Gender LGBTQIA+

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# *Introduction*

Let us begin by shedding light on three things, what does LGBTQ stand for and who are included in the LGBTQ community and what is Gender Dysphoria? The term LGBTQ is inclusive of all the communities in between LGBTTTQQIAA. Each letter represents a community; Lesbian, Gay, Bisexual, Transgender, Transsexual, Two-Spirit, Queer, Questioning, Intersex, Asexual, Ally also inclusive of Pansexual, Agender, Gender Queer, Bigender, Gender Variant and Pangender. This small term represents a great amount of diversity. This term is used as it is deemed to be friendly and appropriate. There are more terms like the Rainbow community or the Queer community being used by people, but in the end, LGBTQ is the more universally known one. These terms and the initials constantly change. It is not necessary to memorize them all, but the goal is to have respect for every individual and the choices that they make for themselves[[1]](#footnote-2). Then, coming to Gender Dysphoria, it is known as the condition in which an individual feels that they are either a male or female regardless of what sex they are biologically. It can be distressing when a person’s gender identity does not match the gender and sex that they were born with. It should also be kept in mind that not all transgender have gender dysphoria. Having gender dysphoria is not similar to being gay, bisexual or lesbian either, it is an entirely different thing. In this paper, the equality of LGBTQ community will be discussed with regards to gender dysphoria. Further, light will be shed on the fact that under which 14th amendment are there rights being violated. Lastly, it will be discussed that how treating the LGBTQ community with equality will bring a positive impact on society.

# *Discussion*

It is unfortunate to say that people all over the world face violence and inequality based on who they choose to love, who they are and how they look. How can I say that? There is enough news on the television and bullying on social media to strengthen my point. An individual’s gender identity and sexual orientation are an essential and pivotal part of them. These aspects should not be used in order to discriminate or abuse one another. It is hard to digest the fact that people are murdered, tortured, arrested, discriminated, treated unequally, denied basic commodities of life or healthcare and what not just for being themselves. It is unfortunate that some people hide their identity and who they are just so they live up to the society standards. The LGBTQ community faces this issue on a constant regularly. I am not saying that there has not been any improvement, but when did wanting to be "Yourself," became something that needed to be given permission? There needs to be a consideration of the fact that a person is a person by every right and everyone is different. They have the right to live and do whatever they want as it is their birthright. When it comes to religion, let us not forget that God wanted everyone to be happy[[2]](#footnote-3). The message is of peace, it is nowhere justified to bring harm to someone based on who they are.

There are certain things that people are not aware of when it comes to the LGBTQ community. They are similar to those people who have gender dysphoria. As mentioned above, gender dysphoria is when an individual’s gender identity is the opposite of their biological sex. When it comes to the people who are either gay or lesbian do not have an identity disorder. They either as a woman or man, have a liking for the same gender. A lesbian would never say that she feels like a man, hence she likes women. She is a woman and she is proud of that and admires other women instead of men. The same thing applies to men, they identify themselves as males and have a liking for the same gender. On the contrary, someone who has gender dysphoria will appear to be a woman but will feel out of place. They will have the mindset of a man and their sex will not match what they identify themselves as. Further, not all transgender has gender dysphoria. Having said that, transgender may identify themselves as straight, gay, lesbian or bisexual and so on. The world needs to educate themselves about these things. They need to stop stereotyping all these diverse people portraying different communities. Look at it this way, if a woman is identified as a man she will not like it. The same way if a bisexual is identified as someone who has an identity disorder is also not right. They are people with separate identities and they like everyone else need to be identified for what they are.

*Fourteenth Amendment*

The LGBTQ community faces inequality on a level that it is heart-wrenching. There are certain things that people lately do not realize, that what they go through is not legally allowed[[3]](#footnote-4). The behavior that they are shown both by the community and law is not permissible as per the 14th amendment. The “Equal Protection Clause” is a clause which is in the text of the 14th Amendment of the United States. This clause officially was under effect by 1868. According to this clause “nor shall any State deny to any person within its jurisdiction the equal protection of laws.” One of the main motivation of this specific law was to authenticate the equality requirements present in the Civil Rights Act of 1866. In accordance with it, all the citizens have the right to be protected and will be given assured protection by the law. In accordance with this, all the people regardless of who they are and what beliefs they carry are to be protected. Protection regardless of sexual orientation came into light in 1986 in the Bowers v Hardwick case.

Supreme Court Cases

I will be discussing two supreme which are a decade apart in order to reflect on the LGBTQ rights. The Bowers v Hardwick case back in 1986 was deemed to be a challenge to the Georgia law approving criminal punishment for persons who were found to be guilty of sodomy. Even though the Georgia law is applied to both the homosexual and heterosexual sodomy, it was chosen by the Supreme Court to only put under consideration the constitutionality of applying the law to homosexual sodomy. In Bowers, the court decided to rule out five out of four that the Due Process Clause “right of privacy” which was also recognized in the cases like Griswold and Roe. It does not prevent the refrain the criminalization of homosexual conduct that is being practiced by two adults with consent. Later, Justice Powell said that his vote in the case was indeed a mistake.

In 2003 Supreme Court measured a challenge to a Texas law that outlawed homosexual sodomy, however, the heterosexual sodomy was not outlawed. The case, Lawrence v Texas, elevated practical due process as well as equal protection issues. Voting five to four, the Court overruled the decision that it made earlier in Bowers v Hardwick and established that the state was deficient of a valid interest in regulating private sexual conduct of adults that are consenting. Further, Justice O'Connor added a sixth vote to upturn the opinion, having said that her decision completely rested on the Equal Protection Clause. Predictably, Justice Scalia disagreed, condemning the majority of “largely signing on to the so-called homosexual agenda."

Another case that can be put under consideration is the Izza Lopez aka Raul Lopez Jr case. The plaintiff had Gender Identity Disorder which was characterized by a strong and tenacious cross-gender identification. She is biologically a male but lives her life as a female. She will be going through a sex change surgery once she can afford it. Lopez applied for a job as a scheduler in 2005 with Defendant River Oaks, a medical clinic. She underwent an interview that was taken by the director and manager of the clinic. She was under the impression that both the manager as well as the director are aware of the fact that she is transgender because she already had friends working in the clinic[[4]](#footnote-5). Lopez also said that she provided the company with her both male and female name. Lopez underwent a successful drug and background check under her actual name Raul. She was later approached by the company that she has cleared all the tests and has been offered the position. Later, she got another call from the company, they said that after the background check it was found out that Lopez was male and she misrepresented herself in front of the company. Hence, they have decided to withdraw the job offer. Baffled, Lopez ended up filing a sex discrimination complaint with the US Equal Employment Opportunity Commission. The case proceeded further. Lambda Legal lawyer Cole Thaler of Atlanta, who manages transgender cases for the group and is working on Lopez's, said the judge's opinion "affirms that transgender people are not being deceptive by being themselves." It was also said by Thaler that this will be the first time in this federal circuit that a case like this is going further to get proceeded.

Talking about the situation in 2013, there were around twelve states that gave recognition to same-sex marriage. The Supreme Court in 2015 help solve the question of; “whether state bans on gay marriage violated the Equal Protection and Due Process Clause of the 14th Amendment.” In Obergefell v Hodges, a five-member Court most came to the conclusion that the bans were violating the 14 Amendment provisions. Writing for the Court, Justice Kennedy said the Framers of the Constitution "did not presume to know the extent of freedom in all of its dimensions, and so they entrusted future generations a charter protecting the right of all persons to enjoy liberty as me we learn its meaning." With "new insights" into liberty's meaning, "The Court now holds that same-sex couples may exercise the fundamental right to marry." In dissent, Chief Justice Roberts argued the "Constitution had nothing to do" with the right granted by the Court which, in his opinion, was making a decision left by the Framers to legislatures. Justice Scalia ridiculed the reasoning of the Court, indicating in a footnote that he would hold his head "in a bag" if he were compelled to join the majority's opinion[[5]](#footnote-6).

It is clear that we still have to go a long way in order to bring social change. The rights that the LGBTQ community deserve is a matter of being human and respect. Every single being who lives on this earth has the right to pursue their life the way they would like to, it should not be dictated by others and nor should anyone else be given the right to dictate a separate entity's life. Falling in love, being yourself and looking yourself is the right of every person by birth, it needs to be made inevitable.

*Giving LGBTQ Community Equal Rights Leading to a Positive Impact on the Society*

When it comes to the rights of LGBTQ community Human Rights Watch has done significant work. Human Rights Watch is basically an organization which is functional in around 90 countries. This organization keeps a watch out if abuse is occurring around the world. The organization acknowledged the fact that around 2.8 billion people who are LGBTQ are living in constant fear of ever coming out because of the penalty of imprisonment in the countries they live in. Only 780 million people of this community are living in countries where same-sex marriage and living freely and owning their identity is not approved by the law. However, over the period of time, there has been an enormous improvement. We still have a long way to go and it should be kept in mind that fighting for LGBTQ rights is not just a Western phenomenon it is worldwide. Due to recent global support, more people have started to come out and have started fighting for their rights. People are realizing that their children, cousins, siblings or even parents are part of the community. There is a broader change in the society seen as well, people have started to become more aware and have learned to respect everyone for what they are. Some parents even feel guilty that their children have been living in fear. The society has become more accepting. These broader changes in society have driven some significant recognition of LGBTQ rights. There is now a more unbiased relationship between amid genders and there is significant respect for individual autonomy. Knowing that so many people have started to come out shows that this community is greater than people thought it would be. This change has started structuring the insight of the general public and is reinforcing the much-needed social change. There are a lot of celebrities like Ellen Degeneres, Kristen Stewart, Matt Bomer, Bella Thorne and Caroline Cassey to name a few who have come out as gay, bisexual and transgender. This is also helping raise awareness and making more people come out and accept who they are[[6]](#footnote-7). Ellen Degeneres being a very popular celebrity figure has helped raise awareness through her show and because of her a lot of people of the LGBTQ have come out and started living their lives to the fullest.

# *Conclusion*

It is a fact, that not everyone is going to be alike. Every person out there is different from the next, it is high time that awareness regarding this created. Every individual has the right to be happy and the fact that there are certain social constraints that are stopping them from being who they are is a shameful turn for our community as a whole. Equality and protection are the right of everyone by birth and the LGBTQ community is also "Everyone." No one should be forced to live under a false identity just, so they can fit in, freedom is the right of all. This awareness is not just for the western world alone it is for the whole world to acknowledge.

# End Notes

1. Maldonado, Raul Angel. "RESILIENCE AND RESISTANCE: HOW THE INLAND EMPIRE TRANSGENDER COMMUNITY THRIVES." (2018).
2. Porter, Kristen E., Mark Brennan-Ing, Sand C. Chang, Lore M. Dickey, Anneliese A. Singh, Kyle L. Bower, and Tarynn M. Witten. "Providing competent and affirming services for transgender and gender nonconforming older adults." *Clinical Gerontologist* 39, no. 5 (2016): 366-388.
3. Solomon, David T., Nicholas Heck, Oakleigh M. Reed, and Daniel W. Smith. "Conducting culturally competent intake interviews with LGBTQ youth." *Psychology of Sexual Orientation and Gender Diversity* 4, no. 4 (2017): 403.
4. Javier, Noelle Marie, and Austin Gerhard Oswald. "Health for the Lesbian, Gay, Bisexual, Transgender, and Queer (LGBTQ) Older Adults." *Current Geriatrics Reports* (2019): 1-10.
5. Rafferty, Jason, and Committee on Psychosocial Aspects of Child and Family Health. "Ensuring comprehensive care and support for transgender and gender-diverse children and adolescents." *Pediatrics* 142, no. 4 (2018): e20182162.
6. Skinner-Thompson, Scott. "The First Amendment and LGBT Equality: A Contentious History." *Mich. L. Rev.* 116 (2017): 881.

1. Maldonado, Raul Angel. "RESILIENCE AND RESISTANCE: HOW THE INLAND EMPIRE TRANSGENDER COMMUNITY THRIVES." (2018). [↑](#footnote-ref-2)
2. Porter, Kristen E., Mark Brennan-Ing, Sand C. Chang, Lore M. Dickey, Anneliese A. Singh, Kyle L. Bower, and Tarynn M. Witten. "Providing competent and affirming services for transgender and gender nonconforming older adults." *Clinical Gerontologist* 39, no. 5 (2016): 366-388. Porter, Kristen E., Mark Brennan-Ing, Sand C. Chang, Lore M. Dickey, Anneliese A. Singh, Kyle L. Bower, and Tarynn M. Witten. "Providing competent and affirming services for transgender and gender nonconforming older adults." *Clinical Gerontologist* 39, no. 5 (2016): 366-388. [↑](#footnote-ref-3)
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6. Skinner-Thompson, Scott. "The First Amendment and LGBT Equality: A Contentious History." *Mich. L. Rev.* 116 (2017): 881. [↑](#footnote-ref-7)