

From Hospitals to Schools, Gender Identity is Erasing Sex in Public Institutions

American public policy is wholly saturated with gender identity. Vulnerable populations like students and patients suffer the consequences



by Phyllis Chesler

In early 2021, I sat in the waiting room of a New York City hospital awaiting my first vaccine shot for COVID-19 – a virus known, even then, to [differentially impact](#) men and women. The attendant handed me a form to fill out, which asked if I was a “trans-woman,” a “trans-man,” “non-binary,” “bisexual,” “don’t know,” or whether I was a “man” or a “woman.” Some of the older people in line with me, people from Asia, Africa, and South America, whose English was slightly compromised, asked me, worriedly, “What’s the right answer?”

I laughed and said, "There is no right answer."

But I was stunned, mystified. Why and when did all these gender identity descriptors become official government policy? How long had this been going on? Who or what was behind it? Had this all happened, in part, via "stealth" as Sheila Jeffreys, in her upcoming and powerful book: *Penile Imperialism: The Male Sex Right and Women's Subordination* suggests? Or had I just been so isolated by the pandemic that I didn't get the memo?

In fact, gender identity descriptors have been underway for a long time. I certainly noticed it when Women's Studies, which I had pioneered, became Gender and Sexuality Studies, (later Gender/LGBTQIA Studies), and when Ivy League universities began offering courses in their Gender/LGBTQIA departments about Black Transgender Caribbean Expatriates or Post-Colonial Transgender Theology.

I moaned, I groaned but I also thought: *Young people always have to do it their way.*

But now I know a bit more. In 2015, New York State's Department of Education released a [12-page outline](#) about how schools should address and protect "transgender and gender non-conforming students" whose needs have previously gone unrecognized. The document was crafted by the New York Civil Liberties Union and the Empire Pride Agenda.

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It is a practical guideline in which teachers and school administrators are mandated to call the student by their chosen gender identity admit students based on their identity into previously single-sex spaces, like bathrooms and locker rooms. If a pre-school-age child prefers to be treated as if they are not the sex they were "assigned" at birth, the teacher and school must accommodate this choice, according to the guidance. If a middle school student has not disclosed

their gender identity at home but does so at school, the teacher must keep the student's choice confidential or restricted to school. The school cannot tell the child's parents what is going on.

Such trans and gender identity "rights" are piggybacking on the hard-won/barely-won rights of girls and women to non-discrimination under Title IX—but they are also disappearing sex as a crucial distinction. In America, women do not yet even have a sex-based Equal Rights amendment—and yet, the current government wants to expand the Title IX rights to include gender identity rights and to spell out what the punishments are for discriminating against, bullying, those who claim such identities.

As "trans-women" (boys and men who identify as girls and women) enter school bathrooms, not to mention all-female shelters or prisons, they sometimes leer, grope, threaten, or [even assault](#) the "cisgender" girls and women – just as a portion of any group of men do. I despise this descriptor: "Cisgender," but this represents the same way of thinking that has led to privileging gender identity over sex; the same mindset has coined phrases such as: "pregnant person," "chest-feeding person," "body with a vagina," all phrases positioned to [eradicate womankind entirely](#).

In 2021, the US Department of Education issued a [document](#) titled: *Federal Register Notice of Interpretation: Enforcement of Title IX of the Education Amendments of 1972 with Respect to Discrimination Based on Sexual Orientation and Gender Identity*. It was signed by Suzanne B. Goldberg, Acting Assistant Secretary for Civil Rights.

The Federal Register Notice essentially relies upon but expands Title IX to include "sexual orientation and gender identity." The impetus for this expansion has come from "lesbian, gay, bisexual, and transgender" students whose needs are not covered by "Title IX's prohibition on sex

discrimination.”

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Interestingly, The National Center for Transgender Equality, in an undated [Fact Sheet](#) on the U.S. Department of Education Policy, spells out all these “rights” which specifically concern “restrooms and locker rooms,” “names, pronouns, and student records,” “dress codes,” “respecting students’ gender identities,” “confidentiality of personal information,” and “student health plans.” It states that “Schools that refuse to follow Title IX can face serious consequences from the federal government, even if they are relying on a contrary state law,” and that the Department’s Office for Civil Rights (Department of Education), can “sue schools that discriminate against transgender students and seek to deny them federal funding.”

In [2017](#), New York City teachers were “required to call students by their preferred pronouns” and all the rest of it, as spelled out above.

Again, in 2021, the U.S. Department of Education issued a [Notice of Interpretation](#) explaining that it will “enforce Title IX’s prohibition on discrimination on the basis of sex to include 1) discrimination based on sexual orientation; and 2) discrimination based on gender identity.” Other states, including New Jersey and California, have followed suit.

Finally, in an [undated fifteen-page Guideline](#) issued by the Board of Education of New York City, educators are instructed in “supporting students” by using their desired “names and pronouns”; updating gender markers, records other than permanent records, school IDs, and medical records; and ensuring gender-based inclusion in “sports and physical education” and “restrooms and locker rooms.” Questions, we are told, may be addressed to lgbtq@schools.nyc.gov.

All I can ask is, *“What would Orwell have to say?”*

Do most people understand that the “identities” we mandate to “respect” include surgically mutilating pre-adolescents, dosing them with hormones that may harm or even kill them?

Do they know that some pro-transgender doctors are already charting some “buyer’s remorse,” among those who wish to de-transition? For example, Dr. Erica Anderson, who identifies as “transgender,” [fears](#) that we have gone “too far,” and that many adolescents are “making life-changing decisions” because it’s “trendy,” “pushed on social media,” or because of “peer pressure.” Are we looking at a cult? Or at a real hard-wired phenomenon?

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In my view, so many teenagers are uncomfortable with their bodies which keep changing. Their bodies and minds are not mature enough to take such risks without unknown consequences. However, “coming out” as trans affords a struggling teen with an [identity](#), a community, and the promise of one “fix” for multiple problems.

[Many clinicians and parents](#) are genuinely torn. When faced with suicidal teenagers who insist they were born into the wrong body, there is an understandable desire to want to alleviate their suffering. Some trans activists are “loud,” very certain, and incredibly demanding (they harass and censure doctors who do not see it their way)—but so are those conservatives who are busy banning such surgeries and hormone treatments for non-adults.

Investigative journalist [Jennifer Bilek](#) has [exposed](#) the huge and profitable industry involved in the transgender movement, namely, the profit gained by pharmaceutical companies, surgeons, and mental health clinics. According to a [recent article](#) by Emily Bazelon in the *NY Times*, “there are now 60

comprehensive gender clinics in the United States” and perhaps “300,000 young people who identify as transgender.” Bazelon reminds us that “Planned Parenthood is one of the largest providers of gender-affirming hormones in the country.”

According to some clinicians, two-thirds of the children seeking a transgender solution to their suffering, are girls who do not want to be tomboys or lesbians but who say that they really are boys or men.

That’s one hell of a desperate way out of patriarchy.

As a former therapist and trained psychologist, I know that one cannot or should not generalize, that each person must be seen as an individual and that exceptions to a rule always exist. And yet, I would err on the side of caution in this matter. Long-term psychological evaluation, perhaps psychiatric medication, definitely individual and group therapy—not an instant “fix” that cannot be walked back.

Clinicians have been de-platformed for saying anything like this.

Last week, I visited one of my doctors in her hospital office. She closed the door, looked both ways, and told me that the staff had now been instructed to change their language in a way that was “sensitive” and “inclusive” in terms of patients’ and staff’s “gender identities.” In fact, she said, “a special unit of transgender doctors was being created in order to work with transgender patients.”

I laughed and motioned her out into the hallway where the single-person bathrooms now bore signs: “Gender Inclusive Restroom.”

As Dorothy once aptly noted: *“Toto, we’re not in Kansas anymore.”*

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