

20th June 2022

Mrs Justice Eady
Employment Appeal Tribunal (EAT)
5th Floor, Rolls Building
Fetter Lane
London, EC4A 1NL

Dear Mrs Justice Eady,

I am writing with an urgent request by Sex Matters to intervene in the case of Kristie Higgs v Farmor's School, on the matter of Edward Lord's involvement as a Tribunal member. We learnt of this only yesterday by reading it in the media.

Lord is strongly and publicly committed to the belief that "trans women are women" and "trans men are men" and that this is non-negotiable. For example Lord has tweeted:

- "Well done @stonewalluk chair @Jan_Gooding. Clear unambiguous message **'Trans women are women. Get over it.'**" [1]
- **"It shouldn't be controversial. It shouldn't be a debate. Trans women are women, trans men are men."** [2]

Lord regularly calls for those with gender-critical views to be deplatformed by the media and other organisations, and describes them with anger and disgust and dismissal. For example:

- **"Hateful TERFS" ... "Man-hating, trans-hating, bigoted bunkum" ... "Like most right thinking queer folk, I was sickened by the behaviour of the TERF protesters on Saturday. I was angered by their message of hatred and bigotry. I felt defensive towards my trans siblings who were subjected to the hideous messages of those who wish to exclude them and deny both their existence and their right to live amongst our communities."** – Lesbians who protested at Pride with banners saying "Lesbian not queer" and "Transactivism erases lesbians" [5, 6-9, 46]
- **"A fringe group fueled by transphobia"** – the LGB Alliance (Lesbian and Gay Alliance charity) [10]
- **"Notorious trans hater"** – philosophy Professor Kathleen Stock [11]
- **"Gender critical' barrister who champions transphobic causes"** – barrister Naomi Cunningham [12]

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- **“transphobic ‘gender critical’ activist”** – journalist Sarah Ditung [13]
- **“transphobia”** – women distinguishing between sex and gender identity [14]
- **“a platform for hatred of trans people”** – the BBC [15].

The term TERF, supposedly short for “Trans Exclusionary Radical Feminist”, is regularly used by people with genderist beliefs as a term of abuse for anyone expressing gender-critical beliefs, in particular women. See <https://terfisaslur.com/> for examples. In 2019 the Standards Commission Scotland rejected the argument of then Councillor Gregor Murray that the term was merely a neutral descriptor, and concluded that Murray had used it as a term of abuse. [16-21] at [19-20]

Lord has accused journalists who have covered the concerns of gender-critical people about gender self-ID, including Andrew Gilligan, Emily Maitlis, Janice Turner and Justin Webb, of “spreading myths” and “putting at risk the safety of trans people in the UK”. [22-24]

We understand that Lord has responded to the request for recusal by stating that his decision-making will “follow the facts of a case and pertinent law and nothing else”. We are not reassured by this, given that a key question in the case is about the reasonable perception of what is transphobia. We believe there will inevitably be the appearance of bias, if not actual bias, because Lord is so clearly committed to gender ideology - see [25-45] for all tweets by Lord containing the word “trans” - and so openly hostile to anyone expressing gender-critical beliefs.

We are sorry to make this request so late, but as already noted, we were not previously aware of this appeal, or indeed that Edward Lord had been appointed as a lay member of the EAT. We would be concerned if Lord were to hear any appeals in cases of this kind.

Given the timing of this request, we do not ask to make oral submissions. If permitted to intervene we would ask that this letter be taken as our written submission and that the Appeal Tribunal give careful consideration to our argument and to the evidence we submit in support of it.

Yours sincerely



Maya Forstater
Executive Director
Sex Matters

[Copied to the appellants solicitor michael@andrewstorch.co.uk with a request to forward on to all parties]