

Sex Matters - Law, terms, definitions, gender self-identity and woman's rights

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Proposed changes to the law on gender self-identity have huge implications for all of us. There should be room in our movement for greater understanding and dialogue, writes KIRI TUNKS.

The government's announcement that it will consult on a change in the law on gender self-identity means that a fierce debate that has, until now, been taking place off-stage is being thrust into the public arena.

One argument is that a change in the law is not up for debate and that anyone raising concerns or challenging the proposal is transphobic.

Such a position will not help to accommodate the discussions which are vital for any social, political or legal shift.

The relaxing of any legal definition of what it is to be a man or a woman could render sex discrimination law meaningless and any imposition of change without winning people to it is likely to cause a counter-productive backlash.

Neither is it helpful to say that these proposed changes only affect the trans community because it fundamentally isn't true.

The ability to define one's own "gender" will undermine the legal characteristic of "sex" and could lead to serious implications for women and their ability to fight sex discrimination and oppression.

It is also likely to impact on society's ability to plan for and accommodate the needs of its population and the way it attempts to even out inequality.

Concerns about access to single-sex spaces are often dismissed as unjustified moral panic. The truth is that this society has failed to ensure equality of treatment for women and girls: single-sex spaces exist to try to ameliorate the oppression women face.

Removing legal exceptions will mean that services already under attack from austerity politics will be further hampered in their ability to deliver for the people they were created to serve.

If necessary, where services do not exist for a specific group then they must be created and we must all fight for that.

The demand for self-identity has huge implications for all of us and how we are defined. And, because women are an oppressed group (whose fight for equality has never been won or sustained) it is women who are most affected by the proposals.

It is also the women who have raised concerns who have been attacked as bigots for speaking out — often by men whose rights are simply not affected in the same way.

This debate about identity is one that necessarily affects everyone in society. Unless you are someone who thinks there is no such thing...

The growth in identity politics is becoming an atomising force, creating division among groups of people who have much in common and could be a common force for change.

My belief is that our individual identities are made up of many complex parts — self-expression and self-identity are part of that. But individuals are also part of society and the terms we use to describe ourselves necessarily involve some level of common agreement.

Terms that are used to describe people of and from specific groups must be determined by all the people in those groups. But the term “woman” is now being defined in several ways. For the majority of women it is still determined by biology; for many transwomen it is by a strongly held belief or “knowing.” In this context, how can the term mean the same thing to both?

Naturally born women now find any number of terms being used to define them (most of which have not involved any discussion inside the women’s movement): “cis,” “non-men,” “non-transwomen,” “vagina owners,” “menstruators,” “non-prostate owners.”

There is also a growth in the substitution of “queer” for “lesbian” or “dyke.” These terms, we are told, are being applied in an attempt to be inclusive. The term “vagina owners” was used in a recent article on anal sex in *Teen Vogue*, a magazine primarily catering to teenage girls and young women.

The diagrams accompanying the article had removed the clitoris and the vulva — a journalistic excision that symbolises the erasure that women are starting to feel. This doesn’t feel very inclusive.

Words that exclude and erase women’s experience and opinions cannot ever hope to be universally adopted. They are more likely to insult and offend.

For a movement that prides itself on inclusivity, it feels like, once again, women are the exception. When we express our disquiet, we are abused or silenced, like the FGM campaigner who was called a Terf (trans exclusionary radical feminist) for referencing female genitalia.

Terms and definitions must be based in some kind of material reality that is apparent to more than just an individual. If “woman” or “man” mean different things to different people then the terms become meaningless — and useless. Women, who are told that our biology is not female when we feel that is what makes us female, are left with no term to describe ourselves. And yet, the sex oppression we face does not disappear.

Another trend is the casual substitution of “gender” for “sex” when they mean very different things. At the very least, this is a misrepresentation of the law under which “sex” is a protected characteristic because of the discrimination and oppression which women face. Yet the debate around identity often dismisses “sex” and insists on the term “gender.” This is certainly the case in lots of the NGOs that have sprung up to deliver sex and relationships education (SRE) in schools, but is also the case in other organisations, including big corporations and government departments.

Gender roles are socially constructed and are commonly formed in stereotypical ways that reinforce discrimination.

Sex is biological and the fight of feminists going back decades has been to challenge the assumption

that one's sex should determine one's options or behaviour.

There are people in this debate who claim that sex is also a social construct and cite biological variations to show that a binary does not exist. To accept this is to ignore the biological reality of billions of people. It does not challenge our social expectations; nor does it help women deal with the oppression they face. Instead, the terms they have had to name that oppression are taken from them; the tools with which to fight are rendered useless.

Women who suffer FGM, sexual harassment or rape cannot identify out of these attacks. Women who live in poverty, cannot access education or equal pay at work cannot identify into wealth or equality. Sex data on issues as diverse as pensions and pay or domestic violence become harder to collect and use as part of our battle for equality.

This is a woman's rights issue because women's rights are still not won. We are still fighting a battle for universal access to reproductive rights services or abortions — look at Northern Ireland or the ridiculous moralising from Boots over the morning after pill.

And yet women are being told they cannot talk about "a woman's right to choose" or refer to vaginas or ovaries because to do so is transphobic. I recently had an Abortion Rights flyer removed from a Facebook "feminist" group for these very reasons.

We also know that abortion rights groups are coming under pressure to use the term "pregnant people," but this term obscures an ongoing, historic battle by women globally to assert control over their bodies.

To say that all of this is scaremongering amounts to the age-old advice to women not to worry their pretty little heads; that someone else will take care of it. Well, as a feminist, I think women must be in charge of our own destiny. Women must be allowed to define the terms that name them and their experience.

Any change to those terms must be agreed as part of a collective understanding or the terms lose all meaning and all impact.

To deny any group or individual in that group the right to be part of a discussion about their identity is insulting and will result in a failure of the great liberation we are all seeking.

To get there we will need comradely dialogue and understanding — something a trade union movement committed to equality, with a majority female membership, is surely well-placed to facilitate.

Kiri Tunks

P.S.

* Posted by Morning Star in Features. 9TH AUG 2017:

<http://www.morningstaronline.co.uk/a-c509-Sex-matters#.WazmPq3pNBz>

* Kiri Tunks is an activist in the NUT. She is writing in a personal capacity.