



Professor Kathleen Stock

– the disinformation exposed

A response to some of the falsehoods and vexatious arguments that are circulating about Professor Kathleen Stock's views and actions and those of the protesters against her.

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**Sex Matters is a human rights organisation campaigning
for clarity about sex in law, policy and language**

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Nine claims and responses: a summary

There is no harassment campaign, just students exercising their free speech rights.

The University of Sussex is legally bound to protect the **freedom of speech** of staff and students, and **protect them from discrimination** based on protected characteristics, including philosophical belief. Posters slurring a member of staff, calls for her to be sacked, masked demonstrators and threats to her physical safety are likely to cross the line between a lawful exercise of freedom of speech and harassment.

Stock is not being targeted for her academic work and she has little relevant scholarship.

Academic freedom is not limited to narrow fields of prior specialism. In any case Stock's academic work on fiction as well as on sexual objectification are both directly relevant to the topic of sex and gender identity.

The campaign against Stock is not concerned with academic freedom but with activities outside her academic work.

There is no clear distinction between academic writing and broader communication. If an academic can be harassed or sacked for drawing on her work to contribute to public policy debate, that is as much an infringement of her academic freedom as a prohibition on areas of teaching or research.

Stock's freedom of speech is not being restricted as she has published a book and has a significant platform in the media.

The campaign against Professor Stock has the express aim of depriving her of her livelihood as punishment for exercising her freedom of speech: it should be self-evident that this is an attack on her freedom of speech.

Stock's public commitments create an atmosphere of unsafety for trans students on Sussex campus.

There is no rational basis for this claim. Feeling offence is not the same as being harassed, which requires intent or **objectively reasonable** impact. Exposure to new ideas is a great part of the point of higher education. Moreover, no student needs to be exposed to Professor Stock's ideas, unless they choose to take her class or choose to read her work.

<p>Stock does not engage in respectful debate and discussion, because she claims that trans women are men.</p>	<p>Professor Stock has been respectful and professional in her conduct. The question whether the word and the concept 'woman' is based on sex or gender must be able to be discussed.</p>
<p>Stock supports the elimination of trans rights.</p>	<p>Professor Stock's work considers how the rights of transgender people interact with others, and how conflicts might be resolved. The case of <i>Forstater v CGD Europe</i> found that Ms Forstater's beliefs, which are similar to Stock's, "did not seek to destroy the rights of trans persons".</p>
<p>Stock signed the Women's Declaration of Sex-Based Rights. This means she is seeking to remove the human rights of trans people.</p>	<p>The Declaration on Women's Sex Based Rights affirms the rights of women and girls as set out in the Convention on the Elimination of all Forms of Discrimination against Women (CEDAW). It calls for the maintenance of the category of woman (equating to female) to protect women from discrimination and secure their safety, dignity and equality. This is not an argument to remove protection from violence, discrimination, and harm from people who identify as transgender.</p>
<p>Stock is a trustee of a hate group and this is against the university code of conduct.</p>	<p>Freedom of association is a human right, with similar conditionality on restrictions to freedom of expression. The university cannot arbitrarily limit her ability to join groups. Professor Stock is a trustee of a group called the Lesbian, Gay and Bisexual Alliance. The LGB Alliance is not a 'hate group' – it is a registered charity set up to campaign for the interests of lesbians, gay men and bisexuals and their right to live as same-sex attracted people without discrimination or disadvantage.</p>

Introduction

The recent intensification of protests against Professor Kathleen Stock by a group of students at Sussex University has attracted attention to what has been a long-term campaign against her, and raised the profile of the broader issue of attacks on academic freedom, and harassment of academics who hold “gender critical” views.

The University has released a statement, and Baroness Kishwer Falkner, Chair of the EHRC, has made a comment saying the anonymous attacks on Professor Kathleen Stock and the campaign to have her fired are disgraceful. There have been several open letters of support: one by philosophers, one by legal academics and one co-ordinated by Sex Matters asking for the EHRC to undertake a review across the whole sector.

In response a cluster of claims have been circulated seeking to play down the issue, and to discredit Professor Stock and those speaking up in support of her.

This briefing is a response to some of the falsehoods and vexatious arguments that are circulating about Professor Kathleen Stock’s views and actions, those of the protesters against her and the responsibilities of the University of Sussex.

The aim of this briefing is to clarify the facts of the matter and key points of law and dispel fear and uncertainty about speaking up.

This briefing was prepared with publicly available information. The project was not initiated or authored by Kathleen Stock.

No harassment campaign?

Claim

There is no harassment campaign against Professor Stock, just students exercising their free speech rights, and wearing masks and hoods to avoid identification by Sussex management.

Response

The right to freedom of expression is contained in Article 10 of the European Convention on Human Rights, which is enshrined in domestic law in the Human Rights Act 1998:

“Everyone has the right to freedom of expression. This right shall include freedom to hold opinions and to receive and impart information and ideas without interference by public authority [...]"

The European Court, which interprets the Convention, has held that the right to freedom of expression is, in large part, how an academic's personal academic freedom is manifested and protected by the courts. This 'academic freedom of speech' is afforded the utmost level of protection under Article 10 by the European Court. Any restrictions upon it must be submitted to particularly careful scrutiny and it can prevail in a balancing act with the rights of other people (for example, under Article 8 – the right to private and family life) even where an 'ordinary' citizen's Article 10 rights will not.

But the right to freedom of speech is not absolute. People holding either belief are subject to the same prohibitions on discrimination, victimisation and harassment under the Equality Act as each other and as the rest of society. Both people sharing Professor Stock's gender-critical beliefs and those who believe in the teachings of gender identity are protected by the Equality Act against discrimination and harassment ([Forstater v CGD Europe \[2021\]](#)).

Harassment means violating another's dignity or creating an “intimidating, hostile, degrading, humiliating or offensive environment”. In the law of harassment, conduct is only unlawful if an impact of this sort has been caused deliberately or if it is objectively reasonable for this impact to have been subjectively experienced. In determining the latter, the circumstances of the case will be taken into account, that is the context of the university environment and its fundamental purpose of seeking truth will be highly relevant.

Harassment is also prohibited, and a criminal offence, under the Protection from Harassment Act 1997, if it involves a course of conduct which, for example, alarms a person or causes them distress.

The University of Sussex is also under a duty to take steps to secure freedom of speech within the law for its students, employees and visiting speakers. This is a positive duty which applies not just in relation to Professor Stock, but also more generally in relation to what will be permitted on campus and to those who will in future be invited to visit and speak. Speech which is unlawful, for example because it amounts to harassment under the Equality Act or Protection from Harassment Act, will not be covered by this duty.

Students are thus entitled to express their disagreement with the views of Professor Stock or any other academic staff, but not to harass her. The university is entitled (and indeed duty bound) to protect its staff and its students from targeted bullying and harassment and to secure freedom of speech on campus. Posters and placards slurring a member of staff as a bigot and calling for them to be sacked, masked demonstrators and threats to physical safety are likely to cross that line (which also means that the university is not obliged to secure such speech).

The university has rightly said that it “cannot and will not tolerate discrimination based on protected characteristics, including sex and philosophical belief, and we will take action through our policies and procedures if this happens”.

The police are sufficiently concerned about Professor Stock’s safety to have advised her to avoid campus and install security measures. The university is right to make it clear that these irresponsible and bullying activities will have no effect on Professor Stock’s position, and that policies to tackle harassment will be applied without fear or favour.

Not her academic field?

Claim

Professor Stock is not being targeted for her academic work since her academic background is in aesthetics and she has little scholarship relevant to sex, gender, feminism.

Response

The premise is both factually inaccurate, and unconnected to the conclusion.

In addition to her body of academic work on fiction (a subject of great relevance to this debate, as argued in her book [*Material Girls*](#)) she has also published peer-reviewed and invited journal articles and chapters on the nature of sexual objectification; and on the nature of sexual orientation in relation to gender identity. Both are relevant to this area.

For example:

- [Sexual Objectification](#), *Analysis*, Volume 75, Issue 2, April 2015, pages 191–195
- [Objectification](#) in *International Encyclopedia of Ethics*. 15 June 2020
- [Sexual Orientation: What Is It?](#), *Proceedings of the Aristotelian Society*, Volume 119, Issue 3, October 2019, pages 295–319
- [Sexual Objectification, Objectifying Images, and ‘Mind-Insensitive Seeing-As’](#) in *Evaluative Perception* (Eds. Anna Bergqvist and Robert Cowan), 2018.

In any event, academic freedom is not limited to narrow fields of prior specialism: academic interests routinely branch and develop during an individual's career.

Not covered by academic freedom?

Claim

The campaign against Professor Stock is not concerned with academic freedom but with activities outside the university and her academic work.

Response

Academic freedom is closely linked to freedom of expression and concerns the independence of research and teaching from political influence and economic interests. Universities hold a particular status as sites for free enquiry and debate.

The European Court has made clear that the particularly high level of Article 10 protection afforded to academic freedom of speech does not just apply to academic or scientific research, teaching and formal publications (such as academic books and peer-reviewed journals), but also to the freedom to freely express views and opinions more widely “in the areas of their research, professional expertise and competence”.

Furthermore, as part of that, high protection also potentially applies to a wide range of extramural speech, including academics’ “addresses to the general public”, speech outside of academia and even appearances on television shows. This would include social media.

If an academic can be harassed or sacked for drawing on her academic work and interests to contribute to wider public policy debate, that is as much an infringement of her academic freedom as a prohibition on teaching or researching specified subjects.

Not being silenced?

Claim

Professor Stock’s freedom of speech is not being restricted as she has published a book and has a significant platform in the media.

Response

Sussex University issued a [statement](#) defending Kathleen Stock’s right to exercise her academic freedom and lawful freedom of speech. This came very late in a long-running campaign of harassment. The [Reindorf Report](#) concerning incidents at Essex University

suggests that higher education institutions have not been sufficiently robust in protecting academic freedom recently, and “have given university members the impression that gender-critical academics can legitimately be excluded from the institution”.

The campaign against Professor Stock has the express aim of depriving her of her livelihood as punishment for exercising her academic freedom: it should be self-evident that that is an attack on her academic freedom. It also has a wider chilling effect as academics feel afraid to voice their views, host seminars or publish papers. This is to the detriment of scholarship.

An atmosphere of unsafety?

Claim

Professor Stock’s public commitments create an atmosphere of unsafety for trans students on Sussex campus.

Response

There is no rational basis for this claim.

As Akua Reindorf found in relation to Essex University “I do not doubt that trans and nonbinary members of the University felt profound offence”, but in the law conduct is only unlawful harassment if an impact of this sort has been caused deliberately or if it is **objectively reasonable** for this impact to have been subjectively experienced.

In her own words [Professor Stock states](#):

“I am very happy to reassure every student at Sussex, as I do in my writing, that my philosophical beliefs on these complex matters have absolutely no bearing on how I teach or interact with any trans or non-binary students... I make a practice of using preferred pronouns and names. I would never discriminate against any student for any aspect of their identity, including being trans. I would never try to convince any trans student that my views are right (unless they indicated specifically they were happy to discuss with me first).”

Exposure to new ideas and views with which one may disagree is not merely an inevitable aspect of higher education; it is a great part of the point. Any student who feels unsafe by exposure to ideas they disagree with is unready for higher education.

Disrespectful debate?

Claim

Professor Stock herself does not engage in respectful debate and discussion, because she claims that trans women are men.

Response

The question of whether the word and concept 'woman' is based on sex or gender goes to the heart of this issue. To preclude discussion of this amounts to a direct repudiation of academic freedom and indeed of any rational discussion of the issue.

Disagreement is not disrespect. Professor Stock has been respectful of colleagues and students. Although it offends some people, her position is not disrespectful to anyone with any gender identity. The protection under Article 10 extends to ideas which offend, shock or disturb.

If students think Professor Stock is guilty of misconduct justifying disciplinary action by the university (up to and including dismissal), there are formal channels for them to raise grievances. No such complaint has been upheld against Professor Stock.

The elimination of trans rights?

Claim

Kathleen Stock supports the elimination of trans rights.

Response

Human rights are universal. People who identify as transgender have the same human rights as everyone else. These include the right to freedom of expression (Article 10 of the European Convention on Human Rights), freedom of belief (Article 9), freedom from degrading treatment (Article 3), privacy (Article 8), freedom of association (Article 11) and freedom to marry (Article 12). In addition, gender reassignment is one of the protected characteristics (along with sex, race, marital status, sexual orientation,

disability, age, maternity and pregnancy, and religion or belief) under the Equality Act 2010.

There are currently live debates about what these rights mean in practice for people with this protected characteristic, and how they interact with the rights of others.

Kathleen Stock has [considered these questions in her writings](#), contributing to a contemporary debate on legal and policy concerns. Initially she wrote in response to the government's consultation on reform of the Gender Recognition Act, arguing that the law should not be changed. More recently she has covered questions on the rights of people to use opposite-sex spaces and compete in opposite-sex sports, and how to conceptualise the unprecedented rise in transitioning teenagers and children.

Article 17 of the European Convention prohibits the abuse of Convention rights to destroy other people's rights. It provides:

“Nothing in this Convention may be interpreted as implying for any State, group or person any right to engage in any activity or perform any act aimed at the destruction of any of the rights and freedoms set forth herein or at their limitation to a greater extent than is provided for in the Convention.”

This means that one cannot rely on the right to freedom of expression in order to espouse hatred, violence or a totalitarian ideology that is wholly incompatible with the principles of democracy.

The case of [Forstater v CGD Europe \[2021\]](#) found that beliefs similar to Professor Stock's did not “seek to destroy the rights of trans persons” and did not go anywhere near warranting the application of Article 17.

Signed the Women's Declaration?

Claim

Professor Stock signed the Women's Declaration on Sex-Based Rights. This means she is seeking to remove the human rights of trans people.

Response

Professor Stock has signed the [Declaration on Women's Sex Based Rights](#) which affirms the sex-based rights of women and girls as set out in the Convention on the Elimination of all Forms of Discrimination against Women (CEDAW).

Article 1(c) of the declaration says

States should “condemn discrimination against women in all its forms, agree to pursue by all appropriate means and without delay a policy of eliminating discrimination against women”. (CEDAW, Article 2).

This should include the elimination of that act and practice of discrimination against women which comprises the inclusion of men who claim to have a female ‘gender identity’ in the category of women. Such inclusion erodes women’s rights to safety, dignity and equality.

Critics have argued that Article 1(c) of the WDSR “aims to eliminate trans women in law” or to “remove all legal recognition and protection of trans people”. Clearly this is not the case.

Article 1(c) opposes the inclusion of male people within the category of women (such as in single-sex services, sports and data) where this results in discrimination (including indirect discrimination) against women by causing detriment to their safety, dignity and equality. It does not espouse removal of protection from violence, discrimination, and harm for trans people.

The Women's Human Rights Campaign (WHRC) also made a separate submission to Parliament's Women and Equalities Committee calling for repeal of the Gender Recognition Act. Kathleen Stock is not a signatory to this document and is not mentioned in it. Stock was called as an oral witness to this same inquiry and a [transcript of her own evidence](#) is available.

Trustee of a hate group?

Claim

Professor Stock is a trustee of a hate group.

Response

Kathleen Stock is a trustee of the [Lesbian, Gay and Bisexual Alliance](#). Some students oppose Stock's leadership of the Lesbian Gay Bisexual Alliance (LGBA) which they say is a "hate group". LGBA is not a hate group (and furthermore has been awarded charitable status recognising that it acts for the public benefit). The university cannot constrain the freedom of association of its staff to peacefully assemble and form groups with others.

Article 11 of the Human Rights Act protects freedom of assembly and association:

1. Everyone has the right to freedom of peaceful assembly and to freedom of association with others, including the right to form and to join trade unions for the protection of his interests.
2. No restrictions shall be placed on the exercise of these rights other than such as are prescribed by law and are necessary in a democratic society in the interests of national security or public safety, for the prevention of disorder or crime, for the protection of health or morals or for the protection of the rights and freedoms of others. This article shall not prevent the imposition of lawful restrictions on the exercise of these rights by members of the armed forces, of the police or of the administration of the state.

The question of what groups can be prescribed by law is similar to the question of what beliefs might be excluded from protection under the Equality Act, and relates to the question of whether Article 17 of the European Convention of Human Rights is engaged.

The LGB Alliance is a group set up to campaign for the interests of lesbians, gay men and bisexuals and their right to live as same-sex attracted people without discrimination or disadvantage. It is founded on gender-critical principles concerning the primacy of sex, which have been found not to engage Article 17.

[The Charity Commission](#) investigated concerns of discrimination and found no reason not to award charitable status to the LGBA. Charities are allowed to limit their benefits to particular groups of people. There is no obligation for an LGB organisation to also focus on the interests of transgender people, or vice versa. The Charity Commission found that:

“To the extent that the purposes and activities are directed towards lesbian, gay and bisexual people these people are a sufficient section of the public to satisfy the public benefit requirement.”

Other resources

Sex Matters: [Academics write to the EHRC](#)

Cloisters News: [Reindorf Review on “no platforming”](#)

Sex Matters: [Briefing on the Reindorf Review](#)

Sex Matters: [Database of academics targeted](#)

Equality and Human Rights Commission: [Freedom of expression: a guide for higher education providers and students' unions in England and Wales](#)

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