While I am heartened to know that Meta has so far not taken punitive action against users who have "misgendered" other users, I am concerned that this may change at the Oversight Board's recommendation. Classifying misgendering as hate speech and bullying/harassment would be a mistake for several reasons.

First, and most importantly, it penalizes people for speaking truthfully about another person. The dictionary definitions of WOMAN and MAN are still “adult human female” and “adult human male,” respectively. In the two videos discussed in the Oversight Board’s case, both individuals who were the subject of “misgendering” were in fact being correctly identified. While both individuals may identify as the opposite sex, it doesn’t make them the opposite sex. They are within their rights to refer to themselves as women/girls in the same way Rachel Dolezal is within her rights to refer to herself as Black, even if we know that this is not the case.

Penalizing Meta users for using words as they are meant to be used does not protect trans-identifying individuals from anything other than some discomfort. But it is no more than discomfort. If something is true about you, someone saying it is untrue does not make it less true for you. If I were a Catholic and someone were to repeatedly refer to me as a Protestant, it wouldn’t make me a Protestant and I would be rightly scoffed at if I called this hate speech.

Second, policing language in this way prevents other members of protected classes from speaking accurately about issues in their community. As the Oversight Board mentions in their case, there is a larger discussion occurring both across the United States and throughout the world on women’s rights to female-only spaces and sports, as well as for gays, lesbians, and bisexuals to have spaces and communities for themselves. If a lesbian were to make a group on Facebook for other lesbians, or female homosexuals, and a man tried to join the group, would Meta say that she would be discriminating against him for not permitting him in that group? What if that same man says he’s a lesbian? What if that same man says he’s a lesbian and also a woman, although he is identifiably male? If the lesbian who created this group is unable to discuss this man using the term “man” because it is misgendering, then the cause of the issue becomes obfuscated and confused.

“People are upset about a woman competing in women’s sports” or “A woman speaks to staff about another woman using the women’s restroom.” When we remove the ability for people to correctly identify the issue (that the supposed woman is a man – an adult human male) then the issue cannot be discussed.

The conversation around trans identity and inclusion in single sex spaces intended for the opposite sex of the trans-identifying individual is complicated and ongoing. Across the Western world, pro-gender ideology stances are being reversed by medical institutions, sporting bodies, and governments. Places like Sweden and the UK are recognizing that women’s rights to single sex spaces and to accurately name the sex of the people attempting to access them is immutable and cannot be suppressed (see the Maya Forstater case where the judge ruled that “gender critical beliefs are and must be tolerated in a pluralist society.”) Ruling “misgendering” to be hate speech or bullying on Meta platforms will stifle conversation that is relevant to today’s political world.

While it may be distressing to minors who identify as trans to be correctly sexed, it is not inherently hateful or bigoted to do so. Young people will be distressed by a great many things in their life. Reality will not always play to their expectations. But calling a boy who identifies as a girl a boy is not a slur. It is just a word. And it is an accurate word, even if he wishes it were not.