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Features

The struggle to be Sally



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SALLY GROSS



Sally Gross (left) when she was a Dominican priest in England, with fellow religious Peter Harries.

Gross has started the Intersex Society of South Africa (Isosa). Write to P. O. Box 43282, Woodstock, Cape Town 7925, or Suite No 171, Private Bag X18, Rondebosch, Cape Town 7701. The society's e-mail address is isosa@netactive.co.za and that of the Intersex Society of North America (Isna), is info@isna.org. Isna's website has an abundance of information (<http://www.isna.org/>). Intersex Voices (<http://www.sonic.net/~cisae/>) also publicises writings by people who are intersexed.

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For Sally Gross, coming back to the country of her birth where she was still classified as male was no simple matter. This final article in a series of three looks at what happened.

"I describe myself as a human being," says Sally Gross. "In law, I'm born female - the way I quite clearly am from birth leads to classification as female and not as male. But the fact of the matter is that I am intersexed."

Those people born very obviously intersexed are thought to be one in 2 000. A fairly conservative ballpark figure for the United States, according to Gross, who cites a study in the U.S. indicating the incidence of intersexuality may be nearly 2% of all live births. Despite this relatively high figure, human intersexuality seems to be swept under the carpet in our gender-stereotyped societies; it's something not talked about, something surgically "corrected" at birth in the interests of sexual conformity.

Gross's acknowledgment and acceptance of her intersex identity led to her unwilling departure from Catholic religious life. Her attempt to return to her birthplace, South Africa, showed that secular authorities were equally unable to deal with the implications of her status.

When she left South Africa in 1977, Sally was known as Selwyn Gross and classified male. Some time after leaving, Gross became an Israeli citizen; then, after joining the Dominican order in England, became British by naturalisation. She was deemed to have lost South African citizenship by virtue of having fled South Africa and obtained the citizenship of another country.

In 1991, following the unbanning of the ANC, of which Gross was a member, her entitlement to a South African passport was restored and she was granted one. "It described me as male and was due to expire in November 1996. But as I was living as a female and all my other documentation stated that I was female, I sought to explore the possibility of changing details in the passport. I was told this would not be an insuperable problem."

However, the South African authorities seemed thrown by her request and thus began a saga prolonged to the point that Gross's passport expired, stranding her in England. Documents were lost, then found. Birth records went walkabout. When they returned, it dawned on her for the first time that it was odd she had never had a birth certificate. "Usually, a birth certificate is issued when you are born but I didn't have one." In retrospect, it's clear this reflected the ambiguity of her gender at birth.

Ultimately Home Affairs decided, in view of the medical evidence, that it was beyond their authority to issue Gross with any identifying documentation under any description at all. "Which suggested, by implication, that I could not get confirmation that I had been born. I had ceased in law to exist as a person."

Gross's file was then referred to the Department of Health for adjudication. "In the meantime, I could not set foot in the country of my birth."

It was suggested informally that the matter could be resolved if she submitted to genital "disambiguation" surgery. "I considered this an immoral suggestion - to undergo dangerous and unnecessary surgery as a condition for having a legal identity. I made it clear I would take legal action if this was put to me formally."

After assessing her situation in the light of the South African Constitution and Bill of Rights, Gross found that there was a case to be made and that a prominent human rights lawyer was likely to be interested in taking it up. This possibility eventually helped concentrate official minds. The Health Department duly ordered Gross's birth register details to be changed, evidently on the grounds that the original classification of her sex at birth had been shown by physical evidence to have been mistaken.

Gross got her passport and, for the first time, a birth certificate. "It states that I'm born female," says Gross. "But the experience of finding myself denied personality and humanity in law was the biggest challenge of my identity I've ever encountered."

That Gross encountered such a challenge is because she decided fully to explore the implications of her intersex status and this had disturbing implications for a gender-stereotyped society.

The standard protocol for the determination of sex of babies born with ambiguous external genitals was established as recently as the mid-fifties.

Gross points out that the way biological sex develops is complex and cannot always be regimented into a straightforward classification of a person as either male or female. At least five variables come into play - external genitals, chromosomal patterns, dominant sex-hormones, the nature of the person's sex-glands and the internal structures of reproduction. These jointly result in the person's physical sexual type. "But none of these are absolutes," says Gross. "You get in-betweens, even within the single variables. All sorts of permutations occur."

Currently, when an intersex person is born, the immediate response is to assign a sex, "reconstructing" the genitals to reflect that decision. "There is essentially a kind of a tape measure rule of thumb," says Gross. "If the phallic structure is more than 2,5 centimetres stretched length, it is treated as a penis and there's no surgery. If it is less than 0,9 centimetres long, it is treated as an acceptable clitoris and there's a straightforward classification as female."

If the phallic structure is between those parameters, what is euphemistically termed "a clitoral recession" is performed to reduce what is treated as a clitoris to culturally acceptable proportions.

Gross advocates no imposed surgical intervention at all unless clearly required for preservation of life or physical health. "What I and other intersex activists argue is that the experience of adults who had such cosmetic surgery imposed shows it leads to physical and psychological problems later in life. An intersexed person may later make a free and fully informed choice to have genital surgery of some kind, perhaps to facilitate a change of gender-role. This is a different matter completely," says Gross. "What we oppose, and view as mutilation, is the imposition of such essentially cosmetic surgery without the personal choice of the patient and which perhaps irrevocably closes certain significant future choices."

Citing American scholar Susan Kessler, Gross observes that such interventionist surgery at birth is carried out not because the failure of the body to conform "is threatening to the infant's life but because it is threatening to the infant's culture".

Gross is not advocating that an intersex infant be reared in some kind of third gender, in our kind of society at least. "That would be a legitimate choice for later by that person," says Gross, "but in a gender-stereotyped society, such as ours, there needs to be a best guess as to the optimal gender of rearing as male or female and a consistency about that during the early formative years. That said, it must be realised that even the most conscientious best guess could prove to be the wrong one and there must be an openness to a child's wish to change this."

The South African Constitution and Bill of Rights provides the basis for a recognition of the rights of intersexed people. "To use a rather hackneyed metaphor: we are a rainbow nation and that rainbow quality, that diversity, is to be seen as a strength rather than as a weakness. And perhaps intersexuality shows also that we are a rainbow species; there is more diversity in physical types than people find it easy to concede."

At present in South Africa, as elsewhere, the issue of intersex is kept largely under wraps.

"It is something about which people keep very quiet. People who are intersexed have to struggle to get at the truth about themselves. That there are plenty of people kept in ignorance hurts me. I know how much I've had to struggle. It's much, much better to be in a position to present oneself as oneself and to be open. I feel much more comfortable being 'out', as it were, being known to be what I am, rather than living with a sense of struggling with 'What kind of thing am I?', and with sense of living out a lie."

For all that, her struggle is far from over. Gross works in close contact with intersex activists elsewhere to raise awareness about intersexuality among those who are intersexed and those who are not, to remove the stigma which attaches to it, to foster respect for difference, to break the isolation of intersexed people from one another, and to ensure that the way in which intersexuality is treated medically is changed irrevocably.

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