Abstract

Drawing on Foucault's idea that identities are created through different forms of discourse, and that this act is in itself a form of exercising power, this article provides a critical reading of key decisions by the Constitutional Court of Colombia concerning the issue of sex assignment surgery on intersex children. The Foucauldian perspective (supported by subsequent theories that have developed and applied Foucault's ideas particularly to legal discourse) helps illustrate how the arguments made by the Court have been actively involved in the construction of a certain kind of identity. This occurred despite the appearance of neutrality of that Court's discourse, which in part relies upon the testimony of interdisciplinary experts during its search for the "true sex" of the minors that suffer an "anomaly" in these cases.

Keywords

Foucault, intersex, Constitutional Court of Colombia, sexual identity, critic theory.