

Reframe Legal-Sex-Change “Trans” Laws as Targets for Abolition

Twiss Butler and Patrick Butler
September 23, 2022
Updated June 22, 2024

Critics currently frame Trans as a belief system, which they term “gender identity ideology.” And critics of something based on beliefs tend to rely on showing why the beliefs are not realistic. But Trans beliefs are resistant to such criticisms because they are instrumental in nature—they produce a wide variety of results much valued by different trans promoters.

Therefore, let’s look at the instrumentality interests behind trans laws. Examination first of what trans laws promise and then what they require of society serves as a two-part definition of trans.

First, trans laws promise that legally identifying as the opposite sex will fix many kinds of personal problems ranging from children’s dysphorias to men trapped in the wrong body or the wrong prison. But second, the catch to this promised fix-all is that in order for legal sex change to fix problems, all of society must be legally compelled to express a belief in this single fix-all 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.*

We know that when trans people say gender identity, they mean sex identity; they want to have the sex designations on their government documents changed from male to female and vice versa. And it’s up to legal scholars to catalog the many laws, regulations (including school district regulations), 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, opposing as separate issues each of the many negative consequences of allowing legal sex change is confusing to the public and tends to rely on experts in each area affected. Therefore, we should consider a simple reframing the debate to a single question. Simply ask the public “yes or no, should anyone be allowed to change the sex designated on their birth certificate and driver’s license?” Voters can readily use life experience and imagination—

* This two-part definition of trans laws—promise and compulsion—is consistent with Helen Joyce’s definition of the term “legal-sex-change” which she uses throughout her 2021 book *TRANS: When Ideology Meets Reality*.

augmented by news reports—to make their own cases against allowing people to change sex legally.

Voters can imagine this scenario: A sheriff in Oklahoma responds to a call from a local MacDonalds that there's a man in the women's restroom. 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 man that as legally a woman, albeit by another state's law, the man is entitled to use the women's restroom.

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. In fact, as demonstrated by the outrageous 2024 Department of Education regulations, the possibilities for medical and social entrepreneurs afforded by legal sex change are boundless. Resisting each new compulsory consequence of allowing legal sex change looks like a whack-a-mole task. Therefore, except to correct clerical error, we conclude that legal sex change must be abolished.

The abolition of allowing people to change their legal sex can be accomplished by straightforward simple legislation understandable to all such as the "Defining Sex Act" proposed by The Heritage Foundation and the "Women's Bill of Rights" (WBOR), which has been introduced in Congress and in several states. Both establish clear and consistent biological definitions of male and female in laws. WBOR legislation has been adopted by Governors' orders in several states and was enacted into law in 2023 by the Kansas legislature.

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 getting legal backing, predatory men would once again be punished for intruding into women's spaces and activities.