenience and an erasure of selfhood.

Consider this section from Joseph’s poem “Break,” the work that ends the second cycle:

--we could have died, S.,
stuttering flames an eighth of a mile
at a time--and those days I was always
without ID,
and you knew it.
What body would they have named me
with all my immigrant slag?--
It doesn't matter--
nevermind the ignition.³⁰⁶

The jagged rhythm and form of “Break” echo the breakdown of a vehicle full of suburban kids, drinking shitty beer in a junky car, on their way home from a day at the “vehicular recreation area” of Ocotillo Wells. The speaker chastises a reoccurring character, S., for that person’s carelessness behind the wheel, not just because of the physical risk of a breakdown. Joseph, like the presumably autobiographical speaker of this poem, is undocumented. Without ID on her, the speaker imagines that her body would not have been identified by the authorities, but rather named, arbitrarily and posthumously, by an administrative “they” tasked with such legal unpleasantries.

In death the speaker of Joseph’s poem would appear to the coroner’s office as mere “slag,” a metal cast-off, a byproduct. “Slag,” a word with an etymology that spans metallurgy, mining, and misogyny (as a slang term, the word seems to fuse the meanings of “slut” and “hag”), solders the speaker’s body with the extraneous refuse of constructing cars and roads, the

³⁰⁶ Joseph, Janine. *Driving Without a License*. Alice James Books: 2016.

very mobility network that she imagines will result in her violent death and erasure.³⁰⁷ To be immigrant slag, to be a refuse product, a discarded part of roadway construction, is also to reach deep into Asian American cultural history: in this line, one might read the specter of Chinese workers who died building the railroads, Filipino and Chicano workers who irrigated and tilled California's deserts, the anonymous millions whose unknown identities built the transportation networks of the West. At the same time, this phrase means something closer to our own time: that when undocumented immigrants die without a state-issued ID, states do not know how to identify their bodies.

I invoke Janine Joseph's work at the conclusion of this project in order to emphasize the critical importance of undocumented thinking and activism to this work, despite its paucity of representation in the body of the dissertation. In designing a project that could speak fully to the mechanisms of recognition and misrecognition that racialized and/or gender non-conforming subjects experience within the contemporary U.S., I had expected that "undocumented" would be a critical term that I could unpack and explore. Furthermore, the literary and cultural archive of people organizing under the sign of "undocumented"—including undocumented trans people like Jennicet Gutiérrez, who became famous for heckling President Obama in 2014, when this dissertation was young—is urgent and vast.³⁰⁸



Figure 10: Salgado, Julio. "I Am Undocuqueer," from *Undocuqueer* series. <http://juliosalgadoart.com/archive>

³⁰⁷ "slag," Oxford English Dictionary.

³⁰⁸ Gutiérrez, Jennicet. "I interrupted Obama because we need to be heard." *The Washington Blade*, 25 June 2015.

Over the course of this project, however, it became important to emphasize that “undocumented” means something fundamentally different to those with birthright or naturalized forms of citizenship than it does to those who do not currently have a path to citizenship. While I at first believed that there was a critical intervention to be made by troubling an undocumented / documented binary, positioning some intermediate status like “trans-documented” or “mis-documented” between the two poles, I’ve reconsidered this stance. In closing with a meditation on the complexity of reading licensing as a site of undocumented and trans intersections, I mean to gesture outwards as well as inwards: to push for more non-totalizing comparative work on this front as well as to press on the limits of my own project.

In part, it is necessary to conclude in this form because I sense that citizenship, as a political idea, is in the process of divorcing itself from the liberal concept of recognition. Between 2011 and 2017, roughly the time spent developing this project, the relationship between documentation and citizenship began to break down. In a divide which mirrored larger political bifurcations across the United States, some municipalities and states permitted certain non-citizen residents to acquire some types of documents, deemphasizing the role of everyday paperwork in determining an individual’s precarity.³⁰⁹ At the same time, another political movement was gaining power: a white nationalist and anti-immigrant movement that questioned not only tentative liberal programs like DACA (Deferred Action for Childhood Arrivals), but also the tenets of liberalism itself. In its most tepid form, “Voter Identification” laws passed in the guise of preventing voter fraud, using identification law to restrict even native-born U.S. citizens, disproportionately people of color, from accessing the franchise.³¹⁰ At its extremes on the right, birthright citizenship itself was explicitly questioned.³¹¹

Thus, over the 2015-2017 period, the document became a less important technique of power than the wall. In a political earthquake with its epicenter in centuries of violence, Foucauldian governmentality’s pillars buckled, revealing the racial necropolitics that liberal bureaucratic procedure had preferred to disguise. Thus, when Janine Joseph’s poem asks, “What

³⁰⁹ The National Conference of State Legislatures offers a comprehensive listing and legislative history of these measures: <http://www.ncsl.org/research/immigration/states-offering-driver-s-licenses-to-immigrants.aspx>

³¹⁰ Ari Berman, Investigative Reporter for *The Nation*, has published hundreds of stories on Voter ID over the 2011-2017 period. His body of work can be found here: <https://www.thenation.com/authors/ari-berman/>

³¹¹ Responding to a suggestion by then-candidate Donald Trump that birthright citizenship be reconsidered, *The New York Times* published a “room for debate” dialogue on the question. <https://www.nytimes.com/roomfordebate/2015/08/24/should-birthright-citizenship-be-abolished>

body would they have named me?” readers in 2017 must confront a different scale of violence within the question. Joseph’s overall poetic cycle contains moments of whimsy and joy alongside the wreckage. However, it is hard to read this poem in the current moment without hearing the dehumanization of being an undocumented immigrant during what may be the waning moments of liberalism, the transformation of a body into not even bare life, but some non-living thing, into slag.

In order to grapple with the meaning of identification under this new political reality, the structure of this conclusion will be threefold. I’ll first offer a close analysis of a pair of legal cases which took place in Michigan between 2013 and 2016, one case concerning driver’s licenses for transgender individuals and a second concerning licensing undocumented drivers. Taken together, these cases demonstrate the contradictory operations of identification policy under liberal recognition regimes. Second, I’ll highlight an effort to use local policy to subvert state and federal documentation systems. Such a project pushes the bounds of identity regulation, even as some fear it could reinscribe it. Third, I return to the autoethnographic mode which I introduced in this project’s introduction, reflecting on the affective register of seeking recognition on the edge of liberalism.

Finally, I end the project with a meditation of what belonging and recognition might mean without state regimes of identification. If, in any case, the liberal social contract is breaking down, so must be the social contract between states and subjects at the heart of identification systems: between affirmative recognition and punitive regulation. How can we come to know each other outside of these formations? If we are no longer part of a social contract in which we provide data to a state, give it the capacity to identify and detain, in exchange for some promise—however illusive its fulfillment remained for people of color—of redistributive assets and affirmative sensoria, does this mean the end of citizenship?

“We Tried, We Really Tried.”

In 2016, the ACLU of Michigan forced a change to the state’s driver’s license gender change procedures. *Love v Johnson*, featuring multiple plaintiffs of many gender and racial identities, was the result of an impasse in which the Michigan ACLU was unable to convince the

Secretary of State out of court that the extant policy was “irrational.”³¹² (I was not a plaintiff in this suit, although I met the qualifications and even considered it; it would have led my project deeper into autoethnography than I knew how to handle.)

At issue was Michigan’s mandate to require an amended birth certificate in order to change a gender marker on a driver’s license or other state ID. In Michigan, a gender change on a birth certificate cannot take place without proof of surgery; in some states, such as neighboring Ohio, the state will not issue an updated birth certificate under any circumstances.³¹³ As such, Michigan law essentially required individuals who wished to change the sex designation on their outward-facing identification documents to first be born in an accommodating state, then undergo some surgical intervention, regardless of medical necessity, then acquire a surgeon’s letter attesting to a “change of sex,” then amend some other document to reflect that surgery, and *then* use that amended document to reference one’s changed gender to the Secretary of State. Even insofar as states might have legitimate interest in determining the identity of their subjects—something which I question throughout this dissertation—this process is burdensome for both administrators and citizens, imposes a significant financial penalty on citizens on the basis of sex, and might even be understood (although the ACLU’s complaint does not invoke this argument) as state regime of sterilization for a marginalized population.

This system was not a matter of statute. Instead, The Michigan Secretary of State created restrictive gender marker policies on its own, as internal policy; hence the ACLU’s opening step to petition directly to the Secretary of State to resolve the conflict before bringing suit. (Among a variety of defenses, according to ACLU staff attorney Jay Kaplan, the state claimed that the restrictive policy was necessary due to Michigan’s heightened security status as a border state, a line of reasoning that ignores that the majority of border states have less burdensome gender marker changes than Michigan’s.) Ruth Johnson could have, at any time, issued a memo to loosen the regulations around gender markers, just as she had issued a memo to tighten those regulations in 2011, just before I unsuccessfully applied for my gender marker change in early 2012.³¹⁴ While the REAL ID Act mandates that “gender” is listed as a vital statistic on state ID

³¹² <http://www.aclumich.org/sites/default/files/2014-2015%20Legal%20Docket.pdf>

³¹³ <http://www.lambdalegal.org/know-your-rights/article/trans-changing-birth-certificate-sex-designations>

³¹⁴ In my call with Jay Kaplan, I asked why the state had felt it necessary to tighten these restrictions. The answer? It’s all politics. In the Republican primary for Secretary of State, Johnson’s opponent had taken a stand against gender marker changes on licenses. Presumably in order to appeal to the base of Republican primary voters, Johnson had answered “no” to a survey question asking if she supported gender changes on licenses. When she assumed

cards, it does not specify how states determine the gender of their subjects. Thus, the heterogeneous legal landscape for trans people who wish to change their markers, especially those in red or purple states.

In a sense, the ACLU of Michigan did not really “win” their lawsuit. The most significant victory, from the group’s perspective, was the failure of the state to get the suit dismissed. In agreeing to hear the case, the judge, a George H.W. Bush appointee in the Eastern District of Michigan, wrote that the state’s policy was “likely unconstitutional.” She also, according to Kaplan, interrupted a state lawyer who had begun to make a transphobic argument. “Let’s say I decide tomorrow that I want to be a woman,” he said, before the judge broke in and told him that such lines of reasoning were factually incorrect and would not be acceptable in her courtroom. (Trans people who were present at court, Kaplan said, visibly wept with astonishment when the judge intervened.) That happened in November 2015: that same month, residents of Flint had filed the first of many class action lawsuits against the state.³¹⁵ The state of Michigan was back on its heels; candidates for president and national news organizations were beginning to pay attention. Governor Rick Snyder would soon charge taxpayers for his legal defense.³¹⁶ In the midst of this, the Secretary of State unilaterally changed their gender marker policy in order to get the case out of court.

Under the new policy, the State of Michigan now permits a U.S. passport to prove the gender of a license or state ID applicant. Under Secretary of State Hillary Clinton, the U.S. State Department had changed passport regulations—with little fanfare—to allow trans applicants to receive an updated passport with merely a physician’s letter testifying to an individual’s gender, not necessarily proof of surgery. Rather than accede to the ACLU’s demands for a less burdensome state-level gender marker change, the state punted to the feds. According to their own press materials on the case, the ACLU “continued to argue that correcting a Michigan driver’s license should not require transgender individuals to pay for and obtain a passport they might not want or need, but in August 2016 Judge Edmunds ruled that the state’s new policy met

office in 2011, she instructed her staff to find some way to restrict the practice. Kaplan’s impression was that no one in the Secretary of State’s office knew much about trans issues, or particularly cared about gender markers, but wanted to protect themselves from a political challenge on their right flank. Kaplan, Jay. Personal Correspondence. 4 May 2017.

³¹⁵ <http://michiganradio.org/post/timeline-heres-how-flint-water-crisis-unfolded>

³¹⁶ <http://michiganradio.org/post/governor-snyder-increases-his-legal-budget-flint-water-crisis-investigation> ; <http://michiganradio.org/post/complaint-says-gov-snyder-improperly-hired-legal-defense-team>

our clients' needs and dismissed our lawsuit as moot."³¹⁷ Thus, as it stands now, transgender individuals who have acquired an updated U.S. passport may amend their state IDs, regardless of their surgical status.

Although this line of argumentation does not appear in the outward-facing press materials for *Love v. Johnson*, there is one important population for whom this lawsuit's dismissal was *not* moot: undocumented individuals. The ACLU opened their gender marker negotiations with the Michigan Secretary of State in 2013, the same year that they helped win *One Michigan v. Ruth Johnson*. That case allowed "DREAMers" to receive drivers' licenses in the state. "One Michigan," the advocacy group supported by the ACLU, points out that undocumented individuals had been denied licenses *in part because of the DACA program*. Consider the following set of arguments from the complaint (Michigan Secretary of State Ruth Johnson is "defendant"):

Prior to the federal announcement of the DACA program, the Michigan Secretary of State routinely issued driver's licenses and ID cards to all noncitizens granted deferred action who are otherwise qualified. In particular, the Secretary routinely accepted federally-issued employment authorization documents ("EADs") presented by noncitizens with deferred action as proof that the applicant is authorized under federal law to be present in the United States.

However, after the federal government announced the DACA program, Defendant revised its policy and practice to deny driver's license and ID cards to individuals granted deferred action if, and only if, that deferred action was issued pursuant to DACA. Defendant also revised its policy and practice to bar the acceptance of federally-issued employment authorization documents as proof of legal presence if, and only if, those documents were issued pursuant to DACA. Defendant continues to accept federally-issued EADs as proof of legal presence from all other noncitizens.

Defendant communicated these changes to branch office staff in an October 8, 2012, memorandum (hereinafter "DACA Exception Memo"), which instructed her staff not to issue driver's licenses or ID cards to DACA recipients.

Defendant has made it very clear that the denial of driver's licenses and ID cards to DACA recipients is mandatory and not subject to any exercise of discretion on the part of her staff. The office of the Michigan Secretary of State has stated repeatedly that the policy barring issuance of driver's licenses and ID cards is based on the Secretary's view that DACA recipients are not authorized under federal law to be present in the United States.³¹⁸

³¹⁷ <http://www.aclumich.org/article/changing-gender-markers-driver%E2%80%99s-licenses-michigan>

³¹⁸ <https://www.aclu.org/legal-document/one-michigan-v-ruth-johnson-complaint>

In other words, the announcement of the DACA program, recognizing some undocumented young people as eligible for deferred action, caused some conservative policymakers to flag people with this particular status as particularly *ineligible* for state identification. The state of Michigan's interest in properly identifying its residents was outweighed, presumably, by its desire to not provide recognition to those who it believed to be "unauthorized." This decision was not necessarily motivated by animus: from an administrative perspective, it makes sense that the state of Michigan would be unwilling to modify their procedures while lawsuits against the federal executive action were pending. Imagine, the state might have argued, if they issued all these licenses, and then had to track down all the recipients in order to rescind them in the event that the DACA program was found unconstitutional. In 2013, as in 2017, the program's precarity rests on the fact that it is done without federal legislation, and thus can be removed by a future executive, legislative action, or a court challenge. Still, from the perspective of Michigan's DACA recipients, whose newly issued work authorizations now came coupled with an inability to drive to work, this license restriction must have seemed absurd.

Like in the gender marker case, the ACLU of Michigan's suit pressured the Secretary of State to modify the policy. The ACLU frames this as a win, writing that Ruth Johnson "backed down and announced that she would begin issuing driver's licenses to DACA recipients."³¹⁹ Staff attorney Miriam Aukerman issued a statement commending the Secretary for its benevolence, writing that "today, Secretary of State Ruth Johnson is helping to make [undocumented young people's] dreams a reality. We look forward to dismissing our lawsuit and turning the page to a more welcoming and inclusive Michigan." Framing an adversary as an ally on the right side of history is likely a strategic move: the oral history of this suit is more complicated. In speaking on the trans license case, Kaplan emphasized that, far from skittish in the face of litigation, Michigan is aggressive in defense of their own policies. "All I can tell you," Kaplan told me on the phone, "is that when you sue the state of Michigan, they will fight, even on losing cases and losing issues."³²⁰

³¹⁹ <http://www.aclumich.org/article/driver%E2%80%99s-licenses-dreamers>

³²⁰ I have integrated Kaplan's perspective here as part of an oral history of advocacy on these issues. This dissertation conclusion is not a work of journalism; I did not reach out to the State of Michigan or Secretary of State Ruth Johnson for comment.

Whatever the tenor of the litigation, the eventual outcome of these suits form an eerily representative test case for the claims made in this project. Consider, for example, the following conclusions: 1. DACA-eligible individuals are permitted to acquire Michigan driver's licenses, but not U.S. passports and 2. Transgender Michiganders are permitted to change their gender markers on drivers' licenses by using an amended U.S. passport. These two facts taken together demands a further question: by what mechanism may a DACA-eligible trans individual amend a gender marker? Does the state presume that none of Michigan estimated 15,000 DACA-eligible individuals are trans? The inability to think of trans people outside of citizenship, or of gender as a regulatory mechanism of citizenship as well as of genitals, creates lacunae of this type. As it stands, amending a gender marker on a license is only permitted to that subset of driver's license holders who are also U.S. citizens.

For his part, Kaplan readily admits the problems with the eventual settlement on trans licensing. In our interview, he lamented his inability to find a plaintiff who both was trans and undocumented *and* would feel comfortable appearing before the district court. "We tried, we really tried," he insisted. Apparently, they're still sending out occasional feelers and fielding tips, hoping they can file another suit. But no one has yet fit the bill. Without a plaintiff who can demonstrate harm, the case could not go forward. The amount of marginalization and exposure that would result from someone outing themselves as trans and undocumented in Michigan, Kaplan implied, was just too great. Thus, according to the Secretary of State's office, trans Michiganders are implicitly U.S. citizens, and undocumented Michiganders are implicitly cis. Just as in Kimberlé Crenshaw's classic articulation of the law's inability to think gender and race together when considering the lived experiences of Black women, the State of Michigan shows no capacity to, or perhaps no interest in, the intersectional nature of these identities.

The failure to license trans DACA-eligible Michiganders also illustrates a larger problem with documentation. Essentially, by using the U.S. passport as a mechanism for acquiring an appropriately-gendered license for some populations of transgender people but not others, the passport becomes the seed document of the transgender person's license. Following this logic, one might conclude that a drivers' license is a citizenship document *only for trans people*. If an individual is trans and has petitioned to change their gender marker on their license, they have had to show a passport; their drivers' license is therefore a document that indexes their legal national citizenship, not just the civic citizenship that licensing signifies for most in the

contemporary U.S. In Michigan, transgender people must justify their national belonging. Cisgender people need not. Thus, the very meaning and function of these licenses is actually variegated and based on identity, not on some unifying statute or neutral law. The recognition that the law purports to convey through licensure acts, in fact, as a set of burdens and regulations on particular sets of marginalized individuals.³²¹

Espionage-Camouflage

As state and federal governments rely on each other's identity regulations to ensure that only U.S. citizen trans people are documented, some local governments have produced alternative recognition systems: Municipal IDs. Municipal IDs are documents that mimic the everyday function of photo IDs, like being able to pick up a child at school or cash a check, but that do not denote citizenship. Municipal IDs operate by consent within certain local jurisdictions: private businesses may agree to accept them, while public institutions like libraries or schools must allow them. These documents emerged mainly in urban areas and college towns, within the context of the 2005 federal REAL ID act.³²²

Some of the earliest municipal IDs emerged in New Haven in 2007, and were intended to permit undocumented immigrants to participate in basic civic functions. Unfortunately, just two days after these first municipal ID laws were announced, federal immigration enforcement, or ICE, raided houses in New Haven, detaining 32 undocumented residents. This created the perception that the George W. Bush administration was punishing New Haven for introducing the card.³²³

Furthermore, while evaluators found that the New Haven program had some limited gains in allowing undocumented residents to access housing and financial services, they also

³²¹ The ACLU of Michigan, for its part, has tried to raise funds to help transgender people offset the financial burden of acquiring an unnecessary passport. They have also encouraged trans individuals to acquire a passport card, which permits more limited international travel, but is about half as expensive as a passport book.

³²² Although the stated purpose of the Real ID is post-9/11 "homeland security," the act also strengthened the capacity of drivers' licenses and state IDs to become immigration enforcement tools by making it easier to check identities across state lines. The Department of Homeland Security provides an FAQ about the law on their website: <https://www.dhs.gov/real-id-public-faqs#>

³²³ The federal government has denied this, although some graduate and affiliate researchers suggest otherwise in their analysis of the program. Lagunes, Paul F., Brian M. Levin, and Ruth K. Ditlmann. "Documenting the Undocumented: A Review of the United States' First Municipal ID Program." *Harvard Journal of Hispanic Policy*. Vol. 24: 2012.

found that the initial program evaluation determined that it would have been more successful if the design had looked more official, or if those asking for ID had shown less racial bias in choosing whether to accept it. One of those problems, of course, is more easily addressed than the other. When San Francisco introduced their municipal ID, they made the card look a lot more like an official driver's license. Oakland, CA and Princeton, NJ also introduced municipal IDs, building on the knowledge gained from evaluations of New Haven's system. Most recently, in 2015, New York City began issuing a municipal ID, which may signal a more widespread adoption of this strategy.

In Washtenaw County, Michigan, the ID Project made an active effort to serve U.S. citizen trans people, as well as undocumented residences, with its ID design. Their ID has no visible gender marker and allows individuals to use a preferred, rather than legal name, a frankly radical intervention into intransigent state policies, detailed above, that hyper-regulate trans identity. In addition, the group does explicit outreach to elderly people, people experiencing homelessness, people with disabilities, enacting a broad, issue-based, coalitional politics. In material ways, this ID program is a critical intervention in the lives of the most vulnerable members of Washtenaw County. In this way, the municipal ID is both a concrete policy solution and a performative act, a gesture that disrupts the arbitrary hegemony that state bodies have over the legalistic identities of both citizens and non-citizen residents in the U.S.

That said, this intervention, like the state-issued ID cards that it mimics, lives in an ambiguous space between recognition and regulation. Alongside the Progressive politics that brings together college-town social workers and faith leaders is the other "Progressive" legacy: the early-twentieth-century moment in which identification documents were instantiated via appeals to white supremacist ideas of social "fitness" and racialized "public safety." In simple terms: even if municipal photo IDs can give marginalized people-- trans and undocumented people in particular—access to basic services, they simultaneously operate as a form of registration of these same groups. As I've written throughout this documentation, white supremacy does not just mean "having access to proper citizenship documents;" it also can mean "having the right to not be registered."

The always-extant lines between state recognition and state regulation have become increasingly visible to white liberals under Trumpism. In response, even purportedly non-partisan groups such as the Washtenaw ID Project are making new gestures towards a politics of

obfuscation. A few days after the 2016 presidential election, the ID Project sent out this message over its social media (I've edited it for length):

For those seeking to promote inclusion in our community despite an atmosphere of growing hostility and exclusion. For those striving to protect those most vulnerable in our community from further stigmatization and injustice. For those looking to stand with each other and with marginalized communities during this time of unease, uncertainty, and fear.

We ask that you go now and get a Washtenaw ID Card.

What does lack of ID mean for [marginalized] communities? It means not being able to access healthcare, childcare, banking, housing, public transportation, employment, and government services like the library or post offices. It means not being able to verify one's identity to the police. It means not having a way of proving you are who you are. It means effective exclusion from civic life.

By getting a Washtenaw ID card you can send the message to all those who carry the ID card and to all of those most affected and at risk at this time that you believe in their right to human dignity, inclusion, and respect. By getting an ID you can choose to stand in solidarity with your friends and neighbors.

You can say to one another "You are not alone".³²⁴

Although it does not say so explicitly, this document implicitly invites white, cis, citizens to acquire a municipal ID in order to prevent the document being understood as a "special ID" only for undocumented others. If the ID cards became implicitly racialized in this way, this disruptive intervention would become an expansion of the regulatory apparatus. Indeed, non-profit and non-partisan journalistic outlets like ProPublica have openly asked whether, in the wake of the appointment of Jeff Sessions as Attorney General, government entities that provide

³²⁴ Facebook post by Washenaw ID Project, 9 November 2016

undocumented individuals with ID documents might have inadvertently created a database of deportation-eligible residents, a database that's just one subpoena away from becoming an ICE-enforcement to-do list.³²⁵

Thus, by asking white / documented community members to help normalize the ID, the Washtenaw ID Project wants to make undocumented or other marginalized subjects indistinguishable from their neighbors. But to what extent is “undocumented” a legal status that can be revealed via lack of paperwork (and thus corrected by better paperwork) and to what extent is it too a coalescing racial formation, an assemblage of visual and ideological markers that documentary obfuscation can't undo? When I applied for my Washtenaw ID, for example, the city worker behind the counter was confused as to why I would need one, even inquiring directly about my intentions. When I shared that story with the ID organizers, they were angry, since it implied that black and brown people who applied for the card were being automatically read as undocumented, and treated as non-citizens. Meanwhile I, a white man, was an anomaly, since I was presumed to be a citizen based solely on my skin color.

In the wake of Donald Trump's election, other organizations beyond the Washtenaw ID Project have suggested flooding racially or religiously discriminatory regulatory structures with non-targeted individual's data. Liberal website MoveOn.org, for example, hosts a petition that encourages people to declare that they “Pledge to Register as Muslim,” a meme that even former Secretary of State Madeline Albright seemed to sign on to in an inauguration-week tweet.³²⁶ Many commentators soon pointed out, a program that some have called a back-end “Muslim registry,” the National Security Entry-Exit Registration System (NSEERS) program, had already existed for more than a decade, and had been continued through the Obama Administration.³²⁷ Still, the notion that non-Muslim individuals could somehow voluntarily submit their identities to a Muslim registry, that such a registry would be open to submissions without any screening, and that the appearance of names like “Madeline Albright” would be sufficient to obfuscate names that might more readily be presumed to be “Muslim,” remains a persistent belief amongst

³²⁵ Lee, Patrick G. “Could Programs to Help Undocumented Immigrants Gain Driver's Licenses Backfire?” *ProPublica*. 16 December 2016. <https://www.propublica.org/article/could-programs-to-help-undocumented-immigrants-drivers-licenses-backfire>

³²⁶ <http://petitions.moveon.org/sign/i-pledge-to-register> ; Seipel, Brooke. “Albright: I'm ‘ready to register as Muslim.’” *The Hill*. 25 January 2017.

³²⁷ Waddell, Kaveh. “America Already Had a Muslim Registry.” *The Atlantic*. 20 December 2016.

some liberals. The MoveOn.org petition, begun before the inauguration, has continued to gain signatures through late April 2017.

At the same time, if overt ethnonationalism disrupts liberalism's use of recognition to *covertly* direct resources along racial lines, states may not need bureaucratic recognition schema to determine who is eligible for a social contact. Might such a transformation also signal the limits of camouflage as a countervailing force? As part of the recognition-espionage-camouflage triad, camouflage depends on those outside of recognition having some type of *de facto* indeterminacy, since being left outside of recognition means one's identity is replaced with a type of blank space. However, as Jasbir Puar has described at length, the utility of the figure of the state enemy—the “terrorist,” for example—does not actually depend on “accurate” recognition of that enemy. Instead, a racialized assemblage, one which accumulates religious, ethno-national, physiological, and cultural presumptions, becomes the “terrorist” body. Just as, like I described in chapter two of this dissertation, anti-black violence has consistently superseded the extent to which legal identification documents can protect citizens from being treated like non-citizens, I am unsure whether camouflage and obfuscation can permit citizens to escape the “espionage” aspects of recognition. Instead, if espionage is decoupled from liberal technocracy and the social contract of citizenship, it will not look like a technocratic sifting-through of bare data for matches and mismatches: it will look like a racializing eye, an unreliable and biased witness sorting through an infinite criminal line-up.

Recognition

It is Inauguration Day in 2017. As an employee of a non-partisan public media organization, I take seriously my pledge to not participate in activity in support or against a candidate or political figure. At the same time, this does not mean I need to stay sequestered in my house all day. I choose this day to return to the Michigan Secretary of State office.

I had wondered which presidential portraits appear in government offices on Inauguration Day, whether there's some individual on the incoming administration's transition team who is tasked with calling every local department office, or whether maybe there's a phone tree of state officials who are ready in waiting with new 8.5 x 11 glossies of the incoming leader. My brain has learned to think like a bureaucracy.

Turns out there aren't any portraits on the wall at all. What remains are instructions on how to acquire a driver's permit, some aimed at native-born teenagers and some aimed at immigrants. Trifold pamphlets explain how to access social security or disability benefits. Plastic chairs rest in neat horizontal rows. I don't recognize any of the employees, which makes sense; it's been almost exactly five years since I was last here, more than a presidential term. There is barely a line; perhaps my neighbors are all protesting or celebrating. Vainly, I duck into the single-use restroom to fix my hair and adjust my shirt ahead of a new photograph.

Now that the ACLU of Michigan has pressured the state government to change their policies, the whole process takes about four seconds. It feels just like I thought it would, to stand in front of a plain blue background and stare down the barrel of the digital camera: like subjection and like pleasure. It induces a kind of nausea. I have to hand over my passport, some surgical documents that no one really bothers to look at. As usual, the text of the document is less relevant than my beard, my skin color, my talking-to-the-state smile, the very act of turning over some piece of paper on official letterhead. I wonder if I could have written my own letter with some stolen stationery from work. The woman behind the counter makes small talk that I've found increasingly common: telling me a story of someone she knew who was like me but who "went the other way." I wonder if they're actually telling me about someone they saw on television, or if every municipal and state worker in Michigan has exactly one trans woman friend.

The M on my license arrives a few weeks later, just after the "Muslim ban" is stayed by federal judges in multiple states. Suddenly, the legal apparatus has begun to feel like an ally to many leftists. The stays do not curb executive power to determine immigration priorities, an interpretation which would have both scuttled the stepped-up enforcement measures favored by the current administration, and undermined executive-branch discretionary programs like DACA. Instead, the judges' rulings focus on the fact that the bans are overly broad, enacted without appropriate procedure, might deviate from due process. By the time a ruling comes down that explicitly attacks the discriminatory premise of the law, from Federal Judge Leonie M. Brinkema in response to a suit brought by Virginia Attorney General Mark Herring, it is only

*one in a pile of earlier rulings, rendering it relevant only upon an appeal that would never come.*³²⁸

The next time I fly, I take only a driver's license, no other documents. It has been a year since I was patted down. I still show my Washtenaw ID cards at bars, but it feels like an act of allyship rather than necessity.

I have become, in the terms of my own dissertation, a subject whose embodiment is smoothly identified by state systems of recognition. I began this project as an act of critical inquiry into the meanings of exclusion-by-identification. As I close, five years later, many trans subjects have folded themselves back into whiteness, to the extent that I'm no longer subject to that very exclusionary mechanism. At the same time, the racial underpinnings of citizenship have become aggressively clear. When I changed my license in early 2017, I did it both because I wanted it to reflect the gender with which I identified and because I was scared that I'd soon no longer be able to. But so far, this bureaucratic avenue has been left untouched by the new administration. I wonder if that's because many people don't know these gender change rules exist, or maybe because the people who would be against it just don't associate the process with immigrants or Muslims. (Immigrants and Muslims are figured, increasingly, not as the terrorist-fag that Puar has described, but as themselves anti-queer and therefore uncivilized. This consolidation of "queer" and "white" had permitted Donald Trump, at least for a time, to be considered the most "pro-LGBT" Republican presidential candidate ever.)³²⁹

It is strange to call my license change process a form of camouflage, since it might invoke transphobic norms that I'm hiding my non-normative femininity behind a guise of assumed masculinity. But at the same time, it is camouflage: I want the "M" to mean that I cannot be known to some unknown someone, to some threat, as trans, as a mismatched subject. I know that part of me is no longer sure if it's sustainable to be unidentifiable and therefore to stand out; I want to blend in, to seize the protection that the state offers me as a white trans man in exchange for being permitted to secure my own gender. I also know my physicality, my visual

³²⁸ Weiner, Rachel. "Federal Judge In Virginia Offers Strong Rebuke of Trump Travel Ban." *Washington Post*. 14 February 2017. https://www.washingtonpost.com/local/public-safety/judge-in-virginia-grants-preliminary-injunction-against-travel-ban/2017/02/13/a6164bfe-f255-11e6-a9b0-eece7ce475fc_story.html?utm_term=.4e8599081ebe

³²⁹ Milo Yiannopoulos is only one example of this alliance between white gay men and anti-Muslim nationalists: http://www.salon.com/2016/07/20/inside_milos_gays_for_trump_virulently_anti_islam_party_at_the_rnc/

appearance, makes me low on the list of targets, unlikely to be picked from the line-up of others. Perhaps I should amend my statement from above: camouflage might still exist—for some.

(Still) caught in the frame

In his 2012 essay “Trans/ Scriptions,” Nael Bhanji writes that he is “frustrated by transsexual theory’s failure to take into account racial and ethnic differences without resorting to imperializing gestures,” Bhanji stages the question of a white imperial impulse within trans studies as a problem with metaphors of homecoming. “To what “home” does the trajectory of transition, the act of border-crossing, lead the already in-between diasporic, gender liminal subject?” Bhanji asks. “Who is the correct and proper citizen that gets to speak in the name of a transsexual subjectivity?”

By the time I write this chapter in 2017, an explosion of trans of color academic and independent scholarship has ground to dust the idea that trans studies can settle comfortably into an Anglo-American consideration of gendered citizenship. A vigorous trans presence in the Black Queer Studies anthology *No Tea, No Shade*, b. binaohan’s thinking through *bakla*-ness in “decolonizing trans/gender 101,” *Trans Studies Quarterly*’s special issues on Decolonization and on Blackness, and creative works by Ryka Aoki, Trish Salah, and Janet Mock have made clear that the “correct and proper citizen” of transsexual subjectivity is a white heteropatriarchal fantasy.

An overarching political aim of this dissertation has been to continue the project of deconstructing the correct and proper [white] transsexual citizen. My method for doing so has been to understand both how that proper citizenship is signified—through identification paperwork—and how certain transsexuals have been able to convince states that their identification documents should become “correct.” As such, I began with a careful analysis of how drivers’ licenses, now the commonplace index of “identification,” acquired their seemingly race-neutral power, while maintaining their ability to be rearticulated as tools of voter suppression. In order to do so, I used archival methods in order to establish that white racial resentment played a key role in transitioning identification documents from signifiers of repression to indexes of recognition. I then turned to a set of narratives, both fictional and non-fictional, in order to understand how these racially-differential meanings articulate themselves at

the moment of encounter between an identifier and an identified. These interpersonal dynamics involve visual suppositions, judgments, and power exchanges that reveal the extra-legal nature of these legalistic documents, their capacity to structure everyday sociality into forms of hyper-scrutiny and even violence. Having spent two chapters understanding the mechanisms by which documentation can represent both a desire for recognition and an actuality of exclusion, I then turned to an archive that allowed me to explore social worlds outside of legal identifiers: trans communities on the early internet. Here, too, I found communities segregated by race and income even as they articulated powerful assertions of selfhood in the face of government-prescribed identities. Technology like anonymizing relay servers permitted trans people in the early 1990s to adopt vernacular naming practices within rich social worlds, opening up space to imagine digital futures that do not insist upon unitary and state-backed selves. At the same time, these histories are not utopic; they are consolidations of specific white trans identity at the very moment in which “trans” became a political identity. My concern with legal identities and their articulations through race and nation, then, resulted in a fourth chapter that considers a primarily “non-trans” text, Jhumpa Lahiri’s *The Namesake*, through an investigation of the protagonist’s mismatched identity. I eschewed a potential reading that leverages a claim of transphobia against the novel, opting instead to show how Lahiri uses narrative ambiguity in order to articulate a non-Western logic of identity construction and naming in particular. At the same time, I end my consideration of this novel with an appeal for coalitional reading practices that permit non-normative and multiplicitous forms of identity, identities that cannot be assimilated to Anglo-American logics of “authentic” and unitary legal selves, to be thought alongside each other. Throughout, I have understood identification paperwork as something that indexes citizenship and belonging through marking racial and gendered exclusions, as well as by creating powerful affective sensoria for those it can purport to recognize “correctly.”

In the process of this writing, I have encountered the power of recognition as a political mechanism, one which purports to show individuals the truth of who they are, to permit them (under certain circumstances) to become who they think they are, and to move freely as long as they do not disrupt that particular identity. I have also, especially over the collapse of the dominant liberal consensus order over the past two years, understood the weakness of recognition as a force that can distribute violence along the axis of citizen / non-citizen. Instead, as recognition transmutes into a yet-unknown form of politics, racial violence detaches from its

obfuscatory legal processes, and extrajudicial forms of attack are not necessarily condemned on the basis of the victim's belonging to a nation-state.

In other words, even as some subjects are excluded from legal citizenship due to (imperial and racially-motivated) legal structures, and other subjects are excluded from the material promises of citizenship on the basis of their unrecognizability to the state, it is also the case that some with legal citizenship have little claim to the basic civil contract of protection from exposure and abandonment. If the wall, not the document, is the salient instrument of state power after liberalism, then there are plenty of individuals who currently have "citizenship" who may soon find themselves on the other side of the barricade. Amy L. Brandzel argues in her "unabashedly, impractical, and polemical" monograph *Against Citizenship*, the aggregate weight of left critiques of "citizenship" over the past thirty years make it hard to believe that so few scholars have come out and said it: that citizenship as a notion might be "inherently violent."³³⁰ My concern, writing in a suddenly different moment than Brandzel, is that we no longer have much of an idea of what "citizenship" means, divorced from liberalism, divested from recognition, stripped of even the thin veneer of post-War multicultural inclusion.

And yet my own personal narrative, in which the transfer of power to a new leader in unsteady times had me rushing to the state, appealing for recognition, complicates my critical frame. As Brandzel herself writes in a moving—and tonally distinct—preface, critique without compassion can be mere snark, "the joy of being able to call out, expose, and reveal power" in order to "engage in politically savvy one-upmanship." I have little interest in this one-upmanship: laying bare my autoethnographic investment in the project of recognition has meant to self-inoculate against my academic tendency to drift into ideological cruise-control. I am a subject about which I write, and my investments in safety and survival are no less present than those of trans people who have not read Foucault. There are stakes, real ones, stakes that include "less vulnerability, more social belonging, and access to more life chances," in desiring recognition from states. This is another reason why I close this dissertation with a consideration of what it means to be *undocumented*, and why I conclude that undocumentedness has historically a materially distinct condition to the extent that it can't be collapsed within identification troubles, even as (as I write in Chapter Four), there are tangent points of commonality between

³³⁰ Brandzel, Amy L. *Against Citizenship: The Violence of the Normative*. University of Illinois Press, 2016.

different types of non-recognition, and even as liberal citizenship may be in a current state of collapse.

Thus, as the political norms that constitute liberalism move from Lisa Duggan's "twilight" into what may be a sunset, I think back to both Cam Awkward-Rich's sense of being "caught in the frame," frozen in the small window of identity that can appear on an ID card, the mode by which we offer up some of ourselves to state actors in exchange for being allowed to "pass," and to Janine Joseph's "immigrant slag," the stark non-being of immigrant death. As much as responding to these twinned modes of identification violence feels urgent, more time is needed to fully understand how state power will orient differently towards each of these types of subjection, whether or not U.S. citizenship will continue to serve as the primary "difference engine of human devaluing."³³¹ (Writing in the midst of a storm might be a compelling present-tense narrative, but it rarely provides an opportunity to stop and carefully survey the effects of the damage.) As for now, *The Misrecognition You Can Bear* can provide an account of what it felt like to study recognition at a moment of transformation, when transgender subjects simultaneously expanded the state's capacity to conscript new gender identities and demanded that the state relinquish its authority over gender determination: when gender became the test for liberalism's inclusion of not-too-different forms of difference.

³³¹ Brandzel p. 146

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