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Sex wars and (trans) gender panics: Identity and body politics in contemporary UK feminism

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Abstract

This article considers how sex and gender – as conceptual categories and as a lived experience – are subject to contestation and renegotiation in the contemporary UK. Exploring gendered shifts through the lenses of identity and embodiment, the article captures key moments where certainties have been undone within feminist and transgender thought and activism. Yet such fissures resound with calls for a return to traditional understandings of the sexed body. The article pays particular attention to debates within feminism around transgender issues, and sketches out a climate of transgender moral panic whereby conservative thinkers and some feminist activists are joining forces with the aim of resurrecting gender binaries.

Keywords

body politics, feminism, sex/gender, trans feminism, womanhood

Introduction

In 2017 the UK government announced that it would undertake a review of the 2004 Gender Recognition Act (GRA). The GRA had been significant in enabling trans people to change their birth certificates to their acquired gender without the requirement of surgical interventions. The Act also made it possible for trans people to marry after doing so. These were key rights that, prior to 2004, had been denied. The GRA was, at the time, an important piece of legislation, although its limitations were always evident. First, the GRA did not recognise people who fell outside, or between, the binary categories of male or female. Second, it granted only heterosexual people the right to marry. Third, although the Act did not insist on surgery, the criterion for gender recognition involved a long and overly bureaucratic process that was dependent upon the consent of medical practitioners

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and psychologists. Many trans rights and allied groups argued that these restrictions and demands were outdated and should be revoked (see Hines, 2013).

On embarking on the legal review process in 2018, the UK government opened a public consultation on the law as it stood, wherein a key question concerned the right to self-identify when applying for gender recognition. Campaigning organisations argued that this would make the recognition process simpler, faster and would, importantly, untangle recognition from a problematic history of medical pathologisation whereby trans people had to accept a diagnosis of mental illness before being recognised in their acquired gender.

As this article will address, proposals for self-identification have proved highly contentious within some sections of feminism – serving to open old wounds in debates around feminism and trans people. Since the mid-2000s, deliberations within feminism around trans lives have intensified to the degree that such contestations currently represent polarised positions. This article speaks to, and seeks to go beyond, these fissures. At the heart of current debates lie divergent understandings of the ontology of the categories of ‘sex’ and ‘gender’ and conflicting understandings of their relationship. Accordingly, the article begins by considering the meanings of sex and gender within a historical context: exploring theories of sex variation and attending to the construction of a sex/gender binary within 19th century European thought.

Differing ontological frameworks have persisted and, as the article moves on to address, have deeply impacted upon the epistemology of ‘woman’ within feminist theory and politics. Further, as the article explores, questions around the definition of ‘sex’, both in relation to womanhood and more widely, are at the heart of these tensions. The article subsequently examines these issues within, and beyond, second wave feminist thought and activism. It then turns to examine recent social, cultural and legal change in the UK, which provides the backdrop to current feminist disputes. Here the article pays particular attention to the ways in which battle lines have been drawn – and shattered – around bodies and identities within what have become marked as ‘gender critical’ and ‘trans inclusive’ feminist positions.

With the aim of thinking beyond the current trenchant nature of UK debate, the last part of the article sets out issues of commonality between feminist and trans politics, paying particular attention to politics of the body. In conclusion I argue for a reconsideration of feminist understandings of sex and gender in order to fully unite trans and feminist projects.

Historicising sex and gender categories

The ways in which the categories of sex and gender have been understood have never been consistent. The work of sexual historians thus explores multiple ways in which the human body has been comprehended in the ‘West’ from the time of ancient Greece through to 19th century Europe (Foucault, 1976). Anthropological research also indicates great historical divergence in understandings of the constitution of ‘male’ and ‘female’ across time and culture (Dyble et al., 2015; Kuhn & Stiner, 2006). Others have applied a global and post-colonial perspective to trace the ways in which Western thought has long privileged biology as an explanatory framework for difference and power: ‘the

idea that biology is destiny – or, better still, destiny is biology has been a staple of Western thought for centuries’ (Oyèwùmí, 1997, p. 1). Work on gender diversity within a global context, such as that by Kai Pyle (2018) on Two Spirit people or Poiva Junior Ashleigh Feu’u (2017) on Fa’afafine cultures is important too in moving beyond a Western-centric discourse of transgender (see also Kulick, 1998).

Drawing on these bodies of scholarship enables the argument to be forwarded that rather than biology, it is social, cultural, political and economic factors that bring into being distinct ways of understanding sex, gender and their relationship.

During the 19th century, sexology – the scientific study of sex – came to dominate European understandings of human behaviour. Sex difference was positioned as biologically driven and considered constitutive of human behaviour: bodily difference became absolute. From this perspective, the bodily differences of men and women not only set them apart physically, they determined disparities in personality trait, behavioural characteristic and social role. Uppermost to a model of sex dimorphism was reproduction. The capacity of a woman to gestate – and of a man to impregnate – became the foundation of 19th century formulations of what men and women *were*. Thus, the essence of gender – of being a man or a woman – was tied to reproductive function. Feminist writers have produced a huge body of work on the ways in which women were essentially tied to their bodies in 19th century scientific thought and have created rich and varied accounts of the damages wrought on women’s lives by these biological models (Ahmed, 2000; Alcoff, 2006; Butler, 1990; de Beauvoir, 1953; Firestone, 1970; Grosz, 1994; Lorde, 1984; Rich, 1979; Scott, 1992; Young, 1980/2005). Additionally, masculinity theorists have written of the limitations this framework has placed on men’s self-expectations, experiences and emotional lives (Connell, 2005; Kimell & Messner, 2010; Nayak, 2006; Pascoe, 2011). More recently, scholars are recognising the confines of binary gender categorisation, especially for those who live beyond or between the categories of male or female (Barker & Iantaffi, 2019; Bornstein, 1994; Richards et al., 2017).

Central to the formulation of sexed and gendered difference was a binary model wherein male and female were polarised. Commonalities between men and women were negated as dissimilarities were underscored. Further – and crucially – variations between the binaries of male and female became pathologised. Yet such pathologisation could not be possible without recognition of bodies – and experiences – that were beyond the binary. Thus, throughout the 19th century, bodies and identities that lay across or outside of the male/female binary became visible. Here we arrive at the work of sexologists Magnus Hirschfeld (1910) and Havelock Ellis (1915), who developed understandings of gender diversity in which gender and sexuality came to be seen as distinct.

Prior to this, gender diversity had been understood within European sexology through the same framework as homosexuality – as an inferior imitation of heterosexuality emerging from biological error. This shifted as cross-gender identification began to be articulated as a distinct ‘condition’ and incorporated in what Michel Foucault (1976) described as the medicalisation of the ‘peculiar’. The term ‘transvestite’ developed out of Hirschfeld’s study ‘Tranvestites’ in which he defined cross-dressing as ‘the impulse to assume the external garb of a sex which is not apparently that of the subject as indicated by the sexual organ’ (1910, p. 13). Here we see, for the first time in European sexological thought, the conceptualisation of gendered behaviour as separate from sexuality.

Moreover, the possibilities that gender identity could be distinct from genital appearance emerged. Similarly, Ellis (1915) wrote against the prevalence of collapsing same-sex desire and gender diverse practices.

What was termed ‘cross-dressing’ became separated from the desire to ‘live’ as the sex that was not ascribed at birth – most notably through American sexological work by Harry Benjamin (1966), Robert Stoller (1968) and John Money and Anke Ehrhardt (1972). The divergent terms ‘transvestism’ and ‘transsexualism’ were so coined. Central to these developments was the notion that transsexual people were born into the ‘wrong body’. Surgical procedures, which had been developing throughout this time and were increasingly available, were positioned as the appropriate ‘treatment’ to the wrong body condition. What was then known as ‘sex change’ surgery was proffered to bring the body into alignment with identity (Hines, 2007). My point here is not to suggest that gender diversity became de-pathologised through this later sexological work; indeed, pathology was key. Rather, the source of pathology changed – from a defect of sexuality to one of sex. Moreover, during this time an understanding emerged of the possibility that the sexed body may be distinct from how a person presented, or felt, their gender.

Woman and the feminist subject

Conceptualisations of the differences between sex – as biological – and gender – as cultural – were crucial to second wave feminist thought. The sex/gender binary thus became principal. Through the 1960s and 1970s studies of gender – as separate from sex – materialised through feminist work. Gender, it was stressed, was a social category, which was imposed and internalised across multiple sites – the family, education, work, the media, politics, health and medicine, consumerism – with the effect of limiting women’s experiences and reducing power. As Florence Binard reflects, through the British Women’s Liberation Movement (BWLM): ‘women became aware that their subordinate position to men was not determined by so-called natural traits but mostly due to conditioning through unequal social structures’ (Binard, 2017, p. 3). She continues:

They were realising that there are no fundamental differences between the sexes bar those concerned with reproduction and this growing awareness that the ‘feminine destiny’ was a myth led them to question their positions on both political and personal grounds. The BWLM was a national movement that gathered its strength from its grassroots at local level, through the creation and existence of thousands of women’s groups throughout the country. It was characterised by a myriad different type of public actions led by women that ranged from demonstrations, protest marches, strikes to music festivals, artistic events or drama performances; from workshops to conferences, that were heavily publicised and analysed thanks to a flourishing multifaceted feminist press. (Binard, 2017, p. 3)

What became known as ‘anti-essentialism’ importantly untied gender from biological characteristics. Yet, although the biological basis of ‘gender’ was seriously disrupted through these interventions, the biological premise of ‘sex’ remained fixed within much feminist thought; as reflected in Anne Oakley’s distinction of sex and gender at the time:

'Sex' is a word that refers to the biological differences between male and female: the visible difference in genitalia, the related difference in procreative function. 'Gender' however is a matter of culture: it refers to the social classification into 'masculine' and 'feminine.' (Oakley, 1972, pp. 21–22)

Indeed, the understanding of gender as culturally constructed appeared through a binary model wherein the biological basis of sex was reinforced. As subsequent discussions in this article will address, the argument that sex arrives from biology has haunted feminist politics around trans issues in the 21st century.

As 'woman' was untied from biology, she became rooted in culture; as Simone de Beauvoir (1953, p. 283) famously insisted: 'One is not born, but rather becomes a woman'. A woman, then, was someone who had been socialised from birth into the restrictive structures of patriarchy and had endured subsequent oppressive life-experience. Later, feminist scholar and anthropologist Gayle Rubin explicitly articulated a framework in which sex and gender were distinct. In Rubin's work, the 'sex/gender system' marked 'a set of arrangements by which the biological raw material of human sex and procreation is shaped by human, social intervention' (1975, p. 165).

Rubin's distinction between sex and gender became the cornerstone of second wave feminism, though that is not to say that sex remained de-politicised. American radical feminist writer Shulamith Firestone (1970), for example, argued that women's oppression arose from their reproductive capacity and positioned reproductive technologies as a feminist utopia that would free women from the burdens of pregnancy. While in the UK socialist feminism emerged as the dominant feminist framework, reproduction was also central. Here concerns about reproduction were around the medicalisation of childbirth, the lack of childcare provided by the state, and the unwillingness of male partners to carry out childcare and domestic labour. The inequalities brought by reproduction, a socialist feminist school of thought also maintained, were the remnant of unenlightened thought that tied women to their biology. Equality in social and intimate spheres, and the development of law and policy to better support women in the public sphere were stressed as the way forward. Yet feminist understanding that sex, as well as gender, was culturally shaped soon began to emerge. French feminist theorist Christine Delphy (1984) was a forerunner in a feminist rethinking of sex – and its relationship to gender. Delphy questioned what lay at the crux of the sex/gender binary – the presumption that gender arises from the natural essence that is sex:

We have continued to think of gender in terms of sex: to see it as a social dichotomy determined by a natural dichotomy. We now see gender as the content with sex as the container. . . . the container is considered to be invariable because it is part of nature, and nature 'does not change'. (Delphy, 1984, p. 52)

For Delphy, this model represented upturned thought. Instead, Delphy theorised sex as coming from gender: sexed differences are read through gender, not the other way around. As Diane Richardson explains, 'without the concept of gender we could not make sense of bodies as differently sexed' (2015, p. 210). This, Delphy suggested, creates a paradox for feminism:

Feminists seem to want to abolish hierarchy and even sex roles, but not difference itself. They want to abolish the contents but not the container. They all want to keep some elements of gender. Some want to keep more, others less, but at the very least they want to maintain the classification. Very few indeed are happy to contemplate there being simply anatomical sexual differences which are not given any social significance or symbolic value. (Delphy, 1984, p. 52)

As feminist theory entered the 1990s, more scholars joined Delphy in her task to eradicate the container as well as spilling its contents. Judith Butler's work thus explored sex, not just gender, as a socially constructed concept:

When the constructed status of gender is theorized 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. (Butler, 1990, p. 6)

Subsequently – and critically – Western feminist understandings of the categories of gender and sex as distinct enabled the recognition that gender was not binary. As the sex/gender binary was disturbed so too was the binary of male/female, leading to the acknowledgement of gender as potentially plural and allowing for gender expressions that were non-binary. Genders were thus made visible in feminist thought. Elsewhere in the world, though, the variation of sex was not a novel idea and there is, as discussed, much historical and anthropological work that indicates the variable characteristics of sex, which takes account of intersex conditions as well as the many distinct conceptualisations and practices of sex and gender in non-Western cultures. Foucault's work (1976), in particular, has been instrumental in exploring how bodies come into being through historical processes. His notion of 'bio-power', whereby bodies are subjugated and regulated by modern nation-states, was taken up by feminist scholars to theorise the social control of women's bodies (Butler, 1990; Grosz, 1994). In their work on intersex, scholars such as Katherine O'Donovan (1985), Alice Dreger (2000) and Anne Fausto-Sterling (2000) have provided an explicit illustration of bio-power; bringing to light the ways in which medical intervention on babies with ambiguously sexed bodies are *made* male or female. This body of work is also important in illustrating how medical discourse and practice has fluctuated with regard to characterising sex. Thus:

. . . what biological 'facts' determine sex have been the subject of much debate. Chromosomes, hormones, gonads (ovaries/testes), internal reproductive structures and genitalia have variously been seen as the basis for defining a person's sex. For instance, studies of medical responses to 'doubtful sex' – people who in the past were often referred to as third sex or hermaphrodites or more commonly nowadays intersex – suggest that definitions of what constitutes the male and the female body have changed. (Richardson, 2015, p. 210)

Steven Rose's (1998) analysis of the development of the mind–body dichotomy as it emerged through Enlightenment thinking is relevant here. As the body became tied to biology, Rose suggests, biology became separated from the social. Accompanying the male/female binary, then, from this reading, the sex/gender binary is a product of a specific historical time and circumstance. In countering sex/gender as an eternal or natural

fact was also the vibrant work of feminist socio-biologists such as Myra Hird (2002) and Joan Roughgarden (2004), who documented the sexed variation of the natural and animal world to insist on the naturalness of diversity itself – including that of the human. Moreover, much important work has pointed to the ways in which the sex/gender binary model was constructed as a part of a colonial project. Tom Boellstorff et al. (2014) thus argue for ‘decolonising transgender’ by centring the gendered histories, identities, languages and understandings of indigenous peoples and people of colour. From a decolonial perspective, the category of transgender itself is a product of white colonial rule in which local understandings and practices of gender diversity were disappeared. A project of trans decolonisation thus starts with a critique of Western and white gender theory and seeks to explore the impact that colonialism, racism and whiteness have had on the gendered understandings and practices of indigenous peoples and people of colour (see Binahohan, 2014).

None of this is to argue that the body – or sex – does not matter. As feminist thought and politics have undeniably argued, the gendering of bodies means that women are subject to discrimination because of, and through, their bodies in ways that men are not. The contention, then, is not around whether the sexed body is material. The question in point surrounds the material nuances of the sexed body: an issue that became more vital – and increasingly vexed – as feminism turned its attention to transgender matters.

Trans visibility and the ghost of sex

Much has been written about the strain of feminism that has become known as ‘trans exclusionary radical feminism’, by scholars such as Carol Riddell (1996), Sandy Stone (1991) and Julia Serano (2007, 2013). I also have written widely on the relationship between feminism and trans issues (Hines, 2005, 2007, 2019). Here I do not wish to return to a prolonged discussion of the arguments and political cultures of those second wave feminists who positioned trans perspectives as inherently un-feminist (Jeffreys, 1997; Raymond, 1979). Suffice to say, that this argument rests on a rigid reading of the sex/gender binary and an essentialist understanding of ‘woman’ (and man) as one who was identified as such at birth on the basis of genital observation. Hence in Raymond’s inversion of de Beauvoir, one does not become, but is born a woman.

Trans writers lucidly articulated the harms and exclusions experienced through the tying of gender to an essentialist understanding of sex (Feinberg, 1996; Halberstam, 1998; Riddell, 1996; H. Rubin, 1996; Stone, 1991; Stryker, 1998), and both trans and gender studies scholars carefully troubled a reductive reading of sex, gender and sexuality (Butler, 1990; Grosz, 1994; Hollibaugh, 1989; Rubin, 1989; Vance, 1989). What is more, feminist writers and, later queer scholars, continued to write against a singular feminist ontological position of the sex/gender binary. Monique Wittig (1980/2003), for example, positioned the categories of man and woman as political, rather than distinct essentialist, categories. Jane Flax (1987) and Cressida Heyes (2000) articulated an increasingly plural feminism; enunciating the impossibilities of speaking for ‘woman’, as such a unified subject position does not exist. In thinking back to this feminist literature, the necessity of examining the conditions under which the sex/gender distinction has become fiercely reinstated in recent years in UK feminism becomes clear.

The new millennium instigated unprecedented awareness of trans people in social and cultural spheres in the UK (Hines, 2007). Cultural fascination with the lives and, above all, the bodies of trans people has continued unabated. Alongside a social and cultural turn to trans (Hines, 2007), trans rights were put on the legal and political agenda. Following prolonged lobbying from trans rights organisations, the 2004 Gender Recognition Act (GRA 2004) enabled trans people over the age of 18, who were not in a pre-transition marriage and who identified as male or female, to change their birth certificates to reflect their acquired gender. The Act was ground-breaking in that it was the first gender recognition law in the world that did not require sterilisation (see Honkasalo, 2018). Yet many trans people were excluded from this new framework of rights: notably non-binary people, young trans people and people who remained married to their partners from before their transition. Subsequent lobbying around these gaps led to a widespread government consultation on the GRA, which has indicated the ways in which the current law is unfit for purpose. In particular, the lengthy and complicated process currently required to register for a 'gender recognition certificate', which is needed before changes in documentation (gender recognition) can be processed, is untenable. Legal administrative changes to shorten and simplify the process have thus been proposed. A model of self-identification or self-declaration, which decentres the involvement of medical practitioners and psychiatrists, has been projected in order to streamline the recognition process. Such a move can be contextualised within international campaigns for self-determination law and will bring the UK legal process in accordance with processes in many other countries across Europe and the globe, including Argentina, Malta, Norway, Pakistan and Uruguay, all of which inscribe self-identity into gender identity law.

While finding favour with trans rights organisations and proving unproblematic for most feminists, over the past five years there has emerged a vehement backlash against the proposed changes to the GRA from a minority of feminist groups who argue that self-declaration of gender will reduce the safety and well-being of cis¹ women. At the hub of this battle is the sex/gender binary wherein 'sex' is reinstated as the primary source of women's oppression in order to agitate against trans rights. More so, reproductive function has gained primacy as the fundamental site of women's disadvantage.

Amidst the UK government's consultation on the GRA, the feminist organisation 'A Woman's Place UK' (WPUK) formed in 2017. The primary goal of WPUK is to agitate against self-declaration of gender within recognition processes. Such a move, it is argued, would open women's spaces, such as toilets, changing rooms and crisis centres, to men. Consequently, their guidance on the GRA consultation, states:

We believe that a change to self-identification is likely to threaten the rights of women and girls, as well as those with other protected characteristics, and that the government must consider carefully the impact of these changes before attempting to bring them into law. (Women's Place UK, 2020)

WPUK and affiliated organisations have organised meetings across the UK at which speakers have directly positioned trans women as a potential threat to 'women'. A key rhetorical tactic here is the intentional mis-gendering of trans women. At one meeting, for example, a speaker's presentation consisted of slides of photographs of UK trans

women whose appearances were mocked as they were talked of with male pronouns: the message being that these were not women, but men ‘pretending’ to be women. As I have previously suggested (Hines, 2019), the notion of ‘deception’ is central to feminist denouncements of transgender people. In turn, this links to media-propelled cases of ‘gender fraud’ where people have been tried and/or convicted of concealing their gender histories from their sexual partners (see Sharpe, 2018; Whittle, 2013). For Elisabeth Grosz, in such instances, the law does not seek ‘to protect sexual autonomy against fraudulent solicitation of sex, but rather to protect gender norms and compulsory heterosexuality’ (2010, p. 96). The gender fraud argument also fuels current provocations against lesbian trans women from some sections of lesbian and/or feminist groups. At London’s 2018 Pride march, for example, a group of women positioned themselves at the front of the parade with banners calling for the ‘T’ (trans) to be removed from the LGBT acronym. Correspondingly, the group ‘Get the L out’ have organised a number of events at which the lesbian identities of trans women have been refuted. As journalist Gemma Stone (2019) has recently documented, their presence has become usual at Pride events across the UK and internationally.

Though small in number and with much opposition from the majority of members of feminist and LGBT communities, anti-trans feminist groups have had a high media profile in the UK and have linked with international organisations such as the US group ‘Hands Across the Aisle’. Under the tagline ‘gender is the problem not the solution’, Hands Across the Aisle’s website declares that:

For the first time, women from across the political spectrum have come together to challenge the notion that gender is the same as sex. We are radical feminists, lesbians, Christians and conservatives that are tabling our ideological differences to stand in solidarity against gender identity legislation, which we have come to recognise as the erasure of our own hard-won civil rights. As the Hands Across the Aisle Coalition, we are committed to working together, rising above our differences, and leveraging our collective resources to oppose gender identity ideology. (Hands Across the Aisle, 2020)

The irony of feminist groups aligning themselves with the US Christian right who have activated so rigorously against women’s reproductive rights is clearly astounding. It is important to reiterate that this is a minority feminist position, yet it is one that shows no sign of abating. At the time of writing, for example, a group led by academics Sheila Jeffreys and Heather Brunskell-Evans have produced a ‘Declaration of Women’s Sex-Based Rights’, which seeks to:

... re-affirm that women’s human rights are based upon sex. It argues that these rights are being eroded by the promotion of ‘gender identity’, and that the inclusion of men who claim to be women in the category ‘women’ undermines the whole notion and practice of women’s rights as human rights. (Womensgrid, 2020)

In recent years, then, UK organisations have sought to isolate sex from gender, placing it as the apex of what makes a woman. From this perspective, sex is tightly defined by genitals, reproductive organs, and chromosomal and hormonal make-up, while gender is characterised as identity. While the latter is (sometimes) granted the possibility of fluidity, sex,

it is argued, is only ever binary – male/female. Though gender may be subject to change, sex is fixed: a trans woman may ‘identify as’ a woman but she will never *be* a woman since sex-as-natural-biology is the defining component of womanhood. Behind the superficiality of gender lies the substance of sex. We are, then, back to Raymond’s (1979) argument that trans women are, essentially, men. The argument then follows that trans women are a potential danger to ‘real’ women, especially in the context of sex-segregated spaces: a man may appear as a woman in order to access women’s toilets or changing rooms with the intention of committing sexually abusive acts. This claim is forwarded as a rallying cry against proposed changes to the GRA despite lack of evidence of such occurrences in countries where legal self-declaration of gender recognition is already in place.

Reducing womanhood to reproductive capacity and role undoes decades of feminist work that has sought to upturn conservative thought that relegates gender role to sex. Further, the positioning of sex as the source of oppression presumes a universal characteristic of womanhood in which all cis women are disadvantaged in the same way. Work by feminists of colour, disabled, lesbian and bisexual, working class and trans feminists has provided rich analysis of the intersecting facets of women’s oppression, pointing to the ways in which minority women are discounted for within dominant feminist frameworks that offer a narrow definition of what a woman – and thus a feminist subject – is (white, able bodied, heterosexual, middle class and cisgender). Universal accounts of womanhood have thus been subject to important critique at political and conceptual levels.

There is, then, nothing new in the policing of ‘woman’ to limit feminist political membership – as acutely illustrated by black feminist activist Sojourner Truth’s rhetorical question: ‘Ain’t I a woman?’ in her speech to white suffrage campaigners at a women’s rally in Ohio in 1851. As I have argued elsewhere (Hines, 2007), conflicts around the category woman have consistently beset feminist thought and activism. Current attempts to exclude trans women from feminism could be seen simply as the latest instance within a very long tradition wherein dominant women seek to, literally, construct feminism in their own image. Yet, as the article moves on to explore, the binary articulation of sex in order to serve an exclusionary agenda is scientifically, as well as politically, untenable.

The diversity of sex

There are clearly considerable variations in both the genitalia and the reproductive organs of people placed within the expansive categories of male and female: some men are born without testicles and some women without a uterus; some men do not produce sperm as some women do not produce eggs; genitalia and reproductive organs can change throughout a man or woman’s life due to injury or surgery. There are also significant diversities in the hormonal and chromosomal make-up of men and women. In her book *Myths of Sex, Science and Society*, neuroscientist Cordelia Fine challenges understandings of sex that are based on hormonal difference: what she terms that ‘familiar, plausible, pervasive and powerful story’ (2017). In her narration of ‘Testosterone Rex’, Fine pays particular attention to myths around testosterone. Though ‘Testosterone Rex’ appears to be ‘undefeatable’, Fine shows how, to the contrary, the ‘sexual natural order’ is diverse and malleable (2017). There are, she argues, more similarities in the biological make-up of men and women than differences. Work on intersex by scholars

such as Fausto-Sterling (1985, 1993, 2000, 2019) and Kessler (1998) also configures sex outside a binary – in this instance bringing to light the diversity of chromosomal make-up. As Morgan Carpenter argues:

Intersex people and bodies have been considered incapable of integration into society. Medical interventions on often healthy bodies remain the norm, addressing perceived familial and cultural demands, despite concerns about necessity, outcomes, conduct and consent. (Carpenter, 2016, p. 74)

Though Western culture is, as Fausto-Sterling says, ‘deeply committed to the idea that there are only two sexes’ (1993, p. 23) there are many human chromosomal combinations other than XX (typically used to denote female) and XY (typically used to denote male): ‘biologically speaking, there are many gradations running from female to male; and depending on how one calls the shots, one can argue that along that spectrum lie at least five sexes – and perhaps even more’ (Fausto-Sterling, 1993, p. 23). Further, ‘each of those categories is in itself complex; the percentage of male and female characteristics, for instance, can vary enormously among members of the same subgroup’ (1993, p. 23). In her most recent work, Anne Fausto-Sterling thus proposes an orthogonal model, which ‘intertwines sex, gender, orientation, bodies, and cultures without a demand to choose one over the other’ (Fausto-Sterling, 2019, p. 529).

As gender verification in Olympic sports shows, attempts to fit biological, hormonal and chromosomal diversity into a binary model are frequently unsuccessful (see Erikainen, 2020). As bone researcher Alexandra Kralick has argued, many athletes are let down by attempts to ‘draw a hard line between the sexes’, a practice, which, for Kralick, ‘represents a fundamental misunderstanding about the nature of biological sex. Science keeps showing us that sex also doesn’t fit in a binary, whether it be determined by genitals, chromosomes, hormones, or bones’ (2017). Attempts to define ‘woman’ on the bases of biology or genetics, then, raises a range of sticky questions for the rights of trans, cis, and/or intersex women; as Ruth Pearce asks:

If we are to define womanhood on the basis of genetics, how can we account for intersex conditions such as androgen insensitivity syndrome, which mean that some people born with XY chromosomes have ‘female’ genitalia and secondary sexual characteristics? If we are to define womanhood on the basis of an ability to conceive, carry a pregnancy, give birth and breastfeed a child, how are we to account for hysterectomy, mastectomy, sterility, women born without wombs? How, moreover, are we to account for a woman’s right *not* to be defined by her reproductive capacity? (Pearce, 2019, p. 22, emphasis in original)

There is, therefore, much evidence to counter binary readings of sex, which indicates the fault-lines of sexual dimorphism, or what Ruth Hubbard critiques as the ‘astonishingly weak empirical foundations on which the medical orthodoxies of binary sex and gender are built’ (1998, p. 198). The reduction of gender to sex within some strains of feminism is thus scientifically as well as politically problematic. To return to Pearce:

This argument assumes that there is something essential and inherent about a ‘woman’s body’, that can be shared by cis women (individuals assigned female at birth who do not reject this

assignment) but not trans women. It moreover posits that there is something universal about the shared social experiences of cis women that trans women cannot share, thereby positioning the 'social construction' of womanhood as a deterministic form of socialisation rather than evidence of gender's artifice and malleability. (Pearce, 2019, p. 21)

Further still, campaigns to exclude trans women from gender segregated spaces on the basis of natural difference rest upon an alarmingly simple premise that such bodily distinctions can be easily noted. Critical – and deeply ethical – questions also become apparent when considering how for example, through genital examination or chromosome tests – such sex monitoring may be conducted. Aside from the impossible task of simplifying the dynamism of human bodies, questions around how, and by whom, gendered bodies could be observed, certified and regulated in public spaces are starkly pertinent.

The paradoxes and problematics of using 'sex' to articulate bodies are thus profound. Almost 30 years ago Catherine MacKinnon (1991) pointed to the interchangeable use of sex and gender and, in following decades, the language of sex to denote bodily difference has become increasingly redundant. Thus, the terms sex and gender have become transposable in everyday speech as well as in the language of policy and law. As Sandland (2005) has indicated, the terms are used interchangeably in the GRA itself, while, ironically, the International Olympic Committee now speak of 'gender' and not 'sex' verification practices.

A concerted linguistic move from sex to gender would not only be significant in ironing out vernacular inconsistencies. More importantly, it would offer a more successful model through which to account for the complexities of bodies and identities; a project that must be uppermost for feminism if it is remain vital for current and future times. Key to this is the dual task of productively accounting for difference and articulating modes of commonality. With this in mind, the article moves on to explore key overlapping concerns within trans and feminist politics, paying particular attention to the issue of bodily autonomy.

Tracing common ground

The body has long been a key feminist issue. Within second wave feminism the body was central to the notion that the 'personal is political' and explicit in two of the eight demands of the Women's Liberation Movement in the 1970s: free contraception and abortion on demand, and an end to all discrimination against lesbians and a woman's right to define her own sexuality. These demands motivated a number of feminist rights-based claims surrounding, for example, reproductive choice and sexual agency, autonomy around child-birth and sexual health, the fostering of positive body image and improving cultural representations of women's bodies and sexualities. Feminist campaigns around these issues have led directly to changes in law, for example, around the availability of contraception and access to abortion, legislating against sexual harassment, and improving media standards; while improving women's control around how and where to give birth, and increasing input into issues concerning health and well-being. In each instance, self-determination around how the body is understood, portrayed and treated is held as a primary source of women's ability to lead better lives. The body, then, becomes a basis for liberation.

For trans women, too, the body is deeply political. Trans women, and especially trans women of colour, endure extremely high levels of sexual violence and domestic abuse, in addition to sexualisation and objectification in the media – represented as both a subject of fear and of fascination. Moreover, many countries across the globe still compel trans people to undergo surgical interventions prior to recognition, with 16 countries in Europe and Central Asia alone maintaining sterilisation requirements (Transgender Europe, 2019): a practice that the United Nations cite as a human rights violation. Thus, issues around the recognition of, and the rights afforded to, gendered bodies have remained constant campaigning issues for trans movements since their inception in the 1970s. Indeed, here, the right to embodiment is the political motivator. Concerns around medical practice and health care are paramount to trans rights movements (see Davy, 2011; Pearce, 2018; Vincent, 2018), and issues of gendered violence and sexual harassment remain increasingly important. Further, the representation of trans bodies, particularly in the media, is an important campaigning issue. Reflecting on how issues of bodily autonomy are crucial for both cis and trans women at the levels of the individual, social and political confirms the inclusive temperament of ‘woman’; indicating further the errors of trans-exclusionary feminism. At this juncture it is important to turn to work that has explicitly addressed the interconnections of trans and feminist projects.

Jacob Hale’s (1996) consideration of the potential for both distinct and connected characteristics of women is productive for the development of inclusive feminism. Hale points to the specific qualities that are taken to denote ‘woman’, including biological make-up and appearance, gender behaviour, gender role and gendered history. Of these, particular characteristics may, he suggests, have incompatible degrees of importance with others. A trans woman may, for example, have different genitals to someone who is assumed to be a cis woman though outwardly her appearance means that she experiences social (including sex) discrimination in the same way. Vaginal hypoplasia, for example, may result in an underdeveloped or entirely absent vagina in people who are assigned female at birth. Susan Kessler and Wendy McKenna (1978) accordingly use the concept of ‘cultural genitals’ rather than ‘biological genitals’. What is important here are social perceptions of biological difference rather than biological characteristics themselves. As Jason Cromwell (1999) has argued, bodily materiality only emerges through social interaction.

Henry Rubin (1996) sought to conceive of a feminism that was able to take account of what he called ‘differently located bodies which appear similar in form’ (1996, p. 8). Rubin proposed an ‘action paradigm’, whereby political practice, rather than biology, is centred within feminism in order to enable an analysis of embodiment without essentialist connotations. Similarly, Julia Serano (2013) argues that feminism has to be large enough to account for the femininities of women who were not assigned female at birth. In Emi Koyama’s ‘trans feminism’ ‘no political, medical or religious authority shall violate the integrity of our bodies against our will or impede our decisions regarding what to do with them’ (2003, p. 247). Trans feminism, Koyama suggests, believes in ‘fostering an environment where women’s individual choices are honoured, while scrutinising and challenging institutions that limit the range of choices available to them’ (2003, p. 247). To my mind, Koyama’s treaty articulates the essence of the slogan ‘the personal is political’. Alongside bodily autonomy, Koyama identifies body image, violence and reproductive and health care as connecting issues of importance for all women.

Rachel Anne Williams (2019) maps three waves of trans feminism that echo the waves of feminism per se. As the first wave of Western feminism sought to recognise women at the levels of the political and public through suffrage campaigns, the first wave of trans feminism brought trans women to public attention in the 1950s through, for example, media reporting of Christine Jorgenson's hormonal transition. Central to second wave feminism were legal demands for equality, common also, Williams suggests, to second wave trans feminism's campaigns for improvements in health care, housing and employment. Key to feminism's third wave has been the question of difference. Here Williams addresses the turn to intersectionality within feminism as writers and activists homed in further on the ways in which race, class, sexuality and disability impact on gendered identity and experience. This concern is also reflected, according to Williams, in the increasing recognition of different ways of being gender diverse within trans communities.

Kimberlé Crenshaw's work on intersectionality has been significant to the development of trans feminism. Crenshaw argued that 'because the intersectional experience is greater than the sum of racism and sexism, any analysis that does not take intersectionality into account cannot sufficiently address the particular manner in which Black women are subordinated' (1989, p. 149). In their introduction to an issue of *Transgender Studies Quarterly* (TSQ) on trans/feminisms, Susan Stryker and Talia M. Bettcher (2016) similarly show how intersectionality motivates trans feminism, emphasising the alliances between trans women and women of colour, both of whom have represented groups excluded from the interests of white cis feminism. As the feminism issue of TSQ illustrates, in many parts of the world (Brazil, Ecuador, Spain, Russia, France and Italy) there exist strong alliances between feminist and trans communities. In writing about trans feminism in Ecuador, Claudia Sofia Garriga-López, for example, shows that the divisions between trans and feminism that are apparent in the UK are not evident in other parts of the globe where trans struggles are seen as an integral part of the fight against patriarchy and colonialism:

Trans activists have been at the forefront of feminist and LGBT struggles for many decades, and the category of 'transfeminism' signals the articulation of these practices into a cohesive political standpoint. (Garriga-Lopez, 2016, p. 107)

Tracing feminist alliances is also important to enable a move beyond neoliberal goals of recognition and to hope for more than inclusion. Making visible the connections between different groups of subordinated women is therefore important if, as feminists, we are to ensure that our movement retains a political commitment. Strengthening the allegiances between women who are marginalised on the basis of class, sexuality, disability, faith, race and ethnicity is crucial for a feminist praxis of social justice.

Conclusions

This article has addressed the emergence in UK feminism of what has become known as a 'trans-exclusionary radical feminist' (TERF) perspective. This standpoint is positioned against proposed changes to the Gender Recognition Act, which are anticipated to introduce self-identification in order to make the administrative process of gender recognition

more straightforward. Although this is a marginal feminist perspective, it has become increasingly vocal in recent years, buoyed by support from some feminists with high media profiles. The article has outlined, and critiqued, the ways in which an essentialist reading of sex has re-emerged within these debates.

The move to define the identity and experience of woman through a purely biological lens is, I have argued, problematic in several ways. First, the presumption that the category of woman denotes a universal experience, wherein reproductive function is central to women's oppression, negates individual, historical and cultural specificity. This reductive reading of sex is problematic for the distinct ways in which sex – and gender – have been understood in different times and places, and in relation to the varied sexed make-up of bodies themselves.

While not denying the materiality, or the material consequences, of the body in women's oppression, I suggest that it is perceived reproductive function that figures as a site of control, not reproductive capacity in and of itself. For who knows the body parts and genetic make-up of strangers? That it is common for trans-exclusionary feminists to assume that they are always able to recognise a trans woman makes this a substantial, rather than a rhetorical, question. In attempts to argue for the exclusion of trans women from competitive women's sport, trans-exclusionary feminists, for example, recently turned to social media to question the genders of a group of successful Chinese cis women athletes. Using the media photograph of the celebrating team members, three of the group were declared to be transgender – or in their nomenclature, male. Such moves highlight the white Western-centric lens through which gender is, literally, seen, and reinstated by misogynistic tropes of how women's bodies should appear in order to be recognised and valued.

The subsequent feminist trans-exclusionary argument that men may appear in public spaces as women in order to physically and sexually abuse women is also nonsensical through this line of questioning. For, how and by whom can the body parts and genetic make-up of strangers be observed and regulated? A trans-exclusionary politics of moral panic has, for example, recently led to cases where cis women have been asked to leave women's toilets because they have been assumed to be trans. In 2018, for example, police forcibly removed a cis woman from a women's toilet in North Carolina, US, after receiving calls that she was not feminine enough. The state had recently passed the 'bathroom bill', which made trans people use the toilet corresponding to that on their birth certificate rather than that with which they identified. In 2019 the Bill was repealed after campaigns by LGBT right groups (see Holpuch, 2019). Moreover, as has been explored, work on sex variation and natural diversity indicates the fault-lines in attempts to strictly define sexed bodies. What is at stake here are understandings of sex, not sex itself. The article has thus drawn on a range of work that locates the category of woman (and that of man) at the site of the cultural and the political. 'Woman', I suggest, becomes a productive category when it is freed from sex. I therefore argue for a linguistic move away from sex and towards gender in social, cultural, legal and medical discourse.

The category 'woman' also appears at its most politically effective when it is opened out to account for differently gendered bodies. As trans feminist work has shown, it is then possible to trace the common ground between the specific feminist projects of women and non-binary people who are differently located. Not only is this crucial for

understanding the diversity of gendered bodies, it is key to accounting for the structural forces and power dynamics of class, race, disability and sexuality. Allegiances across these lines of difference are vital for a transformative political project that theorises and activates against patriarchal forces as they are constructed through varied systems of oppression. Sara Ahmed (2016) thinks of this as a politics that is built through an ‘affinity of hammers’, which work to chip away at the system. I suggest that it is only through securing a political framework that seeks to be respectfully mindful of difference and committed to alliance-building that feminism can retain its political purpose so as to be fit for current times.

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1. Cis, or cisgender, is a term for someone whose identity is congruent with the sex that they were assigned at birth.

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