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Title: Transphobia in the Bathroom: Sexual Difference, Alterity and *Jouissance*

Abstract

The rights of transgender people to use the bathroom of their choice is a matter of much debate, as reflected in multiple legal cases currently being bounced back and forth between the Supreme and lower courts in the U.S. Why does the figure of the trans person elicit anxiety, hatred, and aggression? The author investigates the reasons behind transphobia, or xenophobia against transgendered individuals, by using a Lacanian psychoanalytic approach. Jacques Lacan's logic of the social bond, mirror stage, conceptions of *jouissance*, and sexuation formulae are taken up to shed light on transphobia in general and in particular how and why it is elicited at the site of the public bathroom.

Keywords: Lacan; *jouissance*; transgender; transphobia; xenophobia; gender identity

Referring to the rights of transgender individuals to use the bathroom of their choice, Senator Ted Cruz, as part of his campaign for the U.S. presidency in early 2016, said, “It is simply crazy. The idea that grown men would be allowed alone in a bathroom with young girls—you don’t have to be a behavioral psychologist to realize bad things can happen and any prudent person wouldn’t allow that.” Although some—behavioral psychologists no doubt included—have harshly criticized Cruz for his specious logic and phobic stance toward trans people, transphobic perspectives like his have continued to proliferate. It seems appropriate, then, to inquire into the nature of transphobia. Taking our cue from Sigmund Freud’s chapter in *Introductory Lectures on Psycho-Analysis* (1917/1963) entitled “The Sense of Symptoms”, what is the “sense” of transphobia, even when it does not seem to make sense?

The rights of transgender individuals—such as to use the bathroom of their choice or to serve in the U.S. military—have in recent years been the subject of much controversy both in the courts and in the social sphere. Under the Trump administration, the term “transgender” was included in a list of words in a meeting on December 14, 2017 that policy analysts for the Centers for Disease Control and Prevention (CDC) were forbidden to use in the CDC budget: “vulnerable,” “entitlement,” “diversity,” “fetus,” “evidence-based,” “science-based,” and “transgender” (Sun and Eilperin, 2017). Manifestly, then, transgender individuals are a highly stigmatized group and indeed are often victims of harassment, physical violence, and sexual violence (National Center for Transgender Equality, 2015). The site of the public restroom, segregated by the presumed biological distinction between men and women is a place where binary gender distinctions are policed and trans people regularly experience transphobia (Cavanagh, 2011). According to a 2013 Williams Institute article (Herman, 2013), “roughly 70% of trans people have reported being denied entrance, assaulted or harassed while trying to use a

restroom.” How and why has the figure of the transgender person—particularly in the bathroom—elicited such fear, anxiety, and hatred?

Psychoanalysis, because of its emphasis on the uniqueness of the individual in relation to the social sphere, shares a common ethical ground with trans and queer studies.¹ Lacanian psychoanalysis in particular allows for discourse that is anti-normative and against homogeneity and totalization. Furthermore, understanding transphobia necessitates the kind of exploration psychoanalysis facilitates of the strong libidinal attachments we have to our gender identifications. As Freud (1930/1961) has commented, rather than loving our neighbors as ourselves, we are wolves to each other, such that we cannot make a social bond which somehow leaves out the kind of human beings we are: fundamentally ambivalent and with hatred for the Other. This paper therefore focuses on the hatred experienced for the figure of the transgender person as the neighbor, and the attendant fantasies that cis-gendered individuals can have about the *jouissance* of the trans person. Since *jouissance* is what grounds the Other’s alterity, *jouissance* is the foundation of all forms of xenophobia, including racism and transphobia (Miller, 1994). There are therefore some key similarities between racism and transphobia that will be discussed along with the specific character of transphobia.

This article has three main sections. In the first, I describe Lacan’s theory of sexuation, arguing that it is not reducible to concepts of sex or gender in order to ground subsequent discussions of what is at stake in transphobia. I also use Lacan’s comments about “urinary

¹ Transgender studies seeks to denaturalize and make visible and articulatable gendered norms, including the social roles that go along with gender identity and the link between the sexed body and the gendered body. Although “transgender,” “transsexual,” or “genderqueer” may be the preferred term of a particular trans person to name gender identity, for the purposes of this article I will use the term “transgender” or “trans.” Even though someone can identify as transgender regardless of whether or not s/he has undergone a social or physical transition, since this article is concerned with the xenophobia elicited through observing someone as being trans, when the term “transgender” is used it will refer to someone who has socially or physically transitioned.

segregation” to point out that in Western society the use of the public bathroom forces a decision about a gender position—one which may be problematic and even traumatic for the trans person. In the following section, via Lacan’s mirror stage, I develop the argument that we are passionately attached to our gender identifications, and that these can be especially threatened when a cis person encounters a trans person at the site of the public bathroom (which is already a place in which the illusory identification with the body as a coherent whole breaks down). Aggressivity, which manifests in some forms of transphobia, is the subject’s response when an identification is challenged. In the final section, using *jouissance* as a central concept, I investigate how transphobia is both connected to other forms of xenophobia and has a particular character of its own. Transphobia is defined as hatred of the way one imagines the trans person experiences *jouissance*. I trace some of the ways cis people have imagined the *jouissance* of trans people through examples such as the statement made by Senator Cruz. The public bathroom, as a place in which various *jouissance*-producing activities occur or may be imagined to occur—such as urinating, defecating, being partially undressed, and potentially engaging in sexual acts—makes visible the *jouissance* of the trans person as Other in a way which can be fantasized as incompatible with the *jouissance* of cis people.

There is no sexual rapport

First, how can we understand gender identity from a Lacanian perspective? In Lacan’s theory of sexuation, he does not use the term “gender,” which has to do with the social construction of roles and restrictions. Gender identity—and, indeed, all forms of identity—is an artificial construct from a Lacanian point of view, since identity results from identifications with others (“semblables”). As such, gender identity depends upon the assumption of an image. Identity is therefore a mirage rather than a firm foundation about which we fantasize. In our

times, we can see the very proliferation of attempted signs that broadcast identity, such as selfies and social media posts, as revealing an underlying doubt. The Facebook or Twitter post that proclaims “I am this” covers over an ignorance of who the individual is not; that is, it covers over lack (Gherovici, 2017; Lacan, 1949/ 2006c). On the other hand, the process of psychoanalysis involves shedding the ego’s layers of mis-identification. When someone goes through a psychoanalytic treatment, the image related to an identity may dissipate because the (Lacanian) subject emerges at the point at which identity fails. The Lacanian subject is lack that has been subjectivized.

Instead of speaking about gender identity, Lacan spoke of sexuation or sexual difference as an *unconscious choice* in which a person adopts a sexual position that is determined neither by anatomical sexual characteristics nor by gender as social construction. A sexual position is not reducible to sex or to gender because sexuation accounts for all three orders of experience—real, imaginary, and symbolic. Whereas linguistic symbolization must be added to the category of sex, gender identity requires embodiment. Lacanian psychoanalysis sees the body as libidinally invested and reconfigured or rewritten by language. Sexuation is concerned with challenges of embodiment due to our being sexed and mortal. Sexual difference names an impossibility in the real, indicating a limit to the symbolic system of language because there is no signifier of sexual difference.² This impossibility was famously described by Lacan in his dictum that “there is no sexual rapport.” Sexual difference is thus the name of a deadlock, and not difference itself.

² The assumption of a sexual position is defined in reference to the phallus. In *Seminar XX*, Lacan (1975/1998a) said that a woman is a subject who is “not-all” in the phallic order; she is mostly defined by phallic *jouissance* but also has access to Other *jouissance*. By contrast, a man is someone who is entirely defined by phallic *jouissance*. In Lacan’s early work, a man is defined by *having* the phallus, or, more precisely, a man is “not without having it” (1994, p. 153), while a woman is defined by *being* the phallus. Although the phallus certainly functions as a sexual signifier, there is no signifier for what makes a woman a woman.

Psychoanalysis, then, is concerned with how the subject's fantasies attempt to veil that structural impossibility and how sexuality fails to conform to the social norms that attempt to regulate it.

According to Patricia Gherovici (2010, 2017), while trans, lesbian, gay, and bisexual people are often accused of making a kind of consumeristic anti-normative conscious choice about their identities and object choice, sexuation for both trans and cis individuals is an unconscious choice. Being a man or a woman are not isomorphous, and so discrepancies can and do occur between one's anatomical sex and one's assumed position as man or woman. In other words, as far as the unconscious is concerned, someone without a penis can be a man and someone with a penis can be a woman. In her latest book, *Transgender Psychoanalysis: A Lacanian Perspective on Sexual Difference*, Gherovici (2017) argues that

the reiterated presence of a mirror scene in memoirs, selfies, and vlogs is more about the creation of an ego, as the projection of a surface, than about the fascination with a mirage. One important lesson [Gherovici has] learned from working with transgender analysands [is] that sexual identity issues revolve around a particular body, a body one is not born into, one that one becomes. (p. 104)

It is the task of each individual, both trans and cis, to find a way to become his or her body. As Alenka Zupančič (Zupančič and Terada, 2015) has pointed out, sexuality is “something inherently problematic and precisely disruptive of identity” (p. 194).

Sexuation, for Lacan (1975/1998a), is based around the notion of castration—that all subjects have to deal with lack. In the formulae for sexuation, an individual who is biologically female can inscribe herself on the male side, and vice versa, as being male or female is attained by the logic of unconscious choices. Lacan distinguishes between the positions in accordance

with modes of *jouissance*. On the one side, Lacan situates feminine *jouissance*, which he calls the Other *jouissance*, while on the other he situates masculine *jouissance*, which he calls phallic *jouissance*. On the masculine side, Lacan writes “ $\forall x \Phi x$ ” (p. 73), which could be rewritten as “all individuals are subject to the phallic function.” On the feminine side, he writes “ $\overline{\forall x} \Phi x$ ” (p. 73), which could be rewritten as “No subject exists which is not determined by the phallic function.” On the lower line, Lacan represents that the feminine side is not wholly subjected to castration since she has a relation with the signifier of the lack in the Other. In other words, while both men and women experience phallic *jouissance* and are subjected to castration, or the lack from which desire perpetually springs, women are not entirely subjected to phallic *jouissance* and can have access to Other *jouissance*, which is outside of the symbolic and therefore of the limits of castration. “Man” and “woman” in this rubric are mere signifiers that stand in for sexed positions relative to castration.

The notion of psychic structure is also crucial to understanding how to situate transgender individuals from a Lacanian perspective. While many Lacanians—focusing on the *pousse-à-la-femme* Lacan described in the case of President Schreber—have argued that transgenderism is synonymous with a psychotic structure, I follow Gherovici (2010, 2017) in arguing that trans people can be psychotically, perversely, or neurotically structured. As Gherovici has noted, Lacan’s theory of the *sinthome*, which can be found in any structure, offers a de-pathologized way to conceptualize sexual difference for both trans and cis individuals. The *sinthome* (intentionally a homonym for “symptom”), as Lacan presented it in *Seminar XXIII*, is a creation that knots the imaginary, symbolic, and the real together. In Gherovici’s words (2017),

Lacan’s later notion of the symptom led him to assert that normative heterosexuality was a *sinthome* and that sexual positioning also constitutes a symptom—*sinthome-she* or a

sinthome-he, he called them. Being a ‘he’ or a ‘she’ would be seen as creations that attempt to ‘make up’ for the disharmony between the sexes [...] A positioning such as male or female or anything else altogether can be seen as a creation to endure the non-rapport. Assuming a sexual body in some cases requires the know-how granted by a *sinthome*. (p. 149)

The *sinthome-she* or *sinthome-he* allows us to see that all people—whether trans or cis—have to find a way to establish a relation to their bodies as sexed.

Urinary Segregation

Even if the *sinthome* allows us to see being trans as non-pathological, how can those who have transphobic responses be understood, and why does the site of the public restroom seem to elicit transphobia? In “The Instance of the Letter in the Unconscious or Reason Since Freud,” Lacan (1957/2006e) noted that “public life [is] subject [to] laws of urinary segregation” (p. 417). Although Lacan was primarily discussing how language establishes sexual difference as an impasse, the term “urinary segregation” calls attention to the possibility of discrimination on the basis of being socially considered to be a man versus a woman. Restroom doors, of course, are typically identical except for the signifiers “Gentlemen” and “Ladies” inscribed on them. Lacan thus argued against nominalism³ and instead that, by virtue of their juxtaposition, “Gentlemen” and “Ladies” both function as signifiers which are taken up in certain ways which have effects in our social world.

³ Lacan (1957/2006e) said that his figure of the bathroom doors (p. 416) not merely “silence[s] the nominalist debate with a low blow, but [also]... show[s] how the signifier in fact enters the signified—namely, in a form which, since it is not immaterial, raises the question of its place in reality” (p. 417). Lacan is referring to the nominalist debate about whether or not abstract ideas stand for entities that objectively exist, and seems to be arguing that this abstract idea of being a gentleman or a lady does not exist somehow in the doors as entities but instead in the juxtaposition of the doors. Lacan comments also that the signifier—of “Gentlemen” or of “Ladies”—is “not immaterial” (p. 417) and has a kind of substance, one which is more substantial than that of the signified.

Lacan made his point by telling a story about two young children, a brother and sister, taking a journey by train. The train stops at a station, and the brother and sister, who are sitting across from one another in a compartment, each have a different vantage point on the view outside of the window. The boy says, “We have arrived at Ladies!” while the girl exclaims, “You idiot! Can’t you see we are at Gentlemen?” Lacan (1957/2006e) points out that they are at an impasse and will not reach an agreement about the name of their position: “Gentlemen and Ladies will henceforth be two homelands toward which each of their souls will take flight on divergent wings, and regarding which it will be all the more impossible for them to reach an agreement since, being in fact the same homeland, neither can give ground regarding the one’s unsurpassed excellence without detracting from the other’s glory” (p. 417). The binary opposition by which bathrooms are segregated creates two different positions or two homelands which cannot see their shared common ground. Neither the boy nor the girl has actually arrived at Ladies or at Gentlemen, but, based on their perspectives, they make a different choice about their position. In our society of urinary segregation, using a public bathroom means that one must make a decision about a gender position. For individuals who identify as trans and gender nonbinary, being forced to make a choice about which restroom to use can often be distressing. Sex is performed and contextually enacted and policed in sex-segregated public restrooms (Cavanagh, 2011; Rose, 1999), such that transgressing supposedly natural boundaries through entering restrooms strictly defined by a sexed binary can be a difficult experience.

Take, for example, the experience of Janet, a university student in her early twenties who was interviewed by Kath Browne (2004):

KB: Do you get mistaken for a bloke often?

Janet: Like I said to you, every single day. Every single day I get, I can’t

use public toilets I have been thrown out of (name of straight club), which is now (name of straight club). [KB: okay] It was in my first year it was toga night so I was wearing my bed sheet and a sports bra. And one of my mates was being sick and so I was in the toilets with her and someone screamed there was a man in the toilets. And three bouncers came in and chucked me out of the club and I was wearing a sports bra. Yeah I haven't got much up top, but you know I was wearing a sports bra. And by that time I was just like wearing a sheet around my waist and that was it and they still chucked me out. (p. 337)

Browne comments that heterosexual nightclubs are places in which binary gender boundaries are reinforced on account of heightened heterosexuality, as women in such places use the restroom to touch up their appearances and discuss men. Despite her sports bra, Janet was seen as a masculine presence invading women's space. The figure of the trans person, then, is perceived as a threat to binary sexual difference. Women who are mistaken for men and men who are mistaken for women contest the conception of a natural connection between gender and how a body is interpreted.

Lacan's Mirror Stage and Defense of Gender Identifications

The first sense behind the non-sense⁴ of transphobia has to do with the public restroom as a space in which bodies are revealed to be leaky, porous, and unstable. Lacan (1973/1998b)

⁴ I am referring here, on the one hand, to the aforementioned chapter, "The Sense of Symptoms," in Freud's *Introductory Lectures on Psycho-Analysis* (1917/1963), in which Freud highlights that psychological symptoms at first do not seem to make sense. For instance, what's the sense in a young woman feeling compelled each night to remove all the clocks and watches from her room and to move all of the flower pots and vases to her writing table? But in the seeming nonsense of the symptom there is a sense—an unconscious sense. On the other hand, Lacan

considered the urinary flow and the anal object to be objects *a*, such that when an individual urinates or defecates, s/he not only experiences a *jouissance* associated with the drives but also a momentary fragmentation of the body. The restroom, then, is already a space in which the illusory identification with a body as whole and coherent breaks down. Because gender identity is also a fiction, when a cis individual sees a trans person in the public restroom—already a site of identity instability—the identity of the cis individual as sexed is also threatened. This is one manner in which the sex-segregated public restroom is a space in which transphobia is particularly likely.

All individuals are passionately attached to their identifications, and gender is one of the most central and cherished identifications. By libidinally investing in his mirror image, the child is making a narcissistic or imaginary order identification which gives substance to his ego. Having previously only been able to see himself as a collection of fragmented body parts—an arm here, legs there—the mirror enables the child to see himself as a whole person, like the other people he views in his surroundings. When a parent praises the child, ratifying his identification with his mirror image, he is called a “good *boy*” or a “smart *boy*” or a “handsome little *man*.” Parents often have considerable attachment to their fantasy of what kind of boy or girl their child will be, and this poses a powerful motivator for a child to attempt to conform to those fantasies. The child identifies with the ways in which he is seen by the parental Other, communicated through discourse but with reference to the appearance of his body in the imaginary. Lacan’s mirror stage is thus a way to describe the birth of the ego and of the subject split by language. From very early on, being a boy or a girl is part of the experience of the ego.

similarly makes great use of the word “nonsense,” but he highlights the aspect of the signifier which is outside of meaning but can nevertheless have great effect on the subject.

The ego is comprised of many layers of mis-identification, beginning with the first identification with the mirror image. The child is not really like the image she sees in the mirror (who, for example, might appear to be able to stand up on her own but is really held up by her father) or like her older sister, but through identification she takes on those traits as part of herself. A considerable quantity of libido is cathected to these identifications. In Lacan's (1966/2006d) words, "[t]he only homogeneous function of consciousness is found in the ego's imaginary capture by its specular reflection, and in the function of misrecognition that remains tied to it" (p. 705).

Since the infant who identifies with his mirror image is "still trapped in his motor impotence and nursling dependence" (Lacan, 1949/2006c, p. 76), his identification with his elders who can walk and so on is actually the first representation of the *ideal ego*. The ideal ego, an imaginary order projection, is an illusory and beautiful self-image—a fantasied carrot we chase. This ideal self-image is precious to the child, and s/he will defend it as a prized possession, passionately contesting anything that implies that s/he is not as perfect as s/he believes. Likewise, the (symbolic order) ego ideal is who the child believes s/he should be in order to be lovable in the eyes of the Other. Parents, peers, the media, and other societal influences pass on values to the child, values which include definitions about being a good or attractive man or woman. Insofar as socially constructed conceptions of gender are libidinally cathected in the ego's identifications, when something or someone, such as the figure of the trans person, exposes the mirages of the ego, aggression (even if only at the level of thought) is a very common response. Correspondingly, Lacan (1948/2006a) pointed out that aggressiveness is tied to narcissism and the imaginary order when he claimed that "[a]ggressiveness is the tendency

correlated with a mode of identification I call narcissistic, which determines the formal structure of man's ego and of the register of entities characteristic of his world" (p. 89).

It may be that the figure of the trans person, who might be imagined to have cut off her or his breasts or penis, calls forth quite strongly the status of the body as fragmented for a cis person, temporarily threatening the illusion of a coherent ego. What is more, the absence of the breast or of the penis might summon up the breast and the phallus as objects *a*—objects which cause anxiety whenever the split subject gets too close or is faced with them without their typical veils. Some who may mistake the penis for the phallus might see in the absence of the penis the threat of castration, of truly losing the phallus. In this case, not having a penis disrupts the phallic order at the social and political level but also at the occulted level of the thing we cannot see (as in pedophilia, prostitution, etc.), leaving a hole in the real that provokes anxiety and aggression. Regardless of whether an individual is trans or cis, each person must navigate the fundamental disjunction between a fragmented body and an illusory wholeness. Seeing a trans person—particularly in a sex-segregated public restroom which is also in other ways a site in which bodies are fluid—can momentarily expose the body and cause the sexual position that is welded to it to be seen as fragmented.

What is more, many developmental theorists and psychoanalysts point to childhood identifications with the opposite as well as same-sexed parent, such that identifications with both sexes are at some level a common experience to us all. These identifications may, of course, be consciously available and may also be repressed. Certainly, many children are told implicitly or explicitly that it is not permissible for boys to play "dress-up" as a girl or for girls to play with toy soldiers. The male analysand who shamefully presents his analyst with a memory of being scolded for playing with his sister's dolls may likely have repressed his desire to enjoy

stereotypically feminine activities. (Of course, what is considered masculine or feminine changes—sometimes dramatically so—over time and across cultures.) Repression of the desire to be like the opposite sex is likely behind some of the aggressive reactions cis individuals have toward trans individuals, since transgenderism threatens the efficacy of the former’s repressed desires. These aggressive reactions toward the trans person who disrupts cherished binary notions of gender manifests in xenophobic thoughts and practices, of which there are far too many examples.

Transphobia and *Jouissance*

The vast majority of physical violence and sexual assault involving trans people in restrooms is that in which trans people are victims (Office for Victims of Crime, 2014; Tannehill, 2015), yet in many public discourses trans people are seen as potential perpetrators of violence if allowed to use the bathroom that corresponds to their gender identity. Why is violence against trans people rendered comparatively invisible? What is the logic behind the assumption that trans people are likely to commit assault in bathrooms and somehow even more likely to do so if they are allowed access to those who share versus do not share their gender identity?

Let us return to one such account of trans people as a violent threat, that of Senator Cruz promoting the idea of the trans person as a potential sexual offender. As quoted earlier, Cruz said, “[t]he idea that grown men would be allowed alone in a bathroom with young girls—you don’t have to be a behavioral psychologist to realize bad things can happen and any prudent person wouldn’t allow that.” In Cruz’s account, trans-friendly bathroom policies threaten the very safety of “young girls” and open the door to increases in sexual assault. Cruz’s argument either implies that transgender people are more likely to commit sexual assault or that potential

sexual offenders will take advantage of Non-Discrimination Ordinances in order to gain access to bathrooms for the purposes of committing sexual assault. As Tannehill (2015) makes clear, “[s]pokesmen for police departments in Iowa, Hawaii, Colorado, Connecticut, Maine, Massachusetts, Minnesota, Nevada, New Mexico, Oregon, Rhode Island, Vermont, and Texas have all gone on record stating that NDOs do not result in an increase in the number of reported rapes or sexual assaults in their jurisdictions.”

Problematically implicit in heterosexist and cissexist narratives of safety are the accounts of men as potential predators and women as potential victims. Senator Cruz’s abhorrence is specifically of “the idea that grown *men* would be allowed alone in a bathroom with young *girls*”—referring to transgender women as “grown *men*”. The proliferation of narratives like Cruz’s covers over violent acts that do not fit into these molds and renders men, trans women, and other masculine-appearing individuals as potentially violent. The logic here must either be that men will use NDOs to gain entry into a women’s restroom for the purposes of sexual assault *or* that “once a man always a man”—that transgender women, having previously been men, will retain their dangerous rapist masculinity after their transition. Our stereotype of men as potential sexual offenders, then, is one of the roots of the transgender bathroom debate. As previously suggested, this especially aggressive response toward masculine-seeming individuals who use women’s restrooms might be fueled by mistaking the penis for the phallus and the associated aggressivity and anxiety of castration; to give the phallus back to the trans individual, insisting upon her masculinity, is, alongside the aggressivity of the reaction to her presence, a defensive response on the part of the transphobic person.

The concept of *jouissance* is necessary to further an analysis of the transphobic stances of individuals like Cruz and the boyfriend in Bryan’s narrative. *Jouissance* is a Lacanian term

similar to Freud's conception of libido. It refers to a mode of enjoyment which is outside of the realm of contentment and typically involves some mixture of pleasure and pain which may feel unsettling or boundary-breaking. An orgasm, riding a roller-coaster, and complaining are some clear examples in which pleasure and pain co-exist. Individual modes of *jouissance* are markers of identity, as are normative forms of *jouissance* associated with a particular cultural group. For example, a biological boy who is seen as enjoying playing with dolls like a girl is transgressive not just because he is doing something outside of his socially-determined gender role, but also because he enjoys it. His *jouissance* unsettles and disturbs ideas of normative or socially acceptable ways of enjoying. The boy's *jouissance* is what constitutes him with Otherness or difference, and in response individuals who fit the norm might feel that their modes of *jouissance*, their ways of being male or female, are under attack.

In *Seminar VII*, Lacan (1986/1997) coined the term "extimacy" (p. 139) to denote the real in the symbolic, designating that what is most intimate in the subject is inextricably linked with the Other. Extimacy points to that proliferating germ of the exterior being present in the interior. Extimacy is thus at work in the unconscious as the discourse of the Other, just as extimacy is related to human desire as both being for and shaped by the Other's desire. On the one hand, extimacy has implications for transphobia insofar as it reveals that the alterity of the trans person touches upon the innermost reaches of the transphobic person. It is because the figure of the trans person deeply concerns the transphobic person that hatred is roused. On the other hand, extimacy is founded upon *jouissance*, which is what grounds the alterity of the Other in the absence of an Other of the Other (Miller, 1994, p. 79),⁵ and so the proper ground for

⁵ 'There is no Other of the Other' is a much-commented on idea of Lacan's that dates from 1959. For the purposes of understanding this article, the phrase can be said to mean there is no vantage point outside of the system of language from which a signifier has a fixed meaning. The Other itself is lacking, and so it cannot provide a firm foundation for its own identity.

investigating transphobia is the Other's *jouissance*. Indeed, xenophobia of all types can be defined as hatred of the particular way one imagines the Other experiences *jouissance*. In line with these arguments, Sheldon George, in his book *Trauma and Race: A Lacanian Study of African American Racial Identity* (2016), grounds his illuminating explication of alterity and race precisely on *jouissance* and extimacy. Such an understanding of alterity extends hatred of others beyond imaginary aggressivity that is directed at particular individuals. Transphobia, then, articulates fantasies of alterity that are founded on the point of extimacy of the other.

Before turning to the question of what individuals imagine about the particular *jouissance* of transgender people, it is worth noting that such people do not all share a common *jouissance*—no more so than any group of people bound together by ties such as race or religion. Transphobia is nevertheless fueled by fantasies that trans people obtain a surplus *jouissance* that is both in excess of and qualitatively different from that experienced by the transphobic person. As Jacques-Alain Miller (1994) points out, “the Other’s proximity exacerbates racism: as soon as there is closeness, there is a confrontation of incompatible modes of *jouissance*. For it is simple to love one’s neighbor when he is distant, but it is a different matter in proximity” (pp. 79-80, italics in original). Although Miller uses the term “racism,” he makes it clear elsewhere in his article that he is speaking of xenophobia in general when he says “true intolerance is the intolerance of the Other’s *jouissance*. Of course, we cannot deny that races do exist, but they exist insofar as they are, in Lacan’s words, races of discourse, that is, traditions of subjective positions” (p. 80, italics in original). Being transgender is one such tradition of subjective positionality, and transphobia is activated especially in public restrooms—spaces in which individuals are in close proximity to the trans person as Other. What is more, since a bathroom is a space which is considered to be especially intimate—the intimacy called forth by excretory

functions and states of partial undress—the presence in the bathroom of the trans person and of her or his *jouissance* is the very epitome of extimacy: in the space of the bathroom, the transphobic person is confronted with the alterity of the other, from which s/he would prefer to keep her or his distance, inside her or his space of intimacy. When someone realizes that the exterior is firmly rooted in the interior, s/he often feels anxiety and aggressivity, wanting to be rid of the invading presence. The presence of the trans person in the public restroom, then, stages the subject's realization of extimacy.

In the proximate space of the public bathroom, the transphobic person imagines that the trans person derives a surplus *jouissance* from crossing sex-segregated boundaries. This can sometimes take the form of discourses like those of Cruz that claim that trans people might use bathroom access to molest children. This transphobic discourse depends upon the idea that the trans person, in having access to the bathroom of her or his choice, is being given *jouissance* that s/he does not deserve—and in the case of Cruz's claim, *jouissance* that is morally outrageous. Positing the trans person's *jouissance* as excessive is the very stuff of “jealouissance,” a term Lacan coined in *Seminar XX* (1975/1998a) to capture the *jouissance* involved in the hatred that springs from jealousy. Transphobia involves the conviction that the trans person has the object *a* and therefore has access to a surplus of *jouissance* of which the transphobic person is deprived. When attention is focused on the *jouissance* part of “jealouissance,” we can see that the transphobic person enjoys her or his transphobia, and this in and of itself is an important and much neglected point.

Object *a*, as “das Ding,” the “lost object,” the object-cause of *jouissance*, and the object-cause of desire is, in Lacan's general formula for neurotic fantasy, $\$ \diamond a$, meaning the split subject in relation to or in desire for the object *a*. The subject fantasizes that if only s/he were to

have access to the object, s/he would regain the being which was lost when s/he became a split subject and would attain a *jouissance*-filled completeness. For the trans individual, it may be that being a man or a woman attains the status of the object, as s/he fantasizes that if only s/he could make her or his body become male or female, then s/he would be whole, happy, and so on. And, as Gherovici (2017) argues, being “trans is not an experience of ‘having’ but a strategy of ‘being’” (p. 5). But for the transphobic person, the encounter with the transgender person’s *jouissance* highlights a sense of subjective lack.

The public bathroom is a place which draws attention to the operations of the anal and urinary partial drives and the *jouissance* associated with them. As a result, the bathroom has also in some cases become sexualized in the public imagination, since it has been prominently featured that in some gay male communities (and in the bathrooms of lesbian and heterosexual spaces such as nightclubs) the public bathroom has been claimed as a site for sexual pleasure. Arguments against transgender individuals using the bathroom that corresponds to their gender identities may correspondingly be inappropriately linked in the public fantasy with homosexuality. Regardless, the public bathroom’s association with the *jouissance* of urinating, defecating, being partially undressed, and potentially having sexual encounters makes it a site in which the *jouissance* of the trans person as Other is made visible. The trans person’s *jouissance* is imagined to be incompatible with that of the transphobic person or the cis people as a group. Trans *jouissance* is fantasized as both fundamentally alien and as excessive.

For example, a cis male analysand who openly advocated for trans rights was quite embarrassed to admit he felt anxiety and disgust in the face of a male colleague undergoing gender realignment as a trans woman. He was further embarrassed to note that he did not experience the same anxiety and disgust when he encountered trans men, because there was

something about the “emasculatation” of a man that he found personally threatening. In the early stages of his colleague’s transition, she continued to use the men’s restroom and the analyst tried to avoid being in the restroom at the same time as her because that was when he felt the most uncomfortable. He wondered about questions such as the following: if a trans woman has not had bottom surgery, then what is the status of her sexuality? What happens to her penis? Is she who was he now homosexual? Or is she still heterosexual? How do trans people have sex? The very act of urinating or defecating may even be imagined to be qualitatively different for the trans person than for the cis person. In other words, the public restroom fuels fantasies that the trans person’s *jouissance* is essentially strange, foreign, or radically Other even when it comes to urinating and defecating. And so hatred of the transgender person is hatred of the way one imagines s/he derives *jouissance*.

To return to the curious persistence of the unsubstantiated fear that the trans person, with a different mode of *jouissance*, would be a perpetrator of physical or sexual violence if allowed into the bathroom of her/his choice, an argument made by Noam Chomsky (Kaufman, 2014) in 2014 may shed some light on the issue. Referencing a cultural fear that began in the U.S. in colonial times, Chomsky argued that the narrative switch taking place in popular contemporary myths transforms the oppressed into the oppressors. Defending Native Americans are thus transformed into “merciless Indian savages”; revolting slaves are transformed into secret planners intent on killing all the white men and raping all the white women; and immigrants and refugees become thieves of American jobs and the food from the tables of working class families. So too, trans people, as indices of Otherness in our times, are transformed from minorities struggling for rights and recognition into violent and sexual offenders who threaten the safety of children and the fabric of “decent” society. Those differences in modes of

jouissance of these groups as reflected in their own customs, rules for behavior, ways of dressing, eating, and speaking that are unassimilable to the dominant U.S. culture all become ways of constructing the Other as a threatening oppressor. This group of others is then seen as those who must be derided, shunned, and excluded from public spaces by subjecting them to segregation and policing them to relinquish their ways of being in favor of dominant norms. Just as immigrants today as well as those, such as Latinos, who might appear to be immigrants, face discriminatory comments such as “Go back to your country!” and “Why don’t you learn to speak English?” and get called “dirty” or are looked down upon for their presumed penchant for tamales, so too are transgender individuals called “freaks” or “perverts” and face policing in public restrooms. Transphobia, then, functions by projecting aggressive fantasies onto the figure of the trans person, which then serve to justify “defending” cissexist norms by aggressing against transgender individuals.

Xenophobia: the foundation for the social bond?

At the last meeting of *Seminar XIX*, in June 1972, Lacan (2011) observed that the patriarchal structure of society was collapsing and new forms of order were taking root. At the time, many were optimistic about a future based on brotherhood and equality. Lacan, however, pointed out and predicted an unfortunate side effect: with the rise of brotherhood, what “takes root in the body, in the fraternity of the body—is racism” (p. 235). Lacan deploys “racism” here in a fashion more broadly appropriate to all forms of xenophobia or hatred of the Other’s *jouissance*. In 1973 in *Television*, Jacques-Alain Miller asked Lacan: “*What gives you the confidence to prophesy the rise of racism? And why the devil do you have to speak of it?*” (1990, p. 32, italics in original). Lacan answered,

Because it doesn’t strike me as funny and yet, it’s true.

With our *jouissance* going off the track, only the Other is able to mark its position, but only insofar as we are separated from this Other. Whence certain fantasies – unheard of before the melting pot.

Leaving this Other to his own mode of *jouissance*, that would only be possible by not imposing our own on him, by not thinking of him as underdeveloped.

Given, too, the precariousness of our own mode, which from now on takes its bearings from the ideal of an overcoming [*plus-de-jouir*], which is, in fact, no longer expressed in any other way, how can one hope that the empty forms of humanhysterianism [*humanitaire*] disguising our extortions can continue to last?

Even if God, thus newly strengthened, should end up existing, this bodes nothing better than a return of his baneful past. (pp. 32-33)

In Eric Laurent’s 2014 article, “Racism 2.0,” he comments that, with his use of the term “‘melting pot,’ Lacan is criticising the twofold movement of colonialism and the will to normalise s/he who has been displaced, the immigrant, in the name of all that is supposed to be for her or his own ‘good’” (p. 2). By saying that our *jouissance* is going off track and is precarious, Lacan is commenting that, with the decline of the position of the father in society, we lose our orientation to an authority who can tell us who and how to be with regard to our identity and *jouissance*. Instead, because we are now left to form our identity by rejecting the *jouissance* of others (and take our orientation from the cultural ideal of “coming” too much or a surplus *jouissance*), xenophobia is literally the condition for the possibility of an individual’s identity at the level of *jouissance*. Tolerance of the Other—whether a trans person or someone representing a difference race or religion—would necessitate “leaving [the] Other to his own mode of

jouissance,” (1974/1990, p. 32) but if our orientation as individuals and as a society is structurally underpinned by rejecting the Other’s *jouissance* and imposing our own on him, we are tied to xenophobia. As Laurent (2014) has said, “[t]his is not culture shock, but the shock of different forms of jouissance. This manifold jouissance splits the social bond apart, hence the temptation of calling upon a unifying God” (p. 2). Certainly, there are other viable ways to constitute one’s identity, and undergoing psychoanalysis may help divorce identity from xenophobia.

Nevertheless, Lacan’s point allows us to see that xenophobia shifts its focus to different dejected objects over time as society changes. What is more, in any social group there is an exclusion of the foreign *jouissance* of the Other. In “Group Psychology and the Analysis of the Ego,” Freud (1921/1955) noted that the social bond is solidified by its shared hatred of another group, of the outsider. Taking up the figure of the trans person as a contemporary dejected object of racism, we can read anew Lacan’s (1945/2006b) formula for the logic of identification and the social bond from “Logical Time and the Assertion of Anticipated Certainty,” perhaps substituting “woman” for “man” depending upon the focus of our consideration:

1. A man knows what is not a man;
 2. Men recognise themselves among themselves;
 3. I declare myself to be a man for fear of being convinced by men that I am not a man.
- (p. 174)

These three temporal phases which comprise the logic of the social bond do not begin with the presence of knowledge about what constitutes personhood or masculinity (or femininity, as the case may be) and then proceed to identification, but rather with knowing what or who is not a

man. Rejecting the *jouissance* of those who seem different is the foundation for identity and the social bond. Next, men recognize themselves in each other even though they do not know what it means to be a man. Finally, fear of being excluded, of being called an Other, is the motivating force to identify as a man and as part of the social group of men. In the absence of any authority defining what it is to be a man, these logical steps fuse the subject that identifies as a man and men as a social group. In this collective logic of the age of brotherhood and the decline of the father, the figure of the trans person is immediately denounced as “not a man” or “not a woman.” As the excluded, degraded Other, the trans person’s *jouissance* is effectively segregated for the purpose of strengthening the identity and social bond of those in the privileged majority.

Concluding Thoughts

Psychoanalysis is in a unique position to address transphobia, precisely because it is the process of bringing ambivalence about the Other out into the open and of progressively laying bare, questioning the whys and wherefores of, and either shedding or gaining some distance from identifications. As in the earlier example of the analysand, someone might experience transphobia despite conscious values to the contrary. Given that not all transphobic people will critically investigate their gender identifications through the process of psychoanalysis, however, how can they encounter their fantasy of the trans person in a productive and transformative fashion, rather than one that results in defensive aggression? What is needed is a re-focusing of the discussion around the rights of transgender people toward cisgendered individuals as well as the problematic of gender identifications and sexual orientation for all speaking beings.

Some have suggested that a solution lies in changing the typical spaces of bathrooms themselves to model a layout already common in Europe in which men and women enter the bathroom by using the same door, with bathroom stalls and sinks on one side for women and on

the other for men—often with some stalls being marked with both the male and female sign. Architecturally, this design is more space-efficient, and promotes the practice of individuals unproblematically using the bathroom alongside one another regardless of their gender identifications. As an added bonus, fathers and mothers who need to escort their young opposite sex children to the bathroom are not seen as being in violation of gender rules; furthermore, both fathers and mothers have access to infant changing tables, which in the U.S. are typically only found in women’s restrooms. The problem I have been concerned with, however, is not so much at this level as, as I have shown, at the level of prejudices against trans people and the fantasmatic threats their *jouissance* have on the egos, ideal egos, and ego-ideals of many people in our culture, perpetuating cissexist ideologies. To address this problem, we as a culture must have social spaces in which we can put into words or represent on the screen our ambivalence about and difficulty tolerating the *jouissance* of the Other. Crucially, we need to question ourselves instead of the degraded other when we feel threatened by the alterity of the other.

Well-intentioned discourses grounded in trans people being included in a common humanity are unfortunately unable to address transphobia at its roots: hatred of what one imagines about the trans person’s *jouissance* as the foundation for the Other’s alterity. Some trans individuals may respond to the trauma of transphobia by more explicitly embracing their identities as trans, genderqueer, transsexual, gender questioning, and so on. But the problem with nominalism is that there are always only incomplete lists; as Slavoj Žižek (2017) has pointed out, the “plus” in LGBTQ+ always exists in nominalist identity politics. There is always an excess because a particular identity is never completely encompassed by the signifier. Instead, perhaps ironically, from a Lacanian perspective the failure of identity is sexuality, or the lack of rapport between the sexes. It is an ontological deadlock. Other transgender individuals react to

transphobia by attempting to clean up the imaginary, to fix the image of the weird-looking person who does not “pass” as either a man or a woman. Neither nominalism nor this overreliance on the imaginary that is so prominent in identity politics solves the deeper problem, however.

The political task of ameliorating transphobia needs to involve a defense against the desubjectivization of trans people. Todd McGowan (2013) argues for embracing loss or castration alongside both our mode of *jouissance* and that of the Other. To welcome the extimacy of the Other means to embrace the exterior *jouissance* of those who are exterior to oneself, working toward a community of exteriority. In the era of President Trump’s “big button,”⁶ it would seem we are resistant to such a path. Nevertheless, trans celebrities such as Kaitlyn Jenner and popular television shows like “Transparent” featuring trans main characters have opened up conversation about the humanity of trans individuals. Building a community of exteriority is a tall order, to say the least, but the site of the public bathroom may be just the place to begin. If trans individuals were allowed to use the bathroom of their choice and corresponding trans positive discourses were heard, the intimacy of the bathroom would more likely be a place in which cis individuals would encounter the *jouissance* of the trans person and eventually have a different response than anxiety and aggressivity.

Endnote

The author states that there is no conflict of interest.

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⁶ In a tweet on January 2, 2018, Trump said, “North Korean Leader Kim Jong Un just stated that the ‘Nuclear Button is on his desk at all times.’ Will someone from his depleted and food starved regime please inform him that I too have a Nuclear Button, but it is a much bigger & more powerful one than his, and my Button works!”

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