

CHILDREN OF THE SEXUAL POLITICS OF ABORTION AND TRANSITION

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The logic driving the lockstep march of anti-trans and anti-abortion political movements is not hard to divine. In the United States (McMillan, Harjal, and Kruesi 2023), legislation restricting, banning, and criminalizing both abortion and transition is pursued by the same legislators. The bills themselves are ghost-written and funded by the same right-wing groups, like the Alliance Defending Freedom. The operative political strategy is also identical, employing state legislatures to enact escalating measures that invite lawsuits, which in turn encourage an ideologically appointed federal judiciary to generate enough disagreement to trigger a Supreme Court case imposing their desired outcome. After *Dobbs v. Jackson* (2022) ended the constitutional right to abortion in precisely that manner, it quickly reframed ongoing efforts to outlaw transition. In Alabama, state Attorney General Steve Marshall updated his defense of a state law banning gender-affirming care for minors by recycling Justice Samuel Alito's majority opinion in *Dobbs*, claiming by analogy that "no one has a right to transitioning treatments that is deeply rooted in our Nation's history and tradition" (González 2022).

This shared fate is not new. The right to privacy through which *Roe v. Wade* was articulated in 1973 elicited a strong response recorded in the trans print culture of the era. An analogy between the right to abortion and a right to transition was attractive to liberal trans political movements developing a civil rights framework distinct from the revolutionary program of trans liberation. Some observers even drew parallels between the medical gatekeeping of transition and abortion before and after *Roe*. In a 1976 column for the *Gay Community News*, a trans woman named Amalthea reasoned that transition "ought (like abortion and other women's health needs) to be available at an affordable rate with good quality"—not free and on demand. In the absence of liberalization, she continued, "there

are hospitals with rigid programs and qualifications which would be familiar to any woman who a decade ago sought ‘therapeutic abortion, and on the other hand places which one friend of mine calls ‘butcher shops’ (like the other extreme in abortion).”

The analogy also produced new forms of political solidarity. As abortion became the anchor of right-wing Christian political mobilization in the 1980s and 1990s, ushering in sometimes violent tactics, some trans activists lent their energies to defending abortion providers. When Operation Rescue announced that Buffalo, NY, clinics would be the target of their 1992 “Spring into Life” campaign (Cichon 2022), local feminist and union organizers formed Buffalo United for Choice (BUC) to develop countertactics and ensure, above all, that appointments were not disrupted. Among the rank-and-file membership of BUC was Leslie Feinberg, whose working-class, materialist project of transgender political consciousness seamlessly encompassed abortion. “I fought to defend abortion clinics in Buffalo, Cleveland, and New York City against the Operation Rescue thugs,” Feinberg explained in an interview (Bell 1994) two years later. “To me the essence of both struggles—for reproductive freedom and the right of people to define their own sex—is the fundamental right of people to control their own bodies.”

Though it has endured for almost five decades, the analogy between abortion and transition still only brushes the surface of their profound political entanglement. Eclipsing the infringement of a right to privacy, or the self-determination of the liberal subject’s bodily autonomy, political attacks are also organized by a fundamentalist literalism about sexual reproduction. The sovereign demand of the state envisioned by hardliners seeking to outlaw abortion and transition might go something like: *You must reproduce sexually*, as in reproduce sameness from one generation to the next. Under their ideal rule of law, no one deemed capable of pregnancy could withdraw from that imperative, to be sure, but the logic goes further still. No one could likewise withdraw their bodily sex from the state imperative to reproduce heterosexually. This spring, Montana passed a law defining sex to preclude legal recognition of trans people (Silvers 2023). Tellingly, its characterization of binary sex, adopting a common trope from anti-trans feminists, tied the declaration that “there are exactly two sexes, male and female” to “two corresponding types of gametes.” An Alabama bill (State of Alabama 2023) tabled during the same period would have likewise declared “female” under the law to mean “an individual whose biological reproductive system is designed to produce ova,” while “male” would have become someone “whose biological reproductive system is designed to fertilize the ova of a female.” In the estimation of these states, the civic sin of transition joins abortion through the semantic ambiguity embedded

in the concept of *sex* (Gill-Peterson 2018). The transgression of “sex change” is not only its alteration of sexual differentiation but also how doing so disobeys the demand to restrict embodied capacity to heterosexual reproduction alone.

Both the legal framework of bodily autonomy and the rhetorical confinement of abortion (National Health Law Program 2022; American College of Obstetricians and Gynecologists 2023) and transition (Matouk and Wald 2022) to “just health care” in defense of such laws anxiously avoid this sexual politics with its characteristically unruly negativity. Domesticating abortion and transition as deferent to the state and its appointed medical gatekeepers means hiding from the authoritarian terror on the Right—a form of appeasement—while likewise disavowing the latency of a political coalition of the nonreproductive, abortion recipients, and transsexuals. Instead of courting a return to the status quo of medical gatekeeping, the right to privacy, and the resulting *lack* of access to abortion and transition, engaging the reservoir of their sexual politics might promise, at minimum, to match the scale of the assault presently being enshrined in law.

Perhaps most difficultly to the proabortion and pro-trans Left, anti-abortion and anti-trans political successes are floated by a moral crisis over a fantasized, imperiled child. The sadism of this formation is noted by critics (NARAL 2023), who point out that once a supposedly innocent fetus is born, the state relinquishes all interest in caring for or ensuring the material needs of a real child, let alone its parent and caregivers. Likewise, for all the political rhetoric about protecting children from the harms of transition, anti-trans legislation gleefully mandates extreme measures to precisely harm trans children (Clark 2023), from forcing schoolteachers to demean them, to refusing to recognize their names and pronouns, to genital inspections for participation on sports teams, to detransitioning teenagers against their will, to investigating their guardians and child abusers and even removing them from their homes to place them in state custody.

Not hypocritical but symptomatic, this state violence directed at actual, living children is secured by the political currency of the imaginary, capital-C Child whose sentimental role in rationalizing hierarchies of political domination (Bernstein 2012) congealed in the aftermath of the white supremacist attack on the project of Reconstruction. From the attempt to mandate sexual reproduction by criminalizing abortion, there is a horizontal line to the trans child who disobeys the fantasy of literality in the sexual and reproductive body. How else can we understand a Missouri state legislator’s extemporaneous soliloquy, on the floor of the House chamber, about the hypothetical future orgasms and genital arrangement of children (Coronel 2022)? What else ties these sexualizing paeans to childhood innocence, particularly in the moral panic around trans boys’ reproductivity,

to the brutish charge from white supremacists that transition is a plotline in their race suicide fantasy (see Ashley and Buchanan 2023)? The figure of the trans child, much like the figure of the fetus, makes work a bind between race and reproduction that we might designate a signature accomplishment of the sex binary.

Embracing or politically affirming the anti-sociality ascribed to trans children is no obvious remedy. It would so easily tip over into the political idealization, or romance with the negative critiqued by queer of color scholars (see Amin 2017). For living children, no less, who are deprived of the symbolic register of political action to begin with, they frankly ought not to be called on to shoulder that task. Still, the self-restriction of proabortion and pro-trans politics to the terrain of gender—to articulating the interests of women and trans men, on the one hand, and a version of trans and nonbinary derived out of the concept of gender identity, on the other—cannot contend with the pivotal role of sexuality and sexual politics in authorizing state violence. The fact that the Right has at times discarded gender to mount a coherent and effective sexual politics, while the Left has not, strikes me as a peculiar form of small tragedy.

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