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Trumpism and the Erasure of the Third Gender: A Conservative Approach to Gender Politics

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This article explores how Trumpism has affected gender politics, focusing on how conservative policies have erased third-gender identities. It looks at the historical and cultural acceptance of third genders and contrasts the restrictive nature of Trump's executive order from January 20, 2025, with the inclusiveness of the rest of the world. The order dismisses gender identity as a political invention, defining gender as exclusively male or female. By analysing the legal, social, and psychological effects of the policy, the article highlights the LGBTQI+ community's experiences with limited legal recognition, restricted rights, and increased social marginalisation. Additionally, the article looks at the global trend towards gender inclusion and compares Trump's gender policies with previous progressive policies, especially those of the Obama and Biden administrations. The conclusion of the article discusses the wider effects of conservative gender politics on the rights of third-gender people.

Keywords: Trumpism, third gender, gender politics, LGBTQI+ rights, executive order

Introduction

Gender ideology is a hot topic in the world today. The interaction between men and women dates back to human origins. The Bible, specifically the book of Genesis, states that "God created

man in his own image; in the image of God he created him; male and female he created them” (Bible, Genesis 1:27). In Islam, it is believed that Allah formed the first humans, Adam and Eve, out of clay. Other religions may have similar stories about the beginning of the human race. If God only created two sexes, why are there gender variations in the human body? The history of third genders is as old as human history. In addition to men and women, third genders can be found in any religious sacred book or in any country’s history. However, the acceptance of third genders differed across countries. In other places, such as India, third genders were given special regard and a high status in society. There was a time when they were thought to be divine incarnations. In some countries, third genders were not given enough consideration and were kept away from society.

For centuries, third-gendered people have struggled for their rights and equality. Although these third genders in the twenty-first century are gaining recognition, they continue to face persecution in some conservative countries. Although attitudes towards them have changed in other countries as a result of intervention by countries such as the United States, their existence in other countries is now called into question due to a law passed by the United States that opposes gender ideology. This article examines the implications of Trump’s executive order, which was issued in 20th January 2025 and legally defines gender as either male or female. We examine how this policy affects third-gendered people and the larger LGBTQI+ community, taking into account legal, social, and psychological dimensions.

Gender ideology was a major theme in Donald Trump’s presidential campaign last year. In an October campaign speech, he stated that he will take historic action to eliminate the corrosive poison of gender ideology and proclaim that God created two genders, man and female. On January 20, 2025, immediately after being sworn in as president of the United States, Trump issued an executive order titled “Protecting Women from Gender-Based Ideological Terrorism and Restoring Biological Truth to the Federal Government.” The order specifically rejects the ‘gender ideology’ that males can identify as

women and so become women, and vice versa, as well as the idea that a person might be born into the wrong body.

Donald Trump issued an Executive Order with eight sections. The first section argues that recognising biological sex is critical to women's dignity, safety, and well-being. They criticise legal and social attempts to allow men to identify as women, claiming that such measures undercut gender-based safeguards and pose risks in settings intended for women. The article contends that substituting biological definitions of sex with subjective identities threatens legal rights, scientific research, and trust in the government. The government is dedicated to defending women's rights by retaining regulations that acknowledge the biological differences between men and women. The second section mostly discusses gender, gender identity, and gender ideology. Based on biological facts, this policy recognises just two fixed genders: male and female. It requires that federal laws and policies adhere to this definition. At birth, biological criteria clearly define the terms gender, 'male,' and 'female.' The section rejects the concept of 'gender identity' as a legally or politically acceptable concept, instead describing it as an internal, self-conscious sense of self that is distinct from one's inherent gender. This section criticises 'gender ideology' as a distinct framework that replaces biological sex with fluid aspects, claiming that it undermines established legal and social classifications.

The third section calls for government entities to enact policies that regard men and women as biologically distinct. The Secretary of Health and Human Services must issue guidance on sex-based definitions within 30 days. Agencies and government officials must use the term 'sex' rather than 'gender' in official documents and communications. Government-issued identification should reflect biological sex rather than gender identity. Agencies must abolish and stop disseminating gender ideology, and government forms must only include men and women. Federal funding for gender ideology must be abolished. The Attorney General is tasked with correcting the misconceptions surrounding *Bostock v. Clayton County (2020)* and ensuring that gender-based disparities are legally safeguarded.

The fourth section compels federal agencies to enforce sex-based privacy protections in intimate areas. It prohibits males from being detained in women's prisons and detention institutions, requiring regulatory amendments as needed. The Department of Housing and Urban Development must revoke a 2016 rule that allowed people to enter shelters based on their gender identity and set up safeguards for single-sex rape shelters. The Bureau of Prisons must change its medical policies to comply with this order, which includes barring federal funding for treatments that change an inmate's appearance to resemble the opposite sex. Agencies must ensure that positions are assigned to men and women based on biological sex rather than gender identity. Section five directs the Attorney General and federal agencies to protect the right to recognize biological sex and maintain single-sex spaces under the Civil Rights Act. Section six requires a draft bill within 30 days to legally establish the definitions outlined in this directive.

The seventh section encourages federal agencies to carry out the directive and submit compliance reports within 120 days. Agencies must revise their regulations, guidance, and processes to comply with the order and ensure that federally funded entities follow its directives. It cancels conflicting executive orders and dissolves the White House Gender Policy Council. All discrepancies in guidance materials must be removed, particularly those dealing with transgender policy in schools, workplace harassment, and Title IX interpretations. The last section eight describes the order's legal limits. It does not supersede current legal authority, budgetary procedures, or agency capacities. The directive must be carried out within the scope of the law and the available budget. It does not create any legally enforceable rights against the US government or its agencies. If any part of the order is found to be invalid, the rest will remain in effect.

Following the execution of the order, "Protecting Women from Gender-Based Ideological Terrorism and Restoring Biological Truth to the Federal Government," there were numerous discussions and confusions among the LGBTQI+ groups. A huge question may arise among the LGBTQI+ community in the future: which sex do they belong to? This executive order has significant implications for transgender individuals and the larger LGBTQI+ community, impacting

various aspects of their lives. America is one of the countries with the largest LGBTQI+ populations in the world. LGBTQI+ persons in America have more freedom than those in other countries. Their current freedom has been hard-won through prolonged suffering and struggle. Nevertheless, in many parts of America, they continue to face social exclusion and dehumanization, with some individuals refusing to acknowledge their humanity or grant them a rightful place in society.

Several American governments have taken a hard attitude against this community. However, some presidents have adopted an admirable stance against them. For example, some of Joe Biden's decisions as vice president and president were admirable. While serving as vice president, Biden made a surprise declaration in a television interview, proclaiming his support for same-sex marriage. In 2015, during his time as vice president, the Same-Sex Marriage Act was passed. Joe Biden spoke with *The Washington Blade*, his first interview with an LGBTQ newspaper since taking office, about his record of supporting LGBTQ Americans. Throughout his career, President Biden has worked to ensure that everyone may live with dignity and respect. His actions have included promoting the freedom to marry freely, proposing a national strategy to eradicate the HIV pandemic by 2030, lifting limitations on transgender people serving in the military, and persistently campaigning for LGBTQ rights on a worldwide scale.

In 2020, the Supreme Court ruled 6-3 in *Bostock v. Clayton County*, establishing that discrimination against LGBTQ people constituted sex discrimination under Title VII of the Civil Rights Act of 1964. According to Justice Neil Gorsuch, who wrote for the majority, "It is impossible to discriminate against a person for being homosexual or transgender without discriminating against that individual based on sex." Donald Trump also revoked former President Joe Biden's executive order directing federal agencies to enforce the court verdict as it applies to all anti-sex discrimination legislation. Everyone should be allowed to be themselves and make their own decisions about their bodies and lives. However, Trump's executive order threatens

transgender people's independence while also limiting others' rights and privacy.

Some political commentators believe that Donald Trump's executive order has eradicated the concept of gender identity not only from the United States but from the entire planet and that all persons are classed as either male or female. While the United States has a large say in the global economy, the rest of the world pays close attention to every decision the US makes. There is little doubt that, just as the executive order released on January 20 questioned third genders in the United States, this directive will have a significant impact on third genders worldwide. The first issue that the LGBTQ+ community will face as a result of this executive order is legal and institutional recognition. This order removes non-binary or third-gender indicators from current identifying documents such as passports, government official papers, and Social Security records. This forces people to assume a gender identification that contradicts their own, resulting in legal and personal issues.

The order changes the legal concept of gender, weakening protections for transgender and nonbinary persons. It makes it more difficult for people to resist bias in critical areas like employment, housing, healthcare, and education. Prior to this change, the law banned people from being treated unfairly because of their gender identification. Those protections are weakened now, leaving many people open to prejudice. Employers can refuse to hire or fire someone based on their gender identity. Landlords or homeowners may refuse to lease to tenants, and healthcare professionals may refuse to provide essential medical care. These schools will also limit the rights of transgender and non-binary students and make it more difficult for them to access education and resources. Without such safeguards, many of us might have trouble defending our rights. If they face discrimination, they may be left with no legal remedy. This example exemplifies the potential for increasing numbers of abuses without accountability. It also creates fear and anxiety for transgender and nonbinary people, complicating everyday life. Because they are not legally recognised or protected, many may feel threatened or isolated from society. Changing the legal definition of gender does not just

affect laws but also impacts real people, making it harder for them to live freely and equally.

In addition to the aforementioned sectors, this order may have an impact on the restrooms, sports, healthcare industries, data collections and research. Even though restrooms are not expressly addressed, the order emphasises restricting access to single-sex locations based on sex assigned at birth, particularly in federal buildings, and it might affect regulations pertaining to federal funding. Since the order does not expressly prohibit transgender participation in sports, any modifications would require formal rulemaking, and Congress may choose to implement a federal prohibition even if it deals with Title IX interpretations and “intimate spaces.” The order instructs agencies to invalidate LGBTQI-inclusive interpretations of sex discrimination legislation, potentially disrupting funding for gender-affirming care and related activities. Because gender identity is not included in federal agency forms for data collection and research, transgender people are difficult to examine, and there is a dearth of federally funded research on gender identity. This could lead to uneven implementation, with certain laws (like those managing bathrooms) being enforced more quickly and others (like those governing sports) requiring formal procedures. Many of the clauses are likely to face legal challenges.

Defenders of the executive order and associated policies often present several arguments grounded on conservative ideology. One of the main defences of this executive order is biological determinism, the theory that gender is rooted to biological sex and can't be changed. Many conservatives believe that biological sex is determined at conception by chromosomes (XX for girls and XY for boys) and that this is supported by physiological characteristics like hormone levels and body parts. Allowing self-identification outside of the binary, they argue, is against fundamental biological principles and causes confusion in legal, medical, and institutional contexts. This has been the position of conservative organisations and political leaders who believe that policies accommodating non-binary or transgender identities distort scientific reality and undermine traditional categories. Research from scholars like Anne Fausto-Sterling, however, challenges this biological determinism by pointing out the existence of intersex

people and the complexity of sex and gender development. But still, supporters of Trump's order keep saying we need fixed definitions for the sake of clarity and consistency.

Many religions see gender as divinely ordained with male and female roles in sacred texts. Some conservative religious groups see non-binary and gender fluidity as against their views of natural law and human purpose. This informs policies that try to align government with traditional values, such as laws restricting gender-affirming healthcare, bathroom access, or participation in gendered spaces based on self-identification rather than biological sex. A key argument from the right is that recognising a third gender or allowing fluid genders complicates legal systems that rely on clear categorisation for ID documents, marriage laws, and public policy. They argue that a binary system ensures consistency and prevents ID classification disputes. Some also claim that gender inclusivity challenges long-standing social norms and causes confusion or disrupts societal structures like schools, workplaces, and sports teams that have historically been binary gender.

Before Donald Trump issued an executive order that defined gender solely in biological sex, there was a gradual acceptance of third-gender men and women in America, giving them limited rights. To encourage gender inclusion, the Obama and Joe Biden administration created policies that recognised transgender and non-binary people in health care, education, and the workplace and permitted people to self-identify their gender on government documents. The progressive movement for gender inclusion is an important step toward equality for non-binary and third-gender people, helping them to live more openly and authentically and to have greater visibility, social acceptability, and legal rights. The Trump executive order, by contrast, marked a seismic shift by reaffirming a rigid binary gender framework that denied the existence of third-gender identities. In addition to having an effect on non-binary people, this revocation of rights also caused confusion and hardship for their relatives and future generations.

Trumpism complicatedly affects LGBTQI+ communities, with serious implications for their rights and means of subsistence. Through

the lens of Giorgio Agamben's "state of exception", it becomes evident that Trumpism's actions and language have effectively created a zone where LGBTQI+ persons are denied their fundamental rights and humanity. The Trump administration's elimination of third-gender identities serves as an example of this. This exclusion not only marginalises individuals who identify outside the traditional binary but also reinforces a broader cultural narrative that seeks to erase their existence. Consequently, the implications of such policies extend beyond mere legal recognition, impacting mental health, social acceptance, and economic stability within LGBTQI+ communities. Economic stability within LGBTQI+ communities is further compromised by discrimination in the workplace and lack of access to essential services. As a result, many individuals face increased financial instability, making it even more challenging for them to thrive in a society that often overlooks their needs and rights.

The global perspective on third-gender recognition has been shifting as more countries publicly identify and protect gender-diverse individuals. Countries including Bangladesh, India, Pakistan, Nepal, Germany, and Canada have publicly acknowledged a third gender, granting them access to identity-based legal documents, employment opportunities, healthcare, and education. Trump's policy, which sought to restrict gender definitions to male and female based on biological sex at birth, stood in stark contrast to these global trends. This move under Trumpism made America an outlier in the global discourse on gender inclusivity, attracting condemnation from human rights organisations, LGBTQ+ advocacy groups, and law experts who said that the rules infringed upon people's freedom to self-identify. Gender identity is a fundamental human right that shouldn't be governed by laws, according to Amnesty International and the UN Human Rights Council, which voiced worries about the effects of such restrictive regulations.

Although the presidential order was framed as a policy to protect women, children, and families, it created significant barriers to the survival of third-gender individuals and their communities. Supporters of the policy argued that maintaining the gender binary would protect traditional family structures, ensure fairness in sports,

and prevent gender-based violence, but critics said these justifications ignored the disproportionate harm experienced by non-binary and transgender people. Third-gender parents faced difficulties with adoption, child custody, and parental rights because they were unable to have their identities legally recognised. In addition, third-gender children had to cope with legal difficulties and social shame, particularly when the law did not acknowledge their parents' gender identity. The policy's long-term impacts raised concerns about social marginalisation, mental health, and future generations' ability to navigate a more restrictive and inhospitable legal environment.

President Trump's executive order, which legally defines gender as either male or female, will have a significant impact on third-gender individuals and the broader LGBTQI+ community. The gender laws in the United States have seen a significant shift. The policy's denial of legal recognition for non-binary identities affects legal rights, healthcare access, and social acceptance, which exacerbates mental health problems and marginalisation. Understanding both the conservative and progressive defences of such policies is necessary for an informed study of gender politics. The activism and perseverance of the LGBTQI+ community are crucial in advancing inclusive and equitable legislation throughout the continuing debate.

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