

What is a Woman?

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So, “*What is a Woman?*....” It seems astonishing that we should never need to ask this question since the experiences of being men and women are so firmly embedded in all of our normal lives. Yet we define the word in two ways. The first is through the “*performance of gender*” in our everyday activities, and the second is to describe the biology of sex. We also use these definitions interchangeably: and each as the needs arise.

I use the words “*Gender Identity*” to describe the sense of identity, which arises through the separation of the self from the other and social relationships in society. I use the words “*Sexual Identity*” to describe the sense of identity, that arises through sexual orientation and love in relationships that are made. I avoid using the description “*Trans Woman*” in these accounts, although it is a preferred identification, because the definition of the word “*Woman*” is a contested term. The confusion that this can create is well illustrated within these documents when people conflate gender with sex. I argue that all gender, and sexually variant people can be compared to immigrants or emigrants, who either challenge or seek to totally cross a notional binary gender; or sexual, divide. And confusion occurs when only one of these definitions is accepted, but the other is denied. For want of a better description and only in these accounts, I use the word “*Transsexual*” to describe those who as immigrants or emigrants seek to totally cross this notional and binary gender divide.

The nature and origins of transgender are subjects of intense dispute. The Cass Review: (The Independent Review of Gender Identity Services for Children and Young People), was commissioned by NHS England and NHS Improvement in Autumn 2020 to make recommendations about the services provided by the NHS to children and young people who are questioning their gender identity or experiencing gender incongruence. Cass claims that her report does not attempt to consider the causes of transgender conditions. But when nature of the cause determines the treatments that are needed, that is not a valid solution or escape.

Even the whisper of religion in any scientific paper is likely to stop people from giving it any serious consideration forthwith. And even the whisper that science might challenge the traditional theologies of religious belief and create a correspondingly dismissive approach. However, the two interact with each other and they cannot be considered completely apart. Legal issues are also a matter of concern. That is why I have considered these issues in three separate papers. The first paper: “*What we Need to Know about the Cass Report*”, deals strictly with the scientific analysis. The second paper: “*Religion and Psychology in Transgender Disputes*”, deals strictly with religious beliefs. And this third paper “*What is a Woman*” considers matters of legal dispute. None of these papers demands, assumes, or expects anyone to have a religious belief. This document is one of a larger series which discuss the nature of transgender conditions, in which I also review the Cass Report. The full list of these documents is given at the end of the text. At present we are awaiting the verdict of the United Kingdom Supreme Court on “*What is a Woman*”. However, this article is not intended to anticipate this result. The reason for preparing it and releasing it at this time arises instead because of concerns over the evidence presented, future impact and the independence of the Cass Report

A statement of interest is also required. And a complete description is given elsewhere¹. I consider myself to be a trans woman; or (in the language of these documents only), a male-to-female transsexual. I am also one who has not fully transitioned, since I seek truces between the love, relationships and commitments in the life I have built, against some very strong compulsive feelings that erupt from deep inside. For these reasons I have refused the offers of hormones of any kind, and I have not engaged in any physical changes that would aid the effectiveness of transition. Although I have from time-to-time consulted specialist clinicians; I have not been involved with the gender identity clinics in any way: either as a patient or otherwise; except to inform

¹ Gilchrist, S. (2025): “*The Cass Report: A personal perspective*”: <http://www.tqdr.co.uk/documents/255P-PersonalInterest.pdf>

them; by circulation² and by presentation³, of my work. I am also aware of the present disputes between certain clinicians who diagnose transgender conditions as personality variations and as searches for coherence of identity: where methods of management akin to compulsions may be needed: while other clinicians use traditional psychodynamic or social learning theories to diagnose transgender conditions as perversions, paraphilias, inversions, or personality disruptions: Where Freudian hysterias, or feelings involving motives of behaviour and desire are considered to be the driving forces behind them: which is instead of the trauma that the search for a coherence of identity creates. The differences in the management techniques required for personality variations and personality disruptions are significant and are well known: They are encountered in many other conditions, and the failure to agree on how transgender conditions should be managed has led to toxic disputes. Clearly an impartial and objective study, which equitably considers both sides of these arguments is needed. In this account I argue that this has not happened. I my attempts to resolve these disputes; and my own conflicts, I engaged in a research programme which: instead of focussing only on how transgender conditions differ, uses transgender conditions as case studies to examine how personalities and identities for everyone are created. This is reported in papers from 2011, all of which can be assessed and downloaded via the bibliography tab on my website www.tgdr.co.uk.

A further aim of my study is to use my experience to help others: To promote a better ability to manage and understand transgender conditions wherever I can: And to find ways of maximising the freedom of choice. Instead of failure; guilt; and catastrophic collapse, which too often occurs when the diagnosis is incorrect. Therefore, my approach has the aim of enabling surgical and social transition to take place in an orderly and considered way; but only when it is right to do so; to find methods of managing the demands; when for other reasons, it is not, and to avoid the damage that an incorrect diagnosis can cause. The latter is in line with my own approach. There also are strong interactions between the religious, legal, and scientific understandings. Although I consider all of these, I am very careful to keep the three elements apart. While the major conclusions of this study were already in place by 2017 as reported in the papers on my website: Which was before the major onslaught of these toxic conflicts occurred, I keep this work up to date, and I use it in my reviews of the Cass report and current work⁴.

In 2004 the United Kingdom passed the Gender Recognition Act, which recognised that “*gender identity*” instead of “*biological sex*”, is the prime moderator of how we interact with each other in society. Where the founding principle of that Act is of inclusion, where “*for all purposes*”, the legally acquired gender becomes the person’s legal sex. Before this Act was passed, male-to male transsexuals could not marry as “*women*”; and they could not marry another man. The later Equality Act 2010 was drafted in full awareness of the interpretation of this 2004 Act, which it expanded on: But it did not change the earlier definition. In this Equality Act a “*woman*” is defined as “*a person who has the protected characteristic of gender reassignment (within the meaning of section 7 of the Equality Act 2010) if, and only if, the person is living as a woman and is proposing to undergo, is undergoing or has undergone a process (or part of a process) for the purpose of becoming female*”. Certain, though limited, exemptions are included in the Act. These include privacies and preventions, which can and clearly should be granted: but only on an individually and objectively justified basis. And importantly; they can include exclusions based on biological sex. The 2004 Gender Recognition Act introduces the concept of “*legal sex*”, which differs from “*biological sex*”. It uses this definition to define the terms “*women*” and that of “*female*” as both capable of being interpreted “*as legally female for all purposes*” in the performance of gender. Its purpose is to separate all aspects of identity and behaviour from those of physiology and biology in all legislation. And these Acts make provision for the protection of those who are at the start of transition, as well as for those who have completed it.

However, we have always used the word “*women*” interchangeably: and in two ways. The first aligns with that of the feminist pioneers and others, who distinguish men and women from each other, through what they describe as “*the performance of gender*”, in the context of social interactions; which disregard any impacts of biology and sex. The second is the medical definition in terms of sexual biology, which takes precedence over any behavioural acts. These oppose each other: Both are correct; but they are complementary definitions, and

² See for example: Gilchrist, S. (2020f): “*Managing Transgender Conditions Correctly: A Commentary on the Bell v Tavistock Case*”: <http://www.tgdr.co.uk/documents/249P-JudgmentResponse.pdf>

³ See for example: Gilchrist, Susan. (2015): “*A Path of My Own*”: Person Centred Care and Support: NHS Transgender and Non-binary Symposium 30 June 2015 <http://www.tgdr.co.uk/documents/SuF0630q-TransgenderNBSymposiumSlidesSl-30jun15.pdf> . For the Symposium Report see: <http://www.tgdr.co.uk/documents/SuF0630s-FINALSymposiumReport.pdf>

⁴ Gilchrist, S. (2024): “*What We Need to Know About the Cass Report*”: <https://www.tgdr.co.uk/documents/255P-CassKnowledge.pdf>

problems arise when we use one to exclude the other. Today we interchangeably use the terms “men”; “women”; “male”; and “female” in all of these contexts. By separating identities and actions “*for all purposes*” from consideration of biology and physiology, the term “*legal sex*” still enables all of these terms to be interchangeably used. So that in all legal matters; and in the interpretation of all past or future legislation where the terms “men”; “women”; “male”; and “female” are used, judgements will always be made in the context which is correct. Had the 2010 Equality Act, wished to remove this endorsement, it would have had to declare it, but it does not. This approach is also in line with the feminist approaches to gender, and the definitions of “men” and “women”; at that time adopted by Butler, De Beauvoir and others, which, on the grounds of promoting gender equality; ignore the biology of sex. In this study, I have likened transgender people to immigrants or emigrants who seek to cross a notional binary gender divide. The abuse of any invitation on this journey is as harmful as its denial: Where one approach may seek ways to welcome the stranger: while the other seeks to deny it instead. The aims of the 2004 Gender Recognition Act and the 2010 Equality Act are aimed to enable people to engage on this journey: And the principles of inclusion and permission are enshrined in the provisions provided within these acts.

These definitions became subject to challenge in the Scottish Courts in 2018 when the petitioners contended that the definition of “woman” in the Equality Act 2010 must be taken as a reference to a “*biological woman*”, so that the definition of a “woman” in the 2004 Gender Recognition Act as someone who is “*legally female for all purposes*” is denied: If this is accepted without other modification, I conclude that this would change the whole purpose and intent of the legislation in the 2004 Gender Recognition Act; and the 2010 Equality Act, from ones of inclusion and permission; where exemptions could be adopted on an individual and objectively justified basis: Into ones which would instead first seek exclusion, where exemption would only be granted for specifically stated reasons. And where threats to women’s safety and identities by transgender people are implied. The horrendous history of violence, abuse, rape and discrimination against women means that many arguments can be presented for rejecting the activities of male-to-female transsexuals ever making the journey across any notional binary divide. The early Christian church had to find ways to survive in a despotic male dominated society. It took only some 160 years for the egalitarian teaching of Jesus, who welcomed the outcast, the stranger, the deprived, and who treated women as equals of men in every way, to be turned into a teaching of the early Western Church, which deprived women from teaching, preaching, speaking, or engaging in any “*manly*” act⁵. Most people today in the United Kingdom consider transgender women to be women because of our behaviours, the ways we interact with society, the nature of our journeys; our expressions of common interests and ideals; with our holding the same concerns about our own and all women’s safety: Which includes; our advocacy of feminist matters, our contributions to the fights for women’s rights, and the protection of all women and children’s identities and lives: And who recognise that no threats to others applies. But degree of acceptance is not accepted by others in the United Kingdom feminist movements, and it is certainly not the case in many parts of the world, where very severe legal penalties against all gender and sexually variant people continue to be applied.

In contrast to this welcome and acceptance: some more radical lesbian and feminist groups, see male-to-female transsexuals as predatory men who seek to exert power and domination over women, manipulate femininity to their own desires, attack women’s identities: And as people who seek to take advantage; by adopting a female role. Others argue that our inability to succeed in the male role means we try to take over in the female role instead. Some of these opposing groups try to impose a totally fictional “*gender ideology*” on transgender people, which alleges that we believe we can “*choose, change, or deny biological sex*”. Transgender people sometimes describe themselves as being “*born into the wrong body*”, but this is a truth of early formation, endocrinological influences, and earliest experience. For transsexuals, as a generalisation, their understanding of history is one of a lifetime being forced to live in a gender role which one cannot identify with: With all the anguish distress, rejection and the high suicide ideation rates that are involved. And in my experience, few if any transgender people, believe that we literally change biological sex. When surgical intervention is sought, the terms “*gender reassignment*” or “*gender affirmation*” are invariably used. The distinction between transgender and intersex is also clearly made. Transgender people form a small minority in the general population. Therefore, many have to rely on what others say about us. Where and fears can be created through the use of misinformation, misplaced allegations, conspiracy theories, and with the misappropriation of evidence: Where this can more easily arise in a world which today is increasingly being dominated by right-wing governments and others: Who are using these techniques to promote their own

⁵ See: Gilchrist, S. (2024): “*Religion and Psychology in Transgender Disputes*”: <https://www.tgdr.co.uk/documents/255P-ReligionPsychology.pdf>.

agendas; through the creation of fear and anger among the general population. Because of this, transgender people are becoming increasingly under attack. Where in many of these campaigns, religious reasons are given as justification for these attacks.

Here also, changing the definition of “woman” in the Equality Act 2010 from “legal sex” to “biological sex” would abolish the intentions of inclusion and permission in the 2010 Equality Act; and the 2004 Gender Recognition Act: It would mean that male-to-female transsexual people could never legally describe themselves as “women”: because that definition becomes exclusively confined to “biological sex”. Neither could female-to-male transsexuals ever describe themselves as “men”: because the same exclusions apply. Any attempt to attribute the definition of the legal concept of “woman” to any transgender person, regardless of whether they have a “legal gender” of female, regardless of their behaviour; irrespective of how long since they transitioned; how completely they have integrated, and have or have not, obtained a gender recognition certificate (GRC) issued under the Gender Recognition Act of 2004; would be an impermissible act.

Even under such circumstances male-to-female transexuals would still be classed as “men” and would be subjected to the same male interpretations in all legislation; with the same presumptions of male threats and behaviour, being included in any past or future legislative acts. Clear evidence for these disagreements can be seen in the parallel disputes within the feminist communities between; on current evidence, the large majority; who accept male-to-female transsexuals as the women they say they are; and are happy to endorse the slogan that “*Trans women are women*”, because that is the way we interact with society; and see us as true allies in the feminist cause. While other feminist groups understand that no man, or male-to-female transsexual, can ever become a true feminist, and no male-to-female transsexual can ever be identified as a woman, because biology or social conditioning means they will always be seen to seek power over women and threaten women’s identities, safety, and lives: And who also use the slogan “*Trans women are men*” to make it clear that this welcome is denied.

It should be a matter of concern that this gender-critical approach seems to have already been implemented in the advice now given by the United Kingdom Equality and Human Rights Commission (EHRC)⁶. However, at the moment, this is only classed as advice. Therefore, it be challenged in the courts. Changing the present legislation through parliament to include biological sex; without making any other provision, would prevent any such challenge; and give this advice legal effect. The present United Kingdom Labour Government has abandoned the intention of the previous Conservative Government to implement this change in the 2004 Gender Recognition Act. The legislation in the 2010 Equality act could have rescinded this permission, but it does not. Instead, it continues to develop and improve on the principles of inclusion contained in the 2004 Act. The implementation of declared aim of the previous Conservative Government; together with that of the current Conservative Party to amend the current legislation to prevent such challenges: To withdraw completely from the European Human Rights Convention, and to rely entirely on the independence of domestic provision; raises questions about the protection of all our human rights⁷.

I have compared transgender people to immigrants or emigrants who seek to cross a notional binary gender divide. So that reverting the concept of “legal sex”; which has allowed transgender people to cross this boundary to “biological sex”; would mean that this journey is denied. In December 2022, Lady Haldane ruled that the 2010 Equality Act’s definition of sex could include individuals who possessed a Gender Recognition Certificate. “*For Women Scotland*” subsequently launched another legal challenge to these previous rulings: which demand that this flexibility must be rejected: With the effect that the concept of “legal sex” should be abolished, and that the change to “biological sex” should be made. This ruling by Lady Haldane is now being

⁶ The domestic United Kingdom Equality and Human Rights Commission (EHRC), must be clearly distinguished from the European Convention on Human Rights (ECHR)

⁷ For further consideration, see: Gilchrist, S. (2022): “*No Blacks, No Irish, No Homosexuals, No Transgender People*”: <http://www.tgdr.co.uk/documents/252P-NoBlacks.pdf> : Gilchrist, S. (2022): “*Transgender Disputes, Conversion Therapy and Government actions*” (Presentations): <http://www.tgdr.co.uk/documents/254p-PresTransDisputesAndGovActions.pdf> (These are fully annotated presentation where references and cross references to original sources are given): Gilchrist, S. (2024): “*Transgender Mismatches: EHRC and Government Advice*”: <https://www.tgdr.co.uk/documents/040B-MisdiagnosesAndAdvice.pdf> Gilchrist, S. (2024): “*Why the Present United Kingdom Government Advice on Transgender Children Must be Challenged*”. <https://www.tgdr.co.uk/documents/040B-GovAdviceTransChildren.pdf> Gilchrist, S. (2023): “*How to Trash the Economy, Transgender Identities and Human Rights*” <https://www.tgdr.co.uk/articles/255P-HowToTrash.pdf>

challenged at the Supreme Court. That judgement of that Court is now awaited⁸. But were this challenge to succeed, I conclude it would mean that transgender people; in all cases, must only be treated in accordance with their biological sex: whether it is over legal rights, over discrimination, and over access to services and spaces. Which is also that which is registered at birth, since there is no provision in law for changing the assignment of biological sex. Such a decision would, in my view, destroy the whole principle of welcome and inclusion enshrined in the 2004 Gender Recognition Act and in the 2010 Equality Act.

That principle of inclusion is supported in other legislation. The legal case of *AB v. Gender Recognition Panel [2024] EWHC 1456 (Fam)* was brought to the High Court of England and Wales on 8th February 2024. The case concerns AB, a trans woman whose application for a gender recognition certificate the Gender Recognition Panel refused to accept. She won the appeal, setting a new legal precedent for interpreting the Gender Recognition Act 2004 in regard to transgender rights in the UK. The High Court's ruling has implications for how the role of the Gender Recognition Panel should be understood: While the process of gender recognition under the Gender Recognition Act requires a diagnosis by a healthcare professional and assessment by an anonymous panel, the procedure is intended to be permissive rather than restrictive. The conditions set out by the Gender Recognition Act 2004 are supposed to be sufficient conditions for an applicant to be granted a gender recognition certificate, not hurdles that need to be overcome. Which should also be used to challenge the laborious, intensive, and intrusive procedures currently in place. In a previous case: *Jay v. Secretary of State for Justice [2018] EWHC 2620 (Fam)*, Lord Justice Baker ruled: "*The Gender Recognition Act 2004 is a statute designed to facilitate gender recognition, that the statutory regime is permissive rather than restrictive, and that the evidential requirements are ancillary to the statutory criteria and any directions made by the panel must not be elevated to a status which sideline or undermine the statutory criteria or frustrate the process.*", "*Accordingly, it's the duty of the Gender Recognition Panel and of legal interpretation to facilitate this process and to make it as easy as possible for the person. Obstructing this process comprises an injustice and a breach of this duty on both fronts*".

In September 2020, the Employment Tribunal ruled in *Taylor v Jaguar Land Rover Limited* that the definition of gender reassignment under section 7 Equality Act 2010 ("EA 2010") covers employees who identify as non-binary and gender fluid. The Claimant, Ms Taylor, successfully claimed direct discrimination, harassment and victimisation on the grounds of gender reassignment⁹

For many centuries the criminalisation and condemnation of all gender and sexually variant behaviour, by Western Christianity in particular, as "*intrinsically disordered acts of grave depravity, which are in pursuit of inappropriate sex*", demanded a definition of "*men*" and "*women*" exclusively in terms of biology, because it assumed that gender identity must always be congruent with biological sex. However, access to the experiential evidence and research which has become available from the 1960s has transformed the situation into one where people now recognise that these activities are instead about searches for identity; and can celebrate them in same-sex marriages and other acts. When the Women and Equalities Minister in a previous Conservative UK Government, Penny Mordaunt launched the consultation on reforming the 2004 Gender Recognition Act in 2018 by declaring that "*Trans Women are Women. That is the starting point of the consultation*": she was using the same definition of "*women*" as that of the feminist pioneers, including, De Beauvoir, Butler, and others, who considered gender identities to arise entirely "*through the performance of gender*": and that "*women are created, not made*". This distinguished "*men*" from "*women*" in terms of how members of both sexes socially relate to each other; through their "*performance of gender*", instead of sexual attraction or biological sex¹⁰. And that usage does not conflict with the definition of "*legal sex*" as given in the 2004 Gender Recognition Act¹¹.

⁸ The material for this article was prepared before the case was heard, and before the I was aware that this case was being raised. It is not intended to anticipate the results. The reason for preparing it and releasing it at this time arises because of concerns over the independence of the Cass Report.

⁹ Cooke, Adam; Davies, Oscar (2 December 2020). ["A substantive review of the landmark decision in Taylor v Jaguar Land Rover Limited and the protection it provides for those who identify as non-binary and gender fluid under the Equality Act 2010"](#). Lamb Chambers. Retrieved 10 June 2021

¹⁰ Butler, Judith (2006): "*Gender Trouble: Feminism and the Subversion of Identity*" Routledge; 1st edition (1 May 2006): ISBN-10 : 9780415389556 ISBN-13 : 978-0415389556

¹¹ When the Women and Equalities Minister in a previous Conservative UK Government, Penny Mordaunt launched the consultation on reforming the Gender Recognition Act in 2018 by declaring that "*Trans Women are Women. That is the starting point of the consultation*", she was using the definition of the feminist pioneers that men and women are distinguished from each other through the ways in which they integrate into society. When Rishi Sunak as Prime Minister in 2024 made the statement "*I know what a woman is*" in the UK Parliament, at a time when he understood that the mother of a recently murdered transgender teenager was in the gallery, he was

When Richi Sunak as Conservative Prime Minister in 2024 made the statement "*I know what a woman is*" in the United Kingdom Parliament, at a time when he understood that the mother of a recently murdered transgender teenager was in the gallery, he was restating the then current Conservative Government policy, which is to define men and women exclusively in terms of biology at all times. This statement measures both the hurt that can be created by this definition, and the retreat in government attitudes to transgender conditions into ones which, instead of including them; now look for reasons to exclude them from the normal behaviours of everyday life by using the argument that they are protecting women and children's safety, identity and lives. And where, in place of recognising the scientific consensus now adopted by the World Authorities and Professional Medical Institutions who consider these conditions to be personality variations and as internally focussed searches for coherence of identity: where methods of management akin to compulsions may be needed; involving motives of rejection, and where no threats to others arise: A contradictory diagnosis is instead adopted, which aligns with religious groups, gender-critical feminist groups and others, who use traditional psychodynamic or social learning theories to identify transgender conditions as personality disturbances or disruptions: Where motives which involve behaviour, desire, and the attractions of sex, are considered to be the driving forces behind them, with the potential to threaten women and children's safety, identity, and lives.

In my attempts to resolve these disputes; and my own conflicts. I have engaged in a research programme which: instead of focussing only on how transgender conditions differ, uses transgender conditions as case studies to examine how personalities and identities for everyone are created. This is reported in detail elsewhere: And it confirms that the viewpoints of the World Authorities and Professional Medical Institutions are correct¹². It should also have been hoped that attempts to resolve these disagreements would take place through objective argument and discussion. But that has not happened. Gender-critical campaign groups dismiss the arguments of the World Authorities and Professional Medical Institutions as "*not being based on credible science*", and merely the work of transgender activists. Attempts are made to prove that male-to-female-transsexuals pose as great a danger; if not a greater danger to all females as all males, and the motives of those supporting this are impugned or attacked¹³.

Even though Cass repudiates these gender-critical arguments in her consideration of the services provided by the NHS to children and young people; who are questioning their gender identity, or experiencing gender incongruence, I believe she still fails in this task: By adopting as the terms of reference and evidence base for her report, a definition of gendered behaviour and gender identification by Kohlberg; dating from 1966, which considers only the impact of the gender role: By using terms of reference for her report, which disregards the effects of the massive neural and cognitive changes and transformations during the first three to four years of life, even though she acknowledges their effects during puberty: And her dismissal of the effects of the innate neural forces which were identified by Gallese, Dawkins, Girard and by many other neuroscientists from the 1960s onwards, which dominate early development during this first three to four years of life, has the effect of placing Cass alongside Kohlberg, Maccoby; Berger; Bannerjee; Slaby, Frey; Martin, Ruble; and others who from the 1960s onwards, by using Piaget and similar theories; sought to attribute the development of gender identity entirely to social learning processes, and to its associations with the gender role¹⁴. Not only does this diminish the depth and intensity of transgender conditions: Instead of compulsions driven by rejection and in search for a coherence of identity; it also continues to identify transgender conditions as Freudian hysterias driven by desires for a role or attractions of sex. And the rejection by Cass of the drives of the psychodynamic

restating the current Conservative Government policy, which is to define men and women exclusively in terms of biology. This measures both the hurt that can be created, and the total change in government attitudes to transgender conditions.

¹² Summarised and reviewed in: Gilchrist, S. (2024): "*What We Need to Know About the Cass Report*".

<https://www.tgdr.co.uk/documents/255P-CassKnowledge.pdf>; Gilchrist, S. (2024): "*Current Disputes on the Natures of Transgender Conditions and a Commentary on the Cass Review: Part 1, Diagnosis*": <https://www.tgdr.co.uk/documents/255P-CassTransDiagnosis.pdf>; Gilchrist, S. (2024): "*An Overview of Current Disputes on the Natures of Transgender Conditions and a Commentary on the Cass Review*": <https://www.tgdr.co.uk/documents/255P-CassFinalOverview.pdf>; Gilchrist, S. (2024): "*On the Diagnosis of Transgender Conditions: A Study of Current Understandings and a Commentary on the Cass Review*": <https://www.tgdr.co.uk/documents/255P-CassFinalCommentary.pdf>

¹³ Gilchrist, S. (2024): "*The Cass Review and the Treatment of Transgender Conditions: An Introduction*".

<https://www.tgdr.co.uk/documents/255P-CassTreatmentIntroduction.pdf>. Also: Gilchrist, S. (2024): "*Current Disputes on the Natures of Transgender Conditions and a Commentary on the Cass Review: Part 2, Implementation*": <https://www.tgdr.co.uk/documents/255P-CassTransImplementation.pdf>; And Gilchrist, S. (2020b): "*Responsibility in Transgender Disputes*": <http://www.tgdr.co.uk/documents/248P-Responsibility.pdf>

¹⁴ For more information see: Section 7:0 Social Construction of Gender in Gilchrist, S. (2013d): "*Personality Development and LGB&T People: A New Approach*": <http://www.tgdr.co.uk/documents/201P-PersonalityDevelopmentAndLGBTPeople.pdf>

theories; whether they are by Freud, Girard, Dawkins, Gallese or others from the 1960s, together with the massive increases in later understanding, imposes timescales of development which are not only incorrect; they are also far longer than experiential evidence would expect. And these mismatches with experiential evidence, and my own studies, have been very strongly criticised in the many other reviews of the Cass Report¹⁵.

This result also places Cass alongside feminist pioneers, such as Butler, De Beauvoir and others, who disregarded biology and considered gender identities to be created “*through the performance of gender alone*”. However, that has produced a response from gender-critical groups and others, who identify this early onset; and the strength and intensity of transgender conditions, to be more extreme perversions, paraphilias and disruptions of the gender role: where greater threats to women and children’s safety and identities are encountered; where the adoption of any accepting or affirmative approach is considered to greatly accelerate the process, where sexual motives; or the desire for a role would be further reinforced: and where fears of grooming and predation can arise. This is instead of diagnosing these conditions as inwardly focused searches for rejection and coherence of identity; in line with the World Authorities and Professional Medical Institutions, where no threats to others arise. It further fails to endorse the principles enshrined both in the 2004 Gender Recognition Act; and in the 2010 Equality Act: Where the aim is to find ways to maximise the acceptance of transgender people: by recognising the legitimacy of their identities; by giving permission to maximise their inclusion in everyday life: And by seeking to use “*biological sex*”, instead of the processes of gender identification and “*legal sex*”; as the sole arbitrators of moral behaviour, as it is currently set out in these acts. Where, on the basis of the fears and concerns that are created, seeks to maximise denial and exclusion on the grounds of protecting women and children’s safety and identity instead¹⁶. Notably it replaces the egalitarian approach of the feminist pioneers with one in which the principles of gender complementarity are adopted, in a way which is comparable to the transformation of the egalitarian teaching of Jesus into the *Gender Complementarity* of the Christian Church¹⁷.

It additionally marks a total transformation in outlook: from the approach which the former Conservative Prime Minister, Theresa May and Penny Mordaunt (at that time) took: Which was to define men and women exclusively through their social interactions with society, into the one in which the more recent Conservative Prime Minister Richi Sunak has taken: which is to define these relationships entirely in terms of biological sex. This transformation also represents a total change in the Government attitudes to reforming the 2004 Gender Recognition Act, which was to allow transgender people to self-identify their legal sex, into that since adopted by Richi Sunak and the more recent Conservative Government, who now strongly oppose any such act¹⁸. This is to the extent that this; now previous, Conservative Government, has used its exceptional powers to block

¹⁵ Since its release last spring, the Cass Report has been a subject of great controversy. Originally commissioned by the UK’s National Health Service to evaluate the scientific evidence for medical gender transitions of those under 18, it reached a series of recommendations that essentially indicated that medical transition for transgender youth should be all but eliminated. The findings of Cass have been embraced by the English government and used to justify the elimination of transition services for minors, while elsewhere it has been very heavily critiqued: a Yale Law School “[evidence-based critique](#)” of the Cass Review rebutted nearly every major conclusion of Cass, The Royal Australian and New Zealand College of Psychiatrists [rejected implementation](#) of Cass in Australia, and many other research teams have offered [in-depth debunking and rebuttals](#). The French Society of Paediatric Endocrinology and Diabetology (SFEDP) recently commissioned [its own version of the Cass Review](#), and this study reached almost the exact opposite conclusions of Cass: In the United Kingdom, the [BMA have announced that they will be undertaking an evaluation of the Cass Report](#) and have called for a pause on the implementation of the Cass Report’s recommendations until the BMA working group publish their findings. [More than 200 Educational Psychologists signed an open letter to expressing concerns about the Cass Review](#). See also:

McNamara et al (2024). [An Evidence-Based Critique of “The Cass Review” on Gender-affirming Care for Adolescent Gender Dysphoria](#) : Noone et al (2024). [Critically appraising the Cass Report: Methodological flaws and unsupported claims](#). : Horton, C. (2024). [The Cass Review: Cis-supremacy in the UK’s approach to healthcare for trans children](#). *International Journal of Transgender Health*, 1-25. Horton, C. and Pearce, R. (2024) [The U.K.’s Cass Review Badly Fails Trans Children](#). *Scientific American*: Griseels, D. M. (2024). [Biological and psychosocial evidence in the Cass Review: a critical commentary](#). *International Journal of Transgender Health*, 1-11. FGEN (2024). [Letter from academics concerned about The Cass Review](#). See also: <https://www.consortium.lgbt/trans-healthcare-coalition/> <https://ruthpearce.net/2024/04/16/whats-wrong-with-the-cass-review-a-round-up-of-commentary-and-evidence/> <https://transactual.org.uk/wp-content/uploads/TransActual-Briefing-on-Cass-Review.pdf>

¹⁶ See: Gilchrist, S. (2024): “[Why the Present United Kingdom Government Advice on Transgender Children Must be Challenged](#)”. <https://www.tgdr.co.uk/documents/040B-GovAdviceTransChildren.pdf>

¹⁷ Gilchrist, S. (2024): “[Religion and Psychology in Transgender Disputes](#)”. <https://www.tgdr.co.uk/documents/255P-ReligionPsychology.pdf>.

¹⁸ For commentaries on this, see: Gilchrist, S. (2020c): “[Response to 2020 Consultation on the Reform of the Gender Recognition Act](#)”: <http://www.tgdr.co.uk/documents/249P-ConsultationResponse2020.pdf> Gilchrist, S. (2019a): “[Divisions: Self-Declaration and Gender Variant People](#)”: <http://www.tgdr.co.uk/documents/243P-DivisionsSelfDeclaration.pdf>; Gilchrist, S. (2018d): “[Self-Declaration and Gender Diverse People](#)”: <http://www.tgdr.co.uk/documents/243P-SelfDeclarationSubmission.pdf> (Submission for the consultation on the reform of the 2004 Gender Recognition Act)

the legislation which the Scottish Government had voted to enact. These transformations are matched by an equally strong reversal in the outlook of the United Kingdom Equality and Human Rights Commission; from one which had strongly supported self-declaration, into a policy which now as strongly criticises it instead. That change is endorsed by Baroness Kishwer Falkner who as Chair of the EHRC justifies this on the grounds of more recent research¹⁹. However, when the EHRC itself claims that it cannot adequately identify what the word “*Transgender*” means when non-binary gender identities are considered: and then asks the Government to define it for them, one must question the adequacy of this “*recent research*” and the links between the two groups. Most notably since the EHRC and the former Conservative government have adopted a common approach; and the changes also match each other in the timing involved.

This flexibility of definition means that the interpretation of the word “*woman*” has changed radically over time: From that of the traditional approaches of the Christian Churches who considered that gender identity should always be congruent with biological sex: and that any departure from this is automatically an intrinsically disordered and sexually depraved act. Into one which used the legal definitions that are enshrined in the 2004 Gender Recognition Act and the 2010 Equality Act. This also exposes a contradiction in the gender-critical arguments; which on the one hand adopt this feminist approach of Butler and others; by stating that men and women should only be distinguished from each other through their performance of gender: Which means that they, can freely cross this notional gender boundary, while asserting at the same time that it cannot be crossed because biology or social conditioning means that gender identity and gendered behaviour should always be congruent with a biological sex. It also declares that no male-to-female transsexual can ever be identified as a woman, because biology or social conditioning means they will always be seen to seek power over women and threaten women’s identities, safety, and lives. Therefore, only two legitimate gender identities can exist: Where any transgressions of this binary identification can be perceived as intrinsically disordered or disruptive acts: And where the legitimacy of all non-binary identities is likewise denied.

A founding purpose of the 2004 Gender Recognition Act was to allow any transexual who had fully transitioned and obtained a GRC to marry as a man or a woman in accordance with their “*legal sex*”. This was at a time when only heterosexual marriages were legally recognised: and where the legal definition of a male-to-female transsexual person as a “*woman*” was therefore required. Thus, the ability to define a “*woman*” as someone who possessed a “*legal sex*”, which also defined her as “*legally female*”, was crucially important, both for interpreting the legislation that already existed, including determining appropriate access to communal spaces that are normally accessed by both or either of the sexes: And for the purpose of inclusion enshrined in these Acts. This was also at the time when the then Government, along with the feminist pioneers, and many others defined “*women*” in terms of how men and women related to each other in society, for all legal and social purposes: and not in terms of biological sex. With the approaches of the more recent Conservative Government under Richi Sunak, that definition is reversed where “*women*” must exclusively defined in terms of biological sex must be defined in terms of biological sex, and the impacts of social relationships are denied. These transitions represent a total reversal in the definitions that are applied. They also deny the everyday use of the term “*women*” in most of society, where each is used in the context where it is required. The problems arise when only one of these definitions is considered correct for all purposes, and the other is denied. The inconsistency is seen in the fulsome welcome Pope Francis gives to transgender and to lesbian and gay people while still refusing to deny the traditional teachings of the Catholic Church; and the current statements of its “*Congregation of the doctrine of the faith*”, which declares that only two gender identities can exist, and that these must be congruent with biological sex: so that any expression of all gender and sexually variant identities; including transgender identities, becomes an errant act²⁰. It is similarly encountered in gender-critical groups who, claim to support the feminist viewpoints, which attribute the development of gender identities entirely to the “*performance of gender*” in the context of social relationships with society, while at the same time contradict this by demanding that the “*performance of gender*” must be linked entirely to biological sex. In this examination I have compared transgender people to immigrants or emigrants who transgress or try to completely cross a notional binary gender divide. Many such groups do seek to welcome transgender people: But instead of crossing that boundary, it takes them to a different place, where fears can be created, and where the levels of condemnation of all gender and sexually variant people

¹⁹ Falkner, Kishwer: (2020): “*The EHRC is here to support the rights of all – whatever anyone says to the contrary*” The Guardian 20 February 2022
<https://www.theguardian.com/commentisfree/2022/feb/20/ehrc-is-here-to-support-the-rights-of-women-trans-people-everyone>

²⁰ New Ways Ministry (2024): “*New Vatican Document Condemns Gender Transitions and Undefined “Gender Theory”*” 9 April 2024
<https://www.newwaysministry.org/2024/04/09/new-vatican-document-condemns-gender-transitions-and-undefined-gender-theory/>

which has lasted for centuries can develop²¹. And where transgender people represent a small minority in the overall population it is not surprising the fears can be created, misinformation can spread, and conspiracy theories can arise.

Judith Butler touches on this in her book “Who’s Afraid of Gender”²², and in a corresponding publication she writes: *“It is not easy to fully reconstruct the arguments used by the anti-gender ideology movement because they do not hold themselves to standards of consistency or coherence. They assemble and launch incendiary claims to defeat what they see as “gender ideology” or “gender studies” by any rhetorical means necessary. For instance, they object to “gender” because it putatively denies biological sex or because it undermines the natural or divine character of the heteronormative family. The anti-gender movement is not a conservative position with a clear set of principles. No, as a fascist trend, it mobilizes a range of rhetorical strategies from across the political spectrum to maximize the fear of infiltration and destruction that comes from a diverse set of economic and social forces. It does not strive for consistency, for its incoherence is part of its power”*²³, Butler, in these comments I believe, is attacking the current backlash against transgender people now being imposed by conservative religions and by right-wing political and social groups in many part of the world. I fully accept that Cass; many in the gender-critical movements; and United Kingdom Governments, may believe they are acting in the best interests of women and children. I fully accept that these issues are in no way nearly as severe in the United Kingdom, where transgender people today are generally well accepted; and where people on all sides claim they are trying to act in the best interests of everybody, as they are in many other countries. But these experiences which Butler identifies, demonstrate the often-unintended harms that can be created when incorrect diagnoses are applied.

Some way to resolve these confusions is needed. And for this I suggest that an approach akin to the Turing test for artificial intelligence should be applied. Thus, *“if any transgender person interacts with society in the same way as all other women, and if any transgender person supports the demand for women’s safety and rights in the same way as all other women, and if any transgender person is subject to the same discrimination, prejudices and threats to safety as all other women, then anyone who satisfies all these requirements should be able to define themselves as women, be considered as women in any social interaction and in any legislative act. With the need to use the term “trans woman” only when further elaboration is required.* That returns the definition of men and women to descriptions of the “performance of gender”, which was used by the feminist pioneers and many others: And is still used by many today: So that independent protections for “male” and “female” biology and physiology can still be applied. But if any of these arguments are to be considered valid, it is essential to get the diagnosis of transgender conditions correct.

With disagreements as great as these, experiential evidence must stand in their place. Access to this experiential evidence and the research which has become available from the 1960s has transformed the situation without needing an explanation, from one where all gender and sexually variant behaviour was considered to be intrinsically disordered perversions, which involve desires for a role or the attractions of sex, into one where people now recognise that these activities are instead about searches for a coherence of identity and being oneself; and can celebrate them in same-sex marriages and other acts. To require two lesbian or gay people to undergo a medical examination by an anonymous medical panel, and to produce all the confirming documentation and certification before they could enter a legally recognised same-sex marriage would cause an outrage in today’s society. And allowing transgender people to self-identify their gender is part of that same rationale. Today, Judith Butler and other feminist pioneers, who were regarded by many in the 1990’s as opponents of transgender people; now base their present strong support for transgender people and their condemnations of the gender-critical viewpoints on the vast amount of experiential evidence that has since become available, as is amply demonstrated in Butler’s recent book: “Who’s Afraid of Gender”. There is now a large range of well documented peer reviewed scientific studies from many other sources, based on experiential evidence, which confirm these results.

This is not a new dispute. It has its origins in the 1960s when Money, McHugh and others tried to use Freudian psychodynamics to explain how all gender and sexually variant identities are created, against the

²¹ See section 12:0: *Transgender Attacks* in Gilchrist, S. (2021a): “Gender Identity, Feminism, and Transgender People”: <http://www.tgdr.co.uk/documents/250P-GenderIdentityAndTrans.pdf>

²² Butler, Judith (2024): “Who’s Afraid of Gender” Allen Lane Published: 19/03/2024. ISBN: 9780241595824

²³ Butler, Judith, (2021): “Why is the idea of ‘gender’ provoking backlash the world over?” *The Guardian* 23 October 2021:

<https://www.theguardian.com/us-news/commentisfree/2021/oct/23/judith-butler-gender-ideology-backlash?fbclid=IwAR0rB1GFwR8N88UcPMyXrpCQ2FQLzge5IUfNISuckXkhNzVEarOg66uh0s>

views of Stoller and others, who argued that gender identities, like sexual identities, are core elements of the personalities that are created. Freud recognised that very strong forces drive development forward, but the only mechanism he had to explain them were the motives of sex, which led him to conclude that little of substance could take place in the development of personality and identity; before the powers of cognition could sufficiently come into effect: And he considered this to be around the age of three years: However, his approach ignores the effects of the innate neural forces identified by Girard, Dawkins, Gallese, and many others; which have been known about from the 1960s onwards. These dominate development from birth; and they only gradually come under control as the organising powers of cognition come increasingly into effect. Although Freud regarded the first three years to be times of seething emotions: because he could not offer any further explanation, he presumed that little of substance can occur. However, instead of treating it as a presumption, gender-critical groups and others instead specifically state that nothing of substance occurs. Therefore, all aspects of the pre-cognitive processes, including the work of Girard, Dawkins, Gallese and others, which show that early development is dominated by strong, innate neural forces, involving possessive imitation, empathy, mirror neurons, and the like, where the search is for a coherence of identity in place of the drives of sex: And these are still ignored by many practitioners today

That has major consequences for understanding how early development takes place. Not only does this replace Freud's understanding that cognition and sexual motives are the primary forces which drive development forward: along with his understanding that these only come into constructive effect from about the age of three years. It shows that Freud's presumption of cognition, desires and sexual motives are derivatives of the innate, pro-active and self-reinforcing neural forces, identified by Girard, Dawkins, Gallese and others from the 1960s onwards, which dominate early development: And where Freud's presumption that desires, cognition and sexual motives which drive development forward, must be replaced by those of rejection, compulsions and the search for coherence of identity instead.

Therefore: far from dismissing what happens during the first three years, as being of little consequence, understanding how development proceeds during the first three years becomes of crucial importance instead. It is why I have given this first three to four years the greatest attention in my study. In it I show how that the core elements of gender and other identities rapidly coalesce from previously disorganised strands of thought; around a median age of two years: Also, that this coalescence creates the ability to separate the self from the other without behavioural implications: And it is the time when the foundations of our senses of selfhood come to be formed. However, we do not discover what this means in terms of our relationships with society until around a median age of three years: And this is the time when the gender role identity comes to be created. Finally, we do not develop sufficient mental capacities to analyse what has happened, until about the median age of four years. Therefore: even though we may be fully aware of their effects; we cannot possess an understanding of how they have been formed. It also means that incongruences to the core gender identities should be treated as personality variations, since attacks on these challenge the foundations of identity and selfhood that have been created: While disturbances to the gender role identity should be treated as perversions, paraphilic, or disruptions instead: since the forces of desire, attractions and behaviour are involved²⁴.

By adopting as the terms of reference and evidence base for her report, a definition of gendered behaviour and gender identification by Kohlberg; dating from 1966, which considers only the impact of the gender role: And by disregarding the effects of the massive neural and cognitive changes and transformations during the first three to four years of life, even though she acknowledges their effects during puberty: Cass specifically denies the impact of these innate forces as well. However, Cass is not alone in her conclusions, for many psychologists, psychiatrists and educationalists still rely on traditional Freudian psychodynamic theories and social learning theories, or variations of them, to justify their arguments. And this failure to recast the concept of cognition from one; where it is considered to be the primary or sole driving force behind these developments; into one which instead creates order out of disorder, means that understanding of how transgender identities come to be created; and how the core elements of how personalities and identity for all of us come to be formed, will be diminished or denied.

²⁴ See for example; Gilchrist, S. (2013d): "Personality Development and LGB&T People: A New Approach": <http://www.tgdr.co.uk/documents/201P-PersonalityDevelopmentAndLGBTPeople.pdf> : Gilchrist, S. (2013c): "A Reassessment of the Traditional Christian Teaching on Homosexuality, Transsexuality and on Gender and Sexual Variation Using a New Neurophysiological and Psychological Approach": <http://www.tgdr.co.uk/documents/207P-ReassessmentPsychologyExtended.pdf>

Still today there are many theories which rely on Freudian or social learning approaches to diagnose transsexuality. That is the approach of autogynephilic transsexuality which one clinic adopted in the 1980s²⁵. A particular version of this theory, put forward by Blanchard in the 1980s is still used by many who support gender-critical and other traditional viewpoints; because it identifies transsexuality as a perversion, or paraphilia of (male) homosexuality, which it continues to identify as a core element of personality and identity instead. This is attractive to some in the lesbian and gay communities, because it argues that sexual orientation and (male) homosexuality should continue to be considered as a protected characteristic under the legislation provided for in the 2004 Gender Recognition Act, and the 2010 Equality Act: But this also means that gender identity should be excluded from any such protection; since it is not considered to be a core element of the personality that is created. And that, instead of treating gender identity as a personality variation and as a compulsion which is driven by rejection and searches for a coherence of identity, transgender conditions are merely sexually motivated perversions or disruptions of a biologically or divinely ordained path determined by biology; theology; or expectations of the gender role. The theory was considered outmoded and out of date by other clinicians at the time it was put forward; and this one clinic which adopted it was eventually shut down. It was only developed for male-to-female transsexuals. It ignores female to male transsexuals, and no equivalent autogynephilic parallels for these people have been found. It also fails to deal adequately with non-binary roles. Furthermore, it does not provide adequate explanations for the wide range of transgender conditions that exist. Finally, it relies entirely on the presumption of Freudian hysterias, paraphilias or perversions, which have been shown in this and other examinations, and in the vast amount of experiential evidence now available to be incorrect.

By using the work of these early neuroscientists; and others, including Fordor and the recently released work of Goldman and others at Stanford University²⁶ and by mapping how development takes place during the first three to four years of life I show elsewhere that the psychological and physiological aspects of brain development act pro-actively together to form a finely tuned system in which the maximum amounts of individuality, possessiveness, intelligence, and inquisitiveness, together with the minimum degrees of energy expenditure are generated. I confirm the viewpoint of the World Authorities and Professional Medical Institutions which show the gender identity is a core element of personality and identity for everyone that is created.

I also confirm the commonly accepted modern understanding of gender identity. This divides it into two components, where either; or both, are usually, but need not always be congruent with biological sex. The first of these is the core gender identity which involves the separation of the self from the other: It expresses an inner sense of belonging, and a search for coherence of identity, without behavioural involvement. The second is the gender role identity, which responds to the social expectations of the gender role, and where motives of behaviour and desire are the forces which drive it. Our conscious awareness of this is a combination of the two, where the gender role identity acts as an overlay on the core gender identity, which is the first to be formed. And where the stability of the core gender identity; gives us the order and continuities we need to organise our lives, while the flexibility of neural development and variation of the gender role identity, enables the widest possible range of gender expressions to be found. As a consequence, strong and stable core gender identities are created. And these core gender identities may remain constant and resistant to change, until dementia or physical brain injury occurs.

²⁵ Autogynephilia was defined by an American psychologist, Dr Ray Blanchard, as “*a male's propensity to be sexually aroused by the thought of himself as a female*” (Auto = self, gyne = woman, philia = love.) According to Blanchard and Lawrence “*The increasing prevalence of Male-to-Female transsexualism in Western countries is largely due to the growing number of Male-to-female transsexuals who have a history of sexual arousal with cross-dressing or cross-gender fantasy. Blanchard proposed that these transsexuals have a paraphilia he called autogynephilia, which is the propensity to be sexually aroused by the thought or image of oneself as female*. Autogynephilia defines a transsexual typology and provides a theory of transsexual motivation, in that Blanchard proposed that male-to-female transsexuals are either sexually attracted exclusively to men (homosexual) or are sexually attracted primarily to the thought or image of themselves as female (autogynephilic), and that autogynephilic transsexuals seek sex reassignment to actualize their autogynephilic desires. Despite “growing professional acceptance”, Blanchard's formulation is rejected by some male-to-female transsexuals as inconsistent with their experience. This rejection, I (Lawrence) argue, results largely from the misconception that autogynephilia is a purely erotic phenomenon. Autogynephilia can more accurately be conceptualized as a type of sexual orientation and as a variety of romantic love, involving both erotic and affectional or attachment-based elements”. According to Lawrence: “*This broader conception of autogynephilia addresses many of the objections to Blanchard's theory and is consistent with a variety of clinical observations concerning autogynephilic Male-to-female transsexualism*”. Becoming what we love: Lawrence, A. A. (2007): “*Autogynephilic transsexualism conceptualized as an expression of romantic love*”; *Perspect Biol Med*. Autumn 2007;50(4):506-20. doi: 10.1353/pbm.2007.0050.

²⁶ See section 9:0 Current Research in Gilchrist, S. (2024): “*On the Diagnosis of Transgender Conditions: A Study of Current Understandings and a Commentary on the Cass Review*”: <https://www.tgdr.co.uk/documents/255P-CassFinalCommentary.pdf>

I have earlier noted a bipolar contradiction in the gender-critical arguments; which on the one hand adopt the feminist approach of Butler and others; by stating that men and women should only be distinguished from each other through their performance of gender: Which means that that transgender people can freely cross the gender boundary, while asserting at the same time that it cannot be crossed because biology or social conditioning means that gender identity and gendered behaviour should always be congruent with a biological sex. According to these arguments, only two legitimate gender identities can exist: So that any transgressions can be perceived as intrinsically disordered or disruptive acts: And where the legitimacy of non-binary identities is likewise denied.

But we are not clones of each other; and the current understandings show that, although on average there are significant differences in male and female behavioural patterns, with men more prone to engage in physical violence, considerable overlap occurs. In addition, since gender identities are derived from interactions and behaviours: and because they develop through the capabilities and allegiances which have previously been created, this means they are consequent effects. This allows all women, including male-to-female transsexuals: acting as women with women, to pursue the same feminist arguments with the same vigour, from a stronger base. Equally for any female-to-male transsexual: acting as men with men, to pursue any equivalent male arguments from a similarly stronger base. Because the core gender identity can be described as an inner sense of belonging without behavioural implications, it further means that gender-critical ideology, whichever way it is interpreted, must be the less effective approach. In this context the definitions of “*women*”, and of “*gender identity*”, both conform to the social performance of gender “*for any purpose*”: and to what the 2004 Gender Recognition act defines as “*legal sex*”. Therefore, there is nothing in these arguments to prevent or inhibit legalisation being passed to protect women against sexual abuses or inequities. And these same processes of gender identification apply to everyone. They are also the result of a fragmented processes. Thus, the same deep intensities and profundities of allegiance to a gender identification occurs in the many lesbian; gay; bisexual; transgender; transexual; and non-binary gender and sexually variant people, as well as those whose gender identities are in harmony with their biological sex. It also follows from these arguments that gender identity instead of biology should be used as the primary marker to guide any legislation that is enacted to allow or to restrict all behaviours that are based on how people socially interact..

By relying on cognition, Freud could not explain these pre-cognitive aspects of early development, so he explained the separation of the self from the other using his definition of the “*Oedipal Complex*”: the timing of which; he placed alongside that of the gender role identity: This is between the years of three to five years. Therefore, it allows Cass and gender-critical groups to dismiss the significance of the core gender identity in their arguments. Although most people treat what happens during this pre-cognitive period as unknown, gender-critical groups specifically deny that anything of significance occurs. Cass also specifically denies that anything of significance takes place during this early period. While behaviourist neuroscientists such as Fordor use fMRI studies to explain what happens during this early period, cognitive neuroscientists such as Rippon, use the same, or equivalent fMRI studies to deny it. Therefore, it is not surprising that a great deal of uncertainty occurs.

Today these remain matters of intense dispute, where one group uses the scientific consensus adopted by the Word Authorities and Professional Medical Institutions: Who now define transgender identities as “*naturally expected variations of the human condition, intrinsic to the personality created, arising very early in life, and cannot be changed either by the individual concerned or by the predations of others in subsequent life*”, and as internally focussed compulsions in search for a coherence of identity; which arise very early in life, where no threats to others are involved. Against the attitudes of gender-critical feminists, religious groups, and others who define these conditions to be Freudian hysterias, and as “*paraphilias, perversions, or disruptions to the gender role*”. And when the motives, timescales and methods of management differ to the extent that what one side considers to be those of compassion and concern are almost inevitably regarded as recruitment, grooming, capture, and coercion by the other, any misdiagnosis can have a harmful effect.

Clear evidence for this disagreement can be seen in the parallel disputes within the feminist communities between those who accept male-to-female transsexuals as the women they say they are, because that is the way they interact with society and see them as true allies in the feminist cause. While other feminist groups understand that no man, or male-to-female transsexual, can ever become a true feminist, and no male-to-female transsexual can ever be identified as a woman, because biology or social conditioning means they will always be seen to seek power over women and threaten women's identities, safety, and lives. The nature of this conflict is encapsulated in the use of the slogans “*trans women are women*” and “*trans women are men*”

where on the one hand the principles of inclusion are employed, while on the other the principles of exclusion are instead applied. And this usage also depends on how the terms “men”, “women”, “male”, and “female”, are legally defined²⁷. In order to resolve these disputes, a clearly focussed, impartial and objective study is needed. Although the topic of the Cass Review: (The Independent Review of Gender Identity Services for Children and Young People, which was commissioned by NHS England and NHS Improvement in Autumn 2020 to make recommendations about the services provided by the NHS to children and young people who are questioning their gender identity or experiencing gender incongruence), is not directly related to the topic of this article, it is nevertheless relevant to it. Cass claims that her report does not attempt to consider the causes of transgender conditions. But when nature of the cause determines the treatments that are needed, that is not a valid solution or escape.

The scope of these disagreements; and the consequences of incorrect diagnoses, means that it is absolutely essential for Cass to have equitably considered both sets of arguments in these toxic disputes. However, I conclude that she does not do this. Instead, she adopts as the terms of reference and evidence base for her report, a definition of gendered behaviour and gender identification by Kohlberg that dates from 1966, which considers only the impact of the gender role: She also disregards the effects of the massive neural and cognitive changes and transformations, with the innate forces that drive early development during the first three to four years of life, which were identified by Gallese, Dawkins, Girard and others from the 1960s onwards: Even though she acknowledges their effects during puberty. Her rejection of sexual impulses together with the drives of psychodynamic theories, also places Cass alongside Kohlberg, Maccoby; Berger; Bannerjee; Slaby, Frey; Martin, Ruble; and others who, using Piaget and similar theories; sought to attribute the development of gender identity entirely to social learning processes, and to its associations with the gender role²⁸. Not only do these refusals dismiss the strength and integrity of transgender conditions: they impose timescales for development, which are far longer than the experiential evidence available has now demonstrated, which the fast-tracking of progression that the psychodynamic theories, whether by Freud, Girard, Gallese, Dawkins and others predict. And which the diagnosis of all transgender conditions as personality variations: not as personality disruptions, would expect. I agree that more research is needed, but attempting to find reasons by diagnosing transgender conditions as personality disruptions instead of personality variations cannot succeed: And none can be identified because development proceeds in undisrupted actions from birth. Instead of the research and experiential evidence being “incredibly weak”, as Cass alleges, I believe that Cass is she looking in the wrong place for the evidence she seeks.

Her questionable use of research and experiential evidence is the subject of many other reviews of her report²⁹, and these should be consulted for other more detailed accounts. My own examination is given elsewhere³⁰. And, by relying on arguments which date as far back as the 1960s, by seeking to impose a diagnosis of transgender conditions as mere feelings involving desires for a role or the attractions of sex; in

²⁷ These issues are also discussed in :Gilchrist, S. (2021a): “*Gender Identity, Feminism, and Transgender People*”: <http://www.tgdr.co.uk/documents/250P-GenderIdentityAndTrans.pdf>

²⁸ For more information see: Section 7:0 Social Construction of Gender in Gilchrist, S. (2013d): “*Personality Development and LGB&T People: A New Approach*”: <http://www.tgdr.co.uk/documents/201P-PersonalityDevelopmentAndLGBTPeople.pdf>

²⁹ Since its release last spring, the Cass Report has been a subject of great controversy. Originally commissioned by the UK’s National Health Service to evaluate the scientific evidence for medical gender transitions of those under 18, it reached a series of recommendations that essentially indicated that medical transition for transgender youth should be all but eliminated. The findings of Cass have been embraced by the English government and used to justify the elimination of transition services for minors, while elsewhere it has been very heavily critiqued: a Yale Law School “[evidence-based critique](#)” of the Cass Review rebutted nearly every major conclusion of Cass, The Royal Australian and New Zealand College of Psychiatrists [rejected implementation](#) of Cass in Australia, and many other research teams have offered [in-depth debunking and rebuttals](#). The French Society of Paediatric Endocrinology and Diabetology (SFEDP) recently commissioned [its own version of the Cass Review](#), and this study reached almost the exact opposite conclusions of Cass: In the United Kingdom, the [BMA have announced that they will be undertaking an evaluation of the Cass Report](#) and have called for a pause on the implementation of the Cass Report’s recommendations until the BMA working group publish their findings. [More than 200 Educational Psychologists signed an open letter to expressing concerns about the Cass Review](#). See also:

McNamara et al (2024). [An Evidence-Based Critique of “The Cass Review” on Gender-affirming Care for Adolescent Gender Dysphoria](#) : Noone et al (2024). [Critically appraising the Cass Report: Methodological flaws and unsupported claims](#) : Horton, C. (2024). [The Cass Review: Cis-supremacy in the UK’s approach to healthcare for trans children](#). *International Journal of Transgender Health* , 1-25. Horton, C. and Pearce, R. (2024) [The U.K.’s Cass Review Badly Fails Trans Children](#). *Scientific American*: Grijseels, D. M. (2024). [Biological and psychosocial evidence in the Cass Review: a critical commentary](#). *International Journal of Transgender Health*, 1-11.FGEN (2024). [Letter from academics concerned about The Cass Review](#). See also: <https://www.consortium.lgbt/trans-healthcare-coalition/> <https://ruthpearce.net/2024/04/16/whats-wrong-with-the-cass-review-a-round-up-of-commentary-and-evidence/> <https://transactual.org.uk/wp-content/uploads/TransActual-Briefing-on-Cass-Review.pdf>

³⁰ See: Gilchrist, S. (2021a): “*Gender Identity, Feminism, and Transgender People*”: <http://www.tgdr.co.uk/documents/250P-GenderIdentityAndTrans.pdf>

place of the compulsions which search for a coherence of identity and being oneself, destroys the advances of more recent years, is contrary to experiential evidence, imposes incorrect methods of management, stifles research, and takes us back to a time when it was presumed that all gender and sexually variant people were driven by motives of desires for a role; plus attractions of sex

The current legislation in the United Kingdom lists only “*gender reassignment*” as a protected characteristic, and that enforces a bipolar approach. It leaves no place for non-binary gender and sexual identities; it fails to acknowledge later advances in science and understanding; it attacks attempts for constructive management; and it does not make any provision for those people who would otherwise transition: but who try not to do so because of their loyalty to the love, relationships and commitments they have already built in their lives. Today, in mannerisms; identification; and outward appearances; there are also many more lesbian, gay, transgender and heterosexual people who on principle refuse to; cannot; or who do not feel able to conform to, any gender or sexual binary: That freedom should be welcomed; but no recognition of this is made. Thus, a great deal of uncertainty can be created: Therefore, I suggest that gender identity or orientation, which is assessed in the way transgender people integrate with others in society. Together, and equally, with sexual identity or orientation, which is assessed in the way lesbian, gay, and bisexual people integrate with others in matters of love and sexual attraction. And where both are given equal status as core elements of the personalities for all of us that are created. With a corresponding protection for sexual biology: which has a particular focus on reproductive biology, should be the three main criteria that are used in any legislative act. That allows for privacy inside the cubicles of men and women’s toilets; where the issue involves the biology of sex; but does not require it outside them. Or in changing rooms where individual cubicles are provided. Or when curtains are drawn round a bed in a hospital ward, but not automatically outside them. It also allows for exemption in sports provided they are made on an objectively justified approach. Or in hospitals or in medical centres where exclusions can likewise be made using an objectively justified basis, and always as the need arises. This is not just about transgender people. It is about how gender identities for everyone are created: Where the same rules for privacy for everyone are applied, and where all men, women, transgender, lesbian, gay, and non-binary people should be treated alike: But it does not eliminate the need for a concept of “*legal sex*”. The title of this article asks the question “*What is a Woman?*” And two answers to this question can be given, both of which are correct. The first aligns with that of the feminist pioneers and others, who distinguish men and women from each other, through social relationships in society; and in the “*The performance of gender*”. which transcends any impacts of biology and sex. The second is the medical definition in terms of sexual biology, which takes precedence over any behavioural acts. These oppose each other: Both are correct; but they are complementary definitions: and each should be used in the context which is correct.

Today we interchangeably use the terms “*men*”; “*women*”; “*male*”; and “*female*” in both of these contexts, and often we do not need to make any distinction between them. The term “*legal sex*” is intended to remove this confusion. It; is a single term which encompasses all descriptions of gender; whether that be “*male*”; “*female*”; “*men*”; “*women*”; “*transgender*”; “*queer*”; “*non-binary*”, however they are described. And: by separating “*the performance of gender for all purposes*”, from identities and physiologies: the use of the term “*legal sex*” enables correct; and independent protections for identities and performances, to be provided. And it allows for all of these terms to be interchangeably used. Therefore, we can still have male or female hospital wards where those are needed, and we can still have male and female sports categories when they are required.

Recognition of the term “*legal sex*” ensures that when legal judgement is needed, it is always in the context in which it is correct. Removing it would; I believe, inhibit the ability of the courts to make judgements. Replacing it with “*biological sex*” would demand that the only legitimate definitions of gender identity; conformity of appearance, and the performances of gender, are those which are binary; and congruent with biological sex. I conclude that such a step would destroy the principles of inclusion; and the gender equalities, enshrined in the 2004 Gender Recognition Act, and in the 2010 Equality Act.

There should be no place in any society for any law which discriminates any person or excludes from any services or spaces on the grounds of social class, race, religion, or identity: Or which ensures that all people must be excluded because of fears that some might abuse this access: And no law, legislation or advice which aims to give permission for others to exclude people, on the grounds or belief that these things might happen... Instead of providing ways to include them: should ever be considered a justifiable act. The right to offend, but not abuse is also a fundamental human right. Although nobody should deliberately use this right to justify their actions: any law which is used to justify the exclusion of anybody on the grounds of their identity, whether that should be gender, sexuality, biology, race, religion, ethnicity: simply because they are offended by these, is not. That is why I; and I suspect many others, would strongly welcome misogyny also being made

an illegal or antisocial act. An no attempts to misrepresent should ever be used. Women have every right to feel vulnerable because of the centuries of horrendous experience of male abuse, violence, domination and attacks: And the acceptance of male-to-female transsexuals in any women's domain depends on women welcoming them: It is destroyed by unsolicited reactionary attacks by transgender people or by their supporters, to enforce transgender rights. The purpose of any law must be to protect all identities and condemn all abuses: There is every reason for using the force of the law to condemn misogyny; along with all disrespectful and abusive acts. And any law which fails to satisfy both of these requirements for everyone and without exception, attacks all our human rights.

I do not claim to have any relevant legal qualification, and I do not claim to make judgements: but like anyone I have a right to ask questions when I am concerned that anything may be incorrect. So, it is up to others to judge if I am wrong, or I am right. I do not seek to anticipate or prejudge the outcome of the Supreme Court, but my concern is about the accuracy of the information it uses. And in particular, about the independence of the Cass Report. These concerns are detailed in my paper: *"What We Need to Know About the Cass Report"* which can be accessed via the links below. Had I been aware in sufficient time before the Supreme Court hearing, I might have indirectly or directly offered this material and these accounts, to be used as an intervention, but I was not. Equally I do not seek to impute the integrity of anyone in these articles. Indeed, the conflicts I believe are so strongly fought, because everyone is convinced their views are right. This material may be used in any action you may wish to or be able to take.

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This description also makes use of my own research, which confirms and supports the conclusions of the Word Authorities and Professional medical Institutions. Access to this work and commentaries on the recently published Cass Review are given on the Bibliography tab of my website: tgdr.co.uk, or use the links below.

Resources

To access these resources, type tgdr.co.uk into your internet browser, then click on the bibliography tab, or access via the links given below:

These documents

Gilchrist, S. (2024): *"What We Need to Know About the Cass Report"*:
<https://www.tgdr.co.uk/documents/255P-CassKnowledge.pdf>
(Text: 17 pages)

Gilchrist, S. (2024): *"Religion and Psychology in Transgender Disputes"*:
<https://www.tgdr.co.uk/documents/255P-ReligionPsychology.pdf>.
(Text: 6 pages)

Gilchrist, S. (2024): *"What is a Woman?"*: <https://www.tgdr.co.uk/documents/255P-WhatIsAWoman.pdf>.
(Text: 15 pages)

All Documents

Gilchrist, S. (2025): *"The Cass Report: A personal perspective"*: <http://www.tgdr.co.uk/documents/255P-PersonalInterest.pdf>
(3 pages)

Gilchrist, S. (2024): *"Current Disputes on the Natures of Transgender Conditions and a Commentary on the Cass Review: Preface to the Series"*:
<https://www.tgdr.co.uk/documents/255P-CassFinalPreface.pdf>.
(Text: 1 page)

Gilchrist, S. (2024): "An Examination of Current Disputes on the Natures of Transgender Conditions, and a Commentary on the Cass Review: Abstract":

<https://www.tgdr.co.uk/documents/255P-CassFinalAbstract.pdf>.

(Text: 1 page)

Gilchrist, S. (2024): "What We Need to Know About the Cass Report":

<https://www.tgdr.co.uk/documents/255P-CassKnowledge.pdf>

(Text: 7 pages)

Gilchrist, S. (2024): "Religion and Psychology in Transgender Disputes":

<https://www.tgdr.co.uk/documents/255P-ReligionPsychology.pdf>.

(Text: 7 pages)

Gilchrist, S. (2024): "What is a Woman?": <https://www.tgdr.co.uk/documents/255P-WhatIsAWoman.pdf>.

(Text: 15 pages)

Gilchrist, S. (2024): "The Cass Review and the Treatment of Transgender Conditions: An Introduction":

<https://www.tgdr.co.uk/documents/255P-CassTreatmentIntroduction.pdf>.

(Text: 11 pages)

The companion presentation is available on

Gilchrist, S. (2024): "The Cass Review and the Treatment of Transgender Conditions: Presentation":

<https://www.tgdr.co.uk/documents/255P-CassTreatmentSlides.pdf>.

(59 slides)

Gilchrist, S. (2024): "Current Disputes on the Natures of Transgender Conditions: A summary and a Commentary on the Cass Review": <https://www.tgdr.co.uk/documents/255P-CassSummary2.pdf>.

(Text: 5 pages)

Gilchrist, S. (2024): "A Summary of Current Disputes on the Natures of Transgender Conditions and a Commentary on the Cass Review": <https://www.tgdr.co.uk/documents/255P-CassFinalSummary.pdf>

(Text: 4 pages)

Gilchrist, S. (2024): "Current Disputes on the Natures of Transgender Conditions and a Commentary on the Cass Review: Part 1, Diagnosis": <https://www.tgdr.co.uk/documents/255P-CassTransDiagnosis.pdf>.

(Text: 16 pages)

Gilchrist, S. (2024): "Current Disputes on the Natures of Transgender Conditions and a Commentary on the Cass Review: Part 2, Implementation": <https://www.tgdr.co.uk/documents/255P-CassTransImplementation.pdf>.

(Text: pages)

Gilchrist, S. (2024): "An Overview of Current Disputes on the Natures of Transgender Conditions and a Commentary on the Cass Review": <https://www.tgdr.co.uk/documents/255P-CassFinalOverview.pdf>

(Text: 20 pages)

Gilchrist, S. (2024): "On the Diagnosis of Transgender Conditions: A Study of Current Understandings and a Commentary on the Cass Review": <https://www.tgdr.co.uk/documents/255P-CassFinalCommentary.pdf>

(Text: 63 pages)

The following documents may also be of interest:

Gilchrist, S. (2024): "Why the Present United Kingdom Government Advice on Transgender Children Must be Challenged". <https://www.tgdr.co.uk/documents/040B-GovAdviceTransChildren.pdf>

Gilchrist, S. (2024): *"Transgender Misdiagnoses: EHRC and Government Advice"*: <https://www.tgdr.co.uk/documents/040B-MisdiagnosesAndAdvice.pdf>

Gilchrist, S. (2022): *"Transgender Disputes, Conversion Therapy and Government actions"* (Presentation): <http://www.tgdr.co.uk/documents/254p-PresTransDisputesAndGovActions.pdf>

Gilchrist, S. (2022): *"No Blacks, No Irish, No Homosexuals, No Transgender People"*: <http://www.tgdr.co.uk/documents/252P-NoBlacks.pdf>

More documents can be accessed and downloaded via the bibliography tab on my website: www.tgdr.co.uk

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