

## Postcolonial Dynamics in Pro- and Anti-Trans Activism in the UK and Ireland

Sandra Duffy\*

### Abstract

This paper examines the postcolonial relationship between the United Kingdom and Ireland through the lens of the discourse around transgender rights and anti-trans activism. This debate has spilled over from the social, political, and media spaces of the larger jurisdiction into that of the smaller and has provoked a backlash from grassroots Irish feminists who are outraged by trans exclusion. In return, organisations have sprung up in Ireland to protest against trans-inclusive law and policy, sparking debate over their provenance and membership. These debates have featured nationalist and postcolonial motifs including the Irish language and iconography of Irish revolutionaries, as well as the Suffragettes in Britain. As the two sides contest to be seen as the “true” Irish feminism, the paper concludes with an examination of the lives and work of the historical women invoked by both sides. In doing so, the paper attempts to refute the claims of anti-trans actors to an Irish tradition.

### Introduction

*In UK trans social spaces, the emotions I encounter most often are fear, uncertainty and exhaustion. I meet many trans folk stuck stewing over*

---

\* Lecturer, Law School, University of Bristol, UK. Email [sandra.duffy@bristol.ac.uk](mailto:sandra.duffy@bristol.ac.uk)

---

---

*political defeats and obsessive media coverage. I see a physical response: a frantic hand-wave at “everything that’s going on” and a scream.*

HJ Giles, ‘Trans in the UK: What the Hell Are We Going to Do?’<sup>1</sup>

*We, the signatories of this letter, organise hand in hand with our trans sisters. Together, cis and trans, we are Irish feminism. Trans women are our sisters; their struggles are ours, our struggles theirs.*

Feminist Ire, ‘An Open Letter...’<sup>2</sup>

In the past number of years, a worrying trend of discourse has appeared in social and media spaces in the United Kingdom – that of anti-transgender advocacy under the guise of protection of (cisgender) women’s and children’s rights. In recent times, this has also spread to certain sections of Irish society. Any Irish acceptance of ideas stemming from Britain is curious in the context of the ongoing post/colonial understanding of Ireland nationalism, in which “Irishness” has often been construed as an essential “unBritishness” due to the historically adversarial inter-state relationship following the British occupation of Ireland. However, a resistance to anti-trans narratives has arisen from within grassroots Irish feminism, representing the

---

<sup>1</sup> Harry Josephine Giles, ‘Trans in the UK: What the Hell Are We Going to Do?’

<https://harryjosiegiles.medium.com/trans-in-the-uk-what-the-hell-are-we-going-to-do-73fef741cef6#3c9b> accessed 17 September 2023.

<sup>2</sup> Sinéad Redmond/Feminist Ire, ‘An open letter to the organisers of the ‘We Need to Talk Tour’ from a group of feminists in Ireland’ <https://feministire.com/2018/01/22/an-open-letter-to-the-organisers-of-the-we-need-to-talk-tour-from-a-group-of-feminists-in-ireland/> accessed 17 September 2023.

---

true spirit of Irish women and feminists as trans-inclusionary – which was swiftly countered by other, anti-trans, groups, purporting to base a trans-exclusionary ideology in Irish nationalism and iconography.

This paper aims to contextualise the ongoing and fraught dynamics of trans-rights and anti-trans activism in the United Kingdom and Ireland. Using a postcolonial lens, it examines the flow of ideas and information from the larger jurisdiction to the smaller, and the backlash to the importation of those ideas which has caused ripples throughout the Irish feminist movement. It examines the use of nationalist and revolutionary images and rhetoric from both sides of the argument, making this discourse a site of postcolonial contestation as well as a question of the legal definition and social status of gender. It compares the use of colonial and nationalist motifs in debates around trans rights to those used in the campaigns for and against abortion in Ireland. The central thesis of this paper revolves around the claims to legitimacy of both sides which attempt to articulate “true” nationalist principles, and to position themselves as representing the soul of Irish feminism. Through an examination of the key nationalist figures invoked, in particular, Constance Markievicz, the paper attempts to refute the claims of anti-trans actors to an Irish tradition.

In 2015, Ireland introduced its Gender Recognition Act following many years of court cases, parliamentary consultations, and political debate. The outcome of this process was a piece of legislation which was among the most progressive in the world at the time, based on a process of self-identification of gender. This meant that no medical or legal authorisation was required before a person could apply for a Gender Recognition Certificate. In this way, the Irish legislation (Gender Recognition Act 2015, or GRA 2015) differs vastly from the United Kingdom’s Gender Recognition Act 2004 (GRA 2004), which imposes restrictive conditions on applicants for a Gender

Recognition Certificate. In 2018, the UK government opened a review of the GRA 2004, asking if its provisions should be updated. Although the responses showed a broad support for reform, the Government decided not to change the law.

This consultation on the Review of the GRA 2004 stirred up a high level of public debate in the UK, a large tranche of which was and remains extremely hostile to the concept of self-declaration and trans rights in general.<sup>3</sup> In contrast, the Irish review of the Gender Recognition Act 2015, also undertaken in 2018, did not have a similar effect. It is only in the period between 2019 and the time of writing in 2023 that a number of anti-trans groups have been founded in Ireland, claiming to oppose the GRA 2015 and its self-declaration philosophy. These have been countered by already-active Irish feminist activists and organisations. A large amount of the debate over these groups has centred on whether they are in fact Irish, or Ireland-based, or an import from Britain. Both sides of the argument have made claims to represent an essential “Irish feminism” while deriding the other as being neocolonialist. This paper will attempt to decipher these claims and contextualise the arguments over ideological transfer within a postcolonial framework.

### **Positionality and language**

It is important to the author to situate themselves in this debate. I am a white settled Irish legal academic living and working in England. I have therefore had lived experience of both jurisdictions under discussion. I am a feminist, I am pro-trans, and

---

<sup>3</sup> See Sally Hines, ‘Sex Wars and (Trans) Gender Panics: Identity and Body Politics in Contemporary UK Feminism’ (2020) 68 *The Sociological Review* 699; Ruth Pearce, Sonja Erikainen and Ben Vincent, ‘TERF Wars: An Introduction’ (2020) 68 *The Sociological Review* 677.

---

I write from a position of supporting the legal rights of trans persons to self-declare their identity and to be treated in all ways legally and socially as a member of their self-identified gender.

In this paper I refer most frequently to “England” and “Britain” rather than “the United Kingdom”, as those are the terms in which I find the argument to be constructed. I find myself intrigued as I write by this linguistic slippage. The choice between “Britain” and “United Kingdom” is deliberate: frequently, “Irish feminism” considers itself to be an all-island movement, as has been seen in the solidarity expressed by feminists in the Republic with abortion rights in the North.<sup>4</sup> But the linguistic and conceptual fluidity between “Britain” and “England” is curious when writing from a postcolonial viewpoint. England’s historical dominance and driving force behind the colonial project, as well as the increasing distancing of Scotland in legal and political terms from the rest of the United Kingdom, have led to a certain equivalence between the terms.

“Trans” is an umbrella term which is used to signify all those who do not identify with the gender to which they were assigned at birth.<sup>5</sup> This includes binary-identified transgender persons (trans men and trans women), non-binary persons, agender persons, gender-expansive persons, and anyone else who considers themselves to fall under the umbrella. “Trans” as a term does not signify or require a history of medical

---

<sup>4</sup> See Danielle Roberts, ‘Repeal and Irish Partnerships’, in Fiona Bloomer and Emma Campbell (eds), *Decriminalising Abortion in Northern Ireland: Allies and Abortion Provision* (Bloomsbury, 2022), 17-28.

<sup>5</sup> See Ruth Pearce, *Understanding Trans Health: Discourse, Power and Possibility* (Policy Press, 2018) for interesting reflections on the definition (and re-definition) of “trans”; and see CN Lester, *Trans Like Me* (Virago, 2017) for an introduction to trans topics.

---

interventions in order to respect the validity of the gender identity of an individual. “Cis” or “cisgender” is used to signify persons who identify with the gender which they were assigned at birth. “Cis” derives from the Latin, meaning the opposite of “trans”. It is a descriptive and non-pejorative term. It is also important to note that the cis/trans oppositional modality operates within a system of power structures, and they are not just designations. Cis persons benefit from privileges and presumptions in society which are not extended to trans persons. Trans persons are the subjects of systems of societal oppression ranging from legal to social disadvantages.

In this paper I use the language of “pro-trans” and “anti-trans” actors. “Pro-trans” signifies persons or organisations which support the rights of trans persons, in particular those around self-identification of gender in the legal sphere. “Pro-trans” can also mean organising for mutual aid, supporting trans persons in public spheres, advocating trans liberation, inclusivity in reproductive justice activism, and many other aspects of advocacy. “Anti-trans” signifies an opposition to trans rights, particularly to the legal rights of trans persons. It can also signify hostility to trans lives in general, although it is important to note for the purposes of fairness that many of the organised groups which advocate against self-ID reject the framing of their work as transphobic.<sup>6</sup> Individuals and internet fora within the anti-trans movement, however, are frequently far more openly hostile. I have attempted to define both categories as widely as I can, but there will doubtless be arguments with the definitions. For example, some individuals who would, in my definition, fall under

---

<sup>6</sup> For example, Ceri Black, ‘The LGB Alliance is Not Transphobic - We Are Just Trying to Protect Ourselves’, *Irish Independent*, 10 November 2020 <https://www.independent.ie/opinion/comment/the-lgb-alliance-is-not-transphobic-we-are-just-trying-to-protect-ourselves-39727908.html> accessed 20 September 2023.

“anti-trans” would argue that they are in favour of the rights of binary-identified trans persons to legal recognition, but would not allow them to benefit from inclusion in single-sex spaces or consider them to be legitimate members of their registered sex.

Lastly, I come to the question of sex and gender. Sex is defined for the purposes of this paper as the socially constructed categories into which persons are assigned by reference to their physical features. These are generally considered to be binary male and female, although of course “biological sex” is not dyadic and variations of sex characteristics occur throughout the population. Gender is defined as the social assignation of persons according to identity, expression, and social roles. Male and female are the most common gender identities, but non-binary identities are infinite, existing both on and off a masculine-feminine spectrum. Where the law refers to sex or gender, or where I am citing or paraphrasing particular statements, I will use the language used therein.<sup>7</sup>

### **Ireland and Britain: nation and its Other**

In her masterful work ‘Post-Colonial Fragments’,<sup>8</sup> Fletcher describes the postcolonial dynamics between Ireland and Britain in the context of the historical and legal battleground of abortion rights. This paper draws much of its inspiration from Fletcher’s description of the relationship between postcoloniality and the construction of certain facets of feminist and anti-feminist action as Irish/nationalist or

---

<sup>7</sup> This analysis is influenced by Judith Butler, *Bodies That Matter* (Routledge, 1994) and *Gender Trouble* (Routledge, 1990).

<sup>8</sup> Ruth Fletcher, ‘Post-Colonial Fragments: Representations of Abortion in Irish Law and Politics’ (2001) 28 *Journal of Law and Society* 568.

British/colonial. Although abortion rights have been a longer struggle than legal gender recognition or trans rights, deeply entangled with the formation of the postcolonial Irish Catholic state, there are lessons to be learned from her engagement with these ideas when it comes to adapting the lens to focus on gender recognition and trans rights more broadly.

Ireland stands alone within postcoloniality. As Fletcher writes:

In accepting the claim that the Republic of Ireland was once colonized, I am not suggesting that its people experienced the same sort of colonialism as any of the indigenous peoples of India, Australia, the Americas or Africa. Rather I am claiming that there is something about the British settlement of Ireland that can be explained in terms of metropolitan political control and economic exploitation of a peripheral territory, that is, in colonial terms. And therefore the experience of British colonial settlement, along with other historical experiences, has effects on the way Irish society develops economically, politically, culturally, and legally.<sup>9</sup>

Ireland is certainly a postcolonial country, with the marks of colonial rule visible in both its past and present. However, it is vital to note the difference between Ireland - wealthy, white, aligned politically and economically with the powers of Europe and North America - and fellow postcolonial societies which are located in the global South. Ireland's position of relative privilege complicates its understanding of itself as a postcolonial society; its development since independence is acknowledged inasmuch as its pride and patriotism over that independence is celebrated.

---

<sup>9</sup> *Ibid* at 573.

---



Ireland is also constantly, literally and figuratively, rubbing up against its own colonial history. It must share a land border and a political reality with its historical oppressor. The situation of the Republic of Ireland, Northern Ireland, and Britain is a constantly changing, often tense, negotiation of boundaries both political and spatial. The dominance of the United Kingdom over a fraction of the island of Ireland continues to be a source of conflict and strife to many of the island's population.<sup>10</sup> It is impossible to fully escape the colonial past when that said past is represented by a literal bordering of the country. Historical narratives are refracted in Irish discourse by this political prism, reflecting into fragmented icons of nationalism.

In the lengthy abortion rights struggle in Ireland, Britain was considered in many lights. Fletcher shows how Britain was sometimes considered as infiltrating Irish Catholicism with “Protestant’ pro-choice values”;<sup>11</sup> sometimes construed as a foreign power from which Irishness had to be protected; sometimes viewed as a necessary evil by pro-choice proponents who nevertheless saw its mistreatment of Irish women as a colonial operation. Britain was the “other” to a natural, essentialised Irishness: a system of cultural values in need of protection from infiltration by a foreign outsider. It is impossible to see this in anything but a postcolonial light. The creation of the Irish

---

<sup>10</sup> This does not, of course, include the Unionist population of Northern Ireland, who as a community consider themselves to be British/British-Northern Irish. There is also a question to be asked about the status of Scotland and Wales, currently devolved nations of the United Kingdom, but potentially considering independence, with nationalist movements (the Scottish National Party, and Plaid Cymru, respectively) present in the devolved legislatures. If they were to gain independence, they would sit in a similar position to that currently occupied by Ireland.

<sup>11</sup> Fletcher, n8, at 569.

State was enacted on this notion of separatism from Britain - a pure, Irish, Catholic, nationalist country which would step away from the malign colonial values of the British State. As Hanafin writes, the 1937 Constitution itself was an act of “textualising the mythico-religious violence of the anti-colonial struggle”.<sup>12</sup> The doctrine of separation from Britain is therefore woven into the fabric of Irish politics and discourse. Construing things as British became a means of rendering them Other, foreign; of marking them as to be avoided. The contagion of Britishness is to be avoided. This can be seen in the arguments of both sides of the trans rights discourse as they claim to represent the true soul of Irish feminism.<sup>13</sup>

### **Trans rights, abortion rights - same struggle, same fight?**

I reference Fletcher’s work in this paper because trans rights and abortion rights reflect many of the same issues back onto the political landscape - indeed, abortion rights groups are frequently cited in the later discussions of contestations over trans rights in Ireland. Discourse around bodily autonomy, self-determination, and minority rights is implicated in both struggles, and both have historically run counter to the hegemonic Irish Catholic cisheteropatriarchal mythos. Control over one’s own body, and, in particular, one’s reproductive capacity, has always been a contentious issue in the bordering-theocratic atmosphere of postcolonial Ireland. To seize control of the means of reproduction or to step outside of the normative bounds of gender is to rebel

---

<sup>12</sup> Patrick Hanafin, ‘Constitutive Fiction: Postcolonial Constitutionalism in Ireland’ (2002) 20 *Penn State University International Law Review* 339.

<sup>13</sup> See Ratna Kapur, “A Love Song to Our Mongrel Selves”: Hybridity, Sexuality, and the Law’ (1999) 8 *Social and Legal Studies* 353, wherein Kapur observes a similar dynamic in postcolonial India with regard to sexuality.

---

against the kinds of ideologies which have so long dominated Irish discourse: colonial lawfare,<sup>14</sup> and religious control. The continuity between moral worldviews here is intriguing and worthy of its own paper; for the purposes of this one, it is sufficient to observe that a common thread of sexual and gender-based repression runs through Irish history, from the Victorian moralists who first banned abortion to the Catholic theocrats who continued its prohibition. The move toward liberation on these grounds in the twenty-first century has represented a seismic shift in Irish society.

Fletcher writes that:

the task of postcolonial critique is to trace the ways in which colonial history has contributed to post-colonial social relations in particular contexts, to reveal how contemporary social groups draw on and manipulate colonial history, and to criticize the reproduction of colonial relations in colonialism's aftermath... post-colonial critique contributes to knowledge by showing how colonial history has effects on and is interpreted by a society which is no longer formally colonized. If particular historical changes produce the post-colonial, others demand its ongoing interpretation.<sup>15</sup>

Reproductive justice and trans rights can be seen, under this lens, as a continuum of continuing historical changes which require the postcolonial lens to investigate fully. The postcolonial nature of the Irish state, and its legal entanglements with the gendered and embodied citizen, means that it is inevitable that postcolonial contestations are going to arise in feminist debates such as these.

---

<sup>14</sup> Before the insertion of the Eighth Amendment into the Constitution, Irish abortion law was regulated by the Offences Against the Person Act 1861, which was instituted under British colonial rule.

<sup>15</sup> Fletcher, n8, at 571.

The recent history of the two movements has also been linked in activism and advocacy. Queer and trans people were among the foremost voices of the Repeal the 8th campaign, which sought to remove the ban on abortion from the Irish Constitution.<sup>16</sup> Likewise, Together for Yes, the official lobbying group of the pro-choice side of the referendum to repeal, has been criticised for its lack of attention to the needs of trans people by other activists and academics involved in the campaign,<sup>17</sup> while the grassroots organisation Abortion Rights Campaign (ARC) has always stressed its commitment to the inclusion of trans and non-binary voices.<sup>18</sup> The organisation Radical Queers Resist (since disbanded) campaigned for gender-neutral language in the 2018 legislation which set out the parameters for abortion access, arguing that it was essential that trans men and non-binary people who can become pregnant were included in the law.<sup>19</sup> The eventual legislation, however, did not use inclusive

---

<sup>16</sup> Them.us, 'How Queer Women and Non-Binary People Led the Fight to Secure Abortion Rights in Ireland', 11 June 2018 <https://www.them.us/story/queer-people-reproductive-rights-ireland> accessed 19 September 2023. "Repeal the Eighth" was the slogan of the campaign to legalise abortion in Ireland, a reference to the Eighth Amendment of the Irish Constitution, which prohibited the termination of pregnancy.

<sup>17</sup> For example, Fiona de Londras, 'Intersectionality, Repeal and Reproductive Rights in Ireland', in Shreya Atrey and Peter Dunne (eds), *Intersectionality and Human Rights Law* (Bloomsbury, 2020), 125-146.

<sup>18</sup> See Anna Carnegie and Rachel Roth, 'From the Grassroots to the Oireachtas: Abortion Law Reform in the Republic of Ireland' (2019) 21(2) *Health and Human Rights* 109-120 for ARC's perspective, including a note on gender-neutral language for the purposes of inclusion.

<sup>19</sup> Ella Braidwood, 'LGBTQ campaigners say trans men in Ireland "will be denied abortion access"', *PinkNews*, 31 May 2018 <https://www.thepinknews.com/2018/05/31/transgender-activists-call-for-gender-neutral-language-in-irelands-abortion-law-2/> accessed 20 September 2023.

language,<sup>20</sup> something which de Londras calls a “dignitary harm” to trans and non-binary people.<sup>21</sup>

The focus of this paper is not on abortion law or reproductive justice activism; it is contestations around trans rights in Ireland. However, abortion activism provides a useful parallel and comparator. With its own relationship to postcoloniality and its own history of entanglement with Britain and Britishness, abortion rights activism in Ireland has shown grassroots Irish feminism trends to be trans-inclusive and that initiatives toward law reform in the area also include a push for trans-inclusivity.

### **A tale in two Acts**

In order to contextualise the arguments which have arisen in the wake of proposals for law reform in the United Kingdom, it is necessary to first examine the provisions of the Gender Recognition Act 2004. Section 2(1) of the GRA 2004 states that a Gender Recognition Certificate can be bestowed on an applicant when he or she:

- (a) has or has had gender dysphoria,
- (b) has lived in the acquired gender throughout the period of two years ending with the date on which the application is made,
- (c) intends to continue to live in the acquired gender until death.<sup>22</sup>

The application must be substantiated by:

---

<sup>20</sup> Carnegie and Roth, n18, at 115.

<sup>21</sup> Fiona de Londras, “A Hope Raised and Then Defeated”? The Continuing Harms of Irish Abortion Law’ (2020) 124 *Feminist Review* 33-50, at 44.

<sup>22</sup> Gender Recognition Act 2004, s2(1).

---

- 
- (a) a report made by a registered medical practitioner practising in the field of gender dysphoria and a report made by another registered medical practitioner (who may, but need not, practise in that field), or
- (b) a report made by a registered psychologist practising in that field and a report made by a registered medical practitioner (who may, but need not, practise in that field).<sup>23</sup>

Section 1(3) of the GRA 2004 states that applications are “to be determined by a Gender Recognition Panel”<sup>24</sup> and such panels are regulated by Schedule 1 of the Act to include, depending on which subsections of the Act an application is made under, at least one “medical” and one “legal” member. If an applicant is married, their spouse must consent to their application.<sup>25</sup>

The UK’s GRA 2004 was enacted in the wake of the *Goodwin and I v United Kingdom*<sup>26</sup> case at the European Court of Human Rights, which held that the UK’s refusal to allow transgender persons to change their identity documents, including birth certificates, to reflect their true/“acquired” gender, was a breach of the state’s obligations under Article 8 of the European Convention on Human Rights. The Gender Recognition Bill received broad support in both the House of Lords and the House of Commons on its introduction. The United Kingdom, at the time, was one of only four countries in the Council of Europe which did not allow for any legal recognition for trans persons - Ireland being one of the others.

---

<sup>23</sup> Gender Recognition Act 2004, s3(1).

<sup>24</sup> Gender Recognition Act 2004, s1(3).

<sup>25</sup> Gender Recognition Act 2004, s3(6B) and 3(6D).

<sup>26</sup> *Goodwin and I v United Kingdom* (2002), Application no. 28957/95.

---

In 2016, the House of Commons Women and Equality Committee published a report entitled *Transgender Equality*<sup>27</sup> which reviewed the GRA 2004 and made recommendations for its amendment. Among the amendments suggested was that:

the Government must bring forward proposals to update the Gender Recognition Act, in line with the principles of gender self declaration that have been developed in other jurisdictions. In place of the present medicalised, quasi-judicial application process, an administrative process must be developed, centred on the wishes of the individual applicant, rather than on intensive analysis by doctors and lawyers.<sup>28</sup>

On the basis of this report, a public consultation on the Gender Recognition Act 2004 was announced in 2017 and opened in 2018.<sup>29</sup> The responses to the consultation were analysed in a government document in 2020.<sup>30</sup> Among some notable results of the consultation were the findings that “[n]early two-thirds of respondents (64.1%) said that there should not be a requirement for a diagnosis of gender dysphoria in the

---

<sup>27</sup> House of Commons Women and Equalities Committee, *Transgender Equality: First Report of Session 2015-16*, HC390, 14 January 2016.

<sup>28</sup> *Ibid*, at 80.

<sup>29</sup> Minister for Women and Equalities, *Reform of the Gender Recognition Act 2004: Consultation Document*, July 2018

[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/721725/GRA-Consultation-document.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/721725/GRA-Consultation-document.pdf) accessed 20 September 2023.

<sup>30</sup> Daniel King, Carrie Paechter, Maranda Ridgway, and researchers at Nottingham Trent University, *Reform of the Gender Recognition Act: Analysis of consultation responses*, September 2020  
[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/919890/Analysis\\_of\\_responses\\_Gender\\_Recognition\\_Act.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/919890/Analysis_of_responses_Gender_Recognition_Act.pdf) accessed 20 September 2023.

---

future”, “[a]round 4 in 5 (80.3%) respondents were in favour of removing the requirement for a medical report”, and “[a] majority of respondents (78.6%) were in favour of removing the requirement for individuals to provide evidence of having lived in their acquired gender for a period of time”.<sup>31</sup> Despite the findings of this consultation, the United Kingdom government has not opted to reform the Gender Recognition Act 2004 to bring in any of the popular recommendations.<sup>32</sup>

The Irish Gender Recognition Act 2015 is a newer and more liberal piece of legislation than its British counterpart. It originated with the *Foy* cases,<sup>33</sup> a series of challenges brought against the Irish government to allow for legal gender recognition in the state. The deciding factor was, as with the UK example, the European Court of Human Rights decision in *Goodwin*, and in 2007, the High Court of Ireland issued a Declaration of Incompatibility with the European Convention on Human Rights based on the *Goodwin* outcome. Although the *Foy* cases took place in 2002 and 2007, with a threatened third challenge in 2010, and despite commitments from successive Irish governments to prioritise the rights of trans persons to recognition, it was not until 2013 that the first draft Bill - which would eventually become the GRA 2015 - was introduced.

The GRA 2015 operates on a simple self-declaration procedure. Under ss8 and 9 of the Act, any person over the age of 18 may apply to the Minister for Social

---

<sup>31</sup> *Ibid*, at paras 8-10.

<sup>32</sup> Liz Truss, Written Ministerial Statement: Response to Gender Recognition Act (2004) Consultation, 22 September 2020 <https://www.gov.uk/government/speeches/response-to-gender-recognition-act-2004-consultation> accessed 20 September 2023.

<sup>33</sup> *Foy v An t-Ard Chlaraitheoir & Others* [2002] IEHC 116 (*Foy 1*); *Foy v An t-Ard Chlaraitheoir & Others* [2007] IEHC 470 (*Foy 2*).



---

Protection for a Gender Recognition Certificate. There is no requirement for judicial or medical certification. The applicant must sign a statutory declaration that they make the declaration of their own free will, and that they have a “settled and solemn intention of living in the preferred gender for the rest of his or her life”.<sup>34</sup> In the case of a young person aged 16 or 17 years, a Gender Recognition Certificate may be granted on the basis of a court order where the court has heard evidence from the young person’s parents, consenting; their primary medical practitioner, to the effect that the child has sufficient maturity and understanding to make the decision and is in the process of transitioning gender; and an endocrinologist or psychologist, concurring with the primary medical practitioner.<sup>35</sup>

The Gender Recognition Act 2015 included a mandated three-year review, which was duly carried out in 2018 by a panel of experts, including representatives from the trans community.<sup>36</sup> The Review Group was tasked with examining the situations of young persons aged 17 and under, non-binary persons, and intersex persons.<sup>37</sup> The review process included a written public consultation and meetings with stakeholders including trans persons and parents of trans children.<sup>38</sup> The Review Group recommended that legal gender recognition should be open to anyone under 18 provided they have parental consent, and also advocated for the legal recognition of

---

<sup>34</sup> Gender Recognition Act 2015, s10(f).

<sup>35</sup> Gender Recognition Act 2015, s12.

<sup>36</sup> Gender Recognition Act Review Group, *Review of the Gender Recognition Act 2015: Report to the Minister for Employment Affairs and Social Protection*, June 2018.

<sup>37</sup> *Ibid*, at 4.

<sup>38</sup> *Ibid*, at 12.

non-binary persons.<sup>39</sup> However, the Irish government has not acted on these recommendations.

### **The rise of anti-trans activism**

*In the UK, mainstream feminism is transphobic feminism...*

Jude ES Doyle, 'The Mumsnet Trap'<sup>40</sup>

The review of the GRA 2004, as announced in 2017 and carried out in 2018, “catalyzed a heated debate on trans rights and trans inclusion in the United Kingdom”.<sup>41</sup> The proposed reforms led to the foundation of “multiple campaign organisations [which] were founded to specifically resist self-determination as the mechanism by which birth certificate sex marker can be changed”.<sup>42</sup> These included groups such as A Woman’s Place UK and Fair Play for Women, who challenged the reforms on the basis that self-declaration could potentially impact on women’s rights, including the ability of cis women to access single-sex spaces in toilets and dressing rooms<sup>43</sup> or the fear that cis

---

<sup>39</sup> *Ibid*, at 109.

<sup>40</sup> Jude Ellison S Doyle, 'The Mumsnet Trap' <https://judedoyle.medium.com/the-mumsnet-trap-27897fdc0994> accessed 20 September 2023.

<sup>41</sup> Aleardo Zanghellini, 'Philosophical Problems With the Gender-Critical Feminist Argument Against Trans Inclusion' (April-June 2020) 10 *SAGE Open* 1.

<sup>42</sup> Pearce, Erikainen, and Vincent, n3, at 5.

<sup>43</sup> *Ibid*, at 6. For more on trans persons and bathroom access, see Charlotte Jones and Jen Slater, 'The Toilet Debate: Stalling Trans Possibilities and Defending “Women’s Protected Spaces”' (2020) 68 *The Sociological Review* 834.

men may impersonate trans women in order to reach and harm cis women. These anti-trans activists organise under the banner of “gender critical feminism”<sup>44</sup> and stand opposed to “gender ideology”, preferring instead to organise the world on the basis of “biological sex”. As Hines writes, “‘sex’ is reinstated as the primary source of women’s oppression in order to agitate against trans rights”.<sup>45</sup>

Anti-trans activism in Britain garnered support from academics in disciplines including law and philosophy,<sup>46</sup> as well as from commentators on internet forums such as Reddit and Mumsnet. These “social media and blog-type or journalistic online platforms” are “lacking the traditional prepublication checks of academic peer review”<sup>47</sup> and therefore are more susceptible to the spread of unverified or misleading information. Mumsnet, in particular, has become a focal point for the organisation of anti-trans sentiment. Originally conceived as a parenting forum, in recent years it has become most well known for the steep dive of its ‘Feminism Chat’ board into a hub of

---

<sup>44</sup> A terminology note is necessary here. While this group of activists utilises the term “gender critical”, they are frequently referred to by trans persons and allies as “TERFs” - Trans Exclusionary Radical Feminists. This is a highly contested term. This author chooses not to use it, as I believe that there is a broader coalition of anti-trans sentiment than that which arose from radical feminism (including conservatives and the religious right, who bear no relation to feminism). However, TERF is not a slur, as has been mooted by those it has been used toward. It is a descriptive term for a certain facet of anti-trans activists based on their own philosophies. See Claire Thurlow, ‘From TERF to Gender Critical: A Telling Genealogy?’ (2022) *Sexualities* 1-17.

<sup>45</sup> Hines, n3, at 32.

<sup>46</sup> Zanghellini, n41, at 1

<sup>47</sup> *Ibid*, at 9-10.

---

anti-trans discourse.<sup>48</sup> Prominent anti-trans commentators such as British-resident Irish former television writer Graham Linehan also took to Twitter<sup>49</sup> to promulgate their arguments.<sup>50</sup> In 2019, an organisation known as the LGB Alliance was formed in the United Kingdom and has since set up branches in over ten countries worldwide, including Ireland. The LGB Alliance state that “our [lesbians, gay men, and bisexuals] rights, culture, and history are now under threat from new ideologies conflating biological sex with the notion of gender identity and replacing ‘sex’ with ‘gender’, thereby erasing same-sex sexual orientation”.<sup>51</sup>

In Ireland, the Gender Recognition Act 2015 and its 2018 review passed with a generally positive overall atmosphere. In the Gender Recognition Review Group public consultation, “[t]he majority of submissions were broadly supportive of a simplified and more flexible arrangement for children aged 16/17 years; and were also supportive of extending provision for gender recognition to children under 16 years and persons who are non-binary”.<sup>52</sup> Some submissions, it was noted,

---

<sup>48</sup> See Katie JM Barker, ‘The Road to TERFdom: Mumsnet and the Fostering of Anti-Trans Radicalization’ (2021) *Lux Magazine* <https://lux-magazine.com/article/the-road-to-terfdom/> accessed 20 September 2023.

<sup>49</sup> The microblogging social media site currently known as X, but still popularly known by its original name.

<sup>50</sup> Although banned from Twitter/X for a time for his opinions, Linehan has now returned to the site under the tenure of Elon Musk, and posts there along with writing on his own blog. It is not within the scope of this paper at the current time, but it is interesting to note that Linehan, along with economist and author of the book *TRANS*, Helen Joyce, is an Irish citizen living in the United Kingdom - who has made his name as an anti-trans commentator in that jurisdiction.

<sup>51</sup> LGB Alliance, ‘About’ <https://lgballiance.org.uk/about/> accessed 20 September 2023.

<sup>52</sup> Gender Recognition Act Review Group, *Review of the Gender Recognition Act 2015*, n24, at 14.

---

expressed concerns about the [sic] current gender recognition provisions, and one criticised the composition of the Review Group, the compatibility of gender recognition legislation with the Irish Constitution, and the lawfulness of consultation [sic] process. One submission raised questions about the nature of transgender identity, particularly for children, and cited very high regret rates for pre-pubertal children.<sup>53</sup>

Others mentioned “arrangements in female prisons... the challenges for transgender people around toilet facilities and changing rooms, the mental health risks for transgender people, fears of violence against women, the risk of incorrect results in blood tests...”<sup>54</sup> but these were outside the terms of reference of the Review. Overall, however, the submissions received in the public consultation process were generally supportive of trans rights and of expanding the gender recognition process to include children and non-binary persons.

It was not until 2020 that a small but vocal organised anti-trans lobby materialised in Irish activist spaces. Represented in the main by the LGB Alliance Ireland<sup>55</sup> and The Countess Didn’t Fight For This (TCDFFT),<sup>56</sup> these voices claimed to speak for an underrepresented segment of Irish feminist activism and to represent the interests of Irish women and children. They oppose the GRA 2015 on the basis of self-

---

<sup>53</sup> *Ibid*, at 15.

<sup>54</sup> *Ibid*.

<sup>55</sup> LGB Alliance Ireland [https://twitter.com/ire\\_lgballiance](https://twitter.com/ire_lgballiance) accessed 20 September 2023. There is currently no non-social media website for this organisation as of the date of writing and their Twitter/X account seems to have gone quiet.

<sup>56</sup> The Countess Didn’t Fight For This <https://thecountess.ie/> accessed 20 September 2023.

---

declaration, and campaign for its repeal or amendment.<sup>57</sup> They have also contested the adoption of the GRA 2015, claiming that it was “snuck in” - passed without proper public or legislative scrutiny, in the wake of the 2015 marriage equality referendum.<sup>58</sup> They have been joined by other sister organisations such as Radicailín and the Irish Women’s Lobby in late 2020 and early 2021.

The advent of anti-trans activism in Ireland was fiercely refuted by many grassroots Irish feminists. This opposition was first given voice in 2018, in the Feminist Ire open letter to the organisers of We Need To Talk, an English anti-trans group which was planning to hold events in Ireland in the lead-up to the abortion rights referendum. Feminist Ire, a popular feminist blogging site, wrote an open letter which rejected the aims of We Need to Talk.<sup>59</sup> Later in 2018, the magazine Gay Community News cited Gordon Grehan of the Transgender Equality Network Ireland stating that “there are some trans-exclusionary feminists here in Ireland, but there is only a handful of them... There are lots of reasons for that: one would be the mobilisation of the Irish LGBT+ community through grassroots campaigns. Trans

---

<sup>57</sup> TCDFFT, ‘Press Release - HSE Protest’ <https://thecountess.ie/press-release-hse-protest/> accessed 20 September 2023.

<sup>58</sup> LGB Alliance Ireland, “We note that the Gender Recognition Act was passed in the South without public debate or examination of the impact of such a law on the wider community, women or LGB people”, 26 October 2020 [https://twitter.com/Ire\\_LGBAlliance/status/1320714871835688963](https://twitter.com/Ire_LGBAlliance/status/1320714871835688963) (since deleted).

<sup>59</sup> For full disclosure purposes, this author is a signatory to the 2018 open letter.

---

people definitely played a huge part in the Marriage Equality and the Repeal the Eighth campaigns.”<sup>60</sup>

The upsurge in anti-trans rhetoric in Ireland in 2020 was also countered by assertions of the centrality of trans persons to Irish feminist and queer movements. On Trans Day of Remembrance 2020, leading Irish queer and feminist organisations signed a letter written by the Transgender Equality Network Ireland and entitled “Irish SolidariT”. It stated, among other assertions, that:

[m]embers of [the trans] community have worked along intersectional lines supporting campaigns that aimed increasing women’s rights, and the wider rights of the lesbian, bisexual and gay communities. Transgender people were active in campaigns in 2015 and 2016 that saw the passing of Marriage Equality in Ireland, and in the repeal of the 8th Amendment.<sup>61</sup>

More recently, 2022 saw a controversy erupt on the RTÉ<sup>62</sup> radio show “Liveline” involving TCDFFT, who “hit the headlines recently when they were reportedly ‘refused admission’ to the AGM of the National Women’s Council of Ireland (NWCi) for wanting ‘to ask questions’ about NWCi’s position on ‘the removal of the

---

<sup>60</sup> Aisling Cronin, ‘TERF Wars’, *Gay Community News*, September 2018. Archived online at <https://magazine.gcn.ie/magazine/reader/171497?pageNumber=31> accessed 18 October 2023.

<sup>61</sup> Katie Donohoe, ‘Irish LGBTQ+ Community Stand in #IrishSolidariT Against Transphobia on Trans Day of Remembrance’, *Gay Community News*, November 2020 <https://gcn.ie/irish-lgbtq-community-stand-irishsolidarit-transphobia-trans-day-remembrance/> accessed 18 October 2023.

<sup>62</sup> Raidió Teilifís Éireann, the Irish national public broadcaster.

word “women” from legislation”.<sup>63</sup> NWCi stated that they had refused entry to the women involved after seeing a press release from TCDFFT announcing their intention to “stag[e] an action” at the meeting.<sup>64</sup> Reportedly, the press release had announced the group’s intention to protest the election of a trans woman, Sara Phillips, onto the NWCi board.<sup>65</sup> The resulting media furore encompassed three days’ episodes of Liveline, provoked Dublin Pride to abandon their media partnership with RTÉ, and almost ended up before a parliamentary committee. In a letter to the press shortly after, the trans advocacy group Trans Equality Together stated that the Liveline episodes,

provided airtime to what we believe was a coordinated group of organisations who actively deny the basic humanity and rights of trans and non-binary people... In defending freedom of expression, we must also consider that giving airtime to groups that would deny the basic rights of a minority community has the effect of intimidating and silencing those minorities, while also contributing to their stigmatisation and isolation in society.<sup>66</sup>

---

<sup>63</sup> Izzy Kamikaze, ‘LiveLyn: How RTÉ’s Liveline promoted a campaign of anti-trans lies’,

*TheBeacon.ie*, 21 June 2022 <https://the-beacon.ie/2022/06/21/livelyin-how-rtes-liveline-promoted-a-campaign-of-anti-trans-lies/> accessed 19 September 2023.

<sup>64</sup> National Women’s Council of Ireland, ‘NWC Statement to RTE’s Liveline programme - Thursday 9 June 2022’ [https://www.nwci.ie/learn/article/nwc\\_statement\\_to\\_rtes\\_liveline\\_programme](https://www.nwci.ie/learn/article/nwc_statement_to_rtes_liveline_programme) accessed 19 September 2023.

<sup>65</sup> This press release seems to have disappeared from the internet, but it is cited in Kamikaze, n64.

<sup>66</sup> Trans Equality Together, ‘Letter to the Editor of the Irish Examiner’, 17 June 2022 <https://www.irishexaminer.com/opinion/yourview/arid-40897667.html> accessed 19 September 2023.



---

Trans issues have continued to play an outsize role in Irish media discourse in 2022 and 2023.

### **Contestations of Irishness**

*It is a peculiar criticism, levelled at any Irish group critical to the supposed majority orthodoxy, that they must be foreign.*

LGB Alliance Ireland<sup>67</sup>

On the launch of the LGB Alliance Irish branch Twitter account in October 2020, Irish social media erupted with frenetic arguments for and against their presence thereon. In the midst of the conflict, trans activist Noah Halpin used an internet service to find out that the IP address - a measure of the location of the registration of a website - of the Twitter account was registered in London.<sup>68</sup> Halpin went on to state, “Brace yourselves but don’t be fooled. This page is UK based and not Ireland based. The majority of their followers are from the US and the UK... It’s an attempt to import transphobia to Ireland.”<sup>69</sup> The Irish periodical *Gay Community News* (GCN) went on to cite Halpin’s tweets and describe the LGB Alliance as “a British import” in its

---

<sup>67</sup> LGB Alliance Ireland, 27 October 2020

[https://twitter.com/lre\\_LGBAlliance/status/1321026090433994757](https://twitter.com/lre_LGBAlliance/status/1321026090433994757) (since deleted).

<sup>68</sup> Katie Donohoe, ‘New “Irish” anti-trans hate group believed to be a British import’, *Gay Community News*, October 2020 <https://gcn.ie/new-irish-anti-trans-hate-group-british-import> accessed 20 September 2023.

<sup>69</sup> *Ibid.*

---

headline on the piece (as cited). One post quoted by GCN described the group as “about as welcome as a new chapter of the Oliver Cromwell society”.<sup>70</sup>

More recently, British anti-trans activist Kellie-Jay Keen, usually known by the pseudonym Posie Parker, organised a rally in Dublin under the title ‘Let Women Speak Ireland’, in September 2023. This was greeted with a resolute counter-protest organised by Trans and Intersex Pride Ireland.<sup>71</sup> The Let Women Speak rally was attended by a mixed crowd of Irish people and a “portion of [the crowd] having flown in from the UK”.<sup>72</sup> Social media posts on the Twitter/X network verified this, with several posts showing people leaving English airports for the day, wearing Union Jacks, etc.<sup>73</sup> Irish commentators spoke vehemently against the idea of British people “coming over to Dublin to tell Irish women what they’re doing wrong”,<sup>74</sup> attributing it

---

<sup>70</sup> *Ibid.*

<sup>71</sup> Beatrice Fanucci, ‘Hundreds gather in support of trans community, vastly outnumbering Posie Parker Dublin event’, *Gay Community News*, September 2023 <https://gcn.ie/trans-community-protest-posie-parker-dublin-event/> accessed 20 September 2023.

<sup>72</sup> *Ibid.*

<sup>73</sup> Due to the ongoing instability of the Twitter/X site, it is difficult to know if these links will be functional by the time this article is read. However, I am attaching them with description for posterity. <https://twitter.com/NoShirleyNo/status/1702942493006815367> (image of a woman wearing a green, white, and purple (Suffragette colours) scarf and a stylised Union Jack pin in those colours) and <https://twitter.com/NoShirleyNo/status/1702946893477597193> (“TERFs are on my plane #LetWomenSpeakDublin”); <https://twitter.com/SFWEastSussex/status/1702947400447373554> (image of three women wearing clothes that say “WOMAN” at Gatwick airport awaiting a flight to Dublin with the caption “TERFy joy at Gatwick”). All accessed 20 September 2023.

<sup>74</sup> Dr Panti Bliss-Cabrera on Twitter/X <https://twitter.com/PantiBliss/status/1703313374057025807> accessed 20 September 2023. Panti, or Rory O’Neill, is a prominent Irish drag queen and queer icon.

---

to a “total ignorance of Ireland and the glaring colonial mindset”.<sup>75</sup> Academic and artist Dr Robert Bohan posted a video of the counter-protest, stating that “It’s important to hear Irish citizens speak. They are defending the Republic against English Fascists. Colonialism & far right authoritarianism have had their day. Irish people have the freedom to live & love now & forever.”<sup>76</sup> Writer and academic Maria Farrell wrote on social media platform Bluesky that she had “Never been so glad to see my fellow Irish people reject manufactured transphobia - in a country that legislated years ago for gender recognition - as the colonial project it clearly is. This weekend saw a tiny, British-dominated, flown-in terf rally in Dublin, and a huge local counter- protest.”<sup>77</sup> Dublin Pride activist Eddie McGuinness held a sign at the counter-protest that simply read “The Brits are at it again”.<sup>78</sup>

Why were these the most damning things that could be said about these anti-trans manifestations? The answer lies in the tense relationship between Irishness and Britishness which has defined the past hundred years. Legitimacy, in Irish social politics, has often been implied via an implicit “un-Englishness”. In the trans rights discourse, both sides of the argument in Ireland have attempted to position themselves

---

<sup>75</sup> Dr Panti Bliss-Cabrera on Twitter/X <https://twitter.com/PantiBliss/status/1703314720269205854> accessed 20 September 2023.

<sup>76</sup> Dr Robert Bohan on Twitter/X <https://twitter.com/RobertBohan/status/1703007734193336673> accessed 20 September 2023.

<sup>77</sup> Maria Farrell on Bluesky <https://bsky.app/profile/mariafarrell.bsky.social/post/3k7lcuc7h372u> accessed 20 September 2023.

<sup>78</sup> Sarah Clancy on Twitter/X <https://twitter.com/sarahmaintains/status/1703026870621540510> (image of McGuinness holding up his sign). This is a popular phrase denoting dissatisfaction with an(other) aspect of British life or politics with respect to Ireland.

as representing a “true” Irish feminism - Irish in origin, nationalist in philosophy, and free of the contagion of foreign influence. A good example of this is anti-trans writer Colette Colfer’s series on ‘Colonisation of the Irish curriculum: How gender identity became embedded in the Irish education system’, in which she writes:

Ireland is no stranger to colonisation. The arrival of the Vikings, Anglo-Normans, and subsequently the English, changed the trajectory of Irish culture, society and people. Today, rather than raiders stealing silver chalices from monasteries, plundering resources and grabbing land, a soft-colonisation is underway involving the implantation of gender identity theory throughout the Irish education system.<sup>79</sup>

Among anti-trans activists, this can also be seen in the use of nationalist motifs and Irish language in the branding of their organisations. With regard to The Countess Didn’t Fight For This, the titular Countess in question is Irish revolutionary and participant in the 1916 Easter Rising for Irish independence, Constance Markievicz. Invoking the name of one of Ireland’s foremost female independence fighters is a strong call to legitimacy based in history, and the group’s website states that “The Countess is a group of men and women whose mission is to promote and protect the best interests of the women and children of Ireland. This was a cherished ideal of the founders of the Irish State, including our namesake, Countess Markievicz, a minister

---

<sup>79</sup> Colette Colfer, ‘Colonisation of the Irish curriculum: How gender identity became embedded in the Irish education system’, *Substack*, April 2023 <https://colettecolfer.substack.com/p/colonisation-of-the-irish-curriculum> accessed 20 September 2023.

---

---

in the first Dáil and the first female cabinet minister in Europe.”<sup>80</sup> Founder of TCDFFT, Laoise de Brún, whose provenance is unclear but who lived in England until 2020, cited her attendance at Let Women Speak Dublin in the following manner on social media: “It is my honour to give voice. It is sacred. The earth of Eiriú [sic] is littered with unclaimed babies. This loss and pain is in our lineage as Irishwomen. We carry it epigenetically. We have borne so much already. Have dare they now erode our hard-won rights.”<sup>81</sup>

Another Irish anti-trans organisation is known as Radicailín - this is a play on the English word “radical” and the Irish word “cailín”, meaning “girl”. The use of the Irish language again attempts to tie the movement to an essential Irishness and establish it as a legitimate force in Irish social politics. Radicailín positions itself as a radical feminist group with a focus on ending violence against women and girls.<sup>82</sup> However, the majority of its activism falls within the anti-trans category - using anti-

---

<sup>80</sup> TheCountess.ie, ‘About Us’ <https://thecountess.ie/about-us/> accessed 20 September 2023. It is notable that the referenced phrase, “cherishing all the children of the nation equally”, comes from the Proclamation of the Irish Republic 1916, to which Markievicz was not a signatory.

<sup>81</sup> Laoise de Brún on Twitter/X <https://twitter.com/anliathluachra/status/1703183553163358660> accessed 20 September 2023. It is possible that “Éiriú” is a misspelling of “Ériu”, the Old Irish for Éire and the archaic representation of Ireland as a woman.

<sup>82</sup> Radicailín.com <https://radicailin.com/> accessed 20 September 2023.

---

trans dogwhistle<sup>83</sup> slogans such as “Keep Prisons Single-Sex” and “woman is not a dirty word”.<sup>84</sup>

The calls to history, language, and nationalism used by these groups aim to paper over the newness of the anti-trans lobby in Ireland and position it as a natural successor to the struggles of Irish women over the past century. Ireland’s Gender Recognition Act 2015, the target of much of the ire from these groups, was itself based in calls to “authentic Irishness”. In the Oireachtas (parliamentary) debates on the legislation, attention was called back to the intentions of the founders of the State of “cherishing all the children of the nation equally”.<sup>85</sup> John Lyons TD referred to Elizabeth O’Farrell,<sup>86</sup> who was “airbrushed out of the picture depicting the moment of surrender” in the 1916 Rising, stating that “I cannot help but acknowledge this is landmark legislation. For this first time those who have been airbrushed out of society

---

<sup>83</sup> As Witten writes, “[i]nformally, a dogwhistle is a type of coded speech found in lexical, phrasal, or thematic form in which a speaker delivers a message that contains two plausible interpretations to a mixed audience, with at least some members of that audience unaware of the existence of a second interpretation. The term ‘dogwhistle’ is a metaphor modelled after the function of a literal dog whistle, which emits a noise at a pitch that only dogs can hear.” K Witten, ‘The Definition and Typological Model of a Dogwhistle’ (2023) *Manuscrito* [online, ahead of print].

<sup>84</sup> Radicailín.com, n83. These are both slogans originating in the British anti-trans movement.

<sup>85</sup> Proclamation of the Irish Republic, 1916, cited by Patrick O’Donovan TD in Dáil Éireann debates, Gender Recognition Bill 2014 [Seanad]: Second Stage (Resumed), 5 March 2015.

<sup>86</sup> Elizabeth O’Farrell was a member of Cumann na mBan, an Irish women’s revolutionary organisation in the early 20th century. She was also a nurse. She was active in the Easter Rising of 1916 and went with Pádraig Pearse to deliver the notice of surrender to the British forces after the rebellion. Interestingly, it is now thought that O’Farrell was a queer woman who was possibly partnered with another Irish republican, Julia Grenan. They are buried alongside each other.

because they are transgender will be brought into society and recognised.”<sup>87</sup> Thomas Pringle TD referred, in frustration, to Ireland’s lack of legislative imagination in early drafts of the Gender Recognition Bill 2014, citing British standards:

The other thing that annoys me is how we always mimic British law as well. We do not look beyond England for any guidance or pointers as to where we should be heading or what we should be doing. Moreover, we appear to mimic British law ten or 15 years after its implementation, at a time when they probably are at the stage of seeking to review it and change it again.<sup>88</sup>

One of the hallmarks of the Oireachtas debate on the GRA 2015 was the presentation of the passage of the Act as a matter of pride for the Irish state: that Ireland would be a world leader in the protection of trans persons’ rights. Given the historical antipathy in Irish law toward those who transgressed rigid social codes through sexuality or gender expression, this was a remarkable development. The citations of the 1916 Rising and the Proclamation of the Republic, in particular, as well as the rejection of the British Gender Recognition Act 2004 as a template, aligned trans rights with the ideals of the founders of the Irish state. This was one of the most remarkable aspects of the legislation’s progress, in historical context - Irish politicians asserting Irish values to legislate for the recognition of trans persons.

This pride in the Gender Recognition Act 2015 and the Irish state’s recognition of trans persons has been reflected in the discourse among Irish feminist organisations during the process of legislation and in the years since. Feminist Ire wrote:

---

<sup>87</sup> Dáil Éireann debates, Gender Recognition Bill 2014 [Seanad]: Second Stage (Resumed), 5 March 2015.

<sup>88</sup> *Ibid.*

---

In the south of Ireland, trans women have been able to declare themselves women and have the state change their documentation to reflect that declaration since 2015. The sky has not fallen. Cis women have not lost anything whatsoever from this. If anything, all of Irish feminism has gained: our struggle for bodily autonomy gains in strength and momentum through this victory for our trans sisters. There are few things as feminists in Ireland we can say we have been pleased to see passed by the state. This, although flawed in its lack of recognition of trans children and non-binary people, is one.<sup>89</sup>

The Abortion Rights Campaign, which positions itself as trans-inclusive, has written about trans rights and, in particular, the right to healthcare and bodily autonomy. It situates trans persons as integral in the fight for abortion rights in Ireland, stating “[o]ur trans siblings fought alongside us during the campaign to Repeal the 8th. They continue to face medical gatekeeping, unnecessary barriers, and forced travel for healthcare. We stand with the trans community in this struggle for bodily autonomy.”<sup>90</sup> Amnesty International Ireland, referring to the “Irish SolidariT” letter,<sup>91</sup> wrote that “Irish feminists have fiercely and powerfully resisted the attempts at bringing this anti-trans rights campaign to Ireland. We know that they will see through this latest wave and will stand firm with the trans community.”<sup>92</sup>

---

<sup>89</sup> Redmond/Feminist Ire, n2.

<sup>90</sup> Abortion Rights Campaign, *Let’s Talk About: Bodily Autonomy, Trans Healthcare and the fight for Reproductive Justice*, 2021 <https://www.abortionrightscampaign.ie/2021/03/06/lets-talk-about-bodily-autonomy-trans-healthcare-and-the-fight-for-reproductive-justice/> accessed 20 September 2023.

<sup>91</sup> *Gay Community News*, n62.

<sup>92</sup> Amnesty International Ireland, *Trans Rights are Human Rights*, 2020 <https://www.amnesty.ie/trans-rights-are-human-rights/> accessed 20 September 2023.



---

The “Irish Solidarity” letter itself, signed by organisations including the National Women’s Council of Ireland, Migrants and Ethnic Minorities for Reproductive Justice, Bi+ Ireland, as well as the Abortion Rights Campaign and Amnesty Ireland, is itself the most powerful statement of refutation of anti-trans politics yet made by organisations in Ireland, and includes many contestations of Irish identity. It states,

Let us say unequivocally that the statements of newly launched organisations that seek to defend biology or fight gender identity and expression do not represent the wider LGBTI+ community nor feminists in Ireland... Further, they are not supported by the wider Irish community... In Ireland we exist as a strong coalition of intersectional solidarity. As LGBTI+ and feminist organisations we stand together, we march together, we advocate together... Over twenty years Ireland has changed for the better. Many out transgender adults grew up in the Ireland that these discriminatory voices seek to bring back. One in which trans people were forced to be broadly invisible and silent in. An Ireland that forced trans people to be hidden, and intimidated them into the closet due to hate, discrimination and harassment. It was an Ireland that made transgender people feel ashamed and scared about who they were. The Ireland that we came out in versus the Ireland that we are now visible in, is a different Ireland to the one we were lost and shamed in. It is an Ireland where trans people are visible and legally recognised. We cannot and we must not go back from that.<sup>93</sup>

Furthermore, the letter goes on to state that

---

<sup>93</sup> *Gay Community News*, n62.

We stand boldly against the rise of exclusionary rhetoric, and name it for what it is, harassment and transphobia... We know that by and large these false narratives are not native to the queer and feminist communities of Ireland. These ideas are representative of outsiders that have not worked, laboured, or known the trans community in Ireland. These fringe groups have not been in the trenches for equality. They do not understand, nor appreciate, that together we built a radical and inclusive coalition for equality.<sup>94</sup>

On both sides of the discourse, an essentialised Irishness is used as a mark of legitimacy in the public space. The questions levelled at both pro- and anti-trans activists by their opposite numbers are “What is your connection to Ireland? What have you done for Ireland?” Not alone does a claim to “Irishness” seem to equal a claim to legitimacy, but accusations of foreignness, and in particular, Britishness, are frequently levelled at anti-trans activists in Ireland. As the “Irish SolidariT” letter, quoted above, stated, “these false narratives are not native to the queer and feminist communities of Ireland”.<sup>95</sup> The question of native origin and a lack of the taint of British influence shows the postcolonial tension inherent in this discourse.

### **Suffrage, feminism, nation, and empire**

*In time the whole of things shall alter...*<sup>96</sup>

Eva Gore-Booth

---

<sup>94</sup> *Ibid.*

<sup>95</sup> *Ibid.*

<sup>96</sup> Eva Gore-Booth, ‘Time’, *Poems of Eva Gore-Booth Complete Edition* (Longmans, Green, 1929), at 545.

---

These calls to nationalism echo history in large and small ways. In particular, anti-trans activists in both Britain and Ireland call back to the Edwardian and early Interwar periods of the islands' histories for their iconography and, as previously mentioned, validation through appeals to historical icons. In particular, they use the images of the Suffragettes (in England/Britain), and Countess Markievicz (in Ireland). However, these are not neutral figures, and their respective relationships to Empire and colonialism need to be examined in terms of the accusations of neocoloniality in the pro- and anti-trans discourse of the present day.

Suffragette imagery is frequently used by anti-trans actors who claim to agitate for women's rights and who base their beliefs in a particular, trans-exclusionary, branch of radical feminism. Using motifs such as the London statue of Millicent Fawcett, prominent Suffragette, with its motto of "Courage calls to courage everywhere", and Emmeline Pankhurst's call to action, "Deeds not words", they commonly use the purple, white, and green of the Suffragette flag in advertising and logos.<sup>97</sup> The Suffragette movement was, of course, steeped in imperialism, with Fawcett herself believing that the "subject races [in particular, Indians] were inspired by the Great White Queen".<sup>98</sup> Burton's work on the Suffragette movement and India

---

<sup>97</sup> See Sarah Pedersen, "It's What the Suffragettes Would Have Wanted": The Construction of the Suffragists and Suffragettes on Mumsnet' (2023) 23(4) *Feminist Media Studies* 1543-1558 for discussion of the use of Suffragette imagery.

<sup>98</sup> Antoinette M Burton, *Burdens of History: British Feminists, Indian Women, and Imperial Culture, 1865-1915* (The University of North Carolina Press, 2018) at 15.

shows how the Suffragettes themselves appealed to Empire to legitimise their movement. As she writes:

The quest for national subjectivity - to be a subject, in the formal political sense - involved identifying feminists and feminism with the nation and, in this historical context, with the empire. For middle-class British feminists it meant arguing not for the radicalness of their claims but for the basic Britishness of women's rights. As they strove to identify themselves with the Self of the nation, one of their chief concerns was to persuade their opponents of their cultural loyalties and reassure them of their attachment to the values of the national-imperial culture.<sup>99</sup>

This does not mean to suggest that all Suffragettes were unaware of the problems of Empire, or that the use of such iconography signifies an atavistic view of race. Rather, it is an introduction to an examination of the relationship between a particular view of sex/gender and the colonial power of the British Empire. The policing of sex/gender “correctness” has always been a colonial project:<sup>100</sup> imperialism depends on the heteronormative ideal. Suffragettes were portrayed in the media of their time as unfeminine, even masculine;<sup>101</sup> some of them responded by promulgating a specific and “respectable” type of gender performance, such as in this excerpt from the Votes for Women paper in 1907, which claimed that the “suffragette is essentially

---

<sup>99</sup> *Ibid* at 17.

<sup>100</sup> See Philippa Levine (ed), *Gender and Empire* (Reprinted, Oxford University Press, 2010); for a specific example in the Indian context, see Mrinalini Sinha, *Colonial Masculinity: The ‘Manly Englishman’ and the ‘Effeminate Bengali’ in the Late Nineteenth Century* (Manchester, 2017).

<sup>101</sup> Deborah Cohler, *Citizen, Invert, Queer: Lesbianism and War in Early Twentieth-Century Britain* (University of Minnesota Press, 2010) at 31ff.

---

---

a feminine woman, with the full feminine grace and charm, and with the full feminine courtesy of manner”.<sup>102</sup> English Suffragettes occupied a complexly gendered space in Edwardian society, as well as a complex political space. The suffrage campaigns led them to rebel against one form of oppression, but also to seek institutional legitimacy through unchallenging appeals to authority structures such as class, race, and Empire.

This uncritical adoption of Suffragette iconography in the British branch of the anti-trans movement is also remarkably unheeding of the relationship between Ireland and Britain at the time of the Suffragette movement. Irish feminists of the time were mostly nationalists and many, republicans, who were torn between the twin fights of Home Rule and/or nationhood, and women’s suffrage. There were concerns that the movement for suffrage would delay decolonisation for Ireland, and reciprocal concerns over whether a free Ireland would grant women the vote. Although a strong relationship existed between some British feminists and Irish feminists, the mooting of a branch of the British Women’s Social and Political Union was described in the Irish Citizen newspaper as “regrettable”, with Irish suffragist Mary McSwiney writing that “Englishwomen want the vote for themselves first and foremost. That is natural, and we applaud and sympathise with their efforts. But in order to hasten their political enfranchisement – even by a year – they would not hesitate to wreck the cause of suffrage in Ireland for a generation or more.”<sup>103</sup>

---

<sup>102</sup> *Ibid* at 38.

<sup>103</sup> Louise Ryan, ‘Competing Priorities and Tactics: The Complex Relationship Between the British and Irish Suffrage Movements’, *FourNationsHistory*, 30 January 2018  
<https://fournationshistory.wordpress.com/2018/01/30/competing-priorities-and-tactics-the-complex-relationship-between-the-british-and-irish-suffrage-movements/> accessed 20 September 2023.

It is no surprise, then, that Irish nationalist feminists had a more radical view of gender than their British counterparts. The Gore-Booth siblings, Constance and Eva, were an example of this. Eva Gore-Booth was a lesbian nationalist social feminist and campaigner for women's suffrage who, in later life, co-founded a magazine called *Urania* along with her life partner Esther Roper, a trans/non-binary/gender-fluid person (Thomas Baty/Irene Clyde),<sup>104</sup> and several other feminists. *Urania*, the title deriving from the term "urning", meaning a gay person, took a radical line on the sex/gender binary from the outset. It stated that the *Urania* collective "denotes the company of those who are firmly determined to ignore the dual organisation of humanity in all its manifestations... They are further convinced that in order to get rid of this state of things no measures of 'emancipation' or 'equality' will suffice, which do not begin by a complete refusal to recognise or tolerate the duality itself... There are no men or women in *Urania*."<sup>105</sup> *Urania* "reprinted articles from worldwide newspapers relating to cross-dressers, individuals who transgressed gender roles and in later issues, cases of transsexuality".<sup>106</sup> Gore-Booth, defying heteronormative expectations, spent her life with another woman, and they are buried in the same grave.

---

<sup>104</sup> I do not put a definitive label on Irene Clyde's gender identity. For much of her life she presented male and was known as Thomas Baty; however, she wrote under the name of Irene and was known to use she/her pronouns. In the language of the time, it would have been said that she "lived as a man" or "lived as a woman", depending.

<sup>105</sup> June 1919. Quoted in Sonja Tiernan, *Eva Gore-Booth: An Image of Such Politics* (Manchester University Press, 2016) at 224. See this biography for further on Gore-Booth's life and work.

<sup>106</sup> *Ibid* at 225. This author notes that this quoted language is archaic.

---

---

Constance Gore-Booth, better known by her married name, Countess Markievicz, is another fascinating figure from this era. Her use by anti-trans actors to represent their cause is profoundly curious. Markievicz spent her life defying gender norms. She famously stated that women should “[d]ress suitably in short skirts and strong boots, leave your jewels in the bank and buy a revolver”, and was herself “an aggressive and flamboyant speaker who enjoyed wearing military uniforms and carrying weapons”.<sup>107</sup> She was a campaigner for votes for women, but she was devoted to the cause of Irish nationalism and the question of Irish freedom from colonial influence. She was also devoted to her norm-transgressing sister, Eva, with whom she collaborated on political art.<sup>108</sup>

I bring forth these historical women for a number of reasons. Firstly, to provide some background of the kinds of icons who are being invoked in these arguments, and particularly, by anti-trans actors. Secondly, to illustrate that the aims of this invocation may not be completely served by it; and thirdly, to point out the post/colonial implications of the imagery used in this discourse. It is difficult to claim that one’s movement is non-colonial when one is allied with uncritical devotees of political actors whose relationship to the British Empire was complex at best. It is hard to imagine Constance Markievicz being allied to a movement defined by biological sex; it is equally hard to imagine her adopting the views of British feminists as her own. However, I do not seek, as many have done, to use her image as a mouthpiece for my

---

<sup>107</sup> Senia Paseta, ‘Constance Markievicz’, in Lawrence William White and others (eds), *1916: Portraits and Lives* (Royal Irish Academy, 2015).

<sup>108</sup> Marian Eide, ‘Maeve’s Legacy: Constance Markievicz, Eva Gore-Booth, and the Easter Rising’ (2016) 51 *Éire-Ireland* 80.

own views on the subject. Rather, I will let the illustration of her character speak for itself. What this examination of the figureheads of the anti-trans movement shows is a remarkable lack of nuance on the part of the twenty-first century campaigners, and, perhaps, an ignorance of the history they claim to represent.

## Conclusion

*A shared root cause to this particular pathology...*

Ben Darlow on Bluesky<sup>109</sup>

In the Feminist Ire letter, Redmond and her co-authors castigate British feminists for their lack of concern for Ireland in any cause other than trans issues.

We do not need you here. We have not had your support in our fight for #repealthe8th, our fight against the historical and ongoing impact of the Magdalene Laundries, our fight for taking back control of our hospitals from religious orders, our fight for justice for women and babies tortured and entombed in Mother and Baby homes... Do you have any kind of concept of what a feminism in a country shaped by struggle against Empire looks like? Did you take even a second to consider that, in assuming you have the right to come here in any kind of position of feminist authority, you're behaving with the arrogance of just that imperialism? We have had enough of colonialism in Ireland without needing more of it from you.<sup>110</sup>

---

<sup>109</sup> <https://bsky.app/profile/kapowaz.net/post/3k7lg4k6wkf2a> accessed 20 September 2023.

<sup>110</sup> Redmond/Feminist Ire, n2.

---



---

The political relationship between Britain and Ireland has always been fraught, with the lingering effects of coloniality coming to bear on both states. From the 1980s until the 2010s, much of the focus of Irish feminism fell on abortion rights, which became a site of postcolonial contestations on both the pro- and anti-choice sides. However, in recent years, issues around gender identity, transgender rights, and questions over whether those rights conflict with the rights of cisgender women, have come to the forefront and caused bitter divides in Irish feminist, or feminism-related, activism. One of the main methods of disparaging one's opponents in this discourse is to tag them with an accusation of Britishness, as Britishness is seen as colonialist and antithetical to the project of Irish nation-building. Conversely, a means of proving one's bona fides is to use icons and imagery of nationalism such as a revolutionary figurehead or words in the Irish language in order to portray an image of a "true" Irishness. Through examination of some key flashpoints in pro- and anti-trans activism in Ireland, the paper seeks to provide a picture of these dynamics in action.

The final section of the paper deals with some of the icons of the anti-trans movement, in particular the Suffragettes and Countess Markievicz. It examines their own complex relationships to gender and Empire and questions the validity of the use of Markievicz in particular as a marker of anti-trans sentiment. In doing this, I hope to show both that contestations over feminism and colonialism are as old as the Irish state itself, and to pose some questions over the acceptance of the use of this revolutionary figure as an icon for anti-trans activists.

The calls to history used by both pro- and anti-trans activists in Ireland could only emerge from a country steeped in (post)coloniality. The Irish political atmosphere stands alone in (post)coloniality, with its associated white-majority, wealthy, European privilege, but equally, its torn, violent past. It is no wonder that activists and

advocates of the present day seek the shelter of historical nationalism to survive the embattled currents of Irish social politics. It is hoped that this paper has helped to reveal and elucidate some of these postcolonial dynamics in the discourse around trans rights in Ireland.