



# Life & Arts

FTWeekend

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## The new gender wars

The struggle of transgender people to gain and retain rights has set off an explosive global conversation about sex, identity and the human condition itself. *Mark Gevisser* reports

**O**n June 15, the US Supreme Court ended legal discrimination in the workplace against gay and transgender people. It did so by ruling that the language of the Civil Rights Act of 1964, which prohibits discrimination because of sex, applies to sexual orientation and gender identity too.

Aimee Stephens, who had been fired from a Michigan funeral home when she told colleagues she would begin living as a woman, died from kidney illness a month before the judgment. But she had been present, in a wheelchair, when the arguments were heard last October. A crowd of well-wishers on the court steps chanted “We love you, Aimee!”

The Supreme Court has ruled momentously on gay rights already — in its same-sex marriage decisions, for example — but the country has lagged behind much of the world in tackling workplace discrimination against LGBT people. And Stephens will go down in history as having brought the first ever transgender-rights case to the highest court in the US.

Written by Neil Gorsuch, a conservative appointee of Donald Trump, the judgment is a shot across the bow of the president's administration, which aggressively opposed Stephens's suit. Just three days before the judgment, the US government published regulations cancelling protection against healthcare discrimination for trans people: courts will have to decide on whether the Gorsuch decision nullifies this.

The American battle over transgender rights signals a new round of culture wars along a human rights frontier I have called the Pink Line, dividing and describing the world in an entirely new way. I have been reporting on this frontier since 2012 while researching my new book, which tracks the consequences of an explosive new global conversation about sexual orientation and gender identity.

My native South Africa's democratic constitution was the world's first to outlaw discrimination on the basis of sexual orientation; a decade later, in 2006, South Africa legalised same-sex marriage. Attitudes have changed significantly, but there has also been an increase of violence against butch lesbians (subject to “corrective rape” and murder) and transgender women. I

**Main picture:** representatives from the transgender community take part in last year's Pink Rally in Mumbai

**Below:** Aimee Stephens outside the Supreme Court in Washington DC in October; a ‘We Won't Be Erased’ LGBT protest in Warsaw in 2018 — Bloomberg/Getty Images



understand this, primarily, as a backlash against the visible space that they have claimed in this violently patriarchal society. In South Africa, as everywhere, the interplay between legal reform and social attitudes is an uneasy dance.

In India, the Supreme Court is at odds with Narendra Modi's government over whether people have the right to “gender self-determination” (or “self-identification”): to set their own gender without medical certification. This right has already been granted in neighbouring Pakistan, and in 10 other countries in Europe and Latin America. The UK was going to follow suit but, according to a document leaked earlier this month, Boris Johnson's government appears set to reverse this decision, following a fractious public debate.

Meanwhile, in Hungary, Viktor Orban's government has just passed a law defining gender exclusively by the sex chromosomes present at birth. Poland might follow, if the incumbent Andrzej Duda wins the June 28 presidential election: Duda has campaigned on a “family charter” pledging to protect children from “LGBT ideology”.

A decade ago, the Pink Line was drawn against gay marriage. It still is, in most parts of the world. But consider the Irish referendum on same-sex marriage in 2015, or the fact that Duda's primary opponent is Warsaw mayor Rafal Trzaskowski, a passionate supporter of LGBT rights. What is true in Krakow today was true in Cork five years ago: the reason why 62 per cent of Irish voters approved gay marriage was because, as the author Colm Tóibín put it, “everyone knows someone now who's gay”.

As gay people have come out and claimed their rights — and their “normality”, through institutions such as marriage — the religious right has turned its sights on a new secular bogeyman: “gender ideology”. The battle against this has become the 21st-century ideological clearing-house for

co-operation among conservative Christians the world over. It has telescoped all the issues to which they have hewed, from abortion and gay marriage to sexuality education, into one single theory allegedly at the heart of the western secular experiment: that gender — as a mutable social construct — exists in the first place, as opposed to sex, which in their view is objective, natural and divinely ordained.

**It was Benedict XVI, when he was still Cardinal Ratzinger, who first started warning against “gender ideology” in the 1990s, and the call has been taken up enthusiastically by his otherwise liberal successor, Francis I. In 2016, the pope labelled it a form of “ideological colonisation” that sets out to teach young people “that everyone can choose his or her sex”.**

Orban has called on his compatriots to resist being forced — by the European Union and by George Soros — into a world where “it is unclear who is a man and who is a woman, what family is, and what it means to be Hungarian and Christian. They are creating a third

**Tilting against ‘gender ideology’ plays to voters who perceive they have been marginalised due to identity politics gone mad**

gender, they are ridiculing faith, and they regard families as redundant, and nations as obsolete.”

This approach was pioneered by Vladimir Putin, who in 2013 passed his “gay propaganda” law, drawing a line between Russia and the decadent, secular west. In Hungary, Orban has been taking aim at “gender ideology” for several years. His first step was to outlaw gender studies at Hungarian universities, in line with the primary target of the movement worldwide: to halt the teaching of the concept of gender to children.

There have been similar campaigns all over Latin America. In Brazil, one of the major planks of Jair Bolsonaro's 2018 electoral campaign was to expel “gender theory” from schools. He has instructed the education ministry to prepare national legislation to prohibit teaching about gender at all in elementary schools. Like Orban, Bolsonaro seeks popular cover for his encroaching autocracy by demonising “gender ideology” and communism. He promises to restore the natural order to a corrupt and decadent country exemplified by the way his leftwing predecessors granted rights to freaks and pervers.

Precisely because “gender ideology” is so amorphous, it needs an embodied target. And despite the small numbers of transgender people, they are the most visible avatars of the ideology.

Nowhere has this been clearer than in the US, where some on the religious right have used transgender children to set the terms of a new culture war. They argue, for example, that having a transgender boy in the boys' bathroom is an affront on their own children's “religious freedom”.

From the US and Brazil to Poland and Hungary, tilting against “gender ideology” plays to a particular constituency: disaffected voters who perceive they have been marginalised due to identity politics gone mad, and that their needs have been subordinated to the interests of outsiders, be they foreign or dark or queer. In a survey last year, 31 per cent of Polish men under 40 said they believed “the LGBT movement and gender ideol-

ogy” was the biggest threat to Poland — ahead of the climate crisis and Russia.

To this constituency, the special pleading of an entitled minority threatens to encroach on the wellbeing of the majority. What makes the politics of this so complex, in the US and the UK at least, is that people putting forward this argument find themselves aligned with some feminists.

**In the line-up of conservative organisations submitting legal briefs in support of the funeral home's right to fire Aimee Stephens was an unlikely bedfellow: the Women's Liberation Front (or WoLF). WoLF joined the suit out of**

*Continued on page 2*



### Frank Auerbach From the Studio

Albert Street, 2009-10  
oil on canvas  
50 x 44 in, 127.3 x 112 cm

545 West 25th Street  
New York, NY 10001  
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## Letter from the editor



This edition embodies one of my favourite FTWeekend rituals: the celebration by writers and editors of their reading highlights of the year. We have a kaleidoscopic range in 2020, reflecting perhaps the extra time some have had to read – less whistling through the latest “what I need to read” in departure lounges; a greater focus on mesmerising writing.

From the past, I am with Nilanjana Roy and Ben Okri in tipping Antoine de Saint-Exupéry. Of the 2020 crop, I would single out one yet to reach the bookstores: *Twilight of Democracy*, Anne Applebaum’s impassioned *J'accuse* against the “new” populist right, including some of her old friends, for their abandonment of so many principles. It took me back to the now bedraggled dreams of 1989, when I embarked on journalism in eastern Europe, and also sets up the US battle in November – subject of one of the debates at our three-day online Weekend Festival in September. For details, [ftweekend.live.ft.com](http://ftweekend.live.ft.com).

Thank you, as ever, for your messages. They enthuse us, now in the umpteenth week of Zoom-world. Finally, in the spirit of the books special, I would urge you all to read in the main paper the obituary of Felicity Bryan, literary agent extraordinaire, who inspired so many writers over the years.

Alec Russell

My friends and I do not normally text each other about lynchings. So when the video of Ahmaud Arbery, a black jogger set upon and killed by white men in Georgia, went viral in early May, I sighed and deleted Instagram and Facebook from my phone, lest I come across a video of his death on autoplay for general consumption and analysis.

There is precedent. Six years ago, when the euphemism was still “died in police custody”, and Eric Garner’s death looped on cable news, I was working at a public broadcaster in Washington DC. I don’t see the point in watching this, I say to my lone colleague on the evening shift. I try to keep my eyes focused on the edits I can make on the screen in front of me, instead of flitting up to the grainy footage on the TV banks around the newsroom, of Garner lying on the New York sidewalk. We didn’t know his last words – “I can’t breathe” – would be a rallying cry for protests against state-sanctioned violence.

In mid-March, in the rush to buy canned food and freezer-proof glass containers before quarantine, I ran into a friend on my way to the subway. I told her about a video I had seen circulating on Twitter, of people who had collapsed in the Tehran metro, their blood oxygen levels crashed because of Covid-19. I wondered how many people must have walked past before someone stopped to help. In the three years since moving to New York City, I had learnt to keep my eyes fixed 3ft to 6ft in front of me – a rite of passage in a city where filtering out the bad can be a measure of sanity. I wonder if this pandemic will make us move differently, and stop to consider.

Breonna Taylor filtered up to a quasi-national awareness in May, two months after she died. I saw illustrations of her haloed with flowers, graduation photos, with friends, in a costume as a fireplace with faux stockings hanging from her arms. My friends posted petitions calling for the Louisville police who shot her eight times when they were in fact looking for someone else to – at least – be investigated.

I have checked in with my friends during all of this. We ask each other how the week has been, how we are holding up. And I try to read between the lines of what makes one day good and another “could have been better”. And how “fine” can a day be if you can’t get out of bed? I want to follow up: how are the ups and downs being managed? What does it mean to not be sleeping? But I don’t know if that is another imposition. So I try to be reassuring: it’s OK to feel everything.

**Two days after the world watches the life being crushed out of George Floyd for eight minutes and 46 seconds, I Slack my boss asking if the Employee**



## Sleepless in Brooklyn

NEW YORK DIARY  
OLUWAKEMI ALADESUYI



Above: A quiet moment at a Black Lives Matter protest in Brooklyn this month — Getty Images

Resource Group — the current HR-speak for the “affinity groups” of prior eras — can discuss the events of the past couple of weeks. I forward the Toni Morrison quote: “The very serious function of racism . . . is distraction.” The plan is to talk two days later.

But the night before, I can’t sleep. Minneapolis is on fire. I climb out of bed at 2am to see if yoga will calm me down. I fall back into bed at 3am, still restless. I want to be exhausted so the only thing I can do is sleep, but I can’t get myself there. It is 5am when I decide to go for a jog. My phone is nearly dead and for a second I hesitate to leave my apartment without it. What if something happens and I need to call for help? Or I need to film something?

When I return, I check Twitter, briefly, and see a video of Omar Jimenez, a black CNN correspondent, being arrested live on TV as he reports on the Minneapolis protest. I see my fear, pain and horror reflected back at me in Jimenez’s stare as a cop handcuffs him. I spend the rest of the day watching CNN hosts stumble over themselves with the facts. Facts like Jimenez was doing his job; it’s protected by the constitution; he clearly identified himself as a reporter; he was speaking “respectfully”. It does not matter who you are, what you’re doing or however constitutionally you’re doing it, I decide. That’s the point of the violation.

**The next week, I see people I haven’t** seen in months. We meet for socially distanced walks. We talk about trying to work through the exhaustion. The fatigue. No one is sleeping through the night. None of us has watched the video of George Floyd. We don’t need to weigh his pain to justify our outrage. It’s wrong. It’s always been wrong. And there are wrongs happening every day that we don’t talk about. The veneer that we’ve learnt to wear to survive these white spaces — to smile and amicably exchange pleasantries about the weekend, saying “yes” as we work

**My friends and I have not watched the video of George Floyd. We don’t need to weigh his pain to justify our outrage**

harder to mind our business — is beginning to crack.

We swap articles about what we’re reading, listening to and watching. I send links to the Instagram pages of mental-health practitioners who are putting black people at the centre of their practice. We promise each other to move, drink water and go outside. To take care of ourselves first. We’ll attend workshops to try to understand how racism functions in the body — the

chronic stress, anxiety and “weathering”; we are starting to find the vocabulary for it now. I join a Zoom call and dance with a collective of 2,800 other women around the world. And for a few hours after that, I feel like myself. Before I feel tired again.

**I have only talked about the protests,** specifically, with a friend who has been covering the movement for work. But I seem to inadvertently join a march every time I cross Atlantic Avenue on the way to Prospect Park. For the most part, my friends and I have been in isolation. Each doing our own mental calculus about when it’s safe to go outside. Each contending with a different reality each week.

Taking a walk one evening, I am stopped at an intersection. Protesters are biking through my Brooklyn neighbourhood, and for a few minutes none of us has a choice but to watch them pass. It’s like an impromptu parade. People cheer and wave. And I wonder, when I see a sign on the back of a bike that says “Black Lives Matter”, what had made me feel so alone?

Oluwakemi Aladesuyi is an audio producer at the FT

Which cities will be post-pandemic winners? Read [Simon Kuper](#) on page 15

## New gender wars

Continued from page 1

concern for “the safety and bodily integrity of the women and children whose lives would be placed at risk or ruined” if transgender people had legal rights as women, its leaders said.

WoLF is on the fringes of mainstream feminism but channels a decades-old position: that the experience of womanhood is defined by female sex characteristics. Most recently, the author JK Rowling expressed a version of this view, in a series of tweets and an essay that drew condemnation from several *Harry Potter* actors. “If sex isn’t real, the lived reality of women globally is erased,” one of Rowling’s tweets read. “I know and love trans people, but erasing the concept of sex removes the ability of many to meaningfully discuss their lives. It isn’t hate to speak the truth.”

Some feminists, like WoLF, argue that if people assigned the male sex at birth are allowed to become women officially, their presence in women-only spaces might endanger other women and children, or compromise the values and very *raison d’être* of these spaces. Others, like Rowling herself, acknowledge that trans people can be women, but insist on an assessment process rather than self-identification, given the history of violence by men against women. In her essay, Rowling writes that her own experience of abuse and assault informs her concern.

When Theresa May’s government opened public consultations on its proposal to introduce self-identification in 2018, it triggered intense debate in the UK. Some argued that self-identification would compromise the welfare of children, because it could lead to irrevocable treatment. Others suggested that predatory imposters would use female identity to commit crimes against women in bathrooms or prisons or homeless shelters. Their opponents retorted that these very assertions were proof of the fear and loathing trans people elicited, and why they need to be in charge of their own destinies.

Supporters of self-identification noted that the 2010 Equality Act already affords transgender women the right to enter single-sex spaces — and

makes provision for their exclusion if this can be justified (in sports events, for example). The government itself argued that there has been very occasional abuse, adequately dealt with by existing criminal laws. There is, furthermore, no evidence from pioneering countries such as Argentina (where there has been self-identification since 2012) to suggest an uptick in gender-identity fraud, or an increase in gender-based violence as a result of it.

Still, the UK government seems to have accepted the arguments against self-identification, and will continue to insist on medical assessment. But here is its dilemma: to permit the continuation of this is to perpetuate a notion that is fast becoming outdated in medicine — that transgenderism is a pathology. The UK subscribes to the International Classification of Diseases (ICD), which provides the global codes for diagnoses. In 2019, the World Health Organization amended the ICD so that gender incongruence — the new term for gender identity disorder — would be moved out of “mental disorders” and into “sexual health conditions” in 2022. However, to date, very few countries have de-pathologised gender identity.

According to Eric Plemons of the Trans Studies Initiative at the University of Arizona, what makes the debate so fraught is that it “is not just about health. It’s about morality and politics.” The transgender rights struggle is not just about access to healthcare, or even about freedom from discrimination and violence. It is also, emphatically, about the right to be acknowledged or affirmed for who you are, and the right to decide this for yourself.

Unlike “gender dysphoria”, which measures pathology, “gender congruence” measures “the degree to which transgender individuals feel genuine, authentic and comfortable with their gender identity and external appearance”, as the originators of the concept phrased it. This mirrors a broader cultural revolution in understandings of the body, from “illness” to “wellness”, a catchphrase of our times.

From diet and exercise to anti-ageing regimes and cosmetic surgery, there is “an increasing understanding of health

as being about optimisation and self-actualisation rather than cure”, Plemons said to me. Plemons, a medical anthropologist who is transgender himself, spoke of how the discourse previously owned by transgender people — “I’m a female trapped in a male body” — had “become the lingua franca of everyone: ‘I’m a thin person trapped in a fat body,’ ‘I’m a beautiful person trapped in an ugly person’s body’ . . .” Transsexualism was now “just one more in a number of . . . discourses about self-optimisation: ‘I want to be the real me.’”

And, of course, you are the only person who could know who the real “you” is. Hence the call, by trans people, for the right to define themselves, without the often humiliating and discriminatory evaluations by psychiatrists and other doctors. But, as so often happens



Anti-LGBT counter-protesters during the Equality March in Krakow, Poland, 2018 — Getty Images

in human rights discourse around “minority rights”, some voices argue that the rights of the majority run the risk of being compromised.

**The controversy has been sharpest** around the rights of children to transition. This is the consequence of a fundamental shift, alongside the medical and information revolutions, in how children are raised, in the anglophone world in particular. Joel Baum, of the American organisation Gender Spectrum, which advocates for trans youth, put it to me this way: “The idea that ‘children should be seen and not heard’ doesn’t hold any more. So when we start asking children, ‘Who are you?’ they tell us. It is our responsibility to listen to them.”

This has become one of the most contentious tenets of the new transgender advocacy movement: whether parents should “listen” to children who asserted a transgender identity, or push back against it if they suspected it was just a “phase”, a form of rebellion, or even — as some parents believed — a “social contagion” that was the result of intense peer pressure, online and off.

Erica Anderson, a prominent American psychotherapist who is transgender, has expressed concern that “a fair number of kids are getting into it because it’s trendy . . . [and] in our haste to be supportive, we are missing that element”. Anderson told me she was “deeply concerned” about a “future generation, some of which are going to say it was necessary, but others who will be angry, and critical of health professionals who didn’t properly vet these decisions”. Already, a few such voices are being

heard, from people who have “de-transitioned”, and are sometimes called “regretters”. In her book *Trans Kids*, the sociologist Tey Meadow notes that “the regretter discourse” serves “as proxy, in some cases, for arguments against early transition” — although the data showed that “only a tiny percentage of individuals who make full social and medical transitions regret those decisions.”

I interviewed an American lawyer named Dee, whose 19-year-old son Todd had transitioned to masculinity against his parents’ will. Dee blamed the healthcare industry, which she believed was using Todd as a “guinea pig” and

**‘When we start asking children, ‘Who are you?’ they tell us. It is our responsibility to listen’**

had “caved in” to the latest “political fad” for the purposes of profit. But Beth, another American mother, affirmed her son Liam’s gender transition: despite her initial anxieties, she watched him bloom out of suicidal depression into a self-confident young man. Beth sees Liam, and his trans peers, as pioneers.

Both Dee and Beth call themselves feminists. But while Dee sees Todd’s new gender identity as an understandable “capitulation to patriarchy” given the pressures on young women, Beth sees her acceptance of Liam as an expression of her own feminism, which taught that “gender is a construct anyway and people should be

accepted for who they are”.

Liam is one of the subjects of my book: transitioning saved him from adolescent self-harm, and he is now a confident graduate student. I also write about Rose, who “de-transitioned” — but has no regrets: “I had to go through being a man to understand that I was a woman,” she told me. “If I’d been born male, it would have been the same: I’d have had to spend some time as a woman. That’s just how it is with me: I don’t fit into boxes.”

Young people like Liam and Rose are moving themselves, and the culture, into uncharted territory. They are the first generation to undergo early transition. How can there be guarantees of what will happen to them later in life, psychologically and physiologically? The science is fresh and its beneficiaries still young, the oldest of them only in their late twenties. Little wonder that there is anxiety and dissent among the professionals who treat them — as was recently exposed by reports of the number of clinicians who have left the NHS’s Tavistock gender identity service.

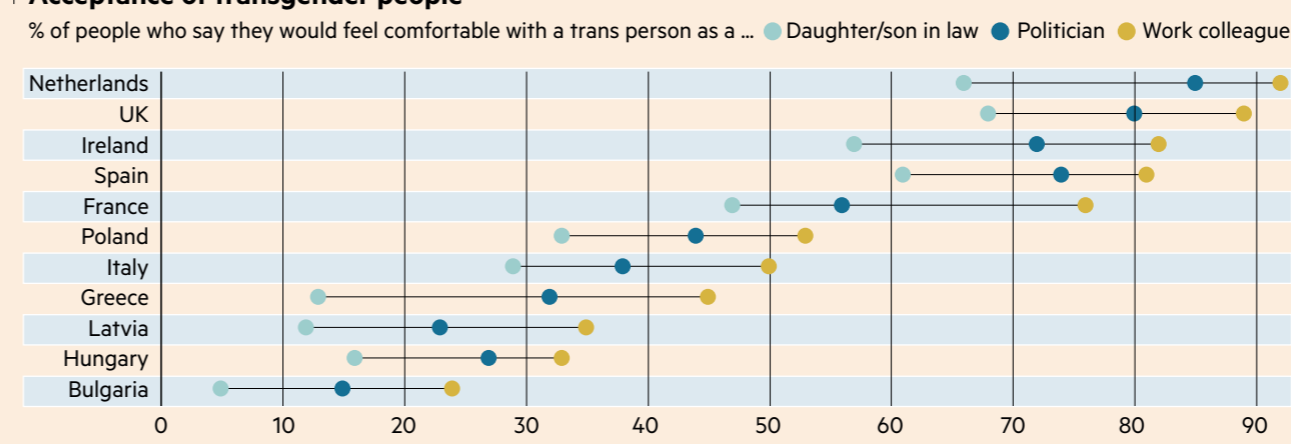
The field of transgender rights is similarly new, as is the reaction to it, from both feminists to the left and anti-“gender ideology” activists of the Orban and Bolsonaro stripe to the right. If, like me, you are not trans yourself, it is important to remember that there are bodies on the Pink Line, lives and livelihoods that depend on how these culture wars resolve themselves.

Aimee Stephens died before her dignity and her right to work could be restored by a judgment that was delivered, coincidentally, the day after a huge Black Trans Lives Matter protest in Brooklyn. At the protest, speakers noted that many trans or gender-nonconforming people have been killed in the US this year alone, and that trans women of colour are particularly vulnerable to police brutality. This is true the world over.

Will the Gorsuch decision protect those coming after Stephens? This will depend not only on the law but on politics and attitudes, and whether politicians such as Trump continue to use them to fight their culture wars.

*‘The Pink Line: The World’s Queer Frontiers’, is published in the UK on July 3 (Profile Books) and the US on July 28 (Farrar, Straus & Giroux). Copyright © Mark Gevisser 2020. All rights reserved*

### Acceptance of transgender people



Source: Eurobarometer 2019