



## Psychiatry & Behavioral Science Section - 2016

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### 144 I Need to Be Myself, I Can't Be Anyone Else — Analyzing the Role of Forensic Sciences in Disorders of Sex Development (DSD), Discussion of Historical Case Studies, and Contemporary Reports Leading to New Perspectives

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After attending this presentation, attendees will understand the role of the forensic sciences in the investigation of sex and gender issues in individuals with DSD (i.e., congenital conditions in which development of chromosomal, gonadal, or anatomical sex is atypical).

This presentation will impact the forensic science community by presenting a multidisciplinary approach based on an analysis of historical case studies and contemporary reports that will demonstrate how forensic science can assist in identifying the biological sex, gender identity, and social-sex role in a person with a sex or gender non-conformity.

The birth of individuals that are neither male nor female has always fascinated scientists and several cases of gender ambiguity have been documented throughout history, including the case of Christian Wasa, better known as Sweden's Queen Christina. On December 8, 1626, King Gustav II Adolf and his wife, Queen Maria Eleonora, celebrated Prince Christian's birth. One week later, the newborn was recognized as female. Nevertheless, she was proclaimed king, not queen, by the Swedish parliament in 1632. On the occasion of the 390<sup>th</sup> anniversary of her birth, the hypothesis of DSD will be examined in light of such rare documents relative to Queen Christina's medical biography such as her private physicians' evaluations, an anonymous clinical account kept in the Vatican Library describing her last illness, and the autopsy record now in the Austrian State Archives. Queen Christina's physical and personal traits will then be compared to her portraits as well as to the data collected during her exhumation in 1965.

One of the first scholars to focus on crime and gender diversity was Cesare Lombroso (1835-1909). In *Love in Insane People* (1881), he saw the ambiguity of sex differentiation as a "degeneration" that caused certain people to commit crimes. The case studies listed in *Crimes of the Libido* (1886) will be analyzed jointly with the forgotten *A Strange Case of Cross-Hermaphroditism in a Female Maniac* (1867) in which Lombroso correlated Maria F.'s ambiguous genitalia, criminal behavior, and mental health to congenital brain anomalies that he similarly observed in her twin sister. Lombroso stated how a person with sexual identity disorder has "the right to be treated differently" by the medicolegal system. Each case should have been evaluated by a panel of experts in pathology and jurisprudence in order to assign a sex, if needed, without rash decisions being made — a procedure similar to the Multidisciplinary Teams (MDT) present in centers for DSD management.

Lombroso's essay was mentioned by Cesare Taruffi (1821-1902), professor of pathology at University of Bologna, in *Hermaphroditism and Teratology* (1902) relative to Johann Casper's (1796-1864) works on the *Prussian Criminal Code* (1856-1864). Taruffi discussed gender assignment in infants with ambiguous external genitalia, recommending sex reassignment after 18 years of age in the presence of a medicolegal expert who would certify the conformity of the patient's anatomical and psychological sex in keeping with his/her status and gender roll. Taruffi's analysis underlined the issue of legally recognizing a "third gender," a process started in 2013 when Germany allowed an "indeterminate" gender option on birth certificates. In 2014, both Australia and India permitted the registration of a person's sex as "non-specific."

Nonetheless, individuals with DSD still face disadvantages throughout the legal system. In 2000, Miki Ann DiMarco spent 438 days in the Wyoming Department of Corrections' most restrictive and isolated housing pod due to the fact that she was "classified as an individual of ambiguous gender," demonstrating the difficulty in determining appropriate housing arrangements in the prison system for people with DSD. In 2014, the Bureau of Justice Statistics indicated that both adult and juvenile offenders reported higher rates of sexual victimization while in custody. Also, what happens when he/she is the victim of a crime? Currently, crime-reporting variations due to DSD are under-researched in victimology, although a survey conducted in 2013 using the Theory of Planned Behavior (TBC) showed that people with DSD are less willing to report crimes out of fear gender-based discrimination.

In conclusion, DSDs present a unique challenge in terms of medicolegal management; increasing the focus on forensic sciences will help to protect a person's sexual identity beyond stereotypes and prejudices.

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#### Disorders of Sex Development, Sexual Identity, Crime Reporting