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## **Names are Important**

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# Names Are Important

Margaret (Meg) Butler\*<sup>1</sup>

As individuals, we are generally named first by our parents, within the confines of what is either culturally normative, legally allowed, or both.<sup>2</sup> Various religions have prescribed baby-naming ceremonies.<sup>3</sup> In Hispanic culture, babies are named with the first last name of both the mother and the father.<sup>4</sup> As we age, we encounter opportunities to change our names. Some of us need or want to change our names to reflect our gender identities. Depending on one's beliefs and cultural background, it is possible to accept a new name on marriage or revert to a 'maiden name' on divorce. People consider carefully—some might say agonize—over the question whether to change a name and the ramifications of such a change on one's identity.<sup>5</sup>

Lesbian, gay, bisexual, transgender, asexual, intersex, queer, questioning, and others (LGBTAIQQO) have often been, and sometimes still are, subjected to derogatory name-calling. Name-calling can be a

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<sup>1</sup> The author would like to thank the several librarians who provided thoughtful advice, suggestions, and commentary regarding this glossary. Their work in the shadows has made this glossary more useful, I believe, and any errors or omissions are all mine.

<sup>2</sup> Carlton F.W. Larson, *Naming Baby: The Constitutional Dimensions of Parental Naming Rights*, 80 GEO. WASH. L. REV. 159, 168–71 (2012); Emily Lodish, *These 11 Countries Are Banning Certain Baby Names Because You Can't Be Trusted*, GLOBALPOST (Apr. 1, 2014), <https://www.pri.org/stories/2014-04-01/these-11-countries-are-banning-certain-baby-names-because-you-cant-be-trusted>; *Nomes próprios de cidadãos portugueses nos últimos 3 anos*, INSTITUTO DOS REGISTOS E DO NOTARIADO, [http://www.irm.mj.pt/sections/irm/a\\_registral/registos-centrais/docs-da-nacionalidade/vocabulos-admitidos-e/](http://www.irm.mj.pt/sections/irm/a_registral/registos-centrais/docs-da-nacionalidade/vocabulos-admitidos-e/) (last modified Sept. 11, 2017); *Registering a New Baby and Getting a Birth Certificate*, NEW ZEALAND GOV'T, <https://www.govt.nz/browse/family-and-whanau/having-a-baby/registering-a-new-baby-and-getting-a-birth-certificate/#naming-your-child> (last updated Apr. 27, 2017).

<sup>3</sup> Harvey E. Goldberg, *Rites of Passage: Jewish Rites*, in 11 ENCYCLOPEDIA OF RELIGION 7819 (2d ed. 2005); Kay A. Read, *Rites of Passage: Mesoamerican Rites*, in 11 ENCYCLOPEDIA OF RELIGION 7811 (2d ed. 2005); George Eaton Simpson, *Caribbean Religions: Afro-Caribbean Religions*, in 3 ENCYCLOPEDIA OF RELIGION 1435 (2d ed. 2005).

<sup>4</sup> Código Civil art. 109 (C.C. 1889) (Spain); DON C. LOCKE & DERYL F. BAILEY, INCREASING MULTICULTURAL UNDERSTANDING 94 (3d ed. 2013).

<sup>5</sup> Leah Donnell, *With This Ring, I Thee Take ... Your Hispanic-Sounding Surname?*, NAT'L PUB. RADIO (Sept. 9, 2017), <https://www.npr.org/sections/codeswitch/2017/09/09/547321700/with-this-ring-i-thee-take-your-hispanic-sounding-surname>.

mechanism of oppression,<sup>6</sup> and marginalized groups such as those listed, may attempt to reclaim slurs by using them to subvert oppressive social norms,<sup>7</sup> such as Dykes on Bikes at a Pride Parade. Reclamation as a form of resistance may work most readily for those who have other social capital, such as white gay and lesbian communities reclaiming “queer.”<sup>8</sup>

Determining which groups are included and the order of the groups listed in the expanding LGBTAIQGO identity camp is ascribed with political meaning and is often the subject of internecine debate among the marginalized groups. To characterize this debate as fraught would not be an overstatement, and those whom are most in need of the support of the movement take this debate quite seriously. The authors of this bibliography have this same serious commitment and strive for inclusion and respect. The mission of this bibliography is not one of reclamation, nor does it presume to be exclusive. The contributors and editors have generally used the categories, definitions, and names used by the creators of the underlying sources when possible. The work of the bibliography—of describing scholarship related to the law and sexual orientation and gender identities—cannot happen efficiently without using labels, and we hope our readers recognize the tensions inherent in labelling groups’ identities.

I recognize that language is constantly changing. For example, only a few years ago, it was thought polite and appropriate to inquire as to the pronouns a person *preferred*. Currently, a better practice to ask what pronouns a person *uses*. Simple considerations such as these indicate respect and openness. As gender identity awareness and acceptance rapidly increases, vocabulary and best practices among the cisgender—gender normative folks—will likely change just as rapidly. Consequently, search terms will change over time, reflecting the linguistic changes in culture.

Many of the categories that are described or addressed in this bibliography, including those associated with sex, gender, sexuality, and race, are commonly described as socially constructed.<sup>9</sup> Judith Butler’s scholarship suggests that an individual’s gender is performed, and thus created or

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<sup>6</sup> Cassie Herbert, *Precarious Projects: The Performative Structure of Reclamation*, 52 LANGUAGE SCI. 131, 133 (2015).

<sup>7</sup> *Id.* at 134.

<sup>8</sup> *Id.* at 136.

<sup>9</sup> See Eyundayo B. Babatunde & Babatunde E. Durowaiye, *The Conception of ‘Sex’ and ‘Gender’ as Background to Inequities Faced by Women*, J. PAN AFRICAN STUD., Mar. 2015, at 64; Melinda C. Hall, *Obscured Social Construction as Epistemic Harm*, 48 J. SOC. PHIL. 344 (2017); STEVEN SEIDMAN, *THE SOCIAL CONSTRUCTION OF SEXUALITY* (3d ed. 2015); Michael Omi & Howard Winant, *Blinded by Sight: The Racial Body and the Origins of the Social Construction of Race*, 41 LAW & SOC. INQ. 1062 (2016).

manifested, by the actions of the individual.<sup>10</sup> As identities are internalized, they are also materialized, or “produced within the material body.”<sup>11</sup> Just as identity is constructed it may also be fluid, such that a person may identify as a lesbian for years and later identify as heterosexual.<sup>12</sup> A change in action or body may reflect a changed identity. More recently, authors such as Heath Fogg Davis are questioning directly whether we need gender categories at all.<sup>13</sup>

By naming aspects of identity and finding or building community around those aspects of identity, including sex, race, gender, ability, religion, we risk excluding others. Intersectionality recognizes that the interplay of multiple points of identity, such as race and gender or gender and sexuality, leads individuals who share one element of identity to have significantly different experiences.<sup>14</sup> When a single identity, or a single aspect of identity, becomes a monolith, the nuance and diversity of experience is over-shadowed.

Authors may use acronyms LGBT, LGBTQ, or LGBTQI, in an effort to be inclusive and recognize the diversity of experience. However, use of those acronyms for convenience without also including meaningful discus-

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<sup>10</sup> JUDITH BUTLER, *GENDER TROUBLE: FEMINISM AND THE SUBVERSION OF IDENTITY* (2001). See also JUDITH BUTLER, *BODIES THAT MATTER: ON THE DISCURSIVE LIMITS OF SEX* (1997) and JUDITH BUTLER, *UNDOING GENDER* (2004).

<sup>11</sup> STEPH LAWLER, *IDENTITY: SOCIOLOGICAL PERSPECTIVES* 113 (2008). Lawler notes, “The very meaning we give to the body—for example, the fact that we understand it in terms of ‘nature’ at all—are themselves social meanings, and gender is *performatively* produced, at least in part through the body.” *Id.* (emphasis in original).

<sup>12</sup> Rick Maese, *Basketball Coaching Hopeful Was Denied a Job. She Says It’s Because She’s No Longer Gay*, WASH. POST (Nov. 1, 2017), [https://www.washingtonpost.com/sports/basketball-coaching-hopeful-was-denied-a-job-she-says-its-because-shes-no-longer-gay/2017/11/01/968a3712-a7a0-11e7-b3aa-c0e2e1d41e38\\_story.html?utm\\_term=.b56aaee0249a](https://www.washingtonpost.com/sports/basketball-coaching-hopeful-was-denied-a-job-she-says-its-because-shes-no-longer-gay/2017/11/01/968a3712-a7a0-11e7-b3aa-c0e2e1d41e38_story.html?utm_term=.b56aaee0249a).

<sup>13</sup> HEATH FOGG DAVIS, *BEYOND TRANS: DOES GENDER MATTER?* (2017) (including as an appendix a gender audit how-to guide for organizations that want to improve their inclusivity).

<sup>14</sup> Kimberlé Williams Crenshaw, *Demarginalizing the Intersection of Race and Sex: A Black Feminist Critique of Antidiscrimination Doctrine, Feminist Theory and Antiracist Politics*, 1989 U. CHI. LEGAL F. 139; Kimberlé Crenshaw, *Mapping the Margins: Intersectionality, Identity Politics, and Violence Against Women of Color*, 43 STAN. L. REV. 1241 (1990–1991), and Kimberlé Crenshaw, *The Urgency of Intersectionality*, TED (Oct. 2016), [https://www.ted.com/talks/kimberle\\_crenshaw\\_the\\_urgency\\_of\\_intersectionality](https://www.ted.com/talks/kimberle_crenshaw_the_urgency_of_intersectionality). See also AFRICAN AMERICAN POLICY FORUM, *A PRIMER ON INTERSECTIONALITY*, <http://www.aapf.org/publications/> (last visited Apr. 11, 2018).

sion of the experiences of bisexual, transgender, and intersex people, leads to the erasure or exclusion of those groups.<sup>15</sup>

In this bibliography, note that the assignment of articles to specific chapters generally reflects the substance contained in the article being annotated. If an article uses the acronym LGBT, but is primarily about sexual orientation and, for example, only mentions transgender identity at the initial time that the acronym is written, it would be annotated in the section addressing sexual orientation and specific legal issues. An article that primarily addresses gender identity and/or trans issues would be annotated in the section about gender identity and the law, even though it might also address briefly issues of sexual orientation. The hope is that researchers will find the resources more quickly through this framework.

The following is a glossary with contemporary definitions of the groups and terms mentioned at various points in the bibliography. Please note that the glossary and bibliography do not mean to take a position in any debate or place a higher value on a particular member/group.

**Allosexual:** Has been used to refer to someone who experiences sexual attraction. As of this writing, there is no consensus as to whether allosexual is a preferred term; some people find it demeaning.<sup>16</sup>

**Asexual(ity):** Refers to a person who does not experience sexual attraction or interest.<sup>17</sup>

**BDSM:** Used to describe both a sexual identity and a set of sexual practices which are distinguished “by explicit, negotiated power differentials, with a ‘top’ or ‘dominant’ person guiding interaction and a ‘bottom’ or ‘submissive’ individual following instructions or receiving sensation from the dominant (citation omitted). For most, but not all, practitioners,

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<sup>15</sup> Eric C. Christiansen, *Substantive Equality and Sexual Orientation: Twenty Years of Gay and Lesbian Rights Adjudication Under the South African Constitution*, 49 CORNELL INT’L L.J. 565, 615 (2016). Christiansen describes his choice to focus his article narrowly on gay and lesbian rights and calls for additional sociological and legal research on South African constitutional law regarding the rights of bisexuals, transgender, and intersex individuals.

<sup>16</sup> *About “Allosexual,”* ASEXUAL VISIBILITY & EDUC. NETWORK, <http://www.asexuality.org/en/topic/139571-about-allosexual/> (last visited Apr. 11, 2018).

<sup>17</sup> See ANTHONY F. BOEGART, *UNDERSTANDING ASEXUALITY* (2012). Though not legal in perspective, this book is recommended for more general information on the topic. The Asexual Visibility & Education Network (AVEN) “hosts the world’s largest online asexual community as well as a large archive or resources on asexuality.” *Welcome, THE ASEXUAL VISIBILITY & EDUC. NETWORK*, [www.asexuality.org](http://www.asexuality.org) (last visited Apr. 15, 2018).

BDSM has an erotic appeal and takes place within a sexualised encounter.”<sup>18</sup> BDSM refers to the following overarching elements: bondage-discipline, domination-submission, and sadism and masochism.<sup>19</sup>

**Bisexual:** “A person who has the capacity to form enduring physical, romantic, and/or emotional attractions to those of the same gender or to those of another gender. People may experience this attraction in differing ways and degrees over their lifetime. Bisexual people need not have had specific sexual experiences to be bisexual; in fact, they need not have had any sexual experience at all to identify as bisexual.”<sup>20</sup>

**Demisexual:** Refers to “[s]omeone who can only experience sexual attraction after an emotional bond has been formed. This bond does not have to be romantic in nature.”<sup>21</sup>

**Cisgender:** Refers those who are not transgender.<sup>22</sup> Note that some object to the use of the word cisgender on the basis that its use reinforces gender binaries (transgender and cisgender), leaving no room for those who do not identify as either cisgender or transgender.

**Gay:** Refers to people who are physically, romantically, or emotionally attracted to people of the same sex. Sometimes this term is used to refer specifically to men or those who identify as men who are also attracted to men, though the term is also used to refer to women or those who identify as women who are also attracted to women.<sup>23</sup>

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<sup>18</sup> Megan R. Yost & L.E. Hunter, *BDSM Practitioners’ Understanding of Their Initial Attraction to BDSM Sexuality: Essentialist and Constructionist Narratives*, 3 *PSYCH. & SEXUALITY* 244, 245 (2012), citing G.W. Taylor & J.M. Ussher, *Making Sense of S&M: A Discourse Analytic Account*, 4 *SEXUALITIES* 293–314 (2001) and M.S. Weinberg, C.J. Williams & C. Moser, *The Social Constituents of Sadoomasochism*, 31 *SOC. PROBS.* 379–89 (1984).

<sup>19</sup> Ali Hébert & Angela Weaver, *An Examination of Personality Characteristics Associated with BDSM Orientations*, 23 *CAN. J. HUM. SEXUALITY* 106 (2014).

<sup>20</sup> *GLAAD Media Reference Guide—Lesbian/Gay/Bisexual Glossary of Terms*, GLAAD <https://www.glaad.org/reference/lgbtq> (last visited Apr. 11, 2018).

<sup>21</sup> *General FAQ*, THE ASEXUAL VISIBILITY & EDUC. NETWORK, <http://www.asexuality.org/?q=general.html> (last visited Apr. 11, 2018).

<sup>22</sup> *GLAAD Media Reference Guide—Transgender*, GLAAD, <https://www.glaad.org/reference/transgender> (last visited Apr. 11, 2018).

<sup>23</sup> See Kelly Lawler, *Ellen, Oprah, and Laura Dern Remember “Coming-Out” Episode 20 Years Later*, USA TODAY (Apr. 28, 2017 11:58 AM ET), <https://www.usatoday.com/story/life/entertainthis/2017/04/28/ellen-degeneres-20th-anniversary-coming-out-reunion-oprah->

**Gender Identity:** “[A]n individual’s inner sense of being male, female, or another gender. Gender identity is not necessarily the same as sex assigned or presumed at birth.”<sup>24</sup>

**Gender Queer:** Some people use this term to describe their experience of gender identity or expression “as falling outside the categories of man and woman. They may define their gender as falling somewhere in between man and woman, or they may define it as wholly different from these terms.” Non-binary may also be used.<sup>25</sup>

**Gray-Sexuality or Gray-Asexuality:** Describes individuals who identify “with the area between asexuality and sexuality.”<sup>26</sup> May also be referred to as Gray-A.

**Heterosexual:** Describes a person who is physically, romantically, and/or emotionally attracted to people of the opposite sex.<sup>27</sup>

**Heteronormative:** Compliance with culturally determined heterosexual roles and the underlying assumption that heterosexuality is ‘natural’ or ‘normal.’ It is also described as an invisible force that shapes expectations about behavior and privileges those who fulfill heterosexual expectations.<sup>28</sup> Heteronormativity “allows cultural heterosexism and heterosexist prejudice to exist.”<sup>29</sup>

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winfrey-laura-dern/101021608/. On “The Puppy Episode,” Ellen’s character declared, “I’m gay,” which was repeated as “Yep, I’m Gay,” on the cover of Time Magazine on April 14, 1997. Lily Rothman, *Read the ‘Yep, I’m Gay’ Ellen DeGeneres Interview from 20 Years Ago*, TIME (Apr. 13, 2017), <http://time.com/4728994/ellen-degeneres-1997-coming-out-cover/>.

<sup>24</sup> LAMBDA LEGAL ET AL., CREATING EQUAL ACCESS TO QUALITY HEALTH CARE FOR TRANSGENDER PATIENTS: TRANSGENDER-AFFIRMING HOSPITAL POLICIES 23 (2016), [https://www.lambdalegal.org/sites/default/files/publications/downloads/fs\\_20160525\\_transgender-affirming-hospital-policies.pdf](https://www.lambdalegal.org/sites/default/files/publications/downloads/fs_20160525_transgender-affirming-hospital-policies.pdf).

<sup>25</sup> *GLAAD Media Reference Guide—Transgender*, GLAAD, <https://www.glaad.org/reference/transgender> (last visited Apr. 11, 2018).

<sup>26</sup> *General FAQ*, THE ASEXUAL VISIBILITY & EDUC. NETWORK, <http://www.asexuality.org/?q=general.html> (last visited Apr. 11, 2018).

<sup>27</sup> *GLAAD Media Reference Guide—Lesbian/Gay/Bisexual Glossary of Terms*, GLAAD <https://www.glaad.org/reference/lgbtq> (last visited Apr. 11, 2018).

<sup>28</sup> Janice M. Habarth, *Development of the Heteronormative Attitudes and Belief Scale*, 6 PSYCHOL. & SEXUALITY, 166, 167–68 (2014).

<sup>29</sup> *Id.* at 168.

**Homonormative:** “Compliance of homosexuals with the norms and values of heterosexuality, which is seen as the price of inclusion.”<sup>30</sup> Homonormativity enforces gender and sexual norms<sup>31</sup> and “creates a depoliticizing effect on queer communities as it rhetorically remaps and recodes freedom and liberation in terms of privacy, domesticity, and consumption.”<sup>32</sup>

**Intersex:** The condition of having been born with “a reproductive or sexual anatomy that doesn’t seem to fit with the typical definitions of female or male.”<sup>33</sup> Intersex anatomy may manifest in a range of ways, including appearing externally female while having male-typical anatomy inside or having mixed XX and XY chromosomes. Alternatively, one’s anatomy may not be apparently intersex at birth, but may be discovered later in life or after death.<sup>34</sup> Having an intersex identity or condition is distinct from being having a transgender or transsexual identity.<sup>35</sup> A person with an intersex condition is identified typically by an external person such as a parent or physician who “notice[s] something unusual about their bodies,”<sup>36</sup> while a transgender or transsexual person has an internal experience of gender identity that differs from others with similar sexual or reproductive anatomies.<sup>37</sup>

**Kink:** Although kink may include BDSM, it “has a broader definition that encompasses fetishism and other forms of alternative sexual expressions.”<sup>38</sup>

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<sup>30</sup> Chantal Nadeau, *Courage, Postimmunity Politics, and the Regulation of the Queer Subject*, 23 *IND. J. GLOBAL LEGAL STUD.* 505, 506 (2016).

<sup>31</sup> Laura Kacere, *Homonormativity 101: What It Is and How It’s Hurting Our Movement*, *EVERYDAY FEMINISM* (Jan. 24, 2015), <https://everydayfeminism.com/2015/01/homonormativity-101/>.

<sup>32</sup> Nadeau, *supra* note 30, at 507 (quoting Martin F. Manalansan, IV, *Race, Violence, and Neoliberal Spatial Politics in the Global City*, *SOC. TEXT*, Fall–Winter 2005, at 141, 142).

<sup>33</sup> *What Is Intersex?*, *INTERSEX SOC’Y N. AM.*, [http://www.isna.org/faq/what\\_is\\_intersex](http://www.isna.org/faq/what_is_intersex) (last visited Nov. 3, 2017).

<sup>34</sup> *Id.*

<sup>35</sup> *What Is the Difference Between Being Transgender or Transsexual and Having an Intersex Condition?*, *INTERSEX SOC’Y N. AM.*, <http://www.isna.org/faq/transgender> (last visited Nov. 3, 2017).

<sup>36</sup> *Id.*

<sup>37</sup> *Id.*

<sup>38</sup> Kai Lin, *The Medicalization and Demedicalization of Kink: Shifting Contexts of Sexual Politics*, 20 *SEXUALITIES* 302, 318 (2016).



**Lesbian:** “A woman who is emotionally, romantically or sexually attracted to other women.”<sup>39</sup>

**Monosexuality:** Including both homosexuality and heterosexuality, monosexual refers to one who is sexually “oriented only toward members of one sex, either the ‘opposite sex’ or the ‘same sex.’”<sup>40</sup>

**Pansexual:** “A person who is attracted to people of all gender identities and biological sexes.”<sup>41</sup>

**Polyamory:** Individuals who identify as polyamorous experience the “state or ability of having more than one sexual [or, for some, romantic] loving relationships at the same time, with the full knowledge and consent of all partners involved.”<sup>42</sup>

**Queer:** Sometimes used as a synonym for LGBTQ. Also, people often use this term to express fluid identities and orientations.<sup>43</sup> Queer is also often associated with a transgressive perspective on sexuality, gender, and/or society. See also Gender Queer.

**SM:** Sometimes referred to as S&M, sadomasochism, including both sadism and masochism, “describes sexual pleasure derived by inflicting or suffering pain and humiliation within a consensual scenario.”<sup>44</sup>

**Sex:** “Refers to a person’s biological characteristics. A person’s sex is usually described as being male or female. Some people may not be

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<sup>39</sup> *Glossary of Terms*, HUM. RTS. CAMPAIGN, <https://www.hrc.org/resources/glossary-of-terms> (last visited Dec. 12, 2017).

<sup>40</sup> Heidi Bruins Green et al., *Working Bi: Preliminary Findings from a Survey on Workplace Experiences of Bisexual People*, 11 J. BISEXUALITY 300, 301 (2011).

<sup>41</sup> SEXUAL ORIENTATION AND GENDER IDENTITY 58 (Justin Healey ed., 2014).

<sup>42</sup> Ann E. Tweedy, *Polyamory as a Sexual Orientation*, 79 U. CIN. L. REV. 1461, 1462 (2011) (citing Hadar Aviram, *Make Love, Not Law: Perceptions of the Marriage Equality Struggle Among Polyamorous Activists*, 7 J. BISEXUALITY 261, 264 (2008)); see also *Polyamory*, THE AMERICAN HERITAGE DICTIONARY OF THE ENGLISH LANGUAGE 1365 (5th ed., 2011).

<sup>43</sup> *Glossary of Terms*, *supra* note 39.

<sup>44</sup> Elena Faccio et al., *Forbidden Games: The Construction of Sexuality and Sexual Pleasure by BDSM ‘Players’*, 16 CULTURE HEALTH & SEXUALITY 752, 752 (2014).

exclusively male or female (see ‘Intersex’). Some people identify as neither male nor female.”<sup>45</sup>

**Sexual Orientation:** Including, but not limited to: heterosexual, gay, lesbian, bisexual, pansexual, asexual, or same-sex attracted. These identities refer to a person’s emotional or sexual attraction to another person.<sup>46</sup>

**Sexuality:** An umbrella term, sexuality can refer to a person’s sexual identity in relation to others, also described as sexual orientation, which may include heterosexual, homosexual, bisexual, asexual, etc.<sup>47</sup> More broadly, it may be described as “the quality of being sexual.”<sup>48</sup>

**Transgender:** An umbrella term used to describe people whose gender identity (inner sense of being male, female, or something else) differs from their assigned or presumed sex at birth.<sup>49</sup> Included under this umbrella are identities such as transsexuals, cross-dressers, androgynous people, genderqueers, non-binary people, and gender non-conforming people.<sup>50</sup>

**Transsexual:** A person whose sex assigned at birth differs from their internal gender identity. Transsexual people often may alter their bodies through hormones or surgery.<sup>51</sup>

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<sup>45</sup> *A Note on Terminology—Addressing Sexual Orientation and Sex and/Or Gender Identity Discrimination*, AUSTRALIAN HUMAN RIGHTS COMMISSION (2011), <https://www.humanrights.gov.au/publications/section-3-note-terminology-addressing-sexual-orientation-and-sex-and-or-gender-identity>. Scholars including Anne Fausto-Sterling argue that cultural conceptions of sex have changed over time, as a socially-constructed system used to perpetuate oppression; see ANNE FAUSTO-STERLING, *SEXING THE BODY: GENDER POLITICS AND THE CONSTRUCTION OF SEXUALITY* 39–40 (2000).

<sup>46</sup> SEXUAL ORIENTATION AND GENDER IDENTITY, *supra* note 41, at 58.

<sup>47</sup> *Sexuality*, OXFORD ENG. DICTIONARY, <http://www.oed.com/view/Entry/177087?redirectedFrom=sexuality&> (last visited Apr. 16, 2018).

<sup>48</sup> *Id.*

<sup>49</sup> LAMBDA LEGAL ET AL., *CREATING EQUAL ACCESS TO QUALITY HEALTH CARE FOR TRANSGENDER PATIENTS: TRANSGENDER-AFFIRMING HOSPITAL POLICIES* 24 (2016), available at [https://www.lambdalegal.org/sites/default/files/publications/downloads/fs\\_20160525\\_transgender-affirming-hospital-policies.pdf](https://www.lambdalegal.org/sites/default/files/publications/downloads/fs_20160525_transgender-affirming-hospital-policies.pdf); See also 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, 311–12 (2005).

<sup>50</sup> M.V. Lee Badgett et al., *Bias in the Workplace: Consistent Evidence of Sexual Orientation and Gender Identity Discrimination 1998–2008*, 84 CHI.-KENT L. REV. 559, 578 (2009).

<sup>51</sup> *Id.*