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## Transsexualism in Germany: Empirical Data on Epidemiology and Application of the German Transsexuals' Act During Its First Ten Years

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*In light of possible emulation of the German Transsexuals' Act (TSG) in discussions taking place on future legislation in other states, on the 10th anniversary of the German TSG, we review the application of this law, as well as epidemiological data arising from its use. From 1981 to 1990, 1422 judicial decisions were rendered in Germany on this basis: 683 of them related to the so-called "small solution" (change of first name), and 733 involved what is termed the "major solution" (legal change of sex status). The frequency of transsexual applications over these 10 years lay between 2.1 and 2.4 per 100,000 German adult population. The average age was 33. Only 3.6% and 10.9% of the small and major applications, respectively, were rejected by courts. The sex ratio was 2.3:1 in favor of male-to-female transsexuals. Data revealed no significant trend over the years among the prevailing practices of adjudication, but evidence does exist that the German courts apply the law differently on a regional basis. Over the 10-year period, only six persons requested to have their names changed back again and only one to be reassigned to the former legal sex classification. Those who change their first names in the sense of a tentative accustomizing process waited an average of 2 years before changing their gender. Between 20 and 30% apparently went no further than the so-called "small solution."*

**KEY WORDS:** transsexual; gender identity disorder; sex reassignment; legal sex.

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## INTRODUCTION

The nature of legal treatment of transsexuals among the different nations of Europe is extremely divergent. Detailed information on this subject is difficult to explore, but has been well summarized in a general perspective by Will (1992, 1993; also see Pfäfflin, 1981). The following represents a brief summary of these overview presentations.

Special legislation on transsexuals was passed by Sweden in 1972, Germany in 1981, Italy in 1982, the Netherlands in 1985, and Turkey in 1988. The German Transsexuals' Act is described in detail at the end of this section. As far as legislation of different countries with various civil law systems can be compared, laws relating to transsexuals demonstrate considerable differences. Whereas Sweden and Germany require a minimum age of 18 years for applicants, Italy, the Netherlands, and Turkey have no such stipulation. Nationality is a restrictive condition only in Sweden and Germany. Transsexuals requesting sex reassignment must be unmarried in Sweden and in the Netherlands. Turkey automatically dissolves an existing marriage after sex change; Italy has been noteworthy in deleting this stipulation. From the medical standpoint with respect to the trial period real-life test, no legal conditions are stipulated in Italy, the Netherlands, or Turkey, whereas Swedish legislation demands a "considerable period." With regard to hormone treatment and genital surgery precedent to legal sex reassignment, Turkish legislation leaves all aspects open. Likewise, there are no requirements for compulsory medical treatment in Swedish, Italian, or Dutch laws. If an operation is desired, on the other hand, Italian legislation demands prior authorization by the judge; in Sweden this approval must be granted by the highest level of social authorities. Sterility must be proved by applicants as a prerequisite for sex change in Sweden, Germany and the Netherlands—but the legislation of Turkey and Italy does not include this aspect. In all countries, however, expert medical opinions or experts' commissions are part of the proceedings.

Those countries without special legislation can be divided into two groups: those in which sex assignment changes in the birth register are under the jurisdiction of administrative authorities, and those in which the judiciary is responsible. Austria, Denmark, and Norway belong to the first group. In the Scandinavian countries, applications are processed in an informal but thorough manner, whereas Austrian administration is guided by rules similar to German law. Switzerland, Luxembourg, France, Belgium, Spain, Portugal, and Poland belong to the second group, in which the decision is left to judges. Noteworthy differences in adjudication have been apparent over the years among these countries. In Portugal, for example, all applications have until now been disapproved by the Supreme Court,

and in Poland the former liberalization" —a stipulation that makes transsexuals have received legal recognition in Poland and France—in which countries still refuse to alter their status. The Commission on Human Rights has declared a violation of the individual's right to a considerable legal difficulties in the development of medicine more precisely expressed, to other arguments—(e.g., the issue of gender, and concern over a possible induced deluge of applications for sex reassignment to achieve extensive

In the Federal Republic of Germany, the "Law on Changing of First Names and on Special Cases" (*Das Transsexuelle Namensgesetz*, or TSG) took effect on January 1, 1990. It has been given in English by the author, which may be applied either to the first or the second name. The first is the so-called "small change" (the change of the first name in accordance with the TSG). The other possibility, the "large change" (the change of gender assignment), requires the certainty of gender assignment by two mutually independent medical commissions must both conclude that a transition to the desired gender and that it will in all probability be permanent. The "small change" (i.e., the change of first name, precisely defined), in adaptation to the desired sex appearance of the desired sex and must be permanently in effect for 25 years, which had originally been intended for the legal status change of the highest German court (Federal Constitutional Court) for change of first name under the TSG. The Federal Constitutional Court not generally require legal proceedings, however, must be referred to the German Castration

and in Poland the former liberal attitude of the Supreme Court has become more strict. In Spain, moreover, a change of sex is possible only "as a fiction"—a stipulation that makes later marriage impossible. In Switzerland, transsexuals have received legal recognition of their claims since 1931. England and France—in which changes of first names in general are uncomplicated—still refuse to alter registered gender, although the European Commission on Human Rights recently interpreted such denial to represent a violation of the individual's right to privacy. In most European countries, considerable legal difficulties arose, and continue to arise, as a consequence of the development of medical possibilities to provide gender change—or, more precisely expressed, to enable sexual adaptation. In addition to many other arguments—(e.g., the impossibility of transmutation of chromosomal gender, and concern over a perceived assault on marriage and the family as the quintessential foundations of society) the fear of an iatrogenically induced deluge of applications for sex reassignment played a consistently important role in widespread rejection of the efforts of those desiring such reassignment to achieve extensive legal recognition.

In the Federal Republic of (then West) Germany, the "Act on the Changing of First Names and the Determination of Sex Membership in Special Cases" (*Das Transsexuellen-Gesetz*, herein referred to as the Transsexuals' Act, or TSG) took effect on January 1, 1981. A detailed account of this law has been given in English by Pfäfflin (1981). The law provides two possibilities, which may be applied either successively or independently of each other. The first is the so-called "small solution," in the form of changing the applicant's first name in accordance with Section 1 of the Transsexuals' Act (§1 TSG). The other possibility, referred to as the "major solution," entails ascertainment of gender assignment according to §8 TSG. For both proceedings, two mutually independent expert's opinions are necessary. The opinions must both conclude that a transsexual perception has existed at least 3 years, and that it will in all probability be of a lasting nature. For the "major solution" (i.e., the change of legal sex status), sex reassignment surgery (not precisely defined), in adaptation of the applicant to the outward physical appearance of the desired sex, is necessary. The applicant must be unmarried and must be permanently incapable of reproduction. The lower age limit of 25 years, which had originally been required for both proceedings, was eliminated for the legal status change in 1982 according to a decision by the highest German court (Federal Constitutional Court); it continued to be applied for change of first name until it was likewise abrogated by a verdict of the Federal Constitutional Court in 1993. Hormone treatment and surgery do not generally require legal permission; the intention to have castration performed, however, must be reviewed in advance by two physicians according to the German Castration Act.

With regard to possible emulation of the TSG in the context of discussion of future legal stipulations in other states, we took advantage of the 10th anniversary of the German TSG as an occasion to review not only the application of this law, but also the epidemiological data arising from its use.

### METHODS

The goal of this study was the exhaustive examination of all decisions rendered on the basis of the TSG In West Germany during the initial 10 years of its validity. It therefore involves exclusive coverage of those persons in Germany who attempted to obtain legal recognition of their change in sex. In this context, questionnaires were submitted to all German courts of first resort (Amtsgerichte) which handle such cases. According to the procedures possible, we assumed that all decisions in the 10 years under investigation would fall into one of three groups:

1. Persons who applied for only a change of first name.
2. Persons who applied for first-name change as well as legal reestablishment of their sex.
3. Persons who initially applied for a first-name change, and later for legal reestablishment of their sex.

Whereas a person included in Group 1 or 2 was registered only once in the survey, persons included in Group 3 were associated with membership in more than one group. This fact required consideration for determination of prevalence rates. Applications for reversal of legal action to previous conditions were considered separately.

Under epidemiological points of view, it must be noted that the number of applicants is not identical to the number of transsexuals because not all applications were approved. There were rejections, application withdrawals, and pending proceedings. Owing to the concept of this survey, it was not possible to deduce the individual reasons for rejections. Consequently, we were not able to ascertain whether rejections were based on formal grounds or on the content of the applications. One example of formal grounds was that an applicant had not reached the minimum age for a change of first name. Another formal reason was marital status. One example of rejection for reasons of content was the lack of a diagnosis of established transsexualism. Therefore, neither the total number of applicants nor the number of applicants given a positive decision (i.e., the "established transsexuals") can be interpreted to truly indicate the prevalence of transsexualism. An exact number, which cannot be accurately determined, lies somewhere between these figures.

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## RESULTS

The obtained data, on the one hand, permit statements to be made concerning epidemiology and, on the other, provide information on the application of the German law and the manner in which Germans resort to it.

In the Federal Republic of (West) Germany from 1981 to 1990 (i.e., the 10 years before reunification), German courts decided 1422 cases on transsexualism. Decrees on first-name changes according to §1 TSG constituted 683 of this total. There were 733 rulings on sex change (change of legal status) according to §8 TSG. In addition, there were six applications involving retransformation. A total of 1199 persons were concerned in conjunction with these 1422 claims. On the basis of the adult population of the Federal Republic of Germany before reunification, and of a reference total for transsexuals which was averaged over a decade, this number represents a 10-year prevalence rate of approximately 2.4 applicants per 100,000 population for the 10 years since the TSG went into effect. On the basis of consideration of only the legally recognized transsexuals (i.e., only those 1047 whose applications were approved in court) these results amount to an adjusted 10-year prevalence rate of 2.1 transsexuals per 100,000 population in the first 10 years after the new law.

### Court Decisions Per Year

The following figures reflect the frequency distribution of claims and court orders during the data collection period. After an initial claims peak of 68 (under §1 TSG) and 94 (under §8 TSG) in 1981, the following 4 years brought definitely fewer applications (1982-1985). From 1986 to 1990, the application frequency rose and reached a level (107 applications under §1 TSG and 98 under §8 TSG) that has not since been exceeded. One can conclude from Fig. 1 that during the first 5 years under the law the number of sex changes is higher than that of first-name changes.

### Distribution of Gender Among the Applicants

With regard to gender distribution, there was an overall predominance of male-to-female transsexuals of 2.3:1 over female-to-male. For name changes, the ratio is roughly 3:1 in favor of male-to-female transsexuals, whereas male-to-female prevalence is lower for determination of sexual identity: 2:1. Comparison of the various years reveals considerable fluctuations in distribution of the relevant sex variables, e.g., the ratio of male-to-female to female-to-male was 8.5:1 for first-name change in 1982,

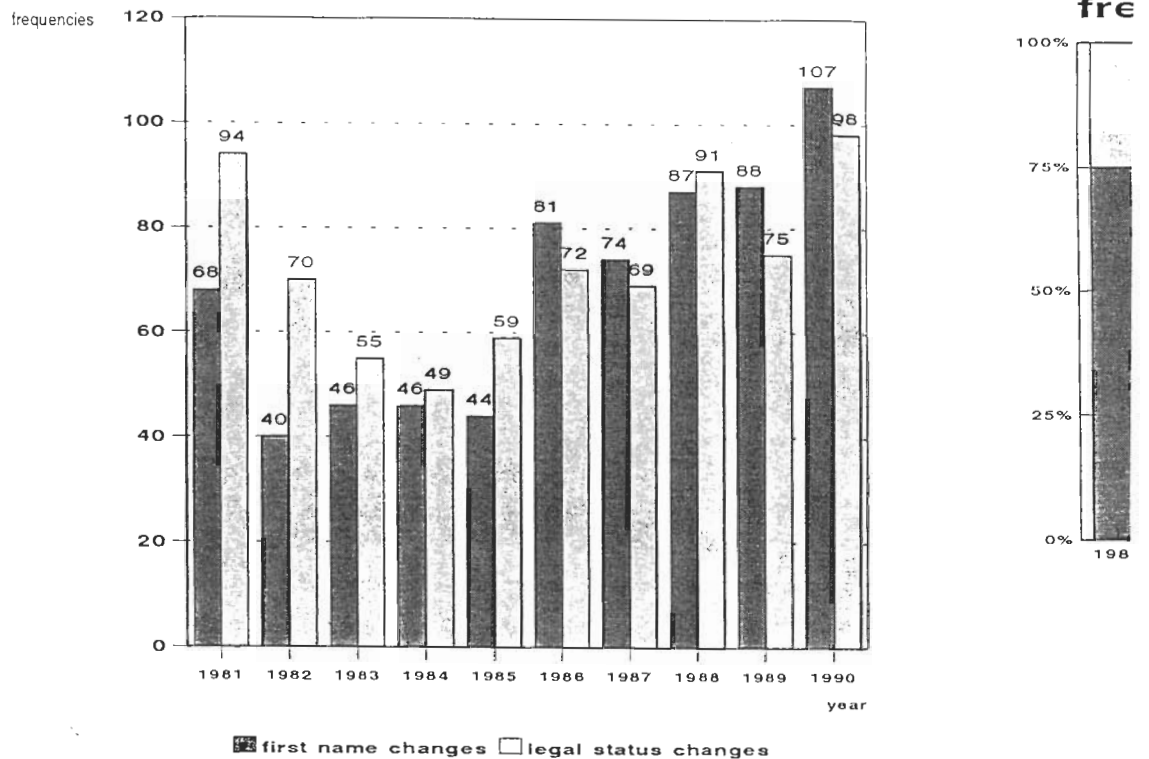


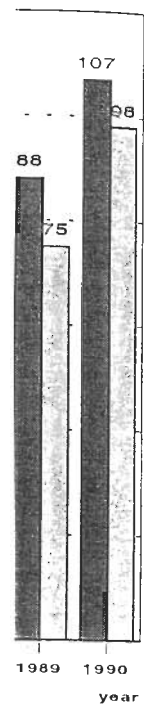
Fig. 1. German court orders in transsexual cases from 1981 to 1990.

but it decreased to 1.6:1 in 1985 (Fig. 2). Within the period of data collection, no general or apparent trend can be determined: a situation that also applies to change of legal sexual status (Fig. 3). In the context of sex change, however, the distribution of sexes approaches equality.

#### Age Distribution of Applicants

The average age of applicants at the time of their legal decrees was 33 for first-name as well as for legal-status change, whereby a prevalence of young applicants is apparent (Fig. 4). The core group is formed by those 25 to 34 years of age. The mean age of the male-to-female transsexuals was 34 which is higher than the female-to-male age of 30.

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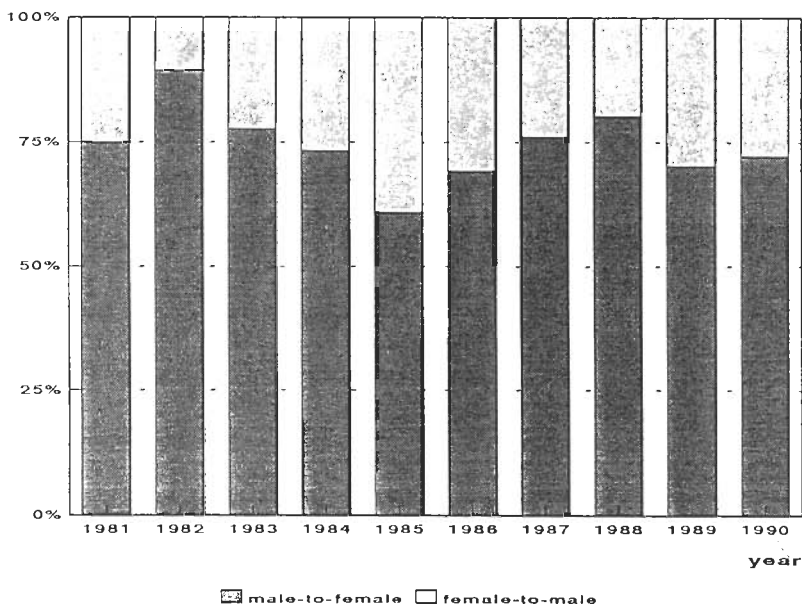


Fig. 2. Distribution of gender: First-name changes. *n* = 491.

Nature of Court Decisions Rendered

The majority of applications under §1 and §8 TSG (i.e., 83 and 96%, respectively) received decisions of approval. There was a more than coincidental concentration of rejecting decrees on first-name changes among applicants under 25 years of age. This had been anticipated owing to the legal minimum age limit valid during the data collection period. The actual surprising result here, however, is that of 93 proceedings according to §1 TSG, 52 (56%) were nevertheless decided positively for applicants under the minimum age limit. It is apparent that in a significant number of cases the courts ignored the stipulation of the age limit of 25. With respect to legal-status changes, the age distribution is relatively homogeneous for those whose applications were rejected. This phenomenon can also be expected for first-name changes after abolition of the age limit. The relation of accepted to rejected applications for changes of first name and legal status showed no statistically significant differences between male-to-female and female-to-male transsexuals.

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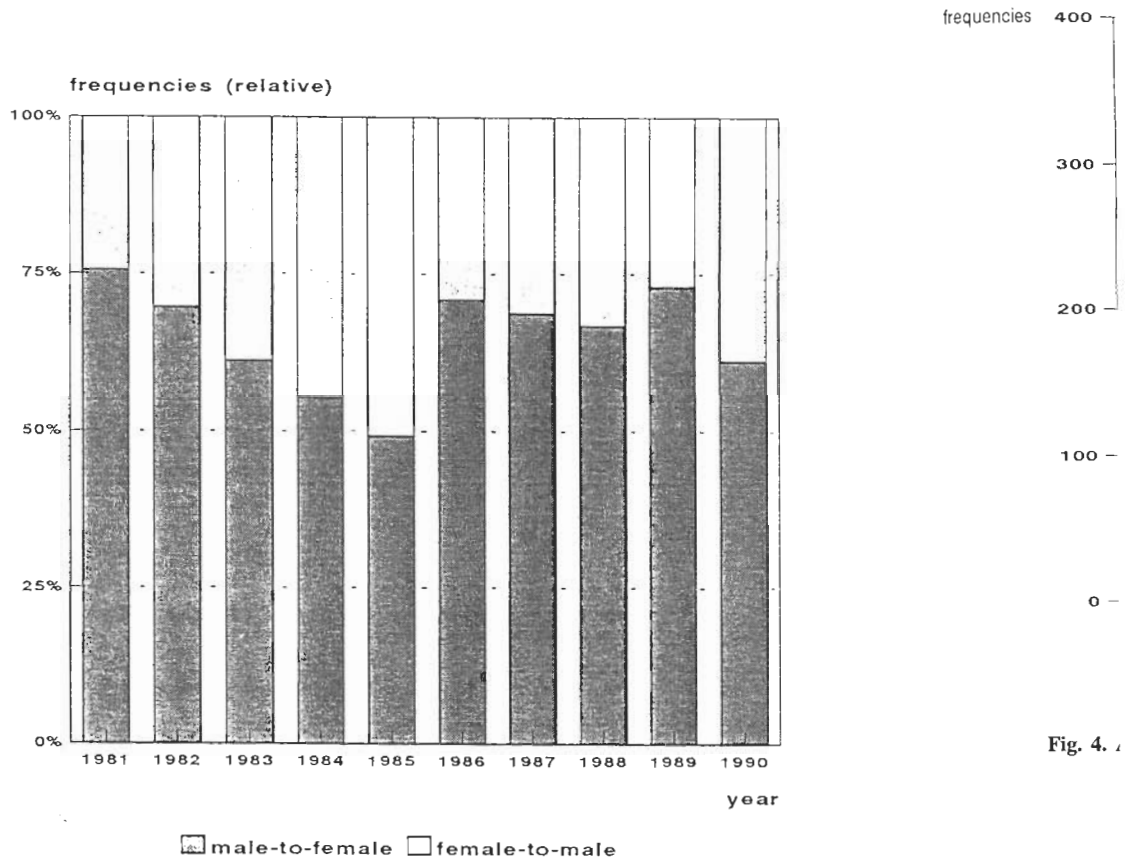


Fig. 3. Distribution of gender: Legal status changes. *n* = 721.

### Differences in the Nature of the Decisions Rendered

With respect to the question of a possible trend in adjudication over the years on name and sex changes, our survey revealed neither a particular tendency nor isolated discrepancies. A study of regional differences, however, showed considerable discrepancies among the various German federal states. The rate of rejections varied between 5 and 20%, with a mean of 12%, whereby the rejections were concentrated in certain courts. Our study determined similar results for applications for change in legal sexual classification.

### The Importance

After the first-name change application for a permanent status applicants for legal many had not changed names at a registry (1 without data) change according the average per change was 2 ye

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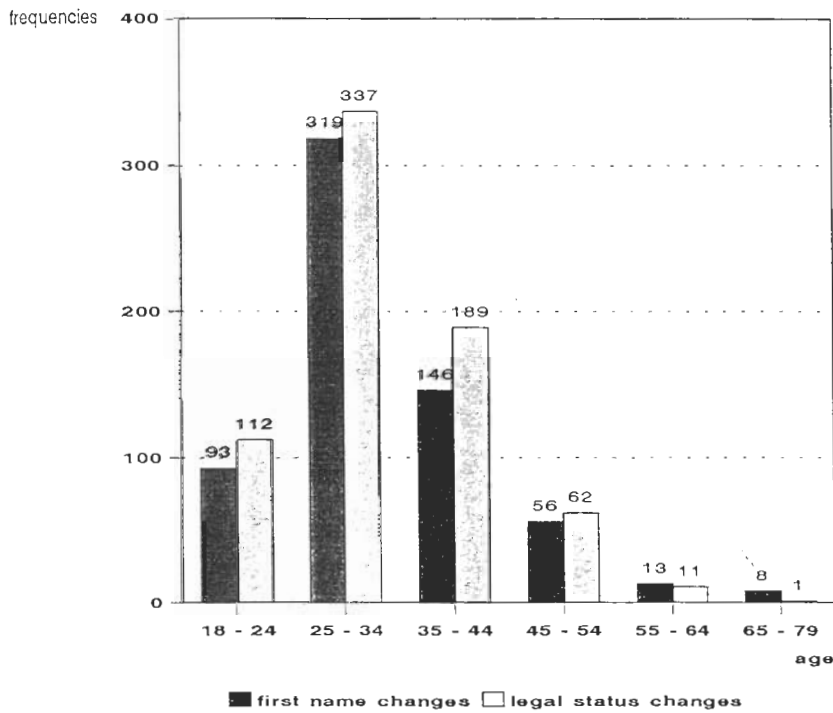
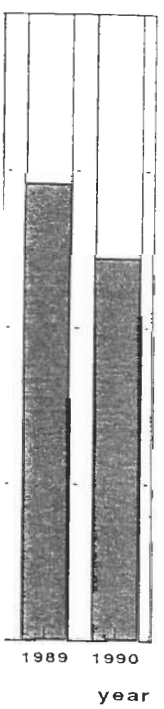


Fig. 4. Age distribution of German transsexuals from 1981 to 1990.

### The Importance of First-Name Change as a Step Toward Gender Reassignment

After the TSG had been passed, the question arose as to what extent first-name change would prove to be merely a stepping-stone status before application for gender reassignment, and to what degree it would represent a permanent status (Fig. 5). The largest subgroup, 73% ( $n = 733$ ), of applicants for legal-status change during the surveyed 10-year period in Germany had not changed first names before sex reassignment. This group of persons does not include those applicants who had changed their first names at a registry office before 1981. For the 27% ( $n = 195$  persons, and 1 without data) of the total number who had applied for a first-name change according to §1 TSG ( $n = 712$ , with 21 cases without detailed data), the average period of time between first-name change and legal-status change was 2 years ( $SD = 1.4$ , range = 1-8). The subgroup of transsexuals

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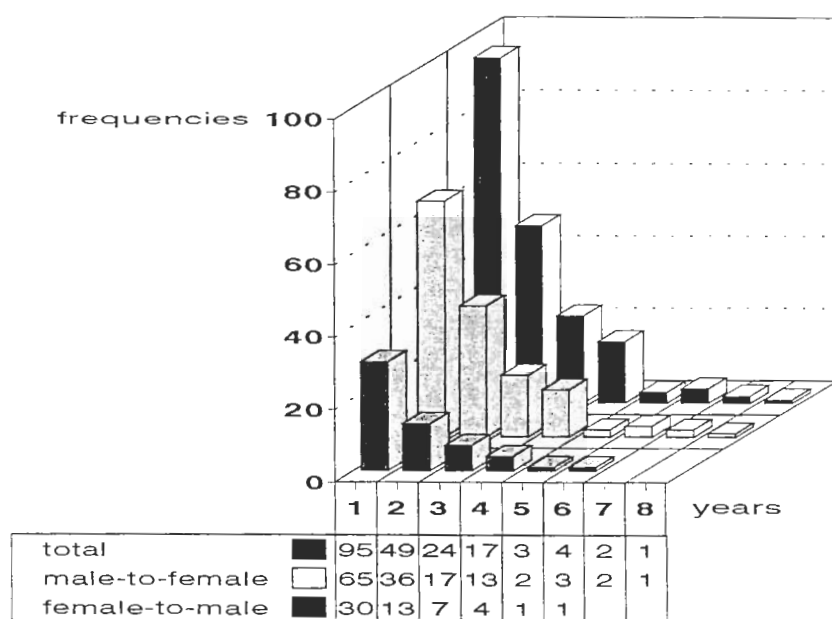


Fig. 5. Period of time between first-name and legal status change.

who proceeded no further than the so-called minor solution (name change) was of particular interest. However, only approximate conclusions are possible here. According to our data, it may be assumed that the percentage of transsexuals who are satisfied with the minor solution will range from 20–30%.

#### Applications for Retransformation

Of the 1422 applications filed throughout West Germany in the period from 1981–1990 according to the TSG, a total of 6 were for retransformation. This amounts to a rate of 0.4%. Five requests for reversal concerned first-name changes and only 1 for reestablishment of the original gender classification.

#### INTERPRETATION OF FINDINGS

Since we could acquire data on only the most readily visible aspects of the phenomenon of transsexuality in West Germany over a period of

10 years, the 1199 Act between 1981 and 1990 is the actual number of covered. No empirical number of unknown cases that the number of transsexuals in the legislature may significantly estimate.

Of all prior studies, a small number have been published from all available sources (e.g., *et al.*, 1981; Tsoi *et al.*, 1988). The following: (i) consider themselves a retransformation in the persons acquire legal status in 1968, 1971; Hoefer, 1968; central treatment of transsexuals; majority of transsexuals; Pauly, 1968; Gooren *et al.*, 1990. Obtained in studies among data collection is limited, and a phenomenon of

Tsoi (1988) reports as one reason for the absence of subsequent lessening

Table I.

Author

Walinder, 1967
Pauly, 1968
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Tsoi, 1988
Gooren <i>et al.</i> , 1990
Osburg and Weitze, 1993

10 years, the 1199 applications submitted under the German Transsexuals' Act between 1981 and 1990 represent a number considerably below the actual number of transsexuals living in West Germany during the period covered. No empirical studies have been conducted on the estimated number of unknown cases of gender-identity disorders. However, our data show that the number of 5000 transsexuals originally estimated by the German legislature may safely be judged to have at that time represented an overestimate.

Of all prior studies on the epidemiology of transsexualism, only a small number have tried to systematically incorporate the required data from all available sources of a particular country (e.g., Walinder, 1968; Ross *et al.*, 1981; Tsoi, 1988). The greatest difficulties in such an effort arise in the following: (i) acquiring data as extensive as possible on all persons who consider themselves to be transsexual; (ii) excluding their multiple enumeration in the collected data; (iii) assuring diagnostic demarcation of the persons acquired from those suffering from other disorders (Walinder, 1968, 1971; Hoenig and Kenna 1974). Most of these populations are from central treatment institutions which can be assumed to treat the great majority of transsexuals living in a particular country (e.g., Benjamin, 1966; Pauly, 1968; Gooren *et al.*, 1993). Table I provides an overview of results obtained in studies conducted to date. Owing to fundamental differences among data collection methods, the possibility of comparing these studies is limited, and any conclusions drawn from them on the frequency of the phenomenon of transsexuality are subsequently problematic.

Tsoi (1988) interpreted the high proportion of transsexuals in Singapore as one result of the high quality of surgical services available there, the absence of repression against transsexuals in Singapore, and the subsequent lessened fear of role change. He considered the considerable time

Table I. Prevalence of Transsexualism—Overview on Previous Studies

Author	Country	TS total	M to F	F to M	Ratio M:F
Walinder, 1967	Sweden	1:54,000	1:37,000	1:103,000	2.8:1
Pauly, 1968	USA		1:100,000	1:400,000	4:1
Hoenig and Kenna, 1974	England	1:53,000	1:34,000	1:108,000	3.2:1
Ross <i>et al.</i> , 1981	Australia	1:42,000	1:24,000	1:150,000	6.1:1
Tsoi, 1988	Singapore	1:2900	1:9000	1:27,000	
Gooren <i>et al.</i> , 1992	Netherlands		1:11,900	1:30,400	2.3:1-4:1
Osburg and Weitze, 1993	Germany (Former Federal Republic)	1:42,000-1:48,000 = 2.1-2.4 per 100,000	1:36,000-1:42,000	1:94,000-1:104,000	2.3:1-2.2:1

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elapsed since earlier studies conducted in other countries to represent another possible reason that the rate in his Singapore survey appears higher than others. Only the last argument appears valid to us, since comparably positive conditions for the first two aspects exist in Sweden and England, in which the share of transsexuals is not as high as in Singapore. In explanation of the different incidence rates that prevail from country to country, the hypotheses offered by Ross *et al.* (1981) include the assumption that the more homosexuals are discriminated against, and the greater the sex-role differences of a society, the higher the incidence of transsexualism. They posited this interpretation as a possible explanation for the considerably higher prevalence and incidence rates of Australia in comparison with Sweden. Since prevalence rates compared here were determined at widely separated points of time, and since incidence rates were compared only for 1981, we consider it methodologically problematic to draw conclusions in this matter. Apart from these reservations, the arguments presented by Ross *et al.* (1981) appear inconclusive with respect to the relatively high predominance rates for the Netherlands. Contrary to their conclusions, we assume that a positive correlation existed between the occurrence of transsexuality and the degree of open-mindedness in a particular society towards persons with deviant behavior, i.e., a degree of liberality which is also reflected by the legal extent of acceptance of transsexuality. To achieve well-founded comparisons between different countries, and to be able to draw conclusions on such a basis, the simultaneous collection of incidence rates under standardized conditions would be a prerequisite.

With regard to the question of a trend in the incidence of transsexualism, Walinder (1971) assumed a continuous increase over the years, a phenomenon that he had earlier attributed to the growing popularity of this aspect of life. Pfäfflin (1981) likewise pointed out the improvements in medical possibilities, the automatic assumption of costs for sex conversion surgery by national health insurance plans, as well as publicity for this issue through the media—developments that he saw as the propagation of a particular solution model for a type of identity crisis: one which would therefore perhaps find increasing acceptance.

In the Federal Republic of Germany, there was an initial peak of 162 applications during the first year in which the TSG was in effect. This phenomenon was to be expected, since in all probability all those who had been waiting for the new legislation, and who also had already met the prerequisites for changing their legal sex status, would submit their applications. This interpretation explains the peak of legal-status changes during the first 2 years under the law, as well as the following decrease from 1982 to 1985. The continually increasing number of applications from 1986 on is, however, extraordinary: By 1990, it had reached a level above that of

the first year after passage of the law. This increase would, in any case, be a general trend. Goore up to 1989, followed by

Prior literature reports a ratio of transsexuals. E cites ratios which exist transsexuals over an average of 1971; Pauly, 1981). As was already pointed out by Pauly (1974). Data from the report reversed ratios, with an average sex ratio over the 10-year-period range of variation between 1 and 2. As a result, we report toward equality.

It is noteworthy that the predominant status changes than for the male-to-male direction is still in change is easier to bring about. stipulations to be applied as a result, persons affected by the change. Comparative studies of transsexuals reveal a high percentage of transsexuals at the time of their application and legal recognition (Pauly, 1988). In this context, transsexuals file their applications at a younger average age.

The overall age of transsexuals is 33 and a concentration of applications comparable to the Dutch: the average age of transsexuals is 31. In the case of male-to-male transsexuals, 60% originally male and 60% turned 31. In the case of female-to-male transsexuals, 15% were 15-19. Most female-to-male transsexuals are in the 20-29 age group. A considerable

the first year after passage of the legislation. A study covering a longer period would, in any case, be required to determine whether the increasing occurrence of applicants over the past few years is in fact a reflection of a general trend. Gooren *et al.* (1993) registered a steady increase of cases up to 1989, followed however by a slight decrease for 1990 and 1991.

Prior literature makes considerably diverging statements on the sex ratio of transsexuals. DSM-III-R (American Psychiatric Association, 1989) cites ratios which express the statistical predominance of male-to-female transsexuals over an extremely broad range: from 8:1 to 1:1 (Walinder, 1971; Pauly, 1981). An increasing adjustment of the sex ratio toward 1:1 was already pointed out by Walinder (1971), a phenomenon also reported by Pauly (1974). Data from Czechoslovakia and Poland, on the other hand, report reversed ratios, up to 5:1 (Brzek and Sipova, 1983; Godlewski, 1988). With an average sex ratio of 2.3:1 in favor of male-to-female transsexuals over the 10-year-period covered by our study, we found a considerable range of variation between the individual years, without a recognizable trend. As a result, we cannot support Walinder's conclusion of a development toward equality in the sexual directions.

It is noteworthy at any rate, as earlier described by Pfäfflin (1986), that the predominance of male-to-female is considerably lower for legal-status changes than for changes in name; here, in other words, the female-to-male direction is stronger. A possible explanation is that outward gender change is easier to bring about for a female-to-male transsexual, and that stipulations to be applied by judges are less strict for sex reassignment. As a result, persons affected may well more readily file for a legal-status change. Comparative studies of female-to-male and male-to-female transsexuals reveal a higher degree of social integration of female-to-male transsexuals at the time of the diagnosis, or before therapeutic measures and legal recognition (Pauly, 1974; Kröhn *et al.*, 1981; Kockott and Fahrner, 1988). In this context, it must be emphasized that female-to-male transsexuals file their applications, and begin a sex-reassignment treatment at a younger average age (Pauly, 1974; Pfäfflin, 1986; Gooren *et al.*, 1993).

The overall age distribution of all applicants—with an average age of 33 and a concentration in the group of those 25 to 34 years old—is comparable to the Dutch study. Similar to our study, Gooren *et al.* (1993) found the average age of male-to-female transsexuals was 25–35 years, with female-to-male transsexuals 5 years younger. In Walinder's study, 66% of the originally male and 62% of the originally female transsexuals had not yet turned 31. In the study by Hoenig and Kenna (1974), 30% of the transsexuals were 15–20 years old, 38% were 20–30, and 18% were 30–40. Most female-to-male transsexuals in this study were in the 20-to-30 age group. A considerably younger average age is stated for Singapore (Tsoi,

1988); there, 82% of the male-to-female transsexuals, and 71% of the female-to-male transsexuals were under 30.

According to the legal concept of the TSG, it would have been expected that the average age would be lower for first-name than for legal-status changes, and that the transsexuals would have carried out the legal-status change with all its implications after a trial period in the desired new gender role, in accordance with §1 of TSG. Our data, on the contrary, do not confirm this expectation: a phenomenon that could be explained primarily by the age limit in force until this year for first-name change. But it is also a feasible explanation that possible applicants have simply neglected to exploit the possibility—even after abolition of the age limit—for using the name change as a transitional stage to a later sex status alteration.

After the TSG went into force, the question arose with regard to the persons affected as to how they would actually exploit their opportunity of first-name change in the following months and years (Augstein, 1983). The largest proportion of transsexuals, i.e., 43% of the total, had their legal status changed according to §8 TSG, without having taken advantage of a transit phase of name change according to §1 TSG for a period longer than 6 months. Expressed in terms of other data, 72.5% of persons eligible for a change in legal status applied for it without experiencing a lengthy period after the minor solution of a first-name change. In this context, however, it was not possible to acquire data on all those persons who had obtained a change in name through German registry offices before 1981. It is, moreover, possible to provide only estimates with respect to a numerical breakdown between the following two groups of persons: the group who had their first names changed in accordance with §1 TSG and who were satisfied to remain in this stage, and the group who had their names changed and then elected for the legal-status change after a trial period. It may be assumed that the share of transsexuals who were satisfied with change of first name only must be between 20 and 30% of the total.

With respect to the judges' opinions, it is certainly noteworthy that they rendered positive decisions for a large majority of applications: 82.6% under §1 TSG and 95.3% under §8 TSG. Of the 17.4% of the rejected applications for first-name change, 30% had been filed by applicants younger than the minimum age. Of the remainder who satisfied the age stipulations, therefore, we could expect a rejection rate similar to the very low figures for disallowing a change in legal status. The age distribution of those whose application for legal-status change was rejected is relatively homogeneous—as can now be expected for first-name changes after abolition of the age limit. The proportion of granted and rejected applications showed no statistically significant differences between the male-to-female

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and the female-to-male transsexual applicants, for first-name as well as for legal-status changes. These latter findings do not support the assumption stated above that the legal procedure for obtaining gender change is easier for female-to-male transsexuals than vice versa.

It is noteworthy that over the 10-year period from 1981 to 1990, there has been no statistically significant indication of a change in the jurisdictional practice of German courts in this context, whereas there is in fact considerable divergence among the regions of Germany studied. The following question therefore arises: Do such inconsistencies result from varying judicial interpretations of the TSG, or from varying criteria of assessment in the officially commissioned expert opinions?

Applications for sex retransformation are a rare phenomenon. According to the data available to us, only six of the original applicants applied for reversal during the 10-year period: a proportion of only 0.4% of all applications. There was only one application for reversal after sexual-status change; the other requests for reversal took place after first-name alteration.

In their recently published review of all international publications on the catamnesis of transsexuals since 1961, Pfäfflin and Junge (1992) reported only 25 documented cases of role withdrawal; of these, 23 had undergone surgery. Of the total 25, 20 were male-to-female and 5 were female-to-male transsexuals. It is, however, assumed that overlapping cases are involved here. Underlying factors cited for sex retransformation applications include insufficient differential diagnostic indication for surgical treatment, inadequate everyday life testing in the new sex role, as well as extent and quality of surgical intervention. It is probable that not every case of an unsuccessful or mistaken sex reassignment will lead to application for retransformation. It is more likely that, instead of choosing the unsatisfactory possibility of physical reversal, a transsexual will elect to stay in role of first change. In some cases suicide is possible. Statistical indications of suicide frequency cannot be extrapolated from the studies conducted by Pfäfflin and Junge, especially since the relationship between suicide and gender reassignment remains unclear in many cases. Over the 10 years studied, in any case, the number of suicide attempts by transsexual patients after sex role change and surgery diminished.

The rarity of sex retransformation applications appears on the surface to evidence that there were few erroneous judicial rulings according to §1 and §8 TSG in the Federal Republic of Germany before reunification. In view of the great divergence perceived by us in the procedures followed for expert opinions, however, it is doubtful whether this result can be attributed to thorough and differentiated diagnostic study, to optimal surgical possibilities, or to sufficiently long testing of new sex roles in everyday life

by the persons affected (Pfäfflin and Junge, 1992). The generally low rejection quota in TSG proceedings and the extremely low number of retransformation requests raise the question as to whether the diagnostic security perceived as apparent here may not in fact originate in an artificial framework of interrelated medical examination, therapy, and judicial measures—and whether it may not actually be rigidly fixed on an iatrogenic basis. The hormone therapy, usually started before or during TSG proceedings, may represent a one-way street with no return.

We conclude by summarizing as follows: The results of our study allay the German legislators' original concerns that applicants would abuse the rights granted to them by the German Transsexuals' Act, or that they would submit applications on a frivolous basis. The possibility of a graduated process of sex change in accordance with the TSG would be an effective approach if a change in name could in fact be utilized as a trial stage to allow transsexuals to become accustomed to their new role in everyday life. This possibility, however, conflicts with the existing requirement that an irreversibility in feelings of gender affiliation for the desired sex must have already been established. We find that it would prove more effective to simplify the process of first-name change, without the requirement for judges or experts to verify that a firmly established transsexual feeling existed on the part of the applicant. A thorough examination should, however, be initiated from the time at which an applicant desired irreversible therapeutic measures such as hormone therapy or surgery—steps that would then serve as basis for legal establishment of sexual identity. The results of our study refute the fears that legislators once voiced, and even a liberalization of legal stipulations for transsexual procedures would in our opinion still not lead to the originally feared flood of applications.

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