

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

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Under Preparation

## 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 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. Therefore, transgender women come under direct threat: For this 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

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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 where 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 ignoring the existence or impact of the core gender identity and by relying on cognition and sexual motives alone to drive development forward, these gender-critical groups are forced to define transgender conditions as to “*perversions, paraphilias and disruptions of the gender role*”. Therefore, these gender-critical groups 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 how the core gender identity is created. And this denial that pre-cognitive influences can play any role in the development of personality and identity totally, ignores the influence of the core gender identity, which searches for a coherence of identity instead of the drives of sex. It is also 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 experience how transgender conditions are motivated by searches for coherence of identity, instead of drives of sex. 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

<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>

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 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; 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 a 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. That 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 the 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 fail to do this. 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; and the “*performance of gender*”, instead of drives of sex<sup>4</sup>. 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, ad that was reliance on the viewpoint of the World Authorities

It immediately defines transgender conditions as “*perversions, paraphilias, or disruptions of the gender role*”, It also dismisses the vast amount of scientific, clinical, medical and experiential evidence gained over the last 60 years, in order to restore a diagnosis which returns transgender conditions, and all gender and sexually variant conditions, to perversions, paraphilias, or disruptions of sex. I conclude that no court judgement, which dismisses or ignores any part or all of this material can have any validity, and it must be challenged or withdrawn with immediate effect. Each of these topics are considered in more detail in the following sections of this document. That reversal has created major problems for transgender people. The consequences of these changes are examined in this account, as well as 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

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<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.>

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 if it should be gender or sex. 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 and 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 subsequent

In section 10:0, I consider EHRC and Government Actions. Here, I similarly show that a gender-critical approach is adopted, and the scientific consensus adopted 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; and the ability to be able to live in ways which are true to themselves in everyday life. The old adage “*don’t talk about us without us*”; which was the complaint of many gender and sexually variant people still applies today when transgender conditions are considered.

In sections 7:0; and in the following sections, I examine the Court decisions and other social effects: And in section 8:0 the gender ideologies adopted by the Court, are considered. It is of concern that Court appears to have relied entirely on “*Sex Matters*”, a gender-critical group to support its arguments. The Supreme Court 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 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. But that does not match the most modern definitions of gender identity, which divides it into two components: The core gender identity which is a measure of the deeply held sense of belonging without behavioural implications, and the gender role identity, which instead measures and responds to what society expects: And where either or both usually; but need not, always correspond the expectations of biological sex. The gender role identity: which forms from a median age of three years, can only develop as an overlay on the core gender identity, which has already

been formed: In addition, this understanding confirms that this identity must be treated and managed as a personality variation; and as a search for coherence of identity: Since nothing disrupts its path of development, and with nothing to replace it, the effects of its destruction leaves a vacuum in its place ... Whereas disturbances to the later gender role identity; which are driven by desires for a role or the attractions of sex, can instead be managed as “*perversions, paraphilias or disruptions of the gender role*”, because a return to a previously existing biological; or divinely ordained, path can in principle be restored.

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 “*nonsensical, reductionist, transgender exclusive, and totally incorrect*” and, it follows the 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 also means that cognitive neuroscientists; and those who rely on the same principles, including Cass, Rippon, 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 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. In section 5:0, I show that core elements of personality and identity coalesce from fragmented though 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. In section 4:0 of this document, I then 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 pre-cognitive processes is the less effective approach. This 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.

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>5</sup>: With no knowledge of sex, we all start from the same base, so transgender women and natal women form core gender identities in the same way. And these early commonalities of interactions, behavioural patterns and experiences, 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, far from demanding the exclusion of transgender people in everyday life, which the gender-critical approach enforces, an approach of maximising inclusion is needed ... In-

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<sup>5</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>

stead of claiming that transgender women will always seek power over women and threaten women's identities, safety, and lives, this conclusion supports the views of others, who are instead happy to accept male-to-female transsexuals<sup>6</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.

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 correct diagnosis is applied. 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, and where 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. Which firstly demands accepting the reality of the drive and then finding ways to manage its demands. For some transgender people; that may result in transition: for others, it may not. But the aim must always be to find what is correct<sup>7</sup>. There have been difficulties because of inadequate counselling and that I discuss extensively elsewhere, but this should not be taken to mean that the diagnosis of personality variations is incorrect<sup>8</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.

The Supreme Court judgement has universally been condemned by expert opinion as "*nonsensical, reductionist, transgender exclusive, and totally incorrect*". However, transgender people are vulnerable and for centuries it has been presumed that all gender and sexually variant behaviour has been considered as intrinsically disordered behaviour in pursuit of inappropriate sex. It is also natural to assume that unless some perversion or disruption occurs, gender identity should always be congruent with biological sex. Since that time in 2018; when transgender people were being fully accepted in society, a regression has taken place, with the demands by various populist Governments to return to traditional values, and "*common sense approach*".

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. And there is even less justification for change when it represents regression instead.

<sup>6</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*" 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 genital at birth is sufficient to determine the appropriateness of all future gender and sexual behaviour. Thus, the legitimacy of transgender conditions must be determined entirely by biology, not on the "*performance gender*". 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>7</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>8</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>

conclude that the decision of gender-critical groups to ignore the many advances in neurological science and argue that gender identity and transgender conditions are driven by sexual motives and cognition alone, is such a regression. Which means that there is no reason 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: unless some advancement is found.

I therefore conclude that the now legally enforced Supreme Court judgement, which has the effect of identifying transgender conditions as "*perversions, paraphilias or disruptions of the gender role*": Which refuses to recognise that transgender conditions are driven by searches for coherence of identity: Which enforces a diagnosis on transgender people, by presuming that these conditions are driven by sexual motives, including desires for a role or the attraction of sex: And which denies the ability of transgender people to live everyday lives in ways which are true to themselves ... is also a regression. Furthermore, it ignores the conclusions of the World Authorities and Professional Medical Institutions who consider gender identity and sexual identity both to be core elements of the personality that is created. It denies the ordinary understanding that transgender conditions are driven by "*performances of gender*" and searches for coherence of identity, enabling transgender people to live lives which are true to themselves in society ... by replacing this with of desires for a role or the attractions of sex. And because the Court relies on the same principles and definitions of gender as the gender-critical groups. I conclude that this approach is equally "*nonsensical, 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.

It is therefore essential that the correct approach is adopted, and that means returning to the scientific consensus adopted by the World Authorities and Professional Medical Institutions, who recognise that gender and sexual identities are both core elements of the personality that is created, and that transgender conditions 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 the driving force is considered to be an internally focussed search for coherence of identity; involving no greater potential threats to women, than all women face in public and private spaces. And by recognising that gender identity and sexual identity, are both core elements of the personality that is created. Behavioural neurologists, and others, who take account of these early development forces; together with the commonalities of early gender development, come to the same conclusion, which agrees that transgender women are of no greater a danger to other women in women's private spaces and services: And this recognition of transgender conditions and gender identity as a core element of the personality that is created maximises inclusion instead. Therefore the adoption of a gender-critical ideology by the United Kingdom Equality and Human Rights Commission; The Present United Kingdom Government; and now the United Kingdom Supreme Court, all of whom ignore these earlier development processes: and who refuse to consider of any other ... inflict great damage to transgender people: Because: instead of a search for coherence identity, which enables transgender people to live peaceable, normal and respected everyday lives; which are true to their own identities, it misdiagnoses transgender conditions, as personality disruptions involving the desires for a role or the attractions of sex and danger to others. Where many false justifications of condemnation are created: which has led to centuries of scapegoating, abuses and attacks.

This is not a new dispute. It goes back to the 1960s, When Money and others in the University of Maryland, and Stoller at the University College of Los Angeles, independently showed that the core gender identities for transgender children had become immutably established by the age of three years. Stoller later reduced this to two. He argued that it represented a core element of identity: But Money, who relied on Freud, continued to argue that it was a perversion or disruption instead. In this analysis I have shown that the core elements of identity coalesce, from previously fragmented thought around the age of two years, that these must be treated as personality variations, where transgender conditions develop as incongruences from the outset, so that no disruption occurs, and where transgender women offer no greater a threat to other women than all women in women's private places, because of the commonalities that occur. This is in contrast to the approach of gender-critical groups, including Cass, Sullivan, Rippon, Stock and others who presume that cognitive processes and sexual motives alone drive development forward. Who also misdiagnose transgender conditions as the outcome of some perversion, paraphilia or disruption, and who argue that transgender women must present as great a threat as all males in women's private places. Therefore, exclusion and caution are understood to be needed, because these pre-cognitive influences are ignored.

Although I conclude that Cass fails, because she ignores the natures of the neural transformations and changes which take place during the crucial first three years of life. By relying on the work of Kohlberg and others in the 1960's, she takes that the understanding of transgender conditions back to a time when psychologists were trying to identify define transgender conditions by using social learning theories alone: In addition, she also states that "*results of studies are exaggerated or misrepresented by people on all sides of the debate to support their viewpoint*"<sup>9</sup>. Adopting a gender-critical approach, which argues that development proceeds through the actions of cognition and sexual motives alone; denies access to the massive amounts of knowledge and information on early and pre-cognitive development which has been available from the 1960's onwards. This has been the focus of my own studies. I conclude that it is the pursuit of this gender-critical ideology; in defiance of these advances of science, which has led to a false diagnosis being imposed on transgender people: Which alleges that transgender conditions are the product of sexual desires, instead of the search for coherence of identity, and the ability to live in ways that are true to themselves in everyday life. That is reinforced when the arguments that are presented to counter this ideology are dismissed as "*merely as the work of transgender activists*"<sup>10</sup>, 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 their views ... It is therefore of concern that this 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; When the scientific consensus adopted by the Professional Medical Institutions and World Authorities, along with the protests of many others are ignored. It is the duty of any Government and any Human Rights Commission to act impartially, by taking account of all approaches, and I discuss some of these issues in section 10:0 of this account: I conclude that this has not happened, and that the failures of all parties to act impartially raise many human rights concerns ... And it is not surprising that many transgender people react in anger, when the reality of their identities is denied.

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. 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.

## 2:0 Conflicts and Disputes

The nature and origins of transgender conditions are currently the subject of an intense dispute between The Word 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 the driving force is considered to be an internally focussed search for coherence of identity; involving no greater potential threats to women, than all women face in public and private spaces: However, that approach is contradicted by some radical gender-critical feminist groups, religious groups and others. Some of whom, define sexuality as a core element of the personality, which is created, but

<sup>9</sup> Cass Report Introduction: <https://webarchive.nationalarchives.gov.uk/ukgwa/20250310143933/https://cass.independent-review.uk/home/publications/final-report/>

<sup>10</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>

then define transgender identities as personality disruptions, and as sexually motivated “*perversions, paraphilias, or disruptions of the gender role*”. So that their presumed driving forces of sex and desire, mean that transgender women are understood to be at least as great a potential threat; if not a greater threat to women; than all men are, in public and private spaces, together with concerns about women’s identity, safety and lives. Moreover, when the motives, timescales and methods of management differ to the extent that what one side considers to be those of compassion and concern, are almost inevitably regarded as recruitment, grooming, capture, and coercion by the other, it is essential that the correct diagnosis is applied.

The recognition of the horrendous history of male abuse against women must never be diminished, but in this examination the issue of concern, is over where transgender people fit in. And that also creates a major dispute within the feminist movements: 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<sup>11</sup> 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. However, it is also of note, on the basis of recent surveys and experience, that a majority of feminists, which; in addition, is greater than the majority which exists in the general population, support the latter approach of providing a full inclusion and welcome to transgender people: Who see that their searches are for inclusion and coherence of identity, who are happy to give them full acceptance in their roles as women; and as the women they say they are, and who recognise them as true allies in the fight for women’s interests, and in the behaviours of everyday lives.

For centuries all forms of gender and sexually variant behaviour; including transgender behaviour, which departed from the social; religious; and sexual stereotypes expected by society, was universally condemned as intrinsically disordered acts of grave depravity in pursuit of inappropriate sex. Little could change before same-sex intercourse by adults in private was de-criminalised in the United Kingdom in the 1960s. And 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. This also recognised that gender identity is a core element of the personality that is created, alongside and separate from that of sex. That reached a peak in the United Kingdom in 2018, with the proposed reform of the Gender Recognition act: Where; in line with the viewpoint of the World Authorities and Professional Medical Institutions, transgender identities were seen as searches for coherence of identity, no threat to others, and no greater a danger to other women, as all women are in women’s private spaces ... instead of desires for a role or the attractions of sex.

Since that time there has been a regression. Baroness Falkner, present Chair of the United Kingdom Equalities and Human Rights Commission, argues that this is because of new research: But that does not correspond to the evidence available. The Cass report, which was commissioned to address these issues instead takes the understanding of transgender conditions back to the 1960s when the development of gender identity was being entirely attributed to social learning processes and to its associations with the gender role: which means that how development takes place during the first three to four years of life is dismissed or ignored: In this account I 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. That confirms the viewpoint of the World Authorities and Professional Medical Institutions which identifies transgender conditions as “*naturally expected variations of the human condition*”.

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<sup>11</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*” 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 genital at birth is sufficient to determine the appropriateness of all future gender and sexual behaviour. Thus, the legitimacy of transgender conditions must be determined entirely by biology, not on the “*performance gender*”. 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.

*tion, 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*": Our lives are not bounded by gender and sex, and this allows many other independent core or foundational elements, of personality and identity to be created. Freud did recognise that some innate generalised force drove development forward. However, he could not adequately explain how early development occurs: because his theories rely on already developed levels of cognition for their interpretations. Therefore, during this early period, he presumed that little in the way of constructive development takes place. Although Freud treated what happened as unknown, *gender-critical* groups specifically deny that anything of significance occurs<sup>12</sup>.

This gives rise to a "*gender-critical*" ideology, which presumes that cognitive processes and sexual motives alone carry development forward. It also marks a regression into a *gender-critical* approach: For along with Cass, Sullivan, Rippon, Stock and others, pre-cognitive development and the existence or influence of other innate forces: Including the critical neural and cognitive transformations and changes during the first three years, is ignored. And that leads directly to a diagnosis of transgender conditions as sexually motivated *perversions, paraphilias or disruption of the gender role*, where transgender women are considered to be as great a danger to women as all men are: And must also be excluded from women's private spaces, because of the threats to women and children that are understood to arise. This viewpoint is also expressed in a theory of "*Autogynephilic Transsexuality*"<sup>13</sup> which presumes that transgender conditions are *perversions, paraphilias or disruption of (male) homosexuality*, so that sexuality and sexual identities continue to be recognised as core elements of the personality that is created, while gender identity is reduced to a sexually motivated "*perversion, paraphilia, or disruption of the gender role*". This *autogynephilic* approach is what the present United Kingdom Government in now understood to adopt.

That is not supported in neurology. Open almost any standard handbook on sexuality and psychiatry today, and it will show that both gender and sexual identities develop together very early in life as part of a single complex<sup>14</sup>. *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, do not compete with each other: Therefore, these must be treated as complementary conditions, both must be regarded as independent core elements of the personality that is created. There cannot be any separation, so both be recognised either as core elements of the personality, or both as manifestations of the gender role. The adoption of a *gender-critical* approach; with its disregard of earlier developments, means that gender identity cannot be treated as a core element of the personality that is formed. Therefore, a *gender-critical* philosophy is imposed which reduces gender identities to "*perversions, paraphilias, or disruptions of the gender role*". A false "*gender ideology*" is created, which decrees that "*transgender people believe they can choose change or deny biological sex*". Instead of recognising that the trauma transgender people face is driven by a search for a coherence of identity; sexual motives, involving desires for a role or the attractions of sex are presumed to drive transgender conditions: With the combined effect of reducing the understanding of gender identity; from a core element of personality, to a nebulous collectively created concept, associated entirely with the gender

<sup>12</sup> Freud, through his description of the Oedipal complex, places the period of formation of the core gender identity; with the separation of the self from the other, alongside; or after, the gender role identity has been created. Which is between the ages of three to five years. Therefore, he cannot demonstrate any independence or separation of the core gender identity from the gender role identity, because his psychodynamic approaches which rely on cognition for their explanations, cannot explain how earlier development occurs.

<sup>13</sup> Autogynephilia was defined by an American psychologist, Dr Ray Blanchard, as "*a male's propensity to be sexually aroused by the thought of himself as a female*". (Auto = self, gyne = woman, philia = love.) According to Blanchard and Lawrence "*The increasing prevalence of male-to-female (Male-to-female) transsexualism in Western countries is largely due to the growing number of Male-to-female transsexuals who have a history of sexual arousal with cross-dressing or cross-gender fantasy. Ray Blanchard proposed that these transsexuals have a paraphilia he called autogynephilia, which is the propensity to be sexually aroused by the thought or image of oneself as female. Autogynephilia defines a transsexual typology and provides a theory of transsexual motivation, in that Blanchard proposed that male-to-female transsexuals are either sexually attracted exclusively to men (homosexual) or are sexually attracted primarily to the thought or image of themselves as female (autogynephilic), and that autogynephilic transsexuals seek sex reassignment to actualize their autogynephilic desires. Despite growing professional acceptance, Blanchard's formulation is rejected by some male-to-female transsexuals as inconsistent with their experience. This rejection, I (Lawrence) argue, results largely from the misconception that autogynephilia is a purely erotic phenomenon. Autogynephilia can more accurately be conceptualized as a type of sexual orientation and as a variety of romantic love, involving both erotic and affectional or attachment-based elements*". According to Lawrence: "*This broader conception of autogynephilia addresses many of the objections to Blanchard's theory and is consistent with a variety of clinical observations concerning autogynephilic Male-to-female transsexualism*". Becoming what we love: Lawrence, A. A. (2007): "*Autogynephilic transsexualism conceptualized as an expression of romantic love*"; *Perspect Biol Med*. Autumn 2007;50(4):506-20. doi: 10.1353/pbm.2007.0050.

<sup>14</sup> See for example Joel, D: (2020): "Beyond sex differences and a male-female continuum: Mosaic brains in a multidimensional space". Chapter 2 in *Handbook of Clinical Neurology*: Volume 175, 2020, Pages 13-24

role. And this give support to the theory of “*Autogynephilic Transsexuality*”, where transgender conditions are reduced to sexually motivated “*perversions, paraphilias or disruptions of (male) homosexuality*”, while sexual orientation continues to be seen as a core element of the personality that is formed.

Transgender conditions must also be managed as personality variations, instead of personality disruptions. And there should be no magic needed for the treatment of these 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 correct diagnosis is applied. Much of the present day harm that that is created, arises from the attempts of gender-critical groups and others to impose an incorrect diagnosis on transgender people: which demands that they are treated as personality disruptions, when their management and treatment as personality variations: and 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*”: is instead required.

### **3:0 Gender Identity**

The most common definition of gender identity today divides it into two components: The core gender identity which is a measure of the deeply held sense of belonging without behavioural implications, and the gender role identity, which instead measures what society expects: And where either or both usually; but need not, always correspond to the expectations of biological sex: Also, *Gender Identities*: which are measured in terms of social relationships in society and *Sexual Identities*: which are measured in terms of sexual attractions and orientation, which are formed through interaction with others, and allegiances which have previously been created. In this study I also show that, the gender role identity: which forms from a median age of three years, can only develop as an overlay on the core gender identity which has already been formed: In addition, this means that the core gender identity must be treated and managed as a personality variation and as a search for coherence of identity, since the consequence of its destruction leaves nothing in its place ... Whereas disturbance to the later gender role identity can instead be managed as “*perversions, paraphilias or disruptions of the gender role*” driven by desires for a role or the attractions of sex: Because a return to a preciously existing path can in principle be restored. The interaction between these is considered in this account.

### **4:0 Evaluation**

In Autumn 2020 Dr Hilary Cass was commissioned to make recommendations to the United Kingdom Health Service about the services provided by the NHS to children and young people who are questioning their gender identity or experiencing gender incongruence. However, instead recognising the viewpoint the World Authorities and Professional Institutions, and considering what happens during the crucial first three to four years of life: She ignores this early period in the terms of reference she sets for her report: And for her evidence base, she uses a definition of gendered behaviour and gender identification by Kohlberg which dates from 1966, and considers only the impact of the gender role: Her rejection of sexual impulses together with the drives of psychodynamic theories, also places Cass alongside Kohlberg, Maccoby; Berger; Bannerjee; Slaby, Frey; Martin, Ruble; and others who, using Piaget and similar theories in the 1990s; sought to attribute the development of gender identity entirely to social learning processes, and to its associations with the gender role. Cass does not claim to identify the motives and causes of transgender conditions, but her need to identify protocols demands it. Not only does this diminish the depth of transgender identities: but also ... because she denies the impact of psychodynamic theories which fast-track early development forward, Cass additionally places a timescale upon their development which is far longer than that which experiential evidence demonstrates, and any of the other theories impose: In addition to this and ... by treating transgender conditions as though they are personality disruptions; instead of personality variations, Cass imposes management and treatment methods which are damaging and incorrect<sup>15</sup>. Therefore, I conclude that the Cass Report is largely a restatement of historical views. The Cass Review has also been subject to many similar criticisms

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<sup>15</sup> Puberty blockers: 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. (2025): “*Judgement of the United Kingdom Supreme Court and the Diagnosis of Transgender Conditions*”  
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from other sources<sup>16</sup>: In other documents I have called for a judicial review of the Cass Review: because I believe it considers only one side of a toxic dispute. It contains no comparative study, it takes the understanding of transgender conditions back to the 1960s, and gives no warning of the existence, nature and intensity of this dispute<sup>17</sup>.

This is also a dispute between behaviourist neuroscientists, who argue that many more pre-cognitive influences are involved: Against cognitive neuroscientists who presume that cognition alone is the primary organising force which drives development forward, and those who adopt a gender-critical approach. Cass sets the frame of reference for her review to ignore the massive and often unique transformations in neural and cognitive development which takes place during the first three years; even though she considers their effects when puberty occurs, she uses arguments from the 1960s to justify the conclusions she reaches<sup>18</sup>. Rippon for example dismisses the approaches of those who argue that what happens during this early period is crucial for development, as “whack-a-mole” myths, or untrue statements which are repeated so often, they come to be believed<sup>19</sup>. Sullivan argues the gender identity and sex are different things, and the impact of gender is almost totally ignored<sup>20</sup> <sup>21</sup>. Stock denies the influence of any departure during the first three to four years by relying exclusively on cognition and logic to justify her approach, so that the pre-cognitive influences are dismissed or ignored. She also dismisses the approaches of Stonewall and others who challenge her views as being unworthy or unscholarly<sup>22</sup> and in a recent Court case she also outlines the context of her own gender-critical approach, which are suitable for personality disruptions, but not for personality variations, which demand an accepting approach<sup>23</sup>. There are in addition; many similar attacks on websites and elsewhere: where the influence of pre-cognitive development is dismissed as merely as the work of transgender activists<sup>24</sup>, 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 their views. And there are still many paediatricians, sociologists, educationalists, physiologists, and psychiatrists, who presume that cognition alone is the primary organising force which drives development forward: Where the impact if these early processes is again ignored. Cass, Stock, Sullivan and others may be able to tell us a great deal about how the gender role identity develops. But they cannot tell us anything about how the core gender identity is formed, because all of the pre-cognitive transformations are ignored.

Not only does the enforcement of this disputed ideology dismiss the existence or impact of the core gender identity, and all of these aspects of pre-cognitive development. It separately condemns and disparages transgender people by imposing a “*gender ideology*”: which alleges that transgender people believe they can “choose, change or deny biological sex”, It reduces gender identity to “merely a “*collectively created social construct determined entirely by association with the gender role*”. It dismisses or ignores all aspects of pre-cognitive development; and presumes that transgender identities are driven by sexual motives and cognition alone. It disregards the worldwide consensus that human development for all of us is driven by some deeper and innate physiological force, where the development of gender identity is a multi-faceted process: in which

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<sup>16</sup> For my critiques of the Cass report: See Gilchrist, S. (2024): “*Current Disputes on the Natures of Transgender Conditions and a Commentary on the Cass Review: Preface to the Series*”: <https://www.tgdr.co.uk/documents/255P-CassFinalPreface.pdf>.

<sup>17</sup> Gilchrist, S. (2024): “*Current Disputes on the Natures of Transgender Conditions and a Commentary on the Cass Review: Preface to the Series*”: <https://www.tgdr.co.uk/documents/255P-CassFinalPreface.pdf>.

<sup>18</sup> Gilchrist, S. (2025): “*Correctly Diagnosing Transgender Conditions: The Consequences of Misdiagnoses and the Independence of the Cass and Sullivan Reports*” <https://www.tgdr.co.uk/documents/255P-CassIndependence.pdf>.

<sup>19</sup> Rippon, Gina. (2019); “*The Gendered Brain: The new Neuroscience that shatters the myth of the female brain*”: Penguin Random House, London 2019: ISBN 9781847924759. Reviewed in Gilchrist, S. (2021a): “*Gender Identity, Feminism, and Transgender People*”: <http://www.tgdr.co.uk/documents/250P-GenderIdentityAndTrans.pdf>. Gilchrist, S. (2020b): “*Responsibility in Transgender Disputes*”: <http://www.tgdr.co.uk/documents/248P-Responsibility.pdf>

<sup>20</sup> Sex matters: see section 8:0 of this account.

<sup>21</sup> See section 4:0 for comments on the Sullivan Report

<sup>22</sup> Stock's work is extensively reviewed in Gilchrist, S. (2021a): “*Gender Identity, Feminism, and Transgender People*”: <http://www.tgdr.co.uk/documents/250P-GenderIdentityAndTrans.pdf>. Gilchrist, S. (2020b): “*Responsibility in Transgender Disputes*”: <http://www.tgdr.co.uk/documents/248P-Responsibility.pdf>

<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 banning. I) Banning easier access to Gender Recognition Certificates. ii) Treating gender identity as a protected characteristic in law and policy. iii) Recognition of gender identity in medical, educational, and judicial contexts. iv) Banning conversion therapy for trans people. v) Access to gender-affirming medical care, including for young people. vi) Access to single-sex spaces (like changing rooms, prisons, sports) based on gender identity

<sup>24</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>

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elements of nature and nurture; including pre- and post-natal development, are involved, and that sexual identification and gender identification are parallel; but independent, manifestations of the same deep underlying force. Which means that, instead of treating gender identity and sexual identity equally as core elements of the personality that is created, the influence of gender identity as an independent core element of personality, with its own search for coherence of identity, is totally ignored. For example, and in a review on data usage, carried out for the UK Government, Professor Alice Sullivan states that a person's "gender" is not a data category that should be collected: Despite the extremes of trauma that denying it creates, and its supreme importance for transgender people's lives<sup>25</sup>

The same dismissal of all these early forces and processes also gives rise to the definition; now endorsed by the Supreme Court, which has also decided that "*biological sex*", as assigned by inspection of the genitals at birth is sufficient to determine the appropriateness of all future gender and sexual behaviour: This is an expression of the same gender-critical ideology, which ignores early development and presumes that gender identities develop through cognition and sexual motives alone. This decision of the Supreme Court has been very strongly condemned by virtually all medical, psychiatric, and other expert opinions; including by many professional organisations, as being unfounded, reductionist, transgender exclusive, and totally incorrect. Which; for the same reasons and denials, totally misrepresents the motives, history, and the lived experiences of transgender people: who know very well that their search is for acceptance and a coherence of identity, instead of desires for a role or attractions of sex. Therefore, it must not be surprising that many transgender people and others erupt in anger, when these groups attempt to enforce a diagnosis on transgender people, which alleges that these conditions are driven by desires for a role or the attractions of sex;. And it raises false fears among the host communities by identifying transgender women, to be as great a danger, if not a greater danger to women; as all males are, on the basis of a diagnosis which is incorrect. Instead of a search for coherence of identity and the ability to live freely as themselves in society, which is all that transgender people expect.

### 5:0 Research

There cannot be any justifiable explanation of how transgender conditions develop without taking account of what happens during the first three years of life. And there cannot be any justification for saying that because these are unknown, they can be ignored. There is now a great deal of experiential, medical and clinical evidence to justify the viewpoint of the World Authorities and Professional Medical institutions to justify the argument that transgender condition 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*": But much of this understanding relies on the extensive experiential evidence now available and; in the face of such intense conflicts, conspiracy theories, and social media attacks more research is needed to confirm this is correct..

It was these failures which, from 2011 led me to conduct a study, which employs the pioneering work of pioneering anthropologists and neuroscientists, including Girard, Gallese, Dawkins and others; from the 1960s onwards: And which uses transgender experiences as case studies to examine how personalities and identities for all of us are formed. This confirms 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 forces dominate from birth, and only gradually come under control as the organising powers of cognition come into greater effect. Therefore: instead of ignoring what happens during this early pre-cognitive period, understanding what occurs during it: becomes of crucial importance instead. It also allows me to confirm that the core elements of personality and identity coalesce from previously fragmented thought around a median age of two years: However, children do not associate themselves with the expectations of the gender role until a median age of three years. Thus, the gender role identity: which forms from a median age of three years, develops as an overlay on the core gender identity which has already been created<sup>26</sup>. Attacks on the core gender identity, become attacks on the whole sense of selfhood that is created: And these must be treated and managed as personality variations, since the consequence of their destruction leaves a vacuum in

<sup>25</sup> Sullivan, A. (2025): "*Independent review data, statistics and research on sex and gender*": Government UK 19 March 2025: <https://www.gov.uk/government/publications/independent-review-of-data-statistics-and-research-on-sex-and-gender>

<sup>26</sup> Freud also recognised that some process of separating the self from the other is needed. He did this through the Oedipal Complex. However, because he relied on cognition for his arguments, he placed this between the ages of three and five years, alongside the development of the Gender Role Identity, so it has not been considered to have an independent effect.

its place. Whereas disturbance to the gender role identity can instead be managed as “*perversions, paraphilias or disruptions of the gender role*”: because since they represent departures from a potentially recoverable path.

By mapping how development takes place during the first three to four years of life, I show elsewhere that the psychological and physiological aspects of brain development act pro-actively together in early years 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<sup>27</sup>. For these reasons, typical or atypical gender and sexual identities can develop without any obvious cause. I also show why strong and stable core identities are created; including transgender identities, whose long-term stability, gives the constancy required to permit the widest possible range of expression of the gender role identity to be created, yet fit within an ordered life: And that these identities need not always follow biological sex.

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: In other work on the development of aggression, which I discuss in much more detail elsewhere<sup>28</sup> it is shown that the aggression profiles also align with the socially identified sex<sup>29</sup>. Therefore, transgender women should be of no greater potential threat to other women; than all women are, in any public or private space<sup>30</sup>. These considerations also mean that the same processes of identity formation apply to everyone. 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. And as I show elsewhere, 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<sup>31</sup>. Thus, the core gender identities of trans women and natal women form in the same way. And, because the core gender identity can be described as an inner sense of belonging without behavioural implications, it further means that gender-critical ideology<sup>32</sup>, which disregards any earlier developments; or pre-cognitive inputs, must be the less effective approach. And 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>33</sup>.

These arguments contradict the conclusions of gender-critical groups and others, who ignore these early development processes; and diagnose transgender conditions as personality disruptions: where transgender women are considered to be as a great a danger to as all men to women’s safety, identity and lives. And the diagnosis which demands that inspection of the genitals at birth is sufficient to determine the appropriateness of all future gender and sexual behaviour, places the Supreme Court alongside the feminist viewpoint: Which argues on a biological basis, that 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

<sup>27</sup> Maximum individuality: See section 3:0 .0 and 7:0 Of Commentary 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>

<sup>28</sup> For information on aggression profiles in section 17:0 of Commentary 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>

<sup>29</sup> Wrangham, Richard: (2019): “The Goodness Paradox: How Evolution Made Us More and Less Violent” Pantheon Books ISBN 978 1 78125 583 4

<sup>30</sup> And vice versa for men

<sup>31</sup> See section 10:0 Interactions with Society in Gilchrist, S. (2024): “*On the Diagnosis of Transgender Conditions: A Study of Current Understandings and a Commentary on the Cass Review*”: <https://www.tgdr.co.uk/documents/255P-CassFinalCommentary.pdf>

Wrangham, Richard: (2019): “The Goodness Paradox: How Evolution Made

<sup>32</sup> Quorum sensing occurrences can be considered akin to crowd behaviour. When a particular point of attention is discovered all of the members of the crowd rush towards it to find out what it is. This can only happen when a certain threshold of communication is passed which informs people that the point of attention exists. The outcome is determined by the momentum that is created. It is not the product of a rational choice. See section 7:0 of 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>

Wrangham, Richard: (2019): “The Goodness Paradox: How Evolution Made

<sup>33</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>

women, and threaten women's identities, safety, and lives ... Against the majority, who recognise that the core gender identity, instead of "*biological sex*" should be the primary standard to determine how people should socially interact. And who are instead happy to accept male-to-female transsexuals<sup>34</sup> 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. This result should not be surprising since these are internally focussed processes involving the separation of the self from the other. The same development processes apply to everyone regardless of biology and sex. Therefore, core gender identities for natal women and transgender women develop in the same way: And that commonality of interactions, purposes, concerns and understanding between natal women and transgender women, affirms the principle of maximising the inclusion of transgender women in women's groups, and in everyday life.

## 6:0: Gender and Sex

The present-day condemnation of transgender conditions as sexually motivated *perversions, paraphilias or disruption of the gender role*, where transgender women are considered to be as great a danger to women and children as all men are, represents a total transformation in attitudes from 2018 when transgender people were fully accepted, without fear of abuse in everyday life. And it is important to remind ourselves about how this transformation has occurred. We have seen that almost every study on sexuality and psychiatry shows today that both gender and sexual identities develop together very early in life as part of a single complex<sup>35</sup>. *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, do not compete with each other: Therefore, these must be treated as complementary conditions, and both must be regarded as independent core elements of the personality that is created: Where each is a separate manifestation of this deep seated internally created force; which drives development forward and dominates from birth. That is completely different from the gender critical approach which considers transgender conditions to be sexually motivated "*perversions, paraphilias or disruption of the gender role*." Where, instead of a search for coherence of identity, the motives are presumed to be drives of sex.

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. 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. 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*."

Although gender identities and sexual identities normally align with biological sex, they need not do so. Nor need they align with each other: And major trauma can occur when these collide. For some transgender people, the alienation they experience to the gender identity assigned to them, is so complete; that it is rejected from the earliest memories they possess. But for others the conflict which these inconsistencies create becomes so great, it can have an overwhelming effect. There are many transgender people who do attempt to

<sup>34</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*" 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 genital at birth is sufficient to determine the appropriateness of all future gender and sexual behaviour. Thus, the legitimacy of transgender conditions must be determined entirely by biology, not on the "*performance gender*". 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>35</sup> See for example Joel, D: (2020): "Beyond sex differences and a male-female continuum: Mosaic brains in a multidimensional space". Chapter 2 in Handbook of Clinical Neurology: Volume 175, 2020, Pages 13-24

resolve this conflict by trying to persuade themselves that they are homosexual, but most; with some often having tried for years, find that this does not work: So that the alienation and attrition caused by this, leads to collapse. It is universally recognised that “*conversion therapy*,” which can be described as attempts to change gender and sexual identities does not work. Therefore, methods of managing transgender conditions as personality variations: and not as personality disruptions are needed. Instead of suppressing the incongruence, that demands accepting its reality and finding ways to manage it, and any misdiagnosis 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 from later time in life.

The enforcement of an incorrect “*gender ideology*” which alleges that “*transgender people believe they can choose change or deny biological sex*”, which argues that transgender conditions are instead sexually motivated “*perversions, paraphilias or disruptions of the gender role*”, is totally rejected by transgender people, who consider these conditions to be searches for coherence of identity, and not drives of sex. The same enforcement also reduces the understanding of gender identity to a nebulous collectively created concept associated entirely with the gender role: The use of a theory of “*Autogynephilic Transsexuality*”, which presumes again that transgender conditions are perversions paraphilias or disruption of (male) homosexuality, which also relies on Freudian psychodynamics; again, reduces transgender conditions, to perversions paraphilias or disruptions of the gender role; and to motives sex. The decision of the Supreme Court to disallow the “*performance of gender*” in favour of “*the biology of sex*”; together with its adoption of the principle that “*inspection of the genitals at birth is sufficient to determine the appropriateness of all future behaviour*”; immediately disenfranchises transgender people ... for these people; alongside natal women, rely on their “*performances of gender*” to be identified as women, not on the drives of sex. And the minority who may instead do this are similarly disenfranchised by the requirement that all acceptable gendered behaviour should conform to the biology of sex. So; along with gender-critical groups, the Court likewise presumes that transgender conditions are “*perversions, paraphilias or disruptions of the gender role*” This adoption of a gender-critical ideology further implies that “*transgender people are as great a danger as all males in women’s public and private spaces*”, and it likewise reduces the understanding of transgender conditions to motives of sex.

This reduction is to the extent that the “*so-called*” independent reviews, such as the Sullivan Review, commissioned by the UK Government, which was carried out by a member of “*Sex Matters*”, totally ignore the significance of gender: And these groups base their analyses entirely on the presumption that transgender conditions are entirely driven by motives of sex. Therefore, the care transgender people need and the very often extreme traumas transgender people face are ignored: The existence of gender as a core element of identity is denied, transgender conditions are diagnosed as personality disruptions, instead of personality variations: And the protests made by transgender people from their own experiences; that these conditions are searches for coherence of identity, and not drives of sex: Are disparaged, ignored or denied.

## 7:0 Court Decisions

The impact of the Supreme Court’s decisions goes far beyond the interpretation of the 2010 Equality Act, and it is equally necessary to consider their effects. Declaring that “*trans women must be treated as men*” and “*trans men as women*” for the purpose of the 2010 Equality Act leaves no middle ground. So that, in place of an egalitarian and inclusive society; within which people of all gender identities and sexualities could be equally welcomed and respected, it now imposes the culture of a sexually polarised society; which maximises the exclusion of anybody who departs from the social stereotypes expected by biology. And it denies the experiential evidence and scientific consensus gained over the last sixty years. Because of this, it turns an approach which previously had included transgender women in the category of women, into one which now by default excludes them. It enforces an outlook of “*gender complementarity*” on society which recognises only binary notions of gender and sex. It leaves no place for non-binary identities. It does not increase the level of protections already provided for women in the 2010 Equality Act: By asserting that transgender women should use men’s facilities, it increases freedoms for any other male to enter women’s spaces with abuse in mind, and its binary nature sets the culture of a presently inclusive society back to a time where all gender and sexually variant behaviour was considered as being intrinsically disordered acts of grave depravity, in pursuit of illegitimate sex.

But one major concern is this legally justified transformation in the outlook of a society which once had sought to maximise the inclusion of a minority group in everyday society, into one which by default now maximises

their exclusion. For it is now only necessary to fabricate a seemingly acceptable reason to justify exclusion. To argue that transgender conditions are “*perversions, paraphilias or disruptions of the gender role*” without stating the nature, gives open season, for all sorts of unfounded allegations. The decision of the Supreme Court to support a “*gender ideology*;” which regards any departure from social stereotypes of “*biological sex*”; identified by inspection of the genitals at birth, as disruptions of a biologically (or divinely) ordained path … provides plenty of opportunity. Judith Butler touches on this in her book “*Who’s Afraid of Gender*”<sup>36</sup> And a greatly increased level of scapegoating has already been seen in the responses by some to the Supreme Court judgement<sup>37</sup> … Which is also in line with the increasing world-wide condemnations of all gender and sexually variant people, that today are being encountered.

The particular issue being addressed in the Supreme Court’s judgement is about where transgender women should be included in; or excluded from, all-women shortlists. Up to now In United Kingdom society we have used the words “*men*”, “*women*”, “*male*” and “*female*” interchangeably to describe both matters of gender and sex. The construct of “*legal sex*” in the 2004 Gender Recognition Act was introduced to ensure that all past and future legislation could be interpreted, and legal decisions could be made in the context which is correct. That was expanded on in the EU Gender Directive (Directive 2004/113) and the Recast Equal Treatment Directive (Directive 2006/54) which equalised treatment in the provision of goods and services for both sexes<sup>38</sup>. The requirement that the 2010 Equality Act must adopt the interpretation provided in the Gender Directive, flows directly from EU case law: It had been intended to draft the Equality act in a way that conforms to the Gender Directive, but that had not yet been incorporated into UK Law<sup>39</sup>. However, that failure does not replace the greater interchangeability provided for in the 2004 Gender Recognition Act. There is no evidence that the drafters of the 2010 Equality act ever intended anything other than an inclusive approach<sup>40</sup> So regardless of the state of implementation of the Gender Directive, the inclusive interpretation of the 2010 Equality Act, in accordance with the 2004 Gender Recognition Act, should still remain in effect.

But we also need to remind ourselves about how gender identities are created. In section 5:0 I note that the same processes of identity formation apply to everyone; regardless of gender or 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. Therefore, this allows all women, including male-to-female transsexuals: acting as women with women, to pursue the same feminist arguments with the same vigour, from a stronger base. Equally for any female-to-male transsexual: acting as men with men, to pursue any equivalent male arguments from a similarly stronger base. Because the core gender identity can be described as an inner sense of belonging without behavioural implications, it further means that gender-critical ideology, which disregards any earlier developments; or pre-cognitive inputs, must be the less effective approach. And 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. Also, these commonalities of interests and concerns mean to me that transgender women should be included by default in all-women shortlists: And in any situation where physiology becomes of particular importance, declarations of interest could then be provided.

<sup>36</sup> Butler, Judith (2024) “*Who’s Afraid of Gender?*”: Farrar, Straus, and Giroux, March 2024, ISBN:0374608229 ISBN15:9780374608224.

<sup>37</sup> Gilchrist, S. (2017): “*Religious and Secular Scapegoating of Transgender People: and its impact on the Christian Church*”: <http://www.tgdr.co.uk/documents/238P-SecularScapegoating.pdf>

<sup>38</sup> EU (2004): “*Council Directive 2004/113/EC of 13 December 2004 implementing the principle of equal treatment between men and women in the access to and supply of goods and services*”: <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32004L0113>

<sup>39</sup> Bradley, Claire (2025) “*Why the FWS case was wrongly decided by the UK Supreme Court - in light of the EU law historical context*” Tuesday, 12 August 2025: Under the Gender Directive people are either one sex or the other, they are not referred to as men and women. This gender-neutral definition of sex therefore applied from the 6th of April 2008, when the Sex Discrimination (Amendment of Legislation) Regulations came into force and these provisions were then rolled into the Equality Act 2010. Therefore, the references to “*men*” and “*women*” found in the Sex Discrimination Act were over-ridden by the Gender Directive and superseded those earlier definitions of sex. The Equality Act was therefore drafted with a trans inclusive definition of sex built in from the very beginning.

[https://eulawanalysis.blogspot.com/2025/08/a-detailed-legal-analysis-.which.html?fbclid=IwQ0xDSwM0mNjbGNrAw6XTGV4dG4DYWVtAjExAAEeGaZabd1TIK7agcYlwleQOs853mPT4zQuP0pnE5zEb0Aap2OMM-2B356t5Eg\\_aem\\_Jp9qLEdAu-6S3FN7LfVxWA&m=1](https://eulawanalysis.blogspot.com/2025/08/a-detailed-legal-analysis-.which.html?fbclid=IwQ0xDSwM0mNjbGNrAw6XTGV4dG4DYWVtAjExAAEeGaZabd1TIK7agcYlwleQOs853mPT4zQuP0pnE5zEb0Aap2OMM-2B356t5Eg_aem_Jp9qLEdAu-6S3FN7LfVxWA&m=1)

<sup>40</sup> Carrell, Severin; Brooks, Libby: (2025): “*Court ruling on ‘woman’ at odds with UK Equality Act aim, says ex-civil servant*”: Th Guardian: Fri 18 Apr 2025 <https://www.theguardian.com/world/2025/apr/18/ruling-on-woman-definition-at-odds-with-uk-equality-acts-aim-says-ex-civil-servant#:~:text=Melanie%20Field%2C%20who%20oversaw%20its%20drafting%20and,legal%20status%20as%20biological%20men%20or%20women.>

Transgender women claim to belong to the category of “women” through their performances of gender. And most equality legislation is enforced through this “*performance of gender*”, and not “*drives of sex*”. We have seen that the decision of the Supreme Court to require that the 2010 Equality Act can only refer to “*biological sex*” immediately disqualifies transgender people from this inclusion, without any advances in the protections provided for “*biological sex*”. And the requirement that “*transgender women must be treated as men*” for the purpose of the 2010 Equality Act, does not just exclude transgender women from all women shortlists: It destroys the legal legitimacy of transgender identities, attacks the sense of identity that is possessed, disregards the many contributions that transgender women have made in the fight for women’s rights. And by default, it bars transgender women from members of such feminist groups. There are many other groups who take the opposite inclusive approach, who would argue that the depth and breadth of transgender women’s experience, make them even more powerful advocates for women in public boards and in the fight for women’s rights.

The Supreme Court’s adoption of an approach which imposes a gender complementarity; which is determined by inspection of the genitals at birth, has been used by the current EHRC to issue interim Statutory Advice which now states that “*trans women (biological men) should not be permitted to use the women’s facilities and trans men (biological women) should not be permitted to use the men’s facilities, as this will mean that they are no longer single-sex facilities and must be open to all users of the opposite sex. in some circumstances the law also allows trans women (biological men) not to be permitted to use the men’s facilities, and trans men (biological woman) not to be permitted to use the women’s facilities*”<sup>41</sup>. This has also been matched by the EHRC requirement to exclude all trans women from all women’s spaces and groups, because they would no longer be “*single-sex spaces*”<sup>42</sup>. This interpretation has been challenged by many, as going far beyond the judgement of the Court. Whereas accepting the diagnosis of the World Authorities and Professional Medical Institutions, would mean that a transgender woman, who makes proper and respectful use of the communal area of a woman’s toilet, would in principle be of less danger to other women than a lesbian woman, in such spaces ... Because the driving forces behind transgender conditions are acceptance as a woman and for the search for a coherence of identity, in place of the drives of sex.

As someone who has been actively involved in the organisation and management of a transgender support group for many years. I would be content if the difference between the requirements of “*legal sex*” and “*biological sex*” in the 2004 Gender Recognition Act, were to be made explicit as an exemption in the 2010 Equality Act<sup>43</sup>. This means that only the relevant aspects of biology; that could best be defined as “*human anatomy or physiology*” should be included. There should also be no contradiction between transgender rights and lesbian rights as they are complementary to each other. These are governed by the separate characteristics of “*gender reassignment*” and “*sexual orientation*”. And the 2010 Equality Act already allows for groups to be created which are confined to a single protected characteristic. The same should also apply to lesbian and gay groups who wish to exclude transgender people from their remit. The fears created among these lesbian groups, that transgender people threaten their own identities; And their arguments that they cannot exclude them from lesbian groups arise because of an incorrect feminist “*gender ideology*”, which misdiagnoses them as drives of sex. Others do understand that transgender searches are for coherence of identity, not drives of sex. Judging from the very high level of support for transgender people from others, including many ardent feminists in the LGBT communities, a great many lesbians do support and stand by transgender women; for they see them as partners and allies in a common journey, where there is no threat to lesbian identities or fear of attack. And transgender women do not in general consider themselves to be lesbians. Therefore, I conclude that the principles upon which the Court makes its judgement on group memberships are also incorrect. And another handicap is that the Court never defines what it means by “*biological sex*”.

But there are certain situations where clearer separation on the grounds of privacy may be needed, although these are implicitly present in the 2010 Equality Act. I speak for myself and not any organisation, when I say that I would not be opposed to the characteristic of “*human anatomy or physiology*” being specifically listed alongside “*gender identity*” and “*sexual orientation*” as protected characteristic in the 2010 Equality Act. And

<sup>41</sup> Claire Bradley, Claire (2025) “Why the FWS case was wrongly decided by the UK Supreme Court - in light of the EU law historical context” Tuesday, 12 August 2025

<https://www.equalityhumanrights.com/media-centre/interim-update-practical-implications-uk-supreme-court-judgment>

<sup>42</sup> Clause 217 of the Supreme Court Judgement states: Although such 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 users, the Scottish Ministers do not suggest that a trans woman without a GRC is legally entitled to do so.

<sup>43</sup> The present legislation also provides for this exemption but making it explicit may reduce some of the confusion that exists.

this inclusion should do no more than account for the differences between “*legal sex*” and “*biological sex*”. That formal recognition could be used directly to exclude transgender women from sports, refuges<sup>44</sup>, support groups, clinics, and other services, on a proportionate basis where there are justified reasons<sup>45</sup>. Privacy is absolutely important; but that should not be intruded on in any communal space or activity, where genital differences remain hidden by clothes or surgery, and that can be provided through individual cubicles in communal changing rooms and elsewhere, which are available for anyone to use when that is needed<sup>46</sup>. And where laws against harassment; anti-social behaviour; and abuse in these communal spaces may then be applied: But this must also be matched to the principle of maximising the inclusion of transgender people in everyday life. And it should not involve the exclusion of a whole group simply because some people object. Implementing these requirements may also be covered come under the international protection of human rights<sup>47</sup>. These requirements would also seem to be supported in the Supreme Court’s Judgement: Part of Clause 217 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 exclusion would amount to unlawful gender reassignment discrimination not sex discrimination*”. That statement demands full inclusion, unless proportionate and justified reasons for exclusions can be given on an individual basis, for example in women’s refuges. However, both clauses should be read in full for a complete understanding of the ruling itself. It should also be noted that the right to offend is a basic human right, but any attempt to abuse is not.

It is important to note that the Supreme Court judgement does not change the law. Protection is available to all in circumstances where permissions can be granted on a proportionate basis: A Gender Recognition Certificate is no longer needed for protection to be given. And even though the Court argues that transgender women should by default be excluded from women’s groups, it does not mandate it … But what can be regarded as a reasonable and proportionate permissions when the objective is to maximise the inclusion of transgender people in everyday society, is a world away from those who would wish to exclude them, with the added presumption that some perversion or disruption has occurred. And that has resulted in many attacks on transgender people, since the Supreme Court Judgment was released<sup>48</sup>. I do not dissent from the Court’s judgement that transgender people are as equally protected in law under the characteristic of “*gender reassignment*” as lesbian and gay people are under the characteristic of “*sexual orientation*”. However, no interpretation can be valid if the precepts are incorrect. I agree with the Supreme Court to the extent that trans women have a “*male physiology*” and transgender men possess a “*female physiology*”. I also agree with the Court that transgender men and women are as equally protected on the grounds of “*gender identity*” or “*gender reassignment*” as lesbian and gay people are, on the grounds of “*sexual orientation*”, and I assert that both are equally protected on the grounds of “*human physiology*” … or the physiology; (not behaviours), of sex. But that can lead to an apartheid of equal protections where exclusion is put into effect. However, I also agree with the universal condemnation by many experts since the release of the Court judgement, who dismiss the presumption of the Supreme Court, which declares; for the interpretation of the 2010 Equality Act, that, all future gendered and sexual behaviour must align with sex; as determined by inspection of the genitals at birth, is nonsensical, reductionist, transgender exclusive, and totally incorrect. And my major concerns with the Court’s judgment are on the way it maximises exclusion, that it disenfranchises transgender people, who rely on their performance of gender for their identification as women, instead of the biology of sex: And that many

<sup>44</sup> Clause 221 of the Supreme Court judgement states in relation to women’s refuges “*Moreover, women living in the male gender could also be excluded under paragraph 28 without this amounting to gender reassignment discrimination. This might be considered proportionate where reasonable objection is taken to their presence, for example, because the gender reassignment process has given them a masculine appearance or attributes to which reasonable objection might be taken in the context of the women-only service being provided. Their exclusion would amount to unlawful gender reassignment discrimination not sex discrimination absent this exception*”.

Taking the word *absent* to mean *without*, would suggest that arbitrarily excluding trans women from women’s spaces without any reason would be unlawful because that would amount to gender discrimination.

<sup>45</sup> That is recognised in Clause 53 of the Supreme Court Judgement in relation to the 1975 Sex Discrimination Act

<sup>46</sup> That is recognised in Clause 52 of the Supreme Court Judgement, in relation to the 1975 Sex Discrimination Act

<sup>47</sup> Gilchrist, S. (2022): “*No Blacks, No Irish, No Homosexuals, No Transgender People*”: <http://www.tgdr.co.uk/documents/252P-NoBlacks.pdf>

<sup>48</sup> Good Law Project (2025) “*The devastating impact of the Supreme Court judgment*” <https://goodlawproject.org/the-devastating-impact-of-the-supreme-court-judgment/#:~:text=And%20it's%20not%20just%20trans%20people%20E2%80%93.us%20challenge%20the%20Supreme%20Court's%20judgment%20on> : Trans Actual (2025) “*Trans segregation in practice experiences of trans segregation following the supreme court ruling*”: [https://transactual.org.uk/impacts-of-the-supreme-court-ruling-on-trans-people/trans-segregation-in-practice/?fbclid=IwQ0xDSwMSOS1jbGNrAx15BWV4dG4DYWVtAjExAAEeJU33d2V97YTx-m4TH7FIQlcQQ3dSVlrHbARTDVPriyZ74N443PmfzdUpB4\\_aem\\_DM2pvHsBoTHxkTCrmvJUKg](https://transactual.org.uk/impacts-of-the-supreme-court-ruling-on-trans-people/trans-segregation-in-practice/?fbclid=IwQ0xDSwMSOS1jbGNrAx15BWV4dG4DYWVtAjExAAEeJU33d2V97YTx-m4TH7FIQlcQQ3dSVlrHbARTDVPriyZ74N443PmfzdUpB4_aem_DM2pvHsBoTHxkTCrmvJUKg)

of its conclusions are based on a diagnosis of gender identity and a gender ideology which are so totally incorrect.

### **8:0 Ideology**

In any Court judgement it is essential that all aspects are equitably considered. Of major concern is the understanding of gender identity adopted by the Supreme Court ... 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, and who was able effectively to address the questions posed by members of the court in the hour he had to make his submissions"*. Direct reference to the contribution of "Sex Matters" is also contained in Clauses 26, 32, 35, 173 and 203 in the Court Judgement. The decision of the Supreme Court to disallow the *"performance of gender"* in favour of *"the biology of sex"*; together with its adoption of the principle that *"inspection of the genitals at birth is sufficient to determine the appropriateness of all future behaviour"* corresponds to the approach which "Sex Matters" advocates, so this is a self-serving argument, where the Court and Intervenor are complementing each other in the search for an agreed definition: And no independent expert moderation is sought. The permission to intervene made by the *"Good Law Project"*, which would have provided a transgender counterpoint to these arguments, which may have included my own contribution, was rejected by the Court. And no other expert input was permitted or sought.

This also represents one side of a major dispute between the World Authorities and Professional Medical Institutions who consider gender identity to be a personality variation and a core element of the personality that is created, against gender-critical groups and others, who reduce gender to a personality disruption and a *"nebulous collectively created concept associated entirely with the gender role"*. I see nothing in the Court's judgement to suggest that these contradictions have been properly considered. If that is correct, then the validity of the whole of the Supreme Court's judgement must then be called into question. We have noted that the conclusion of the Court has already been very strongly condemned by virtually all medical, psychiatric, and other expert opinions; including by many professional organisations, as being unfounded, reductionist, transgender exclusive, and totally incorrect: By its decision, the Court totally ignores the effects of the major changes and transformations during the early years, identified not only in the mainstream of neurological science, but also in my own work, which uses the research work of pioneers, including Girard, Dawkins, Gallese, and many others; which has been available from the 1960s, to examine how personalities and identities are formed. I have only had to use long established work for this analysis. However, that work has also been kept up to date and further insights into how personalities and identities for all of us have been gained<sup>49</sup>.

I conclude therefore, that there is no justification for the *"gender ideology"* foisted by gender-critical groups on transgender people, which claims that transgender people believe they can *"choose, change or deny biological sex"*, or even that this is a matter of choice. And there is no justification for attempts to reduce transgender conditions to sexually motivated *"perversions, paraphilias or disruptions of the gender role"*. Transgender conditions are identified through the *"performance of gender"*, not drives of sex. The fact that people get married does not change the definition of rape: And the issue of a Gender Recognition Certificate enables the formal recognition of inclusive social relationships and transgender marriage, without changing the illegality of rape, or of any sexual act. I conclude that the argument of the Supreme Court that the Gender Recognition Certificate becomes unworkable, because it is understood by the Court to certify sex rather than gender, and its definition of gender is incorrect.

This arguments of the World Authorities and Professional Medical Institutions who consider gender identity to be a personality variation and a core element of the personality that is created must also be considered for any equitable result: but I consider that they are not. The decision of the Supreme Court to disallow decisions being made on the *"performance of gender"* in favour of *"the biology of sex"*; together with its adoption of the principle that *"inspection of the genitals at birth is sufficient to determine the appropriateness of all future behaviour"*: is sufficient to destroy the knowledge that transgender conditions are searches for coherence of

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<sup>49</sup> Although this work only required studies of the work of these pioneers, it has been kept up to date, and new insights into how personalities and identities for all of us have been formed. See section 9 of 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>

identity, not drives of sex. Not only does this set the understanding of how personalities and identities for all of us develop, it also sets the knowledge of how gender identities develop back by many years, and to a time where all gender and sexually variant behaviour was considered as being intrinsically disordered acts of grave depravity, and as sexual, *“perversions, paraphilias, or disruptions of the gender role”*: It is also the direct product of a “*gender-critical*” ideology, which argues that sexual motives and cognition alone drive development forward, and all earlier influences are ignored. And because of its adoption of the same ideology; which presumes that cognition and sexual motives alone drive development forward, I conclude that the Supreme Court has also decided that the understanding of the World Authorities and Professional Institutions, which recognises that transgender conditions 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”* is invalid, and that the approach of the gender-critical groups, which identifies transgender conditions *“perversions, paraphilias or disruptions of the gender role”*, which presumes that gender identities develop through sexual motives and cognition alone: And which ignores the massive neural and cognitive changes during the first three to four years of life, is the only legally correct approach.

## 9:0 Transformations and Misdiagnosis

In this section I examine the complete transformation in outlook from 2018 in the United Kingdom, when the then Conservative Government and the then Equality and Human Rights Commission were strongly recommending that transgender people should have the right to legally self-identify their gender: And when Penny Mordaunt, then the Government Equalities Minister launched a consultation on reforming the Gender Recognition Act in 2018 by declaring that *“Trans Women are Women. That is the starting point of the consultation”*<sup>50</sup>. When transgender conditions were also understood 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”*: where gender and sexual identities were both regarded as independent core elements of the personality that is created. And where transgender conditions were considered to be personality variations in search for a coherence of identity, instead of the drives of sex: With no doubts about the full inclusion of transgender people in everyday life.

Into one, where I conclude that a false “*gender ideology*” is imposed: Which decrees that *“transgender people believe they can choose change or deny biological sex”*. Which also argues that, instead of personality variations, transgender conditions are instead sexually motivated *“perversions, paraphilias or disruptions of the gender role”*. With the effect of reducing the understanding of gender identity; from a core element of personality, to a nebulous collectively created concept, associated entirely with the gender role ... Which means that, instead of recognising that transgender conditions are searches for a coherence of identity, it misdiagnoses them as products of desire and sexual drives; And one, which today argues that transgender women must be excluded from all women’s spaces and services: Because they are considered to offer as great a danger as all males, to all women and children. Where, instead of recognising that transgender conditions represent a search for coherence of identity gender; and that sexual identities are both core elements of the personality that is created. The core gender identity is reduced to a nebulous social construct, associated with the gender role. And transgender conditions are presumed to be driven by desires for a role, or the attractions of sex.

## 9:1 Recognition

In Sections 3:0 to 6:0 of this account, it is shown that most modern understandings consider the development of gender identity to be a multifaceted process where elements of nature and nurture are both involved.

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<sup>50</sup>When the equalities minister in the previous Conservative UK Government, Penny Mordaunt launched the consultation on reforming the Gender Recognition Act in 2018 by declaring that *“Trans Women are Women. That is the starting point of the consultation”*, she was using the definition of the feminist pioneers that men and women are distinguished from each other through the ways in which they integrate into society. When Richi Sunak as Prime Minister in 2024 made the statement *“I know what a woman is”* in the UK Parliament, at a time when he understood that the mother of a recently murdered transgender teenager was in the gallery, he was restating the current Conservative Government policy, which is to define men and women exclusively in terms of biology, measures both the hurt that can be created, and the total change in government attitudes to transgender conditions. 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>

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- Where early development is driven by strong, innate and self-reinforcing processes which dominate from birth, and only gradually come under control as the organising powers of cognition come into greater effect.
- Where gender identity; and sexual identity, are complementary core elements of the personality that is created: And where both are independent manifestations of this same underlying force.
- Where gender identity can also be divided into two components: The core gender identity, which represents an inwardly focussed search for a coherence of identity, and is a measure of the deeply held sense of belonging without behavioural implications. And the gender role identity, which instead, measures what society expects.
- Where the gender role identity acts as an overlay on the core gender identity that has already been created: And where either or both elements usually; but need not always, conform to biological sex. That consensus is today adopted on a worldwide basis, but it had come from an earlier time when all gender and sexually variant behaviour had been considered to be intrinsically disordered perversions, which involved desires for a role or the attractions of sex:
- Where transgender conditions must be managed as personality variations which search for a coherence of identity, and not as a personality disruptions, which involve the desires of sex. Attempts to manage personality variations as personality disruptions, can cause great harm, since the motives, timescales and methods of management for personality variations and personality 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 also essential that the correct diagnosis is applied. 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.
- Where allowing transgender people to self-identify their gender is part of that same rationale. This also recognises that gender identity is a core element of the personality that is created, alongside that of sex.

## 9:2 Regression

Since that time in 2018 a regression has taken place, with the demands by various populist Governments to return to traditional approaches, and “*common sense values*”: This is to the point where transgender conditions are again regarded as “*perversions, paraphilias and disruptions of the gender role*”, and where gender-critical ideologies, such as those adopted by *Stock, Rippon, Sullivan, Cass* and others, are the only ones supported today by the United Kingdom Equality and Human Rights Commission, and have come to be employed. This adoption of a “*gender-critical*” ideology, which presumes that cognition and sexual motives alone drive development forward, means that the major neural and cognitive advances and transformations during the first three years of life are ignored: Therefore, in place of an internally focussed search for coherence of identity, where no threats to others are involved, transgender conditions are considered to be personality disruptions, driven by the desires for a role, or the attractions of sex. So that transgender women are seen to be as great a threat to women as all males; and exclusions should be enforced.

That is compounded by the Supreme Court’s understanding that that the interpretation of the 2010 Equality Act must be confined to that of “*biological sex*”, and that inspection of the genitals at birth is sufficient to determine the appropriateness of all future gender and sexual behaviours. This also misdiagnoses transgender condition as personality disruptions and as drives of sex. Where the default position emphasizes exclusion over inclusion instead. The EHRC draft Code of Practice takes the position of justifying exclusion rather than inclusion of trans people as its starting point. And, in line with the recent EHRC advice and the Supreme Court decisions that “*transgender women must be treated as men*”, alongside the Court’s definition of gender identity, results in the claim that; by default, transgender people must always be excluded from all spaces and services designated for women: because of unsupported concerns about women’s and children’s identity, safety and lives.

The interim EHRC draft Code of Practice issued after the Supreme Court judgement now states that, “*in places like hospitals, shops and restaurants, “trans women (biological men) should not be permitted to use the women’s facilities*”. It also states that “*in some circumstances the law also allows trans women (biological men) not to be permitted to use the men’s facilities, and trans men (biological women) not to be permitted to use the women’s facilities*”. It also states that “*The same requirements also apply to schools and colleges*”, and I consider that this latter exclusion can have a devastating effect on transgender children’s lives<sup>51</sup>

### 9:3 Autogynephilic Theories

A more recent development has been the resurrection of a theory of “*Autogynephilic Transsexuality*”; put forwards by Blanchard in 1989<sup>52</sup>, which identifies transsexuality as a sublimated perversion of (male) homosexuality: So that the diagnosis of transsexuality continues to be restricted to that of drives of sex and as “*paraphilias, perversions, or disruptions of the gender role*”, although sex and sexual orientation are still regarded as core element of the personality, but gender is not. And where these perversions, paraphilias are disruptions are turned inwards to self-love for themselves, so no threats to others arise. Already in 1989 the theory was being challenged as being out of date, and incorrect by many, even at the time when it was first being put forward. The one clinic that supported it was eventually shut down: It was only developed for male-to-female transsexuals. It ignores female to male transsexuals, and no equivalent autogynephilic parallels for these people have been found. It also fails to deal adequately with non-binary roles. It ignores the fact that gender and sexual identity both develop together from a single complex very early in life. Furthermore, it does not provide adequate explanations for the wide range of transgender conditions that exist. The neurological advances during the first three years are further ignored. The theory is not supported by any more recent research and attempts by gender-critical groups to impose any analysis on existing research publications which support this gender-critical approach are condemned by lead authors of the papers themselves<sup>53</sup>.

### 9:4 Misdiagnoses

Transgender people form about one percent of the general population. Many people have to believe what others say about them, and the “*complaint don’t talk about us without us*”, does not just resonate with transgender people, is still encountered by all gender and sexually variant people; as much today, as it has in the past. Virtually all neurological studies on early development show that the forerunners of gender and sexual identities emerge from a single complex very early in life. Where both are core elements of the personality that is created, and both go their separate ways. That is denied when a gender-critical philosophy is imposed, which presumes that cognition and sexual motives alone drive development forward: Which reduces gender identity from a core element of the personality that is created to a “*perversion, paraphilia, or disruption of the gender role*”: With the application of a false “*gender ideology*”, which decrees that “*transgender people believe they can choose change or deny biological sex*”. This viewpoint is supported in the Cass Report, which took 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 social learning processes alone. It is also supported by the continuing gender-critical approaches of Rippon, Sullivan, Stock, Cass and others, who presume that cognition and social learning drive development forward and dismiss transgender conditions as personality disruptions; driven my desires for a role of the attractions of sex. This has the combined result of reducing the understanding of gender identity, to a nebulous and collectively created concept associated only with the gender role. Not only does this have the effect of trying to impose a diagnosis on transgender conditions which in place of a search for coherence of identity, are driven by desires of sex: It also endorses the gender critical viewpoint, which ignores the impacts of pre-cognitive development, and which justifies the exclusion of trans women from all women’s spaces and services; with the argument that they offer as great a danger to women and children as all males: This is against the viewpoints of the World Authorities and Professional Medical Institutions, who recognise that gender identities and sexual identities are both core elements of the personality that is created: Where the search is for coherence of identity in place of drives of sex: Which

<sup>51</sup> 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>

<sup>52</sup> See notes in section 2:0 of this account.

<sup>53</sup> Section 11:0 of 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>

recognise that transgender women are of no great a danger to other women in women's spaces and services, and therefore seek to maximise the inclusion of transgender women in everyday life.

And it is the imposition of a gender-critical ideology; by Stock, Sullivan, Cass, Rippon, and others, through its denial of the early development processes, which leads to the enforcement of a false diagnosis of perversions, paraphilias, or disruptions on transgender people: Where fears and threats of harm to others are created: While transgender people continue to recognise that as in 2018, transgender conditions are personality variations; and searches for coherence of identity: Where gender and sexual identities are separate core elements of the personality that is created; And to live as transgender people, who in good faith, are simply trying to live lives in ways that are true to themselves; without harm to others around them, and be fully accepted within the normal frameworks of everyday life.

### 9:5 Court Judgement

These arguments have come to a head in the recent Supreme Court judgement in the case brought by "For Women Scotland" against "The Scottish Ministers" over the inclusion of women in "only women" in public bodies, but it also addressed the question of trans women in lesbian groups. In giving its ruling, Judge Lord Hodge said the ruling should not be seen as a triumph of one side over the other and he stressed that the law still gives protection against discrimination to transgender people. While I agree that this protection is still available, there is a world of difference between any approach of segregation and apartheid which seeks to maximise the exclusion of transgender people from the social fabric of everyday life, on the presumption of dangers of 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. Which is against the majority of the population; including many ardent feminists, who accept transgender women as they say they are, who are willing to welcome transgender women as companions in the social journeys that all women make; and to acknowledge them as true allies in the feminist cause: To accept that transgender women are of no greater a danger to other women, as all women are in public or private spaces. And to recognise the proud history transgender women have in the fight for women's rights.

With such opposing viewpoints, it is incumbent on any Court to ensure that all sides are properly represented. But the decision of the Court to adopt the definitions of gender provided by "Sex Matters" and to deny intervention of any groups, including the "Good Law Project" who could present the opposing views in this toxic dispute: Means that even before the court comes to consider these matters, the inclusive viewpoint of the World Authorities and Professional Medical Institutions, is summarily denied. The conclusion of the Court that inspection of the genitals at birth is sufficient to determine the appropriateness of all future gender and sexual behaviour is universally condemned as nonsensical, reductionist, transgender exclusive, and entirely incorrect. But the decision of the Supreme Court still stands. And the intention of the EHRC and the present United Kingdom Government to legislate to ensure that by default transgender women should be excluded from all women's spaces and services, remains in effect.

### 9:6 Exclusion and Attacks

I conclude that this also contradicts the long history of maximising the inclusion of transgender people in everyday life. Already in 1975, this need for social inclusion was implicitly provided for in the United Kingdom 1975 Sex Discrimination Act. It is also provided for in the 2004 gender Recognition Act, which recognised that we use the words "men", "women", "male" and "female" interchangeably to describe both matters of gender and sex. And which introduced the construct of "legal sex" to ensure that all past and future legislation could be interpreted, and legal decisions could be made in the context which is correct. It also allowed for the word "women" to be defined in terms of the "performance of gender" in society as well as the "biology of sex". And it acknowledged transgender women are of no greater a danger to other women, as all women are in public or private spaces. That principle of maximising the inclusion of transgender people in everyday society was formally laid out in the 2010 Equality Act, and from that time onwards transgender people, with full legal protection from disclosure<sup>54</sup> could socially self-identify their gender in everyday life.

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<sup>54</sup> With certain legal limitations

If there is to any change to this traditional stance, it has to be justified by new understanding. But that justification is not provided for by the adoption of an incorrect gender-critical ideology, which dismisses all pre-cognitive influences, and presumes that cognition and sexual motives alone drive development forward. And where the work of behaviourist neuroscientists, who examine all of the neural and cognitive transformations in pre- and post-natal development: With the advances in research, which show that gender identity and sexual identity are both core elements of the personality that is created ... As well the experiential, clinical, medical, and research evidence gained over the last 60 years, are ignored or denied. In section 3:0 we have seen that the gender role identity: which forms from a median age of three years, develops as an overlay on the core gender identity which has already been created. Therefore, attacks on the core gender identity, become attacks on the whole sense of selfhood that is created: And these must be treated and managed as personality variations, since the consequence of their destruction leaves a vacuum in its place. Whereas disturbance to the gender role identity can instead be managed as "*perversions, paraphilias or disruptions of the gender role*": because they represent departures from a potentially recoverable path. Endorsing a gender-critical approach which ignores pre-cognitive development, allows critics such as J.K. Rowling and others to attack transgender people as threats to women's identities, as dangers to women and children, and attacks on the social order of society ... on the presumption that these conditions are driven by desires for a role or the attractions of sex.

That should be compared to the approach of the World Authorities and Professional Medical Institutions, together with the experiential, clinical, medical, and research evidence, of the last 60 years, which show that gender and sexual identities are both core elements of the personality that is created, where instead of enemies, transgender women are protectors of women's interests and allies with natal women in the fight for women's rights. And where the search is for a coherence of identity instead of the drives of sex. It is therefore essential that the correct diagnosis is employed. The conclusion of the Supreme Court; which considers inspection of the genitals at birth to be sufficient to determine the appropriateness of all future gender and sexual behaviours; and that transgender women must be recognised as men for the purpose of the 2010 Equality Act: totally ignores the impact of pre-cognitive development, disregards the many advances in the neurology of early development; over the last 60 years, and following the release of the Supreme Court Judgement, has been condemned as "*nonsensical, reductionist, transgender exclusive, and totally incorrect*". For the same reasons, the adoption of a "*Gender-Critical Ideology*", which reduces gender identity from a core element of the personality that is created to, merely a collectively created concept associated entirely with the gender role: Is also condemned as "*nonsensical, reductionist, transgender exclusive, and totally incorrect*". There is no support in neurology for any of these approaches, because it is accepted that the core elements of gender and sexual identities emerge from a single complex very early in life. *Gender Identities*: which are measured in terms of social relationships 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, do not compete with each other: Therefore, these must be treated as complementary conditions: And each must be treated independently as a core element of the personality that is created.

There is no justification for reducing gender identity to a "*perversion, paraphilia, or disruption of the gender role*", and for enforcing a diagnosis on transgender people, which instead of a search for coherence of identity, presumes they are driven by desires of sex. Instead of seeking to maximise the inclusion of transgender people in everyday life. The decision of the Supreme Court, together with the guidance now being produced by the United Kingdom Equalities and Human Rights Commission seeks to exclude them. That has received many condemnations from domestic and international bodies. The Lemkin Institute for Genocide Prevention and Human Security for example<sup>55</sup> states that it "*would like to bring attention to and condemn recent judicial and governmental developments in the United Kingdom, which attempt to harm transgender and intersex people in the UK by stripping them of privacy and segregating them as 'others' ... The Lemkin Institute believes these moves are part of a broader process of erasure. It is not only government action but also the media narrative that has fuelled hostility to and debate about the humanity of trans and intersex people while ignoring their voices. We see evidence of genocidal intent and actions targeting these communities*". And for transgender people who have for many years been welcomed and included in the mainstream of United Kingdom Society, such a transformation is ravaging or destroying many lives.

## 10:0 Independence

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<sup>55</sup> Lemkin Institute (2025): "*Red Flag Alert on Anti-Trans and Intersex Rights in the UK*"  
Monday, June 30, 2025 <https://www.lemkininstitute.com/red-flag-alerts/red-flag-alert-on-anti-trans-and-intersex-rights-in-the-uk>

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These are not just differences which require a clear, impartial and objective study, but they have 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 Liss 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 it took the understanding of transgender conditions back to the 1960s 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. In February 2024, a UK Government sponsored review, led by Professor Alice Sullivan, 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; and as a core element of personality, is ignored, and transgender conditions are presumed to be entirely driven by desires for a role, or the attractions of sex. The Review argued that when public bodies collect data about people’s sex, the only categories available should be “*male*” or “*female*” and this should be what a person was assigned at birth. Sullivan states that a person’s “*gender*” is not a data category that should be collected, despite this being a widely understood and important way that academics undertake research. The question therefore has to be asked is about why it was Professor Sullivan, who 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.

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: No ideology can be justified unless it passes the tests of experiential evidence and scientific proofs. And there are major differences to look for in any study. The first is of motives, and whether transgender conditions are driven by searches for coherence of identity or drives of sex. The second relies on the diagnosis that is made. When the methods required for managing personality variations and personality disruptions differ so greatly so it should be easy to tell them apart. 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 outlines the context of her own gender-critical approach, which is correct for personality disruptions, but not for personality variations, which demand a recognising approach<sup>56</sup>. And Stock’s views on Stonewall do not help<sup>57</sup>. I do not comment on the merits of this individual case, 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 enormous 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. And apparently, because of its failure

<sup>56</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>57</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>

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.

## 11:0 Discussion and Conclusions

This is the source of an intense dispute between gender-critical feminists, who treat transgender conditions as paraphilias or disruptions, and the World Authorities and Professional Institutions, who treat transgender conditions as personality variations and as searches for a coherence of identity instead. Attempts to manage personality variations as personality disruptions, can cause great harm, since the motives, timescales and methods of management for personality variations and personality 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 also 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. These 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>58</sup>.

The most common definition of gender identity today divides it into two components: The core gender identity which is a measure of the deeply held sense of belonging without behavioural implications, and the gender role identity, which instead measures what society expects: And where either or both usually; but need not, always correspond to the expectations of biological sex: In this account I show that, the gender role identity: which forms from a median age of three years, can only develop as an overlay on the core gender identity which has already been formed. And the impact of both elements is considered in this account.

There cannot be any reliance on studies on the development of personality and identity, including gender identity for everyone, when the major neural transformations and changes during the first three to four years of life are ignored. Cognitive neuroscientists and gender-critical feminists; perhaps taking their cue from Freud and others, presume that nothing of significance occurs. Sullivan and Cass simply ignore what happens during this early period. Stock may present impeccable arguments of logic to justify her position, but these rely on the presumption that cognitive processes alone carry development forward: and all pre-cognitive influences are ignored. Apart from dismissing the idea that changes during this early period could have any significance, as "whack-a-mole" myths: In her book "*The Gendered Brain*", Rippon seeks to challenge the work of Simon Baron-Cohen, and other behaviourist neuroscientists by presenting the development of gender identity as a passive or reactive process; and by arguing that the patterns of cognitive profiling do not change during the first three years. Also, by using fMRI studies: which show there is little or no differentiation between male and female brains below the age of twelve years, to argue that no gender differentiation occurs<sup>59</sup>. That is challenged by others, who show both at the pre-natal and post-natal stages, on average, there are different neural maturational rates between male and female babies and children, and these have behavioural effects. It is also dismissed by leading neuroscientists, including Swaab, Joel and others, who argue that the brain is a distributed mosaic of more typically male and female features and because no distinct "*male*" and "*female*" brain areas can be found, it should not be presumed that none exists<sup>60</sup>. Much more recent work by behaviourist neuroscientists, including Fordor and others, show the extent to which early pre-cognitive processes play in the creation of personalities and identities, and recent work on pre-cognitive development at Stanford University is giving greater insights into how personalities and identities for all of us are formed<sup>61</sup>.

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<sup>58</sup> Further early studies on early neural development

<sup>59</sup> Rippon, Gina. (2019); "*The Gendered Brain: The new Neuroscience that shatters the myth of the female brain*". Penguin Random House, London 2019: ISBN 9781847924759. Reviewed in Gilchrist, S. (2021a): "*Gender Identity, Feminism, and Transgender People*". <http://www.tgdr.co.uk/documents/250P-GenderIdentityAndTrans.pdf> . Gilchrist, S. (2020b): "*Responsibility in Transgender Disputes*". <http://www.tgdr.co.uk/documents/248P-Responsibility.pdf>

<sup>60</sup> See for example: Joel, D., Garcia-Falgueras, A., Swaab, D.; (2020) "The Complex Relationships between Sex and the Brain" *The Neuroscientist* 2020, Vol. 26(2) 156–169 DOI: 10.1177/1073858419867298

<sup>61</sup> See section 9:0 Current Research in Gilchrist, S. (2024): "*On the Diagnosis of Transgender Conditions: A Study of Current Understandings and a Commentary on the Cass Review*". <https://www.tgdr.co.uk/documents/255P-CassFinalCommentary.pdf>

In place of the world-wide consensus adopted by 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: These denials of pre-cognitive development by Stock, Cass, Sullivan, Rippon, and others leads to the adoption of a “gender ideology”, which reduces gender identities to “perversions, paraphilias, or disruptions of the gender role. A false “gender ideology” is created, which decrees that “transgender people believe they can choose change or deny biological sex.” With the combined effect of reducing the understanding of gender identity; from a core element of personality that is created, to a nebulous collectively created concept, associated entirely with the gender role. Many gender-critical groups do welcome transgender people by using theories such as “Autogynephilic Transsexuality” which treats transsexuality as inwardly focussed perversions or paraphilias of (male) homosexuality: But this still demands that transgender conditions must be treated, as “perversions, paraphilias or disruptions of the gender role.” And this dismissal or disregard of all earlier and pre-cognitive developments, leads to the gender-critical diagnoses of transgender conditions which: Instead of the search for a coherence of identity, considers them to be driven by desires for a role or the attractions of sex. And where transgender women are considered to be as great, if not a greater danger to all women in women’s spaces and services, because of their attacks on women’s identities and because of the dangers, which is believed to be as great as all males, which they are presumed to present.

By confining their understanding of how gender identities are created to sexual motives and cognition alone; gender-critical groups and others, may be able to tell us everything about how the gender role identity is created, and how perversions, paraphilias or disruptions should be handled. But they cannot tell us anything about the effects of earlier development or how the core gender identity is created. The same ideology is also used to dismiss the influence all the earlier development processes, which are condemned by many as merely as the work of transgender activists<sup>62</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. In other work I show that the attempts to use existing literature and other resources to justify the argument that transgender women are as least a great a danger to women as all males also fails because; instead of searches for coherence of identity, it invariably presumes that transgender conditions are driven by motives of sex: It is frequently selective in nature, and is widely criticised in the literature, because it does not meet the standards of any academic approach<sup>63</sup>. Much of it highlights individual cases, which it presents as common, and social media can have a very damaging effect.

Treating transgender conditions as personality variations, where gender and sexual identities are both core elements of personality and identity, leads to a different result: Because all of the earlier elements, including the impact of the core gender identity must now be considered. In section 5:0, I show that the recognition of these early processes allows all women, including male-to-female transsexuals: acting as women with women, to pursue the same feminist arguments with the same vigour, from a stronger base. Equally for any female-to-male transsexual: acting as men with men, to pursue any equivalent male arguments from a similarly stronger base. Because the core gender identity can be described as an inner sense of belonging without behavioural implications, it further means that gender-critical ideology, which disregards any earlier developments or pre-cognitive inputs, must be the less effective approach. 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. Thus, the core gender identities of trans women and natal women match each other, through their shared experiences of “*the performance of gender*”: and form in the same way. Since gender identities are measures of the interactions and behaviours that have already been created, it follows that the core gender identity, instead of “*biological sex*” should be the primary standard to determine how people should socially interact.

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; in ways which are true to themselves in society: Gender-Critical groups; because of their ideology, can only define transgender conditions as “*perversions, paraphilias or disruptions of the gender role*”: and enforce a false gender ideology which claims that “*transgender people believe they can choose, change or deny biological sex*”. There is no justification for any approach which ignores the existence

<sup>62</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>63</sup> For Standards of Academic Research, 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>

of the core gender identity or denies its effects. Other studies like those of Mitchell<sup>64</sup>, Fordor, Goldman and others show how the many overlaps in physiology and neurology make it difficult to separate male from female, femininity from masculinity, including gender identities from each other. There is a great deal of variation and by mapping how development takes place during the first three to four years of life, I show elsewhere that the psychological and physiological aspects of brain development act pro-actively together in early years 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<sup>65</sup>. For these reasons, typical or atypical gender and sexual identities can develop without any obvious cause. I also show why strong and stable core identities are created; including transgender identities, whose long-term stability, gives the constancy required to permit the widest possible range of expression of the gender role identity to be created, yet fit within an ordered life: And that these identities need not always follow biological sex. Therefore, there is no justification anywhere for the arguments that *“inspection of the genitals at birth is sufficient to determine the appropriateness of all future gender or sexual behaviour.”* Or that biology alone should determine the way people interact.

Gender-critical groups argue that transgender women are as great a danger to women as all males on the grounds of desires of sex. But that assumes that the identification with the core gender identity has no impact. However, the gender role identity only acts as an overlay on the core gender identity that is created, and that identification with the core gender identity alone, makes transgender people the least likely to engage in any attacks. In practice, the reverse is usually encountered, where transgender women are among the strongest campaigners for women's rights. That understanding has led a great many people; including many ardent feminists, to accept transgender women as the women they say they are: Because that is the way in which they interact with society: Which enables them to recognise that transgender conditions are searches for coherence of identity; and not drives of sex. And who are willing to welcome transgender women as companions in the social journeys that all women make, and to recognise them as true allies in the feminist cause: To acknowledge that transgender women are of no greater a danger to other women, as all women are in public or private spaces. And that the commonalities of interactions, purposes, concerns and understanding between natal women and transgender women, affirms the principle of maximising the inclusion of transgender women in women's groups, and in everyday life.

That is a complete reversal of the approach now adopted by the Current United Kingdom Equality and Human Rights Commission, who now argue that even an attempt to make a group open to both natal women and trans women could lead to legal action being pursued, by stating that charges of harassment of women could be brought against any such inclusive group<sup>66</sup>. And the adoption of a gender-critical ideology, which presumes that cognition and sexual motives alone drive development forward: does not just deny recent knowledge on how personalities and identities for all of us are created, it also denies the many advances in understanding pioneered by Girard, Dawkins Gallese and others over the last 60 years. There cannot be any justification of any law; or argument, which chooses or fails to take account of all of the evidence available. And that dismissal means there is no foundation for any of the work; legislation; and actions; which have been taken on the presumption that cognition and sexual motives alone drive development forward. Therefore, all of the work carried out by the EHRC, Government Bodies and other organisations, which rely on this presumption, must be ruled out of order: And should therefore be tested, discarded, or ignored. That means that the advice currently being put forward by the EHRC on transgender people should be rejected, and that there should be no change to the previously existing policy of seeking to maximise the inclusion of transgender people in everyday life, which has existed; without problems, for many years.

The substance of the Court Case brought against the Scottish Ministers was in essence to define what the word “*Woman*” meant for the purpose of the 2010 Equality Act. This Act moderated behaviour in society. And for these purposes, the word “*Woman*” for all women; including transgender women, is defined through their

<sup>64</sup> Mitchell Kevin J. (2018): “Innate: How the Wiring of our Brain Shapes Who We Are”: Princeton University Press; ISBN 978-0-69117388-7.

<sup>65</sup> Maximum individuality: See section 3:0 .0 and 7:0 Of Commentary 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>

<sup>66</sup> The EHRC's interim guidance suggests that a women's group should not admit trans women to be inclusive of women under the Equality Act 2010, as a UK Supreme Court ruling in April 2025 clarified that “woman” refers to biological sex. Stating it that a group is open to “women and trans women” would be in conflict with this legal definition. And stating that charges of harassment of women could be brought against any such inclusive group.

shared “*performances of gender*” in everyday life. The second definition of the word “*Woman*” relates to “*anatomy or physiology*,” or the biology of sex. And the introduction of the term “*legal sex*” in the 2004 Gender Recognition act was to ensure that this term could always be used in the context which is correct. Therefore, the Court had to decide between two completely different ideologies or understanding: That of the World authorities and Professional Medical Institutions who recognise that transgender conditions are personality variations; driven by the search for a coherence of identity. Or that of the gender-critical groups and others, who define transgender conditions as “*perversions, paraphilia or disruptions of the gender role*,” driven by motives of desire and sex. And when the timescales, motives, and methods of management also differ so greatly, it is essential to get the diagnosis correct.

Therefore, it is essential for an impartial and independent analysis to be undertaken. But the Court’s entire reliance on “*Sex Matters*”; who take a gender-critical approach for its definitions of gender, and the Court’s refusal to accept the intervention of the *Good Law Project*, which represented the collective views of transgender people, or to consider any other expert opinion, which would have been able to provide the counterpoint to the arguments which “*Sex Matters*” presented, does not suggest that the Court has taken an impartial approach. The decision of the Supreme Court to confine the definition of a woman to that of “*biological sex*” and that “*transgender women must be treated as men*” for the purposes of the 2010 Equality Act, immediately disqualifies anyone from being called “*a woman*”, for their performance of gender. With its further demand for the exclusion of transgender women; by default, by declaring that “*transgender women are men*” from women’s spaces and services. The Court also argues that such exclusions must also be justified on “*a reasonable and proportionate basis*,” but what that means depends on the diagnosis that is applied. When this is then married with the consequent requirements for exclusion, now endorsed by the United Kingdom Equalities and Human Rights Commission; it does not just set the understanding of transgender conditions, and how they should be managed; back by many years. It also enforces the “*outing*” of the many hundreds and thousands of transgender women who, through their “*own performances of gender*”; have, merged invisibly into society as women and have; often for decades, been fully accepted as women; without any questions, concerns, or awareness being raised in everyday encounters; and in everyday lives.

Therefore, I conclude that Court’s decision also totally misrepresents the motives of transgender people, by claiming that, instead of searches for coherence of identity, they are driven by desires for a role or the attractions of sex. And what is meant as a “*reasonable and proportionate basis*,” crucially depends on getting the diagnosis correct. The adoption of the gender-critical principle by the Court, that cognition and sexual motives alone drive development forward, also leads to its conclusion that “*inspection of the genitals at birth is sufficient to determine the appropriateness of all future gender and sexual behaviour*”: is universally condemned as being “*nonsensical, reductionist, transgender exclusive, and totally incorrect*”. And by confining their understanding of how gender identities are created to sexual motives and cognition alone; gender-critical groups may be able to tell us everything about how the gender role identity is created, and how perversions, paraphilic or disruptions should be handled. But they cannot tell us anything about the effects of earlier development or how the core gender identity is created. Therefore, it is presumed that nothing of significance occurs. That gives rise to the misdiagnosis adopted by gender-critical groups; and now the present United Kingdom Government, the current UK Equality and Human Rights Commission, and the Supreme Court, where it is decided that that transgender conditions are personality disruptions, driven by motives involving desires for a role, or the attractions of sex: Where transgender women are potentially as great a danger as all males in women’s private spaces, with the demand for exclusion of transgender women from all women’s groups and activities because of the perceived threats to women’s identities, and because of these fears of attacks.

Yet that decision totally ignores the viewpoint of the World Authorities and the Professional Medical Institutions, including the massive amount of clinical, medical and experiential now available which recognises that gender and sexual identities are both core elements of the personality that is created, and that transgender conditions 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 the search is for a coherence of identity, which allows transgender people to live in ways which are true to themselves in everyday life: Instead of desires for a role or the attractions of sex. This is another area where impartial judgements are necessary. But that does not appear to be followed in the actions of the United Kingdom Government, the EHRC and other groups. Where advice from gender-critical researchers and advocates, including Stock, Sullivan, Cass, and gender-critical groups, such as “*Sex matters*”, appears to have been considered, but no other advice seems to have been sought. I conclude that this failure to consult, means that there are no impartial justifications for any of the approaches of the present United

Kingdom Government, the current UK Equality and Human Rights Commission, and the Supreme Court, which seek to advocate or enforce the exclusion of transgender people from their true places in society through the adoption of this same approach. And that lack of impartiality raises serious questions about the breaching of human rights. Therefore, I argue that the proposed EHRC advice be immediately withdrawn, because it is based on a diagnosis which at a foundational level is incorrect.

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