

Lesbian Action Group Inc v Australian Human Rights Commission

Expert Report

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Declaration

1. I acknowledge that I have an overriding duty to provide impartial assistance to the Tribunal. No matters of significance have been withheld from the Tribunal.

Information about my training, study and experience

2. I have provided a CV to the Feminist Legal Clinic separately to this report.

A. Lesbian feminism: core tenets and philosophies

3. Lesbian feminism developed in the late 1960s and 1970s. Before that time, lesbianism was lived almost entirely in secret. There were scarcely any known places for lesbians to gather, and social life took place only in private homes. Lesbianism carried the stigma of perversion and was not talked about. Lesbian feminism transformed lesbianism into a joyful and open practice between women with its own politics and community.
4. Lesbian feminist politics and practice emerged from two radical political movements, Gay Liberation (GLF) and the Women's Liberation Movement (WLM) (Jeffreys, 2003). Lesbians from these two movements came together to create a new, distinctively feminist lesbian politics. The lesbians who left the Gay Liberation Movement became infuriated with being outnumbered and ignored in a movement focused on entirely male interests and purposes. The lesbians who came from the WLM challenged the concentration of the WLM on the concerns of heterosexual women and the exclusion of the concerns of lesbians. Distinctively lesbian concerns at this time, for example, included the fact that lesbians were likely to be treated with electric shocks to 'cure' their lesbianism (Spandler and Carr, 2020) and they were extremely unlikely, if they separated from male partners, to be able to gain custody of their children (Mooney-Somers and Golombok, 2000).
5. But lesbian feminists were not just concerned with challenging prejudice against lesbians in the medical profession and the judiciary. The new lesbian feminist politics was celebratory. It aimed at making lesbians visible, out and proud. It focused on love for women and a profound critique of the structure of women's oppression which was understood to be based upon compulsory heterosexuality and its customs and practices.

Lesbian feminism was directed towards creating a world for lesbians that encompassed community, culture and politics (Jeffreys, 2003; Jeffreys, 2018). Where lesbians had previously had to be surreptitious about their ideas, their lovers and their friendships, lesbian feminism created a profusion of spaces in which these could be publicly expressed.

6. Lesbian feminism began in the late 60s in the USA but by the early 70s it was developing in the UK, Australia, New Zealand, Germany and other European countries. As I describe in my book *The Lesbian Revolution* (2018), lesbian feminists very swiftly began to build lesbian communities, culture and politics in all these places. Lesbian feminists were most often the women who created and ran spaces, events and resources directed at all women such as feminist bookstores, galleries and cultural events, feminist and specifically lesbian presses, women's and lesbian bands, discos and clubs, women's and lesbian conferences and meetings, local newsletters, tradeswomen's directories and training and a host of other services to and sources of entertainment and community for lesbians and women in general. Except in the case of some commercial premises such as bookstores, these were all women only.
7. Lesbian feminism grew organically as a movement. There was no central committee in any country and, indeed, a suspicion of the idea of a 'star system'. Thus, there was no manifesto or statement of principles. Many different collectives of lesbians produced position papers setting out their ideas and discussed them in newsletters and in conferences. There were, however, a number of generally accepted ideas which persist amongst lesbian feminists today in many countries.

Lesbians are women

8. The most basic tenet of lesbian feminism was and is that lesbians are women, persons of the female sex who love and have sexual relationships with other persons of the female sex. This was entirely uncontentious and did not need to be stated in the decades in which lesbian feminism developed. It does need to be stated now because of the rise of the gender identity movement, which proselytises the idea that human beings can change sex and that men, persons of the male sex, can be not only women but lesbians.
9. At the time of the WLM lesbians were not bothered by the problem of men pretending to be lesbians. Men claiming to have a female gender identity were unknown and

‘gender identity ideology’, the set of ideas that justifies this practice, did not exist. There were very small numbers of what were defined by sexologists, the scientists of sex, as ‘transsexuals’, men who used hormones and surgeries to imitate the other sex, and transvestites, who wore women’s clothes.

10. Most of the behaviour now subsumed under the umbrella ‘gender identity’ or transgenderism, was understood at that time by sexologists to be a sexual perversion or paraphilia called transvestism in which men gained sexual excitement from the humiliation of wearing the clothes of women, members of the underclass (Lukianowitz, 1959; Burchard, 1965; Drescher, 2010). All the sexological articles of the early 20th century use the term transvestism exclusively to describe this behaviour and all saw it as a sexual behaviour (Jeffreys, 2022).
11. It was not until the 1990s that the ‘transsexuals’ and transvestites were combined together into a political movement which demanded that these men be able to exercise their ‘gender identity’ rights. Use of the word ‘gender’ indicates the creation and adoption of a new politics to serve this new movement. The understanding of transvestism as a sexual perversion became unpopular because it was not respectable and might make it hard to access medical insurance for desired treatments or gain public acceptance (Ekins, 1997). It had to be desexualised. In place of the concept of ‘transvestism’, what Alice Dreger, the philosopher of science, called the ‘feminine essence theory’ was developed (Dreger, 2011). This essence, which was called in the new politics ‘gender identity’, was an indefinable quality of mind that was identified as something innately possessed by women.
12. A large part of the sexological profession moved to support this new formulation. Many, however, did not, and there followed an acrimonious disagreement in the sexology profession. Those who refused to change their minds were in agreement with the very influential sexologist, Ray Blanchard and his understanding of transvestism as ‘autogynophilia’ or ‘loving the woman in themselves’ (Blanchard, 1991; 2005, Bailey, 2003). This widens the understanding of ‘transvestism’ to cover other ways in which such men may imitate women for sexual satisfaction beyond simply the adoption of what they see as women’s clothing, to doing pink knitting on chat show panels, for instance, or wearing latex female body parts.

13. What is now called 'gender' was called at the time of the WLM 'sex role stereotypes' i.e. forms of behaviour culturally attributed to men and women on account of their biological sex. The 'Women's Convention' i.e. the United Nations Convention on the Elimination of All Forms of Discrimination Against Women (1979) calls for the elimination of sex role stereotypes, seeing them as being both the result and the mainstay of women's oppression, and harmful to women's status. Sex role stereotypes are now called 'gender'. They include expectations about 'feminine' appearance such as high heeled shoes and makeup as well as ways of speaking, moving and thinking and forms of behaviour such as 'hair flicking'. Gender identity ideology naturalises gender or sex role stereotypes, promoting the idea that these are innate rather than cultural, but can, nevertheless, float around and attach themselves to the opposite sex in some mysterious way. The men who created the gender identity movement not only wanted to be recognised as possessing the gender or sex role stereotypes associated with women, but to be treated in law as if they were actually women. No such notion or demand existed before the very end of the twentieth century.
14. The ideas about 'gender' promoted by the gender identity movement constitute a serious backlash against the gains that feminists had made in terms of human rights. The Women's Convention argued for women's rights based on sex, not gender, a word which was not much used at that time. Women's rights not to be discriminated against in relation to matters such as freedom of assembly and expression, and political participation, were sex-based rights. The idea that a natural female 'gender' exists which not only manifests in women but in men, sets back the progress of women's sex-based rights by decades.
15. **Lesbianism is political:** Lesbian feminism arose out of the WLM so it was based on feminist ideas. Lesbian feminists understood their lesbianism to be feminist i.e. a form of resistance to the oppression of women and their feminism to be lesbian i.e. practised according to feminist principles of equality. It was never simply a sexual orientation, but much more. In a world in which lesbianism is repressed, by measures which prevent lesbians from meeting without men, for instance, loving women is inherently countercultural and about the creation of a different kind of world which is good for lesbians and for all women.

16. **Separatism:** The WLM was separatist in its strategy and tactics. In the 1970s and 1980s, women's groups, conferences and meetings, events and entertainments were usually women only. This was particularly the case in relation to lesbian feminism. It was understood that the presence of men would be entirely inappropriate in spaces set up specifically for women-loving-women. Lesbian feminists wanted to be free to develop their political ideas, to express their love and friendship, and develop their culture free from the interruptions, demands and diversions, and the prurient interest of men.
17. **Choice:** It was understood within lesbian feminism in the 1970s and 80s, that lesbianism could be chosen. Though many women were already lesbians before they became involved in the WLM, many others chose to abandon heterosexuality in order to love women. Working and socialising with women enabled women's interest in each other to blossom. Lesbian feminists argued, for instance, that it is better to put your best energies into those you were working alongside rather than into men, who were the problem. In the 1970s the great majority of lesbians understood sexuality to be socially constructed and not the result of biology.
18. This was a most radical idea. The Australian researcher, Lorene Gottschalk, found that a considerable majority of the lesbians she interviewed who had come out in the 1970s, believed they had chosen to be lesbians, whereas the great majority of those who came out in the 1990s, when feminism was in decline, believed their lesbianism was biological (Gottschalk, 2003). Adrienne Rich, a US lesbian feminist philosopher, for instance, argued that heterosexuality was 'compulsory' (Rich, 1984). It was enforced and functioned as an institution rather than simply a sexual orientation because it was essential to the efficient maintenance of men's power. Heterosexuality was understood to be a political institution in which women lived with and serviced individual men for free, in sexual, domestic, reproductive and emotional labour. This idea of choice was the conventional wisdom among lesbian feminists and formed the basis for so many thousands of women feeling able to leave men and plunge in to loving women.
19. **The personal is political:** Lesbian feminists believed that lesbian and feminist politics were not just about the public world of political parties and parliaments, but about the way in which oppression shapes what had previously been seen as private life, i.e. sexual orientation, sexual practice, the ethics of relationships. This concept is called the

personal is political and is fundamental to radical feminism, the dominant tendency within the WLM. Radical feminists understand women to constitute a subordinate 'sex class', which exists in a hierarchical relationship with the ruling sex class of men. The ethics of lesbian relationships and living arrangements were all considered to be shaped by the constraints of the heteropatriarchy, i.e. male domination shaped around compulsory heterosexuality, and subject to change and development.

20. **Rejection of hierarchy:** The rejection of hierarchy was fundamental to the WLM and lesbian feminism. This encompassed the way in which the movement operated in terms of groups, leadership and personal relationships. There was a rejection, for instance, of the role-playing of masculinity and femininity (butch and femme) that had occurred in some parts of lesbian culture before the 1970s. There was a rejection too of the eroticising of power difference in the form of sadomasochism which began to influence some parts of lesbian culture in the 1980s. Lesbian feminists pursued the eroticising of equality, rather than inequality, in their relationships.

B. The decline of lesbian feminism

21. In the late 1980s and through the 1990s, lesbian feminist politics, community and culture came under adverse pressure from several directions. One was the changing politics of the time. In the western world there was a rightward shift which undermined all the political movements that had developed in the 1960s and 1970s. In the UK, for instance, the conservative government passed legislation in 1988 called Section 28, an amendment to the Local Government Act, which forbade the 'promotion of homosexuality' in any local government premises, including schools. In the 1980s too, a burgeoning pornography and strip club industry led to attacks upon lesbian feminists as anti-sex and puritanical for our critique of the sexuality of male domination (Jeffreys, 1993). The promotion of sadomasochism, in particular, undermined the unique politics and began the long process of attrition in which feminist and lesbian venues and resources closed down.
22. There are many examples of the decline of lesbian feminism from the late 1990s onwards. One is the disappearance of feminist bookstores. Generally run by lesbians, they provided a vital resource for the lesbian community. They flourished and were at their peak, from the 1970s-1990s when there were 130 stores in North America alone.

This is described in Kristen Hogan's book, *The Feminist Bookstore Movement*, which details how these stores formed a community basis for meetings, readings, gossip, the advertising of places in shared housing, the sale of posters and artwork, pamphlets and jewellery (Hogan, 2016). There were two feminist bookstores in the Melbourne area, Shrew in Gertrude St., Fitzroy and Colari in Geelong. There are no feminist bookstores in the Melbourne area now, and by 2014 only 13 bookstores remained in North America.

23. A similar decline took place in the number of lesbian bars. Krista Burton states in her book from 2023 on the disappearance of lesbian bars in the US, that in 1987 there were 200 whereas by 2021 there were 20 (Burton, 2023). The same attrition has not happened to gay men's bars. A 2023 study found that of the 803 'gay' bars in the US, 44.6 percent served only gay men, around 7 percent were for 'men's kink communities' and only 3.6 of the total were for lesbians, though it is likely that these did not exclude men with lesbian 'identities' (Mattson, 2023).
24. Gradually women's and lesbian spaces declined in Melbourne, in concert with what happened all over the western world. I arrived in Melbourne to teach at the University of Melbourne in 1991. At that time there were a number of women's services and spaces, usually organised by lesbians, in the Fitzroy area where I lived. On Gertrude Street there was a women's gift shop and a feminist bookstore. On Brunswick Street there was a lesbian run café, The Angel, and a lesbian run women's art gallery. An article in *Archer* magazine details the many resources available to lesbians in the area in the 1980s and 90s (McKew, 2022). There was a lesbian open house in Fitzroy and a lesbian mother's group in Northcote. The mother's group provided a space to talk about things like coming out to your children, partners coming to school events and 'the real-life consequences of being gay in a society that did not protect gay people'. Such women's and lesbian spaces were the heart of lesbian community. The Lesbian and Gay Alliance Australia (LGBA) has created an interactive map locating the 80 lesbian spaces which it says have been 'lost' in Melbourne over the last 40 years. The spaces they show as still existing today number 3 (Lesbian and Gay Alliance Australia, n.d.). It was specifically lesbian spaces that disappeared whereas gay men's spaces survived. Presently, a search for gay bars in Melbourne returns 19 venues, and for lesbians, none.

25. This process of attrition in the US has been well described in Bonnie Morris's book *The Disappearing L*, in which she documents the disappearance not just of specifically lesbian culture and community, but of the word 'lesbian' itself (Morris, 2016). In place of pride in the word lesbian it gradually became difficult for women to use any words which suggested that they loved women and put women first. At the present time lesbians are likely to call themselves bisexual, bigender, queer. Some may call themselves 'trans', which was almost unheard of at the time of the WLM.
26. There is a recognition amongst many lesbians and feminists that lesbians have been disappeared again, sent back into the closet socially and politically, particularly as a result of being subsumed within other constituencies such as gay, queer, non-binary and other constituencies of men and heterosexual people. The Scottish lesbian MP Joanna Cherry made a speech in the UK parliament for Lesbian Visibility Week in April 2024 in which she stated the necessity for lesbians to fight to become visible again. She said,

I think it is a real shame that, in the week about our visibility, the lesbian identity is being subsumed into a number of other identities that have nothing to do with being a same-sex-attracted woman. For a long time, we thought that lesbophobia had gone, but lesbophobia is back, and it has been created by those who think that the rights of lesbians are conditional on them accepting gender identity ideology (The Lesbian Project, 2024, 25 April).

C. Key political and policy issues that are of current concern to lesbian feminists

Lesbian visibility

27. A key policy issue for lesbian feminists is to exhume the interests of lesbians from those of gay men and LGBTIQ in policy and in language. This is necessary in order to create recognition amongst policy makers and across all institutions of government and civil society that lesbians are a distinct community of persons of the female sex, with their own separate interests and rights which need to be considered and respected. To make this possible it is necessary to establish that men cannot be lesbians because the pretence that they can be, disappears the specificity of lesbians as a group. It is

necessary also to rescue the category of lesbians from being subsumed under other categories of persons such as gay men or 'queer'.

The creation of lesbian and women only spaces

28. A key political and policy issue for lesbian feminists is the right to create lesbian and women only spaces. These spaces, including discos, bars, meetings, conferences are needed so that lesbians may meet and enjoy entertainment, develop relationships and friendships, create their philosophy and culture and create political theory and tactics. The freedom to do any of these things is dependent upon these spaces being without men however they may identify.

The creation of lesbian pride

29. An important aim of lesbian feminist activism in the present is the reestablishment of lesbian pride. Lesbian feminist commentators have argued that there has been a disappearance of lesbian specific existence or 'lesbian erasure' in the last decade (Morris, 2016). There is one element of this lesbian erasure which stands out and is the result of the increasing influence of gender identity ideology. It is the practice in which young lesbians are being encouraged to believe that they are really boys and should take drugs and surgeries to destroy their healthy female bodies and pretend to be male. Lesbian feminists are involved in fighting this practice in many ways including the creation of self-respect in young lesbians.
30. Though lesbian feminists in the 1980s did promote lesbian pride to young lesbians in schools, they did not confront the challenge of gender identity ideology. The notion that children could change their sex through puberty blockers, hormones and 'social transition' was not an idea that was circulating in popular culture. Hannah Barnes' extremely thorough account of the workings of the Tavistock Gender Identity Clinic which was the main arena for the transgenering of children in the UK before being closed in 2024 for serious inadequacies in the treatment programme, covers the problem of same-sex attracted girls being subjected to drugs to change their 'gender' (Barnes, 2023).
31. One of the doctors from the clinic that she interviewed recalled families who remarked, 'Thank God my child is trans and not gay or lesbian' and some young people being

‘repulsed’ by the fact that they were same-sex attracted. He said, ‘I had kids telling me, ‘When I hear the word lesbian, I cringe. I want to die’... ‘I’m gonna vomit if I hear the word lesbian another time’ (quoted in Barnes, 2023:160). Girls were the vast majority of the children being treated in the UK Gender Identity programme and in 2012 over 90 percent reported that they were same-sex attracted or bisexual and only 8.5 percent that they were attracted to males (Barnes, 2023: 161). For these reasons one of the doctors said the treatment was ‘gay conversion therapy’ and lesbian commentators are increasingly arguing that the treatment is ‘lesbian erasure’ with profoundly harmful effects on the physical and mental health of these girls.

32. There is a need for lesbian feminists to end the promotion of transgenderism in schools and other places where children gather, and promote healthy and proud lesbian existence in order to prevent this most severe form of discrimination against young lesbians.

Lesbian opportunities to explore their social, cultural and political interests

33. Lesbian feminists work towards developing their social, cultural and political interests. This requires women and lesbian only spaces. Lesbians need to be able to develop and express what is called the ‘lesbian perspective’, i.e. a world view that is outside the constraints and requirements of the heteropatriarchy (Penelope, 1992). The lesbian perspective encompasses a different way of seeing sexuality, for instance. The masculine perspective sees sexual practice as a form of behaviour directed towards the outcome of male ejaculation. It is brief and has an end point. Lesbian sexuality, on the other hand, is not necessarily focussed on a particular outcome and may consist of long periods of pleasuring which involve the whole body (Frye, 1993).
34. The cultural interests of lesbians consist of the creation and celebration of specifically lesbian literature, art and music which focus on lesbian relationships. Lesbian cultural creation includes lesbian coffeehouses, lesbian dance and performance spaces, lesbian centres, lesbian travel outlets. It includes the documentation of lesbian history in research, history clubs and archives. Lesbian political interests consist of the creation of strategy and tactics to create lesbian visibility, change the policies of male dominant societies which prioritise heterosexuality, and create a world fit for lesbians to live in. Lesbian political interests also include countering the harassment, pressure and abuse

that lesbians receive from men, particularly men with gender identities (see below for examples).

D. Unique needs of lesbians (by reference to their social, cultural and sexual interests) when compared to other groups that do not have a heteronormative sexual orientation

35. One of the principle aims of lesbian feminists has always been to distinguish lesbians in terms of their social, cultural and sexual interests from gay men. Historically, terms relating to homosexuality have come to refer only to gay men because gay men are socially dominant. Thus, homosexual and gay came to signify men and lesbians were not visible. Lesbian feminists fought to have the distinct existence of lesbians recognised. By the late 1980s the word 'gay' was no longer seen to include lesbians and the word 'lesbian' was regularly included in the title of organisations, publications and events which became 'lesbian and gay'. This progress was overturned in the early 1990s as a result of the emergence of queer politics and queer theory (Jeffreys, 2003). Lesbians were subsumed once again under the supposedly umbrella term 'queer'. Lesbian feminists recognised this as a considerable step backwards into invisibility. I wrote a journal article in 1994 analysing this problem entitled 'The Queer Disappearance of Lesbians' (Jeffreys, 1994). The conflation of lesbians with and under the aegis of gay men has increased since that time and is very general in the present.
36. Many organisations, government agencies and policymakers continue to conflate lesbians with gay men, and now with heterosexual men with 'lesbian' identities. The fundamental difference between lesbians and men whether gay or in possession of female gender identities, is that of biological sex. The need to separate out lesbians from gay men is similar to the struggle by feminists in general to rescue women from being conflated with men in such terms as 'chairman' for instance, or 'mankind'. Lesbians are women and suffer all the forms of discrimination, including violence and abuse, that women suffer from men through their second-class status. Gay men do not suffer this. Gay male interests are constructed out of their position of advantage as men, whereas lesbians experience two forms of inequality, each of which profoundly influences the other.

37. Lesbians are likely to have similar experiences of discrimination, violence and particularly sexual violence from men as other women do, as well as specific forms of harassment and discrimination on account of their lesbianism. Gay men, on the other hand, have all the advantages generally experienced by all men, such as better opportunities and promotions, better salaries, and, if they are not obviously gay, greater safety from the violence of other men. Lesbians may not be able to distinguish everyday misogyny from anti-lesbianism when they are experiencing male violence.

E. How the subsuming of lesbians under ‘queer’ or ‘LGBTIQ’ umbrellas has affected resources available to lesbians

38. The term LGBTIQ is regularly used in the media and by policymakers and businesses. Many lesbians do not feel included and are likely to be repelled by the term. We do not see our interests as similar to those of gay men and see them as completely in contradiction to men with female and lesbian gender identities who are now included in this set of initials.

39. Lesbians are also likely to see the word ‘queer’ as having little or nothing to do with lesbians. The prevalence of the Pride flag, for instance, is just one example of how lesbians feel excluded, rather than included. This flag, which was created to relate to gay men and lesbians, now refers to a kaleidoscope of men and their sexual interests. It then becomes quite problematic for lesbian feminists to be required to have to use supermarkets, for instance, where floors, walls and benches were painted in the colours of a flag which does not only not represent them but excludes them and negates their identity by celebrating men with ‘lesbian’ identities.

40. One example of the problem of the subsumption of lesbians under the categories queer or gay is that of the considerable difference in sexual practice. In the 1990s in Melbourne, for instance, when AIDs was still ravaging the gay male community, safe sex education was conducted as though lesbians were similarly affected and for the same reasons. It is now recognised that transmission of the virus between lesbians is extremely rare, and any such that occurs is likely the result of sex with men or drug use (Aidsmap, 2019). In order to spread the safe sex message, the phrase ‘men who have sex with men’ MWHSSWM was invented to reach those numerous men who lead apparently heterosexual lives but seek out anonymous sexual encounters with men in

toilets and outdoor spaces (Roberts, 2024). No such descriptor was necessary to reach lesbians because there has never been a large cohort of women who sought out anonymous sex. This demonstrates the very considerable difference in political interests between lesbians and gay men. Male gay liberationists in the 1970s/80s, for instance, worked to decriminalise sex in toilets to protect men from arrest. This was not a concern for lesbians.

41. Another example of the problems that arise when the contradiction of interests between lesbians and gay men is ignored, is the creation of gay, queer or pride centres in which lesbian interests are subsumed under those of gay men. When the Greater London Council funded a Gay Centre in 1984, it was recognised that there should be a separate floor for lesbians only. At that time there was a powerful women's movement and the need for women only space was understood. Nevertheless, a problem arose which showed the very different interests of gay men and lesbians. Before the building officially opened there was a request from a sadomasochist group to book space for regular meetings (see Jeffreys, 2018). In a meeting of Centre members, the gay men, who were in a majority, overwhelmingly voted to allow this. The lesbians present, on the other hand, overwhelmingly argued that this should not be allowed. We made arguments such as the unsuitability of sadomasochist regalia for spaces which lesbians wanted to be able to visit with their children. At this time, it included not just black leather, studs and Nazi caps but, in some cases, swastikas too. After the decision to provide facilities for sadomasochism, lesbian feminists no longer used the Centre.
42. Lesbians are not just a less adventurous variety of gay men, the gay UK historian Jeffrey Weeks, for instance, called lesbians 'a pale version of the male', but a very different constituency with very different interests. Lesbians suffer discrimination in mixed premises and meetings. Often, because they are fewer in number, they will find themselves talked over and shouted down and may find it extremely difficult to get their very different priorities recognised.
43. A good example of the exclusion of lesbians from the supposedly inclusive category 'queer' is the exclusion of lesbians from Pride marches if they state their understanding on banners that lesbians are female. As the Scottish MP Joanna Cherry put it, 'Across the United Kingdom, lesbians have been intimidated at Pride marches, spat on and

assaulted for simply asserting their right to say that lesbians are same-sex attracted' (Cherry, 2024).

44. Presently lesbians and feminists in general who seek to march, rally or hold meetings on the issue of women's sex-based rights are met with picket lines and protests which are often extremely noisy, using powerful amplification that drowns out women's voices, aggressive, and can be quite frightening. This is new. At the time of the WLM men did not protest women's marches and rallies, which were all women only. There was no public opposition at all to demands for and expression of women's sex-based rights.

F. The need for lesbians to organise and associate with members of the female sex who are lesbians, and not with members of the male sex, and members of the male sex who identify with the female gender as a lesbian.

45. Before the end of the twentieth century lesbians and feminists regularly held women only events with little need to consider whether they might meet opposition. Men who claim to be lesbians and enter women's and lesbian spaces are a fairly new phenomenon. In 70s and 80s London, for instance, there were only one or two who tried to get into women's and lesbian spaces and they were given short shrift. Both homosexual and heterosexual men may say they have female 'gender identities'. Gay men who have gender identities, however, do not claim to be lesbians. Their sexual orientation is towards men, so they are not the ones seeking to enter women's or lesbian events or meetings.

46. The idea that men can become women and lesbians reached a peak of its influence in the 2010s when the feminist movement was not strong, and when the majority both of policymakers and the public had been bamboozled into thinking that both adults and children could change their gender, which was widely understood to be the same as 'sex'. However, the backlash against women's sex-based rights that enabled the development of the gender identity movement is being increasingly challenged internationally in the last couple of years. The distinction between gender, culturally ascribed characteristics of behaviour and appearance, and sex, biology, is being increasingly recognised.

47. In the UK in particular, there is a change in the tide in relation to the way persons with gender identities are understood. This has escalated as a result of the Cass Review (Cass, 2024). This review, published in April 2024, examined the workings of the Tavistock Clinic which provided services to enable children to change their 'gender'. It is fiercely critical of the uncritical and affirmative way in which children with a variety of problems including autism, a history of adverse childhood experiences and those who are same-sex attracted, overwhelmingly girls, were put on a pathway to drugs and surgeries. The review has caused a cascade of changes in the mindset of policymakers, prominent individuals, commentators and organisations towards being more critical of the very notion of 'gender identity'.
48. In April 2024, for instance, the UK National Health Service (NHS) proposed changes to its constitution which make this clear (BBC, 30 April 2024). The changes define the difference between sex, biological, and gender, cultural, and state that women have the right to single sex wards and to request women, persons of the female sex, for intimate care. Those who campaigned for this change stressed that women in hospitals required privacy, dignity and safety.
49. As another sign of the movement towards the protection of single sex spaces in the UK, on 1 May 2024 the Minister for Women and Equalities put out a 'Call for Input' on 'incorrect guidance on single-sex spaces and gender self-identification' (GOV.UK, 1 May, 2024). It states that it is 'seeking examples of policy or guidance in which public bodies – or organisations that advise public and private organisations – wrongly suggest that people have a legal right to access single-sex spaces and services according to their self-identified gender'. It states that 'businesses and other organisations' can legally provide single and 'separate-sex' services such as toilets, changing rooms, and female-only fitness classes, which 'may exclude transgender people' of the opposite biological sex, and even, in some cases, those with Gender Recognition Certificates.
50. The inclusion of men whatever their 'identity' in lesbian spaces is a problem because their only reasons for being in such spaces, considering that they are not lesbians, are likely to be 'affirmation' or sexual satisfaction. Whilst men without gender identities may seek to enter women's and lesbian spaces for sexual satisfaction, the demand for affirmation is a new problem that relates only to men who claim to be women or

lesbians. Men with gender identities seek affirmation from women to make themselves feel real.

51. There is a considerable and increasing body of evidence that men who claim to be women are likely to become abusive and even physically violent towards women who will not accept their identities and persist in saying that they are in fact men. Lesbian feminists are very unlikely to accept that men who say they are really women and lesbians actually are so. As a result, when men with gender identities enter women's spaces, lesbians may find themselves under pressure to engage in the man's game of make-believe and pretend they think he is a woman, which is a form of compelled speech and behaviour, or refuse to do this and risk having to deal with aggression.
52. The evidence of what can happen when men who claim to be women find that women and lesbians will not affirm them, cannot all be detailed here. In some instances, the violence takes the form of transactivists attacking women, usually by punching in the face, at rallies where women reject the claim that these men are women. At a rally in 2017 in London where women assembled to challenge the notion that men can become women, a transactivist attacked a protester and stole her camera. He was later found guilty of assault (Coulter, 2018, 13 April). In a rally along similar lines in Wellington, New Zealand in 2023, a 71-year-old woman was punched repeatedly in the face by a man and suffered serious injury. The perpetrator was found guilty of assault (Los'e, 4 March 2024).
53. There was an example of a man with a gender identity attacking a woman who would not affirm him in Melbourne in 2022 (Slatz, 2023: 8 July). The attacker was sentenced in April 2023 for the assault. A woman attending a punk music event was shoulder-barged by someone she saw as a man. When she challenged the man, she addressed him as male and he, and his companions, took exception to her pronoun use. She understands that a mutual acquaintance had informed the man of her gender-critical views. As she walked away, he assaulted her from behind knocking her to the ground with such force that her shoulder was shattered and her arm broken, leaving her with a permanent injury.
54. Transactivists can go further than simply beating up women. In 2016 in the US the celebrated transactivist Dana Rivers killed two lesbians and their 19-year-old adopted

son (Bartosch, 2023). He shot them all with a handgun and then stabbed one of the lesbians 47 times. He was a leader of 'Camp Trans' which was established outside the Michigan Women's Music Festival. The festival had a women-only policy and the transactivists tried to change that by entering the site and harassing women. It was a hugely important cultural institution for US lesbians and a centre of community, but ended in 2015 after a couple of decades of harassment by men with gender identities. The two lesbians that Rivers killed were regular attendees at the festival though this was not remarked upon in the legal proceedings.

55. There is another connection between Rivers and the issue of women's spaces. He elected to be sent to a women's prison where female inmates report that he 'leers' at women and makes them feel extremely uncomfortable (Potter, 2023, 30 July).
56. Women who fail to affirm the gender identities of men are likely to receive very considerable verbal abuse. The Terf is a Slur website documents the 'Abuse, harassment and misogyny of transgender politics' (Terf is a Slur, n.d.). Men with gender identities use abuse in memes such as 'Terfs can choke on my girldick'. The word Terf is used against feminists who are critical of 'gender identity'. It stands for Trans-exclusionary radical feminism, and is now understood as derogatory. The imagery that transactivists display against Terfs who protest transgender politics can include Terfs hung from trees, the carrying of baseball bats with nails in alongside T-shirts with extremely misogynist slogans such as 'I punch Terfs' on a background of blood spatter. Posters may carry images of hanged women with the slogan 'Dead Terfs' or 'Stab your local Terf'. This kind of abuse is regularly sent online to any women who publicly fail to affirm that men can become women. The lesbian feminists who set up and attend lesbian and women only events are likely to be aware of this extreme level of antagonism towards them, and want a place of safety to which men do not have access.
57. Those politicians who have publicly refused to affirm men with gender identities have received serious abuse. The lesbian MP Joanna Cherry in the UK for instance, had to get a police escort because of threats to her safety in 2019. She states, 'Many women inside [and without] this chamber such as myself have received terrible abuse on Twitter, including repeated threats to shoot us if we don't shut the f*** up' (Wilson, 2022).

58. Another problem is the sexual harassment of lesbians. In recent years there has been increasing pressure from men with gender identities to persuade lesbians that they should change their sexual orientation i.e. cease to be lesbians, in order to allow such men sexual access. In the transgender community the term developed to describe what is seen as an unjustified setting of sexual boundaries by lesbians, is ‘the cotton ceiling’, referring to the barrier that underwear presents to the penis. It references the ‘glass ceiling’, the barrier that women experience in gaining advancement in their careers. There is now a growing recognition in the media and in the lesbian community of the harm and distress suffered by lesbians when men with female gender identities seek to enter their spaces, such as online dating apps, and pressure them for sexual access. This increasing problem was clear as early as 2011, when a workshop bearing the name ‘cotton ceiling’ was organised in the US (Page 2011). Since then, it has gained increasing currency in the media and in the international network of men with female gender identities.
59. Men with gender identities write in many different media from academic journals to online outlets about how lesbians are abusive and discriminatory for thinking that genitals matter, and that prioritising female partners is reasonable (Terf is a slur, n.d.a). Lesbians who will not have sex with these men are called transphobic. This kind of pressure is felt by the lesbians who are affected, as distressing and abusive.
60. This is clear in 2019 research by Angela Wild (Wild, 2019). She sent out questionnaires to lesbian organisations which asked women for information about their interactions with men who claim to be lesbians. The 80 respondents reported a range of forms of abuse and harassment. For questioning the idea that men can become women, or just stating they were lesbians, respondents reported experiences including:
- ‘... verbal abuse, death and rape threats, pressure to commit suicide, threats of physical or sexual violence, threats to kill family members, receiving “trans-woman nudes”, threats of “doxing”, actual online “doxing” (including exposure of their name, picture and home address), threats of exposure to employers’
61. Most of the abuse came in response to lesbians questioning the idea that a man can be a lesbian i.e. failing to affirm.

62. While most of this intimidation happened online, many women also reported offline threats such as the following: ‘Two respondents were threatened at their place of work and one lost her job; a woman’s employer was repeatedly contacted with attempts to have her dismissed; two respondents were subjected to intimidating behaviour from “transwomen” at lesbian events; a seventy-year-old woman reported being “physically threatened and forced out” of a group by a physically intimidating “transwoman”.’
63. The respondents explained that in many places they had to meet underground because it was impossible to set up women only spaces. They said that dating apps for lesbians were hard to use because they contained so many men, many of whom did not even shave off their beards whilst pretending to be lesbians. A majority of respondents reported being psychologically pressured online to accept a man with a gender identity as a partner. They reported being told that they were ‘worse than rapists if they don’t date transwomen’, and that not dating “transwomen” is akin to “racism” (Wild, 2019: 18).’
64. The need for women and lesbians to have single sex spaces is supported by the research presented by feminist lawyers and campaigners against the accommodation of men with gender identities in women’s prisons. The research suggests that men with gender identities do not become like women in terms of their behaviour, but are likely to retain the pattern of criminally violent behaviour and the psychiatric morbidity characteristic of other biological males, called ‘male pattern violence’.
65. This was found in a follow up study of men who had been sex reassigned in Sweden between 1973 and 2003 (Dhejne, 2011). It concluded that these men retained a male pattern of criminality and violent behaviour (Dhejne, 2011). Their vaunted female gender identities did not cause them to behave in ways similar to those of women.
66. This was also the finding of research in the UK into the characteristics of men with gender identities who end up in prison (Freedman, Stock and Sullivan, 2021). In their evidence submitted to the Women’s Equality Committee of the UK parliament, three professors used official Ministry of Justice statistics to show that, of the 129 men who were ‘transgender prisoners’ in March to April 2019, 76 or 58% of offenders were sex offenders. There is an extremely high discrepancy between this percentage of sex offenders and that found amongst all women prisoners, 125 sex offenders out of 3812

or 3.3%. Out of the total of 78.781 men in prison, on the other hand, 13.234 were sex offenders, or 16.8%.

67. This evidence was presented in support of the exclusion of men with gender identities from women's prisons where, it could be argued, women are particularly vulnerable to male violence. However, there are implications from this evidence that men with gender identities pose similar risks of violence and sexual assault to other men in general, which highlights the need for lesbians, who may present a particular attraction to certain men, to have women only spaces available to them.
68. All of the evidence above provides good grounds for the need of the LAG to be able to organise lesbian only events.

G. The conflicts in political interests between lesbian members of the female sex and members of the male sex who identify with the female gender as lesbians

69. Men with female gender identities have the political interest of seeking to be affirmed as women and as lesbians and enter lesbian spaces and community. Lesbian feminists, on the other hand, want their spaces to be for women only. The men's political demands stem from their sexual paraphilia of transvestism.
70. The form of the men's sexual proclivities can be readily observed in the section of the pornography industry that serves them. When I studied this material in 2016 it was estimated at 10 percent of the whole industry but had been rising rapidly (Jeffreys, 2016). Industry insiders said that the greater social acceptance of transgenderism had led to a boom in this genre. The pornography, which includes everything from videos to novellas, focusses on the humiliation of men carried out by women, who force the men to dress in women's clothing or have makeup applied to them. The male victims of this treatment are forced by being given drugs or kidnapped as in the title 'Gender Swapped by Aliens'. It is usually categorised under the subgenres sissification and bimbofication.
71. The stories are about status reduction. Men are not only reduced to the status of women, but to women in what are seen as lowly servicing occupations such as secretary in which they are sexually exposed and assaulted, activities which are aimed at the ejaculation of the male audience. A more recent form of transgender porn takes the form of what is called 'sissy hypno', in which male viewers are encouraged through

sexual stimulation to think of themselves as really being women. It does seem likely that the apparent boom in men claiming female gender identities is related to the boom in the humiliation pornography that serves and trains them. It is an important part of gender identity ideology to argue that men's adoption of female gender identities is nothing to do with sex, but about an innate condition. Admitting the sexual motivation is seen as discrediting the realness of their enterprise. When these men are sexually orientated towards women, they are likely to claim to be lesbians, though their sexual orientation does not change. They do not have any history or experience of being lesbians, only of being heterosexual men.

72. Lesbians want women only spaces so that they can philosophise and socialise with other lesbians, women like themselves. But the reasons for not wanting the transvestites/autogynephiles in lesbian spaces go beyond this. There is much evidence to suggest that these men will have a prurient interest in lesbians and seek to pursue this interest in ways that will cause distress and disturbance to the women present. There is a long history of the production of so-called lesbian pornography for heterosexual men who are sexually excited by the idea of sexually using women who are not sexually interested in them. It is a problem for lesbians that men who are sexually interested in them may try to enter their spaces. The major online pornography website, Pornhub, reports that 'lesbian' pornography is the most popular variety (Gitnux, 2024). This suggests that men are the main consumers of 'lesbian' porn since women in general are considerably less likely to consume pornography than men (Stanley et al., 2017).
73. Since the earliest times in which lesbians have sought to organise socially and politically, heterosexual men have sought to get access to them for sexual purposes. For instance, Diana Chapman, one of the founders of an early lesbian organisation, the Minorities Research Group, in London in 1963, remarked on how shocked these lesbians were, 60 years ago, to discover that heterosexual men would harass lesbians for sex. She said, 'We hadn't realised there was this interest in lesbianism as pornography, and that we found quite shocking. We'd have men knocking at the door and ringing up' (Quoted in Jeffreys, 2018: 17). Today the same behaviour may be justified by the men saying that they are 'lesbians' because they have female sexual identities.

74. There are other points of conflict between lesbians and the men who claim to be lesbians. One is use of the word lesbian by these men. If men can be ‘lesbians’ then the category lesbian is exploded. It no longer makes sense. As Joanna Cherry explains, ‘without sex there can be no same-sex attraction. That is why lesbians like me fight the replacement of the biological reality of sex with the nebulous concept of gender’ (Cherry, 2024). Lesbians cannot fight for their rights once they no longer exist as a discrete category.

H. The risks associated with lesbians conducting public events that permit the attendance of members of the male sex who identify with the female gender as a lesbian

Interruptions, diversions and disruptions

75. One risk is that the lesbians who attend will be unable to advance their objectives because the men will disrupt, interrupt and divert the proceedings so that lesbians will be unable to develop their specific social, cultural and political interests. The men, for instance, are unlikely to have the same reaction to a recitation of lesbian love poetry and may make the lesbian performers and audience deeply uncomfortable. The men are unlikely to react positively to the way in which lesbians describe male behaviour as they create lesbian feminist theory.

Prevention of development of lesbian specific politics and culture

76. Another risk is that it will be very difficult for lesbians to create lesbian specific culture and theory when men in the room throw their very lesbian existence in to doubt by telling them that men can be lesbians, an idea which suggests lesbians do not really exist. The creation of lesbian theory, poetry, literature, theatre, cannot take place if there is profound uncertainty as to whether the category of lesbian, women who love women, really has any meaning.

Lesbian exclusion

77. Another risk is that the presence of men with all the problems they bring will lead to lesbian exclusion. Lesbian spaces will become the province of men with ‘lesbian’ identities. Lesbians, perhaps particularly young ones who particularly need the

consolations of lesbian community to build their lesbian pride, may simply not come back to venues that include men. This means that there will be a permanent obstacle to the recreation of lesbian community.

Violence against lesbians

78. Another risk is that such men will become aggressive and abusive when lesbians refuse to affirm their fantasy identities. There is evidence to show that when men assume fantasy female identities, they retain their propensity for male pattern violence. There is a good deal of evidence to suggest that men who support the notion of ‘gender identities’ do become aggressive to women and lesbians who question this. Serious violence and abuse have been exercised against gender critical female Members of Parliament, feminist protesters who say that men cannot become women, women and feminists who are known to be sceptical of men’s identities. There is no way that women running or attending lesbian venues can know which men will be violent and which ones will not.

Sexual harassment

79. Another risk is that these men will engage in sexual harassment, seeking to pressure lesbians for sex. There is already a good deal of evidence that heterosexual men are excited by the idea of using lesbians sexually. They are creating problems on lesbian dating apps, and have created problems for lesbian organisations. It is not a purpose of the creation of lesbian spaces to afford men sexual excitement. Men’s sexual attentions create fear and distress and prevent the enjoyment by lesbians of their ordinary rights to associate and express their opinions.
80. All of these risks make it difficult if not impossible for lesbian feminists to achieve their political, social and cultural purposes.

26 June 2024

Professor Sheila Jeffreys

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