Contemporary Discourses About Trans Women:
The Making of the "Transgender Predator"

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Abstract

Contemporary Discourses about Trans Women: The Making of the "Transgender Predator"

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This dissertation traces the emergence of the "transgender predator" discourse on social media. Taking its cue from the 2019 British Columbia Human Rights Tribunal case *Yaniv v. Various Waxing Salons*, in which a white Canadian trans woman named Jessica Yaniv unsuccessfully filed a series of complaints against a number of racialized cisgender aestheticians claiming that they denied her body and Brazilian waxing services, I examine Canadian socio-legal discussions regarding trans women's access to spaces and services designed for cisgender women. Second, I focus on the realm of YouTube in which *Yaniv v. Various Waxing Salons* was marketed as the case of a transgender predator by another trans female YouTuber named Blaire White. I locate Yaniv-related content within a larger genre of "predator-hunting" in which self-proclaimed vigilantes lure and "hunt" putative child predators through sting operations and publish their expeditions as online shaming content on YouTube. By analyzing the visual and verbal discursive elements of the genre of predator catching/exposé, I suggest that "transgender predator" functions within the axis of surveillance regimes and monetized humiliation-entertainment, rather than merely being motivated by the goal of protecting cisgender women and children. Lastly, I turn my attention from "transgender predator" to another type of pejorative construction about trans people represented in the stand-up comedy of Dave Chappelle and Ricky Gervais. I argue that, as opposed to comedy's previous engagement with trans subjectivity in which the comedic element was revealed through the tropes of deception and bodily incongruity, in the works of Chappelle and Gervais, transgender subjectivity is used to

make social commentary about the supposed decline of, what are deemed to be, Western values of reason, rationality, and freedom of speech.

Keywords: transgender, predator, monster, moral panic, vigilantism, digilantism, surveillance, humiliation, stand-up comedy, humour, YouTube, Jessica Yaniv, Blaire White, Dave Chappelle, Ricky Gervais

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sure if I will ever be able to come back to Turkey as a professor just to be there, in the classroom, when a trans student needs to see a trans professor. Even though institutional representation is important, particularly for us trans women of Turkey, we are not a framework, we are more than a theory. We do not have to deconstruct anything, nor we must transcend anything to be meaningful. Be happy, survive, thrive, as you have been doing in exemplary ways. I just hope that this work contributes to invaluable knowledge created by trans women everyday online and onsite –in Turkey, and all around the world.

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INTRODUCTION

I start this dissertation with the case of Jessica Yaniv or, as I also refer to it, the story of Jessica Yaniv. Jessica Yaniv is a white, transgender woman from the British Columbia, Canada. In 2018, Jessica Yaniv started to contact various racialized, female waxing service providers to receive genital and body waxing service. However, on every occasion, she got denied these services after revealing that she is a trans woman. Yaniv took the service providers to the British Columbia Human Rights Tribunal. However, 2019 Tribunal ruling dismissed all of Yaniv's complaints, stating that Yaniv had a racial animus, a desire to pursue financial gain, and bad faith behind filing human rights complaints. I chose to focus on this Human Rights Tribunal case because of the infamy surrounding the case which is something acknowledged in the Tribunal ruling as well. There are several reasons behind why I focused on this case and the subsequent story or cautionary tale it has become. This case came under public scrutiny at a time the so-called transgender tipping point had already happened, and also at a time in which anti trans-rhetoric was starting to rebrand itself as gender critical ideas in UK, USA, and Canada (Steinmetz). Yaniv's bodily representation, her antics, her proven racism and the number of allegations about improper conduct with children also contributed to the sensational aspect and the overall influence of this case. And of course, it happened in Canada, a country which proudly markets itself to be a multicultural and LGBTI friendly country, and this case threw a monkey wrench into such claims. I argue that Yaniv's case and story, with all its racial, sexual, moral, financial, sensational aspects epitomizes the recent years' "transgender predator" moral panic.

Informed by the critical insights provided by trans, queer, intersectional as well as radical feminist scholarships, and supported by other Canadian Human Rights Tribunal cases involving trans women, the first chapter of the dissertation explains how and why transness is constructed in opposition to the values of feminism and how it is located within the political scope of feminist movement. Basically, how trans people and their legal struggles are imagined to be in an outside feminist politics.

Second project focuses on the social media aspect of Yaniv's case as a starting point, but transcends it, and presents a broader analysis on the construction of transgender predator trope online. The way I undertake this task is twofold. First, I analyze a selection of YouTube videos by self-appointed predator hunters. These are vigilantes who position themselves as responsible, watchful citizens who want to make their neighbourhood and the world safer for children by exposing child predators. The way these predator poachers choose to undertake this alleged goal follows a general script, more or less: They make profiles on dating or social media apps, they pose as minors there, and when they manage to lure in an alleged predator who is willing to meet a minor, they invite him to, usually, a public space. When the predator hunter and the alleged predator first come into in-person contact, the predator hunter lets the predator know that the child the predator thinks he was talking to has been them. After that revelation, they threaten the predator by saying that he either needs to talk to them on camera, which would then be uploaded to YouTube, or the police will be called. Usually, the shamed person agrees to talk, and the predator hunter asks him invasive questions, forces him to confess to current and previous crimes of sexual nature, and sometimes coerces the person into performing humiliating acts in exchange for not being reported to the police. In the second half of the project, I turn my attention back to

Yaniv and Blaire White, the trans YouTuber who capitalized upon Yaniv's story and marketed it to millions of people as a "trans predator" case. Here, by looking at Blaire White's trans predator video series, I dissect the textual and visual strategies utilized by White to discursively create a contrast between bad, predatory, fake trans people who are abusing self-identification policies and LGBT tolerance and herself –good, passing, patriotic, heterosexual and rational trans people who know their place.

As Roger Lancaster says, moral panic is as American as apple pie ("The New Pariahs" 75). As he and Richard Maxwell Brown show, preoccupation with crime and particularly tales of sexual danger (especially towards white women and children) has shaped the (North) American culture since the first settlements (Brown 4). This preoccupation has only gotten stronger (and arguably more entertaining and profitable) as the technological advancements contributed to the omnipresence of surveillance regimes. Therefore, looking at these videos provides us with a good understanding of this fertile ground that is conducive to creation of monsters, as well as moral panics around these monsters. Through the discourse analyses of the videos presented in this chapter, I situate this current, digitally amplified "transgender predator" obsession as a newer iteration of earlier moral panics. And I argue that, rather than protecting children and defending the rights of women, "transgender predator" proved to be lucrative, pearl-clutching, and entertaining iteration of moral panics within, what Lancaster calls, the culture of crime control and punitive state. While earlier research focused on specific forms of surveillance regimes and moral panics of certain racial and sexual orientation at target, my work shows how the current transgender predator craze transcends racial and class lines, cravingly encompasses various forms of surveillance techniques, and transforms the previously physical attributes of

predatoriness into a sticky form of "ideology" ready to stick to and taint anyone who comes closer.

In my last project, I chose to focus on an increasingly relevant popular culture phenomenon: stand-up comedians talking about trans people as a sign of cultural degeneration of the West. Trans women have always been a subject of comedy; this is not particularly new. I am sure many people can remember a few movies on top of their heads in which the trans woman's so-called "true identity" is revealed in a turn of surprising, shocking, tragic ways. (And certainly not just in comedy but in other genres as well.) In this type of relatively older Hollywood movies or TV shows, a trans woman's supposed bodily incongruity or her "pathetic" attempt to live as a woman is either presented as a deceptive scheme or a sad, pitiful lesson. In fact, as I also quote Julia Serano in my work, those two stereotypes have long been two of the most prominent archetypes of trans women representation in media: deceptive or pathetic transsexual (Serano 65-69). But what I claim is new is the ways in which trans subjectivity is used to make pseudo-critique about Western societies. This pseudo critique, unlike the earlier forms of rowdy, crass, slapstick comedy, locates the current conceptualization of transness both as an indicator and the result of a degeneracy caused by too much liberal ideas and tolerance. The era of girl with a plot twist, if you will, is a little behind now at the time of LGBT acceptance, diversity, multiculturalism and so on. It would be relatively difficult now to see on Netflix, Amazon Prime, or in a major blockbuster, a plotline such as the one in Jim Carrey's *Ace Ventura: Pet Detective*, or messy fight scenes like the ones in *Jerry Springer Show* that marked the 1990s. It's too far and too low brow for us people who like to consider themselves as accepting, tolerant, and reasonable. If only there were new type comedians, that could appropriately address our

"concerns" about trans women by still maintaining our positions as relatively liberal people, but also allowing us to legitimize our own biases. It turns out that there is already this type of comedians who have long been considered as public intellectuals and social critics. This is what I do in this project. I look at the work of Dave Chappelle and Ricky Gervais, two of the most popular comedians in the USA and the UK, and certainly two of the biggest comedians who consistently dedicate large segments to trans women in their shows. By analyzing the discourse employed in the jokes of Chappelle, I explain how he is using the growing visibility and acceptance of trans people as some sort of an injustice towards Black community by wrongly juxtaposing these two communities and their struggles as mutually exclusive categories. Similarly, I also look at the work of Ricky Gervais, who have been applauded as a rational critic with almost a scientific tact who successfully takes down the bigotries of religious fundamentalists. I look at how he positions the supposed contradictions of trans identity and the perceived lenience to such incongruity in the Western societies as the signs and causes of the decline of Western values –reason, rationality, and self-responsibilization.

Throughout the dissertation, it will be clear that certain opinions of mine diverge from the mainstream trans frameworks of affirmation and validation. Therefore, rather than concluding that comedy is inherently bad and sinister, as an unexpected enjoyer of free speech myself while trans, I draw attention to how contemporary North American model of relentlessly inclusionary transness might benefit from a little in-community discussion. But at the end, rather than putting the blame on "improperly" trans subjects who represents us bad, and supposedly make a laughingstock of ourselves, I simply invite the reader to be cautious about being infatuated with people who present themselves as masterful racial critics or the beacon of rationality.

The final step of my research is my three-episode podcast project. In those three episodes, I exclusively talk about the Ottoman Empire and contemporary Turkey. One might think "What is this jump from North America to Turkey now? How do these seemingly disparate contexts connect?" As we see in the recent anti-trans rhetoric all around Global North, hate travels. Not just in sporadic, disconnected, grassroots ways, but also through networked alliances. But also, theory, frameworks, and language travel. They travel in ways that sometimes create convenient blind spots –blissful negligence moments that are not squarely fit into particular political alignments. This prong of my research is born out of an anger, a frustration. Although that anger and frustration was much rawer in my proposal, I think I manage to refine it. Still, though, I wanted that anger to be visible, and I think it is.

First of all, this is an anger towards the loss of a rich culture in which desire was experienced in much more complex ways than we allow ourselves in contemporary Turkey. As I tried to demonstrate through various influential works of history on the Ottoman-Arab culture, desire that is deemed unnational, exported, immoral, corrupt, was socially experienced and poetically narrated in an Islamic empire in ways that are not intelligible to today's run-of-the-mill Islamist and neo-Ottomanist of the so-called "New Turkey." But my frustration is turned to Western scholarship and activism as well, or rather, I should say, their influence. I should also state this clearly: When I say Western, I don't just mean White. This is very important. Lots of scholars and activists of colour are implicated in what I am critiquing here. Their scholarly and activist endeavours are also informed by producing knowledge in the first world, by the means of the first world, and this first world privilege is reflected in their work although still at much different levels compared to their white counterparts. While the LGBT-inclusion as civilizational

projects, and racial formation in state building processes in the Western world have been critiqued vigorously, how LGBTI people are left out of nation building, civilization, and state making in countries ruled under Islamic regimes has not received the same academic enthusiasm.

In short, what I am trying to argue is this: Countries like Turkey have a specific form of systemic oppression that is not registered in Western scholarship's grid of intelligibility: that is, Islamic oppression. However valuable they are, merely looking at capitalism, neoliberalism, racism, globalization, or political rise of the right is just not enough to understand what we have been going through. Since Queer and Trans scholarship are predominantly aligned with left politics, I understand how talking about Islamic oppression might not be most comfortably received. Sometimes our need to convince each other that we're committed to diversity, equity, equality, multiculturalism and intersectionality (which I think I am committed to, as well) comes at the expense of some people like myself and the problems of the people like that of my country. I flesh this out where I talk about gender rights versus religious rights in Yaniv's case. Similarly, and most recently, we have seen this scholarly reluctance of solidarity again in the case of Iranian people's struggle against the regime that hijacked the lives of many generations. The same enthusiasm to address the supposed stifling atmosphere that brought 100+ scholars and thinkers to lend support to J. K. Rowling in an open letter, is not channelled equally to people suffering under Islamic regime. What I am asking, what I am calling for is the space within which we can talk about and theorize what is affecting us the most. This is exactly what I attempted to do, not just in the podcast episodes, but in the dissertation in general. As a trans woman, as an immigrant, as a racialized person, as a person who grew up Muslim, I talked about what affects me on an individual and academic level. I hope I achieved that.

CHAPTER 1: THE CASE OF JESSICA YANIV: A MESSY SCENE

Introduction

The latter half of the 2010s saw growing transgender visibility, and equally growing reactionary anti-trans sentiments all around the Global North. The next decade (the 2020s) started with an unprecedented pandemic which drastically changed life for people all over the world, even more so for already-marginalized, low-income communities. We have witnessed, yet another time, anti-Black violence at the hands of the US police, and the subsequent resurgence of civil rights activism in the form of the Black Lives Matter movement. With all these events going on, identity and identity politics, particularly those pertaining to trans women, managed to remain in the public and political discourse. Even though the United Kingdom[1] is arguably the current nucleus of trans exclusionary rhetoric, euphemistically called gender critical feminism[2] (Lewis), trans exclusionary rhetoric is visibly becoming part of the language from everyday conversations on social media to legal decisions in North America and across the globe. The exclusionary rhetoric is directed at progressive institutions which have set historical precedents for trans people's access to healthcare, services, and spaces initially designed to serve the needs of the cisgender population. However, it is impossible to make sense of anti-trans rhetoric outside of the rise of right-wing and conservative political currents. As Sahar Sadjadi observes in

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[1] Recent events include the worldwide famous author J. K. Rowling's anti-trans essay; the termination of Maya Forstater's work contract for her openly anti-trans rhetoric, and her subsequent failed lawsuit against her employer; and the lawsuit between *Bell v. Tavistock* which ruled in December 2020 that children under 13 cannot give informed consent to puberty blockers –hence, they should not be prescribed PB.

[2] I would like to refer to trans exclusionary rhetoric as both trans exclusionary radical feminism (TERFism) as well as the gender critical approach. Although they almost always overlap, the gender critical approach is also employed by various other factions which are not otherwise part of feminism.

her article discussing South Dakota's 2020 Child Protection Act that targeted trans children, "This explicitly right-wing movement increasingly finds common ground with a contingent of transphobic self-described "gender critical" feminists or TERFs (trans exclusionary radical feminists) who oppose "transgenderism" on the basis that it constitutes harm against (presumably nontransgender) girls and women" (509). This dissertation aims to be a part of Krista Scott-Dixon's question that instead asks: "How might trans and feminist ideas inform future struggles for social justice and the enhancement of human dignity, and how might we build solidarity in order to improve people's lives?" (Scott-Dixon 12). Here, I extend Scott-Dixon's question and project it to our contemporary context marked by identity politics, multiculturalism, trans hypervisibility, and an equally burgeoning reactionism and transmisogynistic chauvinism.

Following this question, in this project I discuss a 2019 British Columbia Human Rights Tribunal case in which a transgender and intersex[3] woman named Jessica Yaniv[4] filed a series of complaints against a number of racialized, cisgender women who refused to provide genital and body waxing service to her on the basis of her transgender identity, their lack of training on *male genitalia*, and their religious convictions, as well as safety concerns. This chapter first provides a

[3] Yaniv's intersex status did not explicitly constitute a major place in the Tribunal ruling. While Yaniv was introduced as a "transgender woman" at the very beginning of the ruling (*Yaniv v. Various Waxing Salons (No. 2)*, 3), her intersex identity is not used as a marker to formally introduce her. Yaniv, both during her testimony, and her Facebook communications with the Respondents, did not directly refer to herself as intersex; she only implied a different configuration of genitalia than what is typically referred to as scrotum or vulva (10). As she found questions about her genitalia inappropriate, she did not answer the Respondents' counsel's questions regarding her genitalia (9). In fact, the counsel Cameron "asked Ms. Yaniv to submit to an independent medical examination to verify her genitals" (10). Where we encounter Yaniv's direct claim to intersex identity is one of her YouTube appearances (White 00:01:22-00:01:42).

[4] Yaniv is now going by the name Jessica Simpson. As her last name was Yaniv at the time of the Tribunal ruling, I will be referring to her as Yaniv for the purpose of clarity.

literature review on some of the major themes which inform the Tribunal case itself, and the trans women's identity in general. I then analyze the Tribunal's decision focusing on its 60-page-long ruling, specifically drawing attention to the ways in which trans and racialized women are discursively constructed. Later, I lay out the stakes within this case to understand its larger relation to cisgender women, children, religious rights claims, and Canadian culture. Subsequently, I look at several other legal and non-legal Canadian cases which also center around trans women's access to spaces and services initially designed for cisgender women. Finally, I discuss to what extent the critique of homonationalism can be applicable to Yaniv's case, and whether it provides a multifaceted perspective we need to detangle. I conclude this chapter by summarizing the ways in which this case poses newer challenges to the hot button issue of trans inclusion, and how my next chapter connects to the larger picture I start to draw here. However, before undertaking these tasks, I believe that positioning this case within a bigger picture and contextualizing it within internationally developing concurrent events and the surrounding political climate will provide the reader with a better understanding of the emergence and the eminence of this case. I argue that *Yaniv vs Various Waxing Salons* is the epitome of the tension between growing trans visibility versus growing anti-trans rhetoric that informs the late 2010s. Moreover, I contend that understanding this case is significant as we are likely to see more future cases informed by a clash of identities which might require us to modify and update the notions around which we make sense of (gendered/sexed) subjecthood.

The Context

The rise of conservative and right-wing politics has been increasingly targeting LGBTI people all over the world, *even* in Europe and North America. Under the presidency of Trump,

trans people in the US had to re-battle for the legitimacy of some of their recent legal accomplishments. The UK already has a long history of trans exclusionary rhetoric (Brown and Nash 327), as well as a tightly organized gender critical feminism ridden with regressive/reactionary writers, comedians, and academics who are dressing up their prejudices with concerned, critical language. In 2020, world famous author J. K. Rowling's publicly expressed discomfort with trans-inclusionary language: her concerns about the erasure of biological sex and womanhood re-kindled the already ongoing debates about the visibility and demands of trans people (Rowling). In continental Europe, Hungary recently terminated legal recognition for trans and intersex people in 2020 (Knight and Gall). Hungary's conservative government had also previously clamped down on Gender Studies departments and had been cracking down on the liberal Central European University, and its alleged financer George Soros, who was deemed the sponsor behind the entire trans movement (Riddell). As the 2020 Pride Month was ending, Turkish president Erdogan accused LGBTI+ people of being "cursed [by God] perverts" who were sinisterly attacking national and moral values (Erol). Within the subsequent month or so, the Russian government followed suit by attempting to forcefully mark its citizens' birth sex on their IDs, hence putting trans people's safety at risk –even those who had already changed their gender would be made overly visible against their will (Kondrashova). Even more recently in 2021, Erdogan directly targeted LGBT youth by likening them to "terrorists." His interior minister called LGBT students who protested their policies "deviants/perverts" and subsequently arrested many –among them trans and nonbinary students (Hajjaji; Kucukgocmen). In 2020 and 2021, municipalities in Turkey banned rainbow and trans flags from International Women's Day marches, and police forces violently beat those whom they perceived as trans and LGBTI. Rather than seeing these events as isolated incidents, it is

possible to see the omnipresent anti-LGBTI events and discourses as "contextual expression[s] of a wider trans-exclusionary political climate with international dimension (Pearce, et al. 680)." In fact, Brown and Nash, whose research focuses on anti-LGBTI organizations in Canada and the UK, draw our attention to the fact that some organizations in otherwise progressive countries have already managed to establish transnational alliances with each other (328). I argue that, rather than seeing it as an isolated incident, we also need to make sense of Yaniv's case against the background of internationally growing anti-trans rhetoric put forth not only by trans exclusionary feminists, but also other right-wingers, conservatives, and so-called free speech advocates. Contextualizing the sociopolitical environment around sensationalized trans-related incidents shows us that anti-trans rhetoric does not consist of isolated discourses deservedly directed at one *bad trans* who had it coming. Rather, anti-trans discourses are part of a larger paradigm with reflections that can be traced historically and internationally.

Literature Review

I position my work in this project within the intersection of trans, feminist and queer theories. I will be favouring the term "trans" instead of transgender and transsexual when I am not using a particular subject's self-identification because the proposed conceptualization of trans in this project is not based on sex, gender, and an inherent and inner[5] understanding of

[5] Transness as a state of being one *knew all along* or something with which one is *diagnosed*, a distinct category of gender identity within the Western taxonomy of gender and sexualities. It is described as the idea of "understanding gender identity, an internal sense of being male or female, as being 'hardwired into the brain at birth.' This idea is often criticized by people who are outright antagonistic to trans people as well as by feminists because "the idea that a socially constructed concept can be biologically inscribed within the structure of the brain and only transgender individuals themselves are able to unlock and interpret the inscriptions makes little sense" (Williams 8).

those concepts. Rather, I aim to understand transness as a new form of subjectivity that has strong ties to sex and gender, but also to the newer discursive and technological availabilities of personhood, especially within the Anglophone Global North[6]. By undoing the forged relation between biology and gender, in which the former is perceived as the sine qua non for the latter, this dissertation aligns itself with the view that "Gender, and also sex, are made through complex social and technical manipulations that naturalize some while abjecting others" (Enke 1). In the following section, I examine the contributions and juxtapositions of these fields in analysing the trajectory of trans, while also showing why the idiosyncrasies of Yaniv's case (which I locate as an example of the solidification of internationally rising anti-trans discourses) urges us to adopt a different perspective not bound to the idea of an inherent, immutable identity. This review of existing literature shows that important contributions have been made by trans and cisgender scholars, activists, artists, and subjects to understand trans-identified individuals and make this category of personhood legitimate and liveable within given medico-legal and socio-political contexts. However, newer forms of identity formations and claims call for a newer conceptualization of transness that transcends its immediate, binding relation to gender and sex. Following Preciado's conceptualization, I understand trans/gender not as an unchanging, absolute truth (or something that can be wrongly coded in certain bodies), but as "somatic-political fiction that functions as an operational program of subjectivity through which sensorial perceptions are produced that take the form of affections, desires, actions, beliefs, identities"

[6] I believe that stressing the geographical and political location of the phenomenon discussed is important. Although people who can be put under today's trans rubric have always been existed across history, transgender as a distinctive category of personhood and collective identity arose in the Anglophone Global North during the 1990s (Valentine 4).

(Preciado 272). In that vein, the emphasis moves on to "transsubjectivity" from trans*sexual*, or trans*gender*, as Sandy Stone, one of the pioneers of trans studies, predicted almost three decades ago in an interview. In this understanding, the "body is [only] an instrument for involvement with others" –not an unchanging basis for building identities and alliances (Stryker 159).

While Sandy Stone's concept of post-transsexual has been instrumental in creating spaces for transgender (as opposed to transsexual), and her manifesto is regarded as one of the pioneering essays of transgender studies, we start to see a linear progression of transness even back then –a better way of *trans*ing by transcending (Stone 231). If we were to understand the collective term transgender as the product of 1990s' North America as Valentine claims, we need to take into account the material realities that made it possible. Similarly, we witness the processes of individual and communal identity-building around the term trans (rather than transgender or transsexual), and even more increasingly, non-binary. While the fact that different narratives and ways of being trans is something to be celebrated, one needs to approach that with caution. That is to say, identities, or practices of transness are not experienced in every part of the world equally and simultaneously. What the sociopolitical structure of the Global North –even more particularly, North America– facilitates for newer gendered claims might not be replicated in other parts of the world. Therefore, one needs to be cautious about reproducing a linear progression of transness in which non-normative and non-binary signify the progress –a discursive tool that has marked the West-East divide.

"Trans," without the words gender and sex attached to it, is not an attempt to disregard and disrespect the trans people whose identifications lay deeply within a natal or medical understanding of the self; in fact, my own lived experience as a trans woman sits within a more

traditional and binary understanding and performance of womanhood, and trans womanhood in particular. I would like to note that, while a theorization of transness which is not bound to medical diagnosis might be possible in the Canadian and US contexts where the institutional and discursive structures allow for it to a certain extent, in Turkey, for instance, such theorization transcending the wrong body/inner identity/gender dysphoria might lack nuances as even the most gender-conforming, cis-passing, surgically altered, moral, law-abiding, and nationalist trans subjects lack legal protection regardless of their own willingness to align themselves with the hierarchical power in terms of their gendered allegiance.

What is different in Yaniv's case, and what calls for a newer insight, is the change within the narrative of *transgender* versus *woman*. Contrary to formulaic juxtaposing narratives between trans and cis women, we do not have a trans woman of color, or a racialized queer subject of lower class navigating the Western (Canadian) judicial realm. What we have on one hand, is a white, possibly middle class, trans lesbian woman with an alleged history of inappropriate online interaction with minors, an animus toward the Indian community in Canada, and various claims about the status of her genitals. On the other hand, we have racialized, small-business-operating cisgender women who are required to keep their marital arrangements with their husbands which prevent women from touching people who are deemed to be "men" due to their religious beliefs (*Yaniv v. Various Waxing Salons (No. 2)* 5, 20, 27, 28). Is the trans subject oppressed, or is the racialized subject oppressed? Or do we need a more complex look at the particularities of the case and the individuals involved rather than relegating what they say and do to restrictive single categories of identity and victimhood? What happens when, as an audience, we see screenshots of Yaniv's comments about the cleanliness or the turbans of the

immigrants (Singh)? How do our opinions change when we are presented with Yaniv's alleged Facebook messages with underage girls about tampon use, and her attempt to hold a topless swimming party with adolescents? Similarly, how are we going to reconcile the outright denial of service upon the disclosure of Yaniv's transgender identity with the Respondents' religious rights claims? How are we going to make sense of the fact that she was denied arm and leg waxing because of her trans identity by service providers who customarily provide such services to the public (*Yaniv v. Various Waxing Salons (No. 2)* 32)?

What I am arguing is that there is a strained tension between the current endorsement of transness that proudly rejects being pigeonholed to the binary in linguistic, biological/bodily, and performative ways, and our strictly and dualistically gendered world clinging on to making sense of trans-identified individuals with its cis-centered tools. For this reason, it is important to look at how trans feminist and cis feminist scholars have navigated the inclusion or exclusion of trans women in cisgender women's spaces and organizations. Debates around trans women's access to women's spaces and their claim within womanhood are not new; these debates have been going around well before the use of the term transgender, and its rising visibility as a collective category starting in the 1990s (Valentine 33). Although trans scholars have been paying their dues to feminist struggle and theory, it is not wrong to say that there has been antagonism toward trans women, as they were seen as agents of male entryism/infiltration, and accused of embracing and endorsing stereotypical womanhood in the service of men (Hines, *TransForming Gender* 18).

Janice Raymond's abominably titled transphobic diatribe *The Transsexual Empire: The Making of the She-Male* came out in 1979, as the product of already ongoing debates about trans

people within 1970s feminism. In her infamous diatribe, Raymond articulates some of the most widespread tropes about trans women, and some of those tropes still have currency within the contemporary anti-trans discourse, rendering the book influential in the most undesirable sense. It is important to note that this "transsexual empire" is envisioned as an empire of male-to female trans women; trans men –albeit scorned—are not Raymond's target. For her, trans womanhood figures in as impossibility; there is no way for a person assigned male at birth to be a woman. Raymond refers to trans women as "male-to-constructed-female" and uses he/him pronouns throughout the book (Raymond 3, 15, 23). Raymond accuses trans women of being rapists –an association which subtly or conspicuously crawls out of the woodwork in many debates pertaining to a clash between trans and cis women. She states in one of the most infamous lines in her book that "All transsexuals rape women's bodies by reducing the real female form to an artifact, appropriating this body for themselves" (104). The book is ridden with far-fetched analogies likening trans women to eunuchs employed by ancient rulers to keep women in their place (105). She cannot help but reveal her Orientalism by likening a space with trans woman in it to the harem. Orientalism, xenophobia, and racism of this sort is not a surprising melange of politics within the trans-exclusionary sects. Her feeble analogies take a sci-fi turn when she also decides to call trans women a "breed" of (wo)men pining for the "eternal femininity," and "strong female energy" (110, 119) and likens them to some sort of medically manufactured Stepford Wives[7]. She accuses trans women of purporting the patriarchally-approved hegemonic

[7] A 1972 thriller and satirical novel of which premise focuses on the overly docile and submissive housewives of a town called Stepford. The plot twist reveals that these stereotypically gender-confirming women were indeed robots created by men –similar to the conspiracy in which Raymond involves trans women.

standards of beauty, but trans women are equally guilty if they choose not to align with society's expected roles –you're damned if you conform, damned if you don't (99). Similarly, when she touches upon the questions of who gets to be woman, a question allegedly created by lesbian trans women for their own sake, she escapes from discussing the essentialist origins of differences between men and women (hence, what makes a woman) because what matters is that trans women are not women, no matter what (114).

Raymond's essentialist claims have been echoed more recently in Sheila Jeffreys' book, *Gender Hurts: A Feminist Analysis of the Politics of Transgenderism*, in which she argues that gender (as used in "transgender ideology" and "gender identity"), is an ideology created by male doctors in the service of transgenders (Jeffreys 4, 6, 8, 14), and this ideology hurts various categories of "women." Following the invalidating language of trans exclusionary feminism, she calls trans women men, and trans men women –hence, trans men are included in the categories of "women" hurt by gender ideology, and they hurt their loved ones through that ideology (3). She believes that "Gender functions as an ideological system that justifies and organises women's subordination and for this reason it must be dismantled" (185). Themes related to scheming, deception, inauthenticity, and immorality can be observed throughout her arguments as well. Indeed, it is difficult to distinguish what she brings to the table; at best, the book is a bedside anthology of what are today called TERF arguments.

Using a letter in which Christine Jorgensen, arguably the first most famous transsexual woman, referred to herself as a feminine homosexual, Jeffreys thinks she proves the schematic agenda of transgenderism. When Jorgensen's endocrinologist diagnosed her as a "transvestite" and not as homosexual, that is to say, when the identification of "transvestite" became

discursively and medically available to her, Jorgensen was then able to use that word to identify herself (Jeffreys 23). Rather than a revelation of a big conspiracy, this is a revelation of ignorance or denial on the part of Jeffreys about the power of discursive regimes in the construction of the identities of persons. Instead of understanding the (albeit pathological) medicalization of transsexuality as an agential path for trans-identified people, Jeffreys chooses to portray this as a conspiracy in which the medical establishment created transsexuals, seconding the same arguments made by Raymond decades before (Raymond 70, 91, 119). Homosexual people, too, were not able to publicly identify as such prior to the term being coined, accepted, or at least acknowledged within the social, legal, medical, political systems which allowed for them to embrace it. As Scott-Dixon reminds us "Individual gender expression [as well as sexual orientation] is embedded in systems and structures of power that include colonialism, capitalism and intersecting oppressions" (19). Therefore, trans women in the context of medicalization of transsexuality have not been merely meek, subservient subjects, but they have also been agents navigating the power structures and paradigms of a given historical juncture.

Raymond and Jeffreys are two major purveyors of trans exclusionary ideas, but unfortunately for feminism, there are numerous other influential writers/scholars promulgating these views (Stryker and Bettcher 5). For example, in an essay titled "Women's Spaces Are Not Trans Spaces: Maintaining Boundaries of Respect," Nicki argues in favour of trans exclusionary practices in 'women's spaces' by claiming that "Trans issues are not necessarily feminist issues" (159). Nicki also defends the same position in favour of denying trans women's access to women's spaces because "MTF transsexuals have not grown up with the publicly affirmed

gender identity of a woman and with all the experiences and repercussion that this brings" (155). Similarly, she argues that transgender-related themes divert women's attention from less "trendy" topics such as "reproduction, menstruation, pregnancy, breast cancer or rape" (158). However, many cisgender scholars and activists are in favour of a more inclusionary politics and are open to the constructive criticism directed to feminism. For instance, Patricia Elliot claims that trans people, deliberately or unwittingly, constitute a challenge to feminism as they tackle the supposed immutability of sex, and hence interrogate the politics of inclusion (Elliot 21). Although the relationship between feminism and trans people has been strained, some cisgender feminists have drawn attention to feminism's unfair treatment of trans people by seconding these contributions and criticism. The unsubstantiated association of trans women figuratively and literally as rapists has received pushback. Based on his experiences working in shelters, Wolfgang Vachon discusses the weaponization of trans women's genitalia –a theme that recurrently crops up not just regarding shelters, but pretty much anywhere trans women interact with other people. Regarding the predatory positioning of trans women, he critiques that "This position implied that anyone with penis staying in the female dorm would want to have sex (even forcibly) with the women in the dorm; and that people with a penis are always driven by (straight) impulses, which if not sated may be acted out in violent sexual acts against women" (Vachon 229). Sally Hines, too, explains the problem with this stance: she contends that "trans women are not only misrepresented as men but are aligned with the very worst of men" (Hines, "The Feminist Frontier" 152).

However, as I will discuss in detail later in this chapter, Yaniv's case requires an attentive analysis rather than a simple divide between "good" and "bad" transsexuals (Karaian 187)

because even the "good" transsexuals are not good enough to be exempt from horrendous accusations of deception, divisiveness, and even rape. In fact, the concepts that Julia Serano introduces in *Whipping Girl: A Transsexual Woman on Sexism and the Scapegoating of Femininity* to explain how trans lives are challenged and delegitimated help me analyze the recurring themes we encounter in Yaniv's case: namely, ungendering and the deceptive vs. pathological transgender tropes. Ungendering is a "process" which she describes as "an attempt to undo a trans person's gender by privileging incongruities and discrepancies in their gendered appearance that would normally be overlooked or dismissed if they were presumed to be cissexual" (Serano 172). Having already been associated with predatory tropes, trans women's sexual and non-sexual behaviour are used to uncover their so-called inherent and unconcealable maleness. That is to say, things that are considered to be acceptable or normal parts of cisgender womanhood are used to uncover a secret, deceptive truth about trans women. This can range from trans women having what are considered to be masculine physical features to various non-heterosexual orientations.

Deceptive transgender is a recurrent media depiction of trans women, namely, a trope that supports the popular imagination that trans women are indeed men (Serano, *Whipping Girl* 36). We can observe this trope mainly through movies, and partly through TV shows Serano discusses, such as *The Crying Game* (1992), *Ace Ventura: Pet Detective* (1994), and *The Jerry Springer Show*. This trope is used usually for cisgender-passing trans women whose transness is disclosed in a dramatic, shocking, or comedic moment of revelation. By *looking like* and being perceived as a cisgender woman, the deceiver transgender deceives other people (mainly, straight men who are attracted to her) by simply existing as herself (36). In this vein, trans women's

identities are reduced to their looks –and both are informed by the ideas of deception, trickery, and illusion[8] (37). Now, the deceptive transgender extends beyond being a popular culture trope. In *Going Stealth: Transgender Politics and U.S. Surveillance Practices*, Toby Beauchamp explores the trope of deception through the trial of Chelsea Manning, a former intelligence analyst who leaked U.S. military documents in 2010 exposing wrongdoings during the war on terror (108, 109). He looks at how Manning's gender identity struggles are used in relation to her leaking secret documents in the trial; he claims that the trope of deception is used to exert further surveillance on trans people as trans identity is tied to treachery –hence, requiring an increased level of control (112).

Another useful concept is the popular culture trope of the pathetic transsexual which Serano describes as the following: "Despite her masculine mannerisms and five o'clock shadow, the "pathetic transsexual" will inevitably insist that she is a woman trapped inside a man's body" (38). The pathetic transsexual is a recurrent media representation of trans women that highlights the incongruencies between the trans woman's physical appearance and her self-perceived identity which results in a comedic and pathetic spectacle (39). However, Serano's pathetic transsexual often jokes about her own 'castration,' and is seen less of a (penetrative and moral) threat than the sinister deceptive transgender (40). On the other hand, Yaniv, who is a lesbian woman, insistently seeks other women to *touch* her 'male genitals'. Therefore, Yaniv, as a very

[8] Though Yaniv herself does not fit into the trope of deceptive transgender who fools and seduces unsuspecting straight men, the core idea of immorality (stemming from deceit) resonated in her case, as well. Her deception does not come from passing as a cisgender woman, but through conduct that is believed to be fueled by dishonesty and malintent.

active person who joins YouTube interviews, prolifically tweets, fights with reporters alongside her mother, showcases her taser, and seeks "justice for balls" (VaccineTruth11) exceeds a merely physical analysis of the pathetic transsexual. These two concepts are useful to dissect the Tribunal ruling itself; however, they will be even more important when I examine Yaniv's extensive social media saga in Project 2.

In "An Affinity of Hammers," Sara Ahmed unpacks some of the major arguments and tactics used by trans exclusionary circles, particularly those in the UK. Ahmed points out "a certain kind of feminism that has long been chipping away at trans lives" –a certain kind of feminism that has been 'hammering away' at the lives of trans women (22, 23). Ahmed points out some of the other recurring themes with regards to the representation of trans people as quarrelsome, divisive in feminism, and disregardful of cisgender women's concerns:

> When you have "dialogue or debate" with those who wish to eliminate you from the conversation (because they do not recognize what is necessary for your survival, or because they don't even think your existence is possible), then "dialogue and debate becomes a technique of elimination. A refusal to have some dialogues and some debates is thus a key tactic for survival. ("An Affinity of Hammers" 31)

As a response to the accusation of reproducing gender stereotypes, Emi Koyama, who popularized the term transfeminism, argues that women should not be forced into categories of realness in terms of their femaleness and feminism, and she underlines that women should not be made guilty for making their own decisions about their bodies and lives (Dicker and Koyama 244, 263). She highlights the fact that while women's spaces were invented by lesbian feminists

in the 1970s as spaces free from men, the underlying assumption in this creation –that sexism is the biggest oppression in women's lives– overlooked women's oppression through race and class (Dicker and Koyama 244-263). Transfeminism fills this important gap by constantly keeping itself alert to women's oppression not only through their reproductive choices, but also through their race, class, familial structure, sexual orientation, moralities, and bodily capabilities. Espineira and Boucher state that

> Transfeminism's political horizon is not abolitionist; rather, it is counterproductive: a material new proliferation of new femininities and masculinities, of "abnormal" and monstrous bodies, which overflow the fictional but foundational dualism at the heart of capitalist modernity –so called sexual "difference". (89)

Transfeminism is marked by its expansive inclusionary mechanisms, not only for trans women, but also for other marginalized bodies and practices as well. Contrary to certain strains and waves of feminism, transfeminism is supportive of sex workers, practitioners of kink and fetish, "sluts," and bodies marginalized due to disability, racialization, or non-conformity to beauty norms (Stryker and Bettcher 11, 12). In their respective works, both Stryker and Bettcher, and Espineira and Bourcier highlight transfeminism's (as a continuation of third wave feminism) critical relation with pop culture and technologies of communication. A transfeminist perspective will be useful in an analysis of a case which involves "monstrous bodies," as well as monstrous intentions/characteristics. Transfeminism, as it is employed in the intersecting communities of trans, feminist, and non-binary communities, rejects the idea of gatekeeping not only in the medical sense, but also in the sense of delineating and circumscribing womanhood based on

anatomy or morphology. This allows anyone who has a binary or non-binary claim of womanhood to live their lives without having to prove womanhood through appropriate sexual desire, acceptable gendered expression or necessary surgical or hormonal alterations. In this way, transfeminism's emphasis on the inclusion of bodies, sexual activities, and moralities which cannot rest peacefully within the category of acceptable womanhood is both more open to the proliferation of new identities, and crucial to understanding why Yaniv's case incited so much attention within different sectors of society.

Queer theory has been instrumental with its ever-so-popular deconstructive emphasis for understanding how gender, sex, sexual practices, and desires are not immutable aspects of human life irrespective of time and geography, but "constructions" rendered legible by the complex convergence of various factors. Because of their prominence in post-structural and post-modern theories, these three approaches are critiqued together. Sally Hines states that "In viewing all gendered or sexual identities as socially constructed, queer theory aims to dissolve the naturalisation and pathologisation of minority identities" (*TransForming Gender* 25). Although this appetite for deconstruction is disproportionately directed towards trans subjects, this essentially means that the assumption of woman as the knowable subject of feminism has also been destabilized by queer theory. Queer theory is often criticized both by trans scholars and trans-exclusionary feminist scholars, albeit for different purposes. Jeffreys, one of the influential trans-exclusionary authors, criticizes queer and postmodern theory because they "promoted the idea that there was really no such thing as 'woman' and that playing with and switching 'gender' was a transgressive practice" (10). Obviously, queer theory does not claim that there is no such

thing as woman; it lays out the difficulties in organizing politics around a strict definition of woman. Butler asserts that

> If one "is" a woman, that is surely not all that one is; the term fails to be exhaustive, not because a pregendered "person" transcends the specific paraphernalia of its gender, but because gender is not always constituted coherently or consistently in different historical contexts, and because gender intersects with racial, class ethnic, sexual, and regional modalities of discursively constituted identities. (*Gender Trouble* 6)

Therefore, as I stress throughout my work, Butler reminds us about the *constructed* aspect of womanhood (and now, trans womanhood) not only through a biological/anatomical composition, but through race, class, moralities, and discourses of appropriate/deviant sexualities and bodies at various historical junctures. In fact, trans scholar Viviane Namaste has been critical of queer theory's elan for de-construction. She criticizes queer theory due to poststructuralist characteristics of "rejection of individualist agency, a conception of the productive nature of power, and a questioning of the terms of political action" (Namaste, *Invisible Lives* 20). Queer theory receives criticism from another trans scholar, Isaac West, in terms of its approach on law and trans subjects. West states that "Incrementalism and inclusion are bad objects of much of queer studies today" (56). Everyday trans people's reliance on the law (designed by and for cisgender people) is seen as a subjugation to cisgender normativity and ultimately reproductive of gender norms *we* should strive to transcend. In certain applications of queer (sometimes transgender) theory, agential power and true subjectivity comes with resistance, rejection, and transcendence. Conformity to the norms and invisibility of LGBTI+ identity is often criticized by

pioneering queer and trans authors such as Sandy Stone, who called for the "recruitment" of trans people into visibility (231). In "Trapped in the Wrong Theory: Rethinking Trans Oppression," Bettcher critiques two of the most dominant trans theories, namely, the wrong body model and the beyond the binary model. She explains that the beyond the binary model positions trans people as being inherently outside of the categories of manhood and womanhood; but the binary system constantly attempts to put trans people into either of these boxes –man or woman (Bettcher 384). Therefore, being at the either end of the binary is wrong, as it means that one is oppressed and incorporated by the system. This disdain for gender conformity is often "cited as the underlying political vision of transgender politics" and it "doesn't leave space for trans people who don't self-identify as beyond the binary" (Bettcher 385). West, too, calls our attention to "queer studies' predilection for paranoid readings wherein the specter of normativity haunts everything within its gaze and determines the value of any and all practices" (20). In this sense, both queer studies and a homonational critique (which I employ as an analytical tool later in this chapter) inform each other.

We can think of access to the genital waxing service as "quotidian practices of citizenship," and as Isaac West points out, "certain acts of citizenship are tied to one's ability to be in public places" (29). Such a demand on the access for gender affirming care services, bathrooms, and shelters is part of the demand to be equal in everyday life with cisgender people (West 31) and not an infiltration into or seizure of power from women's movement. It would not be unexpected that we see cases in which similar clashes of rights would occur. Therefore, taking my cue from West, I understand Yaniv's failed legal and online attempts within the framework of impure politics which he describes as a "tactical navigation of norms and normativities never

free from the power relations that authorize them but also not subservient to them" (35). In addition to the fact that "impurity" is already tragically sealed onto Yaniv's case, and this impurity is difficult to detach from Yaniv herself, it is crucial for understanding trans people and trans living experiences as navigating around availability. If one does not *look like* a woman, one's ability to navigate and claim women's spaces are going to be restricted by those gatekeeping these spaces. Similarly, one's genitalia limit the scope of the services designated for women, as the possible patrons of such services are assumed to have the same genitalia. In other words, surgical status or the nonnormative configuration of their genitalia can appear as obstacles for individuals who want to receive gender affirming care services –services designated for women who have a vagina. I believe that this perspective provides us more room to manoeuvre to theorize trans subjectivity in terms of navigating around legal, religious, medical, and technological availabilities to exceed the restrictive spaces of personhood one is given at birth due to the country and decade within which they were born, the family within which they were raised, the religion or gender with which they are expected to grow up, the existing laws with which their personhood and practices are (de)legitimated, and so on.

Sima Shakhsari discusses the juxtaposition of the West as a free, queer-friendly world and the East with oppressive regimes and oppressed queers in need of a savior within the Iranian context. Homosexuals and transsexuals in Iran have been at the focus of the Western queer eye; this is not an unreasonable interest given that postrevolutionary Iran has been the most notorious nemesis of the Northern Atlantic world for decades. Shakhsari illustrates how Iranian gender non-conforming refugees face invasive and inappropriate questions from the Turkish authorities during their mandatory stay in Turkish satellite towns in their asylum-seeking process (

"Shuttling Between Bodies and Borders" 567). After all, it is convenient to imagine the oppressed queer of the Orient as being in need of authentication. Similarly, the denial of agency for Iranian trans subjects appears within the discourse of the Iranian transsexual as really a homosexual forced to go through sex change surgery, and thus in need of even more protection (Shakhsari 566). As this project will show, Yaniv's case and the surrounding events from Western countries prove that, although there are crucial legal protections which are undeniably vital (more vital than trans scholars based in the West would like to give credit) for immigrant trans people like me, the increasing anti trans rhetoric makes it a far-fetched idea that the West is a safe haven for trans people irrespective of their surgical statuses, passing, finances, ethnicity, and race.

Historian Afsaneh Najmabadi examines how same sex desire and transsexuality developed in the contexts of pre- and post-revolution Iran. She claims that "the postrevolutionary confluence of Islamicization of governance and governmentalization of Islamic jurisprudence created the legal-scientific-bureaucratic nexus within which new concepts and practices of transsexuality became imaginable" (Najmabadi 204). By following this trajectory, her research aims to capture why and how some people came to understand themselves as transsexual and not homosexual –two categories that previously overlapped at a particular junction in Iranian history and the boundaries between which are not clear-cut in every non-Western society (232). Therefore, the emphasis is on the social process, and not a truth about inner identity. In Najmabadi's fieldwork, trans-identified participants are sexually/romantically attracted to their opposite gender. Although some of them had to have relationships with their "opposite" sex based on their birth-assigned gender, there are not "lesbian trans women" in this account.

Similarly, those trans women who obtain a state certificate for their genital surgery but wait too long to go through the surgery are considered “same-sex players” abusing the legal system and bringing shame to their families. Obviously, trans lesbian women and women who do not want to undergo surgery exist; what I would like to bring to attention is the ways in which state (religious and legal mechanisms in the case of Iran) affects the agency of women –or create newer agential paths. This is not a view restricting agential power; but it differs from some Western perspectives on non-Western trans individuals that are too elated to imagine a trans agential power existing without substantial relation to time and locality.

The reason I decided to include the works of these two authors is because of the scope and demographic of their subjects: They both work with non-Western trans subjects, and this provides us with a stark difference from the teleological trans theorization of the West. In other words, in the West there is a linear understanding of trans theorization in which gender-transgression and transcending the binary are seen as the ultimate, and most civilized version of transness. On the other hand, ‘Eastern’ trans subjects who embrace more of a binary and innate understanding of gender identity are seen to be the victims of false consciousness –duped by and immersed in the regressive conceptualization of genders in their cultures. However, the works of these two authors also show us that theorization of trans identity does not have to follow a linear route; there is not a most ‘developed’ theorization of transness. Instead, people who are put under the trans rubric all around the world, utilize various self-construction and identity-negotiation methods to make room for themselves as active agents.

I believe that looking at the works of Shakhsari and Najmabadi is important because when we discuss the lives of transgender people and their struggles in everyday and institutional

settings, there is a tendency to theorize transgender through the perspective of the Global North. The lives of trans people in "underdeveloped" countries offer a new perspective that destabilizes how Western queer and trans scholars theorize trans agency. For example, Najmabadi's work which focuses on same-sex sexuality versus transsexuality shows how Iranian transsexual women must navigate this distinction which holds a religious and legal immanence –a distinction which Western trans subjects do not necessarily have to navigate. By the same token, to be able to understand the so-called excesses of transgender ideology and the reactions those ideological tenets receive we need to pay due attention to the political and legal availabilities the Western trans subject has, through which they can navigate the strategies of personhood. Queer and trans academia, of which headquarters are admittedly in North America, are so used to understanding transness only through the North American lens that it is easy to overlook how identities, as well as movements and communities which center around identities, "are shaped by domestic contexts, in particular, the institutional opportunities and existing patterns of interaction between collective actors and the state" (Smith, *Lesbian and Gay Rights in Canada* 11).

Obviously, Yaniv's case took place in a much different time and place; however, attention to external structures/social process in understanding trans remains important. Trans theory is relatively a recent field compared to other fields within which this research is positioned. As an interdisciplinary field, scholars in trans theory come from a variety of fields such as feminist theory, queer theory, critical race theory, and even fields outside the social sciences and humanities (Enke 2). For this reason, the weight they put on the social process versus an inner identity might depend on that. Some of the seminal works within trans theory even come from people outside the formal structures of academia such as Emi Koyama, Kate

Bornstein, and Leslie Feinberg. The fact that trans scholars come from a wide set of fields is strengthening in terms of porousness of and diversity within the field: it also brings a wide array of theorizations with regards to people, practices, and subcategories under the current umbrella term trans. Furthermore, as Hines underlines, transgender studies embrace a closer relation between the subject and the theory, consequently providing more reliable knowledge of trans people (*TransForming Gender* 28).

Despite the fact that there is not a single strand of theory, trans people's theorizations of trans lives developed in relation with medico-legal power, sometimes with reformist/conformist approaches for the sake of recognition and survival, and sometimes in direct opposition to them. Joanne Meyerowitz traces the medico-legal history of transness starting from over half a century ago and explores the relation between people assigned male at birth[9] and doctors who "understood themselves and respected one another as liberal pioneers in a conservative profession" in the United States (213). Meyerowitz's account is significant in terms of locating transness not as an essence, but as a product of a certain sociopolitical context made possible by AMAB who started to organize as early as the 1960s, doctors who themselves were apparently sexually liberal, and the ongoing countercultural movement (217-228-233). Within this theorization, it is possible to observe trends such as "politics of respectability" and "politics of recognition[10]" in alignment with the larger sexual liberation movement which allows us to locate

[9] From now on, AMAB.
[10] These trends, which I will be discussing later on through the concept of homonationalism, have been criticized as they are thought to privilege assimilation over visibility. However, it is important not to dismiss such politics merely as submission and surrender; strategies of respectability/recognition have been and still are crucial tactics for marginalized people to gain the necessary protection within the power structures that shape their lives. Denigrating

transness in relation to other sociopolitical currents that affect the individual and collective understanding of the phenomenon. Similarly, through his framework of articulation, West highlights that "trapped in the wrong body" theory (one of the most known, yet criticized approaches to understanding transgender identity) has been used as a suitable strategy for trans people to receive the services they need within medical institutions. In other words, wrong body theory could be instrumental because "hegemonic gender and sexual codes encouraged and privileged such articulations to shore up the borders ruptured by those who refused identification with the sex assigned to them at birth": even the individual might not have made sense of themselves as being in a wrong body (West 12). This perspective, with its attention to external factors will be more important when I argue about the social context within which transcending transgender has been made possible within certain venues of the Global North. Focusing our attention on historicization of transness and locating it within a sociopolitical context also allows us to refrain from looking at other geographies through the Anglo-American discursive tools that might not necessarily correspond to the needs of trans individuals who are not living and developing strategies within the same or similar political surroundings.

But what does it all have to do with Yaniv? Looking at the historical trajectory of transness in North America and understanding how trans is lived and navigated within the Euro-

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the strategies of trans people who, one way or another, seek medical and legal remedies within a system that was not originally intended to protect and flourish their lives does not do justice to trans subjectivity. In countries such as the US in which concepts of individualism and liberalism permeated into social and economic life, respectability and recognition are more looked down upon by queer and trans scholars. As opposed to that, in less "liberal" countries which play a far more active role in the regulation of their citizens, respectability and recognition, through any legal means available, are crucial for the nonconforming subject.

American sphere is significant in terms of understanding various underpinnings and arguments for transness. After all, which arguments and strategies are used at a given time for the inclusion or exclusion of trans people constitute the dominant discourses around transness.

In Yaniv's case, the argument that receives much public vitriol is the infamous "self-identification" argument. This is an argument which claims that one does not need a diagnosis or approval for identifying as the gender they claim to be. In a more conventional and still dominant understanding, transness is controlled through what is referred as gatekeeping. In this process one goes through a psychiatric evaluation which eventually *diagnoses* the *patient* as a trans person with gender dysphoria. The process is likely to continue through hormone replacement therapy, and surgeries based on the individual's needs. However, failing to comply with the linearity of this process can result in the patient's denial of access to hormones and surgeries – literally *disciplining* the subject.

In the public eye, self ID is used to incite a public fear about the possibility of predatory men infiltrating the sex-segregated spaces *only by claiming* that they are women. The argument against self-ID claims that self-identification puts women and children in danger because one cannot bar the supposed predator from women's spaces, as the predator's self-identification is protected by law. According to this argument, if and when (a trans person's) gender is made through self-identification and not through the mechanisms of psychiatric and medical approval and intervention, any man can assert to be a woman; therefore, opposing *his* self-identification in everyday settings for the safety of women and children can result in lawsuits and human rights complaints. This is exactly how the case of Yaniv is predominantly introduced.

What I aim to do by analyzing Yaniv's case is to understand transness within a process of navigating the existing power structure of a given locality. Therefore, I align myself with theorization of transness in closer proximity to what Hines calls a queer sociology of transgender. A "queer" sociology, for Hines, "sits on the intersection of deconstructive analyses and empirical sociological studies of identity formations and practices" and "facilitates the grounding of transgender experiences within social practices and discourses" (*TransForming Gender* 183, 185). Namaste, too, favors an approach which "investigate[s] gender as a social relation, cultural meanings, and historical transformation" (*Invisible Lives* 37).

Although I stress that this project, per se, is not a legal study, by the nature of the material of the analysis (the Tribunal ruling), my work inherently intersects with the realm of law. For that reason, it is important to look at law, not in terms of its technicalities for which I have no formal training, but in terms of how women, queer, and racialized scholars have discussed the usefulness of law. Partly due to my own positionality (as a racialized, trans woman in Canada who migrated from Turkey, a country with serious lack of legal protection for sexual minorities), my approach is not a complete aversion to law-reliance as a proper way of addressing social justice issues—something which marks certain strands of legal theorization. Rather, I argue that navigating judicial bodies to seek social justice can be one of many diverse strategies trans people use; therefore, law-reliance as a strategy should not be rejected without properly attending to the idiosyncrasies of the litigation at hand, and without disregarding the socio-political context in which the legal case occurs.

First of all, one needs to acknowledge that there is no consensus within queer or feminist theory on the usefulness of law in addressing social and institutional inequalities. However,

major strands within these respective academic and legal disciplines are marked with their critical approach to law, ranging from suspicion to outright rejection. According to Rosemary Hunter, who discusses critical legal feminism's (CLF) relation to law and other strands of feminism, CLF adopts Audre Lorde's popular phrase which says that one cannot dismantle the master's house with the master's tools (Hunter 46). Critical legal feminism differs from other schools within feminist legal tradition with its commitment to antiessentialism which constitutes one of the reasons for their aversion of law as a strategy (Hunter 48, 49). Antiessentialism is an important tenet of poststructuralist feminism which believes that subjects are constructed through discourse; hence, we cannot talk about a uniform subject with a fixed essence (Hunter 48). Hunter's second reason for critiquing law as a strategy is the belief that "constant appeals to law simply enhance the power of the law and hence enhance the power and authority of its damaging Truth claims" (Hunter 50). Indeed, CLF shares this position with critical legal studies (CLS or Crits) which critique the liberal vision of law by claiming that laws "both tend to legitimate (racial) hierarchy and the status quo based on inequalities of wealth and power by means of seemingly neutral structured legal argumentation" (Möschel 71). In "Critical Race Theory," Mathis Möschel explores the schism between critical legal studies and critical race theory (CRT) on the usefulness of law in social justice seeking. Some of the arguments raised within CRT against CLS and CLF's law-aversion can inform our discussion here. Critical race theory was born in the US in the late 1980s partly as a response to critical legal studies' "rights-trashing" which is the name given to their rights-critical approach (Möschel 70). While also not fully submitting to a liberal version of law itself, critical race theory emphasizes that rights can be important tools for the underprivileged; that "rights are not only an external instrument, but deeply engrained and even constitutive of identities and the human psyche" (Möschel 71). CRT

scholars criticized CLS scholars as white male professors who are oblivious to understanding the symbolic and functional value of rights for racialized minorities, yet are far too interested in deconstructing the law (Möschel 71, 72).

In “Queer in the law: critique and postcritique” Mariano Croce looks at 3 different schools within queer theory and their theorization on how and if law can be helpful for queer subjects. Among these three schools, Freudo-Marxists and antisocial theorists are marked with their “blunt rejection of law as a form of redress” (Croce 85). Croce states that Freudo-Marxism stresses that humans are bisexual in their nature (81). Although this is a response to heterosexuality and monosexuality as a norm, insisting on a bisexual nature –that there is a repressed Truth of sexuality– goes against “queer as deliberate indeterminacy and fluctuation” (Croce 81). Antisocial theorists, Croce explains, claim that queer social practices will not ever be a part of mainstream society; therefore, queer people must accept their non-normativity (83). For these two theories, queer people must resist and deconstruct laws, instead of relying on them for social change (Croce 83). A third line, the radical constructivist view, argues that disciplinary power, including law, cannot erase the possibility for resistance in a definitive manner, and that there will always be contestation (Croce 83). In that sense, the radical constructivist approach allows for ambivalence, as well as more leeway for law as a strategy to be devised by LGBTI+ people –instead of an outright rejection of law. Croce instead offers postcritical queer theory; according to him, postcritical theory is marked with “a more practical attitude to everyday life, one by which people perform quotidian practices in an ambitiously counterhegemonic manner” (91).

Although earlier generations of trans-identified people of the US had worked closely with professionals within the medico-legal establishment (and even outside US, as in the case of the German endocrinologist Harry Benjamin), the current trend within trans academia is fairly critical of the reliance on law (West 41). Dean Spade, in search of what he calls critical trans politics, argues that "state programs and law enforcement are not the arbiters of justice, protection, and safety but are instead sponsors and sites of violence" (*Normal Life* 2). With a resistive model of thinking, Spade disapproves law reform and individual rights frameworks as they individualize oppressive power regimes; instead, he calls us to probe the administrative realm to better understand its role in generating vulnerability for trans people (9). Aren Aizura critiques the dichotomy of imagination where the West represents a land of freedom and rights, and the East (or the Orient) figures in as the land of oppression controlled by tyrants. From a transnationlist perspective, Aizura argues that a rights framework is only beneficial to those trans-identified people who have the wherewithal to conform to the medico-legal conceptualization of transness, namely, the ones who can be "calculable" within the capitalist neoliberalism ("Transnational Transgender Rights" 146-147). I believe that these are essential insights, and my own work argues against this imaginary of the West as the savior: rising trans rhetoric in general, and TERF arguments in particular break that illusion. During *Yaniv vs. Various Waxing Salons,* Yaniv's story appealed to the West as a savior discourse: The West saves its innate, white citizens from the transphobia of the East. However, as previous legal cases I compare to *Yaniv* prove, the transphobia attributed to the East and the Eastern subject is often brandished against trans people *even* in the West, *even* by the supposedly more tolerant Western subject. However, I also would like to underline that trans people like myself, who lived a significant amount of their lives in what is monolithically put under the political geography of

"the East" and made the conscious decision to come to "the West", did so not because of a purely imaginative threat. There is also the very real and pervasive threat posed by political power and the everyday power of organized religious rhetoric, which almost always conveniently escapes analyses of alternative resistance frameworks, both when rightly criticizing East-West dualism and arguing against law-reliance. As I will be discussing, religious beliefs on which bodies count as "male" appear in the Tribunal case, along with reasons concerning safety and lack of training. I believe that we need to be able to critically approach the weaponization of religious rhetoric (especially when it entrenches itself within a political structure of a country) as an oppressive system in the same way as we approach racism, xenophobia, and cisheteropatriarchy. It is crucial for trans scholars in either hemisphere to be attentive of such concerns without this fragile conversation being hijacked by the White nationalists and other holders of anti-immigrant sentiments who are gleefully waiting for such an opportunity.

The issue of law as it relates to LGBTI+ is, at its core, tied to the discussions about whether resorting to legal power diminishes the agency of the subjects. As I discussed above, certain strands of feminist and queer theory find agency in rejection, resistance, and non-conformity (West 178). However, my own position aligns more with West's discussion of (LGBTI+) agency and the usefulness of law. I believe this argument of his is instrumental in understanding Yaniv's case as well: "Illegibility is not an option for most trans people as it creates the conditions for discrimination and violence. […] agency is best thought of as a process of doing an undoing to allow the latitude needed to navigate the problematics of recognition" (West 179).

While all these differences among various disciplines or even within the same academic/legal theory can seem minute at the first glance, an understanding of such differences is important to show that there is no homogenous approach to law's functionality for queer subjects. Moreover, laying out these differences is also necessary to position my own approach to law in relation to existing discussions. To reiterate, I argue that LGBTI+ people's relation to the law and their resorting to law as a way of redressing injustices should not be wrapped up in a blanket statement; rather, (as I attempt to do with Yaniv's case) proper attention needs to be tapped into the complexities of each case and the sociopolitical environment within which a legal case arises. Two other important concepts that I consider for this work are transgender exceptionalism and homonationalism, as expressed respectively by Aren Aizura and Jasbir Puar. I discuss these two authors' work, as they provide important insight into the intersection of gender and race; however, in the following pages I also discuss the extent of their applicability for my case study. Then again, limited applicability does not render them disposable for this work; indeed, they are still important frameworks of analysis.

Informed by Lisa Duggan's term homonormativity, Puar introduces the concept of homonationalism in her book *Terrorist Assemblages: Homonationalism in Queer Times*. This book was first published in 2007 and was itself informed by the USA's war on terror –the invasion of Afghanistan and Iraq. Here, Puar looks at what she calls "queerness as a process of racialization" (xix). This process makes visible how queerness is integrated into (neoliberal) white subjecthood through "fostering, managing, valorizing of life and all that sustains it" (Puar *Homonationalism* xix). Homonationalism can be explained through another concept called U.S. sexual exceptionalism which Puar describes as "a narrative claiming the successful management

of life in regard to a *people*" (*Terrorist Assemblages*, 2). This management of life is rendered possible by "an exceptional form of national heteronormativity [which] is now joined by an exceptional form of national homonormativity, in other words, homonationalism" (Puar, *Terrorist Assemblages*, 2). As one notices, the emphasis is on the word *homo*sexual –which homosexuals are absorbed into mainstream life and which ones are not (Nyong'o xvi). In her newer book *The Right to Maim: Debility, Capacity, Disability,* Puar updates and enhances this analytical framework to include trans people. In this book, we are presented with the term transhomonationalism: she focuses on trans people's "recruitment into neoliberal forms of fragmentation of the body for capitalist profit" (Puar, *The Right to Maim* 36). As the title suggests, Puar zeroes in on bodies; she presents a critique which highlights how the "medical care, costly pharmacological and technological interventions, legal protections, and public accommodations" trans bodies rely on perpetuate "gender normativities and create systemic exclusion" (Puar, *Right to Maim* 35).

In "Affective Vulnerability and Transgender Exceptionalism," Aizura talks about vulnerability through Norma Ureiro, a Mexican trans woman who survived two stints in U.S. immigration detention center. Aizura uses the concept 'affective vulnerability' to explain how "trans of color bodies became recuperable for the exceptionalist project" (127). Vulnerability itself is described as a biopolitical category, and it works to "extract value in the form of spectorial sympathy" (Aizura 124). What vulnerability does, Aizura contends, is conceal reality (124). Immigration Equality, an organization which provided legal assistance to Ureiro, made a documentary about her titled *Transgression* (Aizura 123). In the documentary, vulnerability is extended to Urerio, who represents the figure of an immigrant trans woman who came to the

U.S. from a very *repressive*, *conservative*, and *religious* country with the hope of a better life (Aizura, "Affective Vulnerability" 131). The audience is presented with close-ups of Ureiro while she cries and speaks about the hardships she encountered. While the spectators feel pity and/or sympathy for Ureiro[11] –an exceptional trans immigrant figure– through the bestowment of vulnerability, we nonetheless forget about "how transgender and gender-nonconforming bodies are rendered disposable by an immigration reform agenda that seeks to detain and deport "criminals"" (Aizura, "Affective Vulnerability" 124).

How are we to use this analytical framework in Yaniv's case? Clearly, in the case of Ureiro, and *Yaniv vs. Various Waxing Salons*, the subjects to whom the status of vulnerability is extended are different. Instead of a trans person of colour, the people who are afforded vulnerability in the Tribunal ruling are the racialized cisgender women –the Respondents. It is the small-business operating, immigrant Indian women who are the "object[s] of spectorial pity (or at best, sympathy)" against the backdrop of a *man* who claims to be woman and *forces* women to wax *his* genitals (Aizura, "Affective Vulnerability" 128). If we were to follow Aizura's argument that vulnerability conceals reality, one can speculate that the extension of

[11] Similarly, Shakhsari talks about the case of Naz, an Iranian woman who came to Canada as an asylum seeker, after having lived some time in Turkish satellite towns for refugees. Naz was also a subject of a documentary in which her immigration process was depicted as escaping from oppressive Iran and finding safety and happiness in Canada. However, she committed suicide a year after she received her asylum status (Shakhsari, "Shuttling Between Bodies and Borders" 565, 566). Her life in was not easy: she was about to be evicted from her subsidized housing prior to her suicide. (Shakhsari, "Shuttling Between Bodies and Borders" 566). However, that part of her life was not worth representation; the part worth representing was her difficult life in Iran. Through Naz's case, Shakhsari shows us how the representation of life and death are implicated in the West-East juxtaposition.

vulnerability to racialized women of faith in the face of a *self-identified transgender* (the spectre du jour) conceals the racist and xenophobic mechanisms of the white Canada.

In his foreword for the 2017 edition of *Terrorist Assemblages*, Nyong'o acknowledges that "(a)cross the world, a fierce backlash against gay marriage, transgender rights, and queer sex and commerce has inevitably occasioned the remark that we are not all of us folded into the nation just yet!" (xvi). He notes that even though homonationalism is not put forward to detangle every mechanism of neoliberal subjecthood, it is still a useful analytical tool. Yaniv's case proves that she fails to be part of the 'transgender exceptionalism' which Aizura describes as "the nationalist logic in which the U.S. [in this case, Canadian] nation fantasizes its own superiority, tolerance, and exceptionality in relation to transgender life, pitted against other nations and "cultures" deemed intolerant, barbaric, or homophobic" (126). However, I do not argue that trans/homonationalism or transgender exceptionalism are not useful conceptual tools. On the contrary, what I argue instead is that these concepts can help us understand a *failure* of that very integration that these terms successfully explain.

Although Time Magazine famously called the year 2014 "The Transgender Tipping Point" (Steinmetz), Yaniv's legal and online battle has generated an unprecedented level of discussion, both online and in the traditional media, in Canada and beyond. What Yaniv's case, and this work, bring to the table is an analysis of this almost prophetic controversy between trans people and racialized immigrants –two groups supposedly changing the social fabric, and subsequently marginalized by national (and also *homo*national) discourses. More specifically, this initial judicial struggle between Yaniv, a white transgender woman (who also claims to be

intersex), and the Respondents, who are brown[12] cisgender women, not only encapsulates the contemporary debates pertaining to who gets access to "women's spaces," but also takes the issue out of a plain battlefield of gender versus gender and brings it to a minefield of gender versus ethnicity, race, and religion.

Moreover, this research appears at a very crucial juncture in terms of the degree of interest in trans people both within feminism and popular culture. Trans and cisgender feminist scholars have looked at the development of anti-trans theorization within the academy, and in certain cases, how anti-trans rhetoric can take a hold within mainstream feminism through the involvement of otherwise well-known academic or non-academic feminists (Hines, "The Feminist Frontier" 152-154). My research has developed in a period where anti-trans rhetoric not only has taken hold within mainstream feminism, but also within political and cultural currents that are otherwise characterized by both their misogyny and their willingness to brandish the "women's protection" argument when challenged by growing trans visibility and demands. I do not call for a cancelation of the strategic employment of (trans)gender as an innate identity--that is to say, something one is born with, or something one *knew* all along. What I offer up is a call for a newer understanding of transness not strictly based on the cissexist and binary conceptualization of gender and sex that underpins womanhood. I do find that narratives of transness that appeal to the notion of inner gender identity or a "subconscious sex[13]," as Serano

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[12] The Tribunal uses the terms racialized and non-white.
[13] Subconscious sex is another term Serano introduces in *Whipping Girl* as an alternative to the term gender identity. Although she provides this new concept as an alternative to the "problematic" gender identity, both terms have similar underpinnings as she defines subconscious sex as "brains hav[ing] an intrinsic understanding of what sex our bodies should be" –one that is "impervious to conscious thought or social influence" (78, 80, 83).

introduces, might be useful depending on the context –especially a legal context. I do not favor a blanket rejection of so-called essentialist discourse by trans people, especially when it is used as a counter-narrative. However, one needs to acknowledge that discourses that appeal to an essence, an inner identity, may not be available to every trans woman as social currency –more so when their physical makeup locates them outside of the charmed circle[14] (Rubin 160). Therefore, we need to carve out spaces in which one can claim to *become* a woman as opposed to a narrative which says one *has always been* a woman. This can be a useful theoretical tool especially when we have to make sense of people (not just as victims and perpetrators, but hopefully beyond this dualism) who are not *perfectly* sexed or gendered, but who still lay claim to a gendered/sexed categorization, which can result in puzzling cases.

The Analysis of Yaniv v. Various Waxing Salons

This section analyzes the Canadian human rights tribunal case between Jessica Yaniv, a transgender woman, and several small business-operating racialized immigrant cisgender women who refused to wax her genitals, arms, and legs. In this section, I analyze the British Columbia Human Rights Tribunal's decision to dismiss all of Yaniv's discrimination complaints, ruling that Yaniv had "bad faith" behind filing the complaints and ordering her to pay $6000 to the defendants (*Yaniv v. Various Waxing Salons (No. 2)*, 60). Subsequently, I compare Yaniv's case to similar legal and non-legal cases involving the question of "who gets to be a woman". This

[14] In this instance, "charmed circle" refers to a diagram introduced by Gayle Rubin to show which identities, orientations, and practices are deemed "good, normal, natural, blessed sexuality" and which ones are deemed "bad, abnormal, unnatural, damned sexuality" in a circular, schematic representation (Rubin 160).

analysis situates Yaniv's case within the decades-long trans-exclusionary rhetoric fervently revived in recent years. With this analysis, I will explain how and why Yaniv's case received the degree of public attention it did, and what sort of newer problems this attention poses in terms of perpetuating dangerous trans woman stereotypes.

The Tribunal Ruling

What is at stake behind this legal case? Why did I not simply focus on the social media aspect within the whole Yaniv saga? Although the public circulation of the Tribunal ruling might have lagged behind the so-called salacious details focusing on the complainant's genitalia, the Tribunal ruling is, after all, a legal decision that sets precedent for future cases. Following a Foucauldian[15] understanding of power, Karaian, who explored the relationship between legal cases and social change in her essay "Strategic Essentialism on Trial: Transgender Legal Interventions and Social Change"[16] contends that "In fact the law is not only a regulatory body, it is also a creative one, and thus part of our changing ideas about the categories of women and men have resulted from legal interventions" (184). In analyzing this document, I will be paying close attention to how the racialized cisgender women, and the aggressive transgender woman on a human rights complaints spree are discursively constructed in the ruling. In other words, I will be looking at how both parties' testimonies, beliefs, and behaviour during and outside the Tribunal, as well as their life experiences as "racialized women" versus "trans women" are

[15] According to Foucault's concept of disciplinary power "The individual is an effect of this form of power rather than the raw material upon which it impinges" (Hoffman 28).
[16] In this essay, Karaian looks at the Kimberly Nixon case and demonstrates how a particular strategy, namely, strategic essentialism, is deployed in her case. In other words, in Nixon's case, "gender identity is largely described as innate, not chosen, and lifelong" identity (186).

worded within the ruling. From a feminist and queer perspective, I will seek to understand what sort of rhetoric is being drawn upon with regards to trans women, and in particular their place in women's spaces. Moreover, due to the identities of the parties involved, this case requires us to reconsider the status of multiculturalism, and the degree to which it informs Canadian identity. For this task, I will draw upon Jasbir Puar's concept of homonationalism. Homonationalism is a theory which explains "how lesbian and gay liberal rights discourses produce narratives of progress and modernity that continue to accord some populations access to cultural and legal forms of citizenship at the expense of the partial and full expulsion from those rights of other populations" (*Terrorist Assemblages* 228). In academia, homonationalism is both interested in understanding queer theory's ties with "imperial knowledge production" (Puar, *Terrorist Assemblages* 226) and its role in "reproduc[ing] neocolonial frameworks of identity, sometimes unwittingly in an attempt to challenge nationalist formations" (Puar, *Terrorist Assemblages* 225). Puar describes homonationalism as something we are all implicated in; a "force of neoliberal subject formation" and a "structuring facet of modernity" (230).

This legal case took place in Vancouver, British Columbia, between Jessica Yaniv and what were referred to as "Various Waxing Salons" which were: 1) Blue Heaven Beauty Lounge and Sandeep Benipal, 2) Suhki Hehar and Sukhi Beauty Dream Salon, 3) Marcia DaSilva, 4) Hina Moin, 5) Pam Dulay, 6) Judy Tran and 7) Merle Norman. Yaniv appeared on her own behalf in the Tribunal and represented herself. Blue Heaven Beauty Lounge and Sandeep Benipal, Suhki Hehar and Sukhi Beauty Dream Salon, and Marcia DaSilva, who were referred as the Represented Respondents by the Tribunal, were counseled and represented by Jay Cameron and Brandon Langhelm from the Justice Center for Constitutional Freedoms (JCCF) – a law firm

"uniquely positioned to help Canadians who have faced shocking and stressful intrusions on their freedom" (Justice Center for Constitutional Freedoms). There were no Tribunal appearances on behalf of Hina Moin, Pam Dulay, Judy Tran and Merle Norman. All hearings took place between July 4 and July 26 of 2019 (*Yaniv v. Various Waxing Salons (No. 2)*, 1).

In her complaints, filed in 2018, Yaniv claimed that her requests to receive waxing service on her genitals, as well as arms and legs, were denied by the Respondents due to her transgender status, hence making this denial of service a discriminatory act under the British Columbia Human Rights Code. Yaniv had reached out to service providers who advertised their services on Facebook Marketplace; most of the communications took place via Facebook, and in one case, on telephone (*Yaniv v. Various Waxing Salons (No. 2)*, 7). When she disclosed that she was transgender, her requests were directly denied, or some of the Respondents provided logistics-related excuses for the denial of service, such as being out of wax (*Yaniv v. Various Waxing Salons (No. 2)*, 30). The Respondents, on the other hand, justified their refusal based on their lack of training for the waxing service Yaniv asked for, feeling uncomfortable/unsafe around someone with a penis, and religious prohibitions which deem transgender women as men for all purposes. In the Tribunal decision, Yaniv's complaints were divided into two categories: genital waxing complaints and arm and leg waxing complaints. While some of the arguments justifying the denial of service raised by the Respondents, such as treating trans women as men because of one's religion, apply to both categories of complaints, arguments such as lack of training cannot be applied to arm and leg waxing complaints because there is no material difference between waxing the arms and legs of a woman and a man.

Tribunal Member Devyn Cousineau decided to dismiss Yaniv's genital and body waxing complaints on the grounds that "Ms. Yaniv had engaged in a pattern of filing human rights complaints which targeted small business for personal financial gain and/or to punish certain ethnic groups which she perceives as hostile to the rights of LGBTQ+ people" (*Yaniv v. Various Waxing Salons (No. 2)*, 3). For the genital waxing complaints, Cousineau explained that there was no discrimination against Yaniv based on gender identity as she asserted that scrotum waxing was not a service the Respondents customarily provided. She asserted that although BC's Human Rights Code prohibits service providers from discriminating in providing services customarily available to other members in the community based on gender identity or expression, the refusal of a service could be justified if there is reasonable justification for not providing that service (*Yaniv v. Various Waxing Salons (No. 2)*, 6). The British Columbia's Human Rights Code states that

> A person must not, without a bona fide and reasonable justification, (a) deny to a person or class of persons any accommodation, service or facility customarily available to the public, or (b) discriminate against person or class of persons regarding any accommodation, service or facility customarily available to the public because of the race, colour, ancestry, place of origin, religion, marital status, family status, physical or mental disability, sex, sexual orientation, gender identity or expression, or age of that person or class of persons (*HUMAN RIGHTS CODE*).

In that situation, Yaniv had the burden to prove that the Respondents customarily provided scrotum waxing service, and she did not prove that. Service providers had to prove that

their denial of the service had a bona fide or reasonable justification, which was proved, according to Cousineau.

For the complaints regarding the refusal of waxing genitals, the issue of which service Yaniv requested became important. Yaniv requested Brazilian waxing, which she described as "the removal of hair between the belly button and the anus, regardless of the genitals involved" (*Yaniv v. Various Waxing Salons (No. 2)* 11), whereas the Represented Respondents claimed that this hair removal practice is performed on a person with a vulva[17]. According to them, what Yaniv requested fell under the category of "brozilian" or "manzilian" because there was a scrotum to be waxed in the service. These two services were offered for men, and therefore not provided by the Respondents. Yaniv did not favor these terms "on the basis that she is a woman and not a "bro" or a "man"" (*Yaniv v. Various Waxing Salons (No. 2)*, 11). An industry expert was consulted on the issue, and Cousineau favored the definition provided by the expert when it comes to what a Brazilian is and what it entails (*Yaniv v. Various Waxing Salons (No. 2)*, 11-13). She also underlined the "intimate" nature of this service, stressing that one's consent to wax a vulva did not require them "to touch a stranger's penis and scrotum[18]" (*Yaniv v. Various Waxing*

[17] On February 11, 2021, in a now-deleted tweet, Yaniv shared two post-surgical photos of her vagina. Her claim in the intersex identity and the status of her genitals had been discussed both in the ruling and on social media – although quite vaguely in the former. This deleted post, for which Yaniv received a huge backlash, can be seen as an attempt on her part to publicly declare her surgical status as a "post-operative" transgender woman.

[18] Although this is not a Canadian case and it does not involve trans women, I would like to briefly mention another case with which Yaniv tried to draw parallels in the Tribunal (*Yaniv v. Various Waxing Salons (No. 2)*, 14) because it involved a clash between religious rights and LGBTI+ rights, like her case. In this case, which took place in Colorado in 2012, a devout Christian denied baking a wedding cake for a gay couple due to his deeply held Christian beliefs. After a long legal struggle, the case resulted in favour of the baker in 2018 (Reuters). However, Cousineau did not find this example convincing, claiming that there was no material difference in baking a cake for straight or a gay couple, while there was material difference in waxing a vulva and a scrotum.

Salons (No. 2), 14). When explaining the decision with regards to each Respondent, Cousineau stated that Yaniv did not persuade her that the Respondents customarily provided scrotum waxing (*Yaniv v. Various Waxing Salons (No. 2)*, 15). However, Yaniv did not claim that the estheticians customarily provided waxing service on scrota; she seemed to claim that they customarily provided waxing service to women, and as a person who is legally recognized as a woman under Canadian law, she is entitled to receive services provided for women.

Cousineau elaborated on the Tribunal's right to dismiss complaints if they are filed for "improper purposes or bad faith" (*Yaniv v. Various Waxing Salons (No. 2)*, 7). According to the Tribunal Member, there might be different motives behind a complaint; a complainant might genuinely believe that they have been discriminated against but have improper motives or bad faith behind their complaint (*Yaniv v. Various Waxing Salons (No. 2)*, 31). Yaniv, according to Cousineau, filed these complaints for personal financial gain[19], and out of hatred towards immigrant communities. For these reasons, her motives go against the Code's "purpose of promoting a climate of understanding and mutual respect, where all are equal in dignity and rights" (*Yaniv v. Various Waxing Salons (No. 2)*, 32). There were 5 reasons behind this conclusion, in which Cousineau dismissed all of Yaniv's complaints: 1) the number of complaints Yaniv filed and the similarity between the complaints, 2) Yaniv's deception, 3) Yaniv's efforts to punish the Respondents, 4) Yaniv's willingness to settle complaints and withdraw them when faced with opposition, 5) Yaniv's racial animus (*Yaniv v. Various Waxing*

[19] The fact that Yaniv recently filed yet another human rights complaint about Canada Galaxy Pageant for not accepting trans women who are not "fully transitioned" only supports the public and judicial opinion about her as a person seeking financial gain ($10000 this time) through human rights complaints (Fonrouge).

Salons (No. 2), 32-33). All these points were related to each other: Yaniv filed a voluminous number of complaints of similar nature; she resorted to deception in her communication with the Respondents and during the Tribunal; she wanted to financially punish the Respondents through legal fees, settlement money, by or closing down their business; when some of the estheticians obtained legal support, she was willing to either settle her case or withdraw it; and all of this was motivated by Yaniv's animus towards people she perceived to be East or South-East Indian[20] including those whose religions and cultures, she believed, are inherently transphobic. Therefore, she specifically targeted vulnerable women of those backgrounds by subjecting them to arduous and lengthy legal procedures. However, Cousineau also noted that none of these reasons was individually enough to dismiss the complaints (*Yaniv v. Various Waxing Salons (No. 2)*, 33).

Cousineau asserted that "What the law requires is that having chosen to provide a particular service, they must provide that service without discrimination. For example, a person who customarily waxes vulvas cannot discriminate amongst their clients with vulvas, and likewise a person who customarily waxes scrotums. However, human rights legislation does not require a service provider to wax a type of genitals they are not trained for and have not consented to wax" (*Yaniv v. Various Waxing Salons (No. 2)*, 15). Therefore, two issues arose: one being training, and the other being consent. Although Cousineau highlighted the fact that the law required that service providers cannot discriminate against waxing vulvas or other body parts if they were customarily providing that service, two of the Respondents directly denied service to transgender women whether they might have a vulva or not. In one instance, Yaniv

[20] According to the ruling, this group of people are Indians, Sikhs, Hindus, and Muslims.

communicated with Ms. Benipal under the guise of a cisgender woman looking for waxing service for her friend who was a trans woman, which was presented as a deceptive strategy. Upon receiving this information, Ms. Benipal replied "No I only do for ladies I don't do for men and transgender" without bothering to know whether the "transgender" had the genitalia on which she was supposedly trained and required to provide service without discrimination (*Yaniv v. Various Waxing Salons (No. 2),* 18). In another instance, Yaniv communicated with Ms. Benipal again with a fake profile picture to ask for Brazilian waxing, stating that she was a transgender woman. Ms. Benipal admitted to lying to this person that she would be away from work for 6 months just to finish the conversation (*Yaniv v. Various Waxing Salons (No. 2),* 18). As an interesting contrast, Yaniv's admittedly unconventional ways of communication were identified as deceptive and dishonest[21], while Ms. Benipal's dishonesty in refusing the service was not worded as such. Instead, the Respondent's act of lying is presented as a strategy to protect herself, while Yaniv's lying was associated with subterfuge. Addressing this properly would have created an unexpected change of images between the deceptive transgender woman versus the "unsophisticated and vulnerable" immigrant cisgender woman (*Yaniv v. Various Waxing Salons (No. 2),* 41). Yaniv's extensive and continuous performance in trying to communicate with racialized women in questionable ways fits the role of the deceptive transgender narrative which has historically been attributed to trans women.

[21] It can be argued that trans women have more anxiety over the denial of services that can be easily reached by cisgender women, and that Yaniv might have wanted to employ this strategy as a part of the everyday survival strategies of marginalized groups. However, the way she constantly communicated with racialized service providers presents a difficulty in determining Yaniv's aims in doing this.

Yaniv's interaction with Indian service-providing women is not only described as dishonest, but it is also ruled as a targeted behaviour with malintent. Shortly after losing the Tribunal case, Yaniv filed a human rights complaint against two salons called She Point Beauty Studio and Top Touch, also operated by immigrant Sikh women (Carolino), which might support the claim that she was specifically targeting Indian women.

In another complaint case, when Yaniv contacted the Merle Norman Cosmetic Studio franchise at the Metrotown Mall in Burnaby, their receptionist told her that the esthetician did not provide service for transgender people. When Yaniv contacted Merle Norman's manager the next day, the same reason was restated: the waxer did not provide service (a service she was customarily providing to the general public) to transgender people due to religious obligations. Therefore, it did not matter whether the transgender person had a scrotum or a vulva[22] (*Yaniv v. Various Waxing Salons (No. 2)*, 25-26). We can argue that the main reason for denial of service was not a lack of training on scrota; the reason was the fact that they perceive and treat trans women as men. As a corollary of understanding trans women as men which has cultural and religious roots, they position trans women as a sexual threat.

Arm and leg waxing complaints included Sukhdip Hehar and Hina Moin who denied this service to Yaniv upon learning that she was a transgender woman –a service they customarily provided to the public (*Yaniv v. Various Waxing Salons (No. 2)*, 26). According to Cousineau,

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[22] Since it was mentioned in the Tribunal decision that some Respondents did not know what transgender means, it would not be far-fetched to assume that they might have equated the word transgender with a person with penis *(Yaniv v. Various Waxing Salons (No. 2)*, 28). The extent of the Respondents' knowledge about the word transgender –whether they thought the word only referred to trans women-- is unclear from the Tribunal document.

these complaints were of a different nature because there was no difference when it comes to waxing a cisgender woman's or a transgender woman's arms or legs, as opposed to the difference between the waxing of a vulva and a scrotum. The so-called difference in nature between the two categories of waxing exemplifies a bias against trans women: with regards to genital waxing, trans women are conveniently positioned as potential predators about whom cisgender women can rightfully have hesitations, yet, in the less-intimate arm and leg waxing, the threat of sexual harassment is not as serious. However, as discussed earlier, the main problem seemed to be different than having training on a certain body part.[23] Cousineau stated that both for Mrs. Hehar and her family, who are Sikh, a transgender woman is a man in terms of their culture and religion (*Yaniv v. Various Waxing Salons (No. 2)*, 27). Mrs. Hehar's husband reiterated that according to the arrangement between him and his wife, she was prohibited from touching an unknown man. Therefore, as Cousineau mentions, if the law requires a service provider to provide a service (that they customarily provide to other members of the public) without discrimination, this denial of service was discriminatory towards transgender women. Mrs. Hehar provided arm and leg waxing service to the public, and "there is no material difference in waxing the arms or legs of a cisgender woman and a transgender woman" (*Yaniv v. Various Waxing Salons (No. 2)*, 26). Therefore, Mrs. Hehar engaged in a discriminatory act. For Cousineau, however, the highlight of Mrs. Hehar's case was that she was a vulnerable woman[24],

[23] In some interactions, Yaniv was denied service solely upon the disclosure of transgender identity, rendering the claims about lack of training just an excuse.

[24] In the cross-examination process of the Tribunal, the Respondents' counsel described Hehar as "somebody who has somewhat less than a perfect use of English language" (*Yaniv v. Various Waxing Salons (No. 2)*, 8). Tribunal also explained that Hehar was raised in a strict and traditional Sikh family and in a protective environment partly

and Yaniv targeted vulnerable women because of her animus toward racialized communities, as well as her belief that she could extort settlement money from them[25]. The Tribunal document shows us how the racialized immigrant vulnerability is characterized in contrast to the predatory trans trope[26]. The Respondents were portrayed as "third world women[27]" (Puar, *Terrorist Assemblages* 5): "unsophisticated" women mainly under the control of their religion and husbands, hence, lacking agency (*Yaniv v. Various Waxing Salons (No. 2)*, 5, 15, 36). There are frequent emphases on how these women were used by Yaniv "for her own amusement or as a form of revenge" (*Yaniv v. Various Waxing Salons (No. 2)*, 17). Yaniv's behaviour was described with words such as "odd" and "disconcerting", her anger and persistence in communications are highlighted; she was said to "toy" with and "trick" the Respondents (*Yaniv v. Various Waxing Salons (No. 2)*, 20, 30, 34). In general, the conniving transgender figure became a leitmotif during the Tribunal, as opposed to a meek, needy, incapable ethnic woman who needed to be saved. In most cases, the ethnic woman needs to be protected from her own oppressive culture and religion; but in the case of an encounter with an aggressive transgender

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due to the fact that she has "disabilities which have made her life difficult and made her vulnerable to exploitation" (27).

[25] Cousineau explained the story behind how Mrs. Hehar decided to open a business: Her son was diagnosed with autism, and Mrs. Hehar wanted to earn extra income to take care of him by initially planning to serve only family and friends (*Yaniv v. Various Waxing Salons (No. 2)*, 27).

[26] As I have shown, the racialized Respondent women are depicted as lacking agency due to their strict religions, controlling families and husbands, unproficiency in English, mental problems in their families or of their own, and the burden to financially support their families. As opposed to that, Yaniv is portrayed as opportunistic predator and abuser: She is a predator because she forces women to touch her genitals, and she is an abuser because she takes advantage of Canada's human rights laws by incessantly filing complaints.

[27] Puar claims that "Forms of U.S. gender and (hetero)sexual exceptionalism from purportedly progressive spaces have surfaced through feminist construction of "other" women, especially via the composite of the "third world woman" (*Terrorist Assemblages* 5). For the sake of *protecting* them, and from a "purportedly progressive" point, the so-called third world women almost become a stronghold for conservatives and gender criticals as a part of a larger war against trans women. This shows similarities to how communities of colour and their respective religions are targeted through a *purportedly* progressive goal of saving brown women.

woman who is portrayed as adamantly seeking revenge with her incessant filing of human rights complaints, the ethnic woman is also someone who needs to be saved from the transgender woman. Sara Ahmed outlines the so-called gender critical movement in UK and explains the tactics used by gender critical sects to manipulatively associate the trans rights movement with aggression[28] while positioning themselves as the voice of reason: "Indeed, if words like silencing, bullying, and intimidation cluster around the figure of trans activist, then words like critical, questioning, and democratic cluster around the figure of cis feminist" ("An Affinity of Hammers" 24). By the same token, framing trans exclusionary sects as gender critical signals that trans people and their activism is "uncritical" (Ahmed 30). Sara Ahmed reminds that the oft-used accusation that trans people try to censor language "obscures levels of structural power" (Hines, "The Feminist Frontier" 153).

The Racial Animus

Yaniv's "racial animus" was deservedly the most elaborated among the five reasons behind the dismissal of the complaints (*Yaniv v. Various Waxing Salons (No. 2)*, 37-40). Yaniv was indeed very prolific in terms of providing evidence of this antagonism both on Twitter and during the hearings. In an interview with PinkNews, she admitted to making racist remarks, "because being denied services daily from the East Indian community at any business, sucks" (Wakefield). The Tribunal used some of Yaniv's tweets which included racist remarks to prove

[28] While gender critical feminist associate trans people with aggression and hysteria while simultaneously branding themselves as voice of reason, they often do not refer to trans women as women; they call trans women trans activists, transwomen, TRAs (trans rights activist), or even TIMs (trans identified male) and MRAs (men's rights activist).

the point that she indeed specifically targeted Indian women: Yaniv tweeted that she wanted to "expose" the "bigotry" of Indian women; she believed people who use their religion to disseminate hate are the "problem;" she was uncomfortable with people not being proficient in English and only speaking Punjabi; and that "immigration officers should conduct identification checks in Surrey" (*Yaniv v. Various Waxing Salons (No. 2),* 37). She also tweeted that the immigrants in her area "aren't exactly the cleanest people;" they were "verbally and physically abusive;" and she joined women's gyms because it was a "safe space" for her as "those immigrant women don't join these clubs cause they have to be in gym clothes" (*Yaniv v. Various Waxing Salons (No. 2),* 37). Moreover, during the hearings, she specified that Indian, Muslim, Hindu, and Sikh communities "have a very very negative effect on transgenderism" and they systemically discriminate against transgender people (*Yaniv v. Various Waxing Salons (No. 2),*38). She particularly identified the Sikh religion as being both discriminatory towards transgenderism, as well as toward "certain other cultural groups and religions" (*Yaniv v. Various Waxing Salons (No. 2),*38). She expressed that immigrant people should "follow Canadian culture and align to Canadian values" (*Yaniv v. Various Waxing Salons (No. 2),*38). Finally, Yaniv likened immigrants' disinterest in emulating what she called 'Canadian culture' to Neo Nazism.[29] In her testimony she also claimed that she had to go to Victoria, BC to "avoid" Indian women because in her own area, only Indian women provided the services she sought.

[29] Her mother, Myriam Yaniv, likened the assertion that immigrants are not aligning themselves with Canadian laws and values to "tak[ing] over areas like Hitler and mak[ing] it their own" (*Yaniv v. Various Waxing Salons (No. 2),* 38). Myriam Yaniv also used the hackneyed xenophobic claim that white people were "becoming the minority" (38).

Even though this work does not entail a history of racism in Canada, it is important to talk about the checkered history of the province in which Yaniv's case took place. I explore Yaniv's case not as an isolated case, but a case within a long tradition of trans exclusionary rhetoric and practices. In the same vein, one can argue that racist tropes deployed against immigrants are far from being isolated accusations[30]. While British Columbia flaunts its diverse and multicultural population in its government web page ("Multiculturalism"), the province has a long history of antagonism towards Asian immigrants, namely, Chinese, Japanese, and Indians. In *White Canada Forever*, Peter Ward traces the race-ridden history of British Columbia. He claims that the first East Indians came to British Columbia in the late 19th century, comprised predominantly of Sikhs from the Punjab region (Ward 79). He describes these first immigrants as "sojourners" whose goal was to earn surplus money and send it to their families in India, rather than permanently staying in Canada (Ward 80). He explains that because of the sojourner motivation behind their immigration, "the East Indians had *no incentive to assimilate*[31]," unlike other Asiatic peoples (Ward 81-84). Moreover, East Indians found themselves in an already racially tense environment which was showing antagonism towards the Chinese and the Japanese. The general stereotypes about Asians, or "the Orientals" aside, India was portrayed as a "land of teeming millions, of filth and squalor, of exotic, peculiar customs", while Indians were stereotyped as "a lesser breed of men, given to weakness, servility, and in some cases villainy"

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[30] As the purveyors of anti-trans rhetoric rely on the pre-existing antagonistic notions and tropes about trans women, Yaniv employed anti-immigrant sentiments which historically have been part of the public discourse in the British Columbia. Here, I point out to one of the exclusionary mechanisms of race and gender-sex based oppression – relying on existing power structures. I do not intend to conflate race with transness or vice versa.
[31] Emphasis mine.

(Ward 82). Although I have been discussing the specific racist stereotypes against Indians in British Columbia, one needs to note that these sentiments were part of the dominant Eurocentric, orientalist discourse. As Edward Said states, Indians were thought to be "civilizationally, if not racially, inferior" (14). As it can be seen, a similar set of sentiments can be found in Yaniv's testimonials, as well as on her social media which was used as evidence in the Tribunal.

It is very clear from the denigrating and stereotyping examples provided in the Tribunal that Yaniv had a "racial animus," "racial ire," and a "racist agenda" behind filing the complaints (*Yaniv v. Various Waxing Salons (No. 2),* 33, 40). Her views expressed via Twitter and during the hearings contained xenophobic and anti-immigrant sentiments towards non-white immigrants to Canada. Cousineau made all these points clear and showed that the waxing case complaints had a larger agenda than purely seeking justice. However, I criticize the document for not as explicitly pointing out the overly transphobic nature of situating and treating transgender women as men for religious purposes. This transphobia, attributed to religious beliefs, was acknowledged between the lines, yet not expanded upon by Cousineau in the arm and leg waxing complaints. Cousineau briefly mentioned that "Ms. Yaniv is partly motivated by her desire to fight what she perceives as pervasive discrimination against transgender women in the beauty industry. In that sense, her motives *do align*[32] with Code's purposes of eradicating discrimination and providing victims of discrimination with a means of redress. Further, if not for this application, I would likely have concluded that at least one of Ms. Yaniv's complaints about arm and leg waxing was justified" (*Yaniv v. Various Waxing Salons (No. 2),* 32). This was a

[32] Emphasis mine

significant acknowledgement of the transphobia informing the denial of service; however, Cousineau did not elaborate on the possible dangers of conceptualizing and treating transgender women as men by using one's religion as a shield, which poses a serious threat to civil society. While examining Yaniv's racism, Cousineau explained that racial and cultural stereotypes could not be accepted in the Tribunal (*Yaniv v. Various Waxing Salons (No. 2)*, 39); yet she did not show the same opposition when the Respondents, their counsellors, and their expert directly and indirectly employed stereotypes about trans women being a sexual threat.[33]

Of course, the Tribunal itself does not employ the term homonationalism. However, the way Yaniv's behaviour, goals, and personality described in the ruling (in juxtaposition to the Respondents), as well as her infamy on social media, inform the discussions around Yaniv's case through a critique of homonationalism. Then again, Miriam Smith argues that "The challenge to formal-legal inequality should not be dismissed as mere [trans/]homonationalism, but, rather taken seriously as a project to eradicate [trans/]homophobia. Understanding both homonationalism and legal homophobia as phenomena that coexist together in the same legal and political spaces is centrally important in an era of populist and right-wing backlash against LGBTQ legal rights" ("Homophobia and Homonationalism" 80). Browne and Nash second this argument and claim that "A narrow focus on the co-opting of gay and lesbian [as well as trans]

[33] It was also acknowledged by Cousineau that one of the counsellors, Mr. Cameron, had "anti-trans animus" (*Yaniv v. Various Waxing Salons (No. 2)*, 43). In fact, the president of the law firm representing the Respondents, John Carpay, frequently writes on the conservative news outlet The Post Millennial and refers to Yaniv using he/him pronouns outside the Tribunal.

identities into the national project can overlook ongoing, and indeed increasingly significant, oppositions to LGBT equalities in the Global North itself (323).

It is true that Yaniv appeals to a civilized Canadian state which prioritizes human rights and does not allow immigrants to discriminate against sexual minorities. As someone who grew up in a country in which religious-based claims are constantly and increasingly used against sexual minorities, I feel the need to be extra careful not to lose a significant aspect of this conversation because of the infamy around the litigant of this case –Yaniv. That is to say, we should not let go of the discussion about how to address religious-based discrimination against trans people due to Yaniv's explicit hatred towards the major cultures and religions of the Indian subcontinent. However, as I stated at the beginning, this is a territory one has to carefully navigate. It is difficult to navigate for two reasons: first of all, while my aim is to advance social justice for people facing hardship under the cis-sexist social and legal system, it is important not to do that through the path Yaniv follows by resorting to xenophobia and racism. Second, following Smith's argument that homonationalism and legal homophobia can coexist at any given context, one needs to also acknowledge that Yaniv's feeble and pitiful attempt does not cancel out the Respondents' transphobic discrimination. Indeed, Tribunal Member Cousineau admitted that Yaniv was indeed subjected to gender identity-based discrimination (*Yaniv v. Various Waxing Salons (No. 2),* 32). Similarly, failing to address transphobic discrimination coming from immigrant communities of color by emphasizing how 'unsophisticated' they are, or their lack of English proficiency diminishes their agency and skirts dangerously close to a saviour complex. Also, as Smith warns, acknowledging this coexistence of homonationalism and homo/transphobia gains even more importance in the face of right-wing rhetoric. This point

applies to Yaniv's case in which right-wing and conservative figures directly and gleefully involve themselves (ranging from representing the Respondents to publishing anti-trans articles online) in this bonanza of identity politics.

Treating women as men for religious purposes is not merely a religious or philosophical belief with no real-life implications; when and if this type of discrimination spreads to everyday life in society, it would directly clash with the aforementioned "purpose of promoting a climate of understanding and mutual respect, where all are equal in dignity and rights" (*Yaniv v. Various Waxing Salons (No. 2),* 32). While my focus is on trans women's identity claims, challenges directed to these claims inherently play a part in the ways we understand these claims in the first place. Therefore, the weaponization of religious rights claims (just like the weaponization of free speech, biology, and protection of women and children) furnishes us with important insight on the ways in which trans women's claims are systematically delegitimized. While paying due attention to the weaponization of religion, we also need to be aware of what Puar calls "queer secularism" which she believes perpetuates the racialization and sexualization of the religious other (*Terrorist Assemblages* 235). In queer secularity, there is a binary and unbreachable opposition between agential power and religion; the subject and queerness only become meaningful through resistance and transgression (Puar, *Terrorist Assemblages* 13, 22). Although none of the Respondents identified as a queer subject in this case, Puar's critique is still useful in terms of how we navigate the tension between queerness and religion. Not only can we not treat all people of faith as holding an antagonistic opinion towards LGBTI+ community, but also the power and legitimacy of religious rhetoric holds varying degrees of importance in every state and society, as well as in every incident/case.

In her critique of liberal multiculturalism, Puar makes the case that "what little acceptance liberal diversity proffers in the way of inclusion is highly mediated by huge realms of exclusion: the ethnic is usually straight, usually has access to material and cultural capital (both as a consumer and as an owner) and is in fact often male" (*Terrorist Assemblages* 25). However, Yaniv's case requires a more complex gaze than that: Is the ethnic (the figure of the racialized Respondent) in this case simply a subject devoid of social currency in the so-called progressive Canadian culture, and therefore subjected to legal troubles because of the lack of this cultural capital? Alternatively, having been a legitimately gendered subject in the cisgender praxis, could she be also simultaneously perpetrating transphobia?

Puar explains the term homonationalism as "the concomitant rise in the legal, consumer, and representative recognition of LGBTQ subjects and the curtailing of welfare provisions, immigrant rights, and the expansion of state power to surveil, detain, and deport" (*Terrorist Assemblages* 228). In this framework, the queer subject and queer body can be used against the immigrant, and serve "nationalist, and often xenophobic and imperialist interest[s]" (Puar, *Terrorist Assemblages* 228). Although Yaniv enthusiastically panders to so-called progressive Canadian values[34], she is far from being an exceptional sexual subject that can be palatably incorporated into the neoliberal subject formation (Puar, *Terrorist Assemblages* 230). As a

[34] Both parties –Yaniv and the Respondents (more correctly, their counsellors) vaguely referred to Canadian values. While these *values* were not explicitly discussed in the Tribunal, we are still able to get some information about this nebulous bundle of *values*: The Represented Respondents indicated a protected freedom of religion as part of Canadian values (Yaniv v. Various Waxing Salons (No. 2), 6). For Yaniv, these values were a set of rules to which immigrants are "required" to conform when they arrive in Canada. Although Yaniv did not provide a definition of what these values were during her testimony, we can infer from this statement that these values were a foil for the supposed values of the immigrants –backwards, traditional, religious values. (*Yaniv v. Various Waxing Salons (No. 2)*, 6, 38).

sexually ambiguous and (allegedly) morally dubious subject, and as a woman of size, she is no patriotic "gay hero" of 9/11 who can be commemorated (Puar, *Terrorist Assemblages* 41); her attempt was already aborted by the very system with which she desperately wanted to align. Yaniv's case can be (albeit not in a fully-fledged manner) interpreted through the discourse of homonationalism in the sense that her litigation attempts are portrayed as an attack against immigrant rights (of religion), while pandering to Canadian culture. Her tweet about inviting the police to check the identities of immigrants in her area was particularly telling. However, the type of personhood Yaniv represents has not been yet fully assimilated into the workings of the regulatory and surveilling state power. While pledging alliance to her conceptualization of Canadian culture, she does not refrain from calling out authorities when her needs are not covered by the state or the provincial or municipal government. Indeed, she often engages in quarrels with them. Most recently, in 2021, she shared on her Twitter that the Township of Langley warned her against her continuous need for assistance and alleged "lewd conduct" against the firefighters who were sent to help her. Yaniv claimed that she recently had an accident, and she needed help in bathing which is part of her post vaginal construction surgery care (@trustednerd).

What is striking about Yaniv's case is that it twists the faulted supposition brought to our attention by Puar: that immigrant families are more homophobic (in this case, transphobic) than mainstream white Americans (in this case, Canadians) (*Terrorist Assemblages* 29). Here, the Respondents did not figure in as, what Puar calls, a "good ethnic" who partook in the ascendency of whiteness (*Terrorist Assemblages* 32). Devoid of the cultural capital in which white queerness has become the only acceptable way of queerness, "the ethnic" in this case is accused by Yaniv

of failing to integrate into the Canadian culture, and instead, trying to maintain her backwards culture (Puar, *Terrorist Assemblages* 37). Where Yaniv failed is her illusion about an unbreachable binary between the so-called backward immigrant culture and a transphobia-free Canadian culture. While admittedly I place more importance on legal recognitions and protections that exist in "Western" countries as opposed to many trans and queer scholars who are more critical of legal bodies (Spade, *Normal Life* 1), Yaniv's belief in an imaginary Canadian culture and legal system ready to respect her "rights" (if not tainted by the backward immigrant culture) proved to be tragically false. In the upcoming sections on similar cases, it will be even more clear how trans exclusionary rhetoric is ingrained, not just in the figure of the non-white immigrant, but within various white North American activist and solidarity groups and legal institutions, as well as in the media.

The Stakes

"But I am not like her!" This was the sentence I found myself uttering as I was discussing the complexities of the case with my co-advisor on Zoom. I was articulating my feelings of precarity and stuckness –a feeling of walking on eggshells. How do *we* address transphobia when it is purported by people of faith and/or people of color without falling into the pitfall of racism and xenophobia? How do *I* address anti-trans discrimination coming from Sikh Indian women in a legal case in which the complainant relies on an Orientalist discourse of Western superiority? Does my project even contribute to the trans justice movement when a transgender woman is exposed as having made racist remarks, and there are allegations of sexual misconduct surrounding her? Is she even a *good* subject for the trans community, or a *blight* on it?

As *racialized* trans woman who grew up Muslim, where do *I* position myself here? On one side, I want this work to be part of the trans justice movement and I argue that we should stand up against service discrimination based on gender identity. On the other, as critical trans studies show us, I want to be wary of how 'social progress,' 'civilization,' and 'liberties' are charged with Euro-American-centric knowledge and identity production. How and to what extent does the theoretical framework of homonationalism help us understand the complexities that inform *Yaniv v. Various Waxing Salons*?

The stakes in this case are multi-layered: First of all, the case revolves around trans women's access to services and spaces initially designated for cisgender women. Secondly, as trans women (especially those who are less conforming to female gender norms, and those who are lesbians) are purported to be predatory men in disguise[35], detractors of trans rights forge a direct relationship between trans women's demands on inclusion and the safety of cisgender women and children as previously demonstrated through some of the major works of trans exclusionary authors. Therefore, this security concern –the vulnerability of cis women against the threat of penis– figures in as one of the stakes in this case. Horbury and Yao trace the trans exclusionary strands of feminism in the United Kingdom in their essay "Empire and Eugenics: Trans Studies in the United Kingdom." They point out that anti-trans rhetoric is "in line with the ongoing mobilization of fictions of white female vulnerability to justify violence against

[35] Trans authors such as Caroll Riddell have been arguing against predatory and diversionist accusations purveyed famously by Janice Raymond. Riddell points out the inconsistencies in Raymond's book to refute the accusations that trans women are responsible from reproducing gender norms and divide women's movement (144-158). Riddell particularly reverses Raymond's accusation that trans women are male agents (hence, dangerous for women); she claims that Raymond herself is "infested" by the "patriarchal culture she professes to attack" (156).

marginalized groups" (Horbury and Yao 446). Cisgender female vulnerability is not only deployed vis-à-vis trans women; a particular version of it, that is to say white cis women's vulnerability, is brandished against men of color. During the Black Lives Movement, we have witnessed how white female aggression concealed as vulnerability was consciously and strategically deployed by white female subjects, who were collectively given the name Karen, against people of colour –more particularly, black men. Vulnerable subjecthood, in its essence, refers to the belief that women need protection against men who are inherently sexual aggressors (Schilt and Westbrook 27). Especially in the UK, "the transgender specter proves too useful a tool around which white women academics can position their fictional victimhood" (Horbury and Yao 446). One of the strongholds of TERFism and the idea of female vulnerability is perhaps academia because scholars, thinkers, philosophers, and otherwise respectable feminist figures can conveniently brand their anti-trans discourse as valuable academic work that needs to be protected. Pointing to this fact often receives a reaction by trans exclusionary women in which they claim that slurring women as TERFs and silencing them is a patriarchal tactic unsurprisingly used by trans women. In Yaniv's case, however, we see how the vulnerability of racialized, working-class, and "unsophisticated" female vulnerability is deployed as a narrative to justify trans women's exclusion from women's spaces.

As another layer of complexity, the opponents of trans inclusion utilize religious rights claims as one of the stakes as well. Similar to the sexual well-being of cisgender women and children, one's religious rights should be protected from trans women who oppose the idea that thousand-year-old belief systems (some of which are ingrained into laws) should be able to dictate where trans women can exist and how they can be treated. Finally, the geopolitical

location of the case adds another complexity to Yaniv's case in that it took place in one of the countries otherwise known for its pro-LGBTI+ outlook. As Browne and Nash reminds us in "Resisting LGBT Rights "Where We Have Won,"" in so-called developed countries such as Canada and the UK, LGBTI issues are usually reframed into more digestible frameworks. The authors claim that religious opposition to LGBT themed discussions is "downplayed," and reframed into discussions about Canadian or British society to render the anti LGBTI rhetoric as more palatable (Browne and Nash 326). By the same token, anti-LGBTI+ groups in society deploy "growing claims for religious freedom, that is, the ability to express religiously based opprobrium of homosexual acts and lifestyles, as not being "homophobic" (Browne and Nash 327).

In her article on perfect plaintiffs of gay rights civil litigations, Godsoe finds that "they are all-American; they seem to be asexual; many have children; and all are (purportedly) non-political. There are no outlaws here" (138). Yaniv on the other hand is not "all-Canadian;" while she is a white Canadian woman who underlines Canadian culture as being anti-discriminatory, she seeks legal remedy by filing human rights complaints and lawsuits against people and institutions she perceives as engaging in discriminatory action. By repeatedly filing these complaints, she is seen as abusing the system, threatening the "Tribunal's integrity and its mission to foster an equitable, tolerant, and respectful society" (*Yaniv v. Various Waxing Salons (No. 2),* 41). She is highly sexual(ized) with her lesbian identity, and what is framed as her obscene insistence on getting her genitals waxed. She does not have any children; in fact, her alleged interactions with minors have troubled her respectability since the beginning of the publicization of her case (Stratis). Finally, she is, in fact, politicized: Trans women plaintiffs

and/or people who are put under the "trans activist" category are already assigned a certain political view, one that allegedly undermines the national and moral values of the given country[36]. For instance, as Ozlen observes in her article which traces the recent trans-exclusionary feminist discourses in Turkey, anti-trans rhetoric can converge with nationalist rhetoric, denigrating trans rights and equality claims as a "western import" (371, 381). In a similar fashion, feminist theorist Sophie Lewis finds that British TERFs also criticize queer and trans people's theory and activism for supposedly being imported from the US, and being "individualistic, narcissistic, and thus, somehow fundamentally *un-British*[37]" (Lewis). By the same token, Shakhsari states that both in Iran and in the Iranian diaspora, non-heteronormative lives are deemed un-Iranian, and homosexuality is thought as the product of the West (*Weblogistan* 147, 152). Similar discourses between various countries show that when trans (and LGBTI+) people demand more than what states and societies are willing to allocate for them, they can be readily positioned as distorting the social and legal fabric.

Lesbian trans women are historically seen disingenuous in their gender, as discussed within the relative literature. As Scott-Dixon explains, "transsexuals who admitted to being cross-gender dress or performance, who admitted to a sexual orientation that was not heterosexual or who did not adhere fully to hypermasculine or hyperfeminine norms of gender

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[36] One can rightly argue that Canada advertises itself as being committed to protecting its LGBTI+ citizens. However, in this legal case, and in the public eye (which will be examined in Project 2) Yaniv's incessant filing of complaints fueled by racism and financial gain is ruled as going against the Human Rights Code's "purpose of promoting a climate of understanding and mutual respect, where all are equal in dignity and rights" (*Yaniv v. Various Waxing Salons (No. 2)*, 32).

[37] Emphasis mine.

presentation were often diagnosed as “not true transsexual”” (14). Katz argues that class and morality (middle class sexual purity) were instrumental in manufacturing the conceptions of manhood and womanhood of early nineteenth century North America. Albeit in a different manner, true trans womanhood is delineated within a specific cissexist morality in which trans women have to navigate womanhood by constantly surveilling themselves as to avoid any deed that might potentially register as predatory and masculine. Lesbianism, masculine/androgynous gender expression, and liaisons with age gaps, for example, almost always constitute the so called deceptive and predatory façade of trans womanhood. As Rubin claims, these sexual acts and gender expression are positioned lower within the general sexual hierarchy (160); *trans* sexuality or *trans* gendered expressions add yet another layer of perversion to those who embrace them. Trans scholar Alana Hardie also describes a hierarchy of transsexualities: at the top of this hierarchy, there are heterosexual women who completed every surgery they wanted. They are thin and dainty with a feminine aura. They do not like to talk about or disclose their trans identity, and their presentation of womanhood has nothing do with a sexual desire –unlike some crossdressers (Hardie 124). According to this hierarchy, Yaniv is not only positioned lower within the general sexual taxonomy, but also within a specific pecking order of transsexuality. However, Hardie warns us that this hierarchy exists only among trans women; for the rest of the world, trans women are still “men in dresses” (127). Even the most passable, conforming, moral, *neoliberal* trans subject has to deal with the ramifications of such paradigms that still see them as men. One needs to remember that before scapegoating ‘bad’ trans people through the deployment of cis morality.

In line with Serano's deceptive transgender trope discussed previously, Bettcher explains that "trans people who are out (either through necessity or through self-disclosure) can be represented as pretenders –people who don't necessarily "deceive" but "play" at being something that we are not" (204). However, this is not purely a matter of representation; "The basic denial of authenticity, then, not only represents trans people in ways that are odds with our own self-identity, it also constitutes an assault on our moral integrity, while helping to excuse transphobic violence" (Bettcher 204). While Serano's deceptive transgender trope is insightful, and the theme of deception is used frequently in discussions about Yaniv, she falls somewhere in between Serano's pathetic transgender trope and Bettcher's "pretenders" as discussed previously. Thus, the attempts of the Respondents' attorney to use photos of Yaniv in masculine presentation can be understood as invocations of the deceiver and pretender tropes to establish Yaniv as a legitimate sexual threat. These tactics are used to position trans women who do not, or cannot, fully conform to norms of beauty and womanhood as pretenders who vilify the social and legal gains of cisgender women, as well as properly gendered trans women.

Bettcher also warns us about how this weaponization of the transgender rapist trope intersects with race, and disproportionately targets trans people of colour: "the myth of the stranger rapist is connected to the myth of the Black rapist, and that myth has clearly been used to justify the imprisonment and lynching of Black men" (208). A trans woman who cannot afford gender-affirming care and surgeries might be more likely to be read as masculine or as a man by outsiders, and hence, a potential sexual threat. That is to say, trans women of color who do not have access to surgeries and hormones because they are economically marginalized can be disproportionately positioned as more disingenuous than an affluent, white trans woman who can

afford to conform to normative womanhood if they choose to do so. Therefore, if we conveniently allow for discriminatory practices towards trans women who cannot, or do not want to, alter their bodies to conform to norms of cisgender womanhood, racially and financially marginalized trans communities will bear the brunt of that discrimination.

In line with how class and race might play roles in one's positioning as a sexual threat, in their essay on discussing the Michigan Womyn's Music Festival[38], Sreedhar and Hand remind us of an often-overlooked aspect of the "no-penis" policy: "It is unfair because not all MTFs can afford the treatment, and callous because the transition is difficult. The no penis policy is classist in that it largely excludes MTFs who are not at least middle class, and racist insofar as the excluded group of MTFs wanting sex-reassignment surgery is disproportionately composed of women of colour" (165). In tandem with this observation, Goldberg and White also claim that many women's services do not help trans women who "self-identify" as women but are not able to conform to the standards of acceptability for women (221). Although Yaniv is not a trans woman of color, I believe that her bodily composition, ambiguity around her genitals, mannerism, questionable morality, and the subjects to whom her desire is directed, played a role in the so-called disingenuity of her womanhood[39]. She was described as inconsistent and evasive

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[38] Michigan Womyn's Music Festival was an annual music festival that started in 1976, and the event usually brought together 4000+ women each August. In this festival, people also attended workshops and craft fairs; they communally shared duties; and they were able to be topless or nude (Sreedhar and Hand 161). In 1991, two participants in a workshop identified themselves as trans women, and they were asked to leave the festival (Sreedhar and Hand 161).

[39] What I want to stress here is how trans women's oppression is multifaceted. Although Yaniv is a white woman, her bodily presentation (ambiguity about genitals, fatness, sartorial choices) and her morality "disrupt codes of civility that manicure the boundaries of whiteness" (Lind 191). Lind borrows the concept of "white civility" from David Coleman and explains it as "a tool for recognizing the role of whiteness in regulating social behaviour and normative gender roles" (184). Therefore, I simply want to emphasize that Yaniv cannot neatly be placed into the

about her genital configuration because she did not provide explicit answers when asked about her intersex status (*Yaniv v. Various Waxing Salons (No. 2)*, 9).

Sally Hines argues that "the surveillance and the regulation of the female body through the notion of female authenticity is intensifying in present times. These exclusionary practices have profound material impact. In addition to working to philosophically Other, a social group, these 'other' bodies become bodies to fear" (Hines, "The Feminist Frontier" 154). These bodies are to be feared because they disrupt the long-standing, essentialist understanding of bodies, the laws regulating these bodies, and social life built upon the polarization and bifurcation of bodies. Although the trans inclusion/exclusion debates are about who gets to be women, children are increasingly being used as subjects under threat. Browne and Nash, who analyze anti-LGBTI discourses in Canada and Britain, point out the fact that predatory accusations for gendered and sexual identity claims are not unprecedented; in 1990s' Canada, gays and lesbians were targeted by the same attacks under the guise of protecting children from the mentally ill (326). Schilt and Westbrook second this observation that "transgender people, along with gay men and lesbian women, have a long history of being conflated with pedophiles and other sexual predators" (29)[40]. However, more recently, another type of threat has been raised under the theorization of

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very category to which she panders. Lind states that "The logic of civility implies that if one fails to assimilate into civilized codes of conduct, it is likely because of unchangeable racial characteristics – thereby strengthening the race's mythos" (189). On one hand, Yaniv did indeed appeal to this civility by claiming that the Respondents' cultures/religions are transphobic, racialized immigrant women are "bigots," and immigrants should *assimilate* into Canadian culture (*Yaniv v. Various Waxing Salons (No. 2),* 37, 38). On the other hand, the very same civility "constructs the fat body as aberrant, out of place, pathologized, and uncivilized" (Lind 190).

[40] As I have stated before, there are allegations about predatory behaviour regarding Yaniv's Facebook communications with minors, which I discuss in the second project. The Tribunal ruling did not involve any of these allegations, however, as it will be shown in the second project, these allegations constitute a big portion of the case – to the extent that, the president of the law firm which represented the Represented Respondents prolifically

rapid onset gender dysphoria. According to this theory, which is the product of controversial research by Lisa Littman, *young girls* (nonbinary or transmasculine youth) discover trans identity through social media, and in clusters, and start to identify as such even though they have no prior gender nonconforming behaviour. Built upon the panic purveyed by this theory, Abigail Shrier's recent book, which was platformed both on conventional and social media at a critical time, particularly targets transmasculine youth[41]. Shrier, an American journalist who does not have any expertise on trans issues, argues in her book *Irreversible Damage: The Transgender Craze Seducing Our Daughters* that young trans-identified men or non-binary youth are actually confused girls whose womanhood is hijacked by the trans lobby which allegedly holds tremendous power in the institutions of medicine and education, as well as on social media (Shrier 111, 301).

Similar Cases

While I stress that Yaniv's case has its idiosyncrasies and notorieties, it can be situated within decades-long social and legal struggles between trans-identified women versus formal and informal establishments and organizations which exclude them. For this part, I chose to look at Kimberly Nixon's and Susan Mamela's cases, because these cases can be contrasted with

published articles in a news outlet called *The Post Millennial* which was one of the main actors bringing predatory allegations to light. The case against Yaniv, as publicly campaigned by this law firm (JCCF) and the online news outlet, was already charged with the allegations of sexual misconduct toward minors. Therefore, I find it appropriate to discuss how not only trans women but also (cis) gays and lesbians have long been associated with predatory behaviour and/or mental illness (which supposedly leads to predatory behaviour) by anti LGBTI+ campaigners.

[41] Schilt and Westbrook explain that "Transgender men are never referenced as potential sexual threat to women, men, or children. Instead, they are put into a category that sociologist Mimi Schippers labels "pariah femininities"" (30). In addition to that, trans "ideology"s threat to transmasculine youth is also not of a sexual nature; trans "ideology" tricks these young people into a life of regret by abetting them in *mutilating* their bodies.

Yaniv's case in terms of the exclusionary narratives used about trans women. They do also show significant differences from Yaniv's case, and understanding these similarities as well as differences furnishes us with a better understanding of why Yaniv's case attracted a notable degree of public fanfare. Finally, I will discuss a non-legal case from Toronto, Canada in which a trans woman was denied service at a women-only spa due to the spa's "no male genitalia" policy (Szklarski).

Perhaps one of the most-known cases in debates about trans women's inclusion in women's spaces was the prolonged legal battle between Kimberly Nixon and the Vancouver Rape Relief and Women's Shelter (VRRWS). This case started when Kimberly Nixon, a postoperative transsexual woman, was denied participation in the Rape Relief's volunteering program to become a rape crisis line counselor. When she was identified as a transsexual woman based on her appearance during the training session, Nixon was asked to leave the training program. She immediately complied with that request without any resistance, and subsequently filed a human rights complaint in 1995 (Karaian 185).

Nixon initially won the human rights complaint through The British Columbia Human Rights Tribunal in 2002. In 2003, the British Columbia Supreme Court decided in favor of VRRWS. Finally, in 2005 the British Columbia Court of Appeal also ruled in favor of VRRWS (Jeffreys 178). The reason behind this decision was the fact that VRRWS "had various means, none of which were illegal, to identify Ms. Nixon as a person who was not a member of its self-identified "identifiable group" of women" (*Vancouver Rape Relief Society v. Nixon et al.*, 57). As opposed to this view, which did not find a discriminatory or a violent act in the exclusion, Nixon's counsel, barbara findlay, Q.C., points out later that "People who are oppressed in one

area of their lives often have trouble understanding or believing they are part of an oppressive group –that they have enough power to be oppressors" (149). findlay also recounts a conversation with a lawyer who was defending an employer who dismissed a trans person. In that conversation, the lawyer told findlay that when human rights legislations were created, they did not intend to protect trans people (151). Although not initially stated in a critical nature, this observation holds true: recent trans visibility and the trans movement's perseverance have been forcing lawmakers to consider them as legible citizens, causing tension and asymmetry between legal and social progress, as well as a schism between trans-inclusionary and exclusionary politics. All of the cases discussed in this section show the ways in which trans women no longer make do with being a second thought in a cis-centric legal system.

Another major case took place between Susan Amy Mamela and Vancouver Lesbian Connection in June 1999. The Complainant, Mamela, argued that she was discriminated against by Vancouver Lesbian Connection (VLC) in terms of employment and use of services customarily available to the public (*Mamela v. Vancouver Lesbian Connection, 1999 BCHRT 51*, 1). Mamela identified as a radical lesbian feminist who was transsexual. She adamantly refused to identify as woman, as she considered the term to be offensive and "a socio-political construct" (*Mamela v. Vancouver Lesbian Connection, 1999 BCHRT 51*, 2). At first, she was rejected membership in the organization; after VLC's policy changed to include transsexual women, she was able to become a member in 1996 (*Mamela v. Vancouver Lesbian Connection, 1999 BCHRT 51*, 4-5). In 1997, she was interviewed by an author for an article celebrating women's diversity in the lesbian community, in which she claimed that she never had been nor ever will be a woman because it was a social construct (*Mamela v. Vancouver Lesbian Connection, 1999*

BCHRT 51, 5). She identified as a transgendered dyke, who had masculine features, an Adam's apple, short hair, and a not stereotypically feminine dressing style, according to the author's description (*Mamela v. Vancouver Lesbian Connection, 1999 BCHRT 51*, 5). The next day, VLC's Board of Directors talked to her and expressed their disapproval about her comments. Two weeks later, she was asked to leave VLC on the grounds that she had used a computer improperly (*Mamela v. Vancouver Lesbian Connection, 1999 BCHRT 51*, 6-7). Shortly after this incident, her membership was suspended due to five reasons, one of which included "coming on" to staff and volunteers when they expressed they were not interested in her (*Mamela v. Vancouver Lesbian Connection, 1999 BCHRT 51*, 9-10). Among the officially stated reasons, we see allegations of sexual misconduct; however, VLC did not mention the previous schism over Mamela's rejection of the term woman. Even though the Tribunal did not engage with whether there was truth to the allegation about Mamela's unwanted and unreciprocated attention towards staff and volunteers, lesbian-identified trans women have historically been pictured as deceptors (heterosexual men claiming to be lesbians), and a sexual threat to cisgender women (Raymond 104). As a transsexual lesbian, Mamela became the subject of the same narrative as Yaniv. Yaniv and Mamela also differed from Nixon who could be more conveniently introduced as the "good transsexual" as she had a vaginoplasty, lived a heterosexual life, and co-parented a child (Karaian 187).

Tribunal Member Nitya Iyer concluded that the Complainant Mamela was discriminated against based on her transsexual status, and her self-identification as female in terms of receiving services customarily available to public (*Mamela v. Vancouver Lesbian Connection, 1999 BCHRT 51*, 25). Iyer also concluded that the relationship between the Complainant and the

Respondents did not constitute an employment relationship; therefore, this complaint was dismissed. Mamela was awarded with $3000 as a remedy to compensate the "injury to her feelings, dignity and self-respect" (*Mamela v. Vancouver Lesbian Connection, 1999 BCHRT 51*, 27). Even though the Tribunal Member ruled that Mamela was discriminated against based on her transsexual identity, from the perspective of trans exclusionary radical feminists like Raymond, this could be interpreted as transsexual lesbians dividing and penetrating "all of women's "hollow" spaces" through the force of law (Raymond 103).

Trans-identified women's presence within "women's spaces" has increasingly become a topic of everyday debates. In 2017, Toronto's Body Blitz Spa denied service to patrons with what they referred to as "male genitalia" (Szklarski). In her tweet, one transgender customer reported that she was told not to come, due to a no "male genitals" policy (@kitjiaqing). On the subject of the Body Blitz Spa controversy, and regarding the debates about trans women's inclusion within "women's spaces" in general, Sophia Banks, a Vancouver-based trans woman author, wrote that "(t)he consequences [of exclusion] go beyond just hurt feelings: denying trans women access to spaces for women can be incredibly isolating, perpetuating the mental health struggles that plague members of the trans community. It also does nothing to fix the problem of male violence; it just shifts the blame onto trans women, and makes them suffer the consequences" (Banks). In gender critical circles, this particular controversy reproduced the same arguments in which trans-exclusionary feminists argued that this was just an "inconvenience" for trans individuals while cisgender women who are traumatized by male violence need spaces defined by no-penis policies (Murphy). Blaming trans women for the aggression and trauma caused by cisgender men and excluding them from women's spaces on

this ground is not a new rhetoric. In this rhetoric, trans women are positioned as potential physical and sexual aggressors because they are essentially seen as males[42] (Raymond 104). In this narrative, "trans women are not only misrepresented as men, but are aligned with the very worst of men" (Hines, "The Feminist Frontier" 152). For Raymond, there is no possibility for a transsexual woman to be a "good queer" by going through genital construction surgery; she claims that even if the transsexual woman "lost" her penis –"the most invasive means of invading women"– they are still as dangerous. In fact, for her, "losing" a penis is even another layer of deception in which the transsexual pretends to be noninvasive (Raymond 104). The penis threat, regardless of the existence of an actual penis, is used to purport such accusatory statements even today. That being said, even the most adamant trans exclusionary feminists who hold the pitchfork against the imaginary bathroom predator know that "(i)t is not possible whether these are men who consider that they are transsexual or transgender or just men adopting women's clothing in order to facilitate their access to women and children" (Jeffreys 155). At the core of trans exclusionary rhetoric, there is no practical distinction between a "man who pretends to be a woman" or a "transsexual" (woman); they both need to be kept away from women's spaces.

There are several important differences between Nixon's and Mamela's cases and that of Yaniv. Aside from happening in Vancouver, Canada, Nixon and Mamela's cases both took place

[42] One of the UK's main trans-exclusionary organizations, Fair Play for Women, uses the slogan "Pronouns are Rohypnol" to position trans women as the sexual aggressors. Rohypnol is a strong tranquilizer, also known as a date rape drug with the street name "roofie". Here we can observe that Janice Raymond's rapist accusation still resonates within the so-called women's organizations.

in the 1990s and early 2000s. Social media as we know it today did not exist; therefore, if people wanted to create a public opinion about these cases, they had to rely on the traditional channels of publication, and their own social circles. Second, none of these cases involved race and religion at their center, nor allegations about inappropriate conduct with minors[43]. Both Nixon's and Mamela's cases pertained to Canadian white people who wanted to be a part of women's/lesbian organizations, narrowing down the degree of interest in the public eye. On the other hand, race, religion, ethnicity, and immigration brought newer layers of complexity to Yaniv's case. Furthermore, Yaniv's case happened after the so-called transgender tipping point[44] (Steinmetz) and in a nervous sociopolitical environment in which growing transgender visibility finds itself surrounded by an omnipresent anti-trans sentiment. Both Nixon's and Mamela's cases inherently entailed allegations of dividing and infiltrating women's spaces in a Raymond-esque fashion. Raymond argued that trans women, especially those who are lesbians, divide women (Raymond 102); by the same token, Jeffreys also contended that transsexual women "hurt" and "fracture" the women's movement with their "entryism" (Jeffreys 3). Both cases included feminist and lesbian identified organizations with a history of excluding trans women.

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[43] Yaniv's Tribunal case itself did not engage with any of these allegations; therefore, I leave the more detailed discussion on this topic to Project 2. However, those allegations heavily constituted the "predatory transgender" aspect of the case in the public eye from the very beginning of the case, and this is one of the reasons Yaniv's case attracted the public attention it did. Allegations of predatory behaviour were completely outside of the Tribunal's scope, and they were not used in reports of the major news sites that only published about the waxing case; however, it is essential to talk about the existence and content of these allegations as they help us understand the public perception of Yaniv. These allegations mainly included Facebook and Ask FM (a question-asking website) screenshots and witness accounts in which Yaniv inappropriately chatted with minor girls prior to her transition. The allegations also included Facebook conversations in which Yaniv asked minor girls about tampon usage and women's bathrooms as a recently transitioned woman. However, as opposed to her racist remarks which she admitted, Yaniv continually claimed that these were forged screenshots.

[44] Puar describes it as follows: "a term coined by *Time* magazine in June 2014 to delineate a plethora of (positive) media representation of transgender people" (*The Right to Maim* 33).

Yaniv's case did not include a feminist organization like VRRWS which can maintain a legal battle for years. In fact, because the women Yaniv complained about were not part of any women's organization[45], the volume of complaints portrayed her as the oppressor in this narrative. For example, while VRRWS had the means to initially angle for a financial settlement after discriminating against Nixon (Jeffreys 78), the immigrant women, some of whom operated out of their home, did not possibly have the means for a legal struggle. Finally, neither Nixon nor Mamela *continually* sought to join a women's shelter or a lesbian organization and demanded financial compensation when their request was denied. They genuinely attempted to socialize with the groups or organizations with which they identified[46]; they filed these complaints only after their *genuine* attempts at contribution/inclusion were rejected based on their birth-assigned sex. On the contrary, Yaniv was believed to specifically search for immigrant Indian women's businesses and target them as she believed they posed a threat to Canadian culture. Even though Yaniv argued that her conflict with Indian waxers stemmed from their alleged monopoly in the area, she has yet to convince anyone of that argument (*Yaniv v. Various Waxing Salons (No. 2)*, 40).

Trans/Homonationalism: Good and Bad Queer

[45] I have not encountered information about the Represented Respondents' membership or active involvement in a women's organization through the Tribunal Ruling or the law firm representing them.
[46] Kimberly Nixon had previously received help from Battered Women Support Services (BWWS) when she was battered by her partner, and her attempt to volunteer at Vancouver Rape Relief was part of her desire to give back to the community once showed solidarity to her (findlay 146). Mamela's attempt to socialize within the organization was part of the requirement of the Gender Clinic in which the patient was required to live in their desired gender for two years (*Mamela v. Vancouver Lesbian Connection, 1999 BCHRT 51*, 2).

Within the good and bad queer divide, Kouri-Towe explains, bad queers are juxtaposed with good queers so as to provide good queers' integration with the national state by asserting that they are just like the rest of the society –except their sexual orientation or identity. Within this framework, bad queers consist of "racialized queers, people who are HIV-positive, poor and homeless queers, non-status queer immigrants, etc." (Kouri-Towe). I argue that bad queers also include trans people who keep being a thorn in the state's side not only by transgressing, transcending, and rebelling, but also by seeking recognition through laws that were not at all imagined to include and protect them in the first place. Therefore, contrary to queer and trans studies' enthusiasm to relegate law-reliant, passing, conforming trans people to the ranks of assimilationist wannabe good queers, their everyday struggle for acceptance and inclusion re-drew the boundaries that some of us can flaunt to trespass today. It comes from a privileged point of departure to morally and ethically expect others to live their one and only lives within the fringes of every single norm in the society, and proudly *deconstruct* and *revolutionize* each one of them.

In general, while this chapter finds it useful to approach Yaniv's case through a critique of homonationalism, I do not fully commit to a homonationalist perspective to present the intricacies this case poses. Aleardo Zanghellini, who critiques some of the overzealous uses of the term homonationalism in academia and activism, claims that while the denial of the existence of homonationalism among certain queer circles makes homonationalism the problem it is today, there is also a reluctance "to admit that Muslim or racialized groups might be capable of homophobic acts" (362). He explains that, when the perpetrator of a homophobic crime is non-White or immigrant, identifying the situation as such does not necessarily stem from a "moral

panic" about racialized people. Zanghellini argues that "The fact that the *raison d'être* of homonationalism as an analytical category is to unearth queer people's co-option in racist agendas should not preclude an acknowledgement of homophobia by racialized or Muslim perpetrators, or within racialized or Muslim communities, when appropriate" (363). Although I believe Puar provides important insight, one needs to be careful about a mot-a-mot application of her toolkit due to the fact that she writes about the US, her subjects are (predominantly) gay and lesbian and not trans women, and finally, her work appears against the backdrop of a war on terror. On this issue, Miriam Smith directs our attention to what she calls "legal homophobia" in Canada which poses a stark difference to the marketable image of Canada as an LGBTI+ friendly nation ("Homophobia and Homonationalism" 68). Smith explains the significance of homonationalism as a conceptual tool because it "sheds light on the political uses of LGBTQ rights by government and stakeholders for their own political ends to the racialized forms of inclusion that are encapsulated in policy and organizing" (79). However, she also reminds us that "the concept risks underestimating the value of legal change for LGBTQ communities and ignoring the persistence of homophobic opposition to the political incorporation of LGBTQ citizens" (Smith, "Homophobia and Homonationalism" 79). Puar later expands her concept of homonationalism to include trans subjects. She describes the machinery of trans(homo)nationalism as being "capacitated, even driven, not only by the abjection of bodies unable to meet these proprietary racial and gendered mandates of bodily comportment, but also by the concomitant marking of those abjected bodies as debilitated" (Puar, *The Right to Maim* 35). Puar claims that "A new transnormative citizen is predicated not on passing but on "piecing," galvanized through mobility, transformation, regeneration, flexibility, and the creative concocting of the body" (45). Piecing, she explains, refers to "a recruitment into liberal forms of

fragmentation of the body for capitalist profit" (Puar, *The Right to Maim* 36). Piecing, which is essentially what trans communities across the world understand and engage in as *passing*, is a sinister concept in that it "appears transgressive when in fact it is constitutive of not only transnormativity but also aspects of neoliberal market economies" (Puar, *The Right to Maim* 46). Puar's enthusiasm to discuss trans subjectivity against the backdrop of neoliberalism is followed by another academic predilection: discussing trans subjectivity in relation to transgression. When she talks about TransJustice, an initiative mostly of male-to-female trans people of color in New York, she claims that "They desire to pass as beautiful, feminine, sexy. While a trans politics might render such forms of passing either a validation of a radical identity or a version of assimilation, misrecognition, or "selling out," for these members it is often entwined with, albeit obliquely, avoiding police harassment, community stigmatization, and familial rejection" (Puar, *The Right to Maim* 47-48). Here we encounter another instance in which not only trans lives but also POC lives are made meaningful within the conundrum of survival and transgression: Transgression, resisting the integration into a neoliberal world, is placed as a goal for the trans subject (which is often not to the same extent that it is a goal for the cisgender subject); the trans subject's desire to blend into society can be only acceptable for the sake of survival.

I believe that as academics, we need to cut down on our enthusiasm (that is not equally directed towards cisgender lives) on confining trans lives into neatly defined, publishable categories. As Kate Forbes states, "The world outside the academy trusts gender professionals more than it trusts first-hand accounts when it comes to explaining trans people like me" (38). We need to be resorting to more self-reflection and humility, as Enke reminds us (15).

In his discussion of Foucault's historical analysis of homosexuality, Katz gives us important reminders that can be useful for our own discussion of the focus on trans organization of gender and sex. He asks why Foucault focused more on homosexuality and less on heterosexuality. The answer can be applied to trans-cis distinction as well: Whose sexuality (or gender) is questioned and problematized as an issue to be solved or eliminated tells us a lot about the power structure of a society. Trans sexuality and trans gender figure in as something to be regulated; carefully categorized by and catered for cisgender morality, safety, and convenience.

Was Yaniv conscientiously or unwittingly perpetrating trans(homo)nationalism? Throughout the chapter, instead of seeking an answer to position Yaniv somewhere in between the good and bad transgender spectrum, I attempted to lay out the complexities of her case, which is, in its core, a fight for women's identity. This way, I attempted to avoid "paranoid structuralism," which, would have involved hypothesizing trans/homonationalism in Yaniv's case, and eventually *finding* it (Zanghellini 363). As Forbes contends, having to be a "good queer," so that one is treated equally and honorably, in and of itself, is a discrimination (41). Yaniv's case demonstrated the question of who gets to be a woman is not merely a philosophical one, but often a dangerous territory in which womanhood under question is evaluated through one's sexuality, bodily composition, morality, as well as the parties against which the fight is played out. Her claims to intersex, lesbian, and disabled[47] identities, along with her racist remarks and the race/class of the individuals against whom she filed the complaints complicate

[47] This is a claim found outside the Tribunal document, and I expand on that in the second project.

the case. These facets of the case also simultaneously reveal the need for newer ways of building pacts and seeking justice.

Conclusion

In this chapter, I analyzed the British Columbia Tribunal case to uncover what kind of narratives were highlighted with regards to Yaniv, and possibly transgender women in general. I attempted to present my findings with the help of the existing literature on trans identity and trans women's place in relation to cisgender women. I also looked at several legal and one non-legal Canadian cases to be able to present what makes Yaniv's case a complex and a sensational case. As a result of my analyses, I came to the conclusion that, emerging within a critical juncture of clashing discourses around trans people, the infamous waxing case became one of the most publicized cases of recent years due to several reasons: Yaniv's personality was carefully (yet, easily) tailored into the long-standing trope of transgender predator–a man pretending to be woman to prey upon cisgender women and children by using transgender rights discourses and abusing Canada's indulgent laws and liberties. It will be discussed in detail in the following chapter how the public is incited by the incantation that this is a *ridiculous* case, in which Yaniv, who is essentially a man, almost coerced vulnerable women to *touch* her genitals or lose their livelihoods.

I argued that we can trace how similar themes are emphasized in the Tribunal document, and within the cases that preceded Yaniv's, namely, the cases of Kimberly Nixon and Susan Mamela. These themes revolve around deception, untruthfulness, denial, exertion, aggression, and hate. I am aware of the fact that the case is only about Yaniv and the Respondents; neither the parties nor the Tribunal decision represents the communities to which the involved parties

belong. However, as it was acknowledged in Kimberly Nixon's case, singular cases might hold importance for "transsexuals in general" (*Vancouver Rape Relief Society v. Nixon et al.*, 32).

Yaniv's case, just as much as Nixon and Mamela's cases, is inherently part of the pro- and anti-transgender feminist debates which claim to assert their own "ontology" of gender (Cooper and Renz 486). Meghan Murphy, a proactive Canadian trans-exclusionary, asks: "How can we possibly protect women's boundaries, spaces, and rights, if men can be women, regardless of their male biology? What even is a woman, if not a female?" (Murphy). Clearly, questions as such are only rhetorical; they do not aim to create solutions and policies that will provide safety. These questions are rhetorical tools with which trans womanhood is painted as an impossibility, a failed morality, and a sexual perversion that needs to be confined. It would be a naïve expectation that these questions will peter out in the near future in a social and political environment in which conservatism and chauvinism are on the rise. It would be even more naïve, and in more cases, hypocritical, to expect trans women to give up on various methods of rectification for the everyday and institutional discrimination they face because of their transness, especially when societal change lags behind legal change. Acknowledging that "official legal regimes are important (if not monopolistic) determinants of what community and organizational recognition (and non-recognition) can do" (Cooper and Renz, 503), we need to come up with better frameworks of understanding rather than stigmatizing and shaming trans women for resorting to legal paths to seek remedy. In conclusion, both for legal and non-legal struggles, I second Kirkland's suggestion on how to build alliances between trans and feminist communities: "Alliances should be distilled from conceptual agreements rather than from simple descriptions of subject positions. It also follows that accusations of 'false consciousness' would

be theoretically out of place, since we seem to have thin ground on which to base a 'true consciousness'" (33). While Enke is more critical of a trans rights approach than me, she also argues that "(t)he decision by lawmakers, states, and other institutions to frame certain issues as 'personal' is itself a political act intended to obscure what are actually organized violences and injuries against marginalized groups" (15).

Transgender people are often accused of forcing their beliefs, fantasies, and "rights to personate women" (Jeffreys 157) upon others based on so-called unscientific, self-legitimised claims, while the claims of religious groups and individuals on the issues pertaining the individual and society are not treated in the same delegitimizing way. However, while I am strongly in favor of critiquing the weaponization of religious beliefs based on the social norms of thousands of years ago, we need to be aware of the racist tones of undertaking this task. As I have conspicuously stated, I do find the argument that one needs to have the right to exclude trans women due to religious beliefs undeniably transphobic. However, Yaniv's case shows us that this antagonism is not an immigrant or Indian problem that is brought to Canada, as Yaniv claimed; we see from how the case is presented in conventional and social media, as well as in relation to similar preceding cases, that this transphobia is found in *unsuspecting* sites as well: *even* white, Canadian/American, educated, feminist, secular, and LGBTI+ circles.

Sociolegal scholar Anna Kirkland explains that the often-bashed rights-claiming can be a liberation strategy. She states that "Legal documents are important because "(t)he theory one uses to win has implications for future conceptions of gender and sexuality in the law as well as for understanding contemporary conflict and alliances among sex and gender theorists, lawyers, and activists" (Kirkland 1). While the Tribunal has a regulation for admissible and non-

admissible evidence which circumscribes the contours of any given discourse, social media has no such constraints apart from the community guidelines, and the policies regulating hateful conduct and privacy, of major websites. Therefore, looking at social media content produced about Yaniv will strengthen my analysis of the negotiation of trans women's identity in this critical time. The platforms and content creators I use for my work have a tremendous sphere of influence –some commentators' videos reach up to 2,5 million views.

The Internet's significance for trans individuals and communities across the world has been emphasized both by trans academics and by the detractors of the trans movement. Trans scholars argued that the internet has been instrumental from the 1990s onwards in terms of community-building by bringing together otherwise geographically dispersed trans individuals across the spectrum and compiling their valuable knowledge on trans experience (Ekins and Kings 58; Fink and Miller 614). Critiques of identity politics, within which they locate the trans movement, also talked about the online aspect of trans culture, albeit in a derogatory manner. They describe the trans movement as existing only online, consisting of infantilized activists holding hysterical ideas with no grassroots support offline. Therefore, the online sphere figures in as a sphere of delusion (Eberstadt 30). The following chapter will examine what the Tribunal called the social media "war" Yaniv was "publicly and actively participating in," and how she "engendered a certain level of public vitriol" (*Yaniv v. Various Waxing Salons (No. 2)*, 46, 54).

CHAPTER 2: JESSICA YANIV AND THE GENRE OF PREDATOR-CATCHING ON YOUTUBE

Introduction

In this part of my dissertation, I will look at the transgender predator trope on YouTube and argue that exposing and catching trans 'predators' has become a popular genre on YouTube, including in the case of Jessica Yaniv. As discussed in the previous chapter, Jessica Yaniv (now Jessica Simpson) is a Canadian white trans woman who unsuccessfully filed a series of human rights complaints against a number of cisgender, racialized aestheticians, claiming that they discriminated against her because she is a trans woman. She claimed that these women, some of whom were operating their businesses out of their home, denied her genital and body waxing services when she revealed that she was a trans woman. Although the 2019 ruling of the British Columbia Human Rights Tribunal acknowledged some discriminatory behaviour on the part of the aestheticians in the aforementioned body waxing complaints, it ultimately dismissed all of Yaniv's complaints on the ground of bad faith.

As the case was progressing, I started to witness an emerging discourse revolving around Yaniv's case on Twitter: the 'transgender predator.' A wide range of Twitter users –tabloid journalists, right-wing commentators, women's rights activists, radical feminists, comedians, and anonymous profiles with anime avatars– were tweeting about Yaniv, bringing to attention some of her racist tweets, as well as years-old screenshots of her alleged improper communications with minors which raised eyebrows. Yaniv's case was a scandal bonanza; a dream-come-true for those who had been pontificating about how predatory men who claim to be women will abuse self-identification policies to harass women and children, and how the tolerance and lenience

around the so-called '(trans)gender ideology' was corrupting *our* societies[48]. There they had it: A lesbian trans woman (who they perceived as a man) with a checkered past was not only demanding that cisgender women should wax her penis and scrota, but she was taking them to the Tribunal to coerce them into doing so! Something needed to be done about this 'predator'. 'Predators' had to be stopped. For 'predators' to be stopped, the 'predators' needed to be exposed. On YouTube.

Above all, the Jessica Yaniv/Simpson situation is not an isolated case of a representation of one bad, 'predatory' transgender person. In fact, the trope of the trans 'predator' has become pervasive and entails many implications for trans people in terms of shaping and mobilizing public sentiments about trans people's sexuality, morality, and authenticity. To investigate this trope further, I present a review of literature focusing on trans media, moral panic, vigilantism, and surveillance regimes. I start my analysis of YouTube content by looking at the burgeoning online vigilante channels who make so-called sting operations to catch child predators who are comprised of mainly cis men, but occasionally of trans-identified individuals as well.

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[48] For example, one of the trans exclusionary pundits, Helen Joyce, writes extensively about how lax self-identification policies are harmful and Yaniv's case is the result of such extreme tolerance about self-identification (206, 244, 245, 246). Almost three decades ago, in her 1994 introduction to her infamous book *The Transsexual Empire*, Janice Raymond writes about John Money, the sexologist who worked on sexual and gender identity at Johns Hopkins, and often referred (pejoratively, by the TERFs) as one of the early contributors to gender ideology. She draws attention to Money's other writings, which, according to Raymond, involves questionable statements about children and incest, implying that this (gender) ideology was created by people with problematic moral and ethical codes (Raymond xii). Hence, anything that is built on this ideology should be approached suspiciously.

The predatory man-in-a-dress trope in the entertainment sector might date back to old Hollywood movies[49], but the reason I look at online vigilante channels is to provide an understanding of the entertainment value of predator-catching on YouTube. After accounting for a set of visual and discursive paraphernalia of the predator trope, and the self-titled "predator catchers," I shift my focus back to Jessica Yaniv and Blaire White, the person who most successfully marketed Yaniv's case as the story of a "transgender predator" on YouTube to millions of people. Through White's trans-predator video series (which began with the case of Yaniv), I examine the construction of the entertaining-yet-dangerous trans monstrosity and its juxtaposition to good, all-American, future-oriented trans womanhood as represented in the persona of Blaire White. Finally, I conclude my work by showing that predators and monsters are continually constructed; neither Yaniv, nor any other alleged predators will be the final word on the subject.

Discussions around trans people have been increasingly heated since mid 2010s. While on the positive side, transgender rights have entered public debates and political campaigns, there have been negative portrayals of trans women in particular, associating them with predatory behaviour towards cis women, children, and heterosexual men. Visibility has been problematized by trans scholars, activists, and artists. Che Gossett claims that "One of the traps of trans visibility is that it is premised on invisibility: to bring a select few into view, others must disappear into the background, and this is always a political project that reinforces oppression"

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[49] In 2020 documentary titled *Disclosure*, trans actors break down harmful stereotypes perpetuated by the American film industry which include portraying transness as a mental and physical disability, deception, and predation. I discuss that further later on.

(183). This is a significant observation as we continuously see that what is presented in the media as proper trans women happen to be cis-passing, and White or White-passing heterosexual women who conform to dominant codes of femininity (Skidmore 271; Raun 91). However, the YouTube videos analyzed in this chapter challenges this understanding of visibility. Visibility does not always mean (re)presentability. I am not arguing that the premise of being branded as a "predator" on YouTube is equally distributed to every trans person regardless of their bodies, sexualities, or race. I am arguing that this idiosyncratically American mélange of vigilantism[50], humilitainment[51], and surveillance (which I call "predator exposé/catching genre" of YouTube) complicates the previous critiques of trans subjectivity which readily casts some trans people as (trans/homo)normative, neoliberally-inclined assimilationists. As discussed later in the chapter, even the master "predator exposer" herself, Blaire White, in all her glamour, patriotism, and unwavering femininity, gets to be deemed dangerous for children. YouTube's predator exposé/hunting genre democratizes the field of 'monsters' previously allocated for a smaller body of people. The recent anti-trans legislations which target trans children and adolescents is not only harmful to trans youth, but they also are poised to present trans-supportive parents, teachers, and medical professionals as 'child abusers' (Bibi; Sharrow and Sederbaum). Predator, abuser, or molester labels within this nouveau anti-trans discourse can extend to anyone whose

[50] The prototype of this uniquely American type of vigilantism can also be seen in the TV show *To Catch a Predator* (2004-2007) (which will later be discussed in the chapter) which is described as a "tabloid investigative news program" that was "organized around the spectacle of humiliating putative pedophiles on network television in partnership with local police and a rag-tag band of internet vigilantes known as Perverted Justice (PJ)" (Kohm 189).
[51] According to Richard H. Smith, the term humilitainment is coined by media researchers Brad White and Sarah Booker (32, 286),

political alignment differs from conservative viewpoints –*even* to White, *even* to economically well-off, gender-conforming, heterosexual trans *and* cis people.

Therefore, this study comes at a very critical time in which we need to collaboratively work against this ever-growing scope of 'predators' and 'predatory behaviour' backed by broader trends of state investments in the prison industrial complex and criminalization, citizen-to-citizen surveillance, as well as humiliation on social media. To reiterate, what I argue is in no way meant to take away from the valuable insight which explains how trans people of color, trans people with masculine features, and/or fat trans people are disproportionately targeted. In fact, some of the 'predators' in this chapter are people of color, non cis-passing, and fat. Instead, this chapter invites us to understand how current anti-trans talking heads present trans/queer politics as the symptom of decaying North American progressive/Leftist politics. The so-called 'transgender agenda' which is supposedly a blight on the lost (North) American/Western values requires us to think beyond racial binaries and normativity discussions prevailing in Trans and Queer Studies.

Transgender predator-themed videos on YouTube focus on trans-identified women's alleged predatory motivations and action, especially trans women who are believed to abuse the laxity of self-identification laws and "gender ideology[52]" in general. These videos aim to disclose

[52] "Gender ideology" and/or "transgender ideology" is often pejoratively used within conservative, right-wing discourses as well as by radical feminists. For example, in *Gender Hurts: A Feminist Analysis of the Politics of Transgenderism*, Sheila Jeffreys often employs the term transgender ideology, while another author of a popular anti-trans book, Abigail Shrier, uses the term gender ideology in her book *Irreversible Damage: The Transgender Craze Seducing Our Daughters*. This is why I present the term in quotation marks, to indicate the term's particular deployment within reactionary, right-wing, conservative circles.

the concealed truth behind the supposed 'men' who appropriate trans women's identities to be in close proximity to unsuspecting, 'vulnerable' women and children, arguing that the public needs to be vigilant about these predators. Here, I do not suggest in any way that the entirety of "trans predator" incidents are false accusations. What I suggest is that trans predator themed videos go beyond speaking out against any crime. In other words, the videos have become an entrepreneurial business digitally incorporating the North American predilections for moral panic and vigilante justice, creating criminal identities out of alleged criminal individuals.

Literature Review

Trans Media

Since its invention, the Internet has been applauded for its participatory and democratizing potentials (Gillespie 15; Lomborg 6; Engelenhoven 32, 40). In "What is Participatory Culture?" Delwiche and Jacobs Henderson acknowledge that the focus of academic attention has been on participatory creative cultures, but this is only one of the aspects of the Internet (3). In a sociopolitical environment in which anti-trans opinion-makers constantly claim to be silenced or cancelled, yet they are able to write lengthy editorial pieces on mainstream media about how free-speech is under attack[53], this study incites reader to think beyond the celebratory aspects of participatory cultures. As this work is located within new media

[53] For example, in 2020, an open letter titled as *A Letter on Justice and Open Debate* was published on Harper's Magazine. The letter which had the signature of 153 scholars, thinkers, writers, and journalist advocated for free discussion of social justice matters amidst JK Rowling controversy, conveniently locating trans justice movement as an obstacle in front of free speech (Giorgis).

scholarship, it is important to discuss how this area of academic inquiry informs my work, as well as how my work contributes to and extends the existing scholarship within these respective areas. This project, through its field of analysis, is inherently a study *on* YouTube. However, as the field and the content of the study are so intertwined, it is also a study *of* YouTube. This is not to say that I put forward this project as an ambitiously all-encompassing account of the workings of the platform. As scholars of networked affect illustrate, "As platform and individual become inseparable, social networking becomes identical with the "social" itself" (Lovink 1). Digital technologies have virtually become inseparable from the life offline (Gratch and Gratch 4). What I mean by claiming that my work is both a study *on* and *of* YouTube is this: Aligned with the Foucauldian understanding of power that shapes, creates and distributes life chances to the subject, I demonstrate that the "predator" is not merely a subject *discussed on* YouTube, but is actively *produced* through the affordances and incentives *of* YouTube (*History of Sexuality: Volume I*: 142, 143). Moreover, the predator figure is not only created and sold as marketable, entertaining YouTube content under the guise of a matter that requires public scrutiny, but it also capitalizes upon the larger history of sex(ual) panics, as well as the contemporary "debates" regarding trans people. The result is not simply an iteration of past moral panics, but is rather a revamped, and financially motivated moral panic fortified through instant broadcasting and online shaming that muddies the lines of victimhood. Within this new era of moral panic, moral entrepreneurs use children's and cis women's supposed victimization at the hands of the alleged predators, to then victimize the so-called predators by subjecting them a variety of extralegal punishments and by monetizing such punishment practices on the Internet. As Roger N. Lancaster puts it: "We thus seem caught in a time warp, crystalized by new communication technologies in a quaint, daguerreotype version of modernity. This is moral panic 2.0" ("The

New Pariahs," 101). For Foucault, the deployment of sexuality needs to be conceptualized along with the "techniques of power that are contemporary with it;" that is why we need locate this phenomenon in relation to the techniques of surveillance culture (*History of Sexuality: Volume I*, 150). As David Lyon explains in *The Culture of Surveillance*, surveillance has become the new normal and the operating logic of the society, not limited to states, but happily taken up by citizens as well (351, 396, 397). Within that environment, the function of such 'predator' videos transcends that of pure entertainment, but they become one of the dynamics of the surveillance culture.

One possible problem regarding Foucauldian framework raised by Hil Malatino is that the subjects are too restricted in a social constructionist view which allows them a limited agency (45). Though I still find Foucault's views useful, it is important to include works that bring forward resistance and counterpublic practices, and grant subjects more agential powers. One of the works on social media which I find useful for my project is Zizi Papacharissi's *Affective Publics: Sentiment, Technology, and Politics*. Although this book focuses on Twitter, she expresses that "given the interconnected nature of these media, findings are extrapolated to other ambient platforms affording social awareness in general, and affect in particular, including YouTube and Facebook" (7). Here, Zizi Papacharissi claims that new platforms such as YouTube provide an affective connection between event and the people by creating a sense of belonging, attachment, and proximity (Papacharissi 4-5). Throughout this work, I refer to these capacities as 'affordances' to flesh out technological mediality "that invites particular *forms* or *textures* of affective attunement" (24). In her book, Papacharissi describes her goal as to "examine the form of public as they are networked together, through affectively charged

discourses about events that command our attention in everyday life" (7). Though this suggestion is in line with my own project, I analyze anti-trans rhetoric generated on YouTube not as "often discordant feelings;" instead, I look at the "texture of storytelling" as often harmonized and incentivized expressions of a moral crusade (7, 8). It is also important to note that while Papacharissi looks at Twitter, which did not provide direct monetary incentive for users[54], YouTube differs from Twitter in the sense that it provides a platform in which the content creator can make money through YouTube's "storytelling infrastructure" –making it more lucrative (37). As also explained by Stefania Vacari in *Digital Media and Participatory Cultures of Health and Illness*, one of the reasons I focus on YouTube (hence, visual content) is that "the affective dimension of social media discursive sociality and platform architecture thrives with the use of visual content" (Vicari 31). Similarly, these affordances include the "possibility of superimposing every individual's stream of consciousness in the public sphere" (Clucas 54) –like arguably what is happening on YouTube.

There is a growing body of literature which sheds light on the intersection of transness and the new media. Since the invention of the Internet, trans and cis scholars alike focused on its potential for marginalized communities which will be discussed below (Cavalcante 110; Jenzen 3-5; Ozban 113; Raun 1-3; Tortajada et al. 2-4). As the technological affordances of Web 2.0 (such as instantly sharing content across platforms and monetizing it) lend themselves better for participatory culture, newer scholarship at the intersection of trans and media focused on how

[54] In the fall of 2021, Twitter introduced "Tips" feature, which allows people to tip their favorite users. However, this future is still quite recent and while there is an established profession of being a "YouTuber," Twitter does not have the same status in terms of monetization for content creators.

trans people seek and build online worlds marked by information sharing, support, solidarity, and validation (Jackson et. al. 3-9, Raun 208, Rawson 40). This scholarship also focused on and favoured online practices that can be understood as subcultural or "counterpublic" –a framework introduced by Michael Warner in his *Public and Counterpublics* (Warner 17, 18). A counterpublic is defined as a public that is marked by an "awareness of its subordinate status" in relation to the dominant culture (Warner 86). According to Warner, gay, queer and feminist publics can be considered as counterpublics (Warner 56). This is where the counterpublics and participatory cultures converge: Communities previously precluded from producing and disseminating knowledge about themselves would now have a better chance to participate in opinion-making with the advent of the internet. Participatory culture was originally coined by Henry Jenkins decades ago to understand the "cultural production and social interactions of fan communities" (Jenkins et al., 2). As the internet became an essential part of our lives, participatory culture emerged as a tool to interpret a "model of culture, one which sees the public not as simply consumers of preconstructed messages but as people who are shaping, sharing, reframing, and remixing media content in ways which might not have been previously imagined" (Jenkins et. al., 2). These two important frameworks, counterpublics and participatory cultures, are often employed to make sense of trans people's resilience and worldmaking online.

Jennifer Jacobs Henderson breaks the illusion with participatory culture, saying that it has always been "a tale of rich and poor" (272). In some Western/Northern countries, the population almost universally has Internet connection (the bare minimum for participation in the participatory culture framework), while in other countries the access is significantly hindered (Jacobs Henderson 272) –either due to economic conditions or dictatorial regimes. As Jessica

Sage Rauchberg explains, TikTok shadow banned certain LGBTI+ content and hashtags for its users in countries like Russia and Saudi Arabia through certain algorithms (196, 197). This view is seconded by Sofiya Noble, who explains in *Algorithms of Oppression* that social media platforms are not neutral technologies; their algorithmic infrastructure are built on and make profit off of racism and sexism (6). Noble calls this "algorithmic oppression" as the "operating system of the web" (10). The rules and norms of powerholders offline, tend to reflect on the social media as well (Jacobs Henderson 274). In *Custodians of the Internet*, Tarleton Gillespie explains how social platforms comply with the request of certain countries, removing content that the state deems criminal or harmful towards their interests (38). Highlighting the socioeconomical factors behind public sphere and participatory media, in "Is the New Media Erasing the Boundaries or Erecting Barriers?" Sunita Manian argues that local Indian sexual identities (such as *kothi*, *hijra* and *aravani*) do not have the resources to participate in sexuality discourses online, whereas Anglophone Indian LGBT people of means and transnational advocacy groups can shape discourses around these identities (220). These are some of the examples that invites us to think about structural, national, and global limitations around the participatory culture framework and its applicability to geographically and politically diverse contexts.

The technological affordances of the online world are not necessarily positive. As Sara Polak and Daniel Trottier explain in "Introducing Online Vitriol," "Online vitriol seems to be particular product of the Web 2.0, the 'participator' or 'social web' that has evolved since the early twenty-first century, and that revolves around 'user-generated content' and conceives of the web as a space of interaction, rather than a collection of static sites where one can read

information" (14). In "Mediated Visibility as Making Vitriol Meaningful" Trottier et. al explain that these affordances are not limited to liking and sharing a content, but as previously mentioned, algorithms play an important role as well (26). Platforms such as Twitter and YouTube tend to bring forward content based on the interaction of the user as well as what is popular/controversial at the time. For Polak and Trottier, what makes online vitriol different from other types of online hate is that the content creator is not only interested in disseminating hate, but they have stakes in mobilizing other people through their vitriolic content –as in the case of YouTube's predator-catchers and exposers (Polak and Trottier 15). As Polak and Trottier claim, "The purpose is not simply to speak to the person deemed worthy of vitriol, but rather make that denunciation visible and legible to a broad audience. In other words, vitriol is directed towards a target, but is also keenly aware of the broader public it is attempting to influence" (15).

Trans media scholarship is heavily influenced by Warner's *Publics and Counterpublics*. In this book, Warner describes the public as an entity consisting of strangers self-organized through discourse that requires constant and renewed attention (88). Warner contends that publics are now being formed around visual and audio texts that are marked by "autotelic circularity of the discourse[55]," contributing the framework's popularity in the digital age (51). As opposed to the existing work discussed below that understand trans communities as counterpublics, I look at the formation of publics around a sense of antagonism towards transgender people. Through case studies of anti-trans and anti "predator" YouTubers, I illustrate how cisgender male and trans female YouTubers capitalize upon the existing tropes about trans

[55] Here, Warner refers to how a "[Public] exists by virtue of being addressed" (67).

women and create a niche content for their brands by crusading against the supposedly morally depraved predators that demand the immediate attention of the public and the law. As Warner explains, “in modernity, politics takes much of its character from the temporality of the headline, not the archive” (97). Therefore, writing about this sensationalized and often malicious genre of “predator” helps us understand how anti-trans rhetoric is constituted and how it affects trans people daily. Warner claims that “writing to a public helps to make a world, insofar as the object of address is brought into being partly by postulating and characterizing it” (91). As such, writing, as well as YouTubing, to expose and catch the “transgender predator” partly constitutes the very existence of the term. In the following pages, I will uncover how this constitution takes place on the world’s biggest video sharing platform.

As a scholar of queer studies, Warner’s approach to publics and LGBTI+ people is admittedly affected by queer theory. In fact, Warner starts his book with a double entendre by saying that “Publics are queer creatures” (7). For anti-trans rhetoric purveyors, public is already ‘queered’ too much; in fact, this is oftentimes their starting point of critique. My work instead focuses on how “queer creatures” are made public –that is to say, how they are made as a matter of public concern and public entertainment. By the nature of the content of my analysis here, I am also looking at *publics* as opposed to merely looking at *counterpublics*. That is to say, I am not exploring how trans people challenge norms, and create space for themselves, and flourish a sense of subculture. As I will be discussing, this was exquisitely done by some of the scholars referenced below. Instead, I am looking at how trans people are challenged, how their spaces are diminished, and how their (counter/sub)culture (the so called ‘trans ideology’) is deemed harmful to common sense, freedom of speech, women, children, and so on.

The intersection of trans and media scholarship has successfully drawn attention to resilient and counterculture practices of trans and queer people. For example, through a case study of a Spanish trans woman YouTuber, Tortajada et. al. discuss how transition videos can challenge the binary understanding of transness and be a space of resistance against cisnormativity (2, 6, 7). Olu Jenzen's ethnographic study of trans youth of Brighton, UK illuminates how trans and gender nonconforming youth can create virtual counterpublics "particularly conducive for non-reductive representations of daily aspects of trans lives" (9). In "*"I Did It All Online,"*" Andre Cavalcante argues that "for transgender individuals who live in a world created without them in mind, online counterpublics and care structures help them manage the trials and complexities of everyday life" (110). Jackson et al. examine the #GirlsLikeUs on Twitter, and argue that this hashtag worked as a counterpublic, allowing trans women to find community and support by sharing the everydayness of trans womanhood (3-5, 9). Being one of the most recent and expansive works studying the trans media subjectivity, Tobias Raun's *Out Online* focuses on vlogs by FTM and MTF YouTubers. In this book, Raun highlights the importance of vlog genre as a revamped form of storytelling, and argues that they function as means of identity and community building, as well as financial opportunity (2-5, 205). In their article "It's my safe space" Austin et. al. argue that information communication technologies are essential for young trans and gender diverse people's survival (3). Virtual spaces allow young trans and gender diverse people to escape stigma, feel a sense of belonging, boost their confidence, and provide them an opportunity to give back to the community (5-8). In "Transgender Worldmaking in Cyberspace" Rawson positions trans people's online worldmaking practices as historical activism (40, 56). By looking at various websites and projects, Rawson asserts that trans people create worlds marked by inclusivity, participation, and

sharing (39). In "New Channels in Trans Activism: *Lubunya* Digital Cultures in Turkey" Esra Ozban looks at the YouTube channel of Ankara-based Turkish trans rights association called Pembe Hayat (Pink Life). Ozban argues that in a time within which the Ankara Governership banned LGBTI events, "Pembe Hayat's YouTube channel productions work as a counter-hegemonic practice through which *lubunya*s[56] speak back to and undermine dominant forms of control" (131, 132).

These seemingly disparate forms of representation are noteworthy: On one side, there has been an ongoing mainstream media practice in which trans people are depicted as predators, monsters, or liminal creatures, on the other side, as discussed above, trans scholars emphasize the non-normative, counterpublic, and liberatory practices of trans people. We can understand this reemphasis on resistance as a response to the decades-old negative portrayal of trans women. After all, as Foucault also says, "where there is power, there is resistance" (*History of Sexuality: Volume I*, 95).

As I have pointed out, this growing trans media scholarship has contributed indispensably to the area of research that aims to understand how trans people disseminate knowledge online, seek and find like-minded individuals, and challenge both cis and transnormativity. Even though this area of scholarship has tackled significant issues in trans lives and pointed out to counterpublic potential of the trans media experiences, I argue that my work fills an uncharted gap. While previous scholarship rightly privileged how trans subjectivity shapes online spaces

[56] A local term used to refer to a variety of gender non-conforming and trans people who are assigned male at birth.

and is shaped by them, my work focuses on the trans moral panic generated on YouTube. This part of my dissertation aims to understand the predator-catching genre of YouTube: a growing number of videos that *catch* and *expose* trans people (predominantly, trans women) as sexual predators, essentially creating the very subject that they aim to discuss. As Viviane Namaste does in *Invisible Lives*, my work looks at the "rhetorical inscription [that] erases the possibility of the literal transsexual and transvestite body" by portraying MTF people as "ridiculous, suicidal, cheap imitations, mad, poor, alien, emasculated, pathetic" (Namaste 118). However, in addition to looking at their erasure as (gendered) humans, I extend my analysis to understand how they are constructed as a specific form of monster: "transgender predator."

The West's interest in 'monstrosity' and containing/surveilling it is not particularly new. In *Queer Embodiment: Monstrosity, Medical Violence, and Intersex Experience*, Hil Malatino explains that queer corporeality ("bodies that don't cohere according to cis-centric, sexually dimorphic, ableist conceptions of somatic normalcy") has always been considered through the lens of monstrosity (2). Similarly, Donna Haraway argues that "Monsters have always defined the limits of community in Western imaginations" (Haraway 64). Here, the 'monsters' I discuss, albeit having their roots in psychiatry and criminology, are in front of the camera –cinema, reality TV, and as the final step of that lineage, YouTube. Associating trans people with predatory behaviour is certainly nothing new. One of the scholars who provides an excellent critique of media's (TV and cinema) distorted portrayal of trans women is Julia Serano. Serano, in her book *Whipping Girl,* determines that trans women tend to be portrayed through two archetypes: the deceptive transsexual and the pathetic transsexual (35). The former refers to a cis-passing, beautiful trans woman whose 'truth' is revealed at the end of the movie either in a

tragic or comical way (36). The latter refers to a person who pathetically desires to be a woman, even though they have apparent masculine features (Serano 39, 40). Serano's book was first published in 2007, but as these archetypes have been so prevalent, almost a decade and half later, similar points were made in 2020 by trans actors in the Netflix documentary *Disclosure*. In *Disclosure,* Trans actor Laverne Cox recalls an episode of the sitcom *The Jeffersons* as one of the first trans representations that stuck with her (4:30-5:20). In that episode, the main male character, George, goes to meet one of his old, male friends with whom he served in the military. The plot twist reveals that the 'old military friend' had a sex change operation and became a woman. Similar to Cox's experience, *The Jeffersons*, or more correctly, its Turkish adaptation was a significant memory for me. The Turkish adaptation of The Jeffersons called *Tatlı Hayat* (Sweet Life) which aired between 2001-2004 had this exact same episode which also constitutes one of the most ingrained trans representation in my life. In that episode we see Serano's two archetypes. The 'old military buddy' who transitioned into a beautiful, cis-passing woman is constructed as the deceitful transsexual, while the man-in-a-wig George introduces to his wife (because his wife would not believe his story) was depicted as the pathetic transsexual. The point of this anecdote is that similar patterns of trans (re)presentation are engrained in the minds of many trans people as discussed in *Disclosure*. And as the leading establishment of entertainment sector in the world, North American film-making and TV industry has had a leading role in that. But why do I talk about archetypes, stereotypes, tropes and patterns? In *Disclosure,* Asian American actor Rain Valdez recounts how she was likened to *M. Butterfly* –a Chinese male spy who enamors a French diplomat by pretending to be a woman. White trans actor Jen Richards recounts a memory in which her colleague responded to her coming out by referencing Buffalo Bill –the serial killer in *Silence of the Lambs*. Similarly, in "*One From the Vaults*: Gossip,

Access, and Trans History-Telling," Morgan M. Page points out to the harms of being constantly exposed to Jerry Springer style, reality show trans representation (136). This is why representation matters for trans people and how they have to deal repercussions of distorted representation. This is also why we need to pay the utmost attention to the 'predators' and 'monsters' of YouTube –not because there are trans predators and monsters lurking in the shadows to abuse cis women and children, but because monolithically rendering entire identities as dangerous to society, only contributes to the ongoing criminalization of disenfranchised communities.

What do monsters do?

"You are gaining the system to hurt people. Do you think you are fighting a good fight? Is this justified and everything you've done? Shutting down women's businesses, sending young girls messages? Like… You are a monster! It's monstrous! It's fucking monstrous!" ("Heated Debate" (51:35-52:00). These are the words Blaire White used to describe Jessica Yaniv among a litany of other words: monster and monstrous. Before I analyze the entirety of White and Yaniv's interaction later in the chapter, I want to elaborate on these words first. In the scene of YouTube's predator exposers and hunters, such words are used liberally and often interchangeably. As I illustrate in each video example, expressions such as "monster," "predator," "creep/creepy," "pedo/pedophile," and "vile/twisted (individual)" are found bountifully in audiovisual representation of people marketed as sexual and moral danger. Not only in the videos used in this chapter, but also in daily life such words are often used in lieu of each other, when talking about crimes of a sexual nature, especially when the conversation involves children. However, before analyzing the discourse employed in each video that I chose

to explore for this chapter, I want to talk about the concept of the monster. The reason I want to emphasize the word monster is because it constitutes a theoretical backbone for understanding a variety of category of people deemed outsider, outcast, or dangerous. While it is a useful conceptual tool for understanding the process of otherization, I will also argue that the notion of "trans predator[57]," while intrinsically tied to the "monster," goes beyond this centuries-old notion that still haunts some groups and identities today.

Michel Foucault talks about monsters in his series of lectures at the Collège de France. In his lecture dating 22 January 1975, Foucault explains that the monster is "essentially a legal notion" that concerns the ""juridico-biological" domain" (55, 56). That is to say, the human monster is a form of being that challenges the laws of nature and biology at the same time (56). For Foucault, every age had its "privileged monsters" –bestial human in the Middle Ages, conjoined twins in the Renaissance, and the hermaphrodite in the Classical Age (Sharpe 4). While the monster hermaphrodite, and the abnormal transsexual disturb the law of biology, hence, the nature of law, the "trans predator" figure of the contemporary times include people who do not necessarily pose a challenge to the laws of biology. While Foucault's concept of monster (and the "abnormal individual" of the later centuries built upon the notion of monster) is a useful explanatory tool, the "trans predator" proliferated on YouTube differs from the monster notion to some extent. As Alex Neville Sharpe explains in *Foucault's Monsters and the Challenge of Law*, the transsexual figure's bodily transition is considered a breach of nature, as

[57] Not merely "predator" as I have a dedicated section exploring the notion of "predator" and how it informs today's "trans predator."

well as a breach of law (14, 88). As opposed to that, many of the male-assigned people presented as "transgender predator" today do necessarily breach the law or nature because their identification of womanhood sometimes might not even entail a social transition. I am not pointing out to this difference to challenge anyone's claim to womanhood or any other gender; however, I find it important to show how the current "trans predator" might extend the notion of the Foucauldian monstrosity. Though the figure of the transsexual might have been undeservingly considered an older, and even a primitive terminology by some trans/queer people for its emphasis on sex-change and bodily transition, unsurprisingly it turns out to be a concept that has long challenged both biology and law –for the exact reasons that makes it dated today.

Describing someone as a monster not only strengthens somebody's alleged predatoriness because a monster is almost always a predator, but this description also symbolically dehumanizes the alleged predator. In "Monster, Terrorist, Fag: The War on Terrorism and the Production of Docile Patriots," Jasbir K. Puar and Amit Rai, building upon Michel Foucault's discussion on monsters, explain the function of the concept of monstrosity. Puar and Rai claim that "the monster is not merely an other; it is one category through which a multiform power operates. As such, discourses that would mobilize monstrosity as a screen for otherness are always also involved in circuits of normalizing power as well" (119). Therefore, for Puar and Rai, the function of monstrosity is not purely descriptive; that is to say, the concept of the monster is not merely a naming practice for an allegedly perverted, abnormal, dangerous, or otherwise non-normative person. As a racially, classed, and, sexualized concept and a "representational strategy," 'monster' has a regulatory power that aims for normalization through otherization (Puar and Rai 118, 124). Puar uses the Foucauldian concept of the monster to argue

that “the construct of the terrorist relies on a knowledge of sexual perversity (failed heterosexuality, Western notions of the psyche, and a certain queer monstrosity)” (117). While I do not necessarily disagree with Puar and Rai’s important contribution on the explicit relationship between ‘monster’ and ‘terrorist,’ I think the deployment of the concept of monstrosity in contemporary discussions surrounding trans identity transcends racial parameters as the sole determinant of monstrosity. I suggest that having become independent of immediately visible identifiers such as race and class, the ‘monster,’ or ‘predator’ has become a stickier and a more slippery term, easily mobilized against broader demographic of people with racially and sexually diverse backgrounds. I agree with Foucault’s, as well as Puar & Rai’s contribution that monsters have always existed in the Western socio-cultural imagination, and that the monstrosity is not necessarily a new analytical tool. However, what I contend is new is the fact that monstrosity is now detached from a particular sexual orientation, racial identity, bodily configuration, or a set of practices. Instead, in the contemporary iteration of monstrosity, even the moral/ethical stance of opposing the criminalization of non-normative bodies has been subsumed into the notion of a predator/monster. For example, merely taking the standpoint that some women can have penises and they should be able to use same spaces with cisgender women or pointing out to the fact that transgender people do not suddenly come into existence at 18 years old, can get somebody labeled as a predator –as a danger to women, children, and society. Moreover, in its original formulation, Foucauldian concept of monster, as previously stated, is someone, or rather a being (as that “being” is often de-humanized) that disrupts the law. However, today’s “trans predator” is described as someone who cunningly finds her/his way into the law –someone who manipulates the law to her/his benefit. If we recall Blaire White’s accusation of Yaniv, she excoriates Yaniv for abusing the system when Yaniv explains to her

that what she did is completely legal within the Canadian human rights provisions which White claims to be broken. Therefore, the "trans predator" is not only someone outside of the law (even though we constantly see attempts to illegalize various aspects of trans identity), but it is also someone who spoils the law itself when the law –even partially or willy-nilly– grants a certain protection to the trans individual deemed as predator. This is one of the significant departure points of "trans predator" from the original Foucauldian concept of monster.

Puar's discussion of monstrosity is closely tied to Sara Ahmed's discussion of the production of the ordinary. In her article titled "Affective Economies," Ahmed claims that "The emotion of hate works to animate the ordinary subject, to bring that fantasy to life, precisely by constituting the ordinary as in crisis, and the ordinary person as the real victim. The ordinary becomes that which is already under threat by imagined others whose proximity becomes a crime against person as well as place" (118). Similarly, Brian Massumi, in his article "Fear (The Spectrum Said)" talks about how fear is mobilized as an affective tool. When talking about the power of television as an "*event* medium," Massumi asserts that "The threat as such is nothing *yet* –just looming[58]. It is a form of futurity yet has the capacity to fill the present without presenting itself. Its future looming casts a present shadow, and that shadow is *fear*" (35). The (threat of a) future-that-has-not-happened-yet is weaponized consistently by conservative, reactionary, and right-wing circles in society. For instance, "this is the future liberals want"

[58] In his article, Massumi talks about color-coded terror alert system introduced through Bush administration's new Department of Homeland Security founded after September 11, 2001 attacks. In this color-coded terror alert system, colors corresponding to threat levels described as follows: green, low; blue, guarded; yellow, elevated; orange, high; red, severe (Massumi 31).

statement, which is still sometimes unironically used as a right-wing social media template to criticize left/liberal stance on social justice issues, has become a meme on the Internet. The original "this is the future that liberals want" image contained a photo of a red-haired drag queen donning a blue mini dress, and a woman wearing a winter jacket and a niqab, sitting next to each other on a train (Locke). The future-to-come contains the so-called racial monster (woman in niqab) and sexual monster (drag queen), sitting unbothered by each other, being defiantly public, and claiming the space for themselves, hence, putting the ordinary in danger by their mere presence. This image was originally photographed by a Guinean immigrant student Boubah Barry, who posted it on Instagram as a sign of cultural tolerance; however, the image was quickly appropriated by conservative outlets to convey the message that this 'future' threatens the America's present. If we return to Puar and Rai's discussion of monsters and Ahmed's discussion of the ordinary, this image (which is a failed affective visual as it reached to a meme, or comical status) conveys the idea that white, cis-heterosexual America is being threatened by the looming presence of monsters. Even though this particular image failed its intended affective potential and has become a laughingstock, social media (which is the sphere in which this chapter is interested) is full of images, many of them manipulated, altered, or even forged, that aims for "affective modulation" which is "a tactic of incalculable power" (Massumi 46). Every day on social media, one can see still or video images supposedly threatening the happy, secure future of America or Canada –a black person confronting the unjust actions of a police officer, a brown person standing up against being racially profiled and followed around in a store, a trans woman being comfortable with her masculine-considered features and genitalia, a gender non-conforming child, supported by their parents, posing cheerfully while wearing attire that does not match their assigned gender at birth, or an Indigenous person finding themselves in a situation

where they have to convince others that settler colonial mentality still persists. While "this is the future liberals want" has become memefied, the videos discussed in this chapter shows that making of a predator/monster carries extremely serious ramifications for trans individuals.

Conversations about affect, media, and threats are imbricated in the context of 9/11, as also shown in Puar & Rai's, as well as Massumi's discussions. In *Premediation: Affect and Mediality After 9/11*, Richard A. Grusin talks about the infamous Abu Ghraib torture photographs. He claims that what made these photographs so shocking was "they came into existence through ordinary media practices –taking digital photographs, burning them on CDs, uploading them on websites, and emailing them to friends and family –that were of a piece with our own everyday media practices of photographing our pets, our vacations, or our loved ones, and then sharing these images with friends, family, or strangers via the same media of file-sharing, email, social networking, mobile phones, and the web, practices which were employed by the soldiers at Abu Ghraib, and with which we have become increasingly familiar and comfortable" (65). Obviously, it has been almost two more decades since the circulations of those Abu Ghraib photos, and the practices of mediality have only advanced. Therefore, building upon Grusin's point, I suggest that what makes the images of monsters so horrifying to many people is, to some extent, their sheer availability on the Internet. The fact that one does not need to prove the existence of predators through the technological and economical privileges of a network show such as *To Catch a Predator* is in and of itself an indicator of their prevalence. The fact that predators' existence and horrible actions can be caught and exposed through the cell phone camera held by ordinary people, and not necessarily through the elaborate scheme of a television crew give the message that they have infiltrated into the ordinary –that the ordinary is

under threat, and the threat is looming. In such context of the supposed threat targeting the ordinary, as well as the advanced, omnipresent technology, surveillance has entered the social and political life in unprecedented degrees.

Surveillance

Surveillance studies constitute one of the prongs of this chapter because contemporary surveillance practices are "intended to entice, cajole, prod, discipline, or outright force people into behaving in ways that have been deemed appropriate, normal, beneficial, productive, or lawful" (Staples 3). Perhaps this is not a sinister, concealed goal per se; this is what surveillance is supposed to do. As William G. Staples argues, postmodern surveillance does more than submitting the deviant to the criminal justice; it predicts deviance (7). The cases discussed in this chapter extend this argument and suggest that contemporary surveillance practices no longer only make do with *predicting* deviance, they also *create* it as an entertainment spectacle.

Foucault's theorization on bodies and disciplinary mechanisms is a useful starting point in any consideration of predatory tropes and their repercussions on trans women (and gender non-conforming people). In *Discipline and Punish: The Birth of the Prison,* Foucault expands upon Jeremy Bentham's idea of a building called panopticon which is a structure with cylindrical tower at the center designed to keep inmates, patients, or students under permanent discipline through the premise of constant surveillance (*Discipline and Punish* 200-201). Foucault states that the premise of panopticon explains how power operates through visibility and unverifiability (*Discipline and Punish* 201). The prisoners are always visible to the cylindrical, central tower within the panopticon, and they never know who is watching them or whether they are being watched at all (*Discipline and Punish* 201). Therefore, under the possibility of ubiquitous

surveillance, they self-discipline their comportment and movement. According to Bart Simon, the panopticon's function is not just supervisory, as he explains that Foucault understands panopticon as an "ordering machine;" "a kind of socio-material assemblage for sorting and arranging and social categories and individual persons so that they can be seen and understood" (Simon 4). The Panopticon's function goes beyond that of sheer visual threat but extends to the stakes of intelligibility. I suggest that YouTube, and in general the Internet, functions the same way, with instant communication technologies making it easier for marginalized subcultures and identities to be disciplined through the fear of invisible yet ubiquitous watcher(s). The videos analyzed in this chapter also work as a socio-material assemblage granting intelligibility to categories such as transness, womanhood, victimhood, and good citizenship.

However, how this surveillance takes place is also a point of discussion. While Foucault's panopticon refers to self-discipline through the premise of being constantly watched, Roger Lancaster's work on sex panics expands on this view. Lancaster believes that we are now in new mode of system which can be called a system of continuous control ("The New Pariahs" 95). This new mode of surveillance differs from Foucauldian understanding of panopticon in the sense that it replaces "surveillance of the many by the few" with "surveillance of the few by the many" (95). Borrowing the term from Thomas Mathiesen, Lancaster defines this phenomenon of synopticism as the "decentralized or dispersed techniques of surveillance and supervision" (95). In "The Viewer Society:" Michel Foucault's 'Panopticon' Revisited" Mathiesen argues that there was a parallel development to the creation of panopticon which also took place in between 1800-2000 (Mathiesen 219). Mathiesen calls this simultaneous development 'synopticon' which refers to the "unique and enormously extensive system enabling *the many to see and contemplate the*

few[59]" (219). Mathiesen believes that our contemporary society is characterized by synopticon which gave rise to, what he calls, a viewer society (219). While for Mathiesen, media (mainly television) was the center of this viewer society (Doyle 284), he acknowledges that various forms of media can replace one another, and that "the Internet resembles the developmental process of other media" (221, 225). Because of the time it was written, Mathiesen's essay admittedly contains a brief and superficial discussion of the Internet; however, I believe that it still opens the door for theorizing the Internet as a form of lateral surveillance[60].

Extending upon the concepts of panopticon and synopticon, I argue that transgender exposé/predator-catching videos challenge the Foucauldian passage from the capital punishment to surveillance societies. Foucault starts his *Discipline and Punish* with a disturbingly vivid representation of public torture and execution that took place in Paris in 1757 (3). He then explains how the power of the sovereign solidified in the spectacle of bodily punishment was gradually replaced by a "sobriety" in punishment in which public torture and executions withered away (13, 14, 15). This, for Mathiesen, is a "complete change of a scene" – a "dramatic *break*" similar to the Foucauldian account of punitive power (216, 222). Various genres of videos (predator hunting sting operations, transgender exposé videos, and cringe reaction videos) criminalize the trans body for its mere existence. These types of videos work as a panopticon; they force trans subjects to inspect themselves as well as the larger community with which they are associated. At the same time, torture, which was concealed as a form of punishment starting

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[59] Italics in the original.

[60] Lateral surveillance is defined as "surveillance [that] turns citizens against one another" (Reeves 177).

from the 18th century according to Foucault, resurfaces as online shaming, bullying, and exposing garner indispensable entertainment value on YouTube. Some scholars elaborated on the fact that sex offender registries function as a prolonged and visible punishment even long after the end of conviction (Harkins 72; Rickards 1, 12). Within this punitive milieu in which 'justice' is redefined solely as 'punishment' and distanced from rehabilitation, YouTube humiliation works as a pre-punishment for would-be criminals whose criminality is not only predicted, but also created ("The New Pariahs" 94, 110).

In *Virtual Pedophilia: Sex Offender Profiling and U.S. Security Culture,* Gillian Harkins looks at the figure of the pedophile between 1980s to 2010s. Harkin "disaggregates the existence of men who perpetrate sexual harm against children from the creation and circulation of the pedophile as a cultural figure" (15, 16). Harkins' work is useful for my project because he tries to understand how the figure of the virtual pedophile undergirds the increasing US securitization policies. My work, in a similar vein, aims to show "trans predator" as a YouTube genre –and entertainment and surveillance figure used to nip newer identity claims and increased trans visibility in the bud. Harkins' figure, as the name suggests, focuses on a type of predator dangerous to minors. Yet, in the current climate, transness is not purported to be a danger only towards minors; it is presented as a danger towards adult straight, gay, and lesbian people, and as a problem for freedom of speech and American values. The transgender figure is then, without any pun, a predator on hormones –a bigger menace that can even threaten adult human beings and well-established national values.

Jeffery Dennis contends that one of the prominent types of queer criminal was the traitor born in the aftermath of World War II, as the product of Red Scare (84). This new type of queer

criminal found a significant place in the North American imaginary as the "…one who was not only disturbed and diseased, but devious, who could scheme and plot and work toward the long term goal of annihilating the nuclear family and its suburban castle, putting armies of soulless drones to work on collective farms, destroying not only the world but the Free World, the American Way of Life" (84). Therefore, accusations towards trans people about stifling free speech, destroying North American values, and irreversibly corrupting children can be understood within the America's long tradition of keeping an eye on queers for any possibility of treason and undermining the nation.

Toby Beauchamp's *Going Stealth: Transgender Politics and U.S. Surveillance Practices* offers important insight into the vexed relationship between surveillance and transgender identity. In that book, Beauchamp argues that "surveillance is a central practice through which the category of transgender is produced, regulated, and contested" (2). He opens his book with an incident in which a private school in US went into lockdown the day after the Virginia Tech shooting, because a suspicious man in women's dress was allegedly spotted around the school (Beauchamp 1-2). With this incident, Beauchamp claims that "[the perception of] gender nonconformity – here, a man wearing clothing that men ought not to wear – itself indicates the likelihood of dangerous behaviour, rationalizing both policing and panic by imagining that the gender nonconforming individual fundamentally has something to hide" (Beauchamp 2). Beauchamp maintains that this taken-for-granted dangerousness is due to the perception of trans and gender non-conforming bodies as deceitful and fraudulent (9). Beauchamp's work is significant for my undertaking as I attempt to analyze the presupposed hidden truth about trans women – a concealed threat that needs to be under surveillance and exposed at all times.

Following Foucault's argument in *Discipline and Punish*, Beauchamp underlines the importance of making the subjects visible (as predator, sick, deceptive, and dangerous) as a means to sustain disciplinary power, describing visibility as part of biopower (Beauchamp 15, 20).

One of the valuable perspectives with which we can look at the predator trans woman discourse is the popular Internet term, "cringe". In his book *The Joy of Pain: Schadenfreude and the Dark Side of Human Nature*, psychologist Richard H. Smith employs the German word *schadenfreude*, which refers to the joy gained by others' misfortunes, to understand how we find entertainment value in other people's downfalls (17). Smith distinguishes between deserved and undeserved schadenfreude, stating that it is often easier for people to find pleasure in the humiliation of others, if it is perceived that the person had it coming (22, 220). Such cases of deserved *schadenfreude* include people, who – quite literally – do not practice what they preach, like the publicly anti-homosexual priests and conservative politicians who are exposed to have sexual relations with men (22).

Smith looks at some of the popular culture incidents and American reality TV shows to explain how humiliation is used as entertainment value. Smith explains his concept of "humilitainment" (a word combining "humiliation" and "entertainment") by presenting examples from US reality shows –and one of them is the infamous *To Catch a Predator* (TCaP) hosted by Chris Hansen. TCaP (aired between 2004-2007) was a show which seemingly aimed to catch predatory men who were willing to meet children for sexual purposes. For that lofty purpose of protecting children, the team of the show posed as children in online venues, waited for men to interact with them, but, as Smith says, once the men initiated a sexually-charged conversation, the decoys "vigorously [began] exploring sexual themes in any direction that can seem credible"

(226). In addition to Smith, Steven A. Kohm also presents a discussion of the show in his article "Naming, Shaming, and Criminal Justice: Mass-mediated humiliation as entertainment and punishment" in which he positions humiliation as a mechanism of social control (189). Kohm believes that shows built on "gonzo" style penalties (such as public shaming as used in TcaP) occurs in the cultural turn of "infotainment" (which is indeed similar to Smith's humilitainment) in which lines between entertainment and information is blurred (Kohm 189). He also locates TcaP within a larger political context wherein starting from 1970, criminal justice system increasingly used more expressive and ostentatious practices of punishment (190).

Smiths's and Kohm's discussions on *To Catch a Predator* is important in the context of my work because the predator-catching content creators on YouTube are admittedly and proudly inspired by the work of Hansen, and they often pay homage to TcaP in frivolous or serious manners. Therefore, through Smith's discussion of the show, I can point out to the similarities between YouTube predator catchers and TCaP in terms of the visual and textual strategies used in both. Above all, Smith's work asks the very basic, and yet crucial question: What is it that keeps us entertained by predators and invested in seeing their demise (230-234)? He argues that shows like TCaP which are centered on extracting entertainment value out of someone else's supposedly deserved demise,[61] makes the viewer feel better about themselves (Smith 231, 240).

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[61] One should also note that the demise of the trans women as an entertainment value cannot be thought completely separately from the preexisting narratives allocated for trans women on TV or cinema. In *Disclosure*, trans actors and writers explain that they often played a trans character who is murdered or becomes terminally ill due to their hormone replacement therapy or their way of living (37:53-41:04). The demise is usually focused on trans women. As Jen Richards says that even though in real life the number of trans men and women are equally split, in terms of media representation, trans women outnumber trans men. She argues that this might be due women being a more "commodifiable asset" within the entertainment sector (*Disclosure* 33:03-33:27).

By watching the stories of the men who schemed to meet children for sexual purposes (the lowest of the lowest within the moral hierarchy of crimes), the audience feels better about themselves because nothing can be worse than what those men conspired to do (Smith 232). Perhaps one of the most conspicuous links between surveillance and anti-trans media/entertainment practices is summarized in the words of Chris Hansen in conversation with Blaire White: "Maybe we are the only cops out there on this medium" (Hansen 37:45-37:50). Yet, they certainly are not. This is exactly why we need to explore these intricate connections that make the predator-catching a genre, a career path, and a sign of good citizenship.

Moral Panic

Moral panic is a concept that is used to understand febrile periods characterized by a heightened antagonism or concern disproportionately directed to marginalized groups within societies. Moral panics can overlap with the already existing, deeply engrained exclusionary mechanisms such as racism, sexism, and xenophobia. However, what makes moral panic useful as a conceptual tool is that scholars have used it to dissect specific periods within which imagined or exaggerated threats are teased out by certain sectors of the society and deployed against often newly emerging subcultures. In other words, while larger frameworks such as racism and homophobia can help us understand the systemic discrimination and inequalities, with moral panic, scholars have discussed what specific incidents, news stories, or personalities are used to raise the specter of a detrimental threat (Cohen 1, 2; Crinsky 6; Goode and Ben-Yehuda 28). I chose to utilize moral panics because this work entails analyses of supposedly invidious viral events and personalities that are used as proofs to justify that something needs to be done about the contemporary trans/gender ideology.

The term moral panic was first used by Jock Young in 1971, but it was Stanley Cohen who explored the term in a more systematic manner in his book *Folk Devils and Moral Panics* in 1972[62] (Krinsky 1). In this work, he defines moral panic as "a condition, episode, person or group of persons emerg[ing] to become defined as a threat to societal values and interests" (Cohen 1). Though his book is not exclusively about moral panics of a sexual nature, he provides important insight into the nature of these phenomena. Similarly, in *Moral Panic and the Social Construction of Deviance*, Ben-Yehuda and Goode describe moral panic as "a scare about a threat or supposed threat from deviants or "folk devils," a category of people who, presumably engage in evil practices and are blamed for menacing a society's culture, way of life, and central values" (2). Herdt also explains that "Moral panics are processes of representing and demonizing scapegoats in popular culture and media, commonly identified with the dread of "folk devils," or subalterns, undermining cherished sociality and morality" (7).

Using the term moral panic to explore anti-trans rhetoric does not negate the acknowledgement of systemic cis sexism, nor it is used to individualize the antagonism against trans people as isolated incidents. In fact, events and personalities discussed in this work shows the interconnectedness of the rhetoric purveyed by different sectors of society around the world. Moral panic, as a conceptual tool, furnishes us with a semi-charted map to understand the topography of an emotive field of public fury and worry. It also helps moral entrepreneurs or crusaders to market their "concern" as a response to the wrongdoings of particular people as

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[62] Krinsky notes that McLuhan first employed this term, although in a brief manner, which might have influenced either of these two authors.

opposed to an expression of blanket antagonism towards a larger group. For this purpose, I will be journeying into the catch-a-predator genre of YouTube and explore how non-trans audience are alerted to be vigilant towards certain bodies and behaviours. I will also explore how, through this genre, trans people are strongly encouraged to discipline themselves as not to find someday an unflattering photo of themselves on a YouTube thumbnail trumpeted as the next Predator.

Sex panic is a form of moral panic, and it is described as a "fixture in and fixation of American culture" (Lancaster, *Sex Panic* 1). Many moral panics are indeed sex panics. Both Jeffery Dennis and Gillian Harkin explain respectively how Europe's and USA's history are shaped around fears and myths regarding sexual 'monsters' or abnormal subjects, and how science of criminology and securitization practices developed in response to that (Dennis 83-98; Harkins 29-61). As Ben-Yehuda and Goode assert, "humans are fearful and insecure about their own sexuality and the sexual doings of their neighbors and fellow citizens" (*Moral Panics* 18). Sex panics, then, have an intimate relation with surveillance technologies and citizen responsibilization in neoliberal contexts. In "The New Pariahs," the sex panic scholar Roger Lancaster talks about how the new citizen craves for and believes in the usefulness of surveillance in his home, car, shopping mall, and neighbourhood (105). Lancaster further explains that suburban and parental subjects often rely on apps to keep them up to date with registered sex offenders (105). He believes that such attempts do not appease anxiety; instead, the non-stop obsession with crime only creates more anxiety (Lancaster "The New Pariahs" 105). YouTube, its alleged predators, and predator exposers/catchers, need to be understood within this complex background, and not merely as sensational, isolated incidents.

Vigilantism

Vigilantism is a framework that is used to understand civilian violence on marginalized groups or minorities, especially in non-democratic settings. Vigilantism, as a criminological concept, is defined by Les Johnston as "a social movement giving rise to premeditated acts of force –or threatened force – by autonomous citizens. It arises as a reaction to the transgression of institutionalized norms by individuals or groups – or to their imputed transgression. Such acts are focused upon crime control and/or social control and aim to offer assurances (or "guarantees") of security both to participants and to other members of a given established order" (232). Vigilantism is a crucial concept for my work because the social media personalities analyzed in this chapter take it upon themselves to expose, hunt, and punish people who they call 'predators,' often through extra-legal means, expressing the feeling that state/police has become ineffective which supposedly justifies their civilian initiative in fighting against what is purported to be a social menace.

In his study of the history of American violence, Richard Maxwell Brown argues that violence has been one of the pillars of American experience and American nationhood (5, 7). Similarly, in *Citizen Spies,* Joshua Reeves sheds light to the historical ties of vigilantism to "American ideals of patriotic and moral duty" (2). Vigilantism, which constituted an important form of this violence, was used to target not only racial groups, but also religious groups, ethnic minorities, horse thieves, and immoral whites (Brown 24-28). In the United States, vigilantism first appeared as a form of violence that dealt with the lawlessness in the frontier regions and aimed to establish an order that upheld the values of property holders (Brown 96, 97). In pre- and post-Civil War era, it has been used as a tool to main the racial subordination of Black people

(Brown 7). Vigilantism has recently come to close scrutiny during the Black Lives Matter[63] movement of 2020 and the self-appointed protectors of property, and especially with the sensational trial of Kyle Rittenhouse (Williams). This chapter looks at a new type of vigilantism: online, racially diverse vigilantism that upholds the values of neoliberal, responsible, and watchful citizenship endowed with the latest surveillance technologies.

Les Johnston, in "What is Vigilantism?" describes vigilantism as a phenomenon in which non-state agents take extra-legal action against people who they perceive to be criminals and/or subversive to the social order they would like to conserve (232). In "Vigilantism: An Analysis of Establishment Violence," Rosenbaum and Sederberg define vigilantism as "simply establishment violence" – a form of violence "designed to maintain the established sociopolitical order" (541-42). Traditional forms of vigilantism have adapted to the virtual world. This new form vigilantism has been called digital vigilantism or digilantism (Smallridge and Wagner 1308). Digital vigilantism is defined "a process where citizens are collectively offended by other citizen activity, and coordinate retaliation on mobile devices and social platforms" (Trottier 55). Trottier locates this phenomenon both as "a clandestine form of criminal justice," as well as part of the surveillance and cultural practices generated by internet users (56, 57). In that sense, digital vigilantism defies the early premises of the internet marked by the hopes of democratization and the eradication of discrimination (Trottier 61). In that context, we can understand digital

[63] Even though the sensational case of Kyle Rittenhouse received the most public attention in terms of rekindling discussions about vigilantism, in various US cities, at the height of the BLM protests, armed White men organized neighbourhood watch/vigilante groups. For example, in this *The New Yorker* article, a Philadelphia resident Latino man named Julius Rivera explains his encounters with a vigilante group named Bat Boys in his city Fishtown which was given preferential treatment by the police (Griswold).

vigilantism as a type of citizen surveillance "facilitated by an evolving participatory media landscape" (Trottier 3).

In *Queer in Translation: Sexual Politics Under Neoliberal Islam*, Evren Savci also talks about vigilantism and its relation to space, control, and national identity in the context of Turkey's neoliberal Islamic governance. She explains that trans sex workers in Istanbul and Ankara were forcefully displaced from their neighbourhoods not only through police violence but also through vigilantes whose violent actions were overlooked by the state (85, 86). These displacement projects took place in 1996, 2006, and 2012 to sanitize the areas from unwanted communities which cannot be folded into respectable citizenship, but also these cleaning operations were economically motivated as the neighbourhood in which trans women lived had become too valuable to be left for trans women.

Savci uses the term "deep citizens" to define vigilantes whose violent actions towards trans women were protected or even encouraged by police inaction (Savci 100). Savci uses "deep citizens" based on "deep state," a term popularized in 1990s which referred to Turkish state's extra-legal, contra guerilla activities supposedly developed to fight against leftist and Kurdish terrorist organizations (102). Savci's use of the term becomes even more meaningful when we look at the contemporary Turkish political scene with an ever-extending scope of the *terrorist*, as to include LGBTI+ people (Savci 103). Although I acknowledge socio-political difference in North American and Turkish contexts, Savci's "deep citizenship" also contributes to this section as it shows how vigilante violence is "aimed at bringing in line those who were positioned as threats to national or religious unity and as undesirables, whether religious, ethnic, sexual, or gendered others" (Savci 102).

Although scholars might have various definitions, one thing all of them seem to emphasize is the distinctive ritualistic practices of vigilantism in supposedly bringing justice. Trottier emphasizes this aspect through what he calls "weaponised visibility" (Trottier 55, 56). Weaponised visibility is a term which refers to online vigilante practices that aim to dox[64] the targets' information and photos online as a form of punishment (Trottier 55, 56). It is a form of unwanted visibility (Trottier 66). Smallridge and Wagner point out to how "vigilantism is a fertile ground for people's entertainment efforts" (1308). While the existing literature views vigilantism through a lens of criminology, I aim to show the entertainment value of vigilantism on YouTube[65]. In "Digital Vigilantism and Anti-Paedophile Activism in Russia: Between Civic Involvement in Law Enforcement, Moral Policing and Business Venture," Favarel-Garrigues discusses Russian online vigilantes who hunt people who they believe to be child predators (2). Favarel-Garrigues shows that self-titled hunters often conflate child predation with non-normative sexualities and LGBTI+ people which further inflames the moral panic they want to raise (1, 2). However, one of the most important aspects of his work is the emphasis on the entertainment and entrepreneurial value of predator hunting videos dubbed "safaris" (8). Perhaps specific to the Russian context, these safaris function as a springboard for ambitious extremists who want to gain recognition and political career as ultranationalists (Favarel-Garrigues 12, 16). In addition to the fact that some people had to pay fees to attend these safaris, vigilantes earn

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[64] An internet term which defines the practice of revealing somebody's personal/private information without their consent.

[65] The so-called vigilantes do not simply go to police or alert other authorities about the alleged criminals and their crimes; they turn vigilantism into an entertaining humiliation content through which they can gain followers, reputation, and in some cases, financial benefits. This is why it is crucial to look at these type of "predator" videos and their creators through *both* vigilantism and entertainment lenses.

revenue through merchandise sales, advertisements, and appearances on other platforms as supposed experts (10, 11). As Favarel-Garrigues contends, "the moral entrepreneur is indeed an entrepreneur" (10).

Linguistic similarity between Russian and North American vigilantes is noteworthy. In both contexts, the "punitive expeditions" evoke an image of animals being hunted through the use of words such as "safari," "poaching," "hunting," "prey," "predator," and "trap." Both in Russian and American online vigilante videos, obscene language is used against the alleged predators. More specifically, the language is presented alongside "proof" of their crimes. Victims are forced to call their relatives to confess their crimes, and they are pushed to disclose whether they were themselves molested in their childhood (Favarel-Garrigues 2, 8). However, while Russian vigilantes are extremist, ultranationalist skinhead youth led by prominent individuals with violent criminal histories, I cannot argue the same for the vigilantes analyzed here (10, 11). Russian vigilantes resort to physical torture and openly degrade LGBTI+ identities and sexual practices, while American vigilantes (for the most part) navigate this situation more carefully not to be seen as committing a hate crime. While some vigilante projects received support from the Russian state (Favarel-Garrigues 14), we do not have evidence of such explicit state support for the American vigilantes (8). Favarel-Garrigues' work has important similarities to my work and informs my work as he, too, looks at "predator catching" genre. However, his work does not specifically look at the "transgender predator" trope. My work, built upon the previous chapter of my dissertation, locates the "transgender predators" and their proud "hunters" within the context of rising trans visibility and anti-trans rhetoric in North America. Unlike Russian vigilantes who inflict physical violence on their victims, North American vigilantes usually refrain from direct,

violent physical confrontation. My work addresses how North American vigilantes make up for this missing, more grotesque entertainment opportunity (gay/trans-bashing) through a large array of symbolic textual and visual components. As Janae Teal and Meredith Conover-Williams assert in their article "Homophobia without Homophobes: Deconstructing the Public Discourses of 21st Century Queer Sexualities in the United States" making openly homophobic statements has become publicly unacceptable (12, 23). These videos provide opportunities for "predator hunters" to make homophobic and transphobic statements under the guise of protecting children and by positioning themselves as angry parents and responsible citizens. Because of the unacceptability of publicly lynching gay and trans people, we do not see beatings scenes (which are a generic feature of more violent Russian vigilante videos) however, North American "predator catchers" create a cornucopia of humilitainment practices within the limits of this social milieu to make sure their audience is alerted, titillated, and entertained.

Catch 'em All: "This could have been somebody's kid!"

Hey, who you here to meet?"

(Who you here to meet?)

"Read my shirt"

(Dap gon' get you. Dap gon')

"You know what it is"

(Ay Ay)

Dap gon' find you. Dap gon' get you, ay. X3

Dap gonna find you. Dap gonna get you, ay.

Dap gonna find you. Dap gon' get you, ay. X4

Dap gon' find ya. We gonna getcha', ay.

Then we saw a problem, we state the issue.

Spitting all facts, got that in content.

Whatcha' gon' do? We sharin' all that.

3 little Giants wearin' all black.

Where you wanna meet? Where's the mall at?

Put yo' ass on YouTube, and it's all bad. "

I'll make a motherfucking scene in this bitch" ("D.A.P Rap" 00:00-1:00).

These are the lyrics of the rap that is played as an intro for one of the many predator catcher channels, Dads Against Predators (DAP). There is a growing number of such channels on YouTube with hundreds of thousands of views. To be able to discuss "trans predator" as a stand-alone genre through Yaniv's case, we need to discuss how predator-catching is a growing genre on YouTube. This is significant to explain that the popularity of 'trans predator' on YouTube did not come out of thin air, but it was built on existing practices of 'predator hunting'. This is also important to be able to read the visual and textual cues that inform the trans predator discourse on YouTube. In this project, I will discuss how, as the rap goes, someone's "ass" is put on YouTube –"and it's all bad."

As the lyrics to the aforementioned DAP rap indicate to their audience, there are people preying upon children by lurking through dating apps who pose a threat to minors' safety, as well as to the heterosexual linearity of American manhood and family values. This threat occurs online rather than in plain sight; therefore, good, responsible parents need to familiarize themselves with the tools and strategies of the predators –by adopting underage personas on the Internet and engaging in sexually charged conversations with adults to catch them red-handed. These performances of prey and predator need to be taken on record and broadcasted online to supposedly deter other predators and to ensure neighbourhood safety by making the faces of the predators visible. This section analyzes the recurring structure and themes of vigilante sting operation videos and what they mean for trans people by focusing on four instances/videos of so-called vigilantes 'hunting' allegedly predatory trans people.

Blaire White's trans predator exposé videos and predator poachers' so called 'hunts' or 'safaris' converge upon a point: Blaire White's Yaniv-focused "trans predator" videos are perhaps the most popular (most viewed[66]) predator videos on YouTube. After that initial video in which she branded Yaniv as a trans predator, White continued to recreate predator-themed videos, casually replacing Yaniv with other "trans predators." Blaire White's videos are discussed below; however, the videos of the "predator hunters" also appeared in large numbers after Yaniv incident. I am not arguing that all of the so-called "predator hunters" watched White's first "trans predator" video and got influenced by the popularity of it. Blaire White's

[66] As of November 2022, White's initial exposé video of Yaniv holds 2,6 million views, and her live debate video with Yaniv has achieved 2,9 million views.

video itself was the product of a time of rising anti-trans sentiments. With or without any relation to White's initial Yaniv-related videos, these predator hunters' videos are also reflective of or in unison with anti-trans public discourses and legislations. What I argue, instead, is that anti-trans videos in the forms of predator hunting or predator exposé, share visual and discursive strategies which create a unique blend of vigilantism and entertainment.

In Introduction to *From Media Hypes to Twitter Storm*, Peter Vasterman claims that "the media tend to report on similar events much more than before the key event, and publish much more thematically related news than before (statements from sources and interest groups, debates, and opinions)" (19). The increase in the trans-predator themed videos (after the incident of Yaniv) on YouTube can also be seen through that perspective, as Vasterman acknowledges that same logic applies for the internet (18).

For Roger N. Lancaster, the peak of the sexual panic corresponds to 1990s, a decade wherein sensationalist news about "the perils of the Internet, the priest abuse scandals, the Michael Jackson trial" became part of the everyday life (Lancaster, *Sex Panic* 3). The figures of the predator and the predator hunter have always been part of the popular culture. Dateline NBC's *To Catch a Predator* hosted by Chris Hansen and aired between 2004-2007 is perhaps one of the major examples of that genre. The scandalous show "turned crime and punishment into commercial spectacles while urging the public to keep a constant state of vigilance" (Lancaster "The New Pariahs" 112). While this TV show is probably still in the collective memory of many North Americans, there has been emerging a group of online vigilantes who are also poised to expose the alleged child predators – including those with transgender identities.

These people are mostly passionate and aggressive young men/dads[67] who set up profiles on dating/hookup apps (such as Grindr, an application used by cisgender gay and bisexual men, as well as by trans people) and lure in what they would call "paedophiles" via photos of decoys, or in some cases by imitating the voices of young boys. Because such apps have an age limit of 18 to create a profile, the vigilantes usually reveal at some point in the conversation that they are underage. When the suspected predator does not seem to be fazed by the age revelation, these vigilantes, who are self-titled as creep catchers, hunters, or poachers, arrange a meeting with them in a public place to conduct their own low-budget sting operations. While recording the whole spectacle, the operation leader confronts the predator with the screenshots of the conversation. The confrontation usually does not involve any physical violation, but a heightened degree of humiliation and shaming that will be shared with the viewer.

While the 1990s might have been a particular peak for the attention given to the queer criminal, in *The Myth of the Queer Criminal*, Jeffery P. Dennis traces how European scientists elaborately categorized behaviours and practices as criminal. What is important about Dennis' study is his warning that "Since [queer criminals] are mythic beings, they can appear in fiction, poetry, and film as well as in scholarship, and their traits and motives can reflect not empirical reality but the fears and anxieties of their age" (vii). For example, one of the 'criminal' queer

[67] In *Strain of Violence*, Brown also points out that in the early phases of vigilantism "The typical vigilante leaders were ambitious young men" (11). While it is difficult to say why younger men/dads constitute a significant group among YouTube's so-called predator hunters, one can speculate that "sting operations" require tough-looking, masculine-presenting individuals as these so-called "sting operation" performances contain threat of physical violence, intimidation, shouting, chasing, and swearing. As Favarel-Garrigues also observes in Russian context, masculinity seems to be an important factor in vigilante operations, which is why young, suburban dads appear to be readily available for this genre of entertainment (7).

figures he looks at is the 'invert' who can overlap with some of the identities in today's trans spectrum. Even though invert can be "a man or woman who reverses gender," discussions on inverts focused predominantly on male-assigned people in disquieted, fin de siècle Europe (17). The (in)famous scientist Kraftt-Ebing elaborated on inverts extensively, defining their reason of inversion as phycological, "as a response to normless, secular, modern society, where Culture Wars have eliminated moral certainty, and members of weak-willed ethnic groups make endless, futile pleas for nationhood" (19). That is to say, Dennis examines the invert figure, a mythical queer creature, against the background of the original Culture Wars[68] between the secular state and the church, waves of nationalism, "the specter of depopulation," and imperial/colonial anxieties at the time (18, 23). Therefore, today's 'trans predator' trope and subsequent YouTube genre cannot completely be understood separately from the heightened anxieties about trans people.

Dennis believes that because queer criminal is a myth, we can look at the sources, such as books and articles, in which this myth appears as "stories, with plots, characters, and themes" (viii). When I look at YouTube's predator-themed videos, I analyze them as genres –with generic plots and formulaic performances. Obviously, considering queer criminality as a myth or 'trans predator' videos as a genre does not take away from the real-life ramifications on queer/trans people. In fact, digital performances, do have real life consequences (Gratch and Gratch 5). It methodologically helps me break down recurring textual and visual tropes. Understanding 'trans

[68] "Culture wars" is also used today, mainly in the lexicon of the conservative, right-wing sectors to refer to the struggle over domination between vaguely defined groups such as right vs. left, patriots vs. non-patriots, white vs. non-whites etc.

predator' as a genre is helpful for me to show how historical, deeply engrained stereotypes are rehashed in the era of Web 2.0 which is, often to a faulted degree, lauded as the ideal public sphere. Therefore, at this juncture, 'trans predator,' notwithstanding all of its banal theatricality, becomes a public issue –a matter of civic responsibility.

Indeed, Ontario, Canada has a semi-famous internet vigilante, Justin Payne, about whom VICE made a documentary in 2017 titled *Age of Consent: Canada's Original Vigilante Pedophile Hunter*. While Payne has 200K subscribers on his YouTube channel, there are smaller channels such as Skeeter Jean, Metro Detroit Predator Patrol, Local Predator Hunters, 607 Predator Hunters, DAP (Dads Against Predators), CC Unit, Creep Catchers Canada, and Fraser Valley Creep Catchers. Despite minor stylistic differences, almost all the catch-a-predator genre producers meet their targets in a supermarket, fast-food restaurant, parking lot, or on the street and aim to record the confrontation for as long as possible, pushing the target into confession[69]. While some of the self-titled predator poachers threaten the "predator" by calling the police if he refuses to have a conversation, some repeatedly remind the "predator" that he is going to be posted on YouTube, and yell in ecstasy that "People are gonna love this one!" or "This is good content![70]" ("D.A.P Catch #8," 10:38-10:42; 13:43). They also like to boast that they have a huge following and that they are famous (Matt Orchard – Crime and Society, 36:00-37:05). One of the relatively larger channels, DAP INC, makes the *scene* more content worthy. That is, once

[69] As Foucault reminds us, "the confession became one of the West's most highly valued techniques of producing truth" (*History of Sexuality: Volume I,* 59). Forcing people to confess crimes and immoralities is intricately tied to producing truth about bodies, practices, identities, and desires.
[70] In a similar fashion, Favarel-Garrigues emphasizes how Russian vigilantes say ""Now we're going to make you famous" (14).

they meet with the predator in a prearranged residential area or a store, they shout at the top of their lungs to let the passers-by know that the person they are recording is there to meet a minor if the "predator" tries to escape or refuses to engage in a conversation. The dads also read aloud some of the most sexually explicit messages the predator sent to the decoy. In one of the sting operations, they appear in front of the predator posing as a courier and deliver him a package full of printed-out screenshots of his own incriminating conversations ("D.A.P. Catch #55" 8:38-9:09). The predator hunters look for a history of abuse on the part of the alleged predator himself. For that reason, they ask whether the predator has been molested in the past and how this affected them.[71] By threatening to call the cops or make a scene, they also force the targets to explain *why* they are attracted to minors – what makes them sexually attracted to a child. As I argue that the purpose of these predator hunting videos is not merely catching child predators but create an entertainment genre, some predator hunters deliberately avoid leaving the situation at the hands of the police, to be able to milk a messy scene as much as they can for their YouTube channels (Matt Orchard – Crime and Society, 38:30-40:00).

Furthermore, they make occasional comments on the predator's social status to position predatory behaviour outside the happy, middle class American life. In a sting operation, the vigilantes question a self-admitted "pervert" to explain why he is attracted to minors when he is married and has a middle-class family ("D.A.P. Catch #106," 20:58-21:40). In a way, this operation is similar to Abigail Shrier's complaint in her book *Irreversible Damage: The*

[71] This could be a reflection of the theories around cycle of abuse which refers to the idea that if one was abused as a child, they can become an abuser in the future (Lancaster "The New Pariahs," 100).

Transgender Craze about the daughters of the middle-class families transitioning in an unprecedented way[72]. While their "sting operations" are applauded under the comment sections of their videos, some people committed suicide after being exposed by vigilante groups (Grzegorek). There are also alleged predators who lost their jobs and housing and disowned by family members.

As I have illustrated, the alleged "preds" and "pedos" caught by the vigilante are predominantly cis men. However, there are rare occasions in which vigilantes entrap transgender people. In one such case, the host of the channel PP MASS confronts a 19-year-old FTM trans person allegedly trying to meet a 14-year-old boy through Grindr. At first, the trans individual says that they are a lesbian, and they are at this spot to meet a friend named Rachel. When the vigilante forces the target to go through the Grindr messages (called 'evidence' by the predator hunters), the audience finds out that the person is not there to meet anyone named Rachael (PP MASS 5:50-5:58). The vigilante accuses the alleged predator of wanting to have sex with a minor and bringing alcohol to a minor. As the accusations continue, the accused person pleads not to be recorded and wants to talk to the vigilante alone; however, complying with this request would not have made a good "predator" content. This was the only example among the long list of videos I went through for this research in which a trans masculine person was presented as a

[72] *Irreversible Damage* claims that large groups of female-assigned children of American middle-class families are adopting trans masculine and nonbinary identities at an unprecedented rate. The author, Shrier, argues that these *girls* are mutilating their bodies in a way that cannot be reversed. Shrier maybe does not go on Grindr to "hunt" predators, but what she does shows similarities to that of "predator hunter." She, too, incites the public about a problem, and asks parents, medical practitioners, and lawmakers to put an end to this *craze*.

predator. Usually, it is trans women who are accused of being predators. In anti-trans psychology and sexology literature (led by Ray Blanchard and Michael Bailey) trans women's existence is reduced to their attraction to men as "homosexual transsexuals" and to women as "autogynephilic transsexuals," always positioning them either deceptive or delusional men (Bailey 146-147). Therefore, trans women's sexual/romantic desire is always pathologized, no matter who it is directed towards.

Similarly, Ramy from the channel "Predator Catchers Alliance," entraps an older male-assigned person who agrees to meet a minor through Grindr. Ramy confronts the alleged predator at night in a desolate area and threatens the accused person with calling the police if the person rejects having a recorded conversation. After having insulted the predator and expressed his disgust, the vigilante asks the alleged predator if they could look into their nylon bag. The "predator" agrees, and whips out a bottle of spironolactone, estrogen, along with some "psych meds" (Risperidone) and "night meds," thereby revealing to the audience that the mostly male-presenting person is a trans-identified individual in the process of transitioning[73]. Although Ramy is momentarily surprised by "what estrogen looks like," he continues to berate the person, this time by shouting "My girl![74] You can't be doing this!" ("Trans Pred," 13:33-15:04). In the middle of this generic scolding act, the vigilante forces the predator into calling one of their relatives. Ramy angrily asks the transgender predator when "the estrogen start[s] kicking in"

[73] The video's thumbnail has a text which says "sickest pred" and "brings "meds"" which could imply at first glance to someone who did not watch the video that the "predator" brought drugs to give to a minor.
[74] He usually shouts, "My guy!"

possibly thinking that estrogen would lower their sex drive and their potential predatory behaviour. The trans person responds by shaking their newly developing breasts in an attempt to convince the vigilante that the estrogen is indeed working ("Trans Pred," 17:11-17:20). Ramy finally manages to get the trans person call their brother and explains to the brother on the phone[75] that his "sting operation" is like the show *To Catch a Predator* from the early 2000s ("Trans Pred," 17:45-17:53). As the "operation" ends, Ramy accuses the person of using hard drugs, and they admit to using some in the past. The whole humilitainment is finalized when Ramy orders the trans person to do 35 push-ups and some more sit-ups while making them say sorry at the end ("Trans Pred" 21:44-23:27). The justice has been served; another predator is punished with humiliation, and public has been informed about their presence. Meanwhile, the words such as 'predator,' 'sex,' 'sexual' are censored throughout the video to ensure that this theatrical performance does not get demonetized on YouTube[76]. Ramy (like all his fellow vigilantes, for that matter) makes sure that the audience does not forget to smash that subscribe button, turn on the notifications, follow him on other social media platforms and so on –for the protection of children.

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[75] Having 'predators' call their family members is a recurrent practice that we are familiar from reality TV. In fact, the vigilante operations' ties to reality TV are made clear once again in another 'catch' in which the vigilante forces a man to call his wife, and as he exploits their conversation, screams: "I feel like I'm on Jerry Springer" ("Pred who" 23:05-23:08).

[76] In his video critiquing the so-called predator poachers, Matt Orchard explains that one of the main motivations behind these hunts is financial. He talks about one of Ramy's videos in which Ramy claims that he refused 20.000 dollars when someone asked him not to post a video online, and that he does what he does for the good of children and community. Orchard asserts that it is "fatuous" for someone whose channel is monetized and someone who solicits funds from the viewers to use the veil of activism (28:20-28:50)

Even though I am not attempting to establish direct connections between punishment methods of the Classical Age and today's 'predator hunting' humilitainment, there is a level of resemblance between the two eras. One of these similarities is the involvement of the relatives and loved one. In *Abnormal*, Foucault talks about the story of a hermaphrodite name Martin (Marie) Lemarcis who lived his life as a man in early 1600s (68). After an examination, the experts found him not to be a male; he was hung, burned, and his ashes were thrown away. What is also interesting and equally poignant in this case is the fact that his wife was sentenced to bear witness to this execution (*Abnormal*, 68). As Foucault also explains, the hermaphrodite is punished for being a monster, that is to say, for breaking the norms of law and nature. However, his wife's punishment of having to watch a violent execution can also be considered a strategy of normalization –a painful reminder for everyone that they should remain within the axes of normal. Forcing the so-called predators call their family members and confess their 'crimes' is motivated by the same cultural legacy of public punishment. Either the family member should immediately feel a second-hand embarrassment, and denounce the abnormality of the predator, or else they should be shamed for supporting, or even abetting the criminal. In other words, as Puar and Rai put it, the family and the loved ones would be "involved in circuits of normalizing power" –this time around, through online shaming technologies (Puar and Rai 119).

Dramatic and exaggerated performances of punishment are not rare occurrences; they are indeed part of the formulaic repertoire of the predator hunting genre. For instance, Ramy brings a full carton of eggs to one of his sting operations, and orders the alleged predator (this time a cis male) to crack them on his head in exchange for not reporting him to the police ("Pred Cracks," 12:41-15:41). He aggressively smashes the first egg on the predator's head, and he asks him to

do the same to himself ("Pred Cracks" 12:33-12:40). This "theatrical" sequence of physical punishment is supported by Ramy calling the predator a "fucking cocksucker" which reveals the underlying motivation in some of these videos ("Pred Cracks: *5*:30-5:39). In another performance, Ramy places a trash bag on the passenger seat where the predator is seated, calls him trash, dirty, and basura[77] simultaneously ("I Make Predator," 39:41-40:00). These scenes are used in the title and introduction/preview part of the video, aiming to attract more viewers.[78] Above all, these performances of punishment correspond to vigilante punishment which Johnston describes as "ritualistic and quasi-judicial[79]" (Johnston 233). Some of those quasi-judicial practices, however, are indeed illegal. As criticized by true crime YouTube commentator Matt Orchard, restricting the liberty of someone through intimidation and making them perform certain activities, can fall under the charge of false imprisonment under the jurisdiction in which Ramy operates (32:50-34:40). Matt Orchard also explains another quasi-judicial tactic: threatening the 'predators' with calling the police if they are not willing to partake in a YouTube content, which is completely illegal. He claims that this direct threat and blackmailing is one of the distinguishing qualities between YouTube's predator poachers and *To Cath a Predator* –a

[77] "Trash" in Spanish.

[78] Highlights of the video are shown in the preview section of the video so that the viewer watches the rest of the video.

[79] While the form of punishment/entertainment changes from one "predator hunter" to another, there is always some sort of public humiliation. The ritual usually involves confronting "the predator" with evidence, the "predator's" subsequent acknowledgement of his/her online activities and confession of the *crime* as well as personal information. Personal information/history might entail inquiring whether "the predator" abused anyone else or was abused by someone else. Quasi-judiciality of the predator entertainment emerges when the so-called "predator hunter" puts "the predator's" face on the YouTube channel which almost works as an online sex offender list. Additionally, the "predator's" punishment is given at spot when their activities are revealed to their family members, employers, and landlords.

network TV reality show which knows the illegality of such tactics. Orchard claims that Ramy the predator poacher's coercive tactic is a called criminal coercion under New Jersey's law and a person who is convicted of criminal coercion can be sentenced up to 18 months in prison (12:50-14:19). This is illustrative of the quasi-judicial modus operandi of predator poachers.

In the third instance of 'transgender predator' sting operations, Alex Rosen (also known as Chet Goldstein) from the channel YA-BOY JDQ[80], conducts a sting operation against a black trans woman who agreed to meet a 13-year-old boy through Grindr. The vigilante confronts the woman at a parking lot of a 'ghetto hotel[81],' and the woman admits to sending sexually explicit messages to a minor without putting up much resistance. This so-called sting operation is full of untasteful trans jokes: The vigilante says that the trans woman could be a character in *The Longest Yard* as a result of her illegal activities. What he refers to is the 2005 comedy movie *The Longest Yard.* In that movie, a group of feminine black male prisoners wear cheerleader costumes, hence creating the rowdy comedic element in the movie which is based on the man-in-a-dress stereotype. He makes fun of her physique by saying that she looks like every cheerleader in that movie (YA-BOY JDQ 6:13-6:22) The vigilante then proceeds to comment on a text message from the trans woman to the decoy in which the woman says "I'm gonna block you." The vigilante asks if the trans woman said this to the decoy or to the estrogen in her body – a snarky remark about her alleged lack of estrogen and her masculinity (7:09-7:21). He then points out to her stubble when she momentarily denies that she is a trans woman (7:40-7:47). The

[80] It is important to note that due to the fact that their videos are sometimes taken down or their channels are closed, vigilantes appear in various channels with various names.
[81] Referred as such in the video.

vigilante ridicules the trans woman's body, saying that she consumed too much "trans-fat" – which is supposed to be pun about the word trans[82] (8:14-8:27). Similarly, he asks whether the woman will take "public *trans*-it" –another attempt at a pun (11:16-11:18). The vigilante takes a quick break from the tiresome jokes and utters the following sentences which can bring suburban dads and so-called gender critical academics together: "A lot of kids are confused at young age you know. 40… over 40 percent of gay kids at the age of 13, they end up changing their sexuality to straight. It's a state of confusion" (18:25-18:33). This is a very revealing statement, because it shows that behind all this predator entertainment, we can still find the traces of gay sexual panic as the motivating factor. It shows that in the minds of the many, gay and trans are not necessarily separate ontologies, but the same threat that aims to deviate the future of heterosexual American manhood[83]. YA-BOY JDQ's emphasis on the future of American heterosexual maleness reminds us Jeffery Dennis' assertion about what lays behind the figure of the queer criminal: "the effeminacy is emblematic of a worse crime: a desire to destroy the masculine, and with it civilization itself" (Dennis 25). As Lancaster puts it, this is the manifestation of the fear of "the predator's pernicious sexuality" that is believed to be "uniquely

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[82] In *Neoliberal Bodies and the Gendered Fat Body*, Hannele Harjunen explains that fatness is associated with low morality and lack of responsibility (8). The reason for that is in neoliberal context "One's body is taken as a sign of the effort put into it" (8). That is to say, fatness supposedly symbolizes an individual who is not vigilant, self-aware, or self-disciplined –an individual that diverges from the values of neoliberal citizenship. Though a trans woman does not necessarily have to be fat to be associated with immorality and lack of self-control, fatness comes into play as a contributing factor and another layer of denigration.

[83] YA-BOY JDQ's (aka Alex) anti-trans attitude evinces itself more clearly in another video posted on another channel. In this video, the same predator catcher attends an Austin rally organized against Texas' anti-trans legislation that criminalizes gender affirming care for kids. YA-BOY JDQ attempts to provoke the attendees through certain slogans amplified through a megaphone. It is also interesting that his slogans tend to specifically target male-assigned children which also supports the aforementioned point about protecting the futurity of American heterosexual manhood (Alex Rosen's Redemption 00:00-03:21).

capable of diverting the child from the proper developmental path" (85). It also shows us how "nationalist normalization became tethered to childhood as a special phase of life that required the right combination of discipline and care" (Harkins 38). Lancaster contends that the new predator type is the figure of "the white pedophile, who is often homosexual, sometimes worships Satan, and occasionally takes the female form" (*Sex Panic* 5). His formula is the product of a time in which Satanist child abuser panic was on the rise; while we do not see Satanism as a defining aspect anymore, his description still is of value. In some of the expose videos on YouTube, the alleged predator is a feminine gay man, or a trans identified person who normatively looks like a man. The distinction between a gay man and a trans woman does not hold much importance for the self-titled predator catchers, especially in a paradigm in which bodily transition as a marker loses importance. The audience only finds out if a person identifies as transgender in the rare occasion where they have to show their HRT pills, or when the title includes the term. These types of videos are also the manifestation of one of the prominent aims of vigilantism that "offer[s] people the assurance that an established system of order will prevail" (Johnston 231).

By far the most violent instance of predator hunting comes, unsurprisingly, from Texas, yet with Russian vigilante style theatrical performances. This fourth and last instance of vigilante videos features a 36-year-old male-assigned person who identifies as trans. The putative predator in the video says several times that she has always felt like a girl and that she is in the process of transitioning. The person is referred in the title as a transformer, and a "transformer piece of shit" within the video, along with a multitude of unintelligible slurs (PP SOUTHEAST TEXAS 13:40-13:45). The alleged predator in the video is the epitome of the man-in-a-dress stereotype for the

viewers: A 30-something year old fat, balding man with a wig, dressed in a denim mini skirt and white stockings arriving at someone's house to meet a 14-year-old girl donning a pair of red platform high heels[84]. In this video the vigilantes use a decoy to represent a 14-year-old girl. Shortly after the 'predator' meets the decoy, a muscular man with what seems to be a butcher's apron and translucent gloves enters the room and says that the girl is his best friend's daughter (PP SOUTEAST TEXAS 3:30-3:37). Right after this first man, a second vigilante enters the room: Dressed all in black, a big, muscular, bearded man with a shaved head and Russian accent asks the predator "Who are you, you non-Russian demon?" (3:40-3:47).

[84] Here, I am not trying to denigrate the person's look; I am simply stressing that this 'predator' fits the popular imagery of men who pose as trans women to abuse kids. This is also the sentiment repeatedly highlighted by the vigilantes themselves throughout the video.

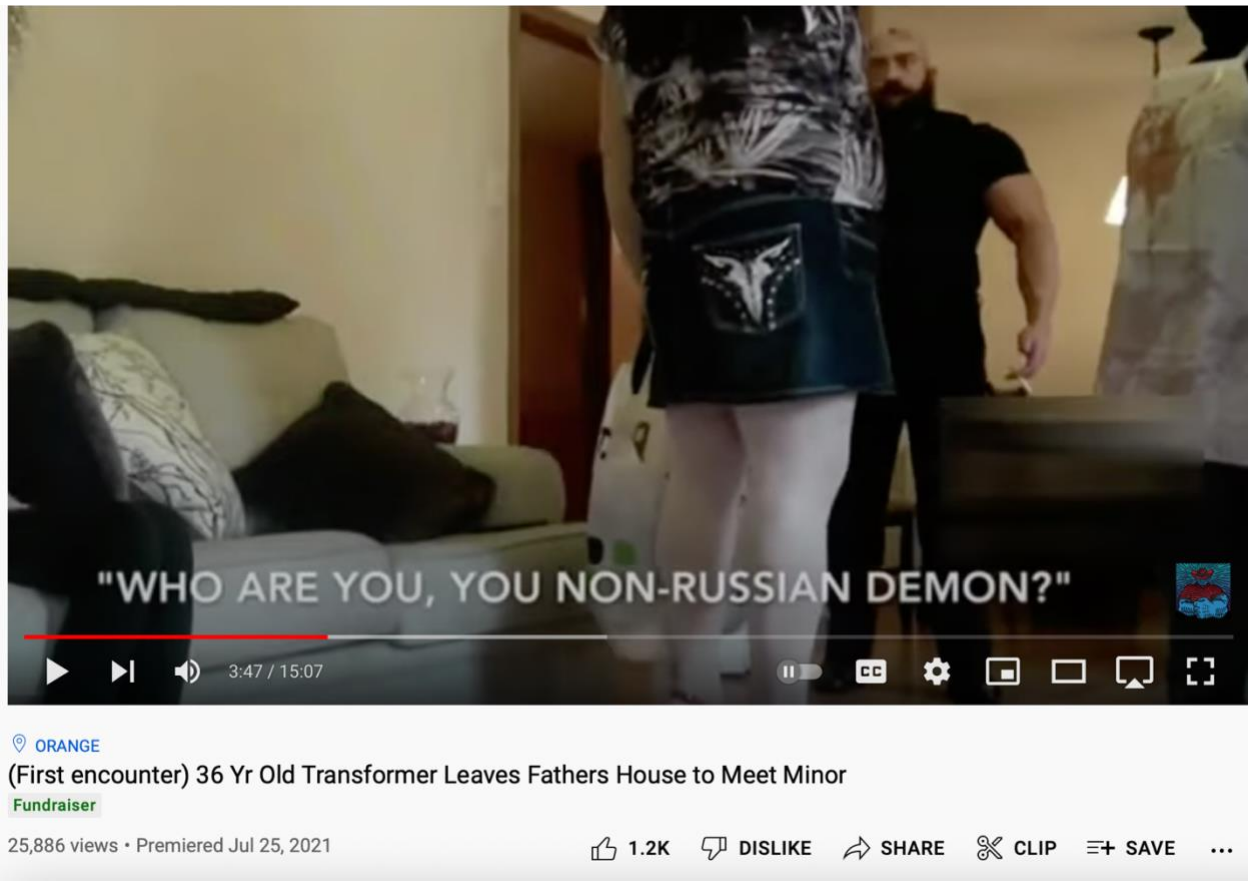

Image 1: Image shows the sting operation setting in which the alleged predator is confronted by an actor performing as the Russian-speaking dad, and his supposed best friend with a dirty apron.

The man with a Russian accent plays the decoy's father, and immediately orders the other vigilante to strip search the 'predator' for any weapons. The first man with the apron pat searches the 'predator,' finds a lipstick, and throws it away. During the on-spot interrogation, the 'predator' says "I have something wrong with my head, too" (4:55-4:59) as an excuse for the situation in which they find themselves. The Russian man, while smoking a cigarette and holding a little flashlight, claims that he spent 7 years in prison in Russia, which adds to the formulaic nature of the video (7:15-7:18). The leader of Occupy Paedophilia project in Russia is also a

musclebound man who had been to prison, and his nickname just so happens to be "meat grinder" (Favarael-Garrigues, 7, 8). Therefore, just like in the case of real-life Russian vigilantes, the actor in this video embraces the visual and linguistic paraphernalia of a ruthless, violent criminal who does not shy away from inflicting physical harm on his victim. The Russian man asks if the predator knows what they would do to a *transformer* like *him* in a Russian prison[85]. He then assures the predator that they are going to do the same thing to him even if this is Texas and not a Russian prison (7:20-7:34) The vigilantes call someone who they name Mr. Wellington to get directions from him about what to do with the 'predator'. Mr. Wellington orders the 'predator,' who goes by the name Evie, to get back on their knees, and when the 'predator' does that, one of the vigilantes utters this very interesting sentence in a video of which purported aim is to protect children: "He's on his knees like he wants to suck a dick, Mr. Wellington" (PP SOUTEAST TEXAS, 11:54, 11:59). Although the audio quality of the video makes it difficult to hear every sentence clearly, the person who is referred to as Mr. Wellington threatens to cut the 'predator's' head and hair off (11:16-11:20). Even though the audience is not shown the actual hair-cutting scene, we see the portable shaving machine readily placed on a little table and the vigilantes do in fact cut the 'predator's hair (11:15-11:53). As Evren Savci and Don Kulick explain in their work, haircutting is one of the symbolic punishments given to trans women to remind them of their maleness (Kulick 204-205; Savci, 92). After the casual ISIS-style beheading threat, one vigilante (with the butcher's apron) also threatens the 'predator' with

[85] "You know what would happen to someone like you in prison" rhetoric is not only used by this particular vigilante/comedian; it is also used by another vigilante, Ramy as a scare tactic (Matt Orchard – Crime and Society 41:20-41:35).

cutting off their penis: “I know you live with your daddy; you can’t afford a real surgery. You want us to take care of it for you” (12:40-12:47)?

According to the description and the link given under the video, the bearded muscular man (shown in the Image 1) is Eric Kanevsky, a Ukranian-born bodybuilder and YouTuber. In his own YouTube channel, which currently has 117K subscribers, Kanevsky pranks people, oftentimes posing as a ‘Russian gangster’ and a ‘Ukranian mafia’. In this video, he plays one of his prank characters named Vladimir. The other person in the sting operation who is referred as Mr. Wellington is a character created by another YouTuber John Bravo. John Bravo, just like Eric Kanevsky, makes prank videos and has 123K subscribers. In fact, Kanevsky and the vigilante Alex Rosen (also known as Chet Goldstein) team up for another video, this time posted on Kanevsky’s channel. The video is another prank video in which Kanevsky performs as a transgender body builder named Stephanie, donning a curly purple wig, whereas Rosen/Goldstein plays the transgender bodybuilder Stephanie’s boyfriend in this prank. The hackneyed prank video is built on the trope of ridiculous looking man-in-a-wig and his (or her) *woke* boyfriend getting offended in a restaurant (Eric Kanevsky Official 00:00:05:00). Aside from the oh-so-Texan anti-transgender theme, the pair, Kanevsky and the vigilante who moonlights as a small-time YouTube actor, dab into veganism, white privilege, and Coronavirus, as well. Therefore, transness, among other topics, figures in as a symptom of America’s destruction by progressive-values-gone-wrong. All this networked alliance between self-titled predator poachers and comics/pranksters shows us that comedy/entertainment has become an essential tool for anti-trans public figures to critique transness not merely as a form of embodiment, but as an ideology which supposedly deteriorates America and degenerates its

children/future. The fact that a vigilante channel supposedly dedicated for children's protection collaborates with two big prank/comedy YouTubers proves again and again how "predator exposé/predator hunting" has become a genre, built on almost scripted, leitmotif-like theatrical performances.

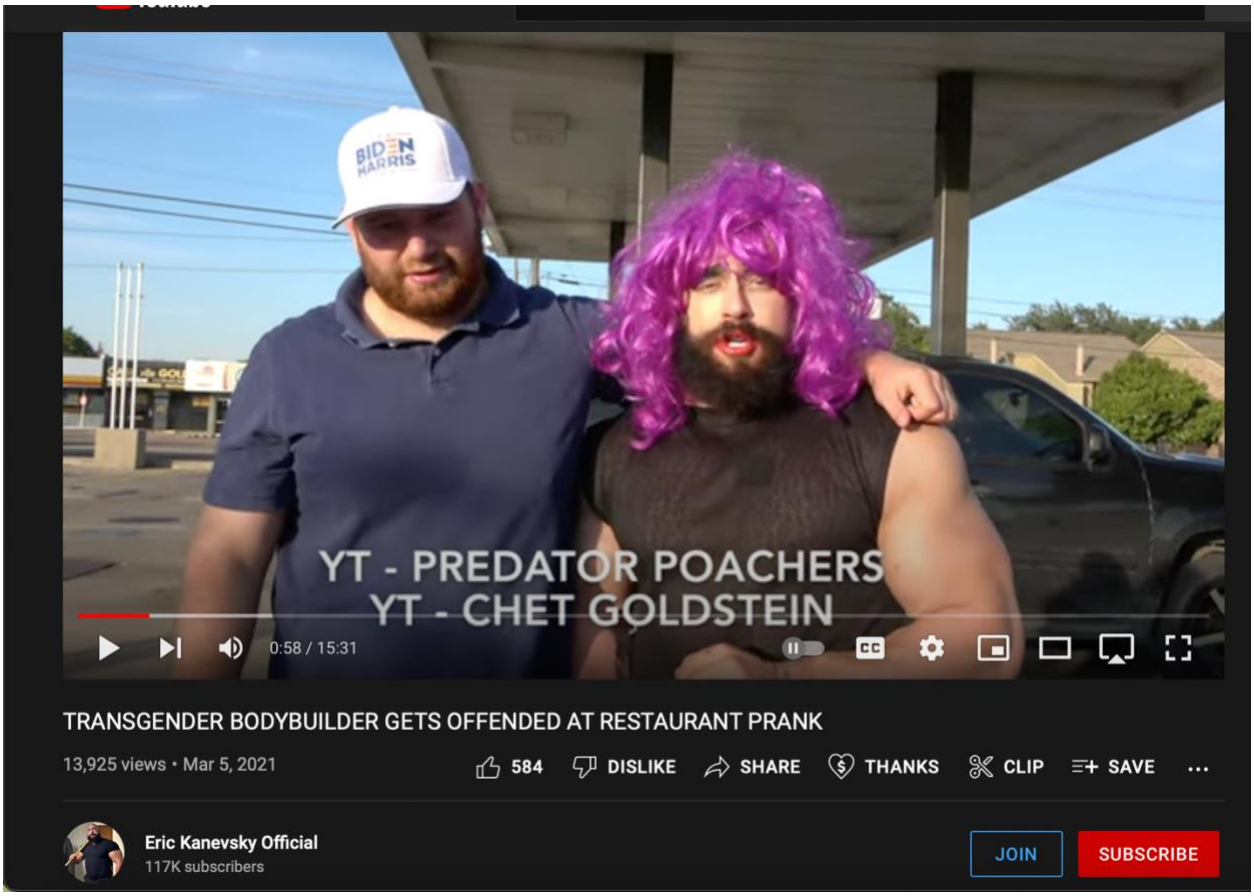

Image 2: Image shows the collaboration of a vigilante from the channel PP SOUTHEAST TEXAS (left) and Eric Kanevsky (right) who perpetuates man-in-dress stereotype under the guise of a prank. Kanevsky had played the angry Russian dad role in the vigilante's channel.

In *Media, Surveillance, and Affect: Narrating Feeling-States*, Nicole Falkenhayner explores the ways CCTV cameras create affective stories (2). In her book, Falkenhayner contends that the newsworthy images of the alleged perpetrators come disproportionately from

racially and economically disadvantaged communities which has become a sub-genre within the news genre (22, 27). The predator-hunting lens of the cellphone camera does not seem to disproportionately focus on any disadvantaged racialized group. In fact, two of the most sensational cases revolve around white trans women such as Jessica Yaniv and Christine Chandler, and the majority of sting operations conducted against trans women have white trans-identified individuals. In line with Lancaster's and Harkins' findings discussed under literature regarding predators/pedophiles, the "predator" is dominantly white. Additionally, some of the most popular self-titled hunters are men of color such as Sam from CP Catcher! (from Canada) and Ramy from Predator Catchers Alliance (from USA). However, the predator hunters and exposers still seem to be focusing on certain groups. The shaky POV smart phone lens focuses on people of lower and lower-middle classes, and people who self-admittedly have mental problems or some sort of neurodivergence. Some of the alleged predators (or their relative when called by predator hunters) explicitly state that they are "not that smart," "autistic" "mentally retarded," they have "special needs" and that they are scared (Matt Orchard – Crime and Society, 11:45-11:48; 40:33-40:43). "I can only handle one thought at a time," says one of the 'predators' when bombarded with questions ("Rap STAR" 19:54-19:55). Some talk about their head injuries (PP SOUTHEAST TEXAS 4:50-5:20). Here, I refrain from making any value judgement on part of the predators' disability and neurodivergence claims; however, according to the predator hunters/exposers these claims are usually an excuse. Lastly, in terms of who is targeted by vigilante activities, one could not unsee the fact that vigilante men happen to be normatively masculine, sturdy and able-bodied men with usually assertive and aggressive dispositions while their 'catches' tend to be people who can be more easily overwhelmed by the presence of such men.

Jessica Yaniv versus Blaire White: "Was that a moment for you?"

Why YouTube?

The social medium or platform (which will be used interchangeably) that constitutes the field of this work is predominantly YouTube. I choose to prioritize YouTube content production because it allows me to analyze the discourse both from textual (verbal) and visual aspects. Obviously, to a lesser extent, Twitter allows for visual content as well, usually through a few seconds-long videos, selfies, memes, or gifs. Twitter is not a platform known for its video content creators. YouTube, however, provides a combination of the images of the content creator and content itself, potentially creating a closer proximity between the creator, content, and the audience. As explained by Stuart Cunningham and David Craig in *Social Media Entertainment*, "This new screen ecology is driven by intrinsically interactive technologies and strategies of fan, viewer, audience, and community engagement" (4). This interactive quality and fan-celebrity dynamic was best summed up by Blaire White on her appearance on Chris Hansen's channel: "You can just turn my videos and I'm there" (Hansen 31:40-31:48). On YouTube, content-producers specialize in particular themes (such as the fact that White finds a niche in predator-exposing genre), which lends itself better for discourse analysis of the given subject. Additionally, the technical allowances of YouTube lend themselves well for longer, and more cohesive narration. Finally, Twitter content is more fragmented and scattered, partly due to the affordances of the platform. Although one can focus on myriad hashtags or threads to bring together information, content on YouTube provides a narrative coherence. Therefore, my choice of platform will be YouTube, which is described hyperbolically by Natalie Wynn as "…a website where the performers are remorseless psychopaths who wouldn't muddy their shoes to

save a drowning child, and the viewers are cold-blooded sadists who consume human misery like a glutton gorging himself at a particularly sumptuous buffet" (ContraPoints 1:00:10-1:00:25).

Micha Cárdenas explains how social media platforms make profit off of our clicks, that is to say they make revenue through "our deaths, our mourning, our communication, the spread of our affects" (168). Similarly, sensational titles such as "trans predator" accompanied by titillating and sometimes photoshopped thumbnails lend themselves well for that logic which aims for more and more clicks. Therefore, this project becomes even more significant at a juncture in which "trans people appear to be winning a struggle for visibility" while they also become target for vicious attacks on social media and in their daily lives. This *is* participatory culture. But to borrow an expression from the new media scholar Wendy Chun, "This is participatory culture in flagrante delicto" (Chun 110).

One has to also consider the point of monetization of YouTube when it comes to the content of the videos. The platform's ability to generate revenue for the channel owners might potentially affect the frequency and the content of Yaniv or predator related videos. This is different from Twitter in which a user who tweets about Yaniv or other 'predators' can only gain popularity (a form of social currency) if their tweets go viral. In addition to YouTube's own revenue system embedded in the platform, content creators seamlessly integrate other platforms into their YouTube content and remind their viewers to subscribe to them on other platforms and donate through other sites. For example, some predator catcher/exposers like Ramy or Blaire White have Patreon accounts in which they market exclusive bonus content not posted on YouTube. Content creators can also receive money through PayPal donations and YouTube's SuperChat and membership features. Additionally, the content creators I reference in this chapter

have a substantial number of subscribers, making their content impactful in wider debates around trans rights, especially when we consider the view counts of each video.

In analyzing the content I introduce in this chapter, I borrow the concept of 'genre' from Stine Lomborg. In *Social Media, Social Genres: Making Sense of the Ordinary,* Stine Lomborg utilizes 'genre' "to characterize social media as involving an ongoing negotiation of expectations and conventions among participants, in a collaborative effort to make sense of given forms of online communication" (3). In other words, Lomborg frames 'genre' as "a cognitive category, or a device for sensemaking" to understand platforms such as Twitter and Facebook (3, 5).

In line with Lomborg, I am not arguing for a static understanding of social media and its technological affordances. Social media as genre is continuously developing; this change happens both at the user level and the company level. Platforms are continuously changing rules, interface, policies and introducing or discontinuing features. For example, at the time of this research (2021-2022), I observe that in the Turkish LGBTI (pro and anti-trans) communities, Twitter's 'Spaces' feature has been increasingly popular. Hours-long discussions about trans women in those audio-based spaces can reach out to thousands of people at a time, and if the conversation is recorded, the impact of that 'space' can even extend further.

There are various outlets other than YouTube in which discussions about Yaniv took place in a heated manner. Those outlets are trolling forums[86] such as "lolcow.farm,"

[86] These forums are defined by their anonymous user demographic, as well as a lesser concern for rule of conduct. That is to say, unlike mainstream social media such as Twitter, Facebook, or YouTube, users and moderation of such spaces are not alerted by transphobia, fatphobia, homophobia and so on. Arguably, these spaces are where people who are discontent with such progressive rhetoric and political correctness congregate.

"kiwifarms.net," "meowmix.org" and the infamous British mommy website which turned into a TERF nest, "mumsnet.com." The logistical reason behind not including the discussions that take place in these forums is to narrow down the scope of the chapter. In addition to that, forums usually consist of anonymous users with similar interests, which means that rather than an exchange of opposing arguments, these venues usually contain inauthenticated information or they are used to divulge/leak private data.

Having previously focused on Jessica Yaniv's British Columbia Human Rights Tribunal in my first project, in this part, I direct my attention to how this case was played out on YouTube. In my previous project, I attempted to show that Jessica Yaniv's case was not that of one, single *bad transgender*. By looking at the rhetoric of the trans exclusionary feminism and similar human rights tribunal cases that preceded that of Yaniv, I explained that predatoriness is an actively produced stereotype which is weaponized against trans people of all walks of life. The reason I focus on social media, – or rather, social media platforms – is their undeniable impact and role in our daily lives, especially in terms of knowledge dissemination. In fact, as previously mentioned, it was through Twitter I had first read about Yaniv's case, a few months prior to the Tribunal ruling. It was through YouTube that I had found out about the "juicy" details of this case. In this section, I look at the main themes of the discussions about trans women, and *how* these themes are discursively (textually and visually) presented to the audience. The content in this section differs from 'trans predator hunting' style videos in that the content creator (Blaire White) exposes 'trans predators' in the comfort of her home and not by gallivanting through American suburbia, physically chasing after predators.

Blaire White

Blaire White is an American trans woman who started her YouTube career in 2015 with a popular genre called "cringe-reaction". "Cringe" (cringey, cringy, cringeworthy) is a general internet slang term with no specific origin denoting an embarrassing situation or person –so embarrassing that it makes one's body physically react. Cringe reaction videos are types of videos in which a YouTuber ridicules gender-nonconforming trans people, nonbinary people, or feminist women by reacting to their content shared on various social media platforms. Cringe reaction involves mocking the ideas/politics of the allegedly "cringy" people who are pejoratively called social justice warriors (SJW), but it also entails jibing at their looks. At the time of White's entry into YouTube entertainment (in 2015), there were a few progressive and leftist figures who identified as trans, genderqueer, or nonbinary on YouTube. There was also an established LGBTI+ culture on Tumblr which now lost its popularity (Haimson et al. 6). White successfully built a career out of regularly attacking these people which garnered her a significant number of views. As a conservative and right-wing trans woman, she also made videos about Trump, media, and race, all of which elevated her status as a political commentator. White consistently produced such videos till the summer of 2019 and received hundreds of thousands of views in each of her videos. In July 2019, White's channel received another wave of popularity with videos framing Jessica Yaniv as a predator. White then periodically uploaded videos in which she introduced new figures as predators to her large audience, effectively rebranding herself as a predator exposer. This self-given, lofty, yet highly lucrative vocation will constitute the backbone of my analysis.

Image 3: White often uses the US flag on her platforms to show her alignment with the dominant American values. On her Instagram, she often poses wearing American-flag printed bathing suit, corset, pajamas, face mask etc.

The genre of the video is significant here because certain genres gain more popularity and draw more viewers. In this section, my focus moves from "predator hunting" sting operations to cringe reactions, response/reaction videos, and exposé videos. White's 'trans predator' videos are mainly exposé type of videos, and she 'exposes' alleged trans predators in the comfort of her home. This type of videos does not require White to leave her home and physically chase after putative predators like 'predator poachers' do in their so-called safari videos. However, White's exposé videos and predator hunters' safaris/sting operations serve the same purpose with some stylistic differences and occasional overlaps. In response/reaction videos, the content creator reacts to an ongoing event, social media feud known as "drama," or movie or personality du jour.

In such videos, content creators sometimes watch the content created about themselves on various other platforms such as Twitter, Snapchat, or TikTok, and simultaneously react/respond to them. However, White's arguably most perfected genre is her exposé style videos in which she introduces certain people with allegations of moral or legal wrongdoings as predators. So far, White "exposed" so many *predators*: The now-disgraced YouTuber Onision and his female-assigned-at-birth (FAAB) husband Kai who "has had every gender identity under the sun," the politician trans "predator" Amy Challenor, nonbinary trans predator Alok Vaid-Menon, a singer predator Dahvie Vanity, another trans predator named Tiffany Michelle who gained infamy as the GameStop Trans[87], a drag queen predator, Irish teenage trans predator Barbie Kardashian, a black cisgender female predator Lovely Peaches, a white cisgender female predator Zoe Lavern, and YouTube's most popular predator: James Charles the gay twink beauty guru predator. Her latest addition to the list is one of the internet's longest trolled person[88], the autistic "trans predator" Christine Chandler who has been harassed by the online pranksters since the late 2000s. White also ranks predators based on the alleged outrageousness of any given predator; for example, Dahvie Vanity is worse than Onision, and Barbie Kardashian is "Jessica Yaniv on

[87] The "GameStop Trans" video is illustrative of White's MO. This video revolves around a trans woman named Tiffany who was referred to as a man by an employee of the electronics retail company GameStop. What makes the video/trans person went viral in this case is that the trans woman angrily reacted to being misgendered and basically threatened the employee with physical violence, which is thought to be not the perfect way to assert one's womanhood. Although Blaire White was not the first or only person who talked about this case, when her take on the viral video received significant views, she then went on making another video on the trans woman's relation with her child, essentially insinuating that she is a child molester ("Exposing Trans Predator: Tiffany," 4:40-8:40).
[88] Christine's daily activities, "sagas" and "love quests" are documented by internet trolls who call themselves Christorians. In addition to various forums in which users anonymously divulge information about Christine Chandler's personal and familial life, there are video documentation about Chandler's life. For example, YouTuber GenoSamuel2.1 has currently 59 videos –each of which are +40 minutes long– narrating Chandler's life in a documentary fashion.

steroids" (White "Exposing Trans Predator" 1:53-1:57). Occasionally she goes from comparative to superlative, claiming that this is the worst topic she covered, accompanied by a barrage of textual and visual cues to convey her disgust. The formulaic structure of any of White's predator-themed videos follows this suit: She finds trans or nonbinary people who went "viral" due to opinions they expressed or simply because of their looks. Here, I do not mean to say that the people White brings under attention did nothing wrong. She simply finds a person who received reactions on social media and amplifies their presence as a 'predator'. If one of these 'predators' reacts to White (like Yaniv did), White can capitalize on that, making videos in a row which gives her couple of millions of views.

Jessica Yaniv

In July 2019, Blair White uploaded her first video about Yaniv (retrospectively, her first *predator*) titled "Exposing Jessica Yaniv: Trans Predator." In this 10-minute-long video, she introduced Yaniv as the "walking, talking, living and breathing embodiment of what people fear when it comes to trans people," and as "one of the most twisted, abhorrent, dangerous individuals[89]" (White, "Exposing Jessica" 0:26-0:33; 0:38-0:44). This short video is a quick rundown of all the allegations about Yaniv, a tirade against trans community's silence about this predator, and an appeal to the audience not to associate trans people with predators like Yaniv. Although it was shallow and did not provide details about the human rights case with which

[89] In "Pedophiles and Cyber-Predators as Contaminating Forces," Mona Lynch examines the US legislative debates over sex offenders in 1990s by looking at the arguments and wordings of congressmen and women. Lynch finds that in these debates sex offenders, who are always male predators, are defined with specific language as "sick" and "twisted" predators that defiles the American purity whose danger to society is scientifically proven (544-545).

Yaniv came to be known in the first place, this video currently holds over 2.5 million views, making it the third most popular video on White's channel. She would later on describe this spectacle in one of her guest appearances as "funniest thing you'll ever watch" (Hansen 10:10-10:20), making the reason for the video clearer –namely, to bridge humiliation and entertainment.

On August 5, 2019, Blaire White published her second Yaniv video, titled "Heated Debate w/ Jessica Yaniv: Trans Predator." This video is an over hour-long livestream in which White interviews Yaniv. This video was the result of their exchanges on Twitter, in which Yaniv had previously claimed that she would "destroy" White in a debate (@MsBlaireWhite). Blaire White's "Heated Debate w/ Jessica Yaniv: Trans Predator" is one of the most important videos among those dedicated to Yaniv for several reasons. First, with an hour and 10 minute running time, it is the longest video in which Yaniv puts forward arguments in her own words. Contrary to the video's title, it was not a debate where Yaniv was able to properly explain the litigation, and/or the allegations against her. Rather, the video was a spectacle of White's scorning, publicly humiliating, and punishing (what is perceived to be/presented as) a supposedly deranged trans activist. Despite that, this video documents one of the rare occasions in which the "predator" is given a platform to speak. Beyond this example, Yaniv only appeared on Alex Jones' *Infowars* show and Mark Hughes' *Pulling the Trigger* podcast. In both of these appearances, she was also publicly humiliated. Among these three people who got a chance to interview Yaniv on air, only Blaire White is trans, and the public castigation of a trans woman by another trans woman has a

distinct affective characteristic.[90] Furthermore, this video, along with White's initial video "Exposing Jessica Yaniv: Trans Predator," allows me to present some of the points of schism[91] among the "trans community" and the seething tension over what trans means. Additionally, White's video had significant implications for Yaniv, who was arrested after randomly brandishing a taser in the video which is an illegal weapon in Canada.[92] Finally, this video reveals specific visual and textual cues through which anti-trans rhetoric is rebranded as a form of rational concern for the safety of women and children. After all, as Stanley Cohen warned, there is a strong relation between moral panics and representation (Goode and Ben-Yehuda 244).

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[90] In a video essay, the YouTube commentator Salari claims that normatively beautiful (usually blonde) women are increasingly used to confirm and validate the suspicions and prejudices of a predominantly male audience, as hearing a beautiful woman bash feminism will often look more credible and palatable than Alex Jones's take on feminism (Salari 02:25-3:29. Salari mentions White as one of those attractive conservative women producing palatable, legitimated anti-feminist content for right-wing men.

[91] Blaire White, and like-minded trans women, believe that transness is warranted by a diagnosis of gender dysphoria; they find comfort and legitimacy in the so called "scientific basis" for transness. In fact, my previous ethnographic work with Istanbulite trans women demonstrate a similar finding in which a medical explanation of transness gives the individual a legitimated sense of self (Goktas 46). However, this medicalized theorization of transness is jettisoned by the –what is referred as the progressive, more inclusive politics– in favour of self-identification (shortened as self ID) model. The model suggests that anyone who *identifies* as a woman should be considered and treated as women. The person who identifies as a woman does not need to hormonally and/or medically alter their bodies, nor do they have to present as a woman to be considered one –hence, to have access to women's services. Within the newly fangled gender critical circles, this understanding of gender is used to incite the decades-old fear of predator men in disguise abusing the leniency provided by the self-ID model. Then again, as I have shown in the previous chapter while discussing the anti-trans rhetoric, detractors of trans rights do not need self ID model to push forward the narrative that trans women are predatory. For them, trans women are predatory, or at least, deceptive in any given framework of transness. However, the politics of trans acceptance through self ID is even criticized within the trans community in a more nuanced way. While some of these arguments can be attributed to a desire to be the "good transsexual," there are important points raised within the community as well. The tension seems to appear from the schism between binary trans women (and to a lesser extent, binary trans men) and nonbinary individuals. For the former, transness indicates a 'transition' between *the genders*: from male to female or vice versa. For the latter, rather than being an adjective in front of the nouns 'man' and 'woman,' transness has become an identifier on its own, referring to 'transcending' *the genders, the binary*.

[92] This iconic moment and White's reaction "Was that a moment for you?" became a meme and White started to sell t-shirts commemorating this moment.

In other words, the representation of trans women on YouTube provides a template for moral crusades in general.

The video conversation between the two is not structured partly because of the nature of livestreaming and partly due to White's disruptive and unrelated[93] remarks about Yaniv's looks. The main topics of the video are the Tribunal case that brought Yaniv to public attention, and the allegations of misconduct with minors –the predatory trans trope. Through these topics, I observed several main themes: First, White believes that the trope of the predatory man who identifies as a woman is real. She also believes that Yaniv epitomizes this trope. Second, through Yaniv's personality, White criticizes self-identification and liberal trans politics. Third, White insists there is no systemic discrimination against trans women, arguing that the system is not the problem so much as the individual who fails to integrate into good society. Finally, White uses every visual and verbal means to differentiate herself from Yaniv to show that rational, safe trans people exist who deserve acceptance and integration.

Immediately, White brings out the fact that the night prior to the debate, Yaniv had tweeted that she was hotter than White. Stating that she is only 8 months into her transition, Yaniv retracts this statement while White rolls her eyes. After this moment of putting Yaniv in her place, White disbelievingly jumps to Yaniv's claims of menstruation, only to interrupt the flow of the conversation by letting the audience know that she made a decision to donate the

[93] For a debate, the opponent's look should be an unrelated topic. However, as I stated, this is not really a debate and the relevance of these 'unrelated' comments is one of the reasons I chose to analyze this video in the first place.

Super Chat[94] money to the aestheticians taken to Tribunal by Yaniv, in an act of selflessness. Yaniv's main argument about her Tribunal case is that Canada's law allows for self-identification, and when someone self-identifies as a woman, they are entitled to receive the accompanying rights and services ("Heated Debate" 4:05-4:15). Therefore, the argument goes, if someone is operating a business in Canada, they need to align themselves with Canadian laws, and not discriminate against people based their religion's definition of a woman or a man. As opposed to this, White claims that in the U.S., a service provider is allowed to refuse service to anyone about whom they feel uncomfortable providing the demanded service. She gives the hypothetical scenario in which it would be justified if a tattoo artist denied service to her if she requested a swastika tattoo (7:27-7:37). As a patriotic American, she favours U.S. laws over Canadian laws on this issue. She claims that Canada has "messed up laws" that need to be "reformed," and that Canada "needs a lot of help" and has "gotta get it together" ("Heated Debate" 25:37-25:42; 34:22; 37:13). Here, White not only wrongfully presents Canada as the land of trans-rights-gone-wrong, but she also reduces the religiously fuelled discrimination to merely a matter of comfort.

White makes a distinction between discriminations of trans women that are "not okay" versus those that are "okay." For instance, while the denial of rape shelter, housing, and loans are "not okay," denial of service in a beauty salon can be solved by not visiting places who do not

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[94] Super Chat is a newer feature of YouTube which allows for further monetization for the content creator. In that feature, the audience can send messages in livestream, and at the same time they can donate money to the channel. The content creator usually prioritizes messages with donations, making donors feel closer to their favorite YouTuber.

welcome us (Heated Debate 19:15-19:30). In this part of the conversation, White finds out through Yaniv that transgender rape victims can be denied shelter in Vancouver, even though she doesn't like to believe that ("Heated Debate" 9:00-9:24). Obviously, White's "okay" and "not okay" dyad is arbitrary. White deems herself as the arbiter of worthy forms of discrimination. While sheltering and housing might be admittedly more urgent need for trans people across the world, no trans women should need the approval of any individual's evaluation of their womanhood, nor trans women should be forced to care about what a religion has to say about them when trying to receive a basic gender affirming care. When Yaniv asks White how she would have felt if she was denied a waxing service, White confidently claims this would never happen to her, positioning this discrimination problem as something only people like Yaniv would face (19:41-19:50). Without engaging in questions that would force her to acknowledge that non-passing trans women are perpetually subjected to discrimination, White moves the conversation[95] to another scandal of Yaniv. She repeatedly claims that one should wait until they present as the gender they identify as to be able to use the bathroom designated for that gender. As the benchmark of proper trans womanhood, White gives herself as an example, saying that she did not use women's bathroom until she looked like one ("Heated Debate" 41:35-41:50). Looking like or passing as a woman is not a defined set of actions or surgeries, and it can be often unachievable for many trans women. Similar sentiments were seconded by another popular

[95] Moving the conversation from one topic to another might be seen as the nature of an unscripted livestream but given the fact that Blaire White resorts to this several times during the video, it can also be seen as a stylistic choice to startle the opponent. For example, White resorts to this tactic when Yaniv was talking about her Tribunal case. White cuts the conversation abruptly and asks Yaniv whether she has "ever touched a young girl" ("Heated Debate" 49:05-49:11).

trans YouTuber who also made a video about Yaniv. Kalvin Garrah is a young trans man who also got popular with his cringe reaction content targeting even younger trans and non-binary people who claim non-traditional gender and sexual identities. Garrah endorses the idea that if one does not pass as the gender they identify as, they should not use the bathroom allocated for that gender. He says that he would "almost rather one trans person be uncomfortable for five minutes while they pee than twenty people to be uncomfortable who are already in the restroom and make an assumption about trans people based on that one trans person that made them uncomfortable" (Garrah 6:41-7:07).

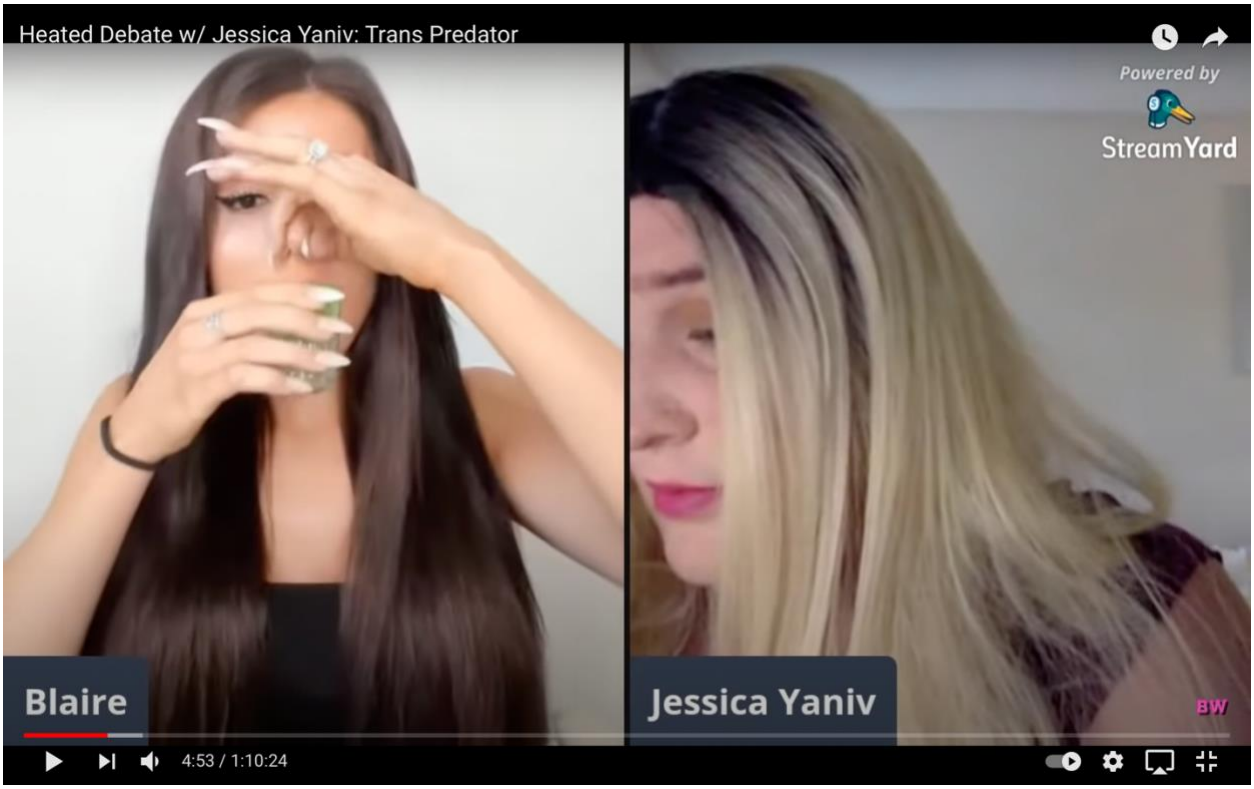

Image 4: Blaire White taking a shot of alcohol at the beginning of the 'debate'. She says that she does this to be able to put up with the outrageousness of the whole Yaniv story. Such visual performances accompanied by discursive strategies of juxtaposition strengthen White's position

as a reasonable, rational trans woman, while endorsing Yaniv's position as an unhinged person who is a burden on society, as well as a blight on transgender community. This way, as Canadian citizen, Yaniv exemplifies Canada, which White already constructs as a "messed up" country that "needs a lot of help" ("Heated Debate" 25:37-25:42; 34:22; 37:13). In other words, this is not merely a simple juxtaposition of beautiful Blaire White and a "man-in-a-dress" who claims to be a woman; this is also a clash between rational USA and corrupted Canada.

White then forces Yaniv into admitting that she is not trans but a predator who needs to be disassociated from the trans community because she believes that Yaniv's claim in transness taints the entire trans community: "I was quite horrified [by] the amount of people who are using your story and your incredibly effed-up actions to paint the trans community. I saw a lot of people using your story to justify hating trans people or thinking that they are predators or pedophiles. That was a problem for me which is why I made the video. So, are you willing to say that you, in no way, represent the trans community, that the trans people are not predators, and that's just you?" ("Heated Debate" 27:07-27:36). Understandably, Yaniv does not accept this offer; in an attempt to prove that she is *really* a trans woman, she whips out a prescription that includes estradiol. White initially makes a snarky comment about whether the prescription is for schizophrenia, paying an homage to the age-old trope of mentally unwell trans woman[96] (Serano 24; 221, 22). After seeing the prescription, she says that this is a good thing not because White is convinced that Yaniv is a trans woman, but because estrogen would lower Yaniv's sex drive, making her less predatory ("Heated Debate" 27:45-28:16).

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[96] By referring to the criticism "GID Reform Advocates (an organization that works to reform the psychiatric classification of gender diversity as mental disorder) has pointed out," Serano also shows that male-assigned people who choose to live their lives as women are pathologized as mentally disordered people (221, 222).

When White cannot force Yaniv into admitting that she is a predator, White turns her attention to Yaniv's "Party City wig" and calls it a "problem" ("Heated Debate" 29:03-29:13). A similar comment about the wig comes later when White asks Yaniv to unplug her phone which kept beeping throughout the stream – "and unplug that wig" ("Heated Debate" 31:48-31:50). Snarky comments about wig and chicken cutlets (shown in figure 5) aim to indicate *fakeness*[97] of Yaniv's womanhood and evoke the pathetic transgender trope who is pitifully delusional about her own gender presentation (Serano 39, 40). It works as a mechanism of ungendering which is defined by Serano as "an attempt to undo a trans person's gender by privileging incongruities and discrepancies in their appearance that would normally be overlooked or dismissed if they were presumed to be cissexual" (303, 304). Ungendering through comments about hair/wig is effective because as Eric Plemons and Don Kulick discuss, for trans women, hair functions as a crucial signifier of womanhood (Kulick 205; Plemons 41,115). As the video gets closer to the end, White explains what she aims with this video, and reiterates some of the main points she wants the audience to take from this debate. White explains that the reason she gives platform to Yaniv is to make her face recognizable as a predator (52:41-52:46). This purpose is in line with what predator-catchers do with their sting operations –using YouTube as a more visible, scandalous, and impactful sex offender list. Therefore, vigilante moral entrepreneurs of YouTube

[97] Although for Blaire White, deconstructing Yaniv's womanhood might seem like an easy task, White's ungendering attempts are located on a slippery slope because for trans exclusionary feminist, being normatively beautiful, cannot absolve a trans woman from being perceived fake. Normatively beautiful women with passing privileges (like White herself) are accused of "raping" people they interact with through deception (Raymond 103, 104).

manage to turn, what Trottier calls, “weapon of visibility,” into a useful/lucrative tool for themselves (Trottier 56).

The Critique

Yaniv-related predator content and other cringe-reaction videos might have proved to be a good business decision on part of Blaire White; the views she receives for each ‘predator’ range from hundreds of thousands to millions, which in turn, constitutes a notable revenue for White. However, she also received a fair amount of critique on YouTube. The critiques focus on manipulative strategies and presentation tactics, as well as the misinformation. The most major critique comes from the American YouTuber Natalie Wynn, also known as ContraPoints, who is one of the most subscribed trans women on YouTube with about 1.35 million subscribers. Even though she still has a relatively smaller subscriber count compared to beauty guru trans women YouTubers such as NikkieTutorials (13.8 million) or Gigi Gorgeous (2.8 million), she operates within a totally different realm which usually does not receive as much popularity as beauty/makeup content on YouTube. ContraPoints still has the largest audience among all the trans YouTubers discussed in this work. ContraPoints is located within what is popularly called as BreadTube or LeftTube which refers to a loosely connected group of YouTubers and the genre of YouTube. These YouTubers and their content are often marked with philosophically and academically informed libertarian, left-wing ideology performed through carefully curated theatrical presentation. For example, ContraPoints often inserts quotations, excerpts, and terminology in her videos presented through a scripted, humorous performance.

ContraPoints indicates that SJW and trans ‘cringe’ content constitutes the core of White’s YouTube channel. She contends that White made a mockery of a trans activist and a fellow

YouTuber, Riley Dennis, for not being woman enough. When Dennis revealed on a YouTube video that she had been in fact going through HRT, White issued an apology video revealing that she had now realized that part of her hatred against Dennis was due to the fact her own transition had been made fun of online, as well. ContraPoints argues that after White's feud with Dennis was over, Yaniv-related content created another change for her. It saved White from irrelevancy, the worst thing that can happen to a YouTuber. It skyrocketed her channel's popularity starting from July 2019 –a time when Yaniv had become a cause celebre (ContraPoints 1:00:49-1:01:06). This, ContraPoints claims, was the point White "rebrand[ed] herself as a kind of transsexual Chris Hansen" showing a screenshot of a pinned comment by White jokingly asking her audience to call her "Trancy Drew and or Chris Transen" –wordplays on the fictional sleuth Nancy Drew and TV personality Chris Hansen (ContraPoints 1:02:16-1:02:21). She argues that the motivation behind White's videos was to "manufacture a sleazy entertainment spectacle," more than protecting children (1:04:34-1:04:49). She contends that Blaire White is not a "high-minded activist working to protect children and trans people's image" as she portrays herself, but "a tabloid entertainer who's discovered a way to monetize milking lols from a mentally defective pervert" (ContraPoints 1:05:49-1:06:09).

Twitch streamer and YouTuber Vaush, who produces left-wing content on YouTube, also criticizes Blaire White for her trans predator series. Vaush describes White's stance as engaging in the 'politics of exclusion' and 'politics of supremacy,' while dubbing her as a 'useful idiot' (Vaush, "WHY WON'T" 30:25-30:50) in a video where he shares his opinions on her. He also points out to White's visual strategy of juxtaposition, and states that "…every single Blaire White video thumbnail looks exactly the same. You have Blaire White, doing like an exasperated

or goofy face but her makeup on fleek or whatever. And then, she has the other person" (Vaush "Blaire White" 3:20-3:33). The below image from White's first Yaniv video is representative of a recurrent visual tactic in which White always presents embracing her signature brunette look containing sharp eyeliner, false eyelashes, and a nude lip-gloss applied on filler-injected lips. While she is "looking fish, looking c*nt" as ContraPoints would put it (ContraPoints 1:10:19-1:10:30), she uses the most unflattering photo of her opponent in thumbnails or within the video to create a stark contrast. As gender is always intertwined with class and racially defined aesthetic standards, this presentation subtextually shows us not only who is *less* "pretty," but also who is *less* of a woman.

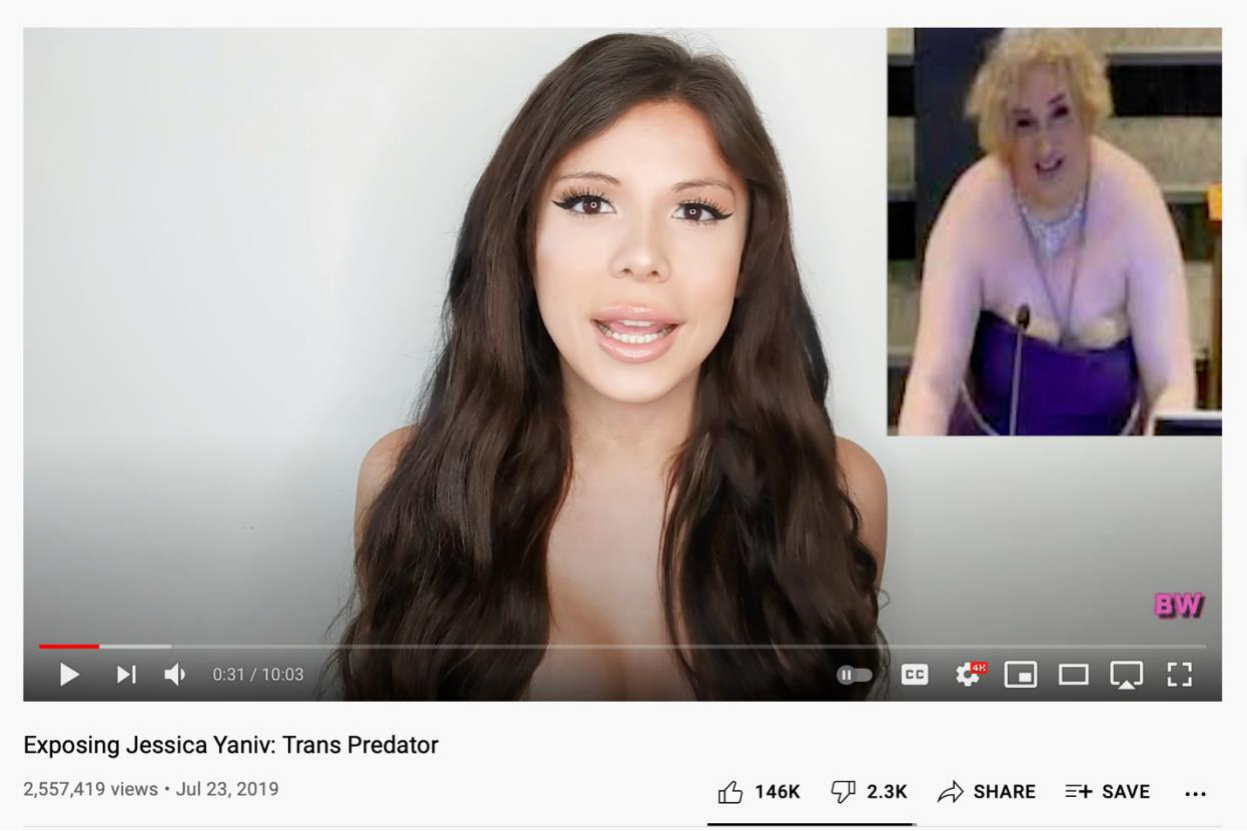

Image 5: Blaire White uses an image of Jessica Yaniv which shows her with a messy hair and chicken cutlets protruding from her purple strapless dress –creating a contrast with White's 'glamorous' American beauty. As Emily Skidmore shows in her analysis of Christine Jorgensen (a White American trans woman who had a sex change operation in Denmark and received a huge media attention) narratives about transsexuality are not merely influenced by gender; race, class, and sexuality also informed transsexual representation (271). Skidmore claims that "white trans women were able to articulate transsexuality as an acceptable subject position through and embodiment of the norms of white womanhood, most notably domesticity, respectability, and heterosexuality" (271). However, White's womanhood is not juxtaposed to the womanhood of a trans person of colour here (Yaniv is a white woman). Also, the norms of white womanhood do not remain fixed. Then again, by upholding the values of heterosexuality, femininity, monogamy, and domesticity (values that constitute the script of normative white womanhood), White locates her womanhood as a more respectable and intelligible to her audience.

In the same fashion, Xanderhal, another leftist content creator and a regular critic of Blaire White, directs his viewers' attention to White's titling strategy. He touches upon how Blaire White's titles associate trans people with predators: "If this was supposed to be warning people and exposing a specific person, it would just be 'exposing Jessica Yaniv: a child predator' but it's not that. It's 'exposing Jessica Yaniv: trans predator'" (Xanderhal 37:32-37:50). Xanderhal looks at White's predator-themed videos on his own channel; he realizes that while White calls some people "trans predator," she simply calls others "predators" –not as a gay, straight, or a lesbian predator (Xanderhal 41:00-41:15). For example, White made a predator themed video about one of YouTube's biggest content creators, James Charles, who is a gay makeup influencer in his early 20s. Since 2019, countless YouTubers made videos about Charles, accusing him of trying to trick straight men into having sex with him. In 2021, he was also accused of messaging underage boys in a sexual manner. However, neither White nor other content creators explicitly marketed their videos as 'gay predator.' By the same token, when White made a video about a celebrity, Marilyn Manson, she does not directly call him predator in her video title, nor she associates alleged predatory behaviour with any sexual orientation or

identity. She simply titles her video about the singer as "Marilyn Manson Predator Accusations: Monster or Falsely Accused?" ("Marilyn Manson," 00:00-13:06). That is to say, in the current political environment, we have luckily reached a point that homosexuality cannot be casually and comfortably presented as an inherently predatory identity –at least in the mainstream media. However, the same sociopolitical climate allows for a juncture, in which bigotry and outright antagonism about trans people can be presented as civic concerns pertaining to morality, sexuality, and security.

The commentary YouTuber D'Angelo Wallace points out to Blaire White's visual strategy of juxtaposition, exemplifying that she previously photoshopped a beard onto a person's face (dangelowallace 42:16-42:20). Similarly, he shares Wynn's observation of another visual strategy White uses, which is to make her thumbnail divided into two and place her beautiful face against those supposedly ridiculous trans and nonbinary people (dangelowallace 42:21-42:32)[98]. By the same token, another YouTuber Bellevision brings attention to White's strategies of (mis)representation. She points out to a now-deleted video of White, in which she put on a picture of a trans athlete in the thumbnail and attributed to the athlete a quotation she never said. In this incident, White had used the before and after photos of a trans athlete named Janae Marie Kroc(Zaleski) in the thumbnail, and titled the video as *Trans Athlete: "I Belong in Women's Sports, Get Over It!"* –something the athlete never said (Bellevision 11:46-12:19)

[98] This is not a tactic endemic to Blaire White's videos. In fact, Favarel-Garrigues points out how "young (ethnically) Russian men, often still adolescents, … assert their virility by contrasting their musclebound heterosexual bodies with those of their prey" (10).

To sum it up, both in the case of Jessica Yaniv and in the cases of other 'predators' and 'cringy' trans people, White resorts to several textual, verbal, and visual strategies to create a good and bad trans distinction: She juxtaposes her beauty with the looks of her opponents through the videos' thumbnails, or within the video. She personally favours and is privileged to have a look which conforms to beauty norms; however, the people she criticizes either have a marginal look or they do not have the same means to achieve standardized beauty. White uses this difference to establish a hierarchy between herself and her opponents. Second, her videos have clickbait titles; by attributing sensational quotes to people or by calling them predators she immediately draws viewer's attention to the video. Finally, she portrays herself as a future-oriented, able-bodied, patriotic citizen of American neoliberalism, while positioning her subjects at the peripheries of this ideal[99]. Even though Blaire White is not a fictional personality, she still functions as a "good[100]" trans object, "one that deploys the transgender figure precisely by

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[99] Blaire White represents the good American neoliberal subject: a patriotic, right-wing American who uses YouTube not only as her entrepreneurial project, but as a platform to speak about the societal problems she thinks are plaguing America. Blaire White, in her YouTube appearance on Chris Hansen's channel, stresses that how she funded her transition was not from asking money through GoFundMe, but through hard work and making the type of videos that appeal to money — "and that's capitalism!" (Hansen 32:40-33:14). In this way, she reasserts her neoliberal, hardworking citizenship which stands in stark contrast to trans subjects who have to rely on mutual aid funds and other methods of solidarity (Spade 17). In another video, White responds to criticism and hatred she received on social media. While reacting to one of the users who called her hair extension crusty, she says that her hair extensions are probably more expensive than the person's rent ("Responding to" 3:43-3:45). In a video where she reacts to transabled community, White compares it to trans community. She claims that "Being transgender, and transitioning, and changing my body was actually to improve the functionality of my life, improve the quality of my life for which it did –not take away functionality or disable myself" (""I Identify As"" 4:07-4:20), making clear her conceptualization of the relationship between future-oriented able body and transness.

[100] Keegan's critical juxtaposition of "good" and "bad" trans objects is a useful analysis which shows that after the so-called transgender tipping point, how certain transgender narratives and representations that underline happiness, safety, stability are privileged in media. While this is a significant finding, the critical lens directed towards "good" trans object is limited to its supposed failure in deconstructive potential –locating deconstruction and non-normativity as preferable assets of transness (Keegan 27, 28).

cordoning off its deconstructive capacities, so that it functions primarily to extend the logic of the existing gender system" (Keegan 27, 28).

In that sense, White's (as well as the vigilantes') visual and textual maneuvers of abjection via a strong juxtaposition of her normatively beautiful self and an exquisitely curated photos of the "predators" with marginal(ized) looks, can be understood through, what Lynch calls, pollution avoidance (Lynch 532). Pollution avoidance refers to a type of reaction characterized by disgust and fear, as opposed to rational response in policy making around sex offenders (Lynch 532). Pollution avoidance in White's videos manifests itself in put-downs about the predator's look, opinion, and sometimes mental health and social class, as well as in the questions, statements and prompts designed to confine the predatoriness outside the sphere of an imagined purity. However, space of purity is a precarious undertaking for trans women as there have not yet been a convention of vulnerability and innocence allocated for trans women. During a live YouTube debate in 2021, which brought U.S Christian conservatives and pro-LGBT Republicans together, White was reminded of that precarity yet another time by the people within the same political milieu. One of the participants of the debate told White that her existence as a beautiful transgender person is dangerous for children who watch and look up to her because they can be tricked into believing that transitioning is a viable option. Even though White proudly stated that she was the most vocal person against children's transitioning, the participant suggested her to "grow out your mustache and tell people not to live like you" (Slightly Offens*ve, 22:57-25:36). This shows that even if a trans woman makes a name for themselves as a predator hunter and a rational voice, the good trans womanhood is still a fragile and an anxiogenic construction.

I believe that there are strong resemblances among the shows like *To Catch a Predator*, Blaire White's Trans Predator series, and the sting operations of predator catchers. The same critique of "creating events rather than reporting on them" directed to *To Catch a Predator* holds truth for the YouTube's predator poachers and armchair vigilantes like Blaire White (Smith 245). It is true that some of the men[101] are 'caught' several times by the online vigilantes, and some have been on the sex offender list. However, as Smith points out in his analysis of *To Catch a Predator*, one needs to critically think about "the ambitious tactics of the decoys" –the men who sometimes spend months talking to who they believe to be predators, with the hope of creating good YouTube content (317). While watching an angry, masculine, charismatic vigilante confronting and punishing an alleged predator, we need to ask ourselves why they offer the predator the option of not being reported to police if they agree to be part of a humiliating/entertaining YouTube content by cracking eggs on their head. We need to be suspicious when Blaire White thought that she absolutely needed to follow the makeup tutorial of a person who she accused of being a danger to women and children. In general, behind all the laughter, horror, and *schadenfreude* these contents aim to stimulate, we need to be careful about these Good Samaritans' admitted goal of creating "absorbing" content, in addition to protecting children (Smith 245), and our own complicity in it.

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[101] Among the online vigilantes analysed in this chapter, there is not one YouTube channel that specializes only in "hunting" trans people. The majority of the so-called predator hunters' 'catches' are men. The reason I give examples from their non-transgender catches is to be able to explain these humilitainment-infused sting operations as a genre, with all their formulaic scripts and banal performances. Also connected with this reason, for the vigilantes, there is no significant distinction between the men they catch and trans people –especially given the fact most of their trans 'catches' do not present as women. As I have shown, vigilantes see their trans catches as men-in-dresses by looking at the way they talk, humiliate, and punish them.

Conclusion: "There is no such thing as transgender; he has a dick!"

On June 24, 2021, a Christian woman with the Instagram handle "@cubanaangel" recorded herself yelling at spa staff for allowing a man enter the women's space and expose himself. The Korean style, LGBTI+ friendly spa, called Wii Spa, is located in LA's Koreatown. The "man" allegedly exposing himself to women and children, as we find out, turns out to be a trans woman using women's facilities. In the video, Cubana Angel screams at the staff and berate them for letting this happen. One staff member explains to her that the trans woman in question[102] has right to use the facilities, only to be scolded further by the attacker. The harasser responds to the staff's explanation by saying "What sexual orientation? I see a dick. It lets me know he is a man" (cubanaangel 0:25:0:30). Cubana Angel then turns her anger towards a man who stands up against her transphobic tantrum and utters this very telling statement: "There is no such thing as transgender; he has a dick!" (cubanaangel 1:30-1:34) When the man continues to resist her transphobic tantrum, she then dips her toes in homophobia and accuses the bystander man of not being a real man (cubanaangel 2:57-3:00). In another Instagram video posted on the same day by the user Cubana Angel, she alerts the staff about the presence of a half-naked man and threatens the staff that she is "gonna make a big deal about this, [she is] gonna take this very worldwide" (0:00-0:16) This time accompanied by a white woman, the concerned pair vow to protect children in the name of Jesus (3:18-3:24), disclosing the religious rhetoric she weaponizes against trans women. When the religious pandering does not seem to get the reaction

[102] The trans woman never appears in the video.

they hoped for, Cubana Angel records herself walking down the stairs, simultaneously threating the staff they are "going to have a situation" (4:21-4:30). Indeed, Cubana Angel managed to "make a big deal about it" or create a "situation" out it as she promised. In addition to creating a big fuss on social media, the turmoil Cubana Angel ignited ended up in protests outside the spa which culminated in two stabbings (Urquhart).

Initially, some people suspected that the whole Wi Spa incident was a hoax, with no actual trans woman present. However, according to the recent news, the trans woman in question is 52-year-old Darren Agee Merager, and she was charged with indecent exposure after the LAPD's investigation (Ngo). It was also revealed that Merager had been convicted of several crimes before, two of them included indecent exposure in 2002 and 2003 (Ngo). She also faces charges of indecent exposure from an incident in 2018. According to the article, cis female customers of the spa claim that Merager's penis was erect at the time of the confrontation. However, Merager denies this claim by saying that she was in the jacuzzi at the time of the encounter (implying that they could not have seen her penis) (Ngo).

In the last days of July 2021, another trans predator story emerged. The #ChrisChanDidWhat[103] became a trending topic on Twitter, users from all over the world curiously flocking to the conversation. An audio clip was leaked and went viral allegedly proving that an internet personality named Christine Chandler admitting to having sex with her 79-year-old mother with dementia. She was arrested in a hotel on the charges of incestuous

[103] Christine Weston Chandler found infamy on the Internet as Chris Chan (short for Chandler) prior to her transition. I will refer to her as Christine Chandler.

relationships, and the whole spectacle was livestreamed by trolls involved in Chandler's life. Christine Weston Chandler has indeed been a semi-famous internet figure over a decade, not necessarily as a 'predator' but she is popularly referred as the internet's most documented person by people who have been chronicling her life on forums and video sharing platforms (Luzong). Christine Chandler identifies as a high-functioning autistic trans woman, and rose to internet infamy with her comic Sonichu, as well as her easily irritable and gullible personality. Internet trolls abused Christine's antics and mental health and pranked her since the mid 2000s. Such pranks included stalking, secretly recording and publishing audio clips, catfishing, and forcing her to produce and post sexually explicit materials. As YouTube's most subscribed trans predator catcher, Blaire White did not miss the opportunity of making a video about the new trans predator of CWCville[104].

While providing commentary on the Christine Chandler charges, White resorts to some of her on-brand techniques of abjection. First of all, she says that her coverage on Jessica Yaniv and Stefonknee Wolscht[105] cases had made her believe that those were the most extreme cases, but this new case of Christine Chandler proves her wrong ("I Am…," 00:15-00:34). Here we see an imminent connection to two other shameful cases which were also publicly despised. By pointing out to some of the public incidents in which Chandler was trolled, and tricked into performing explicit acts on camera, White concludes that Chandler is not a trans woman, but a

[104] An imaginary city home to Chandler's cartoon characters.

[105] Another 'predator' Blaire White covered. Wolscht, in her 50s, became a sensational story for identifying as a trans woman and age-playing as a 6-year-old girl with an older couple who adopted her.

person who is mentally unwell ("I Am…," 00:40-00:50). However, she still marketed her video to her audience as a part of her trans predator series. Having lined up examples of Christine's gullibility and susceptibility to trolling, and why she is not a real trans woman, in the next scene, White throws her laptop to the couch and jumps out of the camera's frame. The audience hears her scream while out of frame, and she comes back in front of the camera and sips on her drink ("I Am…," 01:20-01:28). Here, the visual construction of the video also conveys the message that what we are presented with is outrageous and ridiculous. That is to say, White is not-so-implicitly claiming that self-identification as a woman is bad because it opens the door for supposedly mentally unwell individuals to claim and sully the trans identity. White explains that in the past Chandler was tricked into piercing her genitals due to manipulations of the Internet trolls, and she also identified as a "male lesbian" –examples White uses to draw distinction between herself and the allegedly mentally unwell Chandler. White says that her research about the antics of Chandler left her sleepless, and she is now "wearing 10 pounds of concealer" because she has "dark circles out to here" (02:13-02:24). Here, we see an emphasis on femininity as a conscious and continuous effort, especially in juxtaposition to Chandler's looks. The most frustrating part of the whole saga for White that makes her "want to drive [her] *pink* [106]car off of a cliff" ("I Am…," 06:03-06:18) is the fact that Christine Chandler is categorized as a female in the custody record. With these discursive strategies, White makes sure that she highlights her feminine imagery and locates it in stark opposition to that of Chandler. Having discredited her subject's transness and disassociated herself from the subject, she moves on to the reason she

[106] Emphasis mine.

makes the video, which is the leakage of the audio of Christine Chandler with a troll in which Chandler stated that she had recently started to have sex with her mother. White presented this audio as Chandler's admission to raping her mother, while, given the mental health history of the person and the conversation in the actual recording, Chandler might have believed that she was having a consensual sexual relationship with her mother, even claiming that her mother was the one who made the first move.

Even though a generic Blaire White title reads as "trans predator" along with the name of the person before and after this descriptor, she explains that those people are not indeed trans; they are just predators who appropriate trans identity. In a similar fashion, in this video she claims that what Chandler did could not be attributed to her autism (because she knew autistic people); this must have been Chandler's own predatory behaviour (07:33-07:51). Of course, White fails to talk about the allegations that the other person in the leaked audio, Isabella Loretta Janke, groomed and actively encouraged[107] Chandler into having sex with her mother (Richman).

Another point White criticizes, which is found in the formulae of many moral panics, is that there were people who tweeted about how the alleged crime should not be a reason to misgender the person. White claims that concern about pronouns in the face of a "horrific crime" tells something about the person raising such concern. Writing about the 1980s' moral panic about satanic ritual abuse, Roger Lancaster reminds us that those who expressed concerns in the

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[107] Chandler has repeatedly been the target of trolls who posed as her friends and later manipulated her into doing things for their own amusement. This is not to take away any responsibility from Chandler; I simply point out to the fact that she is extremely open to manipulation, and this situation has been used over the years as the entertainment value.

face of s*uch a horrific crime* were also blasted as siding with the abusers (Lancaster, *Sex Panic* 53). Therefore, pointing out to the extra-legal, disproportionate punishment of putative predators by YouTube's predator poachers (especially when the crime has not been committed), carries the risk of being associated with predators, and even sympathizing with them.

Throughout this work, I attempted to show how trans people, trans women particularly, are used sometimes as thrilling and scary, and sometimes as comedic and enticing materials for YouTube content production. I showed that the predator catching genre on YouTube has concerns beyond protecting children, and that YouTube is a fertile ground in which moral entrepreneurs can turn themselves into actual entrepreneurs by producing *good content* about America's next monstrosity. At least in short term, there will always be people like Blaire White who aim to get rid of the bad apples within the trans community; Cubana Angel who spit out transphobia under the veil of women's rights; the vigilantes who swear to keep 'creeps' off the street; and grown-up YouTubers who make a living out of reacting to the cringy TikTok videos of teenage trans and nonbinary people. What we need to be *vigilant* about is the construction of predators and monsters through the use of titillating cases. We need to be careful not to be complicit in building moral and legal norms which criminalize people's bodies. As Joshua Reeves puts it, we need to be critically approaching the ways in which "we are being mobilized against one another in endless battles for more security, more safety, more comfort, and more moral conformity" (180). I would like to end this essay with the words of Natalie Wynn who, in my opinion, best expressed this sentiment:

> ""Jessica Yaniv is the reason people hate us." But that's just not true. It's simple answer to a complicated problem. It's scapegoating. When I look at

the Yaniv obsession on trans YouTube, I see a community trying to cope with stigma, and hoping that destroying a scapegoat will bring relief. It's basically a blood sacrifice. It's not rational. It feels good for a moment, but it's an addiction. It won't ever erase the stigma and the shame. And Yaniv is simply the latest and the most deserving in a long line of bad transgenders who aren't real transgenders, and are giving us a bad name, and are the reason people hate us, and must be condemned and destroyed. But when Yaniv is finally gone, when you get her sent to prison or whatever your goal is, you're just gonna find a new scapegoat to take her place" (ContraPoints, "Cringe" 1:15:06-1:15:58).

CHAPTER 3: STAND-UP COMEDY AND TRANS SUBJECTIVITY: AN ANALYSIS OF THE WORK OF DAVE CHAPPELLE AND RICKY GERVAIS

Introduction

In my previous projects, I discussed how trans identity is laboriously crafted as a sexual and moral threat that targets cisgender women and children. In my analysis of the case of Jessica Yaniv, a Canadian white trans woman who unsuccessfully filed a series of human rights complaints about racialized estheticians who refused to wax her, I explained how a complex Human Rights Tribunal case was sensationalized and simplified into a case of predatory man coercing women into touching his genitals. In my second project, I turned my attention to YouTube, and delved into an alarming genre of "predator hunting" –a genre in which (mostly) cisgender, heterosexual men pose as minors on the Internet, lure alleged predators into meeting these imaginary minors, and create humilitainment content when the "predator" rises to the bait. Both chapters showed how "serious" conversations supposedly involving children's and women's safety were merged with entertainment. In the case of Yaniv, the entire process of the Human Rights Tribunal case was published as tabloid news on conservative/right-wing media outlets and YouTube channels, displaying Yaniv's story not only as a case of a deranged and dangerous man with perverted inclinations, but as a sign of political-correctness-gone-wrong. Yaniv, in her almost caricaturized portrayal of man-in-a-dress, became a comical representation of not only the excess of the so-called transgender ideology, but also the comical representation of the declining Western values corrupted by this very ideology. Drowned out by these sensationalized stories about Yaniv as a sexual threat, conversations addressing Yaniv's racism

and the transphobic attitudes displayed by the estheticians did not resonate greatly. In the chapter that analyzes YouTube's predator hunters/exposers, I talked about how serious topics around sexual predation targeting minors were resurrected in the age of Web 2.0 through a concoction of humilitainment, vigilantism, and surveillance. That chapter showed how self-styled predator hunters forced the alleged predators to divulge sensational information about themselves, pushed them to perform humiliating acts on camera under the threat of calling the police, sold predator-related merchandise, and collaborated with comedians –all in the name of protecting children (!). In short, contemporary conversations about trans subjectivity have always been intertwined with comedic elements.

This chapter follows suit by tracing the intersection of entertainment and trans subjectivity but focuses particularly on a specific form of comedy—stand-up. I aim to show how recent stand-up comedy starting from the mid 2010s (a time period which corresponds to the rise of transgender visibility) adopted transness to evoke nostalgia for a romanticized "good-old-days" of Western culture when rationality and freedom of speech reigned supreme and when transness was located firmly in opposition to these values. For this task, I focus on the American comedian/actor Dave Chappelle and the British comedian/actor Ricky Gervais, not only because these two comedians are two of the most famous and influential figures representing each side of the Anglo-American world, but also because Gervais and Chappelle have assiduously chosen to integrate transgender subjectivity into their comedy specials to critique the current state of their respective societies.

Dave Chappelle: "He's a master at his craft."

"He is a master at his craft." This is how Dave Chappelle described the way his friend Daphne Dorman, a trans woman and a comedian who passed away, defended him on Twitter (*The Closer* 1:04:00-1:04:50). Daphne Dorman was a trans woman and a comedian who was fond of Chappelle's work (*The Closer* 56:15-56:33). According to Chappelle's account on his latest Netflix special *The Closer*, they met through comedy, and Chappelle even let Dorman do the opening act for his show (*The Closer* 56:38-57:35). Even though her opening act "stank," the "master" found something special in his apprentice –she could take a joke (*The Closer* 58:20-58:45). Dave Chappelle, as he humorously states in some of his appearances, is one of the most famous and richest comedians in the USA, reaching large audiences. Chappelle proudly expresses three claims about his latest special, *The Closer*: 1. It was the most-watched special in the world; 2. It was a masterpiece; and 3. He is a once-in-a-lifetime comedian (*What's in a Name?* 34:58-35:41). However, it is not the sheer size of his audience and the popularity of his Netflix specials that are at stake in this chapter. He is by no means the only stand-up comedian who jokes about the supposed absurdities and inconsistencies of "the alphabet people" (*Sticks & Stones* 21:15-21:20). What makes Chappelle's "craft" particularly concerning is his anti-trans rhetoric under the guise of racial critique. Chappelle's racially charged anti-trans rhetoric is misinformed, historically and contemporarily inaccurate, and willingly overlooks the intersection of trans, Black, and lower-class subjectivities. Yet, Chappelle is not the only contender in the game. The theme of trans subjectivity as a symptom of deterioration of the "woke" West is also treasured by his British counterpart, Ricky Gervais, who, ironically, despite being a staunch atheist, appears like a secular messianic figure to reinstate reason and Enlightenment values back into our brains. By looking at the work of two (in)famous stand-up comedians on both sides of the Atlantic, American comedian Dave Chappelle and British comedian Ricky Gervais, this

chapter aims to explore the vexed relationship between stand-up comedy and trans people. I argue that against the backdrop of growing transgender visibility and acceptance, stand-up comedy is used to perpetuate anti-trans rhetoric: ironically, it does so under the guise of critical thinking, social and racial commentary, freedom of speech, and art.

Comedian as a Social Critic

Chappelle and Gervais are both renowned figures within large swathes of the English-speaking world. They are not only applauded as comedians, but they are lauded as social commentators. Comedy is traditionally valued for its supposed property of questioning norms, and comedians are regarded as social critics (Bingham and Hernandez 339, 349). Dave Chappelle, in particular, has a special place for many; he is lauded as a "masterful storyteller," a "Gramscian organic intellectual," or "an expert purveyor of racial satire" (Di Placido; Amarasingam 116; Bruce 515). Chappelle's sketches are praised for "passing as comedy, masquerading as entertainment, when in fact they are engaging in a highly politicized act of reminding us that racism remains a grave threat while also exposing colorblindness and the mechanisms that facilitate white superiority to be a joke" (Bradbury 92). Similarly, Gervais is appreciated as "the satirical spokesperson for Enlightenment values" via his comedy performed with an "academic might" and references to science and philosophy (Ellis 170, 173). In fact, neither Chappelle nor Gervais are the first comedians who have been appreciated as public critics. In his chapter about the conservative comedian Daniel Lawrence Whitney, more popularly known as Larry the Cable Guy, David R. Dewberry argues that Larry the Cable Guy is a postmodern intellectual, and an interpreter who focused on perceived limitations of political correctness on freedom of speech (220, 226). Talking about the late Texan stand-up comedian

Bill Hicks, Rob King challenges the perspective that sees the comedian as a public intellectual and the comedy club as some sort of Enlightenment era salon or Habermasian coffee house (254). Instead, he suggests that Hicks' comedy provides us an alternative framework in which the comedian can be likened to a preacher in a church sermon, rather than a Habermasian public intellectual in a coffee house (King 254). Sacha Cohen argues that stand-up comedy, especially the politically incorrect, offensive stand-up comedy that is now *mostly* appropriated by privileged White, straight guys, was a critical tool used by minority comedians such as Black comedian Richard Pryor and Jewish comedian Lenny Bruce to target dominant ideologies (Cohen). Similarly, in "Mocking the Weak? Contexts, Theories, Politics" Helen Davies and Sarah Ilott claim that comedy can be read as "a diagnosis of a particular society, revealing the boundaries, rules, and taboos that must be already in existence for the humor to work" (10). Therefore, they believe that comedy has a power to influence societal change (Davies and Ilott 12). The comedian, too, emerges as someone who diagnoses societal problems in a unique way, and potentially mobilizes masses. In *A Comedian and an Activist Walk Into a Bar: The Serious Role of Comedy in Social Justice*, the authors Caty Borum Chattoo and Lauren Feldman talk about comedy's power as a tool for mobilization, arguing that the era of digital and streaming entertainment is characterized by networked social justice struggles, and that therefore comedy has gained a new potential to influence public engagement with social justice issues (6, 7, 8). In that juncture, comedians, and particularly those who practice stand-up comedy, emerge as social figures who adopt the roles of influencers, pundits, critics, and community leaders. Rebecca Krefting, by focusing on the comic Maria Bamford, claims that some politically charged humorists can convey the message that "social standards need to be revised to account for diverse identities and experiences, and we are all complicit in national/global wealth disparities,"

positioning some comedians as agents of social change (Krefting *Maria Bamford* 63). In short, scholarship on humour has long underlined the potential of comedy and comedians in influencing public attitudes on existing societal problems.

However, other scholars were more suspicious about humour's perceived status and function in society. In *Laughter and Ridicule: Towards a Social Critique of Humour*, Michael Billig argues that

> humour is central to social life, but not in the way that we might wish for; nor in the way that much popular academic writing on the topic suggests. It is easy to praise humour for bringing people together in moments of pure, creative enjoyment. But it is not those sorts of moments that constitute the social core of humour, but instead, it is the darker, less easily admired practice of ridicule (2).

Billig contends that humour's function is to protect norms through ridicule and embarrassment (2, 201). Feminist scholar and self-confessed killjoy Sara Ahmed is also skeptical about the social status of humour. She believes that humour is "a crucial technique for reproducing inequality and injustice," "reducing whatever we do as "not white men" to identity politics" (*Living A Feminist Life* 261). While Ahmed is right about humour's weaponization, her criticism is limited to a threadbare "white men" discourse, and it fails to incorporate how large demographics that are not "white men" conjure up a social critique out of transness. Sienkiewicz and Marx also critically approach humour through its relation to a right-wing ideological complex (34, 36, 42). They explain comedy's role within that complex by "contend[ing] that comedy serves as a lubricant that helps audiences slide among these disparate aspects of right-

wing ideology, with a certain gravity pulling them down into the lower, dirtier depths of the complex" (34). Therefore, Sienkiewicz and Marx break the illusion that comedy is inherently or at least predominantly liberal (18). In *Strange Bedfellows: How Late-Night Comedy Turns Democracy into a Joke*, Russel Leslie Peterson presents a historical analysis of late-night comedy shows and argues that what he calls pseudo-satire or topical comedy is indeed dismissive and has no real intention to change anything (25).

Is it Just a Joke?

While comedians keep uttering bromides like "it's just a joke," (Krefting "Savage New Media" 256) at least a significant number of their audience receive their takes on social issues as some sort of cracker-barrel philosophy, posting bits from their favorite comedians' specials on social media conversations to "own" their opponents[108]. An important instance in which Chappelle reveals how he positions his comedy comes from a speech he made at his former school, Duke Ellington School of the Arts in Washington, D.C. The school decided to name a theatre after Chappelle, as the comedian is one of its famous graduates. This decision came in the midst of the controversy surrounding *The Closer*, and unsurprisingly, many students challenged this decision and confronted Chappelle about his transphobic remarks. In this speech, which is preserved in the form of a Netflix special called *What's in a Name?* Chappelle explains what is at stake in comedy and complains about the children who challenged him:

[108] This is particularly visible in trans-related debates in which one can see a flow of clips from the shows and performances of Chappelle, Gervais, along with right-wing proselytizers such as Matt Walsh, Ben Shapiro and Steven Crowder who also heavily use humour in their work, especially in the form of trolling.

> The more you say I can't say something, the more urgent it is for me to say it. And it has nothing to do with what you're saying I can't say. It has everything to do with my right, my freedom of artistic expression. That is valuable to me. That is not separate from me. It's worth protecting for me, and it's worth protecting for everyone else who endeavours in our noble, noble professions. And these kids. And these kids didn't understand that they were instruments, instruments of oppression (*What's in a Name?* 32:20-33:01).

Davies and Ilott claim that "satire is all-too-often collapsed into polarising debates around free speech, intentionality, and offence, in which the artist's right to free speech is often held sacred above even the sacred as conventionally understood" (15). Chappelle is certainly one of the comedians who insists on exercising his right to freedom of speech and crafting his art.

Chappelle allegedly left his successful sketch show because he started to think that his method of using racial stereotypes to criticize those stereotypes might have had counterproductive effects (Cobb). Chappelle asserts his moral superiority claiming that he walked away from $50 million and had a 12-year hiatus for which he was called crazy (*The Bird Revelation* 17:40-18:17). Here he refers to the fact that he quit his popular *Chappelle's Show* in 2005, and "simply walked away" (Amarasingam 115). Although comedians tend to dodge any criticism by saying "it's just a joke," it is apparent from this remark that comedy is not simply comedy for Chappelle. He portrays himself as a morally superior being who finally realized comedy can hurt and left an immensely lucrative business to do the right thing. Though he seems to be rather recalcitrant in understanding why and how his comedy might matter for the trans

justice movement--perhaps because trans people are not yet worth a $50 million deal. In "A Special Freedom: Regulating Comedy Offence" Brett Mills, analyzing the complaints received by the British show *Top Gear*[109], discusses how comedy is perceived to have social and cultural power for which it is supposed to be given freedom, yet this vaguely defined discourse of freedom for comedy cannot be invoked successfully for every topic (224).

Comedians like to ensure that their in-person audience is about to hear some edgy[110] jokes which might not be aired on Netflix (or any other platform), yet we, as the streaming-audience, always hear these jokes in the specials (*SuperNature* 22:33-22:37, 25:40-25:43). This might potentially be used to create a bond between the comedian and their audience by making the audience feel like they are part of a smaller, unique community strong enough to participate in conversations that mainstream audiences are not ready for. For example, when Chappelle talks about the rumors regarding Caitlyn Jenner posing nude for Sports Illustrated, he exemplifies this position in which the comedian is seen as the brave voice of the intimidated masses: "It's not politically correct to say these things, so I just figured, "Fuck it, I'll say it for everybody: Yuck" (*Equanimity* 20:45-20:56). However, as Champion and Kunze stress, "stand-up comedy is a commercial endeavour[111] that requires participants to satisfy their customers in order to achieve a liveable income, let alone popularity and prestige" (Champion and Kunze 7). And as Helen Davies and Sarah Ilott emphasize, "this process of consolidation and community building does

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[109] *Top Gear* is a British automotive show that aired in 2002.
[110] This also happens when Chappelle makes the "Space Jews" joke in *The Closer* and tells his audience that it is going to get worse than that (7:43-7:47).
[111] Hence, not just a "noble, noble endeavour" as Chappelle would like to put it.

not always serve the agenda of social justice" (13). Therefore, more than being a voice of the *silent* masses or a *rational* majority[112], the comedian is usually *just* the voice of the masses. Burgis acknowledges that a comedian is not inherently a good, insightful commentator on social and political issues (50). I second that view: indeed, I would go as far to claim that many comedians have purposefully inferior analyses on stage. That is not to say that they are intellectually inferior--absolutely not. To be able to make thousands of people laugh at once, at the very moment of the utterance of the joke, the joke/commentary needs to have recognizable tropes that are easily absorbable. That is to say, per MJ Robinson, humour derived through satire requires a shared reality, so that out of that shared reality the comedian can point out absurdity or incongruity--the comedic revelation (176).

This is also in line with the genre of outrage which Dannagal Goldtwaite Young associates with right-wing and conservative commentators and comedians (142). In *Irony and Outrage: The Polarized Landscape of Rage, Fear, and Laughter in the United States*, Young makes the argument that leftists and right-wingers demonstrate psychologically different traits, and therefore produce and enjoy distinct genres (105). While left-leaning people have a predilection for irony and satire which are characterized by ambiguity and novelty, right wing and conservative people are more in need for closure and "mental shortcuts," favoring more "in-your-face," straight-to-point performances or rhetoric with contours and edges that are clearly defined (101, 108, 165). As I pointed out, Dave Chappelle and Ricky Gervais have enjoyed their

[112] For instance, conservative Texan comedian Bill Hicks "had defined his act as an expression of the "Voice of Reason"" (King 263).

position as masterful satirists--a genre usually associated with leftists and liberals as opposed to right-wingers and conservatives. In fact, Young locates Chappelle alongside Sarah Silverman and Louis C.K. as one of the comedians appreciated more by liberals (125). Young's casting of Chappelle as an ironist is based on his materials on race--the book does not mention Chappelle's trans-related materials. This is one of the troubling aspects of Chappelle's and Gervais' comedy: They are able to repackage conservative ideas about trans people as a critique of identity and progressive politics, relying on their former credibility for targeting racism and bigotry. Their ambiguous satires (a quality Young describes as part of the liberal humour aesthetic) do not *always* directly state what is wrong with trans people but herd the audience into drawing *their own* conclusions. Chappelle's rhetorical questions like "Do you see where I am going with this?" makes more sense when we take such rhetoric as the adaptation of a liberal aesthetic in the service of neo-conservative ideas.

Kate Fox, in "Standing Up to False Binaries in Humour and Autism: A Dialogue" proposes a term called "humitas" which is a "word for when comic and serious modes of discourse operate in the same frame at the same time" (171). Humitas refers "to the way that informal and entertaining registers of speech are being used in parts of the public sphere where only official, authoritative and monologic discourses used to hold sway" (Fox 172). Though I believe "humitas" is not necessarily a trailblazing concept, since comedy has always been meshed with serious discourses (as demonstrated in this chapter), I agree with Fox in her claim that comedy has now become a tool used by non-comic actors and outside the traditional venues of comedy clubs to engage with serious issues (185). This corresponds to a new political environment in which comedy lends itself well to discussions of socio-political matters. In "The

Rise of Advocacy Satire" Don J. Waisanen calls this new juncture the rise of "advocacy satire" which refers to "the use of political humor to take action on behalf of disadvantaged individuals or groups, lending force to their voices by making a direct intervention into public affairs" (11). This argument was extended by Caty Borum Chattoo and Lauren Feldman who claim in *A Comedian and an Activist Walk into a Bar* that "(b)oth the activism and cultural expression empowered by digital media converge to position comedy as a source of influence on today's social justice issues" (5). Both Waisanen's and Chattoo & Feldman's arguments extend beyond stand-up comedy, and in our contemporary world we have not come to a point where non-transgender identities need to be salvaged from transgender oppression through this new melange of comedy-fuelled entertainment-activism. However, Gervais and Chappelle, by creating a false portrayal in which (cis) women's and Black people's rights and struggles are trampled on by transgender people, give their comedy a sense of advocacy.

Dave Chappelle

As it is popular among a wide range of demographics--from random anonymous profiles on Twitter to actual war criminals like Putin[113]– Chappelle, too, dips his toe in the J. K. Rowling controversy in his latest special (Siad). He bemoans that the famous children's book author was critiqued by trans people for asserting gender was real. He says that: "Yeah man, gender is real" and for that reason he is "team TERF" (*The Closer* 53:50-53:55). This is one of the instances in which Chappelle purveys misleading information to appeal to larger masses while

[113] Russian President Vladimir Putin, in a televised speech shortly after the Russian invasion of Ukraine, referred to the J.K Rowling controversy, in an attempt to criticize the West for its supposedly corrupt gender ideology (Siad).

simultaneously portraying himself as if he is defending unpopular opinions. While Chappelle might genuinely believe gender is real (so do many trans people), the group of people whom Chappelle lends support argues the opposite. The "TERFs" Chappelle proudly sides with historically disapprove the term gender, let alone endorsing the idea that it is real. For example, in one of the earliest examples of trans exclusionary feminist literature, *The Transsexual Empire: Making of the She-Male*, Janice Raymond proposes the idea that transsexuals are medically created sex stereotypes who impersonate women (70). By the same token, one of the prominent trans exclusionary scholars, Sheila Jeffreys, claims that the idea of gender "creates the nest bed for acceptance of transgenderism" (187). Another trans-exclusionary scholar, also unsurprisingly hailing from the UK (the country memefied on the Internet as the TERF Island), Kathleen Stock, believes that current gender ideology is harmful and needs to be opposed (Stock 79, 80; 433, 434). According to this trans-exclusionary ideology, the concept of gender, as opposed to sex, is one of the ways in which this *conspiracy* takes hold linguistically and socially. According to the proponents of gender-critical ideology, gender obscures the reality of sex and sex-based oppression (Jeffreys 5). I, as a trans woman, do not necessarily think that "gender" is the greatest conceptual[114] tool for trans people. Neither am I seeking a "gotcha" moment just because Chappelle confounded the terms sex and gender which are, to be fair, used interchangeably by many people. However, his "team TERF" joke is one of the reflections which show that Chappelle is capitalizing on a very serious social phenomenon without being invested in and

[114] Gender, as opposed to sex, or as distinct from sex, is oftentimes utilized to hold essentialist claims by implying that one can only change their social roles and not their biological composition.

informed about the topic. Chappelle attempts to be the defender of women's rights; however, this supposed women's advocacy move is motivated by the desire to make anti-trans commentary rather than by an informed approach towards the arguments and historical stance of the group to whom he pays allegiance. After all, while Chappelle says gender is real, the people he advocates for (team TERF) are euphemistically called gender-*critical*.

Even though someone who wants his "art" to be seen as cultural critique needs to have a basic understanding of the arguments proposed by each side of a conflict, Chappelle is obviously not an expert on the issue--to the chagrin of his fans who applauded him as the master critic of racial inequality in USA. While it is understandable for laypeople not to know the historical lineage of a current social issue, he seems oblivious to the fact that contemporary trans exclusionary feminists flamboyantly express their opinion on gender, such as #sexnotgender on Twitter, and "sex-based rights" discourses everywhere else[115]. The problem is, Chappelle does not accept that he is *someone* to an issue--that his legacy in pointing out to the dynamics of white supremacy does not automatically confer upon him an understanding of trans people's struggles. The great master of comedy who has been skillfully confronting Americans with the ongoing, everyday mechanisms of anti-Black racism for decades cannot simply be a *somebody* to one of the greatest phenomena of our time. However tempting it may be, especially in the entertainment

[115] Cisgender women who believe that the trans women's rights and justice movement erases their struggles, which they categorize to be sex-based, organize around hashtags such as #sexnotgender and #sexbasedrights and claim that there is a war waged against (cis)women (@Sal_Robins).

sector, our oppression in one area of life does not automatically give us a fully-fledged understanding of other types of marginalization and suffering.

In *The Closer*, Chappelle states that "number one streaming artist" DaBaby the rapper was cancelled by LGBTI people for making homophobic statements during a performance (*The Closer* 10:30-10:45). He does not use the DaBaby controversy just to wax eloquent on cancel culture--Chappelle aims higher: He brings up the controversy to do what he does masterfully --to incite a comparison of suffering. Chappelle claims that the rapper killed a person in a Walmart--a 19-year-old Black man named Jalyn Domonique Craig. What he insinuates is that a young Black man's killing was less of a reason for LGBTI people to cancel the rapper, than the rapper's homophobic remarks. In this equation, Chappelle positions all LGBTI people as a White or racially insensitive group of people who selfishly disregard Black suffering to advance their own agenda. This is an incredibly sinister tactic and an utterly dangerous path. In addition to the fact that the case was considered a self-defence under the law and not a murder (Resnikoff), Chappelle's sneaky comparison creates an equation in which backlash against homophobia and transphobia must have always been informed by White supremacy, or at best, anti-Black sentiments. This distorted and pernicious rhetoric somehow resonates in certain demographics given America's appalling history of anti-Black violence. However palatable it might be in the current anti-trans climate, pinning the centuries-old sufferings of Black people on other marginalized groups does not repair historical injustices. It does, however, make a hit Netflix special. As Chappelle himself would say "Do you see where I am going with this?" (*The Closer* 11:51-11:56).

This was not the only time Chappelle resorted to this tactic. In *Equanimity,* he said:

> And I cannot make this awful suspicion that the only reason everybody is talking about transgender is because white men want to do it. If it was just women that felt that way or black dudes and Mexican dudes being like "Hey y'all, we feel like girls inside." They'd be like "Shut up n****. No one asked how you felt. Come on everybody, we have strawberries to pick." It reeks of white privilege. You never asked yourself why it was easier for Bruce Jenner to change his gender than it was for Cassius Clay [Muhammad Ali] to change his fucking name? (24:20-24:57)

Jenner and her entire family are for sure very lucrative materials for the entertainment sector, and her antics and problematic behaviour can be subjected to endless jokes. However, comparing itinerant agricultural workers from Mexico who subsist by picking strawberries in the U.S.A. to one of the richest celebrities in the country is not art, nor is it craft. It is a grift peppered with pseudo-intellectual analogy, one that erases the existence of poor or working class trans people of color and their agency. As Black feminist thinker Angela Davis puts it, particularly "trans women of color have been most despised, most subjected to state violence, most subjected to individual violence" (AfroMarxist 4:50-5:00). However, Chappelle's confounded analogy conveniently overlooks how trans people of color are the ones who suffer the most from anti-trans violence *and* racism which push them towards the economically lower echelons of society compared to white trans people and cisgender people of color.

Ricky Gervais: A Bloke Talking

Ricky Gervais is, as he claims, "a White, heterosexual, multimillionaire" (*Supernature* 10:41-10:44). Like his American counterpart, Gervais also proudly tells his audience in

SuperNature that his previous special, *Humanity*, was bought by Netflix for a record amount and it was the most watched special of the year" (2:38-2:45). Although we are yet to see whether his current special, *SuperNature*, will be the most watched stand-up comedy of 2022, one thing we could surely say is that the "new women" section from this special went viral as soon as the show aired on Netflix on May 24, 2022. It was one of most zealously applauded jokes by the in-person audience, and the bit was shared on TikTok, Twitter, and YouTube as a brilliant demonstration of the great comedian's skills in addressing what is wrong in our society. In that bit, Gervais voices a hypothetical dialogue between a concerned "old woman"--a "dinosaur"--and a trans ally:

> I love the new women. They're great, aren't they? You know the new ones we've been seeing lately. The ones with beards and cocks. They are as good as… They're as good as gold. I love them. Now it's the old fashioned, they go like:
>
> A: Oh, they wanna use our toilet!
>
> B: Why shouldn't they use your toilets?
>
> A: For ladies!
>
> B: They *are* ladies, look at their pronouns! What about this person isn't a lady?
>
> A: Well, his penis.
>
> B: *Her* penis, you fucking bigot!
>
> A: What if he rapes me?
>
> B: What if *she* rapes you! You fucking TERF whore! (4:27-5:15)

Though he does not make this connection immediately after the "new woman" sketch, when he explains why he named his special *SuperNature*, we're provided with an answer as to why he talks about these "new women": "I wanna debunk the supernatural. I don't believe in anything supernatural" (12:12-12:25). It would not be implausible to say that the unwavering critic of religion, Gervais, believes gender identity to be a metaphysical belief that needs to be debunked, along with the notion of God, heaven, ghosts, reincarnation, unicorns, or angels about which he also jokes. Just like the great thinkers of the Enlightenment did before him, he is here, on the stage, to reclaim one of our long-lost Western values--rationality. As Iain Ellis explains, Gervais ardently defends humanism, animal rights, and secularism, he joins organizations which advance these causes and "anyone who has seen his "Animals," "Science," "Politics," or "Humanity" tours will surely recognize a rhetorical application of humor firmly rooted in a passion for both philosophy and science" (170). Gervais also prolifically expresses his opinions on Twitter, establishing a fanbase who enjoys his rationality-infused takes on a variety of issues (Ellis 171, 172).

In *Supernature*, Gervais describes stand-up comedy as "a bloke talking," "which is essentially what stand-up comedy is" (1:06-1:16). Maybe there is indeed merit to Gervais' statement that standup comedy is "a *bloke* talking". In "Gender and Humor in Everyday Conversation" Jennifer Coates claims that there are significant differences in how men and women practice and consume humour[116] (163). Coates argues that while both men and women

[116] On YouTube, there is a genre of videos usually titled as "Trying to Laugh at Female Comedians" in which right-wing, conservative, or reactionary men watch clips from female comedians in an attempt to prove that their jokes are

utilize humour for gender construction, men's humour tends to involve exertion of dominance and the humorous stories they tell each other tend to "focus on non-present others who do idiotic things" (163). In that logic, Gervais' jokes can be perceived as an attempt to assert his own rational, heterosexual, (financially) successful maleness in juxtaposition to comedic other such as ridiculous, irrational trans folks, and pathetic, irresponsible fat people. For example, Gervais says that one cannot find a 10-year-old tweet that reads "women don't have penises" because we did not have to discuss the subject (*SuperNature* 7:32-7:54). Gervais attempts to use this situation to argue that we have come to a ridiculous point, a collective psychosis, when we have to discuss an outrageous/irrational idea that women might have penises. I suggest that such jokes locate transness in opposition and detrimental to a vaguely-defined and romanticized Western culture--a culture built upon Enlightenment, materiality/science (as opposed to the supernatural), rationality, and freedom of speech and artistic expression. Transness, according to this positioning, symbolizes a decline in these Western values.

In *Comedy and Social Science: Towards a Methodology of Funny*, Cate Watson explains that according to the superiority theory of humour, we laugh at the misfortunes of others. Richard Smith explores this idea in *The Joy of Pain: Schadenfreude and the Dark Side of Human Nature* through the German term schadenfreude which also denotes finding joy in another's demise (22, 23). By analyzing incidents on popular reality TV programmes, he elaborates on the aspects of human nature, arguing that if we can convince ourselves that the butt of the joke

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not worthy of male laughter which positions the male sense of humor as the arbiter of good comedy. These female comedians include Amy Schumer, Ali Wong, Lilly Singh, Chelsea Handler, and Hannah Gadsby.

deserves to be humiliated, we can laugh at them "free of moral clutter" (Smith 302). Building on this argument, I contend that the arbitration of deservingness is shaped by privileges we hold, as our racial, ethnic, religious, sexual, and financial positionalities in life color the glasses through which we see another's pain, or "human experience" (*The Closer* 1:01:35-1:02:14) Therefore, if one can successfully paint a picture wherein a nebulously defined 'trans ideology' reigns supreme in Western culture by stifling free speech, medically transitioning confused kids into transness, and forcing people to use specific pronouns, then one can sell their hackneyed jokes as punching up. If one can prove that progressive-liberal ideology has allowed a culture space in which we have to refer to people with penises as women, age-old jokes can suddenly become something more meaningful--not burlesque comedy but a cultural critique. Therefore, Gervais' much-admired jokes, with their pattern of "a particular existential focus, a guiding thesis, and a methodological approach", need to be considered within this context (Ellis 173).

Gervais, as opposed to Chappelle, more conspicuously flaunts a rich, spoiled, nonchalant White guy identity. His jokes target not only trans people but also fat people, people with disabilities, food allergies, religions, environmentalism, African children and so on. Gervais is fittingly described as "unmistakably British in identity" and having a "devil-may-care attitude" (Ellis 170, 171). As opposed to Chappelle, Gervais does not justify anti-trans jokes by comparing it to other forms of discrimination and revealing the transgender movement's perceived whiteness. Though Gervais jokes about everything, he draws a line between what can be changed and what cannot be changed in a person's identity. For example, he believes that fat people are fat because they are lazy, they simply intake more calories than they burn –a simple scientific *fact* (*SuperNature* 41:12-41:23). However, research shows that there is a strong relationship

between poverty and obesity, and fatness is not simply due to laziness and lack of bodily control (H. Lee et al. 528, Lippert 2, Harjunen 32). As opposed to this, according to Gervais, homosexuality is innate. He says in his 2010 special, *Science*, that "(f)or being gay to be the same thing as being fat, you'd have to be born straight, grow up knowing you're straight, but gradually consciously wean yourself on to cock" (Universal Comedy 3:25-4:00). A born-this-way rhetoric does not deter Gervais from joking, however. What is important here is that joking is justified through a neoliberal responsibilization perspective. Either for fatness or transness, bodily *choices* bring repercussions with them. One's supposed laziness (fatness) and delusions (transness) are deliberate actions, the ramifications of which the subjects should be willing to face[117]. In "Savage New Media" Rebecca Krefting argues that our conversation about political correctness and comedy needs to involve neoliberalism. She claims that

> Central to the outcomes of neoliberalism and most important to the current debate on political correctness is the belief that social equality has been achieved and thus any failing on the part of individuals to succeed or obtain the American Dream signals a personal failure rather than impugning institutions that favor certain identity categories like whiteness, maleness, heterosexuality, able-bodiedness, and so on. ("Savage New Media" 249)

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[117] For instance, Gervais presents a dialogue between a doctor and a fat person. The doctor warns the fat person if he carries on with eating too much, his leg will be amputated, and the patient will die of a stroke or respiratory failure. Even faced with possible outcomes of his eating habits and presented with a solution to stop them happening (working out and eating healthy) the fat person actively *chooses* to be fat--hence they become underserving subjects (*SuperNature* 43:03-43:40).

Similarly, Krefting also maintains the idea that "Those same beliefs that gave rise to neoliberalism in the 1980s diminished the gravitas granted to intellectualism –not altogether, but enough to diminish the public's desire for vocal spokespersons critiquing a system that had been soundly declared democratic and equal for all citizens" ("Maria Bamford" 59). This pseudo-intellectualism, which has begun to appear in lots of contemporary stand-up comedy, disperses easily digestible ideas (or "mental shortcuts," as Young would call it) about non-dominant groups within the society, actively refraining from either questioning the premises of neoliberalism or properly critiquing any intersecting systems of oppression. That is to say, if a fat person intentionally chooses to eat junk food instead of eating healthy, and eat more than they could burn through exercise, they are undeserving. Unsurprisingly, this logic ignores the class aspects of beauty and body politics, as a significant proportion of people (regardless of their size) cannot access healthy food, exercise tools/facilities, and a lifestyle that allows for dieting culture. (Needless to say, many fat people do not have a problem with their size, nor do they see fatness as something to be reversed.) Similarly, for Gervais, if a *man* with masculine features and mannerisms chooses to transition after a certain age with more pronounced, their *irrational* decision to call themselves a woman might be mocked on account of their supposedly incongruous appearance. Similar to fatness jokes, this logic neglects disparities in access to gender affirming care surgeries and services, as well as racially designated beauty standards which position certain races as more masculine than others. In other words, Gervais' arbitration of who deserves sympathy and who deserves cruelty is based on his own White, rich, "unmistakably British" identity (Ellis 170). That being said, unlike Chappelle, Gervais does not care about how race and class intersect, nor does he have to pretend to do so. Racial privilege still informs the comedy of arguably two equally famous, powerful, rich men. While Chappelle

has to find excuses for making trans people into punchlines and differentiate himself from other Black male celebrities (such as Da Baby) who utter homophobic/transphobic slurs *for no reason*, and disassociate himself from stereotypes about Black males, Gervais has no such problem. There is already an established convention for White mockery of gender non-normativity and gender variance which does not need a pseudo-critical justification. After all, Whiteness *is* intertwined in gender norms and complicit in endorsing them. This is why we need to continuously remind each other (as well as Chappelle) of Audre Lorde's famous quote: Yes indeed, "The master's tool will never dismantle the master's house" (Lorde 244).

Sophie Quirk points out to the relationship between stand-up comedy and neoliberalism. She claims that "Stand-up comedy is a solo art form in which the individualised voice of the performer is celebrated, it proffers a level of autonomy and creative freedom of which most workers are deprived and offers its most commercially successful proponents the opportunity to amass significant wealth" (Quirk *The Politics of British Stand-up Comedy*, 66). In ""You're Fired!" Neoliberalism, (Insult) Comedy, and Post-network Politics" Julie A. Webber claims that in neoliberalism, comedians are "allowed to broach subversive, edgy territory," while they are expected to "wink or provide some other form of tacit disagreement with the ridicule it inflicts on its subjects" (309). When Gervais claims that he supports trans rights *in real life*, but ardently continues to present trans people as the irrational, whiny, spoiled infants of Western civilization in his comedy, he nominally portrays himself in alignment with the values of acceptance and inclusion, while weeding out elements who are too taxing to include or accept (*SuperNature* 47:50-48:00). As Webber concludes, "audiences (of both politics and comedy) yearn to keep parts of neoliberalism that still promise prosperity, while ditching the parts that politicians and

corporate executives have told them blocks such progress (immigrants, minorities, elites, SJW's, government, human rights, women as equals, etc.)" (310). At this juncture, trans people who keep demanding linguistic changes, insurance coverage for their medical procedures, reorganization of sexually separated spaces, reclassification of personal documents and so on, figure in as bratty excesses of liberal politics halting the pace of Western progress.

In "*Tosh. 0*, Convergence Comedy, and the 'Post-PC' TV Trickster" Ethan Thompson talks about another comedian, Daniel Tosh, arguing that through "a masculine identity privileged to engage in 'politically incorrect' comic commentary" he positions himself as a trickster figure who toys with what can and cannot be said (156, 167). According to Thompson, Tosh's comedy contains an "anxiety about cultural change and the loss of privilege" which I believe can be observed in Gervais' comedy as well (168). When talking about Western progress, Gervais says that 150 years ago society considered everything that is not White, heterosexual, Christian, and man "mental," including women who gave birth out of wedlock or homosexual people (*SuperNature* 46:00-46:18). This attitude luckily changed; in fact, according to Gervais, things changed to a disturbing degree: "And now we understand things more. We're more tolerant. We're… I think it's going too far the other way, though. Because now *nothing*'s mental. … Nothing is considered mental. Everything is a syndrome or an addiction or a preference, right?" (*SuperNature* 46:20-46:44). According to another hypothetical situation Gervais imagines, this acceptance of everything as "a syndrome or an addiction or a preference" that the transgender movement opened the door for could go as far as to re-name pedophiles as child-addicted people (*SuperNature* 55:15-55:30). While Gervais nominally aligns himself with the acceptance and normalization of practices and identities previously shunned and punished, his "this has gone too

far" rhetoric, too, displays an anxiety around the perceived decline in White men's power to determine who gets to be labeled as "mental".

For Gervais, transness and self-identification are similar to the tantrums of an indecisive child. He says "In fact, I wish self-ID had been around when I was a kid. I'd have used it to get shit. I'd have gone to my mum: "Mum, I'm trans." She'd have gone "What?" I'd have gone "I'm either trans or I need a new bike." She'd have gone, "You need a new bike"" (*SuperNature* 48:25-48:43). Growing up in the 1960s, Gervais compares his reason-abiding "Victorian parents" to new "hippie" parents of "woke, progressive times" (48:45-48:50). In his hyperbolical scenario, Gervais' rational mother understands her child's trans identification as an infantile caprice, while today's trans-affirming, trendy parents indulge in their child's delusion (of being trans) with bells on, ready to "pick the vagina" for their kid (*SuperNature* 48:49-49:20). In the same vein, Chappelle's work also likens trans people to spoiled children who are controlled by their emotions (mainly, anger and spite)–albeit with a much lower intensity. In *Sticks & Stones*, Chappelle portrays LGBTQ people as passengers in a car, and he likens the "T"s (transgenders) to a demanding, grumpy passenger who makes the trip take longer for the others –the L's, the G's, the B's (23:20-27:35). Still, in Chappelle's comedy, trans people are portrayed more predominantly as sinister, cunning figures who want to rate their suffering as being higher than the injustices endured by Black people, while the performance of Gervais revolves around the infantilization and irrationalization of trans people, and the superstitionalization of the so-called gender ideology.

A New Direction

In "Evil Deceivers and Make-Believers: On Politics of Illusion" Talia Bettcher explains how trans women are often portrayed to be deceivers and pretenders, genitalia being the focus of their concealed sex (48). In that rhetoric, the supposed incongruity between a trans person's sexed body (which is almost always the genitalia with which they are born) and their gender presentation (as a woman) creates deception. Julia Serano also names this stereotype as "deceptive transsexuals," a media trope in which trans characters are revealed to be fake women at the end of a plot (67). While this narrative persists as a comedic element in the specials of the two comedians (for example, Chappelle's bit about dancing in LA with a trans woman[118]), contemporary stand-up comedy seems to be going in a different direction. The use of deceivers and make-believers as comedic devices definitely remains a staple of the comedy club stage; however, comedians have started to take issue with those who do not *even* "deceive" anyone or "conceal" anything. These new generation of (trans) "ladies" are the ones to whom Gervais kindly offers the invitation to "lose the cock" (*SuperNature* 48:05-48:07). What is happening here is not heavily drawn from the age-old trope of a man who successfully tricks others into believing that he is a woman. Compared to the 1990s or early 2000s when this archetype was more popularly used in Hollywood movies or on reality TV[119], in today's world, this stereotypical figure is more likely to incur backlash when aired on a network or streaming

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[118] In *Equanimity*, Chappelle tells a story of having danced with someone in a dark LA club, only to realize that the person was a transgender woman after the lights were on. Although comparatively more lighthearted in tone, the story pays homage to the traditional "trickster-deceiver trans woman and unsuspecting heterosexual man" trope (25:10-26:35).

[119] For instance, reality TV shows like *The Jerry Springer Show*, and movies like *Ace Ventura*, in which female guests/characters are shockingly revealed to be 'men' and subjected to humiliating (i.e., funny) treatments, harassment, and outright slurs and physical violence.

platform. Polls and surveys suggest that a growing number Americans identify as transgender (particularly Gen Z) or support transgender rights (Schmidt, Migdon). What is replacing this declining deception trope as the comedic element is the figure of a man who demands to be recognized as a woman, without visually presenting as one. As opposed to the deceptive transgender woman who was seamlessly made "possible" through medicines, surgeries, cosmetics, and sartorial fashioning, the "new (trans)woman" stand-up comedy takes issue with is made possible through identity politics and left-liberal progressive values. Gervais' bit in *SuperNature* in which he hypothetically envisions himself to be a woman named Vicky Gervais is illustrative of this situation:

> I'd come out, I'd emerge. I'd be a real woman. I'd be Vicky Gervais. I'd be Vicky Gervais, right? No, I'd be a real woman, right? And you can't change your sexuality, so I find women attractive, so I'd be, I'd be a lesbian. I'd be a little lesbian fella called, um, Vicky Gervais, right? Right? And I'd probably be a butch lesbian 'cause of all the testosterone till then. Also, I like the fashion. Jeans, black T-shirt, short hair, beard! No, I'd be, I'd be a real lesbian called Vicky Gervais, lesbian about town, right? (*Supernature* 49:38-50:13)

Gervais has a similar joke in his 2018 special *Humanity*, in which, right after talking about Caitlyn Jenner's transition, he jokes about identifying as a pre-op chimp named Bobo, alluding to the outrageousness of identifying as another gender (14:21-15:06). I suggest that this new type of comedy fused with social commentary lends itself better for the stand-up comedian's perceived role as a public intellectual, effectively elevating the stand-up's status to a higher

position compared to that of Jim Carrey and his *Ace Ventura*--a morally reprehensible form of transphobia outdated for Chappelle's or Gervais' supposedly liberal-leaning demographic.

Conclusion

Andrew Schulz, who is another "edgy" comedian, reacts to Gervais' viral *Supernature* clips on his YouTube podcast and seconds my argument that pontification is more of a prominent element in Chappelle's comedy:

> This [Gervais' trans jokes] is also silly. There's a difference when you're just being silly. Silly, absurdist, ridiculous. I felt like Chappelle was like "I'm gonna teach these trans women once and for all they're not women. That was like the conversation. It was almost like this is how you know… Or "you might have a struggle but it's not like black people struggle. Not only do I not believe you're a woman, I also don't believe your struggle is that big of a deal. (FLAGRANT 58:37-59:04)

In short, while Chappelle embraces a more didactic, preachy style of stand-up comedy in which the 'mastery' over jokes comes from how it can be juxtaposed with Black racial suffering, Gervais adopts Whiteness as the unmarked norm via his performance of a rational, straight-to-point "bloke." However, I argued that what brings these two comedians together, despite their differences in style and identity, is how both comedians increasingly use trans subjectivity as a symptom of progressive-values-gone-wrong. Let me set one thing straight: I do not defend limitations or cancellation of jokes, nor do I want to sanctify transness as a taboo certain people cannot talk about. If Chappelle, Gervais, or any other comedian wants to make the most

transphobic jokes, they should be able to make them –however boring and banal those jokes might seem to me personally. Admittedly, this is not a position shared by large swathes of LGBTI community. I am not clarifying my position to portray myself as "one of the good ones" who will take a joke. (You cannot *perfectly* be one of the good ones even post-mortem, as we can see from Chappelle's jokes about Daphne Dorman.) My stance on this issue is very much shaped by two things, the first of which is being a citizen of Turkey where speech and expression are extremely constricted by vaguely defined national, religious, and moral values. Limiting speech and expression can get to extremely dangerous areas and I simply do not support creating another sphere of morality in the name of protecting trans people. The second trend which cements my position on the issue is a set of discourses particular to North American LGBTI, in which the legitimacy or illegitimacy of speech regarding a particular topic is bound by one's identity--though, ironically, identity is often reduced to speech itself. While one's opinion on transness only matters if one is trans, transness itself is merely and ever-so-popularly defined as *identifying* outside of one's assigned sex/gender at birth --*uttering* that one is or is not something. A trans(gender) person is defined as someone whose gender identity does not match the sex assigned at their birth. While this definition is inclusive of people who do not prefer or have the means to transition from one conventionally understood gender to another, it makes the category of trans(gender) practically a non-identity and a non-category, following the suit of "queer." Reducing transness to an inner feeling of gender in the name of broadening the scope of a social justice struggle also brings with it questions regarding social class, visibility/materiality, race, cultural capital (to adopt a certain lingo) or the ironing out of such matters. Trans activist and thinker Emi Koyama who famously wrote *Transgender Manifesto*, expresses the problem with trans vs. cis definitions:

> Gender is not just individual preferences. It is a site of social stratification, and violence, as well as of resistance and liberation. …. People define somebody as trans who is born with a body that is different from how they identify. … People often define cis mean that you are born with a body and you're fine with the gender that you're assigned with. And if the being fine with the gender you're assigned with was what makes you cis, then feminists are not cis. (Harvard University 1:07:50-1:08:35)

That is to say, a mere utterance of and/or identification with a gender does not dole out the same degree of life chances or immunity from discrimination. In this ever-expanding non-definition of transness, anyone who raises concerns about the viability of this conceptualization (of trans/gender) is deemed a gatekeeper, truscum, or transmedicalist. Therefore, if we return to Ricky Gervais' hypothetical "Vicky Gervais" scenario, yes, in our ever-expanding scope of transness, he or anyone can *identify* as a woman, and their womanhood would not require anything but the very *utterance* of that womanhood. Although I value the importance of "lived experience" especially in fields in which the first-person accounts of the subjects have historically been relegated to lower positions (if given any platform at all), I do share the opinion that ""(l)ived experience" doesn't automatically confer moral or political insight" (Burgis 35-36). Therefore, the aim of this chapter was not to argue that anti-trans comedians and jokes, made by cisgender performers, should not be platformed. Rather, my aim throughout this piece was to point out to a disquieting trend –one in which racial inequality and women's oppression are used to uncover the supposedly seamy underbelly of trans existence.

I do not claim that comedy, and stand-up comedy in particular, is inherently regressive or progressive; I simply aim to destabilize the de facto status of contemporary stand-up comedy as a subversive truth-telling practice, and the image of the stand-up comedian as a cracker-barrel philosopher who pushes people out of their comfort zone. However, there is a small number of trans and non-trans humorists who do joke about transness –to name a few, trans female comedians Robin Tran, Jen Ives, Stacy Cay, Brandy Bryant, and cis male comedians Marc Jennings and Sam Morril. Though their fame and sphere of influence cannot match those of Chappelle or Gervais, they have growing fan bases, and clips from their performances occasionally go viral, drawing in the attention of new audiences who had never heard their name before--like myself. Not only do they share clips of their performances from comedy clubs and Netflix appearances on Twitter, but they also react to other people's tweets, blurring the line of consumer and producer in the age of convergence culture as predicted by the media scholar Henry Jenkins (Thompson 156). By "embrac[ing] online participatory practices" they expand their influence (Thompson 158). In "Taking Liberties? Free Speech, Multiculturalism and the Ethics of Satire" Anshuman A. Mondal asserts that "offensiveness is not the property of particular forms of discourse; rather, it is produced by the *relationship* between the speaker, the manner of the speech, the recipient, and the power relations that govern this relationship within the context of a given situation" (28). Therefore, the offensiveness of a joke is partly dependent upon how a comedian positions themselves in relation to the subject/butt of the joke. In the case of Chappelle, the positioning is that of a teacher, preacher, and arbiter of pain and suffering, and in the case of Gervais, this positioning is that of a secular, white Enlightenment figure--a beacon of reason. As opposed to this, the trans comedians mentioned above can have all the positions that constitute the components of a joke: teller, audience, and butt (Davies and Ilott 8). For

example, Robin Tran, who gained a significant following through roast battles in comedy clubs, makes quite hard-hitting jokes that have to do with trans embodiment. However, she is the target of all the jokes she makes--as a trans comedian (teller) who makes jokes about trans women (butt) which finds resonance in a larger trans community (audience). As I previously stated, I do not believe that a joke needs to be only made by someone from a group that the joke targets (i.e, by "the subject"). However, as demonstrated by the cases of Chappelle and Gervais, when the comedian positions himself as the source of society's collected and collective wisdom and the arbiter of pain and suffering, the joke that targets minorities or the disadvantaged stops short of merely being a matter of artistic freedom of expression. In this chapter, I presented a discussion of why stand-up comedy matters as cultural critique, particularly for debates around trans rights. Second, I explained why I take issue with Chappelle's and Gervais, and what makes these two particular comedians' work dangerous if taken as legitimate social commentary. I contend that while stand-up comedy allows for socially charged conversations to be had in ways that cannot be had in other mediums, we need to approach stand-up's legacy as a social critique with greater circumspection.

CONCLUSION

The first project of this dissertation focuses on the *story* of Jessica Yaniv, a white Canadian transgender woman who, in 2019, unsuccessfully took a number of cisgender, racialized female beauticians to the British Columbia Human Rights Tribunal claiming that they discriminated against her because of her transgender status. The reason I am referring to these series of events as a 'story,' rather than merely as a (Human Rights Tribunal) "case," is because of the fact that this case transcended being purely a legal struggle involving a transgender woman. Even the Tribunal ruling, which eventually dismissed Yaniv's discrimination claims on the basis of bad faith and racial animus, referred to Yaniv's social media activity as a "war" (*Yaniv v. Various Waxing Salons (No. 2)* 54). It has become a story –a story about how transgender inclusion went to extreme ends, a story about Canada's (and in general, the West's) failing policies of multiculturalism, liberalism, and tolerance, and a digitally-revamped, lucrative moral entrepreneurship about 'transgender predator' lurking in the shadows. I locate Yaniv's case and story as the epitome of the tension between growing trans visibility versus growing anti-trans rhetoric that informs the late 2010s and early 2020s. However, Yaniv's case was also unique, in that, it presented a juxtaposition of two of the "problematic" elements of the Canadian multiculturalism and liberalism: racialized, religious immigrant versus lesbian trans woman. At various points in the Tribunal ruling, Yaniv was characterized as deceptive, evasive, angry, dishonest, contradictory, and vindictive, while service providing women were characterized as vulnerable, unsophisticated women (hence, open to exploitation) who need to abide by their religious convictions (mainly, Sikhism) and husbands' approval (*Yaniv v. Various Waxing Salons (No. 2)* 7, 9, 17, 27, 29, 41). If, as Sara Ahmed says, "multiculturalism itself has become

[perceived as] an unhappy term," its clash with transgender movement means unhappiness galore (*The Promise of Happiness* 122).

In the second part of this dissertation, I turn my attention to how the stories are created and disseminated on social media. As Yaniv was proceeding with her litigation, her case was simultaneously being publicized on social media, through leaked Tribunal appearances, right-wing reporters chasing the story, and of course, through Yaniv's own Twitter account. This chapter, too, is motivated by the case of Jessica Yaniv, as her case was mass-marketed to an international audience as one of the scariest renditions of "transgender predator." Yaniv-related tweets were pouring into my timeline not only in English, but also in Turkish –although to a much smaller extent. Just as the 'gender critical' ideas were visibly taking a root in Turkey as a so-called legitimate criticism toward trans people, certain feminist groups, who would be gradually radicalized, and identify themselves as TERFs, started to talk about Yaniv, as well. Yaniv was used as a cautionary tale about the ramifications of too much transgender inclusion. In a country in which trans people and the larger LGBT community lack proper legal protections, a country where the highest-ranking government officials have openly been targeting LGBT people as the unwanted 'foreign' infiltration into Turkish/Muslim culture, Yaniv's story (along with other 'outrageous' transgender stories coming from the US, the UK, and Canada) was used to nip trans demands of equality in the bud. In the Anglo-American world, the geopolitical context that is the focus of this chapter, Yaniv's case was heck of a story. When the story broke out, Yaniv was at the beginning of her transition, and her "male" pictures were enthusiastically used to depict what a "predatory" man looked like. She was a trans woman outside the normative beauty standards; a gleeful process of "ungendering" constituted the core element of almost

every media representation of hers (Serano 172). Yaniv also identified as a lesbian woman, something which confirmed the ongoing tropes about men-in-dresses abusing the tolerance allocated for trans women. Perhaps one of the most prominent elements of this story was the allegations about improper conduct with minors. Even though Yaniv –albeit unconvincingly– kept denying the allegations, a laundry list of screenshots attributed to her inappropriately messaging underage girls overwhelmed the discussions about *Yaniv v. Various Waxing Salons* online and used to modulate public fears about predators. However, neither Yaniv's openly racist attitudes towards Indian people, nor service providers' transphobic discriminations (both of which are substantially discussed in the actual Tribunal ruling and in Chapter 1) did not receive enough media attention. A very complex *case* involving race, ethnicity, religion, and gender identity, was stripped off all its complexity, and fed to the masses as an easily digestible *story* of a transgender predator. In this section, I locate Yaniv's story within the larger genre of predator hunting in which mostly young, masculine men pose as minors on the internet and lure in putative predators, and "hunt" them through their sting operations which are similar to, but more heightened versions of the reality TV show *To Catch a Predator*. By analyzing the discursive strategies employed within the predator-hunting/predator exposé genre on YouTube, I suggest that more than aiming for children's safety, such videos function as a mechanism of surveillance and a monetized content of humiliation-entertainment. I also aim to show that such digital vigilantism content produces the "transgender predator" rather than merely "hunting" it.

Having discussed the detrimental trope of "transgender predator," I move on to another pejorative construction forcefully attached onto transgender existence: trans people as spoiling the cherished values of Western culture. The third project of this dissertation analyzes the vexed

relationship between trans subjectivity and stand-up comedy. In this chapter, I turn my attention to stand-up comedy specials of two of the most famous comics at each side of the Atlantic –the American comic/actor Dave Chappelle and the British comic/actor Ricky Gervais. Within the last half a decade, Chapelle and Gervais have arguably been two of the biggest performers who consistently and strategically monetized on trans-related content in their entertainment. The duo has long been applauded for unapologetically engaging with so-called taboo subjects – particularly race/racism and religion. Built upon their already established positions as masterful critics, their foray into the topic of transgender subjectivity was met with unprecedented level of attention in the Anglo-American cultural sphere. As I discuss in the chapter, comedians have long been bestowed a special status which positions the stand-up comedian as a public intellectual who confronts the public about social justice issues of the day, through a particularly palatable medium. I argue that, since the late 2010s, stand-up comedy has taken a turn vis-à-vis the growing transgender visibility, and the registration of trans justice movement into public/political discourse as a legitimate civil rights issue. As opposed to former forms of trans related comedy in which the comedic element rested upon rowdy revelation of deception, or the so-called bodily incongruity of trans women, the new stand-up comedy positions trans subjectivity as one of the symptoms of deteriorating "Western" values –a set of vaguely defined values of reason, rationality, and freedom of speech/expression. Although the chapter does not take the position of deplatforming of anti-trans jokes, I invite the reader to approach comedians' position as social critics or public philosophers more critically.

What are my pronouns?

On June 8th, 2022, Treasury Board of Canada Secretariat tweeted, what it seems to be, an instructive, pro-pronouns video (@TBS_Canada). In the 43-second video, we see someone's mailbox filled with lots of emails coming from people named Robert, François, Evan, Katie, Travis, and… Hamza. The person (who is later revealed to be a woman named Alex Diaz) clicks on a new email coming from Hamza in which Hamza addresses Alex as "Mr. Alex Diaz." Alex replies to the email, typing that "Although it's common mistake, I wanted to let you know that I'm a woman." Hamza responds to this and appreciates the explanation. In her final response, Alex states that from now on, she will add pronouns to her email signature. In the closing segment of the video, Treasury Board of Secretariat Canada reminds us that "Everyone uses pronouns" and that we should consider adding pronouns to our e-signature "to promote an inclusive workplace" (@TBS_Canada). First of all, in this irresistibly inclusive instructional video, of course, among all the Evans, Katies, and Roberts of the world, the misgendering comes from a brown person named Hamza –an Arabic male name popularly used by Muslim people in many countries. Second of all, it illustrates this new trend in which inclusion is performatively reduced to verbal/textual affirmation of one's "identity" –a notion that is conveniently vague.

As a senior PhD student, I have recently been applying to various positions in which I can use my knowledge and skills as a trans academic. One thing I have been encountering in the job application processes is a mandatory section about one's pronouns. Having proudly stated under their "core values" or "mission" how much they are committed to diversity, intersectionality, and equality for LGBT(QQIP2SAA+) community, organizations and companies require candidates to share their pronouns. At this point, two routes appear in front of me: Keep my frustration to myself about pronoun rituals, fill out the application form, and let the

hiring committee to know they can magnanimously she/her me. Or… Or, as an international 'racialized' student who lacks a the 'preferable,' 'priority-given-to' permanent residency or citizenship status (hence, less likely to be hired), I can marshal all my kindness, match it to that of a Canadian, and explain why I find their mandatory pronoun-revelation policy problematic –or to put it even more kindly, not as inclusionary as they think it is. If I choose the second path, I need to do so by subtly letting the addressee of the email know that I am, in fact, a trans academic, and willing to discuss this further if given the opportunity. I am inclined to do so, lest I sound like a right-wing, reactionary person who lost direction and ended up making an application to an LGBT rights or racial justice organization. I need to vaguely squeeze into the email some sort of academic credibility, so that my 'ethnic-sounding' name (especially if I ever have to use my legal/given/male name at some point) doesn't give the impression that the hiring committee is dealing with a "backward," old-fashioned, binary trans woman 1.0 who does not know any better about all of the liberating potential of pronoun-declaration which has become a marker or diversity, intersectionality, and equality. I should admit, in one instance, I was compelled to back up my opinions about the issue by referencing another trans woman of colour, in case my improperly racialized Turkishness remains outside the grid of intelligibility that operates through (literally, and figuratively) black and white binary in North America. "Core values!" It turns out that they were not just a Twitter meme.

I am in a place in which I am supposed to be grateful for making it to Canada –that I finally left my 'oppressive country' and set foot on the land of rights and freedom. I remember the very first days of my transition. Just at the cusp of fully presenting as a woman and starting HRT, I had visited the apartments of two young and beautiful trans girls who were dancers in a

famous night club, and they also moonlighted as sex workers to supplement their incomes. They were already very close friends; upon my own request, I was put into contact with them through a man that happened to be a romantic/sexual interest to each of us, at some point in our lives. If you can bear with me a little longer, it will be clearer that this is more than a TMI trans-chaser story time; I promise I am making a point here! They looked at me carefully, to assess my 'passability' (passing ability) and complimented on me that I 'already' looked like a girl. It was like a feasibility study –if I was going to be a woman, I needed to look like one! And since sex work is work, one needs to have a business plan. One of them showed me her silicone breasts, and the other one casually dilated her new vagina in front of me as three of us were conversing in the bedroom while two male 'friends' of theirs were in another room. That being said, I was not there to start sex work. I simply was trying to learn how to commit to a life-long process of transitioning – a process which is not only about *identifying as* something (certainly not merely about *identifying outside* of something), but an ongoing, complex process that involves serious medical, emotional, social, and physical implications. I had just started my master's degree at one of the most prestigious universities in the country, but as someone coming from a lower socio-economic background and not (yet) open to my family, the girls were questioning me about whether I can finance all of the 'things' they just showed me, and whether I would be willing to do sex work, if it comes down to it. While this type of initiation process is common among trans, and particularly trans sex worker communities as part of trans kinship practices, this story would have made an excellent cancellable story on Twitter for each party involved: How could they show me their breasts without my explicit verbal consent (and she had made me touch them, too!)? What did she mean by "you are going to become a beautiful girl?" Could she not have affirmed me as I was? I was *already* a girl! Were these two girls with 'pretty privilege'

gatekeeping the doors of womanhood by bugging me about what surgical procedures I might want to have? How dare they! I *did not* have to transition or even present as a woman to be a woman, right? Right? Those gender-binary-reproducing Stepford Wives! Needless to say, the fact that they immediately considered the idea of me engaging in sex work was a living proof of how engrained they were in their male privilege –they appropriated, sexualized, and fetishized womanhood for commercial sex! These two predators were about to traffic me into prostitution. Vile, monstrous, twisted. Or was it? Contrary to widespread online representation of trans women in which we are described as a cult which constantly wants to recruit people by drawing a rosy picture of transness, these two stranger young women with whom I shared nothing beside transness (well, and a man, apparently) were questioning me about whether the route of transitioning was feasible for me. While pointing out to a red purse, I remember one of them saying something along the lines of this: "I can give you one of these (purses), and you can go out and wait outside (for clients), but *can you do it*?"

Could I have done it? As a young Turkish trans woman, I was familiar with the fact that many trans women have to do sex work to support their transition, which we call in the community, mandatory (or, survival) sex work. Transness, in Turkey (particularly being *travesti*) is a classed identity, as much as it is a gendered/sexual one (Gürel 174). Therefore, even though based on my education, I was supposed to be a bright, young person with a supposedly good career in front of me, transitioning could spoil all of this potential and condemn me to a life I did not want. Now I am in Canada, in a country where transgender rights and freedoms are recognized and protected, just like everyone else's. Hypothetically speaking, if Jasbir Puar was to read this sentence, she would be rolling her eyes, and I would have been already sentenced to

a couple of years in the trans/homonationalism correctional facility/re-education center. Guilty as charged: Way too eager to be folded into normalizing power, not enough critical reflection on the neoliberal civilizational project built on the ascendancy of whiteness. But since we are for #abolishprisons, I guess I do not have to attend to this hypothetical scenario just yet. There is no escape. 'Normal' has always been a troubling concept. On one side, as I attempt to demonstrate in each chapter of this dissertation, as a member of the trans community, there is a stifling atmosphere in which trans people constantly get associated with predatory behaviour and described as cult members who are obstacles in front of free debate. In the context of the popularity of right-wing and alt-right online mediascape, millions of people are subjected to regurgitated anti-trans rhetoric under the guise of (gender) critical commentary. Similarly, in the entertainment sector (both on YouTube and in stand-up comedy), trans people are painted as the epitome of what is wrong in today's society. Therefore, I should have more serious problems than pronouns, I should be grateful for the fact that I am now in Canada. In case I need to convince anyone that I pay enough attention to these "more serious" concerns, herein lies an entire dissertation on these issues.

Another normal is being created, however, particularly under the guise of doing away with the normal –the binary, among all. All the diversity, multiculturalism, and equality the progressive non-governmental social justice organizations and corporates wax eloquent on is being reduced to a symbolic declaration of these "core values" while the actual lived experiences and struggles of people with marginalized identities are reappropriated by people who do not have to navigate the world as visibly different. All of a sudden, the board and the high-ranking positions of an organization (a university, think tank, office of equity, NGO, or a charity) are

miraculously filled with individuals whose authority in producing knowledge, and making decisions about trans people are justified through the idea that they, too, "do not identify with the gender assigned at birth." Transness is reduced to the idea of what one *does not do*, rather than all the things *we (have to) do* to live –an M. Night Shyamalan type of plot twist in the world of trans justice movement. For the longest time, queer scholars and activists have critiqued the corporatization of Pride, and heteronormativization of queer lives and desires by pointing out to non-revolutionary, and assimilationist potential of the lesbian couple (a baker and a pottery instructor) who cannot wait to jump on a cruise ship every summer, or a monogamous gay couple who want to get married, buy a house, and adopt a baby. Ironically enough, their critique of normativity has led to an unaccounted form of normativity. A performative NGOization and corporatization of transness in which identity is reduced to the utterance of that very same identity. When we reduce gender to merely a verbal/textual iteration of a lived identity, suddenly inclusion, diversity, and equality become so much easier! Voilà! It turns out that privileged people of the first world have found a life hack of inclusion. When the framework of human rights (us 'third-world'ers still cling on to) is replaced with a vaguely defined, and an allegedly more modern framework of affirmation and validation, suddenly one can present themselves as a better ally, and an advocate of social justice issues. After all, you replaced the word girlfriend/boyfriend with a gender-neutral 'partner,' signed your email as she/they or he/they, and you asked an obviously feminine trans female barista –who is 10 months into her transition– her pronouns (which, mind you, ruined her day) to refrain from "assuming" her gender, and called her "transfeminine" behind her back –a more expansive and an all-around better term than trans woman. Achievement unlocked. A new badge for your Twitter bio and LinkedIn account: LGBTQQIP2SAA+ advocate, community organizer, #abolishgender. I cannot hide my

frustration in the face of a situation in which trans people like myself are locked out of a system that purportedly claims to advocate for my "affirmation" and "validation."

Perhaps calling this an unaccounted outcome would be too much of a charitable reading. The situation I find myself in reminds me of Sara Ahmed's concept of "melancholic migrant" she explores in *The Promise of Happiness*. In *The Promise of Happiness* Sara Ahmed talks about the "happiness duty," a concept she uses to make sense of the relationship between the British Empire and its colonial subjects. Happiness duty is a civilizational project which purports the idea that "it is migrants who must become (more) British in order to be recognized as citizens of the nation" (130). It puts the moral burden onto the immigrant/non-white subject, to "unstuck" themselves out of any trauma, melancholia, or the affects/effects of racism (138). That is to say, as Ahmed puts it nicely, "if the migrants is a sore point, then soreness can be attributed to the migrant" (*The Promise of Happiness* 141). Though Ahmed talks about the British colonial context and her analysis is solely racial, I think it resonates with the Canadian experience of the racialized LGBT subject of the "third world," in which the refusal to participate in the (mostly, not exclusively) white, privileged organization of LGBT politics is considered to be a failure in the duty of happiness. The Middle Eastern LGBT migrant cemented way too much in the traditional gender binary with her insistence on becoming 'normal' (recognized as 'normal,' living as 'normal') cannot properly align herself with queer, binary-smashing LGBTI politics of the West, which has become a modern-day Enlightenment project. The binary trans subject of the Global South is more difficult to be assimilated into the North American civilizational project compared to already-American(ized) subject whose claim to (and accommodation of) gender difference rests predominantly on the very utterance of such difference. That is to say, if a person

does not have to visually represent themselves as a woman (or a man) to be included and accommodated into the system as one[120], this type of cost-friendly, no-frills gender variance can be branded as revolutionary and marketed to a generation of people whose first-world-privileged, middle-class, perfectly normal lives adamantly need a sense of anti-normativity, particularly in the context of identity politics that has been shaping the North American sociocultural scene for decades. I would like to conclude this section with the words of Alex V. Green, a Jewish Canadian non-binary/trans freelance writer:

> If nonbinary identity was truly as revolutionary as it imagined and marketed itself to be, then perhaps its most prominent mouthpieces would be united with the wider transgender underclass in advocating for a concerted, collective counteroffensive—and not stumping for gender neutral nail polish. Nonbinary identity, signaled and expressed primarily through they/them pronouns and fashion, is both something that must be integrated into mundane workplace policies and also, allegedly, advance us toward the undoing of gendered society?

Though even this critical self-reflection on the ascendancy of non-binary identity over a relatively older, more conventional, yet, demanding (both on the individual and on the political system antagonistic to the idea of welfare state) transexual/transgender identity is built upon

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[120] Mind you, this horrible desire of wanting to be assimilated into the system has long been elaborated by the exquisite academic frameworks of homonormativity, (trans)homonalitionalism, and homocapitalism.

signature linguistic markers of queer theory such as revolution and counter offence, it provides a significant insight.

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