

The Legal Certification of Sex in Belgium over Time. Ideological Effects and Practical Implications

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Abstract

Belgium has recently modified the way 'sex' is legally certified for trans* people following the principle of self-determination. However, like in most countries, this modification has not changed the way 'sex' is determined for all members of society, being limited to trans* people. How is sex legally certified for different categories of people in Belgium and what are the effects thereof? Drawing on the theoretical perspective of discursive psychology (DP), we consider sex/gender categories as something constructed in discourse – in this case, legislative discourse – and not as an essentialist and pre-discursive reality. Categories are thus an effect of discourse: what discourse accomplishes or constructs. Based on this premise, this paper aims at elucidating the ideological effects and practical implications of the legal certification of sex in Belgium. The effects of the legislative discourse are ideological in the sense that they establish social norms, in this case, regarding sex/gender, leading to practical implications in everyday life. To elucidate these effects, we first identified Belgian civil law on the legal certification of sex since the establishment of Belgium as a sovereign state. We then applied a DP-inspired analytical device comprising a qualitative content analysis and the examination of content variability. The variability of discourse is a key analytical tool to elucidate the effects of discourse since these are not directly observable. The results show that the analysed legislation constructs women and men as natural categories. This is carried out through: 1) the establishment of a distinction between the population at large (unmarked) and those 'outside the norm' (marked subjects: 'transgender', 'intersex'); 2) the lack of legal regulation of the attribution of sex markers at birth, being taken for granted; 3) the regulation of the latter only in 'abnormal cases' (called 'children suffering from sexual ambiguity'); and 4) the fact that gender identity is recognised as a criterion for the attribution of sex markers only for trans* people, presented as an exception to the

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norm. This variability reifies sexual dimorphism and naturalises the correspondence between 'biological sex' and gender identity, thereby constituting 'normative' and 'deviant' sex/gender categories. The results are discussed in light of the practical implications that this legal norm has in everyday life.

Keywords

gender performativity; legal discourse; transgender; gender norms

Biography

Sara Aguirre is a gender and diversity expert. As a scholar, she is particularly interested in understanding inequalities, exclusion and discrimination through the lens of everyday social and institutional practices. In her PhD work, she explored how gender norms are discursively produced in the legal field and in the workplace in relation to the legal definition of women and men and the gendered definition of 'worker'. She currently works as a post-doc researcher and project manager at the Université libre de Bruxelles (ULB) within the University Gender and diversity plan and the CALIPER project, a European project aiming at fostering gender equality in STEM disciplines.

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Introduction²

The classification of human beings into the categories of women and men is not only an everyday social practice but is also established in law. In most, if not all, national jurisdictions, every individual is assigned a sex³ at birth. This is usually indicated in their identity documents by dichotomous⁴ sex markers, i.e. markers allowing for only two sexes⁵. Every time we show our identity documents, the reader sees the binary category (female/male) we were assigned at birth.

This visibility is problematic for those not identifying with the legal sex assigned at birth, such as trans* people,⁶ especially when their physical appearance does not 'match it'. Since identity documents serve the function of attesting who the individual is, the mismatch leads to various issues such as not being allowed to board a bus or to cross international borders (Bender-Baird, 2011), to pick up a parcel or to open a bank account (Bribosia and Rorive, 2018). Moreover, the visibility of the mismatch between their physical appearance and their legal sex forces them to 'come out as trans*', putting them at risk of discrimination (Alessandrin, 2016). In other words, the mismatch renders trans* people *visible as trans**.

² This paper stems from a doctoral research project entitled 'Discursive Practices Constructing Normative and trans* Sex/Gender Categories. The effects of the legal certification of sex in Belgium and the definition of the (gendered) worker subject' (Aguirre-Sánchez-Beato, 2019).

³ We use the term 'sex' because this is the word employed in Belgian Civil law and Belgian identity documents.

⁴ In a few jurisdictions, a third sex ('X') is also allowed.

⁵ In Belgium, apart from the given name, which is usually feminine or masculine, there are two types of sex markers in the civil status: a letter indicating the 'sex' and the national identity number. The letter indicating the sex can be either F (for 'female') or M (for 'male'). The national identity number is gendered in the sense that uneven numbers are attributed to women, even numbers to men.

⁶ Following Elliot's (2009) suggestion, we use the term 'trans* people' as an 'umbrella term' to 'acknowledge the heterogeneous and non-harmonious constitution of the group' (2009: 7). The different theoretical definitions of trans* people and the particular term employed respond to different needs and goals, as well as different ways of understanding gender variance (Aguirre-Sánchez-Beato, 2018; Bettcher, 2014, 2015; Elliot, 2009). A theoretical discussion of terms and definitions is beyond the scope of this paper. Moreover, the goal of this study is rather to examine how these and other sex- or gender-related categories (i.e. 'intersex') are defined by law. For this reason, in this paper we opt for an extensional definition that usually includes the following terms: 'transsexual', 'transgender', 'trans', 'queer' and 'gender non-conforming'.

Although the sex marker found in identity documents is not the only factor contributing to the 'outing'⁷ of trans* people, it is a particularly important one. According to an EU survey (FRA, 2014), 30% of trans* respondents felt discriminated when they had to show their identity documents, while 87% stated that life would be easier if legal procedures to change sex markers in civil records were more accessible. However, in many national jurisdictions in Europe, such procedures are very complicated and harmful to human dignity (Amnesty International, 2014; Transgender Europe, 2017). Many states make the change contingent on the fulfilment of requirements which intrude on trans* people's human rights, such as being diagnosed as having a mental disorder or undergoing medical procedures producing sterilisation (Bribosia and Rorive, 2018).

This was the case in Belgium until 1 January 2018, the date on which the Act of 10 May 2007 on Transsexuality⁸ (M.B. 11 July 2007)⁹ ceased to have legal effect. This Act granted 'transsexual people' the right to modify the sex marker in their civil status through a declaration before a registrar. However, the declaration had to be accompanied by medical and psychiatric certificates attesting that the concerned person had previously fulfilled several conditions. These included psychiatric monitoring, hormone treatment, a 'real-life test'¹⁰, genital surgery and sterilisation.

The recently adopted Act of 25 June 2017 on the reform of regulations concerning transgender persons with regard to the notification of a change to the registration of sex in civil status records and their consequences (M.B. 10 July 2017) replaced that Act, amending the way sex is legally certified for 'transgender people'¹¹ in Belgium. Following the principle of self-determination also recently implemented in other European countries¹², this new Act has removed nearly all medical conditions¹³ required to modify the sex marker. However, as Cooper and Renz (2016) state, in most countries, this amendment is based on the legal accommodation of

⁷ 'To out someone' is a commonly used expression to describe the situation in which the trans* characteristic of an individual is known without the concerned person's permission, particularly when the individual is not 'visibly trans*'.

⁸ In Belgium, the acts are named according to their date of adoption.

⁹ M.B. stands for *Moniteur Belge*, the official journal of Belgium issued by the Federal Department of Justice. The reference includes the date of the M.B. in which the act was published.

¹⁰ This test consists of being dressed and behaving like 'the other sex' over a period of time.

¹¹ Note the change of terminology from 'transsexual' to 'transgender' between the two Acts.

¹² In chronological order: Denmark (2014), Malta (2015), Ireland (2015), Norway (2016), Belgium (2017) and Portugal (2018).

¹³ Except for minors between 16 and 18 years old.

trans* populations as a disadvantaged minority, without changing the way sex is determined for all members of society.

Based on this premise, the research question we address in this paper is: *how is sex legally certified for different categories of people in Belgium and what are the effects thereof?* Specifically, the paper aims at elucidating the ideological effects and practical implications of the legal certification of sex for different populations in Belgium over time. The *ideological effects* refer to the establishment of certain social norms that, in this case, constitute sex/gender categories, while civil law has *practical implications* regarding the social contexts in which the legal sex marker is used, as legal norms defining sex/gender categories interact with other social norms.

Drawing on the theoretical perspective of discursive psychology (DP) (Section 1), we consider sex/gender categories as something constructed in discourse – in this case, legislative discourse – and not as an essentialist and pre-discursive reality. Normative sex/gender categories are thus an *effect* of discourse. According to this theoretical framework, discursive effects are not readily available for study, though can be elucidated through an examination of discourse *variability*. To elucidate the effects of legislation, we first identified Belgian civil law on the legal certification of sex since the establishment of Belgium as a sovereign state in 1831 (Section 2.1.). We then applied a DP-inspired analytical device (Section 2.2.) comprising a qualitative content analysis and the examination of content variability. An examination of the contents of the acts and their variability (Section 3) allowed us to discuss the normative effects of this legislation and its practical implications (Section 4). We conclude with some recommendations.

1. Discursive psychology and legislation: the construction of (normative) sex/gender categories

This piece of research is framed within the studies of gender and discourse. While the multiple theoretical perspectives addressing the relationship between the two are heterogeneous, they share the assumption that language plays a central role in the social construction of gender categories. Within these perspectives, gender is understood as a discursive practice, performed through the repetition of meaningful actions (Butler, 1990; Foucault, 2015; Wittig, 1992).

Butler (1990, 1993) shows how language performativity can be a social and political power device. *Prima facie*, the utterances 'it's a boy' or 'it's a girl' would seem only to describe a fact, though actually they also accomplish a performative action establishing and reproducing a *social norm*. In this sense, the category creates that to which it refers. As she states, 'gender is not to culture as sex is to nature; gender is also the discursive/cultural means by which "sexed nature" or a "natural sex" is produced and established as "prediscursive", prior to culture, a politically neutral surface on which culture acts' (Butler, 1990: 7).

In line with this thinking, we use the term 'sex/gender categories' to underline the importance of not taking the body for granted but, instead, of examining how the meanings assigned to it are socially constructed¹⁴. Our interest centres on the performance of norms constructing sex/gender categories in Belgian civil law. Legal discourse, as with other types of discourse, is performative and produces norms. But it has the particularity that it takes a sovereign form 'whereby the speaking of declarations are, often literally, "acts" of law' (Butler, 1997: 16). In our case, Belgian civil law establishes two mutually exclusive categories (female/woman vs male/man)¹⁵ compulsorily applied to the civil status of *all* citizens.

Although Butler's work constituted a significant turning point in our understanding of gender, it has also been criticised for being mostly theoretical, lacking an analytical programme for examining the production of gender categories in specific contexts (McIlvenny, 2002; McNay, 1999). In this paper, we contribute to filling this gap by examining how Belgian civil law constructs sex/gender categories and the effects of such categorisation. To do this, we draw on the theoretical and methodological perspective of discursive psychology (DP) and the analytical tools it offers.

¹⁴ The assumption of a social construction stance does not imply that gender identities or categories are fictional or that there are no differences between sexed bodies. It is rather an anti-essentialist stance in the sense that we assume that categories do not exist 'out there' regardless of human intervention because there is no categorisation without the subjects performing the categorisation (Ibáñez, 1985). Even so, gender is very real in its effects, constituting categories and identities (Meadow, 2010; Rubin, 2003).

¹⁵ Until now, Belgium only accepts two legal sexes (see footnote 4) but the Constitutional Court ruled on 19 June 2019 (no. 2019-99) that this is in breach to the right to equality and non-discrimination.

DP is one of the many approaches to discourse analysis, a field of study focused on the analysis of language in use and characterised by its interdisciplinary nature (Íñiguez-Rueda, 2003). It emerged within social psychology in the United Kingdom in the 1980s (Martínez-Guzmán, Stecher and Íñiguez-Rueda, 2016; Wiggins, 2017), significantly expanding the boundaries of the discipline. Its main contribution has been to extend the study of psychological matters – e.g. categorisation, persuasion, attitudes – into the areas of language and social interaction (Sisto Campos, 2012; Weatherall, 2012).

Influenced by the ‘turn to language’ that took place in the social sciences, DP is based on the assumption that language does things and has functions. Wiggins (2017) summarises the main principles of DP as follows: 1) discourse is both constructed and constructive; 2) discourse is situated within a social context; and 3) discourse is action-oriented.

The first principle assumes a social constructionist stance that considers that our objects of study are not independent of our representation of them (Burr, 1995). In this sense, discourse ‘is then argued to be one of the main ways in which the world is socially constructed’ (Wiggins, 2017: 9). DP analyses how notions become common usage over time, what counts as knowledge, truth or reality, and what consequences this has for different people.

The second principle assumes that discourse is situated within a rhetorical or argumentative context. In other words, discourse constructs some versions of reality, while undermining others: it has an argumentative nature. This is not only an empirical observation, but also a methodological principle (Edwards, 2003). It is therefore important to examine not only what is being supported, but also what is being explicitly or implicitly rejected (Billig, 1991). In this sense, the *absence of debate* is indicative of a common adherence to a particular stance, thereby revealing where the *norm* is. From a DP point of view, the norm does not precede the action, but it is embedded in it: norms are to be found within the social practices themselves and social practices are constitutive of norms. This includes *discursive* practices.

The third principle assumes that if discourse constructs different versions of events and is situated in specific contexts, it will accomplish functions and effects by acting within and on the context. DP thus focuses on actions carried out through

discourse, i.e. taking an anti-representational stance towards language: language does not (only) represent but is also performative. In other words, it performs actions. This stance on language is a common denominator between Butler's work on performativity and DP's focus on action (Martínez-Guzmán and Iñiguez-Rueda, 2010). In this sense, discourse performs ideological functions: it can promote and maintain, but also challenge, certain social relations. As Iñiguez-Rueda and Antaki (1994) explain, the analysis consists of 'revealing the power of language as a constitutive and regulatory practice' (1994: 63).

However, the functions or effects are not in general *directly available* for study in a straightforward way in the sense that they are not always explicitly uttered (Wetherell and Potter, 1988). For instance, an apology can be made without people necessarily saying that they are sorry or that they apologise, i.e. an apology may be the effect of discourse, not its content. In a similar vein, civil law constitutes normative sex/gender categories without explicitly mentioning that it is doing so.

It is nevertheless possible to shed light on the functions or effects through analysing the *variability* of discourse. Variability is inevitable due to the dilemmatic nature of common usage, which determines the argumentative feature of discourse. People use language to *construct* different versions of reality, with their accounts showing significant *variation* depending on the aim pursued. People's accounts, descriptions and explanations vary according to the stance that they take in controversies. The effects are thus the results of analysis rather than raw data. In this paper, we elucidate the normative effects of Belgian civil law regulating the certification of sex via an analysis of its variability¹⁶.

2. Method and procedure

2.1 Identification and selection of the legislative corpus

¹⁶ Variability in discourse is articulated through particular uses of discursive or rhetorical devices, defined as 'techniques for the construction of facts' (Edwards and Potter, 1992). However, this does not imply that there is no regularity in discourse. As Potter and Wetherell (1988) explain, there is regularity in variability. It does imply, however, that the individual (and its assumed consistency) is abandoned as the unit of analysis. The unit of analysis is the particular use of discursive or rhetorical devices. The appreciation of variability in the content of the corpus (assessed through the presence or absence of specific elements) allowed us to elucidate the effects of the legislation as a whole.

To elucidate the ideological and practical effects of the legal certification of sex for different populations in Belgium over time, we identified all corresponding Belgian legal provisions, as well as documents related to their associated parliamentary work. First established in a person's birth certificate, the sex marker is part of a Belgian's civil status, a federal matter governed by the Civil Code. Dating back to 1804, the current Belgian Civil Code is based on the French 'Napoleonic Code'. Although the Code has been adapted over time, the legal basis remains the same. The declaration of birth and the birth certificate are handled in Book I (of persons), Title II (of records of civil status), Chapter II (of records of birth), Articles 55-62 of the Civil Code. Different acts have amended these provisions, while various Ministerial Circulars (hereafter: Circulars) have guided their interpretation.

Starting with the latest version of the Civil Code available in January 2018¹⁷ (version 77¹⁸), we identified the Acts which have amended and/or added an extra article to the original Book I, Title II, Chapter II directly or indirectly concerning the sex marker in the civil status. Since many Acts published before 1997 are not available online, we consulted the paper versions of the *Moniteur Belge* in the *Université libre de Bruxelles* law library. We then read through these Acts, checking whether they themselves replaced others that had previously amended that chapter with regard to the sex marker. This procedure allowed us to reproduce all sex-related amendments to this chapter. We did not include those introducing an amendment not directly concerned with the sex marker. The final list of Acts included in the corpus is presented in Table 1, together with the short name assigned to facilitate reading.

¹⁷ Date on which the Legal Gender Recognition Act entered into force.

¹⁸ This version was in force until 1 March 2018. There have been no further amendments of Articles 55, 56 and 57 as of the date of the first submission of the paper (August 2019).

Table 1. Code and acts included in the corpus

Full name	Short name
(1) Civil Code. Book I (of people), Title II (of records of civil status), Chapter II (of records of birth)	Napoleonic Code
(2) Act of 23 November 1961 amending Article 55 of the Civil Code (M.B. 16 January 1962)	Act amending Article 55
(3) Act of 30 March 1984 modifying the articles 55, 56 and 57 of the Civil Code and article 361 of the Penal Code (M.B. 22 December 1984)	Act amending Articles 55, 56 and 57
(4) Act of 10 May 2007 on Transsexuality (M.B. 11 July 2007)	Transsexuality Act
(5) Act of 15 May 2007 modifying article 57 of the Civil Code with regard to the notification of the sex of a child suffering from sexual ambiguity (M.B. 12 July 2007)	Act on Sexual Ambiguity
(6) Act of 14 January 2013 including several provisions concerning the reduction of workload within the judicial system (M.B. 1 March 2013)	Act Reducing the Judicial Workload
(7) Act of 25 June 2017 on the reform of regulations concerning transgender persons with regard to the notification of a change to the registration of sex in civil status records and their consequences (M.B. 10 July 2017)	Legal Gender Recognition Act

Having identified the Acts, we looked for the associated parliamentary work on the Chamber of Representatives' website (bills, parliamentary debates, hearings and amendments). Given that both the French and Dutch versions of the documents are official, only the French version was sought and included in the corpus. We downloaded and read all the documents, selecting the ones directly or indirectly related to the registration and/or modification of the sex marker in the civil status. We also selected the sections within each document concerning issues of interest, excluding documents and/or sections of documents addressing other issues, such as amendments to the Judicial Code, questions related to names and surnames or sections merely dealing with administrative matters. In total, 48 documents constituted the final corpus (see the Annex for the complete list).

2.2 Analytical device: qualitative content analysis and examination of content variability

The discourse analysis method proposed by DP entails a very detailed and exhaustive examination of linguistic forms and variations in their use, i.e. the very specific way in which language is employed. However, it is difficult to perform such a detailed analysis on a very large corpus of data. Taking into account the size of our corpus, we developed a DP-inspired analytical device that allowed us to describe efficiently how Belgian legislation has certified the sex marker for different categories of people over time and the effects of that legislation. The analytical device comprises two phases: a qualitative content analysis and the consequent examination of content variability.

Content analysis is a method describing the *content* of texts and talk. Applicable to any type of data record, it is a text interpretation technique using codes as the fundamental element to describe the characteristics of the data content (Andréu Abela, 2000). It aims not only to systematise and explain the content of texts with the help of qualitative or quantitative hints, but also to make inferences. One of the advantages of this method is that it is not dependent on any specific theory and epistemology (Braun and Clarke, 2006), making it applicable across a variety of theoretical perspectives. This feature makes content analysis compatible with the discursive perspective adopted in our study.

Content analysis can be quantitative or qualitative. The former examines the frequency of occurrence of determined codes within a corpus, whereas the latter describes their qualitative content. In the same vein, it can follow an inductive or a deductive procedure. In the first case, the categories emerge from the corpus, whereas in the second case they are theoretically driven. Our content analysis was qualitative and deductive: we applied a series of pre-established codes to each Act in order to identify its qualitative content. The analytical codes were established based on the DP perspective towards gender categories and norms described above. Table 1 presents the codes used, their definition and the underlying theoretical assumption.

Table 1. Codes used in the content analysis

Code	Definition of the code	Underlying theoretical assumption
<i>Date of adoption</i>	Date on which the Act was adopted.	The presence or absence of legislation on a specific matter over time is indicative of the evolution of the argumentative context: what is taken for granted (norms or conventions) and/or the emergence of new social norms.
<i>Type of legal matter</i>	Specific matter addressed by the Act: 1) registration of the sex at birth or 2) its subsequent modification.	The category creates what it refers to: the term employed to define the legal subject, the type of legal matter addressed, the purposes of the Act, the changes incorporated and the criteria used to define sex accomplish the action of constituting sex/gender categories.
<i>Legal subject</i>	Individual(s) concerned by the Act: term(s) employed.	
<i>Purposes</i>	What is to be officially achieved by means of the Act.	
<i>Changes</i>	Changes incorporated in the Act.	
<i>Sex criteria</i>	Criteria used to certify the sex of an individual in the Act.	
<i>Stakeholders consulted</i>	Number and type of individuals (experts, civil society, professionals, governmental bodies, etc.) consulted during the drafting of the Act.	It is indicative of the degree of controversy on a specific matter since we do not discuss about what is taken for granted. The type of individuals consulted also indicates how the matter is framed and who is considered to be an expert in that regard.
<i>Intertextuality</i>	Relationship between the Acts: whether an Act amends and/or is amended by the others.	Discourse is always situated within an argumentative context.
<i>Current state of</i>	Whether the Act is in force or	Taking into account the different

<i>the act</i>	has been replaced by another Act.	Acts in place nowadays, the legislation as a whole can be said to function as a macro speech act (Van Dijk, 2005), establishing both the norm and the exception(s) to that norm.
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The results of the content analysis are presented in Table 2. After identifying and systematising the content of the Acts, we then examined the variability of their content in order to elucidate the effects of the legislation. As explained above, the effects performed by discourse are not necessarily explicitly uttered and, thus, not directly available for study. By comparing the Acts, we were able not only to identify the different legal constructions of sex over time, but also to elucidate the ideological effects of the current legislation.

3. Results

3.1. Description of the content of the acts

(1) Napoleonic Code

Since adoption of the Belgian Civil Code, articles 55-62 of Book I, Title II, Chapter II have addressed the question of declaring and recording birth, *inter alia* regulating the civil status of all new-borns. The information that the birth certificate must contain, including the child's sex, is listed in Article 57. The other articles concern related issues: where, when and how the birth is to be declared (Article 55), by whom (Article 56), the procedure that must be followed when a new-born is found (Article 58), the procedure when a child is born on a boat (Article 59-61) and the act of recognition of the child¹⁹ (Article 62). Therefore, the most relevant articles for understanding the registration of sex are Articles 55, 56 and especially 57. It is important to note that all these articles were subsequently amended. The qualitative content analysis carried out here examines the first version of the Civil Code (Napoleonic Code).

¹⁹ Act by which someone certifies that a maternity or paternity bond exists between her or him and the child.

The original Article 55 stated that the birth had to be declared within three days following delivery and that the new-born had to be presented before the registrar. Article 56 stated that the birth of the child had to be declared by the father and, in the absence of the father, by a doctor, midwife or any other health professional who assisted at the birth.

Article 57 provided that the birth certificate had to contain:

'... the day, time and place of birth, the *sex of the child*,²⁰ and the name given to him or her, the names, surnames, profession and address of the father and the mother, and those of the witnesses'²¹ (Civil Code, 1804, p. 15).

As we can see, the Civil Code does not mention the criteria upon which the registration of the child's sex marker was determined, who determined it or which possible sexes could be registered. The same is true for the preparatory work of the Code.

The Napoleonic Code was drafted by a commission of jurists under the rule of Napoleon. Records of the preparatory work done by the French Council of State show that the definition of sex was not specifically debated during drafting. However, the use of utterances expressing contrasting sexes, such as 'one or the other sex' and 'the weaker sex' (referring to women) as opposed to 'the stronger sex' (referring to men), indicates a binary classification of sex expressed through the categories 'woman' and 'man'. The binary contrast was undoubtedly present in legislation at the time.

(2) Act amending Article 55

This Act, adopted on 23 November 1961, aimed to extend the deadline for declaring a birth. It applied to all citizens. The three days established by the Napoleonic Code was deemed too short, especially when the birth took place before a public holiday. The Act established that Saturdays, Sundays and public holidays were not to be included in the 3-day deadline. No expert or external body was consulted.

²⁰ Emphasis added.

²¹ All the legislative excerpts presented in the paper were translated from French into English by the authors.

Although this Act did not explicitly address the registration of sex, it was the first time the role of the doctor in registering the birth is mentioned. During parliamentary work, the possibility not to present the child before the registrar was debated (Doc. Ch. 38 130/002). According to a member of the Chamber, the practice of presenting the new-born was practically abandoned, being replaced by a medical certificate verifying 'the fact of birth and the sex' (p. 2). However, it was argued that the registrar had the right to see the child anyway and the obligation to present the new-born at the civil registry was not removed from the law.

It is worth noting that, although the medical certification of sex was already common social practice, no mention was made of the criteria to be used in determining the child's sex.

(3) Act amending Articles 55, 56 and 57

This Act, adopted on 30 March 1984, amended Articles 55, 56 and 57 of the Civil Code. Its main purpose was to allow the mother to declare the birth and to remove the formal obligation to present the child to the registrar. The Act applies to all citizens. The permanent commission on civil status was consulted.

Based on the principle of gender equality, this Act for the first time allowed the mother to declare the birth of her child. As a consequence, the declaration deadline was extended to 15 days to allow the mother to recover from the delivery. At the same time, the doctor, midwife or any other person assisting at the birth had to inform the registrar of the birth on the first working day thereafter.

Similarly, the child no longer had to be presented, as this provision was in practice outdated (Doc. Ch. 44 400/001). It was officially replaced by a medical certificate attesting the birth signed by a doctor or a midwife. Where this was not possible, the registrar could still go personally to see the new-born.

Other legislative amendments concerned the information to be included in the birth certificate. The obligation to register the name of the witnesses and the professions of the parents was removed. The sex marker was still required, without

any discussion on whether to remove it. The criteria governing certification of the sex were neither mentioned nor discussed.

(4) Transsexuality Act

Adopted on 10 May 2007, the Transsexuality Act was the first act allowing modification of the sex marker in the civil status in Belgium. Before that, trans* people had no other choice than to go to court. However, due to the lack of legal clarity, there was a large discrepancy in court decisions. When modification of the birth certificate was allowed, it was based on a rectification procedure which implied that a mistake had been made on assigning sex at birth which needed to be retroactively corrected.

Contrary to the previous Acts, the Bill was much debated, with other bodies, experts and civil society groups being consulted. Opinions were asked from the bioethics advisory committee, the Deputy Prime Minister and Minister of Interior, the Deputy Prime Minister and Minister of Finances, and the Minister of Social Affairs and Public Health. There were also hearings with several experts including a psychiatrist from a hospital's 'gender team',²² a surgeon, a lecturer in law, and a professor emeritus in family law. Representatives of three trans* groups were also heard. The legislation section of the Council of State also gave its opinion (part of the legislative process in Belgium).

The Transsexuality Act only applied to 'transsexual' individuals. 'Transsexual' and 'transsexuality' were the terms used therein. Its purpose was to avoid legal uncertainty for transsexual people by establishing an administrative procedure for recognising their prior 'sex change' or 'sexual reassignment' (Doc. Ch. 51 0903/001). It added two Articles (62*bis* and 62*ter*) to the Civil Code.²³

²² A multidisciplinary team (psychiatrists, psychologists-sexologists, paediatricians, speech therapists, endocrinologists, urologists, plastic surgeons) specialised in 'gender transitions'.

²³ This Act also regulated other issues such as the modification of the given name(s) (modifying other Acts, such as the Act of 15 May 1987 concerning surnames and names). However, those changes are beyond the scope of this paper.

Article 62*bis* established the rules for transsexual individuals to modify the sex marker in their birth certificates. The person concerned had to declare before the registrar that he or she had the 'intimate, constant and irreversible conviction that he or she belongs to the sex opposite to the one indicated in the birth certificate and that his or her body has been adapted to that sex to the greatest extent feasible and medically justified' (M.B. 11 July 2007, p. 37823). Drawing on the medical discourse, the conviction that they 'belong to the other sex' was defined in this Act as a mental disorder ('gender identity trouble' or 'gender dysphoria'). This declaration had to be accompanied by a declaration from a psychiatrist and a surgeon attesting that:

'1. the concerned person has the intimate, constant and irreversible conviction that he or she belongs to the sex opposite to the one indicated on the birth certificate; 2. the concerned person underwent sexual reassignment matching the opposite sex to the greatest extent feasible and medically justified; 3. the concerned person can no longer conceive children in accordance with his or her previous sex' (M.B. 11 July 2007: 37823–37824).

Following the adoption of the Transsexuality Act, only transsexual people had the right to modify the sex marker in their civil status, and only after fulfilling certain strict conditions: undergoing a psychiatric assessment, hormonal treatment, genital surgery and sterilisation.²⁴ These conditions establish the binary opposition between the categories 'woman' and 'man'. The boundary between them reflects the conviction of belonging to a sex (the opposite), but especially the possession of certain sexual characteristics of that sex (namely, secondary sexual characteristics, genitalia and gonads). It is the first time that the criteria upon which the registration of the sex marker is made are explicitly mentioned in law and were discussed in Parliament. And they are directly linked to sexual dimorphism.

(5) Act on Sexual Ambiguity

Adopted on 15 May 2007, this Act extended the deadline for registering a child's sex from 15 days to three months in cases of intersexuality, thereby amending Article 57

²⁴ As explained above, the Act was conceived to legally recognise the 'sexual reassignment' of an individual (taking for granted that all 'transsexual people' undergo one). Therefore, it was assumed that the person concerned was already sterile: it was presented as a 'purely medical fact'. However, on one occasion (see Doc. Ch. 51 0903/006: 58–59), sterilisation was described by the legislator as an ethical question, thereby defining what is 'natural' and 'acceptable' for women and men in terms of reproduction.

of the Civil Code (previously amended by the Act amending Articles 55, 56 and 57). It is still in force.

The Act regulates the recording of a child's sex in the birth certificate for children "suffering from sexual ambiguity". This term is used to denote children who 'are born with an anomaly that can be classified within the intersexuality field' (Doc. Ch. 51 1242/001 2004: 3). The 15-day time limit was denounced as being too short in the case of children 'suffering from sexual ambiguity' because additional medical exams were needed to determine their sex.

In one parliamentary debate, a deputy stated that in the birth certificate 'the sex can only be either masculine or feminine' (Doc. Ch. 51 1242/005 2004: 9). Regarding intersex children, the customary practice until then was that a sex was randomly chosen by the parents of the child at the time of declaring the birth. The sex marker could be changed at a later date via a rectification procedure.²⁵ Instead of extending the deadline for declaring the child's birth, this Act solely allows parents to delay registering the child's sex, i.e. the birth of the child must still be declared within the 15 days following birth. This is why the modification introduced by this Act related to Article 57 of the Civil Code (defining the information to be registered in the birth certificate) and not Article 55 (establishing when a birth has to be declared).

On the basis of a medical certificate attesting a child's intersexuality, parents have up to three months to register its sex. According to the medical experts consulted, three months is the time required to obtain the results of the karyotype²⁶ test. Karyotyping is thus the criterion for determining a child's sex. However, certain MPs feared a spread of the use of this test, insisting that

'in normal cases, sex determination is based solely on the externally visible morphological sexual characteristics. Accordingly, it would be useful not to mention in the law any detailed reference to medical indications and their content in order to ensure that a thorough medical examination is only possible in the event of any uncertainty surrounding the sex and that the traditional examination remains the rule for all other cases' (Doc. Ch. 51 1242/005 2004: 8).

²⁵ Art. 1383 to 1385 of the Judicial Code.

²⁶ Number and appearance of chromosomes in the nucleus of a eukaryotic cell.

In other words, karyotyping is only to be carried out in 'cases of doubt' regarding a child's sex according to sexual dimorphism. In 'normal' cases, sexual dimorphism is enough to determine its sex.

(6) Act Reducing the Judicial Workload

This Act was adopted on 14 January 2013 to reduce the Ministry of Justice's workload. It thus covers a broad range of issues unrelated to the topic of this paper. Taking it into account in our corpus is justified to the extent that it removed the possibility for a registrar to visit a new-born child (amending Article 56 of the Civil Code, previously amended by the Act amending Articles 55, 56 and 57). Therefore, the medical certificate becomes the *only* certification of sex for all citizens. Neither the criteria upon which the registration of a child's sex is determined nor the content of the medical certificate are mentioned in the Act, nor were they discussed in Parliament.

(7) Legal Gender Recognition Act

This Act was adopted on 25 June 2017. As was the case of the parliamentary work on the Transsexuality Act, many stakeholders were again heard, though this time other ones. They were mainly trans* and LGBT associations from all over the country, as well as the Federal Gender Equality Body and an Equality Law Clinic. No surgeon was consulted this time, though a child psychiatrist was heard. The legislative section of the Council of State was also consulted.

This Act came into force on 1 January 2018, entirely replacing the 2007 Transsexuality Act. Particularly, it amended Civil Code Articles 62*bis* and 62*ter* (introduced by the Transsexuality Act) and added a new Article 62*bis/1*. The Act applies to 'transgender' persons, with the term 'transsexual' practically absent. Its purpose was to comply with international human rights standards concerning transgender people and to facilitate a change of the sex marker (Doc. Ch. 54 2403/001). At international and European level, human rights players and institutions were clamouring for national states to end discrimination against trans* people, including State measures such as forced sterilisation and the psychiatrisation of trans* identities.

Based on the principle of self-determination, this Act removes the medical conditions set by the Transsexuality Act needing to be fulfilled to have the sex marker changed, replacing them by two declarations of the person concerned before the registrar, with a 3-6-month period of reflection between the two. In the declarations, the person concerned must state that he or she has ‘the conviction that the sex stated in his or her birth certificate does not match his or her intimately experienced gender identity’ (M.B. 10 July 2017: 71465). The criterion upon which the sex marker is determined is thus defined as the ‘intimately experienced gender identity’. The Act however maintained the requirement for a child psychiatrist to issue a declaration for unemancipated minors older than 16.²⁷ In this declaration, the psychiatrist must attest that the minor has the capacity of discernment. Whatever the case, the sex marker in the civil status may only be changed once,²⁸ i.e. the Act maintains the irrevocability of the procedure and the permanent character of the binary opposition between women and men.

Following an appeal filed by several LGBT associations,²⁹ the Constitutional Court overruled the irrevocable nature of a change of the registered sex as stated in Article 62*bis* of the Civil Code on 19 June 2019. The Court based its ruling on the constitutional principle of equality and non-discrimination construed in light of the right to privacy which enshrined the right to self-determination. In this respect, individuals with a fluid gender identity were taken into special consideration (Ruling no. 99/2019, B.8.8.). Moreover, the Court ruled that there was a gap in the law: the legislator had only considered the situation of individuals with a binary gender identity, overlooking the situation of individuals with a non-binary identity who were still forced to accept a sex marker out of line with their gender identity. As a result of this ruling, the legislator has to fill this gap, choosing between various possibilities, including adding further categories to the “F” and “M” ones or removing altogether the sex marker in the civil status (Ruling no. 09/2019, B.7.3.).

This ruling is shaking the very foundations of the binary representation of the sex marker. It is too early to say which path the legislator will choose (at a time

²⁷ Minors younger than 16 cannot have their sex marker changed.

²⁸ Exceptionally, it can be changed a second time following a judicial procedure. In such a case, the person concerned must prove that the initial change caused problems, for instance, discrimination.

²⁹ *Çavaria, Maison Arc-en-Ciel and Genres Pluriels*.

where Belgium is without a federal government). Therefore, it was impossible to include the latest developments in our study.

Table 2. Summary of the qualitative content analysis of the Code and acts

	<i>Napoleonic Code</i> (1)	<i>Act amending Article 55</i> (2)	<i>Act amending Articles 55, 56 and 57</i> (3)	<i>Transsexuality Act</i> (4)	<i>Act on Sexual Ambiguity</i> (5)	<i>Act Reducing the Judicial Workload</i> (6)	<i>Legal Gender Recognition Act</i> (7)
Date of adoption	21 March 1804	23 November 1961	30 March 1984	10 May 2007	15 May 2007	14 January 2013	25 June 2017
Type of legal matter	Registration of sex at birth	Registration of sex at birth	Registration of sex at birth	Subsequent modification of the registration of sex	Registration of sex at birth	Registration of sex at birth	Subsequent modification of the registration of sex
Legal subject	All citizens	All citizens	All citizens	A transsexual person	A child suffering from sexual ambiguity	All citizens	A transgender person
Purposes	To regulate the civil status of individuals	To extend the deadline for declaring a child's birth (3 days until then)	To allow the mother to declare the birth & to eliminate obligation to present the child to the registrar	To introduce an administrative procedure before the registrar to recognise sex change	To extend the deadline for declaring the sex of a child suffering from sexual ambiguity	To reduce the workload within the judicial system	To comply with international human right standards & to facilitate a change of the sex marker
Changes	Art. 55: birth to be declared within the 3 days following the delivery & new-born to be presented before the registrar; Art. 56: birth of the child to be declared by the father (in his absence, by a doctor, midwife or any other health professional who assisted at the birth); Art. 57: birth declaration to include the sex of the child	Saturdays, Sundays and public holidays not included in 3-day deadline	Mother allowed to declare birth; deadline extended to 15 days; introduction of medical certificate	It sets the conditions for transsexual people to have their sex change legally recognised (psychiatric assessment, sexual reassignment & sterilisation)	It extends the deadline to declare the sex of a child 'suffering from sexual ambiguity' (up to 3 months)	It removes the possibility for the registrar to visit the new-born. Medical certificate is the only certification of sex	It removes the medical conditions set by (4) to modify the mention of sex in the civil status. Drawing on the principle of self-determination, it establishes 2 declarations before the registrar, with a period of reflection (3 to 6 months) between them. For an unemancipated minor older than 16, a certificate from a child psychiatrist is required
Sex criteria	Criteria neither mentioned nor debated. New-born presented to registrar	Criteria neither mentioned nor debated. Medical certification of the sex of the child is a customary practice	Criteria neither mentioned nor debated. Medical certificate now established by law, but registrar can still visit the child	Intimate conviction of belonging to a sex ('the opposite') & possession of certain sexual characteristics of that sex (genitalia, gonads, hormones & secondary sexual characteristics).	- Under 'normal conditions': morphological sexual characteristics externally visible - Intersexuality: karyotype	Criteria neither mentioned nor debated. Medical certificate is enough, registrar cannot visit the child	Gender identity intimately experienced (alleged self-determination)

				Medical certificate.	(chromosomes)		
Stakeholders consulted	N/A	None	Permanent commission of civil status	<ul style="list-style-type: none"> - Bio-ethical committee - Deputy Prime Minister & Minister of the Interior - Deputy Prime Minister & Minister of Finances - Minister of Social Affairs & Public Health - Psychiatrist (Ghent hospital) - Surgeon (Ghent hospital) - Lecturer in law (<i>KU Leuven</i>) - Professor emeritus in law (<i>Université de Liège</i>) - Council of State - Members of 3 trans* groups (<i>Collectif Trans-Action, Genderstichting and Genderactiegroep</i>)³⁰ 	Medical experts consulted before the drafting of the bill (no hearings during parliamentary work)	General director of <i>Agence pour la Simplification Administrative</i>	<ul style="list-style-type: none"> - Council of State - <i>Arc-en-ciel Wallonie</i> - <i>Çavaria</i> - <i>Rainbowhouse Brussels</i> - Child psychiatrist (<i>Kindergenderteam, Ghent Hospital</i>) - Equality Law Clinic (ULB) - <i>Genres pluriels</i> - <i>Institut pour l'égalité des femmes et des hommes</i>
Intertextuality	Amended by (2), (3), (4), (5), (6) & (7)	It amends Art. 55 of (1)	It amends Art. 55, 56 & 57 of (1)	It adds two Articles (62bis & 62ter) in (1)	It amends Art. 57 of (1)	It amends Art. 56 of (1) [previously amended by (3)]	It amends Art. 62bis of (1) [inserted by (4)], it adds an Art. 62bis/1 in (1) & replaces Art. 62ter of (1) [inserted by (4)]
Current state	In force	Replaced by (3)	In force	Replaced by (7)	In force	In force	In force

³⁰ None of these groups seems to exist nowadays.

3.2 Review of content variability

In Belgium, the sex marker has been included in the civil status of individuals since the adoption of the Civil Code (Napoleonic Code). However, it was not until 2007 that an Act allowing its change was adopted for the first time (Transsexuality Act). Most of the legislation (five Acts) regulates the registration of sex at birth, with only two Acts addressing its subsequent modification.

The purposes and matters addressed in the legislation regulating the registration of sex at birth relate to the conditions surrounding the declaration of birth (by when the declaration has to be done and by whom). These Acts reveal a progressive move towards legal reliance on the medical determination of a child's sex, substituting the presentation of the child before the registrar by a medical certificate. Legal reliance on medical criteria is such that the specific criteria are never actually described in these Acts. This absence of legal interference in the medical domain assigns to medicine and medical experts the 'truth' of sex. The only time criteria were mentioned was during the parliamentary work on the Act on Sexual Ambiguity, when the medical procedure to determine a child's sex was described. This distinguished between the procedure under 'normal circumstances' (i.e. sexual dimorphism) and that 'in cases of intersexuality' (i.e. no sexual dimorphism). In 'abnormal' cases, the legal definition of sex is based on chromosomes. The legal subject of these Acts is always 'all citizens' without specification, except for the 'abnormal' cases where the legal subject is 'the child suffering from sexual ambiguity'.

The absence of legal interference in the initial determination of the sex marker is in clear contrast with the law's involvement in its modification. The criteria allowing for such are explicitly regulated by the Transsexuality Act and Legal Gender Recognition Act. The legal subject is not 'all citizens' but the 'transsexual individual' in the first case and the 'transgender person' in the second. The Transsexuality Act set forth several medical conditions to be fulfilled: the 'transsexual' individual had to provide medical certificates attesting that she or he had the 'intimate conviction of belonging to the other sex', had undergone sexual reassignment, and had been sterilised. In other words, it established a 'mismatch' between a person's identity and body and allowed a change of the sex marker based on identity and sexual dimorphism. The Legal Gender Recognition Act removed almost all medical criteria, establishing a person's gender identity as the only

criterion to be met to change the sex marker. Therefore, sexual dimorphism no longer determines the sex marker of transgender people. However, gender identity is only established as a criterion for transgender people.

The norm that humankind is naturally divided into two categories is taken for granted, with the legislation only specifying the norms constituting the binary opposition between women and men for people outside these categories. This contrast also becomes evident in the fact that no experts, legal bodies or civil society were consulted in the drafting of the acts regulating the registration of sex at birth. Nevertheless, many stakeholders were invited to hearings and/or to provide their written opinions on the matter.

4. Discussion: ideological effects and practical implications

The variability present in the legislation regulating the sex marker in the civil status has both ideological and practical effects. At the ideological level, the identified variability reproduces and institutionalises cisnormativity, establishing women and men as natural categories and a correspondence between the characteristics of the so-called biological sex and gender identity. Although the recent Legal Gender Recognition Act constitutes a shift, it is an exception to the rule when the whole legislative framework on this topic is taken into account.

The analysis of the variability across Acts helps us understand how cisnormativity is produced. First, the legislation distinguishes between Acts targeting the population at large and those targeting specific 'outside the norm' populations. The legal subject of the former is an 'unmarked' subject ('the person', 'the child'), whereas the legal subject of the latter is a 'marked' subject ('the transsexual', 'the transgender person', 'the child suffering from sexual ambiguity').

Second, the initial certification of a child's sex is not directly regulated by any Act, but has over time become increasingly delegated to medical judgment. However, changing the sex marker in adulthood is explicitly regulated and very much debated. It is noteworthy that not a single expert was consulted during the parliamentary work on the Acts regulating the certification of sex at birth, whereas many were consulted during the parliamentary debates on changing the sex marker

later in life. Indeed, the only case in which the initial assignment is mentioned regards the registration of the sex of an intersex child, being called 'an exception'.

Third, the medical criteria determining sex at birth are only mentioned for children whose body does not fit in with sexual dimorphism – namely, intersex children. In the act regulating such cases, the criteria determining sex in both 'normal' and 'abnormal' cases are explicitly described. Thus, 'normal sex' is defined as visible genitalia that fall under sexual dimorphism. In the case of bodies outside the sexual dimorphism norm, sex is exceptionally determined on the basis of chromosomes, deemed to possess the ultimate 'truth' about sex.

Fourth, notions related to identity ('intimate, constant and irreversible conviction that he or she belongs to the opposite sex', 'intimately experienced gender identity') are employed as criteria only in the acts targeting trans* people. In other words, the mind-body dichotomy is only applied to trans* people. Whereas the certification of sex at birth has been increasingly medicalised, changing the sex marker has been psychologised. Gender identity seems not to be an issue for the rest of society. Just as only homosexual people seem to have a sexual orientation, only trans* people seem to have a gender identity. It is thus just assumed that the norm is to identify oneself with the sex attributed at birth.

This variability across Acts has a twofold effect. On the one hand, it reifies sexual dimorphism as if human bodies were naturally classified into two classes, erasing intersex realities. The process through which the classification is produced is silenced. Genitalia are never mentioned except for in relation to intersex and transsexual people. On the other hand, the correspondence between 'biological sex' and gender identity is naturalised and rendered invisible as a universal norm instead of presenting it as one possibility among others. Cisnormativity is an instituted mechanism that not only polices and punishes people who move away from gender norms, but also functions as a prescriptive and regulatory model for all (Martínez-Guzmán, 2017).

Looking at the Acts currently in force³¹ at a practical level, the sex marker is not unambiguous, being based on different criteria for different subjects. Whereas for some trans* people³² the sex marker only reflects the identity in binary terms, for intersex people it is indicative of the chromosomes while for the rest of the population it reflects their visible genitalia. Taking into account the performative power of law (Butler, 1997), the different legal constructions of sex can have major practical implications in situations where sex is assumed to have a single meaning (a binary and cisnormative interpretation of the legal mention of sex). For instance, in the health sphere, trans* men who changed their sex marker after 1 January 2018 (the date the Legal Gender Recognition Act entered into force) may be overlooked in cervical cancer screening campaigns if the sex marker is taken to mean 'genitalia'. In this case, trans* men have an M for male in their civil status, but have not necessarily undergone surgery and thus have a uterus. This is just one example among many.

A much debated and controversial domain is that of segregated statistical data based on the registered sex marker. Advocates of sex-segregated data claim their usefulness to measure and prove gender inequality and discrimination against women. The interest of such data is not to analyse biological differences, but social differences between the categories 'woman' and 'man'. And yet, strictly speaking, this data informs us mainly about the type of genitalia at birth.³³ In practice, we cannot know whether people self-identify, express themselves and/or are perceived and treated according to their legal sex. Therefore, sex-segregated data can be useful when used as a heuristic, but does not allow us to understand what is specifically at stake. The usefulness of such data lies in the assumption that an individual who was assigned the female sex at birth will self-identify and be identified by others as a woman and will 'behave' and be treated as such. In other words, it relies on and reproduces cisnormativity. Yet such data is considered a key tool for enforcing gender equality.

The ruling of the Constitutional Court offers an opportunity to ask ourselves whether and for what purposes the legal registration of sex is needed and to reconsider how it is certified for all citizens, not only for trans* people. Various creative solutions are available, such as establishing different markers according to

³¹ Civil Code, Act amending Articles 55, 56 and 57, Transsexuality Act, Act on Sexual Ambiguity, Act Reducing the Judicial Workload and the Legal Gender Recognition Act.

³² Those who changed their registered sex marker under the Legal Gender Recognition Act.

³³ Most of the population do not change their sex marker. In Belgium, 1625 people changed it between January 1993 and September 2018 (Institut pour l'égalité des femmes et des hommes, 2018).

what specific aspect we are referring to (e.g. physical characteristics, identity, expression), establishing non-binary markers, allowing multiple changes of markers, making the markers not available to the public but viewable only for specific purposes (e.g. health campaigns, gender quotas) or abolishing the registration of sex.³⁴

Conclusions

In view of the ideological effects and practical implications described above, we consider that future legislative solutions should pay attention to two main issues. On the one hand, they should avoid creating a distinction between 'normal' and 'out of the norm/exceptional' legal subjects which, in turn, reproduces 'women' and 'men' as two natural and essential categories. They should thus take greater account of human diversity in relation to sexed bodies and ways of experiencing gender beyond the binary opposition between the categories 'woman' and 'man'. On the other, future solutions should also help promote inclusion and tackle discrimination. This entails understanding what is at stake when we address specific sex/gender issues built on a distinction between women and men. In other words, the legal certification of sex should be rethought with a view to addressing inequalities between women and men without (re)producing the established binary opposition between them.

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³⁴ The Belgian Institute for Equality between Women and Men commissioned the Equality Law Clinic to write an extensive report on the various solutions. The report should be available on the ELC's website by the end of January 2020.

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Annex. List of documents and sections of documents included in the corpus

Document name	Number of doc.	Date	Sections included
(1) Civil Code	-	1804	Book I, Title II, Chapter II, Articles 55-62
Records of the preparatory work done by the French Council of State (Volume 8)	-	1836	Book I, Title II
(2) Act of 23 November 1961 amending Article 55 of the Civil Code	M.B. 16 January 1962	1961	All
Report made on behalf of the Justice Commission	Se 38 321	10/05/1960	All
Project reported by the Senate	Se 38 559/001	16/06/1960	All
Report made on behalf of the Justice Commission	Ch. 38 130/002	12/07/1961	All
(3) Act of 30 March 1984 modifying the articles 55, 56 and 57 of the Civil Code and article 361 of the Penal Code	M.B. 22 December 1984	30/03/1984	All
Bill	Ch. 44 400/001	12/12/1979	All
Amendment	Ch. 44 400/002	4/02/1981	All
Report (Justice Commission)	Ch. 44 400/004	29/03/1981	All
Bill transmitted to the Chamber by the Senate	676_N1	18/06/1981	All
Report (Justice Commission) - Senate	637_N2	24/05/1983	All
(4) Act of 10 May 2007 on Transsexuality	M.B. 11 July 2007	10/05/2007	Chapter II: Amendments to the Civil Code
Bill	Ch. 51-903/001	11/03/2004	Summary, developments, commentaries to the articles, bill (except chapters IV and VI)
Opinion of the Belgian Advisory Committee on Bioethics	Ch. 51-903/002	29/03/2006	All
Amendments	Ch. 51-903/003	06/06/2006	Amendments: 1, 2, 3, 6, 7
Amendments	Ch. 51-903/004	13/06/2006	Amendments: 15, 16
Report made on behalf of the Justice Commission	Ch. 51-903/006	30/06/2006	All except amendments not previously considered
Text adopted by the Justice Commission	Ch. 51-903/007	30/06/2006	All
Amendments	3-1794/2 3-1794/2	17/10/2006	All
Opinion of the Council of State	3-1794/3 3-1794/3	28/12/2006	All
Amendments	3-1794/4 3-1794/4	07/02/2007	All

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Report made on behalf of the Justice Commission	3-1794/5 3-1794/5	20/03/2007	All
Text amended by the Justice Commission	3-1794/6 3-1794/6	20/03/2007	All
Report made on behalf of the Justice Commission	Ch. 51-903/010	17/04/2007	All
Circular concerning the Act on Transsexuality	M.B. 20 February 2008	20/02/2008	II. Practical guidelines for registrars (points 1, 2, 3, 4, 5) + Certificate model et Registration model
(5) Act of 15 May 2007 modifying article 57 of the Civil Code with regard to the notification of the sex of a child suffering from sexual ambiguity	M.B. 12 July 2007	15/05/2007	All
Bill	Ch. 51-1242/001	24/06/2004	All
Amendments	Ch. 51-1242/002	29/11/2006	All
Amendments	Ch. 51-1242/003	12/12/2006	All
Amendment	Ch. 51-1242/004	28/02/2007	All
Report made on behalf of the Justice Commission	Ch. 51-1242/005	04/04/2007	All
Text adopted by the Justice Commission	Ch. 51-1242/006	04/04/2007	All
Verbatim record	Ip 277	12/04/2007	All
(6) Act of 14 January 2013 including several provisions concerning the reduction of workload within the judicial system	M.B. 1 March 2013	14/01/2013	Art. 21
Bill	Ch. 53 1804/001	13/10/2011	Discussions concerning Article 56, § 4 of Civil Code
Report made on behalf of the Justice Commission	Ch. 53 1804/016	30/11/2012	Discussions concerning Article 56, § 4 of Civil Code
(7) Act of 25 June 2017 on the reform of regulations concerning transgender persons with regard to the notification of a change to the registration of sex in civil status records and their consequences	M.B. 10 July 2017	25/06/2017	Chapter II: Amendments to the Civil Code
Bill	Ch. 54 2403/001	4/04/2017	All except 1. Analysis of the impact of the regulation and 2. Sections concerning the change of name and amendments to the Judiciary Code

Amendment	Ch. 54 2403/002	2/05/2017	Amendments : 1, 2, 3, 5, 6, 8
Amendment	Ch. 54 2403/003	9/05/2017	Amendments : 10, 11, 12, 13, 15
Report made on behalf of the Justice Commission	Ch. 54 2403/004	19/05/2017	All except sections concerning the change of name and amendments to the Judiciary code.
Text adopted by the Justice Commission	Ch. 54 2403/005	19/05/2017	Chapter II: Amendments to the Civil Code
Amendment tabled in the plenary	Ch. 54 2403/006	23/05/2017	All
Amendment tabled in the plenary	Ch. 54 2403/007	24/05/2017	All
Text adopted in the plenary	Ch. 54 2403/008	24/05/2017	Chapter II: Amendments to the Civil Code
Verbatim record	CRIV54 PLEN 170	24/05/2017	Discussion on bill (2403/1-6)
Circular concerning the Act of 25 June 2017 on the reform of regulations concerning transgender persons with regard to the notification of a change to the registration of sex in civil status records and their consequences	M.B. 29 December 2017	29/12/2017	<ol style="list-style-type: none"> 1. General statements 2. Amendment to the registration of the sex marker