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The Growth of the Anti-Transgender Movement in the United Kingdom. The Silent Radicalization of the British Electorate

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ABSTRACT

This article examines the development of anti-transgender debates within the United Kingdom, which have gained traction due to proposed amendments to the country's Gender Recognition Act (GRA). A group of determined lobby groups, taking their lead from like-minded organizations in the United States, has protested vigorously against the proposed changes to the GRA, especially with respect to "single-sex spaces". As a result of this furor, the lives of transgender people have become the subject of open debate. Trans people now see their legitimacy questioned, and their ability to access services increasingly being placed under the microscope. This article argues that the literature on radicalization – developed in response to domestic terrorism – can explain these developments. UK lobby groups are successfully pushing a radical agenda to deny the basic rights of trans people, and are doing so under the cover of "free speech" – a sacrosanct element of life in Anglo-Saxon countries.

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Introduction

The United Kingdom is currently in the process of undergoing some profound political and societal changes. The impact of the country's decision to withdraw from the European Union is still being felt, stirring feelings of discontent in its regions and increasingly assertive calls for Scottish independence. The Covid pandemic has already claimed more lives than in any other European state, and has caused severe economic damage to a country having to adapt to new trade arrangements. On their own each of these factors would be significant, but taken together they risk plunging the country into crisis. It would not be surprising were scholars to focus upon these events, but this would risk overlooking other not-insignificant developments that are occurring in plain sight. These include the importation of culture war tropes from the US, and especially their impact on transgender (or "trans") individuals (in line with similar scholarship, in the field this article uses the term "trans" for 'both transgender people who wish to be part of the binary system of male and female and people who do not (non-binary)' (Hines and Santos 2018:2). At the time of writing a toxic discourse has emerged in

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which it has become entirely reasonable to question the extent to which trans people should be allowed into the public space.

These attitudes have deep historical roots, however. This is nowhere more evident than in the press, where ‘over the last few decades, much coverage of trans people and issues has been problematic: at best disrespectful, treating individuals as curiosities whose lives the press is uniquely entitled to expose, exploit and lay waste to’ (Fae 2018:186). As a result of such attitudes, historical advances in UK trans rights were piecemeal and gradual, although some progress was made. Prior to 2004, trans people ‘were able to change their names by deed poll; and have passports, driving licenses and bank accounts in their new name and corresponding gender prior to any surgery or hormonal intervention’ (Davy 2010:119). The Gender Recognition Act (GRA) of 2004, however, ‘enabled trans* people to change their gender and marry in their acquired gender. Of central importance to trans* campaigning organizations and social movements was that the new law did not insist that the applicant had undergone body modification practices such as surgical procedures or hormone therapies’ (Hines and Santos 2018:40). The GRA was supposed to make life easier for trans people, but the law still forced people into the dichotomous boxes of male or female (Hines 2010:101). The GRA does allow trans people to change their birth certificates, but this is a process which is felt by many trans people to be ‘intrusive, inaccessible, daunting and expensive’ (Jones and Slater 2020:838). Acknowledging these and other concerns, a parliamentary Transgender Equality Enquiry took place between 2015 and 2016, and the subsequent published ‘Report positioned the evidence required for gender recognition as set out in the 2004 GRA as a key problematic area’ (Hines and Santos 2018:41). This led the government in 2018 to set out on a public consultation into possible reform of the GRA.

Trans people in the UK can already transition fully into their identified gender, change official documents, and use bathrooms matching their gender identity. None of this is new. What was new in the mooted change to the GRA, however, was the proposal to allow trans people to self-identify as their adopted gender, rather than to have to go through the laborious process of obtaining a gender recognition certificate, which the government consultation had identified as problematic. This provoked a storm of controversy by many Gender Critical (GC) feminists, for whom ‘the walls of women-only facilities have come to symbolize the boundaries of womanhood’ (Jones and Slater 2020:835). As a result, the ‘right of trans women to use women’s public toilets has been at the center of feminist debate around transgender, bringing issues of everyday gendered embodied experience and regulation to the fore’ (Hines 2019:151). On the whole, ‘gender-critical feminism advocates reserving women’s spaces for cis [non-trans] women. A few, though not all, gender-critical feminists make exceptions for some trans women, such as those who have undergone gender reassignment surgery’ (Zanghellini 2020:1). In the run up to the consultation, a whole host of lobby groups were to emerge who were determined to ‘resist self-determination as the mechanism by which [a] birth certificate sex marker can be changed’ (Pearce, Erikainen and Vincent 2020:679). The basic GC argument was that ‘trans people’s rights come at the expense of cisgender [non-trans] women’s rights and, as one of few gender-separated spaces, the toilet has become a focal point of these debates’ (Jones and Slater 2020:846). It is on the subject of trans people – *especially trans women* – that the vast majority of the debate on trans rights in the UK is currently being fought.

In order to understand this situation, the paper will address the following three areas. First, the paper shall examine the common anti-trans tropes used by many lobby groups. Despite seeming to only raise “reasonable concerns” and merely to be “asking questions”, it quickly becomes apparent that some of these arguments are reminiscent of accusations made against gay school teachers in the 1980s – the kind of accusations which are viewed as completely unacceptable today. Second, the paper moves on to examine the context under which these debates have emerged and why they have seemingly gained traction in public discourse. Third, the paper argues that despite making sweeping generalizations, these lobby groups have used the cover of free speech and the notion of “reasonable concerns” and “just asking questions” to be able to demonize the trans community. They are engaged in a process of cognitively radicalizing the electorate. Yet the authorities have stayed silent, viewing these debates as integral to the process of free speech.

Anti-trans tropes

Lobby groups who campaign against trans rights are usually at pains to stress their support for trans people. One such group claims: ‘We believe “transgender” people are entitled to their own personal beliefs and should have the same human rights as anyone else’ (Object! 2020), whereas others such as Transgender Trend allege ‘transgender people deserve the same civil and human rights as all of us and should not face discrimination... we are not afraid of, or prejudiced against, transgender people in any way’ (TT 2020). Fair Play for Women is equally strident: ‘we support trans rights’ but then qualifies this: ‘Whilst we oppose all forms of bigotry and discrimination, trans rights do not exist in isolation and they must not come at the expense of another extremely vulnerable and disadvantaged group: women and girls’ (FPFW 2020). The group goes on: ‘Trans rights are human rights, but they are not female rights’ (FPFW 2020). Here is the nub of the argument that these campaign groups posit. They use the language of inclusion, but this inclusion evaporates when juxtaposed with what they posit as the rights of women and girls. At this point the current rights of trans people to use facilities matching their gender identity would be removed, were these groups to get their way.

Understood from a different angle, the position of such groups is one of biological essentialism; humans are born with certain sexual characteristics which can never be changed. According to Fair Play for Women: ‘Females exist. Women and girls exist. We share unique characteristics because of our biology and the way our femaleness is treated by society. We cannot identify out of that’ (FPFW 2020). This is not just the sole opinion of one lobby group. Gender Critical feminists ‘openly espouse their anti-trans notion that trans women “aren’t really women” – that real womanhood is exclusively determined on a natal, biological level’ (Parke 2016). They ‘oppose “identity” or gender-based rights, instead arguing that women are oppressed as a biological class and deserve rights based on binary and essentialist understandings of male/female sex categories’ (Jones and Slater 2020:838). From this perspective, even if a trans woman were to undergo genital confirmation surgery, she would never be a “true woman” as she would lack two X chromosomes.

Lobby groups are at pains to point out that they are only raising “reasonable concerns” and “just asking questions”. Fair Play for Women is ‘concerned that, in the rush to reform transgender laws and policies, women’s voices are not being heard or listened to’ (FPFW 2020). Other groups claim to be concerned about free speech. Fair Cop, for instance, is a group of people who have ‘come together over shared concerns about police attempts to criminalize people for expressing opinions that don’t contravene any laws’ (FairCop 2020). The Christian Institute agrees and claims that trans activists are closing down debate and consequently preventing trans people from accessing ‘the support they need to help them embrace the bodies they were born with’ (CI 2020). Meanwhile other lobby groups like the Safe Schools Alliance are: ‘are concerned that schools are being advised to use policies regarding gender identity that are based on misleading or inaccurate information’ (SSA 2020). However, sometimes these “reasonable concerns” are more ominous.

A few of the lobby groups have been quick to point out the alleged risk that transwomen present to the cis-female (non-trans) population. Keep Prisons Single Sex insists that ‘[n]o male, no matter how he identifies, should ever be housed in a women’s prison’ (KPSS 2020). This has led other groups to warn that: ‘Biological males identifying as “trans” have already been housed in women’s prisons and have sexually assaulted women prisoners’ (Object! 2020). Other groups such as Get the L Out allege that the ‘LGBT community is coercing lesbians to accept penises as female organs and heterosexual intercourse as a lesbian sexual practice. We oppose this manipulative ideology and denounce it as a form of rape culture aimed at lesbians, as well as a form of conversion therapy’ (GtLO 2020). Furthermore, the LGB Alliance has argued that ‘attempts to compel women to believe that male genitals can be female is a form of sexual assault, an attack on the rights of lesbians and a threat to their very existence’ (LGBA 2020). Get the L Out claims that ‘[m]edical transition is [being] imposed on girls who don’t conform to sexist stereotypes’ (GtLO 2020) whereas Transgender Trend is concerned about the ‘teaching of unscientific “innate gender identity” ideology to children’ (TT 2020). Such accusations are not unlike the hysteria whipped up against gay teachers in the 1980s.

Some groups take specific issue with proposed reforms to the GRA, arguing that ‘[s]ingle-sex spaces for women and girls would effectively be outlawed. Anyone who claimed to identify as a woman, regardless of their appearance or physical genitalia, would be able to access female-only spaces and facilities’ (CitizenGo 2020). On the subject of “single-sex spaces”, Fair Play for Women argues that the majority of ‘sexual assault is by males, against females. For our physical and emotional safety, we need to know where men are not permitted to follow’ (FPFW 2020). As noted above, this lobby group is clear that one cannot identify out of one’s birth sex, and so – whether by accident or design – the group appears to be arguing that because transwomen were born male, they must by definition remain male, and are therefore part of a group who may be sexual predators. It is in this regard that the GC “reasonable concerns” should be assessed. Associating all transwomen with the actions of a few isolated individuals risk demonizing the entire group. But as we shall see, these attitudes are not especially new.

The context to which these debates have emerged

Although discrimination toward trans people has a long history in the UK, and is visible in other parts of the world, it is in the United States where trans emancipation has

courted the most controversy, with perhaps *the* salient issue being whether trans people should be allowed to use facilities that match their gender identity as opposed to their assigned sex-at-birth. This has resulted in the rise of what have become known as “bathroom bills”, or attempts by legislators to ensure that individuals can only use facilities that correspond with their birth sex. To this end, several societal groups have emerged in opposition to trans rights (it must be noted that hostility to trans rights is not a mainstream US feminist position). US Christians, especially those of an evangelical denomination, are the most strongly opposed to trans rights. Research undertaken by PEW, for example, has found that among ‘Christians, white evangelical Protestants (84%) are most likely to say that gender is determined by sex at birth’ (Smith 2017). Similarly, such religious ‘differences also extend to questions about societal acceptance of transgender people. Most white evangelical Protestants (61%) say society has “gone too far” when it comes to accepting people who are transgender’ (Smith 2017). Several Conservative Christian groups have reflected these attitudes. According to the Southern Poverty Law Center, for example, groups such as the Alliance Defending Freedom engage ‘in misgendering transgender people and refers to trans women as “biological men” or uses male pronouns for transgender women’ which is ‘considered anti-trans harassment’ (SPLC 2021). It would be a mistake to assume that these culture wars have been confined to the USA, however. ADF International – a subsidiary of the US-based *Alliance Defending Freedom* – has ‘spent more than £410,000 in the UK since 2017’ on a whole host of issues including ‘abortion and assisted dying’ (Provost and Geoghegan 2019). The winds of US Christian Conservative anti-transgender discourse are not confined to the western shores of the Atlantic, it seems.

A political cleavage can also be observed. The Democratic Party favors greater trans inclusion, with President Biden recently reversing President Trump’s executive order banning trans service personnel from serving in the military. In 2018 ‘Trump declared his intention to “legislate transgender out of existence” through changing the Title IX amendment to the Higher Education Act to define gender as determined by biological sex, and biological sex as immutable and determined by genitalia at birth’ (Phipps 2020:Loc.283). This hostility to trans people was not an aberration under Trump – it is a common feature of the Republican Party. For example, in 2015 transgender ‘issues were the topic of frequent debate during the Republican presidential primary contests and were raised most persistently by failed candidates Mike Huckabee and Ted Cruz’ (Stryker 2017 Loc.3319). This is also reflected at the state level with many ‘Republican-led state legislatures [having] passed policies banning gender-identity protections’ (Flores, Haider-Markel, Lewis et al. 2018:202). An example of this came in March 2016 when the General Assembly of North Carolina passed the House Bill 2 (which became known as the “bathroom bill”). It was premised on the alleged ‘threat posed by transgender girls to cisgender (non-transgender) girls. Its sponsors and supporters pushed for the bill by arguing that transgender girls were likely sexual predators’ (Stanley 2018:105). The significance of this was not lost on Jason Stanley, who argued that: ‘Given the significance of gender hierarchy to fascist ideology, that politicians have been trying to foment mass hysteria about trans women is unsurprising if this effort is understood as a manifestation of fascist political tactics and a sign that fascist politics is ascendant’ (Stanley 2018:105). At the time of writing, so-called bathroom bills remain a

live issue in many of the US states. The casual observer of American politics might be surprised to discover, however, that these anti-trans arguments are being replayed almost verbatim within the United Kingdom.

The final major group that has pushed back against American trans emancipation comes from elements of the feminist movement. This has led to the creation of some rather curious alliances. Groups such as WoLF have echoed some of the anti-trans lobby groups in the UK by arguing that ‘Sex is grounded in materiality, whereas “gender identity” is simply an ideology that has no grounding in science’ (Burns 2019). WoLF has also ‘formed a coalition with [the] evangelical and anti-abortion group Focus on the Family to oppose trans-inclusive bathroom bills and attempts to interpret Title IX of the Education Act to protect trans rights’ (Phipps 2020:Loc.1674). Along with another campaigning group against trans rights – Hands Across the Aisle – WoLF has ‘sent a letter to the Department of Housing and Urban Development in favor of barring trans women from women’s homeless shelters [and] are happy to work alongside conservatives to limit the rights of trans people – even if those same conservatives want to pass legislation limiting their reproductive rights’ (Burns 2019). By the time that changes were being mooted to the UK GRA, therefore, a formidable international collection of groups hostile to trans emancipation already existed. These included, but were not limited to, evangelical Christians, conservative policymakers (not all), and (some) feminist groups. Hence, as Pearce et al. (2020:680) remind us, ‘the backlash against the proposed GRA reforms, and the trans-exclusionary feminist movement that has taken shape in the UK in relation to it, did not emerge in a vacuum. Rather, they are a contextual expression of a wider trans-exclusionary political climate with international dimensions’.

The arguments used in the US against transgender emancipation – especially in terms of bathroom usage – have been imported lock-stock into UK anti-trans discourses. This is despite seemingly swimming against the current of public opinion. For example, the 2020 iteration of the British Social Attitudes Survey found that over ‘four-fifths of the population (83%) state they are “not prejudiced at all” toward transgender people, compared with just 15% who describe themselves as “very” or “a little” prejudiced’ (Albakri et al. 2020:14). Although anti-trans feminism comprises a small part of mainstream feminism, ‘it has become increasingly vocal in recent years, buoyed by support from some feminists with high media profiles’ (Hines 2020:712). Some GC lobby groups have been able to cultivate their own high profile media image ‘in the UK and have linked with international organizations such as the US group “Hands Across the Aisle” ’ (Hines 2020:707). Despite being small in number and unrepresentative of the population at large – and despite complaining vociferously that they are being “cancelled” – GC lobbying has been able to advance a blatantly hostile agenda toward trans people, especially those who are transwomen.

This is most evident in terms of sexual crimes. As noted above, many UK lobby groups believe that transwomen will never be “women”. To confirm this point, they import the arguments made by US evangelicals and conservatives about the alleged risks that transwomen pose. They argue that transwomen should not to be permitted into single-sex spaces – even though they already can access them under UK law – because the experience of rape has become ‘capital, mobilized by trans-exclusionary feminists

alongside a construction of trans women as predatory, dangerous and essentially male' (Phipps 2016:311). In other words, 'trans-exclusionary feminism generates outrage through constructing all trans women as dangerous in response to isolated incidents' (Phipps 2020:Loc.1276). As a result, the 'effect of this is to repackage trans equality itself as predation: trans women's demands to be recognized as women are reinterpreted as invasion and sexual threat' (Phipps 2020:1277). It is astonishing that a minority group is allowed to be traduced in this way. Yet powerful Gender Critical people in the UK are allowed to cast aspersions about the trans community in newspaper columns, on national television and radio, and to their legions of followers on social media, all under the guise of raising "reasonable concerns" and "just asking questions". They also find support within both houses of parliament.

The cloak of free speech

Effectively accusing an entire group of potentially being sexual predators – an accusation of being guilty until proven innocent – is not the sort of behavior that one might expect to be tolerated in the UK. It is not only tolerated, however; it is seemingly encouraged. It has resulted in a position where: 'Public safety, free speech, trans children: everything is up for debate, which is now seen as an end in itself – even if "debate" simply boils down to questioning the authenticity and rights of trans people' (Fae 2018:203). At the same time, whenever trans people push back against the more lurid allegations made against them, they 'are accused of silencing debate. The reality is quite the opposite: by denying them a platform, mainstream press silences trans voices—and by seeking a spurious balance, in which experts are rebutted by non-experts, they undermine real debate' (Fae 2018:203). The viewing audience may be unaware, but when transwomen are given a platform to respond to allegations being made about them, they are often platformed with the very same groups who are making the allegations in the first instance. These are the very same groups who deny that transwomen are real women. And what usually follows is a debate where the transwoman has to justify her existence to an audience and against someone who is calm and collected, raising "reasonable concerns", and "just asking questions".

It is difficult to fully unpack what is going on, here, but a body of research developed in response to incidents of terrorism can help to explain what is happening. A specific issue that was identified after 9/11 was that of "radicalisation"; a process whereby young Muslim men would be radicalized into taking violent action against Western targets. The UK government has poured resources into understanding, and countering, radicalization, not least since the attacks of 7 July 2005. Unfortunately, the concept of radicalization has not been fully grasped by successive governments, as there is more to the process than an end-outcome of violent extremism. Whilst it is true that many definitions of radicalization include violence (Doosje et al. 2016:79, Maskaliūnaitė 2015:14), this sort of definition risks omitting 'important literature on nonviolent forms of radicalization, which – depending on one's definition of the term – should be part of any survey on the issue' (Neumann and Kleinmann 2013:365). Definitions of radicalization might therefore include the 'use of (nonviolent) pressure and coercion' (Schmid 2013:18). It is only when we recognize that radicalization can involve the pressuring

and coercion of a group that we can fully understand what is taking place. Through having their agendas accepted uncritically and platformed by the media, these GC lobby groups have been able to pressurize the trans community into defending themselves against “reasonable concerns” allegations that they may be sexual predators. Irrespective of validity, these allegations have now been pumped into the wider public bloodstream. Meanwhile, GC groups continue to lobby against amendments to the GRA, and are also campaigning against existing rights that trans people enjoy.

That allegations of this type – the type designed to radicalize the public against trans rights – should go uncontested would ordinarily be puzzling. But again, a careful reading of the radicalization literature can clarify why this has been allowed. As Marc Sageman reminds us, the concept of radicalization has two meanings: ‘One involves the acquisition of extreme ideas, or cognitive radicalization, and the other refers to the turn to violence, or behavioral radicalization, allegedly based on these extreme ideas’ (Sageman 2017:89). In Anglo-Saxon countries like the US and UK, the authorities are less concerned about cognitive radicalization than they are behavioral, as the former can be fought out in the “battle of ideas” but the latter results in violence. Hence, Anglo-Saxon countries believe cognitive radicalization is legitimate and to be tolerated. The ‘most obvious source of the Anglo-Saxon approach is a passionate belief in freedom of speech, which – in the United States – is first among the constitution’s amendments’ (Neumann 2013:886). Yet as Jonathan Githens-Mazer reminds us, there is a power dynamic at play, with the authorities viewing radicalism or radicalization as ‘good or bad’ (Githens-Mazer 2012:557). “Good” radicalism/radicalization is ‘valued’, whereas “bad” radicalism/radicalization is viewed as ‘risky’ (Githens-Mazer 2012:557). This judgment is ‘however, subjective, decided not so much by a wider society, but by those with their hands on the tiller of the status quo – the elites who control what is deemed “normal” practice and to whom many of the challenges are directly addressed’ (Githens-Mazer 2012:557). Given that trans people are having their futures (if not their right to exist) debated in this “battle of ideas”, and given that this has – as yet – not resulted in organized political violence against trans people, it seems that the UK authorities are more than willing to turn a blind eye to their fate and to accept the views of the GCs as being ‘good radicalism’.

Conclusions

The debate about trans rights in the UK is currently toxic, but it would be disingenuous to “both-sides” why this situation has arisen. A determined group of people have taken their cues from fellow-thinkers in the United States to lobby for the GRA not to be positively reformed for trans people, but to actively make life more difficult for them by denying them rights they currently enjoy and have been practicing for years. These groups have used their influence in the media to push with impunity a narrative that transwomen are not safe and should not be allowed to use female facilities. They have pushed a narrative of “raising reasonable concerns” and just “asking questions”, but the reality is that they have helped to demonize an already vulnerable minority. So far the “debate” – a debate few trans people want to have – has taken place in the cognitive as opposed to the behavioral realm, and as a consequence has been met with ambivalence

by the authorities. But events in the US Capitol on 6 January 2021 should serve as a warning. The demonization of a group may not always remain a nonviolent pastime. A group of people infused by conspiracies disseminated in the media over a period of time need not stay cognitively radicalized. Sometimes they become behaviorally radicalized and turn violent. That should worry any sentient person observing the present UK debate on transgender rights.

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Notes on contributor

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