



## **Can women's rights as human rights survive?**

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I am going to argue today that the inclusion of imagined identities such as 'gender identity' into human rights understandings and activism threatens the significance and integrity of the very idea of human rights. The Declaration on Women's Sex-Based Rights that we are here to talk about today concerns the protection of women's rights from 'gender identity'. The word 'gender' in the term 'gender identity' means an imagined essence of womanhood composed of insulting sex stereotypes about how women behave and think. But the inclusion of imagined identities into human rights documents and understandings threatens so much more, it threatens the ability to support equality and anti-discrimination on the grounds of race and disability too, as I will show.

In the first decades after WW2, when the idea of human rights was adopted by the United Nations and enshrined in documents such as the Universal Declaration and the Conventions on Civil and Political Rights and on Social, Economic and Cultural Rights in 1966, it did seem as if there was a new dawn. In this new dawn there would be an increasing acceptance internationally that all human beings had rights to dignity and respect. In the 1970s the notion of rights was extended to explicitly include women in human rights understandings through the Convention on the Elimination of All Forms of Discrimination against Women. Feminist campaigners worked tirelessly and determinedly to get a recognition that women's rights are human rights, arguing that the original human rights framework was masculine, based upon a male template that did not cover women's experience. Feminists then worked to get the 1993 Declaration on Violence against Women which recognised that women suffer forms of violence and are forced in to slavery in ways that men do not, such as battering and murder by men in the home and servile marriages. It was recognised that states that did not seek to outlaw these practices were involved in violations of women's rights.

As a feminist political scientist, I have taught students about the concept of women's rights as human rights for several decades. I have used the idea of women's rights as human rights in my activist work with the Coalition Against Trafficking in Women in Australia and internationally. When I started teaching and writing about women's human rights in 1991 there was a general sense that the situation of women was improving. There had been a huge and influential feminist movement

although this was beginning to run out of steam. There was a sense of excitement and positivity in the feminist human rights community. Most of all, in the 1990s, feminists in law and political science in universities and on the ground were writing wonderful and inspiring work on how to expand human rights practice and theory through including the rights of women.

By the 2000s however, the forward march of women's human rights was halted by the rise of religious fundamentalisms which saw women's rights as a threat. The expansion in understanding of women's rights could not continue under the onslaught of organising by conservative religious governments such as the Organisation of Islamic Cooperation and the Vatican, as well as fundamentalist Christian churches in the US which started to work seriously through the UN to impede the progress of women's rights. Women's rights, these religious entities said, were culturally specific or western or an affront to god. They should not include issues such as abortion or anything to do with sexuality. I remember going to the CSW conference a couple times in the early 2000s and seeing young men with crucifixes being directed by men in religious dress in the corridor to go to particular workshops to monitor and oppose and intimidate women talking about lesbian rights, for instance. The CSW had changed to a site of opposition from men instead of a triumphal site of progress for women. But at least the feminists were united in trying to preserve and protect women's rights. This changed in the last decade.

The threats to women's rights more recently have taken a different form. The threat consists of 'identity politics' which argue that men who have fantasies about being members of rights bearing categories other than their own, should be entitled to 'rights' based upon their make-believe. The majority of the men who campaigned for what they called the 'right to expression of gender, were those who were called 'transvestites' by the scientists of sex i.e. men who were sexually excited by imitating women's oppression. They wanted to be able to dress as women in public places instead of secretly in the bedroom or at special clubs and weekends away that serviced their fetishistic sexual interests. From the 1990s onwards transvestite campaigners sought to get their sexual interests recognised as a human right. They argued that their interest had nothing to do with sex, although all sexologists before that time said that it certainly was, and their biographies, their pornography and websites make it very clear that it sexual. They invented the idea that they really became women by some magical process by which sex stereotypes associated with women entered their brains and bodies. They gained what they called 'gender identities'. As women, they said, they should be entitled to all the hard-won rights of women, as well as special rights which protected them in the performance of their fetishistic interests in public.

Though those who designed and promoted the idea of gender identity rights were heterosexual male transvestites, the fiction they presented, that people could change sex, was disseminated to other groups who were greatly harmed by it, such as homosexual men who were unhappy loving men whilst remaining in their male bodies, and teenage girls who would once have grown up to be lesbians and are now encouraged to believe that medical treatments that seriously and permanently damages health can make them boys.

The women's human rights set out in CEDAW and the Declaration on Violence against Women are based on biological sex, and not gender, but by the 2000s the language of 'gender' as a euphemism for sex was already much in use in human rights work. It was, therefore, fairly easy for gender identity activists to inveigle themselves into what was referred to as 'gender' and create determined confusion as to what gender actually meant. That would have been harder if the language of biological sex had been retained because it is pretty obvious that men cannot change their biological sex.

The gender identity campaigners piggybacked onto the issue of lesbian and gay rights in order to shove their fetish interests onto the human rights stage. Lesbian and gay rights were not included in any UN conventions because this would not have been acceptable to the very conservative and religious governments who were able to veto them but lesbian and gay campaigners began to have increasing influence on human rights norms and in the creation of non-UN human rights documents.

Through the avenue of increasing respect for lesbian and gay rights, the idea of rights for imagined, make-believe sexual identities gained entrance onto the human rights stage. The lesbian and gay organisations of the 1990s were dedicated to campaigning for the rights of lesbians, gay and bisexuals. Transvestites, men who are sexually excited by pretending to be women, a group with comprises around 70 percent of the men who engage in this form of make-believe, were not included. They began to wage a campaign to join the T for transgenderism up to the LGB because they understood that this was a way to get their fetishistic interests respected and given 'rights'. For many years they were held at bay. In the early 2000s many gay male activists fought against joining up with the T. They said this would undermine their cause because transvestism was not about sexual orientation. But this opposition was overthrown and gradually the gay organisations began to join the T into their names and into their areas of concern until the point where heterosexual men with a sexual fetish for women's clothes came to be prominent in these influential organisations.

One result was that when gay campaigning organisations created their own Yogyakarta Principles in 2007 to put gay rights on the agenda, gender identity rights were front and centre of the document. The effect was that at the same time as promoting lesbian and gay rights that lesbian feminists like

myself see as very important, the rights of men to enact their fantasies of being women in public space, which are hostile to women's rights were included as if they were a vital part of a lesbian and gay platform. The once lesbian and gay organisations are now the conduit to the destruction of the category of women and potentially to the integrity of the concept of human rights itself.

In the first few decades of human rights theory and activism, it was understood that rights bearing categories were based upon material reality and not fantasy. The inclusion of men with a fetishistic fantasy life as a rights-bearing group caused the explosion and destruction of the category of women. But the damage to decades of human rights work and understandings caused by the inclusion of fantasists is not limited to the destruction of the category of women.

The men who engage in this form of fantasy life eroticise inequality, they are masochists. They get excitement from imitating groups of people who actually experience severe disadvantage or social disparagement for being women, Black, disabled, or children. Imitation of these categories of persons is exciting for some men because they luxuriate in the oppression of others. There are men who pretend to have disabilities for the purposes of sexual excitement, they are called transableists, and men who are sexually excited by pretending to be babies and young girls whose practice is called nappy fetishism or age regression. There are men who pretend to be of a different race, called transracialists, and men who pretend to be of different species, called transspeciesists. These sexual paraphilias are often linked and where a man has one of these, he is likely to have others too.

There are women who engage in some of these practices, notably white women academics who pretend to be Black and gain prizes and academic rewards for their teaching of Black studies such as Rachel Dolezal and Jessica Krug from the US. Dolezal, when her impersonation was discovered, referred to herself as transblack. Their interests are unlikely to be sexual as the scientists of sex readily acknowledge that women are not fetishists. They do not engage in make-believe for sexual excitement as the men do. They have other motivations. Some men engage in transracialism too and there are support groups for their activities. In cases such as that of a white man from the UK, Olli London, who has had facial surgery to suit his identity as Korean and intends to reduce the size of his penis to more closely resemble a Korean penis, the motivation is likely to be sexual.

In the case of transableism, which is overwhelmingly an interest of men, the motivation is sexual. This is a paraphilia which is often found in men with gender identity interests. Men with this sexual interest seek amputation of their legs or to have their spines broken. They may pretend to be both women and disabled and use a wheelchair in public to gain excitement as does Chloe Jennings-White from the US.

The problem is that when men engaging in these pretend behaviours demand to be respected in human rights terms as belonging to the category they 'identity' with it makes those categories meaningless. Human rights understanding are based upon a materialist understanding of the world, not fantasy. It is hard to imagine how the human rights framework could have been built in the period after WW2 if men's sexual fantasies and make-believe had had to be respected. But this was not the case. At that time there was no attempt to respect or include men's fantasies.

There have been very few voices raised to protest the way in which the playacting of sex stereotypes by men with a sexual paraphilia has become an issue of 'rights'. One significant voice is that of Trevor Phillips in the UK. Phillips is a distinguished Black journalist who went on the head the Commission for Racial Equality and the its successor organisation the Equality and Human Rights Commission. He wrote an article in *The Times* in 2018 in which he claimed that the notion of equality itself was at risk. He said, 'Trans extremists are putting equality at risk'. He argued that 'Allowing people to declare their own gender would make a mockery of Britain's decades-long struggle for fairness'. It would, he argued, be the beginning of the end for the politics of equality in which he had been engaged for so long, because it would open up all rights bearing categories to those who were acting out fantasies and therefore entirely discredit them.

There is little public support for transracialism, and no powerful organisations demanding that men and women who playact being Black or of an ethnicity that is not their own be included. There is almost universal condemnation of transracialism at this time. Rachel Dolezal's playacting of Blackness, for instance, was described in an article in the Huffington Post as 'messy theft and fiction of a black American identity' which 'uses the currency of a subculture of privilege that is rooted in white supremacy'. It says that 'to believe that one can transfer one's identity in this way is a privilege' perhaps the 'highest manifestation of white privilege'.

This understanding is not applied to the playacting of gender identity however. In the media there is almost universal approval and promotion of gender identity, with only some feminists making similar arguments as in saying that when men pose as women their practice is theft and privilege that is rooted in male supremacy. The difference between the ways in which gender and black identity are viewed is likely to be the result of oppressions which affect men, such as racial discrimination, being seen as hugely more important than the oppression of women. Or it could be that 'gender identity' is seen as real whereas imitation of blackness is obviously a fantasy. In a *Guardian* article a white professor goes so far as to say that 'conflation of transgender and "transracial" issues is dangerous'. He does not make clear why that is so.

Surely the behaviour of transracialists and transableists cannot affect the politics of equality, you might say, because they are so outlandish. But the idea that people can change their sex, now more usually called gender, is changing the landscape of human rights and equality. The next Scottish census will allow people to choose their own 'gender'. This might encourage those with other paraphilias to register themselves as being black or as disabled when this is simply not the case. White men and women who identify as black or aboriginal Australian have won accolades in the fields of literature, for instance. The idea of human rights is based upon material reality and cannot survive the addition of men's sexual fantasy identities. There are increasing threats to any global consensus on human rights at this time, such as the rise of authoritarian regimes. As human rights activists we are already engaged in a struggle to maintain the gains that have been made. The most recent threat, of the inclusion of men's imagined identities, needs to be opposed with vigour if the seriousness of human rights is not to be devastatingly undermined.