

Institution: University of Sussex		
Unit of Assessment: 30 – Philosophy		
Title of case study: Stimulating and Shaping UK Political Debate and Judicial Policy Concerning Gender Identity		
Period when the underpinning research was undertaken: 2015 – 2020 (ongoing)		
Details of staff conducting the underpinning research from the submitting unit:		
Name(s):	Role(s) (e.g. job title):	Period(s) employed by submitting HEI:
Kathleen Stock	Professor of Philosophy	2003 – present
Period when the claimed impact occurred: 2018 – 2020		
Is this case study continued from a case study submitted in 2014? N		
<p>1. Summary of the impact</p> <p>Stock's research contributes previously under- or mis-represented perspectives to a controversial area of public discussion: that of social and legal reform around gender identity. It has directly informed parliamentary and legal debate on this issue as well as the work of advocacy groups and the wider public. The work has created space in public and academic settings for more nuanced, evidence-informed debate, drawing particular attention to the potentially negative impacts of proposed reforms on specific groups (detailed below), and has thereby enhanced evidence-based scrutiny and due process. This has improved the capacity of policymakers to draw informed conclusions responsibly, particularly in relation to issues of single-sex provision, data collection, hate crime, and free speech about sex and gender.</p>		
<p>2. Underpinning research</p> <p>Stock's long-standing expertise on fiction and imagination, and more recent work on sexual orientation and sexual objectification, has in recent years enabled a close focus on the fictions associated with gender identity and their contested role in current legal and public debates surrounding the subject.</p> <p>Her 2009 article 'Fantasy, Imagination and Film' [R1] offers a conceptual account of fantasy as a kind of 'objectual imagining' aimed not at truth but at a 'state of affairs that would gratify', and often involving the use of concrete physical substitutes for the absent fantasised object or scenario. This background framework partly enabled Stock to conceptualise contemporary claims about gender identity and its relation to womanhood and manhood as involving desire-led imagination rather than belief-formation aimed at literal truth.</p> <p>Her 2017 monograph <i>Only Imagine</i> [R2] continued her exploration of the philosophical concepts of fiction, imagination, pretence, and role-play. It is particularly pertinent to the impact described in this study because it analyses the nature of fiction and of imaginative immersion in a fiction. Stock argues that a fiction should be understood as an instruction (or set of instructions) to readers or hearers to imagine a scenario; it may also involve instructions to act as if something is true, when in fact it is not. <i>Only Imagine</i> also gives a concrete account of the mental activity of imagining, describing its relation to belief. It covers not only psychological immersion in novels, stories, dramas and thought experiments, but also imaginative immersion in non-artistic everyday fictions such as fantasies and 'acting-as-if', thereby paving the way to discussion of imaginative immersion in the context of gender identity disturbance.</p> <p>The role of imagining, and specifically imaginatively 'seeing-x-as-y', in the much-debated process of sexual objectification is further explored in [R3], which argues that sexualised media</p>		

imagery encourages the imaginative seeing of women as depersonalised or object-like, constituting a form of ‘mind-insensitive’ objectification. This research connects to Stock’s public arguments that the contemporary claims ‘trans women are women’ damagingly tend to treat womanhood as an objectified appearance rather than a natural category.

Taken collectively, this important work on fiction, fantasy, imagination, and seeing-as provides a foundation for Stock’s research into the 2004 Gender Recognition Act (GRA) and the implications of proposed reforms to it. In both academic and public contexts she has argued that this significant piece of legislation is best understood as a legal fiction: an instruction in legal contexts to think and act as if sex can be changed, when this is not in fact a literal possibility. By extension, she also argues that the now-familiar and widely circulated claims that ‘trans women are women’ and ‘trans men are men’ should similarly be understood as fictions rather than as literal statements accurately reflecting material facts. Immersion in these fictions, she suggests, is appropriate and beneficial in some interpersonal contexts; but she argues that there are circumstances (e.g. single-sex exemptions for changing rooms, sports etc) where it may not be appropriate to enact that fiction, and that it is inappropriate and illiberal to have policies requiring people generally to immerse themselves in these fictions in public contexts.

Extending this argument, [R4] defends the position that being gay or lesbian necessarily involves being same-sex attracted. It challenges the widespread contemporary idea (currently disseminated by influential LGBT organisations such as Stonewall and US organisation GLAAD), that sexual orientation should be understood as sexual attraction between hidden, privately-experienced gender identities. The article defends the existence of biological sex as materially real and with causal effects, particularly in contexts of discrimination and argues for the importance of retaining concepts of sex-based orientations, politically, psychologically, medically, scientifically, and economically.

This body of research has underpinned Stock’s public interventions on sexual orientation (detailed in section 4, below). The implications of the research embodied in [R4] are particularly far-reaching, and have prompted important debates – and on-going research – on the nature of conversion therapy, on therapeutic interventions for children with gender identity disorders (a disproportionate number of which are same-sex attracted), and on sexual orientation. On this basis, for instance, Stock has argued that gay people are inadequately politically protected wherever the definition of a gay sexual orientation refers to an inner gender identity, not a sex, and that this constitutes harm to them. She further argues that particular harms are anticipatable for lesbians, once males self-identifying as females are understood publicly as ‘lesbian’, and that this conceptual change is also confusing to young gay people trying to work out their sexualities. For Stock, this makes public understanding of the true harms of ‘gay conversion therapy’ much more confused and has an impact on the effectiveness of therapeutic interventions for trans-identified children. In this way her expertise in concepts of fiction, imagination, and ‘acting-as-if’ has allowed her to bring authority, rigour and conceptual clarity to issues surrounding a range of significant issues surrounding gender identity.

3. References to the research

R1: Stock, Kathleen (2009), Fantasy, Imagination and Film, *The British Journal of Aesthetics*, 49:4, pp.357–369. Available on request

R2: Stock, Kathleen (2017), *Only Imagine: Fiction, Interpretation and Imagination*. Oxford: Oxford University Press. Monograph. Hardback. Paperback published 2019. Submitted to REF2.

R3: Stock, Kathleen (2018), ‘Sexual Objectification, Objectifying Images, and the ‘Mind-Insensitive Seeing-As’’, *Evaluative Perception* ed. Anna Berqvist and Robert Cowan. Oxford: Oxford University Press, pp. 295-310. Submitted to REF2.

R4: Stock, Kathleen (2019) ‘Sexual Orientation: What is it?’, *Proceedings of the Aristotelian Society* 119:3, pp. 295–319. <https://doi.org/10.1093/arisoc/aoz015>. Submitted to REF2.

4. Details of the impact

Stock's research on fiction, sexual orientation, sex, and gender identity has enabled her to respond to emerging public debates in this domain: she has written on these matters in numerous public contexts and has been widely interviewed on British television and radio, as well as by press in Brazil, Denmark, the Dominican Republic, Germany, Italy, and Spain (all listed in [S1]). Her work has stimulated extensive debate in other academic fields [S2]. It has also informed the care of children with Disorders of Sexual Development, particularly concerning the language used by care professionals (as testified by Julie Alderson, the leading paediatric specialist in the UK [S3a]). Perhaps most profoundly, Stock's work has impacted upon judicial and parliamentary process. In these contexts she has been able to bring attention to critical problems with proposed and actual reforms to law and social policy. Her achievements in drawing attention to the need for academic freedom to explore gender identity were recognised in her award of an OBE for services to Higher Education in the 2020 Honours List.

In 2018 the UK government initiated a public consultation on gender recognition reform in favour of self-identification ("self ID"). Stock's involvement in the consultation and the wider questions it has generated have taken a number of impactful forms:

The Gender Recognition Act Consultation

From early 2018, first in a series of blogs and then through commissions from *The Economist*, *The Article*, *Quillette*, and *The Conversation*, and letters in *The Times*, *The Sunday Times*, and *The Guardian*, Stock responded critically to the consultation and its underlying assumptions. Her presentation in Brighton to the grassroots organisation Woman's Place UK (WPUK) – about the conceptual and practical problems involved in taking gender identity claims to literally determine the nature of womanhood and manhood [S4] (16 July 2018) – has since been watched on YouTube by 22K people. The significance of this speech led to invitations to speak at subsequent Woman's Place meetings, including an event at the House of Lords (16 October 2018). The organisation is unequivocal in its recognition of the 'significant contribution' that her research has made to their campaign on the Gender Recognition Act (GRA) consultation [S4].

At her House of Lords presentation Stock met Baroness Emma Nicolson, who invited her and other academics to send personal submissions to the Gender Reform Public Consultation process. Stock's submission included discussion of the GRA as a legal fiction [S5a] and – based on the growing network of academics critical of the proposed reforms which was coalescing around her – she also organised the submission of several other testimonies from academics, including from other philosophers. The campaign was successful and in September 2020 the government announced they were dropping their plans to adopt self ID. This was widely judged to be a result of the collective pressure exerted by grassroots women's campaigns, in which Stock played a significant role (see James Kirkup, 'How Women Won the War Against Gender Self ID', *The Spectator*, 22 September 2020 [S5b]). For the following parliamentary inquiry into 'Reform of the Gender Recognition Act' (December 2020) led by the Women and Equalities Select Committee, Stock was one of only six academics invited to present oral evidence at the opening session and to be cross-questioned by MPs [S5c].

The Scottish Census Inquiry

In October 2018 Stock made a submission to the Scottish Government's Culture, Tourism, and External Affairs Committee, which was scrutinising the Census (Amendment) (Scotland) Bill [S6a]. In her submission, she rejected the proposal that a question about 'sex' should be explicitly presented as about 'gender identity' in the 2021 Scottish Census, since specifying the category 'sex' in terms of 'gender identity' would be a way of enacting a fiction that was inappropriate for data collection. Drawing directly on her research, and specifically [R4], she critically discussed the definition of sexual orientation proposed in the Bill. Stock's submission was considered in oral evidence sessions, quoted in Stage one of the report [S6a], and cited extensively in a [*Glasgow*] *Herald* article [S6b]. On 13 June 2019, the Census Bill was passed

with separate questions about actual and self-identified sex [S6c]. The Committee Chair and Scottish MSP Joan McAlpine later identified Stock's pivotal contribution to the process in a keynote speech to more than a thousand attendees at a Woman's Place meeting at UCL [S7].

Supporting Legal/Judicial Sector Processes

On the basis of her research and public engagement activities, Stock was invited by lawyers to submit two witness statements for a 2019 judicial review (Harry Miller vs. College of Policing and Humberside Police) [S8]. Tweets by former police officer Miller, including a limerick mocking trans activism, had been recorded as 'hate crime incidents'. Stock's witness statements concerned both free speech and the concept of hate speech; she suggested that criminalising the statement of facts about biological sex would mean the law prioritising a fiction over fact. Her contributions had a major impact on the case. The presiding judge, Mr Justice Julian Knowles, found that the actions of Humberside Police had a chilling effect on free speech. He referred to both of Stock's witness statements at length in the final ruling and the case was widely reported in the press, including a front-page article and a leader in *The Times* [S8]. Stock was commissioned to write about the case for *Unherd*, resulting in the piece 'Being wrong isn't being hateful.' The significance of her contribution to the case and the relevance of her work have been recognised in an invitation to submit a witness statement for a 2021 Judicial Review into the Crime Prosecution Service's LGBT guidance in schools. She was also asked to submit evidence to the ongoing Law Commission consultation on hate crime and was interviewed by Law Commission officers about the content of her submission in December 2020.

Stock's research and its often-controversial public engagement have generated further important questions concerning free speech that have substantial public import. Her right to freely discuss philosophical matters of sex and gender identity has been defended in newspaper and magazine columns by Hugo Rifkind (*The Times*), James Kirkup (*The Spectator*), Kenan Malik (*The Observer*) and Zoe Strimpel (*The Sunday Telegraph*), and in a speech in the House of Commons on International Woman's Day 2019, MP Joanna Cherry decried the harassment Stock has faced 'simply for asserting women's sex-based rights' [S9a, S9b]. Stock has used this experience to continue to affirm the principles of her research and to generate further positive impact. For instance, in May 2019 she was invited to speak about her experiences in defending controversial views on sex and gender identity at a closed Edinburgh Royal Society event featuring MSPs, academics, and broadcasters concerned with generating a public charter for responsible public debate in Scotland. In April 2020, at his invitation, she also met with Kamal Ahmed, Editorial Director of BBC News, in order to discuss and inform the BBC's coverage of sex-based rights in relation to gender identity. Most recently, in late 2020, it was a Stock blogpost on an employment tribunal result (Forstater vs GCD Europe and others) titled 'This is Not a Drill' [S10a] that prompted the author J. K. Rowling to tweet about the importance of acknowledging biological sex in some contexts, adding #ThisIsNotADrill [S10b]. Rowling's statement generated extensive engagement on Twitter (with over 211K likes, nearly 90k retweets, and nearly 40k comments) and publicity across the globe, bringing a much wider constituency to Stock's research and its implications [S10b].

5. Sources to corroborate the impact

S1: List of press coverage, including interviews with Stock: *The Daily Telegraph* 13 September 2019; *Times Higher Education* 7 January 2020; excerpt from Helen Lewis *Difficult Women*, p. 215.

S2: List of academic work responding to Stock's research and public engagement.

S3: a. Testimonial letter from charity DSD Families (Ellie Magritte and Julie Alderson), 23 June 2019; b. email invitation from Nuffield Council, 3 October 2019.

S4: Testimonial letter from Woman's Place UK, 19 June 2019.

S5: a. Submission by Stock to the Gender Recognition Act consultation, 12 October 2018; b. *Spectator* article by James Kirkup, 22 September 2020; c. House of Commons, Women and

Equalities Committee. Oral Evidence: Reform of the Gender Recognition Act, HC 884, 9 December 2020. <https://committees.parliament.uk/oralevidence/1393/html/>

S6: **a.** Stock's submission to Culture, Tourism, and External Affairs Committee, on the Census (Amendment) (Scotland) Bill: Stage 1 Report - <https://sp-bpr-en-prod-cdnep.azureedge.net/published/CTEEA/2019/2/7/Stage-1-Report-on-the-Census--Amendment--Scotland--Bill/CTEEAS052019R1.pdf> (Stock is quoted on p. 19); **b.** *The [Glasgow] Herald* article 5 December 2018; **c.** The Amended Census Bill - www.parliament.scot/S5_Bills/CensusScotlandBill/SPBill40PMS052018.pdf

S7: Transcript and video of MSP Joan McAlpine's speech at a Woman's Place UK conference "Women's Liberation", February 1 2020, describing impact of Stock's work.

S8: Witness statements to Harry Miller vs. College of Policing and Humberside Police (2019); transcript of Judge's ruling (2019); front page and leader article of *The Times*, 15 February 2020.

S9: **a.** Hansard transcript of MP Joanna Cherry's speech to the House of Commons on International Women's Day, 5 March 2020; **b.** *The Guardian* "Today in Focus" podcast, 9 October 2020.

S10: **a.** "#ThisIsNotADrill" Medium article by Stock, 18 December 2019; **b.** *The Guardian* article about JK Rowling tweet: #ThisIsNotADrill, 19 December 2019.