

Hungary: Orban used pandemic to attack trans rights

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ON 30 March Hungary's parliament granted Viktor Orban power to rule by decree for an indefinite period. The pretext for this power grab was the coronavirus pandemic, but the legislation brought forward by the ruling Fidesz party, which holds a two-thirds super majority in parliament, includes a swathe of measures related to the government's reactionary social agenda on women and LGBT people.

One of the measures is a proposal to replace 'gender' with 'birth sex' on all legal documents - ending the right of trans people to change their gender on legal documents. Trans people who have already been through the intrusive and bureaucratic process of legal gender transition will be forced to register under their birth sex when they renew any official documents. The memorandum explaining the bill states, 'completely changing one's biological gender is impossible' and the bill itself states that gender should be defined as 'biological sex based on primary sex characteristics and chromosomes.'

Trans oppression

The proposed legislation reduces gender to biology, denying that a person's sex can be at odds with their individual consciousness of their gender, i.e. their gender identity, whilst whipping up public fervour about the 'dangers' of allowing people to live freely in their chosen gender. It is no coincidence that this reactionary stance is being championed by a government whose nationalist conservatism and anti-worker crusades have set an international example for the far right.

Trans oppression flows from the centrality of the bourgeois family to the capitalist mode of production. Within the working-class family, women work for free to reproduce the next generation of workers, while the bourgeois family ensures the patrilineal transmission of property. To guarantee the maintenance of the nuclear family as a social institution, capitalism relies on stereotyped hetero-normative gender roles and gender identities, which are enforced through every mainstream social institution.

The Hungarian government's legislative agenda demonstrates how transphobia and misogyny are inextricably linked. Orban has announced numerous financial measures to encourage women to have multiple children, reinforcing the nuclear family in Hungarian society. Last year, Orban's government refused to ratify an EU resolution on violence against women because it defined gender as a social construct. In 2018, his government outlawed Gender Studies degrees because it is 'an ideology not a science'.

The Hungarian government also pulled out of the Eurovision Song Contest amidst a pro-government media campaign to attack the competition as 'too gay' and a 'homosexual flotilla' that would affect the nation's mental health. Orban has also warned Hungary's LGBT community not to behave 'provocatively' or demand equal marriage. In 2017, Orban hosted and spoke at a conference of the

notorious anti-LGBT group International Organisation of the Family.

Self-ID

The right to gender recognition is at the forefront of the fight for trans liberation, with only a few countries – Ireland, Portugal – allowing unimpeded freedom to choose what gender is listed on all legal documents. Hungary was the second to last country in the EU to codify a legal basis for gender recognition, clarifying requirements only in 2017. Like in the UK, gender recognition requires a psychiatric diagnosis.

In Britain, some documents can be changed on request but this does not change the person's legal gender, which is tied to their birth certificate. Amending a birth certificate requires the individual to undergo a gruelling two-year process to convince a medical panel. This process medicalises trans identity, requiring a diagnosis of 'gender dysphoria' before a Gender Recognition Certificate is granted. It also forces trans people to conform to sexist and reactionary stereotypes of behaviour and dress in order to 'prove' that they live as the gender they are transitioning to.

Transgender people are one of the most oppressed groups in society, facing significant barriers to employment and housing, and suffering harassment and violence in their families, workplaces and on the streets.

The argument of the Orban government, that gender is not 'real' and that only biology determines whether someone is a man or a woman is based on the idea that gender stereotypes are natural. There are those on the left who also deny the rights of transgender people and who present a mirror image, agreeing that biology is the only determinant of maleness or femaleness, but arguing that gender is simply a set of stereotypes, creating a false consciousness that the individual and society must reject. Whilst it is true that gender is a social construct, to deny that this social construct is a powerful force that shapes, from a very early age, a gender identity and sexuality that may or may not accord with the individual's biological sex is to reject reality. The left-wing arguments against the existence of gender identity echo those against the existence of homosexuality, very often labelling it a choice or psychological disorder. Those socialists who oppose the right to self-ID should pay close attention to the developments in Hungary, where ideological opposition to trans rights is being stoked up and used by a right-wing, populist government to advance its agenda.

In the UK, it was once widely anticipated that the reform of the Gender Recognition Act would introduce the right to self-ID. However, after much opposition from conservatives and some second-wave feminists, the reforms were postponed. Now, with a more populist and socially conservative government, the Tory party appear to be gearing up to use a review of the legislation to roll back, rather than extend, trans rights. The Minister for Equalities, Liz Truss, recently spoke out against puberty blockers and the inclusion of trans women in women's spaces as well as insisting that 'checks and balances' with regard to trans rights must remain in place. The government has announced it will launch its plan for the Gender Recognition Act in the summer.

Any legal rights for transgender people that stop short of self-ID – the right for the individual to declare their own gender on all official documents and live as that gender – means the state, rather than the individual, has the power to declare a person's gender. If for no other reason, socialists should support self-ID on the basis that the capitalist state is not, and has never been, an unbiased arbiter of LGBT rights.

Conclusion

The Women's and LGBT+ rights movement threatens not only conservative values but also – to the extent

that they encroach on the hetero-normative family ideal ? the essential social infrastructure of capitalist society. In wealthier countries, a lengthy struggle has won concessions, but the rise of the populist right reminds us that as long as the social system in which oppression is rooted remains, reforms can always be reversed. Therefore, for socialists, the defence of socially oppressed groups is essential to the struggle to overthrow the system which enforces a repressive sexual morality, the gendered division of labour and their basis, the bourgeois family.

Women's movements and the labour and trade union movement in all countries should oppose state interference in the individual's right to self-identify their gender on all legal documents. In Hungary the threat to women and LGBT people is critical and the concentration of autocratic power into Orban's hands threatens wider attacks on democratic, labour and human rights.

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