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Irrational - Critical Examination of a Response to Critics.

By Guest

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Abstract

Today's guest post is from Antonia D'orsay from Dyssonance. She describes herself as "a multi-ethnic, early Generation X, native Arizonan writer, sociologist and psychologist who rarely cleaves to the standard party line for any group. Examines underlying issues of language, empowerment, expression, and transition, in a mixture of the absurd, the serious, the personal, and [...]"

Article

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Let's look at some statements:

| *"I support rational anti-discrimination protections for people of transgender and transsexual experience."*

Sounds good. Lawyer good. Well spun, some might say. I don't think so...

First off, what is meant by "rational"? A rational person would take the subjective external appearance of an individual to make a culturally taught decision about their gender and, from that, imply their sex.

The author, who describes herself as a "gender atheist" (thus stating that she actively seeks to *not* believe in the rational concept of Gender, and, therefore is not functioning on a rational basis), does make a distinction between sex and gender, but fails mightily when it comes to actually arguing in favor of rationality since she chooses to forego such in several situations.

Rationally.

Next we have the description of "people of transgender and transsexual experience". Well, the next thing to note is what is a transgender and transsexual experience? I would argue that such an experience would be that which is most common to the majority of trans individuals. This would include the experience of being oppressed on the basis of their being seen as persons whose gender and sex is not what the socially sanctioned culture permits, institutionally. That is, of course, one simple example

of what that experience entails.

I will say she almost certainly does not see that as part of the experience. Which is to be expected -- she has not done any degree of actual research or study into the lived experience of trans people. She relies predominantly on what she encounters in her own narrow slice of life.

Note that the author is specifically stating that they support rational ordinances for persons who have experienced oppression on the basis of their being seen as persons whose gender and sex is not what the socially sanctioned culture permits, institutionally. This would mean, of course, that the author of the above statement would rationally not be willing to be seen as arguing against the notion of segregation on the basis of sex in, say, public accommodations. Rationally.

Well...

"The definition of gender identity that the LGBT organizations keep putting forth is overbroad, and allows males who are not transgender or transsexual access into female only space. This is bad for women."

Oops.

You see, the above is, in fact, discussing segregation on the basis of sex, one of the two aspects of oppression that the author is specifically stating she supports ending. This makes the author of these comments a hypocrite, twice. First off, they have to step aside from their atheism regarding gender in order to actively discuss it, and then they have support what they say in their own actions. Which they do not. Best part? Both of those quotes come from the same place. An interview done wherein the author "answers critics" printed in the Baltimore Outloud.

It gets better -- but not in the way the campaign hopes. In tackling the question regarding the underlying racism aspect that accompanies anything dealing with surgery for trans people, the author recognizes that yes racism and classism (particularly economic classism) play a role, but she also displays a striking ignorance of the impact that sexism plays in the nature of available surgery for half the trans population. Her subtextual focus on a certain kind of surgery makes it apparent her concerns are not with trans men, but with trans women, and this is not, oddly enough, a patriarchal aspect, but part of the continuation of the sexism applied against women, which she is assisting in reifying (not that she cares, since trans men are men).

Instead of addressing the specifics, though, she derails it, and shifts the discourse from being about the inherent issues of trans mistreatment by the medical community to a larger picture of the overall health care situation, which enables her to effectively sidestep the issue that even if we were to magically change the health care system overnight, the persistent issues dealing with trans care would continue.

In other words, she ignores it. Her general defense in this is not that she doesn't understand such, it is that she actively doesn't believe it. And not believing such is, again, not a rational commentary on her part, but an aversive one. She then goes on to say that the things she is most concerned about is that the efforts to work on behalf of LGBT people are "eviscerating sex based protections" for women. Given that the only time this happens is when it involves trans persons, she is, essentially, saying that the effort to protect trans women as women is attacking the protections of all women (which would

include trans women).

This points out another level of hypocrisy on her part, and further erodes the idea she puts forth that she is supportive of such actions. It is almost as if she's the Mitt Romney of such, being one way publicly and then, less so, donating to or working on behalf of causes that are actually the opposite of what she's saying.

Now, let's get on to a more fascinating aspect of the whole problem, one that always shows up in examinations of anyone marked by what is usually described as a "separatist" ideology (or, more accurately, in this case, the notion that trans women are not female, which is derived from various essentialist arguments that have little validity in actual rational discourse). They want the laws to read in a manner which marks Gender identity (note she never describes expression, where the primary problem is, which again marks her outlook as essentialist) as follows:

"which can be shown by providing evidence including, but not limited to, medical history, care or treatment of a transsexual medical condition, or related condition, as deemed medically necessary by the American Medical Association."

One important and often overlooked aspects about creating classifications of this sort is that they need to apply to **everyone**. This is the USA, I'm talking about. And this is where she sorta works against some of the other aspects of feminism. In the USA, you write a law that specifically singles out a group, it is going to be ruled unconstitutional. Period. The way they want that law written, it would do exactly that -- apply only to trans folk who have a medical need to transition, and she wants this codified into law.

Aside from ignoring the AMA's own understanding of the issue (which is that many people do not need surgery and yet still need variable treatments or even none, and that their still living in a manner which she disagrees with is considered medically necessary, which means that the current laws she dislikes are **doing what she wants already**), she forgets the fact that **everyone** would have to be subject to this law. So she is giving the AMA the final arbiting, by law, of who is and who isn't female or male, and who is and who isn't man or woman. I have to wonder what medical history, care or treatment of a transsexual medical condition, or related condition she might have to pass as deemed necessary by the AMA. She probably thinks her having ovaries and a uterus is enough, but that may not be medically enough for them, especially if they suddenly find themselves in a position to have to arbite such.

Perhaps penetrative vaginal ultrasounds might be deemed medically necessary, especially if some of these idiots passing such laws at present decide to legislate what the AMA can do. And **they can do that**.

But she really shines when she points out that doing the above would protect the classification of sex (her own classification, I will add, which is not the generally understood one by the scientific community, again, because of that lack of rational thought on her part).

The next part she uses is the idea of "identifiably Transgender or transsexual people". Which reveals her real underlying issue. This isn't about trans people such as myself. It is about trans people who don't meet her personal, subjective criteria for being visibly trans.

All of this also ignores something already accepted in law, in science, and, oddly enough, in feminism. Even she has a gender identity. She also has a Sex Identity, and a sexual identity, and a sexual orientation. Under her suggested language, everyone would have to be pathologized, in order for the law to withstand scrutiny.

Now, before you say that a Lawyer should know that, be aware that lawyers who don't work in this area really don't have much reason to know that. She doesn't. She isn't, when she suggests such things, thinking rationally. She's thinking with her prejudices and her beliefs, neither of which are rational, but which to her will always seem rational, and which she will invest effort in maintaining. That's basic psychology, by the way, not mind reading.

She then goes on to say that this is all about making sure that trans people get protection without harming females. Which is a sexist declaration that trans people are not female. Which, by her own definition, is rather fascinating, because that would mean that she feels trans people are a third sex, distinct from male and female, since, well, she likes to use 8th grade biology as the basis for her arguments and says that trans women are male (and, thusly, trans men are female). But to escape that, because she can't possibly be saying that trans men should be allowed into the women's restroom, the only likely (and rational) explanation is that she sees a third sex. And is actively trying to get a third sex designation, similar to that done in India or Pakistan. Some trans people love that idea. Others really hate it. But we can't look at it from the basis of do trans people like it or not, we have to look at it outside that lens and far more objectively.

In a more objective (and, oddly enough, more scientific way) we would have to *not* stop there. We would have to abandon the idea of two or three sexes, because there's simply way too much science that says there are more than that. Enough that there would inevitably be simplification (because humans love to reduce complex things) down to two again, and the whole fight would start up again.

Ok, that wasn't fair, my cynicism leaked out. I'll work on it. But, really, to limit it to just male, female, and "other" is, Othering, which is a very specific way of marginalizing people that she supports and actively dedicates herself to, as proven by her own response to her critics.

Next, she goes into the "details" of her opposition to the current system:

"We are concerned with two basic things - that this overbroad definition of "gender identity" completely overrides rational sex-based protections and that it codifies sex stereotypes about men and women into law and elevates those stereotypes to the level of an actual identity."

Again, she uses the term "rational" when she's already demonstrated she is not being rational on the subject. She also describes the definition currently in use (which is actually not broad enough when it comes to the diversity of the trans community as a whole) as overboard, meaning it goes too far, and covers too many people. Like, I don't know, everyone. Like a well written, constitutionally useful law does.

This is why when I looked at the letter they wrote, I knew it would be round filed. It completely walks around the basis of all the laws that are sued as what she calls "protection". They don't actually protect, by the way. They simple enable the potential for penalties should that action be taken. That is a pet peeve of mine, though. You cannot ignore the rational basis (not the US law kind) of the laws

regarding discrimination and say that you are being rational when you are doing the very thing those laws are supposed to stop. Its like saying you have the right to codify in law your religious beliefs. Oh, wait, I already pointed out that she views her beliefs religiously, didn't I?

Ah well.

She then says that the gender identity notes codify sex stereotypes about men and women into law, forgetting that it also protects people who are neither men nor women and who are both men and women and that is the key element that she hopes people won't see. Just as sexual orientation covers men, women, both, and neither, so does transness, but she's fallen prey to the same cultural traps that create a notion of a binary, that there is only "men and women", and nothing else. Yet she also advocates for third sex classification (subtextually, not overtly), and she does all of this using some of the most sexist stereotypes available as a defense of her actions.

This is what the UN people saw. This is why the report was such a waste of their time and the time and energy that has been spent castigating her and her partner on it was just as much a waste. They are not arguing well, and people who do this stuff know it. You read this sort of thing, and you say to yourself "how the hell do you expect me to buy into any of this when you are cutting your own argument in half every other paragraph?" And they do, when you read the report. Which they did with total seriousness and grave concern, if you choose to take it that way (which is how most such things are done -- you save the party stuff for the breaks).

She closes with the usual horseshit about "men in women's clothing", which is distinct from trans people even according to the AMA standards, doing bad things, reinforcing the sexist stereotype of men as predatory (which is not something she "buys into", since men are predatory in her particularly irrational outlook), and then closes with this bit:

"I appreciate and respect that women of transgender and transsexual experience struggle to be accepted and recognized as women. I personally accept women of transgender and transsexual experience as women. Meanwhile, females in 2011 continue to struggle to be accepted as human. I would encourage women of transgender and transsexual experience to help us in our struggle as well."

This last bit, again, functions on the basis of Trans as "other" and actually works on the same principle as the "noble in person helping the savage out person" archetype. Not that she says she wants trans folk to "help the females in their struggle to be human". In order to make that declaration, you have to posit, fundamentally, Trans as "not female". Flat out. Again, a third gender conceptualization, and again, an act of overt othering by a member of a class of persons who are responsible for marginalizing trans people in the first place.

In what should be a call to unity, she literally takes the time to segregate, to delineate, and to further the very thing she's saying she doesn't want done, and that isn't rational. That's aversion, anxiety, and intense dislike in action. The full hat trick. All not very well disguised beneath a veneer of nice sounding words and phrases. It is misandrist, misogynist, classist, racist, ciscentric, and irrational, from start to finish, when one actually takes the time to give her words the full weight of consideration that they are indeed due. All of which is fine. I might disagree with her on several levels here, but I will defend her right to hold those ideas. Even if they are anything but rational.

cross-posted from Dyssonance

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