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**CURRENT AFFAIRS**

**ANALYSIS  
WHO DECIDES IF I'M A WOMAN?**

**TRANSCRIPT OF A RECORDED DOCUMENTARY**

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**Taking part in order of appearance:**

**Ruth Pearce**

**Postgraduate Researcher in Sociology, University of Warwick**

**Stephen Whittle OBE**

**Professor of Equalities Law, Manchester Metropolitan University**

**Richard O'Brien**

**Writer of *Rocky Horror Show***

**Lord Alex Carlile QC**

**Liberal Democrat Member of House of Lords**

**Julie Bindel**

**Feminist and Journalist**

**Melissa Hines**

**Professor of Psychology, Cambridge University**

**James Barrett**

**Consultant Psychiatrist and Lead Clinician, Charing Cross National Gender Identity Clinic**

**FIDGEN:** It's a pretty safe bet that you're a man or a woman. Isn't it?

**PEARCE:** Gender queer, gender fluid, androgynous, bi-gender ... (*fades under*)

**SEGUES:**

**WHITTLE:** Who decides whether we are men or women? Is it the midwife who you know has a quick glance? I've seen four children be born. I know how quick that glance is. "Oh you've got a girl." Well how do you know we've got a girl? You've not done anything but a quick glance.

**SEGUES:**

**PEARCE:** ... transvestite, transgenderist ...

**SEGUES:**

**O'BRIEN:** I believe myself probably to be about 70% male, 30% female.

**PEARCE:** ... third gender, Pangender.

**FIDGEN:** 70% male, 30% female...? That's Richard O'Brien, by the way, the writer of the Rocky Horror Show. (*Music up*)

His 1973 hit musical threw all the conservative ideas of sexual propriety of the time into the air, and celebrated everything queer. (*Music up: Don't get strung out by the way I look; don't judge a book by its cover*)

But back then, unlike his creation, Frankenfurter, Richard was afraid to reveal he himself wasn't all man. (*Music up: I'm just a sweet transvestite from transsexual Transylvania, uh huh*)

No one knows how many people share this conviction that their gender identity doesn't match their body, how many people are *transgendered* - but the numbers seeking treatment are on the rise and policy makers and social commentators are on the case.

A vicious spat flared earlier this year when the columnist, Julie Burchill, dismissed male-to-female transsexuals as 'a bunch of bed-wetters in bad wigs', and voiced a view held by some feminists that they could never be considered women. The article caused so much outrage it was pulled from the Observer website. Some of what Julie Burchill wrote was undoubtedly pure provocation, but it tapped into a deeper debate.

As we'll discover in this *Analysis*, scientists and policy makers have been redefining - in quite dramatic terms - what it is to be a woman or a man. Before, I would have told you quite confidently that I was a woman. Now I'm not so sure.

**Our story begins 25 years or so ago, when a bearded man walked into the office of then Liberal MP, now Lord, Alex Carlile.**

**CARLILE:** When I met him, I realised that I would have had absolutely no idea that he'd ever been anything other than a male! He is male, looks male, sounds male, behaves male.

**FIDGEN: In fact, he'd been born female, but was living as a man and had come to see the MP because he was having difficulties.**

**CARLILE:** It seemed to me that he had been greatly disadvantaged in the workplace and so on, and that he was a bit of un-person in many ways.

**FIDGEN:** In what sense?

**CARLILE:** Well for all official reasons, he was regarded as female. You know if he went into a gentlemen's lavatory, he might have been accused of doing something wrong. The first issue I took up for this gentlemen was whether we could have his birth certificate changed, and it proved that for statutory reasons, old Acts of Parliament, there was absolutely nothing you could do.

**FIDGEN: In 1996, Alex Carlile tabled a gender identity bill. It didn't get anywhere with the Conservative government of the day, but it did pique Labour's interest, and in 2004, the Gender Recognition Act was passed. Professor of Equalities Law at Manchester Metropolitan University, Stephen Whittle:**

**WHITTLE:** The Gender Recognition Act still is the state of the art act in relation to this anywhere in the world. It allows people after two years of living permanently in their preferred gender role to ask for that preferred gender role to be recognised in law, so their gender (and therefore their sex in terms of law) is changed from that point forward, and for all legal purposes they're recognised in the new gender/sex.

**FIDGEN: Professor Whittle has a vested interest in this - he's a trans man – in other words, he was brought up as a girl but now lives as a man.**

**WHITTLE:** I first started feeling I don't want to grow up to be a girl probably about three or four, five, when my younger brothers were born and I saw some of the clothes, for example, that were bought for them. You know why wasn't I going to be one of them? I was ten when it was school races day and there were girls races and boys races. And I remember that so clearly. It was my light on the road to Damascus - this sudden realisation that I was always going to be in the wrong race.

**FIDGEN: When he was 17, he sought medical help.**

**WHITTLE:** I transitioned in 1975 when getting treatment was extremely hard. In 1979 I had my chest reconstructed and I had a full hysterectomy at that point. Unfortunately there wasn't really any surgeons in this country creating penises, but we got one later and in 2000 I had my penis constructed. But it didn't mean I had to get rid of everything else at the same time. That other part of the genital surgery is

actually very difficult. So I live with a sort of mixed body.

**FIDGEN:** Stephen met his partner, Sarah, soon after transitioning, and they have four children by donor insemination. The Gender Recognition Act allowed him to adopt those children. It also established a process by which anyone over 18 can apply for a Gender Recognition Certificate, which allows you to change your sex on your birth certificate. And get this - if I wanted to reclassify myself as a man, there would be no obligation on me to change my body in any way - through hormones or surgery. All I would have to do is have a psychiatrist confirm that I had been living fulltime as a man for at least two years. Can that be right? As far as the state's concerned, I can officially be a man, yet have the body of a woman?

**WHITTLE:** Absolutely. It's perfectly possible for you to get a Gender Recognition Certificate, to get a new birth certificate in your preferred gender, but still basically to have the body of somebody of the opposite sex and yet to be able to, for example, get married as if you were the new person. In fact for the last seven years, we've seen all sorts of pairings of genitals getting married, and when people are shouting about same sex marriage, I really want to just say calm down, it's been going on for a long time now.

**FIDGEN:** The state appears to have divorced body and mind, sex and gender. This is radical stuff. Or is it? Radical *feminists* like Julie Bindel think it's an ultra-conservative move.

**BINDEL:** The Gender Recognition Act is further entrenching the notion of gender. It's saying that there is such a thing as a female brain, that there is such a thing as a real man and a real woman, and this is precisely what feminism is tasked with challenging.

**SEGUE:**

**WHITTLE:** There is an argument that the Gender Recognition Act has effectively entrenched gender stereotypes. It's done something very different from that because actually what you now have is people who are legally women going round with penises and even getting married as women with penises. I can't see anything that more challenges the stereotypes than that.

**FIDGEN:** Hasn't Stephen Whittle got a point? This looks like an unrivalled opportunity to disrupt gender stereotypes. Well, that's not the way Julie Bindel sees it. She thinks transgenderism is damaging feminism.

**BINDEL:** What ultimately feminists want to do is to eradicate the straitjacket of gender. What transgender people want to do is defend gender and keep a very strong hold on it as integral to their identity. They rely on gender to showcase femininity and masculinity. So for a person who feels that they're transgender, to go to a psychiatrist to convince them you have to play on every single harmful stereotype available.

**SEGUE:**

**PEARCE:** I'm often scruffy, I wear jeans, I wear t-shirts, I wear baggy hoodies.

**FIDGEN:** Ruth Pearce was born a boy. As a teenager, she realised she wanted to be a girl. She says Julie Bindel's criticism that psychiatrists insist on trans women having big hair and high heels is out of date.

**PEARCE:** Certainly once I got to the gender clinic, I wasn't encouraged to dress or act in a stereotypically feminine way, and that's something that's changed over the last two decades or so. As a feminist, I believe that a trans perspective and a feminist perspective aren't necessarily at odds.

**FIDGEN:** Ruth Pearce's experience has informed her work as a sociologist. She studies transgender issues at the University of Warwick.

**PEARCE:** We move through a world in which feminine and masculine are things that exist. What we can do is seek a world in which this doesn't matter anymore, but in the short-term I think it is important to acknowledge that there are differences in ways that people interact. When I was effectively living as a teenage boy, a lot of my ways of expressing myself were seen as weird or strange. I was asked if I was gay by people. The behaviours I happen to have, the interests I happen to have fitted more easily into the somewhat artificial category of girl than they did into the somewhat artificial category of boy. I think transgenderism as we understand it now would not exist in a world free of binary gender. Transgenderism is a reaction to the world as it is now.

**FIDGEN:** So there's trans woman Ruth Pearce agreeing with the radical feminists, that one explanation for people wanting to change sex is social pressure to conform to gender stereotypes, to fit into a gender binary - with man on the one side, woman on the other. But the desire is often accompanied by a visceral dislike of the sexual characteristics of one's body - an experience known as gender dysphoria. Scientists are trying to understand what exactly is going on - though without much success.

**HINES:** We are frankly mystified by what might be the cause of an individual wanting to live as a person of the other sex.

**FIDGEN:** I went to meet Melissa Hines, a gender expert and Professor of Psychology at the University of Cambridge, in the hope that she could at least nail down some basics for me. (*To Hines*) Can you start by giving us a definition of what sex and gender are in your view?

**HINES:** People have separated sex and gender and suggested that sex is biological and gender is culturally determined. I find sometimes it's hard to make this distinction.

**FIDGEN:** Can you tell me then, in pretty basic terms, how you would go about determining what sex somebody is?

**HINES:** I would ask them.

**FIDGEN:** It's up to them?

**HINES:** I think it should be up to them.

**FIDGEN:** You can choose whether you're male or female? I need to find some solid ground here. What *can* we be sure of? Well, we do know that while we're in the womb, sex hormones determine whether we develop male or female genitalia - and experiments on animals suggest they may also have an impact on the way the brain develops, and on behaviour.

**HINES:** This is a fire-truck and this has a ladder, and boys typically play with this toy more than girls do. We also have a fantastic tea-set.

**FIDGEN:** How children play with toys is of particular interest to Melissa Hines. Her focus is on children born with ambiguous genitalia and how their gender identity develops.

**HINES:** The available research suggests that genetic information and hormonal levels before birth contribute to gender related behaviours and that the individual comes to society already predisposed in certain directions.

**FIDGEN:** Wait a minute. This is threatening the very foundations on which modern feminism is built. Many feminists want to believe girls aren't born liking dolls and preferring pink - they are taught to behave that way. For them sex is a biological reality, a question of chromosomes - but *gender* is made-up, a social construct, a set of rules to keep men and especially women in their place. And yet, here's a scientist saying we come to the world already gendered in some ways.

**HINES:** I think the idea that all of gender is a social construction is a political point of view. From a scientific point of view, although socialisation is important, there also are some inborn factors that contribute to gender development. So, for instance, girls who are exposed to very high levels of testosterone prenatally show more male typical behaviour after birth. So, they're more likely to like toys like cars and trucks and weapons that boys usually gravitate towards and they're less interested in toys like dolls and tea-sets that girls might usually like.

**FIDGEN:** So will those girls grow up wanting to be boys?

**HINES:** The girls who are exposed to high levels of testosterone are more likely than women in general to want to live as men in adulthood despite having been raised as girls, so that suggests some possible contribution of testosterone prenatally to gender dysphoria. On the other hand, the vast majority of women with this disorder don't want to change to live as men, so it's not as simple as hormone exposure leading to this outcome.

**FIDGEN:** Researchers are exploring other avenues too – a mooted link to childhood abuse is one. Another that has caused a lot of excitement was a comparison of the brains of transgender and non-transgender people. It

**discovered that a part of the brain that is central to sexual behaviour is typically smaller in females - and in the brains of male-to-female transsexuals.**

**HINES:** But this sex difference appears to develop after puberty. And so that makes it a bit confusing because most people who want to live as a person of the gender other than their physical appearance have wanted to do so from before puberty, so it's not clear what the causal relationship is between this brain region and gender dysphoria. It might be that the experience of gender dysphoria causes the change in the brain.

**FIDGEN:** While the evidence of a biological cause for transgenderism is far from conclusive, there is enough for international disease classification bodies to question whether it is time to stop labelling it as a *mental illness* - as they did with homosexuality in 1973. As it stands, anyone in the UK who wishes to take hormones or have sex reassignment surgery – available on the NHS - has to be seen by a psychiatrist. Most - 1400 last year - are referred to the Charing Cross National Gender Identity Clinic in London, where James Barrett is lead clinician.

**BARRETT:** It doesn't really matter what I think a boy is or a girl is or a man is or a woman is. It's not for me to judge that.

**FIDGEN:** For Dr Barrett, your gender identity is how you feel about yourself - plus how everybody else feels about you.

**BARRETT:** It would be fairly disastrous if I thought this person, oh he's very much like a woman - they certainly look that way, they certainly talk that way and relate to me that way. That's not really important, they're not going to spend the rest of their life talking to *me*. They're going to spend the rest of their life buying cheese in Tesco and getting on with their job, so what matters is how well it works there.

**(SEGUE)**

**FIDGEN:** If I came to see you and said to you, "I've been born into a female body but I'm a man," what would you ask me, what would you want to know?

**BARRETT:** I'd want to know something about your sense of yourself and how you behaved when you were smaller: what kind of clothing choices you were making, what kind of playing with toys choices you were making; but often just spontaneous utterances like "When will I grow a penis?" said at the age of four to your mother is suggestive that perhaps at that age there was already something up.

**FIDGEN:** The earlier you change sex, the more convincing the outcome. Just under two years ago, approval was given in the UK to hormone blockers so that gender dysphoric 12 year olds can stop their bodies developing. At the age of 16, they can choose to start taking cross-sex hormones, and at 18, can have surgery. Last year, just over 200 children were referred for medical help. 19 are on hormone blockers. Julie Bindel - a lesbian and a feminist - is worried about where this might lead us.

**BINDEL:** Many children who present as transgender end up identifying as either



lesbian or gay in later life and no longer identify as transgender. Definitely had I been taken to a psychiatrist when I was you know in my early teens and was being bullied because of living outside of gender rules, I may well have been given a diagnosis of being transgender and I could be sitting here talking to you as a male. So I think hormone blockers for children are a dreadful idea.

**FIDGEN: She's also concerned about the practical consequences of men becoming women.**

**BINDEL:** I was volunteering at a service near a street prostitution area where the women had an appalling history of child sexual abuse and who were being abused on the streets. And a male to female transgender person, pre-op, came in - beard, stubble, very short skirt, sat with her legs very widely splayed and obviously had male genitals and proceeded to behave aggressively to the other women. And there was nothing that the manager of the service could do to tell her to leave because she legally has the right to be in that space as a woman. There are also examples of trans women who are in women's prisons, and often these trans women are in there for inflicting violence upon women; that their rights are viewed as more important than the women in those prisons.

**FIDGEN: Is this the unintended consequence of a legal reform to give equal rights to a disadvantaged group? I raised the issue with Lord Carlile, who first brought transgenderism to the attention of law makers.**

**CARLILE:** You know if somebody goes into a court and is accused and their original name was 'John Smith' and they choose to call themselves 'Jane Smith', they will be tried as 'Jane Smith', and I don't see why what a court recognises should not also be recognised by the prison service.

**FIDGEN:** Taking an extreme example ...

**CARLILE:** Yeah.

**FIDGEN:** ... a male to female transsexual who has not gone through surgery, speaking bluntly still has a penis, rapes somebody, is sentenced but is officially recognised as a woman. Which prison does she go to?

**CARLILE:** Well in my view, arrangements should be made for that person to go to a female prison. I think that the arrangements that can be made in prison are very varied. The person concerned may spend a great deal more time on their own, but I think that their right to be a male or a female is a very strong right and that should be respected when someone is sent to prison.

**FIDGEN: So far, so problematic. But what about people who say they're neither male nor female, or perhaps they're both. If Rocky Horror Show writer Richard O'Brien committed a crime, where would he be imprisoned?**

**O'BRIEN:** It's my belief that the human being is on a continuum. There are people who are hardwired male and there are people who are hardwired female, but most of us are on that continuum and I believe myself probably to be about 70% male, 30%

female. I was six and a half when I said to my big brother that I wanted to be the fairy princess when I grew up. And the look of disdain, it made me pull down the shutters. I knew that I should never ever say that out loud again.

**FIDGEN: Richard kept the secret for half a century, but now the shutters have been well and truly flung up!**

**O'BRIEN:** I have been on oestrogen for about ten years. For the first time in my life, I've started to put on a little bit of weight, which I like, and I'm getting little tits and things like that. It takes the edge off the masculine side of me, the testosterone driven side of me. I think I've become a nicer person in some ways, slightly softer. Anton Rogers, the actor, he described me as "the third ... the middle sex," he said. "You're the third sex." And I thought that's quite nice. I quite like that position really. I don't know, I just feel ... (*sighs*) I don't have to be a man anymore. Do you know what I mean? I feel I don't have to pretend anymore. Being a man is very tiring. All the pretence. You've got to talk about cars and you've got to do this and do that. It's just ... It's so boring. It is terribly boring being a man.

**FIDGEN: Richard O'Brien doesn't want to have surgery, but to find a happy medium between maleness and femaleness. And he has scientific backing for his belief that we are on a gender spectrum. Cambridge psychology professor, Melissa Hines, believes he's right - there aren't just two distinct sexes.**

**HINES:** I think that the research in this field suggests just the opposite - that there is *not* a gender binary; that there's a range of gender, and there are many dimensions of gender and an individual person can be in a different position in terms of how masculine or feminine they are on each of these dimensions. I think the source of people's inability to really incorporate this idea into their thinking has to do with the human minds wanting things to be simple. They want things to be yes/no, male/female, black/white, and that's not the nature of the world.

**FIDGEN: But this poses problems for psychiatrists at the sharp end. James Barrett of the UK's main gender identity clinic.**

**BARRETT:** People who live in a rather ambiguous gender role, those patients are thought about really carefully. The concern is that one doesn't want to do anything that's drastic and irreversible and then have them in a position where they're not happy and can't get out of the situation that they're in. Most of the people who I end up dealing with in clinical practice do not see themselves as on any kind of a spectrum. They see themselves as unremarkably male or unremarkably female. Now it may well be on biological findings that in fact everybody's on a spectrum, it's just that the way society works most people don't think of themselves as on any kind of a spectrum at all. The same is probably true of sexual orientation. Most people don't describe their own sexual orientation as being on a spectrum, although actually, practically speaking, it very much is.

**FIDGEN: Maybe we'll all soon be defining our gender identity in percentage terms just like Richard O'Brien. If you think this is fanciful and that it's hard enough to get your head around the new territory policymakers have led us onto, then brace yourself - this may be where we're heading next. Trans campaigner**

**Ruth Pearce.**

**PEARCE:** I think a massive battle still needs to be fought legally and that's for trans people who don't identify as female or as male - trans people who might describe themselves for instance as gender queer, as androgyne, as bi-gender or as gender fluid, to use just some terms that people use to describe themselves. And I think the big legal battle at the moment is moving beyond binary gender to a place where people can move through the world legally without having to say that they're female or male.

**FIDGEN: Change is coming. Law professor Stephen Whittle.**

**WHITTLE:** What's been happening to the law over the last twenty years is that we have been de-gendering the law. So take, for example, the Sexual Offences Act. Rape is rape whether it's done by a man or a woman. Similarly, the Road Traffic Act used to require you to declare whether you were a man or a woman. Well you don't have to declare that any longer. In Australia you're no longer required to have M or F on your passport. You can choose to have an X.

**FIDGEN: What difference would it really make if the state stopped taking an interest in our sex or gender identity? Women and men before long will be collecting their pensions at the same time; same sex marriage is likely to get the nod. Penning a law won't change society overnight - but cultural attitudes do tend to catch up.**

**WHITTLE:** I remember when we had twin babies. Sarah was feeding one and I had the other with a bottle. And our two other children, Gabriel and Eleanor, were sat at the dinner table with us. And Gabriel, who was about three and a half, turned to us and said, "How do you know that they're girls?" And I looked at Sarah, my wife, who went, "Well Gabriel, we *don't* know whether they're girls. We know that most people born with vaginas will grow up to be girls and we know that most people born with penises will grow up to be boys. Sometimes that's wrong. So if we've got it wrong with the twins ... We've made a guess, but if we've got it wrong, when they're big enough and old enough, they'll tell us and then we can sort it out then." That was a perfectly good answer for them both.

**FIDGEN: Who, then, decides if I'm a woman? I do. Scientists and policy makers agree on that. This quiet revolution has taken place without many of us noticing - maybe because we thought it concerned only a small minority of the population - but it affects all of us and the way we organise society. If we can accept that sex and gender are a personal choice - with a whole range of possibilities between the extremes of male and female, man and woman - the battle of the sexes as we know it will be over. What comes next? Perhaps, a new model of society where we negotiate relationships with each other and the state on our own, individual, terms.**