

# **Go Ask Alice – But Not About Transsexuals’ Lives and History: A Defense of the Right of Members of an Oppressed Class to Speak for Themselves**

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*This book would look very different if it could have included first-hand accounts telling us how people labeled “hermaphrodites” in the nineteenth century saw and represented their own bodies and lives.<sup>1</sup>*

- Alice Domurat Dreger, *Hermaphrodites and the Medical Invention of Sex*

This paper would look quite different if J. Michael Bailey – and Alice Dreger – afforded to transsexual women the degree of respect with which Dreger begins the epilogue of her 1995 book, *Hermaphrodites and the Medical Invention of Sex*. In fact, the paper probably would not exist. Instead, my energy would have been devoted to challenging historical revisionism on other trans-related fronts.<sup>2</sup>

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<sup>1</sup> Alice Domurat Dreger, *Hermaphrodites and the Medical Invention of Sex* (Cambridge: Harvard University Press, 1995), p. 167.

<sup>2</sup> Even aside from what occurred during the ENDA debacle of October 2007, just as I was completing this article for the 2008 NWSA Conference a gay publication’s Pride editorial declared of Stonewall, “There were *no* drag queens there at all.” Joseph DaBrow, “Lets

However, no such respect can be found in Bailey's 2003 *The Man Who Would be Queen*.<sup>3</sup> Respect likewise is absent in, "The Controversy Surrounding *The Man Who Would Be Queen*: A Case History of the Politics of Science, Identity, and Sex in the Internet Age," Dreger's defense of *Queen*'s author. I intend this paper as a vindication of the right of transsexuals to speak for themselves – and not as any form of threat, coercion or any manner of negativity aimed at anyone who might happen not to be transsexual but who also might happen to write about the subject or any person or persons who are encompassed by that category. It is, however, a warning to all that transsexuals will never again stand silent as our very existence is attacked.

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Having begun by taking a somewhat confrontational posture, I feel obligated to point out two things. First, prior to Dreger's "Controversy" emerging in the summer of 2007 I had no personal connection to the controversy over *The Man Who Would be Queen* beyond the fact that I am a transsexual woman<sup>4</sup> even though, as I will demonstrate, that in and of itself gives me a vested – and valid - interest in combating maliciousness that masquerades either as 'science' or as a defense of a pseudo-scientific masquerade. I had minimal contact with only two of the principals. This consisted of a small number of e-mail conversations with Andrea James over the last few years (though

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Go to the Movies!" *Metroline*, Late May 2008, <http://www.metroline-online.com/column1.html> (emphasis added) (accessed June 11, 2008).

<sup>3</sup> J. Michael Bailey, *The Man Who Would Be Queen: The Science of Gender-Bending and Transsexualism* (Joseph Henry Press, 2003).

<sup>4</sup> In the earlier drafts of this paper which I have posted on the Internet, I failed to include here a connection which should be obvious by the end of the paper, if not by the end of this paragraph: I was not totally silent at the time of the publication of *Queen*, as I did author an analysis of the Bailey book for *Transgender Tapestry*, from which I quote from herein.

I believe that none of this communication involved *Queen*) and one phone conversation with Anjelica Kieltyka (which, I believe, occurred during the summer of 2004, and was a call from her about my review of *Queen* that had appeared in *Transgender Tapestry*.)<sup>5</sup> As for Anne Lawrence, in 2000 I was a one of many trans rights activists (along some whose interests were/are averse to trans rights) who participated in a conference call, and Lawrence was part of the call, though I do not recall if I spoke to her directly at any point during the call. Additionally, prior to 2007, I had never had any contact with Lynn Conway or Deirdre McCloskey.<sup>6</sup>

Secondly, I have used Alice Dreger's *Hermaphrodites and the Medical Invention of Sex* in the undergraduate-level course I teach on transgender history at the University of Iowa and, in what might come as a surprise to some, I have continued to do so in spite

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<sup>5</sup> With respect to Andrea James, I have offered a few thoughts on trans law for use on *TS Roadmap* (<http://www.tsroadmap.com>) and she does link to my trans legal history web page (which has fallen into disrepair during my time at the University of Iowa, a situation I hope to rectify soon.) Moreover, I do not want to be read as endorsing *everything* on *TS Roadmap* as I have not ever perused *every* page on the site. Nevertheless, I also cannot say that I agree with the characterization of *TS Roadmap* as promoting a “Stepford Wife” stereotype” for transsexual women. Marti Abernathey, “For Matters of Disclosure, I Open Myself To You,” *TransAdvocate*, Aug. 16, 2007, <http://transadvocate.com/blog/2007/08/16/for-matters-of-disclosure-i-open-myself-to-you/> (last visited Aug. 18, 2007).

I also had some minimal contact with Calpernia Addams, all via e-mail and all several years ago, relating to a law review article I wrote in which I referenced some material written about the murder of Barry Winchell. See Katrina C. Rose, “When is an Attempted Rape Not An Attempted Rape? When the Victim is a Transsexual - *Schwenk v. Hartford*: The Intersection of Prison Rape, Title VII and Society's Willingness to Dehumanize Transsexuals,” *American University Journal of Gender, Social Policy & the Law* 9(3):505 (2001), 538 n. 201.

<sup>6</sup> I am currently working on a doctorate in History at the University of Iowa, where McCloskey taught (in the History Department) and transitioned in the 1990s. However, I began my graduate work at Iowa after McCloskey left to go to the University of Illinois at Chicago. Needless to say, however, I do work with many of her former colleagues and have TA'd alongside some of her former TAs.

of the manner in which the controversy over her defense of Bailey has developed. I have a few qualms with *Hermaphrodites* (I am aware that others have more), but none have caused me to find another main text. I supplement it with other material on the subject. Consequently, Dreger's is not the only voice heard.

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And hopefully Dreger's will not be the only voice heard now that her "The Controversy Surrounding *The Man Who Would Be Queen: A Case History of the Politics of Science, Identity, and Sex in the Internet Age*" has been published in a special issue of *Archives of Sexual Behavior* devoted to what resulted from the publication of *Queen*.<sup>7</sup> Unfortunately, despite *Archives* deigning to include some scholarly commentary critical of Dreger, there was, and still is a bad smell in the air – the smell of a fix being in.<sup>8</sup> For example, in 2007 the ostensibly progressive *Huffington Post* almost instantaneously posted praise for Dreger's defense of Bailey, replete with typically conservative canards about alleged political correctness in the academy.<sup>9</sup> More ominously, Kenneth Zucker is poised to be a major player in the Sexual and Gender Identity Disorders Work Group as it

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<sup>7</sup> Alice D. Dreger, "The Controversy Surrounding *The Man Who Would Be Queen: A Case History of the Politics of Science, Identity, and Sex in the Internet Age*," *Archives of Sexual Behavior* 37:366 (2008). In this article, however, my references are to the version of Dreger's article that circulated on the internet in 2007.

<sup>8</sup> According to Zucker, sixty people expressed a desire to comment and twenty-four such commentaries were received. Kenneth J. Zucker, "Introduction to Dreger (2008) and Peer Commentaries," *Archives of Sexual Behavior* 37:365 (2008). Of course, the only response Zucker afforded my inquiry was an automated e-mail reply.

<sup>9</sup> Seth Roberts, "Can Professors Say the Truth?" *Huffington Post*, Aug. 16, 2007, [http://www.huffingtonpost.com/seth-roberts/can-professors-say-the-tr\\_b\\_60781.html](http://www.huffingtonpost.com/seth-roberts/can-professors-say-the-tr_b_60781.html) (last visited Aug. 18, 2007).

assembles the fifth edition of the Diagnostic and Statistical Manual of Mental Disorders.<sup>10</sup>

That is simply a feeling on my part, and I have no trouble acknowledging that I could be wrong.

But, trans people – particularly trans women – have long since earned the right not to have to waste precious time and energy defending ourselves against yet another *Transsexual Empire*,<sup>11</sup> Meyer-Reter ‘study’,<sup>12</sup> *Horsexe*,<sup>13</sup> “Cunning Linguists,”<sup>14</sup> or *Kantaras v. Kantaras: How a Victory for one Transsexual May Hinder the Sexual Minority Movement*.<sup>15</sup> In fact, I am left to wonder if the late-2007 battle for trans-inclusion in the proposed federal Employment Non-Discrimination Act (ENDA) would have gone better for trans people had all of the energy used to combat Bailey –via-Dreger had been available as a raw resource to combat the multiple misrepresentations put forth by gay opponents of trans-inclusion to discredit the notion of an inclusive ENDA.

As always, it seems, when the next round of illegitimacy stands poised for legitimization, we have to defend ourselves, because history has shown that if we do not,

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<sup>10</sup> Lou Chibbaro, Jr., “Activists Alarmed Over APA – Head of Psychiatry Panel Favors ‘Change’ Therapy for Some Trans Teens,” *Washington Blade*, May 30, 2008, <http://www.washingtonblade.com/2008/5-30/news/national/12682.cfm> (accessed June 9, 2008).

<sup>11</sup> Janice G. Raymond, *The Transsexual Empire: The Making of the She-Male* (Boston: Beacon Press, 1979).

<sup>12</sup> Jon Meyer & Donna Reter: “Sex Reassignment: Follow-Up,” *Archives of General Psychiatry* 36:1010 (1979).

<sup>13</sup> Catherine Millot, *Horsexe* (1990).

<sup>14</sup> Norah Vincent, “Cunning Linguists,” *The Advocate*, June 20, 2000.

<sup>15</sup> Elizabeth C. Barcena, “*Kantaras v. Kantaras: How a Victory for one Transsexual May Hinder the Sexual Minority Movement*,” *Buffalo Women’s Law Journal* 12:101 (2003 / 2004).

we cannot expect a defense from any other corner. Remember that – for, I believe, that is what all of this can be boiled down to. For that is what happened in 2003 and it is what has continued.

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I doubt that I need to recount here the general thesis of *Queen* or the reaction that the trans community had to the book in 2003. I am assuming that anyone reading this is sufficiently familiar with that context to understand my analysis. Consequently, I will simply proceed to *my* dismay at the following statement by Dreger *about* that context and what came later. “In researching this history,” Dreger wrote, “I was dismayed to discover how many people — including professional scholars — were ready to give me detailed opinions about the book while admitting they hadn’t bothered to read it.”<sup>16</sup> Now, I am not particularly dismayed by its bare accuracy; I have no doubt that the statement is quantitatively accurate. Indeed, it describes *my* feeling as to how *Queen* ended up with its Lambda Literary nomination, for I have never seen any indication that anyone who was responsible for the nomination had *actually* read the book.

I am, however, even more dismayed by the irony of Dreger’s statement. She elaborates:

When I talked with him about the backlash against the book, Paul Vasey recalled being with Joan Roughgarden, a prominent transgender scientist, in February 2003 when she saw for the first time the book’s cover, reproduced on a flier. Vasey remembers that, upon seeing the flier, Roughgarden immediately denounced the book and declared it a threat to the LGBT community. Roughgarden could not have actually known what the book said, because it wasn’t yet published.<sup>17</sup>

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<sup>16</sup> Dreger, “Controversy,” 13.

<sup>17</sup> *Ibid.*

Somewhat surprisingly, Dreger eventually acknowledged that Roughgarden actually *could* have seen it.<sup>18</sup>

Still, I have a deeper concern *about the concern* over the reactions by Roughgarden and others to that cover: Why is knowing the contents of the interior of the book a prerequisite to expressing very valid concerns about a disgusting illustration (one clearly designed to play to the worst anti-transsexual and anti-gay male prejudices) and, by extension, the book it is designed to sell, and, again by (valid) extension, the potential for the book to be “a threat to the LBGT community” , primarily or even *solely* because of that cover? The dubiously manufactured lack of consensus that became the scientific status quo post-Meyer-Reter eventually led to total legitimacy-inversion for transition-related healthcare for transsexual Medicaid patients in Iowa.<sup>19</sup> Must transsexuals wait until *Queen* (or its Blanchard forebear) is cited right alongside Paul McHugh’s religionism-based ‘scholarship’ in a court opinion that obliterates existing pro-transsexual law and forcibly re-transitions us all?<sup>20</sup>

I assert that, while it is indeed best to have read *all* of what one is criticizing, some ‘nuggets’ are sufficient for people of reasonable intelligence – and relevant experience – to, for lack of a better phrase, judge a book by its cover. Although that would *seem* to be the antithesis of academic discourse, how inappropriate is it really in

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<sup>18</sup> Alice D. Dreger, “Response to the Commentaries on Dreger (2008),” *Archives of Sexual Behavior*, 37:503 (2008), 506.

<sup>19</sup> Compare *Pinneke v. Preisser*, 623 F.2d 546 (8<sup>th</sup> Cir. 1980) (pro-transsexual outcome), with *Smith v. Rasmussen*, 249 F.3d 755 (8<sup>th</sup> Cir. 2001) (anti-transsexual outcome).

<sup>20</sup> For an analysis of McHugh’s work being used against transsexual existence, see Lynn Conway, “IRS disallows a woman's tax deduction for SRS - citing teachings in a Catholic religious journal as a basis for its decision,” Jan. 25, 2006, <http://ai.eecs.umich.edu/people/conway/TS/Legal%20Issues/Taxes/IRS%20SRS%20Rulings.html>.

light of Bailey apparently *wanting* people to judge the cover of *Queen*? In 2003 he indicated that, despite using the word “transsexualism” on the cover, he wanted people to get the impression that *Queen* was about *something else*.

Even transsexual women who support my arguments in some cases regretted the choice of the title and the book cover art. I do not regret either. Only one-third of the book is about transsexualism, per se, and only one chapter out of eleven is about nonhomosexual transsexuals, who are the most aggrieved. *Both the title and the cover art refer to male femininity, in a humorous fashion. Male femininity is what the book is about.*<sup>21</sup>

So yes, I will admit it. I judged *The Man Who Would Be Queen* by its cover. But, I did so by judging the cover on its own merits (or lack thereof.) I was not, and I still am not, willing to accept the deceptive messages that Bailey claims he was attempting to convey with it: that (1) it was science (at least as most people of any level of intelligence would understand the term) and (2) it was about people who actually are transsexual.

Why couldn't Bailey have titled the book *The Man Who Would Be Queen: Anecdotes on Male Femininity Gleaned From Recent Visits to Chicago-Area Bars*?<sup>22</sup>

Might it be because even he did not *really* believe what he wrote a few paragraphs after the above-quoted one?

[N]ot only do I believe that there is nothing inherently harmful in the ideas I have discussed, I actually believe that the airing of these ideas will *help* transsexuals.<sup>23</sup>

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<sup>21</sup> J. Michael Bailey, “My Book,” <http://www.psych.northwestern.edu/psych/people/faculty/bailey/controversy.htm> (last visited July 31, 2003). The same quote is still available at the same URL, but the title of the page is now “Book Controversy Question & Answer.” (last visited June 12, 2008).

<sup>22</sup> Although I do not have citations to such, I believe that I am not the only (and probably not the first) person to have made this observational suggestion.

<sup>23</sup> *Ibid.* (emphasis added).

The first I heard of *Queen* was the glowing write-up of it by John Derbyshire in the right-wing *National Review* – not a publication that, in 2003 (or now), would praise anything that could even conceivably “help” transsexuals.<sup>24</sup>

[C]onservatives remember what much of the rest of society has forgotten: that even the most private of acts can have dire public consequences, as witness the epidemic of bastardy that has ravaged the United States over the past 40 years, and also of course the AIDS plague, spread in this country mainly by promiscuous homosexual buggery. Religion, to which most non-Randian conservatives are at least well disposed, adds another complicating factor, since the sacred texts of all three major Western monotheistic faiths proscribe homosexuality in unambiguous terms.

These matters are therefore at the very crux of conservative thinking as it has developed in this country across the past half-century. In order to tackle them, it is helpful to have as much actual understanding of them as we can acquire. Michael Bailey's new book is a very useful addition to that understanding.

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[H]is book offers a wealth of fascinating information, carefully gathered by (it seems to me) a conscientious and trustworthy scientific observer.

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[T]here is circumstantial evidence that complete acceptance and equality for all sexual orientations may have antisocial consequences, so that the obloquy aimed at sexual variance by every society prior to our own may have had some stronger foundation than mere blind prejudice. Male homosexuality, in particular, seems to possess some quality of being intrinsically subversive when let loose in long-established institutions, especially male-dominated ones. The courts of at least two English kings offer support to this thesis, as does the postwar British Secret Service, and

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<sup>24</sup> At least, as any commonly-accepted definition of “help” would be deployed – in contrast to the sort of “help” that those opposed to transition-related hormone therapy and surgery want transsexuals to receive. For example, Paul McHugh, of Johns Hopkins University, has declared about transsexuals that psychiatrists “would do better to concentrate on trying to fix their minds and not their genitalia.” Paul McHugh, “Surgical Sex,” *First Things: A Journal of Religion, Culture and Public Life*, Nov. 2004, [http://www.firstthings.com/article.php?id\\_article=398](http://www.firstthings.com/article.php?id_article=398) (last visited Aug. 26, 2007). See also, Teresa A. Zakaria, “By Any Other Name: Defining Male and Female in Marriage Statutes,” *Ave Maria Law Review* 3(1):349 (2005), 360.

more recently the Roman Catholic priesthood. I should like to see some adventurous sociologist research these outward aspects with as much diligence and humanity as Michael Bailey has applied to his study of the inward ones.<sup>25</sup>

Why is it unreasonable for transsexual women to have a ferociously negative reaction to something embraced in this manner by one of the punditry organs of radical neo-conservatism?

*Even* without us having seen it?

The answer is simple: It is not.

Embracing the enemy of one's enemy in the hopes that the former will actually turn out to be a friend has rarely proven to be more than embarrassing national masochism, not only *not* solving the initial problem but often causing more problems of exponentially higher severity; in fact, one of America's current follies of this nature seems to be turning into excruciatingly painful national suicide (or, at least, the murder of most of our cherished freedoms.) Recognizing the friend of one's enemy as also being one's enemy – or at least being willing to recognize the *possibility* of that linkage – is not folly in the slightest. It is an initial step toward self-preservation.

That was the mindset with which many transsexual women greeted *The Man Who Would be Queen* in 2003.

And justifiably so.

As John Gagnon wrote in his *Archives* comment, according to Dreger's recounting of events:

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<sup>25</sup> John Derbyshire, "Lost in the Male," *National Review*, June 30, 2003.

matters deteriorated rapidly after the publication of TMWWBQ as the blowback against Bailey and his book was mobilized. In her judgment, these attacks went beyond the limits of civilized debate in academic circles. That this blowback has come to include her was apparently one of the stimuli that motivated her to write her version of the events involved. That her ‘objectivity’ might have been influenced by becoming collateral damage in the conflict over Bailey and TMWWBQ is not addressed in any detailed way.<sup>26</sup>

To be absolutely fair, Dreger *does* concisely acknowledge the accuracy of the ultimate core criticism of *Queen* (something many of Bailey’s defenders do *not*<sup>27</sup>), namely that the book in question, presented to the public as being science, was anything *but* science. Yet, in how she does so, she manages to spin it not against Bailey, but against transsexuals.

[T]he way in which Bailey refers offhandedly and irregularly to his methodology *could* lead some to believe that all of the information he relays therein is the result of scientific study.<sup>28</sup>

Dreger’s utilization of “could” here shows an unwillingness to acknowledge the legitimacy of our experiences – and our concern. After all, Raymond’s *Transsexual Empire* still – a quarter century after the crime – possesses an undeserved patina of scholarly legitimacy.

The total lack of citation and documentation makes it very difficult to determine to what extent Bailey’s claims are based on peer-reviewed scientific evidence. It is true that TMWWBQ’s jacket boasts that it is “based on his original research” and “grounded firmly in the scientific method.” And indeed, in some places, Bailey does refer to some of his own actual scientific research.

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<sup>26</sup> John H. Gagnon, “Is This a Work of Science?”, *Archives of Sexual Behavior* 37:444 (2008), 444.

<sup>27</sup> The *National Review*’s Derbyshire and the *Huffington Post*’s Roberts certainly were unwilling to do so.

<sup>28</sup> Dreger, “Controversy,” 40-41 (citations omitted) (emphasis added).

[O]ne would be hard-pressed to call what Bailey did to obtain and present the stories of Kieltyka, Juanita, and the other individuals about whom he wrote “science”—or even “research” in any scholarly sense. Indeed, both Conway and McCloskey have complained about just that—that what he was doing with these women’s stories wasn’t science—and I think they are absolutely right.

Clearly, what Bailey did in terms of learning and relaying the stories of Kieltyka, Juanita, and other transsexual women was neither systematic nor generalizable. Never did Bailey organize a series of specific questions to ask these women, questions that might have been used, for example, to scientifically test Blanchard’s taxonomy. Never did he seek a statistically representative sample of transsexual women in deciding whose stories to tell; again, his critics have complained about just this (see, e.g., Sauer, 2003). He simply picked people who came with good stories — people such as Kieltyka and Juanita — to put human faces on Blanchard’s theory. He had no interest in scientifically investigating Blanchard’s theory; at this point, he already believed it to be true because of what he had learned from the scientific literature, from colleagues, and from his prior experiences. *Using stories in this way is not science—it doesn’t even rise to the level of bad science*, because it doesn’t even pretend to test or develop a theory—and I think it is clear it does not rise to the level of IRB-qualified research by the U.S. federal definition.<sup>29</sup>

And here the legitimacy of our concerns that Dreger actually is willing to acknowledge becomes fodder for her crusade to manufacture a living martyrdom for Bailey – while at the same time rationalizing away the deceptive trade of his (non-)scientific practice.

Although TMWWBQ occasionally seems to brag about its scientific rigor—especially on its jacket—in the text Bailey frequently acts more like a science journalist than a scientist. He mixes up references to scientific studies he led and stories of individuals he met along the way—stories, remember, not just of transsexual women and crossdressing men, but also of the men on the annual “gay guys” panel of his human sexuality class, of “Princess Danny,” and of Edwin, the effeminate man at the cosmetics counter of Bailey’s local department store. Bailey didn’t get IRB approval to gather or write about any of these stories, because they were all anecdotes and not scientific studies. *Given that he consistently obtained IRB approval for work he did that was IRB-qualified, there can be no doubt Bailey knew perfectly well the difference between the*

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<sup>29</sup> *Ibid.* (citations omitted) (emphasis added).

*anecdotes he used to liven up his book and real systematic and generalizable science. If his readers do not know it, that has certainly been to his and his argument's advantage, but it does not mean he violated federal policy.*<sup>30</sup>

So? As Gagnon remarked, “To argue that TMWWBQ was not *meant* to be a book of science appears to be more a result of the conflict about the book than a description of *the author's intentions*.”<sup>31</sup> I leave it to the reader to discern whether those who eagerly embraced *Queen* – and just as eagerly denounced those who dissected it – knew or cared about *Queen's* non-science being “neither systematic nor generalizable.”

The possibility that Bailey did not violate federal policy would mean that certain specific allegations against Bailey emanating from *Queen* might *possibly* be inaccurate.<sup>32</sup> But, the inclusion of the word “science” in the title – specifically the sub-title – of the book makes the authorship, publication and marketing of it not simply into a work of bad-, pseudo- or non-science but into an act of fraud perpetrated directly against anyone who purchased the book expecting to see some form of presentation of some aspect of

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<sup>30</sup> *Ibid.* (citations omitted) (emphasis added).

<sup>31</sup> John H. Gagnon, “Is This a Work of Science?” *Archives of Sexual Behavior* 37:444 (2008), 446.

<sup>32</sup> I continue to take no position about the sexual relationship aspect of the controversy, though I have noticed that Charles Moser made a similar observation in the conclusion of his *Archives* comment. Charles Moser, “A Different Perspective,” *Archives of Sexual Behavior* 37:472 (2008), 475. Moreover, I do recommend reading the response to Dreger by Andrea James on *TS Roadmap*. Andrea James, “Alice Dreger: Timeline of Her Personal Feud With Me,” *TS Roadmap*, Aug. 14, 2007, <http://www.tsroadmap.com/info/alice-dreger/hermaphrodite-monger.html> (last visited Aug. 18, 2007). If, as James appears to show, Dreger quoted e-mails from James (to Anne Lawrence) out of context, then it would seem that, in attempting to defend Bailey from charges of misconduct, Dreger has opened herself up to, at the very least, the sort of charges that have long been made against Janice Raymond. See generally Kay Brown, “Janice Raymond, Ph.D.,” *Transhistory.net*, [http://www.transhistory.net/history/TH\\_Janice\\_Raymond.html](http://www.transhistory.net/history/TH_Janice_Raymond.html) (last visited Aug. 18, 2007).

science<sup>33</sup> (and perpetrated indirectly against all transsexual women), and it actually begs the question of why the perpetrator of such a fraud deserves *any* defense from *any* corner of the scholarly world.

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Of course, I do want to acknowledge that Dreger does, on some level, *seem to* imply that even she feels as though at least *some* of the *immediate*, visceral reaction was justified. Yet, the entire discussion of these reactions brings me back to this: Why should reading the *entire* thing be a prerequisite to judging the whole? Some ‘parts’ of ‘things’ are so rancid – so poisonous – as to render the whole unsalvageable. And when some ‘parts’ are so defective as to render the whole deadly from the start, it is in no way improper to initiate demolition procedures before the edifice is ever opened to the public.

The interior of *The Man Who Would be Queen* contains a section that cannot be read in any other fashion as having been designed to embarrass, denigrate and, in ways scarcely imaginable to non-transsexuals (such as Dreger and Bailey), complicate the lives

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<sup>33</sup> “To act with the ‘intent to defraud’ means to act wilfully, and with the specific intent to deceive or cheat, for the purpose of causing financial loss to another, or to bring some financial gain to oneself. It is not necessary to establish that any person was actually defrauded or deceived.” 720 ILL COMP. STAT. ANN. 5/17-1 (A) (iii) (2007).

Roberts complains:

I read Bailey's draft a few months after reading *Crossing* (1999), a memoir by Deidre McCloskey, a professor of economics at the University of Illinois at Chicago. *Crossing* tells the story of McCloskey's change from man to woman. It is an emotionally powerful book, full of longing. According to *Crossing* and Bailey's draft, McCloskey had at least three features in common with Type 2 transsexuals (worked in male-dominated profession (economist), married, changed sex after age 40). *Crossing* also describes being sexually aroused by cross-dressing. This appeared consistent with Blanchard's typology -- which *Crossing* didn't mention. Why not? I felt deceived.

Roberts, “Can Professors.” Well, genuinely without any intent to be snarky, I believe Roberts answered that himself: *Crossing* is “a memoir.”

of transsexual women – and it is this section alone that I assign for reading in the undergraduate-level transgender history class I teach at the University of Iowa.

That section of *Queen* comprises slightly over two *pages*.<sup>34</sup>

Yes, *pages*.

Yet, those pages (192-194) are all that were – and, in my view, all that *still are* – needed to completely discredit *The Man Who Would be Queen*. And, though I am sure that the precise wording of applicable professional ethics rules would allow Bailey to escape unscathed on this point as well, I feel that general notions of societal decorum are sullied by what he does therein. These pages comprise a ‘test’ – or so he asserts.

The ‘test’?

“Autogynephilic and Homosexual Transsexuals: How to Tell Them Apart.”

It was this ‘test’ – one Bailey intended for use by both the professional and the “novice” – that I focused on when I critiqued the book in *Transgender Tapestry* in 2004.

“Have you ever been in the military or worked as a policeman or truck driver, or been a computer programmer, businessman, lawyer, scientist, engineer, or physician?” A seemingly innocuous question to gauge simply whether the askee has a reasonable, stable work history? After all, some gender transition programs and gender therapists ask such questions of new patients—and one might think a yes answer would be a good thing.

Instead, this is one of a short list of questions which Bailey says “should work even for the novice” (*even though he admits he’s never tested this!*) at how to tell the difference between autogynephilic transsexuals (according to Bailey’s false dichotomy, “men erotically obsessed with the image of themselves as women;” in other words, nothing but a full-time fetishist) and homosexual transsexuals (“extremely feminine gay men”). The list consists of several questions, six each with a point value of +1 and -1 and, with the exception of a bonus round question based on the asker’s opinion as to the passability of the subject, all of the +1 questions come first—significant for the testing parameters: “Ask each question, and if the answer is ‘Yes,’ add the number (+1 or -1) next to the question. If the sum

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<sup>34</sup> Bailey, 192-94.

gets to +3, stop; the trans- sexual you're talking to is autogynephilic. If the sum gets to -3, she is homosexual."

Upon my initial read of the list of professions, any one of which constitutes one-third of an intractable declaration that one is autogynephilic (remember: if you get to +3, then stop; the -1 questions never come into play), I tried thinking of things that aren't encompassed by it, and I had trouble coming up with much beyond convenience store clerk, prostitution, and writing books that further dehumanize the last minority that against which it is truly still politically correct to discriminate.

Yes, the transphobia is more than obvious, but there is far more afoot. Philadelphia transgender activist Kathy Padilla has observed, "Besides the horrible transphobia—the misogyny is appalling! Let's remember this is a guy who states he doesn't understand female sexuality at all. Not transwoman or non-transwoman—he certainly seems to feel a need to define and control it though, doesn't he?"

Think about it. What is Bailey really saying with that list? That those listed are inherently male professions and no real woman would be in such a profession, so a new woman with such a history can't possibly be legitimate—either as a woman or a transsexual (and when compared to the occupational list at the other end of the scale, it's clear that Bailey views these professions as being not simply for men, but for real men). And it only gets worse:

"As a child, did people think you were about as masculine as other boys?"

"Have you ever been married to a woman?"

"Were you over the age of 40 when you began to live full-time as a woman?"

"Are you nearly as attracted to women as to men? Or more attracted to women? Or equally attracted to women?"<sup>35</sup>

It is that italicized parenthetical in the second quoted paragraph that makes Dreger's concern about those who are intended to be judged by this 'test' (and the book as a whole) judging *The Man Who Would Be Queen* based on having seen at least a portion of

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<sup>35</sup> Katrina C. Rose, "The Man Who Would Be Janice Raymond," *Transgender Tapestry*, Winter 2004, <http://www.ifge.org/Article237.phtml> (last visited Aug. 18, 2007).

it more than a little ironic. A key element of her position is that transsexual pre-judged Bailey, yet his book contains a ‘test’ that he pre-judged as being fit for lay persons and professionals to go forth into the transsexual-populated world and ‘prove’ his theory.

I teach this two-plus page section in the following manner: I assign the pages, but with the few words by which Bailey admits that he’s never utilized this specific ‘test’ himself *blacked out*. We discuss the negativity of the stereotypes that the ‘test’ embraces and how it the ‘test’ frontloaded in favor of reaching a conclusion that the transsexual at issue is ‘autogynephilic.’

And bear in mind, that thus far in article I have only addressed half of the ‘test.’

Continuing with my 2004 review:

Try some of his -1 questions—the ones where enough answers to get you to -3 permits the quizzier to declare the quizzee to be a homosexual transsexual:

“Is your ideal partner a straight man?”

“Does this describe you? ‘I find the idea of having sex with men very sexually exciting, but the idea of having sex with women is not at all appealing.’”

“Were you under the age of 25 when you began to live full-time as a woman?”

“Do you like to look at pictures of really muscular men with their shirts off?”

Still not enough in the way of stereotypes? Try this one: “Have you ever worked as a hairstylist, beautician, female impersonator, lingerie model, or prostitute?” Okay, yes, Bailey came up with a few more occupations for this end of the scale than I did upon analysis of the question at the other end, but are you at all surprised that he included prostitution here? Transsexuals aren’t.<sup>36</sup>

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<sup>36</sup> *Ibid.*

After looking at all of the questions and how the ‘test’ is designed, I then reveal to my students the fact that Bailey unleashed this thing without ever having tried it out.

My students instantly – and without any further prompting – see the problem. Rest assured, for the most part, these students are not sexual libertines, gender libertines or libertines of any variety. I would describe few as even being rabidly pro-transsexual. Most, in fact, are Iowa farm kids who are experiencing this subject in a non-*Jerry Springer* setting for the first time.

But they can read.

And they can smell.

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I realize that more at issue than Alice Dreger’s review/defense of *The Man Who Would be Queen*. There is the outgrowth controversy over allegations of sexual relationships involving Bailey and his *Queen* ‘data.’ I repeat that is an aspect of the Bailey brouhaha I do not weigh in on here, except in a general nature as follows:

(1) I doubt seriously if either side is 100% right; and, even if one side or the other does possess not only the purity of the truth, sufficient proof thereof would appear to be lacking. Moreover, mistakes and inaccuracies happen in the best of circumstances. Bear in mind though, that *The Man Who Would be Queen* is not the ‘best’ of anything. In fact, its absolute lack of legitimacy has earned all of its – and its author’s – critics a favorable presumption in any dispute directly or indirectly related to the book’s non-science-marketed-as-science.

(2) Even if the personal problems with *Queen* and its production are all resolved in Bailey’s favor, such resolution does nothing to obviate the fact that every ounce of

criticism directed at the book and its author because of the non-science-marketed-as-science was justified (remember, Dreger herself tacitly acknowledges the illegitimacy of Bailey's packaging.) Collectively, transsexuals have every right to defend ourselves against those who seek to – and I realize that the following is an inflammatory word, but the word exists for a reason – exterminate us *or our right to exist as who we are*.

(3) Silencing, intimidating and muzzling of dissent *is* a real issue – in academia, politics and in any aspect of life in which there is more than one opinion afloat. I must point out that transgendered people in general (not just transsexuals, though we do seem to suffer the most) have more first-hand experience with being silenced, intimidated and muzzled by dominant discourse (even apart from the medical establishment; dominant gay rights discourse has long squashed all real dissent to the entrenched agenda of opposition to expending resources on the securing of transgender rights until after gay rights – including same-sex marriage – are secured) than society at large is able, or willing, to comprehend. Still, I know transsexuals who hate the pseudo-science propping up 'autogynephilia' as much as I do, yet, on principle, are very uncomfortable about efforts to shut up the theory's proponents. To this, I reply with the musing of a former co-worker. He said it always upset him to hear anyone say that there are always two sides to the story because that's not always the case; sometimes there are three or four or more.

Likewise, sometimes, there is only one reasonably legitimate point of view.

Sadly, in the end, I feel as though the entire controversy-about-the-controversy boils down to yet another effort to rob transgendered people – particularly transsexual women – not only of all agency but even our mere static legitimacy.

To illustrate better, I'll offer an example from current pop culture (of sorts.)

Running on television in the Midwest at the time I began this paper was a series of commercials for a certain cell phone service provider. The commercials utilize a Best Buy-esque ‘geek squad’ motif: all of the major cell phone service providers are represented by a different techno-geek in the commercial. One – that representing the advertiser – is a ‘good guy geek.’ All of the others – representing the competitors – are ‘bad guy geeks.’

One of the commercials features the ‘bad guy geeks’ taking the ‘good guy geek’ to the former’s secret lair – in which the ‘bad guy geeks’ have a small animal in a cage.<sup>37</sup> One of the ‘bad guy geeks’ boasts that not only do they have the animal totally under their control (as an analogy to how their respective cell phone providers have their customers totally under their control for purposes of changing cell phone plans), but that the animal *loves* being under their control in this manner.

The ‘good guy geek’ questions the second part of that – just as the ‘bad guy geek’ opens the animal’s cage.

As for what happens next?

The animal may or may not have ever been under their control – but it clearly was *not* loving being under their control.

I do not consider myself to be a lab rat. Neither do most transsexuals (a presumption I feel comfortable making.) Clearly, however, one side of this controversy does view transsexuals as little more than such. And, that side’s feelings were hurt by our having the temerity to stand up, to refuse to be locked in J. Michael Bailey’s

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<sup>37</sup> I apologize for not recalling the exact species; I haven’t encountered the commercial since I began revision work on this article. However, the animal was of the ‘lab rat’ variety – either actually a rat, or a gerbil or guinea pig or the like.

theoretical cage, and to defend ourselves – actions that, in and of themselves, would seem to weigh in favor of an ‘autogynephilic’ label by Bailey-theory adherents. Bailey apparently was not expecting it. And the ‘autogynephila academia’ brethren have every intention of re-establishing the proper order of things.

Irony?

Catch-22?

Yes, indeed. We had the audacity to speak for ourselves, to speak out against an attack against our very being – or, to use the words of Kathy Padilla from 2004, an attempt “to define and control” who and what we are and what we will ever be allowed to be. Anyone who is familiar with the subjugation of trans women within the larger gay rights establishment – of how we are defined based on our willingness to speak and controlled out of any opportunity for careers in policy and advocacy – knows just how verboten it is to be the very caliber of woman that lesbian feminists (and the crypto-separatists of the Janice Raymond mold) legitimately assert the right to be.

I still have nightmares about the months I spent following my graduation from law school – a time when I actually had no nightmares, but only because I could not sleep at all.

Because of worry about what I would ever – and never – be allowed to be.

Because of knowing that even some who were able to pass themselves off as allies of trans people felt that I should not even attempt to do anything like be a lawyer and should not even expect to secure any non-minimum-wage employment, that I should be happy to simply be something that would end up on Bailey’s list of homosexual

transsexual signifiers: “hairstylist, beautician, female impersonator, lingerie model, or prostitute.”

I don’t yet have nightmares about it, but now, in the waning days of the American Junta, I will admit that I do occasionally wonder if, when next I enter the job market – to seek a position in academia after I finish my Ph.D. – any of those who will consider whether or not even to offer me an interview, much less a professorship, will have been influenced by J. Michael Bailey’s ‘science.’ I wonder if, should I get that professorship and have to move to another state, when I make the dreaded trip to the DMV for a new driver’s license the person behind the counter will have been influenced by J. Michael Bailey’s ‘science.’

I wonder about these things.

Because *I have to* wonder about these things.

Many of those people who have judged *Queen* based solely on its cover have to wonder about these things.

Precious few of those defending it have any concept of what any of that is about.

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When the Dreger’s “Controversy” surfaced, I conversed again with Padilla, this time about the article and what it defends.

Bailey’s interest in the plethysmograph extends to his diagnostic practices in questionably ways – he knows who is a “homosexual transsexual” by seeing if he finds that person attractive – if so – they must find men attractive. A bit of unrecognized projection and a rather unique use of his body as diagnostic tool; we are relegated to diagnostic dustbins based upon his own finely calibrated “Peter Meter.” Again – his inherent misogyny affects his judgment, and you can judge a book by its cover – only as long as that book is about us.<sup>38</sup>

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<sup>38</sup> E-mail from Kathy Padilla to author, Aug. 18, 2007.

*Us*. Dreger complains of an “‘us versus them’ mentality.”

Jobs.

Government-issued identity documents.

A roof over our heads.

“Us” *has to* wonder about those things because of the non-science-marketed-as-science that lurks underneath the cover of *Queen* – that cover that we were not supposed to judge – and the diseased amalgam that is the decades of pseudo-science and exterminationist bigotry that preceded it.

*All transsexuals* have to worry about those things.

J. Michael Bailey does not. Alice Dreger does not. And as Deirdre McCloskey summarizes this degenerative fiasco:

It was apparent from the outset that Dreger was determined to tell the story as though Bailey were Galileo (she in fact uses the image, though jocularly; Blanchard is Copernicus; she, I guess, is Newton) and as though I were among the papal inquisition confining him to house arrest. The power positions of the people involved make the Bailey as-victim story bizarre. Bailey is a tenured professor at a major university, defended stoutly by its bureaucracy; the two ‘activists’ on which Dreger spends by far the most time (James and Kieltyka) have only the feeble power of words.”<sup>39</sup>

J. Michael Bailey is a human being and deserves the dignity that all human beings deserve – even in spite of his having produced a work that not only will never enhance (or encourage acknowledgement of, much less generate respect for) my dignity as a woman but will always stand poised to be used against me whenever I attempt to validate my womanhood in any fashion, to anyone, in any forum – public or private. Yes, I’ll

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<sup>39</sup> Deirdre McCloskey, “Politics in Scholarly Drag: Dreger’s Assault on the Critics of Bailey,” *Archives of Sexual Behavior* 37:466 (2008), 468.

repeat, Bailey is a human being, but *The Man Who Would be Queen* was – and is – as indefensible as anything ever typed out by a human being.

But, one thing that Bailey is *not* is a victim – at least not of anything other than his own scholarly self-delusions and his willingness to be yet another bully in the lives of people who have survived more bullying than anyone deserves. He has no standing to complain of their being held up to scrutiny by his ‘data’. The original working title for this paper was “Is Alice Dreger to J. Michael Bailey as George W. Bush is to Scooter Libby?” Dreger, in attempting to be just that – to give Bailey an undeserved ‘Get Out of Hell Free’ card – has permanently tarnished her reputation – and the entire notion of *true* academic freedom.

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