**The Gender Agenda: Transphobia and the Perceived Erasure of Women**

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# Abstract

The aim of this chapter is to contribute to the discussion about gender politics which focuses on women's oppression and trans liberation. It examines the claim by some that acknowledging transwomen would lead to the erasureof woman as a unique social category. Because transgender and gender fluidity are not new issues, this chapter looks at firstly, how concepts such as cis, transgender, gender fluidity, non-binary and gender dysphoria have emerged in our vocabulary. The second part of the chapter concerns Judith Butler's work *Gender Trouble* which uses concepts such as performativity and examines whether they are useful in an analysis of gender / transgender issues and erasure of women. Butler argues that gender as a set of binary categories is outdated and interrogates the social constructionist view of gender to move towards the possibility of agency and transformation. This is followed by a discussion on UK policy and legislation which can serve to make trans people visible or invisible and how this is vulnerable to pressure from outside government. The chapter also discusses the controversy surrounding trans exclusionary radical feminist thought regarding who can claim to be a woman *and* the perceived erasure of women. It includes the voices of feminist thinkers who have commented that there are many ways of being female and male, with trans people widening the spectrum of gender expression which includes the global south.

**Key Words**

Gender, feminism, erasure, visibility, transgender, transphobia, gender binary, gender fluidity

# Introduction

# A wide range of gender and sexual identities have emerged over the last decade which present a challenge to society and social understanding beyond the gender binary (see for example terms used by students to describe themselves in Franzese, et al 2021). Of particular interest is the connection between transphobia and feminisms where there is a construction of a restrictive boundary that discourages going beyond it as a point of analysis because it is regarded as dangerous to the concept ‘woman’. This chapter therefore asks who constitutes being a woman and whether it is possible to go beyond the gender binary which allows for a full expression of identity. It is important to state that gender identity is not the same as sexual orientation, therefore transgender people may be anywhere on the spectrum of sexual orientation. Transgender as a term is now used regularly to describe persons whose gender identity, gender expression or behaviour does not conform to that typically associated with the sex and gender to which they were assigned at birth. Transgender has been fully incorporated into the English language and is accompanied by associated terms such as cisgender which refers to individuals who identify with their sex and gender at birth (for a history of the term see Elkins and King, 2006; Whittle, 2010; Freinberg, 1996). However, there are difficulties with the gender binary, for example, intersex persons who are born with a reproductive or sexual anatomy that do not fit neatly with the typical definition of being male or female. The difficulties posed by the gender binary as the only way to see people means that a boundary is constructed between male and female which discourages identifying with a third form of gender or cross dressing. By going beyond the gender binary to gender fluidity means there is freedom to move between identifying as either male or female (Miles, 2020). However binary conceptualisations have been prevalent in sociology to understand the social world as Patricia Hill Collins states:

# Grounded in binaries such as White/Black, man/women, reason/emotion, heterosexual/homosexual, Eurocentric/Afrocentric, and self/other, science manufactured views of a world compartmentalized into either/or oppositional categories. Defining one side of the binary by the absence of qualities characteristic of the other side afforded one side normality and relegated the other to a deviant, oppositional Other.

# (Hill Collins, 1998:145-146)

# What is required is a theorisation of gender beyond the binary that recognises the multiplicity of gender expression that takes into account intersectionality including race, class, age and disability (Sanger, 2010).

**On Transgender and Non-Binary through Cultural Forms**

Diversity of gender expression is not a new phenomenon, for example in western cultural forms such as film and literature which often play a role in exploring the complexity of gender construction. Early twentieth century literature such as *Orlando: A Biography* (1928) by Virginia Woolf could be regarded as a ‘trans classic’ because it portrays an androgynous time traveller who changes from man to woman. In the film version (1992) Orlando meets many historical figures throughout the centuries of her/his time travel with the role of Queen Elizabeth I played by Quentin Crisp. Quentin Crisp, was a British actor born Dennis Charles Pratt (1908-1999) and was regarded as an eccentric because he wore make-up and painted his nails. However, films can and have portrayed being transgender in a pathological way, for example in *Dressed to Kill* (1980), *The* *Silence of the Lambs* (1991) and *The Crying Game* (1992). Some transgender actors have been outed by tabloid newspapers such as Caroline Cossy (aka ‘Bond girl’ Tula) who appeared in *For Your Eyes Only* (1980) (see Halberstein, 2005 on the transgender body in film). In popular culture, Eddie Izzard came out as transgender 36 years ago in 1985 and more recently has adopted the pronouns ‘she’ and ‘her’, sparking a ‘collective gender euphoria’ (Lauren, 2016); Boy George appeared on the cover of Cosmopolitan magazine with full make up and long blonde hair in 1984. Although there have been many recent revelations by young celebrities such as Miley Cyrus identifying as gender fluid, the tipping point in the mainstreaming of transgender issues in the media appears to be Vanity Fair magazine’s cover depicting Caitlin Jenner as a transwoman in 2015 (Bissinger, 2015). Caitlin Jenner was born William Bruce Jenner in 1949 and is a retired Olympic gold medal-winning decathlete.

Transgender in western popular music has shown a growing number of artists who identify as non-binary or those who are supportive, for example Lady Gaga’s attempts to educate about transgender issues through her song ‘Born This Way’ and Christina Aguilera’s ‘Reflection’. Prior to this development, popular music has shown artists who have been described as decades ahead of their time through their inclusion of gender ambiguity, gender identity and gender subversion, for example ‘Arnold Layne’ by Pink Floyd (1967), ‘Lola’ by The Kinks (1970); ‘Walk on the Wild Side’ by Lou Reed (1972), ‘Rebel Rebel’ by David Bowie (1974). It is ‘Lola’ by The Kinks which has been shown the most interest with cover versions since its release by more contemporary artists such as McFly (2004) and Robbie Williams (2007) including Ray Davies with Paloma Faith in 2007. It also has had musical versions, for example by the Ben Crosland Quintet (2019). Gender identity and expression has continued to feature in the work of artists in the last two decades of the twentieth century, for example, ‘Androgynous’ by The Replacements (1984), ‘Girls and Boys’ by Blur (1994). Two of the most recent artists are Against Me!’s frontman Tom Gable who transitioned to frontwoman Laura Jane Grace and wrote the album ‘Transgender Dysphoria Blues’ (2014) and gender fluid artist, Ezra Furman’s ‘Body Was Made’ in 2015. Despite embracing gender fluidity by young music artists for over 50 years, gender understood as a binary is prevalent in most societies (Bos, 2017).

Gender binaries divide opinion despite the challenge to understanding gender as fixed posed by younger people over the last two decades (Lewis et al 2017; YouGov, 2020). In March 2016, The Guardian newspaper ran a story, ‘The gender-fluid generation: young people on being male, female or non-binary’ in which young people from 65 countries responded to how gender is defined. The results showed gender identifications including cisgender, transgender, multigender and agender. Further evidence is shown in the Fawcett Society’s Report ‘Sex Equality: State of the Nation 2016’ (Olchawski, 2016) which found that 50% of young people see gender as non-binary with similar findings reported in Fusion’s Massive Millennial Poll (2014). If gender identity is evolving with young people viewing gender as a spectrum, then there is a need to find out why gender fluidity poses a challenge and how to broaden the lens to be more inclusive.

To facilitate a better understanding, gender is best understood as comprising three aspects: the body (the physical) that is in dialogue with gender identity (one’s sense of being male, female, a mixture of the two or none) and expression (how one presents gender to society). The expression of gender is influenced by the norms and values of society which involves conformity to the acceptable ‘rules’ of gender. ‘Gender systems in the West have largely followed a binary model [but] gender systems across the globe show that this has not been the case elsewhere’ (Hines, 2018:78). When a person’s gender expression lies outside the norm, in other words, outside the binary of male/female, gender dysphoria is experienced - a person feels uncomfortable with the mismatch between their gender identity and biological sex. In the context of trans identities, transgender is an inclusive term that includes gender non-conformity. The binary concepts of gender are therefore restrictive whereas transgender includes androgyny which is neither masculine or feminine; agender, where there is no feeling of gender; gender diverse which involves non-conformity regarding gender identity and expression; gender queer where gender identity is neither masculine or feminine with the use of pronouns such as ‘zie’ instead of ‘he’ or ‘she’ or ‘hir’ instead of ‘his’ and ‘her’. Although genderfluid entered the Oxford Dictionary in 2016, exact definitions of these terms vary from person to person and change over time, but they often include a blending of genders.

The gender binary as a western concept does not apply globally because gender diversity is accepted in many societies, for example the *hijras* (third gender in India, where gender diversity is embedded in tradition and mythology (Hines, 2018; Takhar, 2014). Ogles (2016) comments that ‘For centuries, Hindu literature, mythology, and religious texts have featured deities that defied the gender binary’. Other examples include the *traversti* in Latin America, the *muxe* in Zapotec culture in Mexico (third gender), the *mahu* in Polynesian culture, *fa’afafine* in Samoan society, kathoey in Thailand and Laos, the *waria* in Indonesia and *two spirit people* amongst Native Americans (Munro, 2010; Goulet, 1996; Hines, 2018:79-81; Segal, 2017;). Third gender is a legal category for individuals not identifying as male or female. For transwomen and men, it means that they do not require sex reassignment surgery. The third gender has been recognised in many countries including India and Muslim majority countries such as Pakistan and Bangladesh (Billard, and Nesfield, 2020). Knight discusses the development of legal gender recognition in these countries and in Nepal, Malta and Japan stating that:

Achieving it [legal gender recognition] allows individuals and communities to realize a number of other rights and dramatically increases their social mobility. While recognition before the law is a core human rights principle and the fulcrum of virtually any legal system, and gender is an important and intimate part of selfhood and politics, advocacy to be able to change documents from listing the sex you were assigned with at birth to something else has met with considerable contention.

(Knight, 2020:198)

Despite a move away from the psycho-medical model to the growing empirical evidence and sociological analysis by transgender theorists, gender non-conformity continues to challenge the established values and norms of society alongside the expected gender roles of men and women (Knight, 2020). It has led to a questioning of what constitutes a man and who can be considered to be an *authentic* woman (Sweeney, 2004). However, this has posed challenges with support organisations such as Press for Change which was set up by Professor Stephen Whittle in 1992. It has been a key lobbying and legal support organisation for Trans people in the UK since its formation and seeks **respect and equality for *all* trans people** through case law, legislation, and social change (see <http://www.pfc.org.uk/>). In *The Transgender Studies Reader* co-edited with Susan Stryker, Whittle (2006:xiv) commented that he was a ‘part of the cultural crisis of the new millennium’ where hangovers from the previous century presented challenges. Stryker and Whittle (2006) describe their book as a guide to navigate the complex terrain of gender theory which includes transgender theory, challenging transphobia and moving the debate away from the dominant gender binary. Professor Susan Stryker is an award-winning scholar and filmmaker whose historical research, theoretical writing, and creative works have helped shape the cultural conversation on transgender topics since the early 1990s. More recently Stryker (2017) outlined one hundred years of transgender history in *Transgender History: The Roots of Today’s Revolution.* For a summary of the progress of transgender studies see pp. 1-2 of the editors’ introduction to *Advances in Trans Studies: Moving Toward Gender Expansion and Trans Hope* (Johnson, Rogers and Taylor, 2022).

**Gender Identity and Performativity**

When Simone de Beauvoir (1949) in one of her most famous statements stated that ‘one is not born but becomes a woman’, it captured inequality between men and women, rejected biological definitions as natural, and challenged essentialism. Although gender (socially constructed as feminine and masculine) is not mentioned by de Beauvoir, it has become an important concept in Sociology differentiating it from sex (biologically constructed). Over time, the question has become ‘whether gender as a socially constructed phenomenon is related to or determined by biology’ (Abercrombie et al., 2006:163). In Judith Butler’s celebrated and controversial book *Gender Trouble: Feminism and the Subversion of Identity*(1990) she discussed gender performance and performativity. However, Butler has struggled with the idea of performativity in relation to what it means to be a woman. With reference to the production of the gendered individual, Butler’s theory of performativity emphasises the dialectical relationship between structure and agency *and* that *gender is not biological but is performative* (my emphasis). The origins of the concept performativity lie in Austin’s (1962) work on how speech and actions create what is being described. The individual learns how to engage in ‘a *stylized repetition of acts’* (original emphasis) thereby achieving gender identity performatively (Butler, 1988:519). However, there is potential for change in the repeated acts and if ‘they do not remain consistent between different cultures and eras, it can be argued that *gender itself does not remain consistent’* (my emphasis) (Hines, 2018:75). Indeed, Butler states that ‘the possibilities of gender transformation are to be found in the arbitrary relation between such acts, in the possibility of a different sort of repeating, in the breaking or subversive repetition of that style’ (Butler, 1988:520).

Using the performativity lens allows us to place gender in conversation with other forms of identity which means that gender can be constructed in a non-binary way. This is an ongoing process and Butler (1990) developed an anti-essentialist theory of performativity that focused on language and discourse particularly with reference to how the self and agency are understood. If identity becomes clear when action takes place, the action produces the subject. The subversion and multiplicity of identity can be understood when a woman is applying lipstick which can result in different forms of identity such as goth or lipstick lesbian. Butler (1990:6) goes on to state that ‘When the constructed status of gender is theorised as radically independent of sex, gender itself becomes a free-floating artifice, with the consequence that *man* and *masculine* might just as easily signify a female body as a male one, and *woman* and *feminine* a male body as easily as a female one’ emphasis in original). This is something that Finn Mackay, academic and radical feminist, interrogates in her book, *Female Masculinities and the Gender Wars: The Politics of Sex* (2021). Indeed, the challenge to the heteronormative narrative of celebrity trans women portrayed as feminine, is the increasing numbers of transwomen who identify as butch lesbians. Rossiter (2016:88) states that ‘Butch trans women, by their very existence, fall outside the norms of gender performance associated with trans women […] and are often perceived as an ‘oxymoron’ and as ‘failures’ as women (Hill-Meyer, 2008)’. What is at stake here is so-called appropriate gender performance for trans women which is often ideologically determined by medical professionals who are gate keepers for those wishing to transition.

Can gender be constructed in different ways that allows a subject the agency to incorporate complexity and intersectionality into what it means to be a woman or a man? It appears above in the case of butch trans women that they occupy a contradictory position in relation to expected gender performances. The agency of an individual manifests itself when there is a critique of normative performances of gender and when people break the expectations of society (Xie, 2014). Therefore, butch trans women pose a challenge precisely because they break gender norms. However, the policing of gender norms through medical and psychiatric discourses means that in any society, there is pressure to culturally conform. Therefore, it becomes even more important to resist the regulatory nature of societal norms and values for those who do not conform to the understanding of gender as a binary.

According to Butler (1990:10-11) ‘“sex” is as culturally constructed as gender’ therefore, sex does not determine gender and if performativity is used, the implication is that ‘gender ought not to be construed as a stable identity or locus of agency from which various acts follow’ (Butler, 1990:179) because it is constructed through repetitive acts (performative) and exists at the moment it is performed. Butler’s 1990 work is regarded as controversial, and it has received criticism resulting in a response in *Undoing Gender*. Butler states that ‘whether one refers to “gender trouble” or “gender bleeding,” “transgender” or “cross gender,” one is already suggesting that gender has a way of moving beyond that naturalized binary’ (Butler, 2004:42-43). But if society moves beyond the binary, what can it be replaced with because there could be multiple ways of living as a man and woman? Furthermore, how can being transgender as shown above be understood? If transgender is about transforming the meaning of gender identity and it is utilised as a stable gender identity, then could gender performativity create a space for a stable gender identity? In the context of (idealised/stable female) gender identity, Butler’s work on drag queens has been critiqued (Prosser, 1998; Namaste, 2000; Bettcher, 2014) because it is not a ‘true gender identity’ which does not exist and that drag can be used simultaneously to idealise *and* destabilise gender norms; this is the case for butch trans women.

What is important for Butler is the reiteration process rather than the subject and that ‘agency is only possible to the extent that the subject who is produced in and through discourses reiterate gender norms in new contexts so as to invest them with new meaning’ (Xie, 2014:28). Therefore, it is crucial not to deny the importance of discourse and the discursively constructed subject. However, it is equally important to note that changes to gender identity and identifications have been made possible through the collective agency of LBGT+ groups globally to bring about social transformation. What Butler’s work on destabilising gender identity has done is to open up other ways of being such as androgyny and transgender that the gender binary conceals. It is, as stated above a move away from essentialism and categorisation towards viewing gender as being brought into being through a range of acts signifying a gender (Butler, 1990). Unfortunately, bringing into being a multiplicity of genders or to destabilise gender identifications that go beyond the gender binary is a double-edged sword. The dominant idea of gender as a binary is powerful in societies globally as Xie (2014:32) comments, ‘The core of the gender trouble lies in neither what other gender possibilities do we have (destabilizing gender categories) nor how can we produce them (gender performativity and reiteration), but how to elevate them to a comparable status as that of dominant genders.’ Instead, those who violate the gender binary are often punished and stigmatised with transgender women of colour at the receiving end of increasing levels of violence (Adams, 2017) and intersex babies being surgically changed to either female or male sex (Human Rights Watch, 2017).

**Transgender Legislation**

Despite the use of pronouns such as ‘they or ‘their’ and genderfluid entering the Oxford Dictionary in 2016, the introduction of gender-neutral toilets and spaces and companies such as H&M offering gender neutral clothing, the appearance of Laverne Cox on the cover of Time magazine, there appears to be a backlash and a turn back to an essentialist understanding of gender rather than seeing it as a spectrum. Laverne Cox is a transgender actor in the Netflix drama *Orange is the New Black.* She was featured on the cover of Time magazine under the heading ‘The Transgender Tipping Point: America’s next civil rights frontier. In July 2021, The Guardian newspaper reported that a Koreatown Wi Spa in Los Angeles which has a trans-inclusive policy had become the target of anti-trans protestors during which arrests were made and rubber bullets fired. Anti-trans protesters held placards stating, ‘protect female spaces’ and chanting ‘save our children’. The protection of female spaces has become a rallying cry for gender critical feminists and is clearly stated in Christen Price’s article ‘Women’s spaces, women’s rights: feminism and the transgender rights movement.’ Price (2020:1509) ‘focuses on adult males who identify as transgender and the legal and practical implications of considering them women’ and states that young people who experience gender dysphoria eventually grow out of it. Judith Butler has criticised feminists who base their action for social change on the collective identity of *being* a woman (essentialist) which reinforces the gender binary and promotes patriarchy and heterosexuality. Instead, she states that feminists should try to understand how the category ‘woman’ has been produced. On the question of excluding transgender people in her earlier work, Butler responded in an interview in 2015:

I do know that some people believe that I see gender as a “choice” rather than as an essential and firmly fixed sense of self. My view is actually not that. No matter whether one feels one’s gendered and sexed reality to be firmly fixed or less so, every person should have the right to determine the legal and linguistic terms of their embodied lives. So, whether one wants to be free to live out a “hard-wired” sense of sex or a more fluid sense of gender, is less important than the right to be free to live it out, without discrimination, harassment, injury, pathologization or criminalization – and with full institutional and community support.

(Butler, The Conversation Project, 2015)

To be free from discrimination is central to transgender people who through LGBT+ activism achieved a landmark victory in the UK by the introduction of the Gender Recognition Act 2004 (GRA 2004) which allowed people over 18 years with dysphoria to change their legal gender. The GRA was introduced following two European Court of Human Rights rulings in 2002, in two legal cases where the UK Government had breached the Convention rights of two trans people under Articles 8 (the right to respect for private life) and 12 (the right to marry and found a family). Although the application does not require a person to go through surgery, reports by a doctor or psychologist practising in the field of gender dysphoria are required and a spousal veto exists. Unsurprisingly, a relatively low number (4,190) of Gender Recognition Certificates have been issued (Ministry of Justice, 2017). Following on from this, the Equality Act 2010 was a leap forward as it provided protection against discrimination for nine protected characteristics which includes gender reassignment and the term ‘transexual’. These terms and conditions and the medicalised approach were highlighted as dated and that gender identity and a self-declaration model should be used in the Transgender EqualityReport (House of Commons Women and Equalities Committee Report, 2015-16)*.* The report also highlighted transphobia in public service provision, high rates of attempted suicide, deaths of two transwomen in prison, and the process as humiliating. The report noted that attitudes to gender identity are changing and that a ‘psychopathological model’ with reference to trans identity should be replaced. However, ‘removal altogether from the ICD […] is not[considered] an option, since gender dysphoria frequently requires medical intervention’ (GIRES). GIRES is Gender Identity Research and Education Society which provides information for trans people, their families and the professionals who care for them. GIRES combines the expertise of a largely voluntary team of trans and non-trans people. The World Health Organisation (WHO) International Classification of Diseases (ICD) removed homosexuality as a disease in 1992.

Based on the report above, the UK government launched a consultation on the reform of the GRA 2004 in 2018 (Government Equalities Office) which focused on the legal process rather than the medical pathway for transitioning: hormone therapy (at age 16) and surgery (at age 18) which is assessed by medical professionals. The consultation was supplemented by an LGBT+ Survey with over 108,000 participants of which 7000 were transgender in 2017. The consultation ran for 16 weeks and was open to everyone and all views (SeeReform of the Gender Recognition Act – Government Consultation, 2018,pp.4-5 for the full list). In an environment where hate crime and online abuse have increased against trans people over the years, there has been serious impact on their mental health (McNeil et al. 2012; O’Neil, 2017; Bachmann and Gooch, 2017). With increasing numbers of adults and under 18s experiencing gender dysphoria, the demand for gender identity development services has also increased and providing support for young people. In the Gender Recognition Act Reform: Consultation and Outcome (Fairbairn, 2022), it was noted that young people should be supported and that single-sex spaces should be protected.

However, barriers have been erected in the UK in comparison to other countries with transgender people complaining about the bureaucratic, medicalised and humiliating process for legal gender recognition. The non-assessment model has been adopted by Norway, Denmark, Malta Columbia, Republic of Ireland, Canadian and American states such as Quebec and Oregon. An assessment model without a medical diagnosis is used in France, Germany and British Columbia. The UK government’s position on non-binary people is that they should be able to live in in inclusive society and free from discrimination, however, non-binary genders are not recognised but protected under the Equality Act 2010. The trans population was thought to be approximately 0.35-1% of the total UK population which was estimated to be 67.08m in 2020 (ONS, 2021). The picture will be more accurate once the data from the 2021 Census have been analysed which asked for the first time a voluntary question on gender identity: ‘is the gender you identify with the same as your sex registered at birth?’ The guidance asks if a person is transgender or non-binary. The main reform to the GRA 2004 is a move towards self-identification for trans people which other progressive nations have implemented. However, in 2020, IGLAWorld (International LGBT+ Association) reported that 13 countries criminalise trans communities with Iran’s Islamic Penal Code severely punishing those who transgress gender boundaries. Criminalisation exists in Brunei, the Gambia, Indonesia, Jordan, Kuwait, Lebanon, Malawi, Malaysia, Nigeria, Oman, South Sudan, Tonga, and the United Arab Emirates. The Trans Legal Mapping Report 2019 shows that the situation globally is mixed:

It is a difficult time for trans communities globally, which is reflected in the regression or stagnation in legal gender recognition rights in countries such as Guatemala, Hungary, Mongolia, New Zealand, the United Kingdom, the United States and Uruguay, and the potential for regression in India and Nepal. Yet, since 2017, there has been firm progress in countries such as Australia, Canada (for non-binary people), Chile, Colombia (for children), Costa Rica, and Pakistan.

(ILGA World: Chiam et al, 2020:7)

To return to the consultation document above, it is the UK government’s failure to improve the lives of trans people means that it has fallen to 9th place in the rankings for LGBT+ rights in Europe (ILGA). The changes have made the process less costly and bureaucratic but no movement on self-determination and de-medicalisation and recognition of non-binary people. In the UK it led to 5000 trans people and allies to protest on 12 September 2020 against the government’s backtracking on reforms. Considered as an attack on the human rights of transgender people, the issue of reform has received commentary from various sources and triggered a culture war or ideological war on the ‘trans agenda’. This has been popularly fought over through the number of young people being referred to gender identity clinics, the introduction of gender-neutral toilets and access to women’s spaces by trans women thereby weaponising this identity. Interestingly, the Scottish Parliament introduced the Gender Recognition Reform (Scotland) Bill in 2022 after a five-year period of consultation. The response of the UK government was to announce that it will use a Section 35 order under the Scotland Act to block the Bill due to its potential negative impact on equality. In April 2023, the Scottish Government lodged a petition for legislative review which will allow then to take the UK Government to court.

 The sex gender debate is continuously in motion and not easy to stay ahead of and there is a ‘mythology of the gender wars [which] frequently weds all Radical Feminism to transphobia [which] deflects attention from the much larger structural threats which endanger both feminists and trans people alike’ (Mackay, 2021:11). However, the category ‘woman’ continues to be perceived as being in danger of erasure because of the belief that ‘the transgender rights movement, particularly in its legal advocacy and policy goals of making gender identity and expression protected categories in nondiscrimination laws, represents a profound threat to women’s rights’ and that men display oppressive behaviour towards women who deny them access to women’s spaces (Price, 2020:1564).

**The Perceived Erasure of ‘Woman’**

Transgender has been used as an umbrella term to include marginalised groups who seek justice and human rights (Feinberg, 1997, Stone, 1991). However, it was not only the challenge of the psycho-medical model but feminists who argued against gendered embodiment which does not neatly fit the gender binary and accusing transgender women of false consciousness (Raymond, 1979). Stryker (2006) points to the exclusionary nature of feminist groups in the UK and USA: examples of early attempts of transgendered people to be included, transgender activism which she dates back to the 1970s, the teaching of transgender studies in the UK and USA, and the creation of the *International Journal of Transgenderism* (Burns, 2018).

In the UK, the Gender Recognition Act (GRA) 2004 is a legal process which involves as stated above, medicalisation of ‘the problem’ and it takes approximately 3-6 years to obtain a diagnosis of gender dysphoria (Davis, 2019; Griffin, 2020). Had the reform to the GRA been to move towards self-identification, it would simply mean transgender people who live as their preferred gender would be recognised legally without medicalisation and having to prove their gender identity. Those supporting this approach maintain that this does not mean they surreptitiously wish to have access to women only spaces in order to commit violent crimes, for example in hostel dormitories, sleeper carriages, and changing rooms or that women would be erased. The problem is ‘that an understanding of gender as diverse is not universal; many people continue to argue that gender is ‘hard-wired’ [resulting in] systemic injustice against trans people, gender-diverse people and cisgender people, which limits individual and collective potential’ (Hines, 2018:137; see Hines, 2010; Hines, 2009; Hines, 2007a; Hines 2007b for theoretical challenges, the GRA Act and trans-gendered citizenship).

 A campaign group Fair Play for Women supports the protection of women and girls’ rights through sex-based policies and believes that sex and gender cannot be conflated. Fair Play for Women is a pro female campaign group raising awareness about the protection of women and girls’ rights. The group supports trans rights (as human rights not women’s rights) and challenges the view that a person born a male has a right to being called a woman by simply presenting themselves in a feminine way. The problem for groups such as this which include supporters that include Professor Kathleen Stock, is the over-riding of sex-based legal protection for women by reforming the GRA 2004 to allow the changing of one’s sex on a birth certificate as a matter of self-identification. Furthermore, it is claimed that gender ideology is harmful to lesbians because male trans women who are attracted to women are being called ‘lesbians’. It is commonly known as ‘trans ideology’ and women who speak out about these issues are labelled as transphobic – a charge levelled at A Woman’s Place UK repudiated in a public statement by Southall Black Sisters (SBS, 2020). A Woman’ Place UK is an organisation which holds up the principle of women only spaces, women’s rights and opposes the reforms on self-declaration. It is made up of a group of people from a range of backgrounds including trade unions, women’s organisations, academia and the National Health Service (NHS). It was started to ensure that women’ voices would be heard in the consultation process to reform the Gender Recognition Act 2004.

The transgender row is not recent, for example there was a transgender protest outside The Guardian and The Observer newspaper offices in January 2013 over ‘hate speech’ by Julie Burchill and the no platforming of ‘transphobic’ high profile speakers at UK universities such as Germaine Greer (2015), Jenny Murray (2018), Julie Bindell (2015). Julie Bindell writing in 2015 commented that no platforming is a ‘gift to misogynistic men’ particularly when radical feminists put forward examples of violence and prostitution as harmful to women. No platforming means that a speaker is denied the right to speak, usually racist and fascist possibly by not inviting them but usually it involves disinviting them. Those who protest against a speaker are exercising their free speech as was the case of Germaine Greer’s talks at Cardiff and Cambridge universities. Referred to as ‘TERFs’ (trans exclusionary radical feminists), the no platformed feminists such as Bindell claim that there is an ‘anti-feminist crusade’ on university campuses behind the safe space facade. Sarah Ditum writing for the Spectator in 2014, stated that no platforming ‘was once reserved for violent fascists. Now it’s being used to silence debate.’ Of course, no platforming in the digital age of blogging and tweeting is a bit of a misnomer, the ‘problem’ appears to be the issue of free speech which has been brought to light in universities. Does the appointment of a ‘free speech champion’ by the previous Education Secretary, Gavin Williamson to punish universities and the OfS (Office for Students) being able to fine students for denying free speech provoke a culture war against ‘woke’ censorship?

But it is the possibility of trans people changing their gender on their birth certificates – self declaration which has caused the most outrage amongst feminists who state that the erasure of women undermines the legal characteristic of sex and of course there are implications for women’s ability to fight oppression and sex discrimination. Sheila Jeffreys (radical feminist) before the Gender Recognition Act came into force stated that objecting to self-identification is based on the fact that a man can ‘become’ a woman and that there is no known procedure by which a man’s sex can be changed to a woman’s. The question for feminists is: who can be in the ‘woman’ category? If it is biological, then women are reduced to our biology which panders to the political right, yet some feminists are using this idea. They state that in order to be a woman, one must have lived life as a girl therefore know what it is like to be oppressed and fearful. It is true, experiences of cis and trans women are different. However, Catherine MacKinnon (2015), a radical feminist amongst others do not agree that the category woman should be based on biology alone and that trans women can add something to the feminist movement:

Anybody who identifies as a woman, wants to be a woman, is going around being a woman, as far as I’m concerned, is a woman [and] to be a woman one does have to live women’s status. Transwomen are living it, and in my experience bring a valuable perspective on it as well.

(McKinnon, 2015, The Trans Advocate Interviews)

It was the appearance of Caitlyn Jenner on Vanity Fair’s cover that sparked more debate with Germaine Greer’s outburst about trans women defining what women or how women should be and look like. Even Chimamanda Ngozie Adichie (author of Purple Hibiscus, feminist icon and LGBT+ activist) commented in 2017 in a Channel 4 interview that her feeling was that ‘trans women are trans women’ (Channel 4 news quoted in Camminga, 2020:818) and that they have lived privileged lives as men. She received online backlash but later retracted her statement stating that ‘Diversity does not mean division’ (Kean, 2017, The Guardian).

Other feminist thinkers have commented that there are many ways of being female and male, masculine or feminine with trans people widening the spectrum of gender expression. Gloria Steinem (2013) who moved from her trans-critical views to state that ‘what I wrote decades ago does not reflect what we know today as we move away from only the binary boxes of ‘masculine’ and feminine’ and begin to live along the full continuum of identity and expression.’ In 2013, 700 feminists issued A Statement for Trans-Inclusive Feminism and inclusion in women’s spaces which ends with the following powerful statement:

Whether we are cis, trans\*, binary-identified, or genderqueer, we will not let feminist or womanist discourse regress or stagnate; we will push forward in our understandings of gender, sex, and sexuality across disciplines.  While we respect the great achievements and hard battles fought by activists in the 1960s and 1970s, we know that those activists are not infallible and that progress cannot stop with them if we hope to remain intellectually honest, moral, and politically effective.  Most importantly, we recognize that theories are not more important than real people’s real lives; we reject any theory of gender, sex, or sexuality that calls on us to sacrifice the needs of any subjugated or marginalized group.  People are more important than theory. We are committed to making our classrooms, our writing, and our research inclusive of trans\* people’s lives.

(The Statement, Feministfightingtransphobia Trans-INCLUSIVE Feminism, 2013)

The statement has been signed by 790 individuals and 60 organisations from 41 countries. Further to the statement above, Mackay (2021:2) who identifies as a radical feminist, states that ‘not all Radical Feminists are trans exclusionary, and not all those who are transphobic or trans-exclusionary are feminists, far from it […] Some Radical feminists are even trans themselves’. However, the perception in the media is that radical feminists and gender critical feminists are using similar terminology in the trans debate to right wing and religious groups. Indeed, in some case, these apparently opposed groups work together in the UK and the USA (See Mackay, 2021). In Cristan Williams’ (2016) article on ‘Radical Inclusion’ she reviews how radical feminism has a long history of being trans inclusive which supports Mackay’s argument that not all radical feminists are transphobic.

The question of who counts as a woman is nothing new, for example Sojourner Truth asked ‘Ain’t I a Woman?’ in 1851 at the Women’s Rights Convention, something which has been reiterated by black feminists challenging the universal woman of western feminism and by lesbians challenging feminists (black and white). Davis (1981), and hooks (1982) have examined the inherent racism in white feminism and the exclusion of black women. Angela Davis (2016:95-98) states that transwomen ‘are women who have to fight to be included within the category “woman” in a way that is not dissimilar from the earlier struggles of Black women and women of colour who were assigned the gender female at birth [and similarly] during the latter twentieth century, there were numerous debates about how to define the category “woman”’. In her 2018 lecture, Davis puts forward with reference to true womanhood, a feminism that is heterogeneous and goes beyond the gender binary to include trans women and black women. She observes the exclusivity of the feminist movement and poses an interesting question about the oppression and struggle faced by black trans women who are subjected to high levels of violence (individual, stranger, intimate, partner, institutional, state, police, prison). According to the Human Rights Campaign, more trans people have been killed in 2021 than in any other year with the USA having higher rates with most who are killed being black. It has also been shown that the risk of depression increases amongst black transwomen who experience racism and transphobia, however the risk of depression can be counteracted through coping self-efficacy (Jefferson et al 2013). Other writers such as Emi Koyama (2006) have pointed to the underlying racism of the feminist debate on transinclusivity.

Camminga (2020:829) notes that ‘as a trans person who identifies as a feminist, has been exceptionally positive, inclusive and welcoming [but] it does not negate the physical danger that trans people across the African continent experience daily’. Furthermore, historically, it is important to acknowledge that for centuries under slavery and colonialism, enslaved and colonised women were erased from the category ‘woman’ (Oyěwùmí, 1997; Nnaemeka, 2004; Connell, 2014, Lugones, 2016; Roy, 2016). Therefore, it is important when considering the question which lies at the heart of the ‘TERF wars’: who can be counted as an ‘authentic’ or ‘real woman’ and whose views are given attention and space? (Hines, 2019; Patel, 2017; Sweeney, 2004). Camminga (2020) writing from the global south considers the weight of Chimamanda Ngozi Adiche’s words on trans women which were taken up by feminists in the global north to the exclusion of trans and cis women from the African continent. Interestingly, Adiche put forward a ‘universal biological woman’ (something that has been critiqued by women of colour) and thereby a ‘universal transgender woman’. This is the language of western feminism which has had global epistemological domination and has a history of othering outsiders by claiming that transgender women are men who live as women. In this case, transgender women are being othered and the boundaries are being defined and policed by cis women. It would appear that it is the erasure of trans women, particularly black women and women from the global south, rather than cis women that is of concern (Price, 2020).

**Conclusion**

This chapter has examined the concept transgender and how it has posed a challenge to our understanding of the gender binary.It demonstrates the mainstreaming and visibility of transgender issues through celebrity revelations and has also revealed a younger more gender fluid generation. It has been shown that the gender binary is conceived of in the global north and that gender diversity has existed and been accepted in a range of cultures and nations. It has been argued that gender non-conformity is not a recent phenomenon and that it has been normalised in certain religions and communities of the global south. It is a subject covered in western cultural forms such as film, literature and music. However, it is the umbrella term transgender used for those who do not fit neatly into the gender binary that has caused heated debate particularly around the question, of who is considered to be an authentic woman and whether this is perceived as the erasure of women. By using Judith Butler’s theory of performativity, it has been shown that if gender can be seen as performative, it offers up the possibility of constructing gender as non-binary that captures masculinity and femininity in interesting ways. The question is, if society moves beyond the binary, what can it be replaced with because there could be multiple ways of living as a man and woman? It can be argued that transgender is about transforming the meaning of gender identity. The so-called ‘TERF wars’ demonstrate that despite developments in legislation across the globe, transgender people are subjected to discrimination, exclusion and marginalisation. It is the erasure of women which is at stake for gender critical feminists. However, it has been shown that not all radical feminists are trans exclusionary and that some have changed their position over the years. As a reminder, the woman category was exclusively white and heterosexual and that the culture war or ideological war on the ‘trans agenda’ appears to be a western feminist concept concerned with the erasure of women. This serves to deflect from other important structural and global issues affecting everyone. What is required with reference to global transgender phenomena is collective action and that ‘we can[not] rely on governments, regardless of who is in power, to do the work that only mass movements can do’ (Davis, 2016:35). This is an on-going process that invites further research (Stryker and Aizura, 2013).

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**Filmography**

*Orlando* (1992) d. Sally Potter, 1hr 34m.

*Silence of the Lambs* (1991) d. Jonathon Demme, 2hr 18m.

*Dressed to Kill* (1980) d. Brin de Palma, 1hr 46m.

*The Crying Game* (1992) d. Neil Jordan, 1hr 52m.

*For Your Eyes Only* (1981) d. John Glen, 2hr 8m.

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