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BOYS WILL BE GIRLS: SEX REASSIGNMENT SURGERY AND THE ETHICS OF STATE FUNDING

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ABSTRACT

This paper was developed as a result of the author's involvement with the Nova Scotia Rainbow Action Project in Halifax, Nova Scotia, who are planning an action whereby a member of the group will submit a complaint of discrimination to the provincial Human Rights Commission, contrary to the Nova Scotia Human Rights Act, on the ground of sex. The complaint will be based on a member's denial of Nova Scotia Medical Services Insurance coverage for sex reassignment surgery, which is prohibited in Nova Scotia. This paper outlines the players and decision-making involved in determining whether or not sex reassignment surgery is funded by the state and discusses feminist theories of gender that make problematic the need for sex reassignment surgery, specifically the social construction, authenticity and transgression of gender. The author also considers both the medical diagnosis of Gender Identity Disorder and the problems with sex reassignment surgery as a treatment for this disorder. In conclusion, through a feminist ethics analysis of the different arguments for and against sex reassignment surgery, the author concludes that there is a need for the surgery to be state-funded, but that deconstructing the two-gender system could eliminate this need in the future.

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choice, we are subverting the feminine and feminist aspects of community, care, and trust. Sex reassignment surgery may not actually heal the mind or body, but it serves a moral function:⁸⁴ SRC allows transsexuals to choose the treatment they require as needed and validates their experiences as gender variant. This aspect of SRC is compatible with and can coexist with a feminist deconstruction of Gender Identity Disorder and the need for SRC. A feminist approach can understand the authentic experience of transsexuals today and, at the same time, look towards the future and work to eliminate the two-gender system to allow for different choices for future people. Fitting with Weber's framework, this certainly produces the most significant benefit for the most number of people.

⁸⁴ *Construction of Transsexualism*, *supra* note 43 at 99.