

The war on trans - In support of trans self-identification and non-binary recognition

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Proposals aimed at enabling trans people to more easily transition have met with attacks from the right, and sadly parts of the left. Laura Miles argues that socialists must support the fightback.

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Transgender Day of Remembrance on 20 November 2018 commemorated 369 trans people murdered globally that year. The 2017 figure was 325, itself an increase on 2016. These figures don't cover the much higher numbers who took their own lives.

Early last year trans woman Naomi Hersi was stabbed to death in London, the first such murder in Britain since 2014. Most victims are trans women although some are trans men or identify as non-binary. Like Naomi most are black and minority ethnic, and poor. Around 60 percent are engaged in sex work, an indication of the marginalisation and poverty of many trans people.

Increasing LGBT+ hate crime figures reflect growing political attacks on trans and LGB rights. Verbal and media attacks encourage physical attacks. In Brazil during Jair Bolsonaro's presidential campaign one trans woman was murdered and another badly beaten by far-right thugs acting in his name. For LGBT+ people, women, black people and the left these are scary times in Bolsonaro's Brazil.

Transphobia and homophobia have grown along with the right and far-right in a number of countries. In Putin's Russia trans people cannot now get driving licences because they are deemed mentally ill. In Hungary fascists attack Pride marches and Viktor Orban's far-right government has banned gender studies because, it says, "gender ideology" is a Marxist plot to undermine traditional values. In Turkey Trans Pride marches are banned and attacked by police and thugs. In early 2017 prominent Turkish trans activist Hande Kader was murdered.

Donald Trump banned trans people from the armed forces early in his administration and has since removed federal protections for LGBT+ people at work. His latest and most pernicious threat is to redefine sex as "a person's status as male or female based on immutable biological traits identifiable by or before birth". If passed this would legally erase trans and intersex people.

Trump also appointed notorious transphobe and "gender ideology" critic Roger Severino to head the

Federal Office for Civil Rights. For Severino and the extreme social conservatives of the alt-right, gender ideology constitutes a left wing strategy to erase differences between men and women.

This same “Marxist threat” was invoked in Australia in 2017 to defeat the Safe Schools programme, which was intended to make school life safer for LGBT+ students.

Along with Islamophobia and tagging the left as antisemites, trans rights and gender ideology have become targets for the haters of diversity, multiculturalism and liberal attitudes towards gay and trans rights. In this ideological war the far-right want to undermine people’s identification with oppressed groups. Instead it promotes identity based on nationality, “race” and traditional family values.

Proposals to amend the GRA

In the UK, although the 2004 Gender Recognition Act (GRA) was progressive, trans advocates have long criticised the intrusive medicalised application process for a gender recognition certificate that allows people to change their birth certificate.

In Britain the recent surge of press transphobia came after the Women and Equalities Parliamentary Committee’s publication of 30 trans-supportive recommendations in January 2016. The recommendations were the result of a survey of trans people’s lives. The government’s initial response to these was quite positive.

Two particular recommendations — to introduce both self-identification to obtain a Gender Recognition Certificate (GRC) and a non-binary category in official data collection — have met strident opposition both from right wing transphobes but also from a minority of trans-critical feminists and socialists.

Critics claim that the proposals mean erasing the category “woman”, opening women’s spaces to “male-bodied trans people”, and exposing gender questioning children to a malign and bullying “transgender lobby”. This last claim is reminiscent of the Section 28 slander that gay men are predatory paedophiles.

The reality for young trans and non-binary people seeking support is that it takes months even to get a first appointment at the limited number of gender identity clinics. Even then the intervention will be counselling and possibly puberty blockers, not surgery, allowing time to make informed decisions about whether to pursue transition or not. It is not intervention that is malign or damaging, it is non-intervention. Intervention demonstrably saves lives.

Trans people have found it exhausting having repeatedly to defend our existence and counter the tsunami of transphobic attacks and inaccurate commentary on our lives.

The claimed threat to women’s spaces is misinformed at best, transphobic scaremongering at worst. The GRA is not about access to women’s spaces. It is the Equality Act 2010 that allows for exceptional legal exclusion of trans people from “women’s spaces”, though hardly any exceptions to equal access are sought by women’s organisations, most of whom are trans inclusive.

The government consultation on the recommendations closed in October. Transphobic groups and social media platforms on which transphobes organise, such as Mumsnet, coordinated negative submissions. The concern among trans people is that the government could fudge or delay the proposed changes, particularly given the current focus on Brexit.

Transphobes and trans critics

Some of the right wing religious transphobes, particularly in the US, work through secular front organisations such as Hands Across The Aisle (HATA). They dress their bigotry and opposition to gender identity legislation in the costume of faux-liberalism by claiming it erases civil rights.

In Britain A Woman's Place UK (WPUK), set up by trans-critical feminists mostly in the NUT and PCS unions, campaigns against trans self-identification and non-binary recognition, claiming they would undermine women's rights and place non-trans women (cisgender women) at greater risk of male violence and harassment.

They have approvingly circulated *Daily Mail* articles as well as material from transphobic websites such as Transgender Trend. They call for "debate" but no pro-amendment trans people have been invited onto their platforms.

Despite being unable to highlight any examples of trans women attacking cisgender women in toilets there have been plenty of examples of trans women suffering harassment and abuse, as have some cisgender women not considered stereotypically feminine enough.

Some have pointed to the recent case of trans prisoner Karen White. White, convicted of assaults on women, was wrongly assigned to a women's prison where she attacked four further inmates. In fact what the case illustrated was a failed risk assessment process rather than any general risk from trans women in the prison system. In any case it is wrong to tar all trans women because of one disturbed and violent person.

Escalating transphobia

What began with a few trans-exclusionary feminists lobbying the Women and Equalities Committee in 2015 quickly escalated to a media pile-on. In July 2018 a transphobic group hijacked London's Pride march and distributed transphobic leaflets.

Sections of the media have been so hostile that in October 2018 the government Equalities Office publicly criticised their "inaccurate speculation".

All-women shortlists became a thorny issue in some Constituency Labour Parties. The Labour leadership's welcome confirmation that such lists are to remain trans-inclusive led to up to 300 transphobic feminists resigning from Labour on International Women's Day 2018.

There have been some supportive press items and some positive programmes like ITV's three-part drama, *Butterfly*, about a trans child. But other programmes have been barely disguised anti-trans propaganda such as Channel 4's *Trans Children — It's Time to Talk*, broadcast last November.

Accusations (largely unfounded) of silencing and no-platforming trans-critical figures like Germaine Greer and Linda Bellos have been levelled at trans activists, despite the fact that it is the trans critics and transphobes who have had the ear of the right wing press and even, unfortunately, the left wing *Morning Star*.

Despite the often febrile social media atmosphere it's important to remember that the transphobes and trans critics are a small minority. Their views are not shared by the vast majority of today's feminists and women's groups.

When the *Guardian* newspaper published an editorial accepting many transphobic claims, the American *Guardian* editorial team wrote an open letter distancing itself from the editorial line. Similarly, when WPUK planned a tour of Ireland earlier this year a long list of feminists, socialists and women's organisations published an open letter making it clear it was unwelcome.

Ireland's 2015 GRA is in advance of the UK's because it includes self-identification (as do several other countries'). There have been no reports of adverse consequences in terms of predatory men applying for a GRC in order to enter women's spaces.

In fact, of course, a trans person can change all their documentation except their birth certificate without having a GRC. Having one imparts some legal protection against unwanted disclosure ("outing"), but it's largely irrelevant in social situations since it is not a licence to enter women's spaces. And in any case, who would police this, and how?

Irish lessons

The last few years in Ireland have demonstrated how mistaken are those who counterpose women's rights and trans rights.

The divisive and pessimistic view that trans and non-binary rights undermine hard-won women's rights plays directly into right wing arguments. It allows people hostile to women's rights to pose as pro-feminist when attacking trans rights through asserting the "unimpeachable reality" of the gender binary and the biological basis of sex.

Yet contrary to common essentialist claims on both the right and the trans-critical left, even sex, let alone gender, is non-binary. In a recent article ("Why Sex Is Not Binary") in the *New York Times*, biologist Anne Fausto-Sterling argues that sex is much more complex than a simple binary chromosomal differentiation.

Fausto-Sterling thinks that attempts to legislate for rigid binary definitions of male and female are wrong both morally and scientifically. For decades she and other biologists, such as Keith Moore, have argued that there is no single biological measure that can unequivocally place people into one of two sex categories. There are multiple layers of sex — chromosomal, fetal gonadal, fetal genital, hormonal, internal reproductive sex, pubertal hormonal, pubertal morphological sex — each of which is mediated by the interplay of opposing gene networks. This ought to put paid to the idea that a simple genetic test has any real validity. Claims to the contrary are actually rooted in politics and ideology rather than science.

In practice those socialists and feminists who endorse arguments to justify denying that trans women are women and trans men are men are providing left cover for reactionaries who want to turn the clock back on both LGBT+ and women's rights.

Dividing the struggles of women and trans people weakens both. The Irish experience shows the very opposite. Women and trans people fighting together can win advances and defend rights.

Having successfully achieved the Irish GRA and same-sex marriage in 2015, the campaign for abortion reform in 2018 won a stunning referendum victory. That campaign involved feminists, trade unionists, socialists and LBG and trans activists fighting together.

The roots of oppression

Marxists offer a coherent argument that oppression in capitalism has material roots. We can also point to strong historical links between the struggle for socialism and the fight for LGBT+ rights.

We criticise identity theories (like privilege theory) because they downplay class and class struggle and promote very limited individual, rather than collective, strategies of resistance.

Like sexuality, our gender identity is a deep-seated reality, not a “whim” or “a feeling”, emerging through complex interactions between our sense of self, our physical bodies and how we perceive them, the expectations of others, and our material circumstances.

Socialists must unconditionally support the rights of oppressed people to express their sexuality and gender identity. So when the right attack identity theory by denying the legitimacy of anti-oppressive struggles, people on the left should never relay arguments against trans rights that open the door to the right’s attacks. Sadly that is what has been happening over trans rights in some cases recently.

Not only this, some trans critics are promoting double standards. Like the right, they deny the reality of gender identity (“identity is not material”, they claim). But they don’t deny the reality of sexual preferences, although they’ve not demonstrated any crucial differences between sexuality and gender identity. A similar double standard is that they accept women’s rights to control their own bodies but deny the same rights to trans people.

What next?

Unconditional solidarity with the oppressed means unequivocally supporting trans self-identification and non-binary recognition.

It is encouraging that almost all trade unions, and the TUC, have voted overwhelmingly to support trans self-identification.

If the Tory government fudges on the trans proposals then a new campaign will be needed, which must involve our unions. Even if the proposals are government-supported and implemented, transphobia is not going to disappear. Through our union branches and socialist organisations we need to forge links with trans and non-binary activists. We should actively support Trans Pride events, protests and vigils.

Trans and women’s oppression are endemic to capitalist class relations and the nuclear family. They are consequences of the way goods and services are produced and unfairly distributed and the interactions between oppression and exploitation in our society.

To achieve trans and women’s liberation we need united fronts in the here and now to promote common struggle. Beyond that, both trans people and women have objective interests in building political organisations capable of promoting the revolutionary transformation of the source of our oppressions, capitalism.

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P.S.

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