

CULTURE, TOURISM, EUROPE AND EXTERNAL AFFAIRS COMMITTEE

CENSUS (AMENDMENT) (SCOTLAND) BILL

**SUBMISSION FROM DR SOPHIE ALLEN, SCHOOL OF POLITICS, PHILOSOPHY,
INTERNATIONAL RELATIONS AND ENVIRONMENT, KEELE UNIVERSITY**

**Scientific and Philosophical Difficulties Understanding and Collecting Data about
Gender Identity**

I am submitting this evidence given my area of expertise. I am a professional philosopher at Keele University with a primary area of expertise in classification and property theory; that is, philosophy concerned with questions about what makes people or things the kinds of people or things that they are, and the use of those kinds in science, social science, law and ordinary life.

In this capacity, I would like to comment on the proposed inclusion of a question about Gender Identity on the census.

1) The category of Sex should still appear on the census form (as a compulsory question) whether or not Gender Identity is included as well. It must also remain separate from questions about Gender Identity. Classifying by Sex is an important indicator of a variety of social and biological factors, including education, income differences and caring responsibilities.

Classifying by gender identity cannot replace classification by sex because doing so will devastate the utility the data collected: for instance, sex differences in income will not affect a male senior executive of a company who has recently begun to identify as a woman; but this person would count as a highly paid woman if sex and gender identity are conflated.

2) I have serious concerns about a census form requesting information about Gender Identity even if this question remains optional. These are for the following reasons.

a) Most people have no conception of their gender identity: for instance, the majority of females do not identify as, or feel like women, they just *are* women. Given this, collecting data on gender identity is collecting data about a minority of the population: those who claim to have a gender identity different from that associated with their sex.

b) Even in those cases where respondents report identifying as a particular gender, it is not clear scientifically or philosophically what they are reporting. There is no biological basis for gender identity and a social or cultural basis for it is based on out-dated stereotypes about the social roles of men and women as I will explain below. The census would simply be recording the subjective feelings or beliefs of a proportion of the population and it is not obvious that this is useful or meaningful information to collect. Importantly, there is no reason to think that these subjective feelings correspond to any observable public reality outside the individual's own conception of themselves.

In this case, collecting data on gender identity is not like collecting data on religious belief (with which it is sometimes compared): although religious belief is personal, it is also associated and directed towards the shared belief system and practices of an organised religion. The census does not collect information about subjective religious belief if there is no 'external' organised religion to be an adherent of (one cannot, contrary to popular myth, just list oneself as *Jedi*).

But, for instance, if the census is collecting information about people who are *biologically female* (sex) and *identify as a man* (gender identity), it is not obvious what *identifying as a man* amounts to and whether *identifying as a man* is the same for different people.

Someone who identifies in this way is not identifying with being biologically male (which, if they are female is an impossibility) so they must be identifying with a *stereotype* of what a man is, or what they stereotypically think that a man should do or be.

However, this account of identification creates two problems. First, this understanding of gender identity serves to reinforce stereotypes which a lot of legal and social effort has gone into dismantling. In 21st Century society, we should not accept that there is anything 'real' about behaviour or appearance being stereotypically masculine or feminine, especially to the extent that we record that on a census form. Someone's wish to occupy a stereotypical gender role not associated with their birth sex should not be worthy of note. Males and females should be free to express themselves how they wish, but their expression should not identify them with stereotypes associated with one sex or another.

Second, from a data-collection point of view, gender identity is not useful data to collect. Respondents will report according to their own individual prejudices about what a masculine or a feminine stereotype is. In addition, there will be a lot of people who do not answer this question who do not correspond to the stereotype associated with their sex. Thus the data collected will be arbitrary and incomplete, and as such it is not worth collecting.