**Threats from Transgenderism**

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On sale is my text book, ***Transgender One Shade of Grey: the legal consequences for man & woman, school, sports, politics, democracy,*** with guest chapters on medically transitioning children by paediatrician, Prof J Whitehall, and a psychologist who became disillusioned working in a gender clinic, psychologist Lane Anderson. I also have a shorter slightly different version, *The Little Grey Book on Sex and Transgender.*

Gender neutral pronouns, toilets, sports and change rooms makes us all same-same, hence the theme, ‘one shade of grey’.

The transgender world view is derived from queer theory, a contested philosophical ‘belief’ from the social sciences that there is no common, universal human nature identifying human beings as binary, male or female. This ‘belief’ comes from 20th Century French philosopher, Michel Foucault, who asserted that, ‘nothing in man – not even his body – is sufficiently stable to serve as the basis for self-recognition or for understanding other men’[[1]](#footnote-1). Rather, he says, the idea of an inherent, common human nature is a modern 19th century, Western cultural construction in ‘terms … borrowed from our society’[[2]](#footnote-2), but today, post-modernism allows a person to define their own nature, including their own sexual/gender identity based on how they ‘feel’.

As feelings can be deep and abiding or casual and fleeting, past, present or anticipated, a person’s gender identity is fluid. *All* definitions – in the social sciences, psychological literature, declarations like the Yogyakarta Principles and in gender identity laws – say that gender identity is wholly a social construct, where the mind can dominate over the body, so a person chooses what their nature is to be.

Robert P George says that the mind dominating the body is ‘body-self dualism’[[3]](#footnote-3). It treats a person’s biological ‘hardware’ as irrelevant/incidental to sexual/gender identity. It prioritises a person’s social ‘software’ based on ‘outward social markers, including their name, outward appearance, mannerism and dress’, according to the *Australian Government Guidelines on the Recognition of Sex and Gender*, which requires all official government documents like passports, taxation and Medicare forms to allow a person to legally self-identify as Male, or Female, or X(Indeterminate, Unspecified, Intersex).[[4]](#footnote-4)

This means a biological male can self-identify and be a female, or a person can identify:

* at a point on a spectrum of between 100 per cent male and 100 per cent female – I can be 81 per cent male and 19 per cent female;
* as non-binary, that is, identifying as any of the 58 Facebook genders – pangender, androgynous, bigender, gender questioning, gender queer, gender variant, other, two-spirit, etc ;[[5]](#footnote-5) or
* as ‘genderless’ or ‘unspecified sex’, that is, escaping escape sex and gender categories.[[6]](#footnote-6),[[7]](#footnote-7)

Everyone can have own unique gender identity.

Disturbingly, as Foucault’s theory also allows a person to identity as a rabbit, does such a ‘person’ only have animal rights? Or if a person can identify as supra-human, does this mean that transhumans will have supra-human rights and be more equal than others?

Queer/transgender rejection of a common, universal, innate biological, metaphysical or spiritual human essence, collapses the meaning and purpose of the Universal Declaration of Human Rights.

This transgender world view conflicts with biological world view, termed ‘dynamic unity’ (or ‘hylomorphism’). It takes as self-evident the mind and body operating as an integrated whole, just as Aristotle says, the wax of a candle and its shape are one[[8]](#footnote-8). This understanding of a common, universal hu man nature says that binary, biological sex is self-evident and defined by natural male and female reproductive functions only, as Lawrence Mayer and Paul McHugh say in their landmark 2016 research paper, *Sexuality and Gender: Findings from the Biological, Psychological, and Social Sciences*.[[9]](#footnote-9) The biological world view says conflicts between the mind and body – such as anorexia nervosa, body dysmorphic disorder, body integrity identity disorder and gender dysphoria – are psychological disorders, as defined in the DSM-5, treated by counselling the patient to accept and appreciate their own body, i.e. to love the body they’re in.

It’s a contradiction for transgender ideology to claim that gender identity is wholly a social construct, while also claiming that intersex people are biological evidence that a person can be other than male or female.

The Intersex Society of North America strongly disagrees, saying intersex is a disorder of sexual development, involving various biological anomalies. For example, although over 99% of people are XX female of XY male, there are rare cases of XY women, where part of the Y chromosome is dysfunctional and the embryo defaults to being female. Such androgen insensitive women are often described as being more female in physical characteristics than XX females.

ISNA says the vast majority of intersex people identify with their sex as recorded at birth, while a small number identify as the opposite of their birth sex. ISNA strongly states that Intersex is not evidence of a third human sex or gender.[[10]](#footnote-10) Philosopher Rebecca Rilley-Cooper says that, as intersex is sexual anomaly,

[t]he fact that some humans are intersex in no way diminishes the truth of sexual dimorphism [sex being two distinct forms], any more than the fact that some humans are born missing lower limbs diminishes the truth of the statement that humans are bipedal.[[11]](#footnote-11)

**From social theory to ideology …**

The core of transgender theory is

* gender is fluid,
* child agency; and
* a trilogy authoritarian gender identity laws – birth certificate, anti-discrimination and marriage laws.

This create a coercive framework on health professionals, school teachers and others to support children and adults socially and medically transitioning, on threat of losing their professional accreditation and career. This political agenda morphs queer/transgender theory into a political ideology with a legislative agenda to be imposed on everyone, religious and secular.

It particularly targets children, saying that from birth a child is socially conditioned to believe their sex is only male or female and fixed. Instead, laws need to protect a person’s self-defined sexual/gender identity so, from childhood, a person can choose their gender and claim newly created gender identity rights.

With a low threshold for children to choose their gender identity, these gender identity laws treat children not as minors, but as their own ‘agents’, giving them ‘adult autonomy’ to make decisions independent of parents, teachers, doctors and every adult with a duty of care for children. Children can change their sex, but can’t drink beer, leave school to work or join the army.

Disturbingly, queer/transgender theory is defined as all that is opposed to normal. Normal, according to the 1945 *Yale Journal of Biological Medicine*, means ‘that which functions in accordance with its design’[[12]](#footnote-12). So, the Stanford Dictionary of Philosophy asks, does queer include fetish, S&M and paedophilia? Queer theory cannot answer the question, while some leading queer theorists advocate acceptance of paedophilia, including Foucault[[13]](#footnote-13) and Gale Rubin, who wrote the foundation document of queer theory.[[14]](#footnote-14)

For women, these laws bring their inherent sex based-rights (e.g. to have their own safe spaces) into irresolvable conflict with legally created transgender rights (e.g. the created right of men who identify as women to access female safe spaces).

**... an ideology with three imposed laws …**

1. **Birth certificate law**

A person’s first legal document is their birth certificate, from which a cascade of rights unfold over a lifetime:

* according to age, state funded education, family payments, unemployment benefits and old age pensions;
* custodial and inheritance rights;
* citizenship rights, voting rights and qualification for public office.

From a person’s recognised sex flow an array of sex based rights, privileges, protections and access to services, including a range of identity documents that in turn determine a person’s access to schools, school dormitories and camps, sports, toilets, showers, change rooms, medical insurance and treatments, some forms of counselling, domestic violence shelters, scholarships and jobs under affirmative action programs, sex specific clubs, gay and lesbian organisations, ... and the list goes on. Sex identification is also important in medical research, for national security, government planning and provision of services, prison accommodation and police body searches.[[15]](#footnote-15)

Now birth certificate law is being changed so that a birth certificate sex identifier records a person’s gender identity, not biological sex. On these, male and female are no longer biological terms, but cisgender, self-identified terms.

1. **Discrimination laws**

Second, new discrimination laws make it illegal to treat a person differently because of their gender identity. This definition from the US *Equality Act* Bill, which passed in the Congress with overwhelming support from the Democrats but blocked in the Senate, was adopted in Australian federal law in 2013. It says: The *Equality Act* Bill says gender identity means:

the gender-related identity, appearance, mannerisms, or other gender-related characteristics of an individual, regardless of the individual’s designated sex at birth.[[16]](#footnote-16)

Here it says, gender means gender, which is a circular argument.

The gender-related identity, appearance, mannerisms etc. are sex related characteristics. Boys wear trousers, girls wear dresses.

“Regardless” of the individual’s designated sex at birth? Sex is not designated, it is recognised, and as gender identity is always defined against biological sex, therefore this phrase actually means the opposite, i.e. gender identity is “with regard sex designated at birth.”

This ambiguous, conflicted Australia law will also be US law if the Democrats win the next presidential, senate and congressional election.

If that definition appears ridiculous, consider the even more ridiculous definition of sex in the *Equality Act* Bill. Avoiding the definition of sex by reproductive function, it says sex means:

(A) a sex stereotype;

(B) pregnancy, childbirth, or a related medical condition; and

(C) sexual orientation or gender identity.[[17]](#footnote-17)

All definitions of gender identity depend on the biological reality of sex. A person cannot be non-binary unless there are binary humans in the first place. A person can’t be on a spectrum between 100% male and 100% female unless there are first biological males and females, which begs the question: are we all on this spectrum somewhere, or are we all just male and female? Transgenderism is so shallow it cannot answer its own conundrum.[[18]](#footnote-18)

In Australia, the federal *Sex Discrimination Act* makes gender identity a protected attribute and has wide coverage, including state schools. Schools are required to support children transitioning, the allow a boy who identifies as a girl to access the girls toilets, showers, change room, dormitories and camps, to teach students to use transgender pronouns and to allow transgender to dress in accordance with their chosen sex. While faith based schools are exempt from this law, there is a major push to remove their “religious right to discriminate.”

**Marriage law**

Third, Australia and NZ laws goes far beyond same-sex marriage to recongise transgender marriage, the union of two people by their gender identity: a biological male can identify as female, marry a biological woman and claim to be in a lesbian marriage; two biological men, one identifying as female, can be in a heterosexual marriage; a pangender can marry a gender queer.

Redefining human identity redefines human relationships, dissolving the meaning of man+woman marriage and biological family. As the Congregation on Catholic Education said recently, if “there is no pre-ordained duality of man and woman in creation, then neither is the family any longer a reality established by creation.” (p19)

**… that create an authoritarian state.**

This trilogy of gender identity laws put at risk sex based rights of biological women from males who identify as women claiming the right to access ­female-only schools, gyms, clubs, toilets, showers, change rooms, sports, scholarships, jobs for ­females under affirmative action programs, lesbian organisations and funding from charities to benefit biological women.

There have been cases of violent male ­prisoners who identify as women have raped other female­ prisoners when housed in female prisons.

At the same time, these law put legal service obligations for transgenders on doctors, nurses, counsellors, pharmacists, teachers, parents, marriage celebrants, wedding service providers, and many others, on threat of discrimination charges and penalties, with professionals losing their accreditation and employment.

In 2018, 55-year-old Christian Dr David Mackereth had his contract terminated as a medical assessor for the UK Department of Work and Pensions for refusing to address transgenders with gender neutral pronouns. He was said to be non-compliant with the UK *Equality Act* 2010.[[19]](#footnote-19)

In 2015, Canadian psychologist and sexologist Professor Kenneth Zucker – who headed the American Psychiatric Association 2013 committee to establish the diagnosis and treatment of gender dysphoria for the *DSM 5* – was stood down as head of Toronto’s Centre for Addiction and Mental Health (CAMH) gender identity health clinic, the largest in Canada, and his unit was then closed. Zucker supports use of hormones and surgery for transitioning adults and teenagers, but adopted a “watch and wait” approach to counselling younger children with gender dysphoria. This is based on long experience and a review of the research on gender dysphoria by Alexander Korte et al, which showed that between 80 per cent and 97.5 percent children with gender dysphoria identify only with their birth sex in adulthood.[[20]](#footnote-20),[[21]](#footnote-21)

They suffered whole or partial loss of employment. Dr Mackereth expressed a religious “belief” about the nature of human sexuality, while Professor Zucker’s case, he held a “belief” about the provisions of services, over the appropriate treatment of children with gender dysphoria based on his experience as a psychologist and sexologist.

On the one hand, this week a California appeals court ruled that discrimination charges against Mercy San Juan Medical Center, a Catholic hospital can proceed over the cancelation of a hysterectomy on a transgender female-to-male, even after the hospital transferred the surgery to a non-Catholic facility.[[22]](#footnote-22) On the other hand, in 2009 three Australian transsexuals sued the Monash Gender Clinic, which settled out of court and temporarily closed, for misdiagnosing gender dysphoria instead of other psychological illness.[[23]](#footnote-23) So, doctors could face discrimination charges for not transitioning a person, and then face claims for damages if they do medically and surgically transition patients who later regret. The same issues face schools over children transitioning.

For medical professionals, redefining human nature redefines traditional medical ethical principles.

So, who determines what are human rights if there is no common human nature? Answer: the politically strongest and best organised, those out to crush all that is normal in biology, family and religion. The transgenderism push is from well organised global activist networks among NGOs, corporations, government human rights agencies, and politicians, with global funding and recruiting centres for research and campaigns. Recently at the UN, Western nations are being joined by many Latin American and emerging nations to support the UN International Law Commission push to recognised gender identity in place of sex in the new International Crimes against Humanity Treaty.[[24]](#footnote-24)

Once tolerant democracies, that maintained an open public square where all religious and secular beliefs could be contested, are now imposing the transgender ‘belief’ on all citizens.

This is analogous to the state making the Catholic religion a protected attribute in anti-discrimination law, imposing Catholicism on state schools, all medical professionals, and requiring atheist organisations to employ Catholics. Imposing Catholicism on everyone would be the mark of an intolerant, authoritarian state.

To appropriate Rabbi Jonathan Sacks, gender identity laws threaten the legal and cultural war of all against all.[[25]](#footnote-25)

**Transgenderism versus science**

Transgenderism flys in the face biological science, that says sex is defined by immutable reproductive function. This definition was reinforced by recent Weismann Institute research that found 6,500, one third, of all 20,000 human protein coding genes express differently in men and women.[[26]](#footnote-26) Weismann’s research adds weight to the US National Academy of Medicine 2001 statement that all medical research needs to be conducted separately on men and women because their biological differences so profound that it has led to a whole new area of medicine called ‘sex based biology’.[[27]](#footnote-27)

**Solution to legal and cultural conflicts**

Finally, the solution is very simple, but politically difficult. If sex is defined by ‘natural reproductive function’ in laws to restore the sex-based rights of women and men, all the legal conflicts between the transgender and biological world views would evaporate.

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**Postscript: The Church**

Transgenderism is set to impact the sacramental, liturgical and cultural life of the Church.

Can an altar boy become and alter girl, then a special minister?

Can a 5 year-old boy who identifies as a girl be baptised a girl?

What happens if a transgender presents for confirmation, communion or for seeks to become a brother and nun or priest?

What happens in Catholic schools, particularly if state anti-discrimination gender identity laws are imposed to force schools to support transgender children? The official policy of some dioceses is non-cooperation with children transitioning, but whether schools follow this policy is another question.

1. Michel Foucault, “Nietzsche, Genealogy, History”, first appeared in *Hommage a Jean Hyppolite* (Paris: Presses Universitaires de France, 1971), pgs. 145-72. Sourced at <https://noehernandezcortez.files.wordpress.com/2011/04/nietzsche-genealogy-history.pdf> pg. 87. [↑](#footnote-ref-1)
2. Review of *Noam Chomsky and Michel Foucault, Human Nature: Justice vs Power. The Chomsky-Foucault Debate*, edited by Fons Elders (London: Souvenir Press, 2011), by Asger Sørensen, *Foucault Studies,* No. 16, pgs. 201-207, September 2013. <https://www.google.com.au/url?sa=t&rct=j&q=&esrc=s&source=web&cd=1&ved=0ahUKEwitweD-kPbbAhVEkZQKHW59AzwQFggpMAA&url=https%3A%2F%2Frauli.cbs.dk%2Findex.php%2Ffoucault-studies%2Farticle%2Fdownload%2F4132%2F4539&usg=AOvVaw39tclM43BHhl0v2K1wOgfv> [↑](#footnote-ref-2)
3. Robert P. George, “Gnostic Liberalism”, *First Things,* December 2016. <https://www.firstthings.com/article/2016/12/gnostic-liberalism> Accessed 13 December 2016.

For a more extensive discussion of the debate over body-self dualism and hylomorphism, see Patrick Lee and Robert P. George, *Body Self-Dualism in Contemporary Ethics and Politics,* Cambridge University Press, 2008. [↑](#footnote-ref-3)
4. Attorney General’s Department, ‘Australian Government Guidelines on the Recognition of Sex and Gender’, (Cth)(July 2013, Updated November 2015) 9 (Attorney General’s Department, ‘) <<https://www.ag.gov.au/Publications/Documents/AustralianGovernmentGuidelinesontheRecognitionofSexandGender/AustralianGovernmentGuidelinesontheRecognitionofSexandGender.PDF>> [↑](#footnote-ref-4)
5. Russell Goldman, ‘Here's a List of 58 Gender Options for Facebook Users’, American *ABC News* (13 February 2014) <<http://abcnews.go.com/blogs/headlines/2014/02/heres-a-list-of-58-gender-options-for-facebook-users/>> [↑](#footnote-ref-5)
6. Attorney General’s Department, ‘Australian Government Guidelines on the Recognition of Sex and Gender’, Op. cit. [↑](#footnote-ref-6)
7. See a similar range of gender identities described by Friedemann Pfäfflin, ‘Medical/Psychological Views’, in Jens M Sharpe(ed) *The Legal Status of Transsexual and Transgender Persons* (Intersentia Ltd, Cambridge, 2015) 19. [↑](#footnote-ref-7)
8. Aristotle, *De Anima* ii 1, 412b6–9 [↑](#footnote-ref-8)
9. Lawrence S. Mayer, M.B., M.S., Ph.D., Paul R. McHugh, M.D., *“*Sexuality and Gender: Findings from the Biological, Psychological, and Social Sciences”, *The New Atlantis*, Number 50, Fall 2016, pg. 87. <http://www.thenewatlantis.com/docLib/20160819_TNA50SexualityandGender.pdf> Accessed 25 August 2016. [↑](#footnote-ref-9)
10. Intersex Society of North America, ‘Does ISNA think children with intersex should be raised without a gender, or in a third gender?’ (Web Page) <<http://www.isna.org/faq/third-gender>> [↑](#footnote-ref-10)
11. Rebecca Rilley-Cooper, “Sex and Gender: a beginner’s guide”. <https://sexandgenderintro.com/> [↑](#footnote-ref-11)
12. CD King, “The meaning of normal”, *Yale Journal of Biological Medicine* 1945;18:493501, pgs. 493-494. <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC2601549/pdf/yjbm00493-0064.pdf> Accessed 15 December 2017. [↑](#footnote-ref-12)
13. Calls for legal child sex rebound on luminaries of May 68,” *The Guardian,* Sat 24 Feb 2001.

<https://www.theguardian.com/world/2001/feb/24/jonhenley> [↑](#footnote-ref-13)
14. *Thinking Sex: Notes for a Radical Theory of the Politics of Sexuality,* 1992. [*http://sites.middlebury.edu/sexandsociety/files/2015/01/Rubin-Thinking-Sex.pdf*](http://sites.middlebury.edu/sexandsociety/files/2015/01/Rubin-Thinking-Sex.pdf) [↑](#footnote-ref-14)
15. Note: for a discussion on these matters, see Theodore Bennett, ‘No Man’s Land: non-binary sex identification in Australian Law and Policy’ (2014) 37(3) *UNSW Law Journal* 864 <<http://www.unswlawjournal.unsw.edu.au/sites/default/files/g2_bennett.pdf>> [↑](#footnote-ref-15)
16. *Equality Act,* H.R.2282, Sec. 1101, Definitions and Rules, (a) (2).

115th Congress (2017/2018). <https://www.congress.gov/bill/115th-congress/house-bill/2282/text> [↑](#footnote-ref-16)
17. Ibid., Sec. 1101, Definitions and Rules, (a) (4). [↑](#footnote-ref-17)
18. Rebecca Reilly-Cooper, “Gender is not a spectrum”, *Aeon*, 28 June 2016. <https://aeon.co/essays/the-idea-that-gender-is-a-spectrum-is-a-new-gender-prison> [↑](#footnote-ref-18)
19. “One word ended Dr David Mackereth’s 26-year career. Now he wants to have his say”, *Mamamia*, 17 July 2018. <https://www.mamamia.com.au/doctor-fired-transgender-pronouns/> Accessed 20 July 2018. [↑](#footnote-ref-19)
20. Korte, A., Goecker, D., Krude, H., Lehmkuhl, U., Grüters-Kieslich, A., & Beier, K. M., “Gender Identity Disorders in Childhood and Adolescence: Currently Debated Concepts and Treatment Strategies”. *Deutsches Ärzteblatt International*, November 2008, *105*(48), 834–841. <http://doi.org/10.3238/arztebl.2008.0834> Accessed 17 April 2017 [↑](#footnote-ref-20)
21. “Gender identity debate swirls over CAMH psychologist, transgender program”, *The Globe and Mail.* 14 February 2016. https://[www.theglobeandmail.com/news/toronto/gender-identity-debate-swirls-](http://www.theglobeandmail.com/news/toronto/gender-identity-debate-swirls-) over-camh-psychologist-transgender-program/article28758828/ Accessed 14 July 2018. [↑](#footnote-ref-21)
22. ‘Transgender California man can sue Catholic hospital over hysterectomy’, Mercy News, September 18, 2019. https://www.mercurynews.com/2019/09/18/transgender-man-can-sue-catholic-hospital-over-hysterectomy/ [↑](#footnote-ref-22)
23. ‘Sex-change clinic “got it wrong”’, The Age, 31 May, 2019. https://www.theage.com.au/national/sexchange-clinic-got-it-wrong-20090530-br3u.html [↑](#footnote-ref-23)
24. UN International Law Commission, ‘Crimes Against Humanity: Comments and observations received by governments, international organisations and others,’ 71st Session, Geneva, 29April-7 June, 8 uly-9August, 2019. [↑](#footnote-ref-24)
25. Jonathan Sacks, *The Home We Build Together*, Continuum, London, 2007, pg. 199. [↑](#footnote-ref-25)
26. “6,500 genes expressed differently in men and women,” Weizmann Institute of Science, 7 May 2017.

<https://weizmann.org.au/2017/05/6500-genes-expressed-differently-in-men-and-women/>

Ezkurdia I, Juan D, Rodriguez JM, Frankish A, Diekhans M, Harrow J, Vazquez J, Valencia A, Tress ML (November 2014). "Multiple evidence strands suggest that there may be as few as 19,000 human protein-coding genes". *Human Molecular Genetics*. 23 (22): 5866–78. [doi](https://en.wikipedia.org/wiki/Digital_object_identifier):[10.1093/hmg/ddu309](https://doi.org/10.1093/hmg/ddu309) [↑](#footnote-ref-26)
27. Katherine A. Liu and Natalie A. Dipietro Mager, “Women’s involvement in clinical trials: historical perspective and future implications”, Pharm Pract (Granada). 2016 Jan-Mar; 14(1): 708. Published online 15 March 2016.

<https://www.ncbi.nlm.nih.gov/pmc/articles/PMC4800017/> [↑](#footnote-ref-27)