

# Speaking of gender: A National Post debate about gender identity and free speech

[Skip to Content](#)

1. [Full Comment](#)

Dec 02, 2019 • Last Updated 7 months ago • 20 minute read



Getty Images

*Is free speech under attack, on Canadian campuses and in society at large? The National Post has a [new documentary](#) examining this very issue. In the coming weeks, a series of essays will also explore the subject. Today: The Toronto Public Library was recently strongly criticized after it hosted an event featuring feminist Meghan Murphy, who has been frequently accused of transphobia. Murphy's defenders asserted her right to free speech. **Jonathan Kay**, an editor and columnist, and **Mercedes Allen**, a graphic designer, writer and former advocate for trans communities in Alberta, debate the issue, including how the concepts of biological sex and gender identity collide.*

To view the Post's free speech documentary, please go to [NationalPost.com/freespeech](https://nationalpost.com/freespeech).

**Editor:** Because this is in response to something you've written Jon, might I ask Mercedes to start the conversation?

**Mercedes Allen:** Yes. But be aware, though, that I am not willing to debate legitimacy issues (i.e. who I am or whether trans women are really women).

This advertisement has not loaded yet, but your article continues below.

**Jonathan Kay:** I'm not sure the ground rules are realistic, because it's theoretically possible to distil every sub-issue to the question of "legitimacy." In fact, this was the main tactic used by those who wanted to shut down Meghan Murphy's event.

**Editor:** I'll gently suggest we avoid that issue for the time being and plunge in. I have confidence two reasonable people of goodwill, as I strongly believe you both to be, will find far more common ground than not, and it may in fact never come up.

**Kay:** Works for me.



Controversial feminist writer and speaker Meghan Murphy arrives for a talk at the Palmerston Public Library in Toronto on Oct. 29, 2019. Postmedia News

**Allen:** Reducing events like Meghan Murphy's speech at the Toronto Public Library to "free speech" is misleading. Most people, myself included, value freedom of speech highly. It is when the speech delegitimizes trans people — potentially giving licence to people to discriminate — that there are protests. People fear an imminent or growing harm.

This advertisement has not loaded yet, but your article continues below.

**Kay:** Mercedes, I'll start just by saying hi, and thank you for engaging in this discussion.

I would love to say that we share common ground on "legitimacy issues," as you describe them. But this concept — legitimacy — now is defined in such a broad way that it serves to block all forms of reasonable discussion. In fact, that's one of the main complaints offered by Meghan Murphy.

When progressives became decisively mobilized on the issue of trans rights, they persuaded policy-makers that it was right and proper to address a trans woman as a woman, full stop. At the time, I

supported that campaign, as it seemed humane and harmless. Why shouldn't trans women be listed as female on drivers licences and other government documents? It wasn't hurting anyone.

This advertisement has not loaded yet, but your article continues below.

Unfortunately, these legal changes have been leveraged in extreme ways that (most of us) never anticipated or intended. Some activists now claim it is tantamount to hate speech for feminists to raise good-faith concerns about male-bodied individuals in rape-crisis centres, locker rooms and female sports; or to ask questions about a rapid spike in teenage girls suddenly claiming they are actually boys.

The writers who address this issue in my publication, Quillette, aren't conservatives. They're feminists and lesbian-rights activists who are tired of being told that their progressive beliefs must now be filtered on the basis of gender ideology. As one of my authors, April Halley, recently wrote, even a female rape victim who expresses concerns about being in close proximity or even imprisoned with a male-bodied criminal will find herself accused of denying the "legitimacy" of trans people. And she will be subjected to the usual barrage of canned phrases — "denying our existence," "erasing our humanity," etc.

This advertisement has not loaded yet, but your article continues below.

I have met people with gender dysphoria. And so the claim that some inwardly experienced invisible force called "gender identity" can overpower one's biological programming in some ways is one I am willing to take seriously. I'm sympathetic to these individuals, as are most Canadians. That's why we originally supported legal protections for trans people. But like all legal protections, trans rights must be balanced against other rights. And this act of balancing cannot be accomplished by demanding fealty to absolutist slogans.



Protesters gather outside the Palmerston Library in Toronto before a talk by controversial feminist Meghan Murphy on Oct. 29, 2019. Postmedia News

**Allen:** I have to laugh at the idea of "gender ideology," and the suggestion that it is absolutist. "Gender ideology" was originally coined by anti-LGBTQ+ groups to portray trans people's existence as an irrational belief. The phrase, particularly internationally, is often expanded to encompass all LGBTQ+ human rights, reproductive rights, feminism, and sometimes even a bit of Marxism thrown in, for some reason.

This advertisement has not loaded yet, but your article continues below.

The only real "rule" of being trans is that a person should do what they need to, to live authentically in

peace with themselves. It's the lack of a narrow, rigid philosophy that creates a wide — sometimes confusing! — diversity in who trans people are. It's hardly absolutist; in fact, something we might agree on is that for folks on the outside looking in, it may not seem like a very cohesive "ideology."

If one experiences body dysphoria, they'll probably consider surgery — especially if they keep finding themselves on the brink of self-harm. If their experience is more of social dysphoria, then they might take a different path, and need to look inward and/or express outwardly for a while, until they figure out where they fit comfortably (at which point, they might consider themselves non-binary in some way, rather than specifically either male or female). Many trans folks experience a combination of the two, so there can be a couple of concurrent journeys of self-discovery happening. There's no One True Way™ beyond "be true to yourself."

This advertisement has not loaded yet, but your article continues below.

From my experience, absolutism comes from the trans exclusionary perspective — especially when pertaining to trans women or trans feminine people, who are often arbitrarily referred to as "biologically male," "male-bodied," or just "male." They're essentialized by their genitalia.

Let's look at an example of an "unintended consequence" of trans human rights protections: coexisting in rape-crisis centres. When I was engaged in trans advocacy a decade ago, I reached out to facilities in search of safe spaces. Some refused (this was before legal protections existed), but others didn't, and with a little effort, it proved possible to include trans women in women's spaces. Trans inclusion does not mean ignoring troubling behaviour or troubling histories — indeed, I often found that shelters usually had appropriate policies already in place, given that individual cis women can be problematic sometimes, too. Statistics show that trans women are far more likely to be victims of sexual violence than perpetrators. In rape crisis centres, I know this feels a bit more difficult — when someone has been sexually assaulted, that is a very traumatic time and nobody wants any simultaneous emotional conflicts. I get that. But I've seen that equitable solutions are possible. I'd like to see more privacy and security for everyone in need, period. But we're never going to get there if the first answer is to exclude trans people entirely. And if someone's response is "fund your own rape crisis centre," that's just being wilfully or callously blind to the economic barriers to doing something like that.

This advertisement has not loaded yet, but your article continues below.

Human rights protections do include a duty to accommodate. It's firm, but not absolute (we can probably agree that it was not reasonable for Jessica Yaniv to expect genital waxing, given that actual nudity and contact raises a greater concern about consent). And even if you consider trans existence to be an article of faith, this would still hold true: if Faith A believes Faith B is evil incarnate, believer A still has a duty to treat co-worker B with respect and dignity. It's not co-worker B who needs to be understanding of believer A's aversion for them and their faith.



Supporters of the LGBTQ+ community protest outside the Palmerston Public Library in Toronto following a talk by controversial feminist Meghan Murphy on Oct. 29, 2019. Postmedia News

**Kay:** I agree that the term “gender ideology” is used in many different ways. But when it is used in regard to the debate over trans rights, it typically is used to describe the specific viewpoint that a person’s self-identified gender trumps their biological sex in most or all important areas of human activity, policy-making and even inwardly felt experiences.

This advertisement has not loaded yet, but your article continues below.

To take one example that has been in the news lately: Many of the gay men and women who have expressed their displeasure at the British LGBT-advocacy group Stonewall cite the fact that Stonewall defines “homosexual” as “someone who has a romantic and/or sexual orientation towards someone of the same gender.” Their argument (which I find persuasive) is that our attraction is to biological sex, not to an internally experienced condition we call gender.

Another related ideological aspect I find troubling (I will avoid using the term “gender ideology” in deference to your fair point that the term has no fixed meaning) is the sort of external validators that are cited to support a person’s self-described gender identity. In the materials I sometimes see, this validating evidence consists of what colours people like — pink or blue — or the toys they prefer, or the fact they like wearing dresses or overalls. Much of this sounds very much like a regression to old sexist stereotypes. A while back, I attended a Meghan Murphy speech near Wilfrid Laurier University, where a student in the crowd got up and asked Meghan how she could possibly justify denying the womanhood of a person who, despite being biologically male (my term), “just knew” they were a woman. Meghan responded (and I am paraphrasing here): “Tell me what that means — to ‘just know’ you are a woman?” The audience member began to respond, but then stopped suddenly. The most obvious form of answer would have been a recourse to stereotypes, and everyone in the room — including the person who’d asked the question — knew it. So it was left unsaid.

This advertisement has not loaded yet, but your article continues below.

There is another answer, of course — one that has nothing to do with stereotypes — which is that no human can begin to describe what it means to “just know” one’s gender, because gender dysphoria is experienced in the same way one experiences religious faith, i.e. it is something akin to a soul. The idea that this kind of unseen quasi-spiritual force is lodged within us seems to me like an extraordinary claim. As I have noted earlier, the gendered-soul claim is one I am prepared to take on faith in some cases, even if it comes with no evidence except the self-attestation of the person experiencing the dysphoria. But it is

also completely reasonable for others to express skepticism, and to ask whether gender dysphoria is simply one of many forms of persistent mental fixation known to human psychology — just as it is reasonable to question the additional claim that this self-attestation should grant one immediate and (in the strongest form of the argument) unconditional access to female spaces. The expression of such skepticism is, at root, what Meghan Murphy's project is about.

This advertisement has not loaded yet, but your article continues below.

It is also completely reasonable for others to express skepticism

**Allen:** It's tough to cover all of these things with brief replies.

Regarding whether “a person's self-identified gender trumps their biological sex,” when I hear that, I have to wonder why my “biological sex” would be relevant in most situations. My biology is my business, my spouse's business, and sometimes my doctor's business. There aren't too many areas of human activity that involve genitals. If society started policing according to genitalia, then we'd start heading down a road toward invasive checks. But what usually happens in lieu of that is that people start policing others arbitrarily, according to superficial things (i.e. facial features, or a deep voice), which don't necessarily correspond to genitalia at all, and assessments like that quickly become problematic (and not much less invasive) for anyone, trans or cis. That said, when trans-exclusionary folks refer to gender trumping sex, they're usually not talking about genitalia, but rather back to essentializing trans women as “men,” at which point any acceptance of them as women and coexistence is considered gender trumping sex. And if that is what someone is saying, then exactly what alternative is being sought, and how would that not be an attack on people's' dignity?

This advertisement has not loaded yet, but your article continues below.

When it comes to attraction, genitals are relevant, certainly — but I kind of think it's weird to say that our attraction is to “biological sex.” We are attracted to a lot of things in people — the collective sum of is a lot more than just someone's genitals. Those things are a combination of physical, personality-based, common interests, and gender expression, the latter including the various social constructions that we have about people based on their perceived sex.

Going back to gender and the trans experience, it's really reductive to think of it as a case of dolls vs. trucks, pink vs. blue, and all of that. Media feeds that a bit, because of expectations journalists have when shaping a story. There's even a trans documentary drinking game that people have featuring all of the obligatory plot points and B-roll (“oh, here is the putting-on-makeup footage ...”). Clothes are just the dressing. What we experience is some combination of body dysphoria and social dysphoria. And both of those are complex, and hard to describe for people who've never experienced them. Sometimes, it's just easier (and less invasive) to let people think it's about dolls versus trucks.

This advertisement has not loaded yet, but your article continues below.

Body dysphoria isn't just a self-image issue, but a kind of constant, overriding sense that something is wrong, and the map in your head isn't matching your body — irritating body parts are there that shouldn't be, and things that should be aren't. Your body doesn't fit. For all my pre-transition life, anything that touched my chest, for example, felt like sandpaper. Fingers, clothes ... I couldn't stand it. But I thought that was “normal” for the longest time, and that everyone experienced it. It wasn't until I started hormone therapy and my body and sensations changed that I realized it had been a part of my dysphoria. Not everything is that vivid, sometimes it's more complicated, and not everyone experiences body dysphoria to that degree, but when it's strong, it's ever-present until addressed.

This advertisement has not loaded yet, but your article continues below.

Social dysphoria is more subjective and even harder to explain, but no less constant. It's a sense of being out of place in social situations because the sense of kinship and belonging that you feel with people is in conflict with the roles, expectations, assumptions and interpersonal dynamics that are foisted upon you, because of how you are perceived due to your gender. This is more of a feeling, yes, but the ever-present nature of it becomes distressing and even socially crippling.

All of that is wrapped up in “just knowing,” and that's why it's hard to articulate beyond that. It's the collective weight of everything, always, until you finally make changes in your life that alleviate it. And when you do make those changes, each step usually confirms the path you're taking (and if it doesn't, then it's time to reassess that step and where your personal journey is going).

This advertisement has not loaded yet, but your article continues below.

What I would ask in return — and I know I can't ask you to speak for Meghan Murphy or trans-exclusionary feminism in general here, but just from your perception of how trans people are said to pose a problem in women's spaces — what do you see as being problematic that can't be solved by dealing with individual issues on an individual basis and what do you see as the solution(s)?



Protesters rally outside the Palmerston Public Library in Toronto following a talk by controversial feminist Meghan Murphy on Oct. 29, 2019. Postmedia News

**Key:** It's true that "we are attracted to a lot of things in people — eyes, fashion style, sense of humour, intelligence, etc." But to suggest that the penis/vagina and natal-male/natal-female distinctions can be lumped in with "Do you like pina colada?" is to sell a false bill of goods to people who transition. When it comes to actual relationships, marriage and procreation, human nature is human nature. We are programmed to want what we want — which is why many (though certainly not all) trans people struggle with loneliness, as their dating pool often is mapped on to a tiny subclass of sexual (and, increasingly, ideological) tastes. This is not so much a problem for many trans men, since their governing esthetic can be similar to that of some lesbian subcultures. It also seems to be relatively unproblematic for that subclass of trans women who had existed as gay men, as the transition often is mediated by sexual aspects. Moreover, some trans women who announce their transition later in life do not seem preoccupied with any kind of pair bonding, and find their satisfaction internally. But in all cases, the physical steps associated with full transition can lead to sterility — which seems like a small price to pay when you're 18 and watching Tumblr videos. It's a much bigger deal when you're 28 and living alone while your friends are starting families. There are some shockingly sorrowful stories coming out of the desistance movement. Hashtags are fun during the day. But they don't keep you warm at night.

This advertisement has not loaded yet, but your article continues below.

I agree with you that "there aren't too many areas of human activity that involve (one's) genitals." And disagreements about most of those "areas of human activity" probably will get sorted out naturally, as trans women and women more generally reorganize physical and online spaces in a way that's amenable to both sides. You already see this with the divorce between Stonewall and the newly formed LGB Alliance in Britain. And online lesbian dating spaces are self-organizing according to their receptivity to male-bodied individuals who self-identify as lesbians. The people performing these acts of self-organization obviously don't need my help — or even the government's help in most cases. What they *do* need is an environment where both sides can express themselves freely — without one side being endlessly attacked as "TERFs" and hate-criminals. It's ludicrous that someone such as Meghan Murphy

is attacked by many of the same people who think it's just fine to say things like "punch a TERF."

This advertisement has not loaded yet, but your article continues below.

I applaud your focus on "solutions" for the few areas where some policy change is required. I really don't think there are too many areas that require addressing, though the ones that exist are important:

1) While I use a person's preferred pronouns as a matter of courtesy, it should not be illegal (or even seen as contrary to human-rights standards) for people to refuse to do this. Yes, trans people see it as rude and offensive when people misgender them. But not everything that's rude and offensive should be illegal. And if your very "existence" as a trans person hangs on the question of whether some random person on social media uses the right syllable to refer to you, maybe you're not quite so trans as you thought you were.

This advertisement has not loaded yet, but your article continues below.

2) Women should not have to share spaces where they are vulnerable with male-bodied individuals, full stop. I agree with you that trans women should not have to make themselves vulnerable by sharing spaces with people like me. The solution is to create a third kind of space for trans women. The best kind of problems are those we can solve with money. And this happens to be one of them. (I am excluding here the case of trans men seeking entry to male spaces, since this is a problem that generally never comes up — for reasons I will leave others to speculate upon.)

3) The admission of male-bodied competitors into female athletics has produced scenes of grotesque farce. What's more, the media pretends that we are supposed to applaud these farcical scenes as *Stunning And Brave* — when pretty much everyone involved finds them mortifying at best, utterly misogynistic at worst. These scenes cast trans people in the worst possible light, and comprise one of the leading causes of the growing backlash against (to use a term neither of us likes) "gender ideology."

This advertisement has not loaded yet, but your article continues below.

4) We need to stop pretending that rapid-onset gender disorder, as Lisa Littman of Brown University has described it, isn't a serious issue. It is. And one of the reasons parents are so concerned about it is that the (overlapping) groups at highest risk are girls, lesbians, children on the autistic spectrum, the bullied, the mentally ill, and the traumatized. And the campaign to dismiss concerns for these vulnerable school-age populations as a species of "transphobia" is one of the leading reasons why many writers (I would include myself here) believe that the most extreme formulation of trans rights now has become marked with a cultish character.

This advertisement has not loaded yet, but your article continues below.

I feel like I've been wasting my time

**Allen:** I feel like I've been wasting my time. You're still insisting that "biological sex" is all there is. You also still think it's reasonable to associate an entire class of women with predation and exclude them wholesale from women's spaces. I've opened up quite a lot in good faith, and I don't really feel like you've even read much of what I've said, or else just dismissed it outright. This is something that Murphy also does in her talks: denies that gender identity exists, sets up anatomical sex as the only parameter that matters, and then frames her arguments in an absolutist way, so that they can only be solved through trans exclusion — much like you have, though a bit more softly and less overtly. This is why trans people get frustrated, angry and see Murphy as threatening not just their human rights, but also their ability to exist as who they are/need to be, and be accepted in their day-to-day lives. I don't endorse some of the things people do in that anger, but I understand the anger nevertheless.

This advertisement has not loaded yet, but your article continues below.

To your points:

1) It is not illegal to misgender someone. What does violate human rights law, though, is to harass someone or to deliberately create a toxic space — to drive them out of the workplace, for example — and pronouns can be a part of that. This talking point has become distorted to the point where people are thinking they might go to jail if they forget someone's pronoun, when that was never even conceivable. It's only an issue if there is harassment, creating a hardship or barrier. Intent counts.

2) Actually, I've known plenty of trans men who've sought out male spaces, but nobody ever says



anything about it, because nobody assumes that trans men are predators who are inherently dangerous to cis men. Separate-but-not-equal facilities are not a reasonable compromise (even if they were financially viable), not to mention incredibly insulting. It isn't hard to address individuals' behaviour and or histories on an individual basis, like we do for everyone else.

This advertisement has not loaded yet, but your article continues below.

3) The discussion about sport could really use its own essay. Major sports leagues from the Olympics on down have been dealing with issues of inclusion for years already, informed by the scientific studies available. In most cases, there is a requirement to have been on hormone therapy for a specific period of time and to monitor endocrine levels. It's not perfect, but it's evolving. Where this is a more difficult issue is with school sporting events, because it's far more difficult to require the same standards from youth who've often just come out and aren't eligible for surgery, or even HRT yet. It's a question of whether the greater harm is to have cis and trans youth compete with each other or to have trans youth excluded from sports altogether.

This advertisement has not loaded yet, but your article continues below.

4) Rapid Onset Gender Dysphoria (ROGD) could also use its own essay. It is not a recognized medical condition, but rather a theory created by parents who opposed their kids' transitions. It is supported by one study, which was essentially a survey of those same parents at three websites opposed to trans youth medical access. The study even claimed there were "clusters of gender dysphoria outbreaks" occurring and called it a "social contagion." The theory arose because people couldn't understand why there was a sudden increase in the number of kids coming out as trans, but I would think the reason should be obvious: the shift in social acceptance has made it possible for kids to feel confident, safe and hopeful that if they come out, they will be accepted. The major medical bodies support the acceptance and support of trans youth, and have emphasized legitimate studies that repeatedly demonstrate that. There is so much panic about this, as though kids are being manipulated, then rushed into experimental hormone therapy and surgery. It doesn't work that way. There is plenty of information out there now about trans youth, their medical and social processes, and how everything is paced so that it is reversible until their late teens, when they're able to make more serious decisions for themselves.

This advertisement has not loaded yet, but your article continues below.

I do have to hand it to the way that "ex-trans" narratives have been rebranded as "desistence" stories in a way unlike "ex-gay" testimonies, though. There has been a lot of effort to find and boost regret narratives. Obviously, nobody wants to see trans youth take steps that they regret, and that includes clinicians, parents, and other trans people (even the activists). That is why (as I said near the beginning of this conversation) that the only real "rule" is to do what one needs to do to be at peace with one's self. I encourage trans folk of all ages to take their time — but I also know that body dysphoria can make things urgent, and the medical system needs to be able to provide what is needed in an age-appropriate way, when that is the case.

This advertisement has not loaded yet, but your article continues below.

At this point, though, I expect that we are at an impasse. I'm not sure that anything I have said so far has resonated?

**Kay:** I don't think this has been a waste of time, as it has allowed each of us to define how we approach the issue. And even to the extent that you believe it is a waste of time, that in itself has some educational value — as it models one of the complaints that many gender-critical commentators have: Any deviation from now-fashionable gender dogma is cast as a persistent form of ignorance, or the result of people not "listening" to trans activists. There isn't much recognition that people differ in good faith on these issues, and that many gender crits have plenty of evidence of their own. That said, I'm grateful to have had the opportunity to discuss all this.

**Allen:** Thank you.

*Jonathan Kay is Canadian editor of Quillette. Mercedes Allen is a graphic designer, writer and former advocate for trans communities in Alberta.*