**Gorsuch’s Logic**

**’Title VII of the Civil Rights Act:**

Discrimination in hiring on the basis of sex is illegal.

**Simple Logic of the Supreme Court’s Decision**

**Premise.** A property is based on sex iff it is defined in terms of one’s sex.

**Therefore,** discrimination due to a property defined in term of one’s sex is illegal.

**Application to *gay* and *trans*:**

**Definitions:**

X is *gay* iff X is sexually attracted to others of the same sex as X.

X is *trans* iff X identifies as having the sex that is opposite to his or her biological sex.

**It follows by the definitions:**

Being gay or trans are properties defined in terms of one’s sex.

**Therefore,** discrimination due to being gay or trans is illegal.

**Substitution Test for “independence” based on this logic:**

**Definition:**

A property P of X is *independent* of X’s sex iff the property P holds of X whether X is male or female.

**Test Applied to Being Gay:**

By definition of *gay*:

If X’s sex is male, being sexually attracted to males defines X to be gay.

If X’s sex is female, being sexually attracted to females defines X to be gay.

**Application of test to *gay*:**

**Substituting** *female* for *male* we go the above truth to a falsehood:

If X’s sex is female, being sexually attracted to males makes X gay.

**Substituting** *male* for *female* we go the above truth to a falsehood:

If X’s sex is male, being sexually attracted to females makes X gay.

**Therefore,** whether the defining property of being gay holds of X is depends on X’s sex. It is not, therefore, independent of sex as required by law.

**Test Applied to Being Trans:**

By definition of *trans*:

If X’s sex is male, identifying as a female defines X to be trans.

If X’s sex is female, identifying as a male defines X to be trans.

**Application of test to *tran”*:**

**Substituting** *male* for *female* we go above truth to a falsehood:

If X’s sex is male, identifying as a male makes X trans.

**Substituting** *female f*or *male* we go the above truth to a falsehood:

If X’s sex is female, identifying as a female makes X trans.

**Therefore,** whether the defining property of being trans holds of X is depends on X’s sex. It is not, therefore, independent of sex as required by law.