

Gender benders, beware



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I am not the only one who worried that the introduction of the Human Rights Act might backfire on those of us who worry about little things like rape, murder, child abuse and prostitution. Certainly some of the fears many feminists had about fancy lawyers defending all sorts of scum in the name of "rights" proved well founded. HRA cases have included the right of a man accused of rape to hear details of a complainant's sexual history for the benefit of his defence and – turned down only after serious deliberation – serial killer Dennis Nielsen to be allowed gay pornography in prison, based on the argument that heterosexual serial killers are allowed theirs.

In countries in which real human rights violations blight the lives of millions, there is confusion about why we westerners are using the act to argue, for example, that a man has the right to sunbathe naked in his own garden. Is that really the best we can do?

It's not all bad news, however. The British Columbia supreme court in Vancouver recently overturned an earlier decision of the human rights tribunal that Vancouver Rape Relief had breached the human rights code when it refused to allow Kimberley Nixon, a male to female transsexual, to train as a counsellor of female rape victims. In 2002, Nixon had won \$7,500, the highest amount ever awarded by the tribunal, for injury to "her dignity".

The arrogance is staggering: having not experienced life as a "woman" until middle age, Nixon assumed "she" would be suitable to counsel women who have chosen to access a service that offers support from women who have suffered similar experiences, not from a man in a dress! The Rape Relief sisters, who do not believe a surgically constructed vagina and hormonally grown breasts make you a woman, successfully challenged the ruling and, for now at least, the law says that to suffer discrimination as a woman you have to be, er, a woman.

The Equal Opportunities Commission, your best friend if you are a man wanting to get into nightclubs free on Ladies' Nights, has a lot to learn from this. Last summer, it supported the case of five male to female transsexuals, only one of whom had disposed of his meat and two veg, on the grounds of sex discrimination after a pub landlord objected to one of them using the women's toilets. The claim was rejected, with the judge stating that although he accepted the claimants' wish to regard themselves as women, a person's wish "doesn't determine what he is". Quite. Call me old-fashioned, but I thought the one battle we feminists won fair and square was to convince at least those left of centre that gender roles are made up. They are not real. We play at them. We develop traditional masculine or feminine traits by being indoctrinated, not because we are biologically programmed to behave in those ways.

Feminism is supposed to be based on the premise that prescriptive gender roles are a cause of women's oppression. When I were a lass, new to feminism and lesbianism, I was among the brigade who would sit in the women's disco wearing vegetarian shoes and staring in disbelief at the butch/femme couples, mainly because they were having a better time than me. "Oh, but they're emulating heterosexuality!" we would gasp in horror as the butch ran her Zippo up the femme's fishnets. "What's the point of being a lesbian if you're going to behave like that?"

I look back on them with affection and, yes, nostalgia. At least those women were women, and hadn't gone to gender reassignment clinics to have their breasts sliced off and a penis made out of their beer bellies. Their attitude was, we're comfortable in our own skin, let's be women but subvert what that means. Could we really have imagined back then that unpicking constructions of

gender would result in Kwik-Fit sex changes on offer to all and sundry?

Twenty years ago, when I worked on an advice line for lesbians, I would take call after call from self-hating, suicidal women who had experienced horrific homophobia. Thanks to feminism and gay liberation, that situation has altered radically. What a disgrace, therefore, that our legacy amounts to this: if you are unhappy with the constraints of your gender, don't challenge them. If you are tired of being stared at for snogging your same-sex partner in the street, have a sex change. Where are those who go berserk about the ethics of genetic engineering yet seem not to worry about major, irreversible surgery on healthy bodies? Also, those who "transition" seem to become stereotypical in their appearance – fuck-me shoes and birds'-nest hair for the boys; beards, muscles and tattoos for the girls. Think about a world inhabited just by transsexuals. It would look like the set of Grease.

When feminists suggested that the true "gender outlaws" were those who didn't give a toss about conforming to masculine or feminine norms, it sounded so persuasive that even some straight people took it up. When it got to the stage where my mum was wearing jeans and trainers rather than her usual skirts and heels, I started to feel a bit like the wonderful Daffyd from Little Britain. Too many straight women looked like they might be lesbians, and I wanted to be the only gay in the village!

To go back to my five men and a toilet, I don't have a problem with men disposing of their genitals, but it does not make them women, in the same way that shoving a bit of vacuum hose down your 501s does not make you a man.