

Precessional Effects of Same-sex Marriage Legislation

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A same-sex marriage amendment is an amazingly ridiculous idea that I believe was proposed primarily for political reasons. But it seems a good opportunity for a delicious precessional effect: gender education for the masses. Let me explain.

To write such an amendment requires a strict definition of terms. And, of course, the first definition would have to be of the word “sex.” That seems oh-so-simple on the face of it. Everyone is either male or female, and it’s usually pretty obvious, right? Or, at least, each person knows which sex they are. Well, for better and worse, that’s not always the case.

Let’s start with transsexuals, those who are transitioning from one gender to another. And to be clear right off the bat, it truly is “another” not “the other,” but we’ll get to that part shortly.

We currently have thousands of transsexuals (TSs) in the US. Some have started using hormones and living as the gender with which they most closely identify rather than the body they were born into. Some TSs have had surgery to change the bodies they were born into, to more closely match who they are. Since there are several surgical procedures to make a full transition, a TS can have a mix of physical characteristics that don’t clearly fit either of the two accepted answers to the “sex” question.

Furthermore, a penised person who has taken estrogen for a while often has both the penis and well-defined, quite feminine breasts. So his/her physical characteristics can be, uh, misleading.

Obviously, we can’t base “sex” purely on hormones either. Transsexuals aside, every individual has his/her own particular ever-changing level of each hormone, male or female. OK, so let’s not test hormones.

Simple! Let’s determine based on DNA, you say? Women are XX, and men are XY. Well, darnit, it’s just not that simple either. In fact, it’s far from simple. There is a huge group of people who do not have simply XX or XY chromosomes. Many of them are not even aware of their condition.

Those who are aware call themselves Intersex, and estimate that 1 in 200 newborns have some sort of Intersex condition. There is quite a range of Intersex conditions. Starting with just the simple genetic variations, researchers have found not just individuals who are XX and XY, but

also XXY, XXXY, and XXXXY. Each variation has characteristic traits just as do “males” and “females.”

Recently scientists have discovered “chimera,” individuals who have two completely different sets of DNA in their bodies. What if one day, a chimera is discovered to have two different genders of DNA?

To further complicate the possibility of strict definitions, there are those whose DNA and hormones did not agree with each other well before birth. Androgen Insensitivity Syndrome (AIS) occurs when a genetically male fetus does not respond to the hormones released to activate the male sex characteristics. These individuals are often born in a “female-looking” body with undescended testicles and no uterus. As they develop, they usually grow no body hair and have little or no body odor. An individual with AIS may have a large clitoris, but nothing a doctor or parent would call a penis. Most often, s/he will live as a female though her/his DNA is clearly XY.

What are we to do with all of these wonderful configurations of beings when we start defining “sex”?

The definition of “sex” is not so simple after all. Nor is it obvious -- sometimes even to the person involved -- which gender to claim.

But while the definitions are being written, there is another issue to be decided. There are existing marriages of the individuals described in every one of the above-mentioned situations.

I know a man who is still married to the man she married when she was a woman before her transition. (Should I repeat that?)

Would the amendment automatically annul their marriage? Would such an annulment invalidate any other agreements they had made? What of their children? Would those children immediately become illegitimate?

Of course, some of these questions are irrelevant, or totally subject to subsequent case law. But they highlight the absurdity of legislating such things as gender and relationships, whose complexities are unequivocally beyond the comprehension of mere mortals, even politicians.