

# Reframe Legal-Sex-Change “Trans” Laws as Targets for Abolition Not Reform

By Twiss Butler and Patrick Butler

Its critics currently frame Trans as a belief system, which they generally term “gender identity ideology.” Challenging something on the basis of belief relies on showing the belief is not well-founded in reality. But belief systems are usually resistant to such challenges because these systems are instrumental in nature—they accomplish something valuable for adherents.

Therefore, let’s look at the instrumentality interests behind a belief in trans. Examination of what trans promises and what trans requires of society serves as a two-part definition.

First, trans is the promise that legally identifying as the opposite sex will fix many kinds of problems ranging from children’s dysphorias to men trapped in the wrong body or the wrong prison. But second, the catch to this promised panacea is that in order for it to fix problems, all of society must be legally compelled to express a belief in the panacea and therefore to accept without complaint the entry of trans people into the single-sex spaces and activities of the opposite sex, and all of society must refer to trans people by the pronouns and family titles of the opposite sex or by made-up pronouns and titles.

This two-part definition of trans—promise and compulsion—is consistent with Helen Joyce’s definition of the term “legal-sex-change” which she uses throughout her book *TRANS: When Ideology Meets Reality*.

We know that when trans people say gender identity, they actually mean sex identity; they want to have the sex designations on their government documents changed from male to female and vice versa. Right now, predatory men are getting what they want with the help of law.

It’s up to legal scholars to catalog the many laws, regulations—including those of school districts—and court decisions that compel obedience to the demands made by promoters of legal sex change, but here are three examples.

- The US Department of Agriculture threatens to end its school lunch subsidies if a school district refuses to teach children that they are free to choose an opposite sex identity.
- In New York City, anyone who openly objects to allowing legal sex to be changed is subject to fines for what local law defines as “harassment.”
- In many states, laws or court decisions require that the sex recorded on birth certificates be changed on request to the opposite sex including that evidence of the change be concealed from the public.

Unfortunately, framing the trans debate as one belief versus another belief muddles the issue. Therefore, we should consider reframing the debate. “Yes or no, should anyone be allowed to change the sex designated on their driver’s license?” Voters also must be made aware of the impact on the integrity of public records if random changes are allowed. Crime records are already reporting an increase in the number of convicted “female” rapists as men who identify as women seek incarceration in women’s prisons.

In talking to voters, we must avoid using confusing words like gender and make our case on the basis of sex. Our case is simply about repealing laws backing legal sex change and about reversing such changes already made on government documents. The words used by trans promoters are like the magician's trick: while you're looking at one hand apparently changing an ill-defined "gender identity," you miss seeing the hand behind the back in reality changing a very concrete legal sex.

Imagine this scenario, a sheriff in Oklahoma responds to a call from a local MacDonalds that there's a man with a beard in the women's room. The man shows the sheriff his New York driver's license whose sex is marked "female" and claims a legal right to be there. The sheriff, concerned about being accused of wrongful arrest, sides with the bearded man that as legally female, albeit by another state's law, the bearded man is entitled to use the women's room.

Legal sex change cannot be reformed. No matter how restrictive the reform might be, a law allowing any sex change on documents at all would attract the most determined predators. Therefore, legal sex change must be abolished. Abolition, however, would not affect the civil rights and civil liberties that cross-dressers and woman-face entertainers would continue to share with the rest of society. But it would eliminate legal compulsions on everyone to condone such woman-mocking activities as a civil right for men. Instead of legal backing, predatory men would once again be punished for intruding into women's spaces and activities.