

Grad school as conversion therapy: 'free speech' and the rights of trans and non-binary people on university campuses¹

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On 21 October 2018 the *New York Times* reported that the Department of Health and Human Services was planning to rewrite Title IX guidelines to define an individual's sex as 'the sex listed on a person's birth certificate'.² The purpose, evidently, is to abolish the idea of trans people by executive fiat. The same day, by some coincidence, I found myself looking at a paranoid, joyless manifesto that a colleague (not at Berkeley) had posted on his departmental profile page, in which he claimed that the national 'climate' is at present – the page is marked 'edited and archived, October 2018' – excessively deferential to the whims of trans people.³ Jesus Christ, I thought. What the fuck do they *want* to do to us, that eradicating our legal existence appears too lenient? The manifesto's answer seemed to be the same as that of the Trump administration: consign us to our old names, strip us of the pronoun changes that we have so peremptorily demanded that the world accommodate, and tell us that they are doing so for the sake of truth and our mental health. Or, as the author, Christopher Reed, puts it, he wants to 'allow for a reasoned variety of pronoun address and citation'. And what, *mes élèves*, could be more liberal than that?

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On the evidence of Reed's document, trans and non-binary students do not have either the privileges I enjoy, nor necessarily the power to assert the privileges to which they are entitled. On the other hand, I'm wary of supplying this man with the outraged and angry attention that he has solicited. His manifesto is tiresomely keen to assert its author's credentials – variously professional ('expertise on sexuality and gender studies'; 'protected by academic rank'), entitled by seniority ('veterans of gay and lesbian activism') and, most audaciously of all, by literary style (which like ... you sound nothing like Oscar Wilde, my dude, and *saying* you're invoking the unruly spirit of the trickster is not something a trickster would do). So there's a strong argument to be made for simply leaving him alone to polish his medals. And there are risks associated with saying anything – even above the usual risks of a junior scholar criticising a senior one. Reed flatters himself that he is brave enough to initiate a debate that others are too cowardly to join, and I am wary of appearing to validate that fantasy by responding at all. It is a *remarkably* common fantasy in my profession, and I'm certainly not immune to it myself. Still, in addition to reviewing the *History of Sexuality* to which he refers rather casually, he should take another look at *Fearless Speech*, the late lectures on free speech that Foucault gave at Berkeley. Foucault is witheringly satirical about the self-congratulation of the *parrhesiastes*, the relatively privileged man who takes it upon himself to tell unpopular truths. There's nothing courageous about trolling.

I'm not responding to this garbage in a spirit of collegial engagement or professional dispute. I respond in order to attempt to establish a baseline protocol for scholarly discourse with trans and non-binary students and faculty – both in research and in teaching; to encourage other faculty to sign on to such a protocol; and to place Reed's 'axiomatic' solidly on the other side of it. That protocol is: no,

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deadnaming and misgendering are not acceptable scholarly practices, and no, despite Reed's claims to 'reasoned variety', they are not covered by the principle of academic freedom.

Deadnaming and misgendering are not acceptable scholarly practices, and they are not covered by the principle of academic freedom!!!

But let's back up here. Why are the fascists so obsessed with trans people? And why does that obsession seem to affect university professors whose politics seem, in other respects, impeccably liberal?

The answer is not just that fascists rise by stoking the desire to patrol boundaries and bodies – sexual, reproductive, national and racial – although certainly it is also that. Instead, and perhaps more importantly for the overlap between fascism and academic discourse, the answer concerns the figure of the *parrhesiastes* himself: it concerns free speech. To clarify my position on free speech: I'm *for* it. If anyone wants to accuse me of advocating the repression of free expression, well you've got the wrong tranny. I invoke the unruly spirit of the trickster, or whatever. But trans people pose a specific kind of challenge to free speech discourse, and it's kind of interesting. Because many of us change our names, and because our changes in sex and gender often place us in new relations to the gendered pronouns of third-person reference, it therefore falls to others to make minor adjustments in the way they describe us. Of course, trans people did not invent, and can hardly be expected to un-invent, the rather remarkable fact that the English language requires a speaker to gender every object (even hypothetical ones) to which she refers. But never mind. It's a simple ask, not much more complicated than that of someone who gets married and chooses to change his last name.

Why is Reed not writing manifestos in defence of maiden names? For the same reason that any bully weaponises referential speech by

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making up names, repeating cruel epithets, and so on. Misgendering and deadnaming are modes of abuse, designed to humiliate and hurt trans people. When performed in a workplace, they fall solidly under the definition of sexual harassment constitutive of a hostile work environment. That is, if someone refers to me as a man, even after I've asked them not to, they are treating me disrespectfully *on the basis of their perception of my sex*. If they repeatedly target me on that basis, they are committing an actionable aggression, which can be grounds for disciplinary action against them. It is true that being trans is not a specifically enumerated protection under Title IX, but this is because there is no need to enumerate trans/cis status as a separate category, when *sex* and *gender* are already protected. (Official legal protections vary state to state; California, for example, does have legislation that mentions trans issues specifically.) Accordingly, a Title IX coordinator is – currently, at least – required to ensure that ‘transgender students are treated consistent with their gender identity’.

So when Reed writes that ‘the new litany of “correctness” is enforced by appeals to authority to suppress alternative ideas’, he is using the language of academic intercourse (‘ideas’) to normalise two types of sex-based harassment that neither are, nor should be, protected by tenure, by the doctrine of academic freedom or by the First Amendment. And when one is being harassed at work, appealing to authority is literally the *exact right thing to do*. Publishing a bullshit defence of your harassment strategies on your faculty profile page does not mitigate a Title IX officer’s obligation to investigate the harassment, however clever you think you are. To be clear: I’m not saying the manifesto isn’t protected – it certainly is. But it’s a defence of two abusive practices that aren’t, much like a polemic in defence of arson.

Meanwhile, blurring the line between harassment and hate speech has been one of the signal strategies of the ethnonationalist

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movement that currently encompasses the federal government, and it is remarkable that so many people in colleges and universities have fallen for it. Because of the distinctiveness of the trans position – the distinctiveness, that is, of entailing a change in *referential pronoun* on the part of a third party – trans people have been made into a convenient scapegoat for the idea that a group (or generation, or class) of people are forcing others to change the way they are speaking. That the phantom authority in question is simply good sense – that it makes sense to refer to trans women as ‘she’ because, well, we look, speak, act, dress and identify as women, and many of us have estrogen rather than testosterone in our bodies – can be ignored in favour of the paranoid fear that someone else is coming to dispossess us of our language.

And once that fear has been established in relation to trans people, it can be expanded indefinitely: indeed, in our current political climate, an anxiety about trans people serves just that propagandistic purpose. For a clear example of how the victimisation of trans students mutates, through the careful manipulation of conservative media, into a wholly abstract debate about the nature of free speech in which liberal academics rush to wax lyrical about the spirit of liberal tolerance represented by the famous Skokie case, we need look no further than the despicable machinations of Reed’s kindred spirit, Milo Yiannopoulos.

In January 2016 a trans woman named Adelaide Kramer, a student at the University of Wisconsin, Milwaukee, was excluded from a locker room, complained, and had her complaint upheld provided that, in future, she concealed her genitals while in the locker rooms. She complained to the UW-Milwaukee equity office, which decided in June 2016 that her rights had not necessarily been infringed, because the US Department of Education had yet to provide clear guidance on Title IX applicability of locker room and bathroom

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access. Kramer's appeal of that decision was in process when, in early December that year, she talked to a campus newspaper and described her experiences and feelings about the delay.

At an event he held at UW-Milwaukee on 13 December 2016, Yiannopoulos projected a photograph of Kramer against the back wall, without her permission. He jeered at her and encouraged others to do so, and, among a number of other degrading and disturbing attacks, quipped that 'the way that you know he's failing is I'd still almost bang him'. Later that evening, the UW-Milwaukee chancellor Mark Mone wrote publicly: '[I] will not stand silently by when a member of our campus community is personally and wrongly attacked. I am disappointed that this speaker chose to attack a transgender student.' It might be noted that Mone had, precisely, stood silently by while Yiannopoulos did just that.

The same night, 13 December 2016, Kramer wrote to Mone: 'Free speech does not cover harassment, and that's exactly what Milo did to me.' She announced that she would be dropping out of school as a result. There's a legal complication here that is worth observing: Kramer was not, as it happens, correct in the second part of her assessment. Being attacked *once* by a visiting speaker does not constitute, even for a student, an actionable Title IX infringement, which entails not merely targeting on the basis of real or perceived sex/gender, but also repetition. It was, however, ample grounds for the Berkeley College Republicans to extract from Yiannopoulos a pledge not to target any particular students on his visit to the Berkeley campus – a goal that, in private discussions, they said they shared. When I asked them to do so sometime in January 2017, they said they would. When I followed up on the matter with them a few days later, they admitted that they didn't have a direct phone number for Yiannopoulos and had no way of contacting him. This from the hapless students who had been positioned as the event's organisers, but

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who were in reality a cipher for Yiannopoulos's real backers, about whose identities we can still only speculate.

On 15 December 2016 breitbart.com reported the Milwaukee story, calling Yiannopoulos, with the same self-regarding intellectualism of the Reed manifesto, 'a second-wave feminist hero in the vein of the late Phyllis Schlafly' (I'm not linking that), and framing Kramer's departure from UW-Milwaukee as a victory. The Breitbart article reports Yiannopoulos saying, 'If all it takes are a few strong words from me to make trans people leave women in peace in their bathrooms, I'm definitely going to up the ante.'

As his caravan marched onwards towards Berkeley, the ante was upped. On 20 January 2017 a 34-year-old medic named Joshua Dukes was shot by one of Yiannopoulos's supporters at a protest in Seattle. At a meeting of UC Berkeley English Department faculty and students arranged that week to discuss the escalating crisis, a representative of the College Republicans claimed, instead, and falsely, that the victim was one of Yiannopoulos's supporters. Marc Hokoana, the husband of Dukes's attacker Elizabeth, and who was himself charged with third degree assault, wrote to a friend on Facebook the night before his wife shot Dukes: 'I can't wait for tomorrow. I'm going to the milo event and if the snowflakes get out off hand [*sic*] I'm going to wade through their ranks and start cracking skulls.' When Hokoana was posting that on Facebook, a good number of academics were using the same social media platform to claim that Berkeley students and faculty calling for the cancellation of the event were 'playing into his hands', 'walking into a trap', 'doing just what Bannon wants' or, of course, failing to meet our responsibilities as intellectuals to welcome dissenting ideas. It's worth reflecting that the 'ideas' in question were not of a kind that could be debated in a seminar, but were rather a form of discourse – the misgendering of an individual trans student – that they could get fired for instantiating in their own classrooms.

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On 2 February 2017 Milo Yiannopoulos's UC Berkeley talk was eventually called off by local police, after a targeted strike against campus property by anti-fascist activists. *The Daily Cal*, our student newspaper, reported that the cost of the property destruction would amount to about \$100,000. When the same protagonists lived through the same scenario the following September, the cost reached \$800,000. Somewhat belatedly, campus administrators announced the creation of a committee to determine whether our First Amendment obligations included spending every last cent in the public purse at the mere request of the nearest Proud Boy.

I realise all of this detail is dreary and unpleasant, but it's necessary because academic commentators on both sides of this fiasco generally represented it as a confrontation between two accounts of hate speech, a more liberal approach and a more restrictive approach. (This is what 'both sides' meant in this context: I heard nobody, even the conservative voices on Berkeley's campus – to whom, yes, I went out of my way to listen – defend Yiannopoulos on his merits, though presumably some of them did so in private.) As is clear from these reports from all sides of the Milwaukee confrontation and its aftermath, the initial event had little to do with hate speech. That term describes protected forms of speech expressing ideas and opinions that are racist, transphobic, misogynist, etc. But that is not an especially good description of what Milo Yiannopoulos did to Adelaide Kramer. He singled her out for humiliation and degradation.

The sentence cited in the initial email trying to drum up community support to exclude Yiannopoulos from Berkeley was 'the way that you know he's failing is I'd still almost bang him'. And the most conspicuous features of that sentence are 1) its misgendering of Kramer, and 2) the conflation of that action with a sexual threat. So it was not, as the senior administrative staff at Berkeley, justifying their decision to let Yiannopoulos walk over them, claimed, merely

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salutary evidence that universities are still ‘places where all ideas and views can be expressed, even vile ones’. The liberal Berkeley administration had been manoeuvred into publicly arguing the fascists’ own case against the Title IX protection of trans students. The whole debate was deliberately and carefully staged on the wrong terms, and revealed that for some in academia the political personhood of a trans woman is, in fact, unimaginable. Adelaide Kramer’s existence is, from that perspective, merely notional, hypothetical, postulated.

Once more, with feeling: deadnaming and misgendering are not acceptable scholarly practices, and they are not covered by the principle of academic freedom.

I have said that I don’t want to engage Reed on the substance of his argument. But since his swashbuckling defence of the way he treats his students reveals something of the casual contempt with which trans people (especially those early in transition) are often met, I thought it worth spinning out an analogy that, this weekend, came to my mind. That is: for Christopher Reed, the many-mindedness and capacious intellectual largesse that demonstrates the effective absorption of an education in the liberal arts presents, by that very token, an existential threat to trans people – to be a well-educated queer would have to mean, perforce, that one is an ex-trans person. Because trans people are not merely an obstacle to Reed’s complacent self-regard as a senior and well-compensated scholar of gender and sexuality who, it turns out, has nothing but disdain for younger queers. We also appear to him as arrested subjects with infantile attachments to sexed and gendered particularities, to whom our brave teachers are compelled to administer an abrasive but medicinal draught. Reed might seem to be pleading for the rational exchange of secular ideas in the public sphere of academic debate, but his mode of addressing his readers makes him sound like nothing so much as a travelling huckster shopping that good old-time religion.

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In short, for Christopher Reed, transness is a phase, and grad school a kind of conversion therapy. Consider these remarks:

3. In a capitalist culture, we are expected to solve our own problems – ideally by buying something. Experiences of identity that involve buying things – including objects and forms of body modification – can be very seductive.

4. A stable gender identity may be like an iPhone X: a lot of people tell you you need to get one – but probably you don't. Put another way, you might be OK just the way you are.

17. Queer Theory emerged as an antidote to essentialist identity politics. Drawing on the forms of play in 'queer' performance practices, Queer Theory contested diagnosticians' claims to 'know' sex – one's own or anyone else's – and resisted campaigns to dictate the nature of our identities and to legislate the forms of language we use to inhabit them. Queer activism picked up much of the social and political power lost by second-wave feminism, sustaining feminist challenges to medical and legal authority.

25. We're all in this together. Instead of imposing ideology, let's try to have conversations that respect everyone's intellect and value a true diversity of experiences and points of view.

What kind of liturgy can he believe might spring up when we have put away our childish things, our iPhones and our hormones, and agreed to follow him on to the path of true queerness? Something like: we hate the sin, but we love the sinner. Before the mystery of our own sex, we are as innocent as lambs. We are all subject to our own particular forms of temptation, and all of us have been individually saved. Professor, make me whole and queer and diverse, and take away from me the particular habits, cathexes, desires and experiences that have kept me isolated for so long. Only by losing myself will I be born again.

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This is grad school as a cult. No graduate student should ever be made to drink this hogwash.

One of the things that makes trans people intolerable to the genial liberalism that Reed half-heartedly ascribes to, and that Yiannopoulos gleefully exploits, is that we want no part of the empty type of ‘diversity’ in which our particular desires have no value other than as tactical proof of a kind of sophisticated, polygendered cultural literacy. We will be men and women and non-binary and gender-fluid people, and we will do so without the permission of our betters. We cannot force Chris Reed to respect us. But we can see, better than he can, the ugly complicity between fascism and the liberal arts that he has taken up the mantle of defending.

In any case, the practical lesson is not his to learn, and it isn’t for trans/nb people either. It is a matter for all scholars, both as individuals and institutions. So to end with the only part of all this that really matters: deadnaming and misgendering are not acceptable scholarly practices, and they are not covered by the principle of academic freedom.

Notes

- 1 An earlier version of this chapter was published on the *LA Review of Books* blog: <https://blog.lareviewofbooks.org/essays/grad-school-conversion-therapy/> (accessed 10 July 2020).
- 2 Title IX is a federal civil rights law, passed as part of the Education Amendments Act of 1972, which forbids institutions that are in receipt of federal funding from discriminating against students on the basis of sex: ‘No person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving Federal financial assistance’ (Cornell Law School’s Legal Information Institute [20 U.S. Code § 1681 – Sex]). The Act has been used to guarantee, for example, that women in higher education institutions have equal access

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to and funding for sporting activity as male students; it is also the mechanism by which students are protected against sexual harassment or abuse by other students or faculty members.

- 3 The manifesto has since been removed from the Penn State University website.

The free speech wars

How did we get here
and why does it matter?

Edited by Charlotte Lydia Riley

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