

not all trans people would identify with this principle, but I think it makes better sense as a basis for identity than the ability to pass “full-time” or the amount of cross-dressing one did as a child. Wilchins posits an idea of identity as “an effect of political activism instead of a cause.” I see this notion reflected in trans activism, writing, and discussion, despite its absence in the medical institutions through which trans people must negotiate our identities.

Feinberg writes:

Once I figured out that “transgendered” was someone who transcended traditional stereotypes of “man” and “woman,” I saw that I was such a person. I then began a quest for finding words that described myself, and discovered that while psychiatric jargon dominated the discourse, there were many other words, both older and newer, that addressed these issues. While I accepted the label of “transsexual” in order to obtain access to the hormones and chest surgery necessary to manifest my spirit in the material world, I have always had a profound disagreement with the definition of transsexualism as a psychiatric condition and transsexuals as disordered people.

V. TELLING STORIES: STRATEGIC DEPLOYMENT OF THE TRANSEXUAL NARRATIVE

... After attending only three discussion group meetings with other trans people, I am struck by the naiveté with which I approached the search for counseling to get my surgery-authorizing letters. No one at these groups seems to see therapy as the place where they voice their doubts about their transition, where they wrestle with the political implications of their changes, where they speak about fears of losing membership in various communities or in their families. No one trusts the doctors as the place to work things out. When I mention the places I’ve gone for help, places that are supposed to support queer and trans people, everyone nods knowingly, having heard countless stories like mine about these very places before. Some have suggestions of therapists who are better, but none cost less than \$50/hr. Mostly, though, people suggest different ways to get around the requirements. I get names of surgeons who do not always ask for the letters. Someone suggests that since I won’t be on hormones, I can go in and pretend I’m a woman with a history of breast cancer in my family and that I want a double mastectomy to prevent it. I have these great, sad, conversations with these people who know all about what it means to lie and cheat their way through the medical roadblocks to get the opportunity to occupy their bodies in the way they want. I understand, now, that the place that is safe to talk about this is in here, with other people who understand the slipperiness of gender and the politics of transition, and who believe me without question when I say what I think I am and how that needs to look.

VII. CONCLUSION

Personal narrative is always strategically employed. It is always mediated through cultural understandings, through ideology. It is always a function of selective memory and narration. Have I learned that I should lie to obtain surgery, as others have before me? Does that lesson require an acceptance that cannot successfully advocate on behalf of a different approach to my desire for transformation?

An examination of how medicine governs gender variant bodies through the regulation of body alteration by means of the invention of the illness of transsexuality brings up the question of whether illness is the appropriate interpretive model for gender variance. The benefits of such an understanding for trans people are noteworthy. As long as SRS remains a treatment for an illness, the possibility Medicaid coverage for it remains viable. Similarly, courts examining the question of what qualified a transsexual to have legal membership in the new gender category have relied heavily on the medical model of transsexuality when they have decided favorably for transsexuals. A model premised on a disability- or disease-based understanding of deviant behavior is believed by many to be the best strategy for achieving tolerance by norm-adherent people for those not adhering to norms. Such arguments are present in the realm of illicit drug use and in the quest for biological origins of homosexuality just as they are in the portrayal of transsexuality as an illness or disability.

However, it is vital that the costs of such an approach also be considered. First, the medical approach to gender variance, and the creation of transsexuality, has resulted in a governance of trans bodies that restricts our ability to make gender transitions which do not yield membership in a normative gender role. The self-determination of trans people in crafting our gender expression is compromised by the rigidity of the diagnostic and treatment criteria. At the same time, this criteria and the version of transsexuality that it posits produce and reify a fiction of normal, healthy gender that works as a regulatory measure for the gender expression of all people. To adopt the medical understanding of transsexuality is to agree that SRS is the unfortunate treatment of an unfortunate condition, to accept that gender norm adherence is fortunate and healthy, and to undermine the threat to a dichotomous gender system which trans experience can pose. The reification of the violence of compulsory gender norm adherence, and the submission of trans bodies to a norm-producing medical discipline, is too high a price for a small hope of conditional tolerance.

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Trans Woman Manifesto

Julia Serano

This manifesto calls for the end of the scapegoating, deriding, and dehumanizing of trans women everywhere. For the purposes of this manifesto, *trans woman* is defined as any person who was assigned a male sex at birth, but who identifies as and/or lives as a woman. No qualifications should be placed on the term “trans woman” based on a person’s ability to “pass” as female, her hormone levels, or the state of her genitals—after all, it is downright sexist to reduce any woman (trans or otherwise) down to her mere body parts or to require her to live up to certain societally dictated ideals regarding appearance.

Perhaps no sexual minority is more maligned or misunderstood than trans women. As a group, we have been systematically pathologized by the medical and psychological establishment, sensationalized and ridiculed by the media, marginalized by mainstream lesbian and gay organizations, dismissed by certain segments of the feminist community, and, in too many instances, been made the victims of violence at the hands of men who

feel that we somehow threaten their masculinity and heterosexuality. Rather than being given the opportunity to speak for ourselves on the very issues that affect our own lives, trans women are instead treated more like research subjects: Others place us under their microscopes, dissect our lives, and assign motivations and desires to us that validate their own theories and agendas regarding gender and sexuality.

Trans women are so ridiculed and despised because we are uniquely positioned at the intersection of multiple binary gender-based forms of prejudice: transphobia, cissexism, and misogyny.

Transphobia is an irrational fear of, aversion to, or discrimination against people whose gendered identities, appearances, or behaviors deviate from societal norms. In much the same way that homophobic people are often driven by their own repressed homosexual tendencies, transphobia is first and foremost an expression of one's own insecurity about having to live up to cultural gender ideals. The fact that transphobia is so rampant in our society reflects the reality that we place an extraordinary amount of pressure on individuals to conform to all of the expectations, restrictions, assumptions, and privileges associated with the sex they were assigned at birth.

While all transgender people experience transphobia, transsexuals additionally experience a related (albeit distinct) form of prejudice: *cissexism*, which is the belief that transsexuals' identified genders are inferior to, or less authentic than, those of *cissexuals* (i.e., people who are not transsexual and who have only ever experienced their subconscious and physical sexes as being aligned). The most common expression of cissexism occurs when people attempt to deny the transsexual the basic privileges that are associated with the trans person's self-identified gender. Common examples include purposeful misuse of pronouns or insisting that the trans person use a different public restroom. The justification for this denial is generally founded on the assumption that the trans person's gender is not authentic because it does not correlate with the sex they were assigned at birth. In making this assumption, cissexists attempt to create an artificial hierarchy. By insisting that the trans person's gender is "fake," they attempt to validate their own gender as "real" or "natural." This sort of thinking is extraordinarily naive, as it denies a basic truth: We make assumptions every day about other people's genders without ever seeing their birth certificates, their chromosomes, their genitals, their reproductive systems, their childhood socialization, or their legal sex. There is no such thing as a "real" gender—there is only the gender we experience ourselves as and the gender we perceive others to be.

While often different in practice, cissexism, transphobia, and homophobia are all rooted in *oppositional sexism*, which is the belief that female and male are rigid, mutually exclusive categories, each possessing a unique and nonoverlapping set of attributes, aptitudes, abilities, and desires. Oppositional sexists attempt to punish or dismiss those of us who fall outside of gender or sexual norms because our existence threatens the idea that women and men are "opposite" sexes. . . .

In addition to the rigid, mutually exclusive gender categories established by oppositional sexism, the other requirement for maintaining a male-centered gender hierarchy is to enforce *traditional sexism*—the belief that maleness and masculinity are superior to femaleness and femininity. Traditional and oppositional sexism work hand in hand to ensure that those who are masculine have power over those who are feminine, and that only those born male will be seen as authentically masculine. For the purposes of this manifesto, the word *misogyny* will be used to describe this tendency to dismiss and deride femaleness and femininity.

Just as all transgender people experience transphobia and cissexism to differing extents (depending on how often, obvious, or out we are as transgender), we experience misogyny to differing extents too. This is most evident in the fact that, while there are many different types of transgender people, our society tends to single out trans women and others on

the male-to-female (MTF) spectrum for attention and ridicule. This is not merely because we transgress binary gender norms per se, but because we, by necessity, embrace our own femaleness and femininity. Indeed, more often than not it is our expressions of femininity and our desire to be female that become sensationalized, sexualized, and trivialized by others. While trans people on the female-to-male (FTM) spectrum face discrimination for breaking gender norms (i.e., oppositional sexism), their expressions of maleness or masculinity themselves are not targeted for ridicule—to do so would require one to question masculinity itself.

When a trans person is ridiculed or dismissed not merely for failing to live up to gender norms, but for their expressions of femaleness or femininity, they become the victims of a specific form of discrimination: *trans-misogyny*. When the majority of jokes made at the expense of trans people center on "men wearing dresses" or "men who want their penises cut off," that is not transphobia—it is trans-misogyny. When the majority of violence and sexual assaults committed against trans people is directed at trans women, that is not transphobia—it is trans-misogyny. When it's okay for women to wear "men's" clothing, but when men who wear "women's" clothing can be diagnosed with the psychological disorder transvestic fetishism, that is not transphobia—it is trans-misogyny? When women's or lesbian organizations and events open their doors to trans men but not trans women, that is not transphobia—it is trans-misogyny.

In a male-centered gender hierarchy, where it is assumed that men are better than women and that masculinity is superior to femininity, there is no greater perceived threat than the existence of trans women, who despite being born male and inheriting male privilege "choose" to be female instead. By embracing our own femaleness and femininity, we, in a sense, cast a shadow of doubt over the supposed supremacy of maleness and masculinity. In order to lessen the threat we pose to the male-centered gender hierarchy, our culture (primarily via the media) uses every tactic in its arsenal of traditional sexism to dismiss us:

- 1 The media hyperfeminizes us by accompanying stories about trans women with pictures of us putting on makeup, dresses, and high-heeled shoes in an attempt to highlight the supposed "frivolous" nature of our femaleness, or by portraying trans women as having derogatory feminine-associated character traits such as being weak, confused, passive, or mousy.
- 2 The media hypersexualizes us by creating the impression that most trans women are sex workers or sexual deceivers, and by asserting that we transition for primarily sexual reasons (e.g., to prey on innocent straight men or to fulfill some kind of bizarre sex fantasy). Such depictions not only belittle trans women's motives for transitioning, but implicitly suggest that women as a whole have no worth beyond their ability to be sexualized.
- 3 The media objectifies our bodies by sensationalizing sex reassignment surgery and openly discussing our "man-made vaginas" without any of the discretion that normally accompanies discussions about genitals. Further, those of us who have not had surgery are constantly being reduced to our body parts, whether by the creators of tranny porn who overemphasize and exaggerate our penises (thus distorting trans women into "she-males" and "chicks with dicks") or by other people who have been so brainwashed by phallogocentrism that they believe that the mere presence of a penis can trump the femaleness of our identities, our personalities, and the rest of our bodies.

Because anti-trans discrimination is steeped in traditional sexism, it is not simply enough for trans activists to challenge binary gender norms (i.e., oppositional sexism)—we must also challenge the idea that femininity is inferior to masculinity and that femaleness is

inferior to maleness. In other words, by necessity, trans activism must be at its core a feminist movement.

...
It is no longer enough for feminism to fight solely for the rights of those born female. That strategy has furthered the prospects of many women over the years, but now it bumps up against a glass ceiling that is partly of its own making. Though the movement worked hard to encourage women to enter previously male-dominated areas of life, many feminists have been ambivalent at best, and resistant at worst, to the idea of men expressing or exhibiting feminine traits and moving into certain traditionally female realms. And while we credit previous feminist movements for helping to create a society where most sensible people would agree with the statement "women and men are equals," we lament the fact that we remain light-years away from being able to say that most people believe that femininity is masculinity's equal.

...
But it is not enough for us to empower femaleness and femininity. We must also stop pretending that there are essential differences between women and men. This begins with the acknowledgment that there are exceptions to every gender rule and stereotype, and this simply stated fact disproves all gender theories that purport that female and male are mutually exclusive categories. We must move away from pretending that women and men are "opposite" sexes, because when we buy into that myth it establishes a dangerous precedent. For if men are big, then women must be small; and if men are strong then women must be weak. And if being butch is to make yourself rock-solid, then being femme becomes allowing yourself to be malleable; and if being a man means taking control of your own situation, then being a woman becomes living up to other people's expectations. When we buy into the idea that female and male are "opposites," it becomes impossible for us to empower women without either ridiculing men or pulling the rug out from under ourselves.

It is only when we move away from the idea that there are "opposite" sexes, and let go of the culturally derived values that are assigned to expressions of femininity and masculinity, that we may finally approach gender equity. By challenging both oppositional and traditional sexism simultaneously, we can make the world safe for those of us who are queer, those of us who are feminine, and those of us who are female, thus empowering people of all sexualities and genders.

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The Evolution of Employment Discrimination Protections for Transgender People

Kylar W. Broadus

Employment discrimination is a pressing issue for transgender people. In a recent survey, the Transgender Law Center found that nearly one of every two respondents had experienced gender identity discrimination on the job. A 1999 study by the San Francisco Department of Public Health reached a similar result, finding that 46 percent of transgender people

reported workplace discrimination. The circumstances under which transgender people encounter discrimination at work are varied. Many transgender people are fired when they transition on the job. A transgender candidate may not be hired because the gender reflected in the person's documents or work history may differ from the person's current gender. A transgender employee may be terminated if an employer or coworker becomes aware of the person's transgender status. Finally, many transgender people have lost jobs because of prejudice and irrational fears about bathroom access. Just as was true for many other marginalized groups in the past, some employers and coworkers do not wish to share a bathroom with a transgender person.

While workplace discrimination against transgender people is common, transgender people increasingly are receiving support and assistance during their on-job transition. . . . [A]ccording to the Human Rights Campaign, more than two hundred employers have adopted nondiscrimination policies that protect transgender workers. Documenting these success stories is important, both as a source of hope for other transgender people and as evidence that, with a little support and guidance, employers can behave in a non-discriminatory manner toward their transgender employees. Nonetheless, the brutal reality is that many transgender people still will face unemployment or severe underemployment solely because they are transgender. . . .

As an African American FTM (female-to-male transsexual) who lost my career after transitioning on the job at a private company in Missouri, I have experienced this reality firsthand. Like many other transsexual people, I repressed my transgender identity and struggled to live in my birth sex for many years. For me, that meant trying to live as a masculine-appearing black woman. Despite the challenges I faced in that identity, I was able to build a successful career as a claims adjustor for State Farm Insurance, where I worked for eight years, from 1989 to 1997. During that time, I was promoted on several occasions and eventually worked as a claims specialist—not a glamorous job, but one that I enjoyed and at which I excelled.

In 1995, at the age of thirty-two, I came out to my employer as transsexual. As part of my medically supervised transition, I began to dress and live as a man, including at my job. From that point forward, I faced a constant barrage of criticism about my appearance, dress, demeanor, and performance. While my superiors could tolerate a somewhat masculine-appearing black woman, they were not prepared to deal with my transition to being a black man. With growing despair, I watched my professional connections, support, and goodwill evaporate, along with my prospects for remaining employed. Before fully accepting that reality, however, I tried everything possible to save the career I had worked so many years to build, including filing a lawsuit alleging sex discrimination against State Farm in federal court. Like the vast majority of other transsexual plaintiffs in that era, I lost.

Had I brought my case today, it is possible, though far from certain, that the outcome would have been different. In the past few years, transgender plaintiffs have been successful in sex discrimination cases in a growing number of jurisdictions and courts. The following is an overview of how the legal landscape for transgender plaintiffs alleging workplace sex discrimination has begun to change.

The first reported cases in which transsexual plaintiffs sought protection under sex discrimination statutes date to 1975. In that year, two different federal district courts in California and New Jersey held that Title VII, a federal law prohibiting sex discrimination in employment, does not protect transsexual employees. In *Voyles v. Ralph K. Davies Medical Center*, a hemodialysis technician was fired shortly after she informed her supervisor that she was transsexual and intended to undergo sex reassignment from male to female. The employee filed a lawsuit under Title VII, alleging that the hospital had discriminated against her on the basis of sex. The court dismissed her case, holding that