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Dr. Julia R. Johnson

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Cisgender Privilege, Intersectionality, and the Criminalization of CeCe McDonald: Why Intercultural Communication Needs Transgender Studies

Julia R. Johnson

Intercultural communication scholars should address the lives of transgender persons and the (inter)discipline of transgender studies to develop our theorizing about gender and intersectionality and intervene in the violence against trans persons. In this essay, the author presents the concepts of cisgender, cisprivilege, cissexism, and intersectionality and examines their relevance for persons who are transgender and for the field of intercultural communication. The author also applies these terms by analyzing the criminalization of CeCe McDonald, an African American, transfeminine woman who was assaulted and imprisoned for defending herself outside a Minneapolis, Minnesota bar in June 2011.*

Keywords: Cissexism; Cisprivilege; Intersectionality; Trans*

In June 2011, CeCe McDonald faced an interaction all too familiar to trans*¹-identified people, particularly working class or poor transgender women of color. While walking to a nearby grocery store with friends, all of whom were African American and queer-identified (or allies), a group of cisgender (non-transgender), heterosexual, white people yelled racist, homophobic, and transphobic epithets at McDonald. The attackers yelled, “faggots,” “niggers,” “chicks with dicks.” They frantically accused McDonald of being “‘dressed as a woman’ in order to ‘rape’ Dean

Julia R. Johnson is at University of Wisconsin—La Crosse. In solidarity with CeCe McDonald, Leslie Feinberg, and the many trans*-identified persons whose courage and political clarity are an example for us all. Many thanks to Karma Chávez, Kimberlee Pérez, and Marc Rich for their guidance, alliance, and collegiality—and to the anonymous reviewers for their feedback. Correspondence to: Julia R. Johnson, College of Liberal Studies, 235 Thomas Morris Hall, University of Wisconsin—La Crosse, La Crosse, WI 54601, USA. Email: jjohnson2@uwlax.edu

Schmitz, one of the attackers” (Support CeCe McDonald! “Background”). After McDonald confronted the group and said that she “would not tolerate hate speech,” the attack turned physical: Molly Shannon Flaherty, a white woman and Schmitz’s ex-girlfriend, screamed, “I’ll take all three of you bitches on!” (Mannix, 2012) and then crushed a glass on McDonald’s face cutting a salivary gland. McDonald tried to walk away from the kerfuffle, but Schmitz followed her and “clenched his fists and approached her” (Mannix, 2012). In an effort to defend herself, McDonald reportedly pulled a pair of scissors out of her bag and turned to face Schmitz (State of Minnesota, 2012). Schmitz was stabbed and died at the scene.²

In spite of the fact that McDonald survived a vicious attack, she was the only person arrested. She was charged with second-degree murder and denied medical treatment for two months after receiving stitches. In May 2012, McDonald pled guilty to second-degree manslaughter and is now serving a 41-month sentence in a men’s prison (Support CeCe McDonald! “Accepts plea agreement”). Flaherty was eventually charged with second and third-degree assault in May 2012 (Simons, 2012). Schmitz’s swastika tattoo and history of violence were excluded from court proceedings.

The treatment of McDonald illustrates the layers of violence often imposed on persons who are transgender, particularly trans* persons of color who are (or are perceived to be) working class or poor. For intercultural communication (IC) scholars committed to the study of power, oppression, and privilege, the case of CeCe McDonald holds particular relevance: it illustrates the pervasiveness of cisgender privilege, the use of identity to justify violence, and the importance of intersectional analyses for challenging privilege and oppression. Cases like McDonald’s are significant and all too common. IC scholars need to address transgenderism (identity) and transgender studies (TS) (an interdisciplinary field) in order to deepen analyses of gender, including intersectionality. The concepts of cisprivilege and cissexism, partnered with an expanded conception of intersectionality that includes transgender, offer the potential to expand intercultural scholarship on sexuality and gender. I begin this analysis by exploring the relevance of TS to IC. Second, I address how the concepts of trans- and cis- can enhance gender analyses. Finally, I examine the importance of transness for developing IC research in intersectionality. Throughout the essay, I utilize the criminalization of McDonald to contextualize my claims.

Trans- ing Intercultural Communication Research

Most gender research published in communication studies assumes a gender and sex binary, even in cases where the authors commit to examining gendered power and oppression (Dow & Wood, 2006). This perpetuates thinking about sex, gender, and sexuality in terms of woman/man, feminine/masculine, and gay/straight. Scholarship that subverts normative gendering, much of which examines questions of heteronormativity or queerness (Pérez & Goltz, 2010), tends to focus on the activities of persons whose morphological sex aligns with their gender identity. There exists a growing body of communication scholarship that examines transgenderism (Booth, 2011; Butler, 2003; Sloop, 2000; West, 2008), some of which has an explicitly

intercultural focus (Chávez, 2010b; Johnson, 2013; Moreman & McIntosh, 2010), although transgender identities are often absent from queer scholarship (Yep, 2003) and IC research. TS can enhance IC research because of its focus on the material and representational practices of trans* subjects (Stryker, 2006). TS addresses IC topics including the cultural construction of gender identity categories (Hale, 2006), the performance of gender identity in everyday life (Namaste, 2000), and the importance of intersectionality (Juang, 2006). Furthermore, TS attends to the ways cultural dominance is exercised to surveil and/or constrain non-normative gendering as well as to the relational and personal dynamics through which institutional power manifests and is resisted—foci integral to critical intercultural scholarship (Nakayama & Halualani, 2010).

Trans-, Cis-, and Privilege

There are many identity markers used by persons who identify as trans*, including the term transgender itself. I use transgender as an umbrella term for persons who challenge gender normativity, which includes persons who identify as transfeminine, transmasculine, transsexual, Two-Spirit, cross-dresser, genderqueer, same-gender-loving, in the life, female-to-male (FTM), male-to-female (MTF), intersex and more. In general, transsexual references a person whose gender identity is not aligned with their assigned birth sex and who may use hormones and/or seek surgical procedures to align their body and identity. As with any label or category, transgender is contested and considered problematic in some contexts. For example, for some people of color, transgender signals whiteness and a corresponding western conception of gender binarisms (Driskill, 2004; Roen, 2001) and for some transpersons who uphold the binary through normative gender performances, transgender is considered an inaccurate depiction of their gender identity (Serano, 2007). For some, transgender is equated with transsexual while others adopt transgender as a political position that challenges the medical establishment's pathologizing of transness (Bettcher, 2007). In general, TS scholars challenge the dominant cultural assumption that gender is invariant and that a misalignment between the body and identity is deceptive or less "real" than someone whose body and selfhood are congruent.

Stryker, Currah, and Moore (2008) use the term "transing" to highlight transgenderism as a practice that disrupts gender discreteness (p. 13). They offer trans* with a hyphen (*trans-*) as a way to approach transgenderism as one part of "contingent structures of association with other attributes of bodily being" (p. 13), including nationhood, racialization, social class, ability status, etc. From this point forward, I use *trans*-* (asterisk and hyphen) to signal gender nonconformity of all kinds and to continually foreground that gender is best understood in its interplay with other identity vectors.

One way that TS contributes to the study of culture is by challenging gender dominance, which is created when we label non-normative identities as "different" and refuse to address privilege. As Nakayama and Krizek (1995) argued, the dominant norm against which otherness is measured must be named in order to disrupt normativity (p. 292). In TS, the concepts of cisgender and cissex are designed

to disrupt gendered normativity and were coined to “resist the way that ‘woman’ or ‘man’ can mean ‘nontransgendered woman’ or ‘nontransgendered man’ by default . . . The prefix *cis-* means ‘on the same side as’” (Stryker, 2008, p. 22). If one’s sex identity matches her/his morphology, then s/he is cissexual. If one’s gender identity aligns with sex morphology, s/he is said to be cisgender. These definitions emphasize that sex and gender are most frequently identified in relationship to a stable and socially binding center when, in fact, the categories of sex and gender are constructed and performed. The labels cisgender and cissex also highlight that there are transpersons whose gender identity has never shifted, although their bodies have been altered physically and/or chemically to align with their selfhood.

The terms cisgender and cissexual are also important for examining how specific forms of privilege operate. Cisgender privilege is given to persons whose morphology aligns with socially-sanctioned gender categories. Following McIntosh’s (1988) white privilege checklist, transgender activists and scholars have articulated the ways cispersons received unearned privileges for the ways their bodies and identities align. Some forms of cisgender privilege include: Having a government-issued identification that accurately represents one’s identity; not being “asked . . . what my genitals look like, or whether or not my breasts are real, what medical procedures I have had” (Taking up too much space, para. 14); not being forced “to adopt a different gender presentation” (para. 18) or denied medical care; or being refused “access to, and fair treatment within, sex segregated facilities” such as bathrooms, homeless shelters, prisons, and domestic violence shelters (para. 17).

Gender dominance often manifests in cissexism and transphobia. According to Serano (2007), cissexism is “the belief that transsexuals’ identified genders are inferior to, or less authentic than, those of cissexuals” (p. 12). Transphobia is all manner of hostility toward trans- persons, including “. . . hatred, loathing, rage, or moral indignation . . .” (Bettcher, 2007, p. 46) as well as “irrational fear, discrimination against, social rejection, hatred or persecution” (Scott-Dixon, 2006, p. 248). As is true of all discourses, cissexism and transphobia manifest in our gendered attitudes and actions, including our assumptions about what are considered “normal” (legitimate) embodiment, activity, and modes of being/belonging.

The case of CeCe McDonald illustrates common cultural assumptions about gender, cis-privilege, cissexism, and transphobia. The altercation prompting the arrest and conviction of McDonald was started by Schmitz and his friends as they yelled racist, homophobic, and transphobic epithets. Such pejoratives are a primary mechanism for marking difference and belonging. By using the words “nigger,” “faggot,” and “chicks with dicks,” Schmitz and his friends established clearly gendered, racialized, and sexed boundaries between themselves and McDonald. Furthermore, the boundary Schmitz asserted was a binary in which he established his normality and privilege as white, male, and cisgender in relation to McDonald’s “abnormality” of transfemininity and blackness.

When Schmidt stated that McDonald was “dressed in women’s clothing to ‘rape’” him, he invoked a common claim made by cisgender men against transfeminine women (Bettcher, 2007). These accusations construct trans*- identities as fake and

validate cissexists' "gender as 'real' or 'natural'" (Serano, 2007, p. 13). This performance of cissexism undermines McDonald's gender identification, "reverses blame" to affirm cis-identity, and re-asserts heterosexuality and heteronormativity. After all, a "real" man can never wear a dress, surgically and/or hormonally alter a body, or be sexually attracted to other "men." Schmitz's rhetoric also indicates that a real man cannot be black, a point I address more fully below.

In addition to enduring Schmitz's vitriol, McDonald faced cissexism through the court system. McDonald was placed in a men's prison in spite of her identification and presentation as a woman. Culturally, we treat genitals as "the essential determinants of sex" (Bettcher, 2007, p. 48) and invalidate genital reassignment as "artificial or invalid" (p. 49). Assigning prisons by genital sex does not account for gender avowal and is detrimental for most trans*-persons because they are subject to significant violence in general populations or protective custody (Léger, 2012). Furthermore, McDonald's personal history was featured in the courtroom and her attacker's history was precluded from proceedings, which made McDonald hypervisible. During one hearing, McDonald was asked about whether her prior hospitalization for depression or use of "hormone patch treatment" impacted her decision-making or allocution (State of Minnesota, 2012). Dean Spade, a lawyer and advocate who was present during McDonald's court hearing explained that the judge patronized her by asking:

'Do you freely take this plea deal, do you freely and voluntarily take it?'... What does freely and voluntary mean in this system? What options does CeCe have in this system where she's being caged for being a target of a racist and transphobic attack? (Léger, 2012, para. 14)

In contrast to the scrutiny McDonald experienced, Schmitz's criminal background was determined to be inadmissible, even though he had a history of physically assaulting others and had a swastika tattooed to his stomach. While there are any number of legal justifications for including or excluding information from court proceedings, it is meaningful that McDonald was subjected to strategies commonly used to discredit people of color, women, and/or people who are poor (i.e., attacks on mental health, questioning the capacity for reasoned thought, questioning the influence of female hormones), while Schmitz's prior reliance on violence and overt affiliation with racist ideology was deemed irrelevant.

Intersectionality

As feminist scholars of color have long argued, intersectional analysis is integral to understanding how identity is navigated and how oppression manifests structurally and interpersonally (Collins, 1990; Crenshaw, 1991). Scholars from various fields within communication studies have addressed the importance of intersectionality for enhancing our analysis of culture, identity, and difference (Chávez, 2010b; Chávez & Griffin, 2012; Houston, 1992, 2012; Johnson, 2001; Johnson, Bhatt, & Patton, 2007; Jones & Calafell, 2012; Lee, 2003; Moreman & McIntosh, 2010). This work has been instrumental in illustrating ways oppressions overlap and how privilege and oppression manifest simultaneously (Allen, 2010). Unfortunately, while IC scholars

articulate the need for intersectional analyses, few studies address non-normative gendering or transgenderism. For example, in the recently released *The Handbook of Critical Intercultural Communication* intersectionality is only indexed on five pages and only a few essays examine identity intersections (see Alexander, 2010).

TS scholars also call for intersectional analyses in their work. TS relies on intersectional analysis to discern how gender is shaped by discourses such as racism (Juang, 2006; Roen, 2006). For instance, TS has illustrated how working class and poor trans*- people of color have always been a part of LGBT communities (Saffin, 2011), and how trans*- persons of color, particularly trans*- women, are disproportionately targeted for violence and state sanction (National Gay and Lesbian Task Force, 2011). In addition, the confluences of gender, sex, and sexual orientation impact how trans*- persons are targeted for violence (Bettcher, 2007) as well as how race, immigration status, and gender play figure into the treatment of transgender and/or queer persons in the immigration and prison systems (Chávez, 2010b; Nair, 2011). Page and Richardson (2010) remind us that nation-states mark difference in order to construct classes of people as social problems. In fact, the identity of the nation-state is often built on the creation of “minority” statuses that enable states to terrorize (racialized, gendered, classed) citizen “Others.” For example, nation-states engage in “racialized discipline”—such as terrorizing non-dominant racial groups and promoting whiteness—to enforce “compulsory heterosexist racializations” against those who are gender non-conforming or who violate heteronormativity (p. 59). The U.S. nation-state’s historical positioning of race against gender and sexuality established the context for the contemporary “Marriage Mimesis” Snorton analyzes in this issue. Not only are queer and/or trans*- persons of color erased in the “animus between people of color and queer folks,”—blackness and other historically targeted racialized embodiments are constructed as necessary foils for white racial viability, including white lesbian and gay “progress.”

McDonald in particular faced interpersonal and state terror based on the intersectional interplay of white supremacy, gender conformity, and heteronormativity. Growing up African American and trans*-, McDonald was regularly confronted with violence: “[W]ith the fact of me just being a minority in this society was bad, being African American and trans is an ultimate challenge. I can remember having loaded guns being put to my head and being beat until bloody” (We live in fear). Her early experiences were mirrored in June 2011. By yelling “nigger,” Schmitz targeted her blackness and its relationship to her transness, which he worked to disparage by labeling her as a “chick with a dick.” He erased her femininity and simultaneously disparaged maleness by calling her a “faggot,” demonstrating how transfemininity is a threat to heteronormative masculinity and patriarchy. Schmitz’s attack thus interimbricated race, sex, gender, and sexual orientation—his own and McDonald’s. His rhetorical choices reinforced his intersectional identity supremacy as he enacted the legacy of violence against McDonald’s sex-gender variance, blackness, and working classness.

The arrest, sentencing, and imprisonment of McDonald illustrates the history of intersectional and discriminatory treatment trans*- people of color experience within

the prison system. Although transgender persons are imprisoned at lower rates than African American cisgender men (the population most targeted by the penal system), transpersons—particularly those who are underemployed and/or people of color—are incarcerated at higher rates than cisgender persons and, when incarcerated, are often placed in a prison incongruent with their gender identification. Transgender prisoners are often denied access to hormones in spite of federal policies protecting hormone use (National Center for Lesbian Rights, 2006) and are sexually assaulted at significantly higher rates than cisgender inmates (Wallace, 2007).³ Understanding the attack on McDonald and her subsequent imprisonment requires attention to the multiple, intertwined identities that were iterated and scrutinized by the people and institutions that targeted her.

Conclusion

In this essay, I argued that IC scholarship is enhanced by attending to concepts from TS such as cisgenderism, cisprivilege, and cissexism, which extend and deepen analyses of gender and intersectionality. As the case of CeCe McDonald illustrates, racialization, social class, and gender expression are just some of the intersecting identities that impact how trans*- persons experience oppression and how cispersons experience privilege. Future studies should investigate these dynamics more fully as well as they ways privilege and oppression are experienced simultaneously.

Crucially, analyzing cultural constructions of transness provides IC scholars an entry point for learning how to be allies in the struggle for trans*- justice. As scholars of alliance and coalition have argued, challenging oppression requires that we be “implicated in the dehumanization of each other” (Chávez, 2010a, p. 147) and work to disrupt our privileges and confront each other’s oppression (Johnson, 2013; Johnson et al., 2007). We must interrogate interpersonal interactions as well as structural dynamics, including the state-sanctioned actions imposed on the bodies and minds of trans*- persons. Critical and reflective engagement is a first step to this end. While it cannot replace collective action, IC scholarship and its applications are sites of politicization where we can move over, make room, and engage in resistive world making.

Notes

- [1] I follow gender activists who often use trans* to signal gender nonconformity that includes persons who identify as women and men as well as persons who may reject or disrupt the gender binary altogether. Also, McDonald self-identifies as African American and trans* (As Long As We Live in Fear). To respect McDonald’s identity, I use her chosen name and not the name assigned to her at birth.
- [2] There have been conflicting reports about whether McDonald pulled out a pair of scissors or a knife, although lawyers and McDonald referred to scissors during allocation (State of Minnesota, 2012). As Farrow (2012) reports, no weapon was found.
- [3] As reported by the Transgender Law Center of San Francisco, the Department of Justice has developed national standards to help prevent sexual assault in prisons and jails.

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