

RELEASING THE HOUNDS OF PATRIARCHY ENFORCING A SEX BINARY . . . AGAIN

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I BINARY SEX AND GENDER

The recent April 16th decision by the UK Supreme Court ruling that the legal definition of a woman is based on sex has delighted many women, particularly the For Women Scotland group who argued for this definition. Further, in a nod to patriarchal definitions of sex, the judges said that “the concept of sex is binary.” This is a surprising repeat of the Trump administration’s earlier January 20th executive order #14168 that there are only two sexes, a ruling which explicitly excluded any non-binary sex or expression, such as transgender, a ruling from a country which is reinforcing patriarchal norms and the loss of women’s rights. In the typical double-speak of authoritarian regimes the title of the executive order starts: “Defending Women from Gender Ideology Extremism . . . “ While the UK Supreme Court added that transgender people have legal protection from discrimination, this is not the legal protection afforded by the gender recognition certificate that entitled transgender people to sex-based protections and protected spaces. Transgender people are now in a legal limbo.

In a seemingly paradoxical move, it is some women in Scotland who have insisted on a patriarchal binary definition, and separation, of male and female. In the United States, it is a predominately male administration that has similarly decreed a patriarchal binary definition of male and female.

However, sex is not a binary. Sex is usually determined at birth by looking at the genitals: a vulva and vagina if a girl, a penis if a boy. The genitals reflect the influence of the sex chromosomes: XX if a girl with a vulva, and XY if a boy with a penis. Although cis-gender males with XY chromosomes and a penis, and cis-gender females with XX chromosomes with a vulva predominate in the population, nearly 2% of the population have other sex chromosome variations including X (Turner Syndrome), XXY (Klinefelter Syndrome), XYY (Jacob’s Syndrome), XXX (Trisomy X), and others, and indeterminate genitals in some cases. As one example of many, Androgen Insensitivity Syndrome is a condition where tissues in the male fetus (XY) do not respond to testosterone during early development and the sex organs of a male, penis and scrotum, do not develop. Many of these babies are surgically treated to construct the external genitalia of a female. By the UK Supreme Court decision they are male. Many are brought up as girls, believe they are girls, are conditioned into feminine ways and behaviours, and can be surprised to learn that they are intersex when they do not go through the changes of puberty that include breast development and periods.

There can be some confusion between sex and gender. Gender is a cultural construct where girls are conditioned to have ‘feminine’ qualities such as passive, irrational, vulnerable, nurturing and emotional yet not angry; and boys are conditioned to have

'masculine' qualities such as being dominant, rational, invulnerable, neglectful, and emotionless except anger. These are all human qualities, not sex-based. In the very patriarchal Spanish colonial cultures boys and men are expected to express *machismo* qualities of bravery, sexual prowess, dominance, and aggression. The ideal women is confined to *marianismo* qualities of being self-sacrificing, humble, quiet, not sexual except for servicing a man and having babies, to name a few of many. Patriarchal cultures, now the norm in most of the world, privilege males and define masculine and feminine qualities to varying degrees. Transgender then means taking on the cultural qualities, behaviours, and dress of the opposite sex.

This gender confusion can lead to not differentiating between transgender and transsexual. Transgender means expressing different gender qualities to those expected of their sex: males being more feminine in dress and behaviour; females being more masculine in dress and behaviour. Present day patriarchal cultures are very intolerant of transgender behaviours, especially in males. Cross-dressing in males and females was a criminal act in many countries including Britain and the United States. In western cultures now, women can cross-dress without any censuring. Much of current female fashion was once considered to be cross-dressing. A cross-dressing man risks being publicly shamed.

Transsexual means medically changing the physiology and genitals to that of the other sex. Thus a male-to-female (MTF) transsexual takes the female hormone estrogen, has surgery to reconstruct the male genitals into a vulva and vagina. Hormone treatment produces a more female physiology including breasts. Functionally such individuals are female in having to sit or squat to urinate, being able to have penetrative vaginal intercourse with a male, and having an increased risk of rape. Female-to-male (FTM) transsexuals take testosterone and have plastic surgery to remove breasts and female genitals and to construct a penis.

These transgender and transsexual definitions risk setting up another binary: those who are transgender and those who are transsexual. There are many variations. Being transsexual does not necessarily require taking on transgender qualities and expressions. MTF transsexuals can present as males in dress and behaviour. Similarly, FTM transsexuals can present as females. There can be a range of transgender and transsexual expressions. Some will dress, behave, and take the hormones of the other sex, and never want to go through any surgery.

The binary insistence of patriarchal cultures, almost global now, limits the possibilities of those on transgender journeys. So, if I don't want to be male anymore, therefore I have to be female. If I want to be in sports, athletics, swimming, the only place I can do that is as a woman in competition with women. There is no third (or fourth, or fifth) option.

While some transgender people do not buy into the absolute male-female binary, many believe, or insist, that they only have the binary options, either male or female.

Patriarchal cultures can be tolerant of MTF transsexuals . . . as long as they can pass as females. The medical profession, which is very respectful of transsexuals, also sets up a

binary in requiring, for instance, that MTF transexuals can pass as women before reassignment surgery. Iran, a very patriarchal society that is intolerant of homosexuality, particularly in males, will financially contribute to one gay partner having sexual reassignment surgery so that the relationship is heterosexual.

What is one of the great fears of women in patriarchal cultures? It is the fear of sexual abuse and rape. Incidentally, Peggy Reeves Sandy, an American anthropologist, reported not feeling any fear of rape when walking alone at night in a matrilineal society in Sumatra. Increasingly in Western cultures there is a rise in male domination of women, institutionally enacted in the United States as in Donald Trump saying that he will protect women “like it or not.” “Protect” meaning control. This has led to some men saying to women, “Your body, my choice” challenging a woman’s right to say, “My body, my choice.”

The rise and effect of misogynistic social media influencers like Andrew Tate on boys in Britain was graphically illustrated in the TV series “Adolescence” in which a young boy kills a girl who rejects him; and in the February 6th report in The Guardian of an exponential increase in pupil violence in Scottish schools including “constant misogynistic abuse of female teachers.”

What is the need to exclude MTF persons from women’s washrooms and changing rooms? Transgender women have varying degrees of change such that many who identify and present as women are still biologically men in terms of having a penis and being physically stronger than women. The fear then is that such people can be male wolves in feminine clothing and can take advantage of women and girls in those protected spaces, an echo of the Little Red Riding Hood fairy tale.

There have been reports of transgender women who are biologically male raping female inmates in women’s prisons in both the UK and US. There are also reports of transgender teens assaulting girls in school bathrooms in the US. Like the fear engendered in cis-gendered women by a few rapists in the population, a few abusive transgender women can create a fear of all MTF individuals.

This is an example of the patriarchal nature of our western societies, societies that privilege men over women so that women need to have spaces that protect them from men.

While the justices in the UK Supreme Court decision were very aware of the exclusion of transgender persons implied by the naming of sex as biological, the binary nature of our patriarchal culture tends to limit the acceptance of non-binary people who then feel a need to pass in their chosen sexual identity. The Supreme Court decision may set up an opposition between women and MTF people, encouraging a fear of MTF persons at whatever stage of transgender they are at.

One consequence of the court decision is that washrooms designated as either women’s or men’s will not be available for transgender persons, whether MTF or FTM. As a male at birth on a transsexual journey, will I be constantly asking myself after sexual

reassignment surgery, “Where can I pee?” The English transgender judge, Victoria McCloud, addressed this concern when she appealed in April to the European Court of Human Rights over the UK Supreme Court ruling

II

Gathering Thunder Clouds of War

How is it that an almost synchronous declaration of a sex binary in the UK and USA has appeared at this time? What deeper influences do these declarations manifest? It is no accident this is happening at a time when the governments of the Western world are building up their military capacities in response to Russia’s invasion of Ukraine and the Trump administration is threatening to incorporate other lands including Greenland, Canada (to become the 51st state), and Mexico.

Tom Digby (2014) in his book, *Love and War: How Militarism Shapes Sexuality and Romance*, describes the forces that a militaristic, patriarchal society uses to oppress its people in order to perpetuate a warrior state. In such societies men are usually the warrior class trained, from an early age, to fight and die in battle. They are dispensable, described as “cannon fodder.” This has been damningly illustrated by the massive death-rate of many Russian soldiers during the current invasion of Ukraine. World War I saw the loss of a whole generation of young men in the trenches.

Women, on the other hand, are needed to produce children, to be breeders, in order to replenish the loss of the fighters. A major function of men, then, is to protect women to ensure their ability to give birth and nurture the next generation. More women than men are needed to replace the losses, since one man can inseminate many women. This can be seen as a foundation for societies that legitimize men taking several wives. Any activity that goes against this need will be judged “bad” or “evil” and made illegal. This sets up the need for strictly heterosexual sexual relationships, since homosexuals, who can have children and choose not to, and transsexual people, who cannot have children, are not contributing to the replenishment of the community. In addition, abortion must be made illegal for that also prevents the survival of the community.

A couple of historical events support Digby’s thesis: buggery, or sodomy, was made a capital crime in England in 1533 during the reign of Henry VIII when England was expanding into an imperial, colonizing power. Four hundred years later, in 1936, Heinrich Himmler created the *Central Reich Office For Combating Homosexuality And Abortion* when Nazi Germany was expanding its capacity for military domination. To quote Tom Digby, Himmler “was adding a procreation-maximizing feature to the Nazi war machine.” An April 26th article in The Guardian reports that there is now an anti-feminist movement in the US telling women to stay at home and “be thin, fertile and Republican”; a movement led by white women on social media.

It has been shown more recently that women who are educated tend to have less children. In a militaristic society this threatens the replacement of dead fighters. To this end the

Taliban in Afghanistan have severely restricted education for women and girls. In Western countries, spousal rape was not a crime before the 1970s. At a similar time, abortion was legalized in the UK. This supports the ideology of women being breeders in war situations.

More peaceful times have existed in Europe, and in mainland USA, following the end of World War II. With peace has come an increase in women's empowerment and the liberation of homosexual and transgender expression. All of this is again being threatened or explicitly denied as many countries are re-arming. The Pentagon in the US now has a trillion dollar budget, a massive increase at the expense of funding for social services.

III TRANSGENDER HISTORY

*Spirits when they please
Can either Sex assume or both.*
William Blake

The expression of transgendered males and females goes back to at least the beginning of recorded history, to the Sumer civilization of over 6,000 years ago situated in the fertile crescent of the Euphrates and Tigris rivers in what is now Iraq. As patriarchy spread both to the east and west, goddess celebrations continued to be celebrated, with "effeminate" cross-dressed priests serving in goddess temples and feminized men taking part in the celebrations. In the celebrations for Inanna, the queen of heaven and earth, both men and women wore clothes that were female on the left side and male on the right, an early understanding that to be complete we need to express both the masculine and feminine, to experience being female and male. Many men, in the first transsexual operations, were castrated, often cutting off their testicles with shards of pottery during ecstatic states.

The tradition of castrated men continues to this day with the *hijras* of northern India. For them castration is a sacrament of initiation into the service of Bahuchara Mata, the Mother Goddess.

The rise of monotheism, in the first century B.C., led to the rejection of the goddess and transgendered men by the Old Testament prophets of the Israelites. An instruction in Deuteronomy 23:1 bans castrated men: "He whose testicles are crushed or whose male member is cut off shall not enter the assembly of the Lord." Yet Jesus, who embraced marginalized and rejected people, said in the New Testament gospel of Matthew 19:12: ". . . and there are eunuchs who have made themselves eunuchs for the sake of the Kingdom of Heaven."

While patriarchy led to the rise of a male supreme deity, often represented as a sky or thunder god, celebrations of the goddess continued into ancient Greek and Roman times. Alexander the Great dressed in women's clothes to celebrate the goddess Artemis, as did the Roman Emperors Otho (A.D. 69) when celebrating Isis, and Gallienus (A.D. 253-268)

having been initiated into the Eleusinian mysteries. Gallienus had his feminine name, *Gallienae Augustae*, inscribed on his coins.

Transgender expression was finally abolished in the seventh century by leaders of the Catholic Church and with it the public expression of transgender men. The only acknowledgement of a transgender history is the exquisitely embroidered feminine robes of the Catholic clergy. The dark legacy of the strict binary opposition of female and male identities persists to the present day, legitimized again by the UK Supreme Court and the Trump administration's executive order.

Many present-day Indigenous cultures are more accepting of, and acknowledging, gender fluidity such as "two-spirit" Indigenous people in North America, and the five genders of the Bugis of Indonesia: cis female, cis male, trans female, trans male, and androgenous, or male-female.

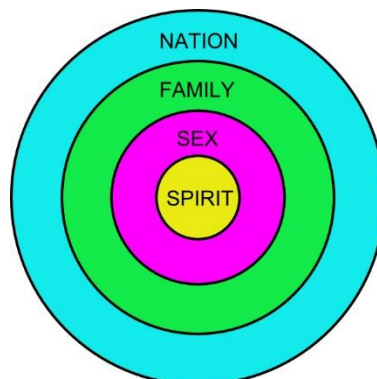
We'wha, a famous six foot man of the Zuni tribe of western New Mexico, wore women's clothes, was taken to be woman, even a priestess, by high society in Washington D. C. where he shook hands with President Grover Cleveland in 1886.

Male shamans throughout the world, in ancient and present times, have taken on feminine dress and feminine ways.

Being male-to-female transgender is an opportunity to integrate feminine qualities that are shamed and conditioned out of boys and men. Similarly, female-to-male transgender is an opportunity to integrate masculine qualities that have been culturally suppressed.

Integration of masculine and feminine qualities allows a person to become psychologically whole and promotes an equality between the sexes helping a society to be in balance instead of polarizing feminine and masculine qualities. This, in turn, disrupts rigid patriarchal binaries, of one quality being better than the other, challenging the primary patriarchal binary of male being better than, more important than, female. Not only does it challenge the male-female patriarchy binary, it challenges patriarchy itself.

A teaching of Four Circles I learned from the Cree people here in Alberta, Canada, expands on William Blake's understanding cited at the beginning of this section: At the centre we are Spirit, then sex, then family, then nation. Sex is an expression of Spirit.



IV

Contrary to feeling any prejudice, I have felt accepted, supported, and even celebrated, by the women to whom I have revealed my transsexual journey. Most see me as someone willing to walk in female shoes and suffer the same micro- and not so micro-aggressions by men that cis-gendered women experience daily. In acknowledgement of this male prejudice, a lesbian friend once questioned me, “Why do you want to lose status?” For many MTF transsexual and transgender persons, the intent is to honour women and the creative energy of the female in not only human but all life on earth, an honouring that is absent in our creation stories and in the destruction of our Mother, the Earth. For some, this is a calling and a spiritual journey.



Emily Hooton I have long been interested in the origins and effects of patriarchy on relationships, social and institutional structures, imperial and colonizing dynamics, and the formation of caste systems including slavery, apartheid, and the Nazi genocide of Jews, to name a few.

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