

Gender Self-Determination, Freedom to Marry, and Transgender Rights: An Analysis of German Federal Constitutional Court's *Decision 1 BvL 10/05 (2008)*

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Abstract

This article employs view-points inspired by feminist legal theories and sexuality/gender studies, and seeks to unpack and analyze issues pertaining to sex, gender, sexuality, sexual orientation, the right to marry, and gender self-determination in the German Federal Constitutional Court decision on Transsexual Law. The author explores the possible impact of the decision on the transgender rights development in Germany and the potential influence on LGBTIQ (Lesbian, Gay, Bisexual, Transsexual, Intersex, Queer/Questioning) community in general. Furthermore, the author suggests a reconstruction of gender-sensitive jurisprudence, and facilitates diverse sexual subjectivities so that law, or legal systems in a broader sense, will not be used as a tool to reinforce heterosexual patriarchy ideology, or to oppress gender minorities.

Key Words: transsexualism, transgender, male-female dichotomy, gender self-determination, freedom to marry