#### **Fleeting Freedoms DA---fighting to distance from disability forsakes trans inhabitations of disability that secure fleeting freedoms.**

Awkward-Rich 20, prof in WGSS @ UMass-Amherst. (Cameron, February 2020, ““She of the Pants and No Voice” Jack Bee Garland’s Disability Drag,’ TSQ Vol 7, No. 1, Duke University Press)//Rock Chalk

In what follows, I turn to two familiar figures in the transgender archive— Lou Sullivan and Jack Bee Garland— to highlight this trans/crip potential at the turn of the twentieth century. To do so, I offer a recuperative reading of Sullivan’s biography of Garland, From Female to Male: The Life of Jack Bee Garland, as not an impaired (but useful) work of historical recovery but an aesthetic object marked indelibly by Garland’s crip transmasculinity. Although my analysis is focused on admittedly depressing spaces of confinement and display, I hope to demonstrate that Garland’s navigation of gender, labor, race, and authority for a time relied on a performance of disability, and that this crip transmasculinity allowed them to maneuver around the physical and epistemic boundaries imposed on gender-nonconforming and female-assigned lives.4 That is, while the systems that produced what we now know as disability/transgender at the turn of the century certainly produced a series of epistemic and physical constraints— and while contemporary trans and disability activism have sometimes for this very reason attempted to disarticulate these categories— the coconstitution of disability/transgender also sometimes allowed for unexpected access to authority and fleeting freedoms. In particular, Garland used the “disability con” as a technology that scrambled the codes of gender, race, and class, allowing them to live—briefly in life, but indefinitely in the archive—a publicly nonbinary life.5 Their narrative, therefore, offers a compelling account of trans agency and authority that leans into, rather than flees from, the potentially disqualifying “lumping” together of disability/transgender (Renaissance News 1989). More specifically, during a period in which they lived in Stockton, California, under the name Babe Bean, Garland claimed to be incapable of speech. At the time, reports vacillated between physical, psychic, and volitional explanations for Garland’s muteness, which partially undergirds my decision to frame Garland’s narrative in terms of disability broadly, even though I conclude the essay by meditating on madness in particular. As I and many others have argued, the relationship between madness and disability studies can be fraught (AwkwardRich 2017). However, I find the broad language of disability useful here for several reasons. First, it positions this essay in conversation with two related “turns” in disability studies, toward epistemology and toward attending with more care to cognition, emotion, and so on, what Robert McRuer (2014: 277) has called the field’s “mad turn.” Second, Garland’s own vacillating explanations for their incapacity resonate with many disability studies scholars’ use of disability as a term to designate a range of physical, cognitive, and psychic differences that come to be understood as disabilities in historically contingent ways. And, finally, a disability framework ties my discussion of Garland to larger cultural discourses about fraud, fakery, and passing that were grounded in racial anxieties but that came to be attached to the specter of fake disabled bodies in the late nineteenth century— suspicion about Garland’s silence as a ruse intended to enable a traversal of social divisions must be understood in this context (Samuels 2014). Importantly, my gesture to, through Garland, historicizing the relationship between trans and disability does not have properly historicist motives. Rather, I begin from the assumption that our approaches to the past are always structured by desire, which enables and limits the stories we tell. Here, what I am after is a way of thinking about the entanglement of disability/transgender that neither reifies trans’s relationship to the clinic nor regards their coarticulation as always and only an unworkable trap. Such a way of thinking requires, I believe, not only an ambivalence regarding the answer to the question of who is disabled but also a refusal to consent to medico-legal norms of emotion and cognition as the basis for securing dignity and authority. That is, a crip/trans response to the Renaissance News writer’s observation that the ADA reinforced the notion that trans people are sick might be: so what? I turn to Garland’s life and afterlife in an effort to inhabit this “so what.” The essay concludes with a brief meditation on the methodological implications of this rhetorical posture. That is, I attend to Garland’s biography and writing ultimately to argue for and model a reconsideration of a dominant narrative habit of trans studies. Analogous to the Renaissance News editorial with which I opened, trans studies has been structured by defensiveness regarding the relationship between trans and disability, largely because of the way this pairing—in medicine, in law, and in everyday life—implicitly and explicitly links trans identity with, and potentially regards it as, a form of madness. Because, like all identity knowledges, trans studies must negotiate the closeness of its subjects and its objects, this defensiveness is understandable—if having interpretative/ rhetorical authority “means making sense and a [mental] diagnosis is in many ways to be labeled as speaking nonsensically or with the wrong kind of sense,” then linking transness and madness risks undoing trans people’s (and, thereby, trans studies’) claim to authority (Price 2011: 26).6 Garland’s narrative, however, suggests both that such an undoing is not inevitable and that trans studies might lose more than it gains by being unwilling to take the risk.

#### Using logic-games as a gotcha is transphobic.

Wright 25, Assistant Professor of Law @ Stetson (Emerson. "Gender Affirming Rhetoric." (2025). <https://papers.ssrn.com/sol3/Delivery.cfm?abstractid=5911922/>. Accessed: 1/9/26)—js

While traditional legal rhetoric will inevitably continue to play a role in U.S. jurisprudence, it should be decentralized as the exclusive, dominant method of legal reasoning and treated as simply one of many rhetorical tools at the courts’ disposal for resolving complex legal issues. Some actors, issues, and fact patterns can fit somewhat neatly into bivalent categories, and society benefits from consistency and predictability in the application of law. However, lawyers and judges should be clear-eyed about the limits of traditional legal rhetoric and the myth of its neutrality. Rather than robotically reducing complicated issues affecting complex human beings down to formulaic methods of problem-solving, advocates and jurists should expand their rhetorical toolkits. The legal profession should recognize that traditional legal rhetoric has no inherent superiority over rhetorical traditions that did not develop through the Western-centric, Classical-to-Enlightenment model the American legal system deifies. Rather, we should experiment with methods of reasoning that embrace complexity, prioritize peaceful community and coalition-building, and value truth and dignity above logical validity. Through the use of alternatives to traditional legal rhetoric, marginalized groups—particularly people who implicitly or explicitly reject cissexist, binary views of gender—can advocate for their rights in ways that play less into the hands of their oppressors. Trans rights advocates can use these rhetorics to vindicate trans folks’ right to access gender affirming healthcare without accepting the false premise that gender is always definable and static.

#### Zero-sum DA. Treating “fairness” and clash under their model as zero-sum with our narrative of trans-antagonism is how abjection of maladjustment is constituted rhetorically.

Griffin 25, Associate Lecturer @ Open University, PhD (Christopher. "Dispossessive rights: coloniality and trans-exclusion in zero-sum politics." The International Journal of Human Rights (2025): 1-25, luna + rose + //BB + Rock Chalk! + —js, Ulven, nargis <3, //kay kay🧟, qsmit, AFA+, Toro, MSCOTT, JPark, LFS—JCM, LFS—GOF, GrRv, jwilk, EH, LFS—CVB, walawondrous, oberto, This Card was Cut by Claire Elizabeth Ain, Ulven, June, LFS—AP, BH, aw, //SM, E. ‘Clairo’ Powers, ZWill) Michael Swidecki relite by Jax on a Terr

While it is not surprising that anti-trans activists of the Global North speak of rights in possessive terms, their insistence on a zero-sum model—in which trans gains are, ineluctably, cis losses—is notable. In Gender Hurts, Sheila Jeffreys claims that there is an insurmountably oppositional relationship between the rights of trans women and the rights of cis women.42 If trans women gain the right to use public spaces reserved for women, Jeffreys explains, then, by direct consequence, cis women will lose the right to privacy, dignity, and safety.43 Moreover, according to Jeffreys, transness in general ‘upholds the edifice of male domination’, making the existence of trans people ‘hostile to the rights of all women’.44 Although the possessive metaphor of rights does not necessitate zero-sum configurations like this, it does make them possible. This is because Anglophone cultures expect there to be coherence between conceptual metaphors.45 If we are used to the metaphor RIGHTS ARE POSSESSIONS, and if we believe that material possessions are sometimes arranged in finite, zero-sum economies, then we will be logically prepared to accept the metaphor RIGHTS ARE ZERO-SUM POWERS. In such circumstances, we might consider zero-sum rights talk to be literal and objective, as Jeffreys evidently does; we might even follow Judge Robert Bork, one of Ronald Reagan’s nominees for the US Supreme Court, in describing zero-sum rights as ‘a matter of plain arithmetic’46—despite knowing that the concept of rights is not numerical in any literal sense.

But possession can entail abundance as well as scarcity. We could just as easily imagine rights to be so plentiful that the danger of running out of them is negligible. To understand the internal dynamics of the possessive paradigm, it is important to identify the catalysts that drive zero-sum perceptions. One catalyst, I suggest, is the formation of identity through the constitutive exclusion of stigmatised Others, i.e., the sociogenic us/them construction that Wynter associates with coloniality. Putting it schematically, when possessive rights are combined with constitutive exclusion, the likelihood of zero-sum conclusions is increased. This is apparent in the discourse of trans-exclusionary feminists. For example, Jeffreys is scrupulous in withholding the terms ‘women’ and ‘female’ when referring to trans women, preferring phrases like ‘male-bodied transgenders and men who cross-dress’47 due to her reification of dichotomous categories of oppression: cis men are ‘the superior sex caste’ and cis women are ‘the inferior sex caste’, the immutability of these classifications issuing directly from ‘the fixedness of sex’.48 In this worldview, the category woman is constituted through the exclusion of man, and vice versa, making them oppositional. If sex is immutable and determines ‘caste’, then trans women are men, the very people who must not, by definition, have the right to access women-only spaces—the very people who must not, by definition, have the right to be categorised as women. Thus the women’s spaces such as public toilets that are the battlegrounds in this debate are metonyms for the ultimate space of womanhood: the category woman. For ‘men’ to gain access to this would produce a crisis of identity that must be avoided at all costs, as the vehemence of anti trans feminist discourse attests.

Indeed, the febrile register of this discourse implies a growing awareness of the untenability of the trans-exclusionary position, not least due to its racist and colonial associations, highlighting the broader stakes of zero-sum politics. Jeffreys et al. are all too aware that their account of sex as biological, immutably binary, and deterministic shares an ontology with scientific racism; their mentors, colleagues, and students have been telling them for a very long time now.49 They have also been informed of the inadequacy of their single-axis framework of oppression, effectively an instrument for the reproduction of white supremacy.50 And they will surely have been exposed to the well-known scholarship on the coloniality of gender, in which authors such as Oyèrónkẹ́ Oyěwùmí and María Lugones reveal binary immutable sex to be a culturally-specific and strongly gendered scientific construct—not the neutral and objective discovery of a universal natural order—that was violently imposed upon enslaved and Indigenous populations by European colonisers.51 Trans-exclusionary feminism of the Global North is, in other words, inseparable from white feminism; it is characterised by its refusal to accept that white women were and continue to be ‘ambiguously complicit both as colonizers and colonized, privileged and restricted, acted upon and acting’, as Anne McClintock puts it.52 For my purposes, sacrificial feminism is the term that spotlights the tangible harm that trans-exclusionary white feminists inflict upon their Others—trans, intersex, and queer people; disabled people; Black, Brown, and all racialised women; and women of formerly and presently colonised populations—to protect their own beleaguered stance.53 Given the volume and persistence of these criticisms, it is unsurprising that sacrificial feminists have become defined by the identities and histories they wish to disavow. For McClintock, drawing on Julia Kristeva, ‘the expelled abject haunts the subject as its inner constitutive boundary; that which is repudiated forms the self’s internal limit’.54 Haunted by their abjections, exclusions, and amnesias, denounced by their erstwhile comrades, sacrificial feminists today are defensive, angry, and desperate.