

# How and Why Transgender Conditions are Misdiagnosed as Personality Disruptions Driven by Motives of Desire, Behaviour and Sex: Instead of Personality Variations Driven by a Search for Coherence of Identity and Fulfilment of Life.

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## 1:0 Introduction

For many centuries the behaviour of all gender and sexually variant people; including transgender people, has been condemned; regardless of purpose, as intrinsically disordered acts of grave depravity, and be illicit or immoral drives of sex. Where extreme penalties were imposed; and are still imposed in many parts of the world, on everyone who engages in, or endorses such acts. Traditional social learning and psychodynamic theories presume that the organising forces of cognition provide the explanations. However, advances in understanding show that the powers of cognition do not come into a sufficiently controlling effect until about the age of three years. Freud regarded this early period as a time of swirling emotions where nothing substantive occurs. But gender-critical groups, who maintain an ideology: which considers that cognition and sexual motives alone drive the development of gender identities forward: must specifically decide that nothing of significance takes place during this early period. I use the word “*transsexual*”, only because I need to in this account; and with great reluctance, because these are matters of gender instead of sex. And indeed, many religious groups and others have attempted over many years to “*Cure*” transsexuality and homosexuality: by treating them as misdirected or sublimated perversions of sex. The harm created by this practice is now universally condemned as being clinically wrong, harmful and incorrect. There is also a parallel dispute between cognitive neuroscientists and others who believe that cognition and sexual motives drive development forward, and behaviourist neuroscientists who examine how basic brain functions are formed. My concern over these matters led me from 2011 to conduct an examination into early development, which concentrates on the period from birth to the ages of three to four years. I show that, far from adopting an ideology which denies that anything significant occurs, what happens is of crucial importance instead. The study confirms the scientific consensus now adopted by the World Authorities and Professional Medical Institutions: Which assert that both gender and sexual identities have equal status as independently functioning core elements of the personality that is created, which coalesce and combine with others to form a coherence and continuity of identity from very early in life. It rejects the viewpoint of others, who ignore the impacts of these early processes, and, instead of a search for coherence of identity, reduce transgender conditions to “*perversions, paraphilias or disruptions*” driven by desires for a role or the attractions of sex. In this document I examine the nature of this dispute, and how the core; or foundational elements of gender identity come to be formed. It uses the work of René Girard; an anthropologist, in the 1950s and Richard Dawkins; an evolutionary biologist, in the 1970s. Another major influence from the 1990s. is Vittorio Gallese, a neurologist. However, the study has been kept up to date, and the work of many others, including Schore, Garrels, Hood, Mitchell, Baron-Cohen, Wrangham, Fordor, and Goldman is also used.

In section 2 of this paper, I explain how early development proceeds, where the work of the behaviourist neuroscientists is used. This confirms the understanding of the World Authorities and Professional Medical Institutions, who consider both gender and sexual identities to be independently functioning core elements of the personality that is created. Where both are personality variations and their expressions are human rights. That is compared with the approaches of gender-critical groups and others in section 3, who argue that gender identities develop through cognition and sexual motives alone, so the pre-cognitive development is ignored. Prior to 2020 the United Kingdom Equalities and Human Rights Commission (EHRC) had adopted an approach, which then endorsed the scientific consensus adopted by the World Authorities. Since 2020 the Commission has endorsed the views of the gender-critical groups. The resets caused by this change are described in section 4 and 5. The actions of the Government and EHRC since that time are described in section 6. Section 7 returns to the neuroscience involved in early development. In section 8 the Court judgement is considered: So that transgender women, by default, must now be treated as men, for access to all spaces, services, clubs and societies governed by the 2010 Equality Act. And where, instead of treating transgender conditions as personality variations, searches for coherence of identity and fulfilment of life: transgender conditions are to be misdiagnosed as personality disruptions, driven by motives of desire, behaviour and sex. And why the Court also reduces the expression of transgender conditions to a permission, instead of treating it as a human right. Including the harms that are predicted; because the Court imposes a diagnosis which this study considers incorrect. In section 9 some conclusions and recommendations are offered

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## 2:0 Early Development

Girard based his understanding of early development on the process of imitation: but this is not just the desire to imitate: It is the result of an innate overwhelming force, which dominates from birth and gradually comes under control as the powers of cognition come into increasing effect. By using the processes of possessive imitation, empathy, and inhibition: Girard argues that development proceeds through the interlinking of initially independent and disorganised strands of thought, into more complex components of identity: by which core elements of personality may come to be formed. In 1976 Richard Dawkins defined a meme as a unit of culture that replicates and spreads from person to person through imitation, teaching, and other forms of communication. Those that are useful replicate strongly and those which are not, diminish: or die out. Individual memes also group together to form larger complexes, where; languages, traditions, scientific theories, or religions can be formed. Gallese confirmed the physiological bases for empathy, imitation and inhibition depends on the action of fundamental, powerful, and innate neural forces, involving “*mirror neurons*”, possessive imitation, empathy, and the like. These are far from passive processes. Girard argued that the drive is so strong that only minor influences or variations from very early in life, can trigger the direction of development takes: So that, once a development starts it is difficult to stop; and no knowledge of the trigger or variation appears. That is supported by many others. Gallese further develops the neurological base for these arguments, and shows how these processes work at the community, as well as the individual level. These features form the basis of a self-reinforcing process beginning at birth; to the point where it has been said that “*the major challenge to be faced is, not to ask how development proceeds, it is instead to ask how these processes can be held in check*”. Freud also recognised the existence of this strong innate force, but because he relied on cognition for his explanation, he had to delay consideration of its impact to between the ages of three to five years: Which means it is treated simply a part of the gender role and has no direct effect. My own studies show how these processes create patterns of neural development which; from birth, form strong and stable core elements of personality and identity. Where transgender identities are as strongly held as those whose identity aligns with biological sex: which can last until physical brain injury or dementia destroys the neural structures that give them effect. And as these take place before conscious awareness exists they are also hidden from sight. Where we only thing we can sense, is an overall “*expression of gender*” and recognise its effects: Which means that, for many it is natural to assume that unless some perversion or disruption occurs, gender identity must always align with biological sex.

Quite clearly an objective view, which incorporates these understandings is needed. The scientific consensus adopted by the World Authorities and Professional Medical Institutions identify both sexual identities and gender identities; including transgender identities, as “*naturally expected variations of the human condition, intrinsic to the personality created, arising very early in life, and cannot be changed either by the individual concerned or by the predations of others in subsequent life*”: It also recognises them as independently functioning core elements of the personality that is created: which form together as a single complex very early in life. Most modern definitions of gender identity divide it into two components. The first concerns the development of the “*Core Gender Identity*”. It involves the process of “*separating the self from the other*” and it creates a deep-seated sense of belonging without any behavioural implications, which involves the search for coherence of identity and not drives of sex. The second is the “*Gender Role Identity*”, which requires a certain level of self-awareness and cognition to have developed; to be able to respond to what others, society, and the environment expects. It develops through the cognitively driven motives of desire, behaviour; and the attractions of sex: In which either, or both components usually, but need not always be congruent with biological sex. Gender identities require relationships with others so they cannot form before birth: Therefore, the core gender identity must form before the gender role identity can be created. Disruptions to the gender role identity must be considered as “*perversions, paraphilias or disruptions of the gender role*” and as potential threats to women’s identity, safety and lives, because they are driven by the motives of desire, behaviour or sex. Equivalent variations to the core gender identity are described as incongruences: because the driving forces behind them are searches for belonging, and a coherence of identity: with the development of cognition, to bring order and wellbeing and fulfilment to life. For years, these understandings have enabled transgender identities to be treated as personality variations; and as incongruences of the core gender identity within the normal range of development: These manifest themselves as internally focussed searches for coherence of identity and a shared sense of belonging which involves no harm or danger to others, because we all start from the same base. With the ability for each of us to live in ways which are true to our own identities; to seek fulfilment of life in the roles we identify with, and where their expression is a human right.

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 shared base. Equally for any female-to-male transsexual: acting as men with men, to pursue any equivalent male arguments from a similarly stronger base. There are many optimising techniques available, such as “*bootstrapping*” and “*quorum sensing*”, which do NOT need cognition to be effective: So, instead of waiting for cognitive abilities to develop: these allow the core elements of personality and identity to start to coalesce from fragmented thought; during a well-known unique period of rapid development: This peak period occurs from around an age of thirteen months to two years: And at a time when an explosion in neural and cognitive abilities takes place: Which is at the forefront of early development, because it provides the framework for creating the long-term stabilities of memory, purpose, capabilities, and identity that lead to an ordered life. So that reliance on cognition is a less effective approach. After which, in a process called “*synaptic pruning*”, capabilities that are less used become diminished or lost, and those

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that are more used are strengthened instead. As this involves the search for coherence of identity, it means that strongly held gender identities; including transgender identities, can be formed without compromising a feminist approach.

It is notable that the time when this explosion in neural and cognitive abilities takes place in humans is much later than in other species. It is also noted that the number of neural interconnections increase exponentially from a very low value at birth up to the age of three years. And from that time onwards these gradually decrease, until by the time people are adult, this is about half of that when the peak occurs. By using the work of Schore and others, it is here argued that too great a delay in the development of the *“pre-frontal cortex”* which is the part of the brain that primarily controls these feature: leads to excessive disorder being created, while too short a delay means more clones of each other are found. This also matches observational experience. And it is of interest to note that the first pioneers: Stoller, who primarily relied on alienation for his explanations, and Money, who mainly relied on Freud and sexual motives: Both came to the same conclusion: which is that the core gender identity has become very difficult or impossible to change beyond a median age of three years: Although neither could adequately explain how this happens, and very different methods of management and treatment are imposed. The brain is also a major energy consumer; about 50% of the total energy consumption in babies, and the reduction of the number of neural interconnections by tuning the brain to the environment, helps minimise the energy used. And by mapping how development takes place during the first three to four years of life I show how the psychological and physiological aspects of brain development can pro-actively act together to form a finely tuned system in which the maximum amounts of individuality, possessiveness, intelligence, and inquisitiveness, together with the minimum degrees of energy expenditure are generated. Whereby the variations in human physiology and other factors can lead to a wide and stable range of gender and sexual variant identities, including transgender identities, being created: without any obvious cause.

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: With no knowledge of sex or biology we all start from the same base, and these shared commonalities of behaviour, with the common *“performance of gender”*, has for many years now, justified an approach which has sought without concern, to maximise the inclusion of transgender women in everyday life, without fear that their presence is a risk to anyone, men and women alike, or the cause of challenges or attacks: So that, today, many transgender and natal women see themselves as allies of each other, because they share in the same *“performances of gender”* from early in life: And where there is no more danger to other women than there is for any woman in public or private spaces, because these are expressions of identity: They are not drives of sex. As gender identities are measures of the interactions and behaviours that have already been created, it follows that: instead of using *“biological sex assigned at birth”* to determine appropriate behaviour: The core gender identity and the *“performance of gender”*, must be the primary gateway to determine how people socially interact.

The development of gender identity is as progressive process. Although it is understood that the core concepts of personality and identity coalesce from disordered thought during the peak period at between 13 months and two years; the powers of cognition only come into sufficiently controlling effect until about the age of three years. And from then on, children are found to conform; often strongly, to the behaviour that society and others expect. Variations which take place from birth; and during the first pre-cognitive period, can be classed as incongruences which involve the internally focussed processes of separating the self from the other, during which a coherence of identity is formed. Disturbance which take place after this period can be characterised as perversions or disruptions which are manifested through outwardly focussed motives of desire, behaviour and sex. Gender-critical groups and supporters including Rippon, Sullivan, Stock and others, who presume that sexual motives and cognition alone drive development forward. may be able to tell us a great deal about how sexually motivated perversions, paraphilias or disruptions are created, but they cannot tell us anything about how transgender identities are formed: because these start to develop before conscious awareness exists.

### 3:0 Ideologies

This is foremost a conflict between those who adopt the scientific consensus now universally used by the World Authorities and Professional Medical Institutions who consider the development of both gender and sexual identities from birth, to be personality variations; and core elements of the personality that are created: Where the search is for belonging and coherence of identity with no threat to others: So that the correct interpretation; in all circumstance, must be made on the balance of both gender and sexual rights. Against the approach adopted by gender-critical groups, religious groups and others, who presume that cognition and sexual motives alone drive development forward. So, transgender conditions are instead seen to be *“perversions, paraphilias and disruptions of the gender role”*. And where gender identity itself is reduced to a nebulous collectively created concept associated only with the gender role. Instead of core elements of the personality that is created, it alleges that transgender conditions are hysterias which are driven by motives of desire, behaviour and sex. It furthermore legitimises a doctrine of *“Autogynephilic Transsexuality”*, where transgender conditions are treated as sexually motivated perversions of (male) homosexuality: Or one which does not threaten women: because the outwardly facing motives of sexual desire and love for others are instead turned inwards towards oneself. This is even though variations in sexual orientation continue to be recognised as core elements of the personality that is created. It misleadingly presents the statement which transgender people sometimes make; that they are *“born into the wrong body”*: for this statement only comes from the earliest memories they can possess: And as wide a range of sexualities; and

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allegiances to these gender and sexual identities are found in the transgender communities, as in the population at large: Transgender people do not challenge the biology of sex: The most that is usually recognised or expected today; are the consequences of minor differences or variations in sexual development which, in a strongly pro-active process; trigger the direction development takes. The terms “gender confirmation” or “gender reassignment” are invariably used for surgical transformations, and never “changes in sex”. It additionally enforces a false “gender ideology” on transgender people, which argues that they somehow believe they can “choose, change or deny biological sex”. And since biology may be considered immutable where gender is emergent and may differ, no contradiction need exist. It furthermore implies that unless some sexually motivated perversion or disruption occurs, gender identity must always be congruent with biological sex. And this identification of transgender conditions with some unnamed perversion, paraphilia or disruption, instead of a search for coherence of identity, gives plenty of scope for scapegoating and attack. It denies the clinical medical and social experiential evidence that has been available for many years: It is vigorously opposed by transgender people, because it forces a diagnosis on them which they cannot identify or agree with not least because it is opposite to their own and other people’s experiences. And, instead of recognizing that these conditions are searches for coherence of identity, it assumes these are drives of sex. In addition it rejects the scientific consensus universally adopted today by the World Authorities and Professional Medical Institutions which also consider both gender and sexual identities to be personality variations; and core elements of the personality that are created, where the expression of both are searches for coherences of identity and human rights, so that the correct interpretation in every circumstance must always be made on a balance of sexual and gender rights. And it destroys the independence and legitimacy of transgender conditions by turning them into perversions or disruptions of sex: It turns the expression of transgender identities into a permission, instead of a right

But these gender-critical diagnoses can only be correct, if it is totally true that nothing of significance happens during the first three to four years of life. However: instead of attempting to argue for proof of these issues, the many research papers, statements by the Professional Medical Institutions, reports and the work of others, including my own: which confirm that what happens during this early period cannot be ignored are instead condemned by gender-critical groups; and other supporters, through their own attacks on websites, peer reviewed research papers, popular literature and elsewhere, as merely as the work of transgender activists With claims that this expertise is not based on credible science: And attacks are made on the integrity of those groups and people who support these views. This conflict has led to the major disputes within the feminist movements between those feminists who see the journey transgender people make as 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 include transgender women in the category of “women”, who are instead happy to accept male-to-female transsexuals who make this journey, and as the women they say they are: because that is the way in which they interact with society, Where the major contributions and leading roles that transgender women make and have made to the feminist movement are recognised: And they are seen to be true allies in the feminist cause. Where transgender conditions are recognised as searches for coherence of identity and as internally focussed searches for belonging and coherence of identity: which involve no harm or danger to others. Where they should be treated as personality variations, not personality disruptions; And not as drives of sex, with the ability to live in ways that are true to their own identities; to seek fulfilment of life, and where their expression is a human right.

There should be no magic needed for the treatment of transgender conditions: Since the different techniques required for managing personality variations and personality disruptions, are encountered in many other circumstances. They are well known, and these should be applied. 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. 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 can be 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. It is not my intention to enter into any discussion here about the correct drug administration, or treatment protocols: except to state that none of these can be valid if the nature of transgender conditions are not understood: This is work fully written up elsewhere. I do urge that some caution is needed for irreversible actions because of the bipolarity of these conflicts. Not because I consider the established diagnosis or treatment to be incorrect. It should also be noted that key groups come to the same conclusions from two opposing directions. Religious and conservative groups condemn transgender behaviour; including all gender and sexually variant behaviour, because it is considered to be a departure from some divinely or biologically ordained path. Gender-critical groups who argue that men and women are determined by the “performance of gender” alone, define transgender conditions as hysterias, and as sexually motivated perversions, paraphilias or disruptions, from exactly the opposite route. It is also clear that I am transgender, but I have not fully transitioned because I continue to manage my commitments to the life I have built, against some very strong emotions which erupt from deep inside. Girard

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argued that the ability to manage any conflict depends greatly on the ability to understand it: I have used my experiences to help others: And that includes helping people to avoid transition, as well as supporting those for whom it is genuinely required.

#### 4:0 Reset

There are still many psychologists, psychiatrists, sociologists, educationalists who continue to presume that cognition is the primary organising force which drives development forward and ignore the effects of these early processes. That is why I considered that a new approach is needed, and I have used the work on early and pre-cognitive development that has been carried out by Gallese, Dawkins, Girard, Schore, Dennett, Garrels, Hood, Mitchell, Wrangham, Fordor, Goldman, and many others: which has previously been ignored. I also have experience in using some of these techniques in conflict situations, where tribal violence occurs. The approaches which Girard and Dawkins adopt are similar to each other: Girard uses the word “*mimetic*” to describe his approach, while Dawkins uses “*memetic*” to describe his. Both use religions as case studies, but in Girard’s study; it supports the validity of religious belief, while for Dawkins it disproves it. And this may be why there is relatively little communication between the two groups. Therefore, no presumptions about religion are included in this study. Girard’s work may also be more useful in these contexts: although it is more difficult to decipher, as it focusses more on the dynamics of communal conflict resolution from birth into adult life. Although I have only needed to use the work of pioneers, including Girard, Dawkins, Gallese and others, it has also been kept up to date. Instead of using this study solely to focus on transgender conditions, I have sought to use transgender conditions as case studies to get greater insights into how personalities and identities for all of us are created: And until the concept of cognition is recast from one which provides the driving force that propels early development: into one which creates order out of disorder, I conclude that many people will continue to come under attack.

Girard, Gallese, Dawkins and others broke the conviction held by gender-critical groups and others, that cognition and sexual motive alone drive development forward; so that the pre-cognitive influences have no impact or effect: And that nothing of significance before the age of about three years take place. But; far from dismissing what happens during this period, through the work of these people and others it has been shown in this paper to be the result of an innate initially overwhelming force, which dominates from birth, and only gradually comes under control as the powers of cognition come into increasing effect: Where, from my own work, I conclude that core elements of personality and identity coalesce from fragmented thought during a unique period of early development between 13 months and two years. After which, in a process called “*synaptic pruning*”, those characteristics that are less used become diminished or lost, and those that are more used are strengthened instead. It is also 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: And it means that strongly held gender and sexual identities; including transgender identities, can be formed; during or closely after this period, without compromising a feminist approach. As a consequence. a different endpoint is reached for every individual. So that strong and stable core gender identities are created: Which match the full range of gender identities and sexual identities that are found in today’s inclusive societies. Where transgender identities are simply extremes of the range. Transgender women can therefore considered as allies and companions of natal women: because they all share in the same “*performance of gender*”. Both share the same outlook and the same degree of inclusion in society. And that transgender women are no greater danger to other women, than all women, in public and private spaces, for these search for shared commonalities of identity, belonging, and experience. These are not drives of sex.

It is often claimed that “*More research is needed*”. But the validity of all research must be proved by testing and experiential evidence. And this level of evidence and inclusion is verified by the experiential evidence gained over many years. It is for example seen in the attitudes of the great many feminists who include transgender women in the category of “*women*”: who are happy to accept male-to-female transsexuals who make this journey, and as the women they say they are and without the need to deny that they have a male physiology, because that is the way in which they interact with society, Where the major contributions and leading roles that transgender women make and have made to the feminist movement are recognised, and where transgender women seen to be true allies in the feminist cause. It is additionally seen in other groups including the Women’s Institute who have included transgender women as full members for four decades: and transgender girls in Girlguiding, without incident or difficulty for many years. It is additionally expressed with the introduction of legal self-declaration of gender identity without problems in many parts of the world. This is despite the claims of many gender-critical groups who misdiagnose transgender conditions as drives of sex. Not only does this level of inclusion match the attitude of the World Authorities and Professional Medical Institutions who consider transgender identities and sexual identities both to be core elements of the personality that is created, it also corresponds with the understanding that they 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*”: As we have seen earlier in this document, it further confirms the modern understandings of gender identity which divides it into two components. The first concerns the development of the “*Core Gender Identity*”. which creates a deep-seated sense of belonging without any behavioural implications, which involves the search for coherence of identity, where gender incongruences can be created; without harming others, and where the expression of transgender conditions is a human right. And the second is the “*Gender Role Identity*”, which requires a certain level of self-awareness and cognition to have developed to be able to respond to what others, society, and the

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environment expects, and where sexual perversions or disruptions are involved, which can threaten women's safety and identity, because they are understood to be driven by motives of desire, behaviour and sex. It also supports the foremost understanding that the development of gender is a multifaceted processes involving many factors, where pre-natal and post-natal inputs are both involved. And we need gender identity to be a core element of the personality that is created to check the excesses of sex: As much as we need it to be a core element of the personality that is created, to bring order and stability to life

Nobody can or should underestimate the horrendous nature of male abuse, discrimination, violence, domination, and persecution which women are suffered from time immemorial. But the issue here is not the abuse itself: It is the need for objectivity and the side which transgender women take in the fight for women's rights. The major questions being asked in this document, is to decide: if it is the World Authorities and Professional Medical Institutions who consider transgender identity to be a search for unity and coherence of identity, with no threat to others, which sees transgender women as allies in a common cause? Or is it others who ignore the massive neural and cognitive changes during the first three to four years of life and believe that transgender women are driven by motives of sex, creating the same dangers of male abuse and attack?. Gender-critical groups may seek to welcome transgender people by offering the theories of "*Autogynephilic Transsexuality*", which assumes the transgender conditions are sexually motivated perversions of (male) homosexuality. Or that: instead of being used to threaten women, the presumed sexual desires and love for others propelling male abusers, are instead turned inwards towards oneself. This theory was first proposed in 1989 by one Canadian clinic which was later shut down. Even when it was first being put forward, it was being challenged by many as being out of date, and incorrect: It was only developed for male-to-female transsexuals: It ignores female to male transsexuals, and no equivalent autogynephilic parallels for these people have been found. It fails to deal properly with non-binary roles, and it does not provide adequate descriptions for the wide range of transgender conditions. But it still presents transgender conditions as "*perversions, paraphilias or disruptions of the gender role*". Where the transformations and changes during the first three year of life are ignored: And, instead of a coherence of identity, the motives imposed on transgender people are the desires for a role or the attractions of sex. It is also just one step away from taking everyone back to a time, when all forms of lesbian, gay, bisexual and transgender behaviours; regardless of purpose, was regarded as intrinsically disordered behaviour in pursuit of inappropriate sex.

## 5:0 History

Transgender people are vulnerable, for no conscious awareness of these processes often exists. This has led to a populist "*Woke*" approach which espouses "*Common Sense Values*", but where all expertise is denied. That has involved the enforcement of a gender-critical ideology which presumes that cognition and sexual motives alone drive development forward. This denial takes us back to the 1960s, when all forms of gender and sexually variant behaviours; regardless of purpose, was regarded as intrinsically disordered behaviour in pursuit of inappropriate sex: Even though the science is denied, the impact of these pre-cognitive processes still remains. And there have been major advances since that time. The first of these acknowledgements has led to the more recent understandings which show how and why gender identity is divided into two components, where either or both, usually but need not always be congruent with biological sex. The second is the greatly expanded understandings due to experiential evidence; from around 2018, when all gender and sexually variant behaviour; which had previously been considered by many to be intrinsically disordered perversions, which involve desires for a role or the attractions of sex: Was turned into one where people could instead recognise that these activities are instead about searches for a coherence of identity; and could celebrate them in same-sex marriages and other acts. Allowing transgender people to self-identify their gender is part of that same rationale. That welcome reached a peak in the United Kingdom in 2018, with the proposed reform of the Gender Recognition act: Where; and in line with the viewpoint of the World Authorities and Professional Medical Institutions, transgender identities were seen to be personality variations and searches for coherence of identity, and with no threat to others, instead of the desires for a role or the attractions of sex. And the word "*Woman*" was defined equally in terms of "*performance of gender*" as well as "*the physiology of sex*". Where the 2004 Equality Act then as now; recognised that the words can be used interchangeably in the context which is correct. The third recognises the advances in neural understanding, where I show, by using the work of pioneers in neurology and anthropology, including Girard, Gallese, Dawkins, and others from the 1950s onwards, which showed that, far from ignoring this early pre-cognitive period, it is of crucial importance instead: Almost every handbook on neurology and psychology shows that both gender and sexual identities develop together as part of a single complex very early in life. Work by Joel, Swaab and others also dispel the understanding that separate brain areas for gender can be discovered by arguing that its development is the result of a mosaic of different neural processes, which means that the creation of gender identity is a distributed effect. fMRI studies may be useful in determining how the gender role is created; but not directly on how the core gender identity is formed. Recent research at Stanford University using AI techniques have shown the existence of a previously unknown and early "*Who am I*" neural network. This acts independently from the well-studied "*What makes me, me*" network: That study throws further light on how early development takes place, and this work could also help to provide new insights into how personalities and identities for all of us develop; and how consciousness is formed.

The adoption by the Supreme Court of an ideology which decides that "*inspection of the genitals at birth is sufficient to determine the appropriateness of all future gender behaviour and that unless some unnamed sexual perversion occurs,*

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*gender identity must be congruent with biological sex*”, totally ignores all of these aspects of early and pre-cognitive development, it is condemned by whole swathes of expert opinion as being “*unfounded, transgender exclusive and incorrect*”: Instead of searches for coherence of identity. It misdiagnoses transgender conditions as perversions, paraphilias and disruptions being driven by motives of behaviour; desire; and sex. And instead of treating transgender conditions in line with the World Authorities and Professional Medical Institutions 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*”: It treats any departures as potential perversions, paraphilias or disruptions of the gender role.: And instead of acknowledging the “*performance of gender*” it decrees that the sole gateway for appropriate behaviour under the 2010 Equality Act, is that of “*biological sex*”.

## 6:0 Actions

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. Nevertheless, the head of the EHRC until the 1<sup>st</sup> December 2025 was Baroness Kishwer Falkner, who is a strong advocate of a “*radical gender-critical*” approach. She took on the role in December 2020, under the then premiership of Liss Truss. The Cass Report, which was commissioned in Autumn 2020, under the same Conservative Government, has been criticised internationally in many quarters, in addition to my own. By dismissing the significance of the core gender identity and by choosing a frame of reference for her report which totally ignores the massive neural and cognitive changes during the first three years. Cass must automatically presume that transgender conditions are disturbances or variations of the gender role, even though she recognises their influences when puberty occurs, Cass takes 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: That regression is reflected in her comment that “*these understandings [by Kohlberg and others] still resonate today*”: with the corresponding misdiagnosis of transgender people’s lives. I conclude therefore that Cass may simply have been relying on Freud, Social Learning Theories, and on old knowledge. But the continued total reliance on a radical gender-critical ideology with the disregard of pre-cognitive development; by Stock, Rippon others, which presumes that cognition and sexual motives alone drive development forward: means that the current advances continue to be denied. 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. Sullivan noted that gender and sexual identities are different things: But this does not justify anybody identifying transgender conditions as drives of sex, and reducing gender identity to a “*nebulous ill-defined concept associated only with the gender role*”. Sullivan’ identification of transgender conditions totally ignores the influence of gender as a search for coherence of identity; And transgender conditions are claimed to be entirely driven by desires for a role, or the attractions of sex.

The question that 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 *radical gender-critical* approach. On the 4<sup>th</sup> August 2025 it was announced that Dr. Mary-Ann Stephenson would be appointed as the new Chair of the Equality and Human Rights Commission (EHRC). She assumed her 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 Government has gone ahead with this appointment, 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 radical 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 adopted a radical gender-critical ideology. Nevertheless, I wish Dr Stephenson well in her post, and I trust that she will be able to take a truly impartial approach.

In July 2025 the UK Government Department for Science, Innovation and Technology published a report on “*Independent review of data, statistics and research on sex and gender*”, in universities and academia, authored by Professor Alice Sullivan. Again, it is astonishing that a key campaigner for “*Sex Matters*” was asked to conduct an independent review. Predictably perhaps Sullivan found that academics advocating for sex as a significant category face harassment and discrimination. She notes that no equivalent cases of harassment against those opposing radical gender-critical views have been documented. That statement must be somewhat surprising in any independent review: given the obvious levels of anger within the transgender communities. On the importance of “*sex-based research*” she states that sex is a fundamental category in various disciplines, crucial for accurate research.. She also alleges that disallowing sex-based categories undermines scientific integrity and scholarship. Yet nothing in the 2004 Gender Recognition Act prevents any such recording. What it prevents is the public “*outing*” of transgender people, by restricting the information to those who genuinely need it. And recognising that transgender conditions are instead searches for coherence of identity, does not disavow the importance of sex

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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 radical 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 radical gender-critical approach. Which of course she is absolutely entitled to do and must be heard. But her outspoken views on Stonewall and others who oppose her views do not help. 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, Sullivan, Rippon, Cass, and all others present their arguments with integrity and responsibility. But the focus of this argument must be about whether it is Stock, or the students who are correct. That gives the Office for Students Regulator great power. And this must also raise concerns, when the regulator fines the University £585,00, with threats of much more: presumably because of its approach, which is that of "positively representing transgender people", is not considered correct. And 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.

## 7:0 Neuroscience

There is a parallel dispute in neuroscience between cognitive neuroscientists who rely principally on cognitive processes to drive development forward; and behaviourist neuroscientists who examine in more detail the specific actions of the neural processes that are present from birth. In my own work I have adopted a behaviourist approach to considering how personality and identity develop: by bringing forward the time when core elements of personality and identity begin to coalesce from fragmented thought, to between 13 months and two years. And this shows the crucial importance of these first few years. It rejects any "Woke" approach which presumes that gender and sexual identities, including transgender identities are driven by cognitive processes, social learning theories, and sexual motives alone, so pre-cognitive development may be ignored. This failure to recognise the effects of pre-cognitive development is a persistent theme. Cass fails to do so by choosing a frame of reference for her own report which ignores the effects of the neural transformations and changes below the first three to four years of life. Although she recognises the existence of the core gender identity and she emphasises the need for endocrinal studies: she associates all of these with their effects of the gender role: This is even though she does consider their effects during puberty, and later in life. As a philosopher, Stock's arguments seem logically impeccable, but these rely on cognition, and it is clear that that the early pre-cognitive development is considered to have no effect. Rippon uses the argument that the fMRI studies show no difference during the early years, and she uses this to argue that the same levels of cognitive processing extend from birth into later life, that a passive or receptive process is involved and she argues that the changes and transformations that are noted are "whack-a-mole" myths, which are statements that come to be believed, but are not correct. I conclude that Sullivan and "Sex matters" from the outset ignore the impact of all pre-cognitive processes and destroy the legitimacy of transgender identities as searches of coherence of identity, by presenting them as perversions paraphilias or disruptions of the gender role, which are driven by the motives of desires for a role, or the attractions of sex. And in all of these cases the neural transformations and changes which do take place are dismissed or ignored: and transgender conditions are identified as perversions, paraphilias, or disruptions of power or sex

## 8:0 Judgement

This is a dispute between those who support the views of the World Authorities and the Professional Medical Institutions who consider transgender conditions to be personality variations in search for a coherence of identity, against those of gender-critical groups and others who consider transgender conditions to be disruptions of the gender role: driven by motives of desire behaviour and sex. Given that the UK Government and the UK Equalities and Human Rights Commission have only been prepared to support the views of gender-critical groups and others who support the view that transgender conditions are personality disruptions driven by motives of desire, behaviour and sex. It is absolutely imperative that a comprehensive and detailed examination is undertaken, which includes the views of those who understand that transgender condition are searches for coherence of identity, and not drives of sex. There can be no place for basing any Court Judgement or policy, on an approach which totally dismisses all of the massive neural and cognitive changes and transformations during the first three to four years of life, without being able to prove that this is correct. A study of the Court documents gives no evidence that the scientific consensus adopted by the World Authorities and Professional Institutions has been seriously considered. The documents also provide no awareness that the clinical, medical, research, and experiential evidence, which has also been available for many years, has been adequately consulted. The Supreme Court's apparent failure to consider transgender conditions to be core elements of the personality that is created; which are so fundamental to everybody's own sense of self identity. And to reject it in favour of a gender-critical approach in which the changes and transformations which take place during the first three years of life, where all pre-cognitive development is ignored. Which presume that cognition and sexual motives alone drive development forward:

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Are the features, which lead it to decide that *“inspection of the genitals at birth is sufficient to determine the appropriateness of all future gender behaviour”* and that *“unless some unnamed sexual perversion occurs, gender identity must be congruent with biological sex”*: This does not just set the clock back by many years. It totally ignores all of the relevant aspects of pre-cognitive development that is available today, and are discussed in this account: It is condemned by whole swathes of expert opinion; as well as my own, as being *“unfounded, transgender exclusive and incorrect”*. The harm that is created by an ideology which reduces transgender conditions to mere hysterias driven by desires for a role or the attractions of sex can have very serious effects. Moreover, when the motives, timescales, and methods for managing personality variations and personality disruptions differ so much: major damage can be done when the diagnosis is incorrect. By its own admission, and also in its judgement, the Court adopts the understanding that transgender conditions are perversions, paraphilias or disruptions of the gender role: Where the motives are desires for a role or the attractions of sex. I find no evidence in the Court documents to show that the Supreme Court attempted to properly and equitably consider the viewpoints of the World Authorities and Professional Institutions. It does not refer to them in its judgement, and where it infers these, it identifies them as unreliable and incorrect. 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, I conclude that the advances in science, clinical, medical, experiential evidence and public understanding since the 1960s are also dismissed or denied:

The 2004 Gender Recognition Act recognises that the words *Men, Women, Male and Female* are used interchangeably to describe *the “performance of gender”* and the *“physiology of sex”*. And when biological origins are claimed for transgender conditions, it is only differences in sexual development are looked for; and gender identity is seen as the emergent effect. Transgender people are not; and do not claim to be, intersex. Using the terms *“Men and women”* to describe *“performance of gender”* and *“male”* and *“female”* to describe the *“physiology of sex”* would be acceptable to most transgender people: And this also fits into the requirements of the 2004 Gender Recognition Act. But the Court’s action in modifying the interpretation of the 2010 Equality Act so that the term *“women”* can only refer to *“biological sex”*, and which enforces the exclusion of transgender women from the category of *“women”*, by legally denying their right to be described as *“women”*, although the word *“trans women”* may be used. Through declaring that they must legally be considered as *“men”* for the purpose of the 2010 Equality Act, together with the Court’s decision that the sole gateway for appropriate behaviour under the 2010 Equality Act, is that of *“biological sex”*. Together with its adoption of an ideology which decides that *“inspection of the genitals at birth is sufficient to determine the appropriateness of all future gender behaviour”* and that *“unless some unnamed sexual perversion occurs, gender identity must be congruent with biological sex”*: Are all statements of exclusion which leads to an approach which requires transgender people, regardless of action or purpose; to be treated as potential threats to women and children’s safety, identity and lives. The Court states that transgender people are as equally protected under the characteristic of *“gender reassignment”* as lesbian and gay people are under *“sexual orientation”*. But legal protection is not the same as a human right: And this misdiagnosis; with these Court rulings, which identify transgender conditions as perversions or disruptions; instead of coherence of identity, reduces the right or freedom to express transgender conditions into a permission instead.

Lord Hodge, one of the Supreme Court Justices has since said: said that he expected outrage from transgender people since *“something they thought they had was being taken away from them”*: But what is removed is the Court’s own doing: For what it has taken away from transgender people is their reliance on the viewpoint of the World Authorities and Professional Institutions, who recognise that transgender, lesbian, bisexual and gay identities are core elements of the personality that is created; and are searches for coherence of identity, and personality variations; where no harm to others is created: and that they all are expressions of human rights. No diagnosis can be bounded by legislation. And no Court judgement can be valid if the precepts on which it is based are incorrect. Therefore, I conclude that the whole of this judgement is in error: because; instead of diagnosing transgender conditions as searches for coherence of identity, they are diagnosed instead as perversions or disruptions of the gender role, involving motives of desire, behaviour or sex. Any judgement must be made on the balance of rights. And these three; including transgender identities as human rights, when taken together can be used to exclude anyone from any group on the grounds of *“biological sex”* ... always provided the reasons are correct. That also applies to membership of groups. The 2004 Gender Recognition Act states that *“A transgender Woman (or Man) is a Woman (or Man) for all purposes”*, but purpose is not the same as physiology: and the 2004 Gender Recognition Act does not prohibit the need for separate protection on the grounds of physiology of sex. As someone who for many years has run or been intimately involved in a transgender support group: that to my mind enables exclusive transgender, lesbian and gay groups to be created, where one side uses *“the performance of gender”* to define its membership and the other uses *“the physiology of sex”*. To my mind it also provides sufficient justification to exclude anyone from any group, including those in women’s refuges, for proportionate reasons, where the issues involve the abuses of gender, or those of sex. That ability and the judgement breaks down when the Court and groups like *“Sex Matters”* try to write the legitimacy of transgender identities out of existence by defining them as *“perversions, paraphilias or disruptions of sex”*. One has only to look at the tremendous support lesbian women today give to transgender women, who also see them as allies in a common cause, to see why the *“performance of gender”* should be a core element of the personality which is created: And that its expression is also a human right.

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## 9:0 Endocrines and Intersex

Hormonal or endocrinal differences are almost certain to play a major role on how development progresses. Cass herself emphasised the crucial need for endocrinal studies in her own report. This part of the account has been left to later in this document because it is better treated under *“the physiology of sex”*. The word *“Intersex”* covers a wide variety of conditions: From people who have Androgen Insensitivity Syndrome (AIS), who are hormonally male but develop physically as women, and interact with society; without question, as women: and this is often not discovered before problems of infertility arise. On the other side are those who are intersex because of physical malformation (CAH). In the past these have been surgically reassigned to the cosmetically most appropriate gender; and raised in that gender. This has taken place often within a few hours of birth, and in many cases the children have never at any time been told this has happened. But today the recommended practice is to wait until the children decide for themselves the action that is to be taken; because of the distress such unknowing reassignment creates. This was first noted in the case of the Reimer twins in the 1960s. Testosterone in men increases muscle strength by up to 24 percent, but the effects are time and circumstance dependent. The Oestriols in women also increase bone strength and muscle mass, but they also loosen tendons and make the body more resilient. Evidence from kicking tests and similar measures show that: with oestriols administered, mechanical strength is somewhat reduced. The denial of testosterone in transgender; women alongside the administration of female hormones, may be likely to have a double performance, which increases the effect. And weakness is commonly noted. That raises philosophical points when performance enhancing drugs are banned in sports for obvious reasons. So, is it appropriate to use performance reducing approaches to enable transgender women to compete in female categories instead? Earlier in the account we noted that until the concept of cognition is recast from one which provides the driving force that propels early development: into one which creates order out of disorder, many people will continue to come under attack. Pre-natal babies do show behavioural differences, and from birth male and female babies; when the overall average is taken, show some but maybe significant behavioural effects. This may be sufficient to trigger the direction in which gender identity develops; however, gender identity cannot form before birth. And it is here argued that it is the post-natal development process which responds to all of the social encounters, which locks it in place. Although the evidence shows that pre-natal factors have an influence, there are many other elements involved. This supports the foremost understanding that the development of gender is a multifaceted processes involving many factors, where pre-natal and post-natal inputs are both involved. Not only does this dismiss the conclusion of the Supreme Court that *“inspection of the genitals at birth is sufficient to determine the appropriateness of all future gender behaviour and that unless some unnamed sexual perversion occurs, gender identity must be congruent with biological sex”*, it also anticipated that endocrinal influences have a much stronger effect than the presence of XX or XY chromosomes in determining the direction that physical ability, and the development of gender identity takes.

## 9:0 Outcomes

A question to be asked is about the change if any, that is needed, since transgender women have been able to socially self-declare their gender since 2010 without safety issues or concerns under the Equality Act for years; (as up to now), it has been interpreted. Many groups, including the Women’s Institutes, Girlguiding, Inclusive Churches and many others have welcomed transgender women completely into their membership, and given them full access to women’s spaces and services without problems for decades: Transgender people have been well supported in the UK. The Courts and the EHRC have sought to maximise the inclusion of transgender people in everyday life: And both have supported the scientific consensus which considers transgender conditions to be searches for coherence of identity with no harm to others and fulfilment of life. That changed from 2020: Before then EHRC had described gender recognition reform as a key priority, by advocating for a *“de-medicalised system to change legal sex”*. After this a gender-critical policy was introduced through the actions of the EHRC and various groups which: instead of identifying transgender conditions as searches for coherence of identity and fulfilment of life, has come to label them as perversions, paraphilias, or disruptions of the gender role, which are driven by desire, behaviour, or sex. Baroness Faulkner, Chair of the EHRC at the time, argued that this change was needed because of *“new research”*. But this conversion instead, has had the effect of ignoring all of the key neural transformations and changes during the first three years by reducing the understanding of gender identity merely to a perversion or disruption of the gender role: And by claiming that transgender people have motives which can threaten women’s and children’s identities, safety and lives. Before the Supreme Court’s intervention, case laws were made through Lower Court decisions, and the inclusive approach adopted by these Courts has remained until the Supreme Court decision was reached in April 2025. The Supreme Court’s ruling overturns all the Lower Court rulings, which had considered transgender conditions to be searches for coherence of identity; with no harm to others: and legislated to maximise the inclusion of transgender people in everyday life. Now by law transgender conditions are identified as being driven by motives of behaviour, desire or sex, where transgender women are seen to be as great a potential danger as all men in women’s spaces and services: So; the same degrees and rules of caution and exclusion, as are applied to all men must now be enforced. No diagnosis can be bounded by legislation. Even though the case before the Court was simply to determine if transgender women can be included *“in all-women”* shortlists for public bodies, including the restriction that the Court’s ruling can only be used to interpret the 2010 Equality Act, and that the Court does not mandate these requirements: The same diagnosis that transgender conditions are perversions, paraphilias or disruptions of the gender role need not be enforced, it can also be challenged: But until change is endorsed, it must always be applied. It is rightly stated that the law has not changed, but the interpretation has. In place of an approach

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which has sought to welcome the full inclusion of transgender people in everyday life; an approach of caution; with reactions of fear and exclusion is imposed. In place of the recognition that transgender identities are core elements of the personality that is created, an interpretation that they are no more than feelings is provided. Management methods appropriate to personality disruptions instead of personality variations are imposed; with the harms that are created when the diagnosis is incorrect.

Instead of creating an inclusive society where the wide variety of gender and sexually variant conditions can be welcomed and celebrated, it takes us back to a time when; for many centuries, the behaviour of all gender and sexually variant people; including transgender people, has been condemned; regardless of purpose, as intrinsically disordered acts of grave depravity, and be illicit or immoral drives of sex. This is not a conflict where one should think of enemies. It is a conflict between groups of people on both sides who have very real fears and concerns, who have every right to be afraid, and to believe that they are justified: when they have to rely on the information that others, campaigners, hearsay and rumours provide. It is essential that impartial, well-informed resources are provided. Yet within the United Kingdom only one side of the argument is presented by Government, the EHRC and now the Supreme Court; in what is an intense and toxic dispute: And the other is dismissed or ignored. These are not just matters of judgement. I also conclude that they are deficiencies of process; at Government; EHRC; and at legal levels: Which, as well as raising grave concerns over transgender matters, have prevented a correct diagnosis being made. The effect of these failures in the United Kingdom raises serious concerns over our own human rights. And: if what has already happened to transgender issues in the UK; also happened with other UK issues, we should all be concerned about how any withdrawal from the jurisdiction of the European court would affect the protections of all our human rights. This is why I draw these matters to the attention of the European Court of Human Rights, the Supreme Court itself, the UK Government, Parliament, The Parliamentary Women and Equalities Select Committee, and the joint Committee of the House of Commons and the House of Lords on Human Rights. And as a matter of urgency, it is essential to get the diagnosis correct.

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#### See Also:

Gilchrist, S. (2025): *“What Happens when you Misdiagnose Transgender Conditions?”* <https://www.tgdr.co.uk/documents/256P-WhatHappens.pdf> (Text:13 pages).

Gilchrist, S. (2025): *“Transgender Diagnoses and Issues”* <https://www.tgdr.co.uk/documents/256P-TransgenderIssue.pdf>

Gilchrist, S. (2025): *“Transgender Misdiagnoses and Human Rights”*: <https://www.tgdr.co.uk/documents/256P-TransRights.pdf> (Fully referenced document)

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> (Fully referenced document)

A list of resource documents follows:

#### Resource Documents

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.

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