designation on a driver's license may be updated,[23] and several require a court order as proof of gender.[24]

However, federal and state measures allowing a sex/gender designation change can only be seen as inadequate. These government protocols conflate gender and sex,[25] a common and problematic confusion.[26] To conflate sex with gender is to reinforce an age-old paradigm as "the foundation of societal order"[27]—that humans are either born male (to become men) or female (to become women), and that specific roles necessarily must follow.[28] The problem the system creates for members of the trans* community is predictable. A trans* individual will very likely be able to change the gender/sex designation on a driver's license so long as state procedure is followed. But for the individual who instead identifies as anything other than male/man or female/woman, the only choice is to assimilate,[29] or conform, to the dominant social order—at least for the purpose of obtaining a driver's license.[30]

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23. *Florida's Name Change Kit: A Guide for Transgender Individuals Seeking to Amend Their Identity to Conform to Their New Legal Name and Gender Designation*, NAT'L CTR. FOR LESBIAN RIGHTS (Aug. 9, 2006), http://www.nclrights.org/wp-content/uploads/2013/07/fl_namechg_kit.pdf (requiring that one must undergo surgery to obtain a different gender marker on a driver license or identification card in the State of Florida); *cf. Know Your Rights*, LAMBDA LEGAL, http://www.lambdalegal.org/know-your-rights/transgender/identity-document-faq#Q2 (half of U.S. states have no surgery requirement at all for a gender designation change on a driver's license).

24. *See, e.g.*, *Change Information on Your Driver License or ID Card*, TEXAS DEP'T PUB. SAFETY, http://www.txdps.state.tx.us/DriverLicense/changes.htm ("A transgender person must bring an original certified court order verifying the change."); *cf. Know Your Rights: Transgender Inclusion & Protection*, SC EQUALITY, http://scequality.org/knowyourrights/transgender/ (requiring medical documentation of gender change, plus a court order or certified birth certificate in the state of South Carolina, but stating that "[t]he general accepted method to change one's gender is to present medical documentation that gender has been changed and a court order to the local DMV").

25. *See, e.g.*, ALASKA DIV. MOTOR VEHICLES, CERTIFICATION FOR CHANGE OF DESIGNATOR ON DRIVER LICENSE OR IDENTIFICATION CARD, *available at* http://doa.alaska.gov/dmv/forms/pdfs/427.pdf (Alaska certification by a health provider refers to both "change of sex designator" and "applicant's gender identification").

26. *See* Thu-Huong Ha, *How Should We Talk About Transgender Issues?*, TED (Mar. 31, 2014), http://ideas.ted.com/2014/03/31/how-should-we-talk-about-transgender-issues (discussing societal reactions to sex/gender distinction by cisgender people, noting "[m]ale and female are the two pillars upon which our society is built. Gender dictates everything from what kind of relationship you get into to where you take a piss. And if you upend that, it's very threatening for people. It challenges the system by which they live.").

27. Francisco Valdes, *Chapter One: Modern Culture: Codification & Internalization*, 83 CALIF. L. REV. 36, 40 (1995).

28. *See generally id.* at 36-118 (discussion found throughout article).

29. *See* Angel Daniel Matos, *Gay Assimilationists Versus Radical Queers: The Death of Queerness?*, THE EVER AND EVER THAT FICTION ALLOWS (Apr. 6, 2013), http://angelmatos.net/2013/04/06/gay-assimilationists-versus-radical-queers-the-death-of-queerness/ ("[A]ssimilationists seek complete integration within existing cultural norms and institutions, while radical queers reject integration because they view it as an embrace of the very values and institutions that have fostered sexual and gender-based oppression in the first place."); *see also Transsexuals, from "Passing" to Radical Assimilation*, TRANSSEXUAL ROAD MAP, http://www.tsroadmap.com/info/assimilation.html (last visited Dec. 3, 2015)

Government requirements of various "proof" to alter a designation—from doctor's notes, court orders, and diagnoses, to entire medical procedures—further indicates that American society is deaf to trans* identity issues and the deeply personal nature of gender. Because gender identity is grounded in self-identity,[31] and is by its very nature not an objectively-derived designation, a state arguably cannot require any showing of proof without denying a person's autonomy.[32] At present, the United States government does not provide a gender designation option for persons who do not identify as either Male or Female, or for intersex persons who for medical reasons feel they do not fit in either binary category.[33]

(regarding MtF transsexuals, the author states "Assimilationists are interested in acceptance as female within mainstream society, and many women in transition who desire to achieve this level of acceptance find it an elusive goal. For some, the price of silence is too high, but for others, it is simply not possible due to appearance and socialization issues. Unfortunately, our community and society at large places a heirarchy [*sic*] based on level of acceptance, which leads some visibly gender variant and unassimilated people to feel inadequate or resentful of being relegated to an "inferior" status."); Kelby Harrison discusses "passing" in similar terms as I use "assimilation" here. In *Sexual Deceit: The Ethics of Passing*, Harrison mentions Claudia Mills' exploration of passing as:

> [E]ither: a) pretending to be x rather than a y, or b) trying in some artificial way to make yourself into an x rather than a y, instead of simply accepting or affirming yourself as a y [with the] motivation to pass . . . [as] grounded in conditions of oppression. One would not wish to be a x if the social conditions did not favor existing as x over y.

Going further, Harrison notes that "'[t]o identify' might be a form of performance, . . . a narrative, or . . . the self-application of an identity marker: such as declaring oneself a Yankees fan." KELBY HARRISON, SEXUAL DECEIT: THE ETHICS OF PASSING 34 (2013).

30. Assimilate to the binary system by choosing either male or female in order to procure the identification documentation sought. *See* Christin Milloy, *Ontario Registrar Has Rejected More than Half of Sex-Designation Requests, Including Mine—and They Shredded My Birth Certificate!*, RISE UP AND SEIZE EQUAL. (June 16, 2013), http://chrismilloy.ca/2013/06/source-ontario-registrar-has-rejected-more-than-half-of-sex-designation-requests-including-mine-and-they-shredded-my-birth-certificate/ (explaining that Canadian transgender individuals may—in theory, and often with difficulty in practice—change the designation on a birth certificate so long as it is changed from "male" to "female" or "female" to "male," while "people with non-binary identities are left out in the cold.").

31. Shuvo Gosh, M.D., *Gender Identity and Gender Role*, MEDSCAPE (June 11, 2012), http://emedicine.medscape.com/article/917990-overview ("Gender identity is defined as a personal conception of oneself as male or female (or rarely, both or neither). This concept is intimately related to the concept of gender role, which is defined as the outward manifestations of personality that reflect the gender identity. Gender identity, in nearly all instances, is self-identified, as a result of a combination of inherent and extrinsic or environmental factors; gender role, on the other hand, is manifested within society by observable factors such as behavior and appearance.").

32. Here, "a state" refers both to country and to any of the several U.S. states. When it comes to passports, issued by the U.S. Department of State, there exists no legitimate interest in the federal government's requirement that a person's sex or gender be designated.

33. *See* Jacob Scobey-Thal, *Third Gender: A Short History: From Ancient Greece to Modern Pakistan, the Political and Cultural Emergence of a Complex, Controversial Term*, FOREIGN POLICY (June 30, 2014), http://foreignpolicy.com/2014/06/30/third-gender-a-short-

For passports, the process is markedly different. As of 2010, an individual may obtain a passport with a changed sex designation, valid for ten years.[34] In order to obtain such a passport, however, the requesting individual must present a letter from a licensed physician familiar with the applicant's transition-related treatment.[35] Moreover, an individual applying for a changed-designation passport must have undergone "appropriate clinical treatment for gender transition" in order to be eligible.[36] The silver lining in the passport application process is that the U.S. Department of State loosely defines what qualifies as appropriate treatment—it really just amounts to whatever one's healthcare provider has decided is appropriate, in the applicant's individual case, to "facilitate gender transition."[37]

While the change certainly means a step in the direction of trans* inclusion, it is far from enough. While the 2010 policy does not necessarily require surgical procedures,[38] only a change from "male" to "female" or from

history/ ("1951-1952: Christine Jorgensen, born George William Jorgensen in New York, completes sex-reassignment surgery in Denmark. Jorgensen, who served in the U.S. Army, gains national recognition as the first American widely known to have had the surgery. New York's *Daily News* runs a front-page story with the headline, 'Ex-GI Becomes Blonde Beauty.' (The United States, however, legally recognizes only two genders; this remains the case today.)"); James Michael Nichols, *White House Petitioned to Legally Recognize Non-Binary Genders*, HUFFPOST GAY VOICES (March 19, 2014 2:36 PM), http://www.huffingtonpost.com/2014/03/19/non-binary-gender-petition_n_4994200.html (Petition to Obama Administration demands that U.S. politicians "legally recognize individuals whose bodies and experiences fall outside of the male/female gender binary." The petition reads in part: "Legal documents in the United States only recognize 'male' and 'female' as genders. . .leaving anyone who does not identify as one of these two genders with no option. . .This petition asks the Obama administration to legally recognize genders outside of the male/female binary, and provide an option for these genders on all legal documents and records."); *see also* Jennifer Rellis, *"Please Write 'E' in This Box" Toward Self-Identification and Recognition of a Third Gender: Approaches in the United States and India*, 14 MICH. J. GENDER & L. 223, 223-27 (2008) (discussing that despite 1-4 percent of the world's population being intersex, American society-at-large does not accept the concept of "sexual identity outside the male-female binary"—a reality depicted in the fact that "the medical standard of care for intersex infants in the United States calls for corrective, [non-medically necessary] surgery aimed at 'normalizing' external genitalia to fit" male/female expectations).

34. *See Understanding the New Passport Gender Change Policy*, NAT'L CTR. TRANSGEND. EQUAL. (Last Updated Mar. 2014), http://www.transequality.org/sites/default/files/docs/kyr/passports_2014.pdf.

35. *Id.*

36. *Id.*

37. *See id.; see also Bureau of Consular Affairs, Gender Reassignment Applicants*, U.S. DEP'T OF STATE, http://travel.state.gov/content/passports/english/passports/information/gender.html (last visited Dec. 3, 2015) ("In order to have the passport issued in your new gender, you must submit a physician certificate with your application that validates whether your gender transition is in process or complete. . . . If a physician certifies that your transition is complete, you are eligible for a full validity ten-year passport.").

38. *Understanding the New Passport Gender Change Policy*, *supra* note 34 (explaining that the doctor need not certify applicant has undergone specific treatment or procedure for passport designation change).

"female" to "male" is allowed.[39] This reality makes circumstances difficult for gender non-conforming persons and those whose healthcare providers may recommend treatment that the passport applicants themselves do not want. It is further unclear as to what constitutes "appropriate" treatment under the new rules, leading commentators to speculate as to whether individuals may be subject to cissupremacist[40] understandings of gender identity.[41] The U.S. government's requirement that a person choose from the traditional gender binary when deciding which designation represents them legally and officially does not leave any options for persons who identify as neither binary gender—other than to choose to live the lie of an unsuitable designation.

B. International Approaches Regarding Trans Identification and Official Identification Documentation*

A handful of countries have taken measures in recent years to alleviate some of the problems trans* and gender non-conforming persons face when choosing a designation for legal documentation.[42] Australia in particular took a

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39. *See* Autumn Sandeen, *X for Indeterminate, Unspecified, or Intersex*, LGBT WEEKLY (Feb. 28, 2013), http://lgbtweekly.com/2013/02/28/x-for-indeterminate-unspecified-or-intersex/ (discussing whether a third gender category should exist in the United States, comparing the most recent changes in trans*-accommodating passport measures in the U.S. with those in Australia which recognize and allow an option for persons who do not identify with their assigned sex, nor with "male" or "female" designations); *see also Bureau of Consular Affairs, Gender Reassignment Applicants*, *supra* note 37 (noting that "completed gender reassignment" or "transition," or one that is "in process" as a qualification for changing the passport designation from M to F, or vice versa).

40. Cissupremacy may be defined as a discriminatory mindset that favors and values cisgender women and men over trans* people. For example, some "women-only" movements have made a point to explicitly exclude trans* women, based on the assertion that women not born with "traditionally female" biology are not real women. Parallels have been drawn with other historical hate groups, including "men's rights" activists and the white supremacist Ku Klux Klan, often citing the transphobic call to action by anti-trans* feminist Janice Raymond that "transsexualism should be 'morally mandated out of existence.'" *See* Joelle Ruby Ryan, *What They Call "Womyn-Only" Space Is Really Cisgender-Only Space*, TRANSADVOCATE (May 21, 2012) http://www.transadvocate.com/what-they-call-womyn-only-space-is-really-cisgender-only-space_n_6289.htm.

41. Aron Macarow questions the adequacy of U.S. passport-issuing policy. The author points out that U.S. Department of State language explaining the issuance of two-year passports (as opposed to the standard 10-year passport book for adults) for persons "in process" rather than "complete" does not make sense. For how does one complete gender? Moreover, societal views of individuals as either male or female still reign in the United States, making travel potentially hard for citizens of countries with more progressive non-binary passport designation options. Macarow offers an anecdote from Australian citizen Morgan Carpenter: "As an adult with an X passport I can tell you that actually using the passport is fraught with difficulty. I can't fly to the US with that passport, indeed I can't even book a meeting about that with their consulate." Aron Macarow, *These Eleven Countries Are Way Ahead of the US on Trans Issues*, (Feb. 9, 2015), http://www.attn.com/stories/868/transgender-passport-status.

42. *See id.* (as of February 2015, Malta offers "X" as a third gender or "decline to state" option for passport applicants, Australia allows an X option, Bangladesh offers an

great stride toward trans* inclusion when Scottish-Australian Norrie May-Welby pursued the legal status of neither man nor woman (for *four years*), and achieved a landmark decision by the High Court.[43] The High Court of Australia eventually found, in April 2014, that the New South Wales Registry of Births, Deaths and Marriages possessed the power to record May-Welby's sex as "not specified."[44] May-Welby was born with male sex organs, and underwent bottom surgery[45] to transition to female.[46] However, May-Welby realized she[47] did not identify as woman, and doctors correspondingly found that she was "neuter," did not identify as male or female, and had neither male nor female sex organs.[48] However, the case of Norrie May-Welby was not the first step taken by Australia to account for nonbinary identified persons. Alex MacFarlane is believed to be the first person in Australia to obtain a passport displaying the sex designation "X"—on account of being intersex,[49] as opposed to May-Welby's status as neuter.

MacFarlane was issued a birth certificate that stated sex as "indeterminate—also known as intersex" in the state of Victoria, Australia.[50] As a result of the decision to allow the "X" marker for MacFarlane, Australian government policy until 2011 was to only allow the "X" marker on passports

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"other" category, New Zealand offers an option for non-binary and transgender persons, Germany offers a blank or "X" designation for intersex citizens, India offers a third gender category for intersex, transgender, and hijra individuals, and Nepal offers a third gender category.).

43. In 2010, Norrie May-Welby received a designation of gender neutrality in New South Wales, Australia, becoming the first (publicized, at least) person to be officially recognized as neither man nor woman—or, gender "not specified." May-Welby's birth certificate was changed to reflect the "neutral gender." *See Norrie May-Welby: The World's First Legally Genderless Person*, THE WORLD POST (May 18, 2010, 5:12 AM), http://www.huffingtonpost.com/2010/03/18/norrie-may-welby-the-worl_n_502851.html.

44. Julia Baird, *Neither Female Nor Male*, N.Y. TIMES (April 6, 2014), http://www.nytimes.com/2014/04/07/opinion/neither-female-nor-male.html?_r=1 ("Last week . . . [Australia's] High Court, in a historic decision, ruled that . . . Norrie May-Welby could register as 'nonspecific' on official certificates.").

45. "Bottom surgery" refers to genital surgeries, often referred to as "gender reconstruction surgeries." *Hudson's FTM Resource Guide*, FTMGUIDE.ORG, http://www.ftmguide.org/grs.html (last visited Dec. 3, 2015); *see also Resources and Services – Terminology: Key Terms*, UNIV. OF MAINE, http://umaine.edu/lgbt/resources-3/terminology/ (trans* terminology resource definition: "Bottom Surgery – Surgery on the genitals designed to create a body in harmony with a person's preferred gender expression.").

46. *See* Kirsti Rawstron, *NSW Registrar of Births, Deaths and Marriages v. Norrie: Implications for Sex Segregation Studies* TASA-THE AUSTL. SOC. ASS'N 1, 4-5, https://staging.tasa.org.au/wp-content/uploads/2014/12/Rawston-K.pdf.

47. Norrie May-Welby has stated "she" as the preferred pronoun. *See id.* at 1.

48. *Id.* at 4-5.

49. MacFarlane is regarded as possibly the first person in the world to be issued a passport recognizing their being intersex. While women typically possess a 46XX chromosomal makeup, and men 46XY, MacFarlane possesses a 47XXY chromosomal makeup. *See* Julie Butler, *X Marks the Spot for Intersex Alex*, W. AUSTL. NEWSPAPER (Jan. 2003), http://www.crossdressing.pl/main.php?lv3_id=675&lv2_id=32&lang=en.

50. *See* JENNIFER E. GERMON, GENDER 182 (2009).

when the applicant could "present a birth certificate that notes their sex as indeterminate."[51] In 2011, government policy broadened to allow the issuance of passports with the "X" designation to anyone documented as indeterminate sex, with the guideline that "sex reassignment surgery is not a prerequisite to issue a passport in a new gender," and stating further that the issuing of such a passport did not require amended birth or citizenship documents.[52] The Australian government has further revised requirements for sex and gender recognition, and today extends the "X" designation to all adults who so choose, with the option available in all governmental matters.[53] Moreover, Australian Commonwealth guidelines state that the Australian government recognizes the difference between, and thus collects data regarding gender, as opposed to just sex,[54] stating that "[w]here sex and/or gender information is collected and recorded in a personal record, individuals should be given the option to select M (male), F (female) or X (Indeterminate/Intersex/Unspecified)."[55]

The progress in Australian policy may serve as a model for similar measures in the United States, though not without thorough analysis. Substantial criticism of the Australian developments have since come to light (not least amongst the trans* community), and would have to be dealt with to create a beneficial policy. Critics of the Australian model argue that the Australian government has "further stigmatise[d] an already stigmatised minority" in intersex persons, by treating everyone who happens to fall under the umbrella of indeterminate/intersex/unspecified as one in the same.[56] Gina Wilson, President of Organisation Intersex International Australia, worries that the Australian government's action may lead to unintended consequences for intersex persons—such as the inability to get married—in the event that the inclusion of the X category creates a legally-unrecognized "new class of people, a third sex,"[57] and a second class of citizens. To counter, some trans* rights advocates applaud the Australian government in recognizing that some of its citizens identify as neither male nor female, arguing that May-Welby's court

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51. Australian Human Rights Commission, *Sex Files: The Legal Recognition of Sex in Documents and Government Records*, THE SEX AND GEND. DIVERSITY PROJECT (Mar. 2009), *available at* https://www.humanrights.gov.au/sites/default/files/document/publication/SFR_2009_Web.pdf.

52. *Sex and Gender Diverse Passport Applicants*, AUSTRL. GOV'T DEP'T OF FOREIGN AFFAIRS AND TRADE, AUSTRL. PASSPORT OFFICE https://www.passports.gov.au/passportsexplained/theapplicationprocess/eligibilityoverview/Pages/changeofsexdoborpob.aspx [hereinafter Passport Applicants].

53. *Australian Government Guidelines on the Recognition of Sex and Gender*, AUSTL. GOV'T, ATTORNEY-GENERAL'S DEP'T (May 30, 2013) http://www.ag.gov.au/Publications/Pages/AustralianGovernmentGuidelinesontheRecognitionofSexandGender.aspx.

54. *See id.*

55. *See id.* (click full pdf version of the Guideline, quote at page 4).

56. Alex McKinnon, *Court Ruling "Stigmatises" Intersex People*, *STAROBSERVER (June 7, 2013), http://www.starobserver.com.au/news/court-ruling-stigmatises-intersex-people/104671.

57. *Id.*

victory means that increased scrutiny will be brought to the notion that the binary is the only means of correctly "doing gender".[58]

C. *The Indian Model*

India has also come remarkably far in accommodating trans* people on legal documents compared to other world governments. In *National Legal Services Authority v. Union of India*,[59] the Supreme Court of India recognizes a "third gender" for transgender individuals, which amounts to important changes in the rights of some trans* citizens. This includes a mandate that the Indian government provide transgender persons with the same rights and access to services as the county's other minority groups.[60] The ruling paves the way for increased employment, education, and medical care for the country's large transgender population, which previously had been turned away from such opportunities on the basis of being transgender.[61] In support of the ruling, Justice K.S. Radhakrishnan notes, "Recognition of transgenders as a third gender is not a social or medical issue but a human rights issue."[62]

University of Iowa professor and trans* activist Aniruddha Dutta argues that the Indian "third gender" ruling is overly vague for failure to specify surgery requirements.[63] In one part of the decision, a reference is made to Argentina's model, which does not require medical certification for a person to

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58. Performing gender within particular, perhaps gendered, surroundings. Candace West and Don H. Zimmerman discussed "doing gender" in 1987. "Doing gender involves a complex of socially guided perceptual, interactional, and micropolitical activities that cast particular pursuits as expressions of masculine and feminine 'natures.'" Candace West & Don H. Zimmerman, *Doing Gender*, 1 GENDER & SOC'Y 125, 126 (1987).

59. *See generally National Legal Services Authority v. Union of India and Others*, Writ Petition (Civil) No. 400 of 2012 (India: Supreme Court), *available at* http://www.refworld.org/docid/5356279d4.html [hereinafter India Court]; *see also* http://www.equalrightstrust.org/ertdocumentbank/NLSA%20v%20Union%20of%20India.pdf.

60. Terrence McCoy, *India Now Recognizes Transgender Citizens as "Third Gender,"* WASH. POST, April 15, 2014, http://www.washingtonpost.com/news/morning-mix/wp/2014/04/15/india-now-recognizes-transgender-citizens-as-third-gender/; *India Court Recognizes Transgender People as Third Gender*, BBC NEWS (April 15, 2014), http://www.bbc.com/news/world-asia-india-27031180; Michael K. Lavers, *India Supreme Court Recognizes "Third Gender,"* WASH. BLADE (April 15, 2014, 5:16 PM), http://www.washingtonblade.com/2014/04/15/india-supreme-court-recognizes-third-gender/.

61. *India Court*, *supra* note 59; *see also* Nikita Lalwani, *Landmark Ruling for Transgender Indians*, WALL ST. J. (April 15, 2014 5:56 PM), http://blogs.wsj.com/indiarealtime/2014/04/15/supreme-court-recognizes-transgendered-indians/.

62. *India Court*, *supra* note 59; *see also* Lavers, *supra* note 60 (Justice K.S. Radhakrishnan wrote in the decision, "Discrimination faced by this group in our society is rather unimaginable and their rights have to be protected, irrespective of chromosomal sex, genitals, assigned birth sex or implied gender role . . . [r]ights of transgenders, pure and simple, like hijras, eunuchs, etc., have to also be examined, so also their right to remain as a third gender as well as their physical and psychological integrity.").

63. *See Here & Now: What India's "Third Gender" Ruling Means*, WBUR (May 6, 2014), http://hereandnow.wbur.org/2014/05/06/india-third-gender [hereinafter Here & Now].

self-identify as a gender other than that to which they were assigned at birth.[64] Elsewhere, however, the decision suggests that psychological tests may be required. This is problematic "given the constraints of how diagnosis of gender dysphoria works in psychiatry and medicine, and is often based on binary and linear models of identification."[65] Moreover, the ruling mandates hospital wards exclusively house transgender patients, a requirement that would take away what some see as an individual's right to independently determine in which gender-designated ward they wish to receive treatment.[66] Lastly, Dutta argues that the lack of specificity contained in the decision will provide individual states the discretion to interpret the mandate as they please. Thus, a risk remains of "gender policing by state bureaucratic mechanisms (determining who can be third gender, who can be recognized as transitioned male or female, etc.)," and a return to surgical and hormonal requirements which many trans* people do not want or cannot access.[67]

D. The Ontario Model

The international approaches to sex/gender designation policies that are most similar to those of the U.S. and those discussed in this paper come from Canada. This is not unexpected considering the country's proximity to the United States, as well as its politics, neoconservative in comparison to those of Western Europe. The province of Ontario now allows transgender individuals to change the sex designation on birth certificates, but does not allow a change to anything other than Male or Female.[68] That said, the province no longer requires surgery for such a change to be obtained, upon order by the Human Rights Tribunal of Ontario.[69] However, in contrast with U.S. policy regarding the same matter, one is not required to undergo any medical treatment to change the designation on an Ontario driver's license.[70] Today, at most, an "opinion letter" from a health care provider stating that the change is appropriate may be necessary.[71]

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64. Aniruddha Dutta, *Thoughts on the Supreme Court Judgment on Transgender Recognition and Rights*, ORINAM (April 19, 2014), http://orinam.net/thoughts-supreme-court-judgment-transgender- recognition-rights/.

65. *Id.*

66. *See Here & Now*, *supra* note 63.

67. Dutta, *supra* note 64.

68. *See* Letter from Helen Kennedy, Exec. Dir., Egale Canada to Alexandra Schmidt, Senior Policy Advisor, SERVICEONTARIO (July 30, 2012), http://egale.ca/all/sex-designation/.

69. *See id.*

70. *See id.*

71. *How Do I Change the Sex on My Driver's Licence?*, SERVICEONTARIO (Feb. 23, 2015), http://www.ontario.ca/faq/how-do-i-change-sex-designation-my-drivers-licence.

E. U.S. Treatment of Trans Detainees Based on Gender Characterization*

"Transgender women are frequently housed with men, dramatically increasing the likelihood of assault."[72] Upon being raped by her male cellmate, a transgender immigration detainee was told by an on-duty staff person to just "deal with it."[73] This treatment is indicative of the federal government's lack of understanding of the realities and needs of trans* people in general, and trans* immigration detainees in particular. Instead of being housed with regard to their self-identified gender, many trans* immigrants in detention are held based on their biology.[74] Other times, trans* detainees are held in solitary confinement for long periods of time, in an attempt by Immigration and Customs Enforcement (ICE) to keep them from being harmed. Such measures often simply usher in the mental harm that comes from being completely isolated for extended periods.[75] Some seventy-five trans* prisoners are detained by ICE any given night, most of them transwomen.[76] The grave repercussions of the federal government's ignorance regarding trans* identity show that pigeonholing individuals into categories in which they do not belong has atrocious results.

It should be noted that non-immigration detention facilities in the United States also operate under an assumption of binary gender.[77] As in immigration detention facilities, prisoners are segregated based on genital appearance—binary segregation that leads to "especially horrific abuse of transgender and

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72. Parker Marie Molloy, *Activists Call for Release of Trans Immigration Detainee Raped in Custody*, THE ADVOCATE (Aug. 1, 2014 5:13 PM), http://www.advocate.com/politics/transgender/2014/08/01/activists-call-release-trans-immigration-detainee-raped-custody.

73. *Id.*

74. Mara Kiesling, Executive Director of the National Center for Transgender Equality, expresses the dire situation of transgender immigration detainees.

> They're housed wrong because they're trans. . . . There are so many alternatives to detention that could be used while waiting for asylum hearings, for deportation, for anything. There are alternatives like house arrest with ankle bracelets. Now, we're not in the business of recommending ankle bracelets, but if people are going to be put into situations where authorities don't want to protect them from frequent sexual assault, maybe ankle bracelets are the right way to go.

Molloy, *supra* note 72.

75. Joanna Vasquez recounts how she was treated in immigration detention due to a lack of appropriate measures for trans* detainees. She was with men, and attacked by a male cellmate. Guards told her the only way to ensure her safety was to house her in solitary confinement—a 6-by-13 foot cell where she was forced to live for 23 hours a day, completely alone, for the remaining seven months she spent awaiting an asylum decision. By the end of her detention, Vasquez "feared she was losing her mind as solitary took its toll." Cristina Costantini et al., *Why Did the U.S. Lock Up These Women with Men?*, FUSION (Nov. 17, 2014 7:00 AM), http://interactive.fusion.net/trans/.

76. *Id.*

77. *See* Alexander L. Lee, *Nowhere to Go But Out: The Collision Between Transgender & Gender-Variant Prisoners and the Gender Binary in America's Prisons*, JUST DETENTION INT'L (Spring 2003), http://www.justdetention.org/pdf/nowheretogobutout.pdf.

gender-variant prisoners whose genders and bodies do not conform to these stereotypes."[78] For example, trans* prisoners who have not undergone surgery to appear "traditionally" male or female, but are imprisoned in wards for a specific binary gender or sex category, are easy targets for harassment and other abuse.[79]

II. ANALYSIS

A. *Inadequacy of "Male/Female" as Official Document Fields*

> We all interact with gender-segregated facilities and institutions, like bathrooms and locker rooms, but many of us haven't thought about what it means that almost every institution designed to house, exploit the labor of, and control low-income people and people of color is gender-segregated. In all of these locations, gender binaries are enforced by means of humiliation, assault, and rape. . . . [I]n part because a white, liberal civil rights discourse has framed the LGBfakeT rights movement, the vital importance of these issues to the lives of most transpeople has often remained underdocumented, underanalyzed, and insufficiently acted upon. . .[80]

As most gender scholars agree, and briefly touched upon above, gender and sex are inherently separate concepts,[81] and should therefore be addressed accordingly. The United States government, as well as many Americans, regard sex and gender as one and the same—a designation one receives at birth (or, perhaps, upon later surgical procedure) that corresponds to one's sex organs.[82]

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78. *Id.* at 2-3.

79. *See id.* at 25 ("While all prisoners experience the gender-oppressive aspects of incarceration and conditions of confinement, [transgender and gender-variant] people's unique genders make them special targets because [their] bodies and minds defy the gender binary system and therefore pose unique threats to the gender enforcement aspects of state punishment. . . . [They have been] sexually assaulted, raped, and beaten by fellow prisoners and prison staff; subjected to homophobic and transphobic slurs from staff; forced to submit to frequent and unnecessary demeaning strip searches (that are in truth only performed to satisfy staff curiosity about [transgender and gender-variant prisoners'] genitals.)").

80. Dean Spade, *Fighting to Win*, *in* THAT'S REVOLTING! QUEER STRATEGIES FOR RESISTING ASSIMILATION 47, 50 (Mattilda Bernstein Sycamore 2008).

81. *See* OBOS Sexual Orientation & Gender Identity Contributors, *Separating Sex and Gender*, OUR BODIES OUR SELVES (April 10, 2014), http://www.ourbodiesourselves.org/health-info/separating-sex-and-gender/ ("Sex is commonly understood to be based on a person's genitals and reproductive organs; these anatomical details are thought to define a person as male or female. Gender is often understood to refer to gender identity, meaning your internal sense of yourself as female, male, or other, regardless of biology. . . . Gender also commonly refers to gender roles or expression, most often behaviors and physical characteristics considered masculine or feminine in a particular culture.").

82. *See id.* ("In American culture, gender is believed to follow directly from one's biological sex, so a baby born with a vagina is considered female, called a girl, and expected to grow up to be a woman who acts, dresses and talks in a manner considered by the culture

We know the refrain: boys, men, and males have penises, while girls, women, and females are by nature endowed with vaginas and vulvas. For cisgender[83] men and women—even those well-versed in gender studies—the pervasive gender/sex conflation likely glides past largely unnoticed. For trans* persons, however, society's confusion can take a toll on daily lives. "[S]ex is the legal fiction that occurs when the appearance of an infant's genitals at birth (as formalized by an 'M' or 'F' on a birth certificate) results in each person's placement into a legal category of 'male' or 'female.'"[84] But because many trans* persons do not identify with the "M" or "F" on their birth certificate, driver's license, passport, or other legal documentation (the only legal designations currently available in the United States), they must constantly battle the incongruity between who they are and the narrow categories available.

Trans* people often experience dysphoria[85] and depression as a result of their appearance or identity not "matching" the sex or gender designation on, for example, a driver's license. One FTM[86] trans* interviewee explained:

> I started my transition in 2010, injecting [testosterone], but haven't been able to change my license. As if I didn't already feel sick every time someone thought I looked like a woman, now I deal with looking like the man that I am—but have to feel stressed-out and

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and her community to be feminine. A baby born with a penis is considered male, called a boy, and expected to grow up to be a man who acts, dresses and talks in a manner considered to be masculine. In this binary way of thinking, our genitals, not our internal sense of self are the deciding factor.").

83. Cisgender refers to a person who a person who identifies with the gender assigned to them, typically at birth, in contrast to a person who is transgender and identifies with a gender not assigned at birth. Katy Steinmetz, *This is What "Cisgender" Means*, TIME (Dec. 23, 2014), http://time.com/3636430/cisgender-definition/ (author describes "cisgender" as applying to the "vast majority of people, describing a person who is not transgender. If a doctor announces, 'It's a girl!' in the delivery room based on the child's body and that baby grows up to identify as a woman, that person is cisgender." According to statistics, 99% of the population is cisgender, a term that some argue is the "an equal to" the term "transgender").

84. Tomchin, *supra* note 9.

85. A term recently adopted by the Diagnostic and Statistical Manual of Mental Disorders (DSM-V) to "better characterize the experiences of" trans* persons than the DSM-IV's "gender identity disorder." The "critical element" of gender dysphoria is "the presence of clinically significant distress associated" in persons who identify as other than the gender assigned them at birth. According to the American Psychiatric Association, "[g]ender dysphoria is manifested in a variety of ways, including strong desires to be treated as the other gender or to be rid of one's sex characteristics, or a strong conviction that one has feelings and reactions typical of the other gender." *Gender Dysphoria*, AM. PSYCHIATRIC PUBLISHING, *available at* http://www.dsm5.org/documents/gender%20dysphoria%20fact%20sheet.pdf.

86. *Transgender Terminology: FTM*, NAT'L CTR. TRANSGEND. EQUAL., http://www.transequality.org/issues/resources/transgender-terminology (last visited Dec. 3, 2015).

> nauseous because of the potential questions I face if I have to show my ID.[87]

The interviewee noted that his struggle with depression worsens when he feels the stress of potentially being pulled over by the police, or interacting with police in political protest, stating that "it makes me feel like I shouldn't even be part of a demonstration, because the potential of getting arrested and assaulted in a jail is [too much]."[88]

But the issues run deeper for some trans* persons who would prefer to be seen as neither man nor woman. Because gender lies on a spectrum and is fluid, much like sexual orientation, a trans* person might not identify as "wholly male" or "wholly female" at a given point in life.[89] As such, a person's gender identity can also change over time—another reality government bureaucracies are far from understanding or accommodating. The second interviewee, when asked what designation they would prefer to use on official identification documents, stated they would like to be regarded as "something in between" or "queer," but does not see such an option becoming a reality in the United States anytime soon.[90]

> I haven't actually been harassed because I'm trans*, at least that I know of. But I would feel more comfortable with a [designation] that said something other than Male or Female, or maybe [simply not have such a field listed]. I don't necessarily [appear as either-or] at this point, and I guess, until I do, I can see being hassled if I had to show my license [which still states my birth name and birth sex/gender].[91]

We must learn that the obstacles trans* people face, with regard to the "wrong" sex/gender designation, do not disappear when a government agency allows a change from "male" to "female," or vice versa. The inherent fluidity of gender clashes with the binary classification scheme. This reality has serious consequences for those who do not identify as either/or and recognize that they

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87. Interview 1 (author's records).

88. *Id.*

89. Trans* advocacy group TransCentral PA provides an explanation of gender's fluid nature.

> [T]here are multiple domains defining gender. In turn, these domains can be independently characterized across a range of possibilities. Instead of the static, binary model produced through a solely physical understanding of gender, a far more rich texture of biology, gender expression, and gender identity intersect in multidimensional array of possibilities. Quite simply, the gender spectrum represents a more nuanced, and ultimately truly authentic model of human gender.

Transgender 101, TRANSCENTRAL PA, http://www.transcentralpa.org/resources_T101.htm.

90. Interview 2 (author's records).

91. *Id.*

should not be forced to essentially lie or put forth a false veneer by choosing one designation over the other.

The legal option to change the sex/gender designation on one's documentation, even when the individual seeking the alteration *does* identify with either "M" or "F", hardly begins to scratch the surface of the issues the trans* community must endure on account of gender identity, even at the hands of our government. "Discrimination on the basis of gender identity is common in welfare offices, on workfare job sites, in Medicaid offices, and in Administrative Law Hearings for welfare, Medicaid, and Security Disability benefits."[92] For those who manage to navigate the booby-trapped American benefits system, consistent access to entitlements often requires legal representation or other advocacy.[93] Unfortunately, however, "most poverty attorneys and advocacy organizations are still severely lacking in basic information about serving [trans*] clients and may reject cases on the basis of a person's gender identity, or create such an unwelcoming environment that a [trans*] client will not return for services."[94]

B. Gender Policing Based on Binary Assumptions

This Comment refers to gender policing as the invisible framework of rules and punishments society uses to keep people's gender and sexuality in "check," to enforce a binary understanding of Male/Female-only gender. A simple example might be the anecdote of a boy who is made fun of by his peers for playing with dolls or wearing pink, or the parent who polices their child's gender by scolding that "boys don't cry."[95] Others have referred to gender policing in a trans* context to discuss instances of requests for identification by police leading to "presumptions that transgender people are fraudulent, deceitful, or inherently suspicious," or past sumptuary laws which gave police the authority to arrest anyone found "impersonating another gender" by not wearing "gender appropriate clothing."[96]

Trans*-identified individuals note facing "almost insurmountable difficulty when instructed to check an 'F' or 'M' box on identification papers"[97]—neither option is adequate. Some individuals choose to use non-

92. Spade, *supra* note 80, at 49.

93. *Id.* at 50.

94. *Id.*

95. Additionally, Stephanie Medley-Rath recounts her young daughter being socialized at preschool that her favorite color should be pink, as opposed to her own preference of "all the colors." Medley-Rath notes that her daughter "is learning that this inconsequential choice has already been made for her because of her gender." Stephanie Medley-Rath, *I Like All the Colors: Gender Policing Children*, SOCIOLOGY IN FOCUS (Oct. 10, 2012), http://www.sociologyinfocus.com/2012/10/10/i-like-all-the-colors-gender-policing-children/.

96. *Enforcing the Gender Binary*, INCITE! 5, http://www.incite-national.org/sites/default/files/incite_files/resource_docs/3515_toolkitrev-policinggender.pdf.

97. LESLIE FEINBERG, TRANS LIBERATION: BEYOND PINK OR BLUE 1 (Beacon Press 1999).

standard pronouns they feel more sufficiently represent their gender, including, but not limited to ze/hir,[98] and they.[99] When addressing the reasons for pronouns other than he/she or him/her, people often mention things like a need for society to recognize their actual gender and personal truth.

One proposed solution is, of course, to understand gender as a self-assigned social construct and instead use identification markers to signify a person's sex. As one may gather, a "solution" of this sort does not rectify the problem. As Dylan Vade points out: even sex is not a black or white, male or female issue—the biological traits that society and governments use to determine sex still constrain.[100] "[T]here are endless combinations of these categories. . . [of] biological variety,"[101] but we degrade people who do not fit society's notions of the proper biological make-up of what we believe constitute the sexes. Intersex persons, for example, are often considered flawed, or seen as possessing biology that deviate from a "normal"—a "medical and social emergency . . . that must be 'corrected' immediately . . . with a knife."[102] Because our concept of sex is socially constructed and prescribed, not to mention greatly oversimplified, it cannot be said that to only list an individual's sex on documentation is an adequate remedy to the identification designation problem.

Without delving too deeply into the matter, it seems that in due process terms, a government's only purpose in denying trans* persons a non-binary option on official documents is a discriminatory one—or at least one that does not recognize the liberty at stake.

C. *Gender Policing in Detention*

American gender policing has real consequences for trans* people in specific contexts, especially in circumstances where trans* people reside in government detention. Reports show that LGBTQ individuals are abused in these situations at higher rates than those perceived or who identify as outside of the community.[103] Trans* people in particular report especially high rates of

98. *Gender Neutral Pronouns*, TRANS@MIT, http://web.mit.edu/trans/GenderNeutralPronouns.pdf (last visited Dec. 3, 2015).

99. Steven Petrow, *Gender Neutral Pronouns: When "They" Doesn't Identify as Either Male or Female*, WASH. POST, Oct. 27, 2014, http://www.washingtonpost.com/lifestyle/style/gender-neutral-pronouns-when-they-doesnt-identify-as-either-male-or-female/2014/10/27/41965f5e-5ac0-11e4-b812-38518ae74c67_story.html.

100. Dylan Vade, *Expanding Gender and Expanding the Law: Toward a Social and Legal Conceptualization of Gender that Is More Inclusive of Transgender People*, 11 MICH. J. GENDER & L. 253, 271 (2005) (including such traits as chromosomes, reproductive organs, and hormones); *see generally* Julie A. Greenberg, *Defining Male and Female: Intersexuality and the Collision Between Law and Biology*, 41 ARIZ. L. REV. 265, 275 (1999) (internal citation omitted).

101. Vade, *supra* note 100, at 280.

102. *Id.* at 281.

103. Sharita Gruberg, *Dignity Denied: LGBT Immigrants in Immigration Detention*, CTR. FOR AM. PROGRESS (2013), https://cdn.americanprogress.org/wp-

mistreatment in immigration detention, often as a direct result of trans* identity or appearance related to such identity.[104] Astonishingly, United States Immigration and Customs Enforcement (ICE) field offices failed to report some 40 percent of immigration detention center sexual assault allegations to ICE headquarters.[105] Measures have been recently implemented to protect transgender immigrant detainees, but their restrictions keep them from ensuring safe detention for all such persons.

In March 2014, the United States Department of Homeland Security (DHS) finalized standards for the Prison Rape Elimination Act (PREA),[106] which apply to immigrants held in immigration detention institutions owned by DHS, and to ICE.[107] Many of the protections set forth in the PREA standards directly apply to LGBTQ immigrants, and promote safer conditions for them in detention.[108] The standards require DHS to adopt a zero tolerance stance on sexual abuse. They also require all affected detention facilities to adopt written zero-tolerance policies and keep an outline of how they will go about detecting, preventing, and responding to "inappropriate conduct."[109] Importantly, the PREA standards include "safe placement standards" mandating that transgender immigrants not be placed in detention "solely based on identity documents or physical anatomy."[110] Instead, decisions as to where to place transgender individuals must be made after looking at several factors, such as "gender self-identification, health, safety needs, and the advice of a medical or mental health practitioner."[111] In some cases trans* immigrants may be subject to supervised release or other detention alternatives, but when they must be held at a detention facility, the standards dictate that an individual's own gender self-identification should form the basis for placement location.[112] The standards further prohibit examination of an immigrant detainee "for the sole

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content/uploads/2013/11/ImmigrationEnforcement.pdf (FOIA requests and complaints filed show that LGBT inmates face "increased risk of abuse in detention" when held in immigration facilities to a similar extent as in general prison populations, "where LGBT inmates are 15 times more likely to be sexually assaulted than the general population.").

104. Amy Lieberman, *Complaints by Transgender Detainees Quantify Abuse*, WOMEN'S E-NEWS (Sept. 3, 2013) http://womensenews.org/story/lesbian-and-transgender/130902/complaints-transgender-detainees-quantify-abuse.

105. Gruberg, *supra* note 103, at 9.

106. *See DHS Announces Finalization of Prison Rape Elimination Act Standards*, U.S. DEP'T OF HOMELAND SECURITY, DHS PRESS OFFICE (Feb. 28, 2014), http://www.dhs.gov/news/2014/02/28/dhs-announces-finalization-prison-rape-elimination-act-standards.

107. Sharita Gruberg, *How the Prison Rape Elimination Act Helps LGBT Immigrants in Detention*, CTR. FOR AM. PROGRESS (April 2, 2014), https://www.americanprogress.org/issues/lgbt/report/2014/04/02/86976/how-the-prison-rape-elimination-act-helps-lgbt-immigrants-in-detention/.

108. *Id.*

109. *Id.*

110. *Id.*

111. *Id.*

112. *Id.*

purpose of determining [their] gender," in order to protect detainees' dignity and curtail wrongful touching by detention center employees.[113]

If followed, the standards appear to protect non-gender binary immigrant detainees from some of the harshest mistreatment typically suffered in detention centers—especially if such individuals are not forced into placement amongst detainee populations that will harm them. Given the reality that trans* people tend to at minimum experience harassment of some sort in any sizeable population of persons not specifically concerned with trans* welfare, it seems impossible that any placement of such individuals in detention facilities would be safe. But the standards appear to allow placement of immigrants in solitary confinement for extended periods so long as such placement was for sexual abuse reasons, and so long as no reasonable less-restrictive alternatives exist. This practice seems to make way for a singling-out of non-binary identified individuals who for identification reasons do not "belong" in either male or female detention facilities. It also allows such individuals to be subjected to the pitfalls of solitary confinement when they can only be held in detention centers.

Naturally, the PREA standards are immeasurably important for the wellbeing of trans* immigrant detainees who, if placed with members of their birth-assigned sex, would be at risk for harm. That said, the standards are not infallible and may even cause trauma in trans* detainees. To note, immigration detention facilities are required under PREA to notify an ICE supervisor within seventy-two hours of placing a detainee in solitary confinement based on "vulnerability to sexual abuse or assault" and determine the existence of less-restrictive options; however, solitary placement may nonetheless take place, a practice that has been found to cause psychological harm to the affected detainee.[114] In contrast, DHS strictly prohibits placement in solitary confinement when such placement decision would be made on the sole basis of an immigrant's gender identity.[115]

Surely we should applaud the U.S. government's attention to the safety and health concerns that arise from the detention of trans* immigrants, but we cannot stop here. The PREA standards again only apply to the treatment of those detainees held in detention facilities DHS owns, which leaves many immigrant detainees housed in facilities owned by private corporations and space rented from county and local facilities without such mandated safeguards.[116]

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113. Gruberg, supra note 103.

114. *See id*

115. *See id.*

116. *See* Mary Meg McCarthy, *U.S. Department of Homeland Security's Sexual Assault Regulations Take Effect Today*, NAT'L IMMIGRANT JUSTICE CTR. (May 6, 2014), https://immigrantjustice.org/press_releases/us-department-homeland-security%E2%80%99s-sexual-assault-regulations-take-effect-today.

D. Discussing Possible Solutions

When it really comes down to it, is it anyone's business what gender or sex a person states on their passport, driver's license, or birth certificate? Because we know neither sex nor gender are determined by a person's looks nor body, this Comment speculates that perhaps no such designation should be included on legal identification. Alternatively, if research proves a vital necessity in stating the shape of an infant's body parts on a birth certificate, then it makes the most sense to actually spell out what a child's genitalia look like. As Julie Greenberg argues, we determine biological sex in large part based on a person's ability to engage in reproductive heterosexual procreation.[117] This seems perverse.

To use this type of system would almost certainly result in discrimination or at least "othering" when an adult or adolescent individual uses said birth certificate to, for example, apply for benefits or a passport if their appearance does not match an issuing agency's perception of how a particular organ-having person should look or act. A person's gender and sex are not to be publicly accessed, scrutinized, controlled, or evaluated. Instead, they are for each individual to know—and no one else, unless given permission by the affected person themselves.

We arrive at the question: where should government "draw the line"? How many designations are necessary to avoid discrimination? It seems the answer might lead down a slippery slope.[118] I will therefore take the inquiry a step further and ask: Is any such designation truly necessary? And, at what point is an inquiry into where one "falls" in relation to "male" or "female" the government's business?[119] Without delving too deeply into the matter, it seems that a government's only purpose in denying trans* persons a non-binary option on official documents is a discriminatory one—or at least one that does not recognize the autonomy at stake.[120] As Jillian T. Weiss argues, perhaps we must question what "putative state interests can be asserted in favor of gender regulations," their legitimacy, and their "rational nexus to the law."[121] If the inability to possess a passport or birth certificate with the appropriate gender designation means that a person is subject to harassment, violence, or

117. Julie Greenberg, *Legal Aspects of Gender Assignment*, ENDOCRINOLOGIST 277, 278 (June 2003).

118. In the sense that, adding countless acceptable designations in the "sex" or "gender" field on documentation applications can never truly satisfy all people, given the fluid, self-identity-based nature of gender, and the many types of intersex.

119. *See generally* Jillian T. Weiss, *Gender Autonomy, Transgender Identity and Substantive Due Process: Finding a Rational Basis for Lawrence v. Texas*, 5 RACE, GENDER & ETHNICITY (Feb. 2010) (arguing that substantive due process may protect gender autonomy and gender self-identity).

120. These are intended as questions to the reader—not as solutions, or a call to action for a particular path toward trans* rights. Instead, the purpose is to begin a discussion as to how Americans should go about addressing lacking identification designations, and what the end goal may be.

121. *See* Weiss, *supra* note 119, at 2.

discomfort when in public situations, then it seems as though one lacks all meaningful autonomy.[122]

E. Taking on the Passport Problem

For U.S. passports to accommodate non-binary identified citizens, several changes to current regulations have to be made. One option is to introduce "X" as an alternative to M and F as a designation in passports. This would not require persons to use "male" or "female" as a designation when they do not wish to have either designator represent them for international travel and identification purposes. Where the X marker is allowed, as in Australia, trans* and intersex persons may feel more able to be open about their gender, but it still does not solve the ultimate problem of gender identity being fixed by the government. This Comment argues that the institution of an "X" marker for passports, while better than no non-binary designation option at all, still confines people to a representation of their sex or gender that they themselves have not chosen. This problem must be rectified. No person should be obligated to live under any such designation with which they have not decided to identify.

Currently, the International Civil Aviation Organisation only allows M, F, and X as accepted designations.[123] The X designation in Australia is meant to signify intersex or unspecified sex. In reality, due to the conflation of sex with gender, it trivializes trans* individuals' genders and encourages a perception that trans* persons are "other." It further implicates a notion that genders other than man or woman can exist, but are not worthy of their own designations. For passport designations to be fair to all, there must be recognition that each individual has the right to personally determine what title best fits who they are as individuals. Either *all* identities should be acceptable on passports, or none at all. The former option should allow for individuals to write in the identifier they want to go by when applying for the document, and their choice should be adopted in the passport itself, no questions asked. We cannot accept for any person's identity to be circumscribed or pigeonholed by institutions, and must instead accept any individual's gender identity.

In the alternative, perhaps sex/gender designations should be scrapped altogether. We should ask: what purpose do they serve? If the purpose is to ensure that travelers are indeed who they portray themselves to be, alternative methods, such as photographs, can serve that function. Passport sex and gender designations are too constraining, not to mention long-lasting[124] to be accurate, effective, and nondiscriminatory. Typical U.S. passports are valid for five or ten years, a timespan during which a person's gender or sexual identity may plausibly change. Not only is a person's gender or sex no one else's business, but to require an individual to pay for a new passport any time their sexual or

122. Weiss recalls her arguments regarding rights of self-determination of gender, and of self-identification of gender based on privacy protection of sensitive information. *Id.* at 6.

123. *Passport Applicants*, *supra* note 52.

124. Whereas gender can change from moment to moment.

gender identity slightly changes is prohibitively expensive.[125] To force the International Civil Aviation Organisation to accommodate all genders (the number of which is, due to the non-static nature of gender, necessarily indeterminate) with computer and infrastructure systems would also be too expensive to implement, not to mention update every time an individual realizes a change in sex or gender. Even further, gender and sex policing by federal passport agencies and international organizations is intrusive and evokes a sort of lifestyle-monitoring that seems to imply that citizens cannot be trusted to exercise personal agency and autonomy.

III. CONCLUSION

Trans*-identifying people are subject to discriminatory treatment based on gender when unable to obtain documentation that accurately depicts who they are. A parallel can be drawn from the lack of appropriate ID designations, to the violence and disparagement many experience in detention—appearing or identifying in some way that governments have yet to accept leads to one being "othered" in governmental institutions. It may be especially difficult to remove a gender/sex designation from, or to add additional designations to, a passport, on account of international rules. Even so, it has become apparent that the task is now upon us.

It appears that the common thread in the discussion regarding designations for non-binary and trans* persons is self-identification. Sex is a private matter, not solely based on a birth certificate (as is the case for intersex persons), and gender is widely regarded as based on one's feelings and perceptions of self. As such, any one person should be able to choose their personal gender where documentation of it is needed. Additionally, it seems that allowing prisoners and detainees a choice of where they will reside while in government custody is the best way to ensure their wellbeing. More than humanitarian concerns, there may be true constitutional issues at stake in the designation debate.

A total restructuring of the American outlook on gender may need to take place for us to eliminate gender designations overall. That said, there is no time like the present to begin the task of better trans* inclusion. Many questions remain in this area of study, outside the scope of this Comment but worth exploration. Among them, what constitutional issues are implicated in a mandatory gender designation requirement? Further, how does such a requirement affect political refugees and international mobility? What bearing might an increase in social, media, and social media coverage of trans* celebrities and queer politics have on public and governmental dispositions toward the role of the binary gender in Millennial America? The author's hope is for readers to discuss the information contained and conclusions drawn in this piece, and to arrive at new conclusions and ideas of their own.

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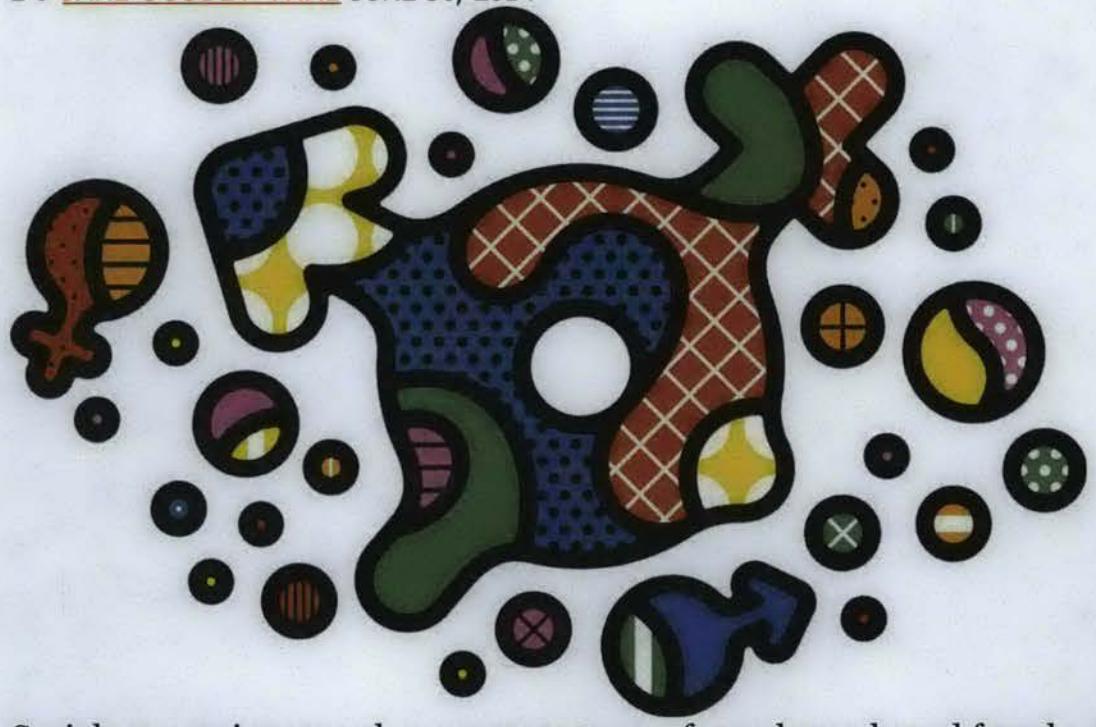
125. Passports typically cost around $100.00 to $150.00. *Passport Fees*, U.S. DEP'T OF ST. AND CONSULAR AFF. http://travel.state.gov/content/passports/english/passports/information/fees.html.

IN BOX

Third Gender: A Short History

From ancient Greece to modern Pakistan, the political and cultural emergence of a complex, controversial term.

BY JAKE SCOBEY-THAL JUNE 30, 2014



Social convention says there are two types of people: male and female. And you know who's who based on their genitalia. But in fact, various cultures have long recognized members who buck the biological binary. The ancients wrote of people who were neither men nor women; individuals have been swapping genders for centuries; and intellectuals have fiercely debated the connection between the body and the self. Today, there are many populations with alternative identities, such as *hijras* in South Asia, *kathoeys* in Thailand, and *muxes* in Mexico. Yet these groups haven't had it easy, often facing discrimination and violence. Only recently has the fight for legal recognition — and respect — of "third gender" begun to bear fruit, thanks to pioneering activists and policymakers. The world, it seems, is slowly embracing an adage once restricted to liberal universities: Gender is a construct, and people should be able to define it for themselves.

385-380 B.C.

Greek philosopher Plato writes *Symposium*, in which men at a drinking party philosophize about the nature of love. Aristophanes, a comic playwright, tells a story of creation in which "original human nature" includes a third sex. This sex "was a distinct kind, with a bodily shape and a name of its own, constituted by the

union of the male and the female: but now only the word 'androgynous' is preserved, and that as a term of reproach."

Around 200 B.C.
The *Manusmriti* (*Laws of Manu*), which forms the basis of Hindu rules, says, "A male child is produced by a greater quantity of male seed, a female child by the prevalence of the female; if both are equal, a third-sex child or boy-and-girl twins are produced." But like many other early writings on human identity, the *Manusmriti* does not distinguish between biological traits and a person's social role: The former determines the latter.

77 B.C.
Genucius, a Roman slave and eunuch, is denied inheritance on the grounds, according to art historian Lynn Roller, of being "neither a man nor a woman." He is "not even allowed to plead his own case, lest the court be polluted by his obscene presence and corrupt voice." Eunuchs, typically castrated men, often hold trusted positions — such as servants or priests — but they are also treated as abnormal.

1400s
Sworn virgins emerge in Albanian communities in the Balkans. Known as *burrneshas* ("he-she"), the virgins are women who take oaths of celibacy and live as men in order to gain certain rights and privileges. For instance, after the death of a head of household and in the absence of male heirs, a woman could become a burrnesha to secure her family's property and honor.

1860s
Karl Heinrich Ulrichs, a German thinker and writer, outlines a theory of homosexuality using "third sex" to categorize men attracted to other men. He also describes such a man as having "a female psyche confined in a male body." This theory competes with Charles Darwin's writings on sexual selection, which assert that two sexes exist for the purpose of reproduction.

1871
British administrators pass the Criminal Tribes Act in India, effectively outlawing the country's *hijras* — a community that includes people born with both male and female biological traits (called "intersex" today), transgender people (those whose gender identity doesn't match their sex assigned at birth), eunuchs, and even cross-dressers. Celebrated in sacred Indian texts, hijras had long been part of South Asian cultures, but colonial authorities viewed them as violating the social order.

1918
Earl Lind (also known as Ralph Werther and Jennie June) publishes *The Autobiography of an Androgyne*, a memoir about coming to identify as "third sex." The book, still studied widely by scholars of gender and sexuality, describes the author's life in New York City, sexual encounters with both men and women, and decision to undergo castration.

1951-1952
Christine Jorgensen, born George William Jorgensen in New York, completes sex-reassignment surgery in Denmark. Jorgensen, who served in the U.S. Army, gains national recognition as the first American widely known to have had the surgery. New York's *Daily News* runs a front-page story with the headline, "Ex-GI Becomes Blonde Beauty." (The United States, however, legally recognizes only two genders; this remains the case today.)

1950s
Psychologist John Money popularizes the term "gender role." He controversially studies intersex children to understand how social and environmental factors, in addition to genetic and hormonal ones, help determine whether a person identifies as male or female. Money's theories provide an important basis for efforts — spearheaded by the burgeoning feminist movement — to argue that gender is not simply a function of biology.

1966
Endocrinologist Harry Benjamin, who treated Jorgensen, publishes *The Transsexual Phenomenon*, with a "sex orientation scale" for men engaging in feminine behaviors. At one end are men who occasionally dress as women but don't want to be female; at the other end are men who consider themselves female and urgently want reassignment surgery. "The dominant status of the genital organs for the determination of one's sex," Benjamin writes, "has been shaken."

1970s
Mexicans in Oaxaca state establish Vela de las Intrepidas (Vigil of the Intrepids), a festival celebrating ambiguous gender identities. The Zapotec culture embraces a third-gender population called *muxes*: men who consider themselves women and others who don't strictly identify one way or the other. Muxes trace back to pre-Columbian times, when there were "cross-dressing Aztec priests and Mayan gods who were male and female at the same time," according to the *New York Times*.

1980
The American Psychiatric Association (APA) codifies "gender identity disorder," a condition in which there is a disparity between a person's assigned sex and expressed gender identity. The diagnosis allows practitioners to justify hormone treatment, sex-reassignment surgery, and other care. But critics argue that categorizing certain gender identities as mental illness is discriminatory. (In 2012, the APA renames the condition "gender dysphoria.")

1980s
Iran's supreme leader, Ayatollah Ruhollah Khomeini, issues a fatwa proclaiming no religious restriction on reassignment surgery, previously sanctioned only for intersex people. The ayatollah had been lobbied by transgender activist Maryam Khatoon Molkara. Today, Iran is a top destination for the surgery, but the trend has a dark underbelly: Many gay Iranians choose surgery to avoid persecution for homosexuality, which is still punishable by death. Iran does not recognize alternative genders.

Dec. 21, 2007
Nepal's Supreme Court mandates that the government establish a third-gender category ("other") on citizenship documents. The ruling comes in an anti-discrimination case filed by Sunil Pant, Asia's first openly gay federal-level politician and founder of the Blue Diamond Society, an NGO that works closely with transgender sex workers (long targets of police brutality in Nepal). Despite the ruling, third-gender people continue to report harassment. As of 2014, according to activists, only five individuals had officially registered as "other."

Dec. 23, 2009
Pakistan's Supreme Court orders the creation of national identity cards on which hijras can identify as a distinct gender.

Sept. 15, 2011
The Australian government announces that passports will include a third-gender option. However, the new regime has limitations: Applicants wishing to select "X" as their gender must provide a letter from a medical professional confirming that they are intersex or do not identify with the sex assigned to them at birth. (Similarly, people wishing to change their gender — from, say, female to male — must provide a letter confirming that they are undergoing treatment for a gender transition.)

Nov. 1, 2013
Germany announces that it will allow parents to register newborns as indeterminate on birth certificates. The legislation is adopted to mitigate pressure

to pursue immediate surgery for babies born with ambiguous physical features. A review by the German Ethics Council had revealed problems created by forced operations. "I will remain the patchwork created by doctors, bruised and scarred," one adult tells the BBC of surgery performed soon after birth.

Feb. 13, 2014
Facebook expands gender settings on user profiles. These include some 50 new options, including "cisgender" (someone who has a gender identity regularly associated with his or her biological sex), "neutrois" (someone who rejects a gender binary entirely), and — simply — "other."

April 15, 2014
India's Supreme Court recognizes the right of people, including hijras, to identify as third gender. The ruling requires the government to establish quotas for third-gender people in employment and education, like those already in place for other minorities. The court states, "It is the right of every human being to choose their gender."

Illustration by Craig & Karl for FP

oii AUSTRALIA

Organisation Intersex International Australia Limited

(https://oii.org.au)

On Australian passports and "X" for sex

By Admin (https://oii.org.au/author/admin/) on 9 October 2011

()THE first person to be granted an X on their passport here in Australia was Alex MacFarlane, first reported in 2003. (http://www.tandfonline.com/doi/abs/10.1080/09505430802280784?journalCode=csac20#.Un8OUZFw1cc) Eligibility was improved in 2011, under a 2011 revised (http://www.foreignminister.gov.au/releases/2011/kr_mr_110914b.html) Department of Foreign Affairs & Trade (DFAT) policy (https://www.passports.gov.au/Web/SexGenderApplicants.aspx), and the policy was extended across the federal government in 2013.



The history of the X sex marker

The only allowable designators under ICAO rules are M, F or X where X signifies "sex unknown". X has been available since 1945 when the United Nations (UN) (http://www.un.org/en/) vested control of passports in the International Civil Aviation Organisation (ICAO) (http://www2.icao.int/en/home/default.aspx).

We have been advised that the X arose out of the huge refugee migration following World War II (http://en.wikipedia.org/wiki/World_War_II). Several international organizations such as the Red Cross (http://en.wikipedia.org/wiki/International_Red_Cross_and_Red_Crescent_Movement) were responsible for resettling refugees and displaced persons following that conflict. Emergency passports were generated in large numbers to allow the quick resettlement of individuals without any identifying documentation and from places where that documentation had been destroyed during the war. When making up the passports the agencies could not, from the names alone, decipher the sex of the individuals due to foreign names often being too complicated for the ears of French, English and American aid workers.

X was made an allowable designator in view of the difficulties resettlement aid workers had with unfamiliar names and the sex usually associated with them. The rules do not require that the X must eventually be resolved into an F or M designation, though that was likely the intention when the policy was drafted. We are legally able to take advantage of this facility despite differences between the original objective and the current policy.



(http://www.bodieslikeours.org/pdf/xmarks.pdf)

Australian policy from 2003 to 2011

Australia has issued X on passports at least since 2003 (https://oii.org.au/18734/smh-recognition-non-specific/) when a Victorian-born Western Australian-resident intersex person, Alex MacFarlane, fought for that designator through the Administrative Appeals Tribunal and was reported to receive a passport.

Five or six Australians were granted the right to an X designator under this subsequent policy, where it was necessary to have "not specified" stated on one's birth certificate to qualify for an X designation. The Australian Human Rights Commission's *Sex files* documented this policy in section 8.2 (a). (https://www.humanrights.gov.au/sex-files-legal-recognition-concluding-paper-sex-and-gender-2009#Heading495)

The state of Victoria maintained the only birth registry that was willing to have that appellation on a birth certificate and would only do so for people known to be intersex and where that was evident from the original notification of birth paperwork – the birth certificate.

Consequently X was rarely put on passports.

The 2011 policy increases access

As of 2011, the qualification to receive an 'X' sex designation on a passport is based simply on a medical doctor's letter stating that you live as a person of indeterminate, unknown or non-specified gender*.

The 2011 policy eases the burden of proof so that a letter from a medical practitioner is all that is required to qualify, making it much easier for intersex people and anyone else to opt for it.

The X is available because of an insistence from OII Australia, and especially by our president Gina Wilson who advised the Ministerial Panel, that an X must continue to be available for intersex people who desire it.

Anyone can apply so long as they have a willing doctor – our impression is that this degree of availability was somewhat inadvertent, due to use of the word "intermediate" rather than "intersex".

OII Australia continues to lobby for the X designator to be freely available to everyone as a matter of choice and without other qualifying documents.

Update, 2013

In mid 2013, the Australian government introduced new federal guidelines for the recognition of sex and gender. These explicitly enable access to 'X' gender markers by any intersex or gender diverse person who seeks it and can obtain doctor or psychologist certification. The guidelines standardise federal data on sex and gender, and clarify that the government prefers to collect data on gender, not sex.

More information on the 2013 guidelines. (https://oii.org.au/22636/welcome-guidelines-sex-gender-recognition/)

Footnote

()*Sex, and not gender, is the marker on passports. Legislation and regulations typically don't distinguish the two.

More information

- Major reform to Australian passport law (https://oii.org.au/14416/australia-reforms-passports-law/)
- Ten years of 'X' passports, and no protection from discrimination (https://oii.org.au/21597/ten-years-of-x-passports-and-no-protection-from-discrimination/)

Categories: FAQs / Key Data (https://oii.org.au/category/faqs/), Sex and gender recognition (https://oii.org.au/category/research/recognition/), Travel (https://oii.org.au/category/research/travel/)

WPATH WORLD PROFESSIONAL ASSOCIATION for TRANSGENDER HEALTH

Re: 2015 WPATH Statement on Identity Recognition

WPATH already opposes surgery or sterilization as requirements to change legal gender, per WPATH's Identity Recognition Statement, 2010. However, some governments erect many other legal barriers preventing trans people having congruent identity documents. Some of these barriers involve health professionals directly, e.g., examining people and filling out paperwork for court proceedings. These legal barriers are harmful to trans people's health because they make social transition more difficult, put congruent identity documents out of the reach of many, and even contribute to trans people's vulnerability to discrimination and violence. These laws are at odds with WPATH's perspectives expressed in SOC 7 and in our letters advising governments at those governments' request.

The statement, dated January 19, 2015, written by the WPATH Public Policy Committee and approved by the WPATH Board of Directors, is this Association's recommendation, grounded in our clinical experience as health and legal professionals.

Jamison Green, PhD
WPATH President

WPATH Statement on Legal Recognition of Gender Identity

January 19, 2015

The World Professional Association for Transgender Health (WPATH) recognizes the right of all people to legal identity recognition and to identity documents consonant with their gender identity. Further, for optimal physical and mental health, all persons must enjoy the right to freely express their gender identity, whether or not that identity conforms to the expectations of others. Legally recognized documents matching self-identity are essential to the ability of all people to find employment, to navigate everyday transactions, to obtain health care, and to travel safely; transgender, transsexual, or gender-nonconforming status should not preclude individuals from enjoying the legal recognition all citizens expect and deserve. Barriers to legal recognition for transgender and transsexual individuals may harm physical and mental health. WPATH continues to oppose surgery or sterilization requirements to change legal sex or gender markers. No particular medical, surgical, or mental health treatment or diagnosis is an adequate marker for anyone's gender identity, so these should not be requirements for legal gender change. WPATH Standard of Care 7 recognizes that there is a spectrum of gender identities, and that choices of identity limited to Male or Female may be inadequate to reflect all gender identities: an option of X or Other (as examples) may be advisable. Marital status and parental status should not affect legal recognition of gender change, and appropriate legal gender recognition should be available to transgender youth. The right to legal recognition of gender extends to those incarcerated or institutionalized. Court hearings create financial and logistical barriers to legal gender change, and may also violate personal privacy rights or needs.

Therefore, the World Professional Association for Transgender Health urges governments to eliminate unnecessary barriers, and to institute simple and accessible administrative procedures for transgender people to obtain legal recognition of gender, consonant with each individual's identity, when gender markers on identity documents are considered necessary.

National Institutes of Health / U.S. National Library of Medicine

MedlinePlus
Trusted Health Information for You

URL of this page: //medlineplus.gov/ency/article/001669.htm

Intersex

Intersex is a group of conditions where there is a discrepancy between the external genitals and the internal genitals (the testes and ovaries).

The older term for this condition is hermaphroditism. Although the older terms are still included in this article for reference, they have been replaced by most experts, patients and families. Increasingly, this group of conditions is being called disorders of sex development (DSDs).

Causes

Intersex can be divided into 4 categories:

- 46, XX intersex
- 46, XY intersex
- True gonadal intersex
- Complex or undetermined intersex

Each one is discussed in more detail below. Note: In many children, the cause of intersex may remain undetermined, even with modern diagnostic techniques.

46, XX INTERSEX

The person has the chromosomes of a woman, the ovaries of a woman, but external (outside) genitals that appear male. This most often is the result of a female fetus having been exposed to excess male hormones before birth. The labia ("lips" or folds of skin of the external female genitals) fuse, and the clitoris enlarges to appear like a penis. In most cases, this person has a normal uterus and fallopian tubes. This condition is also called 46, XX with virilization. It used to be called female pseudohermaphroditism. There are several possible causes:

- Congenital adrenal hyperplasia (the most common cause).
- Male hormones (such as testosterone) taken or encountered by the mother during pregnancy.

- Male hormone-producing tumors in the mother: These are most often ovarian tumors. Mothers who have children with 46, XX intersex should be checked unless there is another clear cause.
- Aromatase deficiency: This one may not be noticeable until puberty. Aromatase is an enzyme that normally converts male hormones to female hormones. Too much aromatase activity can lead to excess estrogen (female hormone); too little to 46, XX intersex. At puberty, these XX children, who had been raised as girls, may begin to take on male characteristics.

46, XY INTERSEX

The person has the chromosomes of a man, but the external genitals are incompletely formed, ambiguous, or clearly female. Internally, testes may be normal, malformed, or absent. This condition is also called 46, XY with undervirilization. It used to be called male pseudohermaphroditism. Formation of normal male external genitals depends on the appropriate balance between male and female hormones. Therefore, it requires the adequate production and function of male hormones. 46, XY intersex has many possible causes:

- Problems with the testes: The testes normally produce male hormones. If the testes do not form properly, it will lead to undervirilization. There are a number of possible causes for this, including XY pure gonadal dysgenesis.
- Problems with testosterone formation: Testosterone is formed through a series of steps. Each of these steps requires a different enzyme. Deficiencies in any of these enzymes can result in inadequate testosterone and produce a different syndrome of 46, XY intersex. Different types of congenital adrenal hyperplasia can fall in this category.
- Problems with using testosterone: Some people have normal testes and make adequate amounts of testosterone, but still have 46, XY intersex due to conditions such as 5-alpha-reductase deficiency or androgen insensitivity syndrome (AIS).

  People with 5-alpha-reductase deficiency lack the enzyme needed to convert testosterone to dihydrotestosterone (DHT). There are at least 5 different types of 5-alpha-reductase deficiency. Some of the babies have normal male genitalia, some have normal female genitalia, and many have something in between. Most change to external male genitalia around the time of puberty.

  AIS is the most common cause of 46, XY intersex. It has also been called testicular feminization. Here, the hormones are all normal, but the receptors to male hormones don't function properly. There are over 150 different defects that have been identified so far, and each causes a different type of AIS.

TRUE GONADAL INTERSEX

The person must have both ovarian and testicular tissue. This may be in the same gonad (an ovotestis), or the person might have 1 ovary and 1 testis. The person may have XX chromosomes, XY chromosomes, or both. The external genitals may be ambiguous or may appear to be female or male. This condition used to be called true hermaphroditism. In most people with true gonadal intersex, the underlying cause is unknown, although in some animal studies it has been linked to exposure to common agricultural pesticides.

COMPLEX OR UNDETERMINED INTERSEX DISORDERS OF SEXUAL DEVELOPMENT

Many chromosome configurations other than simple 46, XX or 46, XY can result in disorders of sex development. These include 45, XO (only one X chromosome), and 47, XXY, 47, XXX - both cases have an extra sex chromosome, either an X or a Y. These disorders do not result in a condition where there is discrepancy between internal and external genitalia. However, there may be problems with sex hormone levels, overall sexual development, and altered numbers of sex chromosomes.

Symptoms

The symptoms associated with intersex will depend on the underlying cause. They may include:

- Ambiguous genitalia at birth
- Micropenis
- Clitoromegaly (an enlarged clitoris)
- Partial labial fusion
- Apparently undescended testes (which may turn out to be ovaries) in boys
- Labial or inguinal (groin) masses (which may turn out to be testes) in girls
- Hypospadias (the opening of the penis is somewhere other than at the tip; in females, the urethra [urine canal] opens into the vagina)
- Otherwise unusual-appearing genitalia at birth
- Electrolyte abnormalities
- Delayed or absent puberty
- Unexpected changes at puberty

Exams and Tests

The following tests and exams may be done:

- Chromosome analysis
- Hormone levels (for example, testosterone level)
- Hormone stimulation tests
- Electrolyte tests
- Specific molecular testing
- Endoscopic exam (to verify the absence or presence of a vagina or cervix)
- Ultrasound or MRI to evaluate whether internal sex organs are present (for example, a uterus)

Treatment

Ideally, a team of health care professionals with expertise in intersex should work together to understand and treat the child with intersex and support the family.

Parents should understand controversies and changes in treating intersex in recent years. In the past, the prevailing opinion was that it was generally best to assign a gender as quickly as possible. This was often based on the external genitals rather than the chromosomal gender. Parents were told to have no ambiguity in their minds as to the gender of the child. Prompt surgery was often recommended. Ovarian or testicular tissue from the other gender would be removed. In general, it was considered easier to reconstruct female genitalia than functioning male genitalia, so if the "correct" choice was not clear, the child was often assigned to be a girl.

More recently, the opinion of many experts has shifted. Greater respect for the complexities of female sexual functioning has led them to conclude that suboptimal female genitalia may not be inherently better than suboptimal male genitalia, even if the reconstruction is "easier." In addition, other factors may be more important in gender satisfaction than functioning external genitals. Chromosomal, neural, hormonal, psychological, and behavioral factors can all influence gender identity.

Many experts now urge delaying definitive surgery for as long as is healthy, and ideally involving the child in the gender decision.

Clearly, intersex is a complex issue, and its treatment has short- and long-term consequences. The best answer will depend on many factors, including the specific cause of the intersex. It is best to take the time to understand the issues before rushing into a decision. An intersex support group may help acquaint families with the latest research, and may provide a community of other families, children, and adult individuals who have faced the same issues.

Support Groups

Support groups are very important for families dealing with intersex.

Different support groups may differ in their thoughts regarding this very sensitive topic. Look for one that supports your thoughts and feelings on the topic.

The following organizations provide further information:

- Association for X and Y chromosome variations: www.axysgenetic.org [http://www.axysgenetic.org]
- CARES Foundation: www.caresfoundation.org [http://www.caresfoundation.org]
- Congenital Adrenal Hyperplasia Education and Support Network: www.congenitaladrenalhyperplasia.org [http://www.congenitaladrenalhyperplasia.org]
- Hypospadias and Epispadias Association: www.heainfo.org [http://www.heainfo.org]
- Intersex Society of North America: www.isna.org [http://www.isna.org]
- Turner Syndrome Society of the United States: www.turnersyndrome.org