

## Response to the Commentaries on Dreger (2008)

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The Editor has recommended in his introduction to this special issue that, while one reads the responses to my history of the Bailey book controversy, one ought to “look all ways before crossing” the street. Having read the responses, I don’t feel quite like I’m crossing a street here as much as trying to cross a 16-lane highway complete with multiple entrance and exit ramps.

I am honored and glad that so many people have chosen to respond to this work not only in the pages of this journal but also in many other public and private venues. I have learned much through these responses—including some things not intended by my newest teachers, but worth knowing anyway. I cannot possibly remark upon everything I might in the space allotted, so I address here what I consider to be the most important issues.

First, what I think is *the* most important:

A number of commentators help, in their essays, to explain why the outcry against J. Michael Bailey’s book, *The Man Who Would Be Queen (TMWWBQ)* was so loud, intense, and unrelenting (see, e.g., Bettcher; Clarkson; Lane; Lawrence; Nichols; Serano; Windsor; Wyndzen). I appreciate the way in which these commentators flesh out the horrific oppression trans people have faced. I also appreciate how several commentators spell out further the very negative way Bailey’s book was read by some trans readers (see, e.g., Bettcher; Clarkson; Lawrence; Moser; Rind; Wyndzen).

Nevertheless, I think what some of these critics simply don’t get—or perhaps don’t wish to admit—is that, no matter how reprehensible Bailey’s book was believed to be, it would not justify the production, broadcasting, and filing of essentially

false charges against Bailey by Lynn Conway, Deirdre McCloskey, and Andrea James to multiple authorities. Some have tried to argue that I should have told this as more of a “he-said-she-said” story, wherein one alleged personal affront was answered with another (see, e.g., Lane; Nichols). But to do so would be to obscure the critical fact that what three of the she’s said in this case were essentially falsehoods—damaging falsehoods reported to people in positions of significant power.

When people ask me why I focused so much on the actions of Conway, McCloskey, and James, I think the answer is obvious. The historical evidence indicates that it was chiefly these three women who actively worked to lead the campaign against Bailey. The historical evidence indicates it was the essentially-groundless charges put forth by Conway, McCloskey, and James that attracted and energized many allies and journalists. And, most importantly, the historical evidence indicates that Conway, McCloskey, and James tried to destroy Bailey’s book and his reputation through these truly extraordinary measures because they didn’t like what he had to say. No one has offered any even-remotely persuasive evidence contrary to all this, nor do I believe they could.

I think how much that core history matters to others is evidenced by the significant public interest in my revelation of it (see, e.g., Anonymous, 2007; Carey, 2007; Krasny, 2007). What happened in the Bailey book controversy is a scandal—a scandal for trans rights, for sex research, for the press, and for free discourse. Whether the right of free speech, in a legalistic sense, extends to falsehoods aimed at eliminating an ideological opponent, I do not know. But I know that morally it does not.

Let me add, before addressing specific commentaries, that when I speak on this matter to audiences and to the press, I reiterate, every chance I get, that many trans people who spoke out against Bailey acted ethically and not without reason (though they may sometimes have acted under false

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assumptions because they had been misled). I also reiterate, every chance I get, that Conway, McCloskey, and James are absolutely *not* representative of the trans community. I wish, honestly, that more people in the trans community would also make that latter point. I think it could only help. That said, I know why they won't do it; because they know perfectly well, including from my work on this history, what these three women are capable of.

As for the medical and scientific professionals implicated in this situation, I agree with Ben Barres's conclusion that "well meaning psychologists who genuinely do care about the welfare of transgendered folks [...] appear to have been intimidated into silence by a powerful minority," though he and I disagree about who that powerful minority is. I share Barres's and others' sense that psychologists who care about the welfare of transgendered folks—which happens to include most psychologists that I know—should do what they can to *actively* promote the rights of gender variant people. I would say to them what one psychologist said to me recently, when I asked him how it could be—given what he's been through—that he was spending that very day testifying in a court in support of government funding for sex reassignment surgery (SRS) for transgender people: don't let the Lynn Conways of the world make you forget that transgender people deserve full rights and deserve to have us help with that (Ray Blanchard, personal communication, July 23, 2007).

### Important Insights from Commentators

Several of the commentaries provide what I consider new or deeper insights into the Bailey book controversy and my history of it, and I would like to draw the reader's attention to those.

Brian Gladue may well be correct in his suspicion that the Bailey controversy has resulted in yet more mission-creep on the part of institutional review boards (IRB's). If it is the case, that would be ironic since, as I showed in my paper, the merit of the charges made against Bailey was in fact so very low. As Gladue hints, there ought to be a better way to deal with the sorts of things that happened here than to make *researchers* subject to yet more regulatory scrutiny. My paper suggests sometimes effort would better be spent subjecting accusers (especially those not even involved with the supposed "research") to more scrutiny.

Riki Lane gives us a tantalizing glimpse of a forthcoming major study of "the political and social implications of research into a biological etiology for transsexuality," including by quoting from some interesting original interviews. (One only hopes that in the ultimate publication of the work, Lane will be more accurate in attribution of quotations and claims—see below for examples of problems—and will not make the mistake of confusing what sources say is true with what is actually true.) Lane usefully

says explicitly, when I only say implicitly, that "Bailey appears in his writing to assume the naturalness and superiority of his heteronormativity, individualism, and scientific objectivity."

On that topic—Bailey's stance—I think Marta Meana nails it when she suggests "that Bailey was so convinced of his own unquestionably progressive, positive, non-homophobic, and non-transphobic self that he made the political/interpersonal mistake of over-familiarity." She goes on that "Bailey's other possible failing was a certain degree of dismissiveness regarding the dilemma of identity for sexual minority groups," and this, too, accords with my experience of Bailey. In this way, Meana's commentary points to something I perhaps underestimated in my paper, namely the role that individual personalities (and not just persons) played on both sides of this "battle." About Bailey's chief opponents, Meana writes "Their attack was not only devoid of intellectual weaponry—it was anti-intellectual. It consisted of primitive tactics that bespoke a massive narcissistic injury with shockingly little emotional regulation."

Anne Lawrence independently arrives at the same conclusion regarding the role of narcissism and especially narcissistic rage among some of Bailey's biggest critics, but goes beyond, delving into the clinical literature to propose that narcissistic disorders may be common among the transsexuals she calls autogynephilic. In a subtle critique of Bailey's book, Lawrence "also suggest[s] that clinicians and scholars [...] try to avoid inflicting" narcissistic injury, especially since it results in harm to all involved. Although Lawrence and Meana differ on "autogynephilia," both made me realize that, to understand the history of this controversy, one really must understand the personalities of the major players.

I had the strangest reaction while reading Lawrence's essay: I found myself cringing and nodding at the same time. Nodding in part because, by the time I read Lawrence's piece, a number of strangers had already written to me to say they found Bailey's critics' behaviors to be explicable only as narcissistic rage. That said, Lawrence's is, by far, the most scholarly exposition of this I have encountered.

So why was I cringing reading Lawrence's essay? Much as her paper may explain the often dishonest, self-centered, and obsessive pursuit of Bailey by *a few*, Lawrence's paper will surely be read by Bailey's (and Lawrence's) critics as yet one more instance of the pathologizing of trans people *in general*. And they will probably overlook that Lawrence is careful to suggest in her paper that it is the unjust process of being denied validation of self again and again which probably puts one at risk of developing narcissism as a sort of coping mechanism, such that clinicians themselves may accidentally become an active part of the problem when they deny sexual minorities their self-identities. Reading Lawrence's paper, one does wonder how often activists and advocates *unjustly* get accused of narcissism for their devotion to a cause.

Relatedly, Charles Moser's piece remembers the era of the medicalization of homosexuality and the responses to activists who sought to demedicalize homosexuality. (For more of this

comparative history, see Nichols.) And in her unique commentary, Madeline Wyndzen hints at how the medical “treatment” of gay men has moved on to where the “treatment” of transgender people might some day go. She writes eloquently, “Whereas gay men are [now] diagnosed for *how they suffer*, transsexuals are [still] diagnosed for *who they are*.”

Regarding the theory of who transsexuals are: I believe I showed that, while Bailey’s book was much more complicated than it has been portrayed as being, Bailey’s account of Blanchard’s theory of male-to-female (MTF) transsexualism generally lacked nuance (compare, e.g., Lawrence, 2007). Regardless, I think Wyndzen usefully elaborates on Bailey’s problematic lack of nuance, including when she writes that “the backlash occurred only when transsexuality was explained [by Bailey] as *only* caused through sexuality and when this explanation trivialized other causal mechanisms” (italics added).

Wyndzen’s response is especially interesting when read alongside that of Jonathan Adler. Where Wyndzen hints, Adler actually spells out the fundamental epistemological divide that separates Blanchard and Bailey from many of their critics. Indeed, Adler’s point about this insurmountable epistemological divide seems to be illustrated by several of the other commentaries (see, e.g., Bettcher; Blanchard; Clarkson; Lane; Lawrence; Mathy; Nichols; Rind). While Blanchard, Bailey, Lawrence, and many other sex researchers employ a “paradigmatic mode” that treats humans as categorizable subjects and sees science as the ultimate arbiter of those categories, many of the critics of Blanchard’s theory, of Bailey’s book, and now of my history of the controversy favor a “narrative mode” in which their autobiographical stories stand as the ultimate truth.

In his elegant essay, following his mentor Dan McAdams, Adler points out how operating in the narrative mode (by forming and telling a coherent life story) can provide a sense of “unity and purpose” to one’s life. Adler illuminates both why some people fought Bailey so hard and why any scientific account of transsexuality may ultimately deny many trans people psychological relief that their own coherent autobiographies *can* provide—however factually problematic these autobiographies, like all autobiographies, are. Adler thus hints that, from a clinical psychological standpoint, Blanchard’s theory could sometimes result in a case of “the surgery was successful but the patient died.”

Adler also points out the irony that my work has, through its essentially narrative form, likely provided Bailey and his allies with some psychological comfort while not doing anything to convince Bailey et al. that transsexuals’ self-narratives mean much at the end of the day. As I noted at the end of my article, Bailey has said he will no longer “hesitate to say true things out of concern that the truth would cause someone pain. [...]Conway et al. took away any remaining inhibitions I had against telling the truth.”

I was pleased that John Bancroft points out in his commentary that he was “particularly disturbed” by this

remark from Bailey. (A number of readers seem to think I ended my article this way as a way of championing Bailey rather than, as I intended, illustrating the terribly ironic outcome of Conway’s attempt at what one might call Bailey’s “reeducation,” were one operating in Maoist China.) Without elaborating, Bancroft notes that he himself “in the past [...] used words or concepts that I would not use today because they are insensitive or potentially hurtful.” Thus, in his essay, Bancroft recognizes the importance of choosing sensitive language whenever possible (on this, see also Moser; Devor’s comments in Lane; and Lawrence), while also providing some detailed personal history of what he observed in practice that (notably) occasionally accords with some of Blanchard’s theory. Most importantly, Bancroft here essentially spells out what he meant by his “not science” remark about *TMWWBQ* at the International Academy of Sex Research (IASR) meeting in 2003, and all those who continue to tell me what Bancroft “really” meant are advised to stop interpreting for Bancroft and read his commentary.

Just as Bancroft helps to clarify his opinions, history, and theoretical stance, Ray Blanchard provides, in his commentary, some elaboration of his theory as well as a novel point-by-point critique of the feminine essence narrative that makes me hope for more productive, open scientific debate about the various theories of transsexuality. Several other authors also usefully (though necessarily briefly) explore problems with Bailey’s version of Blanchard’s theory (see Bettcher; Clarkson; Lane; Lawrence; Meana; Mathy; Moser; Nichols; Serano; Wyndzen). Amir Rosenmann and Marilyn Safir consider how culture may affect and effect how gender variant people act and live.

In her critique of my history, Antonia Caretto points to epistemological problems that she argues are shared by both Bailey and Conway, problems she feels I would have noticed had I not gone “down the rabbit hole.” Meanwhile, without elaboration, McCloskey says in her commentary “I think [Bailey’s] theories will result in more dead queers and I’ve said so.” I’d be interested in seeing the actual causal link on that one. McCloskey is obviously sure it exists, since she assures her opponent Seth Roberts, a new supporter of Bailey, he’s now part of that deadly chain: “The next time you hear of a queer being murdered, think what you’ve done” (quoted in Roberts’s commentary).

Moser says that my “article fails to place the attack on Bailey in its historical perspective,” which made me wish he had taken this opportunity to specifically compare his own experiences. He says I imply “that ad hominem attacks are a *new* tactic in the attempt to discredit sex research,” and if that is the case, I regret that. Bruce Rind does helpfully compare his own experience to Bailey’s in his commentary. Wyndzen also helps by providing her own experience with debates, inside the trans community, over the nature of transsexuality.

Kendra Blewitt did not submit a commentary but wrote to me that:

the controversial chapter of Bailey's book, i.e., the chapter about autogynephilic transsexuals and Blanchard's theory, was available on-line for almost three years prior to the book's publication. Anne Lawrence had posted it on her Transsexual Women's Resources site for this duration. Thus, when you said of [Joan] Roughgarden that she condemned the book when [all] she saw was the cover [...] and that she couldn't have read [some of] the book at this time because it had not yet been published, you were probably in error. (p.e.c., January 4, 2008)

Blewitt is quite right that this is a notable oversight and I am grateful to her for this correction. While it is still the case that Roughgarden could not have known what the book as a whole said, she may have known what the part she cared most about said.

### Errors by Commentators

Moving on now to misrepresentations and inaccuracies contained in some commentaries:

Richard Green takes exception to "my" characterization of research when in fact what he's taking exception to is the U.S. federal definition for research that requires IRB oversight. Margaret Nichols chastises me for supposedly not noting the criticisms of Bailey's book by members of the WPATH (World Professional Association for Transgender Health, formerly the Harry Benjamin International Gender Dysphoria Association). She then goes on to specifically name three such critics, all of whose criticisms I in fact *do* note in my article. In fact, Nichols refers to the very same documents as me. Perhaps her point is that I didn't note that those three critics (Eli Coleman, Walter Bockting, and Jamison Green) are members of WPATH? But if that is her point—i.e., to invoke specifically the prestige of WPATH—how is it she doesn't notice that Anne Lawrence, Ray Blanchard, and Richard Green (all of whom praised *TMWWBQ* and defended Bailey) were also at that time members of the organization? Later in her work, Nichols says "Dreger practically ridicules the Southern Poverty Law Center report on Bailey and HBI," i.e., the Human Biodiversity Institute. This is accurate, except for the word "practically."

Rind generally praises my work while bemoaning the actions of "diversity-embracing progressives in academia and their counterparts in the liberal media," without apparently realizing I easily count as a member of both those camps, including in this work. He similarly seems to imply that many or even all transsexual activists use threatening language about perceived enemies, which is absolutely not the case. (My article was careful to specify who said and did what.) He also says I identify myself "as a longstanding advocate of

transsexual causes" when I certainly don't. Moser—who knows the difference between intersex and transsex—points out that that difference matters. (I have certainly written [e.g., Dreger, 2006a] and made donations in support of trans rights, but nothing of the magnitude of what I've done in support of intersex rights.)

Moser says Northwestern University's investigation "basically concluded that Bailey had not violated any professional, ethical, legal, or moral standards; no penalties were levied." That's not what I found. It's possible Moser knows something I don't know, but I doubt it. In fact, as I note in my article, Northwestern and Bailey have not released the results of the investigation, and, following the investigation, Bailey's status at the university did not change.

Robin Mathy says that Bailey's "research" methods for testing Blanchard's theory were exceptionally poor, which would be true had Bailey been testing Blanchard's theory. McCloskey commits the same logical flaw. Moser makes a similar mistake when he calls what Bailey was doing "field research" as if he were testing Blanchard's theory. As I note in my paper, Bailey was convinced of Blanchard's theory; he wasn't testing it, and he certainly wasn't testing it with trips to bars as some continue to claim (see, e.g., McCloskey).

Moser thinks I should have been critical of Bailey's "ignoring the transsexual activists' perspective and complaints," but I think I made clear *why* Bailey saw their perspective and complaints as consistently less persuasive than Blanchard's theory. Moser notes correctly that I have argued that "the experiences and advice of adult intersexuals must be solicited and taken into consideration," but that doesn't mean I have ever believed their version of events must be considered the true one. (For the record, although I think studying self-narratives is critical to understanding identities, I don't think seeking and repeating of self-narratives is the same as a scientific inquiry, whether the self-narratives come from sex variant people, gender variant people, sex researchers, or anyone else.) Moser says I "malign" Mildred Brown by mentioning her settling of a lawsuit with a former patient, but it is obvious I use the case of Brown (which is public record) to show how the airing of dirty laundry on sites like Conway's and James's is limited to the laundry of those who dare to disagree with them, which Bailey does and Brown doesn't. How Moser could conclude the allegations made against Bailey were "basically true" is beyond me, and apparently beyond the scope of his article to explain in any evidence-based fashion.

In her remarks to Roberts, reproduced in his commentary, McCloskey claims Bailey was "fired [...] from the chairmanship" of his department following Northwestern's investigation. Not true; see my article. In her own commentary, McCloskey also says that, after Bancroft made his "not science" remark at the 2003 IASR meeting, "Bailey resigned that afternoon from the secretaryship of the Academy." Not true; written records demonstrate that he decided to step down a month before his book was even published—i.e., four months before Bancroft's

remark—because he had taken on the added responsibility of chairing his department (see, e.g., Bailey to IASR membership, p.e.c., March 21, 2003, subject “Very important IASR issues”). McCloskey says Bailey failed to ask permission to write about the women in the book. Not true; see my article.

McCloskey says “Dreger then describes at great length Kieltyka’s ‘remarkable sex life’” without noting that the phrase quoted is actually from Bailey, not me as she implies. (And is it not remarkable? Isn’t that part of McCloskey’s ongoing point about how Kieltyka is not representative?) McCloskey notes she is “introduced as ‘enjoying an international reputation’ literally on the next to last page” of my article. True that I acknowledge her that way, but that’s not where I “introduce” her, since literally on the first page of my article, I identify McCloskey as “a Distinguished Professor of Economics, History, English, and Communication at the University of Illinois at Chicago.”

McCloskey misleadingly implies I think her campaign to the Lambda Literary Foundation (LLF) was “tantamount to censorship,” but where I use that phrase in my article, I am clearly describing one side of the debate that happened within the LLF. McCloskey says “either [Bailey] was doing rigorous science, and therefore violated the norms of science; or he was doing casual journalism” Even a freshman logic student would recognize this as a false dichotomy, and I’m surprised she doesn’t, given the contents and style of many of her own books. How could McCloskey make such an obvious argumentative error like a false dichotomy, given that she is known specifically for her important studies of rhetoric? Reading her remarks to Roberts (reproduced in his commentary) as well as her commentary on my article, and knowing what she tried to do to Bailey and his book, one has to wonder whether she has been using this entire affair as an experiment to determine the limits of rhetoric. In any case, I believe she’s found them.

Mathy seems to think my article’s title purposely suppressed *TMWWBQ*’s subtitle (“The Science of Gender-Bending and Transsexualism”), when, in fact, I simply decided that using two colons in my article’s title would be too confusing for readers. Mathy might have noticed that the abstract and first page of my article both give the subtitle of Bailey’s book. (I sometimes wish I could be as full of intrigue and power as my public image would have me be.)

Riki Lane takes me to task for claiming in my blog that Andrea James “had no right to speak on campus” after her behavior in the Bailey controversy, when in fact I explicitly said James *did* have the right. (“I want to make clear I am not saying Ms. James does not have the right to speak. What I am saying is that I don’t think we should be putting our university’s good name near her. I would feel the same way were someone to be interested in, say, inviting a neo-Nazi to speak on campus. I would defend that person’s right to speak but I certainly wouldn’t enable or support their speech” [Dreger, 2006b].) Lane also mistakenly claims Bailey calls women who have transitioned “men.” Lane even italicizes

*men* to accentuate the offensiveness of this imagined-Bailey. (Incidentally, as others do, I always find Imagined-Bailey astonishingly offensive.)

Gladue presumes incorrectly that “Conway et al.” are social scientists and that therefore they would give a whit about the effects of their actions on “other” social scientists. I think it is safe to assume that Conway and James are not considered social scientists by anyone. I am not sure whether McCloskey would consider herself a social scientist specifically and whether, if she does, she cares what effects her actions have had on other social scientists. One doubts it. I think Meana says it best: “It is crystal clear that had Bailey promoted the feminine essence theory of transsexualism, none of the antagonists would have cared one bit about ethics. Their allegations were completely off-topic and simply an attempt to inflict as much damage as possible.” If “Conway et al.” have had an effect on institutional ethics, good or bad, it has not been because that is what they wanted to achieve.

Meana calls me “strangely naïve” in my original belief that my history might “calm and even quell some of the tensions that persist,” and I think she’s right that I was naïve in that. But I think she is wrong on two other points. First, I am sure she is in error when she says that I should not have investigated the charges against Bailey “because investigating them legitimizes them [and] because the misconduct charges are not what this story was about, in the slightest.” That’s what Bailey’s opponents *made* this story about, and thus that *was* what the story was about, though I think I have changed the story now by carefully looking at the facts of the matter.

Second, I think Meana is wrong in saying my “ultimate allegiance” is “to one side—Bailey’s.” My ultimate allegiance is to the truth. Incidentally, I don’t think my allegiance to truth makes me any different than the vast majority of other scholars and other activists out there. And if my allegiance to truth makes me look like I come down on Bailey’s side, well, points for Bailey.

Barres claims my article is neither “balanced [n]or factual on a great many points.” Such as? Well, he doesn’t say, except to tell us I should have “point[ed] out [...] that Bailey chose to present the information in his book in the most sensationalistic, insensitive, misleading, and humiliating way possible.” As anyone can see, my article *did* show how Bailey was sometimes sensationalistic, insensitive, misleading, and humiliating in his book, but I guess it is true that I didn’t argue that his approach was *the most possible* of all these. Barres briefly reiterates defaming and—as I show in my article—patently inaccurate claims about Bailey, including that he practiced clinical psychology without a license, slept with his “subjects” (now plural!), and did research that required informed consent but lacked it. In what one can only guess is an ironic attempt to use his own essay to buttress his claim about the low standards among scholarly journals where matters of transsexualism are concerned, Barres does not bother to support any of his claims. I guess Barres doesn’t have to give any evidence whatsoever for *his* “sensationalistic, misleading, and humiliating” claims because, it would seem,

Barres applies his standards according to a subject's level of oppression rather than any universal moral or intellectual principle.

Several commentaries contained factual errors that made me think I should have included a timeline of events with my original article, to help readers wade through the rather complex chain of events. Nicholas Clarkson says correctly that “the trans community should not be expected to gratefully submit to a medical gaze simply for the sake of receiving letters authorizing surgery,” but in doing so he incorrectly implies (as does Mathy) that the transwomen for whom Bailey wrote letters of recommendation were by that point his subjects in any way. As I show, early in their relationship, Anjelica Kieltyka talked Bailey into helping with her advocacy by providing these letters free of charge and without the standard hoops about which someone like Clarkson would rightly complain, and it was only *after* these letters—indeed, *after these women's SRS had already happened*—that Bailey decided to write about the woman (the *only* woman) who would ultimately complain, i.e., the woman known as Juanita. Recall also from my article that Juanita has admitted she had given Bailey permission to write about her in the book when he asked her, months after her surgery, if he could.

I agree with Clarkson's suspicion that Kieltyka “sought a relationship with Bailey to obtain his validation, particularly as an authority figure and scientist,” but I hardly think (as Clarkson seems to) that that would have been reason for Bailey to have said to her “no, you may not speak to my classes, or you must represent yourself in the way *I* require and not the way you want.” I get a little tired of people—Nichols most prominently—arguing that trans people should encounter absolutely no “paternalistic” barriers when it comes to major medical interventions, but that “authority figures” should not trust the poor dears to decide how and when they will *represent themselves* to classes or to authors. I certainly don't think, as Clarkson suggests I do, “that having sex researchers study [trans people] is unequivocally good,” but neither do I think—as apparently Nichols does—that adult trans people are too “unsophisticated” to decide how they want to work with (or not work with) researchers, teachers, and clinicians.

I would take philosopher Jacob Hale's excellent argument for treating trans people in the clinic as fully capable decision-makers unless proven otherwise (Hale, 2007) and extend it to their encounters with researchers, professors, authors, filmmakers, reporters, courts, and, for that matter, everyone else. Pro-choicers rightly ask about abortion, “If you can't trust me with a choice, how can you trust me with a child?” I'd similarly ask, for this scenario, “If you can't trust me with a class of undergraduates, how can you trust me with a team of surgeons?”

Elroi Windsor thinks it “remarkable” that every sexologist I asked was willing to speak to me, and somehow takes that as evidence that my perspective was “uneven.” I think I wrongly gave the impression no sexologists were reluctant to talk (Wyndzen also assumes this), and that many transgender

people were reluctant to talk. As I recall, approximately three sexologists were hesitant, and, besides McCloskey and Conway, there were only two transgender people unwilling to talk to me (and both of them had already had ugly public run-ins with Andrea James, which I got the sense was not a coincidence). I think the reason Conway and McCloskey were *very* reluctant to talk to me was because they knew what I would find.

Windsor suggests Conway's and McCloskey's general refusal to engage meant I had to relay “their ideas solely through static, secondary, and dated sources.” Had Windsor looked at my documentation, Windsor would have seen that Conway and McCloskey's productions are not static or dated but ongoing (one might even say relentless) and that they are primary—from the very hands of these two. Windsor also says I fail to note all sorts of things I do in fact note, like “Bailey's admitted sexual attraction to some transwomen” and how Bailey used the trappings of science to make his claims appear authoritative.

After reading John Gagnon's commentary, I was left with the thought that anyone who believes in social constructivism as much as Gagnon does nevertheless should be able to understand the difference between written regulations (however social) and his own opinion of what those regulations should say. Gagnon takes IRB's to task for “often (perhaps more often than not) [being] excessively intrusive, legalistic, and ignorant,” but I would say that they at least tend to know the regulations which they claim to be examining. Those who might share Gagnon's confusion are advised to start by reading my article. As for Gagnon's claim that “little that has happened to Bailey [...] has not happened in fights about priority, tenure, grants,” I would say that, if Gagnon seriously is aware of the filing of false charges in such instances, I would hope he has been a whistle-blower.

As for Gagnon's questioning of my “motivation” and “objectivity,” I would ask Gagnon how exactly that questioning speaks to what I found. Gagnon amusingly says Bailey played, in his book, a “sort of Sergeant Friday of sexology.” Well, let me play the good sergeant for a minute, and ask Gagnon, “Got any actual critique of my factual findings, ma'am?” Even if I had been, as McCloskey told the New York Times (McCloskey, 2007), paid by Bailey to do my work—which I was not—how exactly would that speak to the incontrovertible facts I exposed? Gagnon's—shall we say—*idiosyncratic* construction of this matter is unlikely to withstand, I think, even the first level of actual social construction wherein groups of humans compare a claim to what they see before their own eyes.

Perhaps my last remark answers Lane's question about me: “How does a social constructivist end up writing [this] history?” The answer is that I'm not a social constructivist of the naïve sort, as Lane should know from having read my first book, which is referenced and quoted in Lane's commentary. (See also Dreger, 2006c.) Lane seems to think, in the case of Bailey as in my own case, that one must believe *only* in social constructs or *only* in materiality. I find that idea silly.

Obviously one can believe that the category of “pathology” is socially constructed while still believing HIV (and not magical spells) causes AIDS. Incidentally, I find even more silly the idea that social constructivists are Good People and their supposed opposites are Bad People. As we see again and again in the history of sex, ideology does not determine behavior.

Mathy finds “it a bit too convenient that another prominent sexologist at Northwestern University has risen to Bailey’s defense.” I guess I could find it a bit too convenient that most of Bailey’s critics were transsexuals, if I didn’t think that claims should be judged for their merit and not eliminated simply because you worry the source is lacking critical distance. Mathy also notes that, in an email she sent me while she was writing her commentary (after the deadline), she objected to my “publishing [my] work in a prominent peer-reviewed journal edited by a close colleague of Blanchard (i.e., Kenneth Zucker).” Mathy doesn’t mention what I wrote back to her:

Why did I choose to submit my paper to *Archives of Sexual Behavior*? I considered other journals as well. I was interested in reaching primarily an audience interested in sex research, so that narrowed down the possibilities. I was also interested in publishing this major work in a prestigious, peer-reviewed journal with a high impact factor; *Archives* fits the bill there. I also wanted a journal that would allow responses to my article by the main players, because I felt that would model scholarly dialogue (an alternative to what happened in the Bailey controversy). Dr. Zucker not only was willing to publish responses, he insisted there be an open call for responses. Hence your ability to write a commentary. The fact that Dr. Zucker is apparently extending the deadline for commentaries for people such as yourself suggests to me that he is fully committed to open, scholarly dialogue on these matters. Obviously I made a good choice. (p.e.c., November 18, 2007)

Mathy wrote back, “You answered my question quite nicely. I agree that you made a good choice in selecting *Archives of Sexual Behavior*” (p.e.c., November 18, 2007), a judgment not reflected in her essay, which continues to question my choice as if she was aware of no good reasons behind it.<sup>1</sup>

Mathy makes the argument that Bailey has violated the American Psychological Association’s “Ethical Principles of Psychology and Code of Conduct.” Even if Mathy is right that the APA’s Code applies to Bailey, who is not a member of the

APA but is a member of an APA-accredited program—and, as I write, I have been waiting for several months for the APA to answer an inquiry about whether this is true—it doesn’t really matter, because Bailey has not committed the violations of the APA Code that Mathy claims. Mathy muddles the timeline of events (see above) and reiterates “facts” that I think we have every reason to believe are false. For example, Mathy assumes Bailey violated the Code because he supposedly had sex with Juanita when she was his research subject. But, as I showed, Juanita was not, by any stretch of the imagination, his research subject in March 1998, when she claims the sex happened.

Moreover, what on earth gives Mathy the right to continue to claim the sex happened? Bailey says it didn’t and *has shown written evidence* he was not where Juanita said he was when it supposedly happened. Surely at this point the burden of proof is on Mathy (and on Barres, and McCloskey, and Roughgarden [in Krasny, 2007], and...) to support their claim that we should, against documented evidence, believe Juanita, a woman whose charge was, according to Kieltyka, designed by “Andrea James and [Lynn] Conway [...] as a way of getting Bailey,” a woman who has insisted on remaining unavailable and anonymous while making this damaging claim, and a woman who has—by contrast with her hesitancy to step up to the plate while making *this* claim about supposed consensual sex—been happy to boast on a published video, *with her real name and unobscured face*, of making over a hundred thousand dollars a year illegally as a sex worker.

Finally, Rind wishes I had “offer[ed] suggestions on sanctions against the aggressors in the Bailey affair as a matter of fairness and balance,” but I hardly think that would have been appropriate. I do like Lane’s suggestion that Bailey now “apologize for his insensitive portrayal of trans people.” Bailey may claim he was not insensitive, but given the number of people he offended with his prose, he is obviously, objectively wrong—being perceived as insensitive by this many people surely means you have been insensitive. (Especially if you don’t get that.) Indeed, I like Lane’s suggestion that Bailey apologize for his insensitivity as much as I like Lane’s suggestion that “his opponents [...] agree that some of their tactics were over the top.” I won’t be holding my breath.

## Conclusions

So, what major lessons might we take from this set of rather extraordinary papers, other than that there appears to be no correlation between academic rank and likelihood of producing a commentary that is accurate, original, and well composed? (Kudos to many of the graduate students and non-academics who commented.)

I think most importantly these papers show that there are a lot more subtle thinkers out there than the on-the-street story of the Bailey book controversy would have people believe.

<sup>1</sup> As this article was going to press, Mathy sent a letter to my dean complaining that I am unethical because, among other things, I decided to publish my article in *Archives*. Apparently she has also filed an ethics complaint about me with the American Psychological Association, in spite of the fact that I’m an historian (see Gsovski 2008).

The level of nuance and the depth of original thinking in a number of these papers suggest real hope for a more complicated understanding not only of this controversy, but also of transsexualism, of science, and of advocacy.

A number of these papers—most notably Julia Serano's and Elroi Windsor's—also help in arguing vigorously for responsibility, especially to those about whom we make claims that may harm. I would add a call to be responsible to facts, for it is in that responsibility that we enact responsibility to others.

It seems especially important, as there will likely be a reconsideration of the classification of "gender identity disorder" in the DSM, for clinicians, scientists, and transgender advocates to consider not only what we think is true about the nature of transsexualism, but what we really know (and don't know) about what can help and what can hurt transgender people, including in terms of language choice. Those who work on the DSM, the WPATH Standards of Care, and similarly authoritative documents must recognize that what matters most in the clinical setting is the well-being of gender variant individuals—not the well-being of careers and causes, of theories and legacies—and so clinical care must be consistently evidence-based and be focused on endpoints that matter for gender variant people themselves.

If medical professionals take seriously their commitment to gender variant patients and clients, then they will recognize that part of their responsibility is to help change society to be more tolerant of those who suffer from unjust social oppression. They should consider that they may occasionally help patients or clients most effectively by getting out of the clinic to help change institutions that interfere with healthy lives.

As an activist, I admire many of the activist-writers here who were able to distinguish between what they believe to be true in an ontological sense from what they know to be right in a moral sense. I think, as we activists seek a more just world, it is critical that we be intolerant not only of foolishness masquerading as authority, but that we be intolerant of foolishness masquerading as progressivism. Let us hold ourselves to the same standards we hold those we seek to change. Thinking you are right is never an excuse for acting wrong.

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