



November 15, 2018

AAUP Subcommittee Statement on Redefinition of Gender

Today the American Association of University Professors' Committee on Academic Freedom and Tenure joined with the Committee on Women in the Academic Profession to release a statement, which appears below, regarding the reported move by the Trump administration to promulgate a new legal definition of gender under Title IX, the federal law prohibiting sex discrimination in federally funded education programs.

On October 16, 2018, Hungarian prime minister Viktor Orbán issued a government decree effectively prohibiting gender studies courses in all universities in the country. Orbán's deputy Zsolt Semjén stated that gender studies "has no business [being taught] in universities," because it is "an ideology not a science." On October 21, *The New York Times* reported that the Trump administration may promulgate a new legal definition of gender under Title IX, the federal law prohibiting sex discrimination in federally funded education programs. As part of a broader attack on civil rights, gender would be narrowly defined as "a biological, immutable condition determined by genitalia at birth." The US Department of Health and Human Services (DHSS) seeks to codify gender as determined "on a biological basis that is clear, grounded in science, objective, and administrable." As *The New York Times* reports, the director of the DHHS Office for Civil Rights, Roger Severino, who has ties to Secretary of Education Betsy DeVos, has also written in the past about the "dangers" of "gender ideology." Both the Trump and the Orbán administrations insist upon a biological basis for gender that has been thoroughly discredited by over fifty years of feminist, trans, queer, and critical race research and by lived experience. These two administrations are not the only ones attacking so-called gender ideology. In Poland, Brazil, and Bulgaria, there have also been attempts to refute the scholarly consensus that gender identity is variable and mutable.

The AAUP's Committee A on Academic Freedom and Tenure and the Committee on Women in the Academic Profession strongly condemn these efforts to restrict the legal meaning of gender to what are said to be its natural, immutable forms. Restrictions like those imposed in Hungary directly interfere with the academic freedom of researchers and teachers. Biologists, anthropologists, historians, and psychologists have repeatedly shown that definitions of sex and sexuality have varied over time and across cultures and political regimes. Some of their work suggests that state-enforced preservation of traditional gender roles is associated with authoritarian attempts to control social life and to promise security in troubled times by pledging to protect patriarchal family structures. Authoritarian efforts such as these can justify racial, class, and sexual policing that disciplines forms of kinship and homemaking—including same-sex, multi-generational, or other nonnormative households—that deviate from established nuclear family norms. Politicians and religious fundamentalists are neither scientists

nor scholars. Their motives are ideological. It is they who are offering “gender ideology” by attempting to override the insights of serious scholars. By substituting their ideology for years of assiduous research, they impose their will in the name of a “science” that is without factual support. This is a cynical invocation of science for purely political ends.

In the 2016 report by this joint subcommittee, *The History, Uses, and Abuses of Title IX*, we wrote that a narrow focus on sexual injury can mask relations of inequity on and off campus and overshadow the prevalence of other conditions prohibited by Title IX, including uneven access to educational resources, The Assault on Gender and Gender Studies wage disparities, and inequitable representation across the university system. We called for sustained attention to how social identity markers like race, class, ability, gender identity, sexuality, and citizenship status might figure into occurrences and accusations of sex discrimination. We urged universities and colleges to foster and fund gender studies and other allied departments and disciplines—including African American studies, queer and trans studies, and ethnic studies—as essential sites for research into how differences are used to legitimize structures of power. These studies inquire into the sources of sex discrimination and potential means of addressing the structures of institutional misogyny and racism. Without such study, we argued, Title IX will be an ineffective instrument for ending cultures of discrimination based on sex.

The 2016 report condemned the gutting and diminishment of these programs that had occurred while the bureaucratic apparatus of Title IX continued to garner funding and expand. We now reiterate the necessity of robust gender studies (its research and curriculum) as essential to addressing the goals of Title IX: the elimination of discrimination in education. Attempts to fix the meaning of gender are not simply moves against the “special interests” of certain individuals, although trans, intersex, nonbinary, and gender nonconforming people—and especially poor people and people of color—will disproportionately suffer for it. There is also a potential threat to academic freedom: like attacks on climate science, the effort to establish a legal definition of gender as binary could lead to denying research funding to scholars and to impugning the value and validity of their scholarly work. Fixing the meaning of gender in this way may undermine the open-ended forms of inquiry that define research and teaching in a democracy.