

Verdict of the United Kingdom Supreme Court: The Consequences of Misdiagnoses and the Independence of the Cass and Sullivan Reports¹

Susan Gilchrist

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PLEASE NOTE: THIS PAPER IS STILL SUBJECT TO FINAL EDIT

21 April 2025²

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² This is an update of an earlier paper, released on the 10th January 2025. It includes consideration of recent political impacts, the recent verdict of the Supreme Court and of the Cass and Sullivan Reviews.

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1:0 Introduction

1:1 Diagnosis and Dispute

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 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.

1:2 Feminism and Religious Impacts

These medical disputes cannot be separated from other aspects of society. Nor can they be separated from 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 ... While others 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. The extent of the dispute has also been questioned. It is also of note, on the basis of recent surveys and experience, that a majority of feminists, which is greater than the majority 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 offer them full

³ Cite this document as: Gilchrist, S: (2025) *“Verdict of the United Kingdom Supreme Court: The Consequences of Misdiagnoses and the Independence of the United Kingdom Cass and Sullivan Reports”*: <https://www.tgdr.co.uk/documents/255P-TransVerdict.pdf> .

⁴ This is an update of an earlier paper, first released on the 10th. January 2025. It includes consideration of recent political impacts, the recent verdict of the Supreme Court and of the Cass and Sullivan Reviews.

acceptance in their roles as women, who recognise them as allies in the fight for women's interests, and in the behaviours of everyday lives.

Although the majority of feminists support the viewpoint of the feminist pioneers, including Simone De Beauvoir, Judith Butler and others who separated the definitions of “men” and “women” from each other, entirely through the “*performance of gender*”, and as manifestations of identity which are independent of biology. Other feminists argue that transgender conditions must be treated as hysterias, or as “*paraphilias, perversions, or disruptions to the gender role*”, where perceived sexual threats and fears which have been created mean that this inclusion must be denied. Religious and other groups come to the same conclusions, but from the opposite directions, by arguing that transgender conditions are driven by departures from some divinely or biologically ordained path, which states that gender and sexuality should always be congruent with “*biological sex*”. Although each approach this issue from opposite standpoints, both have the same effect. And throughout history; or at least since the first millennium⁵, all gender, and sexually variant behaviours have been condemned as being intrinsically disordered acts of grave depravity, for they have been seen as sexual, “*perversions, paraphilias, or disruptions of the gender role*”, that are contrary to the “*natural law*”⁶: Which do not proceed from genuine affective and sexual affections and instead choose the sexual act to the gift of life⁷.

1:2 Advance and Retreat

Little of this could change before 1967, when homosexuality was decriminalised in the United Kingdom. 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. That also 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 and no threat to others, instead of desires for a role or the attractions of sex.

Since that time there has been a regression, which has come to a head in the recent Supreme Court Judgment: which now disputes the legitimacy of transgender and non-binary identities through its claim that for the purposes of the United Kingdom, 2010 Equality Act, access to all gender separated spaces and services, regardless of appearance, identity, and behaviour must be determined by biological sex: Although the Court's judgement was intended to be limited in impact and scope, it nevertheless imposes a culture of “*gender complementarity*” on everyone in society. The judgement, as it is expressed in the Court's decision, now demands that: For the interpretation of the 2010 Equality Act, all transgender “*women are to be treated as men*” and transgender “*men are to be treated as women*”, with the requirement that each group should only be allowed to use the facilities appropriate to their “*biological sex*”. This decision of the Supreme Court to exempt the 2010 Equality Act from the provisions of the 2004 Gender Recognition Act, by deciding that terms “*men*”, “*women*”, “*male*” and “*female*” can only refer to human physiology or “*biological sex*”, therefore reverses the previous inclusive approach enshrined in the 2004 Gender Recognition Act. Instead of giving trans women the maximum possible access to women's spaces, it now by default excludes them. And in place of an inclusive and egalitarian society, which could celebrate the widest possible range of human identities, relationships and sexualities, it returns us to a culture of gender complementarity by demanding that: Unless otherwise stated, all legally endorsed presentations, permissions, services, accesses, and behaviours must at all times conform to stereotypes expected of that sex. And this marks a regression to the time when, transgender condition could again be seen as sexually motivated “*perversions, paraphilias, or disruptions of*

⁵ For more information on this: See Gilchrist, S. (2024): “Religion and Psychology in Transgender Disputes” <https://www.tgdr.co.uk/documents/255P-ReligionPsychology.pdf>: **Gilchrist, S. (****): “East and West: A Comparison of How the Apostles Interpreted the Gospel Message in Roman and Persian Cultures):** <https://www.tgdr.co.uk/documents/035B-EastAndWest.pdf>

⁶ As defined in the Roman Catholic Church

⁷ Article 2357 in the Catechism of the Roman Catholic Church

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, and in everyday lives. That is considered further in sections 1:5 12:0 and 17:0 of this document.

1:3 New Research

Baroness Faulkner, present Chair of the United Kingdom Equalities and Human Rights Commission, argues that this return to historic values is the result of new research. However, it was my own concerns over these issues which; from 2011, led me to conduct my own investigation: In which I use transgender conditions as case studies in order to better understand how personalities and identities for all of us are created. There should not be any magic or special approaches needed to manage transgender conditions ... For the different techniques are well known from other circumstances, and it should be easy to tell them apart. These are also disputes between gender-critical feminist groups, cognitive neuroscientists, and those who use traditional psychodynamic or social learning theories, which presume that cognition alone is the primary organising force that drive development forward ... So that what happens during the first three years of life is treated as a period of unknowing; where little in the way of constructive development takes place: Or instead by the adoption of a "*gender-critical ideology*": Where the existence or influence of these early pre-cognitive processes, is specifically dismissed, denied, or ignored. Which instead of considering transgender conditions as searches for a coherence of identity, identifies transgender women as having the same types of sexual motives which are typical of all men, where the same threats to women are involved.

In sections 4:0 to 11:0 and 21:0 of this paper, I report on my study which uses the pioneering work of anthropologists and neurologists, including Girard; Dawkins; Gallese; and many others, to examine how pre-cognitive development occurs. This shows 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. This is not a new force, it is a more complete manifestation of the forces, which Freud presumed; drove the desires of sex. 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 happens during it: becomes of crucial importance instead.

This means, there is no justification for a gender-critical approach: Or for any approach where the influences of these pre-cognitive development processes are ignored: Or are attacked by condemning the scientific consensus adopted by the World Authorities and Professional Institutions, Stoller and others as "*not being based on credible science*", merely the work of transgender activists, and denigrating the motives of those who pursue this approach. Repeatedly and consistently transgender people are found to reject the gender identity assigned to them, many with a sense of unease from their earliest years. Some may reject the gender identity assigned to them from birth. Others fight the gender identification assigned to them from the outset, until attrition and exhaustion destroys their attempts to conform, before collapse or breakdown far too often occurs: Only after that is gender reassignment urgently sought⁸. Over the last sixty years a great deal of clinical medical and experiential evidence has been collected to justify this understanding⁹. At best Stoller and Freud could only consider what happened during this pre-cognitive period, of up to three to four years; as being unknown. But gender critical groups specifically deny that anything of significance occurs: 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 believed¹⁰, Cass set the frame of reference for her review to ignore how development takes place during

⁸ This is also why approaches such as "*Conversion Therapy*" or "*Reparative Therapy*" are so disastrous, for they simply reinforce what transgender people have been trying to do for themselves, without success often for many years, and the guilt that is heaped on transgender people when that fails can be enormous, not least because of religious condemnations and the misdiagnosis that has been applied. See also Section 5 *The need for Objectivity* in this account

⁹ See for example: Langer, S.J. (2019); "*Theorising Transgender Conditions for Clinical Practice* ": Jessica Kingsley Publishers ISBN 978 178592 765 5: eISBN 978 1 78450 475 5 Plus other descriptions in my own work.

¹⁰ 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*

the first three years; and she uses arguments from the 1960s to justify the conclusions she reaches¹¹. 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 ignored, and she dismisses the approaches of Stonewall and others who challenge her views as being unworthy or unscholarly instead¹². Sullivan takes a corresponding attitude in her review of the use of data for health records¹³. Not only do these exclusions force presumptions of desire and behaviour on transgender people, as Sullivan illustrates in section 6:0 of this account ... when the rejection of what is wrong and the search for coherence of identity is the case instead. The work of Cass, Stock, Rippon, Sullivan and others is very useful in telling us about how perversions, paraphilias, and disruptions develop, but it cannot tell us anything new of significance about how personality variations are first created, or how or why the core elements of gender first develop, and how the foundations of personalities and identities for all of us come to be formed. The quality of the work by Cass, Stock, Rippon, and others is not challenged. It is the presumption of a gender-critical ideology which concludes that all pre-cognitive influences can be disregarded, which has the most serious effect. For the purpose of this investigation I have only had to use the pioneering work of Girard, Dawkins, Gallese and others to justify these arguments, but that work has continued: And in Section 20:0, by using more recent work by Fordor, Goldman and others, I have shown how the core elements of gender identity and sexual identity are equal and joint exemplars of how all other core elements of personality and identity form during these early years: And whose long term stability and continuity allow all of us to live an ordered, self-aware, and constructive life.

The consequences of misdiagnosing transgender conditions as personality disruptions, is search of the desires for a role or the attractions of sex ... instead of personality variations; where the search is for a coherence of identity, can also be serious: Because the motives, timescales and methods of management differ to the extent that what one side considers to be those of compassion and concern almost inevitably regarded as recruitment, grooming, capture, and coercion by the other: And any misdiagnosis of transgender conditions; as expressions of sex and desire: In place of a coherence of identity, can destroy the integrity of transgender people's identities, enforce incorrect requirements of gender compliance; which many have fought to accept for years; but cannot identify with: And bring real threats to transgender people's safety, identities and lives. But my greatest concern at present; as outlined in section 20:0, 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 instead. It is only necessary to fabricate a seemingly acceptable reason to justify exclusion. And 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*". And an increased level of scapegoating has already been seen in the responses by some to the Supreme Court judgement ... Which is also in line with the increasing world-wide condemnations of all gender and sexually variant people today. Which; as I describe in section 19:0, may be seen today in the United States of America and has long been present in many parts of the world.. I agree with the 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. 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 unfounded, reductionist, transgender exclusive, and totally incorrect.

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>

¹¹ 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> .

¹² 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>

¹³ See section 5:0 Sullivan Report

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spap4144@gmail.com

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1:4 Identification

It is clear from the foregoing that the results of my study confirm the approach of the World Authorities and Professional Institutions, who consider transgender 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*”: And that transgender conditions are driven by the search for a coherence of identity, instead of the desires for a role or the attractions of sex. It is additionally well established that, although on average there are significant differences in male and female behavioural patterns, with men more prone to engage in physical violence, considerable overlap occurs: And as the same development processes apply to all of us: there is no binary boundary to keep them apart. It is also shown that aggression profiles follow similar patterns. Therefore, transgender women should be of no greater potential threat to other women; than all women are, in any public or private space. The Equality Act has allowed social self-identification of gender in the United Kingdom; without problems of abuse since 2010. It may also be argued that the social self-identification of gender was implicitly provided for in the United Kingdom 1975 Sex Discrimination Act; also, in the 2004 gender Recognition Act; and formally in the 2010 Gender Recognition Act: With no problems encountered, as is the case in many other countries where legal self-identification has been introduced. Also, since gender identities are measures of the interactions and behaviours that have already been created, it follows that gender identity and its expression, instead of “*biological sex*” should be the primary standard to determine how people should socially interact. It also means that the same processes of identity formation apply to everyone. And furthermore, as I show in section 13:0, this allows all women, including male-to-female transsexuals: acting as women with women, to pursue the same feminist arguments with the same vigour, from a stronger base. Equally for any female-to-male transsexual: acting as men with men, to pursue any equivalent male arguments from a similarly stronger base. Because the core gender identity can be described as an inner sense of belonging without behavioural implications, it further means that gender-critical ideology, whichever way it is interpreted, must be the less effective approach.

1:5 Regression

That would also seem to be the position of the Supreme Court who argues that transgender people are as equally protected under the protected characteristic of “*gender reassignment*” as lesbian and gay people are under the protected characteristic of “*sexual orientation*”. Which also means that “*gender identity*” should be the primary standard in determining how people may legally interact. However, that is contradicted by the claim of the Court that inspection of the genitals at birth, is sufficient to determine the legitimacy of all future gender and sexual behaviour: Which demands that, instead of “*gender identity*”, as the Court argues elsewhere in its judgement: “*biological sex*” must be primary standard to determine how people should socially interact. The judgement of the Supreme Court is complex, and even though it is restricted in scope and, it contains many measures to protect transgender people. It is the principle of exclusion it endorses, which has the major effect.

In this study I liken transgender people to immigrants or emigrants who seek to cross a perceived binary gender divide, and the long history of male abuse against women allows genuine fears to arise. For many that journey is difficult to accept, and in place of recognising that transgender conditions are searches for coherence of identity, a theory of “*Autogynephilic transsexuality*”¹⁴ is adopted by those who attempt to justify this “*gender-critical*” approach. This theory which I describe in section 12:0, continues to treat sexuality and sexual orientation as core elements of the personality that is created, and at the same time argues that transsexuality is merely a sexually motivated but sublimated perversion, paraphilia or disruption of (male) homosexuality. And while it still continues to regard sexual orientation as a core element of the personality that is created, in line with the World Authorities and Professional Medical Institutions, it now reduces transgender conditions to mere *perversions, paraphilias or disruptions of the gender role*, in line with the

¹⁴ Blanchard R. The concept of autogynephilia and the typology of male gender dysphoria. *J Nerv Ment Dis.* 1989 Oct;177(10):616-23. doi: 10.1097/00005053-198910000-00004. PMID: 2794988.

gender-critical approaches adopted by many groups. 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 it fails to deal adequately with non-binary roles. It is therefore a matter of concern the United Kingdom Equalities and Human Rights Commission, continues to endorse the same, gender Critical Approach, that the interim guidance it has now issued, as well as the initially short time of only two weeks for consultation, seems to go far beyond the levels of exclusion implied in the judgement of the Court. While the EHRC is supposed to be independent of government policies, appointment to the boards are government appointments. And, while I do not suggest that anything unlawful has taken place, it is why; in section 21:6, I suspect that questions over the independence of the Government; and the EHRC, as well as the Cass and Sullivan reports, could come to the attention of the Supreme Court.

For centuries women have suffered severely due to male abuse. The dispute about transgender people is not about abuse, but where they fit in. And, as a consequence of the decision of the Supreme Court and the current EHRC advice, no women's group could allow transgender women to join it, even if they wanted them to, because it would no longer be a women's group. Only a minority see trans women as threats to women's identities. The majority accept trans women as they say they are; and see them as true allies in the feminist cause. And instead of an inclusive society, who could welcome people of all genders and sexualities, it becomes a society which; by default, demands conformity to stereotypes of biology, where gender complementarity is enforced. The decision of the Supreme Court may seem like a victory for gender-critical groups, but it may be a pyrrhic victory. Those who support "*autogynephilic transsexuality*" should be aware that their condemnations of transgender conditions as sexually motivated perversions; paraphilias; or disruptions, in pursuit of the desire for a role or attractions of sex: are just one step away from the time when all gender and sexually variant people faced the same threat. There is no evidence anywhere in neuroscience to justify the argument that sexuality can be considered a core element of personality and identity, while gender identity cannot. As I show in section 20:0 and elsewhere, studies invariably show that the core elements of both emerge from a single complex very early in life: And although; in a fragmented process; both go their different ways, both must either be considered as personality variations, or as personality disruptions: there cannot be a split.

I believe that the Court, correctly argues that transgender people are protected in law by the protected characteristic of "*gender reassignment*", and lesbian and gay people are protected on an equal and corresponding basis; by the equivalent characteristic of "*sexual orientation*". The Court's presumption that all appropriate gender and sexual behaviour must be congruent with biological sex, as determined by inspection of the genitals at birth, also leads to the conclusion that both gender identity and sexual orientation must be treated in the same way. Therefore, the verdict of the Court does not just take the understanding of transgender conditions back to a time when they could only be considered as "*perversions, paraphilias or disruptions of the gender role*", it takes the understanding of all bisexual, lesbian, and gay relationships back to the same understanding. Even though the Court supports the arguments of gender-critical feminists; the same groups are not supported by it. And if the arguments considered in this document do not seem too unfamiliar, they also hark back to the time when Margaret Thatcher introduced "*Clause 28*", which banned any material in schools which portrayed homosexuality as anything other than abnormal, with claims that children '*are being taught that they have an inalienable right to be gay*', and statements that homosexual relationships are only '*pretended*', where any talk of homosexuality in education was '*promoting*' it instead.

1:6 Ideology and Independence

The source of these disputes goes back to the 1960s when Robert Stoller and others in California, and John Money in Baltimore were separately attempting to identify how gender identity developed in early life. Both agreed that an innate sense of essentially unchangeable gender belonging, which involves the ability to separate the self from the other, had developed by the age of three years. And that this had to be present before identification with the gender role could begin. Stoller later reduced this age to two. Both Freud and Stoller also noted the strong and innate forces drive development forward. Stoller identified this driving force as a third "*silent and unseen force*" which must be present from birth, and that this is manifested as alienation and rejection of the assigned gender role, so that the ability to separate the self from the other could be

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spap4144@gmail.com

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present from very early in life. However, Freud, who relied on cognition and social constructs for his explanations, could not provide an equivalent explanation. Therefore, he presumed that the first three years were a time of swirling emotions, where little in the way of constructive development occurs. And for these reasons; which his theory also demanded, he was forced to place the development of the Oedipal Complex: which likewise represents the process of separating the self from the other; to between the ages of three to five years. Apart from this, there is little disagreement between transgender and gender-critical groups about how the gender role identity develops. Both can agree that disturbances to this must be treated as *“perversions, paraphilias or disruptions to the gender role”*. Therefore, the focus of these disputes is over the core gender identity; and how it is formed.

Stoller's approach allowed for earlier development, but Freud and Money's presumption demanded that it could only develop alongside the gender role identity, which means that any separation can only be limited, because the same formation processes are involved. Instead of treating Freud's presumption that little constructive development takes place during the first three years as an open question: Gender-critical groups instead specifically deny that anything constructive can occur: Which means that; according to this ideology, all developments during this pre-cognitive period can be ignored. Yet my own studies have shown that development during this period 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. Therefore, instead of ignoring what happens during this early period, it becomes of crucial importance instead. This disagreement raised obvious questions, which needed to be answered, and that has led me to conclude that these core elements of personality and identity coalesce from previously fragmented thought during a unique period of rapid neural development; around a median age of two years. This involves very rapid increases in neural interconnections and where processes of *“quorum sensing”* may also be involved¹⁵. This idea is not entirely new either, it has been suggested by others in the past. It must also be emphasised that I have not had to rely on new research, and there is nothing in this work which departs in any way from the mainstream of neurological understanding, as it has developed over the last 60 years¹⁶. The adoption of this ideology also gives rise to severe conflicts between cognitive neuroscientists, behaviourist neuroscientists and others, who believe that many more pre-cognitive processes are involved in the creation of core elements of personality and identity, therefore this period cannot be ignored. And that is further supported in my own work, which likewise takes account of this more recent research.

The results of this study allow 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. So that this period; of between the ages of two and three years, is principally the time when the core gender identity; which represents the separation of the self from the other; but does not involve behaviour, is formed. 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. 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 nothing in 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. These characteristics can also be represented in the form of neural networks. The gender role identity may be considered to be the product of the well-studied *“what makes me, me”* network: Which involves many brain areas: including pre and post cognitive aspects of neural development. However, the most recent studies at Stanford University have also identified a separate; and previously unknown, low-level; and computationally independent, *“who am I”* network: The effect of stimulating the *“what make me, me”* network, shows that the sense of selfhood is little affected. Whereas stimulation of this *“who am I”* network severely disrupts the sense of selfhood that is felt. While it is too early to say: this would seem to match the common understanding of gender identity: which divides it into two components: the core gender identity which is a measure of the innate sense of belonging, and the gender role identity, which instead measures what society expects: And

¹⁵ A form of intercellular communication, though mainly applied to bacteria its employment in human neurology has been postulated. It is also used as a general optimising tool.

¹⁶ Early development

where either or both usually; but need not, always correspond to the expectations of biological sex. It may also give greater understanding of how personality variations ad gender and sexually variant conditions. In addition, the evident long-term stability of the core gender identity gives us a stable base and coherence of identity, while the wide and changing variations in the gender role identity, give opportunities for the greatest range of gender experience to be explored¹⁷. Most significantly, for our purposes, it confirms that the diagnosis of transgender conditions, which involve search for the coherence of identity, is the correct approach

However transgender people and all gender and sexually variant people are vulnerable, because the gender-critical approach can also be described as the “*common sense*” approach: Since it relies on cognition alone; and it denies or takes no account of the massive increases in neural science, clinical and medical evidence, and social acceptance that has since taken place. It is also popular with right-wing governments, religious groups and others who pursue an “*anti-woke*” populist approach, because it is natural for most people to assume that gender (and sexual) identities should always be congruent with biological sex.

Therefore, by relying on this gender-critical ideology, conflating the core gender identity with the gender role identity, and by denying the influence of any pre-cognitive elements Rippon, Stock, Cass, Sullivan and others may be able to tell us a great deal about how the gender role identity is created. They are forced by an ideology to ignore all earlier developments and to define all transgender conditions as “*perversions, paraphilias or disruptions to the gender role*”. Instead of considering any other approach, the scientific consensus adopted by 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*”: is dismissed as merely as the work of transgender activists¹⁸, with claims that their expertise is not based on credible science, and they attack the integrity of those groups and people who support their views.

The call that “*more research is needed*” is a constant demand which is made by many gender-critical groups. But that argument falls flat when the massive amount of experimental, clinical and research now available on how early development proceeds is diminished, discredited or denied. Cass does not. Her decision to adopt as her terms of reference, a definition of gender identity and processes of gender identification which date from 1966 and consider only the influence of gender role: She also dismisses the known effects of the major advances and transformations in neural and cognitive links and profiles during the first three years of life - is even though she recognises their effects when puberty occurs. And these, along with her statement that the approach which Kohlberg adopted in 1966 still resonates today, dismisses any consideration of the many advances in neuroscience since that time, which give insights into how personality and identities for everyone develops: And The Cass report has been widely criticised. But Just as no medical diagnosis can be considered valid on this basis, no Court judgement can be considered valid either. And the decision of the Court to base its judgements on the presumption that inspection of the genitals at birth, is sufficient to determine the legitimacy of all future gender and sexual behaviour, ignores or denies virtually of the neurological understandings from the 1960s onwards; of how capabilities, personalities and identities for all of us develop.

As well as the results of the study I present I also conclude that misjudgement this has happened because of as uncritical acceptance of one approach: And that sufficient levels of scholarship were not consulted. I further conclude that this failure has happened; at least in part, because of the summary rejection of the intervention by Good Law Project, which represented the collective approach of many people who have expert knowledge of transgender conditions: and this may have included my own. Other interventions by groups who instead support the gender-critical viewpoint, including the EHRC were allowed. One intervention by Amnesty was accepted, but there were none by expert transgender groups, or by others who have expertise in the areas required. I conclude therefore, that this judgement of the Court is unsafe, badly informed, damaging, and

¹⁷ Esrly Development

¹⁸ See section 2:5 *Feminist Disagreements* in Gilchrist, S. (2021a): “*Gender Identity, Feminism, and Transgender People*”: <http://www.tgdr.co.uk/documents/250P-GenderIdentityAndTrans.pdf>

incorrect: And I consider that this arises in part because of the mistakes of the Court, and the toxic nature of these disputes.

1:7 Actions

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. 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, to be included in the 2010 Equality Act: Along with the clear statement that the interpretation of 2010 Equality Act, is governed by 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. So, if it is not outside time, I would commend that action to the Court

The following sections of this paper contain an extended study of these issues. Sections 2:0 and 3:0 contain a review the nature of the dispute and the transgender journey. Sections 4:0 and 5:0 describe the neurological and cognitive processes involved in early development, including the need for an objective approach. Section 6:0 contains a review the Sullivan Report. Sections 7:0 to 13:0 provide a study of early development. While sections 14:0 to 18:0 discuss the implications, including feminist issues and the decisions of the Supreme Court. Sections

bas, I first review the Cass¹⁹ and Sullivan²⁰ Reports before considering the recent decision of the United Kingdom Supreme Court: For if gender identity, alongside sexual orientation, is considered to be a core element of the personality that is created, then in my view the recent decision to restrict the definition of the word "*woman*" in all equality legislation to that of biological sex, breaches the terms of Human Rights Conventions, the 2004 Gender Recognition Act, and the 2010 United Kingdom Equality Act, and turns an approach to transgender people which previously sought to maximise inclusion, into one which relies on exclusion instead. This paper should be read in conjunction with Gilchrist, S. (2025) "*Correctly Diagnosing Transgender Conditions: The Consequences of Misdiagnoses and the Independence of the Cass Report*"²¹

2:0 Dispute

The Professional Institutions and World Authorities regard the creation of transgender identities as inwardly focussed compulsions; as searches for a coherence of identity; and being oneself: Which does not threaten others. It involves the rejection of what is wrong, and it lies at the core of the personality which is created. The opposing groups consider transgender conditions to be as Freudian hysterias or traumas, which involve motives and feelings of behaviour, pleasures, and desires associated only with attractions of sex or the gender role. Or an approach of "*Autogynephilic Transsexuality*" which treats transgender conditions as sexually motivated but sublimated personality deviations, paraphilias, perversions, or disruptions of (male) homosexuality²². So that threats to others can instead be feared through expression of these desires and

¹⁹ Cass, H (2024): "*Independent Review of Gender Identity Services for Children and Young People: Final Report*"; Gov UK <https://webarchive.nationalarchives.gov.uk/ukgwa/20250310143933/https://cass.independent-review.uk/home/publications/final-report/>

²⁰ 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>

²¹ Gilchrist, S. (2025): "*Correctly Diagnosing Transgender Conditions: The Consequences of Misdiagnoses and the Independence of the Cass Report*" <https://www.tgdr.co.uk/documents/255P-CassIndependence.pdf>.

²² See also Section 12 in this document. 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*"

drives. Considerable harm can occur when the motives, timescales and methods of management differ to the extent that what one side considers to be those of compassion and concern almost inevitably regarded as recruitment, grooming, capture, and coercion by the other: And attempts by transgender people to protest against a diagnosis of personality disruptions instead of personality variations being forced upon them are seen by those who believe they are personality disruptions, as acts of belligerence and as confirmation they are correct. Therefore, an accurate diagnosis is essential. The different methods required for managing personality variations and personality disruptions are also well known: They are encountered in many other situations; and all other things being equal, there should be no magic needed to get the diagnosis for transgender people correct: But objectivity has been lost in the present disputes. These differences also create a strong disagreement in the feminist movements.

3:0 Journeys

Nobody should seek to dismiss the horrendous histories of male abuse, persecution, violence and discrimination which women for centuries have suffered: And in this examination I liken transgender people to immigrants or emigrants who seek to cross a perceived binary gender divide. The abuse of any invitation on this journey is as harmful as it's denial. And this demands a responsible and objective approach by all sides. For transgender, lesbian, gay and bisexual people, this journey can be seen as one of coming home to be themselves. For others who are asked to receive them, it can be seen as unwelcome intrusions and threats to identities instead. Some are 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 are seen to be true allies in the feminist cause. For others, this journey may be seen to be an attack on the binary notions of gender and sex: So, 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. It is transgender people who make this journey and much depends on the responsibility of their actions, as it does on the welcome they receive.

For most people it seems natural for gender identity always to be congruent with biological sex. So, it is absolutely correct for everyone to take a naturally critical view and to question those who say it is not. There are some gender-critical groups who do accept and welcome transgender people, but this journey must be to a different place, where any claims to be called women causes the genuinely felt fears of male violence and perceived threats to women's identities to increase. Other gender-critical groups condemn transgender people outright. In what is now a strongly toxic conflict; there are great divergences of views, and many are unwilling to consider the viewpoint of any opposing side: So, when I use the term "*gender-critical*" in this account I am referring only to the more radical campaigning groups who insist that their own approach is the only one that can be correct. It should also be noted that when I refer to "*gender identity*", I am referring to a "*core*" sense of gender identity, or the underlying sense of being who is; and not to gender expression, which can vary greatly with time. An egalitarian approach is needed with openness to welcome the stranger or immigrant: For the fears that are often created; even without reason, can enforce a doctrine of gender complementarity and ensure that the legitimacy of this journey is denied. The recent decision by the United Kingdom Supreme Court to require, that transgender women are now to be excluded from the category of "*women*" and that the term "*woman*" must always refer to biological sex as assigned at birth in any equality legislation, makes it seem to many that the legitimacy of identities and the legality of their journey has now been denied: It contradicts the approach of the feminist pioneers who argue the men and women must only be separated from each other, *through "the performance of gender"*, regardless of biology. And by demanding total

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" Lawrence notes that "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.

Gilchrist, S. (2025): "*Verdict of the United Kingdom Supreme Court: The Consequences of Misdiagnoses and the Independence of the Cass and Sullivan Reports*". SuS0619b 255P

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spap4144@gmail.com

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separation, it promotes exclusion; instead of seeking to include transgender people in everyday life, even though it still preserves their rights. This exclusion and denial are being taken up by various organisations who adopt the theory of “*Autogynephilic Transsexuality*”, in the legislation, diagnoses and guidance they seek to provide²³.

There are three largely independent elements to consider. The first is sexual physiology, the second is gender identity and the third is sexual orientation. For most purposes sexual physiology can be considered binary, and it largely divides itself into separate male and female categories. But in contrast, both sexual orientation and gender identity are not binary, and wide variations can occur, even though both of these are usually congruent with the visible elements of sex²⁴. Significantly the same development process applies to everyone: So, they should not be separated by a physiological boundary of “*the biology of sex*” ... However, there is a separate concern that issues directly to do with physicality are not adequately covered in the 2004 Gender Recognition Act: although those should be indirectly provided for in the exemptions that are permitted under this Act, in this account I will argue why it should be it is permissible to include human physiology as a protected characteristic in the 2010 Equalities Act along with gender identity and sexual orientation: Always provided that all three are regarded as core elements of the personalities and identities for everybody, that are created: And that these are interpreted in ways which are in accordance with the views of the World Authorities and Professional Medical Institutions who, as we have seen, 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*”: At the moment only gender reassignment is listed as a protected characteristic, and that enforces a binary polarisation which denies legitimacy to all non-binary identifications; also, it does not match present day experiences, and it forces people to adopt binary roles. Therefore, a full and objective resolution of the conflict described above, which considers all sides, is essential.

That is what I seek to provide in this account. And this conflict is essentially about whether transgender conditions should be considered as personality variations, or personality disruptions. Although the different outcomes are well known, the processes involved are not well understood. From, 2011 my personal concerns²⁵ led me to carry out an investigation, which uses transgender conditions as case studies to examine how personalities and identities for everyone develop. That is summarised in this paper. In addition, this paper does confine itself to my own concerns over transgender issues. It includes a consideration of the many years of personal experience I have gained when working for reconciliation in a society where tribal violence occurs.

4:0 Neuroscience

These disagreements are mirrored in an equivalent dispute in neuroscience between cognitive neuroscientists, who argue that neural; behavioural and identification processes all arise through the impact of cognitive processes of learning, instinct, perception and intuition: against behavioural neuroscientists who argue that early development is a fragmented process, arising from the coalescence of distinct low level neurological structures which may be computationally autonomous, involve both motor and interactive processes; some which; for survival purposes, must be active from birth. The processes whereby core elements of personality and identity coalesce from previously fragmented thought are well known in other contexts. They go under the names of “*quorum sensing*” and “*bootstrapping*”, where they are used as ordering and optimising tools. These are strongly pro-active and non-linear processes. Although they reach optimum values, they do not resolve all conflicts. And they cannot be analysed using cognitive approaches, because they do not use cognitive tools. It is these omissions which have been the subject of my own studies, and my

²³ UK Supreme Court (2025): JUDGMENT For Women Scotland Ltd (Appellant) v The Scottish Ministers (Respondent) before Lord Reed, President, Lord Hodge, Deputy President, Lord Lloyd-Jones, Lady Rose, Lady Simler, JUDGMENT GIVEN ON 16 April 2025 Heard on 26 and 27 November 2024 Hilary Term [2025] UKSC 16 On appeal from: [2023] CSIH 37

https://supremecourt.uk/uploads/uksc_2024_0042_judgment_aea6c48cee.pdf

²⁴ I avoid using the term biological sex, even though the Supreme Court uses it. To define in law the sex of a child as observed at birth, for all time, denies the existence of many other factors which can influence the assignment of sex.

²⁵ That is described in: Gilchrist, S. (2025): “*The Cass Report: A personal perspective*”: <http://www.tgdr.co.uk/documents/255P-PersonalInterest.pdf>

investigations are reported here and the other documents of this series²⁶. 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, rely on interaction with others, and allegiances previously created: cannot form before birth: Therefore, they are consequential effects. Nor can identities form before we are able to be consciously aware of them: And by using transgender conditions as case studies to examine how personalities, consciousness, and identities for all of us are first created, I seek in addition to offer new insights into how for all of us these processes take place.

However, there are still many practitioners in the mainstream of sociology, psychology and psychiatry who continue to rely on Freud and the traditional psychodynamic or social learning theories to explain how early pre-cognitive development occurs. These theories presume that a certain level of cognitive ability is always available; and that the driving forces behind these conditions are the desires for a role or the attractions of sex. They confine their understanding of early development to reasoning and cognition alone. For many, the first three years of life are considered to be a time of seething uncoordinated emotions, where little in the way of constructive development occurs, and that is in line with a Freudian approach. In her review of the treatment and management of transgender children, Dr Hilary Cass uses social learning theories and takes a similar methodology. This reliance on cognition means that what happened during all earlier periods is largely unknown: However, those who; instead, specifically deny the possibility of any earlier pre-cognitive inputs, take a “*gender-critical*” approach. Philosophers such as Kathleen Stock, fail to consider these early development processes:

And because of this denial, the conclusions that transgender conditions should be considered as personality variations; as core elements of the personalities and identities that are created; and as searches for coherence of identity, is dismissed or ignored: This means that the presumption, adopted by gender-critical groups, is that gender identity is merely a nebulous social construct, and is the result of sexually motivated perversions, paraphilias or disruptions, gender role, must be the one that is correct. Therefore, gender-critical groups are forced to impose a misdiagnosis of transgender conditions as “*perversions, paraphilias or disruption of the gender role*” upon transgender people: And it arises directly from imposing a “*gender-critical ideology*” on transgender people, which is in defiance of the conclusions of the World Authorities and Professional Medical Institutions; regardless of the results of experiential evidence, and the merits of any other work.

5:0 Objectivity

Any objective review must equitably consider and compare all approaches; but in this account I conclude that in her review on the treatment and management of transgender children, Cass does not. Her decision to adopt as her terms of reference, a definition of gender identity and processes of gender identification which date from 1966 and consider only the influence of gender role: She also dismisses the known effects of the major advances and transformations in neural and cognitive links and profiles during the first three years of life - is even though she recognises their effects when puberty occurs. And these, along with her statement that the approach which Kohlberg adopted in 1966 still resonates today, dismisses any consideration of the many advances in neuroscience since that time, which give insights into how personality and identities for everyone develops: It means that the viewpoints of the World Authorities and Professional Institutions, together with the work of Girard, Dawkins, Gallese and many others, are dismissed without further consideration, and these early processes are ignored.

I therefore conclude that the diagnosis which Cass in her review, imposes on transgender people is predicated on one single conclusion: Which is that the diagnosis of transgender conditions as paraphilias or

²⁶ This also involves a parallel conflict between cognitive neuroscientists, such as Rippon, who use fMRI studies to deny that anything of significance occurs during this early period: While behaviourist neuroscientists such as Fordor, Goldman and others use the same fMRI studies to explain it. For a discussion of the work of Fordor Goldman and others, see section 7:0 to 9:0 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>. For a discussion of Rippon’s work, see: Gilchrist, S. (2020b): “*Responsibility in Transgender Disputes*”: <https://www.tgdr.co.uk/documents/248P-Responsibility.pdf>. Cass makes no reference to this dispute or the work of behaviourist neuroscientists in her report.

personality disruptions, driven by motives of behaviour and desire, instead of searches for coherences of identity. And that this can be the only correct approach. As a consequence; the approaches adopted by philosophers such as Stock, and by cognitive neuroscientists such as Rippon; which ignore earlier developments are, by definition presumed to be correct. This means that the work of the behaviourist neuroscientists, and many anthropologists on how early development takes place, including that of Girard, Dawkins, Gallese, Fordor, and many others from the 1960s onwards, is ignored: As is the massive amount of experiential evidence available today: which shows that transgender conditions should be diagnosed as personality variations which search for a coherence of identity, instead of personality disruptions driven by desires for a role or the attractions of sex.. Arguments about these processes of early identity formation are the source of the current intense conflict. This is apparent at all levels of society; but Cass makes no reference to any of these conflicts about the nature of early development, in the diagnosis she presents.

While there are major deficiencies in research, most notably in long term follow up, the arguments that “*more research is needed*”, which is made by Cass and by gender-critical groups falls flat when the work of Girard, Dawkins, Gallese, Fordor, and many other neuroscientists since the 1960s is ignored. The administration of any drug depends on making the correct diagnosis and finding the right balance between the benefits it brings; and the harms it creates: So, no procedures or conclusions can be valid if the diagnosis is incorrect. By trying to enforce a diagnosis of transgender conditions as personality disruptions; instead of personality variations: And by only being prepared to consider why transgender conditions differ; it should not be surprising that Cass finds the evidence to support the accepted methods for the management and treatment of transgender children and adults, which are endorsed by the World Authorities and Professional Institutions, to be “*remarkably weak*”: Because I conclude she is looking in the wrong place for the evidence she seeks. The arguments for this are presented in more detail in later sections of this document and in the accompanying paper²⁷. It would have been a different matter if Cass had considered both sides of these arguments, all of the available evidence, and then come to these decisions, but she does not. By setting the frame of reference for her report to ignore the massive changes and transformations in neural and cognitive development in early childhood, even though recognises their effects during puberty, and by adopting definitions of gender identity which acknowledge only the existence of the gender role, Cass has; from the outset, pre-determined the outcome of her review: And for these reasons, I do not consider the Cass report to be an independent report.

Nevertheless, these are matters of intense dispute: For these reasons, I have compared both of these opposing processes in my own earlier studies. And in this series of papers, I also compare the conclusions of the Cass Review with the results of this earlier examination: In contrast to Cass, this leads me to conclude that the diagnosis of transgender conditions as personality variations; in line with the scientific consensus now adopted by the Word Authorities and Professional Medical Institutions, is the correct approach. However, In this paper, I largely focus on the impact of the Supreme Court’s decisions. It should also be read in conjunction with an earlier paper which, focusses more on the Cass Report²⁸. I also consider the impact of more recent research and show how this may give greater insights into how personalities, identities and consciousness for all of us is created. And I consider the concerns that a misdiagnosis creates.

6:0 Sullivan Report

In a recently published, government sponsored review of “*data, statistics and research on sex and gender*”²⁹, Professor Alice Sullivan rightly separates “*sex*” from “*gender*”, by “*saying they should not be conflated because they are different things*”: I agree that it is absolutely right for the physicality of sex; particularly

²⁷ 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>

²⁸ 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>

²⁹ Sullivan, A. (2025): “*Independent review data, statistics and research on sex and gender*”: An independent review by Professor Alice Sullivan that looks at data, statistics and research on sex and gender. Published 19 March 2025: <https://www.gov.uk/government/publications/independent-review-of-data-statistics-and-research-on-sex-and-gender>

reproductive sex, and the protections provided for this; when meaningful, to be separately, objectively, and strongly protected. But I also show why equal protections for gender identity and sexual orientation, which protects both as core elements of the personality, must be applied. However, Sullivan does not separate her presumption of “*biological sex*”³⁰ which, for our purposes, can be treated as binary, from “*sexuality*”, “*sexual identity*” or “*sexual orientation*”, which they are not: Open almost any current handbook on sexuality and psychology, and they will show that gender identities; expressed in terms of social relationships, and sexual identities; expressed in terms of sexual attractions, form together as part of a single complex very early in life. Although each follows different paths, both gender identity and sexual orientation must be treated in the same way, either as personality variations or personality disruptions: One cannot be treated as a personality variation and the other as a personality disruption: they must be both be considered the same as the other, and that is further confirmed in my own studies³¹.

Both our gender identities and sexualities are extremely important: for they set the terms of reference for our everyday lives; without us even having to think about them: Yet, Sullivan dismisses the impact of gender identity, as something which may only needs to be recorded for “*certain purposes if required*” in favour of the absolutism of biological sex. She makes no distinction between biology and sexuality in her arguments: and she argues that, instead of being equal with sexuality a core element of the personality that is created, gender identity is an unreliable concept. And as with Cass, Rippon, Stock, and others, who consider cognition alone to be the primary driving force behind transgender conditions, she ignores the massive neural and cognitive transformations which take place during the first three to four years of life and presumes that transgender conditions are personality disruptions, driven by the desires for a role, or the attractions of sex.

Sullivan uses the argument that refusing to change the marker regardless of reassignment would give male-to-female transsexuals automatic access to prostate cancer treatment where necessary. However, a single identifier can only interchangeably be used to define “*male, female, man or woman*” and “*gender*” and “*sex*” in the context which is correct: Thus, any argument that this marker should apply to biology alone, would deny transgender children and their parents access to the counselling and trauma treatment they need; at the time when it is most needed... by imposing a diagnosis that is incorrect: It is not even reliable: because oestrogen is already a known treatment for reducing the size of prostate tumours; and the provision of screening for breast cancer in male-to-female transsexuals would be a much more relevant requirement. It may be used to require that anyone who is identified as male or female on the basis of sex assigned at birth, must be placed in a hospital ward appropriate to that sex. There are circumstances in medicine where that is correct, and in others where it not: But what happens in the case of mental illness; and perhaps in an emergency, when it is required that all patients must be put in wards that are set aside for birth assigned sex? Cass and Sullivan impose a fictional “*gender ideology*” on transgender people, which presumes that the primary driving force behind transgender conditions is a “*desire to change sex*”³². That viewpoint can only be adopted if Cass and Sullivan dismiss or deny the scientific consensus by the World authorities and Professional Medical Institutions who see both gender and sexual identities as searches for the coherence of identity and as “*core elements of the personality that is created*”, in favour of gender-critical feminists, religious groups, and other groups who define these conditions as “*paraphilias, perversions, or disruptions to the gender role*. And therefore, dismiss transgender conditions as Freudian hysterias, driven by desires for a role or attractions of sex. Furthermore, each side in the dispute can produce apparently logical and coherent arguments which differ profoundly: depending only on the starting point which is taken. That can lead to each side believing that only their own argument must be correct. A much better understanding of what happens during the first three to four years of life is needed, before any proper verdicts can be reached.

³⁰ This is the term Sullivan uses but sex identification are matters of much more complexity, not just involving the actions of hormones or the possessions of XX or XY chromones, physical or reproductive sex would be more appropriate terms

³¹ See Section 9:0 Gender and Sex, in this paper. These are further discussed in Section D:2 Gender Attacks in Gilchrist, S. (2020b): “*Responsibility in Transgender Disputes*”: <http://www.tgdr.co.uk/documents/248P-Responsibility.pdf>

³² That description of gender and sexual identities in terms of personality variations shows why transgender people who have surgery to make their bodies conform more closely to the gender identities they experience, do not believe that they are undergoing a change in sex. Terms such as Gender Confirmation surgery or Gender Affirmation surgery are the terms that are used. Those who go on to surgery or obtain a Gender Recognition Certificate are not considered to modify biological sex, they only change “*legal sex*”. Those who transition but do not obtain a GRC might be considered to have changed “*social sex*”. These terms mean that male to female transsexuals integrate completely into society as women, without denying the physical differences that biology creates.

7:0 Identification

There is little disagreement between transgender people and others about how the gender role is created. The major point of issue is about how the core gender identity is formed. It involves the ability to separate the self from the other, and that must be in operation before the identification with the gender role can be put in place. In my own work I show that these core elements coalesce from previously fragmented thought around a median age of two years, as part of a pre-cognitive development process, and as precursor to the gender role identity, which becomes more strongly evident around a median age of three years. And this is further discussed in section 9:0 of this account. Cass, Sullivan and others ignore what happens during this early time, while gender-critical groups deny that anything of significance occurs. In effect that denial means dismissing the work of Girard, Dawkins, Gallese and other anthropologists and neuroscientists from the 1960s onwards which show that, far from early development being a passive or reactive process which is driven by cognition alone, it is instead driven by strong, innate and self-reinforcing processes. This is not a new force, it is a more complete manifestation of the forces, which Freud presumed; drove the desires of sex. 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 period, it becomes of crucial importance instead.

It is additionally well established that, although on average there are significant differences in male and female behavioural patterns, with men more prone to engage in physical violence, considerable overlap occurs. And since gender identities are measures of the interactions and behaviours that have already been created, it follows that gender identity and its expression, should be the primary standard to determine how people should socially interact. This is examined in Section 13:0 *Gender Formation and Aggression* in this document, and in more detail elsewhere³³. Transgender people do not to change, diminish or deny the importance of biological sex. And when the transgender search is instead about the search for a coherence of identity and the ability to live lives which are true to themselves in society, great emotional harms can be created by imposing a diagnosis that is incorrect.

Some transgender people reject the gender identity assigned to them from their earliest years. Others fight the gender identification assigned to them from the outset, until attrition and exhaustion destroys their attempts to conform, before collapse or breakdown far too often occurs. Only after that is gender reassignment urgently sought³⁴. And this also means that any single marker on the NHS record should instead refer to “*legal sex*” as has previously been defined in the United Kingdom Gender Recognition Act³⁵. Sullivan and others also argue the gender marker of “*male*” or “*female*” on the National Health Service Number given to every United Kingdom citizen should represent the biological sex as assigned at birth. Also, that it should never be changed; or only after a Gender Recognition Certificate (GRC) has been granted: The recent decision by the Supreme Court which states that transgender women with or without a Gender Recognition Certificate (GRC) should always be treated as the sex assigned at birth, now supports the

³³ See for example Gilchrist, S. (2024): “An Overview of Current Disputes on the Natures of Transgender Conditions and a Commentary on the Cass Review”: <https://www.tgdr.co.uk/documents/255P-CassFinalOverview.pdf> Gilchrist, S. (2021a): “Gender Identity, Feminism, and Transgender People”: <http://www.tgdr.co.uk/documents/250P-GenderIdentityAndTrans.pdf>

³⁴ This is also why approaches such as “Conversion Therapy” or “Reparative Therapy” are so disastrous, for they simply reinforce what transgender people have been trying to do for themselves, without success often for many years, and the guilt that is heaped on transgender people when that fails can be enormous, not least because of religious condemnations and the misdiagnosis that has been applied. See also Section 5 *The need for Objectivity* in this account

³⁵ A way of eliminating this confusion was also addressed in the United Kingdom 2004 Gender Recognition Act. We all use the terms men, women, male and female interchangeably to describe both gender and sex. By defining “*legal sex*” as being a man, a woman, a male or a female “*for all purposes*”, identity is separated from action, so that that confusion in terminology is avoided. The Law has two legitimate purposes, one it to protect against abuse, the other is to protect identity. You cannot exclude anyone from a communal space simply because they possess an appendage or because of the colour of their skin: You may instead increase penalties against abuse or misogyny where that is required. This includes all shared spaces regardless of the expectations of biology. However, you name toilets as being for males, females, men, women, that still applies. Inside individual cubicles, or individual consultations, that is a different matter, where privacies of biology may be applied. Thus, the difference between the terms “*Legal Sex*” in terms of all purposes and “*Biological sex*” separates the two issues. And it allows exemptions on the grounds of biology when that is legitimately and objectively required. See: Gilchrist, S. (2024): “What is a Woman?”: <https://www.tgdr.co.uk/documents/255P-WhatIsAWoman.pdf> Gilchrist, S. (2022): “No Blacks, No Irish, No Homosexuals, No Transgender People”: <http://www.tgdr.co.uk/documents/252P-NoBlacks.pdf>

argument that the marker should never be changed from male, regardless of the existence of a GRC, irrespective of how completely these people have integrated in to society, how well their appearance and behaviour matches the gender expected, and how long since they have transitioned:³⁶. What this denial and the demand that the definition of the Supreme Court that a transgender woman is not a woman means has yet to be worked out in detail for health and other services. However, it turns the principle of inclusion previously enshrined in the 2004 Gender Recognition Act, into one of exclusion instead. For this decision means that they can never be considered to fit into the category of “woman”, for any reason or at any time. And the damage of the Supreme Court decision does not lie in the detail of the wording or its arrangements. For it changes the interpretation of all present, past and future legislation from one which had sought to maximise the inclusion of transgender people in everyday society, into one but which seeks to maximise their exclusion instead, even though it gives them equal rights

8:0 Gender and Sex

The desire for transgender people, is not to be men or women, but to live lives in ways that are true to themselves. Changing the National Health Service Number where appropriate to recognise this everyday lived experience, is a recognition of the legitimacy of the journey. To associate it absolutely with biological sex assigned at birth, not only denies the legitimacy of this transgender journey: It greatly increases the traumas arising from the misdiagnosis that transgender children and adults have already faced. In addition, transgender women are perceived by others as women in society, and they too need the protection of many sex-based rights. Biology and sex, including their protections, matter absolutely, but in the context which is correct. The National Health service is responsible for the mental health as well as the physical health of the nation. Yet no recognition of the nature of the trauma and battles transgender people face appears in either the Cass or Sullivan reports. Thus, the recent action of the Secretary of State for Health and Social Care in the United Kingdom Government, to implement the Sullivan Report in full, is both an inappropriate and a counterproductive act. These issues are discussed more fully in the body of this paper. But as with Cass, I conclude that the whole of Sullivan’s review is predicated on one single presumption: Which totally ignores the scientific consensus which treats transgender conditions are personality variations in search for a coherence of identity: and decides that their definitions as hysterias, paraphilias or personality disruptions, driven by motives of behaviour and desire, can be the only correct approach.

9:0 History and Understanding

However, these are not new disputes. They date back to the 1960s when Money, McHugh and others in the Johns Hopkins University in Baltimore, USA were trying to explain the nature and origin of transgender conditions using social learning and Freudian psychodynamic approaches. Around the same time Stoller, at the University College of Los Angeles, along with Green³⁷, and others were developing a parallel approach³⁸. As well as using Freudian and social learning approaches, Stoller identified a “*third, usually silent component: a congenital, perhaps inherited biological force*”, which is active from birth, involving rejection and alienation instead. But because Freud relied entirely on cognitive constructs and sexual motives for his arguments; he could only presume that constructive cognitive development just begins to get going from around the age of

³⁶ It is not the role of the court to adjudicate on the arguments in the public domain on the meaning of gender or sex, nor is it to define the meaning of the word “woman” other than when it is used in the provisions of the EA 2010. It has a more limited role which does not involve making policy. The principal question which the court addresses on this appeal is the meaning of the words which Parliament has used in the EA 2010 in legislating to protect women and members of the transgender community against discrimination. Our task is to see if those words can bear a coherent and predictable meaning within the EA 2010 consistently with the Gender Recognition Act 2004 (“the GRA 2004”) https://supremecourt.uk/uploads/uksc_2024_0042_judgment_aea6c48cee.pdf :

³⁷ Green, Richard (2010-08-12). “Robert Stoller’s Sex and Gender: 40 Years On”. *Archives of Sexual Behavior*. 39 (6): 1457–1465. doi:10.1007/s10508-010-9665-5. ISSN 0004-0002. PMID 20703787. S2CID 38059570

³⁸ “In addition to the anatomy of the external genitalia and the infant-parent relationships—the more easily observable components in the production of gender identity—there is a third, usually silent component: a congenital, perhaps inherited biological force. In the normal, the three work together in the same direction to produce an intact core gender identity, a fundamental awareness of being male in males and of being female in females. In anatomically intersexed patients where one or both of the observable components is absent, the effects of the silent biological force are occasionally uncovered and then can be seen”. Stoller, Robert (1964): “A Contribution to the Study of Gender Identity” *Int J. Psychoanal.*, (45):220-226 <https://pep-web.org/browse/IJP/volumes/45?openNotificationModal=False> : Stoller R.J. (1971) “Transsexualism and Transvestism”. *Psychiatric Annals*. 1971;1(4):60-69. <https://doi.org/10.3928/0048-5713-19711201-07>

around three years. This led Freud to presume that the first three years are a time of seething emotions, where little in the way of constructive development occurs.

Although Freud could only presume that nothing of significance could happen during the first three years, gender-critical groups specifically deny it. And, by definition, that denial also means that the existence or the actions of the “*third, perhaps inherited biological force*”, which Stoller identifies, must also be denied. For Stoller, alienation in place of sexual motives, was the primary driving force behind the creation of transgender identities, but because he needed to use the same Freudian levels of cognitive capabilities for his own interpretations, he also could not adequately explain what happens before the child reaches around the age of around three years. Thus, neither group could adequately explain how earlier development occurs. Nevertheless, both groups recognised the existence of an early “*core gender identity*”, which can best be described as “*a sense of who one is*”: And both recognised that this has become immutably established by the age of three years: Stoller later reduced this age to two: But its relevance; and how it is created has become a matter of strong dispute: Cass, Stock, Rippon, Sullivan and other gender-critical groups and advocates either deny its existence, or do not consider it to have any independent effect. A comprehensive examination of these disagreements is provided in a companion document in this series³⁹.

Unlike the Freudian presumption that little in the way of constructive development occurs during the first years, the anthropologist; Girard from the 1950s and the neuroscientists, Dawkins, Gallese, and others from the 1990s onwards, have instead shown that, far from early development being a passive or reactive process which is driven by cognition alone, it is instead 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: This happens most prominently over the first three years of life: And these are driven by a search for coherence of identity, not drives of sex. The ability to separate self from the other is also needed before we can identify with roles in society or the expectations of sex. Freud used the Oedipal complex to describe how separation takes place between the ages of three and five years: But because he had to rely on cognition for his explanations, he could only place its development alongside; or after, the core gender identity has been created. Whereas, under the actions of the innate neural forces, identified by Girard, Gallese, Dawkins and others I show how these core elements of personality and identity form beforehand by coalescing from previously fragmented thought. This happens around a median age of two years. Therefore, the later forming gender role identity, *which interprets relationships with others*, acts on an overlay on the core gender identity, which has already been created. And as the core gender identity provides the foundation for the sense of selfhood that is created: attacks on the legitimacy of the core gender identity, become attacks on the sense of selfhood that everyone possesses.

10:0 Conversion Therapy and Diagnoses

Many attempts over many years have been made by many religious groups to change the core gender identity that has been created. Sometimes this is entirely because of the distress of the individual. More usually it is because of the condemnations or rejections by others, the often-well-meaning pursuit or ideologies and threats of damnation by religious or other ideologies, repulsion methods, electro-convulsive therapy methods, demanding suppression, or the creation of distaste or fault. But this is also why approaches such as “*Conversion Therapy*” or “*Reparative Therapy*” are so disastrous, for they often reinforce what transgender people have been trying to do for themselves, without success often for many years. Attempts to suppress or deny this core gender identity often catastrophically fail, since there is nothing to replace it, and that leaves a vacuum inside. The more this is fought the stronger it becomes, and the guilt that is heaped on transgender people when that fails can be enormous, not least because of the misdiagnosis or religious condemnations that have been applied.

Today the practice of “*Conversion Therapy*” is condemned on a worldwide basis by all of the professional organisations, including a memorandum of understanding signed or endorsed by all those in the UK which makes it clear that “*conversion therapy in relation to gender identity and sexual orientation (including*

³⁹ 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>

asexuality) is unethical, potentially harmful and is not supported by evidence⁴⁰. And it is why methods of management for the core gender identity appropriate to personality variations or compulsions must be used. These methods of managing personality variations are well known⁴¹: These involve the removal of guilt and anger, so that people can accept the reality of their own gender identification; and find the self-acceptance and self-esteem which is needed to manage these demands⁴². That is in line with the affirmative or respectful approaches now universally adopted by the World Authorities and Professional Institutions for the management methods required. But for gender-critical groups and others who rely on cognition alone, the existence or impact of the core gender identity is denied. Cass considers that development takes place due to social learning alone, and the terms of reference she sets for her report specifically deny it's effect. Sullivan and Stock ignore it, and the neuroscientist Gina Rippon dismisses its influence by stating the these are "whack-a-mole myths": that is untruths which are repeated so often, they come to be believed.

Yet the core gender identity develops through the processes of separating the self from the other. Therefore, it provides the foundation stones upon which our senses of selfhood are built. The gender role identity then builds on the foundations which the core gender identity has put in place. This is why methods of management for the core gender identity which are appropriate to personality variations are needed: While disturbances or disruptions to the later forming gender role identity must instead be managed as "*paraphilias, perversions, or disruptions to the gender role*". Cass, Rippon, Stock, Sullivan and others ignore the role of the core gender identity by denying these early influences: And in so doing, attempt to enforce a diagnosis of personality disruptions on transgender people, when it should instead be that of personality variations. And when these methods of management of personality variations and personality disruptions differ so greatly applying an incorrect diagnosis can have such a damaging effect. This means that, in place of dismissing these early periods as a time of seething emotions where little of consequence occurs, developing an understanding what happens during these first three to four years, is a matter of crucial importance instead.

Therefore, there is no justification for a gender-critical approach, or for any approach where the influences of these pre-cognitive development processes are ignored: Or are attacked by condemning the work of Stoller and others as "*not being based on credible science*", merely the work of transgender activists, and denigrating the motives of those who pursue this approach. With such intense disagreements experiential evidence must take pride of place. Repeatedly and consistently transgender people are found to reject the gender identity assigned to them, many with a sense of unease from their earliest years. Some may reject the gender identity assigned to them from birth. Others fight the gender identification assigned to them from the outset, until attrition and exhaustion destroys their attempts to conform, before collapse or breakdown far too often occurs. Only after that is gender reassignment urgently sought⁴³. Over the last sixty years a great deal of clinical medical and experiential evidence has been collected to justify this understanding⁴⁴. At best Stoller and Freud could only consider what happened during this first period of up to three to four years, as being unknown. But Gender Critical groups specifically deny that anything of significance occurs ... Not only does this force presumptions of desire and behaviour on transgender people, as Sullivan illustrates in section 6:0 of this account ... when the rejection of what is wrong and the search for coherence of identity is the case instead. The work of Cass, Stock, Rippon, Sullivan and others is very useful in telling us about how perversions, paraphilias, and disruptions develop, but it cannot tell us anything new of significance about how personality variations are first created, or how or why the core elements of gender first develop, and how the foundations of personalities and identities for all of us come to be formed.

⁴⁰ See section 11:0 *Evidence and Difference* 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>

⁴¹ The term "*affirmative*" is commonly used. Cass finds that using this term is not always helpful. I prefer to use "*respectful*" Instead.

⁴² Royal College of Psychiatrists: (2023); "*Personality disorders in Scotland raising awareness, raising expectations, raising hope*". Royal College of Psychiatrists: <https://www.rcpsych.ac.uk/docs/default-source/improving-care/better-mh-policy/college-reports/college-report-cr214.pdf> (The relevant document for England is presently under revision)

⁴³ This is also why approaches such as "*Conversion Therapy*" or "*Reparative Therapy*" are so disastrous, for they simply reinforce what transgender people have been trying to do for themselves, without success often for many years, and the guilt that is heaped on transgender people when that fails can be enormous, not least because of religious condemnations and the misdiagnosis that has been applied. See also Section 5 *The need for Objectivity* in this account

⁴⁴ See for example: Langer, S.J. (2019); "*Theorising Transgender Conditions for Clinical Practice* ": Jessica Kingsley Publishers ISBN 978 178592 765 5: eISBN 978 1 78450 475 5 Plus other descriptions in my own work.

11:0 Dynamics

The results of this study confirm Stoller's diagnosis; even though Stoller's reasons; and those of transgender groups; who attribute the development of gender and transgender identities entirely or primarily to the development of sexual differentiation from about 12 weeks after gestation, cannot be correct. Instead, any pre-natal influences can only act as a trigger to set the direction post-natal development takes. And by mapping how development takes place during the first three to four years of life I show elsewhere⁴⁵ that the psychological and physiological aspects of brain development act pro-actively together in these 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. Where the wide range of human physiology, together with the intensity and pro-active nature of the driving forces; identified by Girard, Dawkins, Gallese and others, can lead us to expect that stable congruent and incongruent core gender and sexual identities are created, without any obvious cause. These arguments endorse the currently accepted understanding of gender identity which divides it into two components, the core gender identity and the gender role identity. Where either or both usually but need not always be in line with biological sex. Although identifications with the gender role may vary widely with time, the stability and constancy of the core gender identity allows us to build an ordered life. These results also confirm the scientific consensus adopted by the World authorities and the Professional Medical Institutions for treating transgender conditions 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."* Yet none of this analysis should strictly be needed since the different methods required for managing personality variations and personality disruptions are also well known: They are encountered in many other situations; and all other things being equal, there should be no magic needed to get the diagnosis for transgender conditions correct.

12:0 Autogynephilic Transsexuality

However, the centuries of criminalisation, condemnation, and religious and secular scapegoating of all gender and sexually variant people has denied access to the experiential and research evidence which would have enabled these judgements to be made: And even when that evidence is available, many groups still use religious and other arguments to condemn all forms of gender and sexually variant behaviour as being intrinsically disordered acts of grave depravity in pursuit of inappropriate sex. Earlier I likened transgender people to immigrants or emigrants who seek to cross a perceived binary gender divide, and the long history of male abuse against women allows genuine fears to arise. For many that journey is difficult to accept, and in place of recognising that transgender conditions are searches for coherence of identity, a theory of *"Autogynephilic transsexuality"*⁴⁶ is adopted by those who attempt to justify this *"gender-critical"* approach. This theory continues to treat sexuality and sexual orientation as core elements of the personality, and at the same time argues that transsexuality is merely a sexually motivated but sublimated perversion, paraphilia or disruption of (male) homosexuality. Its adoption by gender-critical groups is hardly surprising, since it relies entirely on Freudian psychodynamics, and it supports the mantra that gender identity is purely a sexually motivated social construct which is identified entirely with the gender role.

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. 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 for transgender people alone. The theory is not supported by any more recent research and attempts by gender-critical groups to

⁴⁵ Gilchrist, S. (2013d): *"Personality Development and LGB&T People: A New Approach"*: <http://www.tgdr.co.uk/documents/201P-PersonalityDevelopmentAndLGBTPeople.pdf>

⁴⁶ Blanchard R. The concept of autogynephilia and the typology of male gender dysphoria. *J Nerv Ment Dis.* 1989 Oct;177(10):616-23. doi: 10.1097/00005053-198910000-00004. PMID: 2794988.

impose any analysis on existing research publications which support this gender-critical approach are condemned by lead authors of the papers themselves⁴⁷. Perhaps more importantly, autogynephilic theories do not match the lived experiences of transgender people, or the transformations in public attitudes to all LGBT people, which today regards their expression as celebrations of identity, instead of the drives of sex.

These theories also agree with the logic of Stock's arguments. Stock argues that gender identity and sexual orientation must be treated differently. She concludes that, if one is treated as a personality variation, the other must be treated as a personality disruption, because of the inconsistencies involved in treating both as personality variations at the same time. Stock is right to point out that there is a consistency. And when both gender and sexual identities develop independently; in comparable strongly pro-active, fragmented, and non-linear processes to the extent that both elements must be considered core elements of the personality that is created, this inconsistency can indeed arise. For some transgender people the alienation is so complete that the gender assigned to them is rejected from the earliest memories they possess. But for others this inconsistency conflict created by these differences can become so great it can have an overwhelming effect. There are many transgender people who do attempt to resolve this conflict by trying to persuade themselves that they are homosexual, but most; some often having tried for years, also find that this does not work: So that the alienation and attrition caused by then, leads to collapse: And only after that is gender reassignment, often and sometimes obsessively sought. It is notable in these battles between gender identity and sexual orientation; it is usually gender which wins out⁴⁸. This is what matches the reality of transgender people's experiences. And it is not surprising that a great deal of anger is created when Rippon, Stock, Sullivan, Cass and others try to enforce a "gender-critical" ideology on transgender people: Which by definition, ignores all of these early processes and therefore claims that they are merely driven by the attractions of sex, or the desires for a role: Instead of rejection, a search for coherence of identity; and the ability to find fulfilment in life.

Autogynephilic theories also create divisions inside the gender and sexually variant communities: For they recognise the transformations in understanding for lesbian and gay people over the last 60 years, resulting in the legalisation of same-sex marriages, the full legal and social acceptance of lesbian and gay people, with the recognition that these are core elements of the personality that is created: While the acknowledgement of the same transformations for transgender people is also denied: This may be why the Cass review and autogynephilic theories, which identify transgender conditions merely as Freudian hysterias. And social learning theories alone, are welcomed by some lesbian and gay politicians, pressure groups and others: For the demands of transgender people who claim to be identified as women, with their imposition of an incorrect "Gender Ideology": Which claims that transgender people believe they can choose, change or deny biological sex, means that some lesbian and gay people will increasingly feel that the legitimacy of their own identities, sexualities, and relationships are under attack.

It is also noted that lesbian groups and the LGB Alliance played a prominent advocacy role in the recent Supreme Court Action. And it is a matter of concern that the present United Kingdom Labour Government seems to uncritically accept in full the conclusions of the Cass report, which equally fails to consider the same advances in science and understanding over the last 60 years. And also treats transgender conditions as personality disruptions, attributed entirely to social learning theories, and to the gender role. The methods of managing compulsions and personality variations are well known: They involve the removal of guilt and anger, so that people can accept the reality of their own situations and find the self-acceptance and self-esteem which is needed to manage these demands⁴⁹. That is in line with the affirmative or respectful approaches now universally adopted by the World Authorities and Professional Institutions⁵⁰. And when the methods of management of personality variations and personality disruptions differ to the extent that what one side

⁴⁷ 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>

⁴⁸ I not this in an early document

⁴⁹ Royal College of Psychiatrists: (2023); "Personality disorders in Scotland raising awareness, raising expectations, raising hope". Royal College of Psychiatrists: <https://www.rcpsych.ac.uk/docs/default-source/improving-care/better-mh-policy/college-reports/college-report-cr214.pdf> (The relevant document for England is presently under revision)

⁵⁰ The term "affirmative" is commonly used. Cass finds that using this term is not always helpful. I prefer to use "respectful" Instead.

considers to be those of compassion and concern as almost inevitably regarded as recruitment, grooming, capture, and coercion by the other it is essential to get the diagnosis and timescales correct

So, an approach which is uncontentious in other circumstances becomes condemned through statements which impute the motives of those groups and organisations who support the approach of the World Authorities and Institutions: By using claims that *"it is not based on credible science"*, entirely the work of transgender activists, and because of an approach which is seen to be that of belligerence, coercion, and capture by those who would diagnose transgender conditions as personality disruptions instead. As well as misdiagnosing transgender conditions this also leads to a campaign to ban all *"gender affirming care"* for transgender children and youths. But that 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. In effect this approach means dismissing the work of Girard, Dawkins, Gallese and others from the 1960s onwards which show that: Far from early development being a passive or reactive process which is driven by cognition alone, it is instead driven by strong, innate and self-reinforcing processes; that dominate from birth, and only gradually come under control as the organising powers of cognition come into greater effect. Where because of its dismissal of these early processes, and its firm adherence to Freudian psychodynamics, autogynephilic transsexuality also ignores the transformations in understanding which now allow us to determine that all gender and sexually variant conditions are driven by searches for coherence of identity and not drives of sex. Furthermore, it takes us back to a time when all gender and sexually variant behaviour; and not just transgender behaviour, could only be defined as sexually motivated perversions, paraphilias or disruptions to the gender role: Where the claims that incongruent sexual orientation is a personality variation, and a core element of the personality that is created, while at the same time claiming that incongruent gender identities, are merely perversions or disruptions of the gender role: Are not supported; are strongly and universally condemned, on a worldwide basis. Virtually all neural studies, including my own analysis, show that; although gender identifications and sexual orientations go in different ways, they both form together as a single complex very early in life: Which means that both must be either personality variations or personality disruptions. And because they develop through the capabilities and allegiances which have previously been created, gender and sexual identities are consequent effects

13:0 Gender Formation and Aggression

The current understandings show that, although on average there are significant differences in male and female behavioural patterns, with men more prone to engage in physical violence, considerable overlap occurs⁵¹. It also means that the same processes of identity formation apply to everyone. And this allows all women, including male-to-female transsexuals: acting as women with women, to pursue the same feminist arguments with the same vigour, from a stronger base. Equally for any female-to-male transsexual: acting as men with men, to pursue any equivalent male arguments from a similarly stronger base. Because the core gender identity can be described as an inner sense of belonging without behavioural implications, it further means that gender-critical ideology, whichever way it is interpreted, must be the less effective approach.

Studies on aggression patterns show that, although men and women express the same levels of aggression, they do so in different ways. In a book on evolutionary aspects of behaviour Wrangham⁵² shows that, although males and females both express aggression to the same degree, they do so in different ways. With males this is often expressed in a direct physical manner, but with females there is a more indirect approach⁵³. Nevertheless, there is similar strong evidence to show that, while male and female behaviour on average falls into these two categories, there is such a large spread in the natures of these identifications that large overlaps occur. Mitchell⁵⁴ for example gives a comprehensive account of this in his book. In separate work I

⁵¹ Mitchell, Kevin J. (2018): *"Innate: How the Wiring of our Brain Shapes Who We Are"*: Princeton University Press; ISBN 978-0-691-17388-7.

⁵² Wrangham, Richard: (2019): *"The Goodness Paradox: How Evolution Made Us More and Less Violent"* Pantheon Books ISBN 978 1 78125 583 4

⁵³ Gilchrist, S. (2020): *"An Overview of the Development of Transgender Behaviour and Identities in Early Life"*: <http://www.tgdr.co.uk/documents/243P-BehaviourSelfIdentity.pdf>

⁵⁴ Mitchell, Kevin J. (2018): *"Innate: How the Wiring of our Brain Shapes Who We Are"*: Princeton University Press; ISBN 978-0-691-17388-7.

consider intersex aspects and endocrinal effects⁵⁵. Different rates of neural maturation among male and female babies and young children also give rise to different behavioural characteristics, which are evident from birth: Also, there is strong evidence to indicate that these different characteristics also start from before birth. Evolutionary studies such as those by Hood⁵⁶ and Wrangham⁵⁷ show how aggression patterns and personalities both evolve at an evolutionary level to meet the social requirements of a well-ordered society. While work by Baron-Cohen and many others show how the equivalent interactions between aggression patterns and social requirements lead to early gender-based identification in the human brain⁵⁸. In section 3:0 on neuroscience and section 10:0 on dynamics in this document I show that the intense and contagious nature of the underlying drive means that once development starts to take place in a specific direction, it is difficult to stop. And without the cognitive abilities which can measure cause and effect it is also difficult to hold this in check. Because of these overlaps and variations, atypical gender identities and sexual orientations can be created. This further means that behaviour should be in harmony with the identity that is created. Thus, for example, someone who is biologically male may develop a sense of gender identity, outlook, and behaviour, including attitudes to aggression, that would normally be expected of a female instead. Transgender identities develop in response to these interactions, and these differences in aggression profiles play a very strong part in the direction they take. The slogan "*Trans women are women*" is frequently used, and from this point of view the slogan is entirely correct. And the reason why transgender women can be called women is that they exhibit and express social and aggression patterns; both to themselves and to others, which are the same as those which any woman would expect.

These identities are also the result of a fragmented processes, so a different end point for every individual is created. Thus, the same deep intensities and profundities of allegiance to a gender identification occurs in the many lesbian; gay; bisexual; transgender; transexual; and non-binary gender and sexually variant people, as well as those whose gender identities are in harmony with their biological sex. And it follows from these that gender identity; instead of biology should be used as the primary marker to guide any legislation that is enacted, to allow or to restrict all behaviours that are based on how people socially interact.

14:0 Egalitarianism and Women's Rights

From the beginning, many transgender women have been fighting at the very front line of the feminist movements. Transgender women of colour were some of the key people involved in the act of resistance which led to the creation of the Stonewall movement in 1969. And, even if it is true that such people are likely bring with them the expectations of the social expectations of males, they are unlikely to want to preserve any association with the history of male domination in the role they reject. As women, now facing the prejudices encountered by women, that assurance is far more likely to be used to serve women and improve the status of all women during their everyday lives. So that, instead of being identified by the gender-critical movements as antagonists who attack women's sex-based rights, transgender women are; and have traditionally been, seen to be allies and advocates in the feminist world. That harmony and advocacy is why so many feminists and indeed the great majority of people, as recorded in a survey which considered the reform of the Gender Recognition act, are willing to accept transgender women as women, women who work together in harmony and as allies in a common cause⁵⁹. And far from erasing natal women's identities, transgender women have been, and continue to be, in the forefront of the battles for women's rights.

⁵⁵ For detailed analyses see: Gilchrist, S. (2016): "Taking a Different Path": Chapter 10 in: "*This Is My Body: Hearing the Theology of Transgender Christians*", Ed: Beardsley, T. and O'Brien, M: Darton Longman and Todd. May 2016 ISBN 978-0-232-53206-7 also Gilchrist, S. (2016): "*A New Approach to Identity and Personality Formation in Early Life*": <http://www.tgdr.co.uk/documents/218P-InfluencesPersonality.pdf> : also Gilchrist, S. (2013): "*Personality Development and LGB&T People: A New Approach*": <http://www.tgdr.co.uk/documents/201P-PersonalityDevelopmentAndLGBTPeople.pdf>

⁵⁶ Hood, Bruce (2014) "*A Pelican Introduction the Domesticated Brain*" Pelican 2014 ISBN 10: [0141974869](https://doi.org/10.1017/9780141974869) / ISBN 13: [9780141974866](https://doi.org/10.1017/9780141974866)

⁵⁷ Wrangham, R.W (2017): "Two types of aggression in human evolution" *Perspective* December 26, 2017 115 (2) 245-253 <https://doi.org/10.1073/pnas.1713611115>

⁵⁸ For an overview see: Baron-Cohen, Simon (2012): "*The Essential Difference: Men, Women and the Extreme Male Brain*" Penguin 7 Jun 2012

⁵⁹ The data suggests that although attitudes vary across groups in society, public attitudes to transgender people are broadly positive. The public sees transphobia as wrong and is more likely to have positive rather than negative feelings about transgender people. However, attitudes are more nuanced in specific situations. There were high levels of approval towards the employment of transgender people as police officers and primary school teachers. Approval levels were lower in relation to transgender people using public toilets

The recent decision by the United Kingdom Supreme Court to declare in all equality legislation, that the word “woman” must exclusively be defined by biological sex, and as an adult female, in all equality legislation, contradicts the definition of the feminist pioneers, denies a welcome or recognition, and turns an approach which emphasised inclusion into one of exclusion instead: This, along with the consequent denial of any legal definition of women through the way they integrate with society, and the disqualification of transgender women from all woman shortlists for public bodies, applies the definition to gender as well as sex, erases the legitimacy of transgender identities, demands certain incorrect medical or psychological treatments. It creates great distress for transgender people, and it denies the recognition of the many contributions that transgender women have made to gender inclusiveness and equality, as well as their advocacy of all women’s rights.

I have likened transgender people to immigrants or emigrants who cross a notional binary gender divide. By requiring all transgender women to be treated as males; and inversely all transgender females to be treated as females in all equality legislation, it also denies all legitimacy to non-binary people irrespective of gender identities or sexualities. In addition, the protections in the Gender Recognition Act only refer to gender reassignment, so they reinforce this bipolarity this creates. The egalitarian approach of the feminist pioneers had allowed transgender people to cross this notional boundary without restrictions: but this ruling now denies it. It furthermore requires us to conform to stereotypes which are inverse clones of each other. And it enforces a gender complementarity, not too different to that which has been adopted for centuries; by many religious groups, including the Christian Church⁶⁰. There also appears to be a fundamental deficiency and contradiction in the in the gender-critical approach: And in the judgement itself: which defines “women” in terms of biology and physiology. But by refusing to consider any other definition; it demands a presumption that, unless some perversion, paraphilia or disruption occurs, gender identities and gendered behaviour must always align with biological sex,⁶¹.

Predictably the Supreme Court ruling that the protected characteristic of sex refers to biological sex, was hailed as a “*landmark for lesbian rights in the UK*”. The CEO of the LGB Alliance, Kate Barker, described the judgment as a “*profound relief*”, and said it marks a watershed in the fight for lesbian rights following years of mounting attacks, in particular from proponents of “*gender identity ideology*”; She states: “*The ruling confirms that the words ‘gay’ and ‘lesbian’ refer to same-sex sexual orientation and makes it absolutely clear that lesbians wishing to form associations of any size are lawfully entitled to exclude men – whether or not they possess a GRC*”. Yet in the first instance, this conflict is a consequence of a fictional “*gender ideology*”, and of “*autogynephilic transsexuality*” being imposed on transgender people which presumes that these people are

corresponding to their gender identity, although the majority were still comfortable with this. Just half of respondents were comfortable with a transgender woman using a refuge for women who were victims of domestic violence. Little more than half thought that transgender people should be able to change the sex on their birth certificate. Although a majority disagreed that transgender people went through the process of transition because of a ‘very superficial and temporary need’, this was lower than the proportion who thought that prejudice against transgender people was wrong. When asked to choose words to describe how they felt about transgender people, respondents were most likely to select ‘respect’. This was still the choice of fewer than half. Where data from previous years is available, it suggests that positive attitudes to transgender people remained at similar levels. However, views about access to refuges for women who have experienced domestic violence and use of public toilets were more negative than they were in 2016. Attitudes towards transgender people varied across different groups within the population, with women, younger people and those with higher educational qualifications most likely to positive in their views. There were also regional differences, although these may be influenced by population characteristics. In general, people in Wales and the northern and southern regions of England were most likely to be positive about transgender people. Those in the English Midlands and Scotland, less so. Finally, one in six of the public identify as prejudiced towards transgender people and hold distinctive views about the nature of transition and the place of transgender people in the wider community”. Morgan, H., Lamprinakou, C., Fuller, E., Albakri, M.: (2020) “Attitudes to transgender people”. Equalities and Human Rights Commission: August 2020 https://www.equalityhumanrights.com/sites/default/files/attitudes_to_transgender_people.pdf

⁶⁰ For more on this, see

⁶¹ Transgender people come under attack from two directions. Those gender-critical feminists who adopt the position that men and women should only be distinguished from each through their performance of gender, so the terms can be used interchangeably independently of biology. And that the demands that transgender people make, are for power over women, or the sexual drive. Traditional religious approaches instead adopt a gender complementarity which decrees that any departure from a biologically or divinely ordained path of development is automatically a sinful, and intrinsically disordered act, which pursues gratification through inappropriate sex. In the event neither can be completely correct: And the consequences of this contradiction are examined elsewhere in my work. That contradiction is no longer relevant when transgender conditions are treated as searches for a coherence of identity, instead of the drives of sex.

driven by sexual motives, when the search is instead for a coherence of identity: Therefore, these are complementary rather than competing relationships. Kate Barker argues that transgender women identify themselves as lesbians. Some may seek the company of lesbians, but in my experience and that of many, this type of identification is rarely the case. Consistently, among transgender people, any surgery or transformational procedure is referred to as “*gender reassignment surgery*”, or “*gender conformation surgery*” and use of the term “*sex change surgery*” is strongly denied. The idea that a married relationship where the man has transitioned, then becomes a lesbian relationship, is almost invariably strongly rejected: and that denial is usually by both of the partners involved. In addition to this, there is as wide a range of sexualities in the transgender community as there is in the population at large. Most transgender women that I am aware of, and a great many feminists, wish to see lesbians as allies in their own fights against male abuses, and in their battles for women’s rights: So, no conflict on the legitimacies of transsexual or lesbian identities should be presumed to exist ... when it is seen that one involves social relationships and the search for a coherence of identity, and the other encircles both love and sex⁶². And both have common interests in the fight for women’s rights.

The Supreme Court decision has now turned the default, and the current legal definition of “*woman*” from one which had included transgender women within the category of women, into one which now excludes them. Along with the additional attempts by gender-critical groups and others to separate transgender women from lesbians by alleging that male to female transsexuality is simply a sublimated sexually motivated perversion of male homosexuality, both take us back to a time when all gender and sexually variant people... lesbian, gay and transgender alike... were all being accused and condemned in the same way. Despite the misuse of information, I am happy to believe that people on all sides of these disputes are pursuing approaches which they genuinely believe to be true. I consider this potentially to be an example of unintended harms that are created by pursuing misunderstandings and diagnoses that are not correct. For the creation of fears without substance can have a very damaging effect. Kate Barker is correct to state that there is a problem, but to allege that all transgender people pose a threat to lesbian identities and to the category of “*women*” is not the correct approach. Instead of her presumption that these protests are driven by drives of sex, the protests against the LGB Alliance are far more likely to be; because of its use of Autogynephilic theories of transsexuality to downgrade transgender identities to hysterias driven purely by desires for a role or attractions of sex, while maintaining that lesbian identities are core elements of identity which are fundamental to the personality that is created. These regressions are further reasons to argue why the judgement of the Supreme Court is damaging and incorrect.

15:0 Experiential Evidence

No research, theory, theology, doctrine, dogma or philosophy can have any validity unless experiential evidence, supports it. However, this detailed analysis should not be needed, since the contrasting methods required for managing personality variations and personality disruptions are well known: They are encountered in many other circumstances. And as they differ so greatly it should be easy to tell them apart. In the United Kingdom access to this experiential evidence for all gender and sexually variant conditions, goes back to the 1960s, and some fifty years. That has already happened in many societies, where access to experiential evidence is already available: And where, without needing further explanation, it has transformed the understanding of all gender and sexually variant behaviours and relationships, including transgender behaviours, from ones which had previously considered them to be intrinsically disordered sexually motivated perversions or disruptions: Into ones which now celebrate these relationships in same-sex marriages and accepts them as true expressions of love and identity instead: to require two lesbian or gay people to undergo a medical examination by an anonymous medical panel, and to produce all the confirming documentation and certification before they could enter a legally recognised same-sex marriage would cause an outrage in today’s society. And allowing transgender people to self-identify their gender is part of that same rationale. Some serious failures have occurred, but I believe it is because of the bipolar nature of these conflicts, and

⁶² See also Gilchrist, S. (2024): “*What is a Woman?*”: <https://www.tgdr.co.uk/documents/255P-WhatIsAWoman.pdf>. This document was submitted to the counsel for the Scottish Government and was prepared as an intervention, but I accept that by the time I became aware of these proceedings, it may have been too late.

not because of a diagnosis that is incorrect. Because of this do believe some basic checks should be present to ensure that continuity is present, and stability is correct⁶³.

A similar transformation in outlook to self-identification has been adopted by many people, including, in my experience, a great many feminists who are happy to accept male-to-female transsexuals as the women they say they are, because that is the way in which they interact with society and, are seen to be true allies in the feminist cause. When Penny Mordaunt; then the United Kingdom Equalities Minister launched the consultation on reforming the 2004 Gender Recognition Act in 2018, she declared that “*Transgender Women are Women. That is the starting point of the consultation*”. And when she again said in a United Kingdom Parliamentary debate on the 1 March 2021, that “*Transgender men are men, and transgender women are women*”, she was simply using the definition of the feminist pioneers to describe how men and women relate to each other, independently of biological sex. In practice we all use all the terms, men, women, male, and female interchangeably to describe both gender and sex in the context which is correct. Restricting the definition of woman to that of an adult female, determined by the inspection of genitals at birth, enforces a stereotype on all women (and men) which requires that gender identity and sexuality should always be congruent with the same, (or opposite) biological sex: And the adoption of this approach, I fear will be a pyrrhic victory which will damage all our rights.

Today, Judith Butler and other feminist pioneers, who were regarded by many in the 1990’s as opponents of transgender people; now base their present strong support for transgender people, and their condemnations of the gender-critical viewpoints on the vast amount of experiential evidence that has since become available, is described in Butler’s recent book: “*Who’s Afraid of Gender*”. There is now a large range of well documented peer reviewed scientific studies from many other sources, based on experiential evidence, which confirm these results⁶⁴

16:0 Abuse

The long history of the abuse of women by men must never be minimised or ignored. When all of these groups claim they seek to welcome transgender people, the major question comes down to one of “*are transgender women safe in natal women’s company or are they not?*”. Along with all gender and sexually variant people, traditional conservative and religious approaches would say the answer is never: and that is the approach which is taken in much of the world today. But in other parts of this world, the answer comes down to the diagnosis that is applied. For most people it is natural to assume that gender identity should be congruent with biological sex. And that is healthy and correct, if these people are open to argument and discussion: but the problem arises when some groups turn this into an ideology or religious doctrine: so, the search for an equitable and correct solution is denied. And when male incidence of violence on women is much greater than that of women on men, it is not surprising that many women feel under great threat. However, the issue here is not about the horrific incidences of the abuses women endure. It is instead about where transgender people fit in, and whether transgender women are true allies in the fight for women’s safety and rights, or if they are not..

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, rely on interaction with others and allegiances previously created. So, instead of creating behaviour, they are created by it. Autogynephilic theories place the motives male to female transsexuals alongside sexual abusers where the same or greater dangers exist... And when instead, transgender conditions are identified as personality variations in search for a coherence of identity, in line with the approaches of the World Authorities and Professional Medical Institutions, a much lesser danger and rate of abuse would be expected.

⁶³ Gilchrist, S. (2019a): “*Divisions: Self-Declaration and Gender Variant People*”: <http://www.tgdr.co.uk/documents/243P-DivisionsSelfDeclaration.pdf> Gilchrist, S. (2018d): “*Self-Declaration and Gender Diverse People*”: <http://www.tgdr.co.uk/documents/243P-SelfDeclarationSubmission.pdf> (Submission for the consultation on the reform of the 2004 Gender Recognition Act)

⁶⁴ Butler, Judith (2024): “*Who’s Afraid of Gender*” Allen Lane Published: 19/03/2024. ISBN: 9780241595824

Almost all of the claimed research work which seeks to justify the gender-critical analysis of transgender conditions, adopts the diagnosis of “*perversions, paraphilias, or disruptions of the gender role*” as proven, and attempts to prove that transgender people pose as great a danger; if not a greater danger to women than all men are: It also attempts to prove that, as victims of hysterias; they are the perpetrators of their own misfortunes, instead of being victims of external attacks. However, the legitimacy of these arguments is attacked when the attempts to use key papers to prove that transgender people are themselves greater danger to women, are rejected by the lead authors of the papers themselves⁶⁵. Attempts to use other key papers on neuroscience to justify autogynephilic transsexuality are likewise dismissed by lead authors of the relevant papers, and by other experts in the field⁶⁶. There is no reference to the “*memorandums of understanding*” produced by all the major medical organisations condemning conversion therapy⁶⁷. The use of data on prisoner populations to prove corresponding points, do not meet the statistical requirements for reliability, have other contributing factors, and are rejected by practitioners involved⁶⁸. Other attempts to discredit existing research are made⁶⁹, and other data including suicide and suicide ideation rates, regret rates and reasons for regret, are questioned⁷⁰. The constant demand that “*more research is needed*” falls flat, when this involves denying the existing research, including that of the neuroscientists and anthropologists, from Girard, Dawkins, Gallese onwards described in this account, which shows how gender identities for all of us are created. This is not to deny that there have been very serious mistakes; where considerable harm has occurred, but their frequencies and their reasons for recurrence are the subject of major dispute⁷¹.

In section 13:0 we noted 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 occurs⁷². This also means that the same processes of identity formation apply to everyone. And this allows all women, including male-to-female transsexuals: acting as women with women, to pursue the same feminist arguments with the same vigour, from a stronger base. Equally for any female-to-male transsexual: acting as men with men, to pursue any equivalent male arguments from a similarly stronger base. Because the core gender identity can be described as an inner sense of belonging without behavioural implications, it further means that gender-critical ideology, whichever way it is interpreted, must be the less effective approach. These identities are also the result of fragmented and optimising processes, so a different end point for every individual is created. For these reasons I have shown in section 13:0, that the same deep intensities and profundities of allegiance to a gender identification occurs in the large numbers of lesbian; gay; bisexual; transgender; transsexual; and non-binary gender and sexually variant people, as well as those whose gender identities are in harmony with their biological sex. Also, it follows from these arguments that gender identity; instead of biology should be used as the primary marker to guide any legislation that is enacted, which allows or restricts all behaviours that are based on how people socially interact. And one reason why transgender women can be called women is because they exhibit and express social and aggression patterns; both to themselves and to others, which are the same as those which any woman would expect.

These are also arguments where very genuine fears are created, and where scholarship and objectivity have been lost in the tidal wave of social media attacks, misinformation, conspiracy theories, false allegations, and manipulation of existing research⁷³. All of the peer-reviewed literature states very low to zero rates of the abuse of women by transgender women: But gender-critical groups and others argue that they are very high: Where individual cases are highlighted and are used to support this viewpoint. Therefore, it may be better to take an overall approach. The social self-identification of gender was implicitly provided for in the United Kingdom 1975 Sex Discrimination Act, also the 2004 gender Recognition Act, and formally in the 2010

⁶⁵ Dehjane

⁶⁶ Joel Swaab

⁶⁷ Memorandum

⁶⁸ Barrett

⁶⁹ Questioning Existing Research

⁷⁰ Theology paper

⁷¹ I address the reasons for the lack of evidence in other work

⁷² Mitchell, Kevin J. (2018): “*Innate: How the Wiring of our Brain Shapes Who We Are*”: Princeton University Press; ISBN 978-0-691-17388-7.

⁷³ Manipulation of existing research Trashing references

Gender Recognition Act: And it has been possible to change names and gender identifications to match the acquired gender on documents such as passports, driving licences etc., for many years: With few or any reports of abuse being encountered. Circumstantial evidence also reports that transgender people are one of the most law-abiding groups. As of November 2024, 12 countries have established legal gender recognition procedures based on self-determination: Belgium, Denmark, Finland, Germany, Iceland, Ireland, Luxembourg, Malta, Norway, Portugal, Spain and Switzerland. In France and Greece, court permission is required, and here as well as very low or zero rates of abuse are encountered, with no increase in abuse following its introduction. Transgender people are generally well accepted in the United Kingdom. Most people strongly welcome them, which means that they do not see them as any threat. And the reasons why self-identification of gender is supported in many parts of the world, is not just because of self-identity. It is also because these people integrate fully into society as women: and they also exhibit behavioural patterns, and express social and aggression patterns; both to themselves and to others, which are the same as those which any woman would expect.

Each side in this conflict genuinely and sincerely believes that their own approach is correct. But what is real and what is understood are very different things: And to break down these barriers, both sides must be treated with care and respect. There is no magic needed for the management of transgender conditions: The techniques needed to manage personality variations and personality disruptions are also well known: and the differences between them are profound. The Professional Institutions and World Authorities regard the creation of transgender identities as personality variations, and as inwardly focussed searches for coherence of identity: Where the whole period of pre-cognitive development from birth up to the age of three years, plays a crucial role in determining how personalities and identities are formed. The results of these studies show that transgender conditions are about the search for a coherence of identity. They are not about the drives of sex. And gender identities are measures of how people live their lives in society: They do not create it. That is why a great many transgender people have been able to integrate invisibly into society as the people they say they are, and to access spaces which correspond to the gender they identify with, without problems for many years. It is also why the legal self-identification of gender has now been introduced or is being advocated in many countries today⁷⁴. But given the level of access to women's spaces it permits, it is difficult for some women to accept. Exemption can implicitly be granted under present legislation, for situations when genital differences of direct relevance or are on display to others. But for assurance and certainty, I suggest that the term "*human physiology*", and not "*biological sex*" should be included in an amended Equality Act.

17:0 Regression

The nature and origin of transgender conditions is a source of intense dispute between those who uses social learning and psychodynamic theories for their explanations, and those who consider transgender identities to be core elements of the personalities and identities which are created. In section 9:0 of this account I show that the gender role identity forms as an overlay on the core gender identity that has previously been created. While incongruences to the core gender identity must be treated as personality variations, disturbances to the gender role identity must be treated as perversions, paraphilias or disruptions to the gender role. Freud presumed that little in the way of constructive development happened during the first three years of life: However, others who pursue a "*Gender Critical Ideology*" specifically deny that anything of significance occurs: 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 believed⁷⁵, Cass set the frame of reference for her review to ignore how development takes place during the first three years; and she uses arguments from the 1960s to justify the conclusions she reaches⁷⁶. Stock denies the influence of any departure during the first three to four years by relying

⁷⁴ Legal self-identification of gender

⁷⁵ 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>

⁷⁶ 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> .

exclusively on cognition and logic to justify her approach: So that the pre-cognitive influences are ignored⁷⁷. Sullivan takes a corresponding attitude in her review of the use of data for health records⁷⁸, Baroness Falkner and the Equalities and Human Rights Commission today are also perceived to adopt an equivalent gender-critical approach⁷⁹. The work of groups and individuals who attempt to challenge this gender-critical viewpoint are attacked with claims that “*they are not based on credible science*”, entirely the work of transgender activists, and attempts are made to impute the motives of those groups and organisations who support this approach: And the presumption that cognition is the primary organising force which drives development forward: leads to demands that Stock, Rippon, Cass, and others who take a “*gender-critical*” approach must misdiagnose transgender conditions as “*paraphilias, perversions, or disruptions to the gender role*”. Baroness Faulkner, chair of the United Kingdom Equality and Human Rights Commission (EHRC) has argued the transformation in outlook of the EHRC from one which had strongly supported legal self-determination of gender for transgender people; to one which now denies it, is due to more research becoming available: But that argument fails when the whole framework of early development, including the actions of the intense, innate and pro-active neural forces, which were identified in the work of Girard, Dawkins, Gallese, and many others from the 1960s, and along with the influence and role of the core gender identity is ignored. In section 7:0, I show that, far from early development being a passive or reactive process which is driven by cognition alone, it is instead driven by strong, innate and self-reinforcing processes. This is not a new force, it is a more complete manifestation of the forces, which Freud presumed; drove the desires of sex. These forces dominate from birth, and only gradually come under control as the organising powers of cognition come into greater effect. And in section 10:0, I show that a gender-critical ideology cannot be correct, because it ignores these early development processes: Instead of ignoring what happens during this early period, it becomes of crucial importance instead. Which means that, in place of advancing understanding of how transgender conditions and personality variations develop, the path of development from the time in 2018: when transgender conditions could be considered as internally focussed personality variations; in search for a coherence of identity, where no threats to others were encountered. Into one, which today sees transgender conditions as personality disruptions in pursuit of the attractions of sex, and desires for a role; where threats of grooming, capture and coercion could be encountered ... is a path of regression instead.

That regression has led to a complete transformation in outlook from the time in 2018 when the United Kingdom Equalities and Human Rights Commission strongly supported self-determination of gender for transgender people and when Penny Morgan could say “*Transgender Women are Women, that is the starting point of the conversation*” when she introduced proposals to reform the 2004 Gender Recognition Act in the United Kingdom Parliament: Into one, where the recent decision of the Supreme Court to exclude transgender women from the category of women, and to adopt a definition of gender identity which presumes that transgender women present as great a danger; if not a greater danger to women, than all men. Means that instead of adopting the principle of inclusion enshrined in the 2004 Gender Recognition Act, which by default, had included all transgender women within the category of women, it has introduced an exemption, which means they are now excluded. No single definition of the word “*woman*” can suffice; and no conflict between lesbians and transgender women should exist, since transgender conditions involve the search for a coherence of identity, while lesbian and gay conditions involve the drives of sex. Although they present independently of each other; both evolve from a single complex very early in life. By introducing a statute, to exempt the 2010 Equality Act from the 2004 Gender Recognition Act, the judgement of the Supreme Court, whatever the intention, can now be used to maximise the exclusion of transgender and all non-binary people from everyday life. It drives society to endorse gender complementarity and binary roles. And for any minority group, whether that be of race, religion, or gender: applying such an approach: to an already vilified group, can have a catastrophic effect: Which impacts severely on their wellbeing, self-esteem and acceptance in normal life ... Even though transgender people are still legally protected from discrimination, under the 2004 Gender Recognition Act and the 2010 Equality act.

⁷⁷ 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>

⁷⁸ See section 5:0 Sullivan Report

⁷⁹ Gilchrist, S. (2024): “*Transgender Misdiagnoses: EHRC and Government Advice*”: <https://www.tgdr.co.uk/documents/040B-MisdiagnosesAndAdvice.pdf> . Gilchrist, S. (2022): “*Transgender Disputes, Conversion Therapy and Government actions*” (Annotated Presentation): <http://www.tgdr.co.uk/documents/254p-PresTransDisputesAndGovActions.pdf>

18:0 Feminist Issues and Decisions of the Supreme Court.

This investigation likens transgender people to immigrants or emigrants who cross the gender divide: where the abuse of any invitation on this journey is as harmful as it's denial: And there as great a dispute in the feminist movements, between those feminist groups who believe that no man can ever become a true feminist, and no male 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. Whereas, many others, on the evidence recent surveys, are 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.

The remit of the Court was limited. It was to decide whether trans women could be classed as "Women" for representation on Public Boards. But in order to define "*What is a woman*", by implication, the Court must also decide on whether transgender conditions are core elements of the personality that is created, where the search is an internally focussed search for a coherence of identity; which does not threaten others, or if they are personality disruptions, driven by desires for a role; or the attractions of sex: where significant threats could be involved. For this difference is why defining "*What is a Woman*" has become an important marker of division in these disputes: The slogan "*Trans Women are Women*" is used by those who consider transgender conditions to be personality variations, and see trans women are true allies in the fight for feminist rights. However, gender-critical groups instead use the slogan that "*Trans women are men*" to justify their argument 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 women, and threaten women's identities, safety, and lives. Therefore, the meaning of the word "*woman*" has become a major weapon of attack in these disputes. And it's definition has varied greatly over time; from that of the feminist pioneers, and of many who still today separate men from women through "*the performance of gender*", independently of biology and sex, into that of others, who instead rely on a visual inspection of the genitals at birth; to declare that "*trans women are men*". And who then use this to impose an approach of "*gender complementarity*", which means that; unless some disruption occurs, gender identity and gendered behaviour must always be congruent with biological sex.⁸⁰ It should be noted that there is evidence of a contradiction in these feminist arguments. For defining what a "*woman*" is in terms of the performance of gender, allows men and women to freely cross over a binary gender boundary: But relying on biology means that journey is denied.

The decision of the Supreme Court to separate men from women through inspection of the genitals at birth may be anatomically significant, but it ignores the present-day understandings of how gender and sexual identities develop. And by ignoring these processes, it maximises the threats that transgender people are understood to present. It presumes that transgender women will offer the same threats as all men to women's identities, safety and lives. It presumes that all gender or sexual incongruences must be treated as perversions, paraphilias, or disruptions of the gender role. And it must always diagnose transgender conditions as personality disruptions, driven by desires for a role or the attractions of sex, for it relies on cognition alone. Although feminist and religious groups come from opposite standpoints, both define transgender conditions as disordered or misdirected departures from some biologically or divinely ordained path, and this definition corresponds in large measure to a doctrine of "*gender complementarity*" which has been used for centuries to criminalise and condemn all forms of gender and sexually variant behaviour by the

⁸⁰ That is reflected in the statement by Kate Barker, chair of the LGB Alliance "*And that means all men. You can't let in a certain type of man. You can't let in men who are nice, or men that you know, or men who sincerely believe they are women, and not other men. 'It is binary.'*" Schofield, Ben (2025) '*Life for our community is a living hell after court ruling*' BBC 18 May 2025
<https://www.bbc.co.uk/news/articles/c1e6l89wyewo>

Christian Church^{81 82 83}. The initial response to the Supreme Court's definition by the British Medical Association Resident Doctors is as follows. *"This meeting condemns the Supreme Court ruling defining the term 'woman' with respect to the Equality Act as being based on 'biological sex', which they refer to as a person who 'was at birth of the female sex', as reductive, trans and intersex-exclusionary and biologically nonsensical. We recognize as doctors that sex and gender are complex and multifaceted aspects of the human condition and attempting to impose a rigid binary has no basis in science or medicine while being actively harmful to transgender and gender diverse people*⁸⁴. It totally ignores many of the processes involved in early development. In a signed letter, many expert biologists tell the government to restore trans people's access to public spaces after Supreme Court ruling, attain that *"Decisions based on the misrepresentation of science can put real lives in danger."*⁸⁵ Up to now, over 1600 leaders from the UK Culture Sector, have written to the UK Equality and Human Rights Commission, stating. *"We believe your interim update has been rushed, will cause harm and that it is impossible to apply. It goes far beyond the recent Supreme Court judgement and overlooks the need to protect Trans, Nonbinary and Intersex people from discrimination"*.⁸⁶ And these resident doctors, biologists, now along with many others, are right to point out the harms that this misdiagnosis creates.

Not only does the Supreme Court's decision take the understanding of how gender and sexual identities develop back to the 1960s, where it was generally accepted that all gender and sexually variant conditions could be considered to be *"perversions, paraphilias, or disruptions of the gender role"*, it also ignores the modern consensus on the nature of gender identity, which divides it into two components, the first is the core gender identity which represents an inner sense of being; that separates the self from the other: And the second is the gender role identity, which develops through the interactions that society expects. Also, where either; or both are usually; but need not always, correspond to the biology of sex. This is often described as follows *"Gender identity refers to a person's deeply felt internal and individual experience of their gender, which may or may not correspond to the sex they were assigned at birth. It's a personal sense of being a man, a woman, both, neither, or being somewhere else on the gender spectrum. This sense of self can be different from the sex assigned at birth and is not tied to a person's physical appearance or expression"*. It's development is a multifaceted process where elements of nature and nurture are both involved. Although gender and sexual identities express themselves independently, it is recognised that both develop from a single complex very early in life, where both pre-natal and post-natal elements are involved. The division between the various elements is uncertain, and that is reflected in the present-day conflict: between those who argue that transgender conditions are simply sublimated sexually motivated Freudian hysterias,

⁸¹ Some radical feminists argue that transgender conditions must be treated as hysterias, or as *"paraphilias, perversions, or disruptions to the gender role"*. Religious and other groups come to the same conclusions, but from the opposite direction, by arguing that transgender conditions are driven by departures from some divinely or biologically ordained path, which states that gender and sexuality should always be congruent with *"biological sex"*. Although each approaches this issue from opposite directions, both have the same effect.

⁸² Gilchrist, S. (2024): *"What is a Woman?"*: <https://www.tgdr.co.uk/documents/255P-WhatIsAWoman.pdf>.

⁸³ Gilchrist, S. (2021a): *"Gender Identity, Feminism, and Transgender People"*: <http://www.tgdr.co.uk/documents/250P-GenderIdentityAndTrans.pdf>

⁸⁴ *"This meeting condemns the Supreme Court ruling defining the term 'woman' with respect to the Equality Act as being based on 'biological sex', which they refer to as a person who 'was at birth of the female sex', as reductive, trans and intersex-exclusionary and biologically nonsensical. We recognize as doctors that sex and gender are complex and multifaceted aspects of the human condition and attempting to impose a rigid binary has no basis in science or medicine while being actively harmful to transgender and gender diverse people.*

As such this meeting:

- i. Reiterates the BMA's position on affirming the rights of transgender and non-binary individuals to live their lives with dignity, having their identity respected.
- ii. Reminds the Supreme Court of the existence of intersex people and reaffirms their right to exist in the gender identity that matches their sense of self, regardless of whether this matches any identity assigned to them at birth.
- iii. Condemns scientifically illiterate rulings from the Supreme Court, made without consulting relevant experts and stakeholders, that will cause real-world harm to the trans, non-binary and intersex communities in this country.
- iv. Commits to strive for better access to necessary health services for trans, non-binary and gender-diverse people.

⁸⁵ London Economic (2025) *"Biologists tell government to restore trans people's access to public spaces after Supreme Court ruling"* <https://www.thelondoneconomic.com/news/biologists-tell-government-to-restore-trans-peoples-access-to-public-spaces-after-supreme-court-ruling-392997/>

⁸⁶ Airtable (2025) *"An open letter to the Equality and Human Rights Commission from the Culture Sector, April 2025"* <https://airtable.com/appJtTpDvAuSGrX37/pagdNlgDLD38RXblt/form>

associated entirely with the gender role, against those who argue that they are a consequence of the search for a coherence of identity, and form a core element of the personality that is created. There is little disagreement between the two factions on how the gender role is created, and the fact that each side in the present dispute can produce apparently cogent arguments to justify their positions, which differ profoundly because different starting points are taken, contributes to much of the intransigence in these disputes. Therefore, a better understanding of how personalities and identities, including gender and sexual identities first develop is needed. That was a reason for beginning my own analysis, which I summarise in this document: And why, by ignoring the influence of these early processes, the definitions of gender for equality purposes, adopted by the Supreme Court cannot be correct. I therefore confirm that the diagnosis of the World Authorities and Professional Medical Institutions which 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”*, is the correct definition. And that all of the Court’s judgements; and the protections it seeks to provide, must be made on the premise that transgender conditions are *“perversions, paraphilias of the gender role”*, which are driven by desires for a role, or the attractions of sex ... And this reliance on a single outdated; and incorrect, definition calls into question the judgement the Court seeks to enact.

Today, we interchangeably use the terms *“men”*; *“women”*; *“male”*; and *“female”* in all of these contexts, and often we do not need to make any distinction between them. Were that not to be the case, we could use the terms *“male”* and *“female”* to describe sexual physiology and the terms *“men”* and *“women”* to describe how we relate to each other in society and everyday life. We have seen that the feminist pioneers: and many of today’s feminists; on the evidence available, consider that men and women should be separated from each other through *“the performance of gender”* and are happy to accept transgender women as women, and do so by using the statement *“transgender women are women”*, regardless of the biology of sex ... for they see them acting as women; with women, in pursuit of women’s rights and as true allies in the feminist cause. Others, who see them as enemies, may use the slogan *“trans women are men”*, and argue that transgender conditions must be treated as hysterias, or as *“paraphilias, perversions, or disruptions to the gender role”*. Religious and other groups come to the same conclusions from opposite directions, by arguing that transgender conditions are driven by departures from some divinely or biologically ordained path, which determines that gender and sexuality should always be congruent with *“biological sex”*. Because of these differences, no single definition of the word *“woman”* can satisfy the requirements of the Equalities Act. The term *“legal sex”* as defined in the 2024 Gender Recognition Act removes this confusion. It is a single term which encompasses all descriptions of gender; whether that be *“male”*; *“female”*; *“men”*; *“women”*; *“transgender”*; *“queer”*; *“non-binary”* ... However, they are described. And by separating *“the performance of gender for all purposes”*, from identities and physiologies: the use of the term *“legal sex”* enables correct; and independent protections for identities and performances, to be provided. It also imposes a legal definition upon all past and future legislation, including the earlier 1975 Act. For this reason, I argue that this interpretation also applies to the 2010 Equality Act: which means all these terms may be interchangeably used in any interpretation of this and any other Act. And that this is satisfied through the use of the term *“legal sex”*. However, what is not made clear in the 2004 Gender Recognition Act is the distinction between legal sex and biological sex, which depends on physiology, and not behaviour. That is why I suggest later in this account that a protected characteristic of *“human physiology”*, along with *“gender identity”* and *“sexual orientation”* be written into the 2010 Equality Act, even though this can already be implicitly provided for under an exemption within the current Act. The Supreme Court acknowledges that there is no definition of gender; or what is a woman is in the 2010 Equality act: It concludes that an ordinary person reading the Act would assume that this refers to *“biological sex”*. Therefore, the Court’s judgement states that all of the terms in the 2010 must be taken to refer to biological sex. And that this is not changed by achieving a Gender Recognition Certificate. (In terms of the Court, *“certificated sex”*). If biological sex referred only to physiological sex there would be limited case for argument. But the Supreme court’s decision that all of these terms *“man”*, *“woman”*, *“male”* and *“female”* can be determined by inspection of the genitals at birth, which, as we have seen, totally ignores any consideration of how personalities and identities, including gender identity for all of us develop. The Court applies the same biological definition of *“woman”* to matters of gender, as well as sex. And this, incorrect and inadequate definition, enforces a code of conduct on society which dictates that all recognized expressions of sexual orientation and gender identity must always conform to binaries of biological sex.

Lord Sumption, a former Supreme Court Judge concludes that the law now allows transgender people to be excluded from services and spaces they identify with on the grounds of “*biological sex*”, but it does not mandate it: Although, at a technical level the Supreme Court argues that transgender rights are fully protected under the characteristic of “*gender reassignment*” in the 2010 Equality Act. As we have noted, that is small comfort to an already strongly vilified and misunderstood group ... And a Supreme Court ruling which determines that because “*biological sex*” is binary, and that the gender permissions and prohibitions used in the Equality Act must also be binary; in addition, means that there cannot be an acceptable middle ground. Which means that sex takes priority: and many protections under “*gender reassignment*”, for non-binary people are also being denied. And transgender and non-binary people are denied any coherent sense of identity. Although the Court has now exempted the 2010 Equality Act, from the provisions of the 2004 Gender Recognition Act. The 2004 Gender Recognition act remains in force, so how there is much more work to be done before these issues can be resolved.

The case in question was brought by “*For Women Scotland*” versus *The Scottish Ministers, as to whether transgender women should be included in the category of “women”* in representation on public boards. The court then decided on the more general issue, of access to “*single sex spaces*”: And its decision that transgender women should be excluded from the definition of “*women*” in the Scottish Act: And be considered as “*male*” in all purposes in the interpretation of the 2010 Equality Act: means that identification of transgender women as women for both sexual and social interactions is also denied. I therefore conclude that this decision has turned the principles of the law enshrined in the 2004 Gender Recognition act, from one which was originally based on the principle of inclusion into one which is now based on exclusion instead. As a consequence, all transgender men and women; unless specifically included, are by default excluded; on the grounds of “*biological sex*”, from the spaces and services they social identify with; regardless of how long they have transitioned, how convincing their appearances are, how impeccably and appropriately they behave, and how completely they have integrated into society. There are also many who have integrated fully in society and fulfilled normal, unremarkable, everyday lives without notice or comment: for whom this is a destruction of their self-identity, with the outing to others; when many people do not know their background: for there is no need to know, is a very severe threat. In addition, there are many who, as women, and in harmony with all women, have contributed very strongly to the fight for women’s rights. To deny the right of trans women to describe themselves as “*women*”; and who only need to elaborate this into “*trans women*” when it is necessary, is a very damaging act; and most notably so, when trans women have made major contributions to the fight for women’s rights.

The Supreme Court explicitly indicates that its stance is consistent with the advice given by the Equality and Human Rights Commission (EHRC). The latest draft advice of the United Kingdom Equalities and Human Rights Committee (EHRC) following the Supreme Court Judgement⁸⁷ 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 this exclusion can have a devastating effect on transgender children’s lives⁸⁸. It should be noted that this interim advice is now open to consultation; The consultation opened on 20 May 2025 and will close at 11:59pm on 30 June 2025. You are very strongly urged to complete it⁸⁹. In summary, by confining the definition of “*woman*” to that of “*someone who was at birth a member of the female sex*” or an “*adult biological female*” and by requiring that transgender women be treated as male for the purposes of the Equality Act may exclude all men from lesbian groups. But it also destroys any recognition of the major contributions that transgender women from

⁸⁷ EHRC (2025): “*An interim update on the practical implications of the UK Supreme Court judgment*”

EHRC Published: 25 April 2025 <https://www.equalityhumanrights.com/media-centre/interim-update-practical-implications-uk-supreme-court-judgment>

⁸⁸ 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>

⁸⁹ EHRC (2025): “*Code of practice for services, public functions and associations: consultation 2025*”
https://www.equalityhumanrights.com/equality/equality-act-2010/codes-practice/code-practice-services-public-functions-and-associations?fbclid=IwY2xjawKamEpleHRuA2FlbQlXMAbicmlkETB5dW1yN0Y4WjlpMXU1TFikAR6eY7HpB-K4hXAooamV-XBQzHuAdFayw25GI-5Bk53L1mEMq02z9jNDYXKgiw_aem_Fo5xPJMj5ydpYkNwKTsrQ

the outset have made for the benefit of society and along with all women in the fight for women's rights. And it destroys any recognition of the alliances between natal women and trans women in their battles for these rights: The decision of the Court to declare that all interpretations of the 2010 Equality Act must be based on "biological sex"; and that this must be based on inspections of the genitals at birth, not only ignores the advances since the 1960s in understanding of how personalities and identities for all of us develop: In place of the inwardly focussed search for a coherence of identity, where no threats to others are involved, and supported by the World authorities and Professional Medical Institutions, the Court enforces a contradictory diagnosis which demands that transgender conditions are driven by desires for a role or the attractions of sex, where fears of recruitment, coercion and predation can arise. And that transgender women present as great a threat, if not a greater threat to all women's safety, identity and lives. The decision by the Supreme Court to exclude trans women from women only shortlists for appointments on public boards; whatever the reason, further confirms that these restrictions apply to gender as well as sex⁹⁰. The Court very strongly argued that its judgement should not be regarded as victory by one side over another, and the judgement includes many provisions to protect transgender people. But what is at stake is the consequences of endorsing a principle based on exclusion, and the resulting effects upon a much vilified and misunderstood group. Most notably when it is natural for most people to assume that gender identity should always be congruent with biological sex.

And that concern is greatly accentuated when; in place of a search for coherence of identity, any departure from this expectation, is presumed to be driven by the desires for a role or the attractions of sex. So that all of these features: when considered in common, can have a devastating effect. The Supreme Court also declares that its ruling on the definition of "women" only applies to the interpretation of the 2010 Equality Act: But that exclusion is no excuse or escape, when our usage of these terms applies to all of our relationships in society. It does not just affect transgender people. It does not enhance the safety of women: for it gives permission for anyone who is; or who looks like a man, to enter a women's toilet. It moves us from an inclusive society where the same deep intensities and profundities of allegiance to a gender identification is observed in the great number of lesbian; gay; bisexual; transgender; transexual; and non-binary gender and sexually variant people, as well as those whose gender identities are in harmony with their biological sex. (See section 13:0 in this account). And it forces all of us back into an exclusive; divided; abusive, and potentially male dominated society, where everyone is expected to conform and behave to stereotypes of biological sex. It involves all organisations who seek to provide inclusive services. It involves Christianity, Churches, and other religious traditions, who are seeking to preach and teach an inclusive theology... For all of these organisations may now be in breach of the Supreme Court judgment, and the now current EHRC advice.

These are all matters of the expression of identity, not those of desires or behaviours, whether that be of race, colour, gender or sexuality. Equality legislation demands equality and inclusion, in place of separation and attack. And, as in the cases of race, ethnicity, religion, the mere possession of an appendage should never justify exclusion alone⁹¹. No human rights law I am aware of justifies the exclusion of any ethnic group on the

⁹⁰ The essence of the court's decision is (in broad purposes) as follows: a) the Gender Recognition Act 2004 states that a person with a GRC [gender recognition certificate] is to be treated as the sex stated in the GRC "for all purposes" unless a statute provides otherwise; b) although the Equality Act 2010 doesn't explicitly state otherwise, it contains various references to the word "woman" in contexts where it makes more sense if it is read as "biological woman"; Thus, c) the Equality Act therefore rebuts the presumption in the Gender Recognition Act and, for its purposes, "woman" means "biological" ("cis") woman. Therefore, by statute, the 2018 act must be read as excluding trans women from the class of "women". However, that argument can only make sense if you consider the definition of "woman" to be that of "someone who was at birth a member of the female sex". The court acknowledged that, should a trans woman be discriminated against because someone thinks she is a cis woman, then she will still be entitled to make a claim for sex discrimination in the same way as a cis woman. But if someone recognises a trans woman is a trans woman, no such protection applies. Although the appeal was made only in the context of public boards, the Court extended it to consider access to all same sex allocated services and spaces. Thus, the effect of the Court's decision is to introduce a statute which means that in no circumstances, can trans women call themselves women, and in no circumstances can trans men call themselves men. Therefore, trans women and men can be excluded by default from all same sex allocated spaces, and public boards on the grounds of appearance and of identity alone, regardless of the capabilities they may be seen to provide. The right to offend is also a basic human right, although nobody should wish to apply it at any time. At first sight, imposing exclusions entirely on the grounds of physicality or identity; with the unequal treatment of natal women and trans women seems to be a breach of all international conventions on human rights. See also Gilchrist, S. (2022): "No Blacks, No Irish, No Homosexuals, No Transgender People": <http://www.tgdr.co.uk/documents/252P-NoBlacks.pdf>

⁹¹ Gilchrist, S. (2022): "No Blacks, No Irish, No Homosexuals, No Transgender People": <http://www.tgdr.co.uk/documents/252P-NoBlacks.pdf>

grounds of identity for the abuses of some. And in any communal area, unless the individual consent of everyone who uses it is given, all exclusions can only be justified on the grounds of misogyny, anti-social behaviour, or abuses instead. I recognise that there is uncertainty and concern: For there are many women who are terrified of all men because of physical and coercive acts. But I believe that changing the definition of “women” is the wrong way to go about addressing these concerns. Laws also have two purposes: One is to protect identity; the other is to prevent abuse, and the definition of “legal sex” satisfies those requirements. However, what is not made clear in the 2004 Gender Recognition Act, is the differences between “legal sex” and “biological sex”. This difference can be identified through the physiology of sex, and that is why I could accept “human physiology” being introduced as a core protected element in any amended Equality Act: I use the term “human physiology” because concerns are much broader than just matters of sex. That is, always provided that “gender identity” and not just “gender reassignment”, with “sexual orientation” are properly and equally regarded as core elements of the personality that is created. The term, “human physiology”, does not correspond to “biological sex”, it only relates to those aspects of biology which directly affect physical performance and the provision of spaces and services, such as gynaecology, other interventions, and women’s refuges where clear separation on biological grounds may be needed. Coercive abuse in addition emanates from physical strength; and that can also be covered by “human physiology sex”. And, where appropriate, it allows separate groups for men and women to be provided. In all other cases, inclusion must be assumed, regardless of the wording applied. I suggest for clarity that “human physiology” should be specifically listed as a protected element in an amended Equality Act.

It is essential that, all viewpoints must be considered in any Court Judgement on the definition of the word “woman” and how it relates to “biological sex”. It must seem extraordinary when the highest Court in the land can claim to argue that both gender identity and sexuality can be determined absolutely and unchangeably for the rest of life by visual observation of the reproductive organs at the moment of birth. Not only does this demand that gender identity must always be congruent with the assigned biological sex. It also enforces a gender complementarity, where equal and opposite stereotypes are created, where there is no place left for non-binary identities, and no possibility of departure from stereotypes of behaviour determined by expectations of biological sex. It is of note that the Court refused to accept interventions by Professor Stephen Whittle, Victoria McCloud, a senior civil judge who became the youngest person appointed as master of the high court in 2010, all of whom who would have been able to present a more informed view. Three barristers worked on their interventions, two of which are now KCs. The Good Law project spent hundreds of hours and many tens of thousands of pounds working on the submissions ... but without even giving reasons, the Supreme Court flatly refused them. Other interventions, including that of the EHRC were allowed, and the Court was left with not even one trans person or group before them⁹². An intervention by Lord Sumption, a former Supreme Court judge was also refused, and only the intervention by Amnesty International (as far as I am aware) was permitted. My own document, prepared late for an intervention was submitted to the legal counsel acting for Scottish Ministers, and to the Good Law Project⁹³. And when these disputes are essentially disputes within the LGBT and Feminist movements over the acceptance of transgender people, that one-sided representation must be a matter of particular concern. The Court praised the view of “Sex Matters” and others who claim that, unless some perversion or disruption occurs, gender identity and gendered behaviour must always align with biological sex. That the Supreme Court has based its arguments on these inputs, and has not considered the full realms of scholarship, is also a major matter of concern: For I consider this ruling is a direct consequence of attempting to impose a gender-critical diagnosis on transgender people: as is the case with “autogynephilic transsexuality” which; as we have noted in section 12:0, treats sexuality as a core element of the personality that is created, and at the same time treats transgender conditions as sexually motivated perversions, paraphilias or disruptions of (male) homosexuality., the primary driving forces behind transgender conditions considered to be the desires for a role, or the attractions of sex: Where the existence of the core gender identity, and the search for a coherence of identity is ignored. And it is these which sets the whole understanding of how personalities and identities to develop back to a time in the 1960s when all such behaviours were considered to be illegal and as intrinsically disordered behaviour and as perversions in pursuit of gratification and depraved sex.

⁹² Good Law Project (2025): “The Supreme Court ignored trans voices. I’m ashamed of what our law has become” <https://goodlawproject.org/the-supreme-court-ignored-trans-voices-im-ashamed-of-what-our-law-has-become/>

⁹³ Gilchrist, S. (2024): “What is a Woman?”: <https://www.tgdr.co.uk/documents/255P-WhatIsAWoman.pdf>

This “victory” ... if it is a victory; is likely to be a pyrrhic “victory”, for it sets division between those feminist groups who are happy to accept transgender women as the women they say they are; for they see them acting as women in society, and as true allies in the feminist cause ... against other feminists who see them as men seeking power over women and attacking women’s identities, safety and rights. It additionally divides the whole gender and sexually variant community; most notably lesbian communities, between those lesbian, gay and bisexual communities who see transgender people as true allies in the fight for an inclusive society ... and those lesbian, gay and bisexual communities who see transgender people as threats to their own identities and as enemies instead. In addition, the Court’s decision affects all people by promoting division upon the different sections of every community, instead of creating an inclusive approach. Those who use autogynephilic transsexuality to condemn transsexuality as a perversion, paraphilia of (male) homosexuality: while still preserving the integrity of lesbian and gay identities, might also do well to remember that at one time, all forms of gender and sexually variant behaviour were being condemned as intrinsically disordered, depraved, and perverted behaviour, which was in pursuit of immoral sex. And it should not be surprising if these arguments seem familiar, for not so long ago, Margaret Thatcher introduced “*Clause 28*”, which banned any material in schools which portrayed homosexuality as anything other than abnormal. And claims that children ‘*are being taught that they have an inalienable right to be gay*’. The clause identified all homosexual relationships as being ‘*pretended*’: that any talk of homosexuality in education was ‘*promoting*’ it. And this was at a time when the legitimacy of all gay, lesbian, bisexual and transgender identities, not just transgender identities, was being denied⁹⁴.

19:0 Scapegoating and Fear

There is little disagreement among the various groups about how disturbances to the gender and sexual roles should be treated: where management methods appropriate to *paraphilias, perversions, or disruptions to the sexual and gender roles* are needed. The issue is over how the core gender and sexual identities should be treated. But for those who presume that cognition alone is the primary organising force which drives development forward, and who rely on Freudian psychodynamics or the traditional social learning theories, the independent existence; or influence, of the core gender identity is denied. All of this happens before conscious awareness arises: Therefore, it becomes easy to dismiss the legitimacy of transgender conditions; because it is natural for most people to presume that gender (and sexual) identities should always be congruent with biological sex. I consider that is what has happened with the executive orders issued by President Trump in the United States of America. These orders recognise the existence of only two genders, which must always be congruent with biological sex: They also enforce the invalidation of passports, the denial of federal funding to hospitals who offer “*gender affirming*” care for anyone under 19, methods to impose school and university censorship, including the independence of scholarly approaches, the banning of transgender girls from school sports, the slashing of funding for LGBTQ+ programmes, the denial of transgender prisoners needs and rights, and the reinstatement of a military ban. The orders additionally encompass the use of directives to erase transgender history and resources: The most symbolic case, being the removal of all reference to transgender people in the Stonewall National Park, where it was in fact transgender women of colour who led the fight, which the Park memorialises, for all gender and sexually variant people’s rights. However, the USA should not be considered in isolation on these matters, because there are many countries in the world who similarly condemn and severely criminalise every form of expression and support for all gender and sexually variant people’s rights.

In this investigation I have likened transgender people to immigrants or emigrants who cross the gender divide: where the abuse of any invitation on this journey is as harmful as it’s denial: And that demands that a responsible approach is taken by all sides. Nevertheless, these arguments must be set against the horrendous histories of male abuse, violence, and discrimination which women for centuries have suffered. The difficulties are further accentuated by the disputes over religious dogma and by the failure of many practitioners in sociology, psychiatry, and psychology to take full account of the advances in the neural

⁹⁴ Independent (2018) “*Section 28: What was Margaret Thatcher’s controversial law and how did it affect the lives of LGBT+ people?*” The Independent 23 May (2018): <https://www.independent.co.uk/news/uk/politics/section-28-explained-lgbt-education-schools-homosexuality-gay-queer-margaret-thatcher-a8366741.html>

understandings of early development which have taken place in more recent years. Since these disputes are arguments about the nature of early development, it is possible for each side to produce seemingly logical and cogent arguments to justify their positions, which differ profoundly from each other, depending on the starting point that is taken. While Cass sets the frame of reference for her review to ignore the diagnosis of transgender conditions as personality variations, other groups are much more vocal in their reactions, dismissing those who support the viewpoints of the World Authorities and Professional institutions merely as the work of transgender activists⁹⁵, claim their expertise is not based on credible science, and attack the integrity of those groups and people who support their views. Universities must be bastions of free speech, but they must also be bastions of scholarship: And when the two are in conflict it is always scholarship that must be applied.

As an academic Kathleen Stock has every right to argue strongly for a gender critical feminist viewpoint, but in her attacks on social media and elsewhere on Stonewall; who adopts the viewpoint of the World Authorities and Professional Institutions... in which Stock states that Stonewall “*doesn’t belong in UK universities (or schools, or gov departments, or local authorities, or judiciary, or police forces): Once a great organisation, they’re now a threat to freedom of speech/ public understanding... Get them out.*”⁹⁶ Suggests to me that Stock fails to endorse the bastions of scholarship that all universities have a right to expect. I also examine Stock’s approach in detail elsewhere and show why I believe this is correct⁹⁷. Students employ the Universities, they are not employees of them, and when they believe that an academic has got it wrong they have the right to protest and object. In March this year, England’s University Office for Students regulator fined the University of Sussex a record £585,000 at the conclusion of an investigation into freedom of speech on campus, arguing that a fine of up to £3.5 million could have been imposed.⁹⁸ The regulators main criticism was targeted at Sussex’s policy on transgender and non-binary equality, which included a requirement to “*positively represent transgender people*”. The regulator warned of “*a chilling effect*” of this policy that could lead staff and students to self-censor and avoid voicing opposing views for fear of disciplinary measures. One wonders what the criticism would be if a cause likewise demanding a positive approach to race or religion was denied. While I do not suggest for one moment that Stock does not genuinely believe in her the correctness and fairness of her approach, the use such penalties attack the freedom to challenge, the freedoms of dissent and the right to protest whenever the need may arise: And it places the absolutism of free speech above the disciplines that scholarship requires. Freedom of speech requires the freedom to speak free truths to power, not free misinformation, or free lies. Maybe we are still a long way from the blatant attempts Trump is making to censor scholarship in American academic Institutions, but the same dangers are increased by these actions, and the same danger to transgender identities increasingly applies. In the United Kingdom, the fear of a threat of a fine of up to £3.5 million for each or any institution which attempts to challenge misinformation; and to uphold the standards and independence of scholarship, could have a more severe effect, than the censorship which Trump seeks to apply.

20:0 Personality and Identity

This is not a dispute where such detailed analysis should be needed. Since the question to be answered is whether transgender conditions should be treated as personality disruptions or personality variations. At a medical level, the different methods for managing each of these are very well known. And where exposure and legality has led to a transformation in public attitudes to all gender and sexually variant people: But that is only in countries where they are free to live their lives. In my study, reported in this paper, I have used

⁹⁵ See section 2:5 *Feminist Disagreements* in Gilchrist, S. (2021a): “*Gender Identity, Feminism, and Transgender People*”: <http://www.tgdr.co.uk/documents/250P-GenderIdentityAndTrans.pdf>

⁹⁶ See section 13:00 *Conflict* in Gilchrist, S. (2021a): “*Gender Identity, Feminism, and Transgender People*”: <http://www.tgdr.co.uk/documents/250P-GenderIdentityAndTrans.pdf>

⁹⁷ Gilchrist, S. (2021a): “*Gender Identity, Feminism, and Transgender People*”: <http://www.tgdr.co.uk/documents/250P-GenderIdentityAndTrans.pdf>

⁹⁸ Guardian (2025): “*University of Sussex fined £585,000 for failing to uphold freedom of speech*” The Guardian 25 March 2025: <https://www.theguardian.com/education/2025/mar/26/university-of-sussex-fined-freedom-of-speech-investigation-kathleen-stock>
Guardian (2025): “*University of Sussex fine sparks fears of bigger penalties for other institutions*” The Guardian 26 March 2025: <https://www.theguardian.com/education/2025/mar/26/institutions-fear-bigger-penalties-after-landmark-university-of-sussex-fine#:~:text=Stock%20welcomed%20the%20OfS%20ruling,these%20policies%20chill%20lawful%20speech.%E2%80%9D>

transgender conditions as case studies to examine how personalities and identities for all of us develop. And by mapping how development takes place during the first three to four years of life I show elsewhere⁹⁹ that the psychological and physiological aspects of brain development act pro-actively together in these 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, without any obvious cause. Where the wide range of human physiology, together with the intensity and pro-active nature of the driving forces; identified by Girard, Dawkins, Gallese and others, also lead us to expect that strong and stable core elements of personality and identity form very early in life. And why these need not always be congruent with biological sex. It also conforms to the viewpoint of the World Authorities and Professional Medical Institutions define transgender identities as *“naturally expected variations of the human condition, intrinsic to the personality created, arising very early in life, and cannot be changed either by the individual concerned or by the predations of others in subsequent life”*: So that the stability of these core elements of identity gives the foundation of a secure framework which enables the greatest range of human experiences, potentials and variations to develop. And in my own examination I show why this stability may be expected to last until dementia or physical brain injury attacks or destroys the framework that has been formed.

It is also a dispute where I have only needed to use the work of pioneers in neuroscience and anthropology, such as Girard, Dawkins and Gallese, to justify my arguments. However much more work has been carried out ever since. This includes a greater understanding of the well-known default low-level neural network which controls unconsciously performed functions, moderation of fears and emotional responses, capabilities and abilities which are necessary for the continuity of life: This network can be understood as a *“What makes me, me”* network: and is an amalgam of many brain areas, some of which must be capable of being active from birth. In addition to this, a previously unknown and independently functioning low-level *“Who am I network”* has been identified at Stanford University using artificial intelligence techniques¹⁰⁰. Stimulation of this network has little effect on the *“What makes me, me”* network, but it profoundly affects the personal sense of identity in the *“Who I am”* network: And the reverse is the case. However, neither of these networks can function coherently without having a stable base upon which to operate. And we cannot develop any sense of identity unless we are able to be conscious of it. Although much more work needs to be done, the stability of the core elements of personality and identity, which I have identified in this analysis, may go some way to establishing that base. And this may give greater insight into how consciousness for all of us is created.

This work and the work of many others, including Fordor, Goldman, Baron-Cohen and others, further confirm that when considering how transgender condition develop, what happens during the first three to four years of life, cannot be ignored. Cass describes how the default neural network may affect development when puberty occurs but totally ignores it during the first three to four years of life. As do others, who take a gender-critical approach. And in sections 7:0 and 10:0, I additionally confirm why gender-critical ideologies cannot be valid: Why, instead of adopting the correct diagnosis of personality variations, an incorrect diagnosis of personality disruptions is imposed. And when the timescales, motives 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, the harm which any incorrect diagnosis can make may be huge. This is also a conflict where the views of those groups who argue that transgender conditions must be treated as personality variations; are dismissed, with the response that they are not based on credible science, merely the work of transgender activists, and the motives of those putting them forward are attacked. But I suggest that the opposite applies: And that a diagnosis of transgender conditions as personality disruptions ... without foundation, is imposed on transgender people, because of the disregard of the early development processes and the gender-critical ideology that is used. However, there are broader issues: Until it is recognised that transgender conditions must be treated as compulsions in search for a coherence of identity, instead of the expression of desires or behaviours of sex: And until the concept of cognition is recast from one which considers it to be the primary organising force which drives development forward: into one which creates order out of disorder: these advances in science and understanding, as well

⁹⁹ Gilchrist, S. (2013d): *“Personality Development and LGB&T People: A New Approach”*: <http://www.tgdr.co.uk/documents/201P-PersonalityDevelopmentAndLGBTPeople.pdf>

¹⁰⁰ See Commentary Neuroscience

as the legitimacy of transgender conditions; will continue to be denied, and incorrect methods of management will continue to be enforced.

21:0 Discussion and Concerns

I agree with the Court to the extent that trans women have a “*male physiology*” and transgender men have 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. However, the presumption of the Supreme Court, which declares that unless some perversion or disruption occurs, all future gendered and sexual behaviour must align with sex for equality purposes; as determined by inspection of the genitals at birth, has been universally condemned as being nonsensical, reductionist, transgender exclusive, and totally incorrect.

These condemnations find their focus in the current disputes; largely within the feminist movements, between those who consider transgender conditions to be “*perversions, paraphilias, or disruptions*” to the gender role, where transgender women can be presented as great, if not a greater danger to all women than all men: And must therefore be excluded from the “*category of women*”, because the driving motives behind them are considered to be desires for a role or the attractions of sex. This is against the scientific consensus adopted today on a universal basis by the World Authorities and Professional Medical Institutions, who define transgender conditions as “*naturally expected variations of the human condition, intrinsic to the personality created, arising very early in life, and cannot be changed either by the individual concerned or by the predations of others in subsequent life*”, where the search instead is for coherence of identity. It is not for drives of sex¹⁰¹. Therefore, they can be included in “*the category of women*” because they offer no greater a danger to other women, than all women: And together with women as with all women ... this conclusion describes the ways in which they socially interact. In addition, when the timescales and methods of management differ to the extent that what one side considers to be those of compassion and concern, is almost inevitably regarded as recruitment, grooming, capture, and coercion by the other, it is essential to get the diagnosis correct. And there is no justification for any approach which ignores, disregards, dismisses or discredits the impact of fundamental processes involved in early development to prove any diagnosis that is applied.

21:1 Diagnoses

It is clear that a correct diagnosis is needed. From, 2011 my personal concerns¹⁰² led me to carry out an investigation, which uses transgender conditions as case studies to examine how personalities and identities for everyone develop. A description of this is given in the earlier sections of this paper. In section 7:0 of this account, I note 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. Using the pioneering work of Gallese, Girard, Dawkins, and others which was available from the 1960s onwards, and many other neuroscientists and anthropologists since then: I show that these are driven by strong, innate and pro-active forces which dominate from birth, and only gradually come under control as the organising powers of cognition come into greater effect. In section 13:0 of this document, I also show that the identities these create are also the result of a fragmented processes, so a different end point for every individual is found. Thus, the same deep intensities and profundities of allegiance to a gender identification occurs in lesbian; gay; bisexual; transgender; transexual; and non-binary gender and sexually variant people ... As well as in those whose gender identities are in harmony with their biological sex. And that transgender conditions are driven by searches for coherence of identity, not drives of sex. And because of this denial, the conclusions that transgender conditions should be considered as personality variations; as core elements of the personalities and identities that are created; and as searches for coherence of identity, is dismissed or

¹⁰¹ Although intersectionality does exist.

¹⁰² That is described in: Gilchrist, S. (2025): “*The Cass Report: A personal perspective*”: <http://www.tgdr.co.uk/documents/255P-PersonalInterest.pdf>

ignored: This means that the presumption, adopted by gender-critical groups, is that gender identity is merely a nebulous social construct, and is the result of sexually motivated perversions, paraphilias or disruptions, gender role, must be the one that is correct. Therefore, gender-critical groups are forced to impose a misdiagnosis of transgender conditions as “*perversions, paraphilias or disruption of the gender role*” upon transgender people: And it arises directly from imposing a “*gender-critical ideology*” on transgender people, which is in defiance of the conclusions of the World Authorities and Professional Medical Institutions; regardless of the results of experiential evidence, and the merits of any other work

Not only is this in line with modern identifications of gender identity, which divide it into two components: The first of these is the core gender identity which represents an inner sense of being that separates the self from the other: And the second is the gender role identity, which develops through the interactions which society expects ... Where either; or both, are usually; but need not always, correspond to the biology of sex. In section 9:0 of this document, I further show that the gender role identity acts on an overlay on the core gender identity, which has already been created. And, as this core gender identity provides the foundation for the sense of selfhood that is built: any attacks on the legitimacy of the core gender identity, become attacks on the sense of selfhood that everyone possesses. This is why methods of management for the core gender identity which are appropriate to personality variations are needed: While disturbances or disruptions to the later forming gender role identity must instead be managed as “*paraphilias, perversions, or disruptions to the gender role*”. For many transgender people, this leads to a congruent gender role identity being overlaid on an incongruent core gender identity. Which means that: far from transgender conditions being considered as paraphilias, perversions or personality disruptions; involving the desires for a role and the attractions of sex: transgender conditions are personality variations which are driven by a search for coherence of identity, rejection, alienation, and the need for inclusion, instead.

It also means that the same processes of identity formation apply to everyone. And in section 13:0 of this document, I note 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. Because the core gender identity can be described as an inner sense of belonging without behavioural implications: And since gender identities arise because of interactions which have previously been created, it additionally means that gender-critical ideology, whichever way it is interpreted, must be the less effective approach. It also follows from these arguments that gender identity; instead of biology should be used as the primary marker to guide any legislation that is enacted, which allows or restricts all behaviours that are based on how people socially interact. And one reason why transgender women can be called women is because they exhibit and express social and aggression patterns; both to themselves and to others, which are the same as those which any woman would expect.

These arguments are also in line with the scientific consensus adopted today on a universal basis by the World Authorities and Professional Medical Institutions, who define transgender conditions as: “*naturally expected variations of the human condition, intrinsic to the personality created, arising very early in life, and cannot be changed either by the individual concerned or by the predations of others in subsequent life*”. And by mapping how development takes place during the first three to four years of life I show how the psychological and physiological aspects of brain development can act pro-actively together in these 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, without any obvious cause. In sections 4:0, 8:0, 11:0, 19:0 and others in this account, I show how the wide range of human physiology, together with the intensity and pro-active nature of the driving forces; can lead us to expect strong and stable core elements of personality and identity to be created very early in life. And in section 19:0 of this document, I use later research to discuss how identity develops, and why these can give us the stability and continuity to live an ordered life. I also confirm that these early processes need not always be congruent with the of biology of sex. And; instead of ignoring what happens during this early period, this is why understanding it becomes of crucial importance instead.

This should be compared to the approaches of gender-critical groups who presume that development proceeds under cognition alone. Therefore the impact of these early processes; and the relevance of the core

gender identity which represents an inner sense of being which separates the self from the other, is denied or ignored. Many practitioners in psychology, psychiatry, education, and sociology who rely on traditional social learning and psychodynamic theories simply presume that these early influences have no significant effect. But those who specifically deny that any changes of consequence take place during this early period, adopt a *gender-critical* approach. As I describe in sections 7:0 and 10:0 of this account, some transgender people reject the gender identity assigned to them from their earliest years. Others fight the gender identification assigned to them from the outset, until attrition and exhaustion destroys their attempts to conform, before collapse or breakdown far too often occurs: And only after this, is gender reassignment urgently sought¹⁰³.

It is therefore essential for what happens during this early period to be considered. However, as has been seen in section 10:0 of this account, Cass considers that early development takes place due to social learning alone, and the terms of reference she sets for her report mean that the neural transformations and changes which take place during this early period are not considered to have any significant effect. Sullivan and Stock simply dismiss the impact of this early period in their arguments. And the neuroscientist Gina Rippon denies its influence by stating these are “*whack-a-mole myths*”: that is; untruths which are repeated so often, they come to be believed. Therefore, by denying the impact or existence of the core gender identity; and by ignoring these early development processes, gender-critical groups are forced to define transgender conditions as “*paraphilias, perversions, or disruptions to the gender role*”: And to impose a false “*gender ideology*” on transgender people, which alleges that they can “*choose change or deny biological sex*”: This is also a diagnosis which arises directly from the adoption of a “*gender critical*” ideology, regardless of the merits of any approach. It is clear that an objective study of both approaches is undertaken, but that does not happen. The approaches of the World Authorities and Professional Medical Institutions are dismissed by many as not being based on credible science, merely the work of transgender activists¹⁰⁴. The motives of those putting these views forward are attacked, and the disputes continue to exist.

Since these disputes are arguments about the nature of early development, it is possible for each side to produce seemingly logical and cogent arguments to justify their positions: which differ profoundly from each other, depending on the starting point that is taken. And for most people it is natural to assume that gender identity should always be congruent with biological sex. For these reasons, Cass, Stock and others can produce very believable arguments which rely on cognition alone to justify their approach: In particular, gender-critical groups can consider the gender respecting or gender affirming approaches adopted by the World Authorities and Professional Institutions; who acknowledge the early influences to be those of coercion and recruitment: because they presume that of gender incongruities have no causes before puberty occurs. Cass makes these allegations of recruitment in her report. She also sets her terms of reference to ignore this early development period, and no consideration of any disagreement appears anywhere in her report. Its conclusions have also been widely criticised; and in a separate document, I call for a judicial review of the Cass report: on the grounds that only one side is considered in what is a toxic dispute^{105 106}. In section 20:0 of this account I conclude that Stock attacks the integrity of Stonewall and like-minded groups, instead of using constructive criticism to dismiss the validity of their arguments. And in section 6:0, I conclude that Sullivan does not consider gender identity to have any significance in her review. In addition, as is seen in section 12:0, of this account; many gender-critical groups use “*Autogynephilic Transsexuality*” to justify their arguments: Here: crucially; these diagnose transgender conditions as sexually motivated *perversions, paraphilias or disruptions of (male) homosexuality* in place of searches for coherences of identity. Therefore, sexual orientation is considered to be a core element of the personality that is created, while gender identity is not.

¹⁰³ This is also why approaches such as “*Conversion Therapy*” or “*Reparative Therapy*” are so disastrous, for they simply reinforce what transgender people have been trying to do for themselves, without success often for many years, and the guilt that is heaped on transgender people when that fails can be enormous, not least because of religious condemnations and the misdiagnosis that has been applied. See also Section 5 *The need for Objectivity* in this account

¹⁰⁴ On its 2020 website Transgender Trend states that: “*There is no scientific basis for the idea of innate deeply held sense of gender*”. On the advice given to schools on the “*Impact of Teaching Gender Identity to Children*” Transgender Trend states: “*Transgender organisations such as Gendered Intelligence, GILES and Allsorts Youth Project deliver training for teachers and PSHE classes for children in schools. Their teaching is backed by no credible science but has been adopted by government, the NHS, schools, and therapists*”. Similar denials of the depth of gender identities are found in religious attacks

¹⁰⁵ BMA recent document

¹⁰⁶ Cass review document

There is no evidence that any of these groups consider alternative approaches at any time. And instead of considering any possibility that transgender conditions, could be driven by searches for coherence of identity, the approaches of the World Authorities and Professional Medical Institutions are dismissed as not being based on credible science, merely the work of transgender activists. The motives of those putting these views forward are attacked: And the misdiagnosis of transgender conditions; as sexually motivated “*perversions, paraphilias or disruptions of the gender role*”, continues to be applied.

Because of these denials, the conclusions that transgender conditions should be diagnosed as personality variations as core elements of the personalities and identities that are created, and as searches for coherence of identity, is dismissed or ignored. Therefore, gender-critical groups are forced to impose a misdiagnosis of transgender conditions as “*perversions, paraphilias or disruption of the gender role*” on transgender people: And this arises directly from imposing a “*gender-critical ideology*” upon these people, which is in defiance of the conclusions of the World Authorities and Professional Medical Institutions, regardless of the experiential evidence which is now available, or the merits of any opposing work: Therefore, it cannot be a valid conclusion, as the adoption of a “*gender-critical ideology*” alone pre-determines the result.

21:2 Men and Women

The word “*woman*” has multiple definitions. One refers to its use by the feminist pioneers, who made the distinction entirely on interactions with society and the “*performance of gender*”: independently of biology and sex. While the other is determined entirely by the physiology, instead of behaviours of sex. Although sexual physiology for our purposes, may be treated as binary, both gender identity and sexual orientation are not. Therefore, a very wide range of gender and sexual identities arises within these extremes, but not outside them. And, as the same development processes apply to all of us: there is no binary boundary to keep them apart. This separation of performance from physiology means that there are two contrasting; and legitimate, definitions of women which must be considered: One identifies binary physiology. And the other is through “*the performance of gender*”. This dual use of terminology was addressed in the 2004 Gender Recognition act, which allowed the terms “*men*”, “*women*”, “*male*” and “*female*” to be used interchangeably in the context which is correct. So that trans women are automatically included in the category of “*women*”, and trans men in the category of “*men*”, unless specifically excluded. The decision of the Supreme Court to exempt the 2010 Equality Act from the provisions of the 2004 Gender Recognition Act, by deciding that terms “*men*”, “*women*”, “*male*” and “*female*” can only refer to human physiology or “*biological sex*”, not only reverses the previous approach. I believe it also betrays the intention of the 2004 Gender Recognition Act. And instead of giving trans women the maximum possible access to women’s spaces, it now by default excludes them.

The exclusion, enacted by the decision of the Court, also commands that, transgender women must only be included in the category of “*men*” instead of “*women*” for equality purposes, and that “*transgender men are women*” by the same measure. So, instead of recognising the existence of an inclusive society, where the same deep intensities and profundities of allegiance to any gender or sexual identification are experienced within the large numbers of lesbian; gay; bisexual; transgender; transsexual; and non-binary gender and sexually variant people ... Are also the same as those whose gender identities are in harmony with their biological sex: It imposes a gender complementary, which recognises the legitimacy of only two gender identities and behaviours: which must align with the “*biological sex*”, as is determined by the inspection of the genitals at birth. This same definition is also employed by gender-critical feminists, who ignore the transformational effects on gender and sexual identifications during the early years, and who; as we have seen, define transgender conditions as “*sexually motivated perversions, paraphilias or disruptions*” driven by desires for a role or the attractions of sex: Furthermore it also censures transgender and non-binary people, and wipes out the validity of their identities, because they depart from binary gender identity, as assigned by visual inspection at birth: Or instead, because they depart from some biologically (or divinely) ordained path.

21:3 Exclusion or Inclusion

Instead of identifying transgender conditions as searches for coherence of identity; where no threats to others are involved: This gender-critical approach identifies transgender people as being as great a threat; if not a

greater threat, to the safety and identity of women, as all men are. Not only can these arguments be used to justify the automatic exclusion of trans women from all women's spaces and services, but the Court also mandates a code of behaviour and access to spaces; which is based on the same principle, and presumes that trans women are potentially as great a threat to the safety of women as all males ... in any space, activity, or role. In addition, by mandating that transgender conditions must incorrectly be diagnosed as personality disruptions instead of personality variations and searches for coherence of identity, the Court demands methods of management and treatment which may cause great harm. because the timescales and methods of management are incorrect. The Court also supports the argument of gender-critical feminists which treat transgender conditions as Freudian hysterias or as perversions, paraphilias or disruptions of the gender role. But the same groups are not supported by this decision of the Court ... For the conclusion of the Court that all correct gender identities and future gendered behaviour can be determined by inspection of the genitals at birth, means it must also be applied it equally to sexual orientation and sexual identity. It may not have been the Court's intention. But the Court's disregard of all recent developments takes us back to a time when all gender and sexually variant behaviour was being invariably condemned by many: as intrinsically disordered sexually motivated behaviour of great depravity, which could not be tolerated in any way. It is also close to the doctrines of gender complementarity adopted by many religions. And to the religious and social scapegoating of all gender and sexually variant people: where very severe legal, social, and religious penalties and condemnations are still applied in many countries today.¹⁰⁷

These disagreements find their focus in the current disputes largely within the feminist movements, between those radical feminists who believe that transgender women can present as great, if not a greater danger to all women than all men do, because the driving motives behind them are considered to be desires for a role or the attractions of sex. Against the large majority of feminists who do not consider transgender women to be any danger, and who are happy to accept male-to-female transsexuals, as the women they say they are, because that is the way in which they interact with society, and are seen to be true allies in the feminist cause¹⁰⁸. Where only a small cohort take radical opposing views. In sections 7:0 and 13:0, I give reasons why trans women should pose no greater a danger to other women than all women, in women's toilets, changing rooms, gyms, hospitals, shops, and similar spaces, and the only areas where separation on physiology is needed is when genital differences are exposed, or are of direct relevance to any social or medical issues that may be faced: This privacy is provided for everybody in cubicles in toilets and similar spaces. And there is no need to depart from providing the normal protections of chaperoning or choice which are offered to everyone, when intimate medical examinations are required. Also, that the same arguments should apply in gyms, hospitals, shops, and similar spaces. Human rights law dictates that nobody should be excluded simply on the grounds of identity whether that be race, colour, religion or ethnicity¹⁰⁹. And when the need for exclusion arises in the communal areas of any such spaces; any exclusion should be based on strong enforcement of the laws of abuse, which may include misogyny, anti-social behaviour, harassment, or discrimination instead.

The parallel transformation in attitudes to lesbian and gay people occupying such spaces should also be noted: where in place of previous exclusions and condemnations based on appearance or mannerisms: exclusions based on abuse, have long since been applied. But transgender women do have a male physiology: And I accept that there is a clear need to distinguish those aspects of gender identity which relate to human physiology from those which involve behaviour and role. That is why I suggest in section 18:0 of this account that a protected characteristic of "*human physiology*", along with "*gender identity*" and "*sexual orientation*" be written into the 2010 Equality Act, even though this can already be implicitly provided for under an exemption within the current Act. There is nothing new in this: for this is the approach which has been

¹⁰⁷ 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>

¹⁰⁸ Biggs, M. (2024). Feminism and Support for the Transgender Movement in Britain. *Socius*, 10. <https://doi.org/10.1177/23780231241237662> (Original work published 2024): Gilchrist, S. (2021a): "*Gender Identity, Feminism, and Transgender People*": <http://www.tgdr.co.uk/documents/250P-GenderIdentityAndTrans.pdf> A significant proportion of feminists, particularly self-identified feminists, support transgender rights. Research shows that a large majority of feminists oppose laws that prevent children from receiving medical care for gender transition. One study found that 81% of feminists in the survey opposed such laws, compared to only 56% of the general population. Furthermore, a smaller proportion of feminists (only 1 in 10) agreed that it's never appropriate to teach about transgender identity in schools.

¹⁰⁹ No Blacks

adopted by transgender people without problems for many years, and no evidence for the need for change exists.

21:4 Consequences

The recent interim guidance from the EHRC following the Supreme Court judgement now excludes trans women from access to women's spaces and trans men from men's spaces; simply on the grounds of "biological sex". Or those whose appearance does not fit into any category, it gives access to none: Already there are incidents arising from the recent EHRC advice and Supreme Court judgement; mainly of non-gender conforming lesbians being challenged for using women's toilets: and in one particular case I am aware of a heterosexual woman who had a double mastectomy was challenged: because she had no breasts. Of course, all women must be fully protected from male predators. I fully support in the strongest terms all measures to protect women from abuse in any space, anywhere, at any time. But that is a different matter from excluding all transgender or lesbian women: or any gender non-conforming person on the grounds of appearance or identity alone. For this EHRC advice, which now demands that transgender women to use disabled spaces; or gender-neutral toilets, is itself a presumption that transgender people are as dangerous as men to women as all men are. And the impacts of this exclusion transcend the matters of access or sex. This decision of the Supreme Court would not be surprising if transgender conditions really were perversions, paraphilias, or disruptions of the gender role: driven by desire for a role or the attractions of sex. But to impose by default such a strong public exclusion on a group of people, who identify and interact as women, who offer no greater a threat to other women; as all women, and whose search is instead of inclusion and a coherence of identity, is not justified by the present evidence: It is an attack on the integrity of transgender identities. It equally encourages scapegoating by society. And it is a destructive act; imposed on a group of vulnerable people who are already under attack.

This decision of the Court does not just affect transgender people. It affects everyone, including churches who seek to practice an inclusive theology, clubs, gyms, and in every situation where this 2010 Equality Act must be applied. Although the Court has decided that the interpretation of the 2010 Equality Act must mean automatic exclusion based on "biology" ... as the Court has defined it: It is true that the Court does not mandate it; so, statements of inclusion can be offered. But that does not minimise the harm and the guilt that can be created in any medical treatment, where inclusion is needed ... but where the principle of exclusion is instead applied: Or equally in other situations where the principle of exclusion is already present, and only some reason to justify any condemnation has to be found. Up to now the normal practice in the United Kingdom National Health Service has been to treat people in accordance with their presentation of gender, unless specific reasons arise. Now, in all circumstances, under the new advice, all patients must be treated; in mental and physical provisions, in accordance with their "biological sex". And the NHS is under considerable pressure to implement this as a statutory requirement by various groups, including the EHRC. Many wild accusations are made, most notably today in social media attacks. And these must be respectfully and sensitively addressed when there is any dispute over facts: For many people are understandably deeply worried about misinformation which they understand to be correct¹¹⁰. The research work which tries to prove that transgender people are agents of their own misfortune; and threats to women, has not been supported by

¹¹⁰ Judith Butler touches on this in her article in the Guardian Newspaper in October 2023, where she states: *"It is not easy to fully reconstruct the arguments used by the anti-gender ideology movement because they do not hold themselves to standards of consistency or coherence. They assemble and launch incendiary claims to defeat what they see as "gender ideology" or "gender studies" by any rhetorical means necessary. For instance, they object to "gender" because it putatively denies biological sex or because it undermines the natural or divine character of the heteronormative family. The anti-gender movement is not a conservative position with a clear set of principles. No, as a fascist trend, it mobilizes a range of rhetorical strategies from across the political spectrum to maximize the fear of infiltration and destruction that comes from a diverse set of economic and social forces. It does not strive for consistency, for its incoherence is part of its power"*. On its 2020 website Transgender Trend states that: *"There is no scientific basis for the idea of innate deeply held sense of gender"*. On the advice given to schools on the *"Impact of Teaching Gender Identity to Children"* Transgender Trend states: *"Transgender organisations such as Gendered Intelligence, GIRES and Allsorts Youth Project deliver training for teachers and PSHE classes for children in schools. Their teaching is backed by no credible science but has been adopted by government, the NHS, schools, and therapists"*. Similar denials of the depth of gender identities are found in religious attacks. Butler, Judith, (2021): "Why is the idea of 'gender' provoking backlash the world over?" *The Guardian* 23 October 2021: <https://www.theguardian.com/us-news/commentisfree/2021/oct/23/judith-butlergender-ideology-backlash?fbclid=IwAR0rB1GFwR8N88UcPMYXrpCQ2FQLzqe5UfNlSuckXkhNzVEarOg66uh0s>

the available evidence and it has been challenged in many quarters¹¹¹. That is discussed in section 15:0 of this account. Judith Butler considers the consequences of these exclusions in her book *“Who’s Afraid of Gender”*¹¹². My own experience of working for reconciliation in a society divided by tribal violence, tells me about how easy it is for the use of misinformation, denial of scholarship, conspiracy theories, and false allegations, to create the levels of fears which drive sincere, well-meaning people, with honestly held beliefs, and with the best intentions, to engage in sometimes horrendous attacks. At this point I should offer thanks to the groups, which I belong to, and to the Academic Staff in the Queen’s University of Belfast and the University of Ulster: who have; both knowingly, and unknowingly, supported me in this work.

21:5 Regression

In section 3:0 of this account I have likened transgender people to immigrants or emigrants who seek to cross a perceived binary gender divide. The abuse of any invitation on this journey is as harmful as it’s denial. And this demands a responsible and objective approach by all sides. For transgender, lesbian, gay and bisexual people, this journey can be seen as one of coming home to be themselves. For others who are asked to receive them, it can be seen as unwelcome intrusions and threats to identities instead. Some are 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 are seen to be true allies in the feminist cause. However, for others, this journey may be seen to be an attack on the binary notions of gender and sex: So, 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. In addition, this difference; particularly with Autogynephilic Transsexuality, further magnifies the strong divisions and disputes inside the feminist and LGBT communities. It is transgender people who make this journey and much depends on the responsibility of their actions, as it does on the welcome they receive. This is a journey which people were free to make; and in theory they are still free to make under the terms of the 2004 Gender Recognition act. But the decision of the Supreme Court to exempt the 2010 Equality Act from the terms of the 2004 Gender Recognition Act, by confining the definition of *“biological sex”* through inspection of the genitals at birth, means that the legitimacy of this journey is now denied. Even though the Lords Justice of the Supreme Court; in their judgement, have made many provisions to ensure that transgender people are equally treated under law: the impacts of this misdiagnosis; and that of exclusion by default: with the consequent attacks on transgender people, and the erasure of transgender and non-binary people’s identities, still remain.

From the arguments which I have presented in this document it seems clear that the Supreme Court has only considered one side of the argument in this toxic dispute. But there is also the question of how the understanding of transgender conditions, including that of the UK Equalities and Human Rights Commission, has become transformed from its complete acceptance; in 2018, of the position of the World Authorities and Professional Medical Institutions: Who; as we have seen, consider transgender conditions to be personality variations; and as internally focused searches for coherence of identity, involving no threat to others ... Into ones which now determine that they must be defined as *“perversions, paraphilias, or disruptions of the gender role”*, where threats to others can be feared instead. Baroness Faulkner, chair of the United Kingdom Equality and Human Rights Commission (EHRC) has argued the transformation in outlook of the EHRC from one which had strongly supported legal self-determination of gender for transgender people; to one which now denies it ... is due to more research becoming available, but in Section 19:0, I argue that this is due to regression instead.

Any conclusions must make use of the latest research and evidence that is available. But by ignoring early development processes: And through her use of definitions by Kolberg in 1966¹¹³, alongside her statement that these still resonate today, requires Cass to take her understanding of how gender identities develop back

¹¹¹ Gilchrist, S. (2019a): *“Divisions: Self-Declaration and Gender Variant People”*: <http://www.tgdr.co.uk/documents/243P-DivisionsSelfDeclaration.pdf> Gilchrist, S. (2018d): *“Self-Declaration and Gender Diverse People”*: <http://www.tgdr.co.uk/documents/243P-SelfDeclarationSubmission.pdf> (Submission for the consultation on the reform of the 2004 Gender Recognition Act)

¹¹² Butler, Judith (2024): *“Who’s Afraid of Gender”* Allen Lane Published: 19/03/2024. ISBN: 9780241595824

¹¹³ Commentary 15:2 Blanchard and Autogynephilic Theories

to the time when Kohlberg, Maccoby; Berger; Bannerjee; Slaby, Frey; Martin, Ruble; and others, attributed the development of gender identity entirely to social learning processes, and to the gender role¹¹⁴. The use of Autogynephilic theories; described in section 12:0 of this account, which identifies transgender conditions as perversions, paraphilias or disruptions of (male) homosexuality remains popular today. But already in 1989, the theory was being challenged at the time it was put forward, as being out of date and incorrect by many, even at that time. 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. Notably in place of searches for coherence of identity, it relies on the presumption that transgender conditions are driven by the inwardly focussed attractions of love and sex. Furthermore, it does not provide adequate explanations for the wide range of transgender conditions that exist..

The presumption that all appropriate gender and sexual behaviour must be congruent with biological sex, as determined by inspection of the genitals at birth, also arises directly from these approaches. Disregarding these early processes; including how the Core Gender Identity is created, requires Stock, Rippon, Sullivan and others to take a similar approach. Cass may have failed because she does not use up to date information; but this disregard has the same effect. As pointed out; in section 18:0 of this document, its use by the Supreme Court, to justify its own arguments has been universally condemned as incorrect, irrational, and transgender exclusive by many groups, who also note that *“that sex and gender are complex and multifaceted aspects of the human condition and attempting to impose a rigid binary has no basis in science or medicine while being actively harmful to transgender and gender diverse people”* ... The same conclusions apply to my own work, which I summarise in his document: And in section 7:0; I note that, instead of ignoring what happens during this early period of development; it is a time of crucial importance instead. In sections 2:0; 12:0 and 15:0, I note that considerable harm can occur when the motives, timescales and methods of management differ to the extent that what one side considers to be those of compassion and concern almost inevitably regarded as recruitment, grooming, capture, and coercion by the other. And in any objective and impartial approach, the early development processes which are effective from birth, cannot be ignored. But I conclude that this does not happen. And in section 21:1, I show that, by imposing a *“gender-critical”* ideology, which disregards the effects of these early processes, gender-critical groups have already pre-determined the outcome of their studies: which determines that transgender conditions can only be diagnosed as sexually motivated *“perversions, paraphilias or disruptions of the gender role”* ... regardless of any other work.

This is also an easy conclusion for people to believe in, because it broadly aligns with what they can expect. This is why it is popular with *“anti woke”* Governments and campaigners. And when; instead of engaging in constructive arguments, the conclusions of the scientific consensus adopted by the Word Authorities and Professional Medical Institutions are dismissed as *“not being based on credible science”*, merely the work of transgender activists: And when the motives of those who pursue this approach are denigrated, transgender people can be regarded as propagators of their own misfortunes; instead of victims of abuse: Then all possibility of reconciliation and an objective approach is destroyed. These considerations therefore lead me to conclude that: far from advancing the understanding of how gender identities develop, the imposition of a gender-critical approach; with its disregard of the major neural changes and advances during this early period; together with the attempts to discredit all opposition, has led to regression instead. I conclude therefore that the approach adopted by the *“gender-critical”* groups cannot be correct: And no approach using a *“gender-critical ideology”* can be valid because of the presumptions that are used

21:6 Independence

There is also a question about the nature and impartiality of the evidence that the Court consulted. That is addressed in Section 18:0 of this account. And it must be a matter of concern, that; while interventions by the EHRC, and other gender-critical groups were accepted, the intervention of the Good Law Project, which involved a wide consortium of transgender people; groups, and supporters; without explanation, was summarily rejected. In addition, there was no intervention by any transgender supporting group. The EHRC

¹¹⁴ For more information see: Section 7:0 Social Construction of Gender in Gilchrist, S. (2013d): *“Personality Development and LGB&T People: A New Approach”*: <http://www.tgdr.co.uk/documents/201P-PersonalityDevelopmentAndLGBTPeople.pdf>

has been widely criticised for taking a gender-critical approach¹¹⁵. And this leads me to conclude that the Court was not cognisant of the full range of information or the nature of transgender conditions such as the provided in this document, also in the document which I submitted to the Good Law Project, and to the counsel for the Scottish Ministers in the current case¹¹⁶. The scientific consensus of the Word Authorities and the statements of the various Professional Medical Institutions appears to have been ignored. But I am also concerned about some broader issues. In any Human Rights organisation, which is independent of Government, it should be expected that people who are “*at a distance*” would be chosen by the Government to leading positions on the board. That has not happened with the EHRC, where various people with strongly held gender-critical views were appointed to senior positions; and it is of note that the approach of the EHRC has changed; from one which previously supported the views of the World Authorities and Professional Institutions, to one which now supports the viewpoints of the gender-critical groups: In addition, the present EHRC interim advice on the interpretation of the Supreme Court judgement would seem to go beyond the judgement the Court sought to enact. This advice is now open to consultation, but the consultation period has been reduced from the normal 12 weeks to 6: this consultation period finishes on the 30th June: so, a quick response is needed¹¹⁷. It is also a situation where the EHRC is marking its own homework, and it will be essential to ensure that the final advice is both impartial and correct. Professor Alice Sullivan, who was asked to conduct the “*Independent review of data, statistics and research on sex and gender*” is a known advocate of similar gender-critical approaches, was appointed by the current Labour Government. In section 6:0 I argue that her report is based entirely on gender-critical principles; and is therefore a one-sided account. It has been similarly criticised by other sources¹¹⁸. The present UK Government has announced Dr Mary-Ann Stephenson as its preferred candidate to be the next Chair of the Equality and Human Rights Commission (EHRC). Before the formal appointment, Dr Stephenson will appear at a pre-appointment scrutiny hearing conducted by the UK Parliament Women and Equalities Select Committee and the Joint Committee on Human Rights. While Dr Mary-Ann Stephenson has many excellent qualities, she has been understood to express some support for the gender-critical movement. So, I hope that the Women and Equalities Select Committee will be aware of these arguments, and take them into account, together with her approach in their review. 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: This criticised the University’s policy on transgender and non-binary equality, which included a requirement to “*positively represent transgender people*”¹¹⁹. It would seem to me that all of these issues are likely to come before the Supreme Court, therefore it is essential for the Court to get the diagnosis correct.

22:0 Exposure and Retreat

there should be no magic needed to decide whether transgender conditions should be diagnosed as personality variations or personality disruptions.. For these are well known, they are encountered in other circumstances, and it should be easy to tell them apart: And with disagreements on analysis and research as great as these, experiential evidence must stand in their place. Access to this experiential evidence and the research which has become available from the 1960s has transformed the situation without needing an explanation, from one where all gender and sexually variant behaviour was considered to be intrinsically disordered perversions, which involve desires for a role or the attractions of sex, into one where people now recognise that these activities are instead about searches for a coherence of identity; and can celebrate them in same-sex marriages and other acts. To require two lesbian or gay people to undergo a medical examination by an anonymous medical panel, and to produce all the confirming documentation and certification before

¹¹⁵ EHRC Criticism

¹¹⁶ What is a Woman doc

¹¹⁷ The consultation is available ar.

¹¹⁸ Feminist Gender Equality Network (FGEN) (2025); “The Sullivan Review – Biased and unsuitable”: *Feminist Gender Equality Network (FGEN)* Apr 15, 2025 <https://feministgenderequality.network/the-sullivan-review-biased-and-unsuitable/#:~:text=Dr%20Kevin%20Guyan%2C%20Chancellor's%20Fellow,people%20from%20existing%20in%20data.%E2%80%9D>

¹¹⁹ Guardian (2025): “University of Sussex fined £585,000 for failing to uphold freedom of speech” *The Guardian* 25 March 2025: <https://www.theguardian.com/education/2025/mar/26/university-of-sussex-fined-freedom-of-speech-investigation-kathleen-stock>
Guardian (2025): “University of Sussex fine sparks fears of bigger penalties for other institutions” *The Guardian* 26 March 2025: <https://www.theguardian.com/education/2025/mar/26/institutions-fear-bigger-penalties-after-landmark-university-of-sussex-fine#:~:text=Stock%20welcomed%20the%20OfS%20ruling,these%20policies%20chill%20lawful%20speech.%E2%80%9D>

they could enter a legally recognised same-sex marriage would cause an outrage in today's society. And allowing transgender people to self-identify their gender is part of that same rationale.

However there has been a transformation in attitudes from those in 2018 which had strongly supported self-determination, into ones which again claim that transgender conditions are sexually motivated "*perversions, paraphilias, or disruptions of the gender role*". In section 21:5, I noted that Baroness Faulkner, Chair of the EHRC argued that this is due to new research. But in section 21:1, I show why this change has already been pre-determined by the adoption of a gender-critical ideology: Which, instead of recognising that transgender conditions are searches for coherence of identity: misdiagnoses them as being driven by "*perversions, paraphilias, or disruptions of the gender role*". I further argue in section 21:5, and section 17:0 in this document, that this has led to regression instead, because the effects of the major transformations and changes in cognitive and neural processes during early development are ignored. And which leads to the conclusion that all future and appropriate gender and sexual behaviour can be determined by the inspection of the genitals at birth: So that biology alone should be the determining factor in the decisions that are made. Whereas, in section 21,1 and section 13:0 in this document that this should be through gender instead¹²⁰.

Unfortunately, this ideology also underlies the approach now adopted by the Supreme Court; in the decisions it makes. And that has led to the condemnation of the Court's decisions as being "*nonsensical, reductionist, transgender exclusive, and totally incorrect*"¹²¹: This alignment also means that the Court dismisses the advances in neurological understanding over the last sixty years, it also dismisses this experiential evidence from the many clinical, medical, and other resources now available, including the social transformations and interactions described in this account. And for these reasons, I conclude that the court has come to its verdict on the basis of an incorrect diagnosis; which defines transgender conditions as "*perversions, paraphilias or disruptions of the gender role*". And that the approaches of the World Authorities and Professional Medical Institutions, who today regard transgender conditions as inwardly focussed searches for a coherence of identity, have not been properly considered, or have been properly presented to the Court.

I conclude that the decision of the Court to exempt the 2010 Equality Act from the provisions of the 2004 Gender Recognition Act: And to require the terms "*Men*", "*Women*", "*Male*" and "*Female*" 2010 Equality Act to be interpreted exclusively as referring to "*biological sex*" is incorrect: Even though the decision may have been made in response to a technicality, even the Court's definition applies only to the Equality Act, and even though transgender people may still be given full protections in law under this act. And another EHRC Commissioner Akua Reindorf argues the transgender people must accept reduced rights after "*years of being lied to*", under the interpretation which was previously applied to the Act¹²². But that is not the case. This dispute only arises because the Supreme Court has changed the interpretation of the 2010 Equality Act. And I believe that the same decision of the Court betrays the intention of both Acts. And that view is expressed both in the guidance, which accompanied the Act, and the views of those who drafted the Act¹²³. And instead of retaining an approach within the 2004 Gender Recognition Act which sought to maximise the inclusion of transgender people in everyday life, this re-interpretation of the 2010 Equality act; now provides exclusion by default instead.

The Court's application of this to issues of gender; as well as sex and biology, means that transgender people, and all non-binary people are now without consistent name, and have no recognised coherent identity, except that of "biological sex": This also applies to transgender people, who use "*they*" or "*them*" in

¹²⁰ I note in these sections; that we are not clones of biology, gender identities are measures of how we relate to each other in society, they do not create it: And this is why I argue that the core elements of personality and identity should not always follow biological sex. And the reason why transgender women can be called women is that they exhibit and express social and aggression patterns; both to themselves and to others, which are the same as those which any woman would expect.

¹²¹ BMA Resident Doctor's Conference

¹²² Walker, Peter (2025): "*EHRC commissioner calls for 'period of correction' on trans rights after legal ruling*"

: Guardian Peter Walker Senior political correspondent

Fri 6 Jun 2025 <https://www.theguardian.com/society/2025/jun/06/ehrc-commissioner-calls-for-trans-people-to-accept-reduced-rights-after-years-of-lies>

¹²³ Carrell, Severin: Brooks, Libby, (2025): "*Court ruling on 'woman' at odds with UK Equality Act aim, says ex-civil servant*": The 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>

their personal pronouns. But this change does not just affect transgender people. It affects Churches, religious organisations who seek to practice inclusive policies. So that, In place of an inclusive society which can welcome all expressions of gender and sexuality; it leads to a sexually polarised society instead. And in sections 21:3, 21:4, 12:6: and 12:0 in this document, I show how fear, misinformation, and exclusion by default, can lead to the religious and social scapegoating of transgender people. And where exclusion accentuates the high rates of vilification and abuse, that transgender people already face; with further retrenchments into increasing demands of rejection and fear: Where many false allegations are made.

The Court supports the arguments of gender-critical feminists, but the same groups are not supported by it. I believe that the Court, correctly argues that transgender people are protected by the protected characteristic of *“gender reassignment”*, and lesbian and gay people are protected on an equal basis, by the equivalent characteristic of *“sexual orientation”*. The presumption that all appropriate gender and sexual behaviour must be congruent with biological sex, as determined by inspection of the genitals at birth, also leads to the conclusion that both gender and orientation must be treated in the same way. There is no justification for any other approach¹²⁴. So, instead of defining both gender and sexually variant conditions as being driven by searches for coherence of identity; in line with the World Authorities and Professional Medical Institutions, this gender-critical ideology must instead; by its definition, identify both as *“perversions, paraphilias, or disruptions of their respective roles”*. And, as I show in section 14:0 of this account, that takes us back to the time when, not only transgender conditions; but all gender and sexually variant conditions, were condemned in the same way. Those who support *“autogynephilic transexuality”* should be aware that their condemnation of transgender conditions as sexually motivated perversions; paraphilias; or disruptions, in pursuit of the desire for a role or attractions of sex, is just one step away from the time when all gender and sexually variant people faced the same threat. We only have to look at what has happened in the United States of America to see how quickly major changes can come into effect. And this examination shows why; in the present United Kingdom political climate, questions already have to be asked about maintaining impartiality; and the pursuit of ideologies. The reaction to the Supreme Court judgement has already led to a number of disruptive accusations and attacks. And already some right-wing political parties are suggesting that a retreat and regression to *“traditional values”* for all people also be applied

And because of this denial, the conclusions that transgender conditions should be diagnosed as personality variations as core elements of the personalities and identities that are created, and as searches for coherence of identity, is dismissed or ignored. Because of this, gender-critical groups are forced to impose a misdiagnosis of transgender conditions as *“perversions, paraphilias or disruption of the gender role”* on transgender people: And this arises directly from imposing a *“gender-critical ideology”* upon these people, which is in defiance of the conclusions of the World Authorities and Professional Medical Institutions, regardless of the experiential evidence which is now available, or the merits of any opposing work: Therefore, it cannot be a valid analysis, because the adoption of a *“gender-critical ideology”* alone pre-determines the result.

23:0 Action

This is a conflict which involves two totally opposing views: 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 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

¹²⁴ Virtually all research shows that gender and sexual identities form together as part of a single complex very early in life, although in a fragmented process, each goes their different ways. There is no justification anywhere for treating one as a personality variation and the other as a personality disruption

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.

It is these difference which have created many of the tensions in the present disputes, and for transgender people, this is a difficult time. In particular it is the enforcement of an incorrect diagnosis on transgender people because of the pursuit of a "*gender-critical ideology*", which is causing a great deal of distress. It does not matter if transgender people in law are legally protected. For we are now living in a society which had once practiced inclusion and welcome into one which now enforces exclusion and separation instead. One EHRC Commissioner Akua Reindorf justifies this change by stating that transgender people must accept reduced rights after "*years of being lied to*"¹²⁵. The University of Sussex faces a record £585,000 for apparently having a statement in its equality policy, which requires it to "*positively represent transgender people*", and presumably other organisations could face the same or equivalent censures as well. The present Labour Government and the Conservative party are joining in this censoring and scapegoating of transgender people with threatened exclusions from party conferences. And motions which seek to promote and welcome transgender people are being ruled out of order because of perceived legal threats. You cannot expect any group to be able to live peacefully in any society, if you also seek to exclude them from it. What is now needed is a reset. That must include a questioning of many current attitudes, and adoption of scholarship and objectivity to ensure that the diagnosis is correct.

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24:0 Documents

The full paper is available at Gilchrist, S: (2025) "Verdict of the United Kingdom Supreme Court: The Consequences of Misdiagnoses and the Independence of the United Kingdom Cass and Sullivan Reports": <https://www.tgdr.co.uk/documents/255P-TransVerdict.pdf>

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

The results of this examination are presented in a family of documents: these are as follows:

Other Documents

Please note that some of these documents are in draft form, and not all of them have been finished. But all have been finished as far as necessary for the purpose of these discussions.

Cross-references to other documents containing full references and cross-references to original sources are given in the more detailed of these documents.

Gilchrist, S: (2025) "*Diagnosing Transgender Conditions Correctly: The Consequences of Misdiagnoses and the Independence of the United Kingdom Cass Report*": <https://www.tgdr.co.uk/documents/255P-CassIndependence.pdf>

¹²⁵ Walker, Peter (2025): "EHRC commissioner calls for 'period of correction' on trans rights after legal ruling"

: Guardian Peter Walker Senior political correspondent

Fri 6 Jun 2025 <https://www.theguardian.com/society/2025/jun/06/ehrc-commissioner-calls-for-trans-people-to-accept-reduced-rights-after-years-of-lies>

(Text: 10 pages)

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

(Text: 3 pages)

Gilchrist, S. (2024): *"Current Disputes on the Natures of Transgender Conditions and a Commentary on the Cass Review: Preface to the Series"*:

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

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