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Baron Grabiner
Clare College
Trinity Lane
Cambridge CB2 1TL

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By email to: asg43@cam.ac.uk

Dear Lord Grabiner,

I'm writing to you in my capacity as General Secretary of the Free Speech Union to express my concern that Mr Kevin Price, a Clare College porter, may suffer detriment as a result of remarks he made last week when he resigned from Cambridge City Council.

As I'm sure you know, Mr Price was a Labour Councillor representing the King's Hedges ward and is a former deputy leader of the Council. On 22nd October he resigned as a councillor and as a member of the Labour Party, saying he could not support a motion before the Council that began with the words: "Trans women are women. Trans men are men. Non-binary individuals are non-binary."

In his remarks to the Council, Mr Price affirmed his commitment to trans rights, but noted that trans rights sometimes conflict with women's rights and criticised the unwillingness of trans activists and their allies to enter into a discussion about how to balance these competing rights in a calm and evidence-based way. Instead, they are prone to making blanket assertions – such as "trans women are women", which effectively means trans rights should be given priority over women's rights – and brand anyone who disagrees with those assertions a "transphobe" or a "bigot". If I understand Mr Price's argument correctly, he felt he couldn't vote for the motion because it was siding with those who adopt this dogmatic position, refuse to acknowledge that supporting the rights of transwomen in some cases breaches the rights of women and expressing a view that effectively means that trans rights should always take priority.

He also criticised the public information pack that accompanied the motion which encouraged the council to use its communications channels "to counter transphobic reporting in the national media".

"Coverage of government consultations, responses and issues around potential legislation is not transphobic but the role of journalism," Mr Price said.

All of these points strike me as perfectly respectable. In particular, Mr Price's view that trans rights can sometimes conflict with women's rights – and treating transwomen as indistinguishable from women is tantamount to prioritising trans rights over women's rights – is one that is widely held by a number of feminist academics, including Ms Selina Todd, Professor of Modern History at Oxford, and Ms Kathleen Stock, Professor of Philosophy at University of Sussex. Choosing to defend some women's rights at the expense of some trans rights – objecting to transwomen competing in women's professional rugby matches, for instance – does not make Mr Price a "transphobe" any more than defending some trans rights at the

expense of women's rights would make supporters of the Council's motion "misogynists". Both points of view are reasonable, neither comes anywhere near to being "hate speech" and no one expressing either point of view deserves to be called a "bigot".

That the expression of these beliefs – commonly referred to as gender critical beliefs – does not constitute "hate speech" was affirmed by Mr Justice Julian Knowles in *R (Miller) v College of Policing* in the High Court earlier this year. In his judgement, he drew the following conclusions from the evidence of Professor Stock, who was a witness in the case:

First, there is a vigorous ongoing debate about trans rights. Professor Stock's evidence shows that some involved in the debate are readily willing to label those with different viewpoints as 'transphobic' or as displaying 'hatred' when they are not. It is clear that there are those on one side of the debate who simply will not tolerate different views, even when they are expressed by legitimate scholars whose views are not grounded in hatred, bigotry, prejudice or hostility, but are based on legitimately different value judgments, reasoning and analysis, and form part of mainstream academic research.

I was therefore concerned to [read in Varsity](#) that the Union of Clare Students (UCS) has issued a statement condemning Mr Price for showing "a brazen contempt for the rights of trans and non-binary people". The UCS's LGBT+ Officer Frankie Kendal labelled Mr Price's views "transphobic" and said "trans and non-binary students should not have to interact or rely on him for support in any way". Furthermore, a Clare student called Ms Victoria Longstaff, a former Students' Union Women's Campaigns Trans Rep, said that Mr Price is "unfit both to hold public office and to be in a position of responsibility over students" in light of his views. She also said that transgender students interacting with him in his capacity as a Clare porter is "a potential risk", and that because of this she "must support either his resignation or his suspension from his duties at the college". UCS added that Clare College's Senior Tutor would be meeting with Mr Price, with the clear implication that he would receive a talking-to for expressing his gender critical beliefs.

I point out, with due deference to your own great legal learning, that anything Mr Price said in his capacity as a Labour Councillor at a meeting of Cambridge City Council constituted political speech and therefore, under the European Convention on Human Rights and the law as stated by the English courts, qualifies for the highest level of protection. As a public authority under the Human Rights Act 1998, Clare College must not act in a way that is incompatible with this right. I can see no reasonable argument that the College has any grounds whatsoever for interfering with Mr Price's right to voice such comments.

In addition, we draw your attention to the recent decision of the Employment Tribunal in *Higgs v Farmor School* that gender critical beliefs can attract the protection of the Equality Act 2010. This judgment follows the clear direction of travel marked out by Mr Justice Julian Knowles in his judgment in *R (Miller) v College of Policing*, as referenced above. That is also the view of Ms Karon Monaghan QC, who observes:

Of significance for present purposes is that the Judge in Miller considered that the expression (even offensively) of gender critical views was protected. In so holding, he observed that C's [Miller's] expression of gender critical opinions was "on a topic of current controversy, namely gender recognition", and matched in substance those of a number of respected gender critical academics [251]. Such views and the expression of them would not be protected under Article 10 if they constituted "hate-speech" because of Article 17 ("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"). In Miller no party suggested that Article 17 would operate

so as to deprive C of the protection of Article 10 in respect of the expression of his views [122]; that is, his views were not aimed at destroying the rights and freedoms set out in the Convention.

All of this strongly suggests that the views expressed by Mr Price would come well within the protection of the 2010 Act.

Mr Price's words cannot therefore be used as a reason for putting him through any kind of disciplinary process, let alone firing him from his job as a college porter.

Should anything of that nature happen, and should Mr Price wish to make use of our services, the Free Speech Union will provide him with full legal support.

I hope you would agree that submitting Mr Price to any form of detriment for his comments, apart from being potentially unlawful, would be especially demeaning and invidious, given that fellows at the College in a similar situation would enjoy much more robust freedom of speech protections.

But my concern is less for Mr Price's status as a Clare College employee – I assume it is completely secure, and I have full confidence that under your leadership the College will act in a lawful and fair manner. Of greater concern is his general welfare. It must be extremely distressing to be targeted by a student mob who are demanding that he should lose his livelihood. To be branded a "transphobe", characterised as someone who has "contempt" for "trans and non-binary people" and identified as a "potential risk" to transgender students must be particularly upsetting to Mr Price, who has been a lifelong campaigner for progressive causes.

As the Master of Clare, you have a duty of care to Mr Price. As such, I think you have an obligation to make a public statement of support for Mr Price, making it clear that his employment status is secure, that his views do not make him a "transphobe" or a "bigot", that he is not a "potential risk" to any students, trans or otherwise, and that if students at Clare continue to make derogatory and potentially libellous comments about him they will be disciplined, up to and including dismissal from the College. Indeed, I think you should consider giving both Mr Kendall and Ms Longstaff a formal warning, making it clear that any further statements of the kind they've already made about Mr Price will lead to them being disciplined.

It is one of the ironies of the age we live in that privileged students, in the name of fighting for the disadvantaged, can turn on someone who is effectively working as their servant and demand that he lose his job because he is standing up for the rights of women. Such behaviour is unacceptable. They are, of course, entitled to disagree with Mr Price and to express that disagreement robustly. But to assassinate his character and demand he lose his job is not acceptable.

Yours sincerely,



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