

TRANS/SEX

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Transsexualism: Patriarchal Ontology and Postmodern Praxis[†]

To men a man is but a mind. Who cares what face he carries or what he wears? But woman's body is the woman.

– Ambrose Bierce

There is a gap between the way in which trans-gender is theorized and transsexuality is practiced. The gap is patriarchy.

– Myself

There can be no doubt that in the culture of male-female discreteness, transsexuality is a disaster for the individual transsexual. Every transsexual, white, black, man, woman, rich, poor, is in a state of primary emergency as a transsexual.

– Andrea Dworkin

Men are men, but Man is a woman.

– G.K. Chesterton

1. Introduction

In this essay, I provide a Gay liberation analysis of the phenomenon of transsexuality. To do so is to risk being greatly misunderstood – being labelled as transphobic or, perhaps worse, as a gay conservative¹²². Nevertheless,

transsexuality, in its more modern, politically correct incarnation of transgender,¹²³ has shifted to the center of “gay rights” organizing in ways I find distressing.

This crystallized for me during the 2007–2008 debates over the Employment Non-Discrimination Act. Transsexuals and their supporters rallied to condemn the legislation and its proponents, most notably Congressman Barney Frank.¹²⁴ Such action seemed to me particularly hostile to Gay people, given that transsexuals already had/have greater anti-discrimination protections at the federal level than do Gays¹²⁵. In this and other obvious ways,

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[†] I realize that a “postmodern praxis” may seem oxymoronic given that postmodernists usually disavow taking action on anything. Nevertheless, transsexualism is a distinctly postmodern “practice” and is claimed as such by some postmodernists. See, for example, the discussion of Judith Butler’s work on gender in this essay.

¹²² This essay has been published, in a slightly modified form, as a chapter in my book *The End of Straight Supremacy: Realizing Gay Liberation* (Cambridge, 2011). In that work, I capitalize “Gay” in order to recognize the social, cultural, artistic, and intellectual dimensions of Gay existence, as opposed to use of the word merely as an acknowledgment of certain sexual behaviors. The exception to this rule is that I do not capitalize “gay” when I mean to indicate something this is not Gay-identified, i.e., not compatible with Gay liberation: e.g., “gay rights movement”. These distinctions will be clear to the reader in context.

¹²³ I use the term “transsexuality” in this Chapter exclusively, because I believe it is the most accurate descriptor of the phenomenon I am analyzing. There is a gap between the way in which trans-gender is theorized and transsexuality is practiced. The gap is patriarchy. In most cases, it swallows the theory whole, leaving only patriarchal practices of gender and sexual hierarchy.

¹²⁴ For my observations then, see Shannon Gilreath, *In Defense of the Employment Non-Discrimination Act*, GAY CITY NEWS, Oct. 24, 2007.

¹²⁵ For example, there is a growing trend of protecting transsexuals under a Title VII theory of sex stereotyping. See,

transsexuality has become increasingly central to "gay rights," and it is increasingly celebrated as a path to liberation by gay rights leaders and by the postmodern cannon working to rob Gays of Self-possession even before we have it.

2. Definitions

Some definitions are in order. By *transsexual* I mean to refer to a person who believes that he or she is actually of the sex opposite to that of his or her body – a person whose "gender identity" or "psychological sex" does not comport with the actual physical body to which he or she was born. On account of this, he or she wishes to become the other sex, with its attendant gender convention, including dress, mannerism, as well as bodily presence; thus living the sex and gender that are in his or her head. Transsexuality is the process, generally medicalized, by which this (re)gendering of biological sex is accomplished, often involving, for the male-to-female transsexual, castration, a penectomy, estrogen therapy, and the creation of a vagina. breast implants, hair removal, a tracheal shave (to remove the visible Adam's apple), and various facial feminization procedures are also often undertaken in order to make the transsexual's appearance appear more conventionally gendered-feminine.¹²⁶ By focusing on this medicalized process, I mean to draw a distinction between the trans-

genderism that has always been a part of Radical Gay culture, for example the genderbending of *femme* Gay men, as seen in the likes of Harry Hay, or the butch Lesbian, represented by Jess Goldberg in the autobiographical novel *Stone Butch Blues*, by Leslie Feinberg¹²⁷, and transsexualism. With Gay transgender, the object is to be differently gendered – to challenge gender – not to become the other gender by disciplining the body into heteroarchal gender prescriptions¹²⁸. Gender disruption – indeed destruction – has always been a goal of Gay liberation.¹²⁹

Transsexuality, on-the-other-hand, as the conversion of a biologically male body to a female body, or of a biologically female body into a male body, through hormone "therapy" or surgical alteration is acquiescence in, indeed, is ritual celebration of patriarchal/heteroarchal gender roles and is incongruous with Gay liberation. In direct contravention of Gay liberation, transsexuality presents gender as ontological (biological, even spiritual, in some cases), not epistemological (social).

industry of pre-op transsexual prostitutes, in which transsexuals trick in an attempt to earn the funds necessary for the "sex change." The use of the pre-operative transsexual body in this way underscores my point about the sexualization of the body inherent in transsexuality (see section entitled *Transsexuality and the Pornographic/Patriarchal/Heteroarchal Worldview*, in this essay).

¹²⁷ See Leslie FEINBERG, *Stone Butch Blues* (1993).

¹²⁸ *Heteroarchy* is the word I use to describe the system of straight over Gay domination. It is an administrative system that exerts control over sex and controls through sex. It is thoroughly sexual. It is based on the religious myth of straight male supremacy; patriarchy is its religion. Its politics is the politics of gender. Its script is the script of male/female relation in the patriarchal model. It creates pseudo-norms of sexuality, which it says are natural, and enacts them into law. Its laws regulate Gay sexuality, identity, creativity, and imagination. Its laws do not regulate the systematic terrorization, capture, and mass murder of Gays. Its aim is the planned, systematic destruction of Gays: *gaynocide*.

¹²⁹ As a political statement and strategy, for example, members of the Gay Liberation Front in the early 1970s adopted intentionally androgynous dress and grooming. This was not an identification with heteroarchal gender disciplines, but a pointed rejection of such disciplining.

e.g., *Smith v. City of Salem*, 378 F.3d 566 (6th Cir. 2004); *Barnes v. Cincinnati*, 461 F.3d 729 (6th Cir. 2005); *Mitchell v. Axcan Scandipharm, Inc.*, 2006 WL 456173 (W.D. Pa. 2006); *Schroer v. Billington*, 424 F. Supp. 2d 203 (D.D.C. 2006); *Lopez v. River Oaks Imaging & Diagnostic Group, Inc.*, 542 F. Supp. 2d 653 (S.D. Tex. 2008); *Glenn v. Brumby*, 724 F. Supp. 2d 1284 (N.D. Ga. 2010).

¹²⁶ For female-to-male transsexuals, the process involves testosterone treatments, double mastectomy, often (but not always) closure of the vagina, and the creation of an artificial penis and scrotum filled with plastic implants to simulate testes. Needless to say, in a country like the United States, where insurance does not pay for such procedures, the cost is colossal. The desperation for "sex change" that most acute transsexuals say they experience coupled with the financial hurdles has given rise to an in-

Much, of course, has been made of the supposed biological link between sex and gender, so that what is actually trans-sexual (to the extent that that can actually be accomplished) is heralded as trans-gender. In the context of straight supremacy, the supposition of a biological link between sex and gender is useful to make gender seem like a product of nature instead of politics; thus, challenges to gender are rendered less likely. In the context of gay rights, gender identity is propagandized as biology in order to analogize it to homosexuality, certainly claimed as biological; thus, making a political kinship between sexuality and gender identity seem reasonable. But perhaps as much as any phenomenon of patriarchy, transsexuality exposes the fact that neither sex nor gender, nor sexuality for that matter, as categories of difference that matter, have much to do with biology. Transsexuality is better understood as the social meaning of biology when biology is social, as in the case of the need to alter biology to conform to patriarchal notions about what gender means. Thus, transsexuality is patriarchy succeeding ontologically, in the sense that reified dominance producing surgical alteration to conform to gender norms does not look epistemological in the context of transsexuality. Instead, it is taken as, theorized as, defended as, and promoted as, biology; thus bringing new meaning to Catharine MacKinnon's observation that "dominance reified becomes difference."¹³⁰ Quite literally, here, gender epistemology is reified as biology – is made biological (or, at least, physiological) – through the "sex change" operation¹³¹. A purely biological mode of gender division, in the sense that one simply either *is* a man or *is* a woman, in the gendered sense, by birth is reinforced. Nothing here challenges the construction of gender or its hierarchy.

It is this epistemic surrender that I think has given some feminists difficulties with transsexualism, conceptually and politically – that transsexualism basically accepts the notion that gender is difference rather than hierarchy in operation¹³². In the transsexual system, gender is distinctly bipolar, with one pole being male/masculine and the other pole being female/feminine. Each pole is possessed of some inherent attributes that define what it is to be male and female; each pole is complementary. While transvestitism – a man in a dress – might do something to disrupt gender, obscuring the difference between what is social and what is biological, transsexualism essentially reinforces straight male dominance by reinforcing sex difference and presenting gender binarism as static and natural.

Whatever discomfort transsexuals face is thus taken as a natural biological harmony somehow disrupted (by being born in the wrong body?) that can be restored through lopping off the penis, or the breasts, *et cetera* – by the "science" of "gender reassignment surgery." Quite to the contrary of Gay liberation's aim of destroying patriarchal/heteroarchal gender categories, transsexualism says flatly that gender is all we have.

Thus, the liberalism that celebrates transsexualism is not much different from the conservatism that would condemn it. For each, what is nature, thus natural, is simply a reflection of how the socially dominant see themselves. For liberals, that natural self is ultimately an autonomous self. Thus, the complete autonomy over the body that is a precondition of transsexuality is simpatico with a liberal politic. This is fairly easy to see. Less obvious are transsexuality's links to conservatism. Oddly, transsexualism, condemned, of cour-

¹³⁰ Catharine A. MacKinnon, *Toward a Feminist Theory of the State* 238 (1989).

¹³¹ This is now referred to in the medical community as "sex reassignment surgery" or "gender reassignment surgery".

¹³² See, e.g., Janice G. Raymond, *Transsexual Empire: The Making of the She-Male* (1979); Mary Daly, *Gyn/Ecology: The Metaethics of Radical Feminism* (1978).

se, by religionists, is actually a mutated clone of natural law theory. Essentially, transsexualism says that Self-alienating gender stereotypes and sexual roles are part of an immutable (divine?) plan – certainly, they are a part of nature. Any transsexual you ask will tell you that this plan is clearly knowable through (and here is the note of evangelical Protestantism) personal revelation. In fact, transsexuals say this personal revelation comes very early: they say they know long before puberty that they are “in the wrong body”¹³². Transsexual fundamentalism says that there is male and female, as you shall know them. The important question is how you know them. Transsexuality’s answer is really that of conservative religion: you know them by gender, which is *holy* for both the transsexual and the religionist alike.

Curiously celebrated by the gay rights movement as a path to liberation, transsexualism is actually more akin to religious dogma, standing in the way of authentic personhood, which is Self-creation, not mimicry by ritual or other means. To say that sex exists only co-extensively with gender in the head, which must be moved to the body, is not an autonomy claim, much less a creative one. It’s surrendering any autonomy, by moving to one’s *predetermined* place. From the transsexual perspective, gender and sexuality in most cases, and possibilities for reinvention relative to either or both, are severely limited by rigid, predetermined roles. Gay liberation, by contrast, recognizes the ambiguity of the authentic Self, which cannot be encapsulated in abstractions in the form of gender or subverted

through concrete distortions in the form of rigid sex roles. In this much needed analysis, Gay liberation understands patterns of relating sexually as subject to social evolution, not as defined by “nature.” Gay liberation has always been first and foremost about liberating all human beings from the murderous condition that is Heteroarchy; it cannot, therefore, celebrate surrender to the bedrock principles of Heteroarchy, which are sex roles and gender hierarchy. Gay liberation’s act of questioning and protesting what Janice Raymond named “The Transsexual Empire”¹³⁴ may thus aid in the breaking down of gender that is necessary for true, Radical change.

2. *Trans-sex/Trans-gender*

The prefix “*trans*” signals that transsexuality and its conceptual umbrella, transgender, are conceived of as marking a movement across the gender spectrum. Indeed, the surgical and/or hormone-induced alteration of the sexed body (male/female) to craft a “new,” explicitly-gendered body (male-to-constructed-female/female-to-constructed-male) involves movement. The degree of the movement, and concomitantly its political content, is what is of most interest in a Gay liberation analysis. It is in this respect that I think the trend in the modern gay rights movement of accepting the conflation of “transgender” with “transsexual” is a serious mistake.¹³⁵ A disruption of gender to the extent that conventionally understood

¹³² This has led to the troubling practice of medically-suspending puberty in identified “transgender” children. The idea behind the practice is that it will prevent the onset of the “wrong puberty” in a “transgender child.” Thus, for male-to-female transsexuals, this would mean avoiding thickening of the vocal cords, masculine body hair patterns, increases in size of musculature and skeletal composition, and other “masculinization” of the body attendant with increases of testosterone in males at puberty.

¹³⁴ My citation to Raymond’s well-known work on transsexuality (RAYMOND, *supra* note 11) is not intended to endorse some of her more exotic and dated claims. For example, that male-to-female transsexuals are part of a patriarchal plot to spy on women by infiltrating women’s spaces. I no more believe that than I believe Gore Vidal’s fictionalized account of the male-to-female transsexual whose sole purpose is to torture straight men. See GORE VIDAL, *MYRA BRECKINRIDGE* (1993).

¹³⁵ David Valentine does an excellent job tracing the development of this trend in *Imagining Transgender, An Ethnography of a Category* (2007).

gender hierarchy is unsettled by gender-bending activity has political moment; comparatively bland migration from one gender pole to the other is not revolutionary – is not a movement toward personal, much less, social liberation. In fact, acceptance of transsexualism in the guise of transgenderism may be more dangerous than it first appears. In actuality, transsexualism is about more than understanding gender separately from sexuality, as many proponents of transsexualism argue¹³⁶. Transsexualism amounts to a technologized remedicalization of Gays and the endorsement of the possibility of a medical “cure” for homosexuality.

In the West, where reality is obfuscated by postmodernism and an insistence on derealization as progress, as well as a fetish for “choice” that makes choice apparent where it is not real, these facts are obscured. In other places, however, the view is not so obscured. In Iran, for example, where homosexuality is punishable by particularly gruesome manifestations of the death penalty, transsexual surgery is paid for by the state¹³⁷. In Iran, a Gay man can become a “straight woman” to avoid this kind of punishment. It is the “final solution” for homosexuality. Thus, when Iran’s President Ahmadinejad says that there are no homosexuals in Iran, thanks to state-mandated transsexualism, he can mean it¹³⁸. Now, of course, critics will immediately point out that the West is not Iran, protesting that the kind

of harsh legal discipline for sexuality present there no longer exists here. Or that what happens in Iran is a direct result of Islamist despotism. But Sandra Bartky, building on Foucault’s theory of institutionalized disciplining of “docile bodies,” explains that overt legal discipline is not always necessary to accomplish gender (and sexuality) discipline¹³⁹. In fact, once the discipline is no longer overtly legal – once it is invisibilized and made over to a question of social practice and good taste – it may be even more effective. Once obvious coercion disappears so too does much of the impetus for rebellion. The spectre of choice once materialized is all that is necessary to raise the idea of agency, which in democratic societies is all that seems to be required to transform the oppressive into the romantic.

Nevertheless, liberal theory continues to talk about transsexualism as though it were transgenderism – as though it really has something to do with abolishing gender as we know it. Professor Judith Butler, for example, cites transsexual activist Kate Bornstein for the premise that a transsexual cannot accurately be described as a “woman” or “man,” but must be understood in terms of verbs that articulate a process of continuous transformation – of “in-betweenness”¹⁴⁰. But transsexuals cannot have it both ways. They cannot claim some paradigm shifting move and then go about living gender polarity as if it were natural. There is a certain “in-betweenness” inherent when a being chromosomally-sexed male lives with a vagina, but when that constructed-vaginal-female then presents as gendered female, hair, make-up, dress, stilettos, and so on, the “in-betweenness” loses any political value (if it had any) from the standpoint of Gay liberation. Transsexuality is, especially outwardly, a nor-

¹³⁶ Dr. Norman Spack, a leading proponent of medicalized transsexualism, has said definitely that “being transgendered is not about sexual orientation.” Dr. Spack’s use of the term “transgendered” here is equivalent with its use in the mainstream gay rights movement to mean medical alteration of the body through hormones or surgery – the definition of “transsexual” as used in this Chapter. See Ellen S. Glazer, *Demystifying the Transgendered: Renowned Brookline Physician*, BROOKLINE MAGAZINE, Apr. 2005, at 22–27.

¹³⁷ Tanaz Eshaghian, *Be Like Others* (2003) (documentary film).

¹³⁸ See Helene Cooper, *Ahmadinejad at Columbia, Parries and Puzzles*, N.Y. TIMES, Sept. 25, 2007, at A1.

¹³⁹ See Sandra L. BARTKY, *Femininity and Domination: Studies in the Phenomenology of Oppression* (1990) (especially chapter 5).

¹⁴⁰ Judith BUTLER, *Gender Trouble: Feminism and the Subversion of Identity* xii (1999).

mative project, and, as such, it relinquishes part of what is at the core of Gay liberation, namely the destabilization of gender as a category of authority. Under transsexuality, one is a woman or a man only according to the gender framework of the Heteroarchy, and to call into question gender norms for the transsexual is to lose one's place in gender – a place no Gay person has ever had. Illuminatingly, when Bornstein attended one of my speeches on pornography, he/she, also a pornographer, spoke from the floor in response to my assertion that Gay pornography reduces Gay people to sex. "Everybody's got to be about something," he/she said, "What's wrong with being all about sex?"¹⁴¹ As a transsexual, Bornstein is all about conventional/patriarchal gender, whether or not he/she is willing to admit it¹⁴².

¹⁴¹ This particular speech was given at the 2008 Southeastern Unity Conference, held at the University of North Carolina, Chapel Hill. If Bornstein's "theory" wasn't such a mass of contradictions, this position would be exceedingly odd given that, in *Gender Outlaw*, Bornstein pointedly recognizes pornography as a form of "force" – of coercion. See Susan BORNSTEIN, *Gender Outlaw: On Men, Women and the Rest of Us* 233 (1995).

¹⁴² Kate Bornstein's theory of gender, outlined in *Gender Outlaw* and in subsequent work, though fraught with internal contradictions and inconsistencies, is worth reading. Bornstein, himself/herself a postoperative transsexual, gives a compelling account of his/her early life as a man (something he/she says he/she never was) and a run-down of the surgical process as well as its aftermath. He/she also makes some politically salient points about gender and power. But, in the end, Bornstein's own theory about the social construction and consequent mutability of gender is belied by his/her own actions of presentation as a gender-female and day-to-day "passing," (See, e.g., *id.* at 48) which is the transsexual phenomenon of not identifying as transsexual (as Bornstein prescribes) but of identifying solely with the gender to which the transsexual has transitioned (some transsexuals have described this covert transsexuality to me as "going stealth"), and of her insistence on the moral relevance of gendered pronouns to describe transsexuals. See *id.* at 126. Bornstein seems genuinely oblivious to the fact that his/her stated aim of destroying gender (*id.* at 112) is undermined by his/her insistence on "living...as a woman" (*id.* at 149), with his/her "sex change" being the most obvious outward manifestation of both the actual relationship under patriarchy between sex and the gender binary and the most convincing evidence that, in living the binary and claiming revo-

lution, Bornstein doesn't get it. Orwell didn't know Bornstein, but Bornstein certainly knows doublethink. Still, in *Gender Outlaw*, there are glimmers of hope. At the book's conclusion, Bornstein claims that "girl" is "an identity I'm working my way out of." *Id.* at 238. In this endeavor, I wish him/her well.

Butler, too, celebrates the revolutionary capacity of transsexualism in her best-known book, paradoxically entitled *Gender Trouble*¹⁴³. The title and the entire work are paradoxical because Professor Butler proceeds from the premise that gender is entirely a product of social discourse – a premise with which I am not inclined to disagree. The paradox develops, however, because Butler understands there to be no reality outside of social discourse – no meaningful distinction between apparent reality and truth – thus indicating gender as an imitation without an original. No Self that has been captured/gendered exists in Butler's post-modern philosophy; thus for Butler, gender is all that there is. And yet, Butler understands gender as capable of being revolutionized and transsexuality as a revolutionary enterprise. She writes:

Indeed, if we shift the example from drag to transsexuality, then it is no longer possible to derive a judgment about stable anatomy from the clothes that cover and articulate the body. That body may be preoperative, transitional, or post-operative; even "seeing" the body may not answer the question: *for what are the categories through which one sees?* The moment in which one's staid and usual cultural perceptions fail, when one cannot with surety read the body that one sees, is precisely the moment when one is no longer sure whether the body encountered is that of a man or a woman. The vacillation between the categories itself constitutes the experience of the body in question.

When such categories come into question, the *reality* of gender is also put into crisis: it

¹⁴³ BUTLER, *supra* note 19.

becomes unclear how to distinguish the real from the unreal. And this is the occasion in which we come to understand that what we take to be "real," what we invoke as the naturalized knowledge of gender is, in fact, a changeable and revisable reality. Call it subversive or call it something else. Although this insight does not in itself constitute a political revolution, no political revolution is possible without a radical shift in one's notion of the possible and the real... At this point, the sedimented and reified field of gender "reality" is understood as one that might be made differently and, indeed, less violently¹⁴⁴.

But what Butler is describing here is a change—often explicitly violent, in the case of sex reassignment surgery—in anatomical sex, not in gender. Gender, the social practice, is what drives surgical alteration of an anatomically male body to make it appear female. Because the anatomy does not comport with the gender the transsexual feels compelled to live socially, the body is altered. Sex changes in this scenario (although, of course, not at a chromosomal level); the meaning of gender does not. Nothing is made different; compulsory heterosexuality is reinforced; the heterosexual/heteronormative complementarity of bodies is reinforced. The only subversion is the subversive desire of a man to be a woman. But this is less subversive when one pauses to consider that perhaps the only thing worse than being a woman, from the heteroarchal perspective, is being a Gay man. To be Gay in patriarchy/Heteroarchy is to be alien from the gender hierarchy, and thus separated from power, to be inhuman. Transsexuals generally believe they are not intelligibly human unless they conform to naturalized understandings of what sex is to gender and gender is to sex. The body of the transsexual thus becomes a reification of the power transsexuality is theorized to op-

pose: it is mutilated in a real sense by and for the compulsory heterosexuality it is said to disrupt—and it is affected by and effects gender in ways that are irreducibly traditionally patriarchal/heteroarchal. Mutilation of the body, usually the female body, in the name of an idealized gender complementarity, has, after all, been a longstanding patriarchal practice—a longstanding and effective way of gendering power, and, indeed, of sexualizing power as exclusively heterosexual along gender lines.

The pathological view of humanity as a stasis of the male positive and the female negative has been inscribed on women's bodies for the whole of patriarchal history. The physical distinguishing between the male and the female—necessary to keep the powerful male ethos dominant—has been physically enacted through countless mutilations. For one thousand years in China, for example, women's feet were bound from early girlhood¹⁴⁵. At about seven or eight years-old, a girl's feet were washed in a chemical to cause shrinking and then bound as tightly as possible, usually by the girl's own mother, with all toes, except the big toe, bent inward to the sole of the foot. Bones broke. This procedure was repeated frequently for approximately three years—a fresh agony visited on the girl each time the bandages were loosened, so that the foot could be washed, and tightened again. The ideal end-product would be the three-inch "lotus foot"—the idolized object of Chinese men's sexual pleasure¹⁴⁶. In

¹⁴⁵ For excellent discussions of footbinding in China, see Andrea DWORKIN, *Woman Hating* (1974) (the entire chapter 6, entitled *Gynocide: Chinese Footbinding*). See also DALY, *supra* note 11 (the entire chapter 4 entitled *Chinese Footbinding: On Footnoting the Three-Inch "Lotus-Hooks"*).

¹⁴⁶ Another sexualization of the bound foot involved the myth that the way in which women with bound feet had to walk resulted in a strengthening of the vaginal and rectal muscles of these women, thus making the vagina and anus tighter and more enjoyable for males during penetration.

¹⁴⁴ *Id.* at xxiv.

reality, of course, the fetishized sexual (and obviously gendered) foot was a rotting, oozing, puss-filled stump. Toenails grew into the sole of the foot, circulation all but stopped, sometimes toes fell off, flesh blackened and rotted. Girls were forced to walk—or more accurately to hobble—on these rotting stumps. Of course they were also taught always to conceal the true nature of their mutilated feet from men, so that even during sex the female feet were never naked.

This atrocity of footbinding committed against Chinese women's bodies was done in the name of sex roles, male/female complementarity, and gender identity, all to the tune of straight male desire. In other words, footbinding communicated the patriarchal message about *what a woman looked like* in imperial Chinese culture, or, even more specifically, what a *desirable* woman looked like; thus revealing gender itself as a kind of sexual fetish. To have one's feet bound was to be definitively and definitionally female: the outward sign of the lotus foot communicated the feminine identity. To be born biologically female and not to have bound feet was to be robbed of one's status (albeit the lower status in patriarchy) of being a *desirable* woman. Thus, woman, thoroughly sexualized, is *made* through the social process of gender.

Of course, one might say that transsexuality is qualitatively different than footbinding because of the difference in degree of apparent agency in the two practices. Transsexuals, it could be said, themselves choose to alter their bodies surgically. Chinese girls, by contrast, had body alteration forced on them by their mothers or aunts or older female relatives (actually, of course, by the Chinese patriarchs who forced these practices on all women). But I remember seeing a news program many years ago featuring an elderly Chinese woman, taking the tiny, hobbling steps that are the result of footbinding. This woman, a young

woman when the revolutionary regime outlawed footbinding, continued to bind her own feet out of a gender-motivated desire to be "beautiful," in the gendered sense, and attractive to men—that is, to be a woman. The Hindu practice of *sati* is another example of body destruction in the name of gender in which the compulsion necessary to sustain the practice is rendered invisible, rendered merely *cultural*¹⁴⁷. Indian widows were seen to leap "willingly" into the funeral pyres of their husbands and burn to death. Perhaps in a state of captured consciousness some did go "willingly" to their deaths (although some women had to be physically forced)¹⁴⁸. But social compulsion was/is at work¹⁴⁹. Perhaps physical destruction seems to some widows a practical response to prevailing social deprivation and ostracism.

Other forms of body destruction and negation continue, usually in the form and practice of patriarchal religions denominated "culture" (whose culture?) by relativists: female genital mutilation or negation of the female

¹⁴⁷ It also shows the inherently patriarchal/heteroarchal nature of marriage, of which the practice of widow-burning is obviously derivative. Marriage and gender are inextricably intertwined. *Sati* is a consummation of both. For an excellent, feminist excavation of *sati* and its meanings, see DALY, *supra* note 11, at 114–127. Daly's critique is not without its problems. For one thing, Daly's criticism of god-centered patriarchal religion does not necessarily translate to Hinduism, which certainly has sustained a harsh patriarchal society but is nevertheless a religion that features many powerful goddesses. Also, I am cognizant of some transnational feminist work rejecting the possibility of anti-patriarchal critique that can be applied cross-culturally. See, e.g., Chandra MOHANTY, *Feminism Without Borders: Decolonizing Theory, Practicing Solidarity* (2003); Uma NARAYAN, *Dislocating Cultures: Identities, Traditions and Third World Feminism* (1997). In the end, though, I'm left with a fairly basic question: Do women matter or not? I think they do, and they matter equally everywhere, including in places where obviously-gendered practices like *sati*, although not widespread, accomplish their destruction.

¹⁴⁸ Daly discusses the force necessary in many instances. *Id.*

¹⁴⁹ I use the past and present verb form here because, although it was outlawed in India in 1829, *sati* persists in some areas. See, e.g., *Woman Jumps into Husbands Funeral Pyre*, THE TIMES OF INDIA, Oct. 13, 2008.

body through the Islamist practice of veiling are examples.¹⁵⁰ In the case of the veil, "feminist" cultural relativists defend the practice as one of female agency, invisibilizing the patriarchal religionist compulsion that causes women to smother themselves under layers of stifling clothing, even covering their mouths and noses.¹⁵¹ Still subtler forms of gender inscription on the body exist for the supposedly-liberated Western woman, in the form of stiletto heels or layers of face-obscuring make-up (and, of course, much more). Even pregnancy, with its real physical dangers, is often (is usually) an imposed state of Self-negation, with women conned into seeing pregnancy as a unique source of fulfillment in the system of gender pola-

rity, induced into the delusion that they are having children because *they want to*. Meanwhile, pregnancy and ensuing child-rearing are actually used to fix and make static a woman's inferiority to men. She is punished – professionally, economically, intellectually, *et cetera* – for her unique capacity to bear children.¹⁵²

I offer these examples of traditional gender-based mutilations to ask this question: Can women in patriarchy – women who "choose" to bind their feet or walk into the flames, or veil their faces, or have their third or sixth or eighth child, or hobble around on stiletto heels – really be said to be exercising meaningful agency over their own bodies? My premise is that the gender compulsion affects transsexuals in similar, powerful ways.¹⁵³ The historical negation of the female through destruction of the body – a practicality in no uncertain terms in many situations – is carried forward into a new, technologized age where, in spite of the same advances in knowledge that make the process of "sex change" possible, in the name of compulsory heterosexuality's pathological vision of gender polarity, the body, this time the body of a Gay man¹⁵⁴, must still be negated, must be mutilated. No one is dragging the transsexual to the surgeon's knife or the hormonal needle, but the compulsion is real.

And what of the related, but certainly less physically-violent practice with which Professor Butler begins her discussion of transsexual-

¹⁵⁰ Although the mutilation of female bodies has certainly been more prevalent, males have not escaped entirely unscathed from the anatomical fixations of the patriarchal world. There are, for example, the practices of penis elongation, whereby heavy weights are attached to the penises of young men in some areas of Africa. But there is also the practice, so common in America as to go nearly unremarked, of male circumcision. This custom, perpetuated as a patriarchal religious practice of Judaism, involves excision of the skin covering the glands of a male child's penis. In the Jewish tradition, this male mutilation is ritualized in the *bris*, a ceremony in which a rabbi (not a doctor) performs the surgery, while onlookers gawk at this sadism and celebrate it as a religious rite. De-ritualized male circumcision has been exported to the West, especially to America, where it is foisted on male children, per their parents, by doctors who claim it is medical necessity. In fact, circumcision – penile cutting – may be an original form of transsexualism. It was necessary for Jewish men, who invented the idea of subservience to one, consummately male god, to relinquish some of their manhood, to become, in contrast to their omnipotent male god, feminine. This they accomplished through penile cutting. Through the cut, bleeding penis they became/become like women in function – as Andrea Dworkin put it, they became/become "menstruating males."

¹⁵¹ But when affinity for the veil is counterpoised against escalating danger in aggressively patriarchal, Islamist cultures, veiling is revealed not so much an act of agency as one of survival. Egyptian activist Nawal El Saadawi's has observed that when she was in medical school in the 1950s there were no veiled women in the school, but that in the 1990s close to eighty-percent of women in school were veiled (the number is probably greater now). Saadawi has said flatly that, "Fundamentalism is why women in the Islamic world are now veiled again." See MARY DALY, *QUINTESENCE...REALIZING THE ARCHAIC FUTURE: A RADICAL ELEMENTAL FEMINIST MANIFESTO* 80 (1998).

¹⁵² For lucid discussion of this point, see ANDREA DWORKIN, *Our Blood: Prophecies and Discourses on Sexual Politics* 100–01 (1976) (*Hereinafter* DWORKIN, *OUR BLOOD*).

¹⁵³ Interestingly, Kate Bornstein recognized gender as this kind of force. See BORNSTEIN, *supra* note 20, at 233.

¹⁵⁴ See the section of this essay, *Transsexuality as Gay Erasure*, for elaboration. Of course, in transsexuality, the body of a woman is also mutilated in the case of female-to-male transsexuals. The cases of female-to-male conversion seem less frequent, but when they do occur it can be fairly said that double and historically connected negations occur – negation of both the female body and the Lesbian Self.

lity above: what of drag? Professor Butler sees drag as illuminating the social construction of gender and, importantly, as disputing its naturalness.¹⁵⁵ But to tell the whole truth about drag, one must distinguish between drag that is “female impersonation” and drag that is “gender-fuck.”¹⁵⁶ Drag as gender-fuck may involve a man, identifiable as a man, in a dress. Encountering an identifiable man in a dress is startling. It sends messages about gender roles that, obviously, contradict those roles.¹⁵⁷ It is disruptive. Drag as female impersonation, on-the-other-hand, is simply the ritual reenactment of the patriarchal/heteroarchal feminine eternal – the role attributed to women as the product of nature and accepted as such. Female impersonators pantomime and pander to traditional gender roles, often in exaggerated fashion, re-enacting the feminine stereotype with dramatic flourishes: the sensual dance, the provocative gesture, the lip-synched sexual ballad or club groove.¹⁵⁸ These are parodies of woman; they are not liberatory. The Self is not liberated; even in drag, the Self is *still gendered*.

Perhaps the reason that Professor Butler does not respect this difference is that she cannot understand it, largely because she does not believe there is a Self beyond the veneer of social construction. This is an obscurantism that is hard to understand fully, a discussion of gender that takes gender to be an imitation that has no original, nor referent. Her understanding of the body in these same terms is perhaps what leads her to her conclusion that transsexuality is liberation. As Richard Mohr

observes, Butler “presses further [than Foucault]. She claims that the body is even less than a blank slate, and that Foucault is wrong in maintaining a body prior to its cultural inscription.”¹⁵⁹ So there is no sexed body, only a gendered body. From Butler’s perspective then, perhaps there is only transgender, and what is transsexual is transgender by the default of Butler’s position, which has here drifted into Derrida-land, that there is no being outside of social context.¹⁶⁰

Popular rationalization and defense of transsexuality is different from Professor Butler’s postmodern musings on the subject. The transsexual politic is quite distinctly one of biology, naming as a product of nature or biology the psychological sex that must be appeased through surgical modification of the body. And yet there are resonances of Butler’s theory in transsexual politics, for, in a very real way, transsexuality suggests that the corporeal body does not really exist – not authentically at least – until the social inscriptions of compulsory heterosexuality’s gender have been imprinted on it. The principal distinction in the concreteness of transgender politics and the spuriousness of postmodern nothingness, however, is that transsexual advocates say that gender is *a priori* – is always. Butler says that gender, despite the fact that she devotes tomes to it, never *really* was. Herein lies the chief principle of resistance of Gay liberation to Gay erasure through transsexual Self-mutilation and postmodern nihilism: this principle is the existential assertion of Self – the *I am*. I am a Gay man, and no transsexual lobbyist or postmodern theorist is going to disabuse me of that

¹⁵⁵ BUTLER, *supra* note 19, at 123, 138–39, 148–49.

¹⁵⁶ On this point see Richard MOHR, *Gay Ideas: Outing and Other Controversies* 144, et seq. (1994).

¹⁵⁷ I’m thinking here of Harry Hay, the original prophet of Gay male Radicalism, who, often appearing bedecked in Native-American jewellery, and sometimes in a dress, understood the importance of disrupting gender hegemony in the heteroarchal model.

¹⁵⁸ Certainly, drag is also sometimes a sexual fetish. This too is tied to heteroarchal understandings of the communication of (hetero)sexuality through gendered modes of dress.

¹⁵⁹ MOHR, *supra* note 35, at 279 n.8 (1992) (citing BUTLER, *supra* note 19, at 130).

¹⁶⁰ The groundlessness of Butler’s take leaves me, with Mohr, wondering “what in the end she does mean.” MOHR, *supra* note 35, at 279 n.10. This coming to nothingness is perhaps what packs tenure dossiers these days, but it, like all postmodernism, is of little use to problems in need of solutions.

fact.¹⁶¹ And this should in no sense be read as an assertion of male power. I hope I would be equally emphatic about my identity if I were a Gay woman – a Lesbian.

3. *Transsexuality as Gay Erasure*

As I have alluded already, I have often wondered how much of transsexuality can be

¹⁶¹ Postmodernism is dangerous for Gay liberation principally because it paralyzes activism. A brilliant young scholar I know told me recently of his confusion at having his invited paper in a symposium simultaneously praised and maligned by a famous Harvard postmodernist professor. My friend was told his work was brilliant except for the fact that it condescended to offer solutions to real-world problems. Go figure – the “problem” is that your scholarship might actually matter in the real world.

For postmodernists, an identity claimed by a motley assortment of characters whose work has little in common, not the least of which is consistency, there can be no reality of Gay life because a central epistemic notion for postmodernism is that reality does not exist. What takes reality's place as a subject (but, then, there are no subjects in postmodernism either) is generally a blathering on unto nothingness that leaves one wondering about the point. The fact that much of this is coming out of the most prestigious of universities and being published in the most prestigious of places is not surprising, since one may fairly suppose that this is the eventual product of elitism left alone with itself for long enough: obscurantism in the guise of profundity. Many are fooled, not the least of whom, it seems, are postmodernists themselves. The perfect example of this kind of blind elitist snobbery is the publication of an essay, which was in fact inscrutable blather, in a leading postmodern journal. See Alan D. SOKAL, *Transgressing the Boundaries: Toward a Transformative Hermeneutics of Quantum Gravity*, 46/47 *SOCIAL TEXT* 217 (1996). Sokal said that he engaged in his satirical infiltration of the postmodern noise machine because he “never quite understood how deconstruction was supposed to help the working class.” Alan SOKAL & Jean BRICMONT, *Fashionable Nonsense: Postmodern Intellectuals' Abuse of Science* 269 (1998).

Postmodern, elitist detachment from reality and the utter desperation of Gay people living under straight supremacy have merged in the emergence of marriage and transsexuality as central liberation themes in gay rights discourse and politics. What I see as the erasure of Gay identity cannot be understood this way by a postmodern politics because postmodernism denies the existence of any coherent Gay reality or experience to erase. Postulating otherwise – that, for example, Gays share the identity of subordination under straight supremacy – is sneered at as “essentialist.” And the acme of aggrandized hetero-assimilation in marriage and its twisted cousin transsexuality are reconstituted as revolution.

explained by an appalling Self-hatred, an overwhelming need not to be Gay – in other words, a Self-liquidating homophobia. From this perspective, transsexuality is a way of avoiding being a *femme* Gay man or a butch Lesbian. Instead a *femme* Gay man can actually be a “straight woman,” and a butch Lesbian can actually be a “straight man.” Of course, I am aware that there are cases of post-operative male-to-female Lesbians and of female-to-male “Gay men.” Kate Bornstein, for example, professes to be a transsexual Lesbian. As in any system, there are counterfactuals and outliers. Still, the outliers often aren't really as far out as they appear. The climax of Bornstein's *Gender Outlaw*, for example, is the revelation that his/her “lesbian lover” is “becoming a man.”¹⁶²

For my theory of transsexuality to make sense at this point, one must pause to remember the importance of the gendered body and its relationship to compulsory heterosexuality under patriarchy/Heteroarchy as “a direct locus of social control.”¹⁶³ I know from experience that it is not uncommon for little Gay boys, who often instinctively identify with women because they sense that they are being instinctively kept at a distance by the men in

¹⁶² See BORNSTEIN, *supra* note 20, at 225. Bornstein is in many ways an “exceptional” transsexual, in the sense that she continues to identify as transsexual and as a transsexual activist. Using her as a reference in order to discuss transsexuality highlights the fact that discussion of transsexuality nearly invariably involves discussion of exceptional cases. Generally, we are denied the ability to critique the product of transsexuality because the product is invisibilized in straight supremacy. The practice of “going stealth,” as it was named for me by a male-to-female transsexual, which is the process of living as one's “new” gender, with life as the prior gender rendered as undetectable as possible, means that the particulars of transsexuality and its relationship to straight supremacy are harder to analyze because we cannot always readily see and evaluate them. Nevertheless, I believe that the transsexual project naturalizes gender binarism particularly and naturalizes heterosexuality in the ways I have suggested – thus naturalizes the heterosexual imperative.

¹⁶³ Susan BORDO, *Unbearable Weight: Feminism, Western Culture, and the Body* 165 (1993).

their lives, to be chastised for being "too feminine." Gender nonconformists have the biggest burdens to bear in the heteroarchal system because they least approximate the heteroarchal gender norms that serve as access points to power – and, if not to power, at least to safety.¹⁶⁴ To anyone who might ask why there are so many closeted Gays, this is the why: to be out is to be vulnerable to straight sadism. Gays learn quickly that gender conformity/assimilation means safety.

Gays also learn that assimilating when we can provide a chance to claim some of the Heteroarchy's dominance, however briefly. This hypothesis can be substantiated through the literature on transsexualism. In one of the earliest case accounts of the psychoanalysis of what we would today call a transsexual, J. Allen Gilbert labeled the condition "homo-sexuality."¹⁶⁵ In 1954, the psychiatrist Emil Gutheil speculated that transsexuals were homosexuals "with an unresolved castration complex."¹⁶⁶ In 1955, Frederic Worden, a UCLA psychoanalyst and his clinical partner James Marsh opined that transsexuality is driven by a desire for "escape from ... sexual impulses."¹⁶⁷ Indeed, in the first case study of Christine Jorgensen him/herself, his/her Danish endocrinologist described him/her as "suffering from homosexual tendencies."¹⁶⁸ Transsexuals, of course, see transsexuality as wholly separate from homosexuality, as they surely would if they were using transsexuality as an escape route to normalcy. Jorgensen, in a recorded interview, said, "I identified myself as female, and

consequently my interests in men were normal."¹⁶⁹ Clearly, Jorgensen's choice of adjectives shows the process of rationalization at work, her normal (read: heterosexual, even in her pre-operative state) interest in men compared with the abnormal (read: homosexual) interests of Gay men – of what she was before her sex "changed." This process of normalizing, mindbinding begins early and is carried into the adult reality of Gay men and women.

The gendered, physical destruction inherent in transsexuality is thus a product of the destruction of the mental and intellectual capacity of Gays under Heteroarchy. This, too, is like the destruction of women's mental and intellectual capacities by the patriarchs. Such circumscription is necessary to create the (un)consciousness necessary to sustain patriarchal deceptions. Under Heteroarchy, Gays are conditioned from birth to submit willingly to our own Self-annihilation. Might transsexuality not be this conditioned submissiveness to annihilation in its most acute form – the radical annihilation of the Gay Self through gendered conformity of the body to compulsory heterosexuality.

Understanding transsexualism in this way actually provides clarity of insight into the prevailing politics of the "mainstream" gay movement. For example, Bruce Bawer's *A Place at the Table* was received enthusiastically by liberals and neo-cons because it told them what they wanted to hear: that straight-assimilated Gays were just normal folks who wanted all the normal heterosexual things out of life.¹⁷⁰ Except for a distaste for heterosexual sex, Gays are straights. Gays who rebel against gender roles and sex stereotypes and the conventional institutions enshrining them (like marriage) are

¹⁶⁴ Gays are *really* trans-gender in that, by fucking people of the same sex, we dispute compulsory heterosexuality and, thereby, gender.

¹⁶⁵ JOANNE MEYEROWITZ, *How Sex Changed: A History of Transsexuality in the United States* 104 (2002).

¹⁶⁶ *Id.* at 106.

¹⁶⁷ *Id.* at 108.

¹⁶⁸ Jorgensen's male-to-female transformation with the aid of Danish doctors is celebrated as the beginning of the transsexual movement. Throughout his/her life, he/she acted as a spokesperson for the trans-movement. *Id.* at 171.

¹⁶⁹ *Id.* at 183.

¹⁷⁰ BRUCE BAWER, *A Place at the Table: The Gay Individual in American Society* (1993).

to be distrusted, even punished.¹⁷¹ Bawer's, like the politics of all gay conservatives, is a politics of Gay erasure. Transsexuality, of which Bawer disapproves, is simply the extreme-liberal-Left version of what he preaches – erasing the Gay identity to conform to straight rules. Both ideologies are built around rigid gender conformity and of nonconformists' erasure. In the way it sees gender, not to mention politics, Gay liberation is substantially different in perspective. When a male-to-female transsexual seeks affirmation as a woman, he seeks affirmation of a woman's body as the biological determinant of a woman's role in society. Gay conservatives, like Bawer, see gender roles as assigned by sex and as basically immutable. Gay liberation, on-the-other-hand, understands what it means to be a man or a woman as process driven, subject to social evolution – to change. To have a social meaning imposed on the body – which is the process of gender – is therefore Gay liberation's anathema.

4. *Transsexuality and the Pornographic/Patriarchal/Heteroarchal Worldview*

Transsexuality, like marriage and pornography, is part of the heteroarchal worldview.¹⁷² The relationship between transsexuality and the pornographic worldview (that is

the heteroarchal worldview) is plain in the 1968 book, *Take My Tool: Revelations of a Sex-Switch*, the blatantly pornographic autobiography of a male-to-female transsexual.¹⁷³ As the book's author, writing under the assumed name of Vivian Le Mans, proclaimed, "[I]n bed performing sexually, I can finally fulfill myself and my male partner as much as can any other women – and probably better than most!"¹⁷⁴ Le Mans contrasts stories with his/her less-than-fulfilling sex life as a Gay man with the transcendent pleasure of sex in the female form, underscoring the transsexual belief that the "sex change" is rooted in heteroarchal understandings of the gendered roles and purposes of male and female bodies.

Joanne Myerowitz, writing about *Take My Tool* in her excellent book, *How Sex Changed: The History of Transsexuality in America*, sees *Take My Tool* and its blatant eroticism of the transsexual as marking a sexualization of transsexuality.¹⁷⁵ But, in fact, sexualization of physical identity is an inherent component of transsexuality in as much as it is a practice of heteroarchal understandings of gender, which have always been explicitly sexual and bipolar, and understood in terms of sexual complementarity. This polar binary is dissected in Jane Caputi's analysis of an advertisement for a perfume called "Happy." The ad "shows a white man and woman in 1950s-type garb suggesting total gender role conformity. She wears a pink party dress and holds out a birthday cake. He sports a football uniform, holds a ball under his arm, and has assumed a running stance."¹⁷⁶ "Happy"? Professor Ca-

¹⁷¹ Lisa Duggan has named this state aptly as the "new homonormativity." See Lisa DUGGAN, *The New Homonormativity: The Sexual Politics of Neoliberalism*, in *Materializing Democracy: Toward a Revitalized Cultural Politics* 175–95 (Russ CASTRONOVO & Dana D. NELSON, eds., 2002).

¹⁷² With regard to the transsexual argument from "nature" and natural law jurisprudence arguments about marriage, namely the narrow, obsessive focus on "sexual complementarity or bodily union in coital acts," (see Sherif Girgis, Ryan T. Anderson & Robert P. George, *Marriage: No Avoiding the Central Question*, available at <http://www.thepublicdiscourse.com/2011/01/2295>) the parallels are undeniable. I wonder if George and company would become enthusiastic supporters of "transsexual marriage", if not "Gay marriage," if the mad scientists could figure out a way to give transsexuals a functioning uterus.

¹⁷³ *Take My Tool* is the best/worst example. Vivian LE MANS, *Take My Tool* (1968). Other autobiographies of transsexuals of the period have obviously pornographic perspectives. See, eg., Lyn RASKIN, *Diary of a Transsexual* (1971); Patricia MORGAN & Paul HOFFMAN, *The Man-Maid Doll* (1973).

¹⁷⁴ LE MANS, *supra* note 52, at 8.

¹⁷⁵ MEYEROWITZ, *supra* note 44, at 170.

¹⁷⁶ Jane CAPUTI, *Goddesses and Monsters: Women, Myth, Power, and Popular Culture* 79 (2004).

puti wryly remarks, "I wonder."¹⁷⁷ "This portrait might more aptly be dubbed "Misery," for the image portrays one originally whole psyche, now split and divided against itself."¹⁷⁸ The key to "step[ping] out of these fetishized roles" is to dispute them and the sexualized hierarchy grounded in them by refusing to acquiesce in the "gender porn"¹⁷⁹ built on the Self-alienated psyche they represent.

Pornography¹⁸⁰ is materially a visual enterprise, whether the visual is created in the mind's eye, as in written pornography, or, as is the case predominantly in the video/dvd/internet age, in the physical eye, through images of actual women subordinated through the act of heterosexual fucking and its equivalents. The relationship between sex and gender is fixed and perpetuated through pornography as visual aide – as a how-to guide to interpreting sex difference that has been gendered. The body and its parts are fetishized in pornography and functionality is communicated through the pornographic visual medium. The male penis is gendered/pornographed into the phallus, permanently erect, ever-ready, engorged, pulsating, and aggressive. In straight pornography, the female body, virtually every part of it, is sexualized according to the gender script. The concentration is usually on the vagina and the breasts. Even the smoothness of a woman's skin is fetishized, her skin used as a sexual organ. The physical parts of her define her as a woman, and the visual cues are of utmost importance to the pornographic gaze. In photographic pornography, a medium in which users cannot benefit from actually seeing the vagina identified by the penis thrusting into

it, as is the case with video pornography, tricks must be employed to keep the pornographic gaze in focus. The vulva may be painted purple, for example, or splayed and propped open by toothpicks to make it appear three dimensional, so that the pornographic gaze is directed to its appropriate object – there can be no space for imagination. Sexual dominance communicated socially as gender polarity – that is the physical sex differences between men and women imbued with political meanings and consequences – is dependant on visual cues in pornography and in the everyday.

Rather than disputing the primacy of bipolar gender complementarity, transsexuality parrots patriarchy by calling gender *difference* natural (biological, inevitable) and by embracing its visual propaganda. In an incredible reversal, the postmodern ethic of the transsexual politic intent on de-realizing reality actually reifies the patriarchal reality of gender difference made into dominance by intentionally replicating the patriarchal gender hierarchy. Historian Gerda Lerner sites the birth of patriarchy in the "invention of hierarchy."¹⁸¹ Transsexualism, as a product of the medical/scientific age, might aptly be said to be patriarchy's rebirth through cloning.¹⁸²

¹⁷⁷ *Id.*

¹⁷⁸ *Id.*

¹⁷⁹ *Id.*

¹⁸⁰ To qualify the noun "pornography" with the adjective "gender," in the way that Professor Caputi did in the above excerpt, is actually a redundancy, since all pornography is about gender, gender is irreducibly pornographic – the two exist entirely in codependence with one another.

¹⁸¹ Gerda LERNER, *Why History Matters: Life and Thought* 133 (1997).

¹⁸² Readers may wonder how a man becoming a woman could actually be replicating patriarchal ideas about dominance and power when a man is relinquishing that power voluntarily through adopting a female body and a feminine persona (I concentrate on the male-to-female transsexual here because a woman wanting to become a man is more understandable from the patriarchal perspective). But I observe a trend among many male-to-female transsexuals I meet of not having castration or penisectomy procedures. These transsexuals may have breast implants and other surgical alterations but the penis and (often) testicles remain intact (sometimes there is castration but the penis is maintained). One transsexual I asked about this put it most succinctly when he/she said, "I don't want to get rid of my dick; I respect it." Even the celebrated Christine Jorgensen had some difficulty relinquishing male-identification entirely. Interestingly, the apolitical term, "bisexual," was popularized by doctors in the early twentieth century as a direct result of the push to redefine sexuality on

5. Conclusion

What can be made sense of in normal terms cannot be deviant. It is the convention of many Gay men I know – especially younger Gay men – to refer to other Gay men as “she.” This is in part, I think, a conscious effort at distance from straight men, who are the oppressors. But it is also symbolic of the fact that, in the Heteroarchy’s system of gender polarity, to be fuckable is a state of being – a functionality – which is gender – female. As Monique Wittig noted, “The mark of gender, according to grammarians, concerns substantives. They talk about it in terms of function.”¹⁸³ So the invocation of the feminine pronoun by Gay men in friendly conversation with each other is a kind of mental note – a way of making intelligible their sexual practices in a heteroarchal world.

Transsexuality is, I think, a fringe outgrowth of this same kind of process of coping with same-sex desire under straight supremacy. It is a way of making sense of what seems senseless. Judith Butler describes an “intelligible gender” as one that will “in some sense institute and maintain relations of coherence and continuity among sex, gender, sexual practice, and desire.”¹⁸⁴ I can think of no better description of what transsexuality is. In transsexuality, gender *is*, so that a definite and identifiable gender exists and is discernible even

transsexuals’ terms. Beginning in the 1950s, Jorgensen used his/her celebrity and by most accounts incredibly persuasive personality to push doctors to redefine their terms. “Bisexuality” emerged as an important explanatory tool, endorsed by Jorgensen, to explain his/her situation as one in which both masculine and feminine elements were present, but that the feminine predominated. One might also recall Vivian Le Mans’ telling remark that “...I can finally fulfill myself and my male partner as much as can any other women – and probably better than most!” LE MANS, *supra* note 52 (emphasis mine). Implicit here is that Le Mans brings his/her old masculine superiority to his/her new female sexuality.

¹⁸³ Monique WITTIG, *The Mark of Gender* (1984).

¹⁸⁴ BUTLER, *supra* note 19, at 23.

when, anatomically, the body does not agree. On-the-other-hand, gender follows from sex, such that it can only be experienced fully if and when the physicality that is anatomical sex is made to conform. This physical sex conformity makes possible the fullness of gender expression/identity, and the gender conformity makes possible, from the transsexual perspective, the fullness of sexual expression.¹⁸⁵ Transsexuality thus serves a more or less compulsory heterosexuality. Once-Gay, once-men can now have sex as women with men.¹⁸⁶ Hegemonic heterosexuality is reinforced.

I have no doubt that the desire for a sex change in transsexuals is an urgent, even desperate drive. Testimonies of this urgency are part of transsexuality’s narrative history,¹⁸⁷ as well as part of more recent case law.¹⁸⁸ But this desperation, which is understandably for the transsexual rationalized as a product “of nature,” is not necessarily a biological phenomenon. All manner of physical mutilations in the name of gender conformity have been rationalized as natural, and the drive for them has been heady, even for their victims, either be-

¹⁸⁵ See the sexual exuberance of the author of *Take My Tool*, for example. LE MANS, *supra* note 52.

¹⁸⁶ As Gordene MacKenzie explains, the modern, liberal embrace of transsexuality has also created a dilemma for transsexuals. MacKenzie notes that, “The dictionary definition [of transsexuality] also implies that by undergoing prescribed medical treatments, transsexuals can attain the physical characteristics of the opposite sex. Nothing could be further from the truth. This medical promise that sex-reassignment surgery will provide physical characteristics of the “opposite” sex promotes unrealistic expectations about the physical capabilities of sex-reassignment surgery and ignores the hidden cultural agenda of a bipolar society.” See GORDENE O. MACKENZIE, *TRANSGENDER NATION* 13 (1994). Indeed, a wealthy, professionally-accomplished male-to-female transsexual told me privately that he/she was disappointed with the results of his/her agonizing and expensive surgeries. Some things like voice, skeletal size, and height simply cannot be altered. Because he/she feels that the surgery does not really allow him/her to “pass,” he/she often feels like a sort of “freak-show” to be “stared at.”

¹⁸⁷ MEYEROWITZ, *supra* note 44.

¹⁸⁸ See, e.g., *Kosilek v. Maloney*, 221 F. Supp. 2d 156 (D. Mass. 2002).

cause of captured consciousnesses or the practicalities of survival.¹⁸⁹

Nothing I have said is meant to suggest, even in the slightest, that transsexuals should be marked for any legal disadvantage on account of their transsexuality. Quite to the contrary, I support legal protections for transsexuals.¹⁹⁰ I also think that it is the duty of society, so long as Heteroarchy prevails, to provide the means of "sex change" to transsexuals who are desperate for it. Transsexuality is the product of straight society and is therefore a *straight emergency*. Having thus created the problem, straights owe transsexuals the right of survival and of life lived on the terms of their choosing. Support for the taking of emergency measures in exigent circumstances, however, is not a determining factor for the ethical perspective of Gay liberation on gender. To what degree does a belief that no human being should be punished for conforming to the heterosexualization of anatomy and desire through gender—after all, we all conform to a greater or lesser degree—preclude serious inquiry into what possibilities might exist for improving life if this same conformity were *really* challenged? What might a day look like when gender itself is delegitimized and removed to reveal a state of authentic sexuality?

What if we were to arrive at a day on which concepts of gender polarity and rigid role-playing were replaced with androgynous fluidity—in this case meant as a referent for a world in which the sexed body is not politicized into a means of tyranny? Transsexuality would disappear as the conditions that produce it disappeared. Human capacity might be realized in that world and on that day. When gender no longer constrains the politics of Gay liberation, we will be closer to that day. A world made new through Gay liberation would mean the ability to live out our lives and our sexualities in ways that are not scripted for us by gender stereotyping.

Gay liberation is at its core a Movement for freedom through societal transformation. Gay people, nor no people, will be truly free until the system of gender polarity on which so much tyranny of mind and body is predicated is eradicated from society. The polar identities in this system, phallic identity in men and "masochistic nonidentity" in women,¹⁹¹ must and will be destroyed. As these gender identities are destroyed, so too will transsexuality be destroyed. Real liberation is found in this revolutionary Gay reality, not in the Self-negation of postmodernism or transsexuality as its partner in derealisation.

¹⁸⁹ See the discussion of footbinding, *sati*, *et cetera*, above.

¹⁹⁰ Although I am inclined to see the situs of such legal protection properly in disability law, not in the discourse—legal or otherwise—of Gay liberation.

¹⁹¹ See DWORIN, *Our Blood*, *supra* note 31, at 110. In her inimitable way, Dworin describes the result of the gender binary as a "division of human flesh into two camps—one an armed camp and the other a concentration camp." *Id.*

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