

NOTE: This is a chapter in my 2016 book, "7 Critical Issues."

***The Transgender Debate:
Civil rights or religious rights?***

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Maya Dillard Smith was interim director of the Georgia chapter of the American Civil Liberties Union. However, she resigned her position over the ACLU's position regarding transgender bathrooms. This after her two daughters were traumatized by encountering men in the women's restroom.

Her explanation:

I have shared my personal experience of having taken my elementary school age daughters into a women's restroom when shortly after three transgender young adults, over six feet [tall] with deep voices, entered. My children were visibly frightened, concerned about their safety, and left asking lots of questions for which I, like many parents, was ill-prepared to answer.¹

A transgender activist responded to her concerns by calling her "lazy" and "ill-educated."² Actually, Dillard Smith earned a degree in economics from Berkeley and a master's degree in public policy at Harvard. She is a liberal Democrat and was one of only three African-Americans employed by the ACLU as a state director.

Dillard Smith's story made headlines in light of the Obama administration's directive telling every public school in the country to allow transgender students to use bathrooms that match their gender identity.³ This directive set off a firestorm of response. LGBT activists hailed it as a courageous step forward. Conservative activists rebuked the administration for what they characterized as authoritarian tactics that threaten children.

It seems we must choose between polar opposites: either permit transgender students to use the bathroom and shower that corresponds to their gender identity or refuse them such access. What do Christians need to know about this controversy? Is there an approach that is both compassionate and biblical?

What is "transgender"?

Let's begin with definitions. The American Psychological Association (APA) defines "transgender" as "an umbrella term for persons whose gender identity, gender expression or behavior does not conform to that typically associated with the sex to which they were assigned at birth." "Gender identity" is "a person's internal sense of being male, female or something else."

"Gender expression" is "the way a person communicates gender identity through behavior, clothing, hairstyles, voice or body characteristics."⁴ "Gender dysphoria" is a general term for "strong, persistent feelings of identification with the opposite gender and discomfort with one's own assigned sex that results in significant distress or impairment."⁵

The APA explains that "sex" is assigned at birth, referring to one's biological status as either male or female. "Gender" refers to "the socially constructed roles, behaviors, activities, and attributes that a given society considers appropriate for boys and men or girls and women."

A "transgender" person, then, is someone who identifies with a different gender than their sex—a male who identifies as a female (MTF, or "male to female"), or a female who identifies as a male (FTM, or "female to male").

Transgender people may or may not seek hormonal and/or sex reassignment surgery to conform their bodies to their gender identities. Those who undergo such medical procedures are called "transsexual," as they have transitioned physically from one sex to another. A person born as a male becomes recognizably female, and vice versa.

Why are some people transgender?

It has been estimated that 0.3 percent of the American adult population is transgender. This translates to roughly 700,000 people in the U.S.⁶ There are no national surveys indicating the number of transgender children and youth. According to *The New York Times*, a survey in Wisconsin found that 1.5 percent of students identified as transgender. In a Boston survey, 1.6 percent identified as transgender.⁷

The APA states that "there is no single reason for why some people are transgender." It cites experts who believe that "biological factors such as genetic influences and prenatal hormone levels, early experiences, and experiences later in adolescence or adulthood may all contribute to the development of transgender identities."

Researchers have discovered physical factors that may contribute to transgender experience. For instance, recent studies found that the brains of FTM transgender subjects contained white matter in regions resembling a male brain. In other words, these brains were "masculinized." Similarly, the brains of MTF transgender subjects were found to be "not completely masculinized and not completely feminized."⁸

Another study employed androstadienone, an odorous steroid known to cause a different response in the hypothalamus of women versus men. Using functional MRI, investigators discovered that transgender boys and girls responded to the odor much like peers of their identified gender. In other words, MTF persons responded instinctively like females; FTM persons responded instinctively like males.⁹ A similar study using functional MRI to measure verbal fluency suggested "a biological basis for both transgender groups performing in-between the two sexes."¹⁰

Other studies have posited a variety of physical factors for gender dysphoria, including genetic components,¹¹ regional gray matter variation in the brain,¹² and galanin neurons in the hypothalamus.¹³ A study of transsexuality among twins concluded that "their identity was much more influenced by their genetics than by their rearing."¹⁴

However, studies on neuroplasticity show that some brain structures can be modified by circumstances such as parenting and repeated activities.¹⁵ In other words, it is plausible that possible transgender brain factors may be the result of life circumstances rather than inherent conditions. The nature vs. nurture argument is relevant to this issue as to so many others.

In addition, the (possible) presence of biological factors does not necessarily warrant acceptance of behavior associated with these factors. A person's biological conditions and aptitudes are not the only factors in determining appropriate moral and practical standards.

For example, even if a so-called "gay gene" were to be discovered, we would still debate the morality of homosexual activity and marriage in light of biblical truth. Some feel the same way with regard to transgender people. We are fallen people living in a fallen world.

What about "intersex"?

"Intersex" is an umbrella term for conditions leading to atypical development of physical sex characteristics. These include external genitals that cannot easily be classified as male or female; inconsistency between external genitals and internal reproductive organs; sex chromosome abnormalities; and abnormal development of the testes or ovaries.

According to the American Psychological Association, as many as one in 1,500 babies is born with genitals that cannot easily be classified as male or female.¹⁶ Research indicates that the number of males born with Klinefelter (a genetic abnormality that causes the person to have smaller male genitals and larger breasts, among other characteristics) is one in 1,000. Those who are neither XX nor XY are one in 1,666 births. In total the number of people whose bodies differ from standard male or female is estimated to be one in 100 births.¹⁷

In addition, some identify their gender as falling outside the constructs of "male" or "female" and are referred to as "genderqueer." They may prefer pronouns such as "zie" instead of "he" or "she."

Other categories of transgender people include "androgynous," "multigendered," "gender nonconforming," "third gender," and "two-spirit people." Reflecting the complexity of this issue, there are now more than fifty gender options on Facebook.

Beyond bathrooms

The news typically focuses the transgender issue on bathrooms. But this is just the beginning of the debate.

The logic of the Obama administration's directive¹⁸ is clear: a person's gender identity is whatever the person determines it to be. So long as a parent or guardian certifies the student's decision to school authorities, the school must begin treating the student consistent with this identity.

The directive includes locker rooms, athletics, single-sex classes, housing and overnight accommodations, and sex-specific activities such as school dances, graduation ceremonies, and yearbook photographs. Schools can make individual-user options available to students who voluntarily seek additional privacy, but they are not required to do so.

The directive does not apply to single-sex schools, private undergraduate colleges, social fraternities and sororities, though they are free to allow transgender students to participate if the organizations so choose.

Numerous questions arise from this directive:

One: If a school does not provide individual-user changing facilities and showers, will girls be forced to change and shower with students who display male genitalia? Will boys be forced to change and shower with students who display female genitalia?

Two: Will MTF transgender students have unfair advantages when competing against females in sports? FTM transgender students could also have a competitive advantage against males in certain sports such as gymnastics. School admissions, scholarships, and financial remuneration could be affected. Presumably, the requirement of parental or guardian approval would make it less likely for students to claim transgender status for athletic advantage, but some parents could be motivated by financial incentives to seek unfair benefit for their students.

Note: The International Olympic Committee has ruled that transgender athletes may compete without restriction. Previously, they were required to undergo reassignment surgery and at least two years of hormone therapy. Now surgery is no longer required. FTM transgender athletes can take part in men's competitions without restriction. MTF transgender athletes will need to demonstrate that their testosterone level has been below a certain cutoff point for at least one year before their first competition.¹⁹ Will such provisions be considered with regard to student athletics in the US?

Three: What about whirlpools, saunas, and other heretofore gender-specific facilities? It is implausible that schools could afford to construct single-use options for all such equipment.

Four: Will the directive be expanded to include private schools that receive public funding? Will their ability to participate in athletic and academic competitions be threatened?

Five: Will the government eventually ban transgender "discrimination" in health clubs and athletic facilities across the country (in a manner similar to legislation banning racial discrimination)?

Six: What of transgender students who are not MTF or FTM? Some are "agender," people who do not have a gender identity; others are "bigender," people who identify as two genders, or "genderqueer," people who do not identify or express their gender as male or female. How will their gender identity be accommodated? For instance, could a "bigender" person compete in some sports as a male and others as a female? Could this person change bathroom/locker/shower facility choices as often as the person wishes?

Seven: Will transgender students be able to change their gender identity (as certified by parent or guardian) whenever they choose?

Eight: Will the logic of the Obama administration's directive eventually be applied to other identity questions? For instance, Rachel Dolezal, then president of the National Association for the Advancement of Colored People chapter in Spokane, Washington, generated headlines in 2015 when her parents disclosed that she was born white. She has maintained that she identifies as black, though her identity is not based on biology or ancestry.

If people can choose their gender identity, why can they not choose their racial identity? This question relates to issues such as school admissions and scholarships.

The Bureau of Indian Affairs Financial Assistance and Social Services program provides assistance to American Indian and Alaskan Native tribal members. To be eligible, a person must be an enrolled member of a federally recognized tribe. If people can choose their gender identity, can they not choose to identify as Indian or Alaskan Native?

What about age designation? Could people claim that they do not feel themselves to be the age a birth certificate would show? Such chaos could extend to military service, drinking age, or the age of consent.

In short, the implications of removing gender distinctions go far beyond bathrooms. Advocates liken this issue to the civil rights movement of the 1960s, which sought equality for all races in all circumstances. I have often spoken out against racial prejudice and discrimination, convinced that God sees all races as equal (Galatians 3:26–29).

Now the same argument is being made with regard to transgender rights. Taken to its logical conclusion, this movement will remove all gender distinctions, clearly violating the biblical revelation that God created us "male and female" (Genesis 1:27) as well as social foundations affirmed across all human history and culture.

A biblical response

It seems clear that a certain number of people experience gender dysphoria or intersex conditions, including transgender identification. How do we reconcile this fact with Scripture?

God's word is clear: "God created man in his own image, in the image of God he created him; male and female he created them" (Genesis 1:27; affirmed by Jesus in Matthew 19:4). The Bible calls us to express our created sexual identity: "A woman shall not wear a man's garment, nor shall a man put on a woman's cloak, for whoever does these things is an abomination to the LORD your God" (Deuteronomy 22:5).

In light of these principles, Christians take three very different approaches to the question of transgender rights.

One: View transgender people as God's creation, worthy of full inclusion and support.

Jesus was especially compassionate toward those whom society marginalized. He accepted and defended children (Matthew 18:10) and would want us to do the same. In this view, a person who deals with gender dysphoria or intersex conditions should be affirmed and protected as part of "the least of these" (Matthew 25:45).

This is the view taken by many who argue for transgender rights. However, it seems to conflict with the biblical statements cited above. And as we have seen, it is also extremely problematic for those who do not want children to be in restrooms, locker rooms, and showers with people who display opposite sex genitalia.

Two: Refuse to address this issue.

Since the Bible seems clearly to state that God made us "male and female" (Genesis 1:27), some see the concept of "gender dysphoria" as illegitimate. In their view, such people should either decide to live according to their biological gender or change their gender medically.

While this view seems to align with the biblical statements cited above, it does not consider medical evidence indicating that unchosen physiological factors may contribute to at least some transgender and intersex experiences.

Three: Find a redemptive way to minister to everyone. While transgender advocates and critics would both claim their position is best for all involved, neither side agrees with the other. I am advocating for a third approach in this essay.

Jesus clearly affirmed that God made us "male and female" (Matthew 19:4). However, he also called us to minister to all people, regardless of their physical, emotional, psychological, or social challenges. He was famous for touching lepers, welcoming

prostitutes, and befriending social outcasts. He was able to be compassionate without compromising biblical truth, and he wants us to follow his example.

In this spirit, I suggest the following principles.

- (1) Protect the vast majority of people who are not transgender or intersex and do not want people who display opposite sex genitalia to share bathrooms, locker rooms, or showers with them or their children.
- (2) Advocate for women and children, since they are especially at risk from those who would misuse the Obama administration's directive for abusive purposes. The Bible clearly calls us to defend and support women (Ephesians 5:28–29) and children (Matthew 18:1–5; 19:13–14; Psalm 127:3–5). I am frankly surprised that more advocates for children and for women are not concerned about the ramifications of the Obama administration's directive.
- (3) Seek ways to minister to those with gender dysphoria in the context of God's best for their lives. I view gender dysphoria as another evidence of the Fall and its consequences in our world. Few parents would want their children to live as transgender or intersex or believe that this is the best, most fulfilling way to live. So share the gospel with those who have not trusted Christ as their Savior. Offer community in Christ and help for physical and/or psychological challenges. In short, seek to help transgender people live according to their biological gender.

At the same time, we must understand that those who deal with gender dysphoria are not worse or better than anyone else. They are absolutely not to be bullied or otherwise harmed. A 2013 study found that nearly seventy percent of transgender people had experienced significant discrimination when trying to use the restroom.²⁰ But God loves them as much as he loves anyone else, including you and me. We are all broken people who live in a broken world.

Four: Seek practical solutions that are fair to all.

As we have seen, the Obama administration is seeking to authorize transgender access to bathrooms, locker rooms, athletics, and other sex-specific school activities. This directive is being challenged in court and in the court of public opinion. What if these challenges fail and the administration's position prevails?

If the law eventually dictates that transgender people must be provided bathrooms, locker rooms, and showers in keeping with their gender identity, there are ways to provide such facilities without discriminating against the vast majority of the population.

As noted above, the Williams Institute estimates that 0.3 percent of the population, roughly 700,000 people, identify as transgender. However, this study focused on adults. For the sake of this discussion, we will assume the same transgender population percentage, or 0.3 percent of America's 50.1 million students, equating to 150,000

transgender students. There are 98,817 public schools in America. Thus we can assume, on average, one or two transgender students per school.

In defending his administration's directive, President Obama recently pointed to "our obligation as a society to make sure that everybody is treated fairly and our kids are loved and that they're protected and that their dignity is affirmed."²¹ He was speaking of transgender students, but his sentiment surely applies to the other fifty million students in America today. How can we protect them while providing legally required facilities for transgender students?

(1) Create and/or designate single-use bathrooms. Many movie theaters are now being built with such facilities. Rather than Men's and Ladies' rooms, they offer a row of single-use bathrooms. Men's bathrooms could be configured to remove urinals and provide only privacy stalls. Many schools have such facilities for their teachers; these could be configured for transgender use as well.

(2) Create and/or designate single-use showers and lockers. Many schools have such facilities for teachers and coaches. The cost of constructing single-use showers and lockers is not exorbitant (estimated conservatively at \$1,000 per unit). Alternately, create time-sharing schedules for these facilities.

(3) Create time-sharing schedules for other single-sex facilities such as whirlpools and saunas.

(4) Determine which athletic programs can be opened to transgender students without compromising the integrity of the sport and its participants. Where there are clear and unfair advantages for transgender students, their participation should not be allowed. One student's gender identity should not be permitted to compromise an entire athletic program for the rest of the student body.

These steps would protect children from being forced to dress and shower with students who display genitalia of the opposite sex. They would likewise protect them from unfair athletic competition with such students. At the same time, they satisfy the requirements of the Obama administration's directive.

However, I remain convinced that God's best is for people not to live with gender dysphoria. For this reason, I would advocate for ministry to them intended to help them live within biblical guidelines and our Father's intention for his children.

Conclusion

The issue of transgender and intersex rights will continue to escalate in our culture, since it pits two narratives that have been in conflict for years.

On one side is the insistence on tolerance that characterizes postmodern relativism. In a society with no objective truths, the only truth is that I must tolerate your truth. This

insistence extends to gender identity as it does to abortion rights, same-sex marriage, euthanasia, and a host of other moral challenges.

On the other side is the conviction that God made us and has a perfect will for our lives (Romans 12:1–2). This conviction entails a commitment to biblical truth as unchanging and authoritative, two values our postmodern culture rejects.

Those of us who believe that the Bible is still the truth of God will face escalating pressure to compromise our convictions or to forego compassion. Let us continue to speak the truth in love (Ephesians 4:15), claiming God's promise that his word "shall accomplish that which I purpose, and shall succeed in the thing for which I sent it" (Isaiah 55:11).

In engaging culture with truth, as in all Kingdom service, our Lord measures success by obedience.

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² Paul Mirengoff, "ACLU Leader Quits After Daughters Encounter Men in the Women's Restroom," *Powerline*, June 1, 2016 (<http://www.powerlineblog.com/archives/2016/06/aclu-leader-quits-after-daughters-encounter-men-in-the-womens-restroom.php>, accessed 20 June 2016).

³ Julie Hirschfeld Davis and Matt Apuzzo, "U.S. Directs Public Schools to Allow Transgender Access to Bathrooms," *The New York Times*, May 12, 2016 (<http://www.nytimes.com/2016/05/13/us/politics/obama-administration-to-issue-decree-on-transgender-access-to-school-restrooms.html>, accessed 20 June 2016).

⁴ "Answers to Your Questions About Transgender People, Gender Identity and Gender Expression," *American Psychological Association* (<http://www.apa.org/topics/lgbt/transgender.aspx>, accessed 21 June 2016).

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⁶ Gary J. Gates, "How many people are lesbian, gay, bisexual, and transgender," *The Williams Institute*, April 2011 (<http://williamsinstitute.law.ucla.edu/wp-content/uploads/Gates-How-Many-People-LGBT-Apr-2011.pdf>, accessed 21 June 2016).

⁷ Jan Hoffman, "As Attention Grows, Transgender Children's Numbers Are Elusive," *The New York Times*, May 17, 2016 (<http://www.nytimes.com/2016/05/18/science/transgender-children.html>, accessed 21 June 2016).

⁸ Jessica Hamzelou, "Transsexual differences caught on brain scan," *New Scientist*, January 26, 2011 (<https://www.newscientist.com/article/dn20032-transsexual-differences-caught-on-brain-scan#.UhKQTBYx-5c>, accessed 21 June 2016).

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