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Transsexualism Hits the Workplace: What's Next?

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The latest evidence of this confusion comes in the October 13, 2003 issue of Forbes magazine. In "Transsexuals and the Law," reporter Dan Seligman grapples with the complexities of the workplace that result when trans-gendered and transsexual employees enter the workforce. Of course, legal controversy follows claims of discrimination, and companies all over America are scrambling to deal with the issue.

As Seligman reports, "Today there are thousands of gender-crossers in the U.S., most of them male-to-female and most living in obscurity." At the same time, gender-crossing employees are now coming out of the closet and demanding to be treated as legally protected class. According to the Forbes report, a recent legal search turned up 625 news stories worldwide over the past three years that deal with discrimination and transsexuals.

The legal questions are daunting. Do trans-gendered persons take on the newly chosen gender identity as a fact of law? Are gender-crossing surgical procedures covered under medical insurance plans?

Other questions are more mundane. As Seligman asks: "Which bathrooms should transsexuals use?" He relates that the Minneapolis City Council has been vexed by this issue, "ever since a sex-crimes investigator tried to interrogate a female high school librarian who had been using the ladies' room but was discovered to have had a sex change." Truth is stranger than fiction.

From Britain comes the report of five transsexuals who were evicted from a pub after they insisted on using the ladies' room. After suing the pub owner for discrimination, the transsexuals were backed by Britain's Equal Opportunities Commission. According to Forbes, they later lost their case in court. Why was the case lost? It came to light that only one of the five had progressed to the point of gender-reassignment surgery.

The transsexual issue also raises big questions for sports, both amateur and professional. The European Union allows individuals who were once men but now present themselves as women to participate in women's sports. As Seligman sees the issue, this raises basic questions of fairness. "Do male-to-female transitioners have an unfair physical advantage in women's sports?," he asks. The government of British Prime Minister Tony Blair has written the country's six hundred organizations governing sports to question whether they are in compliance with the European Union regulations.

What about insurance? This is an uncharted territory for both insurers and the insured. If insurance carriers refuse to cover gender-reassignment surgery, on what basis will they make the decision? Who would decide which cases are qualified for coverage?

The Forbes report points to what it calls "widespread puzzlement about the basic science" behind transsexualism. Even though the American Psychiatric Association caved in to the pressure from homosexual activists and removed

homosexuality from its list of mental disorders in 1973, the current edition of the Diagnostic and Statistical Manual of Mental Disorders (DSM-IV) continues to list “gender identity disorder” as an officially-recognized malady.

Of course, most of the vocabulary in this debate is being established by proponents of homosexuality and transsexualism. The official Media Reference Guide published by the Gay and Lesbian Alliance Against Defamation (GLAAD) defines “sex” as “the classification of people as male or female. At birth, infants are assigned a sex based on a combination of bodily characteristics including: chromosomes, hormones, internal reproductive organs, and genitals.” So good, so far. But the Media Reference Guide goes on to define “gender identity” as “one’s personal sense of being a man or a woman (or a boy or a girl). For transgender people, their birth-assigned sex and their own internal sense of gender identity do not match.”

The Media Reference Guide defines “gender expression” as “external representation of one’s gender identity, usually expressed through ‘masculine’ or ‘feminine’ behavior, clothing, hair cut, voice or body characteristics.” GLAAD goes on to explain that “transgender people seek to make their gender expression match their gender identity, rather than their birth-assigned sex.”

Transgendered persons are those “whose gender identity and/or gender expression differs from the sex they were assigned at birth.” GLAAD goes on to argue that the term “transgender” includes but is not limited to “transsexuals, intersex people, cross-dressers, and other gender-variant people.”

Just in case you are losing track, transgender people may be female-to-male (FTM) or male-to-female (MTF). The group goes on to explain that transgender people “may or may not choose to alter their bodies hormonally and/or surgically.” The Forbes article points to the legal complexity faced by employers. The GLAAD Media Reference Guide shows the perverse logic of those who deny God’s established order of gender in creation and seek the ultimate rebellion of inventing a gender identity of one’s own.

Christians must respond to all persons with sympathy and compassion even as we must speak with honesty. Without doubt, these individuals are struggling with deep issues of sin, self-knowledge, and sexuality. The homosexual activists and secular psychologists will advise these troubled individuals to establish a gender identity that “works” for themselves. The Scripture reveals that gender is a part of the goodness of God’s creation. God created human beings as male and female and a rebellion against this design is an intentional effort to deny the Creator His right to define the creature.

Companies will not be alone in facing the complicated issues presented by transsexualism. Eventually, most local churches are likely to face some kind of controversy raised by this issue. As the secular world tries to sort out the issues before they land in court, the church had better get its wits about itself before it ends up in compromise.

The Church, standing on the authority of God’s Word, may be the last people on earth who remember that gender is not our creation and is far more than a social construct.

As God spoke through Moses to prepare the children of Israel for the conquest of Canaan, He instructed the people of Israel in this way: “A woman shall not wear man’s clothing, nor shall a man put on a woman’s clothing; for whoever does these things is an abomination to the Lord your God.” [Deuteronomy 22:5] The apostle Paul repeats this admonition in an expansion found in 1 Corinthians 11:1-15. Paul calls men and women even to wear appropriate styles of hair that would indicate male or female in faithfulness to God’s design.

Whatever the courts decide the legal issues, Christians are obligated to find our definitions of human sexuality, gender, and embodiment in the Bible. What the activists want to call “sex-reassignment surgery” must be seen as a form of bodily mutilation rather than gender correction. The chromosomes will continue to tell the story.

Gender is not under our control after all. When a nation’s moral rebellion comes down to this level of confusion, we are already in big trouble. A society that can’t distinguish between men and women is not likely to find moral clarity in any other area of life.

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