

# AGAINST TRANS RIGHTS

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Over the course of the pride movement, a certain degeneration has sneakily taken hold of our demands and slogans. What was once the fight for gay *liberation* and trans *liberation* has instead become the fight for “gay rights” and “trans rights,” demands which are only legible within the framework of bourgeois law. Why is this a problem? Because when the anti-homosexual chauvinist claims that gays “have the equal right to (heterosexual) marriage,” or when the anti-trans chauvinist asks incredulously “what rights don’t trans people have?” they are, actually, correct: heterosexual marriage is indeed a universal right, and there are no rights which don’t apply to trans people. This conception of equal right is not merely some kind of bad-faith word game, but an *accurate representation of what bourgeois equality before the law entails*. This is not an argument against the liberation of these groups but, rather, an argument against bourgeois law, which utilizes the abstraction of legal equality to mask and reproduce the social inequality that is fundamental to our society. In the words of Anatole France, “The law, in its majestic equality, forbids the rich as well as the poor to sleep under bridges, to beg in the streets, and to steal bread.” Legal reform which eases the burden on oppressed people is certainly a fruitful tactic worth pursuing, but when it becomes the entire goal, when it is elevated to the status of *strategy*, then it actually subverts our efforts at liberation. If, in other words, our loftiest ambition is to be *equally as exploited* and *equally as oppressed* as anyone else, then the movement is already doomed — and it is exactly this that a demand for “equal right” implies. Surely we can agree that the goal must be to end the exploitation and oppression of us all, and not merely to equalize it! And if this is so, then we must recognize that legal reform is not the condition of our liberation.

Where does right come from? Classic liberal doctrine maintains that rights are “innate,” unalienable, and provided directly by God almighty. This theory of human rights suggests that rights are both *apolitical* and *ahistorical*, like a simple fact of nature. But if this is so, then this God of Rights must be quite fickle, because our rights are altered and alienated all the time! This notion of human rights only mystifies what rights are and where they really come from. Rights are not bestowed to us by God, nature, or any other source of external authority. Nor are they bestowed by our ruling class. Every right ever written into law tells us the story of a violent struggle between the classes of society, with the victors, the working class, forcing some concession out of the exploiting class. Rights, in short, are the fruits of struggle against an oppressing class. But an unpreserved fruit will soon spoil, and hence a right won in the heat of struggle will not then exist forevermore, but must be continually defended by concrete struggle. How can we continue to believe that these “immortal rights” constrain the arbitrary exercise of power when those in power freely dispense with our rights as the need and opportunity arises? Special extraterritorial black sites for torture, martial law, FBI sting operations and blackmail, secret police, domestic surveillance, police terrorism, voter disenfranchisement, internment camps... On the contrary, there is no guarantee of freedom or sovereignty unless it can be

defended and maintained by force (or by the threat of force). Defended against whom? The oppressor, the exploiter, the enemy of the people and the enemy of freedom — in short the bourgeoisie and their loyal state enforcers.

So long as class antagonisms exist, so long as our freedom must be defended at the barrel of a gun, so long as the bourgeoisie must be suppressed and defeated, whatever right that exists can never be truly universal, can not be said to belong to all of humanity. Thus if we must refer to rights at all, we refer instead to “worker’s rights.” Such right is not innate, biological, natural, or otherwise trans-historical, but a function of the state of development of society, the development of its productive forces, its social relations, and the level of consciousness and organization of the working classes. For example, “healthcare is a human right” is a lovely phrase, but is capitalist society capable of *guaranteeing* such a right? Negative: history shows us that social-democratic welfare policy is only one temporary stage of a counterrevolutionary strategy. Only the organized working class of a capitalist nation, threatening to disrupt the system unless demands are met, can force such a right to exist, and only for so long as they can continue to *defend it*, and only where the society is capable of redistributing superprofits extracted from the third world. This, then, is a *worker’s right* in the sense that it is made by and for the working class, and in the secondary sense that members of the bourgeoisie would be able to afford healthcare whether or not it is provided as a right to all citizens. In a nutshell, rights are not given, they are taken. Thus, do not be fooled into thinking that simply because an amendment to the constitution is made that such a right exists for real, or for all time, as if set in stone. Right is only that which we can reliably produce and defend. And in that sense, we can not possibly conceive of continuing to play the role of Sisyphus against our ruling class, continually fighting against the retrogression of our rights, as a strategy for liberation. One way or another this conflict must end.

Once the social revolution succeeds and the bourgeoisie are overthrown, can right begin to be equal then? Not if we intend to do away with social inequality. Karl Marx provides a strong criticism of “equal right” in the [Critique of the Gotha Programme](#) in which he explains that providing a universal value of labor would, while creating equality in one sense, reproduce inequality in another:

“But one man is superior to another physically, or mentally, and supplies more labor in the same time, or can labor for a longer time; and labor, to serve as a measure, must be defined by its duration or intensity, otherwise it ceases to be a standard of measurement. **This equal right is an unequal right for unequal labor.** It recognizes no class differences, because everyone is only a worker like everyone else; but it tacitly recognizes unequal individual endowment, and thus productive capacity, as a natural privilege. **It is, therefore, a right of inequality, in its content, like every right. Right, by its very nature, can consist only in the application of an equal standard; but unequal individuals** (and they would not be different individuals if they were not unequal) **are measurable only by an equal standard...** Further, one worker is married, another is not; one has more children than another, and so on and so forth. Thus, with an equal performance of labor, and hence an equal in the social consumption fund, one will in fact receive more than another, one will be richer than another, and so on. **To avoid**

**all these defects, right, instead of being equal, would have to be unequal.”** (Emphasis added).

Indeed, the goal of Communism is not for all to provide an equal amount of labor and to receive back an equal portion of the social product, but, rather, to provide what they *can* and to get back what they *need*. Every person has different abilities and different needs, thus, to create social equality, they could not be evaluated on an equal or universal basis.

Now let us see why all this talk about rights and equality bears relevance to the trans liberation struggle. It should go without saying that most people will never need gender-affirming healthcare, nor do most need to change their legal name (besides marriage) or to alter their gender-marker; few people, in short, have the same needs as transsexuals. Thus to accommodate these different needs, we do, in fact, need different (“special”) rights. This is not a defect but, rather, a feature of revolutionary trans liberation. That’s why we wish to clarify that what we are fighting for could not really be called “trans rights” but instead what we call “trans liberation.” In terms of sloganeering, the question “what is trans liberation?” is superior to “what are trans rights?” because it conveys the contradiction between presently-existing society and that which we are fighting for. More concretely, what we call trans liberation is not merely a juridical, cultural, or social reform, but a historical development, and only in turn, when the material basis of patriarchy and transmisogyny is abolished, only then can the cultural and ideological values which reproduce trans oppression be completely abolished as well. Huey P. Newton once described the same process very well in [Intercommunalism](#):

“When the people seize the means of production, when they seize the mass media and so forth, you will still have racism, you will still have ethnocentrism, you will still have contradictions. But the fact that the people will be in control of all the productive and institutional units of society—not only factories, but the media too—will enable them to start solving these contradictions. It will produce new values, new identities; it will mold a new and essentially human culture as the people resolve old conflicts based on cultural and economic conditions.”

Let’s be a little less vague: what is the material basis for anti-trans-chauvinism and trans oppression? Firstly it is the form of the patriarchal family: patrilineal, enforced monogamy only for the woman, uncompensated and private (domestic) labor forced upon the woman, and, crucially, organized to pass on inheritance, to centralize wealth over generations. The patrilineal family and inheritance must be abolished. Marriage as a civil institution then ceases to be a necessity and so it too disappears along with the patrilineal family. Correspondingly, the practical ownership of children by their parents is abolished too so as to end the exploitation of children by their parents, to free them from the single largest source of abuse and predation, to socialize their education, subsistence, and healthcare. Parents are likewise freed from having to compete against other families to provide for their own children at the expense of others, and now collaborate together to provide for the needs of all collectively. Without any further economic incentive, individuals are thus finally free to establish families purely based upon love, as well. Secondly, the gendered division of labor, especially in the social-reproductive (“domestic”) sphere, must be abolished as well, with cooking, cleaning, laundry, etc, becoming socialized alongside the labor of the formal economy. With the abolition of private property,

wage labor, and poverty, so too does prostitution follow as well. Finally, the means of medical production and distribution must be advanced enough to provide every transsexual with whatever medical intervention they need and desire. These premises constitute some of the most fundamental bases of trans liberation; only then do we believe gender self-determination can proliferate and be accepted in society, only then can transsexuality begin to cease to be a topic of derision, hate, or disgust. You'll notice that these premises aren't solely unique to trans liberation; indeed, what we would call worker's liberation, women's liberation, or trans liberation intersect by perhaps some 90-95% — thus the material basis of solidarity among these groups and sub-groups are well established. But there *are* differences among them, so we must once again remind the reader that this must mean that liberation implies an *unequal* right.

Liberation, in summary, is a historical process which must begin with the negation of presently existing society, and must end with the development of communism, whereas right is a slogan of reform unfit to our task.