

Submission for the report on gender theory

Dear Victor Madrigal-Borloz,

My name is Florence Ashley. I am a transfeminine jurist and bioethicist based in Canada, where I am a doctoral student at the University of Toronto Faculty of Law and Joint Centre for Bioethics. I wish to bring to your attention the published and forthcoming papers attached to my submission, which I believe you may find helpful for your report on gender theory. I will happily send you published versions of the forthcoming papers as soon as they are available.

The papers *A critical commentary on 'rapid-onset gender dysphoria'* and *Homophobia, conversion therapy, and care models for trans youth* discuss emergent, interrelated anti-trans narratives that seek to label being trans as a form of social contagion rooted in trauma, sexism, and homophobia. These arguments have been central to reactionary movements in Canada, the US, the UK, and Australia, and are being adopted to varying extents in other countries. The two papers critically assess the arguments and demonstrate their major flaws. They were published in *The Sociological Review* and the *Journal of LGBT Youth*.

The paper *'Trans' is my gender modality* introduces the concept of gender modality, which refers to how someone's gender identity stands in relation to their gender assigned at birth. 'Trans' and 'cis' are gender modalities in the same way that 'straight' and 'gay' are sexual orientations. The term seeks to fill a linguistic and conceptual gap, not only helping us better express thoughts surrounding trans issues but also opening up discussions surrounding the diverse relations that gender identity and gender assigned at birth have to one another, a diversity that cannot be fully captured by the terms cis and trans. It notably allows for more nuanced discussions surrounding people questioning their gender, intersex people, Indigenous people whose cultures do not understand gender through a Western lens, and prepubertal children whose gender identity may not yet be fully developed. The term is being increasingly adopted in trans scholarship and has begun appearing in Canadian jurisprudence. The paper will appear in the forthcoming second edition of *Trans Bodies, Trans Selves* in Oxford University Press.

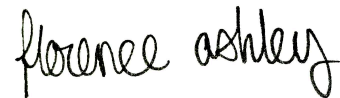
The article *Don't Be So Hateful*, published in the University of Toronto Law Journal, offers insight into Canada's 2016 law that added gender identity and expression to the federal Human Rights Act and to the Criminal Code provisions on hate crime and hate speech. The paper critically interrogates the law, explaining how hate crime laws fails to adequately protect and promote trans wellbeing and how legislatures should instead focus on more materially meaningful actions.

The paper *The Constitutive In/Visibility of the Trans Legal Subject* was published in French in the Canadian Journal of Law and Society and is forthcoming in English in the UCLA Women's Law Journal. It looks at how trans people were constituted as legal subjects in Québec from 1977 to now both through general legal rules that bear on sex, as well as rules that are more specific to trans people. It explains how legal changes in the last 6 or so years have moved the law's understanding of trans people from a medical lens to a minoritarian lens, and demonstrates how despite these advances trans people remain marginal in relation to sex and gender, with cisgender people continuing to be seen as the default and trans people continuing to be cast as an aberration.

The paper *Recommendations for Institutional and Governmental Management of Gender Information* is forthcoming in the NYU Review of Law & Social Change. It was written in reaction to Canada's new federal guidelines on collecting sex and gender information, which does not adequately reflect the needs of trans people. Instead, the paper develops a rigorous framework, inspired by bioethics, to inform governments and large institutions in handling information about gender across various contexts.

I hope you will find these papers helpful in the course of preparing your report.

Best regards,

A handwritten signature in black ink that reads "florence ashley". The signature is written in a cursive, lowercase style.

Florence Ashley
B.C.L., LL.B., LL.M. (Bioeth.)