

# Actions of the United Kingdom Supreme Court and the Diagnosis of Transgender Conditions<sup>1</sup>

Susan Gilchrist

SuS1219d 256P

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## 1:0 Introduction

Transgender conditions are the subject of an intense dispute between two groups. The first is the scientific consensus, adopted by the World Authorities and Professional Medical Institutions; who consider *Gender Identities*: which are measured in terms of social relationships and searches for coherence of identity in society, and *Sexual Identities*: which are measured in terms of sexual attractions and orientation; by relying on interaction with others, and allegiances previously created. Both are personality variations and are foundational; or core, elements of the personality that is created. They are independent of each other, although both develop together as part of a single complex very early in life: Our gender identities depend on the natures of our interactions with others; and with no knowledge of sex, we all start from the same base. Transgender women and natal women form gender identities in similar ways; through their searches for coherence of identity, with the ability to live lives that are true to themselves; and from their shared “*performances of gender*”, which is not the drives of sex: That understanding is encompassed in the present scientific consensus adopted by the World Authorities and Professional Medical Institutions who consider transgender conditions to be “*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*”. Therefore, transgender women do not offer any greater threat to women than all women, in women’s spaces and services, since these personality variations, or incongruences of gender, form as part of social interactions and the separation of the self from the other very early in life

The second is the approach adopted by certain gender-critical feminists and other groups, which decrease the diagnosis of transgender conditions to “*perversions, paraphilias and disruptions of the gender role*”. Therefore, by imposing an assumed “*gender ideology*” on transgender people, which alleges that “*transgender people believe they can choose, change or deny biological sex*”, these groups reduce the concept of gender identity, to a nebulous socially created concept associated only with the gender role. This means that all women and children are understood to come under direct threat: For it imposes motives of drives of sex on transgender conditions instead of coherence of identity. This is also a conflict with a feminist agenda behind it: between those feminists who see the journey transgender people make to be an attack on the binary notions of gender and sex: Where, no man can ever become a true feminist, and no man 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 ... Against others, who are instead happy to accept male-to-female transsexuals who make this journey, as the women they say they are; because that is the way in which they interact with society, and they are seen to be true allies in the feminist cause. So that; instead of an internal search for coherence of identity, transgender women are considered to constitute as great a threat as all males in women’s spaces and services. And this misdiagnosis of transgender conditions as personality disruptions; driven by desires for a role or the attractions of sex, gives the substance for the fears, scapegoating, and past centuries of attacks.

None of us can have any awareness or sense of gender or other identity at birth, because they rely on relationship with others. In my own study I show that, instead of early development being a passive or reactive process, it is instead propelled by strong, innate and self-reinforcing processes. These dominate from birth, and only gradually come under control as the organising powers of cognition come into greater effect. The most modern definitions of gender identity divide it into two components: The first to be formed is the “*Core Gender Identity*”, which relies on cognition and sexual motives alone to drive development forward”. It involves the creation of a coherence of identity, the ability to separate the self from the other, and it must be in place before the “*Gender Role Identity*” is created. This relies on cognition and a sufficient sense of self-awareness to build expectations and respond to what society expects. And where either or both usually, but not always

align with the expectations of “*biological sex*”. Therefore, the gender role identity must act as an overlay on the gender role identity, which has previously been created. However, these matters remain of considerable dispute. The same concerns also led me from 2011 to conduct a study, which employs the pioneering work of anthropologists and neuroscientists, including Girard, Gallese, Dawkins and others; from the 1960s onwards, where I use transgender experiences as case studies to examine how during this early period, personalities and identities for all of us are formed. This is accompanied by further studies on early neural development, which has continued to the present date<sup>2</sup>. The core gender identity must also be managed as a personality variation, because its destruction would attack the foundations of self-identity that has been created: And that would leave a vacuum in its place. Whereas disturbances to the gender role identity must be managed as personality disruptions since the motives are those of desire or sex, and there is always the possibility of returning to an original path. Attempts to manage personality variations as personality disruptions, can cause great harm, since 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. It is additionally essential to get the diagnosis correct because the time when transgender children and their parents most need help to manage these conditions occurs from early childhood, not from later time in life.

What most people think of as “*gender*” in their everyday lives is therefore a combination of the core gender identity and the gender role identity. Where one is overlaid on the other. And were either or both need not always align with the expectations of biological sex. The term “*gender expression*” is often used to describe this: and it can vary significantly with circumstances and time. We are rarely aware of separate existence, strength or importance of the core gender identity; unless some disturbance or incongruence occurs since it is part of the pre-cognitive development processes; and is therefore hidden from our lives. Freud could not explain it since his theories relied on cognition, but gender-critical groups actively deny that anything of significance occurs. Although gender-critical groups continue to recognise that sexual identities are core elements of personality, they reduce gender identity, measured by the search for a coherence of identity, to a “*nebulous collectively created concept associated with the gender role*”. This denies the scientific consensus adopted by the World Authorities and Professional Medical Institutions, who recognise that both gender and sexual identities are equal but independent core elements of the personality that is created. Both sets of denials are encountered in the many attacks on websites, popular literature and elsewhere: where the influence of pre-cognitive development is dismissed as merely as the work of transgender activists<sup>3</sup>, with claims that their expertise is not based on credible science: And where attacks are made on the integrity of those groups and people who support these views.

However, the development of gender identity is a combined process where the gender role identity is an overlay on the core gender identity which is the first to be created. By adopting a gender-critical ideology which ignores the existence or impact of the core gender identity; and relies on cognition and sexual motives alone to drive development forward, gender-critical groups must define transgender conditions as to “*perversions, paraphilias and disruptions of the gender role*”. They may be able to tell us many things about how the gender role identity develops; how perversions and disruptions are formed, and how they are driven by motives of sex. But they cannot tell anything about earlier development and how the core gender identity is created ... because their ideology denies it. So, instead of recognising that gender identities develop through a search for coherence of identity, they must be driven by drives of sex. Our gender identities depend on the natures of our interactions with others; and with no knowledge of sex, we all start from the same base: It is this commonality in early development, which allows transgender women and children; in a shared process with all other women and children, to experience the same “*performances of gender*” in early life. And to find that transgender conditions are motivated by searches for coherence of identity, instead of drives of sex. Therefore, there is no justification for any gender-critical approach, which uses any ideology to deny the existence or impact of the core gender identity: And in so doing, to enforce a false diagnosis on transgender people, which determines that these conditions are perversions, paraphilias or disruptions of the gender role; driven by desires for a role, or the motives of sex. And no group who uses any ideology to ignore virtually all the advances in the understandings in neurology and cognition since the 1960s; together with the experiential, clinical, and medical evidence now available, can justify the actions it takes. Therefore, I conclude that the actions of the present United Kingdom Equality and Human Rights Commissions; including both present and previous United Kingdom Governments, are built on the false premise that transgender conditions are personality disruptions driven by desires for a role or the attractions of sex, instead of the search for a coherence of identity and the “*performances of gender*”, which have enabled transgender women; with women; and as women, to merge completely into society as women, living normal everyday lives.

The recognition that transgender condition are searches for coherence of identity, not drives of sex, has existed for many years. However, that was overturned in April 2025 the United Kingdom Supreme Court ruled that, under the Equality Act 2010, transgender women must be “*considered as men*”, and the term “*women*” must be confined to biological sex, which sided with the viewpoint of gender-critical groups and others. This changes an approach from one which had sought; without problems for years to maximise the inclusion of transgender people in everyday life, now focusses on exclusion instead. It had also previously been understood that all interpretations of the 2010 Equality Act should be based on “*the performance of gender*”. But in another reversal: That is specifically denied by the Supreme Court Judgement which now declares that all interpretations of the 2010 Equality Act must be based on “*the biology of sex*”. This defines a gender complementarity, where equal and opposite stereotypes are created, where there is no place left for non-binary identities, and no acceptance of departures from stereotypes of behaviour determined by the expectations of biological sex. This change has set the knowledge of transgender conditions back by many years: For instead of understanding these conditions to be driven by searches for coherence of identity, which enabled transgender people to live in harmony with others in ways that are true to themselves in society. They are now deemed to be driven by desires for a role and motives of sex. Therefore, the Court now identifies transgender conditions as “*perversions, paraphilias or disruptions of the gender role*”, with perceived threats to women and children because of the presumed motives of sex: and the additional identification with the existence of some unnamed perversion or disruption, creates plenty of opportunities for incrimination and attacks.

When the conflict differ to the extent that one group considers transgender conditions to be inwardly focussed searches for coherence of identity, where no threats to others are involved, against a opposing group who understand transgender conditions to be personality disruptions driven by motives of desire and sex: And when the second of these overlays the first, it is essential to get the diagnosis correct. However, the Court’s adoption of a gender-critical approach, which presumes that cognition and sexual motives alone drive development forward, fail to do this. One of the United Kingdom Equality and Human Rights Commission. Akua Reinsdorf; one of the EHRC Commissioners has argued that this readjustment is needed because transgender people have been lied to for years, by those who support the viewpoints of the World Authorities and Professional Institutions: who see transgender identities as searches for coherence of identity; which is expressed in the “*performance of gender*”, instead of drives of sex<sup>4</sup>. The Court has concluded that transgender women are as equally protected from discrimination under the protected characteristic of “*gender reassignment*” as lesbian and gay people are under the protected characteristic of “*sexual orientation*”. But protection from discrimination is not the same as the protection of human rights. Lord Hodge, one of the Supreme Court Judges has said that he expected outrage from transgender people because “*something they thought they had was being taken away from them*”<sup>5</sup>. What is being taken away from transgender people is their reliance on the viewpoint of the World Authorities and Professional Institutions, who recognise that gender identities are core elements of the personality that is created: And the adoption of that requires in absolute terms, the full expression of this human right.

If any Court; or any organisation, is aware that the decisions it makes is likely to cause outrage, it should be absolutely essential for it to understand what it is attacking, before it makes its attack. And it is important to get the diagnosis correct. But that autonomy has been taken away by a Supreme Court judgement which; by the Court’s own admission, relies entirely on the views of “*Sex matters*” and other gender-critical groups. An examining the judgement and the references cited by the Court reveals that the views of world Authorities and Professional institutions were not considered in any meaningful way: The Court’s refusal to accept the intervention of the “*Good Law Project*” also meant that expert opinion, which would have provided a counterpoint to the arguments was denied. Without any other expert input the advances in science, clinical, medical, experiential evidence and public understanding since the 1960s are also denied.

In place of an approach which had sought with no problems for many years to maximise the inclusion of transgender people in everyday it now focusses on exclusion instead<sup>6</sup>. This approach dismisses the impact of the key neural transformations and changes in pre-cognitive and early development. It makes the mistake that considering sexual motives and cognition alone drive development forward. It destroys the legitimacy of transgender identities as searches of coherence of identity, by representing these as drives of sex. Therefore, transgender conditions are misdiagnosed as personality disruptions instead of personality variations, with dangers to others. And anything which further excludes an already vilified group, from everyday life, has very damaging results. The total adoption of a gender-critical ideology, which presumes that cognition and sexual motives alone drive development forward; has also been universally condemned by expert opinion, as being unfounded, transgender exclusive and totally incorrect<sup>7</sup>. I conclude that no court judgement, which dismisses or ignores any part or all of this material can have any validity, and it should be challenged or withdrawn with

immediate effect. Transgender conditions are incongruences or variations of the core gender identity. The gender role identity is not directly affected. I conclude that the proposed EHRC Advice on the provision of spaces and services for transgender people, which is presently being laid before Parliament is invalid because it is based on a diagnosis that is incorrect. And this too should be withdrawn, with immediate effect. Each of these topics are considered in more detail in the following sections of this document. These reversals have created major problems for transgender people. The consequences of the changes are examined in this account, as well as the issues of human rights.

Sections 2 considers the nature of the dispute.

Section 2:1 describes the main elements of the dispute. In section 2:2, I describe the transformation that have taken place, from a time when transgender conditions were being considered without question to be searches for a coherence of identity, to today, where they are now considered by Government and various groups to be "*perversions, paraphilias or disruptions of the gender role*", driven by motives of desire and sex. In section 2:3, I consider the diagnosis that should be applied, and how misdiagnosis can occur. In section 2:4, I examine the perceptions of threat. In section 2:5 I consider whether it is gender identity or biology that should provide the correct marker for determining how people socially interact. In section 2:6, I consider Freud's understanding. In section 2: 7, I examine the processes involved in early development, including my own work. In section 2:8, I consider the nature of social attacks, and in section 2:9, I consider regression and how an why the situation has been transformed from that in 2018 when transgender people were being fully welcomed on the grounds that transgender conditions were understood to be searches for coherence of identity, to today where they are being condemned as "*perversions, paraphilias of disruptions of the gender role*", driven by desires for the role or the delights of sex.

Section 3 considers the strategies and actions adopted by various groups.

There are therefore two starkly contrasting explanations for the nature and origin of transgender conditions, and both must be considered. It is essential that an objective approach is adopted. For many people it is natural to assume that gender identity should always be congruent with biological sex. In section 4:0, A major concern is that: instead of taking an objective approach, both the current and previous United Kingdom Government have endorsed a gender-critical approach, by responding to populist demands, and to these fears and threats. In section 3:1, I consider the Cass Report; and the gender-critical approaches endorsed by Stock Rippon, Sullivan, Cass and others. In section 3:2, I examine the approach of the current Equality and Human Rights Commission, and I show that it too exclusively adopts a gender-critical approach. And on both counts the views of the world Authorities Professional Medical Institutions, which would have confirmed that transgender conditions as searches for coherence of identity, are ignored. In section 3:3, I consider why this leads to major questions about both Government and EHRC approaches, including human rights concerns. And in section 3:4, I consider the action which should be taken, because I believe that an incorrect diagnosis of transgender condition is used and that that an unsafe Supreme Court judgement is made

Section 4 is a commentary on the statements subsequently made by Lord Hodge

This is a supplementary section which considers the Court judgement, as a response to the views more recently posted by one of the Supreme Court Justices, Lord Hodge. In section 4:1, I describe why the judges expected outrage from transgender people. Section 4:2 briefly covers the Supreme Court judgement, and section 4:3 gives a contrary view. Section 4:4 considers from the Court's point of view whether the judgement should be made on performance, or biological sex. Court interpretations of the 2004 Gender Recognition Act are discussed in section 4:6. Section 4:7 discusses some of the definitions that can be used, and in section 4:8, I examine some of the deprivations the Court imposes. In section 4:9 I examine how and why dismantling takes place, and the counterarguments. Section 4:10 considers the effects of regression, section 4:11 considers the EHRC Codes of practice. And section 4:12, the conclusions that are reached.

## 2:0: Assessment

### 2:1 Dispute

For many years, transgender conditions have been the subject of an intense dispute between two groups. The first is the scientific consensus, adopted by the World Authorities and Professional Medical Institutions; who consider *Gender Identities*: which are measured in terms of social relationships and searches for coherence of identity in society, and *Sexual Identities*: which are measured in terms of sexual attractions and orientation; by relying on interaction with others, and allegiances previously created. Both are personality variations and are foundational; or core, elements of the personality that is created. They are independent of each other, although both develop together as part of a single complex very early in life: Our gender identities depend on the natures of our interactions with others; and with no knowledge of sex, we all start from the same base.

Transgender women and natal women form gender identities in similar ways; through their searches for coherence of identity, with the ability to live lives that are true to themselves: and from their shared "*performances of gender*", which is not the drives of sex: That understanding is encompassed in the present scientific consensus adopted by the World Authorities and Professional Medical Institutions who consider transgender conditions to be "*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*". Therefore, transgender women do not offer any greater threat to women than all women, in women's spaces and services, since these personality variations, or incongruences of gender, form as part of social interactions and the separation of the self from the other very early in life

The second is the approach adopted by certain gender-critical feminists and other groups, which reduce the diagnosis of transgender conditions to "*perversions, paraphilias and disruptions of the gender role*". And by imposing an assumed "*gender ideology*" on transgender people, which alleges that "*transgender people believe they can choose, change or deny biological sex*", these groups reduce the concept of gender identity, to a nebulous socially created concept associated only with the gender role: And change the motives from gender and coherence of identity to those of sex. Therefore, fears for natal women are created, and transgender women also come under direct threat: It is also a conflict with a feminist agenda behind it: between those feminists who see the journey transgender people make to be an attack on the binary notions of gender and sex: Where, no man can ever become a true feminist, and no man 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 ... Against others, who are instead happy to accept male-to-female transsexuals who make this journey, as the women they say they are; because that is the way in which they interact with society, with no threat to others, and are seen to be true allies in the feminist cause. So that; instead of an internal search for coherence of identity, transgender women are considered by these gender-critical groups to constitute as great a threat as all males in women's spaces and services. And this misdiagnosis of transgender conditions as personality disruptions; driven by desires for a role or the attractions of sex, gives the substance for the fears, scapegoating and past centuries of attacks.

Moreover, when the motives, timescales and methods of management of these two approaches 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, it is essential to get the diagnosis correct.

### 2:2 Transformation

The approach within the United Kingdom; since the 1975 Sex Discrimination Act, has sought to maximise the inclusion of transgender people in everyday society: Which is in line with the inclusive approach of the World Authorities and Professional Medical Institutions. And is matched in the experiences in many countries, who today have unequivocally accepted transgender people into the mainstream of society, by allowing them to self-declare their gender identity, without any indication of difficulty, and without requiring any legal checks.

That was denied in April 2025 when the United Kingdom Supreme Court ruled that, under the Equality Act 2010, transgender women must be "*considered as men*", and the term "*women*" must be confined to biological sex. Which denied the use of the term "*woman*" to describe anyone in terms of their "*performance of gender*", which sided with the viewpoint of "*gender-critical*" groups and others who argue that performance is driven by motives of sex. This decision: which means that women are no longer allowed to call themselves "*women*" for

any purposes governed by the 2010 Equality Act<sup>8</sup>. Along with the Court's decision that only a biological meaning can be given to the words "men" and "women" in the Act ... Changes an approach from one which had sought; without problems for years to maximise the inclusion of transgender people in everyday life, into one which now focusses on exclusion instead.

These arguments also involve a minority of people who take a more radical approach, for we must also remember that there are a great many people; maybe a great majority, who take a *gender-critical* approach: But do not concern themselves with these arguments: For they simply accept and welcome transgender women; as the women they say they are; on the evidence they see before them in everyday life. The purpose of all equality legislation is to moderate all behaviour in society. Therefore, it may be assumed that all interpretations of the 2010 Equality Act should be based on "*the performance of gender*": where men and women distinguish themselves through appearances and how they relate to each other in social interactions in society. And where separate and independent protections are provided on the grounds of the "*physiology of sex*". But that is specifically denied by the Supreme Court Judgement which now declares that all interpretations of the 2010 Equality Act must be based on "*the biology of sex*". Not only does this disenfranchise transgender women from using the word "*woman*"; it also defines a "*gender complementarity*", where equal and opposite stereotypes are created, where there is no place left for non-binary identities, and no acceptance of departures from stereotypes of behaviour determined by these expectations of biological sex. That transformation has set the knowledge of transgender conditions back by many years: For instead of understanding these conditions to be driven by searches for coherence of identity; and enabling transgender people to live in harmony with others in ways that are true to themselves in society. They are now deemed to be driven by a binary biology, and the desires for a role and motives of sex. Therefore, the Court now identifies transgender conditions as "*perversions, paraphilias or disruptions of the gender role*": And the identification with the existence of some unnamed perversion or disruption, creates plenty of opportunities for incrimination and attacks. This reversal: which had previously sought full inclusion; now concentrates on the need for exclusion, and this has created major problems for transgender people. The consequences of these changes are examined in this account, as well as issues of human rights.

## 2:3 Sexuality or Gender

This is a situation where exactly the same behaviour is interpreted in totally different ways: It is also a conflict where each side can produce seemingly logical arguments to justify their positions, which differ profoundly, depending on the starting point that is taken. And this difference is between those, who on the one hand: recognise and take account of the impact of the core gender identity, including the precognitive development processes, which lead to its creation, and those who do not. When the only thing that transgender people wish to do is to find a coherence of identity, which enables them to live in harmony with others, gender-critical groups must identify these actions as sexually motivated perversions or disruptions instead. Denying the existence or impact of the core gender identity, also removes all awareness of how transgender identities are created. And no analysis can be valid if it fails to consider all of the elements in this dispute: Therefore, instead of forcing a diagnosis which transgender people cannot agree with, this must include the correct understanding of the reality of transgender people's lives<sup>9</sup>. It is of concern that the Supreme Court appears to have has relied entirely on "*Sex Matters*", a gender-critical group; with seemingly logical justifications, to support its arguments. But these are based on a diagnosis which reduces the concept of gender to a "*nebulous collectively created concept associated with the gender role*", instead of a core element of the personality that is created, alongside; but independent of that of the drive of sex. The Supreme Court also rejected interventions from the "*Good Law Project*". And nowhere do the arguments of the World Authorities and Professional Medical Institutions appear to have been considered. This has led the Court to adopt a gender ideology, which presumes that unless some sexually motivated perversion or disruption occurs, gender identity must always be congruent with biological sex.

The development of gender and sexual identities are complementary but independent processes, and as wide a range of sexualities are found within the transgender communities as in the population at large. This is why transgender women do not on the whole consider themselves to be lesbians, even though that is what gender-critical groups expect: They do not consider themselves to be intersex either. Furthermore, transgender people never have claimed that they can "*choose, change or deny biological sex*." The term "*sex change surgery*" has been rejected for many years, and the terms "*gender reassignment surgery*" and "*gender affirmation surgery*" are the terms invariably adopted when surgery is employed to make the body more closely conform to the gender identified with. Some may state they are "*born in the wrong body*", but that arises because the

core gender identity develops so early in life, and before conscious awareness occurs: Some may argue that sexual differentiation in the brain about 10 to 12 weeks after gestation causes it to develop in a male or female direction. Some may point out that “*biological sex*” is a product of many factors, which also involve pre- and post-natal development; but that is also in line with modern understandings, and nobody; or very few deny, the reality and immutability of “*biological sex*.”

## 2:4 Perceptions of Threat

The decision by the Court that inspection of the genitals at birth is sufficient to determine the appropriateness of all future gender and sexual behaviour is universally dismissed by expert opinion, as being “*unfounded, reductionist, transgender exclusive, and totally incorrect*” and, it follows this understanding that, unless some sexually motivated perversion or disruption occurs; it is assumed that gender identity should always be in accordance with biological sex. This reflects the adoption of a gender-critical approach, where development is presumed to be driven by cognition and sexual motives alone: Which also means that the effects of all pre-cognitive development during the first three years of life are ignored: It equally means that cognitive neuroscientists; and those who rely on the same principles, including Cass, Rippin, Sullivan, Stock and others: are able to tell us a great deal about how the gender role identity is created, but they cannot tell us anything about the impact of the core gender identity, and how it is formed: because the ideology they adopt denies that it has any effect. Therefore, by identifying transgender conditions as a sexually motivated; but suppressed, “*perversions, paraphilias or disruptions of the gender role*”, these groups are bound to reach the conclusion that transgender women are potentially as great a danger as all males in women’s private spaces and services: And therefore, they present a major threat.

But that is contradicted by behaviourist neuroscientists, who do instead consider all aspects of pre-cognitive development. It is also examined in my own work, where I have used the pioneering work of Gallese, Girard, Dawkins and many others to examine how early development takes place: It is now well established 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. Our gender identities also depend on the natures of our interactions with others; and with no knowledge of sex, we all start from the same base. And in this analysis, I show that core elements of personality and identity coalesce from fragmented thought, around a median age of two years, but identification with the gender role identity does not significantly manifest itself before a median age of three years. Elsewhere, I show that 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: And this also means that the gender-critical approach, which ignores these pre-cognitive processes is the less effective approach. This conclusion also matches the understanding of the World Authorities and Professional Medical Institutions who now define transgender identities as personality variations, which are “*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*”: Where transgender women and natal women relate to each other through their shared *performances of gender*. And where transgender conditions are searches for coherence of identity, instead of behaviour which is driven by desires for a role, or the attractions of sex. So that no threats to others are involved.

## 2:5 Gender or Biology

Since gender identities are measures of the interactions and behaviours that have already been created, it also follows that the core gender identity, instead of “*biological sex*” should be the primary standard to determine how people should socially interact<sup>10</sup>: Gender identities cannot form before birth since they depend on interactions with others: And in separate work I show how strong deep-seated; and often hidden, stable core gender identities; including transgender identities, are created, which enables the maximum possible variety of changeable gender expressions and identifications to be adopted: Because the constancy of the core gender identity brings the long term continuities of identity and personality which are needed to give order and stability to life<sup>11</sup>. And that early formation is supported by many other neural and other studies on how the development of transgender identities take place. Transgender women and natal women also form core gender identities in the same way: because; with no knowledge of sex, we all start from the same base. These early commonalities of interactions, behavioural patterns and experiences are reflected in these shared “*perfor-*

*mances of gender*". And this leads to the opposing conclusion that transgender women are of no great a danger to other women than all women in women's private spaces and services ... Which furthermore means that an approach of maximising inclusion is needed: And this conclusion supports the views of others, who are equally happy to accept male-to-female transsexuals<sup>12</sup>, as the women they say they are; because that is the way in which they interact with society, and they are seen to be true allies in the feminist cause ... Which is far from demanding the exclusion of transgender people in everyday life by claiming instead that transgender women will always seek power over women and threaten women's identities, safety, and lives.

## 2:6 Freud

Freud also recognised that some process of separating the self from the other is needed: He identified this in the Oedipal Complex, which he considered to develop alongside the gender role identity: which is between the ages of three to five years. And this delay is because his reliance on cognition demanded that the impact of pre-cognitive development is ignored. Freud has concluded that human beings are essentially bisexual: I consider that this is because the core gender identities have already been created during the pre-cognitive period early in life. Also, that the development of gender incongruence is due to the effects of repression, cognition, and arrested sexual development. However, because of their intensity, he presumed that some innate psychodynamic force is involved. Freud's use of sexual motives would therefore identify transgender conditions as sexually motivated "*perversions, paraphilias or disruptions of the gender role*". And this approach is adopted by gender-critical groups. However, Freud used the word "*inversion*" instead of "*perversion*" to drive these conditions. And: although Freud never talked directly about transsexuality, in a famous letter to a mother of a gay son; he described in glowing terms how all gender and sexually variant people should be accepted into society through their "*performances of gender*". Where the corresponding descriptions of inversion, rather than sexual motives, are employed<sup>13</sup>.

This means that there is no justification for any gender-critical group: who considers, lesbian, gay and transgender conditions to be driven by similar sexual motives, to treat transgender women as a threat to women's identities: Or to condemn transgender conditions as "*perversions, paraphilias or disruptions of the gender role*". Although Freud accepted homosexuality; and transsexuality by implication, as personality variations, he could not explain them; other than through cognition, repression, and arrested sexual development. And during this pre-cognitive period of the first three years, he presumed that little in the way of constructive development occurs. Instead of treating this period as unknown, gender-critical groups deny that anything of significance occurs. This denial means that the advances in neurology, pioneered by Girard, Dawkins, Gallese and others since the 1960s onwards are ignored. And these show that far from considering early development to be a passive or reactive process which is driven by cognition alone, it is instead driven by strong, innate and self-reinforcing processes. These dominate from birth, and only gradually come under control as the organising powers of cognition come into greater effect: And they cannot be ignored.

## 2:7 Early Development

It may seem astonishing that I use the work of Richard Dawkins who is well known for his "*anti-transgender*" views<sup>14</sup>. Dawkins constantly states that "*sex is totally binary, it is observed at birth*", and that "*transgender conditions are matters of choice*". However, transgender people never have claimed that they can "*choose, change or deny biological sex*." The term "*sex change surgery*" has been rejected for many years, and the terms "*gender reassignment surgery*" and "*gender affirmation surgery*" are the terms invariably adopted when surgery is employed to make the body more closely conform to the gender identified with. Some may state they are "*born in the wrong body*", but that arises because the core gender identity develops so early in life, and before conscious awareness occurs: Some may argue that sexual differentiation in the brain about 10 to 12 weeks after gestation causes it to develop in a male or female direction. Some may point out that "*biological sex*" is a product of many factors, which also involve pre- and post-natal development: But that is also in line with modern understandings, and nobody; or very few deny, the reality and immutability of "*biological sex*". Gender-critical groups enforce a diagnosis of transgender conditions as "*perversions, paraphilias of the gender role*" because of their absolute denial of all these earlier influences. However, I conclude that many psychologists, psychiatrists, sociologists, educationalists, including Dawkins, Winston and others, likewise ignore these earlier developments. And until the concept of cognition is recast from one which presumes that cognition alone is the primary organising force that drives development forward: into to that of an organising force which creates order out of disorder: transgender conditions will continue be diagnosed as personality

disruptions, instead of personality variations. And where; instead of the search for a coherence of identity with no harm to others, the presumed motives are seen to threaten others, because of their drives of sex.

This also means that there should be no magic needed for the treatment of transgender conditions: Since the different techniques needed for managing personality variations and personality disruptions, are encountered in many other circumstances, and are well known. Furthermore, when the motives, timescales and methods of management for personality variations and disruptions 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, it is essential that the diagnosis is correct. Transgender conditions and autism are both searches for coherence of identity, and these should be regarded as concurrent, rather than consequential effects<sup>15</sup>. The correct administration of any drug depends on establishing the right balance between the benefits it brings and the harms that any side effects create. It is therefore essential to understand the latest advances in understanding of how gender identities develop, so that the social and medical elements are properly assessed and understood. Attempting to treat transgender conditions as personality deviations or disruptions when the diagnosis should be that of personality variations is potentially disastrous, because the time when transgender children and their parents most need help to manage these conditions occurs from early childhood, not later in life. And what is condemned as “*Affirmative Care*”, by gender-critical groups should not be separated from the standard methods of treating and managing compulsions and personality variations: This first requires accepting the reality of the drive and then finding ways to manage its demands. For some transgender people; that may result in transition, but for others, it may not. And the key aim; which has always been an important element in my own work in supporting others, must always be to find what is correct<sup>16</sup>. There have been difficulties because of inadequate counselling; and I discuss that extensively elsewhere, but this should not be taken to mean that the diagnosis of personality variations is incorrect<sup>17</sup>. Attempting to enforce “*Conversion Therapy*”; for any reason; religion or others or imposing a mode of treatment presuming a personality disruption on people who instead have a personality variation; by common consent is condemned today as harmful, ineffective, unethical, and almost invariably has a severely damaging effect

## 2:8 Social Attacks.

There are therefore two starkly contrasting explanations for the nature and origin of transgender conditions, and both must be considered. It is essential that an objective approach is adopted. However, there are many attacks on websites, popular literature and elsewhere: where the influence of pre-cognitive development is dismissed as merely as the work of transgender activists<sup>18</sup>, with claims that their expertise is not based on credible science: And where attacks are made on the integrity of those groups and people who support their views. I also consider the United Kingdom Equality and Human Rights Commission (EHRC) and Government actions: where I similarly show that a gender-critical approach is adopted, and the scientific consensus approved by the World Authorities and Professional Medical Institutions is ignored. That is also matched by the decision of the Supreme Court to endorse a gender-critical ideology. Where interventions by the Good Law Project, or any reference to independent scholarship is also ignored. Not only does this adoption of a gender-critical approach; dismiss the advances in science and understanding that have taken place over the last 60 years. it also erases the legitimacy of transgender identities, by determining that these are sexually motivated “*perversions, paraphilias or disruptions of the gender role*” ... When transgender people know very well from their own experiences that these conditions are instead about searches for coherence of identity; with the ability to be able to live in harmony with others, and in ways which are true to themselves in everyday life.

## 2:9 Regression

However, transgender people are vulnerable, for it is natural for most people to assume that unless some perversion or disruption occurs, gender identity should always be congruent with biological sex. And for centuries it has been understood that all gender and sexually variant behaviour must be condemned as intrinsically disordered conduct in pursuit of inappropriate sex. Little could change in the United Kingdom before same-sex intercourse by adults in private was de-criminalised in the 1960s. Since that time a transformation has taken place: 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 can celebrate them in same-sex marriages and other acts. Allowing transgender people to self-identify their gender is part of that same rationale. A regression has taken place in the United Kingdom since that peak in 2018; when transgender people were being fully accepted in society; and policies supporting legal self-declaration of gender identity

were being advocated ... to an approach which today alleges that, instead of searches for coherence of identity; with no harm to others, transgender conditions are instead driven by attractions of role, or desires of sex, and where transgender women are considered to be as great a danger as all males in women's spaces and services, with the demands by various populist Governments to return to "traditional values"; and a "common sense approach": And that I show that this is because of the adoption of a gender-critical approach, where all these pre-cognitive influences are ignored.

The horrendous history of male abuse, domination, coercion, abuse and attacks by men on women must never be minimised. And in the febrile atmosphere of today many women have very real and understandable fears of male attacks on their lives. But this concern is not directly about abuse. It is instead about where transgender people fit in, and whether transgender women are allies or enemies in the fight for women's safety and rights. It is not surprising the many do wish to exclude transgender women from women's spaces and services on the presumed grounds that transgender women are as great a threat as all males in these spaces and services. But there is no justification for any change in any approach, unless it represents an advance in understanding. Baroness Kishwer Falkner; present chair of the EHRC argues that this change is due to "new research". But there no justification for any change, when that "new research" instead involves the decisions by gender-critical groups to ignore the many advances in neurological science, experiential, clinical and medical evidence that have taken place for the last sixty years; and to argue that, instead of the search for a coherence of identity: Gender identity and transgender conditions are driven by sexual motives and cognition alone. Which also means that there is no reason or any justification, to depart from the views of the World Authorities and Professional Medical Institutions, which have been able to maximise the inclusion of transgender people in everyday society without problems, for the last 50 years.

I equally conclude that the now legally enforced Supreme Court judgement is also a regression, for has the effect of identifying transgender conditions as "*perversions, paraphilias or disruptions of the gender role*": Which enforces a diagnosis on transgender people which dictates that these conditions are driven by sexual motives, including desires for a role or the attraction of sex: Which denies the ability of transgender people to live everyday lives in ways which are true to themselves. Which ignores the conclusions of the World Authorities and Professional Medical Institutions who consider both gender identity and sexual identity to be independently functioning core elements of the personality that is created. Which contradicts the now massive medical, clinical and experiential evidence; gained over the last sixty years; including my own research: Which shows that transgender conditions are personality variations; driven by "*performances of gender*": Also, that they are internally focussed searches for coherence of identity; where there is no harm to others, which enables transgender people to live lives that are true to themselves in society, with total acceptance by others; and to be fully welcomed in that role. This is instead of gender-critical groups trying to enforce a diagnosis to transgender people which presents them as dangers to others: because it alleges that they are driven by desires for a role or the attractions of sex<sup>19</sup>. Because the Court relies on the same principles and definitions of gender as the gender-critical groups. I conclude that the approaches of both are equally "*unfounded, reductionist, transgender exclusive, and totally incorrect*". In addition to this, no Court judgement can be considered valid if it chooses to deny the impact and existence of the massive advances and knowledge of how development proceeds during the early years of life ... in order to justify any ideological or other approach.

## 3:0 Strategies and Actions

### 3:1 The Cass Report and Gender-Critical Approaches

In August 2020 the then UK Government commissioned Dr Hilary Cass to conduct an independent review into services for transgender children (The Cass Review). However her decision to adopt as her terms of reference, a definition of gender identification that dates from 1966; which considers only the influence of gender role: Together with her disregard of the effects of the major changes and transformations in neural and cognitive capabilities during the first three to four years of life, which imposes a gender-critical approach: This means that the whole of the Cass report is predicated on her conclusions that the traditional social learning and psychodynamic theories, together with the approaches of cognitive neurologists, is the only legitimate analysis. In separate documentation I call for a Judicial review of the Cass report because I consider that it presents only one side of a toxic dispute and it has been severely criticised by other source<sup>20</sup> And that identification is continued by Rippon, Sullivan, Stock and others, who continue to take a similar gender-critical approach. I also conclude that Cass fails to properly identify transgender conditions, because her report is re-

statement of traditional values and later advances are ignored. Her report has been subjected to many criticisms, including my own. Cass also states that the “*results of studies are exaggerated or misrepresented by people on all sides of the debate to support their viewpoint*”<sup>21</sup>, and she calls for more research. However, the scientific consensus adopted by the Professional Medical Institutions and World Authorities, along with the protests of many others continue to be ignored. In an extended study I conclude that Cass fails because of the presumptions she imposes, and because she is looking in the wrong place for the evidence she seeks<sup>22</sup>. When it is the duty of any Government and any Human Rights Commission to act impartially, it becomes a matter of concern when this dismissal and denial is also matched by the actions of the present Supreme Court, the present United Kingdom Equality and Human Rights Commission, and the present United Kingdom Government, who adopt the same gender-critical approach.

### **3:2 The United Kingdom Equality and Human Rights Commission**

These are not just differences which require a clear, impartial and objective study, they have also entered into the social and political spheres, and a number of questions need to be asked. The United Kingdom Equality and Human Rights Commission (EHRC) exists to challenge discrimination and protect human rights, including holding Governments to account. However, the Government has the power to appoint Commissioners and Members to the Board. In view of the toxic nature of the dispute over transgender issues, it should be expected that someone “*at a distance*” would be appointed. However, the current head of the EHRC is Baroness Kishwer Falkner, who is a strong advocate of a “*gender critical*” approach, took on the role in December 2020, under the then premiership of Liz Truss. The Cass Report, which was commissioned in Autumn 2020, under the same Conservative Government, totally ignored the massive neural and cognitive changes during the first three years, and has taken the understanding of transgender conditions back to the 1960s, and to the time when most investigators were trying to attribute the development of transgender conditions entirely to the gender role and to social learning processes alone, with attacks on transgender people’s lives. In February 2024, a UK Government sponsored review, led by Professor Alice Sullivan, was asked to examine how public bodies collect data on sex and gender. The review focused on identifying obstacles to accurate data collection and research on these topics. In its identification of transgender conditions, the influence of gender as a search for coherence of identity is totally ignored, and transgender conditions are presumed to be entirely driven by desires for a role, or the attractions of sex. The question therefore has to be asked is about why Professor Sullivan, was asked to conduct an “*independent review*”, when she is known to be prominently involved in “*Sex matters*”, and is a strong advocate of a *gender-critical* approach. On the 4<sup>th</sup> August 2025 it was announced that Dr. Mary-Ann Stephenson is to be appointed as the new Chair of the Equality and Human Rights Commission (EHRC). She will assume the role on December 1, 2025. Her appointment was subject to review by the Parliamentary women and equalities committee and the House of Lords joint committee on human rights. This is despite the fact that; after the review, Sarah Owen and David Alton, the Chairs of both Committees had written to the equalities minister Bridget Phillipson stating “*However, it is with regret that we do not feel we can endorse her appointment to the role at this time*”. Where a significant concern by the Committees; was over transgender matters, and her previous support for a gender-critical approach. This is in line with Stock, Cass, Rippon, Sullivan, and others who similarly presumed that transgender conditions are driven by cognition and sexual motives alone, and where all took a gender-critical approach.

### **3:3 Impartiality?**

Of particular concern is the fine of £585,00 which England’s University Office for Students regulator imposed on the University of Sussex in March this year, arguing that a fine of up to £3.5 million could have been imposed: As a lecturer in the University, Stock has every right to express her views; and in that she has my total support. However, Universities are also bastions of scholarship as well as free speech. And there has been widespread student condemnation of the views which Stock presents. This is a conflict where opponents of these gender-critical views are being attacked and as “*not being based on credible science*”, merely the work of transgender activists, with the denigration of the motives of those who pursue this approach: In a recent Court case Stock outlined the context of her own gender-critical approach. Which of course she is absolutely entitled to do and must be heard<sup>23</sup>. But her outspoken views on Stonewall and others who oppose her views do not help<sup>24</sup>. I do not comment on the merits of this individual case, and I do not suggest any malpractice by Stock, and I am perfectly willing to accept that Stock puts forward her arguments with integrity and commitment. But the focus of the argument must be about whether it is Stock, or the students who are correct. That gives the Office for Students Regulator great power. And that must also raise concerns, when the regulator fines the University £585,00, with threats of much more: presumably because of its approach of “*positively*

*representing transgender people*", is not considered correct. Apparently, because of its failure to censure the student protests against what the students see, as Stock's negative approach. That has a chilling effect on any legitimate protest. And it raises major concerns about the legitimacy of all protest, and the protection of all human rights ... When the students instead may be the ones who are correct.

### **3:4 Unsafe Judgement?**

No court judgment can be valid unless all sides in any dispute are fully examined. I conclude that the Supreme Court has failed to do this. And that it is incorrect for it to have given its support to a gender-critical approach. Also, because this new EHRC advice uses the same gender-critical ideology to misdiagnose transgender conditions as sexually motivated perversions paraphilias or disruptions; instead of internally focussed searches for coherence of identity; And since transgender conditions are incongruences or variations of the core gender identity, where the gender role is not directly affected I conclude that this also cannot be correct. Therefore, I consider that this advice must be withdrawn with immediate effect.

Ordinarily there would be a higher court to appeal to in an unsafe judgment, but that is not the case with the Supreme Court. Currently appeals are also being made to the European Court of Human Rights. In addition, I support the challenges to the present EHRC interim advice: which I consider significantly oversteps the judgement of the Court. The Supreme Court has also made it clear that its judgement only applied to the interpretation of the 2010 Equality Act. Which means that the diagnosis upon which the Court's judgment is based, can still be challenged. And in a separate document, I call for a judicial review of the Cass Report because I believe it considers only one side of the argument. Alternatively primary legislation may be altered by the will of Parliament. And to remove one element of confusion, I suggest amending the 2010 Equality act to include "*human physiology*", "*gender identity*" and "*sexual orientation*" as protected characteristics in the 2010 Equality Act: Along with the clear statement that the interpretation of 2010 Equality Act, is governed by the definition of "*legal sex*" in the 2004 Gender Recognition Act. Always bearing in mind the need to maximise the inclusion of transgender people in everyday life. Finally, I understand that; if the Court has made a serious mistake, it is within the power of the Court to review its own judgement. And if it is not outside time, I would commend that action to the Court. But the Supreme Court can only interpret the laws which Parliament creates. Therefore, as a matter of urgency, I would also call these concerns to the attention of Parliament itself: Including the Women and Equalities Select Committee; also, the Joint Committee on Human Rights; appointed from both the House of Commons and the House of Lords, to examine matters relating to human rights within the United Kingdom, as well as scrutinising every Government Bill for its compatibility with human rights.

## **4:0 Lord Hodge's Comments**

### **4:1 Outrage**

In a more recent statement, published in the Times<sup>25</sup>, Lord Hodge, deputy President of the Supreme Court stated: "*I and my two female colleagues who were the joint authors, went through the act section by section in considerable detail, asking ourselves which interpretation works,*" he explained, "*Was the Equality Act meant to treat a trans woman with a gender recognition certificate as a woman? And we came unanimously to the view that it didn't. Did we realise that would cause an outrage for people? Yes, because people had been led to believe by public authorities, among others, for the last 15 years that they had rights, which they didn't have. So, I have some sympathy, quite a lot of sympathy, with the feeling that they had something taken away from them.* He states that he knew there would be controversy, and he wrote "*I was aware that there would be criticism of our judgment, which is why, as the senior author, I said, 'I will take the flak.*

### **4:2 Court Judgement**

In the previous section I have concentrated on giving an overall assessment. In the following sections I concentrate on the comments which Lord Hodge makes. If any Court; or any organisation, is aware that the decisions it makes is likely to cause outrage, it should be absolutely essential for it to understand what it is attacking, before it makes its attack. And it is important to get the diagnosis correct. But I consider that this does not happen. Clause 35 of the Supreme Court Judgement states: "*We are particularly grateful to Ben Cooper KC for his written and oral submissions on behalf of Sex Matters, which gave focus and structure to the argument that "sex", "man" and "woman" should be given a biological meaning*". It is equally concerning that the Court chose to rely entirely on the same gender-critical group to endorse the view that "*inspection of the genitals at*

*birth is sufficient to determine the appropriateness of all gender and sexual behaviour:* Which totally ignores the advances in neural and cognitive sciences the 1960s onwards: Including the scientific consensus adopted by the World Authorities and Professional Medical Institutions, who recognise that *Gender Identities*: which are measured in terms of social relationships and searches for coherence of identity in society, and *Sexual Identities*: which are measured in terms of sexual attractions and orientation, are both core elements of the personality that is created. The permission to intervene made by the “Good Law Project”, which would have provided a transgender counterpoint to these arguments, was rejected without hearing, by the Court. No other independent expert advice was sought. And the total adoption of a gender-critical ideology, which presumes that cognition and sexual motives alone drive development forward; has been universally condemned by expert opinion, as being unfounded, transgender exclusive and totally incorrect: In addition I conclude that the Court has dismissed the impacts of great increases in experiential, clinical and medical evidence, and in neural and cognitive sciences; available since the 1960s. And therefore, I conclude that the Court has considered only one side of an intense dispute. I also consider that the damage created is far greater than the judgement itself: Because of the misdiagnosis that is applied.

#### **4:3 Contrary View**

The Professional Medical Institutions and World Authorities, who instead recognise that gender identity is a core element of the personality that is created, come to the opposite view. This shows that transgender conditions are internally focussed searches for coherence of identity, where no harms to others are created: Where many years of experiential, clinical, and medical evidence has shown that transgender people are able to live in acceptance, unity, and in harmony with other women, in the context of an ordinary everyday life. When surgery is sought to make the body more closely conform to the gender identified with, this is always described as “*gender recognition, or gender affirmation surgery*”, never changes in sex. Which discovers that trans women seamlessly integrate and are welcomed into many women’s spaces and services. Our gender identities depend on the natures of our interactions with others; and with no knowledge of sex, we all start from the same base. Transgender people are able to call themselves “*women*” because of their shared “*performance of gender*” in society: Not drives of sex. And this is why so many feminists are happy to welcome transgender people into their ranks: Also, because the search is for coherence of identity instead of sex. Therefore, transgender women do not offer any greater threat to women than all women, in women’s spaces and services, for these personality variations, or incongruences of gender, form as part of social interactions and the separation of the self from the other very early in life. Where these harmonies of early development for many years now, have justified approaches which maximise the inclusion of transgender people in everyday life.

#### **4:4 Performance or Sex?**

The purpose of all equality legislation is to moderate the performance of people in society: which includes the abuses of sex. Therefore, decreeing that interpretation of the word “*woman*” in the Equality Act can only refer to biological sex: together with the exclusion of any consideration of performance, means that decisions within the Act can only be made on the binary definitions of sex. Therefore, this Court judgement, which does not make any allowance for “*the performance of gender*”, demands that all organisations providing single-sex spaces or single-sex activities must exclude transgender people; without exception, to maintain their single-sex status: And that is further accentuated by the decision of the Court that “*transgender women must be defined as men*”, and vice versa for the purpose of the Equality act. I conclude that the decision by the Court to confine the interpretation of the 2010 Equality Act entirely to biological sex, means that is only necessary for one woman to claim that she is being harassed by one transgender woman being present in any women’s group of any kind, to have all transgender women being excluded from that group: regardless of the approval of others in the group: And providing separate cubicles or facilities for those who have concerns is not permitted under the guidelines now being produced by the EHRC<sup>26</sup>. Although the Court has mandated this exclusion, it has not stated how it should be implemented. Therefore, if this proposed EHRC guidance is given legal effect, it would prevent any women’s group; church group, or others; who wishes to be inclusive; by including trans women in the membership of women’s facilities, services, and groups, now becomes under potential legal censure, because the same claim of harassment could still have legal effect<sup>27</sup>.

#### **4:5 Court Interpretations**

What is most disturbing to me is the revelation by Lord Hodge; that it was a positive and deliberate decision of the Court to confine the definition of “*woman*” to “*biological sex*”, and to declare that the interpretation of the

Equality Act, must likewise be confined to “*biological sex*”: Which prevents any transgender person using the word “*woman*” to define themselves through “*their performance of gender*”, for the purpose of the Equality Act. The right to offend, but not to abuse, is a basic human right. Part of Clause 217 in the judgement states that “*trans women may in practice choose to use female-only facilities in a way which does not in fact compromise the privacy and dignity of the other women*” and part of Clause 221 states that “*Their [automatic] exclusion would amount to unlawful gender reassignment discrimination not sex discrimination*”. Also, in equality and human rights law, it is not permitted to exclude a whole group of people on the basis of race, colour, sexuality, or gender reassignment, on the grounds of identity or appearance alone: Therefore, some proportionate and individually justified reason must also be given.<sup>28</sup> The Court argues that all of its interpretations must be implemented on a *reasoned and appropriate basis*. But what is reasonable and proportionate depends on whether it is the diagnosis of personality variations or personality disruptions that is put into effect. To my mind it is “*the performance of gender*” which should be the governing factor in any equality legislation, with appropriate exceptions being made for the abuses of sex. But these court actions destroy the legitimacy of transgender identities; by denying their right to be called “*women*” through their “*performances of gender*”. Also, by denying their right to be called “*women*” through the biology of sex.

## 4:6 Gender Recognition Act

I conclude that this total denial, does not just affect transgender people: It enforces a “*gender complementarity*” which demands that everyone must conform in some way to the stereotypes provided by biological sex. It disenfranchises everyone who is non-binary, or who takes a gender or sexually variant approach. It disenfranchises the great majority of feminists, who identify as men or as women, regardless of the biology of sex. It disenfranchises the present scientific consensus adopted by the World Authorities and Professional Medical Institutions who consider transgender conditions to be “*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*”. It diminishes the values of womanhood and dismisses the views of most women, who distinguish themselves from men, primarily through appearance and their “*performance of gender*” in everyday life. And it does not protect women, because it facilitates the actions of any male, who states he is transgender, to access women’s spaces as of right. However, we must remember that there are a great many people, maybe a great majority, who also take a gender-critical approach: But do not concern themselves with these arguments: for they simply accept and welcome transgender women; as the women they say they are; on the evidence they see before them in everyday life. That degree of acceptance allows a transgender woman to be treated socially as a “*Woman for All Purposes*”. And this inclusive approach is endorsed by the 2004 Gender Recognition Act ... which still remains in force. This Act recognises that the terms “*men*”, “*women*”, “*male*” and “*female*” are used interchangeably. And it identified the construct of “*legal sex*”, which defines gender in terms of “*purpose*” to ensure that all past and future legislation is used in the context which is correct. This definition enables both trans women and natal women to be included by default, in any women’s group on the grounds of their shared “*performances of gender*”. And when gender identity is treated as a core element of the personality that is created, and when women are defined through their “*performances of gender*”, this can still be considered a “*single sex*” group. It also separates transgender groups from lesbian and gay groups, where the drives are complementary to, but not the same as each other: I conclude that the judgement of the Court on conditions of access to these different groups is based on false presumptions, because it conflates gender and sex. In addition, I cannot find any evidence to justify any departure from this inclusive approach. Therefore, when the purpose of all equality legislation should be to moderate the social performances of all people in society. I conclude that the decision of the Supreme Court to totally deny the legitimacy of transgender identities by denying them the right to describe themselves as “*women*”, on the grounds of “*performance of gender*”, and also to exclude them by confining the definition of “*woman*” in the 2010 Equality Act, to that of biological sex is a complete rejection: In law this may only apply to the Equality Act; but in practice, it affects the whole of life. I believe fundamentally contradicts the principle of inclusion in the 2004 Gender Recognition act: and it is not just a matter of the wording of the text.

## 4:7 Definitions

For many, including transgender people, there is also much less concern about a statement which may declare that “*transgender women have a male physiology*” (and vice versa). Since, restricting the definition of the word “*woman*” to the terms “*male*” and “*female*” for the purpose of the 2010 Equality act, would not have denied the ability of trans women and natal women to join together in “*women’s groups*” because of their common “*performances of gender*”: It would have recognised the major contributions that transgender women

have made; and are making in the battles for women's rights, enabling them to be recognised as true allies in their fight for these rights, and to maximise the inclusion of transgender people in everyday life. Using the word "*woman*" to describe the "*performance of gender*" alone would also have justified the inclusion of trans women in all-women shortlists. It would have allowed 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: This also means that the gender-critical approach, which ignores the pre-cognitive processes in early development is the less effective approach. And, as I show earlier in this article, it means that that the "*core gender identity*", instead of "*biological sex*" should instead be the key moderating factor in determining how people socially interact.

## 4:8 Deprivations

Lord Hodge also stated. "*Did we realise that would cause an outrage for people? Yes, because people had been led to believe by public authorities, among others, for the last 15 years that they had rights, which they didn't have*". Therefore: Because of these recent Court actions, we may ask, what are the human rights that transgender people have lost, because "*they should never have had*"? And this includes a consideration of human rights. The first is the expectation of the human right to be called a "*woman*", through the shared "*performance of gender*". The second is the protection of a "*Gender Recognition Certificate*" which guarantees the seamless and maximum possible degree of inclusion and indiscernibility in everyday life: The Supreme Court is right to conclude that this is unworkable when transgender conditions are defined through motives of sex, but its function was to promote the principle of inclusion: without changing the legal understanding of any sexual act. The third is the ability to live peacefully and harmoniously with others in society; in ways that are true to themselves, without any fears of false allegations and attacks. The fourth is the loss of understanding that transgender conditions are searches for coherence of identity, involving no harm to others: And its replacement with perceived dangers to women and children: arising from a gender-critical ideology; driven by the desires for a role, or the attractions of sex. The fifth is the dismissal of gender identity as a core element of the personality that is created, although for other reasons, the Court recognises that this is not correct. The sixth one is the need to return to the scientific consensus adopted by the World Authorities and Professional Institutions, which identify transgender conditions 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 the final one is that of respect.

## 4:9 Dismantling

Lord Hodge said there will be outrage. And indeed, there is outrage from transgender people: The first reason for outrage is that the Court does not refer to; and does not seem have paid any attention to the viewpoints of the World authorities and Professional Institutions; Or that it has taken any account of the worldwide neurological understanding that gender identities; measured in terms of a search for a coherence of identity, and sexual identities; measured in terms of love and desires of sex, are equal but independently functioning core elements of the personality and identity that is created. Therefore, there is no recognition by the Court of the depth or of the correct methods of managing of transgender identities. Or that transgender people for decades, through their "*performances of gender*" have been able to live in harmony with others in the roles they identify with; *and be totally accepted as women*, in their everyday lives.

The second reason is the Court's dismissal and effective discrediting, of the views of the World Authorities and Professional Medical Institutions by accepting a feminist ideology, which denies the impact or existence of the core gender identity. So that, instead of recognising that transgender conditions are driven by a search for coherence of identity, it reduces the diagnosis of transgender conditions to sexual desire; and to "*perversions, paraphilias and disruptions of the gender role*". And it enables the imposition of an assumed "*gender ideology*" on transgender people, which alleges that "*transgender people believe they can choose, change or deny biological sex*: Where these groups reduce the concept of gender identity, to a nebulous socially created concept associated only with the gender role.

That causes a great deal of anger among transgender people, because it tries to enforce a diagnosis which presumes that these conditions are driven by motives of sex and desire, instead of coherence of identity and fulfilment of life. Which transgender people cannot identify with. And that creates great distress in relationships and lives. Attempting to treat transgender conditions as personality deviations or disruptions when the

diagnosis should be that of personality variations is potentially disastrous, because the time when transgender children and their parents most need help to manage these conditions occurs from early childhood, not later in life. Moreover, when the motives, timescales and methods of management of these two approaches 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, it is essential to get the diagnosis correct. Unlike personality variations: where development proceeds in the variant direction from the outset a diagnosis of disruption applies, where some unnamed perversion, paraphilia or disruption is presumed to have caused transgender conditions to arise. And for centuries that perception that transgender conditions are sexually motivated perversions or disruptions, has put all gender and sexually variant people under suspicion and attack

The decree by the Court that the use of the term “woman” must be confined to “biological” sex; and that interpretation of the words “men” and “women” in the 2010 Equality Act, must also be confined to “biological sex”, is the third reason for outrage: For it means that the legitimacy and ability of transgender people to identify themselves as “women for all purposes”, through “their performance of gender” is denied. Also, by dismissing the approaches of the World Authorities and Professional Medical Institutions, which regard transgender conditions as searches for coherence of identity: And, by adopting or endorsing a gender-critical ideology, which reduces the understanding of how gender identities develop; to sexual motives and cognition alone ... The Supreme Court; gender-critical groups, cognitive neuroscientists, such as Rippon, Cass, Sullivan, Stock, and others, reduce the understanding of gender identity to a nebulous social construct associated only with the gender role: Which means the impacts of all pre-cognitive elements are dismissed or ignored. These dismissals reach the point where the understanding of the Supreme Court is now found in the statement that the “*inspection of the genitals at birth*” is sufficient to determine the appropriateness of all future gender and sexual behaviour, with the presumption that “biology” rather than “gender identity” should be the primary moderating factor in determining how people socially interact: And this is an approach which has been universally condemned across all relevant professions as being “*unfounded, transgender exclusive and totally incorrect*”.

Therefore, this Supreme Court judgement which requires that transgender conditions must be treated as “*perversions, paraphilias or disruption of the gender role*”; instead of a search for coherence of identity, is a disaster for transgender people: Through the victimisations, exclusion, scapegoating, violence and attacks on an already vilified group, who are now facing a judgement which focusses on exclusion, and which places them even further outside the framework of everyday life ... And there should be no place for any judgment which ignores the massive advances in neural and cognitive science, clinical, medical and experiential evidence over the last sixty years. Or for the actions of any Court; or any group, which peremptorily dismisses or ignores the diagnosis of the World Authorities and Professional Institutions, as being merely the work of transgender activists, with claims that their expertise is not based on credible science, where attacks are made on the integrity of those groups and people who support its views. But this is only a part of the damage that is created.

#### **4:10 Regression**

The decision of the Supreme Court; through its reliance on a gender-critical ideology; which enforces a diagnosis of sexual disruptions; instead of searches for coherence of identity on transgender people, are all regressions which take us back to a time when; not just transgender behaviour, but all gender and sexually variant behaviour was being condemned as “*intrinsically disordered acts of grave depravity in pursuit of inappropriate sex*”. Which are similar to those adopted in many parts of the world, where transgender people are less well accepted, and in many countries severe penalties are applied. Already, in the United Kingdom, the Court’s decisions; and with it the presumptions of sex, instead of identity, promotes the exclusion of transgender people from the framework of everyday life: This has resulted in a great many threats to transgender people. In the United States of America, very severe accusations and condemnations are now being made. And the same unquestioning adoption of a gender-critical approach by the current and previous UK governments; the UK Equality and Human Rights Commission (EHRC); and now the Supreme Court, raises serious concerns about government interference: And it also raises questions about the state of our own human rights.

I consider this matter earlier in this article. Lord Hodge said. “*Did we realise that would cause an outrage for people? Yes, because people had been led to believe by public authorities, among others, for the last 15 years that they had rights, which they didn't have*”. However, these rights are not the rights we didn't have.

The are the expectations of human rights which have been taken away by a Supreme Court judgement which has relied almost entirely on the gender-critical approaches currently adopted by the present EHRC, "Sex Matters" and other gender-critical groups. And on the adoption of a diagnosis which identifies transgender conditions as sexually motivated perversions or disruptions to the gender role, instead of a search for coherence of identity, where no threats to others are involved.

#### **4:11 EHRC Codes of Practice**

The United Kingdom Equalities and Human rights Commission's (EHRC), role is to act as a human right body which monitors human rights, protects equality, and enforces anti-discrimination laws in England, Scotland, and Wales. This is an intense and toxic dispute. Therefore, it is essential that the Court and the EHRC both take a fully informed, impartial and truly objective approach. However, I conclude that there is no evidence that the Court and the EHRC have ever seriously attempted to consider the scientific consensus adopted by the Professional Institutions and World Authorities. The Supreme Court has also rejected interventions from the "Good Law Project", who could have provided a transgender counterpoint to these arguments: without any hearing or reason being given. And I also conclude there is no justification; other than the application of a "gender-critical" ideology, for the Court and the EHRC to deny the existence; or influence, of the vast increase in the understanding of the neural and cognitive processes involved in early development: Including the clinical; medical; and experiential evidence; which has become available since the 1960s: In order to justify adoption of this gender-critical approach. And furthermore, by using arguments to support a gender-critical approach which dismiss the work of the Professional Institutions and World Authorities as merely as the work of transgender activists, with claims that their expertise is not based on credible science: And where attacks are made on the integrity of those groups and people who support these views. Or for Lord Hodge and others to dismiss the same arguments, by declaring that transgender people have been lied to, or led astray, by "public authorities, among others" for the whole of this time.

The Equality and Human Rights Commission (EHRC) recently consulted on changes to its Code of Practice for Services, Public Functions, and Associations following the Supreme Court ruling on the interpretation of the 2010 Equality Act<sup>29</sup>. Here the same criticisms exist, because the update relies on the recent Supreme Court Judgement: And on the same feminist diagnosis, which reduces transgender conditions to "a nebulous collectively created concept associated only with the gender role". They therefore limit the understanding of transgender conditions to sexually motivated "perversions, paraphilias, or disruptions, of the gender role". And impose a false "gender ideology" on transgender people which argues that transgender people somehow believe they can "choose, change, or deny biological sex". From the evidence available, the Court exclusions are likely to be strengthened in the updated guidance. This new guidance is presently with the Government Equalities Minister; Bridget Phillipson and will have to be laid before Parliament for 40 days before it has legal effect. There is therefore an imperative need for a full discussion, with a Parliamentary Debate. And because this new advice uses a gender-critical ideology to misdiagnose transgender conditions as sexually motivated perversions paraphilias or disruptions; instead of internally focussed searches for coherence of identity; I conclude that it cannot be valid, because transgender conditions are incongruences or variations of the core gender identity, and not of the gender role identity, or the drives of sex. Therefore, I argue that his new advice, which would become a statutory requirement, with Parliament's approval, must be withdrawn with immediate effect.

#### **4:12 Conclusion**

If the major concern expressed in this article is with the Court, over its misdiagnosis of transgender conditions, as great a concern comes from the draft EHRC guidance: Which, now goes further than the Supreme Court's decision; by forcing the exclusion of all transgender women; by one woman's demand, from all clubs, spaces and services reserved for women: purely on the grounds of biology of sex: This contradicts the many years of clinical understanding and experiential evidence, which has shown that the opposite approach of maximising the inclusion of transgender people in everyday life has already worked successfully: Because it recognises the impact of both pre- and post-cognitive elements in the development of personality and identity: and it accepts that gender and sexual identities are both core elements of the personality that is created. I conclude that the present EHRC interpretation of the Supreme Court judgement; which further maximises exclusion: arises, because a gender-critical ideology is imposed: Which dismisses the impact of the key neural transformations and changes in pre-cognitive and early development: Which considers that

sexual motives and cognition alone drive development forward: And which changes the understanding of transgender conditions from searches for identity; to drives of sex. Therefore, transgender conditions are misdiagnosed as personality disruptions, instead of personality variations. And anything which further excludes an already vilified group from everyday life; for all LGBT people, has very damaging results. This is why I consider it to be essential for the Court judgement to be reconsidered and the new EHRC advice to be withdrawn with immediate effect.

When it is the duty of any Government and any Human Rights Commission is to act impartially, it is a matter of concern that the same failures to consider the approaches of the World Authorities and Professional Medical Institutions is encountered in the actions of the present Supreme Court, the present United Kingdom Equality and Human Rights Commission, and in the present and previous UK Governments: who adopt the same gender-critical approach. In this study I argue that what the Supreme Court has taken away is what the World Authorities and Professional Institutions had provided. It only takes one mistaken action to destroy many years of positive work. Therefore, I suggest that; instead of continuing attempts to explain what I consider to be an incorrect judgement, Lord Hodge, and the Supreme Court might consider how to put back what has been lost, in what has been; and still is in a very damaging and disruptive dispute. For, to proceed either in part or in whole with any of these changes would I believe cause great harm to transgender people's safety identity and lives. Therefore, I strongly advocate that Parliament or the Court should review or withdraw this judgement and that the EHRC Advice should also be withdrawn, until a full and independent reassessment is made.

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Cite this document as: Gilchrist, S: (2025) *“Actions of the United Kingdom Supreme Court and the Diagnosis of Transgender Conditions”*: <https://www.tgdr.co.uk/documents/256P-TransActions.pdf>

## Resources and Endnotes

This is one of a series of documents: These are:

Full references and cross references to original sources are given in many of these documents

Gilchrist, S. (2024): *“What is a Woman?”*: <https://www.tgdr.co.uk/documents/255P-WhatIsAWoman.pdf> . (Text: 15 pages). This is a document I prepared for intervention in advance of the Supreme Court hearing.

Gilchrist, S. (2025): *“What Happens when you Misdiagnose Transgender Conditions?”* <https://www.tgdr.co.uk/documents/256P-WhatHappens.pdf> (Text: 8 pages).

Gilchrist, S. (2025): *“Transgender Diagnoses and Issues”* [www.tgdr.co.uk/documents/256P-TransgenderIssues](https://www.tgdr.co.uk/documents/256P-TransgenderIssues) (4 pages)

Gilchrist, S: (2025) *“A Challenge the Supreme Court Decision and the Revised EHRC Guidance for Transgender Access to Spaces and Services”*: <https://www.tgdr.co.uk/documents/256P-TransDamage.pdf> (Text 1 page)

Gilchrist, S. (2025) *“Why the Supreme Court is Mistaken in its Understanding of Transgender Conditions”*: <https://www.tgdr.co.uk/documents/256P-TransMisdiagnosis.pdf> (Text 2 pages)

Gilchrist, S: (2025) *“Why You should Contest the Supreme Court Decision and the Revised EHRC Guidance for Transgender Access to Spaces and Services”*: <https://www.tgdr.co.uk/documents/256P-TransContest.pdf> (Text 2 pages)

Gilchrist, S: (2025) *“Actions of the United Kingdom Supreme Court and the Diagnosis of Transgender Conditions”*: <https://www.tgdr.co.uk/documents/256P-TransActions.pdf>. (Text 20 pages)

Gilchrist, S: (2025) *“Judgement of the United Kingdom Supreme Court and the Diagnosis of Transgender Conditions”*: <https://www.tgdr.co.uk/documents/256P-TransJudgement.pdf> . (Text 31 pages: Draft)

Gilchrist, S. (2025): *“The Misdiagnosis of Transgender Conditions by the Supreme Court”*: <https://www.tgdr.co.uk/documents/256P-TransDevelopment.pdf> (Text 3 pages)

Gilchrist, S. (2025) "Transgender Misdiagnoses and Human Rights: Overview" <https://www.tgdr.co.uk/documents/256P-TransRightsIntro.pdf> (Text 1 page)

Gilchrist, S. (2025) "Transgender Misdiagnoses and Human Rights: Introduction" <https://www.tgdr.co.uk/documents/256P-TransRightsIntro.pdf> (Text 9 pages)

Gilchrist, S. (2025): "Transgender Misdiagnoses and Human Rights": <https://www.tgdr.co.uk/documents/256P-TransRights.pdf> (Text 14 pages)

The following two documents were submitted to The Parliamentary Women and Equalities Select Committee, and the joint Committee of the House of Commons and the House of Lords on Human Rights in June 2025.

Gilchrist, S: (2025) "Verdict of the United Kingdom Supreme Court: Overview of the Effects of Misdiagnoses and the Independence of the Cass and Sullivan Reports": <https://www.tgdr.co.uk/documents/256P-TransVerdictOverview.pdf> . (2 pages)

Gilchrist, S: (2025) "Verdict of the United Kingdom Supreme Court: The Consequences of Misdiagnoses and the Independence of the United Kingdom Cass and Sullivan Reports": <https://www.tgdr.co.uk/documents/256P-TransVerdict.pdf> (50 pages. Draft)

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

Not all of these documents have been completed: But all have been taken as far as necessary for this study  
This material has been made available to tribunals and other groups

For other documents go to the bibliography tab on [www.tgdr.co.uk](http://www.tgdr.co.uk)

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<sup>1</sup> Cite this document as: Gilchrist, S: (2025) "Actions of the United Kingdom Supreme Court and the Diagnosis of Transgender Conditions": <https://www.tgdr.co.uk/documents/256P-TransActions.pdf> This article also serves as an introduction to Gilchrist, S: (2025) "Judgement of the United Kingdom Supreme Court and the Diagnosis of Transgender Conditions": <https://www.tgdr.co.uk/documents/256P-TransJudgement.pdf> .

<sup>2</sup> Further early studies on early neural development

<sup>3</sup> See section 2:5 Feminist Disagreements in Gilchrist, S. (2021a): "Gender Identity, Feminism, and Transgender People": <http://www.tgdr.co.uk/documents/2pred50P-GenderIdentityAndTrans.pdf>

<sup>4</sup> Reinsdorf, Akua (2025): "Trans people 'lied to over their rights to enter female-only spaces'" Telegraph 06 June 2025: Reinsdorf, Akua (2025) "EHRC commissioner calls for 'period of correction' on trans rights after legal ruling" Guardian 6 June 2025 <https://www.telegraph.co.uk/politics/2025/06/06/trans-people-lied-to-rights-female-only-spaces-bathrooms/> <https://www.theguardian.com/society/2025/jun/06/ehrc-commissioner-calls-for-trans-people-to-accept-reduced-rights-after-years-of-lies#:~:text=An%20earlier%20version%20summarised%20the.published%20on%208%20June%202025.>

<sup>5</sup> See section 4 of this document.

<sup>6</sup> Gilchrist, S: (2025) "Verdict of the United Kingdom Supreme Court: Overview of the Effects of Misdiagnoses and the Independence of the Cass and Sullivan Reports": <https://www.tgdr.co.uk/documents/255P-TransVerdictOverview.pdf> .

Gilchrist, S: (2025) "Judgement of the United Kingdom Supreme Court and the Diagnosis of Transgender Conditions": <https://www.tgdr.co.uk/documents/255P-6TransJudgement.pdf> .

<sup>77</sup> See section 18:0 Feminist Issues and Decisions of the Supreme Court in Gilchrist, S: (2025) "Verdict of the United Kingdom Supreme Court: The Consequences of Misdiagnoses and the Independence of the United Kingdom Cass and Sullivan Reports": <https://www.tgdr.co.uk/documents/255P-TransVerdict.pdf>. The Royal College of Psychiatrists responded to the Supreme Court judgment and its implications via its input into a consultation on the Equality and Human Rights Commission's (EHRC) updated Code of Practice. Its primary concerns centre on the risk of deepening mental health inequalities for trans and non-binary individuals. It is extremely concerned that the updated legal definition of sex, following the ruling, will significantly harm the mental health of trans and non-binary people and could put lives at risk. It notes that trans and non-binary people already face higher rates of mental illness, self-harm, and suicide compared to the general population, and the ruling risks exacerbating this. The BMA Resident Doctors Association stated: "This meeting condemns the Supreme Court ruling defining the term 'woman' with respect to the Equality Act as being based on 'biological sex', which they refer to as a person who 'was at birth of the female sex', as reductive, trans and intersex-exclusionary and biologically nonsensical. We recognize as doctors that sex and gender are complex and multifaceted aspects of the human condition and attempting to impose a rigid binary has no basis in science or medicine while being actively harmful to transgender and gender diverse people. It reiterates the BMA's position on affirming the rights of transgender and non-binary individuals to live their lives with dignity, having their identity respected. Reminds the Supreme Court of the existence of intersex people and reaffirms their right to exist in the gender identity that matches their sense of self, regardless of whether this matches any identity assigned to them at birth. Condemns scientifically illiterate rulings from the Supreme Court, made without consulting relevant experts and stakeholders, that will cause real-world harm to the trans, non-binary and intersex communities in this country. Commits to strive for better access to necessary health services for trans, non-binary and gender-diverse people. For letters, see also: London Economic (2025) "Biologists tell government to restore trans people's access to public spaces after Supreme Court ruling" <https://www.thelondoneconomic.com/news/biologists-tell-government-to-restore-trans-peoples-access-to-public-spaces-after-supreme-court-ruling-392997/> Airtable (2025) "An open letter to the Equality and Human Rights Commission from the Culture Sector, April 2025" <https://airtable.com/appJTpDvAuSGrX37/pagdNlgDLD38RXbIt/form> For more on management 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> And for a specialist overview: see: "the essence of

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the court's decision is (in broad purposes) as follows: a) the Gender Recognition Act 2004 states that a person with a GRC [gender recognition certificate] is to be treated as the sex stated in the GRC "for all purposes" unless a statute provides otherwise; b) although the Equality Act 2010 doesn't explicitly state otherwise, it contains various references to the word "woman" in contexts where it makes more sense if it is read as "biological woman"; Thus, c) the Equality Act therefore rebuts the presumption in the Gender Recognition Act and, for its purposes, "woman" means "biological" ("cis") woman. Therefore, by statute, the 2018 act must be read as excluding trans women from the class of "women". However, that argument can only make sense if you consider the definition of "woman" to be that of "someone who was at birth a member of the female sex". The court acknowledged that, should a trans woman be discriminated against because someone thinks she is a cis woman, then she will still be entitled to make a claim for sex discrimination in the same way as a cis woman. But if someone recognises a trans woman as a trans woman, no such protection applies". Although the appeal was made only in the context of public boards, the Court extended it to consider access to all same sex allocated services and spaces. Thus, the effect of the Court's decision is to introduce a statute which means that in no circumstances, can trans women call themselves women, and in no circumstances can trans men call themselves men. Therefore, trans women and men can be excluded by default from all same sex allocated spaces, and public boards on the grounds of appearance and of identity alone, regardless of the capabilities they may be seen to provide. The right to offend is also a basic human right, although nobody should wish to apply it at any time. At first sight, imposing exclusions entirely on the grounds of physicality or identity; with the unequal treatment of natal women and trans women seems to be a breach of all international conventions on human rights. See also Gilchrist, S. (2022): "No Blacks, No Irish, No Homosexuals, No Transgender People": <http://www.tgdr.co.uk/documents/252P-NoBlacks.pdf>

<sup>8</sup> The 2004 Gender Recognition Act recognises that the terms "men", "women", "male" and "female" are used interchangeably; and it identified the construct of "legal sex", which ensured that all past and future legislation is used in the context that is correct. The decision of the Court, which means that transgender women are no longer allowed to call themselves "women" for any purposes governed by the 2010 Equality Act: together with the Court's decision that only a biological meaning can be given to the words "men" and "women" within the Act, conflicts with the intention of the 2004 Gender Recognition Act

<sup>9</sup> See for example: Gilchrist, S. (2017p): "What does it mean to be Transgender?": <http://www.tgdr.co.uk/documents/242P-TransgenderIdentities.pdf>; Gilchrist, S. (2020b): "Responsibility in Transgender Disputes": <http://www.tgdr.co.uk/documents/248P-Responsibility.pdf> And the many other articles available on my bibliography <https://tgdr.co.uk/articles/bibliography.htm>

<sup>10</sup> For more on the development of transgender identities; see 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>; Gilchrist, S. (2020b): "Responsibility in Transgender Disputes": <http://www.tgdr.co.uk/documents/248P-Responsibility.pdf>; Gilchrist, S. (2013d): "Personality Development and LGB&T People: A New Approach": <http://www.tgdr.co.uk/documents/201P-PersonalityDevelopmentAndLGBTPeople.pdf>

<sup>11</sup> Gilchrist, S. (2013d): "Personality Development and LGB&T People: A New Approach": <http://www.tgdr.co.uk/documents/201P-PersonalityDevelopmentAndLGBTPeople.pdf>

<sup>12</sup> Please note I use the word "transsexual" with considerable reluctance. It has long been discredited within the transgender community because these are matters of gender, not sex. However transsexual people seek to completely cross a notional binary sexual divide. In line with the feminist pioneers, transgender people define the terms women and men, in terms of the "performance of gender" independently of biology. In contrast to "gender-critical" groups who assert that the "performance of gender" must align with "biological sex". That gender-critical decision is found in the recent Supreme Court judgement which declares that Inspection of the genitals at birth is sufficient to determine the appropriateness of all future gender and sexual behaviour. So, the legitimacy of transgender identification as women; which relies on the "performance gender" is denied. That has the effect of enforcing a "gender-complementarity" which dismisses the legitimacy of all transgender conditions, and all non-binary identities, regardless of whether the issue is gender or sex.

<sup>13</sup> Freud Museum "Homophobia" <https://www.freud.org.uk/2003/06/12/homophobia>

<sup>14</sup> In a 2015 tweet, Dawkins stated "Is trans woman a woman? Purely semantic. If you define by chromosomes, no. If by self-identification, yes. I call her 'she' out of courtesy". In a 2021 tweet, he stated "In 2015, Rachel Dolezal, a white chapter president of NAACP, was vilified for identifying as Black. Some men choose to identify as women, and some women choose to identify as men. You will be vilified if you deny that they literally are what they identify as. Discuss". For the latter tweet, his "Humanist of the Year" title was revoked by the American Humanist Association. Robby Soave of Reason magazine criticized the retraction, saying that "The drive to punish dissenters from various orthodoxies is itself illiberal." After receiving criticism for the tweet, Dawkins responded by saying that "I do not intend to disparage trans people. I see that my academic "Discuss" question has been misconstrued as such and I deplore this. It was also not my intent to ally in any way with Republican bigots in US now exploiting this issue." Commenting on the 2024 Summer Olympics, Dawkins faced a backlash after a tweet in which he falsely referred to two cis-female boxers as "two men, masquerading as women". The statement was widely criticised for being transphobic and contributing to the spread of misinformation. (Both boxers were assigned female at birth, and both have always identified as female.): (Wikipedia)

<sup>15</sup> See references to Autism in: Gilchrist, S. (2015a): "Personality Development and Gender: Why We Should Re-think the Process": [Updating]: <http://www.tgdr.co.uk/documents/209P-RethinkPaperFull.pdf>

<sup>16</sup> I deal with the question of management much more extensively in other documents Gilchrist, S. (2020b): "Responsibility in Transgender Disputes": <http://www.tgdr.co.uk/documents/248P-Responsibility.pdf>; Gilchrist, S. (2016d): "A New Approach to Identity and Personality Formation in Early Life": <http://www.tgdr.co.uk/documents/218P-InfluencesPersonality.pdf>; Gilchrist, S. (2013e): "Management Techniques for Gender Dysphoria with Particular Reference to Transsexuality": <http://www.tgdr.co.uk/documents/205P-ManagementTechniquesInGenderDysphoria.pdf>

<sup>17</sup> For extended discussions see Gilchrist, S. (2020b): "Responsibility in Transgender Disputes": <http://www.tgdr.co.uk/documents/248P-Responsibility.pdf>; Gilchrist, S. (2019a): "Divisions: Self-Declaration and Gender Variant People": <http://www.tgdr.co.uk/documents/243P-DivisionsSelfDeclaration.pdf>

<sup>18</sup> See section 2:5 Feminist Disagreements in Gilchrist, S. (2021a): "Gender Identity, Feminism, and Transgender People": <http://www.tgdr.co.uk/documents/2pred50P-GenderIdentityAndTrans.pdf>

<sup>19</sup> Gilchrist, S. (2022): "Transgender Disputes, Conversion Therapy and Government actions" (Presentation): <http://www.tgdr.co.uk/documents/254P-PresTransDisputesAndGovActions.pdf>

<sup>20</sup> 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> Noone, C., Southgate, A., Ashman, A. et al. Critically appraising the Cass report: methodological flaws and unsupported claims. *BMC Med Res Methodol* 25, 128 (2025). <https://doi.org/10.1186/s12874-025-02581-7> Published: 10 May 2025

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<sup>21</sup> Cass Report Introduction: <https://webarchive.nationalarchives.gov.uk/ukgwa/20250310143933/https://cass.independent-review.uk/home/publications/final-report/> Moore, J.K., Rayner, C., S Skinner, S.R., et al. (2025): "Cass Review does not guide care for trans young people" *Med J Aust* 2025; 223 (7): 331-337. || doi: 10.5694/mja2.70035  
Published online: 6 October 2025  
. [https://www.mjajournals.org.au/journal/2025/223/7/cass-review-does-not-guide-care-trans-young-people?fbclid=IwY2xjawNQdyFleHRuA2FlbQIxMQABHnqbszQaJiH\\_ZMfThv1EI7XC2u4dTel0OKHseiWYJDC4tVX-60jiABoTPE\\_0\\_aem\\_56xsxYSxgQ\\_TRVXM19LhIA](https://www.mjajournals.org.au/journal/2025/223/7/cass-review-does-not-guide-care-trans-young-people?fbclid=IwY2xjawNQdyFleHRuA2FlbQIxMQABHnqbszQaJiH_ZMfThv1EI7XC2u4dTel0OKHseiWYJDC4tVX-60jiABoTPE_0_aem_56xsxYSxgQ_TRVXM19LhIA)

<sup>22</sup> Cass Report Introduction: <https://webarchive.nationalarchives.gov.uk/ukgwa/20250310143933/https://cass.independent-review.uk/home/publications/final-report/>

<sup>23</sup> "Kathleen Stock in a recent court case (Smith v Northumbria Police), finally provided us with a definition of what those with gender critical beliefs consider should be banned. This involves, I) Banning easier access to Gender Recognition Certificates. ii) Refusing to treat gender identity as a protected characteristic in law and policy. iii) Denying recognition of gender identity in medical, educational, and judicial contexts. iv) Banning conversion therapy for trans people. v) Denying access to gender-affirming medical care, including for young people. vi) Preventing access to single-sex spaces (like changing rooms, prisons, sports) based on gender identity

<sup>24</sup> For Stock's views on Stonewall See section 13:00 *Conflict* in Gilchrist, S. (2021a): "Gender Identity, Feminism, and Transgender People": <http://www.tgdr.co.uk/documents/250P-GenderIdentityAndTrans.pdf>

<sup>25</sup> Lord Hodge (2025) : "Supreme Court had a duty to rule on gender The court's deputy president has no regrets about the landmark ruling on the definition of a woman within the Equality Act" *The Times* 15 September 2025.  
<https://www.thetimes.com/uk/scotland/article/lord-justice-hodge-supreme-court-had-a-duty-to-rule-on-gender-7jqg9zg8>

<sup>26</sup> Moss, Rob (2025): Judge in Supreme Court ruling said he'd 'take the flak' 15 Sep 2025 <https://www.personneltoday.com/hr/judge-in-supreme-court-ruling-said-hed-take-the-flak/>

<sup>27</sup> EHRC (2025): "EHRC issues new guidance 'banning trans people from single-sex spaces'" 5 September 2025  
[https://www.thenational.scot/news/25443332\\_ehrc-issues-new-guidance-banning-trans-people-single-sex-spaces/](https://www.thenational.scot/news/25443332_ehrc-issues-new-guidance-banning-trans-people-single-sex-spaces/)

<sup>28</sup> Gilchrist, S. (2022): "No Blacks, No Irish, No Homosexuals, No Transgender People": <http://www.tgdr.co.uk/documents/252P-NoBlacks.pdf>

<sup>29</sup> EHRC (2025) "An interim update on the practical implications of the UK Supreme Court judgment" 25 April 2025  
<https://www.equalityhumanrights.com/media-centre/interim-update-practical-implications-uk-supreme-court-judgment>