

Reframe Abortion Laws and Legal-Sex-Change Laws as Targets for Abolition Not Reform

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In 1848 in Seneca Falls, New York, delegates to the first women's rights convention adopted a resolution highly relevant to today's abortion and trans laws. It says:

Resolved, That the women of this country ought to be enlightened in regard to the laws under which they live, that they may no longer publish their degradation by declaring themselves satisfied with their present position, nor their ignorance, by asserting that they have all the rights they want.

To this day, the position on which women remain unenlightened is their exclusion as a class from the constitutional guarantee of equal protection of the law that is granted to all men as a birthright. As John Adams told his wife Abigail in 1776, "We know better than to repeal our masculine systems."

So how can members of WDI USA enlighten women about the "masculine systems" embodied in anti-abortion and pro-trans laws? First, it is about the framing of abortion law by abortion's liberal defenders. They defend the right to abortion as an issue of moral belief versus choice. For example, law professor Alan Dershowitz framed abortion this way and used it to threaten women supporting the Dworkin-MacKinnon anti-pornography civil rights ordinance. He wrote

the pornography issue is one of choice and freedom—much like the debate over abortion. On one side of the scale are practices that some believe are immoral and dangerous (pornography and abortion). On the other side is the right of individuals to choose to engage in such practices.

In other words, you take away our first amendment right to pornography and we'll take away your privacy right to abortion.

But framed accurately, abortion laws are in fact pure sex discrimination against women. No man is directly affected by such laws. Rather it's an inequality issue not a moral one. What does this sorry history of mis-framing of anti-abortion laws as a battle of beliefs say about the current framing of trans laws?

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 of trans.

First, trans is the promise that legally identifying as the opposite sex will fix many different 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 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*.

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, and court decisions that compel obedience to the demands of legal sex changers, but here are three examples.

- The US Department of Agriculture threatens to end its school lunch subsidies if a school 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 as an issue of discrimination against women in which both sides can be easily understood. “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 “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 present 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 presumably changing gender identity, you miss seeing the hand behind the back actually changing legal sex.

As is true with prostitution, 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 misogynistic 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. That would be a major victory for women!