



How to speak  
up about

# Gender Identity

Questions & Answers  
Driving the Debate

It's an issue that should matter to us all. Gender identity ideology has created enormous confusion about the definitions of sex and gender and their differences. This ideology has become a prominent social issue and now new policies and laws threaten Americans' Constitutionally-protected fundamental freedoms. It has infiltrated our schools, culture, and government policies—and now affects the lives of everyday Americans.

Gender identity laws and policies raise concerns in the areas of privacy, safety, fairness, liberty, and ideology. The radical redefinition of sex threatens freedom of religion and conscience, freedom of speech, equal protection, and parental rights. Public policy should be informed by evidence, research, and open debate. It is essential to understand how to talk about gender identity and to join the conversation on this growing issue.

Backed by solid research and based on Constitutional principles, this short booklet will help you navigate one of the most pressing issues in America today.



214 Massachusetts Ave., NE | Washington, DC 20002  
(202) 546-4400 | [heritage.org](https://heritage.org)



The common understanding that there are only two sexes in human beings, male and female, determined by each person's biology, has been the cultural norm and the basis for our laws since our nation's founding. Only recently have we seen a shift away from this objective and scientific understanding towards an ideology that says a person's gender is determined by what they believe they are (gender identity) rather than their biological sex, and should be legally recognized.

The transgender movement has rapidly advanced laws and policies that give special rights and protections to some people while infringing on the rights of others. In addressing the conflicts that emerge, the Government must protect everyone's rights and fundamental freedoms.

The introduction of the concept of gender identity into recent legislation raises concerns about privacy, safety, fairness, liberty, and its impact on children. It threatens freedom of religion and conscience, freedom of speech, equal protection, and parental rights. This radical redefinition of sex could dramatically alter our society, creating significant disadvantages for some, particularly women and girls.



All individuals have human dignity and should be treated with respect, including those who identify as transgender. But by labeling realistic concerns and scientific objections as “oppressive,” transgender activists have shut down open, robust dialogue over the consequences of gender identity policies. The serious real-world effects of gender identity policies on individuals and communities must be taken into consideration. Many treatments promoted by transgender activists are untested, can cause serious side effects, and come with irreversible developmental consequences when performed on children.



It is important to understand what gender and sex mean, and how gender identity policies can impact our freedoms and increase difficulties faced by individuals who feel uncomfortable with their bodies. To do this we must be equipped to address questions like:

- **What** are sex, gender, and “gender identity”?
- **What** do “gender dysphoria” and “transgender” mean?
- **How** do gender identity policies affect me and my community?

# 1. What are sex, gender, and gender identity?

The best biology, psychology, and philosophy all support an understanding that sex is a bodily reality and that gender is a social manifestation of bodily sex.<sup>1</sup> By contrast, “gender identity” is an internal sense of gender.

## SEX

Sex is a biological reality, referring to an organism’s overall organization towards sexual reproduction. In human beings, just like every other species that sexually reproduces, this organization includes the chromosomes we inherit from our parents and the reproductive organs, systems, genitalia, and hormones that develop as a consequence. As there are two reproductive systems, there are two sexes.

This organization isn’t just the best way to figure out which sex you are. It’s the only way to make sense of the concepts of male and female.

## GENDER

Gender, by contrast, is the way one expresses their biological sex. We shouldn’t pretend that there are no differences between male and female, because the biological reality is that there are—we also

shouldn’t get trapped in rigid gender stereotypes.

Transgender activists deny that sex is a bodily reality. They argue that one’s perceived gender identity represents who a person really is even if it goes against their biological sex. They deny biological reality by suggesting that biological sex was merely “assigned at birth.”

## GENDER IDENTITY

According to the American Psychological Association, “Gender identity refers to a person’s internal sense of being male, female or something else.”<sup>2</sup> It is distinct from either sex or gender. Activists claim it is a person’s “internal sense of gender.” They also assert that it’s more than just male or female; it’s fluid and there is a spectrum of various options beyond man and woman, like “gender fluid,” “intergender,” or “non-binary.”





## 2. What do gender dysphoria and transgender mean?

Gender dysphoria refers to the distress someone experiences when they have a disconnection between their bodily sex and internal sense of gender. The diagnostic label gender identity disorder (GID) was used by the Diagnostic and Statistical Manual of Mental Disorders (DSM) until its reclassification as gender dysphoria in 2013, with the release of the DSM-5.<sup>3</sup>

Transgender can refer to a man who identifies as a woman, or a woman who identifies as a man. Some activists go so far as to say that a “trans woman” (that is, a man who identifies as woman) is a woman.

Not all people who suffer from gender dysphoria identify as transgender and not everyone who identifies as transgender suffers from gender dysphoria.

## 3. How do gender identity policies affect me and my community?

New transgender policies raise five distinct areas of concern—privacy, safety, equality, freedom, and child development.<sup>4</sup> They threaten freedom of religion and conscience, freedom of speech, equal treatment, and parental rights.

### PRIVACY

Privacy concerns arise when men who identify as women can enter female-only spaces. For example, when changing for gym class, most high-school girls don’t want to see or be seen by boys who identify as girls. The reason we have separate facilities in the first place is not because of “gender identity” but because of the bodily differences between males and females.

## SAFETY

Preventing sexual assault is another major area of concern when “gender identity” determines who may enter a women-only space. Public safety experts such as Kenneth V. Lanning, a former FBI Supervisory Special Agent assigned to the Behavioral Science Unit and the National Center for the Analysis of Violent Crime at the FBI Academy for 20 years, explains that predators abuse gender-identity policies to gain access to victims, while victims and law enforcement become less likely to report incidents for fear of having misunderstood and being accused of discrimination.<sup>5</sup> The primary concern is not that people who identify as transgender will victimize women, but that predators will exploit gender identity policies to do so.

## FAIRNESS

Gender identity creates unfairness when biological males compete against females in sports and other activities. It also reduces girls' chances to win athletic scholarships. Already several high-school girls have lost state championships to boys who were allowed to compete against them. These two boys have won 15 girls' state championships that were held by 10 females in the previous year. A man who identifies as transgender has also won a women's cycling world title.<sup>6</sup>

Predators abuse gender-identity policies to gain access to victims, while victims and law enforcement become less likely to report incidents, according to former FBI Supervisory Special Agent Kenneth V. Lanning.



## LIBERTY

Transgender policies also violate our freedom of speech and freedom of conscience by forcing people to speak or act in ways contrary to their personal judgement and deeply held beliefs. In New York City, you can be fined up to \$250,000 for “misgendering” (i.e. failing to use someone’s preferred pronouns).<sup>7</sup> Both a high school teacher and a college professor have been sanctioned by their employers for using biologically correct terms with their students.<sup>8</sup>

Transgender activists argue that a medical provider should be forced to provide “sex-reassignment” surgeries for gender dysphoric patients even if it violates their freedom of religion or conscience. Catholic hospitals are being sued for declining to perform these surgeries. In its last year, the Obama administration issued a mandate forcing health-care plans to cover sex-reassignment procedures and forcing qualified physicians to perform them. That mandate was stopped in the eleventh hour by a federal judge. The Trump administration’s Department of Health and Human Services then proposed a rule to rescind this regulation. However, this is not a permanent fix. Congress or a future administration could still take action to force medical professionals to act against their best medical judgment in these cases.

## CHILD DEVELOPMENT

Transgender ideology is now promoted in schools, where children are taught that gender is fluid, falls along a spectrum, and is detached from bodily sex.<sup>9</sup> In addition, activists seek to punish anyone who expresses any reservations about radical treatment plans for gender dysphoric children. These plans can include socially transitioning children as young as 4, administering puberty blocking drugs as young as 9, cross sex-hormones as young as 14, and surgery as young as 18. This ideology threatens parental rights. In Ohio, a Catholic family lost custody of their daughter when they opposed treatment of gender dysphoria with cross-sex hormones.

According to the DSM-5 as many as **98%** of gender-confused boys and **88%** of gender-confused girls eventually **accept their biological sex** after naturally passing through puberty

## WHAT DOES THE RESEARCH SAY?

The view that social and medical “transition” is the appropriate treatment for people, including children, who feel at odds with their biological sex is becoming more widely accepted. However, “transitioning” treatment, including puberty blocking hormones for children and sex change surgeries for teens and adults, come with serious consequences.<sup>10</sup>

Today parents are told that puberty blockers and cross-sex hormones may be the only way to prevent their children from committing suicide. However, according to the DSM-5 as many as 98% of gender confused boys and 88% of gender confused girls eventually accept their biological sex after naturally passing through puberty.<sup>11</sup>

Meanwhile, radical gender affirming therapies pose serious medical risks, including “disfiguring acne, high blood pressure, weight gain, abnormal glucose tolerance, breast cancer, liver disease, thrombosis, and cardiovascular disease”—and, of course, sterility.<sup>12</sup>

Puberty-blocking therapies and cross sex hormones are non-reversible, largely untested, and highly dangerous, especially for children. Sex-reassignment surgeries have not been shown to reduce the extraordinarily high rate of suicide attempts among people who identify as transgender (41

percent, compared with 4.6 percent of the general population).<sup>13</sup>

As pointed out by the Obama Centers for Medicare and Medicaid, the most thorough study on outcomes for transgender individuals, a study from Sweden spanning 30 years, found a 19 times-greater likelihood for death by suicide.<sup>14</sup>

The most helpful therapies for children experiencing gender dysphoria do not try to remake the body to conform with thoughts and feelings—which is impossible—but rather to help people find healthy ways to manage their tension and move toward accepting the reality of their bodies.<sup>15</sup> Unfortunately, 15 states have passed laws banning talk therapy for minors who struggle with gender dysphoria, and there is a bill in Congress which would do the same.





# Endnotes

- 1 See Ryan T. Anderson, *When Harry Became Sally: Responding to the Transgender Moment* (2018), chapters 4 and 7.
- 2 American Psychological Association, "Transgender People, Gender Identity, and Gender Expression," <https://www.apa.org/topics/lgbt/transgender> (accessed September 16, 2019), and "Report of the Task Force on Gender Identity and Gender Variance" (2009), <https://www.apa.org/pubs/info/reports/gender-identity> (accessed September 16, 2019).
- 3 See Anderson, *When Harry Became Sally*, pp. 28, 94-95, on the evolution of the DSM.
- 4 See Ryan T. Anderson, "A Brave New World of Transgender Policy," *Harvard Journal of Law and Public Policy* Vol. 41, No. 1 (2018), available at <https://ssrn.com/abstract=3113625>.
- 5 Ryan T. Anderson and Melody Wood, "Gender Identity Policies in Schools: What Congress, the Courts, and the Trump Administration Should Do," March 23, 2017, <https://www.heritage.org/education/report/gender-identity-policies-schools-what-congress-the-courts-and-the-trump> (accessed September 16, 2019).
- 6 "Rachel McKinnon becomes first transgender woman to win track world title," *Cycling Weekly*, October 17, 2018, <https://www.cyclingweekly.com/news/latest-news/rachel-mckinnon-becomes-first-transgender-woman-win-track-world-title-397473> (accessed September 16, 2019).
- 7 "NYC Commission on Human Rights Announces Strong Protections for City's Transgender and Gender Non-Conforming Communities in Housing, Employment and Public Spaces," December 21, 2015, <https://www1.nyc.gov/office-of-the-mayor/news/961-15/nyc-commission-human-rights-strong-protections-city-s-transgender-gender>.
- 8 Monica Burke, "This Teacher Was Fired for 'Misgendering' a Student. Who Could Be Next?," December 10, 2018, <https://www.dailysignal.com/2018/12/10/this-teacher-was-fired-for-misgendering-a-student-who-could-be-next/> (accessed September 16, 2019); and Nicole Russell, "This Teacher Came Out to His Students as Transgender, and Expects Them to Go Along With It," June 6, 2019, <https://www.dailysignal.com/2019/06/06/this-teacher-came-out-to-his-students-as-transgender-and-expects-them-to-go-along-with-it/> (accessed September 16, 2019).
- 9 Ryan T. Anderson, "Understanding and Responding to Our Transgender Moment," *Fellowship of Catholic Scholars Quarterly*, Vol. 41, No. 1, 2018, available at <https://ssrn.com/abstract=3172277>.
- 10 Ryan T. Anderson, "Understanding and Responding to Our Transgender Moment," *Fellowship of Catholic Scholars Quarterly*, Vol. 41, No. 1, 2018, available at <https://ssrn.com/abstract=3172277>.
- 11 American Psychiatric Association: *Diagnostic and Statistical Manual of Mental Disorders*, Fifth Edition (Arlington, VA, American Psychiatric Association, 2013), pp. 451-459. See page 455 re: rates of persistence of gender dysphoria.
- 12 Paul W. Hruz, Lawrence S. Mayer, Paul R. McHugh, "Growing Pains: Problems with Puberty Suppression in Treating Gender Dysphoria," *The New Atlantis* Vol. 52 (Spring 2017), <https://www.thenewatlantis.com/publications/growing-pains>.
- 13 Williams Institute, "Suicide Attempts among Transgender and Gender Non-Conforming Adults Findings of the National Transgender Discrimination Survey" (2014), <https://williamsinstitute.law.ucla.edu/wp-content/uploads/AFSP-Williams-Suicide-Report-Final.pdf>.
- 14 Centers for Medicare & Medicaid Services, "Proposed Decision Memo for Gender Dysphoria and Gender Reassignment Surgery," <https://www.cms.gov/medicare-coverage-database/details/nca-proposed-decision-memo.aspx?NCAId=282>.
- 15 See Anderson, *When Harry Became Sally*, chapter 6.