

What Happens when you Misdiagnose Transgender Conditions?

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Overview

Recently the United Kingdom Girl Guides Association and the Women's Institute have decided with regret; after some four decades of successful inclusion, to exclude transgender girls and women from their membership because of the new draft EHRC (United Kingdom Equalities and Human Rights Commission) advice; and the recent Supreme Court ruling, which now requires transgender people to use spaces and services, and to join clubs and associations conforming to the gender assigned to them at birth, instead of the gender they identify with in everyday life. Two key issues are tested in this paper. The first asks if transgender conditions are the result of a search for a coherence of identity, or if they are the outcomes of desires for a role or the attractions of sex. And the second asks if the expression of transgender conditions is given by permission or is it is a human right? This creates strong and intense disputes; between those who consider it to be a perversion, paraphilia or disruption of the gender role, driven by desires for a role or the attractions of sex: so that fear is created; with consequent threats. Against those who consider transgender conditions to be personality variations; so that gender is a core element of the identity and personality, which is expressed as a coherence of identity with no harm to others and fulfilment of life: Transgender identities are also incongruences; and human rights, since development starts in a variant direction from the outset and no disruption occurs. Many on both sides believe they are right: And, when the motives, timescales and the methods of management for each differ so greatly; it is essential to get the diagnosis correct: Including what happens when populist governments reject key expertise; to pursue "*common sense values*", and a "*woke*" approach

My concern over these matters led me from 2011 to conduct an examination into early development, which concentrates on the period from birth to the ages of three to four years. It begins by using the work of René Girard; an anthropologist, in the 1950s and Richard Dawkins; an evolutionary biologist, in the 1970s. Another major influence in the 1990s. is Vittorio Gallese, a neurologist. And the work of many others, including Schore, Dennett, Garrels, Hood, Mitchell, Wrangham, Fordor, and Goldman. Girard based his understanding on the process of imitation, but this is not just the desire to imitate: It is the result of an innate overwhelming force, which dominates from birth and gradually comes under control as the powers of cognition come into increasing effect. By using the processes of possessive imitation, empathy, and inhibition: Girard argues that development proceeds through the interlinking of initially independent and disorganised strands of thought, into more complex components of identity: by which core elements of personality may be formed. In 1976 Richard Dawkins defined a meme as a unit of culture that replicates and spreads from person to person through imitation, teaching, and other forms of communication. Those that are useful replicate strongly and those which are not, diminish: or die out. Individual memes also group together to form larger complexes, where; languages, traditions, scientific theories, or religions can be formed. Gallese confirmed the physiological bases for empathy, imitation and inhibition depends on the action of fundamental, powerful, and innate neural forces, using "*mirror neurons*", possessive imitation, empathy, and the like. These are not passive processes. Girard argued that the drive is so strong that only minor influences or variations from very early in life, can trigger the direction of development takes: Where no knowledge of the trigger appears. And these features form the basis of a self-reinforcing process; where it has been said that "*the major challenge to be faced is, not to ask how development proceeds, it is instead to ask how these processes can be held in check*". Freud also recognised the existence of this strong innate force, but because he relied on cognition for his explanation, he had to delay consideration of its impact to between the ages of three to five years. My own studies show how these processes create patterns of neural development, which; from birth, form strong and stable core elements of personality and identity. Where transgender identities are as strongly held as those whose identity aligns with biological sex. Which can last until physical brain injury or dementia destroys the neural structures that give them effect. And because these take place before conscious awareness exists they are also hidden from sight.

In any independent examination it is essential that a comprehensive and impartial study is undertaken. But that does not happen. The actions of the present and former UK Governments, the EHRC and the Supreme Court are examined in this paper. I do not find any serious attempt at an impartial review. And the sole reliance on a gender-critical ideology; which justifies an approach in which sexual motives and cognition alone drive development forward; must also ignore the advances in clinical, medical, scientific and experiential understanding; and the massive changes in neural and cognitive development patterns in the first three years of life. Therefore, it sets the clock back by some 60 years: Instead of identifying transgender conditions as searches for coherence of identity, it identifies them with drives of sex, and instead of identifying transgender behaviour as a personality variation, and a human right, the Supreme Court reduces this to a permission and motives of sex. In place of an approach which for the last 16 years has sought without problems to maximise the inclusion of transgender people in everyday life, it has moved to one of caution and exclusion instead. After decades of inclusion, Girlguiding, the Women's, Institute and many others have felt forced to move to exclusion as well. But perhaps the major concern is that: once again, these changes attribute motives to transgender people that sit alongside those of sexual predators, instead of allies of women in all such fights: And that reversion is taking us back to the long histories of scapegoating and attacks.

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1:0 Introduction

Recently the United Kingdom Girl Guides Association and the Women's Institute have decided with regret; after some four decades of successful inclusion, to exclude transgender girls and women from their membership because of the new draft EHRC (United Kingdom Equalities and Human Rights Commission) advice; and the recent Supreme Court ruling, which now requires transgender people to use spaces and services, and to join clubs and associations conforming to the gender assigned to them at birth, instead of the gender they identify with in everyday life. Two key issues are tested in this paper. The first asks if transgender conditions are the result of a search for a coherence of identity, or if they are the outcomes of desires for a role or the attractions of sex. And the second asks if the expression of transgender conditions is given by permission or is it a human right? This creates strong and intense disputes; between those who consider it to be a perversion, paraphilia or disruption of the gender role, driven by desires for a role or the attractions of sex: so that fear is created; with consequent threats. Against those who consider transgender conditions to be personality variations; so that gender is a core element of the identity and personality, which is expressed as a coherence of identity with no harm to others and fulfilment of life: Transgender identities are also incongruences; and human rights, since development starts in a variant direction from the outset and no disruption occurs. Many on both sides believe they are right: And, when the motives, timescales and the methods of management for each differ so greatly; it is essential to get the diagnosis correct: Including what happens when populist governments reject key expertise; to pursue "*common sense values*", and a "*woke*" approach

My concern over these matters led me from 2011 to conduct an examination into early development, which concentrates on the period from birth to the ages of three to four years. It begins by using the work of René Girard; an anthropologist, in the 1950s and Richard Dawkins; an evolutionary biologist, in the 1970s. Another major influence in the 1990s. is Vittorio Gallese, a neurologist. And the work of many others, including Schore, Dennett, Garrels, Hood, Mitchell, Wrangham, Fordor, and Goldman. Girard based his understanding on the process of imitation, but this is not just the desire to imitate: It is the result of an innate overwhelming force, which dominates from birth and gradually comes under control as the powers of cognition come into increasing effect. By using the processes of possessive imitation, empathy, and inhibition: Girard argues that development proceeds through the interlinking of initially independent and disorganised strands of thought, into more complex components of identity: by which core elements of personality may be formed. In 1976 Richard Dawkins defined a meme as a unit of culture that replicates and spreads from person to person through imitation, teaching, and other forms of communication. Those that are useful replicate strongly and those which are not, diminish: or die out. Individual memes also group together to form larger complexes, where; languages, traditions, scientific theories, or religions can be formed. Gallese confirmed the physiological bases for empathy, imitation and inhibition depends on the action of fundamental, powerful, and innate neural forces, involving "*mirror neurons*", possessive imitation, empathy, and the like. These are not passive processes. Girard argued that the drive is so strong that only minor influences or variations from very early in life, can trigger the direction of development takes: Where no knowledge of the trigger appears. And these features form the basis of a self-reinforcing process; where it has been said that "*the major challenge to be faced is, not to ask how development proceeds, it is instead to ask how these processes can be held in check*". Freud also recognised the existence of this strong innate force, but because he relied on cognition for his explanation, he had to delay consideration of its impact to between the ages of three to five years, which means that it is simply considered as part of the gender role, and it has no independent effect. My own studies show how these processes create patterns of neural development, which; from birth, form strong and stable core elements of personality and identity. Where transgender identities are as strongly held as those whose identity aligns with biological sex. Which can last until physical brain injury or dementia destroys the neural structures that give them effect. And because these take place before conscious awareness exists they are also hidden from sight.

In addition to established approaches pioneered by Freud, Piaget and others, this examination only needs to use the advances in anthropology and neurology pioneered by Girard, Dawkins, Gallese and many others from the 1960s onwards: It also uses transgender conditions as case studies; with the aim of gaining greater insight into how personalities and identities for all of us are created. And more current work is also used. Recent research at Stanford University using AI techniques have shown the existence of a previously unknown and early "*Who am I*" neural network. This acts independently from the well-studied "*What makes me, me*" network: And that; together with this examination of the stability of transgender conditions, may throw further light on how consciousness and early development takes place. The results of this study are incorporated into this account. A list of supporting documents is given at the end of this article. And the work has been fully written up to meet peer review standards where complete lists of references to original sources in other documents are given.

2:0 Gender Disputes

Most modern definitions of gender divide it into two components. The first component concerns the development of the "*Core Gender Identity*". It involves the process of "*separating the self from the other*" and creates a deep-seated sense of belonging without any behavioural implications, which involves the search for coherence of identity and not drives of sex. The second is the "*Gender Role Identity*", which requires a certain level of self-awareness and cognition to have developed: to be able to respond to what others, society, and the environment expects: This is instead measured by motives of behaviour, desire, and

sex. Therefore, the core gender identity must form before the gender role identity can be created. Transgender conditions are treated as incongruences of the core gender identity. Where many transgender and natal women see themselves as allies of each other: Because they share in the same *"performances of gender"* from early in life. And there is no more danger to other women than there is for any woman: Because these are expressions of identity, not drives of sex. Gender identities require relationships with others so they cannot form before birth. With no knowledge of sex or biology we all start from the same base, and these shared commonalities of behaviour, with the common *"performance of gender"*, has for many years now, justified an approach which has sought without concern, to maximise the inclusion of transgender women in everyday life, without any fear of challenge or attack: And as there is no disruption from the outset to a regular path of development, transgender conditions are also personality variations; and their expression is a human right; Which means that by default transgender people must be treated in accordance with the gender they identify with. Always recognising that sexuality is a human right. From the results of this study and this analysis, I confirm that the diagnosis of transgender conditions as incongruences of the core gender identity: and as a core element of the personality that is created; is the correct approach.

However, the early existence and impact of the Core Gender identity is totally dismissed or denied by the imposition of a radical *"gender-critical"* ideology, adopted by Cass, Sullivan, Rippon, Stock and others, including the present United Kingdom Government: Who instead adopt an opposing radical gender-critical approach, which argues that cognition and sexual motives alone drive development forward: This is popularly expressed in theories of *"Autogynephilic Transsexuality"*, where sexuality and variations in sexual orientation continue to be recognised as core elements of the personality that is created, but transgender conditions are considered to be sexually motivated perversions of (male) homosexuality: And that reduces the understanding of transgender conditions to *"perversions, paraphilias or disruptions of the gender role"*. Therefore, all earlier and pre-cognitive development processes are ignored: Instead of seeing transgender women and natal women as allies of each other, transgender women can be seen as potential threats. The same disregard has also led the Supreme Court to come to a decision where all pre-cognitive development is likewise unheeded. This total dismissal of all earlier development in the Court's judgement is condemned by swathes of expert opinion as being *"unfounded, transgender exclusive, and incorrect"*. And in place of seeing transgender conditions as inwardly focussed searches for coherence of identity, this theory alleges that they are driven by suppressed or sublimated drives of sex.

Transgender people may be among those who are the least expected. For many it is a battle between the role that has been created against the alienation held deep inside. It is neither a choice which is sought or created. For some the incongruence is evident from the outset, for others it may erupt into conscious awareness when some change or trauma occurs. And it comes when breakdown or attrition means peace is required: Where, from then onwards, transition may urgently be sought. It is why management methods akin to compulsions or personality variations are needed. For fighting the conflict only increases the demand. Transgender people receive very strong support from within the feminist movements. Many ardent feminists including those who take a gender-critical approach, also recognise that transgender conditions are searches for coherence of identity, and not drives of sex. They do not consider transgender people to be of any danger to women and children, they wholeheartedly welcome transgender women as the women they say they are; and see them as true allies in the feminist cause. Therefore, it is important to note that these arguments only apply to those radical gender-critical feminists who adopt this exclusionary approach. And when I refer to *"radical gender-critical feminists"* in this account, I am referring only to this minority exclusionary group.

In my own study I use the work of pioneers in neurology and anthropology, such as Girard, Gallese, and Dawkins: alongside current work, to examine how early development occurs. Far from ignoring this earlier period of largely pre-cognitive development, I show it is of crucial importance instead. I confirm that instead of perversions, paraphilias or disruptions, with dangers to others, arising from fears of sexual and other attacks, transgender conditions are incongruences of the core gender identity: Where there is no more danger to other women than for any woman: For transgender women seek inclusion as women in society, and fulfilment of life. Many are also strong feminists. It also means that transgender conditions must be managed as personality variations, and searches for coherence of identity; with no harm to others: Not as personality disruptions and drives of sex. The Supreme Court states that its ruling must not be applied to anything other than the interpretation of the 2010 Equality Act: But no diagnosis can be confined by a legislative act: By endorsing a diagnosis which ignores the effects of all pre-cognitive development: Which decides that transgender conditions personality disruptions, driven by motives of behaviour, desire and sex: In place of recognising that transgender conditions are personality variations which search for a coherence of identity and fulfilment of life: A great deal of harm can be created because the motives, understandings, methods of management and timescales expected are also incorrect.

The development of gender identity is a hidden process. We cannot be consciously aware of it, because we do not develop a sufficiently advanced *"theory of mind"* which would enable us to understand it until a median age of around four years: When the core gender identity develops around a median age of two years, and the gender role identity around three years. This is why some transgender people describe their experience as that of *"being born into the wrong body"*, because that comes from the earliest memories they possess. But nobody can be *"born into any body"*: For gender identities cannot form before birth. The great majority of people can claim to be *"born in the right body"*, and transgender identities are personality variations, because nothing to disrupt any path of development occurs, where the same processes are involved. Transgender women's identities are therefore as firmly held as their female partners, and behaviour matches as well. The same strengths of allegiance are true for male and non-binary identities. Which means that; despite the allegations of others, transgender people do not claim to *"change biological sex"* but look for differences in sexual development, which may trigger the direction development takes. And the essential legal exemptions and protections on the grounds of physiology of sex can still be applied. Examining this has been a feature of my own studies. 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 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 variation in human

physiology and other factors can lead to a wide range of stable long-term core or foundational gender and sexual variant identities being created, without any obvious cause: Which is in accordance with the scientific consensus adopted by the World Authorities and Professional Medical Institutions who consider transgender conditions to be *"naturally expected variations of the human condition, intrinsic to the personality created, arising very early in life, and cannot be changed either by the individual concerned or by the predations of others in subsequent life"*: They are searches for coherence of identity and they are not perversions, paraphilias or disruptions of sex.

3:0 Social Impacts

Nobody should diminish or disregard in any way the horrendous experiences of discrimination, violence, oppression and abuse that women for centuries have faced and still face today. Many ardent feminists welcome transgender women as the women they say they are: For many play and have played active and sometimes prominent roles in feminist movements: They are not considered by others to be of any danger to women and children, and they are welcomed as true allies in the feminist cause. This is against others 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. A total transformation has taken place since 2018, when Penny Mordaunt then Minister for Women and Equalities; introduced proposals to allow transgender people to legally self-define their gender identity, by announcing that *"Transgender Women are Women, that is the starting point of the conversation"*: When it was then recognised that transgender conditions are searches for coherence of identity. That has since been transformed into to the Supreme Court judgment of today: where transgender women are no longer allowed to call themselves women, because transgender conditions are instead presumed to be driven by biology or desires of sex. Baroness Faulkner then Chair of the UK Equality and Human Rights Commission argues that is due to *"new research"*. But when that *"new research"* involves the adoption of a radical gender-critical ideology, which decides that cognition and sexual motives alone drive development forward. So that the impact of the enormous changes and transformations in neural and cognitive capabilities during the first three to four years of life are denied or ignored: And when the key advances in neurology, psychology, clinical and experiential evidence from the 1960s: which show transgender rights to be human rights; personality variations, and core elements of the personality which each one of us possesses ... are also denied or ignored, to pursue a particular approach.

Traditional psychodynamic and social learning theories cannot adequately explain the principles of how development takes place during this early period: because they all rely on cognition for their explanations. Freud treated what happens during it as unknown, although he concluded that little in the way of constructive development occurs. However, the radical gender-critical groups specifically deny that anything of significance takes place, and the influences of all earlier development must be denied or ignored. Therefore: by presuming that cognition and sexual motives alone drive development forward: and by ignoring the impacts all of the earlier and pre-cognitive development, the approaches of the Supreme Court and the UK Equality and Human Rights Commission do not only disagree with the results of my own research: They also misdiagnose transgender conditions ... By ignoring the scientific consensus held on a worldwide basis by the World Authorities and Professional Medical Institutions, which diagnose transgender conditions as personality variations, where the search is for a coherence of identity, which seeks inclusion in society and fulfilment of life: And by replacing it with a diagnosis which now matches that of *autogynephilic transsexuality*: which identifies transgender conditions as personality disruptions, driven by desires and motives of sex. And when the motives, timescales, and methods for managing personality variations and personality disruptions differ so much: great harm can be done when the diagnosis is incorrect. This misdiagnosis sets the understanding, not just of transgender conditions, but it all sexually variant conditions back by many years, because of its pursuit of this ideology which disregards the advances that have since taken place: This is not just an outcome of my own studies: The adoption by the Supreme Court of an ideology which decides that *"inspection of the genitals at birth is sufficient to determine the appropriateness of all future gender behaviour and that unless some unnamed sexual perversion occurs, gender identity must be congruent with biological sex"*, totally ignores all aspects of pre-cognitive development, and it is condemned by whole swathes of expert opinion as being *"unfounded, transgender exclusive and incorrect"*: These are not just differences which must require a clear, impartial and objective study, they have entered into the social and political spheres, and a number of questions need to be asked, particularly in relation to Government actions and the United Kingdom Equality and Human Rights Commission (EHRC) when they advocate a diagnosis which I consider to be incorrect.

4:0 Perceptions and Beliefs

The United Kingdom Equality and Human Rights Commission (EHRC) exists to challenge discrimination and protect human rights, including holding Governments to account. However, the Government has the power to appoint Commissioners and Members to the Board. In view of the toxic nature of the dispute over transgender issues, it should be expected that someone *"at a distance"* would be appointed. However, the head of the EHRC until the 1st December 2025 was Baroness Kishwer Falkner, who is a strong advocate of a *"radical gender-critical"* approach, took on the role in December 2020, under the then premiership of Liss Truss.

The Cass Report, which was commissioned in Autumn 2020, under the same Conservative Government, has been criticised internationally in many quarters: This is in addition to my own. By dismissing the significance of the core gender identity and by choosing a frame of reference for her report which totally ignores the massive neural and cognitive changes during the first three years. Cass must automatically presume that transgender conditions are disturbances or variations of the gender role, even though she recognises their influences when puberty occurs, Cass takes the understanding of transgender conditions back to the 1960s: And to the time when most investigators were trying to attribute the development of transgender conditions entirely to the gender role, and to social learning processes alone: That regression is reflected in her comment that *"these understandings [by Kohlberg and others] still resonate today"*: with the corresponding misdiagnosis of transgender

people's lives. I conclude therefore that Cass may simply have been relying on Freud, Social Learning Theories, and on outdated knowledge. But the continued total reliance on a radical gender-critical ideology with the disregard of pre-cognitive development; by Stock, Rippon others, which presumes that cognition and sexual motives alone drive development forward: means that the current advances continue to be denied.

In February 2024, a UK Government sponsored review, led by Professor Alice Sullivan, was asked to examine how public bodies collect data on sex and gender. The review focused on identifying obstacles to accurate data collection and research on these topics. Sullivan noted that gender and sexual identities are different things: But this does not justify anybody identifying transgender conditions as drives of sex, and reducing gender identity to a *"nebulous ill-defined concept associated only with the gender role"*. Sullivan's identification of transgender conditions totally ignores the influence of gender as a search for coherence of identity; And transgender conditions are claimed to be entirely driven by desires for a role, or the attractions of sex. The question that has to be asked is about why Professor Sullivan, was asked to conduct an *"independent review"*, when she is known to be prominently involved in *"Sex matters"*, and is a strong advocate of a *radical gender-critical* approach.

On the 4th. August 2025 it was announced that Dr. Mary-Ann Stephenson would be appointed as the new Chair of the Equality and Human Rights Commission (EHRC). She assumed her role on December 1, 2025. Her appointment was subject to review by the Parliamentary Women and Equalities committee and the House of Lords Joint Committee on Human Rights. This Government has gone ahead with this appointment, despite the fact that; after the review, Sarah Owen and David Alton, the Chairs of both Committees had written to the equalities minister Bridget Phillipson stating *"However, it is with regret that we do not feel we can endorse her appointment to the role at this time"*. Where a significant concern by the Committees; was over transgender matters, and her previous support for a radical gender-critical approach. This is in line with Stock, Cass, Rippon, Sullivan, and others who similarly presumed that transgender conditions are driven by cognition and sexual motives alone, and where all adopted a radical gender-critical ideology. Nevertheless, I wish Dr Stephenson well in her post, and I trust that she will be able to take a truly impartial approach.

Of particular concern is the fine of £585,00 which England's University Office for Students regulator imposed on the University of Sussex in March this year, arguing that a fine of up to £3.5 million could have been imposed: As a lecturer in the University, Stock has every right to express her views; and in that she has my total support. However, Universities are also bastions of scholarship as well as free speech. And there has been widespread student condemnation of the views which Stock presents. This is a conflict where opponents of these radical gender-critical views are being attacked and as *"not being based on credible science"*, merely the work of transgender activists, with the denigration of the motives of those who pursue this approach

In a recent Court case Stock outlined the context of her own radical gender-critical approach. Which of course she is absolutely entitled to do and must be heard. But her outspoken views on Stonewall and others who oppose her views do not help. I do not comment on the merits of this individual case, and I do not suggest any malpractice by Stock, and I am perfectly willing to accept that Stock presents her arguments with integrity and responsibility. But the focus of the argument must be about whether it is Stock, or the students who are correct. That gives the Office for Students Regulator great power. And this must also raise concerns, when the regulator fines the University £585,00, with threats of much more: presumably because of its approach, which is that of *"positively representing transgender people"*, is not considered correct. And apparently, because of its failure to censure the student protests against what the students see, as Stock's negative approach. That has a chilling effect on any legitimate protest. And it raises major concerns about the legitimacy of all protest, and the protection of all human rights ... When the students instead may be the ones who are correct.

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

Perhaps this student reaction is not too surprising when transgender conditions are recognised as searches for coherence of identity and not drives of sex: For, the great majority of transgender people do clearly separate *"gender"* from *"sex"*. It is recognised in the definition of gender identity most commonly used today which divides it into two components, where either or both usually; but need not always be congruent with biological sex. This separation and distinction is experienced in the transgender communities where, as wide a range of sexualities; and respect for sexualities, are found within these communities as that in the wider population. With the corresponding anger in the transgender communities at the enforcing of an incorrect *"gender ideology"* which alleges that *"transgender people somehow believe that can choose, change or deny biological sex"*; and that transgender conditions are also *"perversions, paraphilias or disruptions of the gender role"*: By reducing the understanding of transgender conditions, from a core element of the personality that is created: to hysterias and drives of sex, which totally ignores the impacts of the major neural and cognitive transformations in the early years of life. And

is expressed in today's continuing attempts to force a diagnosis on transgender people which alleges that they are as great a danger as any male in spaces normally occupied by women: because they are perversions or disruptions driven by motives of desire, behaviour or sex: Which is instead of personality variations which search for coherence of identity, where the desire is to live in roles that are true to themselves, without harming others, and find fulfilment of life

5:0 Court Responses

Radical gender-critical groups and investigators, such as Rippon, Stock, Cass, Sullivan and others; who presume that sexual motives and cognition alone drive development forward, may be able to tell us many things about how the gender role identity develops; how perversions and disruptions are created: And how they are driven by motives of sex: But they cannot tell anything about earlier development proceeds and how the core gender identity is created, because the influence of all of the early and pre-cognitive development processes is denied. This denial means that, in place of recognising that transgender conditions are searches for coherence of identity, they must instead be identified as perversions or disruptions, driven by sublimated motives of desire or sex. So, there is no legitimacy in any judgement of the Supreme Court, which solely relies on the same exclusionary and radical gender-critical principles, without adequately considering any other: to justify its own approach: The Court itself does not presume that the creation of transgender conditions has anything to do with the attractions of sex: But no verdict is safe if not all views have been considered. The Court's judgement, which supports the gender-critical viewpoint may seem to be a victory for radical gender-critical groups, but it is likely to be a pyrrhic victory: For the minority of lesbian feminists who condemn transgender conditions as sexually motivated perversions of (male) homosexuality, are just one step away from those who, for reasons of religion, belief, or politics: condemn all forms of gender and sexually variant conditions as sexually motivated perversions; disruptive or disordered acts. Adopting an approach which presumes that sexual motives and cognition alone drive development forward, therefore does not just affect transgender people. It affects all gender and sexually variant people, and it takes everyone back to a time when all forms of gender and sexually variant behaviours; regardless of purpose, were regarded as intrinsically disordered behaviour in pursuit of inappropriate sex: Equally, there cannot be any justification for imposing a blanket ban on transgender people's access to any spaces and services on a diagnosis which is incorrect.

Attempting to treat transgender conditions as personality deviations or disruptions when the diagnosis should be that of personality variations is potentially disastrous, because the time when transgender children and their parents most need help to manage these conditions occurs from early childhood, not later in life. Moreover, when the motives, timescales and methods of management of these two approaches differ to the extent that what one side considers to be those of compassion and concern, are almost inevitably regarded as recruitment, grooming, capture, and coercion by the other, it is essential to get the diagnosis correct. Unlike personality variations: where development proceeds in the variant direction from the outset: a diagnosis of disruption must now be applied, where some unnamed perversion, paraphilia or disruption is presumed to have caused transgender conditions to arise. Today, and for centuries this perception that transgender conditions are sexually motivated perversions or disruptions, instead of searches for coherence of identity: Has put all gender and sexually variant people under suspicion, persecution, condemnation, criminalisation and attack. The Court has no power to change the law, instead it has power to interpret it: I conclude that the effect of the Court's decision: that transgender conditions must be treated as personality disruptions instead of personality variations, is now to impose; in law, a social exclusion which by default, separates transgender people from the mainstream of society, enforces inappropriate medical treatment, and imposes a diagnosis which is harmful and incorrect.

The Supreme Court concludes that transgender people are as separately; but equally protected, under the characteristic of *"gender reassignment"* as under *"sexual orientation"* by using the *"performances of gender or sex"*. The 2004 Gender Recognition Act still applies, which states that *"transgender women are women from all purposes"*. Where protections against danger can still be given on the grounds of sex for; despite the claims of radical gender-critical groups, transgender people do not literally *"claim to change or choose or deny biological sex"*: That in all cases would recognise the legitimacy of *"performances of gender"* while giving the ability to apply exemptions and protections in all situations which involve the *"physiology of sex"*. Therefore, the appropriate legal exemptions and protections on the grounds of physiology of sex can still be given. The recognition of transgender conditions, together with sexual identities as human rights means that: unless there is good and justified reason, transgender people; by default, must always be treated in accordance with the gender they identify with. Whereby, all people including transgender people are equally protected under these provisions. However, that is negated by the decision of the Court: Which now decrees that; for the purpose of the 2010 Equality Act, access to all spaces and services must instead be determined by *"birth assigned biological sex"*: With the added requirements that transgender women must be considered as *"men"* for the purpose of the Act: Also, that the term *"women"* can only refer only to those who are *"assigned female at birth"*: And that transgender women cannot be included in the category of *"women"*: Which now by default excludes them from all clubs, societies and other women's groups. All of these are decrees which do not just exclude transgender women from the provisions of the 2010 Act on the grounds of physiology of sex. They also exclude them from spaces and services on the grounds of *"performance of gender"*; by reducing these conditions to perversions, paraphilias or disruptions of sex: Which also denies that they are human rights: To my mind, this contravenes the purpose of these Acts: and the Race Relations Act. The Court also decided that the issue of a Gender Recognition Certificate is not effective, but these sets of dismissals can only be valid if it is assumed that unless some perversion or disruption occurs, gender identity and gendered behaviour must always be congruent with biological sex. That turns a right of expression; and what is a human right, into a permission. And the presumption that transgender conditions; and the decision to transition, are reduced to some unnamed perversion, paraphilia or disruption, imposes incorrect methods of management, and gives plenty of scope for religious and secular scapegoating: with the consequent unfounded abuses and attack.

6:0 Contributory Factors

In addition to the known effects of neural and cognitive transformations, It is now well established that, although on average there are significant differences in male and female behavioural patterns, with men more prone to engage in physical violence, considerable overlap occurs: Since the core gender identity provides a deep-seated sense of belonging without behavioural implications: 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 equal base. It also means that the radical gender-critical approach, which ignores, or denies these pre-cognitive processes is the less effective approach. There are many optimising techniques available, such as “bootstrapping” and “quorum sensing”, which do need cognition to be effective: And, instead of waiting for cognitive abilities to develop: these allow the core elements of personality and identity to start to coalesce from fragmented thought; during a unique period of rapid development, around a median age of two years: when an explosion in neural and cognitive abilities takes place. Transgender groups and feminist groups both use the terms “men” and “women”; to separate the genders, through “performance of gender” and interaction with society regardless of biology. When the core gender identity and the gender role identity perform independently of each other, there is no contradiction in having an incongruent gender identity with a strong feminist approach. For the same reason some transgender people may be among those who are the least expected. For many it is a battle between the role that has been created against the alienation held deep inside. For some the incongruence is evident from the outset, for others it may erupt into conscious awareness when some change or trauma occurs.: After that transition may intensely be sought. It is neither a choice which is sought or created. And it comes when attrition means peace is required.

On the present evidence, a large majority of feminists recognise transgender women to be the women they say they are and as fellow travellers their search for equality and coherence of identity. However, radical gender-critical groups use this same feminist argument to claim that transgender conditions can only be the product of hysterias driven by perversions or disruptions of sex. When the motives expressed are so different, it should be easy to tell these apart: It is also why some of the strongest attacks on radical gender-critical groups come from many in the feminist movements: who recognise that transgender conditions are searches for coherence of identity, who endorse the contributions that transgender women make in the fight for women’s rights, who do not endanger any women or children, and who consider transgender people to be true allies in a common cause. This contradicts the views of others, including the decision of the Supreme Court. And as gender identities are measures of the interactions and behaviours that have already been created, it also follows that: instead of using “biological sex assigned at birth” to determine behaviour, the core gender identity and the “performance of gender,” must be the primary gateway to determine how people socially interact.

This dependence on “performance of gender” was recognised in the 2004 Gender Recognition Act which recognises that the words “male, female, men and women” are used interchangeably to describe the “performance of gender” or the “physiology of sex”, and which introduced a legal artifice to ensure that all past and future legislation could be interpreted in the context which is correct. The radical gender-critical argument, now endorsed by the Supreme Court; is that the 2010 Equality Act was written on the principle of exclusion; instead of inclusion, because it was intended to confine the definition of “men” and “women” to biology alone. But the claim that transgender conditions are human rights arises through performance of gender, not the biology of sex. Therefore, I believe that this is a case of applying the correct judgement for a wrong diagnosis: For that Act still enforces the requirement to maximise the inclusion of transgender people in everyday life, where there is no more danger to other women than for any woman: because these are searches for identity, not drives of sex: This means that by default transgender people must be treated in accordance with the gender they identify with: And it recognises that the expression of transgender conditions is a human right. If the Court is to deny this right, by extending its demands for exclusion to the “performance of gender” in both Acts: It would then; I believe, also require changes to the 2004 Gender Recognition Act. However, I conclude that this change goes contrary to all the advice notes which accompany the Equality Act, the comments by those who drafted the Act, the principles behind all previous legislation: The pending requirement that the 2010 Equality Act must adopt the interpretation provided in the EU Gender Directive, would not have an exclusionary effect. Even more so when the introduction of the 2010 Equality Act contains the principles whereby transgender people have been able to socially self-declare their gender without problems for the last 15 years: And where the only change that the proposed: but now barred Gender Recognition Act of 2018; to allow transgender people to self-declare their legal gender would have made; was to make it easier for the existing social self-identification to be given greater legal effect.

7:0 Court Actions

The Case before the Supreme Court was about whether transgender women can be included in “women only” shortlists for appointments to public bodies: But we have seen that this has been extended into a disagreement between the scientific consensus now adopted by the World Authorities and Professional Medical Institutions who see transgender conditions as personality variations; and as incongruences of the core gender identity, where the search is for coherence of identity, inclusion in society; with no harm to others: and fulfilment of life: Against radical gender-critical groups and others who see transgender conditions as “perversions, paraphilias or disruptions of the gender role”, where transgender conditions are presumed to be driven by desires for a role or the attractions of sex. For any Court judgement or for EHRC advice is to be valid, is essential that all sides are considered. I conclude that this has not happened. By the Court’s own admission, it relies entirely on the views of “Sex matters” and other radical gender-critical groups. An examination of the judgement and the references cited by the Court reveals that the views of world Authorities and Professional institutions were not seriously considered: and their conclusions, which are only implied in the judgement, are dismissed as irrelevant or incorrect. Which makes it clear to me that no serious attempt was made to engage in anything other than this radical gender-critical approach. In addition, any recognition that that transgender conditions are human rights has also been taken away by a Supreme Court

judgement which relies entirely on the views of “*Sex Matters*” and other radical gender-critical groups. The Court’s refusal to accept the intervention of the “*Good Law Project*” meant that expert opinion, which would have provided a counterpoint to the arguments was denied. And without any other expert input the advances in science, clinical, medical, experiential evidence and public understanding since the 1960s are also denied. In addition, the Court’s decision to identify transsexuality as a perversion or disruption is further confirmed by its adoption of an ideology which decides that “*inspection of the genitals at birth is sufficient to determine the appropriateness of all future gender behaviour and that unless some unnamed sexual perversion occurs, gender identity must be congruent with biological sex*”. Which totally ignores all current pre-cognitive development, presumes that sexual motives and cognition alone drive development forward, and it is condemned by whole swathes of expert opinion as being “*unfounded, transgender exclusive and incorrect*”.

To adopt this approach, the Court must also dismiss or deny the experiential evidence which now allows transgender people in many countries to legally self-identify their gender without any problems of abuse, the Court must discard the modern definitions of gender identity; which divides it into two components; where either or both usually, but need not always be congruent with biological sex: It must dismiss the widespread recognition in society that transgender conditions are searches for coherence of identity, not drives of sex: And it must also ignore the impacts of the massive neural and cognitive changes during the earliest years of life. While I do not presume to judge the Court’s intention: Its decision to allow the appropriateness of all other aspects of gender to be determined by the “*performance of gender*”. And at the same time use the criterion of “*biological sex*” to deny the legitimacy any form of gender and sexually variant behaviour, regardless of purpose, is remarkably redolent of a traditional Christian teaching: Which dates only from the 12th Century, where all forms of gender and sexually variant behaviour; also regardless of purpose, are condemned as intrinsically disordered acts of grave depravity; which pursue immoral or inappropriate sex. I conclude that it is the dismissal of all these advances which takes the understanding of gender used by the Court back to the 1960s, when all gender and sexually variant behaviour, regardless of purpose, was being condemned as intrinsically disordered sexually motivated perversions, paraphilias or disruptions of the gender role, driven by desires for a role or the attractions of sex.

There can be no place for any judgement which effectively dismisses what happens during the first three years of life without being able to justify it. From the evidence presented, I conclude that the Court makes no such attempt. The same ideology is used in social media, elsewhere and by others to dismiss the influence of all these earlier development processes: Which are condemned by many as merely as the work of transgender activists, with the claims that their expertise is not based on credible science: Where attacks are made on the integrity of those groups and people who support their views. And the verdict set down now by the Supreme Court is only correct, if transgender conditions are indeed these sublimated sexually motivated perversions, paraphilias or disruptions of the gender role. In addition, no Government Policy, Court judgement, or EHRC Statutory Advice, which returns to information from the 1960s will get the diagnosis correct, because it must then diagnose transgender conditions as perversions, paraphilias or disruption of the gender role driven by attraction of role or desires of sex. This is in place of a personality variation, coherence of identity and fulfilment of life. In this account I have given my reasons for confirming that transgender conditions are personality variations and incongruences of the core gender identity which search for coherence of identity, seek inclusion in society; without harm to others, and which lead to fulfilment of life: And that this is in accordance with the scientific consensus adopted by the World Authorities and Professional Medical Institutions who consider transgender conditions to be “*naturally expected variations of the human condition, intrinsic to the personality created, arising very early in life, and cannot be changed either by the individual concerned or by the predations of others in subsequent life*”: That search for coherence of identity: and are not perversions, paraphilias or disruptions of sex.

8:0 Regression

With arguments which are as intense as these, experiential evidence must take pride of place. And some four decades of the full inclusion of transgender women without problems in the Women’s Institute is evidence of that. Girlguiding introduced a policy explicitly allowing transgender girls to join in 2017. And many other organisations have adopted a similar approach. Now transgender women and girls have been excluded from these organisations. We have seen that this change a regression from the scientific consensus which considered both gender and sexual identities to be core elements of the personality that is created. Where transgender conditions are also personality variations, and the expression of transgender conditions is a human right. And that there is no more danger to other women than there is for any woman: because these are expressions of identity, not drives of sex. Which has meant that by default transgender people must be treated in accordance with the gender they identify with: Into one where the existence of transgender identities as a core element of the personality is denied, the effects of all pre-cognitive development are ignored, and transgender conditions are perversions, paraphilias of the gender role, driven by motives of behaviour, desire and sex. So the default becomes exclusion, and where the expression of transgender identities is given by permission instead..

In my own work I have examined the research evidence radical gender-critical groups quote to justify these arguments I find there is no consideration of the many memoranda of understanding endorsing the now universal condemnation of “*conversion therapy*” for transgender people: which implies that methods akin to personality disruptions are unethical, invariably harmful and incorrect. I have found that the interpretations radical gender-critical groups attempt to put on key papers are dismissed by the lead authors of the papers concerned. Allegations of high regret rates are refuted by peer reviewed studies, and regret is often associated with lack of social acceptance rather than transition itself. Transgender people are a small and often hidden minority in the population. Despite or because of these allegations, conspiracy theories and misinformed allegations are made, exceptions are mistaken as the typical, so fears are created. And no systemic arguments are presented to justify why this early period can be ignored. In my own study ... which uses peer reviewed sources; and is fully referenced, I conclude that, instead of testing a theory, research is being used to impose an ideology: Which is greatly contributing to the fears that are created. Today, and *among* many other organisations. Girlguiding and the Women’s Institute have excluded transgender women. And others are planning to exclude transgender girls and women from

their memberships, because the Supreme Court has changed the legal perception of transgender conditions from the requirements of inclusion and coherence of identity to those which prioritise exclusion and defines them as drives of sex. So, now by default transgender women are excluded from women groups, with threats by the EHRC of legal action being taken against those who do not obey. Little could have changed before 1967, when homosexuality was decriminalised in the United Kingdom. And from that time onward a transformation took place: From an understanding 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 could recognise that these activities are instead about searches for a coherence of identity; and could celebrate them in same-sex marriages and other acts. Allowing transgender people to self-identify their gender is part of that same rationale. That 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 peak time, a regression has taken place. This has been marked by the increasing adoption of a radical gender-critical feminist approach, which defines transgender conditions as *"perversions, paraphilias of the gender role"*. Which, instead of considering gender identity to be a core element of the personality, reduces the understanding of gender identity to a nebulous collectively created concept, associated only with the gender role. It enforces the false *"gender ideology"* on transgender people which argues that transgender people somehow believe they can *"choose, change or deny biological sex"*. Many may try to impose the theory of *"Autogynephilic Transsexuality"* on transgender people, which alleges that transgender conditions are sublimated perversions of (male) homosexuality. And all of these try to write the legitimacy of transgender conditions out of existence by adopting a radical gender-critical policy: which relies on cognition and sexual motives alone to drive development forward: by arguing that they are sublimated perversions of sex. And that view is being perpetuated as dogma by the continued pursuit of the United Kingdom Government, the United Kingdom Equality and Human Rights Commission. The same principle is now supported by the Supreme Court. With the attempt to force a diagnosis on transgender people, which is totally foreign to their own understanding, which they cannot agree to; or identify with, in order to present a gender-critical ideology, as being correct,

8:0 Outcomes

Three recent tribunals have started to clarify the situation. The first tribunal ruled that nothing in the current law makes exclusion mandatory, and that identity-based access was a *"proportionate means of achieving a legitimate aim"*: All tribunals have confirmed that it is lawful for employers to grant transgender workers permission to use facilities that align with their gender identity: which depend on the circumstances. Complaints about the behaviour of the transgender people themselves were not upheld. Where the complainants did win were about how the authorities handled the processes. Although the Supreme Court now specifies that transgender women are no longer allowed in law to access women's spaces and services, it does not mandate it: Thus, the Court's judgement does give permission for transgender access, provided nobody takes offence, but it also makes it clear that this is not a right. Judgement in another High Court case brought by the Good Law project is still awaited. All of these should mean that; instead of holding a whole group to ransom because one person objects, individual provisions must be made for any person who objects. The 2010 Equality Act also states that excluding any transgender person from such facilities is only permitted if it is a proportionate means of achieving a legitimate aim. But that is also made on the basis of a diagnosis of transgender conditions, which is now legally incorrect, and considerable harm can still occur if that diagnosis is put into effect. Significantly these decisions should also mean that the Women's Institute and Girlguiding are now legally able to exclude transgender women and girls from membership: but do not have to: And that no group or individual can hold them to ransom if they fail to conform. But that may still need to be tested in the Courts.

A further key point which one tribunal has made is that: *"Having read all of the documents, there is very far from sufficient reliable evidence to establish as a fact that a trans woman who is legally and biologically male is a greater risk to any person assigned female at birth within a changing room environment at a workplace than another woman assigned female at birth"*. Which disputes the fears created by the current Supreme Court judgement and its adoption of a radical gender-critical approach: This is welcome, and not only because it is exactly the point I have been making in my own work. But neither of these decisions; although appropriate, affect the nature of the judgement itself. I agree with the Supreme Court when it states that transgender conditions are as equally protected under the protected characteristics of *"gender reassignment"* as lesbian, gay and bisexual people are under the characteristic of *"sexual orientation"*. But I do not agree with the Court's adoption of a radical gender-critical approach which decides that *"inspection of the genitals at birth is sufficient to determine the appropriateness of all future gender behaviour and that unless some unnamed sexual perversion occurs, gender identity must be congruent with biological sex"*, which excepts transgender conditions from it: And by determining that *"biological sex"*: Instead of *"performance of gender"* must be the sole gateway to determine how people should socially interact. It is this change which endorses an approach which focuses on the perceived needs for exclusion, instead of maximising the inclusion of transgender people in everyday life. In place of recognising that transgender conditions are searches for coherence of identity; and are core elements of the personality that is created with no harm to others, it presents transgender people as potential threats to others; which are driven by suppressed motives of sex. By default, it excludes transgender women from women's groups. And it destroys the legitimacy of transgender identities by denying the right of transgender women to describe themselves as *"women"*: As well as determining that they must be treated as *"men"* for the purpose of the 2010 Equality Act: Since the motives, timescales and methods of management of these two approaches differ to the extent that what one side considers to be those of compassion and concern, are almost inevitably seen as recruitment, grooming, capture, and coercion by the other: this judgement can bring great harm by imposing a diagnosis that is incorrect. When the judgement is condemned by swathes of expert opinion as being *"reductionist, unfounded, transgender exclusive, and incorrect"*.

Two key issues have been tested in this paper. The first asks if transgender conditions are the result of a search for a coherence of identity, or if they are the outcomes of desires for a role or the attractions of sex. And the second asks if the expression of transgender conditions is given by permission or is it a human right? From these arguments and this study, I conclude that; in place of diagnosing transgender conditions as the result of a search for a coherence of identity, it misdiagnoses them as desires for a role or the attractions of sex. And secondly, I conclude that: Although the Court allows transgender conditions to be expressed by permission and rules that nobody can be discriminated against on the grounds of gender or sex: Its adoption of an ideology, which decrees that unless some perversion or disruption occurs, gender identity must always be congruent with biological sex, the Court, also decrees that the expression of transgender identities is neither a personality variation, nor is it a human right.

Any Government and every Equality and Human Rights Commission must operate in an informed and impartial manner. I find that that only the viewpoint of those who consider transgender conditions to be perversions, paraphilias or disruption of the gender role are seriously considered by these bodies: And that the viewpoint of the World Authorities and Professional Institutions, who consider transgender conditions to be core elements of the personality is dismissed, ridiculed and attacked. By its own admission, and also in its judgement, the Court adopts the understanding that transgender conditions are perversions, paraphilias or disruptions of the gender role: Where the motives are desires for a role or the attractions of sex. I find no evidence in the Court documents to show that the Supreme Court attempted to properly and equitably consider the viewpoints of the World Authorities and Professional Institutions. It does not refer to them in its judgement, and where it may infer these, it identifies them as unreliable and incorrect. The Court's refusal to accept the intervention of the *"Good Law Project"* also meant that expert opinion, which would have provided a counterpoint to the arguments was denied. Without any other expert input the advances in science, clinical, medical, experiential evidence and public understanding since the 1960s are also denied: For a diagnosis which is incorrect.

Lord Hodge, one of the Supreme Court Justices has since said: said that he expected outrage from transgender people because *"something they thought they had was being taken away from them"*. But what has been taken away is of the Court's own doing: What this has taken away from transgender people is their reliance on the viewpoint of the World Authorities and Professional Institutions, who recognise that transgender identities are core elements of the personality that is created searches for coherence of identity, personality variations; and expressions of human rights: And that has meant that by default transgender people must be treated in accordance with the gender they identify with: Which is now replaced with a diagnosis which alleges that transgender conditions are perversions, paraphilias of the gender role, driven by motives of desire, behaviour or sex, where the default is exclusion and the expression of transgender conditions becomes a permission, not a right. And that sets the clock back by many years. For there cannot be any justification for ignoring the effects of these massive changes and transformations in neural and cognitive understanding during the first three to four years of life: which I confirm in my work. Or the dismissal of the explosion in experiential evidence around 2018 which has revealed that transgender conditions are searches for coherence of identity and not drives of sex. Or of these total dismissals of the advances in neurology over the last sixty years, leading to the conclusion that: *"inspection of the genitals at birth is sufficient to determine the appropriateness of all future gender behaviour and that unless some unnamed sexual perversion occurs, gender identity must be congruent with biological sex"*. Which is used to justify today's continuing attempts to enforce a radical gender-critical ideology on transgender people, by presuming that cognition and sexual motives alone drive development forward, with claims that they are personality disruptions or hysterias, driven by desires for a role, or the attractions of sex. The enforcement of this misdiagnosis: which transgender people cannot, and do not identify with, creates a great deal of anger within the transgender community. And its association with sex, and unnamed perversions paraphilias or disruptions of the gender role, causes a great deal of enmity against transgender people. It has led to large rises in scapegoating and attacks. It is the same type of regression as that which takes us back the 1960s when all forms of gender and sexually variant behaviour; regardless of purpose or intention was being condemned in the Christian tradition as intrinsically disordered behaviour in pursuit of inappropriate sex. Even then, care is needed because, for most of the first millennium, the condemnations banned all sexual acts irrespective of sexuality, the creation of social disorder in a strongly gender divided society, and abusive sex.

10:0 Summary

There is no authority for any approach which denies or dismisses key periods of development without being able to prove it is correct. Those who adopt a radical gender-critical approach; which presumes that cognition and sexual motives alone drive development forward; from birth up to about the age of three years: must be able to prove that this has no effect. That fails on three accounts.

The first is the clinical and medical evidence leading to the modern understanding of how gender identity develops: where the first component concerns the development of the *"Core Gender Identity"*. This involves the process of *"separating the self from the other"* and creates a deep-seated sense of belonging without any behavioural implications, which involves the search for coherence of identity and not drives of sex. It precedes the *"Gender Role Identity"*, which requires a certain level of self-awareness and cognition to have developed: to be able to respond to what others, society, and the environment expects. And where it is commonly recognised that either or both usually but need not always be congruent with biological sex.

The second recognises that little could have changed before 1967, when homosexuality was decriminalised in the United Kingdom. And from that time onward a transformation has taken place: From an understanding 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 could recognise that these activities are instead about searches for a coherence of identity; and could celebrate them in same-sex marriages and other acts. Allowing transgender people to self-identify their gender is part of that same rationale. That 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 personality variations and searches for coherence of identity, with no threat to others, instead of desires for a role or the attractions of sex

The third recognises the advances in neural understanding, where I show, by using the work of pioneers in neurology and anthropology, such as Girard, Gallese, Dawkins, and others that far from ignoring this early period, it is of crucial importance instead: This is supported by the foremost understanding that the development of gender is a multifaceted processes involving many factors, where pre-natal and post-natal inputs are both involved. 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 to form a finely tuned system in which the maximum amounts of individuality, possessiveness, intelligence, and inquisitiveness, together with the minimum degrees of energy expenditure are generated. Whereby the variations in human physiology and other factors can lead to a wide and stable range of gender and sexual variant identities being created, without any obvious cause. Almost every handbook on neurology and psychology shows that both gender and sexual identities develop together as part of a single complex very early in life. Work by Joel, Swaab and others also dispel the understanding that separate brain areas for gender can be discovered by arguing that its development is the result of a mosaic of different neural processes, which means that the creation of gender identity is a distributed effect. fMRI studies may be useful in determining how the gender role is created; but not directly on how the core gender identity is formed. Recent research at Stanford University using AI techniques have shown the existence of a previously unknown and early “*Who am I*” neural network. This acts independently from the well-studied “*What makes me, me*” network: And that throws further light on how early development takes place: The same neural studies have been able to determine whether the brain being studied belongs to a man or a woman to a 90% accuracy in each case. The adoption by the Supreme Court of an ideology which decides that “*inspection of the genitals at birth is sufficient to determine the appropriateness of all future gender behaviour and that unless some unnamed sexual perversion occurs, gender identity must be congruent with biological sex*”, totally ignores all aspects of pre-cognitive development, and it is condemned by whole swathes of expert opinion as being “*unfounded, transgender exclusive and incorrect*”. It presumes that sexual motives and cognition alone drive development forward. Instead of searches for coherence of identity, it misdiagnoses transgender conditions as perversions, paraphilias and disruptions being driven by motives of behaviour; desire; and sex. And that stable core gender identities are created very early in life.

Any Court should be expected to adjudicate equitably on a dispute where one side considers transgender conditions to be personality variations and their expression to be a human right, with no harm to others, against those who consider them to be personality disruptions: which threaten others because they are presumed to be driven by desire, behaviour and sex: No evidence of any critical comparison appears, so that only a radical gender-critical ideology is adopted. By its own admission the Court relies on the approaches of radical gender-critical groups, which decide that gender identity is a nebulous social construct associated only with the gender role, which declares that cognition and sexual motives drive development forward, so all aspects of earlier and pre-cognitive development is ignored. The only references the Supreme Court makes to the scientific consensus adopted by the World Authorities and Professional institutions; which does take account of these earlier developments and shows that transgender conditions are personality variations and human rights: Is to claim that it is unreliable and incorrect: This must mean that the diagnosis of transgender conditions as “*perversions, paraphilias or disruptions of the gender role*” is accepted as given. Therefore, the impacts of early neural and cognitive development; from birth up to the ages of three to four years are ignored, and the advances in the understanding of how gender and sexual identities; gained over the last sixty years, are likewise denied. I note that the decision of the Court that “*biological sex*”, must be the sole gateway for giving transgender people access to services and spaces: Together with its decision that transgender women must be excluded from the category of “*women*” and treated as “*men*” for the purpose of the 2010 Equality Act: Means that transgender women must always be excluded by default from all women’s, clubs, societies and other groups: Any group who admits a transgender woman, must also become open to all men: so, it cannot call itself a “*women’s group*”. These are decrees which do not just exclude transgender women from the provisions of the 2010 Act on the grounds “*of physiology of sex*”. They also exclude them by default from spaces and services on the grounds of “*performance of gender*”: by reducing transgender conditions to perversions paraphilias or disruptions of the gender role, driven by motives of desire, behaviour or sex. In addition, I note that the decision to use the criterion of “*biological sex*” to deny the legitimacy any form of gender and sexually variant behaviour, while at the same time, using the criterion of “*performance of gender*” to assess all other aspects of gendered behaviour, is similar to the traditional Christian doctrine. Although the Supreme Court legally imposes these exclusions, it does not mandate them. It also states that no disadvantage should be imposed; that they can only be applied to the interpretation of the 2010 Equality Act: And that they must always be implemented on a proportionate and justified basis. The Supreme Court makes it clear that transgender people are as equally protected under the characteristic of “*gender reassignment*”, as lesbian and gay people are under the characteristic of “*sexual orientation*”. So, it is still possible for any group to include or exclude transgender women, but they must become open to men and women alike: and cannot be “*women’s groups*”. The Women’s Institute has admitted transgender women for decades; and may be trying to avoid this, by creating a separate “*sisterhood group*”.

However, these are not just issues which demand access: The motives, timescales and methods of management of these two approaches differ to the extent that what one side considers to be those of compassion and concern, are almost inevitably regarded as recruitment, grooming, capture, and coercion by the other, it is essential to get the diagnosis correct. The law does not change, but the diagnosis does. Instead of treating the expression of transgender conditions as a personality variation and a human right: The decision of the Court to treat it as a personality disruption, reduces it to a permission instead. Instead of an approach which seeks to maximise the inclusion of transgender people in everyday life on the grounds that transgender conditions are personality variations and searches for coherence of identity: where there is no more danger to other women than for any woman because these are searches for identity, not drives of sex: The Court instead advocates an approach of caution and exclusion on the understanding that transgender conditions must be treated

as potential dangers to women; and threats to women's identities, because it considers they are perversions, paraphilias or disruptions driven by motives of desire, behaviour and sex. We have noted that transgender people are a small and often hidden minority in the community. Although people experience the impact, they cannot be aware of how pre-cognitive development proceeds. For most people it is natural to assume that gender identity should be congruent with biological sex. So, this total disregard of all of these advances in understanding of early development, along with the misdiagnosis of transgender conditions as perversions, paraphilias or disruptions of the gender role, driven by motives of sex, leads people to dismiss these crucial features of early development: To believe that transgender conditions are only sexually motivated disturbances of the gender role: And to claim that their own condemnations of all gender and sexually variant behaviour is the return to "common sense values": which are associated with a populist and a "woke" approach.

Without proof of it being correct, there cannot be legitimacy for any approach, "woke" or otherwise, which bases its arguments on an ideology which alleges that cognition and sexual motives alone to drive development forward; and ignores the effects of the massive neural and cognitive changes that happen during the first three to four years of life. In my own studies I show that, far from being able to ignore what happens during this period, it is of critical importance instead. This understanding is further confirmed in my own research, which seeks to explain in more detail, how pre-cognitive development takes place. It should therefore be expected that any Court would make a comparison between the scientific consensus adopted now by the World Authorities and Professional Medical Institutions: Because they do take account of pre-cognitive developments and recognise that gender and sexual identities are both core elements of the personality that is created. Then identify transgender conditions as personality variations, or disruptions: And then decide if their expression is a human right. Yet from the evidence that is presented in the Court Judgement; and in the later statements by Lord Hodge, it would appear that no such attempt was made. The only; and indirect, reference to the worldwide scientific consensus, which treats transgender conditions as personality variations: Is the allegation that it is uncertain and incorrect. Requests for interventions by the "Good Law Project" and other expert opinion, which could have provided a counterpoint to these arguments were rejected by the Court without explanation. The approach of "*Autogynephilic Transsexuality*" which assumes the transgender conditions are sexually motivated perversions of (male) homosexuality: In which the sexual desire and love for others is instead turned inwards towards oneself, was first put forward in 1989 by one Canadian clinic which was later shut down. Even when it was first being put forward, the theory was being challenged by many as being out of date, and incorrect: It was only developed for male-to-female transsexuals. It ignores female to male transsexuals, and no equivalent autogynephilic parallels for these people have been found. It fails to deal properly with non-binary roles, it does not provide adequate descriptions for the wide range of transgender conditions., and its focus on love and sexual motives; instead of expressions of identity, did not match the lived experience of transgender people, as they were then known to exist.

My own concern over these matters began in the 1980s when I realised that a better understanding of early development was needed. It begins with the work of René Girard; an anthropologist, in the 1950s and Richard Dawkins; an evolutionary biologist, in the 1970s. Another major contributor is Vittorio Gallese, a neurologist; in the 1990s, although the work of many others, including Schore, Dennett, Garrels, Hood, Mitchell, Wrangham, Fordor, Goldman and many more have also been used. Girard based his understanding on the process of imitation, but this is not just the desire to imitate: It is the result of an innate overwhelming force. And, by using the processes of possessive imitation, empathy, and inhibition: development proceeds through the interlinking of initially independent and disorganised strands of thought, into more complex components of identity: by which core elements of personality may be formed. In 1976 Richard Dawkins defined a meme as a unit of culture (a tune, idea, catchphrase, fashion, or way of building) that replicates and spreads from person to person through imitation, teaching, and other forms of communication. Each of these memes compete for space in our memories and to be copied and passed on. Those that are useful replicate strongly and those which are not, diminish or die out. Individual memes also group together to form "*memeplexes*" or "*co-adapted meme complexes*" where; languages, traditions, scientific theories, or entire religions can be formed. However, these are not passive processes. Girard argued that the drive is so strong that only minor influences or variations from very early in life, can trigger the direction of development takes: Where the awareness of the original cause is lost. In the 1990s Gallese further developed these processes by focussing on the action of "*Mirror Neurons*" These are brain cells which fire both when we perform an action and when we see someone else perform it. And this forms the basis of a self-reinforcing process; where it has been said that "*the major challenge to be faced is, not to ask how development proceeds, it is instead to ask how these processes can be held in check*". Freud also recognised the existence of this strong innate force, but because he relied on cognition for his explanation, he had to delay consideration of its impact to between the ages of three to five years. From extended studies, Gallese showed the physiological bases for empathy, imitation and inhibition depends on the action of fundamental, powerful, and innate neural forces, involving mirror neurons, possessive imitation, empathy, and the like. These dominate from birth and only gradually come under control as the powers of cognition come into increasing effect. We have seen that modern definitions of gender identity divide it into two components. The first is the "*Core Gender Identity*" which involves the process of "*separating the self from the other*" and creates a deep-seated sense of belonging without any behavioural implications, which involves the search for coherence of identity and not drives of sex. And by conducting an equivalent mapping of neural interconnections; it is argued that strong and stable senses of core gender identities; including incongruent identities are created: Which remain until dementia or physical brain injury destroys the networks which gives them effect. Much more could be stated. But for our purposes this analysis confirms the modern consensus which states that transgender and sexual identities are both core elements of the personality that is created: Therefore, I conclude that transgender conditions are personality variations which search for a coherence of identity: That they are not disruptions of sex: And that transgender women are of no greater danger than all women, in public or private spaces. I also conclude that should be no place for any Court decision or EHRC advice, which enforces a false gender ideology which; instead of coherence of identity, misdiagnoses transgender conditions as "*perversions, paraphilias or disruptions*", and drives of sex: With harm that is now evident, because the diagnosis is incorrect.

This is not a conflict where one should think of enemies. It is a conflict between groups of people on both sides who have very real fears and concerns, who have every right to feel these fears, and to believe that they are justified: when they have

to rely on the information that others, campaigners, hearsay and rumours provide. It is essential that impartial, well-informed resources are provided. Yet within the United Kingdom only one side of the argument is presented by Government, the EHRC and now the Supreme Court; in what is an intense and toxic dispute: And the other is dismissed or ignored. These are not just matters of judgement. I also conclude that they are deficiencies of process; at Government; EHRC; and at legal levels: Which, as well as raising grave concerns over transgender matters, have prevented a correct diagnosis being made. The effect of these failures in the United Kingdom raises serious concerns over our own human rights. And: if what has already happened to transgender issues in the UK; also happened with other UK issues, we should all be concerned about how any withdrawal from the jurisdiction of the European court would affect the protections of all our human rights. This is why I draw these matters to the attention of the European Court of Human Rights, the Supreme Court itself, the UK Government, Parliament, The Parliamentary Women and Equalities Select Committee, and the joint Committee of the House of Commons and the House of Lords on Human Rights.

© Susan Gilchrist 2025 Contact sgen4144@gmail.com Citation and Resource Documents Follow:

Citation: Cite this document as: Gilchrist, S. (2025): "*What Happens when you Misdiagnose Transgender Conditions?*" <https://www.tgdr.co.uk/documents/256P-WhatHappens.pdf>

An overview is available at: Gilchrist, S. (2025): "*What Happens when you Misdiagnose Transgender Conditions: Overview*" <https://www.tgdr.co.uk/documents/256P-WhatHappensOverview.pdf>

See Also:

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

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

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

A list of resource documents follows:

Resource Documents

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

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

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

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

Gilchrist, S. (2025): "*What Happens when you Misdiagnose Transgender Conditions: Abstract*" <https://www.tgdr.co.uk/documents/256P-WhatHappensAbstract.pdf> (Text 1 page)

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Not all of these documents have been completed: But all have been taken as far as necessary for this study
My full bibliography is available at www.tgdr.co.uk Contact at: sgen4144@gmail.com © Susan Gilchrist 2025