
Bigger on the inside: Spatial and temporal aspects of *For Women Scotland*

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The judgment in *For Women Scotland* has raised a multitude of questions for legal scholars, but less represented in the literature so far have been the reactions of the trans community. This is, of course, a question of access - trans community activists and representatives are frequently denied airtime in the media, even on issues which inherently concern them - but also of epistemic injustice: of the institutional denial of the trans person's authority to speak about their own life and the conditions thereof. In writing this rapid reaction piece, Sandra (a genderqueer legal academic and scholactivist), and Hafren (trans woman, community organiser and chair of a local Trans Pride event) wish to contribute to rectifying this deficit.

We argue that the dimensions of the reactions to *FWS* have been asymmetrical, with much attention given to the immediate *spatial* repercussions of the judgment, but less to the longer-term, *temporal* consequences. Community responses such as [Safe Space Bristol](#) have concentrated on access to services and facilities, while less attention has gone to the diminution in life chances and outcomes which will happen as a consequence of the decision.

Legal geographers state that “nearly every aspect of law is located, takes place, is in motion, or has some spatial frame of reference. In other words, law is always ‘worlded’ in some way” (Braverman et al., 2014). *For Women Scotland* is worlded in the bathroom, the changing room, the domestic violence refuge - all areas wherein trans people have, with minimal statutory exceptions, been welcome, until now. One of the effects of *FWS* has been the closing down of worlds for trans people - diminishing our ability to take part in public life at an immediate level, by cutting off access to these spaces. The laws and regulations, including the Equality Act 2010 and the Workplace (Health, Safety and Welfare) Regulations 1992, which govern space in society, act upon those neutral rooms and turn them into sexed/gendered spaces - spaces where law happens, and in particular, where law excludes. It is impossible, for instance, to work at a job away from home, if you cannot use a safe bathroom. This has been the idea behind Safe Space Bristol (later expanded across the United Kingdom), a trans-led social media campaign which has called on businesses and centres to remain safe spaces for trans people, particularly with regards to facilities, as-and-when legally possible. This shows a focus from the grassroots community on spatiality.

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Concern for spatiality became a catalyst for further community action. In Bristol two new groups dedicated to transgender women and transfeminine spectrum people emerged as well as more dedicated space for transmasculine people. These groups encouraged transgender people to meet in public spaces across the city. There have been repeated demonstrations on the issue. Once a public consultation was launched from the Equality and Human Rights Commission, a concerted effort to respond was coordinated as well as Trans Solidarity Alliance's mass parliamentary lobby. Campaigns have framed the issue in terms of a "bathroom ban"; immediately focused on facilities.

However, law does not only operate in, and on, space. It also operates in time. Time and temporalities have, of late, become a vast area of study within the legal academy, with scholars such as Grabham (2016) and Fletcher (2025) expanding on the operation of law within and around varying temporal landscapes. It is already known that trans people operate within different temporalities than cisgender and/or heterosexual people. Pearce (2019) has written about the "non-linear" ageing of trans people: how we measure time differently, perhaps in years from coming out, years from beginning hormonal therapy. In considering the impact of *FWS*, we are concerned principally with trans futures: the potentialities of life which are now curtailed as a result of the judgment. The law has the power to act upon society in a manner that de-futures trans lives on a number of scales: "big" (social) and "little" (personal) futures (Michael, 2017). Trans lives, like cis lives, need to be more than *bare life* (Agamben, 2000), and so they must include the conditions for flourishing. But if the collective and the means of becoming are taken away, what is the impact on this potential? Family, education, and political participation are all part of this - however, following *FWS*, they have frequently been formulated as trans-exclusionary. Newnham College Cambridge, for example, offers scholarships to "women with high potential", but explicitly cites *FWS* in limiting those scholarships to women "assigned female at birth".¹ We are also concerned that in the wake of the *FWS* decision about places on boards, women's shortlists for elections will be confined to cis women.

For community organisers, we're left perplexed by the wider implications on gender recognition. As an example, a necessary component for diagnosis of gender incongruence is a serious approach to family planning. Being able to support a child in single-sex spaces is necessary for all parents, and complicated by *FWS v The Scottish Ministers*. How can transgender people attain the support for undergoing fertility treatment if their status as mother or father in their acquired gender is compromised by the law? Much of the narrative has been focused on this ruling being clarifying but unfortunately, it further highlights a desperate need to reform the Gender Recognition

¹ "The appointments comply with legislation on sex discrimination, relying on the Equality Act 2010, Schedule 22, and Article 3 of the College Charter. Following the Supreme Court's decision in *For Women Scotland Ltd v The Scottish Ministers* [2025], when we refer to 'women' we mean those assigned female at birth": [Newnham College Cambridge](#)

Act 2004 and create more uniformity for trans people undertaking necessary steps for their care. The division the ruling creates between cis people and trans people regarding uncertainty is stark. For cis women, the ruling is intended to create ‘clarity’ regarding their rights; for trans people, it has intensified their legal status as uncertain subjects, living in the conditional at all times.

Most importantly, for many in community and organising, it was a hearty reminder of the concept of queer/trans resilience. We see resilience as a process: the ability to adapt to adverse and traumatic situations or events, which takes place over time and often in community with others. Whilst new legal barriers have been presented for trans people, it also has excited the legal and political imaginations amongst communities. There has been a change in what trans people reach out to the local trans pride for, for instance. It has changed from simply seeking support to volunteers submitting new ideas on trans futures or wanting to volunteer to ensure an improvement to their trans community’s conditions.

Trans people continue to resist, to create our own futurities from what seems like a bleak landscape. Trans people should not have to be as resilient as we are, but as a community, we have a will to survive and thrive which no law can curtail, no judge can take away. Trans lives will prevail.

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