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# A Critical Analysis of Harms Experienced by Transgender Individuals

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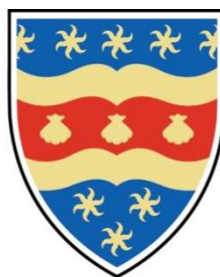
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# UNIVERSITY OF PLYMOUTH

A CRITICAL ANALYSIS OF HARMS EXPERIENCED BY TRANSGENDER INDIVIDUALS

by

Katie Louise McBride

A thesis submitted to the University of Plymouth  
in partial fulfilment for the degree of

DOCTOR OF PHILOSOPHY

School of Law, Criminology and Government

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## Author's declaration

At no time during the registration for the degree of Doctor of Philosophy has the author been registered for any other University award without prior agreement of the Doctoral College Quality Sub-Committee.

Work submitted for this research degree at the University of Plymouth has not formed part of any other degree either at the University of Plymouth or at another establishment.

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## **Abstract**

**Ms Katie Louise McBride**

**A critical analysis of harms experienced by transgender individuals.**

This study critically analyses trans people's lived experiences of harm in relation to the wider socio-political economic neo-liberal environment. Through ethnographic interviewing methods that produced thick-data from 11 trans individuals, identifying variously within the broad umbrella term of 'trans', the data presented has been drawn from multiple interviews and subsequent discussions which were supplemented by life-timelines, personal missives and photographic images obtained through a participative Point of View visual methods approach. Through consideration of the limited capacity of the hate crime agenda to suitably acknowledge the significance of wider everyday harms that characterise trans individuals lived experiences; this thesis adopts a zemiological perspective. The data was analysed through a social harm lens in combination with a theory of the formation of human subjectivity that begs scrutiny of the insufficiency of the social framework produced by the neo-liberal socio-political economic environment in generating harmful subjectivities. The theoretical analysis is made praxis via use of a theory of recognition to present the participants experiences of harm that were associated with denials of love, esteem and respect.

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# **1 Chapter One: Introduction**

## **1.1 Focus of the research**

This thesis is an empirical criminological study that draws upon the disciplines of sociology and psychology in its exploration of trans people's experiences of harm in England and Wales. The research was conducted with trans people to illicit their lived experiences of trans gendered identity with a specific focus on the harms they encountered as a result. The focus of the study was arrived at via a grounded approach that honoured the issues of central concern and relevance to the study participants. The fieldwork produced data that provided insights into harms that participants experienced throughout their lifetimes and in various encounters with individuals, organisations and as a result of social norms of a fixed binary gender order. With the application of an analytical framework that acknowledges harms as occurring when individuals are denied love, esteem or respect (Yar, 2012), the findings are presented in three chapters that focus upon manifestations of these harms against a neo-liberal backdrop.

The central question under consideration within this thesis is to explore trans people's lived experiences of harm. In order to achieve this aim, the following sub-questions will be addressed:

- a) To what extent does the prevailing conceptualisation of the hate crime agenda provide a suitable account of trans people's experiences?
- b) To what extent are trans people's experiences of harm influenced or generated by their subjective intertwinement with the social, cultural and economic context in which harms occur?

The study draws upon the experiences of eight trans women and two trans men as well as from an intersex participant that shared common experiences with the trans identifying participants. The experiences explored are broadly organised here around three periods in the participants' lives: infancy and early childhood (1950s-1960s); adulthood (1970s-1990s); and the period within which most engaged with a process of transitioning (mid 1990s-2000s). As shall be elaborated upon in the methodology chapter, participants reflected upon how their interpretation and articulation of their trans gendered identities fluctuated across time and contexts. Exploration of this variety of trans subject positions facilitated a deeper exploration of the nature of identity formation. The data explored demonstrates how internal and external factors interact to influence individuals' understanding and expression of their trans gendered identities alongside how harms manifest at various junctures of their lives.

This thesis arises out of an initial consideration of the lived experiences trans people have of hate crime. The success of the concept of 'hate crime' has led to its assertion as the primary tool through which governments approach minority groups' experiences of inequality. As is argued in chapter one, transphobic hate crimes and hate incidents in England and Wales are primarily understood through a legal lens. Implicit within this legally founded evaluation of experiences of hate is the contention that the hate individuals are exposed to in society manifests as physical violence and is as a result of the prejudices of a small number of individuals within society that display those prejudices through targeted hostility and violence. These individuals are constructed as having developed immoral principles at odds

with the majority of morally conscientious citizens in society. As a response, in England and Wales, a range of legal instruments that provide for harsher punishments have been established for crimes that are evidenced to have been motivated by the offender's prejudice towards one of five specifically defined identity characteristics officially acknowledged as hate crime victim groups.

In 2017/18, there were 94,098 hate crime offences recorded by the police in England and Wales. This represented an increase of 17% compared with figures from 2016/17 continuing the recent upward trend of an increase in reported incidents and including spikes in the numbers of reported incidents around the times of both the EU referendum and the 2017 terrorist attacks (Home Office, 2018). The most commonly recorded offences were recorded against people as a result of their race (76%), followed by sexual orientation (12%), with transgender the least frequently recorded hate crimes accounting for only 2% of the overall figure for the period 2017/18.

There is no specific offence of 'transphobic hate crime'. Instead, any criminal offence can receive an uplifted sentence if it is deemed to have been motivated by a prejudice towards the individual's trans status. Indicators of prejudice of this kind are primarily evidenced through an expression of hostility towards the individual's trans status at the time of the offence. Transphobic hate crimes are prosecuted as any other crime with the imposition of tougher sentencing of the offender utilising the provisions of the Criminal Justice Act (2003).

It is only relatively recently in terms of the development of the hate crime agenda that 'transgender identity' has been deemed worthy of legal protections afforded by hate crime legislation (Woods and Herman, 2015). In order to gain protection from targeted abuse and victimisation, we have seen an expanding range of individuals forming alliances to establish political campaigns to justify the inclusion of their defining identity characteristic within these protections. As trans activists joined this movement to establish social and political recognition within the prevailing system they have become the most recent group to achieve such recognition.

Although the recording of hate crimes against 'transgender' people was included within the definition of homophobic hate crime outlined by the operational guidance produced in 2001 (College of Policing, 2014, Giannasi, 2015), in England and Wales, 'transgender' was only specifically incorporated as one of the core five protected characteristics protected under hate crime legislation in 2012, via the introduction of the Legal Aid, Sentencing and Punishment of Offenders Act (2012: s. 65(9)). Due, in part to this late recognition of 'anti-transgender' hate crime in the legal and policy terrain, there is still scant research into this type of hate crime (Chakraborti and Garland, 2015). Legal and social policy approaches have some way to go in fully acknowledging the diversity and particularities of trans individuals experiences and support needs (Hines, 2006, 2007b). It is through this access point that the focus of this thesis on understanding trans people's lived experiences of harm was established.

## 1.2 Relevance of the research: The 'Transgender tipping point'

Since the 'Transgender Tipping Point' was first mooted by *Time* magazine (*Time*, 2014) we have witnessed a mushrooming of trans focussed debate and discussion across the mainstream media terrain. From the controversy and subsequent calls for 'no-platforming' of prominent feminist Germaine Greer prompted by her comments regarding trans women on the BBC's *Newsnight* programme in 2015, to Channel 4's live *Genderquake* 'debate' (*Genderquake*, 2018) which prompted criticism for its adversarial format which encouraged 'debate' regarding the gender identities of the invited contributors and which left them exposed to taunts from the live audience throughout. It seems there has never been a time where so much discourse regarding trans lives, trans identity, and transitions has reverberated throughout society. Through the research process of this project which stretched between 2014 and 2018 I have witnessed discussion of 'trans matters' in living rooms, village newsletters, conference venues, board rooms, talk-shows, news programmes, documentaries produced by the BBC, itv, Channel Four, as well as fictionalised accounts of trans lives from the US (e.g. *Transparent*) and the UK, (e.g. *Boy Meets Girl*) alongside a rapidly expanding field of academic study, that is explored and drawn upon throughout the unfolding of this thesis and specifically in chapters three and four.

On the whole the mediated portrayals and representations repeated and reemphasised narrow historically grounded conceptualisations of what trans identity is and who trans people are. This discourse constructs trans 'issues' as revolving around matters associated with bodily incongruence



and 'transitioning' as the panacea. 'Discussions' have too often than not been assembled by media production teams in the format of panel 'debates' as illustrated in the above example produced by Channel 4 and, in taking part in these productions, trans people have been generous with their time and patience as they were exposed to audience jeers, and verbal attacks from other panel members questioning the foundations of their identity (see Al-Kadhi, 9<sup>th</sup> May 2018, *The Guardian*). The discussion is a polarised and heated one which took a particularly unsettling turn in late 2018 when the UK government announced their plans to review and potentially reform the Gender Recognition Act (2004). The distressing way in which trans people have been treated in these programmes and the range of print media and wider discussions that accompanied them has driven some trans activists and individuals to withdraw from participating in such programming. For example, Bex Stinson, Head of Trans inclusion at Stonewall UK only felt comfortable enough to participate in the BBC Radio 4 2018 *Women's Hour* mini-series covering trans issues by undertaking a pre-recorded interview with programme host Jane Garvey rather than be exposed to the potential for the discussion to become antagonistic. Trans activists (Fisher, 19<sup>th</sup> February 2018) and academics (Serano, 2013, Willow, 2006) have criticised the way in which the media construction of the issues, their treatment of the individuals representative of a marginalised and potentially vulnerable (Chakraborti and Garland, 2012) group of people, and their focus upon bodily incongruence and visual achievements of femininity and masculinity, further impact upon trans individuals' mental health.

This corrosive media-fuelled discourse has compounding effects upon the mental health struggles that many trans people already experience. Associated with the daily negotiation, through a social world rigid in its adherence to and regulation of a visual binary gender order, trans people disproportionately experience mental health conditions including anxiety, depression, self-harm, substance abuse, and suicide (McNeil *et al*, 2012). Research recently published by Stonewall (Bachmann and Gooch, 2018) showed that two fifths of trans people (41%) had experienced a hate crime in the previous 12 months, two in five (40%) adjusted the way that they dress out of fear of harassment or discrimination and one in eight (12%) had been physically assaulted by colleagues or customers in the last year. The associated mental health conditions occur in addition to the challenges associated with experiencing gender dysphoria and a recent report demonstrated how negative media reporting can worsen this sense of dysphoria (Lui, 2017). The most recent mediated debates over the provisions of the Gender Recognition Act (2004), which prescribes the administrative process via which trans individuals wishing to make corrections to their birth certificate must apply for legal recognition, demonstrate the naivety, ignorance and fear prevalent throughout the general public with regards to trans issues. The Gender Recognition Act (2004) and more broadly trans people's experiences of seeking legal recognition are explored within chapter eight.

The concerns regarding the nature and focus of the above outlined contemporary mediated controversies mirror some of the key concerns that underpinned the focus of inquiry developed throughout this thesis. What

follows in chapter two is an exploration of some of the key academic literature as it relates to the hate crime concept, how it is defined and whom is afforded what protections as a result. The results of this exploration confirmed a sense which began during my time as a practitioner within the administrative machinery of a number of local authorities at the same time as the emergence of the hate crime concept. From this position, I witnessed first-hand the concept being adopted as the political tool of favour through which to awaken social and legal responses to the expression of targeted prejudice in our society. My experience was that the concept lacked the capacity to address the wide-ranging daily experiences the victims of hate I came into contact with had. Despite the capacity for the term to acknowledge hate *incidents* as well as *crimes*, this aspect of the legislation did not breakthrough into community's consciousness to a great enough extent to encourage thorough reporting of these experiences and police personnel also struggled to identify such perceived 'lower-level' examples as indicative of a wider problem. Police were ineffective at recognising and recording 'low-level' incidences of hate and the overall approach to hate failed to acknowledge the systematic everyday nature of hate (Bowling, 1998) that can accumulate and worsen over time. Nor did the administratively governed method of addressing hate through the legal lens direct scrutiny towards the wider structural foundations of hate and how these were perpetuated systemically and socially.

A further concern arises from the incorporation of a protected characteristic covering trans identities into the legal framework which reductively conceptualised trans individuals as primarily trans women, whose principal

concerns, as noted above, were presented in relation to their surgical transition and capacity to assimilate and 'pass' within the hegemonic gender binary defined by stereotypical expressions of femininity. This narrow representation of trans individuals and the issues they experience denied the existence of other trans identities, other ways of being, or subjectivities, and expressing a trans gendered identity and experiences outside of the legal discussion such as the systemic inequalities and daily regulation of the appropriateness of their gendered expression.

### **1.3 Theoretical location of the thesis**

The subsequent chapters outline some of the key areas of academic inquiry and critique regarding both the concept of hate crime and how we understand trans identities as targets of hate. Both bodies of literature emerged throughout the 1990s-2000s: a socio-economic political period that was characterised by a solidification of neo-liberal norms and values across society (Davies, 2016). Throughout this period there has been a definitive expansion of awareness of previously marginalised issues and communities' experiences within the cultural field as made evident by the public discussions of trans issues outlined above, but this transformation has not been replicated within the structures of society nor the social institutions that hold the power to exert such change in people's lives (Fraser, 2003).

In response to Perry's (2006) call to the academic community to undertake further analysis of hate in society from a critical criminological perspective, this thesis draws upon a range of theoretical tools to contextualise trans individuals' lived experiences of harm within the period throughout which

this contemporary socio-economic political era emerged and embedded and in doing so seeks to explore the ways in which this environment impacts upon those experiences. Through the presentation of a bricolage of theoretical tools elaborated upon in chapter four, it is argued that the contemporary neo-liberal manifestation of capitalism, in which this cultural revolution has taken place, has played a significant role in obscuring the terms upon which the causes and solutions of social inequalities have been misconstrued.

Neo-liberalism manifests as a loose collective of policies and processes designed to maximise the personal profits of the few. In its deployment, it envelops much of social life within its control as those with power seek to increase profit by dismantling public welfare systems (Hastings *et al.*, 2015) in search of new markets. An essential element of neo-liberalism is its dismissal of democracy as an organising system that impedes the wealthy. The ideology has been firmly entrenched within society over the past two decades following a much longer history of its emergence (Davies, 2016) via the traditional right- and left-wing political parties that adopted its overarching 'fundamental fantasy' (Hall and Winlow, 2015), to fit their political aims. It is suggested that neo-liberalism serves to undermine, and diffuse power traditionally seen as the role of democracy and replaces it with the power of money and private corporations (MacEwan, 2005).

This thesis therefore draws upon and contributes to a zemiological approach that acknowledges the existence and impact of social harms (Hillyard and Tombs, 2007; Yar, 2012a, 2012b) that occur beyond the parameters of what the legal system constructs as 'crime'. Instead, in line with Žižek's (2008)

contention that there are forms of violence that are embedded within the contemporary era and which provide both a motivating and regulating force in our lives, this thesis identifies various sites of social harm in trans participants lives. These include examples of 'subjective' forms of interpersonal violence alongside further naturalised and therefore insidious forms of violence that are 'objective'. 'Objective' forms of violence, Žižek (2008) suggests, manifest in two central forms; 'systemic' and 'symbolic'. 'Systemic' harms occur throughout the social systems that administer our everyday lives and 'symbolic' forms occur within and are perpetuated through language, discourse and ideologies. Of particular relevance to trans individuals lived experiences of harm, for example, are the 'symbolic' harms associated with the limited capacity for our current language to offer the appropriate tools to articulate and therefore render 'real' their trans identities as existing outside of the hegemonic conceptualisations of gender as a fixed binary.

In order to appreciate the implications of this wider environment upon trans participants lived experiences and in doing so asserting the harmful impact, the final underpinning theoretical premise deployed in analysing the data draws upon a transcendental materialist (Johnston, 2008; Žižek, 2000) understanding of the psycho-social formation of the human psyche which posits the human condition as fundamentally malleable and in need of an ordering structure through which to make sense of the world and achieve a sense of belonging and purpose to our existence.

Set within the neo-liberal context, it is possible to trace the participants of this research study's experiences in relation to the solidification of this socio-

political economic system and how it influenced and shaped their lived experiences, interpretations of them by others, and of their own sense of selfhood. The analysis chapters organise the participants' lived experiences into three temporal periods which broadly speaking situate their infancy and childhood within the post-war era of the 1950s-60s, their early-mid adulthood took place within the 1980s-1990s, and their engagement with social transition and systems of recognition within the 2000s. The context of their early lives was shaped by the entrenched social organising structures of the twilight years of modernity which divided and reinforced a binary gender order according to gendered norms and values that placed men's place and role within the economic sphere as 'breadwinners' and women's place at home within the private sphere providing care to the family (Fornas, 1995). Participants moved through adulthood within a period defined by the solidification of neo-liberalism that afforded participants with a new degree of 'freedom' to express their felt sense of identity but in the process of constructing intelligible trans subjectivities, individuals were directed into the arms of psychiatric, medical and legal systems of regulation. This will be key to the analysis of these experiences in this thesis's analysis in chapter eight.

#### **1.4 Establishing the appropriate language and terminology**

Throughout history, language has been used as a tool to bully and alienate, discriminate, abuse, marginalise, disrupt and destabilise individuals and communities. Language has been misused against trans people and is a key tool that is misused by the wider public out of a lack of understanding, and more pointedly, by more informed individuals during targeted attacks

(Bouman *et al.*, 2016). In acknowledgement of the ‘symbolic’ (Žižek, 2008) harm the misuse of language can have on trans individuals, the term ‘trans’ has been selected as that with the most potential to be inclusive of the range of diverse individuals that may experience harms associated with their non-normative gendered identity.

‘Transgender’ is a complex and contentious umbrella term<sup>1</sup> originally conceived to encompass a wide-ranging group of individuals. The term ‘transsexual’ was criticized for its implicit emphasis upon physical reconfiguration of the body via surgical and hormonal interventions in order to “pass” or fit into ‘normative categories of male or female’ (Carroll, Gilroy and Ryan, 2002: 131) which some trans people have no desire to do. The term ‘transgender’ emerged as an inclusive effort to recognize a range of identities including: transsexuals (those who intend to undergo, are undergoing or have undergone a medicalized process of gender reassignment to live permanently in their ‘acquired’ gender); gender variant individuals including bi-gendered/androgynous/polygender people (those who have non-binary gender identities that do not map onto the established categories of gender as male or female); intersex people (people who are born with external genitals, internal reproductive systems or chromosomal arrangements that are in between what is considered by the medical profession as clearly male or female); transvestites; cross dressers; and drag kings or queens (Hines, 2007). Theorists continue to develop more nuanced distinctions between trans identities and ‘transvestitism’, which Hausman

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<sup>1</sup> See glossary for more detailed information and explanations of these and other relevant terms (Appendix A).



noted in 2001 as illustrative of how much theoretical confusion existed in defining 'transgender' identities.

The term 'trans' emerged as a term of choice for transgender and transsexual communities throughout the activism of the 1990s (Feinberg, 1996). Over the years, many alternatives have been generated from within trans communities, from 'gender-bender' to 'gender-outlaw', 'gender-queer' to 'gender-trash'. The ever-expanding range of terminology being embraced from within various trans communities can be seen as a reflection of the diversity that exists within the group of individuals primarily defined on the basis of their non-conformity to normative concepts of sex and gender. It can also be viewed as symptomatic of trans individuals' on-going struggle for *self*-definition (Carroll, Gilroy and Ryan, 2002).

## 1.5 Thesis outline

In Chapter Two, *The Hate Crime Agenda* I provide a review of the core aspects of the hate crime agenda in England and Wales and highlight some of the key issues presented by the way in which the agenda has been established. The chapter concludes with an overview of the key theoretical approaches to hate crime.

In Chapter Three, *The Construction of Trans Identities* I provide a review of conceptualisations of 'sex' and 'gender' and how these have influenced constructions through the psycho-medical system of trans gendered identities as 'pathological'. The chapter then reviews the literature in relation to the multiple harms experienced by trans people in various realms of social life. This chapter concludes with a consideration of some of the key theoretical discussions of gender identity development and explanation for the violence targeted at trans people.

In Chapter Four, *Theoretical Framework* I present the process, informed by the data derived from the fieldwork phase of the study, by which the theoretical bricolage adopted in the analytical chapters was arrived at. The chapter then outlines the key elements of the theoretical framework itself. As introduced above, these consist of a social harm approach to aid in accounting for the range of experiences that fall outside of the purview of the hate crime agenda established in chapter two; regard for the formation of subjectivity via a transcendental materialism account that acknowledges the role of the individual in interaction with the wider neo-liberal socio-political and economic environment; and consideration of the key characteristics of

the contemporary neo-liberal order which currently shapes that external environment and in doing so also shapes human subjectivity itself. In conclusion, the theoretical framework chapter proposes the application of Yar's (2012) theory of recognition as a useful mode through which to explore and interpret the range of harms trans people are exposed to as denials of love, esteem and respect.

In Chapter Five, *Methodology* I present the underpinning rationale and key aspects of the research approach and process through which I operationalised my research question to fulfil the overall aims of the research study.

In Chapter Six, *Analysis Chapter: Love* I present the data that most significantly illuminates the lived experiences the trans participants had in their childhood and infancy with their parents and how the psychological impact of the regulatory harms they were exposed to carried forward into their adult intimate relationships.

In Chapter Seven, *Analysis Chapter: Esteem* I present the data that most significantly illuminates participants lived experiences of seeking esteem with others who share common characteristics throughout their 'coming-out' as trans including other trans identifying people and others in their workplaces. This data illuminates the emergence of a transnormative narrative that asserted a hierarchy of acceptable trans subjectivities that was perpetuated between trans people as well as throughout the media.

In Chapter Eight, *Analysis Chapter: Respect* I present data that most significantly illuminates participants experiences of seeking respect through processes of being 'active citizens' engaged in community activism and peer-support. Informed by historic experiences of discrimination participants also engaged in lobbying and campaigns to establish legal protections and finally in seeking recognition participants experienced systemic harms in their engagement with the psycho-medical systems.

Chapter Nine the *Concluding Discussion* provides an opportunity to draw together the theoretical framework in discussion with the data presented throughout the analysis chapters to affirm the contribution this research study has made.

## **2 Chapter Two: The Hate Crime Agenda**

### **2.1 Introduction**

The term 'hate crime' is a now familiar umbrella phrase used to describe a range of incidents motivated by prejudice or bigotry based on an individual's identity. There is a much longer history of society's struggles with accepting, understanding and seeking to identify the causes and appropriate responses to issues of discrimination, prejudice and bigotry, however the term 'hate crime' and what we understand by it only entered into UK political and academic spheres in 1999 (McLaughlin, 2002b). The establishment of the hate crime agenda achieved unparalleled political purchase. This informed the expansion of legal solutions that focused on the detainment and punishment of offenders on the basis of their targeted hostility or perceived prejudice or bias towards their victim on the basis of specific identity characteristics.

This chapter explores the social development of the hate crime agenda before acknowledging the symbolic role that legal provisions play in demarcating hate crime as a moral wrong at odds with the conscience of the majority and as something that is experienced by a range of minority and otherwise marginalised victim groups in contemporary society. The chapter then moves on to highlight the limitations of the concept in its acknowledgement of the full expanse of harm experienced by those who are victimized and excluded from society and concludes with an overview of the key theoretical explanations of the social phenomenon encompassed by the hate crime agenda.

## **2.2 Emergence of the hate crime victim**

### 2.2.1 Social movements

A UK victims' movement gained momentum throughout the 1970s and 1980s and 'lent support to the recognition of people's experiences as victims' (Goodey, 2005: 427); this was focused upon the protection of individuals from targeted abuse and assault on racial grounds. The most substantive response to the expanding civil rights movement outlined in the introduction to this thesis was the creation of new legislation. It required the recording of incidents of hate and introduced provisions for the elevated sentencing of offenders of some crimes against some individuals. However, there remained a significant amount of work to be done in establishing a holistic definition that acknowledged the full extent of the social issues and potential victims' groups that the hate crime agenda now figure-headed.

The socio-political environment and historic issues of a given nation influenced for whom recognition of victim status was firstly established. For example, Jewish communities were granted the first protection in Germany following the horrors of the World Wars, and Black communities in response to slavery and lynching's in the US (Appiah, 1994). In the UK, we have a long-established history of racial tensions that grew out of the problematization of immigration following the Second World War. The 'race problem' was politicized and cemented as a threat in the British psyche by the infamous 'Rivers of Blood' speech delivered by Enoch Powell in 1968 (Solomos, 1993). The 1981 Brixton uprisings drew attention to community concerns over the policing of BME communities; the Scarman Report (Scarman, 1981)

attributed the cause of the community unrest to the police's overuse of stop-and-search powers when dealing with African-Caribbean communities. Community tensions continued to rise following the uprisings; in the 1990s, the UK appeared to reach a tipping point.

Despite the high-profile nature of violent hate crimes reported in the media, the majority of 'hate crimes' are not violent attacks by offenders exercising extreme hatred against their victims as portrayed, nor are they the work of organized right-wing groups or political extremists (Iganski, 2008). Many hate crime victims and offenders are 'ordinary' people and incidents occur within the 'context of their everyday lives' (Iganski, 2008: 23). Indeed, victims of hate crime report that such incidents are a normal part of their everyday lives (Iganski, 2008: 18). The concept of harm from a zemiological perspective is extrapolated further in the theoretical framework chapter.

Seminal sceptics of the hate crime agenda, Jacobs and Potter (1998), conceded that the introduction of hate crime laws and associated policy was evidence of an increased awareness of these issues in modern society. But they also suggested that the development of an appropriately nuanced understanding of the concept, and of an effective response, was restrained by the concentration of effort and attention directed to the development of legal instruments to address a complex set of social problems that could not be tackled by the law alone. Central to our understanding of the issues surrounding hate crime is how lawmakers and state agencies have been driven by specific events, like those outlined above, to provide a workable definition of the problem being addressed. Garland (2001) referred to a disintegration of the rehabilitative ideals that were integral to 'penal

welfarism'. These were instead replaced with punitive measures that articulated 'public anger and resentment' about crime and offenders in the UK (Garland, 2001b: 9). The era throughout which the hate crime agenda emerged was characterised by a period of increasingly punitive and populist penal politics, where the main political parties were in competition to be seen as the toughest on issues of law and order (Newburn, 2007).

Throughout the period of hate crime's rising popularity, in line with the left realist agenda (Young, 1992) embraced by New Labour, a new victim-centred approach to justice emerged. The approach provided opportunities for groups that identified with the targeted victimisation experiences of BME communities to exert a case for their inclusion within the legal protections that had been established to protect those individuals from targeted abuse. But this protection was not granted on an equitable basis, with different groups having recourse to different legislative provisions. In addition, only five specifically defined groups were afforded legal protection against hate crimes and their rise to recognition revolved around the articulation of their relative worth against other groups who were also seeking access to recognition and the resources it provided. This situation created new fractures within and between communities.

Citizenship as a widely contested concept (Richardson, 2000) can be broadly understood as a route to securing access to certain social assets, resources and benefits. Citizenship itself can be defined as a collection of both rights and responsibilities that determine the relative socio-political membership of individuals (Turner and Hamilton, 1994). In navigating this political environment over the years, activists and support groups have exploited



different political discourses to progress their cause, including appealing to liberal notions of rights and equality (see Whittle, 2002) but Turner and Hamilton (1994) highlighted how radical critics of the concept maintained that it in actuality protected the rights of dominant social groups at the expense of marginal groups. In order to mount an effective argument that gains leverage into such cultural systems, and ultimately receive the equal entitlement to recognition and resources being sought, applicants to such models aligned themselves with the majority in an effort to demonstrate the characteristics they shared with the dominant group; the discourses generated focussed on the ways in which they were the “same” (Cooper, 2004), “ordinary” and “normal” citizens (Richardson, 2005). Examples of such movements include the framing of claims as noted by Sullivan (1995) regarding lesbian and gay individuals as sharing the same values and lifestyles of the majority heterosexual population and requesting nothing more than to be included and fully integrated into society without requiring any change or adjustment to the status quo. Meyer (2014: 117) contends that the assimilatory politics of the mainstream gay rights movement played a role in the advancement of punitive responses to hate. Meyer adds that such narratives became ‘complicit in conservative legal strategies calling for “tough on crime” measures’.

### 2.2.2 Symbolic significance of legislative response

Hate crime laws have played a key role in the broader political struggles of minority groups by giving power and legitimacy to campaigners’ and community organisations’ promotion of justice for marginalized groups in other social domains. As such hate crime legislation could be seen to have

held symbolic value in itself (Mason, 2013, 2014), as Chakraborti (2012: 3) points out, the 'process of criminalizing actions or expressions which violate the core values of a diverse society can convey an equally powerful message of solidarity to victims of hate'.

Shortly after their election the Labour government established new police powers via the Crime and Disorder Act (CDA) (1998) requiring forces across England and Wales to recognise and separately record crimes that were perceived to be 'racially aggravated'; they also created enhanced sentences for offenders found guilty of such crimes (Dixon and Gadd, 2006). Iganski (1999b: 386) remarked how 'few objections and little academic debate' were generated by the hate crime provisions of the CDA as it was passed. The legal instrument that resulted was an attempt to address liberal expectations of equality and respect for all, ambitions which in reality, extended well beyond the practical abilities of the CDA alone. As highlighted by McLaughlin (2002b), legislation should have been seen as a part of an ongoing process:

'... identifying and articulating the values, sensibilities and ground rules of vibrant, multicultural societies, including the public recognition and affirmation of the right to be different.' (McLaughlin, 2002a: 497).

From a sociological perspective, the purpose of any law is found in its relationship to social change. To briefly situate hate crime laws within this context, some argue that the role of the law is to educate and symbolically promote social integration (Lester and Bindman, 1972); Garland (1990: 287) characterised the Criminal Justice System (CJS) as a 'vehicle for emotional expression', one that can influence people's beliefs, as well as their behaviours (Berger, 1952). Hate crime laws therefore have been justified on

the grounds that their enforcement serves as a deterrent, sending a powerful symbolic message to potential offenders, victim groups and the general population (Iganski, 1999a). McGhee (2003: 350) pointed out, 'these incidents and crimes are associated with forms of incivility and disorder that impact on the social well-being of individuals, communities and the harmonious relationships between different community groups'.

Laws suggest that the specific behaviours they prohibit are contrary to the nation's liberal ideals of 'equality', 'tolerance' and 'inclusion'; as such they equate to a moral wrong which is therefore deserving of more punitive sanctions (Mason, 2013, 2014). Dixon and Gadd (2006) suggested that these crimes are a threat to wider social values of accepting and celebrating diversity within our society and, as such, hate crime offenders' rejection of these values are 'an attack on all citizens who subscribe to them' (Dixon and Gadd, 2006: 310).

It is the potential to inform social change, however, that has been identified as a key driving force behind the rapid growth of hate crime laws (Jenness and Grattet, 2001; Lawrence, 2009; Mason, 2007). The fact that laws can be used outside of the legal sphere to help shape social attitudes and opinions, and the power of the law to construct certain forms of behaviour as a 'recognisable social problem' (Jenness and Broad, 1997: 106), has meant that whether one agrees that a law against hate crime has the ability to actually address the issue or not, the existence of such laws are an essential part of the complex patchwork of interventions required to address a societal issue of this kind. As Hall (2010 as cited in Chakraborti, 2010b: 150) suggests:

‘in essence, the rationale behind hate crime laws is commonsensical and proponents argue that the creation of such laws represents official recognition of an apparent emerging and increasing threat to society and signifies the importance attached by government (at least in theory) to combating this threat’.

There is a contradictory nature, however, to legislation that is primarily developed with the symbolic aim of promoting social justice for minority groups (Pratt *et al.*, 2005). The punitive nature of an approach that pursues harsher punishment of hate offenders as its aim is more akin to notions of social control. In addition, Dixon and Gadd (2006), support Ashworth’s (1998) work on deterrence, arguing that conviction and retributive sentencing for hate crime might not deter racist offenders inclined towards this type of prejudiced abuse. They suggest that any deterrent effect is, instead, related more closely to the offender’s awareness of ‘heightened police sensitivity to ‘racist incidents’’ (Dixon and Gadd, 2006: 319) as a result of the publication of the Macpherson report (1999). Other critiques have centred around the imprisonment of hate crime offenders as unlikely to change the offenders’ mindsets (Moran and Skeggs, 2004).

Perry (2010: 125) argued that ‘to pathologize hate is to present it as irrational, as the product of a ‘sick mind’ and this ignores the structural foundations and support for such attitudes that could actually mark the behaviours of such offenders as normal. In this conceptualisation of the problem, Perry (2010: 126) argued that the actions of offenders who engage in hate incidents and crimes can be explained as a rational response to an environment that facilitated and role-modelled such treatment of minority groups:

‘...in a decidedly racist culture. It is, rather, wholly rational given the array of institutionalized practices and discourses that lend permission to minimize or victimize the Others in our midst.’

Instead, hate crime legislation can be seen as representative of what Robinson and Darley (1995) described as a coalescence over time of social and political forces coming together to express community values in the reductive form of legislation. Brax and Munthe (2014) outline some of the philosophical questions this raises about the role of the law, including which prejudicial thoughts are acceptable and which are not within a society. For Jacobs and Potter (1998: 27) this attempt to, as they saw it, ‘legislate morality’ sought to ‘extend the civil rights paradigm into the world of crime and criminal law’. Furthermore, they considered this move to involve community interest groups in the formation of legislation as an example of decision makers relinquishing their own role within the policymaking process:

‘hate crime laws are symbolic statements requested by advocacy groups for material and symbolic reasons and provided by politicians for political reasons’ (Jacobs and Potter, 1998: 65).

Perry (2008) highlighted the limitations of CJ focused responses to addressing the underlying root causes of hate crime. Legislative approaches have been led by cases that the media found newsworthy and which fuelled the reification of extreme acts of violence committed by individuals. These incidents were not sufficiently acknowledged for their presence upon a continuum of violence; this narrow lens has detracted from the broader consequences of hate and prejudice that impact upon individuals’ everyday lives (Kelly, 1987, Perry, 2008).

### 2.2.3 Harms of hate

Through the legal lens, hate crime has been understood as a crime or incident different to any other by virtue of it occurring as a result of some prejudice or bias towards an actual or perceived difference in the victim. The concept has been operationalised by police forces and other statutory bodies. But understanding what causes hate crime and how we, as a society, should appropriately challenge and respond to it, is much more complicated. Perry (2001) suggests that, as with crime in general, it is very difficult to provide a conclusive definition of 'hate crime' that is able to accurately take account of all of its facets.

Iganski (2001) asserts that hate crimes are distinct from the 'basic' equivalent because they inflict greater harm. Firstly, in terms of physical harm, Levin and MacDevitt (1993) contend that hate crimes are characterised by more extreme brutality. As is the case for hate crime experienced by trans people (Kidd and Witten, 2010; Lombardi *et al.*, 2002; Moran and Sharpe, 2004; Namaste, 2000). Others including Harris, Walgrave and Braithwaite (2004) emphasize the personal, psychological damage such victimisation can have on an individual's ability to flourish, due to underlying messages conveyed to the victim that they do not count and are not worthy of respect. Herek, Cogan and Gillis (2002) found that the levels of brutality reported by the victims identified in their research correlated with higher levels of distress than those who had experienced parallel crimes in the same period.

Iganski (2001) proposes five different levels of harm as being generated by hate crimes. These are: harm experienced by people who share the direct victim's targeted identity characteristic and live within the local area; those who live beyond the local area who may hear of an incident via word of mouth or local and regional news coverage; other targeted communities who experience victimisation as a result of a different characteristic; and wider societal norms and values in terms of the questions hate crimes raise about ideas of a shared commitment to liberal ideals of 'tolerance' and 'inclusion'.

As suggested by Iganski (2008: 6), the adoption of Kelly's (1987) conceptualisation of sexual violence against women as a 'continuum' is helpful in a discussion of the relative harms hate crime causes in comparison with other 'basic' offences. Kelly (1987) contended that women's experiences of sexual violence can be a normal part of their everyday lives, as is the case with many victims' experiences of hate crime as explored below at chapters eight and nine. Indeed, Kelly (1987: 49) suggested that these incidents cannot be ranked in terms of seriousness, as the impact of any single incident is dependent upon 'a complex range of factors' pertinent to the individual victim. Indeed, Craig and Waldo (1996) went further, in concluding that post-victimisation experiences can be influenced by both victim characteristics and external factors, including the offender motivation and the perceptions of others in the immediate surroundings. Therefore, 'creating a hierarchy of abuse based on seriousness is inappropriate', given that 'all forms of sexual violence are serious and have effects: the "more or less" aspect of the continuum refers only to incidence' (Kelly, 1987: 49).

This is of fundamental value to discussions regarding why hate crimes matter in our society, given what we know about hate crime victimisation being a process of targeted and repeated 'minor' incidents that can escalate into more severe violence, but even without escalation cause significant detriment to an individual's daily existence (Bowling, 1998). Janoff-Bulman (2010) suggested how even the most seemingly ubiquitous of incidents threatens an important sense of freedom or safety significant to our everyday lives. Despite the everyday nature of much hate crime, research has demonstrated severe and prolonged psychological and emotional trauma in victims (Lawrence, 2009; Virdee, 1997). Iganski (2001) posits that there is an effect upon and therefore a threat to more than the individual directly involved. This spreads through a victim's own community to the wider society beyond; rendering all communities vicarious victims of the original crime.

Iganski (2001) and Dixon and Gadd (2006) refer to the symbolic nature of hate crimes as 'message' crimes. When an individual victim is attacked, the process of victimisation and its impact is not confined to the individual alone, but may extend to family members, friends and 'communities' that share common characteristics with the victim (Lawrence, 2003). This 'ripple effect' (Iganski, 2001: 630) carries a message that they "could be next" and to "know your place". When serious incidents occur, such as a murder or an arson attack on a public building, the impact may be felt among people in locations far removed from where the original incident occurred.

In his discussion of the testimonies of hate crime victims and the people who know them, Craig (2002: 87) highlights the changes people made to their



daily routines as a strategy of avoiding future incidents often leading to 'significantly altering one's routine activities' in response. For example, as noted by McGhee (2003), Herek and Berrill (1992: 3) conceive of homophobic violence as 'a punishment for stepping outside of culturally accepted norms and a warning to other gay and lesbian people to stay in "their place"'. It is this wider community knowledge and fear of vulnerability to future victimisation that leads lesbian and gay individuals to engage in a series of daily practices 'designed to monitor, and often minimize, visible manifestations of their sexuality' (Mason, 2001: 31). The experience of a hate crime occurring thus affects not just the direct victim but can also 'curtail the behaviours and movement of members of the victim's group' (Craig, 2002: 87). So, in terms of our conceptualisation of hate crimes, what matters here is that 'what distinguishes 'hate crime' from other types of crime is that 'hate crimes' generally hurt more than parallel crimes' (Iganski, 2008: 6).

### **2.3 Key issues presented within the hate crime agenda**

#### **2.3.1 Hierarchy of deserving victims**

Hate legislation was seen as progressive by some; it was, however, also criticised for being unfair and divisive in the way that it was seen to 'favour' certain minority groups (Garland, 2011). What followed was the establishment of a hierarchy of victims that emerged through piecemeal legal and policy developments. Grabham (2006: 2) demonstrated how the restrictive nature of legal categorisations of identity and experiences served to 'disauthenticate' individuals whose identities were more complex and intersectional than can be defined in law. The emergence of such legal

protections are believed to have created division and tensions between communities by 'favouring' certain groups over others, and by creating a hierarchy of victims that has left some groups further marginalized (Garland, 2010). Chakraborti (2010a: 17) described how limiting the application of legal protections to some groups and not others "is a process fraught with danger, as this requires difficult judgments to be made regarding who should be deserving of 'special protection'". In assessing the moral foundations of hate crime legislation and processes by which some groups have been afforded protection and others not, Mason (2007: 254) noted how victims have been required to induce feelings of compassion to be "coded as the 'ideal' or at least, bona fide, victims of discriminatory violence". The structure of the hierarchy that emerged was closely aligned with those victim groups that achieved political and legal acknowledgement within legal provisions and placed race hate at the top and disability (Mason-Bish, 2013) and LGBT (Monro and Richardson, 2010) hate crime somewhere near the bottom. Implicit within this hierarchy is that some groups are more 'deserving' of recognition than others.

Recognition is most regularly approached through the lens of identity and seeks the recognition of 'group-specific cultural identity' (Fraser, 2003). Within identity politics the emphasis is placed upon the collective identity of the group and the associated cultural makeup that set a group aside from the valued mainstream culture they are seeking recognition from and access to. Appiah (2006) discussed the varying features associated with a social identity. He defined ascription as a criterion used to categorize individuals. For example, infants are 'ascribed' a sex (and therefore gender) at birth.

Ascription of an individual to a category is not as simple as the attributes associated with that category, as these will not always hold true for all individuals capable of making that judgement. This difficulty may be seen in the well-documented and divisive debate over who should be ascribed as a 'woman'. As such, this form of identity generates an identity politics which gives rise to a process of negotiation regarding where the boundaries of a given social category begin and end.

Identification, by extension, is the process by which the individual being ascribed to that category agrees with the ascription. The externally ascribed social identity becomes an integrally felt identity when it resonates with how an individual feels and acts. This form of identity can give rise to a manifestation of identity politics which seeks to utilize the sense of shared identity that given groups of individuals will feel with others who identify similarly.

Finally, treatment is described by Appiah (2006) as a construction of identity as a justification for treating someone in a specific way because they are X. An identity politics that is grounded in the treatment perspective of identity seeks to engage governments and other sources of power to reinforce, or assert in other ways, relative likes and dislikes of certain identity categories. These preferences are informed by a social index of rules and regulations that have emerged and mutated with the passing of history related to what different categories of individuals 'ought' and 'ought not' to do (2006: 17). When these approaches are applied within a hate crime framework, the homogenisation of groups, for example through the LGBT anagram, belies

the diversity that exists within these identity groupings and the specificity of the hate experience is lost (Garland, Spalek and Chakraborti, 2006).

Fraser (2003) suggests that supporters of the identity model believe that to belong to any group that is not recognized (and therefore not legitimized) by the mainstream majority is to be 'misrecognized' and this inflicts damage to both the individual and the larger group identity. Here, misrecognition is seen to be a result of an array of negative stereotypes perpetuated throughout society, but crucially these are not perceived to be rooted in any form of structurally defined and promoted system, but rather a result of the cultural downgrading of the stereotypes presented as representative of minority group cultures. So the task, according to Fraser (2003: 24), is for social movements to address this by recreating and promoting self-representations that redefine a set of characteristics, 'oughts' and 'ought nots' that better reflect the real group culture, rather than wasting time challenging the institutionalized and structurally sustained norms responsible for their marginalization and stigmatization.

As has been mentioned previously, the social context within which hate crimes occur is relevant to the determination of 'which categories of victims should be protected' (Lawrence, 2003: 51). Lawrence went on to suggest that protections should have been afforded to those characteristics that were most prominently related to the fracture lines that 'run deep in the social history of a culture', as was the case with the initial recognition of racially motivated offences in UK legislation. Similarly, Perry (2009) set out a conceptualisation of hate crime victims as members of those identity groups that have been historically marginalized and disadvantaged and who occupy

a low status within society. However, an important effect of this identity-based approach to hate crime victimisation is the way in which it has influenced policy to be built around what Moran and Sharpe (2004: 410) term the “either/or logic”. Wherein individuals who cannot evidence a relation to a form of historic oppression acknowledged by State powers cannot be recognised as victims of hate crime in the contemporary era. This approach belies the complexities of lived experience and the realities of how hate crime victimisation occurs in individuals’ lives (Hall *et al.*, 2014).

In her chapter within *The Routledge International Handbook on Hate Crime*, Hannah Mason-Bish (2014: 27) introduced a need to incorporate an intersectional approach by contending that a ‘by-product of the identity strand approach to hate crime policy has been to oversimplify the victim experience and to fail to acknowledge the lived reality for victims’. This oversimplification of identities has denied the complexities and important differences between one individual’s experience of hate and another. For example, the interplay between an individual’s sexuality and their gender might have different outcomes for someone who has access to material wealth than for someone living in poverty. These more nuanced angles of enquiry are pushed to the fringes of the discussion when the central focus point remains directed at debating the rights of homogenised groups’ access to legislative protections. Indeed, in their work to explore the inclusion of violence against women within the hate crime paradigm, Gill and Mason-Bish (2013) found that women expressed a concern regarding the capacity of hate crime policy to adequately acknowledge the intersectionality of their identities and the implications of such on their experiences of violence.

Crenshaw (1991) was one of the first to formalise the concept of intersectionality by highlighting the way in which women who are also a person of colour had the distinctiveness of their experiences erased from discussion by the siloed nature of identity politics. Intersectionality acknowledges the overlaps and fluidity of the multiple identity positions that individuals hold. In doing so the approach introduces a capacity for the hate crime agenda to explore beyond the assumption of a uniformity within identity categories (Marchetti, 2008; Crenshaw, 1991).

As an academic concept intersectionality provides a prism through which to acknowledge that individuals are always more than just one identity and the implications this has for the various ways in which experiences of hate manifest in relation to these complex subject positions. The adoption of this approach has particular advantages to expanding how experiences of hate and discrimination are recognised and protected within legal instruments. For example, in making it possible for an individual to seek recourse through legal hate instruments on the grounds that they were targeted as a result of their being a *black woman*. Not as a result of being *black* or for being a *women* per se, but because of the unique permutation of these identity characteristics and the norms associated with each and how this subject position is regulated in different spaces of life (Crenshaw, 1991). As Chakraborti and Garland (2012: 504) note:

‘vulnerability to hate crime stems from a broader range of factors than singular conceptions of identity allow and this should be factored into [the] contemporary conceptual framework ...’

In its acknowledgement of difference and diversity as primary distinguishing principles, the concept conceived of in this way, is problematic for political causes seeking broad policy solutions. The notion essentially brings all people within the scope of its remit by virtue of its recognition of the multiplicity of identities that we each embody. In doing so it can begin to dilute the importance of shared common experiences of victimisation that unite some communities. The approach also presents a practical challenge to the viability of policing the concept by eroding the boundaries that are drawn around identity groups for the purposes of operationalising hate crime policy (Chakraborti, 2010a). The complex nature of hate crimes poses significant practical challenges to law makers, the police and prosecutors. One of the key critiques levelled at hate crime legislation by Jacobs and Potter (1998) centres on the potential for laws that reinforce boundaries around the identities of victims and single out the behaviours of offenders, to undermine the positive impact effective law making can have on facilitating social solidarity. They argue that hate crime laws have encouraged communities to become entrenched and to perceive of themselves primarily in terms of group characteristics.

The struggle associated with obtaining access to protection within hate crime legislation is often characterised by what Hobson (2003: 8) described as a process whereby 'social actors seize political opportunities'. Garland and Chakraborti (2012) highlighted how conflicts over the introduction and implementation of hate crime laws reflected material differences in the social location and mobilisation of communities. Following the establishment of a new coalition government in 2010, the UK witnessed a rolling back of the

welfare state, public sector spending cuts and the closure of voluntary and community sector organisations (Kisby, 2010; Levitas, 2012). There was a significant impact upon organisations which had been established to support the needs of marginalized communities and victims of crimes, resulting in an undermining of equality and the personal safety of communities they existed to support (Morrow, Hankivsky and Varcoe, 2004). The scarcity of resources and the lack of political support then on offer ensured that the gap between the different groups would not close and thus the hierarchy persisted.

In her study examining the victimisation of sex workers and paedophiles, Morgan (2002) showed that inclusion in hate crime policy is not just about proven victimisation or campaign group activism. The implications of populist political rhetoric around those who were 'deserving' and 'undeserving' of social and legal recognition and support were exacerbated, fuelling community tensions due to a fight for access to recognition and the limited resources available in an austerity-stricken UK. Morgan (2002: 32) suggested:

'Competition to be counted and the political clout required to be counted has not only frozen out disorganized groups and individuals that experience hate crime, it has also led to infighting between social movements'.

Academics have also argued that this way of conceiving hate crimes as experienced only by those officially recognised groups does not take into account the comparable victimisation experiences of 'other' groups, such as the homeless, sex workers, and paedophiles, who are also targeted because of different identity characteristics (Chakraborti, 2010a: 4). Examples of incidents against such groups challenged accepted ideas of who were



deemed 'hate crime groups', whilst also reopening the debate as to the types of behaviour recognised as acts of 'hate'. Garland (2010), urged us to re-examine definitions of hate crime, which rely upon a history of marginalization and the powerlessness of victim groups. As Morgan (2002) and Chakraborti (2010b) argued, there were others within contemporary society experiencing oppression who were not afforded the status of hate crime victim. These groups have been denied protection, despite having much in common with these more established and officially recognised victim groups.

In agreement, Chakraborti and Garland (2012: 4) argue that 'approaching the issue of inclusion through the lens of group identity politics merely exacerbates' such problems and create divisions between communities. This has had the effect of proliferating distorted perspectives on minority communities that served to advance 'the interests of more privileged individuals' (Meyer, 2012: 850). White (2002: 501) reinforced this point, stating that the 'fracturing of many communities economically provide[d] ground upon which many different types of political struggle [took] place'. Mason-Bish (2010) claimed the identity politics approach to gaining protections was fostering an environment in which groups competed for status within the hierarchy of recognition. Those without sufficient social capital to gain political purchase within this agenda remained outside of recognition and the protections proffered by such a system (Schneider and Ingram, 2008). In making requests for recognition of an issue within law, 'what any particular group of people gets is not just a matter of what they choose, but what they can force or persuade other groups to let them have'

(Abrams, 1982: 15). Perry (2015) and her participants highlight the role of the hate crime construct itself in reinforcing the perceptions and boundaries of who is or is not worthy in society. Whereas the reification of identity politics as the contemporary mode of achieving recognition has meant that not being recognized as a protected characteristic within this legislation represented a form of derision of that identity category and renders those unacknowledged and unrecognised through this system without a 'place' in society. The ways in which identity politics has been co-opted by the neo-liberal politics of contemporary society forms one of the keystones of the argument presented in this thesis; further exploration of the implications of this are covered in later the analysis chapters at 7.3 and 8.2.

### 2.3.2 The everyday nature of hate

There is an inherent difficulty presented by the complexity of everyday interactions that take place in the social world and the failure of legal accounts of our world to accurately reflect 'real' experiences of 'real' people (Pothier, 2001). The overwhelmingly punitive management of hate crime has led to a generally accepted perception of incidents as the media-stereotyped, violent attacks committed by strangers. This conceptualization ignores the more difficult to categorize, messier, everyday interactions that involve people that are in some way known to the victim (Walters and Hoyle, 2011). In neighbourhoods where anti-social behaviour was common, the police were seen to overlook the hate element of what can often be multi-layered conflicts between a number of neighbours (Walters and Hoyle, 2011). This complexity in identifying hate incidents is conflated by the way in which both perpetrators and victims conceive of their experiences as 'ordinary'

(Chakraborti, 2014: 6) and dismiss them as an 'everyday' (Walters and Hoyle, 2011) aspect of their lives.

One of the 'ripples' (Noelle, 2002) of harm generated by hate crimes impacts those who share the targeted identity characteristic with the victim and live in the same neighbourhood (Iganski, 2001: 629). What is most interesting and significant about the impact that occurs within this group is the relevance of details, including the location and space in which the incident took place and how well the offender was known to the victim. Fear generated from these details can prompt reactive and avoidance responses in people not directly involved in the incident itself. In a study of homophobic incidents in Northern Ireland, Jarman and Tennant (2003) found that offenders were in some way known to the victim in 43% of harassment cases and 30% of violent cases. Moran's (2007) research into homophobic abuse in London provided further support for enhanced consideration of the fact that hate occurs in places known to the victim and involving those who are familiar to the victim. Moran (2007: 92) presented evidence of hate occurring

'...in the environs that surround those [suburban] homes, in the workplace, schools and colleges of the metropolis. It is violence that is perpetrated by family, friends, neighbours, workmates and colleagues'.

In considering constructions of the relationship between offenders and victims, Iganski (2008: 39) asked for caution in 'interpreting the actual nature of the relationship'. Iganski (2008) suggests that offenders can exist, regularly pass through and even reside within the same locality as a victim and therefore be in some way recognisable to the victim, but this does not necessarily equate to 'knowing' them. The expansion of the concept of hate

crime beyond that of 'stranger danger' (Mason, 2005) and the consideration of 'low-level' forms of harassment and abuse has highlighted the range of personal relationships that exist between victim and offender (Mason, 2005; Sibbitt, 1997). Walters and Hoyle's (2011) research demonstrates how hate abuse occurs as a part of a 'toxic mix of other non-hate-related grievances' (Walters and Hoyle, 2011: 17), making it difficult for the police to decipher if and what crimes have occurred and who to designate 'victim' and 'offender'. Indeed, Chakraborti and Garland (2012: 504) note how the oversimplified approach to hate crimes overlook the intricate dynamics which sometimes involve 'members of minority groups [as] perpetrators as well as victims'. Walters and Hoyle (2011) added that the traditional adversarial nature of the courtroom could not effectively tease out all the potentially relevant factors, including 'intersecting prejudices' or 'varied socio-economic factors'.

The ordinariness of the actors and contexts within which most hate crimes occur is a key element in the formation of a more holistic conceptualisation and theorisation of the issue. This 'normalisation' and 'everydayness' of the experience for both the victim and the offender, along with its pervasiveness, provided for Iganski (2008: 23) the 'missing link between the macro-societal ideological edifice and the micro-level actions of offenders'. Rather than reducing the problem to the abnormal pathological behaviour of a single individual who can be held accountable through the CJS for their actions or words, hate crime should be situated within the socio-political economic climate and how this environment interacts with individuals to foster and sustain hate.

## 2.4 Key theoretical approaches

To briefly summarise some of the key theoretical approaches to hate from within hate studies, the following section provides an overview of the 'doing difference' perspective proposed by Barbara Perry (2001), including the place of self-control theory within the hate studies agenda proposed by Mark Walters (2011), and the vulnerability thesis proposed most recently by Neil Chakraborti and John Garland (2012).

### 2.4.1 Doing difference (Perry, 2001)

Perry (2001: 46) suggested that hate crimes should be constructed as the product of 'deeply embedded notions of difference' within our societal structures and normative discourse around power and subordination that encourage and legitimise acts of violence against the 'Other'. The 'Others' are constructed in terms of their race, ethnicity, gender, sexuality, disability, and class; in 2010 she went on to suggest that there are any number of 'institutionalized practices and discourses that lend permission to minimize or victimize the Others in our midst' (126). In exploring the intersections of a number of separate prevailing criminological theories relevant to hate crime, Perry (2001) presented her seminal theory of doing difference, based upon Messerschmidt's (1997: 55) theory of structured action, highlighting how we each engage in a process of identity formation that takes place within and in relation to the hegemonic 'structural and institutional norms' prevalent in society.

In this way, Perry suggests that the adoption of a normative and conforming identity serves the purpose of reinforcing and perpetuating the established

social structures within society. Hate take place where individuals engage in a manifestation of doing difference which has the effect of singling out individuals (in relation to their adopted identity) as a threat to this normative social structure, and as such exposes them to various manifestations of hate. Perry explains offender motivations as a process drawn from the need to reaffirm their own group identity as 'dominant' through the exertion of power over the individual that represents the Other assigned an inferior position in the social hierarchy of identities.

Walters (2011) was interested in understanding the disparities in offender motivations to commit hate crimes, in particular those incidents which occur within an environment where any number of potential offenders are equally exposed to similar socio-economic pressures and other elements of the wider social environment that inform and construct prejudices. In doing so he seeks to situate his micro-level concerns with the differentials between offenders within the macro through the deployment of self-control theory as the key elucidating factor. Walters (2011: 314) highlighted the worth of prevailing macro theories in identifying 'cultures of prejudice'. These cultures, which can be found within the family unit, friendship groups and other iterations of our social communities, foster prejudices that can become entrenched and difficult to change, contributing to the marginalisation of some identity groups (Gottfredson and Hirschi, 1990). Walters (2011) concluded that the offender disparities he was driven to understand were best explained via consideration of an individuals' low levels of self-control. Walters (2011) argues the efficacy of this theorisation is only realized when

considered in combination with the backdrop of macro factors that influence a wider environment of fear and hostility towards certain groups.

Valentine (2010) suggested that holding such prejudices served as a positive end for offenders, whereby they are provided with a scapegoat for their own personal, social or economic failures. Perry (2010) implies that these acts are intentional on the part of the offender. However, Iganski (2008) contends that whilst an appreciation of the societal context within which hate crimes and incidents occur is useful, it does not explain the 'lived reality of 'hate crime' as experienced by victims and offenders' (Iganski, 2008: 19). In particular, it does not elucidate which factors affect when and how a person will choose to express their prejudice against an Other. It is this area of inquiry which led Iganski (2008) to consider the 'situational circumstances' of hate incidents. This approach contributed to other academic considerations of the socio-cultural contexts within which hate plays out (Gerstenfeld, 2017; Levin and McDevitt, 2002; Perry, 2001; Perry, 2009a). It is felt that this approach can take better account of the 'lower-level' everyday manifestations of hate that people experience in their everyday lives (Iganski, 2008). Here the context in which interactions between individuals and groups occur plays a key role in shaping the mode of that interaction. Perry (2015) provided an illustration of how, for her, this situated conduct manifests as a result of social hierarchies of power.

For Perry (2001, 2015), in similarity with Herek and Berill's (1992) earlier explored contention regarding the motivations that underpin homophobic violence, the individuals and groups that engage in interactions involving hate are characterised as being a version of either a subordinate or dominant

actor within the established social hierarchies of power. The motivational force that lies behind hate is the maintenance and regulation of the boundaries that demark these power positions. Here, Perry (2015: 1638) asserted that offenders are therefore engaging in behaviours that 'reaffirm their dominant identity, their access to resources and privilege, whilst at the same time limiting the opportunities of the victims to express their own needs'.

Perry (2009a) therefore interpreted hate crime as a tool of the powerful used to re-emphasise the 'outsider' status of minority groups which are already marginalized in other ways. Sheffield (1995) went further, suggesting that hate crime itself contributes to this marginalisation, is supported by 'belief systems, which legitimate such violence' and are the 'consequence of a political culture which allocates rights, privileges and prestige according to biological and social characteristics'. Perry (2009) develops this understanding to incorporate recognition that hate crime actually plays a role in the 'co-construction' of those respective victim and offender identities and social positions at an individual and community level. Leslie Wolfe and Lois Copeland contend that hate crime is:

'violence directed towards groups of people who generally are not valued by the majority society, who suffer discrimination in other arenas, and who do not have full access to remedy social, political and economic injustices' (Wolfe and Copeland, 1994: 201).

#### 2.4.2 Vulnerability (Chakraborti and Garland, 2012)

Finally, in 2012 Chakraborti and Garland in their more inclusive reconceptualization of the hate crime concept proposed one of the most



compelling arguments for a focus upon 'vulnerability' and 'difference'. Their theory was developed in response to gaps they had identified in the existing theoretical terrain. Their concerns were with the rigid conceptualisations of hate that relied upon conceiving of victims in terms of identity group and manifestations of hate in terms of offender motivations. They argued that such conceptualisations contributed to the production of victim hierarchies and perpetuated divisive intergroup relations.

The vulnerability thesis that they proposed specifically sought to acknowledge the import for hate studies to acknowledge the intersectionality of identity that makes room for: a wider range of victims targeted by hate to be legitimated; a variety of motivations for the targeting of that individual by offenders; and a variety of individualised experiences and explanation of such. They highlight the disproportionate victimisation experienced by trans women explained by Whittle et al (2007) through the lens of gender oppression, whereas Kidd and Witten (2008) emphasised an alternative explanation that saw trans women stereotypically singled out as a result of evaluations of them posing 'easy' targets. Garland (2010) drew upon the issue illuminated by the murder of Sophie Lancaster whereby she was targeted as a result of the 'difference' she posed to social norms through her visible expression of her goth identity yet there were no provisions within the hate crime legislation through which her assailants could be prosecuted (Chakraborti and Garland, 2012).

The vulnerability thesis is of merit for the light it shines upon those that are not recognised within the established victim categories; those that are invisible by virtue of their identity being dismissed as unconnected to the

prevailing conceptualisations of hate motivated behaviours. In particular, the vulnerability thesis provides space for challenge when victims, including trans individuals, are dismissed as bringing upon themselves, as a result of individual choices or misfortunes, the violent regulation of social norms and boundaries. Chakraborti and Garland (2012) argue that the necessity for more widespread acknowledgment of the experiences of those most marginalised and erased in this way becomes more acute when contextualised against a backdrop of rapidly intensifying cuts to public services and welfare support that many such individuals rely upon and feel the withdrawal of such support most keenly.

The above is a collection of interlinked concepts that focus on disparate elements of the same crime, it is also clear that 'hate crime is a crime like no other' (Perry, 2001). Perry's theoretical enterprise represented the pinnacle of theoretical advancements within the field of hate studies which has thus far, as noted by DeKeseredy and Perry (2006), been characterised by a relative lack of theoretical endeavours to underpin the expanding body of empirical work in the area. In particular, Perry's (2001) theoretical emphasis on a connection between individual experiences of hate, and the influence which the structural ideologies and inequalities that persist in society have upon shaping and reproducing those experiences, has established a foundation for the field's ambitions to acknowledge the scale of the issues that exist beyond matters of individual offenders.

## 2.5 Chapter Conclusion

This chapter has demonstrated some of the social, economic and political tensions which have shaped the emergence of the 'hate crime' agenda throughout England and Wales. It has also highlighted some of the limitations and challenges associated with the term itself and how it has been taken up in policy and the law. Of primary concern to this research study are the inadequacies of the identity politics approach in articulating who the victims of hate are and in addition, the limits of the common legal conceptualisation of the term in acknowledging and accounting for the full scope of victims' everyday lived experiences of hate. Specifically, legislative approaches to the broad issues that hate represents in society reduce these concerns to a matter of individual offenders and result in a pursuit of knowledge that leads us to understandings of the motivation behind the commission of the crime. This line of inquiry does not acknowledge the broader structural and generative forces that facilitate and sustain hate beyond the agency and control of the individual.

The subsequent chapter moves on to explore trans individuals' relationship to hate which illuminates the range of challenges associated with conceiving of those impacted by social inequalities through the narrow lens of hate crime and the limited groups afforded protection from it. Trans identities are one of the most recent to have achieved a semblance of recognition within the hate crime paradigm, but the persistence of their experiences of wider harm provides insight into the failure of the responses formulated within the hate crime agenda to address the root causes of these kinds of harm.

### 3 Chapter Three: The Construction of Trans Identities

“Some people move away from their birth-assigned gender because they feel strongly that they properly belong to another gender in which it would be better for them to live; others want to strike out toward some new location, some space not yet clearly defined or concretely occupied; still others simply feel the need to get away from the conventional expectations bound up with the gender that was initially put upon them” (Stryker, 2008: 1).

#### 3.1 Introduction

One of the identity groups currently experiencing hate crime are those who identify somewhere under the umbrella term *transgender*. This chapter is focused upon the lived experiences of *trans* individuals, considering how this knowledge can help us to better understand the nature of hate and how it manifests in individuals’ everyday lives. Before a discussion of the lived experiences of trans individuals is explored and analysed in detail within the later chapters of this thesis, this chapter explores the ways in which trans identities have been constructed. In particular, it focusses on the ways in which contemporary discussions are shaped by a legacy which has been informed by historic conceptualisations grounded in biological essentialism which lead to the pathologisation of gendered identities sitting outside of the binary of male: female.

The chapter seeks to provide an overview of the underpinning complexities and the ‘ripples’ (Noelle, 2002) of harm that have emanated from the historic fetishistic fascination and pathologisation of trans identities. It elucidates how such discourses live on through medical and legal systems and processes of social recognition. Through a review of the literature related to the *sex* and *gender* based binary classifications of trans identities, this

chapter illustrates the range of systemic and structural harms that impinge upon the everyday lived experiences of trans individuals.

Attempts to define and categorise trans identities have been central to the shape and content of the “trans debate” in recent decades. Definitions of trans individuals and identifications of the support they need have been dominated by attention to the psychological condition supposed to underpin *transgenderism* and the ‘correction’ of bodily manifestations of the gender incongruence experienced by individuals. These material conceptualisations of gender identity have proffered material ‘solutions’ that were focused on the achievement of a visible alignment of physical, bodily features to the binary sex/gender system that prevails in contemporary westernized society. However, the medicalized, legal and some early autobiographical discourses that informed the emergence of the term and interpretations of trans identities were limited in their scope. This had the effect of rendering any alternative experiences of trans identity as invisible within said discourse and further denied the existence and exploration of a fuller range of representation within a wider range of lived experiences.

The socio-political environment of the 1990s/2000s, overseen by the New Labour government, created new opportunities for some trans identities to be acknowledged through inclusion within legal protective instruments in England and Wales. However, the reliance upon historically distorted discourses of trans identities to produce an account of all trans identities had the real effect of denying a trans identity to anyone whose experience and ambitions lie outside of this narrow depiction of what it is to *be* and to *achieve* an acceptable trans identity. This chapter demonstrates some of the

challenges associated with attempts to categorise trans identities and individuals who are grounded within historically bounded notions of *sex* and *gender* as a binary state that is biologically instructed.

### **3.2 Unpacking sex and gender**

Philosophical discussions on the origins and explanations of sex and gender have taken place since ancient Greek times (see Laqueur, 1990); modes of contemporary discussions have created some space for a greater appreciation of these complexities, disposing with propositions of the existence of clearly defined lines between binary sexes or genders. Most recently, a thematic issue of *Critical Social Policy*, '*Trans policy, practice and lived experience within a European context*' (2018) presented a collection of contemporary academic pieces introduced by Sally Hines, Zowie Davy, Surya Monro, Joz Motmans, Ana Cristina Santos and Janneke Van Der Ros, which addressed the relationship between sex, gender and sexuality, including how these relations are embedded within legal and policy structures and instruments. The issue also reflects upon how such interpretations may be channelled into legal and policy understandings of trans.

The key systems in society that continue to govern the lives of trans individuals are steeped in the hegemonic, normative discourses associated with essentialist biologically directed binary interpretations. As such, trans identities have been developed as fundamentally in opposition to the *heteronormative ideal* (Warner, 1993) that these domain assumptions are built from. This construction of trans identities has had the effect of presenting individuals as deviating from the prevailing norms of society and

therefore trans individuals are held to be dysfunctional and damaged. Discourses of this kind contributed to the establishment of a pathologising paradigm through which trans identities and individuals continue to be perceived. This discourse has also laid the way for trans identities to simultaneously be deemed as in need of moral and political *regulation* alongside being afforded legal *protections*.

Early ruminations that established the hegemonic domain assumptions regarding the meaning and boundaries of human 'sex' categorisation along the lines of 'man' and 'woman' cannot be dismissed as mere outmoded history. The initial problematisation of trans identities was undertaken by sexologists of the early twentieth century in Europe who sought to order and taxonomise 'transgenderism' as a transgression from gender norms (Foucault, 1978; Laqueur, 1990). These early discussions took place within and between the powerhouses of the time and such 'knowledge' has been regurgitated and reinforced over the centuries by 'experts' across a range of disciplines, as we shall see throughout this chapter and beyond.

Laqueur (1990: 6) has detailed how since the 18<sup>th</sup> century, perceptions of a binary system of fixed genders has prevailed and in the 19<sup>th</sup> century, respected Professor of Biology Patrick Geddes used physiology to explain such "facts", including that women are "more passive, conservative, sluggish and stable"; by contrast, men were "more active, energetic, eager, passionate, and variable". Despite Geddes' own admission that he could not fully account for this apparent connection between biological factors and the "resulting psychological and social differentiations", he reinforced the respective roles

of men and women on this basis with aplomb. Such confident discourse has cemented our modern-day perceptions.

### 3.2.1 'Sex'

Traditionally, a person's 'sex' refers to the anatomical and biological differences in the human species that are said to divide us into two substantive groups of either 'male' or 'female'. The interpretation of 'men' and 'women' as distinct groups set in opposition to one another is specific in many ways to westernized culture (Lips, 2017). Historians such as Laqueur (1990) noted how this tradition developed from an equally strongly maintained 'hierarchical' relationship between the two sexes that posits men and women on a single continuum but established women as less advanced than men.

Within the tradition of biological determinism, distinctions between these two groups are interpreted and promoted as 'natural' differences; distinctions between these two categories are usually focused entirely upon one aspect of biology, that of sexual reproduction (Lewontin, Rose and Kamin, 1984). In this way, various markers of 'sex' include, but are not limited to, the presence of a penis or vagina, ovaries, testes, and sufficient levels of hormones including testosterone and oestrogen, to be medically defined as male or female (Williams, 2014). These markers have been variously 'constituted as embodying the *essence* of sex' (Harding, 1996: 99, emphasis in original) and are both defined and assigned at birth by agents of the medical profession. What is further, the long scientific tradition of



biological determinism also promotes the idea that gendered behaviours are also rooted in a biological foundation (Udry, Morris and Kovenock, 1995).

'Sex' is determined by examination and assessment of the visible genitalia against a scale of acceptability based upon the likelihood that the infant will 'grow up with genitals which look like that of the assigned gender and will ultimately function according to gender' (Kessler, 1990: 18). Money (1975: 610) defined the physically acceptable parameters of a penis suggesting that no child should be assigned as male unless 'the phallic structure, hypospadiac or otherwise, is neonatally of at least the same caliber as that of same-aged males with small-average penises' and later refined this, with colleagues, by defining a *micropenis* as having dimensions that 'are three or more standard deviations below the mean' (Money *et al.*, 1974 as cited in Kessler, 1990: 18). Within Kessler's (1990: 18) research, an endocrinologist (a medical practitioner specializing in the systems of hormone production and regulation) claimed that whilst the size of the penis itself does not represent the deciding factor, an infant with a phallus of anything smaller than two centimeters long and unresponsive to hormone treatment would be 'made into a female'. So, whilst genital ambiguity was in no way a matter of life or death for an infant, it was considered a potential threat to their successful existence within the dominant culture (Kessler, 1990).

The medical profession relies upon a system of sex classification based upon biological criteria, and in everyday life individuals are placed within one of the two assumed sex categories. Given that in most social situations in which our gender identities are being interpreted our genitalia are hidden from view (Kessler and McKenna, 1978), West and Fenstermaker (1995: 21)

differentiate one's 'sex category' from one's anatomical, hormonal or chromosomal sex as a result of the inability of most individuals to inspect these supposedly key determining features that are associated with a biological interpretation of gender as following on from sex. They highlight how one's sex category is presumed to be indicative of one's gender, but this is not always the case. In social situations individuals are sorted into gender and therefore sex categories based upon a set of observable criteria based upon appearance and behaviours.

### 3.2.2 'Gender'

The term 'gender' signified the socially constructed attendant behavioural practices of 'femininity' and 'masculinity' (Zucker and Bradley, 1995) and was used when referring to social, cultural and psychological characteristics that affect and relate to stereotypes, norms, traits and roles of men and women (Gilbert and Scher, 1999). The term 'gender' was introduced in the 1970s, in part as an alternative to 'sex', with the express purpose of countering the biological determinism that had gone before (Krieger, 2003).

The construction of *gender* is based on assumptions of stable and fixed notions of sex (and therefore gender) being 'mutually exclusive categories' (Ellis, McNeil and Bailey, 2014: 351). A great deal of early feminism used these broad definitions of identity as sufficiently tangible to articulate their critique of gender inequalities and hierarchies between the genders (Hird, 2000). However, West and Zimmerman (1987) suggest that cultural models that feed off of ideas of the 'naturalness' of a binary gender system (in which there are two and only two genders) reproduce these inequalities by

suggesting that gender is derived from biology. West and Zimmerman (1987: 127) contend that gender identity emerges from and within an environment that is underpinned by the normative assumption that biological sex determines gender. It is based upon the performance of 'socially required identificatory displays that proclaim one's membership to one or the other category' (127). *Gender* then, is the management of one's conduct and activities reflective of the established norms society dictates as representative of each *sex* category. The presuppositions that sex precedes gender are historically explicable; they are, however, theoretically unfounded. The inevitability and immobility of such concepts heavily impact upon individuals' sense of the self and identity. Furthermore, they influence how wider society perceives *transgenderism* and trans bodies as 'deformed' and in need of 'correction' via medical procedure (Kessler, 1990: 24).

### **3.3 Trans identities as transgressions**

Much of the early literature on trans issues was related to gaining an understanding of trans individuals and communities as deviant from the 'normal' and 'natural' binary sex system (see Herdt, 1994). Early approaches to the trans condition were focused on psychiatric and psychological concerns (Blanchard, 1988; Brown, 1990). For example, 'transvestites' were framed as demonstrating a pathological perversion that originated in abnormal childhood development (Califia, 1997). Such an assessment is clearly grounded within a Freudian theory of psychoanalysis that conceives of psychological issues stemming from maldevelopment of the *Ego* in childhood (Reiss, 1951).

Stryker (1997) highlighted how *transgenderism* was theorised as a psychopathological conflict between an individual's felt gender identity and their biological sex. Early medical or biological models suggested that being trans was a physical expression of a disorder that was neurologically based, making trans people biologically different to others (Currah, Juang and Minter, 2006). The origins of such 'disorder' in this literature were said to be found in early foetal development, variations in hormones or chromosomal differences; however, Docter (2012: 1) stated that there is 'little compelling data to support biology as a major causal factor'.

Biological studies of the human brain have provided trans studies with some interesting and challenging food for thought. For some trans people, there is an underlying biological question within their uncharacteristic chromosome patterns (as in Turner's syndrome, for more information see Sybert and McCauley, 2004) or genitalia not being definitively male or female (i.e. intersex). However, even such biologically evident nonconformities have been unsympathetically dismissed as 'abnormalities' that are in need of correction (Kessler, 1998). Ellis, McNeil and Bailey (2014: 351) highlighted the dire consequences this mode of thinking has meant for infants born intersexed, stating that as a result of this 'deeply ingrained belief that people are (and should be) either male or female' those born intersexed 'are usually surgically sex-reassigned in infancy'. The normalized (mal)treatment of intersexed individuals in this way illustrated how the very idea that an individual's physiological sex characteristics may be different from one's social and psychological gender identity, can be too challenging for society to

assimilate, and 'especially for people whose beliefs are based on traditional ideas of who men and women are' (Lombardi, 2009: 979-980).

Western society is built upon and proliferates a conceptualisation of sex (and therefore gender) as a binary. This is the central tenet of the theory of *heteronormativity* first coined by Warner (1993). *Heteronormativity* is the theory that has achieved, through a shifting of the object of analysis from those on the peripheries to those that occupy the central ground (namely men, heterosexuals and most recently cisgendered), a new form of critical discussion that challenges the collection of cultural, medical, legal and otherwise institutionalized practices. This critique has demonstrated that these systems operate upon the assumptions of acceptability centred around the belief that there are two and only two genders, that gender reflects biology, and furthermore that sexual attraction can only take place between two individuals occupying these 'opposite' positions (Kitzinger, 2005).

For a large number of people, this conceptualisation is not problematic as traditional notions of gender, as well as the gender specific socialisation they have undergone in their formative years, fits with their biological sex that was determined at birth. American sociologist Garfinkel developed a substantial critique of the ways in which ideas are absorbed into our shared understanding of 'common sense' under the banner of 'ethnomethodology' (Hines, 2007a). Ethnomethodology has since been used to deconstruct key social constructs which support our logic of what is absorbed within our cultural understandings as 'normal' and 'authentic'. In particular, this approach has been helpful in challenging the medically driven assumptions about gender which imply the existence of a 'truth' or *essence* associated with

gender as espoused by the biological determinists outlined above (Kessler and McKenna, 1978).

Trans individuals' lived experiences of gender are testament to an alternative, broader and more nuanced understanding of sex and gender and their relation to one another. Feldman and Bockting (2003) suggest that trans people transcend these conventionally assumed boundaries of gender. A trans person's, biological sex does not match the individual's or society's social construction of gender identity (Budge, Tebbe and Howard, 2010); instead, trans people typically express gender identities outside of the traditional *heteronormative* definitions (Bornstein, 1994b).

It is this positioning of trans identities as outside of this prevailing 'common sense' perspective which can be problematic for the individual concerned and others. As such, trans people disrupt the widespread, westernized cultural expectation that gender is an undeniable derivation of biology (Kessler and McKenna, 1978). As will be explored in more detail later on in this chapter, it is also from this assumption that the original conceptualisation in the 1970s, and the most recent medical classification (in 2013) of 'gender dysphoria' developed to be synonymous with a mismatch between physical characteristics that were conceived as denoting a person's sex and the gender identity of the mind (Hines, 2007).

Drawing on a range of literature from the fields of biology, anthropology, and sociology, Oakley (2016) demonstrated how the categories of 'man' and 'woman' are not distinct and individuals occupy a space on a continuous scale. Supported by evidence from a range of cultures, Oakley demonstrated

the varied nature of social constructions of femininity and masculinity. Through their research with intersexed people, Johnson (2018) posited the central role of the dualistic Cartesian world view, in which the body and the mind are conceived as ontologically distinct, but which maintain a casual interaction, in constructing the trans body as flawed. In doing so this discourse authorises biomedical access to the bodies of those in Western societies and provides the underlying motivation for the ferocity with which the binary sex order is socially regulated. For trans individuals this underpins the construction of trans identities as 'mistakes' and their 'correction' via medical interventions that are presented as the primary route to a 'naturalized' state (Salamon, 2010).

This supported the development of the discourse of the sex dichotomy, which centralised and reified the role of medicalized correctional surgeries as the panacea for trans individuals' issues in society. The emphasis on the need to undergo *transition* from one side of the binary to the other became the singular route through which trans individuals could access recognition and citizenship (Coleblunders, De Cuyper and Monstrey, 2015). The above outlined medical discourse has played a role in producing and rewarding trans narratives that aligned with essentialized ideas of 'living in a wrong body' and the achievement of 'authenticity' via biomedical interventions, forming a central aspect of how trans individuals feel they must express their story. This discourse is at the root of the harms experienced by some individuals, as will be explored in the analysis chapters (chapters six, seven and eight) of this thesis.

The move towards a more dynamic and organic approach to the *transition* process, that involves trans individuals having some element of choice and agency over the shape and goals of their transition, is a welcome but very new direction (Siebler, 2012). Overwhelmingly, trans treatment plans conceive of the sum total of the trans person's issues as a matter of 'passing'; successful treatment is predicated on the ability of trans individuals to learn and consistently produce performances that sustain others' perceptions of them as their desired gender, without detection (Garfinkel, 1967). This preoccupation with whether trans individuals 'pass' in society is often central to discussions of the issues (Allen, 1996; Feinberg, 2010).

There is evidence of earlier adopters of a more sensitive and progressive approach to *transitions*. Pioneers such as Benjamin (1966) conducted research into 'transsexualism' and did not support the idea of 'transsexuals' being 'cured' via surgical sex reassignment treatment alone, but instead preferred to prescribe a form of 'gender confirmation' treatment. This variation in terminology suggested recognition that trans people were seeking to affirm their *true* gender rather than perpetuating the perception that trans people were seeking to 'change' their gender.

Treatment plans also incorporated what is termed 'the real-life experience' (Meyer III *et al.*, 2002), whereby trans people seeking support from the medical profession were mandated to live as their desired gender for approximately one year prior to any surgery being considered. Whilst surgical procedures remained the 'goal' of all treatment at the time (Stoller, 1994), the validation that this 'socialisation' element of the treatment plans offered to trans people provided some recognition that their concerns were



not simply a case of an anatomical error. The requirement to undertake the 'real-life experience' has however been criticized for placing unrealistic expectations upon individuals. Expectations that are once again grounded in the insistence upon the achievement of congruence between an individual's gender identity and their bodily appearance (Hines, 2007). Further, 'very few people can cross-live, get employment successfully and be safe in the streets without hormones and some surgery' (Nataf, 1996: 43). The potential threat to an individual's safety set in place by the requirement to live a 'real-life' in this way can be conceived of more realistically as a method deployed by medical professionals to test an individual's commitment and determination to transition in the face of the social implications their 'choice' represents. The requirement is problematic and harmful in numerous other ways, which are considered more fully throughout the findings presented in chapters seven and eight.

Research from within the field of social science rejected the idea of gender as determined by biology and instead sought to explore more nuanced and refined understandings of the range of influencing factors at play in the development of gender identity. West and Zimmerman's work, for example, pointed towards ideas that conceptualised gender in terms of a set of culturally specific and reinforced behaviours and attitudes that mark individuals out as either male or female (West and Zimmerman, 1987). This social learning contextualised gender within the cultural and social world and exposed the significance of the daily human interactions that take place between individuals, families, communities, and within state institutions;

this is what West and Zimmerman (1987) associated with the emergence of a gender identity, rather than vice versa.

Within our contemporary existence, sex has been subsumed within an overarching epistemological drive to interpret the meaning of our world through material objects, as highlighted by cultural critic Jameson (1991). Jameson presented a “mirror theory of knowledge” (as discussed more fully in relation to trans by Stryker and Whittle, 2006) in which sex is considered the fixed material object of fact that is made visible, and therefore knowable, by displays of gender that reflect sex. But the range of trans identities and lived realities of gender that exist outside of this materially anchored concept of sex and gender calls into question the objectivity of sex as a foundation for social categories of gender. Situated within this material understanding of the world and how we invest meaning in our surroundings, with particular regard to trans individuals’ experiences of sex and gender, Prosser (1998) contended that trans subjectivity is achieved via representation of an objective bodily materiality that lies outside of the trans individual. Prosser’s (1998: 6) assertion was an attempt to assert a *‘gendered realness’* and a *rationality* that supported trans individuals who wished to pursue surgical and other bodily-oriented interventions. His argument makes provision for the acceptance of both difference and sameness anchored in the assumed truth represented in bodily materiality. These theoretical arguments above, and subsequent rebuttals against them, will be subject to further scrutiny in the final section of the theoretical framework at chapter four of this thesis, where a fuller discussion of the materiality of trans subjectivity in contemporary western society is addressed.

### **3.4 The harms that trans people face**

As recognized by Lombardi *et al.* (2002: 90), there is a 'pervasive pattern of discrimination and prejudice against transgender people within society'. Gender identity and discussions of how, and who, fall within and outside of traditional gender norms are increasingly popular across a broad range of academic fields. Following recent, growing recognition of the social exclusion, discrimination and violence that trans people experience, some have been afforded rights and a level of official protection from discrimination within UK law.

#### **3.4.1 The homogenisation of LGBT communities**

Traditionally, we have seen the production of a more expansive array of research work conducted under the conflated acronym of 'LGBT(Q)'-motivated violence. This body of work provided a solid evidence base for the frequency of hate crimes against LGBT(Q) individuals (Herek *et al.*, 1997), the intensity with which such incidents are characterized (Herek *et al.*, 1997; McDevitt *et al.*, 2001), and both individual (Fish and Perry, 2015; Herek *et al.*, 1997) and community (Bell and Perry, 2015; Iganski, 2008; Noelle, 2002) impacts of this violence. Theoretically, the accomplishment and maintenance of hegemonic masculinity prevailed as the explanation for violence against LGB individuals (Messerschmidt and Tomsen, 2018). However, academics highlighted the homogenising impact such conflated acronyms had on what was, in actuality, a range of diverse communities with distinct experiences of hate (Moran, 2014; Woods and Herman, 2015).

As has been discussed in relation to the identity politics approach to hate crime victim groups above at 2.3.1, grouping disparate communities together in this way implies a sense of shared, equitable or comparable experience that belies the differences that exist amongst and between these identities (Meyer, 2004). There are some important intersections between the experiences of sexual and gender minorities within our society, for example, elements of the 'coming-out process'. The process of 'coming-out' as previously conceptualised in relation to the experiences of gay men and lesbians, involved a sequence of psychological and social progressions mapped by Troiden (1988) as a process involving: self-definition; tolerance and acceptance of that self-defined identity; regular association with others who identify similarly; sexual experimentation; and the exploration of gay/lesbian subcultures.

For Gagné, Tewksbury and McGaughey (1997: 480) comparisons could be drawn to the trans experience as something resembling 'crossing over' from one sex/gender to 'the only acceptable alternative'. They argue that trans people are forced, by fear of 'social erasure', to 'adopt a social identity that falls within the confines of the dominant gender order' (Gagné, Tewksbury and McGaughey, 1997: 480). Individuals who fail to conform to traditional binary notions of 'gender identity and gender presentations' 'are 'stigmatized, ostracized and socially delegitimized' (1997: 480). Trans people have been found to have 'identity management concerns' of a similar or even greater complexity than those of gay men and lesbians (Gagné, Tewksbury and McGaughey, 1997).

But whilst there are some similarities, Gagné, Tewksbury and McGaughey (1997) also noted marked differences between the process for the different communities. They describe the stages of trans identity formation as: early trans experiences; coming-out to oneself; coming-out to others; and resolution of identity. They suggested three ways that their trans participants came-out to themselves and came to terms with their identity by negotiating events that informed them: they felt 'wrong'; they found out there were names for what they felt; and they learned there were others who had similar experiences. However, Budge, Tebbe and Howard (2010: 378) commented that whilst models of identity development were 'informative', there was a need for further research into the transitioning process for trans individuals.

In 2004, Meyer (2004) developed a dialectical perspective on bisexual and trans identity formation. This theoretical perspective acknowledged some key characteristics evident in trans individuals' experiences of identity making. Meyer acknowledged the relational aspect of identity formation, that, without direct reference to the theoretical paradigms introduced later at 4.5, speaks to Lacanian theory of subject formation which also describes the contingent role external social relations of the world play in influencing the development of one's identity. Meyer (2004: 158) describes the process as a 'never-ending process of co-creation' which is 'dynamic, and highly personalized'. Trans individual's identity formation is characterised by a paradoxical tension between an awareness of needing to keep one's identity hidden in some situations whilst yearning to be open and honest with loved ones which the trans individual must constantly manage and negotiate.

Elements of Meyer's dialectical account of trans identity can be usefully incorporated within the subsequent findings chapters to elucidate the significance of social relations and communication in the formation of identity for trans individuals. Not least, a dialectical account of identity formation provides an opportunity to 'theorize more practically about the "messiness" of human existence- that identity is both *social process* and *social product*' (Meyer, 2004: 166).

### 3.4.2 Recorded hate crime

Academics within the field of hate studies have recognised the need to take account of the socially prescribed and individual level nuances of conceptualisations and interrelationships between sex and gender, outlined here (Chakraborti and Garland, 2015). The recording of hate crimes and incidents that occur as a result of an individual's 'gender' or 'transgender identity' is a relatively new development in the history of hate crime reporting and recording. Although previously included in the expanded ACPO guidance on the recording of hate crimes for officers that was issued in 2001, "transgender" protections were only explicitly included in hate crime legislations under the *Legal Aid, Sentencing and Punishment of Offenders Act 2012, s65(9)* in 2012.

The total number of police recorded hate crimes against 'transgender identity' over 2016/17 were 1, 248 of the 80, 393 hate motivated offences as a total recorded in the same period (O'Neill, 2017). The most recent thematic review of hate crime in England and Wales published by the Home Office reported how figures recorded within the Crime Survey for England and

Wales (CSEW), were too low in relation to “transgender” hate crime to allow for the generation of an estimated prevalence of the issue (Hambly, Rixom and Singh, 2018). However, Paterson *et al.* (2018), in their report of the Sussex Hate Crime Project, demonstrated that hate offending against trans individuals was more likely than offending against LGB individuals.

Official recording mechanisms have failed to take account of the true extent and nature of the hate experienced by trans individuals, although a rise in recorded incidents is demonstrated on reviewing the numbers between 2011-12 and 2015-16 (Walters *et al.*, 2017). Despite evidence of the increasing frequency and intensity of violence against trans individuals (Shelley, 2008), academic literature has demonstrated how trans victims are some of the least likely to report their experiences (Mitchell-Brody *et al.*, 2010; Turner, Whittle and Combs, 2009). Walters *et al.* (2017) undertook research to understand the underlying emotions and attitudes of trans individuals in relation to CJ agencies and found that as well as being more likely to be targeted by hate crimes involving physical violence and assault as noted above, trans individuals were most likely to have experienced indirect victimisation as a result of incidents that directly impacted other trans individuals.

### 3.4.3 Systemic inequalities and broader harms

In moving beyond the limited nature of the knowledge gleaned from the official systems of recording hate crimes against trans individuals, this section provides an overview of the most pertinent academic work addressing the nature of the discrimination and prejudice that trans

individuals face. In short, the issues extend from interpersonal violence to the everyday manifestations of prejudice within their interactions with services designed to facilitate access to housing, education, criminal justice, employment, health and social care. In addition, trans individuals experience marked challenges associated with (mis)representations of trans identities within the media (McBride, 2019) and in their access and participation within leisure and sports activities (Symons *et al.*, 2010), as well as throughout their early development within challenging family environments and later, through other significant relationships (Robinson, 2018). These are all faced within an overarching system characterised by structural failures to support trans individuals to successfully flourish within communities and in their active pursuit of citizenship (Mitchell and Howarth, 2009). This array of literature addresses an expansive field of experiences, demonstrating the widespread systematic harms trans individuals are exposed to in the pursuit of their fundamental human rights.

#### 3.4.4 Health inequalities and harms

Trans individuals experienced a range of harms associated with access to and receipt of health care (Coleman *et al.*, 2012; McNeil *et al.*, 2012; Pitts *et al.*, 2009). The significance of the medical and health care systems in trans individuals' lives is a requirement of the normative systems of gender outlined above. This requirement plays out both ideologically but also systematically in the requirement for medical certification in order to make changes to official documents in England and Wales. For many people, such documents are the key to enabling them to pursue their lives unencumbered by the discord between their 'official' and their lived gender. As such trans



individuals seek support from health systems to achieve recognition from wider society (Pitts et al, 2009). This reliance upon the health and medical systems heightens the significance of negative experiences in interactions with these services. Whittle et al. (2007: 43) found that accessing healthcare was the third most common point where trans people experienced discrimination and inequality. The seminal report *Engendered Penalties: Transgender and Transsexual People's Experiences of Inequality and Discrimination*, completed over a decade ago in 2007, collected and analysed the largest collection of data and survey responses from trans people to date. The report suggested that 'there is strong evidence that access to good quality healthcare for trans people is sporadic' (Whittle et al., 2007: 24).

Participants in Pitts et al's (2009) study suggested that a more thorough and nuanced appreciation of gender by those who work within the system would improve their experiences. Participants noted the disparity in the knowledge that different practitioners had of trans issues. Some of the most positive experiences of participants related to interactions with practitioners that were knowledgeable and sensitive to trans issues. Research undertaken in Scotland, cited by Whittle et al. (2007: 44), found that some health care professionals were not educated to an appropriate level on issues relating to trans patients; findings replicated in their own study indicated 80% of GPs were 'willing to help, but 60% of those who wanted to help lack[ed] appropriate information'. Pitts et al (2009) found that broader experiences within the health system were precipitated by experiences of discrimination and stigmatisation in individuals' wider lives. This experience was then compounded when health professionals openly expressed their personal

prejudices against trans people (House and Terrace, 2001; Stonewall, 2003). Given the crucial role that GPs play in the process of diagnosis, and referral to appropriate specialists and treatment, this finding is of particular concern and relevance to trans people's long-term outcomes. Guidelines for GPs and other healthcare staff (Ahmad *et al.*, 2013; Wylie *et al.*, 2014) have since been created, providing a framework for working with trans people to best support them 'with safe and effective pathways to achieving lasting personal comfort with their gendered selves, in order to maximize their overall health, psychological well-being, and self-fulfillment' (Wylie *et al.*, 2014: 154). This guidance was developed by clinicians of the UK's four major gender identity clinics, 'which provide assessment and treatment over 80% of all people with Gender Dysphoria' (Bouman and Richards, 2013: 167) and as such reflects current practice.

The World Professional Association for Transgender Health (WPATH) is an interdisciplinary trans health organisation. The members engage in clinical and academic research with the aim of promoting evidence-based care for trans people through the production of a set of internationally adopted Standards of Care (SOC). The SOC guidance established the expectations of GPs in terms of how and where to refer patients to specialist services and their role in prescribing medications and monitoring the ongoing health and well-being of their patient. The guidance makes clear how a 'supportive GP can be crucial to the longer-term health of people with Gender Dysphoria' (Ahmad *et al.*, 2013: 177). However, following their recent review of the available trans medical literature, Wanta and Unger (2017) note the paucity of research available to guide policy-makers and practitioners in providing

appropriate and effective support to trans individuals. They expressed concerns that the demand for support from trans people far outweighed the medical system's expertise and ability to respond. The significance of this statement and the realities of the relationship that many trans people have with their GP and other key healthcare professionals will become apparent when we discuss the experiences of trans people in their receipt of healthcare throughout the analysis chapters at 8.4.2.

In January of 2016, Colebunders, De Cuypere and Monstrey (2015) published a paper which reviewed the literature relevant to calls to improve support available to trans individuals. They highlighted several areas requiring further guidance or clarification, including (among other issues) specialised counselling support on the implications of various treatments on fertility and a more flexible and accepting approach to trans individuals dictating their own desired degree of transition both socially and surgically. The paper acknowledged a move away from dichotomous understandings of gender, which have previously forced trans people into surgical interventions to align their bodies with normative expectations, on the basis that partial alterations created 'abnormal bodies' considered to be 'freakish' (Colebunders, De Cuypere and Monstrey, 2015: 223). This is of concern given that Monro (2000: 41) had earlier noted trans people have been 'forced to adopt stereotypical identities during the period of their treatment, or at least feel they ha[d] to, given the absence of evidence to the contrary'. On this matter, Colebunders, De Cuypere and Monstrey (2015) called for greater acceptance of the concept of *gender queerness* and the encouragement of

professionals to move away from a reliance on perceiving the issuing of hormones and surgeries as a means to success (Siebler, 2012).

#### 3.4.5 Workplace discrimination and violence

Budge et al (2010) provided a helpful overview of the literature related to trans individuals' experiences within the workplace, which demonstrated amongst other things that a significant proportion of trans individuals experience discrimination related to their trans identity within the workplace. In their meta-synthesis of the lived experiences of trans people, Moonchaem et al (2015) identified how trans individuals also experienced various forms of discrimination in different settings, including educational institutions, workplaces, and as a consequence of government policies (Budge, Tebbe and Howard, 2010; Dietert and Dentice, 2009). Those who experienced economic discrimination as a result of their trans status, for example being fired, dismissed or not getting a job in the first place, were five times more likely to experience some forms of violence (Lombardi et al, 2002). Schilt and Connell (2007) demonstrated how trans individuals were exposed to a range of other experiences within the workplace, which ranged from complaints to isolation as a result of co-worker prejudices and misconceptions. Budge et al's (2010) study highlighted separate models of behaviours related to trans individuals' transition within the workplace, which was distinct from that which individuals engaged in within their private lives. Trans individuals developed distinct strategies regarding their aspirations for career progression. These strategies were often found to be based on an internalisation of transphobia that led them to believe that progression through the organisation would not be possible for someone

who was trans. Decisions were also formed on personal stereotypes associated with the types of traditional roles 'men' and 'women' could occupy.

#### 3.4.6 Mental health

As has already been presented within this study, there is an expanding wealth of research demonstrating how individuals who do not conform to the traditional conventions of westernised society related to *sex* and *gender* are at risk of numerous health related issues at the hands of the medical and health care systems. In particular, trans individuals are impacted by discrimination in accessing a provision of health care services that are trans inclusive. This is the case for younger trans individuals, as well as for older trans people who have needs that extend beyond the general population and require support from a different range of health and social care providers (Stevens, Nguyen and Fajardo, 2018). The impact and implications of long-term use of cross-gender hormone replacement therapies remain a vastly under-researched area, but concerns have been highlighted by Weinand and Safer (2015) with regard to a potential link between some hormone replacement therapies (HRT) and cardiovascular issues in trans women.

Trans individuals are noted in the available literature as experiencing higher rates of mental health challenges including depression, anxiety, self-harm and suicide (McNeil *et al.*, 2012). This finding was also borne out in more recent research which confirmed young trans individuals experience increased levels of depression and suicidality (Reisner *et al.*, 2015). Further research with LGB populations has demonstrated how they are more likely

than heterosexuals to attempt suicide (Cochran and Mays, 2000). Within their systematic review of studies addressing trans mental health in the US, Valentine and Shipherd (2018) highlighted high levels of depression and anxiety, as well as alcohol and substance misuse, alongside suicidality as key issues. The fatalistic assumption that mental health issues are an inevitable outcome of being trans should, however, be avoided. Research from the Netherlands demonstrated how trans individuals can be supported in maintaining positive mental health outcomes when receiving gender-affirmative treatment by specialists who are knowledgeable and sensitive to trans individual's needs (De Vries *et al.*, 2014). Nevertheless, wider research highlighting the ongoing disparities in trans mental health has demonstrated the need to investigate more fully the risk factors associated with suicide and self-harm in minority communities; McDaniel, Purcell and D'Augelli (2001) note the specific need for research to understand the predictors of suicide specifically amongst trans individuals. Valentine and Shipherd's (2018: 12) review also elucidated an area of concern, whereby the overconcentration of studies that focus upon mental health issues for trans individuals can serve to reinforce narratives of pathologisation of individuals, rather than exposing the nature of the social environment that is a generative factor in the mental health concerns of individuals experiencing the 'pervasive discrimination, violence and exclusion' inherent in contemporary society for trans individuals (Lombardi *et al.*, 2002: 91).

#### 3.4.7 Persistence of social exclusion in spite of legal protections

UK legislation and policy that enshrines the rights and protections of trans people has expanded in recent years; the inclusion within hate crime

protections as noted above and also inclusion (for some) within the protections afforded by the Equality Act (2010) both serve as examples of this expansion. The Equality Act (2010) streamlined previous legislation and guidance on gender related issues to give explicit protection to 'transsexuals' from discrimination and victimisation in the workplace and in receipt of goods and services. The Equality Act (2010) extended the previous legal protection for trans people under the protected characteristic of 'gender reassignment'. Unlike previous equality laws, the Act did not require a person to be under medical supervision to be protected from discrimination, but it did require the person to be "proposing to undergo, is undergoing or has undergone a process (or part of a process) for the purpose of reassigning the person's sex, by changing physiological or other attributes of sex" (*Equality Act, 2010, s7*).

The Equality Act (2010) represented progress in so far as this Act went beyond the protections afforded by the earlier Gender Recognition Act (2004), established as a means to administer and regulate the process by which individuals could secure changes to official documents after applying for and being granted a Gender Recognition Certificate (GRC). The terminology of the legislation could be interpreted as leaving scope for the protection of individuals who were not yet in receipt of interventions to facilitate a physiological transition. However, trans organisations and community groups criticised the use of terminology adopted within the legislation, and in particular the use of 'transsexual', as outdated, restrictive and confusing. The use of the term 'gender reassignment' was perceived to be more limited than for instance 'gender identity' and the Equality and

Human Rights Commission (EHRC) guidance on the Act made explicit that whilst the Act recognised that some people would prefer other terms including 'transgender', the guidance made clear that individuals were not protected by this legislation unless they proposed to change their gender or had already done so.

The definitions and principles which are prescribed in law have an impact upon the ways in which the subjects of those provisions are classified and judged within a social context. As highlighted above at 2.2.2, by arguments that note the symbolic impact of hate crime laws (Mason, 2013, 2014). Sharpe (1999) discussed the interaction between legislative regulations and the public gaze in their research in western Australia. They found that where individuals were left unprotected by legislation, spaces were created where individuals could be legitimately exposed to discrimination by virtue of there being no explicit protection for them enshrined within legal statutes. Legal categorizations of trans individuals imposed what Sharpe (1999) termed a medico-scientific 'truth', whereby trans individuals had to demonstrate their 'authenticity' through their commitment to undergoing surgery. In this way, the process of legal categorisation of trans identity served to funnel people into acceptable identity categories by filtering out any opportunities to be recognised or protected within non-binary gender identities (Fuss, 1991; Seidman, 1993).

The pace of development within the trans movement had left many of the existing legal instruments outdated - in particular, the once seminal Gender Recognition Act (2004), which has most recently been under review with a mind to reducing unnecessary barriers it presented to trans individuals in



seeking to change official documentation. As such trans individuals are seen to be given special protection within the law and local policy but in reality, these administrative barriers serve to deny trans individuals of their rights and recourse to justice and ultimately expose individuals to social exclusion (Divan *et al.*, 2016).

The concept of social exclusion has been used to describe the exclusion of trans people as a result of society's historic conflation of trans identities with homosexuality and the moral judgment of homosexuality as a sin (Fish, 2010). As well as being viewed as a moral underclass, the lives of trans people have also historically been 'perceived as deviant or abnormal' (Moolchaem *et al.*, 2015) and thus excluded from mainstream society and its institutions. The stigmatisation, exclusion and marginalisation that trans individuals faced emanated from an unsupportive and hostile external social environment but manifested from an early age with the rejection of their identity by parents and other close family members (Grossman *et al.*, 2005; Kane, 2006; Perry and Dyck, 2014). This can generate a ripple of factors that compound trans individuals' experiences of social exclusion throughout the course of their lives, when family rejection impacts upon individuals' mental health (Klein and Golub, 2016) and ability to engage with an education system that may also be ill-equipped to properly support trans young people (McGuire *et al.*, 2010). Negative experiences and missed opportunities to reach their potential within the further education system can impact upon later employment and earnings (Leppel, 2016) and lead to increased risk of homelessness (Matthews, Poyner and Kjellgren, 2018).

In their meta-synthesis of 31 qualitative studies related to the lived experiences of trans people, Moolchaem *et al.* (2015: 164) concluded that 'social exclusion is a common aspect of the lived experience of many transgender persons' and as a result of this social exclusion, individuals 'tend to experience stigma and psychological distress, affecting their health and well-being' (166). The social exclusion experienced by trans individuals in our contemporary society can be explained as a result of 'the numerous ways in which heterosexual privilege is woven into the fabric of social life, pervasively and insidiously ordering everyday existence' (Jackson, 2006: 108). Further, Herek (1990) demonstrated, in a similar mode to that by which heterosexism maligns non-heterosexual relationships, how a form of *gender fundamentalism* is permitted within our society which serves to regulate and stigmatise individuals that are perceived as not conforming to boundaries associated with upholding a binary formulation of gender (Tomsen and Mason, 2001). Bornstein (1994) termed the individuals who enact the regulation of gender boundaries "gender defenders" and posited that these individuals felt legitimised in their violence by labelling trans individuals as "deserving" of the violence they encountered (Merry, 2006):

"There is most certainly privilege to having a gender. Just ask someone who doesn't have a gender, or who can't pass or who doesn't pass. When you have a gender, or when you are perceived as having a gender, you don't get laughed at in the street. You don't get beat up. You know which public bathroom to use, and when you use it, people don't stare at you or worse. You know which form to fill out. You know what clothes to wear. You have heroes and role models. You have a past" (Bornstein, 1994: 127).

Mediated by the drive of identity politics approaches to draw distinct boundaries around identity categories and the siloed manner in which that

process takes place, many trans individuals are exposed to violence because they cannot be visibly categorised as trans and so are instead targeted on the basis that they are guilty of 'deception' through the perceived concealment of a hidden 'truth' from society (Jauk, 2013). The prevalence with which social exclusion has been demonstrated as underpinning many trans individuals' lives, in addition to the lifelong implications of such, provides ample cause to explore in more detail the everyday lived experiences of trans individuals to further illuminate the harmful impact of our social environment.

#### 3.4.8 Violence and everyday experiences

Initially it is important to acknowledge the disproportionately violent experiences of hate that trans people are exposed to (Kidd and Witten, 2010; Lombardi *et al.*, 2002; Moran and Sharpe, 2004; Namaste, 2000) . Compared with victimisation experienced by the non-trans population, Bettcher (2007) and Lynch (2005) noted the brutality with which trans individuals have been attacked. It has also been noted how a large percentage of trans individuals have experienced sexual violence (Kenagy and Bostwick, 2005).

The works of Lombardi (2002) and that of Moran and Sharpe (2004) illustrate the intersectional complexities that define various experiences of and exposure to violent attacks within trans communities. In particular, an individual's economic status was deemed to be a determining feature of those most likely to experience violent attacks alongside other everyday experiences of verbal abuse and wider discrimination. Over half of Lombardi's participants reported experiencing violence or harassment at

some point in their lives and most had experienced this more than once in their lifetime. Incidents ranged from being physically assaulted with a weapon (19.4%), to having objects thrown at them (17.4%). Over a quarter reported having experienced a violent incident and nearly 14% reported attempted or actual rape. The most common experience reported was of verbal harassment as a result of their trans status.

The sustained and prevalent nature of everyday harassment in trans individuals' lives has been demonstrated above to have further implications for individuals' mental health. Meyer's (2003) minority stress theory sought to explain the routes to poor mental health and claimed that sustained experiences of stressful social encounters that involved direct exposure to discrimination and violence alongside the anticipation of social rejection resulted in trans individuals adopting a consistently high-alert state as a coping strategy for dealing with future potential threats. Sustained exposure to these real and perceived threats leads trans individuals to internalize the negative attitudes they experienced in the social environment which led to them concealing their gender identity, all of which lead to an increase in mental health issues for trans people.

#### 3.4.9 Community survival strategies that present their own harms

There has been an expanding field of research noting the harmful impact of *transnormative* ideals (Johnson, 2016) generated within the external social environment but then internalised by trans individuals and promulgated throughout trans communities of support via narratives of *self* that are

grounded within the medical discourse around how trans individuals achieve intelligibility of their identity within society (Johnson, 2015).

Other than that, outlined above, there has thus far been relatively scant academic research undertaken to understand trans people's lived experiences of violence and hate. Further, Namaste (2009) noted how the academic discussions which had taken place were dominated by the feminist tradition posing 'the transgender question' as a method of exploring the constitution of gender itself, rather than as a mode of revealing the impact of our social environment, including the categorisation of gender, on trans individuals. But, whilst the issues experienced by trans individuals have been under-explored by academics and within the wider public domain, trans individuals and communities have maintained an acute awareness of their experiences and have relied upon the sharing of experiences and the knowledge gleaned as a result as 'a fundamental aspect of survival' (Namaste, 2009: 13).

As a result of trans individuals' reliance upon the medical system for achieving a recognised identity, trans individuals participate in narrative practices of *accountability* (Johnson, 2015) that legitimise their identities in the vision of the medical model of trans identity (Gagné and Tewksbury, 1999; Gagné, Tewksbury and McGaughey, 1997; Mason-Schrock, 1996; Schrock, Holden and Reid, 2004; Schwalbe and Mason-Schrock, 1996). The production of community narratives that are built around and proliferate the 'wrong body' trope act as a tool of success and survival within the social, medical and legal systems regulating the boundaries of gender. However, these tropes also serve to erase alternative realities of gendered identity that

are 'fluid, emergent, processual, or interactional and constituted by social norms and influences' (Johnson, 2015: 807). The significance of this form of harm bears relation to the analysis of the lived experiences captured within this research study and explored throughout chapters six, seven and eight. At this stage, I simply acknowledge that the encountering of these normatively aligned accounts of intelligible and therefore acceptable trans identities presents a fundamental denial of recognition for individuals' unique characteristics as of value in the wider world.

### **3.5 Key theoretical approaches**

The final section of this chapter addresses some of the prevalent and relevant theoretical discussions relating to trans identities and individuals' experiences of hate and violence. In symmetry with the unfolding of the above discussion, the initial section outlines the theoretical discussions in relation to prevailing conceptualisations of gender and the challenges that trans identities present to this framework. Here, some contemporary theoretical paradigms which seek to address this gap are discussed. The chapter then addresses pertinent theoretical explanations for the harmful and violent experiences of trans individuals.

#### **3.5.1 Theories of gender**

In their review of the available research and literature that present potential challenges to the assumed existence of an underpinning binary order to human society, Hyde *et al.* (2018) first highlighted the paucity of psychological research that does not present trans individuals as primarily disordered or dysphoric. There were, however, a number of works of

significance presenting substantive challenges to the prevailing conceptualizations of gender as dictated by the existence of a biological binary of sex.

As presented above, prior to the 21<sup>st</sup> Century there was little critical discussion or challenge presented to the traditional psychological literature that presented gender as a *state* of being (e.g. "I am a woman") grounded within a biologically determined model that conjoined sex with gender. Over the last two decades, alongside the rise of the trans activist movement (Martinez-San Miguel and Tobias, 2016; Stryker, 2008), some recent developments in psychological science and neuroscience have presented some key challenges to the traditional discourse. In short, research from within the neurosciences has suggested that it can no longer be suggested that humans are divisible on all levels, biologically or otherwise dimorphically. New research has demonstrated the existence of an overlapping *mosaic* nature of brain features that have traditionally been understood as *male* or *female*. In addition, social neuroendocrine research demonstrated the existence of hormones traditionally conceived of as 'male' i.e. testosterone, and 'female' i.e. oestrogen as produced in both men and women at different levels and therefore cannot be presented as determining of gender (Hyde et al, 2018).

Of note within contemporary psychological research, academics such as Tompkins (2015) noted the existence and acceptance of multiple expressions of gender within indigenous nations of the Americas, alongside the work of European settlers to actively eradicate, through criminalization and pathologisation, gender that fell outside of their westernised, binaried

ideals. Hyde et al (2018) posited that research that acknowledged the existence of trans individuals and their lived experiences of sex and gender challenged the core conceptualisation of gender as a) accurately assignable at birth based on physiological sex characteristics, as for trans individuals their self-identified gender identity does not match their physiology; and b) a binary order where humans are divisible into one of the categories of male or female, as some trans individuals experience their gender identity as non-binary (See Galupo et al, 2017).

Finally, Hyde et al (2018) also suggest that psychological research prompted a more nuanced consideration of what it is to *be* gendered and to *do* gender in the social realm. Tate, Youssef and Bettergarcia (2014) suggested that the tradition of collapsing these two issues into one another has not provided appropriate space for a consideration of the differences and the connections that exist between these two experiences. These underpinning interpretations of what it is to *be* and *do* gender in relation to trans identities will be explored in more detail here.

Sociologists West and Zimmerman (1987, 2009) in contrast to the psychological perspective of gender as a core *state of being*, introduced the concept of *doing gender*. This mode of analysis was linked to the explanation of gender as socially constructed (see Marecek *et al*, 2004). Rather than conceiving of gender as a single identity characteristic, West and Zimmerman drew attention to its emergent nature within and through the social environment and in interaction with others.



As discussed above, much of Western society holds a 'moral conviction' about the unquestioning nature of men and women as naturally occurring and unequivocal categories with distinctive characteristics, both psychological and behavioural, that define each (Garfinkel, 1967: 117). But instead, Thorne (1980: 11) suggested these categories were better conceptualised as distinct 'social groups' grounded in 'historically changing – and generally unequal – social relationships'. West and Zimmerman (1987) challenged society's assessment of gender as naturally occurring by analysing how gender is exhibited and expressed through interactions that are the result of the normative social order attached to how women and men are 'supposed' to behave. In this way, gender is understood as 'a routine, methodical and ongoing accomplishment' (West and Fenstermaker, 1995: 9). Goffman (1976) explained gender 'displays' as ritualistic acts that conveyed meaning to others within the terms of that interaction. Conceiving of these displays as 'perfunctory, conventionalized acts' Goffman (1976: 69) regards them as somehow optional performances on the part of those offering and receiving them which he suggested foregrounds these displays as emanating from our capacity as *humans* rather than specifically as either *males* or *females*.

West and Zimmerman (1987) conceived of such gender display not as something that takes place on the peripheries of life, but instead they saw, 'doing gender [as] an ongoing activity embedded in everyday interaction' (West and Zimmerman, 1987: 130). It is this detail that bears significance for trans individuals' experiences of dysphoria related to their expression of a gender identity that is somehow contradictory to these naturally assumed fundamental connections. West and Fenstermaker (1995) suggested gender

is achieved in social interaction with others; to achieve recognition in society, gender must be enacted in ways that are socially recognisable and intelligible as constituting viable subjecthood. Gender is also a performance of sorts between individuals and groups and the stage upon which these interactions take place exists in all institutions and environments in which we interact with one another (West and Fenstermaker, 1995). Consequently, Gagné, Tewksbury and McGaughey (1997: 479) argued that gender identity is 'learned and achieved at the interactional level, reified at the cultural level, and institutionally enforced via family, law, religion, politics, economy, medicine, and the media'.

West and Zimmerman's (1987) concept of doing gender was expanded upon by Butler (1990, 1993) to produce a theory of *gender performativity*. Butler's feminism has been widely criticized by Namaste (2000, 2009) for her deployment of trans lives and experiences as a mere vehicle for elucidating other issues associated with gender, race, and class categorisations within our society. Butler's theorisation of gender dismantles ideas associated with gender being a fixed, stable identity category or as an *essence* from which the various facets of our personalities emanate. Instead, Butler foregrounded a *performance* of gender as a collection of acts associated with appearance of the body, gestures and other presentations that together create an 'illusion of an abiding gendered self' (1998: 519).

Trans studies authors have critiqued the merit of a social constructionist explanation of gender and have proposed several ways in which trans experiences of embodiment challenge the central proposition that gender is socially generated, and that gender role ideals are ascribed to those with the

associated sexed bodies. The main objections put forward by Feinberg (1992) suggested that social constructionism oversimplifies the complexities of assuming a body that is both liveable for the individual and socially intelligible. In doing so, it disavows the various realities of bodily materiality and as a theory, it does not provide scope for the deviations from the norm in the form of 'bodily resignification or resistance' (Salamon, 2010: 73) that characterize some trans individuals experiences of gender. Feinberg's (1992) rejection of social constructionism as a theory is grounded in its requisite for passive subjects that absorb the hegemonic social rules related to only two gender roles. This is contrasted by Feinberg's own experience as an active subject who exists outside of the binary gender order where 'gender is a poetry each of us make out of the language we are taught' (Feinberg, 1992: 10). Therefore, social constructionism is often rejected as constraining the agency of trans individuals to self-determine their gender (Green, 2004).

Namaste (2000, 2009) and others took issue with the manner in which Butler came to her conclusions which she derived from a blinkered consideration of the conditions under which transsexual drag artist *Venus Extravaganza* was murdered in the documentary film *Paris is Burning*. Namaste (2000) suggested that Butler's theorisation negated the way in which Extravaganza's trans identity shaped the social relations in which she lived. Significantly, Namaste also took issue with the reduction of trans identity to a matter of mimicry and trans individuals as therefore reduced to social actors complicit within the hegemonic gendered hierarchy central to the feminist cause. Namaste also noted how Butler's theorisation implicitly

undermined the reality of trans identities and as such could be used as a tool by anti-trans actors across society. Further exploration of the challenges represented by this mode of gender theorisation are discussed in the following chapter at 4.6.

As outlined by Taylor and Addison (2013) there are examples of research that proposed more nuanced theories of gender identity, including the pioneering work of trans theorists Feinberg (1996), Bornstein (1994) and Wilchins (1997), credited by Ekins and King (2006: 21) as establishing 'a new paradigm for the conceptualization and study of transgender phenomenon'. Such academics are leading a shift towards analyses that focus upon the ways in which society is 'characterized by transphobia and gender binarism' (Suess, Espineira and Walters, 2014: 74). For now, what can be taken from this overview of the theoretical terrain in relation to constructs of gender identity is that trans identity is best understood as a complex and nuanced combination of both '*being* and *doing*' (Hyde et al, 2018: 10).

### 3.5.2 Theories of violence against trans people

The violence targeted against trans individuals (and trans women more specifically, as noted by Namaste, 2009) has been explained as a form of gender boundary policing and regulation (Bornstein, 1994b; Lynch, 2005). Trans individuals are targeted as in some way transgressing the normative binary dichotomous system which demands that individuals must look, act and express a gender identity that is congruent with their biological sex (Lucal, 1999; Tomsen and Mason, 2001).

The most comprehensive theoretical framework to have been developed in relation to trans violence, and which recognised the range of manifestations of violence experienced by individuals, is found within Hill's (2003) incorporation of the brutality of interpersonal violence, social rejection and regulation, and the systemic violence perpetuated by the normative conscription of the western social world to a binary gender ideology. Hill described each of the points on his scale as 'genderism', 'transphobia', and 'gender bashing'.

Hill's (2003) work to develop the concept of 'genderism' was inspired by feminist development of the term 'sexism' as representative of the mode via which women are subordinated. For Hill (2003) 'genderism' is defined as the cultural discomfort exhibited in the western world with the idea of a gender system that is a continuum rather than a dichotomous system consisting of two fixed sex/genders. Genderism is an important cultural notion that underpins and sustains the negative evaluation of anyone perceived to be expressing gender identity outside of these two distinct categories. 'Genderism' manifests through institutional policies and practices whereby the cultural beliefs around a dichotomous gender order are naturalised and enshrined within normative perceptions and 'the way things are done' to produce discrimination and inequalities for trans individuals. As Goffman (1977: 72) suggested, social situations 'do not so much allow for the expression of natural difference as for the production of [those] difference[s themselves]'. As such, violence directed against trans individuals is justified on the basis that they are less worthy than those who conform to this social system infused with such import.

Hill's use of the term 'transphobia' is in close alignment with the term 'homophobia' established by Weinberg (1973) referring to the prejudice directed at gay men and lesbian women. 'Transphobia' is best defined by Wilchins (1997: 230) as the 'fear and hatred of changing sexual characteristics' and was positioned as the motivating force behind individuals' fear and disgust of trans people in society. 'Transphobia' manifests through individual responses and reactions to an individual's perceived transgression of the gender norm. As Califia (1997) observed, trans, gay and lesbian individuals were each exposed to experiences of both homophobia and transphobia as a result of the challenges of interpreting whether a person is indeed trans or not.

'Gender bashing' is deployed in parallel to the more familiar 'gay bashing' term and was used by Hill (2003) to describe violent interpersonal acts including harassment and abuse directed at trans individuals as a result of the individual's non-conformity with the hegemonic gender norms of western society. 'Gender bashing' was seen as the overt violent expression of the cultural environment (genderism), infused with a sense of fear and disgust (transphobia) towards trans individuals (Hill, 2003).

As noted above, Herek's (1992) original conception of the cause of violence against LGB individuals as rooted in the accomplishment and maintenance of hegemonic masculinities (Messerschmidt and Tomsen, 2018) still prevails and has had its net cast wider to also encompass perceived motivations behind trans directed violence. This theory contended that expressions of violence ('gay bashing' and 'gender bashing') served as tools of affirming a

masculine form of social value and solidarity amongst their peers (Herek, 1990). However, Hill (2003) contended in his research that rather than the expressions of violence that might be termed 'gay bashing' or 'gender bashing', the more subtle but insidious results of genderism and transphobia were far more likely features of a trans person's lived experience. Thus, the maintenance of hegemonic masculinities theory cannot be utilized to explain the full expanse of harmful violence experienced by trans individuals.

Hill's (2003) research demonstrated the process of evaluation that trans individuals undertook on a daily basis in order to weigh-up the potential risks and rewards associated with expressing themselves in a way that identified them as trans. Set within an environment permeated by 'genderism' that reminded individuals that society did not accept those that sit outside of the perceived dichotomous gender system (Hines, 2007), trans individuals experienced shame and stigma associated with their gender identity and engaged in the daily management of their gender expression as a matter of safety. It is on this basis, faced with the threat of 'erasure' from social intelligibility, that trans individuals may adopt a binary identity in line with the prevailing medical model of transgenderism (Gagne et al, 1997: 480) as a method of achieving 'security within a culture that that is hostile to gender ambiguity' (Hines, 2007: 69).

Finally, Hill (2003) asserted that the participants in his study were 'simply living the variability of human experience, and denial and pathologisation of this diversity are nothing short of violence' (136). Further Devor (1995) suggested that to deny trans subjectivities was to deny reality and as such, they both implored further research that reflected the true expanse of

gendered identities and the lived experiences of individuals in the context of the external social relations and ideology that directs our lives. This concept of structural violence is not a new one and Galtung and Høivik (1971: 73) refers to it as 'the violence which kills slowly'.

In 2004, Butler produced a collection of essays that gave consideration to people who were excluded from *inclusion* within society on the basis of their status as a fundamental *human* subject. In this context, Namaste (2009) noted Butler's interest in exploring and exposing the limits of the category of *human* as providing an essential theoretical backdrop for the consideration of 'why violence against transgender subjects is not recognized as violence, and why this violence is sometimes inflicted by the very states that should be offering such subjects protection from such violence' (Butler, 2004: 207; 217). As a result, Butler argued the political importance of the production of further knowledge, which exposed the lived realities of violence experienced by trans individuals.

### **3.6 Chapter conclusion**

This chapter has presented the key distinctions and associations between the categories of sex and gender. In so doing, it has also presented further examples of contemporary research which has served to challenge the scientific domain assumptions that have historically presented sex as biologically determined and that links gender to sex, thus completing the deterministic hegemony that has underpinned understandings of sex and gender.



The critical relationship between trans individuals and the medical and legal systems which determine the prevailing interpretations of sex and gender in society has been demonstrated. Furthermore, the chapter has elucidated the ways in which the normative beliefs that these structures and institutions uphold have harmful impacts on trans individuals' interpretation of their own identity and in terms of the permission their definitions give to wider society to stigmatise and discriminate.

There is a lack of officially recorded data regarding trans individuals experiences of hate crime. Empirical research exploring trans individuals' lived experiences of discrimination at work, and in engagement with crucial health care services, exposes a picture of trans lives that are impacted by discrimination, stigmatisation and social exclusion. This is noted to occur to such an extent as part of individuals' everyday experiences that it prompts individuals to engage in a process of daily management of their exposure to risk in society, with detrimental effects on their mental health.

The chapter also highlighted how trans individuals' internalisation of the norms and values of this external environment leads trans communities to perpetuate transnormative evaluations of specifically socially intelligible trans identities. Finally, it was noted how the theoretical work that has sought to address gender differences and the experiences of harm and violence trans individuals are exposed to foregrounds the complex notions of gender identity that trans individuals experience as the navigation of a process of both *being* and *doing* gender. Also highlighted was violence as manifesting interpersonally, alongside discrimination and transphobia and, most insidiously, through the deployment of a form of 'genderism' that

represents a binary gender ideology that legitimised the active patrolling and regulation of gender boundaries by all throughout everyday life.

## **4 Chapter Four: Theoretical framework**

### **4.1 Chapter outline**

This chapter provides a critical overview of some key theoretical tools that are drawn from outside of the fields of hate and trans studies but nonetheless offer an opportunity to advance academic thinking beyond the scope of the explanations for hate against trans individuals reviewed in the preceding chapters. The first section presents the rationale behind this move to extend the analysis of the research study data beyond the prevalent theoretical notions. The chapter then moves on to outline the theoretical bricolage that first establishes the merit of utilising a theory of social harm (Hillyard and Tombs, 2007; Yar, 2012a, b) to acknowledge the full expanse of the experiences that characterize the trans participants' lived experiences. With the assistance of Žižek's (2008) contention regarding the existing of 'systemic' and 'symbolic' forms of violence, the framework also acknowledges of the various social structures and systems through which harms manifest in everyday life.

The chapter then situates the analysis within the contemporary socio-political neo-liberal era of capitalism to explain some of the generative and driving forces behind individuals' experiences of victimisation and in the motivations of those who inflict harm upon others. The relevance of this macro socio-political economic environment upon individuals' micro level lived experiences is underlined through a consideration of the 'transcendental materialist' (Žižek, 2000; Johnston, 2008) process of subjectivity formation which draws upon Lacanian psychoanalytic theory to understand how subjectivities emerge in interaction with and reliance upon

this macro external environment to provide meaning to our human existence. In short, this contextualisation in combination with an explanatory framework that foregrounds the process by which individuals become intelligible subjects reveals the role played by the solidification of a neo-liberal hegemony throughout our social system and institutions of governance in shaping lived experiences of harm.

#### **4.2 Theory emerging from the field**

The need to explore a departure from the established theoretical assumptions implicit within hate crime scholarship to date was led by the grounded ethnographic approach explained in detail in the subsequent methodology chapter at 5.4.2 and 5.5. In order to present a faithful interpretation of the lived experiences conveyed by participants, it became necessary to consider an alternative theoretical paradigm to those that posit trans individuals' experiences of hate as primarily concerned with acts that are prohibited in legal terms and identify the cause of such incidents as the individual offender's fear and dislike of transgender identity.

This theoretical framework seeks to invert the entrenched fetishistic gaze upon trans individuals by first identifying experiences that fall outside of interpersonal forms of subjective violence commonly recognised as hate crimes. This is achieved by highlighting other forms of violence that manifest through more insidious interactions with other individuals and with institutions and systems established to support and protect trans individuals. Žižek (2008) refers to these as 'objective' violence. The existence of 'objective' forms of violence within society goes unacknowledged yet

provides the foundation for the violent ruptures between individuals or small groups that we notice and emphasize as problematic and harmful in our society.

By shining a light upon these unacknowledged harms we can begin to better understand the world from the perspective of trans individuals rather than via a narrow fascination with how trans individuals and identities problematise the world for others (Namaste, 2000). This shift can be achieved by stepping away from responses that are solely concerned with the punishment of individuals with bigoted prejudices as the generative force behind the hate that trans individual's experience on a day-to-day basis. Instead, a more fulfilling line of academic inquiry would be to scrutinise and expose the structures and ideologies that produce contemporary subjectivities primed and justified in their fear of the other. Such an approach can aid a deeper understanding of the formation of trans subjectivities and how socio-political and economic factors foster the environment in which most trans subjectivities cannot exist. Trans individuals experience harms associated with conforming to the hegemonic rules of citizenship, for example in aligning their gendered expression with a binary conceptualisation of gender, but in doing so individuals seek to gain recognition within and by the very forces that are responsible for their abject status in society.

### **4.3 A theory of social harm**

'Some of the most significant problems facing contemporary society not only lie beyond the present scope of legal prohibition but are thoroughly normalized and integral to the functioning of liberal-capitalist political economy'.

(Raymen, 2019: 134)

The concept of *social harm* is deployed here as a mode of exploring experiences that occur outside of the narrow conceptualisation of a hate crime, or indeed what may be recognised as a hate incident. Borne out of the critical criminological perspective, the concept of social harm posits that individual action and experience can only be sufficiently understood by situating it within the entirety of the social environment it occurs within, including the institutions that administer our everyday lives (Hillyard and Tombs, 2007). Further, it positions this external environment as *a priori* and integral to the formation of a human subjectivity that is generated in interaction with it (Hoffman, DeHart and Collier, 2006).

The shift in focus to the social, moves away from the underpinning assumptions of human agency, understood as the capacity for individuals to think and act in their own right (Elder-Vass, 2010), as the explanation for all social behaviour. Sociology as a discipline is founded upon the assumption that our lives are influenced by social factors. For example, Marx (1978 [1859]: 4) himself wrote that 'It is not the consciousness of men that determines their being, but on the contrary, their social being that determines their consciousness'. However, the concept of social structure has been criticized as being 'nebulous' (Lopez and Scott, 2000:1). Nevertheless, as Elder-Vass (2017: 89) contends 'discussions of structure, agency and the social have overwhelmingly assumed that the crux of social ontology is the relation between the social on the one hand and the contributions of human individuals on the other'. The network of social structures that are acknowledged as having some influencing role on our lives can be broadly split as composing of both human agents and non-human

organizing structures. For example, anthropocentric accounts of social structure emphasize the role of the individual human agent and the intent of the interactions between them via communication and language as the key influencing factor shaping our behaviour and experiences (Latour, 2013). Whereas social structuralists rank the influence of our social context as the generative force behind our behaviours. Elder-Vass (2017) notes how individualists would primarily conceive of social events via the causal contributions of individual human agents (as is the common approach of the CJS to hate). For some sociologists this conceptualization of human agency, as the primary mode of existence and therefore able to explain all social behaviour, disregards any ascription of causal power to social structures within society. Whereas others who acknowledge the structural character of society look to wider gatherings of groups of individuals as the primary causative factor in a given situation. Through this latter expanded role of individuals, the role of families and social organisations such as clubs or societies, and geographic communities such as neighbourhoods, are acknowledged as having a role in influencing our experiences.

A number of social institutions operate at the meso level of society betwixt individual and group relationships and the State, for example banks, schools, and health care providers hold power and exert influence over our everyday lived experiences. In addition, Elder-Vass (2010) highlights the role that social norms and rules have on influencing the beliefs and social outlook of those that are absorbed within them similar to the 'cultures of prejudice' identified by Walters (2011: 314) and discussed previously at 2.4.1. For example, social approval and status is achieved via a process of knowing and

conforming to the social norms attributed to a given social interaction. At a macro level state instituted structures organize social life through the economy, politics and justice. The key influences that individuals are exposed to in social life can be broadly defined in terms of those that impact upon the choices and preferences of individuals (as is the focus of much psychological enquiry) and the external conditions and constraints that facilitate or prohibit individuals from realizing their personal choices and preferences (Blau, 2017).

Pemberton (2016) places the origins of the social harm approach within the period of modernity and in particular Engels' analysis of 'The conditions of the working class in England' (1987 [1886]). Here Pemberton highlighted how Engels first made the connection between the widespread harms experienced by the proletariat and the structure and organisation of social relations of the time which were dictated by class divisions founded upon the labour-capital relations of the time. This led Pemberton to assert the significance of adopting a social harm approach to our contemporary neo-liberal manifestation of 'capitalist crisis' and the politically driven austerity measures that have disproportionately impacted the most vulnerable in society (Hastings et al, 2015).

In contrast to the hate studies approach, which directs scrutiny towards social structures as an explanatory factor, a social harm approach identifies social structure as harmful in and of itself. This approach is able to highlight harms that arise when opportunities to flourish are impeded by structural denials of social capital required for individuals to exercise agency over our personal choices (Pemberton, 2016). Adopting such an approach to help



explain the lived experiences of trans individuals counters the liberal informed discourses, that are embedded within contemporary neo-liberalism and prevailing domain assumptions within hate studies, that direct concern and culpability towards an individual's psychology or biology in a way that belies consideration of the socially situated context in which harms are fostered.

In order to effectively account for a social phenomenon such as hate, it is necessary to consider the range of generative and causative structures and processes that underpin our lived experiences. As has been illuminated within the literature overviewed in chapter two, hate occurs in messy, complex, nuanced and idiosyncratic ways that evades simplified explanations that do not account for the multiple causal factors that are interacting with each other to inform and influence a hate crime or incident. In line with influential discussions on the reconciliation of both structure and agency (Giddens, 1984 Bourdieu, 1984, 1990, Archer, 2000) accounts of social life, the transcendental materialist (Žižek, 2000; Johnston, 2008) perspective, as shall be elaborated upon further as section 4.5, demonstrates the role of human agency in contributing to the functioning of social structures and therefore illuminating the roles of both structure and human agency in explaining our lived experiences.

Hate studies has often been dismissively associated with the administrative project in criminology and the adoption of a social harm approach is not to deny the struggle it too has had with resisting the pull to align its scope in terms of those harms already recognised within the CJS (Laslett, 2010, as cited in Raymen, 2019). This issue can be seen as a reflection and

manifestation of the neo-liberal common sense and normalising impact it has in terms of reinforcing the view that a certain level of minor harm should be expected and tolerated in the pursuit of 'freedom' (Hall and Winlow, 2018).

An expansively conceived social harm approach should challenge the basis on which specific harms came to be defined as 'crimes', as well as the rationale for 'addressing' such harms through the CJS, which is well documented as subjecting victims and offenders to further harm (Henry and Milovanovic, 1999: 30). Here, by looking outside the restraints of the legal system's monopoly on what can be legitimately understood as harmful, we can see how a social harm analysis offers opportunities to consider the variety of harms trans individuals experience throughout multiple aspects of their lives. A social harm perspective provides scope to consider both the direct harms experienced, for example, in engagement with the institutions of medicine and psychiatry, in addition to questioning the ideologically informed rationale under which the engagement of trans individuals with these systems of regulation is required.

#### **4.4 Neo-liberalism: the contemporary socio-political economic system**

'The paradox of a turn away from economy to culture at a time of continuing if not growing economic problems is becoming increasingly apparent. The silence on these matters cannot continue much longer, and a fresh examination of the relationship between culture and economy is required'.  
(Ray and Sayer, 1999: 21).

The origins of neo-liberalism are regarded to have been the outcome of a post-war liberal project (Jessop and Conflict, 2012). The key principles of neo-liberalism that are now widely acknowledged as underpinning our

contemporary socio-political economic environment are chronicled as having been established throughout the early seventeenth century at a time when capitalism was taking hold as the primary organising dynamic of society following the disintegration of feudal institutions (Duggan, 2012). Often claimed as the legacy of Margaret Thatcher's Conservative government in the UK, neo-liberalism has been defined as the 'political economic paradigm of our time' (Chomsky, 1999: 7). It is a way of defining human beings in 'market' terms and as such, Davies (2016: 6) defines neo-liberalism as 'the pursuit of the disenchantment of politics by economics'. Social relations are no longer considered a distinct sphere but have been engulfed and absorbed by a market logic to the extent that Nunn (2015: 3) described the contemporary environment as a 'World Market Society'.

Arising simultaneously alongside capitalism, liberalism was the political theory that developed in order to justify and naturalise the ethos of market logic supporting capitalism (Harvey, 2007). Liberalism was crafted to justify a new social structure to the feudal society that had preceded it and to offset fears articulated by Hayek (2001 [1944]) that rising socialism would lead inevitably to fascism and the encroachment of totalitarianism<sup>2</sup>. Despite the improvement liberalism represented, it has been critiqued as an ideology steeped in an individualistic ethos that at the time of its conception served the interests of a specific group of wealthy, powerful landowners (white males), and subsequently owners of the means of production, who had a vested interest in maintaining access to the means of upward mobility

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<sup>2</sup> Totalitarianism can be defined as a political system that results in the 'negation of the individual' (Stedman Jones, 2012: 68).

(Averbeck, 2018). A central feature of the rationale that underpinned liberalism was the establishment of limits on the reach of government to ensure a balance between state governance and individual freedom (Noonan, 1999).

As liberalism developed historically, and in its contemporary manifestation through neo-liberalism, it overemphasized the value of individualism in pursuing its fundamental principles of 'equality' and 'liberty' over and above other forms of freedom including 'political freedom' which can be seen as a primary means through which individuals can collectively influence and change the conditions which might enable them to realise their potential. Liberty is narrowly conceived of by Hayek (2006 [1960]) as achieved when an individual is free from the coercion of others to act upon a single aspect of his own free will. This logic precludes the acknowledgement of structural restraints exerted through hierarchical systems of class, gender and race for example, and therefore dismisses any role for the State to address the inequalities that arise from such systems. The principles of 'equality' and 'liberty' are admirable for any society to aspire towards, the pursuit of these principles via an emphasis on individual liberty though fails to acknowledge (or cynically denies) the realities of how power is structured within society (Averbeck, 2018).

The two most significant legacies of the emergence of liberalism relevant to this thesis are realised by the power of liberalism to present its perspective as the proper and universally inevitable way. Firstly, the firm demarcation it made between the State and the economy as separate, unrelated realms (Polanyi, 1957) paved the way for contemporary neo-liberalism to assert the

management of the economy as a matter of 'technical expertise' (Duggan, 2012: xiv) separate from matters of culture or politics. This domain assumption logically permitted the argument in contemporary society that economic success is won on the basis of technical knowhow or merit via the 'ladder of opportunity for all to climb' (David Cameron, Conservative Party Conference speech, 2013). Evolving from this, the privileging of economic terms of evaluation has led to the contemporary manifestation of neo-liberalism, which measures all of these areas of life in terms of economic value (Fine and Milonakis, 2009; Harvey, 2007). Consequently, the observable inequality of material wealth evident in society is then explained away as the failure of those who do not benefit materially in this society as due to poor performance within a meritocracy rather than it being an embedded feature of the system itself (Littler, 2017). Secondly, the assignment by liberalism of matters of culture, i.e. gender, sexuality, and race, to the 'private' sphere pathed the way for a rhetoric that dismissed inequalities between individuals on this basis as a form of 'natural' state that was outside of the remit of the publicly defined role of the State.

Throughout contemporary neo-liberalism these assumptions mask and obscure the interrelationship between the public and the private with such conviction that the social movements that have risen up in objection to the evident and seemingly escalating inequalities within this environment have also been distracted by a concern with gaining inclusion within this new 'normal' way of life (Richardson, 2005; D'Emilio, 2000). Duggan (2012) conceives a split within the progressive-left, between identity politics on the one hand and economically-led populism on the other, that creates a barrier

to a critical analysis of the consequences of neo-liberalism. This has created an environment whereby those seeking equality began to organise around a perceived imperative to engage with the system via its terms of 'meritocracy' (Bell, 1973: 409).

Meritocracy tolerates and justifies economic inequality on the premise that everyone has equal opportunity to succeed within that system and anyone who does not is responsible for their own fate. The idea that 'social mobility' is possible and could be achieved through an assimilation into that system, facilitated by subjects' adoption of its language, terms and reasoning, fed the moral-political economy that Tony Blair's New Labour government presided over throughout the late 1990s-2000s; this mode of social governance remains central to the current Conservative government discourse under Prime Minister Theresa May (Littler, 2017). This newly emerging centralist version of left-wing politics was characterised by its continuance of Thatcherism's punitive penal policy through Tony Blair's mantra of a government that would be "tough on crime, tough on the causes of crime" (Blair, 1997) which led to an unprecedented review of legislation and policy (Newburn, 2007), alongside a new form of political discourse governing social movements that promoted inclusion within mainstream culture via citizenship and rights (Cavadino and Dignan, 2007).

This political period marked the moment in which neo-liberalism became embedded to such an extent across the world that it became inevitable (Fisher, 2009); our task as a society became one of adjustment within this new normal (D'Emilio, 2000). Ludwig (2016) contended that the political rationality that neo-liberalism was constructed within was a key element of

the violent form of governance it represented. This mode of political power does not rely upon the coercion of its citizens, it instead achieved its goals through a willing consensus (see Hall, 1988).

Supporters of the neo-liberal order made unsubstantiated claims regarding the 'trickle down' economic effect that was promised to ultimately benefit all of society (Duggan, 2012). Linked to this was the notion of individual agency and responsibility as the route through which to achieve success; those who failed were deemed to be culpable for their inability to succeed. This discourse gave way most unashamedly to the media and policy vilification of individuals and families in receipt of state welfare as 'lazy' and 'scroungers' (Hall and O'shea, 2013; Jensen and Tyler, 2015). Teamed with the deregulation agenda that accompanied a 'free' market strategy, those most adversely affected by the neo-liberal agenda could no longer turn to the legal system, with the support of state funded legal aid (Flynn and Hodgson, 2017) to challenge their treatment or claim their rights to equality.

The flaw in the mode through which social movements developed throughout the 1980s and 1990s was in how they failed to acknowledge the interconnectedness of the spheres of economics, politics and culture (Fraser, 2003) and specifically how the political economy operates through social categories and the hierarchies that operate within them. Duggan (2012: xvi) argues that the neo-liberal economic agenda could not be detached in real terms from human relations and in fact 'neoliberalism has assembled its projects and interests from the field of issues saturated with race, with gender, with sex, with religion, with ethnicity and nationality.' In this way, we can see how neo-liberalism's economic regime is not distinct and

separate from the historic inequalities that continue to run through global and western societies but instead, contemporary manifestations rely upon and actively elicit these issues and social tensions to further its pursuit of financial reward for the few.

Neo-liberalism should therefore be considered in relation to these existing structures of power to critique the ways in which these have been shaped into modes of activism that have actively contributed to the distribution of resources upwards (Duggan, 2012). A social harm approach offers the potential to expose the harms generated by social, political and economic values and systems integral to neo-liberal ideology that privileges individualism and promotes meritocracy and competition (McCarthy and Prudham, 2004). Set against a backdrop characterised by a political rhetoric of scarce resources that provides justification for the austerity measures that cut public spending and permits the retraction of the welfare state whilst fostering tensions within and amongst communities in a fight for recognition as a means of survival.

In their work to reveal the visual aspects of neo-liberalism through an analysis of the portrayal of the Piquetero Movement in Argentina, Abal Medina (2011) explained how capital facilitates exclusion and constructs groups of people as a threat to those who are included. As noted earlier, the construction of the experiences of the excluded solely through the lens of the injustice of not being included (Azmanova, 2012) misdirects the efforts of activism towards neo-liberal logic; participation within this system actively reinforces the very harm activists are fighting against (Brown, 1995). The work of activists and social movements to further expose inequalities and the



communities most affected by them was shaped by the ensuing austerity environment in Argentina that pitted one group against another, epitomising a form of neo-liberal competition, for access to deserved redistribution of 'scarce' public resources. This has been apprehended by neo-liberalism as a useful hierarchy used to further justify the unequal distribution of wealth based on group differences evident and actively being promoted by the social movements themselves.

In her research into representations of women workers from 'developing countries' within the context of neo-liberal globalisation, Wilson (2011) demonstrated the continuance of historic oppressive representations of identity groups that were reinterpreted through neo-liberal discourses that 'lend them continued meaning and legitimacy' (2011: 320) in our contemporary environment. Through a process of reworking colonial representations of 'poor women in developing countries', as 'hardworking', 'resilient', 'free' women exerting agency, neo-liberal configurations of power dynamics responsabilise women for their own fate and that of their children in a way that obscures the oppression and exploitation that continues to structure their lives under neo-liberalism. As observed by Winlow and Hall (2015: 98) '[t]he consequences of neo-liberalism's deep restructuring forces have created the divisive social conditions in which people now live'.

Beyond those already noted above, there is a growing number of authors opting to approach the social issues evident in our time via a critical analysis of the implications of neo-liberalism in shaping our relations with ourselves and each other. These include Azmanova (2012), Duggan (2012), and Ludwig (2016), all of whom have variously presented on the insidious nature of neo-

liberalism through examples of its restructuring of new forms of subjectivity which meet the needs of capital accumulation whilst simultaneously fostering and justifying violence and harm as a normative aspect of contemporary society. Many others have emerged from within the field of trans studies, as noted by Kunzel (2014) in their review of the range of contemporary matters being addressed from within a flourishing trans studies.

Irving (2012) elucidates the relations between the neo-liberal socio-political economic environment and trans subjectivity in his consideration of how some masculinities are selected for inclusion within society as representative of a good neo-liberal citizen and others are not. Irving (2012: 158) calls for critical engagement with 'the ontological implications of socio-economic discourses'. Through his work, he illustrates the multifarious ways in which trans subjects are constructed and lived experiences of embodiment are informed, along neo-liberal lines of logic. Trans subjectivities are constructed in such a way as to be productive entrepreneurial citizens, responsible for managing their own transition through the medical model so that they can legitimately justify their position in society as an equal citizen geared to participate in capitalism's pursuit of profit. In this regard, Irving highlights how the mediation of trans subjectivities through neo-liberal terms constructs trans subjects as a social relation of power 'in and of itself' (Irving, 2012: 169).

#### 4.5 Theory of subjectivity

This thesis seeks to understand individuals' lived experiences of harm through a consideration of the psycho-social formation of intelligible human subjectivities. The *subject* is not to be confused with the *individual*. The subject is the category of human being that is granted intelligibility or recognition as an existing and 'worthy' member of society with agency to act (Butler, 1997). The prevailing theorisation of 'first wave' transgender studies was focused upon the plight of individuals and the routes through which individual identities could gain recognition within the governing political and legal systems of society. This thesis explores lived experiences on an individual level, but these experiences are analysed in terms of perceptions of their conformity with acceptable modes of dominant social categories of *subjecthood*. Subjectivity provides a more rewarding lens through which to extend knowledge about trans individuals' lived experiences, as it provides an opportunity to explore issues beyond that of individual identity struggles and discussions that centre upon victimisation (Irving, 2012). This analysis helps to shift consideration of hate that coalesce around concern for specific prejudice against all those individuals within the identity category of 'trans' to the ways in which viable and worthy trans subjects are created and shaped by the neo-liberal environment.

Irving (2012: 154) critiques neo-liberal discourses as obscuring 'the agency of trans subjects and the roles we play in the production of sex/gender variant subjectivities and the subjugation of others'. What subjectivity offers is a wider scope to incorporate material aspects of lived experiences within the analysis and in doing so, the ways in which neo-liberalism, as the

overriding contemporary mode of socio-political economic life, shapes which subjects are deemed intelligible and worthy of a place in our society and those which are disregarded as 'abject'. An analysis of the lived experiences of trans individuals with subjectivity at the centre reveals the various manifestations of abjection at work within our social environment.

Lacan (1974) proposed an amended theory of human subjectivity, that advanced Freud's original thesis, as one characterised by an unconscious that consists of an unknown and unidentifiable 'lack'. In particular, the current research study engages the works of Slavoj Žižek, which brought into conversation the disciplines of psychoanalysis and Anglo-American philosophy to aid a fuller understanding of contemporary subjectivity and how it is formulated in interaction with the socio-political environment currently structured according to neo-liberal values.

Lacan's work builds upon Freud's conceptualisation of the triadic psyche (Freud, 1924); however, Lacan (1974) conceived of the tripartite schema as one consisting of three Orders: The Real (the Freudian Id), the Imaginary (the Freudian Ego) and the Symbolic (the Freudian Superego). For Lacan, the 'lack' is an inherent element of human subjectivity created by a perpetual and insatiable divide between the conscious and the unconscious. This 'lack' creates a desire to achieve a sense of wholeness and a drive within subjects primarily concerned with the achievement of social coherence or identity to assuage this lack (which Lacan argues is ultimately unachievable). So rather than the underpinning Freudian understanding of the human psyche as comprising of innately dangerous drives in need of control, that I argue is implicit within hate studies theorising, a Lacanian analysis emphasizes the

central feature of the human psyche as residing within the unknown void at the heart of the human psyche. The primary instincts that emanate from this void manifest as a need to make meaning of it by filling it with that which is available, within what Lacan describes as the Imaginary Order.

Through a reinterpretation of this work in combination with that of Hegel (1977), Žižek (2000) proposes a transcendental materialist conceptualisation of human subjectivity (see Žižek, 2000; Johnston, 2008; Hall, 2012b). Specifically, Žižek recasts Lacan's traditional notions of the psychic Orders associated with the core features of human subjectivity: for Žižek, The Real is the realm of the deep unconscious consisting of that which is unknown to the individual but from which raw instinctual sensations emanate; the Imaginary is the realm of the external world and within which our 'misidentifications and self-deception' (Winlow and Hall, 2015: 111) with the objects presented to us occurs (as such, Žižek contends that it is within this realm that the materialistic seductions produced by the media, culture and neo-liberalism resonate); and finally, Žižek defines the Symbolic or Symbolic Order as the realm within which a sense of coherence can manifest via the signs, symbols, customs and laws that provide us with the normative regimes through which to understand our existence and take action in a fashion that is synchronised with others in a civilised social world.

The central contention of transcendental materialism is that the human condition is fundamentally and naturally malleable with the capacity to adapt and react to the variously challenging and benign social interactions and environments that form human existence (Žižek, 2000; Johnston, 2008). It reveals the natural fundamental state of the human psyche to be one which

requires a form of coherence offered by the Symbolic Order as a logical strategy for avoiding the anxiety emanating from deep within the unconscious Real (Winlow and Hall, 2015). Subjecthood then, is achieved through an active process of identification with an external image represented in the Imaginary Order of signs, symbols and terminology available. Such is the strength of this narcissistic instinct and fundamental need for recognition and to identify our intelligible subjective place in society that we actively solicit meaning on the terms constructed within the Symbolic Order. Crucially, this holds true whether that Order offers sufficient meaning or not: what we learn from Lacan and later Žižek's model of ontology is that any Order offering any sort of meaning or place in the world is better than no Order and therefore no meaning at all (Hall, 2012b). This is of significance when we consider the insufficient nature of the Imaginary populated by the ontologically meaningless signs and symbols produced by neo-liberalism.

In challenging the liberal idealism which suggests that humans are born almost fully constituted beings with the agency and capacity to engage with the external world from a position of knowing and choice, Žižek's alternative model of human ontology and how we become subjects illuminates the tarnished nature of the relationship between human subjects and the culture and politics of contemporary society (Johnston, 2008; Žižek, 2000). This way of thinking about our social relations creates opportunities to develop new ways of being or truths about our world that offer the opportunity to ultimately 'alleviate pain or harm within our social world' (Henry and Milovanovic, 1999: 30).

#### 4.6 Neo-liberally formed trans subjectivities

'People do feel that aspects of their being are essential (natural), yet they also know that what they feel is due in part to how the dominant society constructs (nurtures) ideologies seen as pertinent to being an embodied, sexed, gendered, and sexual being' (Cromwell, 1999: 43).

In combination with the transcendental materialist perspective on human subjectivity outlined above we can also begin to reveal the harms that are integral to the emergence of trans subjectivities formed through neo-liberal ideas of citizenship as the primary mode for attaining political recognition (Brandzel, 2016). Individuals seek recognition as human subjects worthy of respect and dignity through a complex system of social rules and values that are informed by neo-liberal principles. For example, a 'good' trans citizen deemed worthy of recognition within broader society, or in other words, to be granted subjecthood, must demonstrate their 'sameness' via demonstrating their participation in upholding hegemonic binary gender ideas and adopting a narrative that fits within the discourse of the medical model of transgenderism as a state of 'being born in the *wrong body*' as discussed in chapter three previously. This axis frames the primary issue for trans individuals as one of bodily materiality that requires alignment to expected gendered norms prevalent in society (Johnson, 2015). Such a narrative *logically* leads to the only suitable and appropriate response as one that is solely focused on alignment of the physical materiality of the body to that of the internally felt sense of gender identity (and a congruence expected by a society that perceives of gender and sex as intrinsically linked and binary in nature, as discussed earlier at 3.3) and ushers trans individuals into

the medical system via a diagnosis of mental disorder through the psychiatric profession.

This assumption of the primary concern for trans individuals being that of a physical incongruence of their bodily matter is informed by a hegemonic system of gender categorisation that is binary with male and female bodies that sit in opposition to one another (Hines, 2007 as discussed at 3.2 and 3.5). The medical and psychiatric systems developed their interest and involvement with trans individuals based upon a primary concern with producing normatively gendered citizens based on principles of femininity and masculinity (Denny, 2004). These historically conceived ideas are based upon homophobic fears around homosexuality, combined with the conflation of transgenderism with homosexuality, which have been reproduced and reinforced over time (Fish, 2010). This requirement for trans individuals also represents the neo-liberal values of individualism through its statement that the cause and the rectification of the 'problem' lies firmly with the individual (Irving, 2008). The individual's psychology is deemed as pathological and the solution is to physically change that body to meet the standards of viable subjects as regulated by the external world and as such recalibrating the human subject in line with the hegemonic order (Salamon, 2004, 2010).

The transcendental materialist notion of subjectivity built upon Lacanian psychoanalytics, permits the acknowledgement of trans individuals and their identities as normal variations of the human condition that are not acknowledged within our tightly regulated notions of intelligible gendered subjectivities (Gherovici, 2017a). The process of achieving full human



subjecthood status relies upon achieving recognition as fellow human subject by others (Mitchell, 2014). In order to be socially intelligible, trans bodies must represent a recognisable representation or form of their gender (see Butler, 2004). The inter-relational harms individuals experience are legitimised in a socio-political economy shaped by neo-liberal values of individuality whilst fostering an environment of competition and identity politics promote division and meritocracy as a means to achieving your worth and position in society (Littler, 2013, 2017). Through our commitment to the signs and symbols offered to us within this environment, harmful, prejudiced subjectivities driven by the competitive individualism that neo-liberal values imbue us with are generated (Hall *et al*, 2008).

‘Second wave’ trans studies were characterised by a turn away from the identity politics of the ‘first wave’, moving to a more nuanced and critical stance against identity as the primary mode of analysis for trans experiences (Kunzel, 2014). This departure presented opportunities to critique ideas associated with the existence of a fixed and coherent trans identity category and challenged the dominant, medico-legal narrative of trans identity formation as representative of a form of recognitive harm. The emerging ‘third wave’ of trans studies goes beyond the ‘second wave’ agenda in propositioning a fundamental reframing of the issues in terms of human subjectivity. An appreciation of the processes by which human subjectivity is constructed in relation to the external social world is suggested as offering the most fruitful potential for resolving the confusion generated throughout decades of conceptual, theoretical, and political attempts to understand transgenderism and trans individuals’ experiences (Salamon, 2010).

Within phenomenology, Merleau-Ponty (1968) emphasized the body as the primary source of experiencing and knowing the world. An embodied imagining of human subjectivity is of particular relevance to trans subjectivity formation and the ways in which socially intelligible trans subjectivities are formed. The construction of gendered embodiment within the social sphere leaves trans individuals, by nature of their identities, with no obvious place of articulation within the discursive frameworks that structure the hegemonic gender order. As such, trans individuals are outside of recognition as a subject or without recourse to an authentic self. Framed as such, Sanger (2010) proposed the inclusion of more gender possibilities within sociological theorising regarding gender would increase possibilities for individuals in the world. However, a Lacanian psychoanalyst's approach to this issue suggests that in order to achieve greater possibilities for trans subjectivities, our attention must be directed to the reasons why normative accounts of gender exclude some and not others. Until this issue is overcome, the inclusion of further categories simply reproduces and reinforces the rationale already at play in the selection of in and out group members.

For Salamon (2010), the work of trans studies is in the articulation of the tensions and contradictions presented by the limitations evident in both essentialist and social constructionist theories of gender discussed at 3.5.1 and 3.4. In an attempt to address some of the concerns, Salamon contends that academic discussion in relation to trans subjectivities share a set of common concerns with those of psychoanalysis and phenomenology. Both seek to account for bodies that exist outside of the enforced binaries in a way that does not pathologize the individuals concerned. However, as a result of

the on-going tensions that exist between and within feminist and trans studies' theorising over the origins of gender and the biological determinist tradition, theoretical undertakings attempting to ground trans individuals' subjectivity within the material nature of the body are problematic and instigate much debate.

On the back of her heavily critiqued gender theorising work that drew upon sanitised representations of transsexual characters in the *Paris is Burning* film documented above, queer theorist Judith Butler produced *Bodies That Matter* (2004). Here, Butler rejects a reading of embodiment as a process that originates with a material body of anatomically based 'fact' that is then interpreted and given meaning within the social realm via the hegemonic signs and symbols presented to us. Instead, Butler argues that their emergence is more akin to a simultaneous materialisation. A body cannot exist without the psychic engagement and conceptualisation of that body and likewise, psychic processes cannot occur without a form of materiality. Simply put, the material body cannot exist without the idea of a what constitutes a material body and the idea cannot occur without a body.

Prosser (1998) argued that the concept of trans identities as materialised within the body has been challenged by queer theory's emphasis on the ability of individuals to amend and construct their bodies. Salamon (2010: 41) suggests that this is 'arguably, psychoanalytic theory's most important insight about the relation of the subject to his or her body', and in doing so contends that Prosser missed the underlying ambition of a psychoanalytic approach to bodily materiality in his attempt to firmly anchor trans identities to bodily materiality as a way of demonstrating trans subjectivities as

unequivocally real. This argument denies the often complicated and problematic relation trans individuals have with their body. Lacan and others acknowledge the oscillatory nature of the assumption of a body between one's own drives and wishes and the expectations of others (Salamon, 2010). What the passionate debate around theoretical attempts to define the trans body as materially real reflects is the significance of what is at stake. In order to assert the social recognition which confers subjecthood and therefore human existence with a body or identity that is not acknowledged by the outside world, or is proactively disregarded, is to embark upon an endless task that is not just sometimes concerned with the messy reconstruction of that body to fit what is acceptable but to also attempt to challenge and alter the very terms upon which meaning is granted to that bodily materiality (Salamon, 2010).

The overarching contribution of Elliot and Roen's (1998: 257) critical review of trans studies was that future theorising should proceed on the basis that "gender" 'is intricately tied to both psychic and social processes'. More recently, Carlson (2010: 69) reinforced that psychoanalysis presented 'a richly malleable framework for thinking through matters of sex, subjectivity, desire and sexuality'. It is this call that reinforces the compulsion of this thesis to incorporate a Lacanian psychoanalytic interpretation of how human subjectivity is achieved. This analytical approach, applied to the empirical particularity of trans individuals lived experiences, which I apply in the analysis chapters at six, seven and eight, also addresses Hines' (2006: 64) call to 'release "transgender" from the trap of homogeneity by addressing the material and embodied contours of transgender lives'. As such this thesis

adopts an analysis that relates lived experiences to the dynamics at play within both the social and the psycho-social realms of our existence and acknowledges the distinctions outlined above alongside the overlaps and contradictions.

#### **4.7 A theory of recognition as social praxis**

This final section of the theoretical rubric utilises Yar's (2012) theory of recognition to illuminate the social praxis of the theoretical discussion outlined above in relation to the empirical data captured during the fieldwork phases of this research study. Yar (2012) proposed that the concept of social harm can be made concrete through a theory of recognition that conceives of harms as points in social relations where 'refusal' of one of three core levels of recognition which form 'the basis of human self-realization' (60). Honneth's (1996) theory of recognition (upon which Yar's theory is founded) provides a meta-framework through which the various experiences of struggling to achieve an intelligible selfhood can be discussed as forms of harm.

Essentially, recognition is concerned with the need (and associated struggles) for dignity and respect and is central to the ways in which we live and develop relations in society. Earlier attempts at addressing inequalities and injustices have assembled around what is known as the 'politics of recognition' (Fraser, 2003). However, a meaningful discussion of the undercurrents and political import of misrecognition remains largely absent (Honneth, 1992). Yar (2001) proposed his metatheoretical notion of recognition as a remedy to the challenges he observed with Fraser's (1997)

attempts to address the liberalism-initiated division of the realms of culture and economics and the divisive implications this generated for equality groups seeking justice. Fraser (1997) outlined the redistribution-recognition dilemma as a political concept whereby, as has been outlined above at 4.4, the two key areas of social life that produce inequality, the cultural and economic realms had been sectioned-off and posited as in competition/conflict with one another. In addition, Fraser (1997) noted how the legacy of liberalism secured a continued decline of socially organised activism seeking to achieve economic redistribution as an even partial solution to the inequalities experienced.

Yar (2001: 299) critiqued Fraser's construction of a potential solution to the dilemma outlined above through her 'perspective dualism' approach as 'overly and unnecessarily culturalist' and inadequate in addressing the ways in which claims for recognition appeal to both the spheres of culture and economics. For Yar, this attempt to address the challenges experienced by marginalized groups failed to acknowledge the characteristics of the relations between the self and others and, specifically with this regard, the ways in which discourse around what is of value and worth fundamentally structure relations in society and motivates individuals to act. Instead, Yar (2001) put forth an alternative approach which he claimed had the capacity to incorporate both economic and cultural struggles within its theoretical gambit. It is this conceptualisation of recognition and its potential for acknowledging a wider expanse of recognitive harms constituted in those social relations that is utilised here. It offers a comprehensive mode of presenting the range of claims to recognition trans individuals make, and the

harms engendered by experiences of denial of those claims within neo-liberal capitalism.

In the process of navigating subjectivity formation, subjects desire the (unattainable) achievement of a fully comprehensible, autonomous and differentiated sense of identity (Hegel, 1977). The formation of an authentic self-identity is of primacy in contemporary culture (see Calder-Dawe and Gavey, 2017) and central to the experiences relayed throughout the fieldwork phase of this research study. It thus became relevant to consider trans individuals' experiences in relation to the process of self-identity formation as contingent upon achieving self-confidence, self-esteem, and self-respect, all of which are achieved through interaction with, and importantly recognition from, others (Yar, 2012b: 58).

The theory of recognition emerges from Hegel's sociological work in the 'Phenomenology of Spirit' (1977) which posits the notion that social life is governed by recognition of the other. This ethical premise provides a powerful counter-argument to the prevailing neo-liberal pressure to define and motivate subjects in competitive individualistic terms. The Hegelian subject is, in fact, suspended in a paradoxical state whereby they *depend* upon the other (Benjamin, 1992, as cited in Yar, 2012): '[s]elf consciousness exists in and for itself when, and by the fact that, it so exists for another, that is, it exists only in being acknowledged' (Hegel, 1977: 178). In this way we can see how freedom, for Hegel, can only be achieved via a collective freedom, rather than on an individual basis.

Within the 'Phenomenology of Spirit', Hegel (1977) presents his premise of the master-slave dialectic. In common with the Lacanian 'mirror-stage', where a child realises its sense of self via achieving an external view of itself (Honneth, 1996), the master-slave dialectic acknowledges an inherent reliance upon the other in achieving a sense of ourselves. The relation between the Master (representing the autonomous subject) and the Slave (representing the other) is revealed to be a reverse-relation, wherein the Master needs the Slave to affirm (recognise) his authority; but in achieving recognition in this way, the Master is revealed to be not autonomous at all, as exposed by his reliance upon the recognition of the Slave. Real recognition of an individual's value or worth can only be achieved through the offering of recognition that is freely given by an other who is mutually recognised for their value and therefore the agency to bestow it. The Master can only come to recognise himself through a coerced relation with the other and thus the Slave becomes the Master through his 'power to arbitrate or mediate recognition' (Yar, 2012b: 57).

Yar's theory assists in presenting a discussion of individuals' experiences in relation to the impact and implications for the individual's core sense of selfhood. In doing so, it exposes the complexities that go beyond attempts to identify actors' motivations as manifestations of fear or disgust of an individual's identity. Instead, it presents an interrogation of the fundamental characteristics of social relations as being constituted in concordance with the prevailing social order and directs us there to gain a fuller appreciation of the motivations behind and impact of harmful rejections and denials of recognition of each other in society.



The theory is developed from the Aristotelian premise of human 'flourishing', emerging from the basic needs of human well-being and integrity being realised through 'love', 'esteem' and 'rights' (Yar, 2012). The approach acknowledges the range of harms that occur at interpersonal (micro), institutional (meso) and ideological (macro) levels and is borne out of critical criminology's dismissal of concepts of 'crime' as a sufficient analytical category of social issues, as discussed above. Conceiving of 'love', 'esteem', and 'respect' as a set of ideals allows for an evaluation of trans individuals' lived experiences in relation to material refusals or rejections of such ideals. In doing so, opportunities are created to consider the social, political, economic and cultural processes and norms involved in generating, regulating and sustaining denials of recognition to all human beings. As well as providing a framework through which to conceptualise a range of social relations in terms of the harms they engender when recognition is denied. As a mode of social praxis, a theory of recognition also provides the facility through which to begin to conceive of a renewed ethics of life. By shining a light on the ways in which recognition is denied and the impact these denials have for individuals, there is an opportunity to consider how an ethics of life can be reimagined through a theory of recognition, achieved within a fundamentally co-operative mode of social relations, informing a social order built upon the premise of facilitating human flourishing.

Yar (2012: 190) identifies and distinguishes between three types of recognitive need, each relating to different constitutive parts of selfhood. An individual can achieve a reassured 'practical-relation-to-self' when all three have been attained in combination with each other. This approach aligns

with the supposition that we come to know ourselves as being and *a* being through the acknowledgement and affirmation of others (Honneth, 1996). Recognition should not be perceived simply as a superficial individualistic pursuit, nor as disingenuous engagement with political processes to supposedly achieve social recognition as a citizen but should instead be considered as an earnest quest for 'objective (public) affirmation of one's independent worth' (Thompson and Yar, 2011).

Discussed briefly here but elaborated upon in the introduction to each subsequent analysis chapter at 6.1.1, 7.1.1 and 8.1.3, the core needs of assembling a 'basic self-confidence' are as follows: a subject's desire for 'emotional support' found in primary relationships with intimate partners, parents, children, siblings and other family members, as well as close friends. Recognition in this realm is founded on the ability to express oneself, including fundamental needs and desires, and their particularity without fear of judgement or rejection by others. Achievement of such recognition equates to an overall sense of receiving unconditional 'love'. Secondly, subjects desire 'self-esteem', found in relationships and interactions with others who are regarded as 'capable and worthy of granting recognition; in other words, the subject must trust and reciprocate a sense of esteem for the other's capacity for judgement (Yar, 2001). The subject must value the other's estimations as meaningful, significant and noteworthy, if the other's recognition of the subject is to "count' and have any affirmatory power' (Yar, 2001a: 294). In achieving recognition of this order, subjects feel valued for their contribution and gain 'solidarity' with others as a result of 'shared cultural characteristics and social identities' (Yar, 2001b: 67) as being

considered worthwhile. Finally, subjects desire 'cognitive recognition' that provides a form of 'self-respect' as an equal citizen enjoying parity with others, which is afforded through legal recognition of rights.

It is suggested that trans people are faced with the ultimate dilemma of whether to conform or attempt to navigate the world from outside of its hegemonic values system curated by neo-liberalism, an abject existence that ultimately leads to death; that is either literal, as a result of the violence of others or suicide, or metaphorical, via a form of 'social death'. 'Social death' is explained by Cacho (2012: 145) as 'a desperate space, overwrought with and overdetermined by the ideological contradictions of ineligible personhood'. Instead of willingly facing the trauma of an abject subjectivity, trans individuals misidentify with symbols and signs that are an inadequate representation of who they are but nonetheless provides the potential means to achieving a form of (mis)recognition (Gherovici, 2017a). The ethnographic exploration of the harms experienced by trans individuals that follows elucidates the harmful impact caused by seeking to find meaning in an inadequately formulated and overwhelmingly economically driven socio-political world.

#### **4.8 Revisiting the hate studies literature**

The above outlined theoretical framework represents a departure from the key theoretical hate studies discussions offered by Perry (2001), Walters (2011) and Chakraborti and Garland (2012), highlighted previously in chapter two. Implicit within each of these theoretical discussions is the embedded assumptions first posited by early iterations of control theory.

Control theory advances from a domain assumption (simplified here for brevity) that human nature is essentially anti-social and in need of effective external control via social institutions that restrain individuals to hegemonic societal norms and values (Hobbes, 1985 [1651]). Associated with this line of thought is the assumption that non-conformity to social norms and value systems is as a result of a weak Freudian ego (Reiss, 1951). For example, although Walters (2011) acknowledges the role of the external macro environment upon individual's behaviour he concluded that what differentiates those that act out in hateful ways from others in society is a lack of self-control over internal drives.

The key theoretical discussions, highlighted above at 2.4, prevail as the most advanced interpretations of hate and victimisation in society today (Hall, 2015). In particular, Perry's (2001) thesis emphasises the reproduction of identity-based structural hierarchies within interactions between individuals on the basis of the assertion of in-group status and the disavowing of victim's perceived out-group status. Through her use of structured action theory, Perry (2001) acknowledged the central role which our relation to others and the cultural and political environment have in the formation of the self and foregrounded the influence of social positionality as the primary organising structure that informs individual conduct. This social positionality is constructed and regulated by the political and cultural environment that 'allocate[s] rights, privilege and prestige according to biological or social characteristics' (Sheffield, 1995: 438). Perry's analysis acknowledged how hate is also grounded in a desire to influence, protect or gain access to scarce 'resources and privilege' (2001: 56) that implies a

dynamic of competition at play within these interactions but does not fully explore the implications of such on our social relations.

Perry's (2001) analysis arises from a common approach found across hate studies (as illustrated by the other examples offered here including Walters, 2011, and Chakraborti and Garland, 2012) that focusses on agency, structure and causation. Such analyses rely upon a social constructionist approach which diminishes the interrelationship between agency and structure in suggesting that although we act within and reproduce these social structures, we also have the potential to alter them. This optimism of causative analysis, that focuses on our potential to transform the ordering structures and systems that organise our lives, at the material level only serves to produce hollow gesture politics (Fraser, 2003) that provide justification for the extension of further legal protections of groups via 'negative' forms of 'liberties' (Pemberton, 2016) or superficially represent inclusion for new identity groups within hate crime legislation, for example, without having a real impact on the forces that drive hateful behaviours in society. To discount the dependency that we have on the structures, rules and conventions of the material world to the extent that we are guided by and act within these systems is to diminish their role in sustaining our survival (Hall and Winlow, 2015). To continue to pursue this line of analysis does not fully acknowledge the role of neo-liberalism as a generative force that interacts with processes of subjectivity to influence human agency in a way that leads us to act in ways that uphold, sustain and reproduce the divisive social structures that many hate crime scholars have critiqued.

The mode of analysis adopted within this thesis furthers that established by Perry (2001) to explore the nature of the relationship between the structuring environment and the formulation of human subjectivity. It does so by asserting how human subjectivities are formulated via a process of active solicitation on the part of individuals of that wider external environment for signs and symbols that can assist in creating a sense of meaning and belonging that is essential to the human condition. To continue to disregard the consequences of neo-liberalism's 'deep restructuring forces' (Hall and Winlow, 2015: 98) that formulate that external environment is to fall into the neo-liberal trap which feeds off of our amplification of difference constructed through the pursuit of equality via the institutionalisation of 'negative liberties' (Pemberton, 2016) that do not address the underlying causes.

It is relevant to highlight how, as well as helping to explain individuals lived experiences of harm and how they manifest, the above outlined theoretical framework is also applicable to explaining the generative forces behind acts of hatred. Perry (2001) draws attention to the role of structure in manifestations of hate and indeed how offenders' behaviours could be considered 'normal' and a 'logical' response to the divisive discourses that are perpetuated along the lines of historical identity-based hierarchies. In the same way that trans individuals form their sense of self in alignment with the available signs and symbols provided by the neo-liberal Imaginary Order, so too do all others. Here we can see how and why individuals form their identities in conformity with neo-liberal discourses that perpetuate divisive community relations and posit each of us as 'a potential real threat to anyone

else's livelihood, status and identity' (Hall and Winlow, 2015: 114; see also, Hall et al, 2008).

The political rhetoric underpinning these strategies reinforce a divisive society, creating "evil others" (see Baumeister and Campbell, 1999, for a review of the psychology of evil) as individually responsible for morally abhorrent actions and prejudices that informs the hate crime agenda's legal focus on offenders. In pursuing the assumption that individual offenders are acting with autonomy and free-will, in some form of rejection of otherwise positive social morals, influences our analysis of harm in our society. This focus also shapes what we decide to do about it in such a way that fails to acknowledge that we are first of all, each members of the same moral society (Coleman, Deutsch and Marcus, 2014) and therefore each capable of instigating hate as harm on one another in pursuit of individually framed success. Walters (2011: 314) explores the external environment and 'cultures of prejudice' as facilitative of hateful behaviour. Hateful behaviours are legitimised in a socio-political economy shaped by neo-liberal values of individuality whilst fostering an environment of competition and identity politics promote division within and between victim groups.

#### **4.9 Chapter Conclusion**

The theoretical framework outlined in this chapter has done three things; firstly through the deployment of a social harm approach (Hillyard and Tombs, 2007; Yar, 2012a, b) it has assisted in refocusing attention to the harms that occur outside of the restrictions of the legal framework, secondly, via recourse to the transcendental materialist approach (Žižek, 2000;

Johnston, 2008) to subject formation, it has formulated a challenge to the prevailing domain assumptions, that previous theorising has developed from, and which regards the human subject as fully formed at the point of entering the world and as such is able to utilise agency as an autonomous being to engage with the social world on their own terms (Pemberton, 2016). In adopting this alternative perspective, derived from a Lacanian version of psychoanalysis, the theoretical bricolage has provided an underpinning rationale for the scrutiny of the contemporary neo-liberal capitalist era in relation to the intrinsic role it plays in shaping the social norms and values from which we seek meaning and a sense of belonging within.

Finally, in order to apply this theoretical rubric in concrete terms, Honneth's theory of recognition, as adapted by Yar (2001) in relation to social harm, was outlined as a route through which the harms experienced by trans individuals could be organised in relation to key moments of potential denial or bestowment of recognition that occur between trans individuals and social systems and structures, in seeking love from family members, and in achieving a sense of esteem with others within the broader social environment with others whom identify as trans as well as the broader general public. The discussion considered ways in which recognition within each of these realms is contingent upon trans individuals' adherence to hegemonic norms that instruct a specific form of trans subjectivity.

Based on the theoretical assumptions outlined here this thesis seeks to discover what trans individuals lived experiences of harm are and in doing so addresses the following related issues:



- a) To what extent does the prevailing conceptualisation of the hate crime agenda provide a suitable account of trans people's experiences?
- b) To what extent are trans people's experiences of harm influenced or generated by their subjective intertwinement with the social, cultural and economic context in which harms occur?

## **5 Chapter Five: Methodology**

### **5.1 Introduction**

This research study aimed to generate new knowledge told through trans individuals' accounts of their lived experiences of harms associated with the stigmatisation of trans identities. The preceding chapter has outlined how these experiences have been analysed in relation to the neo-liberal socio-political economic context in which they appear. A bricolage of methodological tools, including aspects of Queer methodology and phenomenology has informed this study's ethnographic approach in order to facilitate research project that produced thick-descriptions supplemented by participatory visual methods and life-story narratives.

The approach adopted in this study was one of ethnographic inquiry that sought to generate thick data from participants through an iterative process that extended beyond the initial interview phase of the fieldwork and continued throughout the discussion and analysis phases. The research also recognised the role of external cultural and other contextualised information, such as the political, social and economic environment in which individuals' lives take place. The study was designed and developed in recognition of the historic harms produced through research with trans individuals, particularly those that posited individuals as research subjects, removed from the process of theorising and building understanding about issues central to their lives. This chapter incorporates a discussion of researcher positionality and power as central to the development of a trusting and respectful relationship between researcher and participant. From which reliable and robust knowledge could be generated and an

approach that placed participants and their lived experiences as central to both the research process and the analytical approach outlined previously.

## **5.2 Research aims and objectives**

The aim of this research study was to explore, with trans participants, everyday lived experiences of hate and harm related to gender identity. In recognition of the limitations (illustrated in previous chapters) of prevailing legal definitions and explanations of 'hate crime', this study aimed to explore a fuller range of experiences outside of this limited conceptualisation. In doing so, the study contains consideration of harms that were not always recognised as experiences of hate by either social structures or the individuals themselves. Interpretations of these experiences were developed in relation to the social, legal, cultural and economic context in which they occurred. This aided an understanding the role of social institutions and normative value systems in shaping experiences and informing participants' own perceptions.

As a broad framework, the study explored, with participants, experiences of what informed their own understandings of gender identity and the processes involved in seeking information to help formulate this understanding. In addition, we discussed their relationships with family members and others and aspects of their everyday lives. Discussions involved aspects of what and where felt safe and the risk management evaluation and behaviours individuals undertook. We also discussed the performance involved with gender identity and how individuals engaged in a form of self-management of their gender expression and performance in

different social situations. We considered how this interacted with notions of 'authenticity' and the regulation and policing of their gender identity that this notion legitimized. Finally, our discussion included acknowledgement of the resilience some had had going into the process and that others had developed as a result of their experiences.

This research study recognised the absence of data related to these experiences from the perspective of trans individuals themselves and the importance of adopting a 'minority perspective' (Phillips and Bowling, 2003). Individuals' personal perspectives were acknowledged as being grounded in their own experiences, histories and identities. There is an expanding international data set that charts the vulnerability of trans individuals to violent victimisation. Key research by academics such as Sally Hines (2010, 2009) noted earlier gave consideration to the impact of politics and citizenship models on the experiences of trans individuals, and Valentine's (2010) ethnographic work considered the categorisation of trans identities; in doing so, they revealed some of the complexities integral to lived experiences.

### **5.3 Sample**

This study gathered data from trans individuals from across England and Wales between 2016 and 2018. The sample comprised of 11 individuals who self-selected their participation in the study. The criterion for the sample was based on self-identification with the term 'transgender'. The definition of 'transgender' was kept deliberately broad and inclusive in recognition of the limitations of identity characteristics more broadly, and the term

'transgender' specifically, place on individuals' ability to freely express our whole selves. A discussion of this is integral and of material importance in establishing the parameters and aims of a research study involving trans individuals. The process of social categorisation and the way in which categorical boundaries are articulated and regulated have consequences for all of us (Hale, 1998); these consequences are not evenly distributed amongst all citizens (Valentine, 2007). Such categorisations determine 'normality' and on this basis, who is included and who is excluded from social institutions and systems such as family, the law, health, and education. As such, the process of categorisation is problematic and integral to the harmful experiences that characterise many trans individuals' lives.

Feminism and trans theories each grapple with the best way to reconfigure or make room for entirely new conceptualisations of gender ontologies and often trans individuals, and more specifically trans bodies, as was demonstrated earlier at 4.6, are utilised to assert or disprove ontological debates regarding what constitutes gender (Hausman, 2001). These ideas of 'normal' underlie the historic and continued systemic exclusion of trans individuals (Lloyd, 2013). Valentine (2007) also raised important issues related to the restrictive nature of the category of '*transgender*' which in itself has been deployed to differentiate, mirroring neo-liberal values associated with wealth, whiteness, and citizenship, between those that should be afforded acceptance and others that should not – which constitutes a form of transnormativity. Valentine (2007: 6) asserted,

'for all the power of transgender as a category of identity and social justice activism, my fear is that people...may be left out of an imagined

future of justice and freedom frequently understood as enabled by this category’.

In this study, the term was defined as referring to a gender identity differing from the gender assigned at birth. Ultimately, the research study was interested in exploring the experiences of people who identified their gender as something outside of society’s normative notions of gender as defined as a fixed and binary concept and thus was inclusive of intersexed and non-binary participants.

Participants were recruited to the study through a combined process of convenience sampling, whereby potential participants were identified due to their convenient accessibility to the researcher (Maxfield, 2015), and ‘chain-referral sampling’ (Heckathorn, 1997: 174), in order to identify further participants beyond the initial cohort. In acknowledging the challenges of mapping trans populations in society (Reed *et al.*, 2009), it was not possible for the recruitment of participants to this research to be based on a random or sufficiently targeted (Watters and Biernacki, 1989) sampling process. However, I was able to utilise previous connections and a professional rapport with trans individuals that I had developed during my career as an equality and human rights practitioner. This ensured that access to potential participants was not a barrier. As a result of my previous work and associated role in coordinating the regional Transgender Equality Network, I was able to contact previous members of the network to discuss my research and invite them to take part. I had built a solid reputation with trans individuals, having demonstrated an awareness of the issues experienced and a willingness to support raising awareness and challenging

discrimination. In order to identify further potential participants, individuals from the initial sample were invited to take part in a form of chain-referral sampling (Heckathorn, 1997), whereby they contacted peers and other network contacts who were provided with a prepared overview of the research (see Appendix C). This informed them of the study and offered a form of recommendation, with reassurances as to my credentials, observed ethos and sound intentions for those that may be unfamiliar with me in my previous practitioner roles.

By way of a brief digestible overview (and blatant oversimplification) of the sample of the 11 participants, nine identified themselves as trans 'women' (or at the female end of a gender spectrum) including one that was born intersex, one participant identified himself as 'male', whilst the other identified throughout most of their 'transition' at the 'male' end of a binary gender spectrum but has more recently become more comfortable identifying as 'non-binary'. Of the participants involved in this study, not all identified with the normative binary conceptualisation of gender, although some did, most strongly Kayte and Winifred. Only two participants were in possession of a Gender Recognition Certificate (GRC). Other participants had completed some of the official processes for changing documents such as passports or driving licenses. To varying degrees, the entire sample had engaged in processes of transition that included social, hormonal and/or medical procedures in seeking, exploring and/or achieving a life that aligned with a felt sense of individually authentic gender.

Of additional note is the socio-economic status of the sample, as defined by housing status and means of income. Nine of the 11 participants were

homeowners. One participant was in a shared private rental property at the time of the interview and the final participant was in a local authority, socially rented property. In addition, six participants recruited through this avenue were retired (one due to ill health). Of the remaining participants, one was in full time employment in a middle management position. The remaining four participants were in receipt of welfare benefits and working in low paid, non-professional roles. The initial sample contained a disproportionate representation of retired homeowners. This prompted me to undertake a second round of participant recruitment specifically seeking others from less financially secure positions. This led to the inclusion of the social housing resident Bird in the final sample.

Bird's experiences are incorporated and explored throughout in relation to the more precarious social position she held as a result of her social tenure and only recently finding low-paid employment as a night-shift worker restocking shelves at a local supermarket. In addition to the harmful experiences explored in this study, the findings also discuss the various ways in which several of the participants benefited from privileges afforded by factors that included housing tenure and income status. It is in this regard that the findings warranted consideration of the transnormative discourse that affords some individuals and not others the privileges associated with citizenship and recognition. As shall be discussed throughout the forthcoming analysis chapters, Bird's experiences elucidate some of the key inequalities experienced by and between trans individuals relative to their socio-economic status in an increasingly visually ordered society.



Queer theory as a concept rejects ideas of monolithic truths about the world, defines resistance to the normative and encourages understandings of alternative experiences and ways of being in the world (Dilley, 1999). It acknowledges the complex nature of individual identity, explores how those identities are produced and (re)presented in social environments and is useful in instructing us as to the role binaries play in shaping meaning (Butler, 1990; Sedgwick, 1993; Seidman, 1993). Following this, my research explored the influence of social, political, legal and otherwise cultural discourse on the development and maintenance of binary identities. However, Queer Theory, in its application to criminology specifically, has been criticised for being 'abstract' with a focus 'too much on the discursive, and not lived experiences' (Ball, 2014: 550). Therefore, its deployment in this study is contained to its use in rejecting of the concept of fixed gender binaries to allow for a fuller exploration and interpretation of lived experiences of trans individuals in relation to their gender identity.

The final sample characteristic of relevance to highlight here relates to the time period in which participants engaged with the abovementioned processes of social and/or medically facilitated 'transition'. Nine of the 11 participants were born between 1934 and 1966 and it was throughout the 1990s-2000s that much of their engagement with these processes and their associated social structures took place. The cultural, social, and economic relevance of this period is explored in detail in relation to participants' experiences throughout the analysis chapters that follow this one. However, it is worth noting that this was a period of trans history marked by a social environment wed to the concept of gender as a dichotomous binary and

understandings of transgenderism as a mental health condition resolved through the medically facilitated transition of a person from one binary gender to another. Many of the experiences of participants in this study are informed and shaped by this social, medical and political discourse.

The experiences illuminated throughout the three analysis chapters that follow occurred over the full lifespan of the participants. At the time that the research fieldwork was carried out, participants were aged between 40 and 83 and key moments of harm were identified within their infancy, early adulthood, and their later transitions. The data presented broadly unfolds chronologically across a period whereby the evolution of neo-liberalism can also be roughly charted. An appropriate summary of the variances in the socio-political economic environment which contextualised these harms is noted in situ at the introduction to each of the analysis chapters.

#### **5.4 A qualitative framework**

My epistemological intentions centred on the desire to respect and understand the research participants, accept their stories as legitimate sources of knowledge and expertise, and seek to share these stories as a tool for engaging and informing a wider society (Campbell and Wasco, 2000). Rhodes (2015) explained how an interpretive approach to ethnography is not concerned with generalisations of findings but instead seeks to raise new questions and find 'new, better, more interesting, more fruitful ways of speaking about' everyday life (Rorty, 1980: 360). It is in this way that the study adopted a form of queer methodology that facilitates a representation

of findings that provoke further questions 'in a world relentlessly searching for stability and certainty' (Adams and Holman Jones, 2011: 114).

The theoretical bricolage (Denzin and Lincoln, 2011) highlighted throughout this chapter assisted in identifying the harms experienced by participants within the data, in framing the knowledge that the study produced, and to which end it will be used. Each method is concerned with power and identity struggles, and how the creation and maintenance of identity categories are institutionalised in society. I have selected and combined useful elements of a variety of methodological paradigms including queer methods, ethnographic inquiry, phenomenology and participatory visual methods, utilising the values presented by each paradigm whilst acknowledging no one single approach can wholly address issues relevant to trans lives.

This study has drawn upon the growing body of auto-ethnographic academic works produced by trans individuals themselves, as outlined in the preceding chapter, to inform my analysis and understanding of the issues. Previous gender research and theorisation agendas have in some cases served to objectify trans individuals and bodies in their use of trans individuals as anatomical and theoretical tools with which to consider how gender is constructed, without regard for the engagement of trans individuals themselves in the research process, nor regard for the impact such theorising might have for trans individuals lived experiences and progress in the world (Namaste, 2009). Instead, this study gives attention to the concept of 'indigenous knowledge' that recognises the ways in which knowledge-production has contributed to the framing of trans individuals as objects of research and can be interpreted by outsiders as inferior and

pathological (Smith, 1999). As a means of engaging in an alternative methodology, this study adopted a collaborative approach that established from the outset participants 'political and intellectual priorities' (Namaste, 2009: 27). This was achieved through pre-interview discussions with a number of participants. These 'meetings' provided opportunities to (re)establish a connection and to build a rapport and confidence with some participants. For those who were unfamiliar with me, the discussions provided opportunities for potential participants to establish the researcher's motivations and intent as well as to establish the expectations of the research relationship and how the data would be used and represented (Kong, Mahoney and Plummer, 2003). The issues raised by the participants in these meetings determined my understanding of participant priorities and key concerns. This collaborative approach and mutual ownership for the participants was maintained throughout by adopting a range of methods as outlined below.

#### 5.4.1 Queer methods

In queer methods, Browne and Nash (2010) explained the import of researchers articulating both their ontologies and epistemologies and how these inform methods and methodologies. Their concerns relate to ensuring a robust approach to queer social research by extending this consideration to include how we *do* queer research and how well traditional social science approaches facilitate this. My approach did not represent a single overarching ontological, epistemological and methodological paradigm. Instead, the combination of multiple approaches which included qualitative enquiry, ethnography, thick descriptions, visual narratives, reflexivity and

life story research are informed by the principles of 'critical humanism' (Denzin and Lincoln, 2011: 94) which centralises the nature of individuals' daily lives as the essence of all political and social inquiry. Taking inspiration from this commitment, my approach was participant-centred and prioritised and privileged individuals' lived experiences of oppression at the hands of more powerful 'larger ideological, economic, and political forces of a society' (Denzin and Lincoln, 1994: 575).

Each of the research approaches adopted here represent an acknowledgement of human subjectivity, including that of the researcher. The incorporation of reflection and reflexive action throughout acknowledged what Sholock (2007: 128) considered as the 'autobiographical dimension of all academic projects' and recognises that my own cultural context and upbringing, as a 'White', 'middle-class', 'educated', 'woman' whose anatomical and otherwise visible presentation to the world aligns with that which I was assigned at birth and the normative binary gender system, has shaped and influenced my potential biases. It is also the case, however, that my lived experiences beyond these socially constructed identity characteristics have shaped and informed my politics and my motivation to engage in professional roles that seek to challenge discrimination on these grounds. In this regard, I concurred with Allen (2010: 150) in that I view my positionality as 'recognition of a normative heterosexual social and institutional order by which I benefit, and that I simultaneously seek to change'. By exposing the relative positionality of both the researched and the researcher and confronting these where necessary, I hoped to become accountable to the reader (Code, 1996), cognizant of

participants' 'ethical and political concerns' (Denzin and Lincoln, 2011: 198) and ultimately appreciative of the reality that the interpretation and analysis of the data presented here represents my voice as much as the participants (Denzin, 1989).

#### 5.4.2 Ethnographic inquiry

Ethnography is broadly understood as the study of societal interactions, behaviours and perceptions that occur within a community. Traditionally, observations are gathered through direct engagement with participants during face-to-face interactions whilst the researcher records a variety of details that capture the complex factors related to such social interactions in their field notes. Researchers capture observations, thoughts, comments and reflections in a 'fieldwork notebook' (Bryman, 2015). Here, I elected to undertake in-depth interviews with participants in order to elicit stories of past experiences, perceptions of them and other relevant moments in their lives relevant to the research area. Ethnographic inquiry was the method selected to best capture data that would help to deepen an understanding of complex lives, as well as the scope to explore both macro and micro influences and aspects of everyday lives of the participants (Bourgois and Schonberg, 2009; Contreras, 2013; Ferrell, 2004). Through the use of ethnographic inquiry, the study findings and analysis '[extract] the general from the unique, to move from the "micro" to the "macro"' (Burawoy, 1998: 5) and incorporate considerations of the 'meso' level dynamics that occur via institutions of the State.

Ethnographic interviewing is aimed to elicit information relevant to describing the participant's cultural knowledge. One-to-one 'ethnographic interviews' (Spradley, 2016) were undertaken with each participant. This enabled me to accurately describe and understand the social processes that were relevant to the lived experiences participants relayed to me alongside the observations I made during the process of the research. These observations have been incorporated as supplementary data and are highlighted as such in the unfolding of this and subsequent chapters.

The style of ethnographic interviews and conversations used were on-going and produced data that was detailed, contextualised and reflective (Stage and Mattson, 2003). This was achieved by undertaking multiple interviews with seven of the participants that resulted in over 29 hours of recorded discussion and an additional 15 hours of contact time either face-to-face or over the telephone throughout which I recorded fieldnotes and reflections that informed the analysis of the data that was produced. During the interviews detailed discussion were held with participants through the use of probing questions that inquired '*how did you know?*' and '*what information did you have access to?*'.

The research process was an iterative one (Maxfield, 2015) whereby participants were collaboratively engaged in ongoing ethnographic conversations, which facilitated interplay between the processes of data collection and interpretation. There was a continuous evolution to the framing and phrasing of interview questions and discussion topics (Thomas, 1993). For example, I adapted how I addressed the issue of what medical procedures individuals had undergone in a more direct way after couching it

in terms that were too reminiscent of the media discourse of “top” and “bottom surgery” following the initial interview. During the initial interview and after, I reflected upon the reaction of the first participant to this line of questioning and their desire to be medically specific in a way that acknowledged in some way the significance of these procedures. In addition, the flexible nature of the interview process incorporated a grounded methodology that supported a process of ‘emergent inquiry’ (Charmaz, 2011: 161) whereby I was able to explore issues in subsequent discussions and with subsequent participants where they appeared of significance and import in previous conversations.

The on-going conversations with participants enabled processes of data validation and checking of the accuracy of understandings and interpretations of experiences. The incorporation of both researcher and participant reflections, post-interview, also generated thick data (Ponterotto, 2006). Thick descriptions, as a form of theory, are used to describe and interpret experiences in a way that is appropriate and cognizant of the circumstances and context within which that experience took place. My exploration of the issues raised by participants was guided by a desire to unpick the processes by which those experiences were shaped and controlled. This approach considered the cultural settings of participants, acknowledged how backgrounds and previous experience shaped interpretations of reality and ultimately sought to interpret the meanings that participants generated around lived experiences.

The in-depth nature of our interactions also enabled a discussion of the emotions and thoughts of the participants, both at the time and reflectively



after the initial discussions, as well as supporting some attribution of motivations and intentions (Ponterotto, 2006) to those involved in the experiences that were relayed. Here it was evident that some participants were more comfortable with the reflective aspects of the research process. For example, Julie and Kayte in particular were keen to engage in this aspect of the research and were beyond generous in their on-going engagement with the research process and in sharing their reflections during and after the more formal interview discussions. The detailed exploration and description of experiences also addressed issues associated with the varying levels of comprehension participants had of their own experiences and the factors that shaped them (Curtis and Curtis, 2011). For some, this was the first opportunity they had been given to reflect upon their experiences.

The generosity of the research participants in sharing their reflections alongside other significant artefacts was overwhelming at times and the granularity which they afforded the analysis cannot be fully represented in this study. Some examples of such include the sharing of access to photographic files containing dozens of images from childhood, as well as personal images of occasions where participants had begun the process of visibly transitioning in private (Jenny-Anne) and the sharing of an official GP signed letter which the participant referred to as their “*get out of jail free letter*” (Kayte trans woman, 83). This constituted the official medical ‘approval’ of the named individual in possession of the letter to be visually deviating from the socially prescribed expectations of femininity/masculinity during their time undertaking the ‘real life experience’. Most poignantly, I was given an autobiographical ‘*missive*’

penned by a participant in 2013 (the year prior to this research study being initiated), an excerpt of which is presented here:

**Julie's missive, 2013:**

*Julie's view of the world*

*Please note, the following is entirely my thoughts. Not a criticism or an opinion of how anyone else should be... It is now seven months since my surgery, and I have spent a lot of time reflecting on life the universe and everything.... Maybe, I've reached a period of "now what" in my life. I find that I am now asking more searching and critical questions of why I did this. What really caused this condition within me. Am I really happier than before? Am I a woman now? Was I a woman before? In some ways, I feel manlier now than before, stronger, more confident, but more womanly? I don't know is the answer....*

*You see, now I've jumped all the hoops and got through the officialdom, I no longer feel afraid that the answers I get, may not fit with the general consensus of opinion of why people are trans. Perhaps I have this superior feeling because I survived the assault course that is NHS XX [redacted for anonymity]. I don't have to justify who I am anymore, because it can't be taken away from me now.*

In addition to ethnographic interviews, conversations and submissions from participants as above, elements of Plummer's (1994) life histories approach were used through inviting participants to complete a truncated life timeline. The process aided participants in shaping our discussion and provided a process by which experiences that they felt were important or significant in relation to the frame of our discussion could be highlighted. The end product also aided the analysis of experiences in relation to relevant temporal,

personal, cultural and political contexts in which experiences occurred. Recognising the power of people's stories as an account of life and situating these experiences within the specific context of these accounts, alongside the prevailing social values which frame them, generated powerful data (Warr, 2004), as noted below.

**Example: Researcher reflective field note**

On the train heading to the Community House - 29<sup>th</sup> March 2017

*I hadn't planned or expected to have the opportunity to immerse myself within the research in such a way, but I was thrilled when Jenny-Anne invited me to visit and stay at their 'Transgender Community House' in order to conduct our interview. I'm also pleased to be meeting with an activist concentrating their efforts outside of England so that I can explore and challenge my own take on the issues from my experiences and to top it all off Jenny-Anne is a keen photographer herself and excited about the prospect of incorporating photography into the research study. But I am tired and only wish that I could spend more than one night with them to allow myself to absorb more. But Jenny-Anne and Elen are busy and active activists and I feel incredibly fortunate to be in this position. Jenny-Anne has already forwarded to me an extensive 'timeline' that highlights key moments and issues throughout her incredible life. Reviewing this now gives me an opportunity to take an overview – nestled amongst the extensive list of activism, training and community work Jenny-Anne is involved with, are references to the harms, from the difficult family relationships, discrimination at work, being sent to a psychiatrist by parents to be 'cured' and being 'outed' by the police. Most of the harms listed here occur in the first two thirds of life and are far outweighed by the positive difference Jenny-Anne is clearly trying to make in the most recent phase of life. However, there is something very powerful in seeing how the experiences of harms for some provide a firm direction or purpose in life and I wonder if this is the result of pre-existing resilience or if the resilience is an outcome of the harms also?*

### 5.4.3 Phenomenology

My approach incorporated elements of phenomenology (Wimpenny and Gass, 2000) usually associated with more formal structured interviews repeated numerous times (Mischler, 1979; Seidman, 1991) whereby I engaged in several conversations on different occasions with participants, as outlined above. This served to uncover knowledge related to the specific phenomenon of harm experienced by trans individuals. The approach required me to identify, describe and understand both the key issues of concern in participants' worlds *and* the experiences as they impact on the individual (Smith and Osborn, 2008).

Ethnography and phenomenology can be combined to effectively consider the meaning of the lived experience, as opposed to leaving the experiences to speak for themselves (Sorrell and Redmond, 1995). Phenomenological inquiry can also serve to triangulate the data gained from participants (Maggs-Rapport, 2000). Lincoln and Guba (1985: 301) assert that spending sufficient time within the field can assist with learning about, for example, culturally relevant information, and provide the opportunities needed to build trust, which can in turn assist in challenging misconceptions and misinformation. Combined with what they term 'persistent observation' (Lincoln and Guba, 1985: 301), this approach can help to provide meaning and relevance to what might otherwise have been disregarded as part of a more fleeting observation. The overall combination of ethnographic and phenomenological inquiry represents a form of 'critical theory in action' (Madison, 2011: 14) and together these can be melded into what may be understood as 'critical ethnography' as outlined by Thomas (1993: 18):

‘The roots of critical thought spread from a long tradition of intellectual rebellion in which rigorous examination of ideas and discourse constituted political challenge. Social critique, by definition, is radical. It implies an evaluative judgment of meaning and method in research, policy, and human activity. Critical thinking implies freedom by recognizing that social existence, including our knowledge of it, is not simply composed of givens imposed on us by powerful and mysterious forces. This recognition leads to the possibility of transcending existing forces. The act of critique implies that by thinking about and acting upon the world, we are able to change both our subjective interpretations and objective conditions’.

#### 5.4.4 Visual methods

The fieldwork phase incorporated an interpretivist stance in inviting participants to capture ‘Point of View’ (POV) photographs of day-to-day experiences through which the researcher could imagine how the world looks through someone else’s eyes (Harding, 1992). The approach in this study took inspiration from the work of Barbee (2002), who used photography to generate ‘visual-narratives’ with trans individuals as a tool for understanding lived experiences outside the prevalent pathologisation framework. Participants were invited to capture images that represented something about their gender identity and their experiences in the world as a result. The emphasis was that these images did not need to take the form of self-portraits, but instead focused on other elements of the world. In contrast to the ‘psycho-medical gaze’ discussed above, this approach attempted to facilitate a ‘transgender gaze’ (Halberstam, 2005: 85) whereby we enter the world with trans individuals and experience it from their perspective. In doing so, and using the ethnographic interview data collected during my time with each participant, it was possible create new idiosyncratic representations focusing on the lived experiences of trans individuals concerned with how those individuals ‘are located in the world’

(Namaste, 2000: 1); images prompted further reflections upon what it is to be trans in the world and elicited a consideration of deep thought and emotions around these matters.

Representing the structural and systemic harms experienced by trans individuals through the capturing of POV images served as an attempt to counter issues intrinsic to portrait images and traditional media representations that focus on and individualize issues rather than situating them in and relating them to the wider social, structural and systemic harms informing those experiences. Participant-generated visual materials provided opportunities to 'reveal what [was] hidden in the inner mechanisms of the ordinary and the taken for granted' (Knowles and Sweetman, 2004: 7). The everyday management of identity, gender 'leakage' (Fournier, 2014) and maintaining socially intelligible gender presentation and expression are part of the daily management (Goffman, 1969) of 'normal' life for many trans individuals. The process which participants underwent in capturing images that represent these elements of lived experiences, in which they are usually fully immersed, supported the exploration and articulation of emotions and experiences that might usually remain implicit (Beilin, 2005). For example, in returning her set of developed photographs to me, Kayte provided an associated explanatory note that provided her interpretation of what the subject of each image represented to her as well as personal reflections.

When research participants were given cameras, the images they captured represented a shift away from the 'researcher-centric construction of the social world' (Prosser and Loxley, 2008: 31), legitimised their perspective

and provided an alternative means of communicating it (an example of this is provided at Image 1). Participants who were interested in engaging with the visual aspect of the research study were either provided with a disposable camera and a stamped addressed envelope with which to return the camera or developed images to me or opted to utilize their own cameras and forward digital images to me via email. Of the 11 participants, Kayte, Julie, Fred, Jenny-Anne and Elen elected to engage with the visual aspect of the research with Jenny-Anne sharing a link to a digital repository where she had collated dozens of images from throughout her life for me to utilize as I saw fit throughout the analysis process. However, as many of Jenny-Anne's images were of herself (as was the image provided by Fred) these did not fit with the rationale for the use of the POV method to invert the focus of the images away from the individuals themselves, therefore the decision was taken to not incorporate these into the final thesis. A single exception was made in relation to an image provided by Elen which is explored in more detail at 8.4.1.

This approach recognised participants as the authority of their own experiences and gave them due credit and ownership of how those experiences were represented (Mannay, 2010). In addition, by incorporating 'respondents with cameras' (Prosser and Loxley, 2008: 31) into the research study, they were able to capture images representing the 'ordinary' everyday experiences relevant to their lives that I was unable to experience through the snapshots obtained via our interview discussions. Participants produced images that engaged with the experiential: that is, the emotional or sensory elements of their lived experiences. It supported and facilitated participants'

identification of issues that were relevant to them and their journey in the world.



**Image 1: Perfume**

**Example: Research participant reflections:**

*“I fear that some of the symbolism of the photos may be ... seen as objects of pure superficial social construction, rather than something that demonstrates femininity”*

*‘Perfume – because it is feminine, and it smells nice!’*

(Julie, April 2017)

## **5.5 Data Analysis**

As outlined in the opening to the preceding chapter at 4.2, the analytical framework that was used to interpret and organise the later data emerged via a grounded approach (Glaser and Strauss, 1998). When grounded theory is not being used to develop theory, it can be used as a tool for data analysis and assist in organising and understanding experiences (Strauss and Corbin, 1998). As a result, a theory of recognition (Yar, 2001, 2012) was identified as a fruitful structure through which to organize and present the harms relayed to me in relation to the denials of love, esteem and respect that participants had experienced. Grounded theory encouraged detailed interrogation of the data in a systematic way (Charmaz, 2011) to avoid preconceived ideas of the researcher influencing its interpretation and to generate more enriched



explanations of the phenomena under investigation (Glaser and Strauss, 1998) than was possible by drawing upon the theoretical discussions prevalent across hate studies in particular.

Interviews were recorded and soon after, the content was transcribed to ensure draft copies of conversations could be forwarded to each participant. This approach gave both participants and the researcher opportunities to reflect upon the initial discussion to ensure the proposed interpretation represented the collected data (Charmaz, 2006). It also built upon and clarified issues that were perhaps insufficiently explored or explained during the initial interview discussion.

The process of data analysis began with an approach suggested by Shinebourne and Smith (2009), whereby each transcription was analysed before moving onto the next. This initial stage involved manually checking each completed transcript for accuracy and the identification of points in need of further clarification from participants. There followed a further review of each individual script, which allowed for a process of initial reflective note-taking and the identification of significant points of interest, alongside a review of the images provided by participants to establish how the inclusion of these could assist in illuminating any analytical points and those who would benefit from subsequent participant elaboration or reflections. Categories were then identified before being reviewed and combined into relevant themes for discussion and interpretation. This immersion in the raw data ensured an in-depth familiarity with individual data sets.

I chose to code each interview by hand, whilst simultaneously referring to and bringing together my earlier field observations and reflective notes before reflecting further upon what the emergent issues and patterns indicated and to begin the process of analysis. Undertaking the coding in such a way may be perceived as an outdated and long-winded approach but it was valuable in allowing me to work directly with the data and see the themes in detail (Charmaz, 2006). This process facilitated an immersion within the data in a way that would not be possible through the use of data analysis software techniques alone. Once the individual coding of each interview was complete, I cross-referenced, reviewed, compared and collapsed this data into macro themes. This stage of the process allowed me to begin theoretical analysis of the data by connecting themes and undertaking additional research to link them to the literature outlined in the preceding chapters (Charmaz, 2006).

Organising pieces of data into categories and themes can pose the risk of imposition of inaccurate categories and theme development (Charmaz, 2006). To avoid this, in the process of building themes from the identified categories, only the data that served to justify the interpretation of the category or theme was presented (Glaser, 1992) and relevant photographs were selected as a means to further illuminate analytically pertinent points. In the collation of categories to create emergent themes, key quotes and associated researcher notes were collected together and formatted to create space for a further layering of notes that provided an integration of the participants' original words and thoughts and that of the researcher (Smith and Osborn, 2008). Once appropriate themes were identified, individual

transcripts were revisited to identify differences or contradictions between individual participant accounts (Smith and Osborn, 2008).

## 5.6 Positionality and Reflexivity in the field

I recognise the criticisms from eminent trans scholars such as Spade (2006) and Wilchins (1997) regarding non-trans scholars writing about trans issues, as a result of my long history as an ally to trans individuals and the trans movement more broadly, I was confident that my immersion within the issues and interests of trans individuals throughout my professional work, in particular several of this study's participants, enabled me to 'adopt culturally-sensitive strategies' (McClennen, 2003: 223) that overcame the challenges associated with 'outsider' research. My prior relationships with many of the participants within the initial sample supported my overcoming of many of the barriers associated with the 'outsider' researcher status. Rapport, trust and openness were evident in participant reflections on the research process, with different individuals sharing as was noted by participants:

*"I think we've gone into more detail today, than in the counseling"*

(Simon, temporarily de-transitioned trans woman, 40)

*"It would probably be better to remain anonymous, as there's some very personal things... which I wouldn't necessarily share with other people...I've been deliberately very frank indeed"*

(Winifred, trans woman, 79)

*"It has been a very interesting process, quite emotional at times looking back on the hard bits which I had suppressed, but also quite cathartic"*

(Kayte, trans woman, 83, email 08.09.17)

Research participants traditionally have limited power over the research environment or process (Pyett, 2002). Both researcher and participant identity and experiences alike are formed by wider social structures on the basis of the power differentials associated with belonging to certain groups (Shields, 2008). Researchers may find themselves being defined by their disciplinary background and participants will have perceptions about how that might shape the researcher's knowledge, opinions and values related to a specific topic. I entered into the research cognizant of the role research plays in oppressive structures (Bishop, 2002; Sholock, 2007) and in particular, the historic relationship trans individuals have with research (Roen, 2002), alongside a desire to avoid the perpetuation of these historic harms (Ferguson, 2013).

As such, the approach adopted throughout this study combined the most useful elements of a range of methodological approaches that acknowledged the specific needs related to the gathering and interpretation of data pertaining to complex identities, needs and lived experiences. A process of queering traditional positivist methodologies was achieved by adopting the role of 'supplicant' during fieldwork (England, 1994: 243). As such, I acknowledged my reliance upon participants for their insight into the nuanced meanings of their lived experiences and in doing so shifted the power to participants (England, 1994) which was also reinforced through the incorporation of POV visual methods into the research study. Transgender theory is concerned with this relationship to power and knowledge, and the structures that define and regulate bodies. In order to do

this, it was important to convey to participants that 'dignity of belief' and to give recognition to their 'felt sense of gender' (Salamon, 2014: 116).

Warr (2004: 579) acknowledged the enormity of the task before researchers to exert change when confronted directly with testimonies of the 'personal suffering and the overwhelming inequalities that characterizes many societies'. As active social actors, 'social researchers are also participants within the research process' (Warr, 2004: 583). This was apparent in the current research study as participation was experienced above and beyond the practical tasks associated with the organising and conducting of interviews and instead, involved deeper participation as a fellow human being, involved in the emotional, sometimes distressing nature of the stories being relayed (McCosker, Barnard and Gerber, 2001). This deep engagement persisted throughout the process of data coding and collation and led to a deep-felt gratitude to each of the participants for their openness and exposure of the most vulnerable aspects of their selfhood. As such, the interviews were acknowledged as a gift from the participant to the researcher (Limerick, Burgess-Limerick and Grace, 1996) and characterised as a significant debt that could not be repaid.

***Example: Researcher reflective field note***

Leaving Bird's house after our discussion – May 2017

*I've just left Bird's house and am feeling overwhelmed by a desire to offer practical help to enable her to deal with the on-going distress and isolation she clearly feels. Bird shared with me stories that clearly illustrate her on-going distress associated with living as an outsider. She has not been involved with the activist movement that others have clearly achieved some sense of belonging through. Instead Bird experiences marginalization and*

*stigmatisation from her 'friends' at work and her neighbours in the isolated rural village she lives in on top of the ongoing trauma she clearly experienced as a result of the breakdown of her family relationships linked to her trans identity. Bird lacks the language to clearly express her identity and what it means to others as well as lacking the political knowledge of what rights and dignity she should expect from the world. Instead, Bird relayed to me harrowing experiences of her dealings with NHS services that she felt unable to challenge in spite of her feelings about her treatment. At the end of our discussion Bird was keen for me to visit again and offered for me to bring my family too. But she also mooted how people 'say they will but never come back' and I feel like a traitor that has used her for gleaning data that will be of utmost importance to this study but in real life – I'm just another person that is not a real friend.*

## **5.7 Ethics**

A conscious consideration of the ethics associated with research with trans research participants informed each stage of the design and implementation of the study. Many of the specific considerations have been integrated throughout the above discussion of methods and methodological rationale. My approach to ethics can be summarised as one that 'aligns ethics of research with a politics of the oppressed, [and] with the politics of resistance, hope and freedom' (Denzin and Giardina, 2016: 35). Ethical considerations were considered in terms of Vincent's (2018) six categories to consider when undertaking trans related research, this research has been designed, developed and undertaken with regard to: the historical underpinnings of transgenderism and identities; the significance and power of language; recognition of the contributions feminist methodologies can make to research with trans individuals; the value of intersectionality; and, less so in specific relation to spaces which were accessed in order to undertake my research, but nonetheless, a respect for relevant trans spaces.

The research study was designed in line with the British Society of Criminology's 'Statement of Ethics' (BSC, 2015), alongside the consideration of additional measures specifically relating to research with LGB and Trans individuals necessary 'to protect participants from harm and to ensure relevance and usefulness of findings' (Bettinger, 2010: 43). On the basis of this, the research gained approval of the University of Plymouth's Faculty of Business Research Ethics Committee on Friday 18<sup>th</sup> November 2016 (Appendix B).

In preparing for the research application for ethical approval, a number of key issues associated with undertaking research with trans individuals were considered and incorporated into the design and implementation of the research. This section summarises the key procedural ethics considered in advance of applying for ethical approval of this research. This section also highlights some of the key issues related to 'ethically important moments' or 'ethics in practice' (Guillemin and Gillam, 2004: 262) that took place during the process of undertaking the research. These are not necessarily predictable, avoidable or controllable in the same way that the procedural ethics addressed by the Faculty Research Ethics Committee are, as these ethically significant moments occur at an individual level, taking the form of a 'microethics' (Komesaroff, 1995: 62) applied to the 'complex dynamics between researcher and participant' (Guillemin and Gillam, 2004: 266).

#### 5.7.1 Informed consent

In advance of making any commitment to participate in the research, participants were provided with information (see Appendix C) that

explained the broad purpose and scope of the research. The information also explained the research process and matters related to confidentiality and the recording of information. Issues of informed consent were vital in relation to providing information that gave assurance to potential participants that the research would not lead to a repeat of historic betrayal and consumption of trans lives for professional gain. It was also important here to emphasise the independence of the research from other social and medical structures to ensure participants knew that their responses would not impact upon access to support and services. Thus emphasizing safety in these terms meant that participants could be open and honest in the knowledge that responses would be anonymised and not traceable to specific institutions upon whom they may be heavily reliant for treatment and support. This was important as participants shared their experiences in relation to specific services, some of which they were still associated with. In addition to this provision of information I also arranged pre-meetings (and where meeting in person was not practicably possible, a telephone conversation) with each potential participant to discuss the scope and intent of the research, invite any queries or questions and to also begin the process of establishing participants' own priorities and issues for discussion, should they agree to take part.

In addition, ambitions to incorporate the use of POV images warranted discussion and consideration in relation to the ethical considerations relative to use of images with trans individuals. Carrabine (2012: 464) reminds us of the 'moral consequences of looking'. The act of photographing someone can reduce them to objects, upon which judgment and meaning can be subjected, yet this is a widespread clinical practice to capture and record visually the



bodies of trans individuals before, during and after surgical transition procedures as was elucidated by an experience that Bird shared in the unfolding of our discussion and is expanded upon at 8.4.2. The medical model of transgenderism (the model which prevailed throughout much of the participants in this study's lives) emphasises the visible passing of a trans person in order to achieve 'success', 'acceptance' and 'recognition'. As such, trans individuals may have been suspicious, concerned or fearful of the prospect of being objectified in portrait photographs as deviant or 'freaks', as has been common practice in the past.

This study acknowledged the nuances associated with the different degrees of consent participants might be agreeing to provide at different stages of the research process. The first level may be to initially consent to meeting and beginning a discussion. Participants then variously opted to caveat their consent related to specific pieces of information they had shared in the unfolding our discussions. For example, Jenny-Anne shared with me information regarding an organisation with which she was associated which she specifically requested to be excluded from the data set. Others managed cases where they had shared personal experiences they hadn't anticipated or intended to (Corbin and Morse, 2003) (as was illustrated earlier in relation to Winifred at 5.6) with subsequent requests for anonymity. Indeed, such was the open and in-depth nature of some of the research discussions, a number of participants asked that details of some of their experiences were disregarded for the purposes of the research study. These were examples of sexual conduct and legal challenges that were on-going. This demonstrated

the need for consent to be regularly reassessed and negotiated during and after data was collected.

### 5.7.2 Anonymity and confidentiality

All participants were presented with the option to protect their identity with the adoption of a pseudonym to be used throughout the thesis where references to any data from their interviews were used. Most took up this option prior to the research and others opted to adopt a pseudonym at the close of the interview when reflecting on the nature of the experiences that were shared. In line with the collaborative nature of this research project, participants were offered the opportunity to choose their own pseudonym. For trans individuals in particular, this seemed the most sensitive approach for individuals who had lived much of their lives being mis-gendered and mis-named. Indeed, in discussing the rationale for their choices, some participants revealed the emotional or other particular significance of their choice. For example, Bird made her choice because:

*'it [a Bird] soars through the air, free and careless'.*

(Bird, trans woman, 51)

Others' choices represented forms of freer alter egos, some selected a name as a reflection on regrets or disappointment they had in relation to decisions they had made in selecting their change of name during their transition. This was the case for Julie, who reflected upon how legal procedure had driven her choice of name:

*'So, I'd done the deed poll thing, and the solicitor explained to me – you can call yourself whatever you like, so for legal purposes, my name from that date was Julie'.*

(Julie, trans woman, 52)

Jenny-Anne's rationale for electing to use her own name was in acknowledgement of her on-going activism and awareness raising work.

*'I'm perfectly happy for you to use my name, because ... I feel that if you are going to be out, and you are trying to set an example, then you've got to be completely out. There's no being a bit out.'*

(Jenny-Anne, trans woman, 71)

Indeed, it became apparent in other interviews that Jenny-Anne's work to raise awareness and provide support to other trans individuals was significant in their lives, with some individuals wishing to acknowledge the support they had received from Jenny-Anne, for example Winifred and Jasmine.

There was, however, a further moment of ethical importance when a participant I perceived as particularly vulnerable wished to use their own name for identification within the research study and thesis. The experiences shared included detailed descriptions of incest that began in childhood and persisted throughout their early adult life. The experiences were traumatic and informed reflections upon the psychological damage and harm this individual was exposed to within the institution of 'family'. These were personally challenging for the researcher to hear and it was felt this would be even more the case in incorporating the meaning of these events into the analysis of the findings if the participant had remained identifiable within the data. So, despite the participant's preference to use a name that was

recognisable to friends and acquaintances in their fondly thought of dance class and personal life, it was decided in discussion with my research supervisor, after the interview and upon reanalysing the content of the interview, that the researcher could potentially expose the participant to further distress if their own name was used. This example highlights the important role that researcher debriefing with supervisors following such traumatic interviews had in protecting and limiting any harms associated with the research process for the researcher themselves (Warr, 2004).

### 5.7.3 Sensitive research and protection from harm

By its very nature, the process of exploring individuals' lived experiences posed potential risks associated with the exposure of participants to secondary harm through exposure to psychological harm or emotional distress. This meant that it was vital that participants were supported in retaining control over the various aspects of the research process, from its location to the flow of the discussion itself (Cassell, 1980). As such, participants were involved in the setting up of interview locations and at the time of the interview itself were reminded that discussions were to be shaped and based on their own priorities. In facilitating this, the researcher was attentive to the four phases of the interview process as explained by Corbin and Morse (2003) in terms of the 'pre-interview'; 'tentative'; 'phase of immersion' and the 'phase of emergence'.

The openness and honesty the research participants bestowed upon the research process represented a level of trust participants and I had established that was great enough to ensure each felt safe in sharing with me

challenging, personal, emotional, and in some cases 'untold stories' (Dickson-Swift *et al*, 2008: 338). As described earlier at 5.6, the nature of the experiences being explored with participants required a level of researcher participation that went beyond practical tasks and incorporated an immersion within these sometimes-distressing experiences of individual lives. Whilst challenging and requiring sensitive negotiation at times, for example where participants became overwhelmed with the emotion of relaying or reflecting upon difficult memories, it was important that I was able to respond with reciprocal human emotion that acknowledged the pain but also offered appropriate support and opportunity to move away from such emotionally exposing discussions.

Padgett (2016: 84) highlights the potential for qualitative interviews to generate discussion of highly emotive and even distressingly 'painful life events'. Martin and Meezan (2003) explored the potential for studies that ask trans participants to recall experiences of hate or harm to re-traumatize individuals and could amount to a form of secondary victimisation. Another moment of ethical importance in the current study illustrated how, despite the range of mitigations and preparations undertaken by the researcher and participants in advance of the interviews, in an effort to establish safe boundaries for our discussions, emotions can take participants by surprise. In what can be described as an example illustrative of the 'tin-opener effect' defined by Etherington (1996) in the opening phase of the interview, Bird broke down when sharing with me her family circumstances and how '*as far as they're concerned, I don't exist. Which hurts...sorry*' (Bird). At this moment I realized how, as Etherington (1996) had conveyed, as researchers, we may

be asking people to discuss things that they have never had the opportunity to share with another person and in that moment the research came secondary to my 'desire for the other's well-being' (Noddings, 2013: 19); this required me to demonstrate compassion, caring, and empathy (Leininger, 1981).

The combined impact of supporting Bird with and through the emotions associated with that disclosure, the nature of the harmful experiences she shared in the remainder of our time together, how disempowered she felt, alongside the evident physical and emotional isolation that characterised Birds' existence, was problematic for my exiting from the field of research, as noted in the reflective researcher note above at 5.6. Such interactions with obviously vulnerable and isolated individuals highlight the potential for harm to be done to participants in 'breaking-off' the research relationship and the importance of ethical practice in the field (Taylor, 1991). I had a strong feeling of guilt associated with leaving the field leading to an 'ethical hangover' (Lofland and Lofland, 2006: 28), whereby I had taken what I needed from the research interactions but remained highly conscious of the participants being left unsupported with the deeply traumatic and emotionally distressing experiences they had lived through. This experience highlighted the need to ensure an ongoing 'sense of emotional balance' (Watts, 2008: 9) whereby I demonstrated empathy and provided support in the moment and sign-posted to other support that participants could access where useful, but also maintained the boundaries of the researcher/participant that are vital to the appropriate analysis and representation of the research findings.

Strategies for managing the 'phase of emergence' had already been considered in advance of the fieldwork and I prepared some final questions and discussion points that focused on issues of resilience, positive elements of the participant's life circumstances and hopes for the future. It was often in these moments that participants chose to relay significant and relevant experiences pertinent to the research (Corbin and Morse, 2003). Finally, the fieldwork phase of the research was exited sensitively with me contacting each participant a few days after the interview to provide an initial opportunity to reflect and offer my thanks and gratitude for their contribution to the research.

## **5.8 Chapter Conclusion**

The theoretical ambitions of this study and subsequent research work in this area have been to: shed light on a set of experiences of society that have had limited exposure to date in such a way as to engender greater acknowledgement and acceptance of non-normative realities of our world; generate new conceptualisations of the harms experienced by trans individuals; identify the social entities that institutionalise differentiations in power and quality of life between and within groups; and inform future structural and cultural change on this basis. Whilst this may be an ambitious proposal, as Denzin and Lincoln (2011: 11) suggest, 'we want a social science committed up front to issues of social justice, equity, nonviolence, peace and universal human rights'; this combination of approaches ensured that these principles were established and embedded throughout the study.

In recognition of the harmful relationship trans individuals have had with academic research in the past, the fieldwork was designed with the intention of creating opportunities for transformative experiences for the participants involved. The study did this through the inclusion of opportunities for participants to use point-of-view photography to capture relevant elements of the environment and society that revealed how participants 'are located in the world' (Namaste, 2000: 1) to elucidate and facilitate a reoriented focus upon a 'transgender gaze' (Halberstam, 2005: 85).

What follows are three interlinked analytical discussions that draw upon select examples within the data that elucidate the theoretical framework outlined in the previous chapter. The analysis chapters have been organised within the 'recognition' framework developed by Honneth (1996) and expanded upon by Yar (2001, 2012) in interpreting denials of recognition as examples of social harm. Specifically, the data and discussion thereof is presented in relation to three realms where Honneth (1996) locates the central sites of recognition. These are broken down into three distinct but contingent realms/chapters whereby firstly experiences of 'love' amongst family and other intimate loved ones reveal symbolic harms manifested through parents regulation of participants gendered behaviour and expression in line with the prevailing social norms of the time, then a consideration of experiences of 'esteem' attained via securing a sense of solidarity amongst others which illuminate harms manifested as a result of participants carrying forward as internalised transphobia (Iantaffi and Bockting, 2011), the prejudices they had been regulated through in their earlier formative years, and finally individuals experiencing of seeking



'rights' through legal and policy measures arbitrated by the State which expose the systemic harms associated with the psycho-medical and legal systems regulation of identities.

## **6 Analysis Chapter: Love**

### **6.1 Introduction**

Throughout the course of this chapter, I relate the findings of my research to a theory of recognition that acknowledges the harm generated by denials of love from parents and later intimate adult partners. Section one illuminates how participants' experiences were influenced by pre-capitalist hegemonic social structures around gender via their parent's commitment to such and associated regulation of participants' gendered behaviours to remain within the normative boundaries. Section two explores the impact of this regulation upon participants and their coping strategies that drove them into hiding. Section three explores harms in participants adult relationships leading to conflicts associated with notions of deception as well as occasions of subjective violence.

The role of love is as a form of recognition in the development of a healthy and positive relation to the self that facilitates 'self-confidence'. This 'self-confidence' for Honneth (1996) supports individuals in developing trust in one's own instinct and the environment into which we are born; our identities emerge throughout. The participants' experiences of regulation by their parents following early expressions of non-normative identities presented a fundamental challenge to the participants' faith in their own interpretations of themselves and the world around them and as such can be interpreted as denials of love. Participants lived experiences of early childhood relations with their parents, which influenced their later intimate adult relationships, resulted in psychological harms that impacted upon the individual's ability to formulate a positive relation to their self-identity.

### 6.1.1 Situating infancy and childhood within the 1950s/60s period

The initial set of observations illuminates harms that took place during the eldest participant's infancy and childhood which occurred throughout the 1950s/60s. As such the data can be contextualised within a post-war era characterised by the 'liberal consensus' which posited that unregulated markets produced social deterioration and an assertion of the State's role in mitigating inequality and providing a safety net in the guise of the social welfare system (Stedman -Jones, 2012). Neo-liberalism was in the process of being established with growth in consumer-oriented production and an expansion of the 'service' sector (Littler, 2017) but had not yet taken hold within the UK. Socially the period was characterised by a continuance of pre-capitalist traditional values that posited women and men as distinct categories in society with distinct traits, roles, responsibilities and expectations associated with their social presentation and expression. Specifically, participants parents would have been conscious of the criminalisation of homosexuality and rising numbers of arrests of gay men following the end of World War II. The inaction of the government of the time in response to the recommendations of the Wolfenden Report (1957) reinforced a social environment in which gay men and trans people via a process of misidentification were viewed as 'deviants' and 'pathological'.

### 6.1.2 Contextualising denials of love as social harm.

Developmental psychology established the integral relationship between an infant and its mother (or other primary care provider). It is via this relation that infants experience their primary relation to the human social

environment and through which an infant's understanding of the world is established (Jenkins, 2014). In the development of his initial theory of recognition, Honneth (1996) was specifically concerned with the role of parent-child and later intimate adult relationships in the development of a basic level of self-confidence that he saw as integral to the overarching emergence of a positive self-identity. The specific nature of the recognition that emerged from positive relations with parents and later intimate partners was articulated by Yar (2012: 58) as a recognition of one's 'particularity' expressed via our 'unique' personal traits and characteristics. The process of initiating infants into the gender binary commences even prior to their birth, with the colour of the 'baby shower' cake via which the parents reveal the gender of the foetus to the world and in the clothes loved ones gift to the expectant parents. Therefore, we can see how the expression of gendered characteristics that do not fit within the binary gender order puts trans infants at risk of having those characteristics rejected or regulated by parents in early childhood.

### 6.1.3 The harms highlighted in this chapter

Throughout this chapter examples of 'symbolic' violence (Žižek, 2008) enacted by the restrictive nature of binary gender categories are highlighted. Through their parent's commitment to the social norms and values that uphold a fixed binary gender system built upon pre-capitalist 'traditional values', participants had their gendered identity denounced as non-normative. The regulation of participants expression of their gendered identities to within these tightly observed categorisations had the effect of undermining participant's confidence in their capacity to accurately

interpret their inner felt sense of their self and express this in a way that was accepted to the outside world. This led to their suppression and concealment of the particularities of their gendered identity that identified them as 'different' which had a detrimental impact on participant's mental health. This form of symbolic harm is also illustrative of Hill's (2003) concept of 'genderism', as a form of violence enacted against trans people as outlined at 3.5.2, whereby conceptualisations of a binary gender order are naturalised and reproduced throughout cultural life to the extent that they are absorbed within normative life and as such provide a rationale for the marginalisation of those that stand out as non-normative. The chapter also illustrates examples of 'subjective' violence (Žižek, 2008) whereby parents coerced or forcibly transitioned their child and where others targeted violence towards participants in their pursuit of intimate relationships.

## **6.2 Section One: identity and childhood**

### 6.2.1 Formation of identity in relation to the external environment

Participant's first experiences of a sense of a gendered identity demonstrated conflicts, contradictions and tensions between participants' own sense of the gendered aspect of their self-identity and what appeared acceptable and recognisable to their parents. Reflections on this issue emerged within the context of justifications participants offered up regarding the lack of awareness and understanding their parents could offer to them within a turbulent socio-political economic environment.

*"The fifties were so innocent in many ways, and yet there was this war that coloured everything that happened, ... yet you continued, you could see people continuing in a very ordinary kind of way. Building new schools ... houses ... springing up all over the place, all of a sudden people*

*having more money to buy cars, they could actually come on the road, ... it was like being in a cartoon. A fairy world. And in that, there was me, who was listening really hard to everything that was going around, and knowing from a very, very early age, that I was out of step with all of that ... So, you had to be so, so careful, and because I was a child I didn't know how careful you had to be, so occasionally I would do it wrong ..."*

(Zdzislaw, trans man, 65)

Zdzislaw also reflected upon the nature of the family dynamics in relation to their social background and position. He situated his family's narrative within the wider context of a social environment that was stigmatizing of difference. He explained how his mother was an "exile" from her family as a result of her marrying a refugee, and her father was an "exile" from his homeland as a result of his involvement in "exile politics". Set within this context, Zdzislaw's mother's anxiety may have been a manifestation of her awareness of and experiences of this wider social environment that had the potential to expel individuals marked as 'different' to an abject existence at the fringes of society. Zdzislaw contextualised his early life experiences in terms of the lack of material wealth his family started out life in the UK with:

*"...they were starting from scratch, they had very little. So, through the early fifties we were very poor, and you know, we were poor but we were honest, you know?"*

(Zdzislaw, trans man, 65)

Similarly, Kayte demonstrated her acceptance of the hegemonic order that determined her future life as someone assigned male at birth. She situated her narrative within a pre-war era and contextualised her experience of gendered identity within the social 'conditioning' that shaped men and women's lives at that time:

*“.. the [...] thing which people certainly haven't got a clue about now is [...] the conditioning that you had [...] you had to have a job for life, you had to marry, you had to have 2.5 children, your wife had to stay at home and look after the kids, but of course that changed in the sixties - improved a bit, so I just knuckled down and it didn't worry me...”*

(Kayte, trans woman, 83)

The social environment of participants' childhoods was one imbued by heteronormativity (Warner, 1993) and specifically the pathologisation and legal prohibition of homosexuality. Zdzislaw's reflection below also spoke to the Lacanian model of the psycho-social development of the human psyche as always lacking the appropriate and sufficient language to express what lies within the unconscious:

*“...transness was simply encompassed by sexuality. So, it was contained within it, it didn't have its own identity... the language had been simply submerged into sexuality, and that must be the reason. That must be the explanation, and that's what my mother must have felt I guess. She didn't understand anything about a trans conversation, and neither did I, you know, all I knew is what I felt. It was very clear, but it didn't get explained in any other terms than sexuality.”*

(Zdzislaw, trans man, 65)

Participants each shared examples of early experiences which were suggestive of an awareness of their internally felt gender being in contrast to that which others perceived them to be. In this sense, this experience was their first exposure to a binary gendered order in social life; this order served to act as a structure which influenced and regulated acceptable subjectivities on this basis.

For some, this dissonance was projected onto commodified symbols of the gendered order as a primary mode of interpreting their existence (Jameson, 1991) and this was explained in terms of their desire to play or dress in ways

that siblings or friends of the 'other' gender were permitted. Bird relayed early lived experiences of an awareness of her gendered identity that was bound-up in the gendering of children's toys that was evident throughout the 1960s and 1970s in the era of the 'Sindy' and 'Action Man' dolls:

*"I knew when I was five. I knew right from an early age. Yeah, I kept getting bought toy guns and dolls- not dolls, Action Men and Tonka Trucks and I just wanted to go and play with me sister's dolls..."*

(Bird, trans woman, 51)

Bird wore her sister's clothes in secret, but this experience was juxtaposed against her awareness of the strict boundary between what was expected of 'men' and 'women' in the rural farming community in which she grew up. She explained:

*"I was brought up in a farming community, yeah, and it was like, erm... a man's a man, and a woman's a woman, yeah? If that makes sense? And [...] anything like gay or anything like that was totally 'boom' [Bird indicated that such things would prompt people within that community to have a strong negative response]."*

(Bird, trans woman, 51)

These early experiences speak to the ways in which Honneth (1996) suggested that individuals look to their parents or other primary care providers to make sense of their environment. They also illuminate junctures of harm, where infants had their capacity to adequately express their inner needs without fear or anxiety that the expression of such will lead to their rejection. Birds' evaluation of the environment as one of being risky and potentially hostile to her non-normative gendered expression informed her primary response to "deny" herself and pursue hyper-masculinised



expression and behaviours, which is explored in more detail later on in the chapter at 6.3.2.

Within the above excerpt it is possible to see how the dynamics and norms associated with gender within the family and community environment (Warner, 1993) in which Bird was raised restricted her conceptualisation of gender to the binary understanding of the hegemonic order of the time. The passage also illuminates the conflation that family and other local community members made between sexuality and gender. This was an issue in common with other participants, in particular Jenny-Anne, Zdzislaw, and even the younger participants, Simon and Jasmine, who experienced their childhoods throughout the 1980s, who articulated the influence prevailing prejudices related to homosexuality had upon their experiences and further frustrations around the lack of available language and labels to differentiate gendered experience from that related to sexuality.

The literature acknowledges a capacity for recollections of early childhood to become disconnected from the actuality of the biographies being relayed (Gagne et al, 1997). However, they retain their applicability to this discussion as a result of their being 'materials from which individuals mold current identities and, therefore are valid and significant' (Gagne et al, 1997: 486). In sharing with me their memories of childhood each of the research participants provided accounts of early behaviours and/or thoughts associated with a sense of their gendered identity being at-odds with what was expected of them as infants that were either assigned 'boys' or 'girls' at birth.

Simon relayed a moment in her teenage years in the late 1980s when she had had a (homo)sexual encounter with someone and how her feelings of shame (Gagné, Tewksbury and McGaughey, 1997) about that experience were more dictated by the prevailing homophobic social attitudes than her own feelings on the encounter itself. In turn she noted her lack of power over that external social environment and the prejudices that were evident within it:

*“I did have an experience with someone when I was fifteen as well ... a male. Which ... I felt bad about after, like I felt dirty afterwards, but only because I thought if someone found out ... I didn’t get angry about that, because that’s the world we’ve grown up in. We can’t... I couldn’t change the world. So, I decided it had to be secret.”*

(Simon, temporarily de-transitioned trans woman, 40)

Jasmine felt a “*mismatch*” between society’s perception of her as an outwardly appearing male and her more “*female*” demeanour. This led to Jasmine being exposed to bullying that misidentified her as a gay male (Califia, 1997). She explained how she was:

*“... called “gay” and “sissy” and everything else”.*

(Jasmine, intersex woman, 40)

Reflecting upon her experiences of coming-out when she initially transitioned, Simon acknowledged how her transgression of the hegemonic fixed gender binary challenged the foundations upon which others had established their own gendered and sexual lives. Simon felt that this was too challenging for some and may have provided the motivation behind people’s rejection of her (Messerschmidt and Tomsen, 2018) and led to her losing friends during the process of her transition:

*“People get scared as well, they question themselves, they question – I think it challenges maybe feelings that are maybe within themselves. Whatever that may be. May it be like homosexual feelings, or maybe they felt like that they’ve had some sort of feeling like that as well. And you definitely find out who your friends are. “*

(Simon, temporarily de-transitioned, trans woman, 40)

Some early experiences of the trans women within the research were characterised by strategies of accumulating and hiding clothes that were not acceptable for a person assigned male at birth. For example, both Julie and Simon relayed experiences of obtaining clothing and hiding them from their parents. Julie “... *buried them in a box in the garden*” (Julie, trans woman, 52) and Simon spread them around various places including in the attic, behind nearby factory storage units and:

*“... behind the boiler ... I was really secret, really secret about it. Because I grew up thinking it was wrong”*

(Simon, temporarily de-transitioned trans woman, 40)

### 6.2.2 Parental regulation

The data that follows highlights the role of parents as primary actors in the regulation of gender boundaries and the maintenance of a binary notion of the hegemonic gender order (Wharton, 2009). In contrast to those examples outlined above, rather than manifesting as a desire to play or dress in ways that were deemed acceptable for those of the ‘other’ gender, for some this dissonance was most acutely felt in terms of the ways in which the clothes and behavioural expectations or ‘symbols’ that demarcated gender were experienced as suffocating or concealing of their self-identity in ways that they could not control and were not comfortable within and thus expressive of the associated harm. As was illustrated by trans man, Zdzislaw:

*“... these symbols pursued us through my childhood and my teenage years. There were clothes, hair...I had fights [with his mother] about clothes every single day... on the surface they look like these fights that any kid would want, you know to control what they wear... for me, they were not simply a question of who makes the decisions, but it was what decisions were being made, what degree of decisions were being made, and my mother took it on herself to make those kinds of decisions that still continued to hide me.*

*...she tried, I see now, to give me some peace, but the way she did it was still to control how I appeared to the world, and therefore how much my story leaked beyond her. So she was my gatekeeper.”*

(Zdzislaw, trans man, 65)

Zdzislaw experienced childhood negotiations with his mother around clothing from as young as “two, possibly three”. As illustrated above, Zdzislaw experienced this regulation as a mode by which his mother was hiding the particularities (Honneth, 1996) of his identity. Often Zdzislaw contextualised his mother’s dogged determination to dress him in feminine clothing in relation to the expectations of others within the outside social environment that she was measuring or aligning her own actions, and therefore Zdzislaw’s behaviours and gendered expressions, against. In this way, his mother’s regulation could be conceived of as an outcome of her interaction and relation with the social order and as a manifestation of a protective strategy to guard her child from the judgement of the outside world (Wong and Drake, 2017).

In turn, it can be seen how the emergence of Zdzislaw’s identity for a time intertwined with his mother’s own perceptions, fears and wishes for his identity. Honneth (1996) contended that the individual self-will within primary relationships is inextricable from the will of the other and as such it becomes impossible to determine whether individuals are exerting their own

free-will or that of the significant other. The concept and protection of private liberty is a central tenet of the ideals of liberalism. As such 'free-will' as it is formulated in these primary relationships is in actuality more akin to an active co-construction that has been moulded by the experiences of denial and recognition. Identities emerge through innumerable expressions of individual characteristics that take place over the course of such interwoven relations. It is often hard to disentangle what is one desire from the other:

*"My mother has been the gatekeeper for a long, long time, and it was because of her anxiety, really, that I made some of the choices that I did ... by inference, you know seeing how she ... panicked at ... the idea of difference... for years while I'd been hiding, I'd been trying to ... keep ... my mother happy I suppose. The idea of, what would the neighbours think, that she had very strongly..."*

*So not knowing what to do with it, she did what my mother always did - she ignored it. She turned her back on it and tried to continue as if things were the same."*

(Zdzislaw, trans man, 65)

*"... I told my mother [about his trans status], and that was ... probably the most difficult conversation I'd had to have, and she didn't take it well. I'd given her some stuff to look at in writing so that she could go away and look at it in secret, cos [sic] I knew she'd want to do that... She immediately, I should have seen this coming, she immediately decided that I shouldn't tell anybody else in the family, leave it to her."*

(Zdzislaw, trans man, 65)

Jenny-Anne explained that the tensions in her relationship with her parents continued and worsened during the breakdown of her marriage and they insisted, in line with the pathologising narrative regarding trans identities circulating throughout society at the time, that Jenny-Anne seek 'medical' (meaning psychiatric) intervention to resolve her 'wicked' ways:

*"My parents were very cross about me being trans and called it wicked behaviour, which meant I hid it as a child, and then even as an adult when I had some difficulties in my marriage because of my gender*

*variance, my parents were initially really cross with me ... and my dad said, 'I don't want to talk to you'...*

*[they told her] ... you need to sort this out medically. And that's when I went to see the ... And when I came back and I said, you know, he thinks I'm probably transsexual, and that one day I'll transition, but I'm trying hard to resist that, she said to me, 'No, you're lying, he'd have told you that it's wicked and you mustn't do it'.*

(Jenny-Anne, trans woman, 71)

The dominance of biological, binary and fixed conceptualisations of gender (Lewantin, Rose and Kamin, 1984) and their absorption within cultural norms directed pressures upon parents to regulate the maintenance of such norms by their children. The rejection of non-normative identities is a rejection based on the illegitimacy of such identities within the wider social arrangements which we live within (Hines, 2007). The struggle within which Honneth (1996) asserted such negotiations for recognition take place occurred between parent and child. For the participants in this research study, positive affirmation of their expression of gendered identity and therefore the conditions in which self-confidence and trust within their innate capacity to interpret their own needs, was denied instead of facilitated.

### 6.2.3 Examples of violent parental regulation

In contrast to the regulation that has been illustrated thus far in participants' accounts of their family relations and their reactions to non-normative gendered expression, Bird and Jasmine were two participants who shared with me experiences of subjective (Žižek, 2008) violence within their home as a result of their non-normative gendered expression. Bird evaluated her father's violent treatment of her as unconsciously connected to her non-

normative gendered expression. The behaviour of Bird's father fits with Borstein's (1994: 127) concept of 'gender defenders' and a rationale that suggested she was deserving of such treatment (Merry,2006): a narrative which Bird internally absorbed. Bird explained how her father used to "*constantly*" beat her as a small child (he left the family home when she was nine years old and she did not have any further contact with him). Despite the nature of this subjective violence targeted at Bird as a result of her gender non-conformity, it is of note how such incidents would not be considered and dealt with as hate within the current confines of the legal approach to the issue. She noted how she was the only one of her siblings to receive this treatment from her father and she mused whether she in some way provoked his response as part of her "*wanting to get caught*" and made an attempt to explain away her father's actions as a response that could be expected towards the "*difference*" that Bird felt she represented within the traditional farming family she grew up around. Gehring and Knudson (2005: 29) believe that children with gender-variance present a target for abusers, stating that instead of experiences of such trauma being causatively associated with trans identities, their findings suggested the trauma and abuse experienced by trans individuals were more closely related to 'society's prejudices about being transsexual'.

Further Jasmine and Jackie shared lived experiences of more fundamental instances of 'subjective' harms whereby their parents regulated their lived gendered identity. In contrast to the other participants in this research study, both Jasmine and Jackie had their lived gendered expression and identity

forcibly altered by their parents from that which they were assigned by the medical system at birth.

Jasmine was born intersexed into a “*mixed-race family*”. Her father was Muslim. Jasmine explained how she did not share her “*mixed-race*” status with many people. Jasmine directly referenced the fact that she was a perceptibly “*very White*” appearing woman with pale skin and fair hair so her ethnicity was never called into question.

Jasmine referenced her father’s “*strict*” Islamic beliefs as having played the central role in Jasmine’s enforced transition to be raised as a son to her father rather than a daughter. Jasmine was raised within a traditional Turkish Muslim family environment that conformed to cultural norms of there being social divisions between women and men and where sons were perceived as a greater asset to families, with greater educational and earning potential (Sarker, Karim and Suffiun, 2017).

*“...At the age of seven I had my hair chopped off [...] my father said “I want to have a boy”... you know so that’s how I was brought up. We left [redacted city] where I was actually born, and we went to London to live.”*

*“...at that time...I can remember speaking to my mum, I can remember you know quite the conversation and I was going “why are you chopping my hair off for?” and she went “because you’re a boy, you’re a boy, you’re not a girl” you know and I went “but I’m a girl, I wear dresses!” and they was like “no, you’re a boy” you know, “you’ve got a willy” and it was one of those and that’s how it was pushed to me...As I hit puberty and obviously things started developing like you know my breasts and everything, it was then I was given testosterone... I was injected then with testosterone... that was illegally. I used to have an injection every three months... so it was very hard work...”*

(Jasmine, intersex woman, 40)



Jasmine discussed how medical assistance from outside of the Islamic community was strictly prohibited and instead, treatment or medical assistance was regulated and administered within the confines of her father's community. Jasmine struggled with the transition from one set of strictly regulated gendered behaviours to the other. At around thirteen years of age, Jasmine recalled her father, on discovering that Jasmine had female underwear in her bedroom:

*"...beating the hell out of me ... he hit me so hard I remember my brace came flying out of my mouth."*

(Jasmine, intersex woman, 40)

Jasmine did not recall witnessing any objection to what was happening to her being raised by her mother. Jasmine believed her mother was powerless to intervene and recalled her shutting down any questioning on the matter with retorts such as:

*"... 'it's your father's decision and that's that. You do as your father says'."*

(Jasmine, intersex woman, 40)

Jasmine's father obtained a second birth certificate with a new name and the male gender marker for Jasmine.

*"... I hated the religion, my first language is Arabic...it's my native tongue... but it's just a really awkward place to be living, you know, women are on one side and men are on the other. So at one stage in my life, I'd have to be with my Mum all the time and then all of a sudden I was taken off, you'd wear boys clothes, I had all my like dolls and everything else, bits and pieces, taken away from me, anything that was to resemble you know 'female' and then I'd have to spend time with my brothers and my father and stuff and sit in those rooms. 'Cause [sic] you're always kept pretty much separate quite a lot of the time when there's other members [of the community] or if people come 'round."*

(Jasmine, intersex woman, 40)

The harms evident in the lived experiences relayed by Jasmine were associated in her mind with the strict religious culture that she was raised within. The hegemonically structured gendered segregation that occurred in Jasmine's family culture are worthy of note in relation to how this separation compounded the challenges Jasmine experienced in building knowledge of the accepted norms associated with being a Muslim 'male'. In this way it can be seen how traditional discourses associated with gender remain complicit in the production and perpetuation of harms in the emergent neo-liberal environment of the 1980s. Indeed, it may be the case that, inferred by Jasmine's reference to how "*boys are worth more in Muslim culture*", these traditional value systems that posit women as less worthy than men provided some sense of rationale or logic behind her father's forcible transition of her to become a boy as they are perceived as having more value.

Intersex individuals are differentiated from trans individuals in terms of what lies at the root of individuals' problematic relation to their gendered identities (Dreger and Herndon, 2009). Intersex conditions remain underexplored within the literature (Donald and Ehrenfeld, 2015) and in many countries' individuals remain exposed to surgery without consent very early in their infant lives (Travis and Garland, 2018). Many intersex individuals share common lived experiences with trans individuals in terms of the dissonance they can experience with their assigned gender and Jasmine described herself as "trans" on account of her forced transition in childhood and the subsequent 'de-transition' that was necessary following decades of the forced administration of testosterone.

Jackie was a 72-year-old trans woman and was assigned 'male' at birth. Jackie situated her narrative within a wealthy background, whereby the social status of the adults in her extended family dictated her lavish surroundings and privileged upbringing. She described growing up in a large house with staff but noted how these individuals took on the role of her primary 'care' providers, in place of her birth mother or father. Jackie explained her relationship with her mother as an infant and small child:

*"...to her horror I was born a boy, so she brought me up as a little girl until I was five...."*

(Jackie, trans woman, 72)

Jackie's mother dressed her in what would have been demonstrably interpreted as 'girl's' clothing including dresses and "pretty socks" and socialised amongst her friends with Jackie, referred to her by her 'girl's' name, which her mother had given her:

*"...it was my fourth or fifth birthday ... I had the most beautiful white dress with red ribbons, white ankle socks, and red Clarks sandals. It was probably the happiest birthday I can ever remember... And then... mother's older sister [name redacted] turned up with Y-fronts, grey short trousers, and white shirts that buttoned up the wrong way, and said "John's got to go to school in September as a boy", and that was the beginning of twelve years or purgatory at school. I just couldn't fit in; I didn't do well..."*

(Jackie, trans woman, 72)

Jackie's lived experience elucidated a different example to that of Jasmine's, of a harrowing abusive relationship with her mother. In her position of power and authority within not only Jackie's life but in the lives of the household staff, her mother's denial of her assigned gender consisted of a forced coercion of Jackie into presenting herself as female, with the other

adults responsible for her care complicit in this performance for her mother's benefit. The harm associated with her mother's coercion of Jackie in this way did not cease but instead developed into a sexually abusive relationship, with Jackie offering detailed accounts of the complex incestuous relationship that developed between herself, her mother and her mother's wider circle of intimate partners and friends as she grew older which required her to perform within her female gendered identity during these encounters.

### **6.3 Section Two: psychological impact and physical harm**

#### 6.3.1 Avoidance and hiding

One of the first substantial turning points in the participants' young lives was the adoption of a strategy to hide aspects of their non-normative gendered identity that invited regulation. The parental regulation they had experienced to date had a significant impact on their mental health and informed their coping strategies moving forward (Grossman, *et al*, 2005; Kane, 2006; Perry and Dyck, 2014). As young people, many participants developed different coping strategies in response to the regulation. For Jenny-Anne, she coped by avoiding certain situations (Craig, 2002) and distracting herself:

*"I spent a lot of time trying to avoid what I would consider the really masculine things [and]...study[ing] hard... because if you work really hard, you're not thinking about your gender and the challenges."*

(Jenny-Anne, trans woman, 71)

A significant coping strategy that featured in each of the research participants' lives was the construction of a mode through which they could

'hide' (Hines, 2007) non-normative gendered aspects of their self that they felt were being regulated and rejected by their parents. In order to 'hide', participants engaged in a conscious process of self-management of their gendered expression so as not to arouse further calls for regulation or elicit further judgement or disapproval from their parent(s) or others. This 'hiding' manifested in various ways for the participants, but there were two sub-themes that emerged. Firstly, the impact their parents' regulation had upon participants' mental health at the time and as they grew older. Secondly, how participants adopted hyper-gendered behaviours and expressions as a cover or diversion. This process simultaneously served as a personal disavowal of that aspect of their self-identity to themselves and proved their alliance with their birth assigned gender to others.

The strategies adopted in response to their parental regulation can be framed in terms of the denial of self-confidence participants experienced as a result; one of the three core aspects of the model of self-identity formation proposed by Honneth (1996). Participants enacted a fundamental betrayal of their own capacity and ability to accurately understand themselves. They instead favoured the interpretations of their social environment as better able to dictate what intelligible subjectivity as a gendered subject consisted of. Such was the strength of the need for participants to achieve recognition of that innate capacity from their parents that participants denied the existence, importance or actuality of their own understanding of their gender in favour of what their parents were telling them their identity was.

Participants variously throughout our discussions acknowledged the impact that early experiences of regulation had upon their mental health at the time

and as they grew older. Jasmine reflected upon the impact of her enforced transition on her mental health (McNeil *et al*, 2012; Harris, Walgrave and Braithwaite, 2004):

*“... it was bad you know. For myself it mentally destructed me for some time. And people said to me “well why didn’t you just go back to being a girl?” and I said, in my early adolescence you just go with the flow don’t you... and I obviously it’s a very strict regime that you live under with Islamic families.”*

(Jasmine, intersex woman, 40)

Similarly, Julie reflected upon her younger years, noting:

*“... I just lacked so much confidence in myself, that I just... I didn’t have the self-confidence. [...] I just think I just grew up feeling pretty worthless.”*

(Julie, trans woman, 52)

The intricate daily management (Hill, 2003, Goffman, 1969) of what participants perceived as multiple identities was also an evident theme amongst the research participants. Zdzislaw engaged in an on-going process of managing the expression of his identity. After the sustained exertion of an enforced concealment of his non-normative gendered expression on the part of his mother, Zdzislaw ultimately conceded with his decision to “*go into hiding*”. He deemed the management of his expression as a necessary requirement for existence within an external environment where people negatively perceived non-normative expressions of gender identity (Hines, 2007). This awareness generated the requirement for a performance of his externally perceived gender to others (West and Zimmerman, 1987, 2009):

*“... in one sense, all my life I’ve known about me, as a male, and so my transition has been almost lifelong, that I took certain steps ... to hide*

*that sense of myself, from society, because I was unsure of how that one – well, actually I wasn't unsure I was pretty certain, how it would go.... So all my life I've known about me, and acted in my head as male, but have had to put on a performance as female."*

(Zdzislaw, trans man, 65)

In acknowledgement of the intrinsic risk of physical harm that the expression of non-normative gendered identity posed specifically for Bird, she, along with the other participants, developed strategies that aimed to hide those gendered characteristics to avoid this risk. Bird described hiding as a process of:

*"...proving things to other people, but hiding my true self from me"*

(Bird, trans woman, 51)

The dilemma participants were faced with can be conceived of as one in which the stakes were so high that they risked social erasure (Gagne, Tewksbury, McGaughy, 1997) or 'social death' (Cacho, 2012). Whereby Bird and Zdzislaw were faced with a Hobson's choice to either freely express themselves and risk rejection from family and/or wider society - and for Bird the physical harm at the hands of her violent father - or to assimilate, conform and perform the gendered norms (Gherovici, 2017a). The latter offered the opportunity to remain invisible, an imperfect solution to the dissonance between their felt and socially expressed versions of their gender (Stone, 1991). As illustrated by Zdzislaw, the decision to hide was a vital one for survival and as such, the 'performance' he gave had to be irrefutable, without gaps or leakages:

*"... I had made the decision to hide and that was absolutely certain - I was not going to reveal it to anybody else."*

(Zdzislaw, trans man, 65)

However, the tensions and growing anxious echoes from the void, that they identified as emanating from the dissonance between their internal felt sense of identity and their outward performance, continued to torment many of the participants. The drive to live their lives as their full selves and take steps towards achieving an authentic life was strong and individuals engaged in secretive behaviours to enable themselves to temporarily be the person, they knew themselves to be.

*“I started feeling depressed and trapped, and it was like I couldn’t find anything that interested me. I couldn’t settle. I couldn’t settle in a relationship.”*

(Bird, trans woman, 51)

For Zdzislaw, he articulated how heavy the burden of hiding from himself and others had become and how the various ‘symbolic’ attempts he made at addressing the anxiety he experienced ultimately failed to assuage the feeling:

*“... And then as my adulthood went on, it was more and more difficult for me to hide behind that persona, and emotionally [...] I found that a difficult thing to keep on doing. So, I, you know it was almost as if I’d let slip a few things, which then made me feel quite worried, anxious.*

*What was happening inside me was that I was gradually breaking down, and able to cope less and less well with hiding, with being not the person inside, so there were things that I had to do about it, but what I actually chose to do about it was – were those, again, like symbolically – was to change partners, for example. To change how I lived. But it didn’t change how I felt, and it kept on moving on until I had no place to hide, I suppose.”*

(Zdzislaw, trans man, 65)



### 6.3.2 Performances of hyper-gendered identities

The performance (West and Zimmerman, 1987) of 'hiding' was in and of itself riddled with contradictions for participants and needed to become more elaborate as they got older, evoking anxiety and internal tensions that troubled Zdzislaw:

*"Eventually I learnt, and that was the thing about hiding, because up until then I hadn't particularly hidden, I'd just been me, and the me was, in the society's terms, 'tomboyish'... I acted in a conventional way, and just kept quiet about how I felt, so as long as things were going well there was no need for me to get particularly concerned [...] the performance that I gave had to be that of a female.*

*However, I had difficulty in doing that, both emotionally, and practically. Because there were only so many steps, I could take to appear female, without myself feeling a complete fraud, without appearing like a really weird, in fact like a man in drag. Because even though I could school myself in trying to act, I actually couldn't do the bloody thing naturally, and would, look askance, well not askance but look at girls performing as girls and thinking, ahh, I couldn't do that, you know..."*

(Zdzislaw, trans man, 65)

Similarly, Elen articulated the dissonance she felt related to the masculine performance required of her:

*"... tried putting on 'cave man'.. but it was like playing a pantomime villain, it wasn't real at all... [...] I can't get on with people if I'm not being honest, if I feel like I'm putting on a show, there has to be that honesty"*

(Elen, trans woman, 75)

And Fred also:

*"...I thought ... well am I a cross-dresser? ... no. It's much, much more profound than that."*

*" ... I'd never really been comfortable, and it's not within what would be acceptable parameters of someone who is female or a woman. ... it was almost as though times I'd try and sort of like, hyper-feminise and that*

*just didn't work either, because I'd just look like I was ... in drag. So that was wrong as well, so I was stuck. And I think that was what finally did it for me ... I needed some help to find myself, basically."*

(Fred, non-binary trans man, 51)

The excerpts included above illustrated how each of these participants struggled to exact a performance of femininity/masculinity as required by normative interpretations of gender as communicated via such (Zucker and Bradley, 1995). In particular, they struggled to refine a performance that balanced what was needed as an effective gendered display socially but that did not in turn feel too much like a performance that was detached from their inner felt gendered identity (Meyer, 2004). The dissonance that persisted between what they knew of their gendered identity and the performance they were expected to present to the social world only served to reinforce their sense of their gendered identity as being more complex and 'profound' than any performance could represent.

Some of the trans women in this research study shared their lived experiences of performing 'hyper-masculinity' (Brown and Rounsley, 1996) as a tool for concealing their trans identity. Through these performances, their 'conformity' to their parent(s) and wider society's expectations upon men provided a decoy that directed external scrutiny away from their gendered identity altogether.

*"... I was in the old territorial army, by then in the sixties I was in the new reserve army, I was a military policeman ... trying to prove my masculinity, because I was ... a five-stone weakling – I sort of admired Charles Atlas (A body builder) ... So, I was constantly – I think it was subconsciously - trying to prove my masculinity."*

(Kayte, trans woman, 83)

Bird also spoke of how she engaged with brutal determination in the process of denying her trans identity. Amongst her efforts to make herself more “masculine” were “rugby weight training” and “lifting”. Bird noted how successful this tactic was and how her body weight grew to:

*“22 stone. I was massive. Absolutely massive”.*

(Bird, trans woman, 51)

These examples illustrate the lengths that some participants went to in order to follow the rules of a hegemonic binary gender ideal in sometimes stereotypical and caricatured ways. They also illustrated the turmoil and inner-conflict these lived experiences generated for trans individuals. The various complex and committed struggles that participants engaged in to deny, suppress and conceal their trans status were each ultimately revealed as futile attempts that failed as long-term, sustainable solutions:

*“So, I suppose I tried to do everything possible, went totally the other way - did everything I could to try and deny myself. Yeah, and then it just grew in my head. In the end I just had to do something about it, basically. “*

(Bird, trans woman, 51)

There is an anxiety that underpins these ‘performances’ that could be interpreted as echoes emanating from the Lacanian (1974) and Žižekian (2000) void at the core of each of us. The inadequacy of societal norms and culture to provide a viable position for trans subjectivities at all, at the time that the participants in the study were growing up, meant that they reached for recognition via the normative gendered identity they were expected to embody – that of ‘man’ or ‘woman’. The inadequacy of this identity to

resonate with the participants' internal sense of themselves created dissonance and brought them into interaction with the void that for Lacan (1974) was the gap between the conscious (that which can be expressed within language) and the unconscious (that which evades representation in language). It is from here that the anxiety experienced by the participants could be said to reverberate.

There were on-going ramifications and ripples of the harms (Noelle, 2002) Jasmine had been exposed to in her early life at home. These lived experiences transformed and morphed into new harms. Isolated from an already hostile family environment, Jasmine had no one that might support her, and she persisted with the hormones that she had been forced to receive for the previous six or seven years. During her late teenage years, Jasmine engaged in male dominated activities that could be understood as 'hyper-masculine' including stock-car racing and weight lifting. Under the guise of the normative behaviours of others that attended her gym, Jasmine was able to continue to access the testosterone she needed to conceal her feminine physique without drawing undue attention. Jasmine deemed the prospect of de-transitioning if she stopped taking the testosterone even greater than the risks associated with taking unregulated testosterone that was "*for animal use only*". Despite knowing the risks associated with this behaviour Jasmine perceived it as the only possible course of action in her circumstances (Gagne, Tewksbury, McGaughey, 1997; Cacho, 2012).

Jasmine explained her predicament as one of "*being bullied or to be a bully*" and eventually this led Jasmine to seek solidarity with others pushed to the fringes of society and she became involved in petty crime. Jasmine served a

number of short prison sentences from the age of 17 years old. This behaviour was disapproved of by her family and served as the central source of shame and rejection she experienced from her parents and led to them kicking her out. This represented a further rejection of Jasmine's self-identity that did not acknowledge the influence experiences of a gendered upbringing within a strictly Islamic family environment as underpinning her later behaviour.

Jasmine recalled feelings of deep turmoil about her gender identity at this time but felt unable to manage what she anticipated to be another deeply traumatic transition if she stopped taking the testosterone (by choice or enforced through being unable to access the hormone injections during a prison sentence). Each time that Jasmine awaited sentencing she experienced intense and worsening anxiety about the length of the sentence and the implications that may have had on her ability to manage her gendered expression without access to testosterone, which served to defeminise her body, in a male prison estate environment.

It has been well documented how family members negatively respond to trans individuals' gender expression or identity (Factor and Rothblum, 2007). However, in spite of this pressure, as supported by the lived experiences of participants within this research study, gender variant children identified as something other than the sex assigned to them at birth (Kaltiala-Heino *et al.*, 2015). Sparse research such as Diamond (2013), suggest a negative relationship between early maternal experiences and the early development of children; however, to date, scholarship has not made a compelling argument for an aetiological correlation between parenting and

gender dysphoria (Marantz and Coated, 1991). What has been evidenced is the correlation between parenting behaviours and increased levels of distress experienced by trans individuals in how they feel about themselves and the social world (Simon *et al.*, 2011).

Participants' lived experiences continued to be characterised by their performance whilst 'in-hiding' in the shadow of the appeasement they were offering to their parents. Participants reflected on their suppression of what they thought they knew about who they were as a way of protecting themselves from being 'found out' and in doing so being exposed to further rejection. The solution in this context was to conform, fit-in, shrink and disappear into the background: to do what was 'expected' of them according to the gender they were assigned at birth.

Participants relayed to me how the process of upholding the concealment of their trans identities grew more complex and the stakes grew higher as they entered adulthood. Some of their exploration of other intimate relationships in the context of their trans identity and the harms this engendered are also revealed in the unfolding of this chapter section. Significantly, nine of the 11 observed how their initial primary intimate relationships were formed on the basis of their birth assigned gender and along heteronormative lines, with members of the opposite sex with the remaining two participants identifying as asexual. These relationships were long-lasting and, in some cases, led to the bearing of children and on the whole these initial relationships continued with their partners being unaware of their trans status throughout.

Zdzislaw shared his experience of his first relationship and marriage as a direct appeasement of his mother and her wishes and expectations upon him as her 'daughter'. The psychological impact and harms this generated for Zdzislaw are implicit within this passage:

*"...when I was getting married, I was the closest that I'd become to fulfilling my mother's ideas of me [...] I wanted it all to happen as quickly as possible without my having much to do with it, i.e. all the periphery, ... and I agreed to it... I let my mother choose, I let her do everything, as long as I didn't have to make any decisions except say yeah, ok, agree with it. So, the wedding was for them, you know. We got married because of our parents ...*

*[...] what my mother wanted me to do, and what I eventually did was to have a very conventional wedding dress ... her anxiety that I would act the part was very, very obvious ... And she could see that I was just clamping my teeth and getting through it, and grinning.*

*That's how I lived most of my life, you know, I just got through it, I acted. And sometimes it was easy and sometimes it wasn't, and when it wasn't, I always could go back to being, erm...to retreat into myself. And sometimes during my teenage years when I wasn't very good at it, that would obviously show because the social occasions, and there were so many, when I was expected, I don't know, to be like everybody else, I couldn't do it. I couldn't do what they wanted me to do. I wouldn't dance because it would mean dancing with blokes, I wouldn't talk because I had nothing to say."*

(Zdzislaw, trans man, 65)

By the time of their parents' deaths, many participants had already initiated their transitions in private or in isolated locations of their lives reminiscent of Goffman's (1969) separation between the 'front' and 'back-stages' of our lives. However, with the passing of their parents, and for Kayte her wife, participants were provided for the first time with some relief from the burden attached to the regulatory gaze of their parents that had followed them throughout their lives to date. Released from this responsibility to conform to their parents' expectations and in doing so upholding their

parents' social respectability in many ways, participants reached a second substantial turning point, more positive than the first in which they learnt to hide their identity, that enabled them to explore ways of more fully embracing and embodying their trans identity, both internally and socially in all aspects of their lives.

Zdzislaw reflected upon the time that he took the decision to take control of the way he represented himself to the world in a more honest way that would mean he could be happier and more fully himself:

*"I think by that time; I had no longer need of my mum's permission. And I was no longer needing to protect her. A lot of the stuff that I'd done in my life had been to protect my mother, and I did feel at that time, it's gone on long enough. It's my turn now. And that I would still be the same person [...] Whatever I do now, beyond it, I am still the same person. In fact, more so because I can be more honest. And ... I can be happier..."*

(Zdzislaw, trans man, 65)

#### **6.4 Section Three: new beginnings and new harms**

By the late 1990s/early 2000s participants were experiencing periods of fundamental change in their personal lives as a result of the breakdown of their initial relationships, the ill-health or death of their parents. This time period, more fully explored in the next chapter where participants experiences of 'coming-out' and engagement with trans groups are explored, was characterised by the election of New Labour in 1997 and with it the emergence of an updated form of neoliberalism 'with a human face' (Molyneux, 2008: 780) which foregrounded liberal ideals of equality and tolerance. In combination with being released from the regulation of their parents, this shift in the socio-political environment provided sufficient



motivation for some participants to tentatively engage in their adult relationships as someone more akin to their inner felt sense.

#### 6.4.1 Navigating an identity with no name and conflated labels

Their restricted and obscured relationships of the past had denied participants the opportunity to explore any feelings associated with their true gendered identity, let alone develop a capacity to navigate the social world as such. This presented an uncharted challenge to participants that required the development of a new set of navigation skills. On reflecting on this prospect Zdzislaw stated:

*“...And then there was the whole thing about how do I now- how can I present myself, that will be good enough for me, for my mental health to be ok, and yet still there was this, I want- I can’t go that final step. So that period was basically when people- when I started a relationship with a woman... “*

(Zdzislaw, trans man, 65)

Zdzislaw’s experiences of relationships illuminated the complexities that manifested at the nexus of social expectations around gender identity and sexuality. In the absence of a visible social framework for non-normative, trans relationships, survival within the normative system required non-*heteronormative* families to engage in a process of ‘inventive manipulation’ of the social world (Emirbayer and Mische, 1998: 988). Indeed, Zdzislaw shared experiences of navigating decisions about when and which identity categories to align with. These decisions were contingent upon various pragmatic factors including ‘concerns of situational advantage, political gain and conceptual utility’ (Seidman, 1994: 174).

Reflecting upon the early days of his relationship throughout the late 1990/2000s with his now wife, Zdzislaw revealed how his sexuality and relationship status shifted and changed in relation to the prevailing expectations of the given social environment. The norms and expectations that governed such social relations at the time permitted more liberal acceptance of same-sex relationships, by some, but Zdzislaw's trans identity posed the potential risk of inviting negative evaluations and regulation by others in their wider social circle. Zdzislaw and his partner's successful negotiation of these dynamics was an opportunity to realise solidarity with others in their social circle by virtue of their acceptance and esteem:

*"...when we went to our families, we were a couple. When we entertained people at home, it depended whether they knew we were a couple or not as to how we reacted. And sometimes we were a couple, and sometimes I was the lodger, even though I was actually the co-owner of the house. It was very peculiar."*

*"...nobody knew about my transness... the dance was 'were we out as a lesbian couple, and we were to some people and we weren't to others ..."*

*"I was finding it more and more difficult to keep up this stuff that I was expected to do now... I needed to hide because I wasn't really a lesbian ... While I'd been hiding and it was only me who knew, it was up to me to patrol my boundaries. Now that other people knew some of my story and some of my...story as a partner, and some of my story as a lesbian ... it was kind of more difficult to know what was going on, but we managed it."*

*What was difficult for me was the internal stuff, of knowing that this isn't quite what I want. And having let some of my feelings out of the bag, it was more and more difficult to keep on hiding. I thought it would be fine, but it wasn't. I thought –because I was in a relationship that was really important to me, I thought that was gonna [sic] be good enough. In the end, it wasn't.... what was happening to me was actually crippling me again, not giving me the freedom that I expected it to give."*

(Zdzislaw, trans man, 65)

These experiences illuminated the struggle between the unconscious instincts relating to who we feel we are that can be in contrast to the limited and unsatisfactory categorical subjectivities that are presented to us even within liberal society via culture and social norms (Gherovici, 2017a). In addition, Fred explained how people misidentified him:

*"[...] people thought that I was actually lesbian, because being trans, they could not... it was beyond their comprehension.*

(Fred, non-binary trans man, 51)

Once Zdzislaw had erroneously come-out as 'lesbian', the norms, stereotypes and expectations that governed this identity within society became the yardstick against which Zdzislaw's identity was evaluated and judged. As his reflections revealed, the inadequacy of this "label" to represent his true identity, his rejection of the label and his own internalised homophobia caused further internal distress:

*"So, I was now- I now had a label of lesbian... .. because of the way that I chose to dress, which was slightly freer in a sense, more freely chosen than prior to that, it was fairly obvious that the term should be butch dyke, sort of thing, that I hated, I absolutely hated, because it wasn't my label. It wasn't true...*

*... it had all kind of associations, and [...] the internalisation of yourself as homophobic and transphobic, you know, I went through all of that stuff. ...*

*And it was so difficult to take a step beyond that because even though it was uncomfortable, it was more comfortable than keeping on as I had been doing. So that was a kind of transition.*

*...And then, the final few stages I suppose, were when I was able to, erm... when I was able to put into words what I wanted to happen, as a- as an ideal, and, well not actually as an ideal but as a good enough..."*

(Zdzislaw, trans man, 65)

These reflections illuminated the dialectical emergence of identity (Meyer, 2004) that occurred in relation with the myriad of personal and social interactions Zdzislaw had to navigate within the social norms and expectations that govern those situations. Through each of his successive personal relationships, Zdzislaw was in some ways progressing, escaping from the straitjacket of his assigned sex/gender and always assumed heteronormative sexuality. Through this process he was able to inch towards an expansion of the space in which he could express himself more fully. However, in addition this sometimes, by virtue of the people, places and era in which this growth was occurring, meant that he had to continue to manage and restrict his expression of his trans identity. Ultimately, these experiences secured for Zdzislaw the sense that the 'ideal' did not exist and instead he had to negotiate within what was possible in the external social world an identity that was a "*good enough*" representation of his inner felt identity.

#### 6.4.2 Managing risk

Julie was apprehensive about dating either on-line or meeting people in person. In the following excerpt Julie shared her acute awareness of the potential for a situation to escalate. Implicit within Julie's references are her awareness of the potential for a man to have a violent response to discovering her trans status which speaks to Chakraborti and Garland's (2012) vulnerability thesis in relation to hate and to Kidd and Witten's (2008) contention that trans women are evaluated as 'easy targets' as outlined above at 2.4.2. Julie struggled with the tension between feeling that in order to keep herself safe that she should offer that information up-front to potential intimate partners teamed with an awareness of how that

information in and of itself could be used in a range of ways against her. Julie along with other participants including Simon and Bird, referenced the idea that they could be accused of getting “sex by deception” were they not to out themselves as trans to potential intimate partners at the right moment:

*“... I’m very nervous about things like that, because I know what the male ego is like. Male ego is very, very fragile, and you go out with somebody, and you don’t say anything, but why should you say anything? This is the difficulty of it all, is why should you say anything? Because you’re giving somebody some very personal information that they can use against you. But then you enter into a sexual relationship, and then – are you deceiving them? Are you getting sex by deception? So, it, to me, it’s fraught with a lot of pitfalls...”*

(Julie, trans woman, 52)

Simon also approached matters of the heart with some trepidation. She felt that the dating process was riddled with implicit risk and bore the responsibility to be aware of and avert any risk of violence or abuse through her pronouncement of her trans status up-front as a way of averting any later claims of deception or accusations of betrayal against her. This led her to turn to trans specific dating sites but even here she revealed an internalisation of transphobia in her suspicion of men interested explicitly in dating “pre-op” trans women:

*“... I was planning like to go for the full surgery, so I’d be like, would they want me even after I’d had the surgery? Are they only wanting to be with someone who’s [“pre-op”] ... so that’s really complicated ...”*

(Simon, temporarily de-transitioned woman, 40)

This pre-emptive announcement of her trans status also extended beyond potential intimate partners to others that lived in the same building. Simon experienced the burden of managing what people knew or had heard about

her and a need in particular to set an example to others by asserting that she was “*fine with it*” almost as an invitation for others to be also. This appeared as an untenable weight for Simon to bear at a time when she was living through the very early stages of a social transition in which she was still very unsure of herself, experiencing a lack of confidence and support:

*“I had the paranoia, the fear that everyone – if some people know, then everyone must know. So, I felt if I get out in front of it – if I say it, then there’s no surprises then... I’m being really open and up front about it, and it looks like I’m fine with it, I’m not worried about anyone knowing – although inside, I’m going oh... I don’t want anyone to know.”*

(Simon, temporarily de-transitioned woman, 40)

This management of her surroundings and those that occupied a regular space within it as a result of the proximity of their living arrangements was specifically motivated by a desire to not “deceive”. As illustrated above and below, this proactive outing of herself as trans was in direct contrast to her earlier stated intention which was to transition in line with the binary order from ‘male’ to ‘female’ with no wish to retain any element of the ‘trans’ label once she had completed her transition. This reveals the lack of choice that trans women (in particular) have in keeping aspects of their identity private when set against a social environment in which identities are assumed to be fixed and the boundaries between those identities are policed (Bornstein, 1994):

*“I didn’t want to be read when I was out and about – I didn’t want people to know, because I didn’t want that label and I didn’t want to be... I know how a lot of society do mock, or definitely did, and still do, the people that are transgender. Because there is still a real lack of understanding of what it is. People still think it’s some sort of deviancy or a choice that people are making. If they actually thought, why would anyone make that choice?”*

(Simon, temporarily de-transitioned woman, 40)

Bird also deployed similar proactive management of potentially intimate relationships by announcing her trans status to potential partners and giving them the power to decide whether they wanted to pursue anything further this exposed her to being more vulnerable (Chakraborti and Garland, 2012) alongside her own evaluation of her not achieving the required standards of femininity. Sharing her experiences of online dating Bird said:

*“... I told him that I used to be a man. I said, I’ve had the operation, blah blah blah, and everything. I’d sooner know before we met... it just eases things, yeah? Because... when you live in a small society, everyone knows you. They soon find out things – people do. Yeah? Erm... like I said, I mean, [pointing to her own face] facial features are not exactly feminine, yeah? So, people pick up on it straight away. So, it’s easier to be open and honest, and then they can make the choice.”*

(Bird, trans woman, 51)

Bird also shared her lived experiences of the violent policing of gendered boundaries (Bornstein, 1994; Perry, 2001) that occurred via online dating. Bird explained how she has been talking to someone via an online dating site and she had followed her usual strategy of declaring her trans status up-front and this did not deter his interest in her. They arranged to meet for a first date:

*“...I actually got set up and jumped by about three other blokes. You know, it was a set up. I managed to get out of it, like again – he come unstuck because he didn’t realise my past. So, I can look after myself, but there’s a lot of transgender people out there who can’t look after themselves. Yeah. I do know how to deal with situations. “*

(Bird, trans woman, 51)

Bird also reflected with sadness upon a more recent relationship that has since disintegrated under pressure that her partner was put under from his friends and others that mocked him for “going out with a tranny”. From this

experience I couldn't help but feel sympathy for Bird. Her life so far had been overwhelmingly populated with experiences of rejection that had compounded those first experiences she had at home with her father. The accumulation of those experiences in interaction with her social status as a welfare recipient, living in a rural social housing environment and undertaking menial nightshift work elucidated the higher rates of violence that Lombardi et al (2002) found to be targeted at trans people who also experienced economic discrimination. In addition, her material circumstances had left Bird isolated (Moolchaem *et al.*, 2015) and lacking the usual support mechanism which had obvious implications for her mental health (Klein and Golub, 2016), compounding the depression that began to surface during the years of hiding her trans identity throughout her teens, twenties and thirties.

## **6.5 Chapter conclusion**

The lived experiences explored through the narratives of the participants in this chapter illuminate the ways in which their appeals for love from their parents and their negotiation of adult intimate relationships were shaped by the restricted categorical nature of gendered subjectivities that dominated the social environment at that time. Their experiences of inner conflict between their own internal felt sense of their gender and that which they were permitted to express demonstrated the harm that can be produced when parents are not able to offer recognition of that internal sense as socially intelligible. That parental denial was internalised by the participants and cultivated a lack of self-confidence that induced participants' engagement in an uncomfortable and distressing performance of the



gendered norms that *were* recognised as intelligible subjectivities and therefore expected of them. Participants reproduced, through their conformity and examples of internalised homophobia and transphobia, the rules of gendered subjectivities, and specifically, for the generation of participants represented in this research study, the binary nature of gendered subjectivities.

In similar terms to Goffman's (1969) suggestion of the existence of a 'front' and 'back-stage' designation of life, participants' experiences of their gendered identities echoed the division instituted by liberalism between the public and private spheres of life. Participants reflected upon their parents' gatekeeping of gendered expressions, which they interpreted as emanating from a place of love and a desire to protect them from the harms that participants assumed their parents were aware of as constituting the make-up of the social world that lay beyond the threshold of the family home.

***Researcher note: analysis in action***

*During the process of identifying themes within the data, particularly when collecting together the data that elucidated the harms participants had experienced in seeking love, I frequently found myself navigating data that was about both love and politics. It cemented in my mind how intrinsically linked these two paradigms are. From the regulation from his mother that Zdzislaw felt so intensely within a family that was politically exiled; Kayte's ardent respectability as a community-minded citizen influencing her denial of her own trans status until after the passing of her wife; to Simon's management of her own exposure to risk or harm in initiating relationships. For the participants quoted within this research study, love was always political (see Morrison,*

*Johnston and Longhurst, 2013, for a fuller discussion of the feminist arguments related to the politics of love).*

For the participants in this study, the absence of loving relationships that recognised the worth of individuals' particularity established the foundations for an overreliance upon the need for esteem through solidarity with a community. The following chapter will explore the ways in which trans individuals engaged with their social environment in search of recognition through esteem with others.

## **7 Analysis Chapter: Esteem**

### **7.1 Introduction**

Throughout the course of this chapter the findings relate to a theory of recognition that acknowledges the harm generated by denials of esteem between individuals framed by their social relations to one another. The aim is to relay how participants' experiences of social relations represented a further site in which they were exposed to harms that impinged upon their ability to develop positive self-esteem; a self-esteem that was not instructed and shaped by the socio-political economic dynamics of the wider environment. The data presented throughout this chapter reveals some of the problematics interlaced through lived experiences of relations they had with other trans individuals and the wider population.

Initially the data presented here addresses participants' reflections upon how they would pursue the expression of their trans identity in a way that sufficiently represented their own interpretation of their needs, but in a way that also appropriately reflected the expectations of the wider social environment. This data first revealed the absence of trans-positive information and advice available to support them on this journey of exploration. This gap in available information meant that fleeting examples of media represented trans or otherwise non-normative gendered identities held significance for participants. Section two explores the process of self-confidence and resilience-building participants engaged with through their involvement with local trans communities as a means to access information via others' lived experiences. The information and knowledge others had

accumulated through that experience was absorbed to explore their own identities in relation to how others were achieving theirs. This section also illuminates the fluidity with which participants moved through a range of groups alongside the transnormative narratives that circulated within them as a mode of regulating identity boundaries (Bornstein, 1994). The chapter culminates in an exploration of how transnormative narratives permeate the social realm and were co-opted by the neo-liberal order via the mainstream media.

#### 7.1.1 Situating experiences of 'coming-out' within the 1990s

The experiences relayed in this chapter continue on from the previous one and re-joins the participants in the 1990s, at the point in their lives where for the first time they were considering the practicalities and pragmatism with which they would take steps to embody their trans identity. Throughout the 1980s the social environment became increasingly hostile towards LGB and Trans people and represented intrinsic risks. Peter Tatchell, LGBT human rights campaigner, suggested this was a period rife with State sanctioned abuse against these minorities (Tatchell, 2012). Nonetheless, it was during this time that the eldest of the participants took their first tentative steps towards embodying their inner felt sense of their trans gender status by seeking information about trans identities and engaging with groups specifically established to support gender variant people.

The environment was informed by a continuation of the legacy of the traditional values of the previous decades which had left indelible scars on the psychology of individual participants in the form of internalised

transphobia (Iantaffi and Bockting, 2011). The convergence of religiously infused neo-conservative priorities with neo-liberal aims reaffirmed the traditional power relations and social norms that typified the preceding period. This was made evident via the introduction of the s28 provision of the Local Government Act (1988) which prohibited local authorities from 'promoting homosexuality' or 'pretended family relationships' which further reinforced the social morals and values of society at the time related to sexual minorities. It was throughout this decade that the philosophy of individualism was established within a rhetoric of individual success as being achieved within a meritocratic society (Littler, 2013, 2017). Socially, as Duggan (2012), noted earlier at 4.4, social movements of this period were shaped by the neo-liberal context and were not detached from the historical social categories and roles that defined them previously which reinforced divisions between and within communities and perpetuated long-established inequalities in new calls for equality and inclusion within the neo-liberal environment.

### 7.1.2 Contextualising denials of esteem as social harm

The role of solidarity with others as a form of recognition in the development of a healthy and positive relation to the self is in providing 'self-esteem'. Solidarity for Honneth (1996) described the social conditions necessary for the development of positive self-esteem and it is fostered on the basis of individuals sharing a sense of common concern, interest or value. The values and concerns that are recognised as worthy within society are not universally agreed upon. Instead the establishment of shared values is a matter of social and cultural negotiation. Community alliances are formed as

a mode through which suitable rationales for asserting inclusion within the hegemonic order are constructed. Such rationales are often formulated in alignment with the values and morality of the social order and asserted in a way that highlights new identity groups' valuable contributions to such as worthy of recognition. We can observe the social realm as the site within which identity groups exert their will and struggle for recognition via forging solidarity with the wider social and cultural environment's hegemonic value base. It is argued within this thesis that this value base is overdetermined by the goals of a socio-political economic neo-liberal regime that instructs individuals to pursue productive self-regulated lives that contribute to the capitalist endeavour to generate profit and excess as illuminated by Jenny-Anne's experiences at 7.4.

Esteem is achieved in solidarity with others that value your social identity and individual characteristics. This mode of recognition becomes of special import and relevance to trans individual's self-identity when preceded by denials of love within early primary relationships and later intimate relationships. The absence of loving relationships in trans individuals' lives leaves individuals without the self-confidence to assert their worth in wider society. As such, trans individuals can be drawn to form attachments with trans communities and groups to provide them with esteem on the basis of values and narratives that might not align with their own lived realities of their gendered identities. Mullen and Moane (2013) acknowledged the significance of social and cultural affirmation for those communities that have had their identities marginalised and oppressed. Within a neo-liberal socio-political economic environment that has overseen the regressive

dismantling of the welfare support system that many trans individuals rely upon for support (Colgan, Hunter and McKearney, 2014), there are many examples of the ways in which trans community support groups have generated positive impacts upon lived experiences. These circumstances underpin occasions of overreliance of individuals upon community narratives and practices. Trans narratives and practices are fostered within an environment ravaged by austerity and individuals lack of self-confidence and trust within the wider social environment. In this context, the role of community support is vital in the affirmation of trans individuals' identities (Hendricks and Testa, 2012).

In the development of his initial theory of recognition, Honneth (1996) asserted the need of individual subjects to achieve a sense of self-esteem which involved the recognition of what makes that individual special and unique. Honneth (1996) conceived of this uniqueness between individuals as something that is valued rather than achieved via an expression of a unique but negative difference or characteristic. To achieve a positive sense of one's self-esteem, an individual must also consider that they have something of value to offer to the social world; if this self-confidence is lacking then this represents a fundamental barrier to an individual achieving a positive sense of one's own identity. In this way we can see how a sense of self-confidence that is achieved via recognition of our individuality is linked to the satisfactory achievement of self-esteem. As we have witnessed via the data presented in the preceding chapter, it is not always the case that individuals enter into social relations with a healthy relation to self-confidence as a result

of the harms that they have been exposed to within their early loving relationships.

The social site through which individuals seek recognition of their value (and experience denials of such) takes place within what Hegel (1977) defined as civil society. Civil society denotes the meso level of society betwixt the sacredly protected unit of the family and that of the State. It is here that social and cultural life takes place. Within civil society institutions such as churches, schools and professional societies undertake their work. Here communities interact and organise to influence politics, but this is not the site of the political system itself; labour is undertaken but this is not the site of the economic system itself, welfare needs are provided for, and justice is served but this is not the site of welfare and justice systems.

The concept of civil society has been reinvented in the contemporary era of globalisation. Globalisation has unravelled the ties to the State that Hegel's traditional concept was built upon. Instead, in a global economy of advancing technological capabilities that facilitate global communication and comparison, individuals look beyond the State to globally defined rules and norms (Kaldor, 2003). This presented opportunities for global activism, for minorities to unite across nation state borders and Kaldor (2003: 589) argues also provided a framework within which institutionalised social movement organisations could emerge as the 'respectable opposition' articulating needs through a globalised neo-liberal lens in claiming to represent the needs of civil society and obtaining State funding to support their cause.



### 7.1.3 The harms highlighted in this chapter

In the context of the newly emerging rhetoric of neo-liberal competitive individualism the harms illustrated throughout this chapter are examples of 'symbolic' (Žižek, 2008) violence associated with the limits of language available to understand trans identities and the restrictions this placed on the production of non-stigmatising resources from which participants could learn about others like them. This lack of information pushed participants into positions whereby they had to adopt the formation of their trans identity as a personal project and assume expert status in conveying their gendered identity to others to facilitate their access to support. Personal psychological harms are evident in the internalised transphobia that some expressed themselves. There are also examples of how they encounter others' internalised transphobia within trans groups. Further examples of 'symbolic' (Žižek, 2008) harms occur via the transnormative narratives that sustain hierarchies of acceptable variations of trans identities which impacts on individuals' capacity to achieve solidarity amongst others that share a common characteristic (Honneth, 1996). In the final section the experiences of Jenny-Anne illuminate further 'symbolic', alongside 'subjective' and 'systemic', harms that arise out of her engagement with a television documentary make-over format show. The neo-liberally informed narratives of femininity that valorise reconstruction of the body in the pursuit of beauty combined with the prominence of visual culture and media in contemporary times (McRobbie, 2015; Ringrose and Walkerdine, 2008) exposed Jenny-Anne, and other trans people by nature of it being televised, to reductive conceptualisations of what it takes to be trans.

## 7.2 Section One: Embarking upon a journey of discovery of trans identity

As the participants moved through their lives and grew older, having reached a form of their own personal 'trans tipping point', they each began to reflect on if and how they could begin a life that felt more 'authentic'. For the majority this began with a reflection upon the gender order and in particular the gender binary and how they were to navigate this system.

Fred acknowledged the mind-set with which trans and non-binary people have to approach transition:

*"..I think a lot of trans and non-binary people ... don't want to hurt people, but they have to be single minded about this to actually be able to- particularly people who are going through the NHS route, because they can't just buy the services, and also particularly now – they have to wait an awfully long time to do this. ... it's nice to have support and everything, but it is still ... quite a lonely sort of journey that you have to do. And in the nineties – the early nineties, there just wasn't the support there, or the appropriate support there at all. ... it was something that I did very much by myself, because I had no choice, to be honest."*

(Fred, non-binary trans man, 51)

Fred's reflections upon the nature of trans subjectivity as one that needs to be 'single-minded' in order to succeed within an underfunded NHS that lacks the capacity to finance support for all those that need it, is reflective of a neo-liberal mode of subjectivity that renders all patients as healthcare consumers (Sturgeon, 2014). The environment in which trans individuals have to fight for access to the limited resources required to achieve recognition is the same environment that casts many trans individuals adrift as abject subjects. Fred's description of his experience illuminates his sense of individual responsibility for fighting his way through the system and for his own fate.

Fred also acknowledged the lack of support that was available at the time of his transition.

### 7.2.1 Mediated representation of trans identities

This section presents data from the participants that illuminates the continued lack of available language, information and open discussion about gendered identities that exist outside of the binary conceptualisation that prevails in western society (Ellis, McNeil and Bailey, 2014). The only available information problematised trans individuals on the basis of upholding the binary gender order as the 'natural' (West and Zimmerman, 1987) state of human subjectivity and thus also constructed 'support' that focussed on the surgical 'reassignment' of individuals to one or the other binary categories (Kessler, 1990; Coleblunders, De Cuyper and Monstrey, 2015; Stoller, 1994).

From this position, society lacked a framework through which to critique the hegemonic assumption of a gender binary and failed to produce an alternative account that rendered trans identities as intelligible subjectivities. The impact of this lack within the social order creates a burden of responsibility for trans individuals to become the experts of their own experience, as Fred noted above. Participants did this by drawing upon available representations and developing narratives in interaction with other trans individuals in order to construct an identity that 'fits' within the social realm and that exhibits characteristics that can be recognised as worthy contributions to a neo-liberal society.

Fred reflected upon the social environment within which he grew up and the impact it had upon his conceptualisation of sex and gender and how this had evolved and continued to do so in interaction and exploration with others within the emergent 'non-binary' movement:

*"... I look at gender, i.e. the sex I think I am, as a spectrum... [but] ... because I [...] grew up in the late sixties, through the seventies and eighties, it was [the case that] you were either one or the other.*

*I felt like I didn't strongly identify with either... and this is something I still can't decide – whether I actually had two identities. So, I had a male and a female identity, or whether I actually was non-binary ... I was definitely switching between two. It's almost as though I had a public persona and a private persona. And it was like I was comfortable with one sometimes, comfortable with the other some other times.*

*But I do ... wonder whether actually, if I was to go through the process now, I would probably go through and be identified as non-binary... but ... because of the time I grew up, I was ... denied that... And then when I was, for example, laughed at or humiliated or discriminated against, or anything like that when I tried to be more masculine – or I ... even tried to be more feminine, then ... I sort of regressed back to either the middle ground or swung to the other way. ... I've never really strongly identified as either."*

(Fred, non-binary trans man, 51)

Fred's lived experiences pointed to the emergent, dynamic and fluid nature of gender identity (Johnson, 2015) and demonstrated both the limits and the harms of identity categories conceived of as fixed. The naturalisation of such ideas associated with the fixed nature of gender categories has been integrated into hegemonic society and has legitimised the policing of the boundaries between categories (Ellis, McNeill and Bailey, 2014).

There was a distinct lack of information available that offered insights into trans identities; that which was available presented trans individuals as:

*“..’deviants’, ‘cross-dressers’, ‘transvestites’, ‘fetishistic’, ‘transvestism’ was another one, and there was very little about transsexuals...”*

(Jenny-Anne, trans woman, 71)

These representations reinforced what participants had already been informed about society’s evaluation of non-normative gendered identities (Hines, 2007). Participants noted chance encounters with media representations of non-normative or otherwise distinguishable as trans identities as key trigger moments of recognition (Green, 2004) that alerted them to the existence of others that were like them which forms an integral aspect of trans individuals’ ‘coming-out’ (Gagne, Tewksbury and McGaughey, 1997).

It was Kayte’s second encounter with a short television piece by ‘agony aunt’ Claire Rayner that occurred *“just a few months”* after the death of her wife that really struck Kayte and prompted her to rediscover the information that the BBC had previously sent in response to Kayte’s writing off for more information following the first programme. The information contained an invitation to attend the second of the Gendys (one of the first national networks for anyone who had ‘encountered gender identity problems’, *Gendys Network*, 2014) biennial conferences that was taking place later that year (1992) in Manchester. Kayte recalled that the information about the conference stated:

*“We will have experienced ... medical people, psychiatrists, counsellors, surgeons and everything like that – and there will be people like you, who are just searching for the truth.”*

(Kayte, trans woman, 83)

The choice of wording of this invitation demonstrated the primacy with which the medical-model of transgenderism was regarded at the time and for this conference specifically. The agenda and some of the papers that were presented at this conference are still available on the Gendys website (*Gendys Network*, 2014). A review of the content available on the website confirmed that the agenda was firmly grounded within the psycho-medical discourse that characterised the first wave of trans studies (Whittle, 2002), along the lines of the ‘born/trapped in the wrong body’ narrative (Johnson, 2015). The conference proceedings were centred upon a conceptualisation that on the whole separated ‘transvestites’ and ‘transsexuals’ and in other ways highlighted the problematic relationship trans individuals had with the police and wider CJS. A review of the workshop discussions recorded on the website also suggested evidence of a more nuanced engagement with the ethics of medical interventions.

Kayte’s (as the oldest and first participant to engage with her transition) narrative of her identity was very much aligned with this ‘first wave’ mode of thinking whereby she internalised the notion of the binary gender order and put her assignment to the male gender at birth down as a case of her receiving “*more male hormones*” during her development within her mother’s uterus (Williams, 2014; Currah, Juang and Minter, 2006). Kayte’s narrative ultimately absolved the medical professionals involved in her assignment at the time of her birth by explaining that the binary classification of gender was “*all you had to go on*” (Ellis, McNeil and Bailey, 2014). Further, Kayte directly referred to this conference as the place where she obtained her understanding of trans gendered identity, which overtly links the

occurrence of trans identities as a 'natural' 'mistake'. Such discourse provides the justification for access to 'corrective' surgeries that re-align trans individuals bodies to address this 'mistake' (Herdt, 1994; Salamon, 2010; Kessler, 1990):

*"... it was the first Gendys conference I went to – there was this lovely woman from Amsterdam ... their theory – and they were streets ahead of the UK. They really were. Of – it's all down to hormones. Because the foetus develops until everything is there – and there are mistakes, hundreds of mistakes that nature makes ..."*

(Kayte, trans woman, 83)

Julie experienced a distinct lack of representation of others like her, an essential aspect of trans coming-out experiences, within the social realm and no access to information about non-normative gendered identities when she had a chance encounter with a television programme where she learned there were others like her (Gagne, Tewksbury and McGaughey, 1997):

*"I genuinely did feel I was the only person in the world that behaved the way I did. And, I remember in the late eighties... – I saw a TV programme about a commune in Germany ... And I can't even remember what the subject was about, to be honest. But I do remember there clearly was somebody living there who was a guy, but he was dressed as a woman. And I just thought – I'm going to go and live there, because I can be... I genuinely did have those thoughts."*

(Julie, trans woman, 52)

Fred also noted the significance of chance encounters with mediated representations of trans identities within an environment characterised for Fred by its specific lack of information available to support him as a trans man:

*"... there just wasn't anything out there, as far as I could see. Particularly for trans men. ... I'd never really been comfortable, and it's not within*

*what would be acceptable parameters of someone who is female or a woman.*

*“... there was a programme – it’s Heart of the Matter ... it was about trans, and very unusually, they had a trans man, a guy called Marc Rees, and I’m still in touch with Marc. He’s one of ... The grand old men of the community. And he was talking about it, and I will never, ever forget... I was watching it ... silently in floods of tears, because as soon as I could hear Marc and what he was saying, I just knew – yes, that’s exactly the route I need to go down. So, in that – it was you know, sort of timely, I think, that that happened, and as soon as I saw him, it was almost like an affirmation of the route that I needed to take.”*

(Fred, non-binary trans man, 51)

The significance of trans role models, in the absence of any other information, on decisions about individual participants’ own choices was also expressed by Jenny-Anne. In the below excerpt, Jenny-Anne acknowledged the integral act of ‘survival’ that trans subjectivities embody (Cacho, 2012). Media portrayed stories of trans role models over the decades have focussed upon the physical transition but are also characterised by their depiction of the struggles for survival that trans individuals encounter in society. In doing so, media representations of trans subjectivities have rendered this fight for survival as an anticipated integral facet of trans individuals’ lived experiences that individuals had to be prepared for and prepared to endure:

*“... my particular hero, April Ashley, who came out in the early seventies when she was outed in the News of the World ... she was a beautiful woman, there’s no doubt about that [...] in the early seventies when April came out, I had just finished university and was exploring gender [...]”*

(Jenny-Anne, trans woman, 71)

### 7.2.2 Embodiment of trans identity

For many of the participants in this research study, the visible expression of gendered identity and in particular the physical embodiment of their gender



was a matter of central concern in achieving recognition as the gendered person they knew themselves to be. Participants including Bird, Simon, Jackie, Julie and Jenny-Anne all made direct reference to the desire to construct a body that aligned with their felt gender (Salamon, 2004, 2010).

Participants explored how to achieve a version of their authentic self in a way that did not expose them to harm, prejudice, ridicule and ultimately further rejection from the external social world. As such, participants undertook a paradoxical process of developing internal 'authenticity' in relation to what the external social world could abide (Meyer, 2004). Participants in this study approached this task acutely attuned to 'risks' that manifested in the social environment and a desire to be accepted within that environment (Hill, 2003). To some extent each of the participants embarked upon this outwardly focussed phase of their lives with fear and trepidation:

*"How the world would see me. That was always the fear [...] how my family and friends would accept me, and ... how I'd live in the world, being true to who I felt I was, but not how everyone else saw me. I didn't know how I was going to look or whatever – I didn't want to be some sort of freak or... not that I would have been, but how I would have felt people would see me..."*

(Simon, temporarily de-transitioned trans woman, 40)

Zdzislaw reflected upon the material significance of embodiment and his own battle with being perceived as a 'freak' and how this instructed the steps he felt he needed to take to embody his gender more authentically:

*"...you feel that your gender is completely different to the one that you want to be in, means that... you look at the bodies you want to be like, and see what it is about them, and then you make your choice.*

*And for me, and for most trans men, it's a no brainer, you know, chest surgery has to come first and foremost, because that is the most distinguishing, probably one would say, feature... And for people who*

*are particularly large, or have a large chest, large bust, you know, you have to do- and actually that, more than anything, drove me to hide, because my family, the women in my family have got big bosoms, and I could see that as I was growing up, the thing that I dreaded was to become as big bosomed as my aunts, and I was heading that way, and actually I didn't know anything about things like binding and whatever, then. But I couldn't have done it anyway, because it wouldn't have made much difference.*

*So, you know, you only look a fool. You only look a freak. And I think that word, [...] is a word that has to some degree, driven my existence.*

*Going into hiding was preferable to being called a freak, and I did have, you know, I could see people who probably were trans who hadn't transitioned, but who would by most people be called butch dykes, but who just looked like me. Like I knew I looked inside. And they couldn't hide, and I thought shit, I look like them. I don't want to look like them, so I have to hide.*

(Zdzislaw, trans man, 65)

Simon explained the on-going challenge that her external 'portrayal' (currently identifiable as 'male') of her gender presented. Her experiences suggested that being identifiable as trans somehow may render all other aspects of who she is invisible and instead invite reductive perceptions of her as "that transgender person". Simon lamented the potential loss of her personality and character that existed outside of that label:

*"So, this is something that I struggle to understand sometimes – is that others obviously see me differently than I see myself inside. They don't know my thoughts, they don't know my feelings – they only see what I portray, and I don't portray, or try not to portray that side of me. I do think that since I first came out, that people, I did worry, ... that people ... stopped seeing me as me, as a person, and the first thought is that I'm 'that transgender person'. And I didn't want that label at all ... "*

(Simon, temporarily de-transitioned, trans woman, 40)

Articulated more bluntly from the position of Bird as a trans woman, she also acknowledged the material significance of breasts as specific aspects of gendered embodiment. As such, for Bird her embodiment of gender

represented a 'contradictory embodiment' (Connell, 2012: 866) without access to breast augmentation surgery:

*"...part of being female is having boobs ...Every female's different, but if you've got a transgender person, of male-to-female ... part of being female is boobs."*

(Bird, trans woman, 51)

When Bird reached the point of initiating her transition, she felt regrets rooted in experiences from her earlier denial of her trans identity through weight-lifting and rugby training. Bird doubted her ability to become 'feminine enough' within a body that remained thick-set, with broad shoulders and scarred by the physical labour she had engaged in through her early life as a farm hand (see Vandebroek, 2016, for a discussion of the embodiment of social class). As a result of her lived experiences of hiding her trans identity, her body had become something that directly contrasted society's and her own normative expectations of embodied femininity (Deaux and Lewis, 1984). Her commitment to the denial and concealment of her non-normative gendered identity generated irreversible harms to her body. These irreversible harms and the psychological impact they have had on Bird's later life serve as a countenance to the same arguments that are made by critics of the provision of hormone blockers to young trans people as producing irreversible effects (Viner, 2006). She lamented her capacity to 'pass' in comparison to another trans friend that as a result of transitioning earlier in her life could 'pass':

*"...you wouldn't even know. Makes me jealous! But ... she was young, yeah? She was young when she started, and she didn't do any manual labour. Yeah. So, she's got no muscle formation or anything, it's just like... yeah. I call her a lucky cow!"*

(Bird, trans woman, 51)

In attempting to define her identity, Julie was also conscious of the wider implications of society's interpretation of 'identity'. Julie discussed her contemplation and conception of gender in terms of embodiment and external characteristics and traits that drew heavily upon society's normative expression of gender. She explained:

*"I would define it [her gender], not as female, but then that's all part of the debate that's sort of been going on in the media at the moment – over what is identity? What does it consist of? And the fact that I've never considered [myself] truly one or the other. I see it [her gender] somewhere in the middle ground. And I think I've had to accept, as much as I dislike to use the word – I'm a trans woman. I'm not.. I'm not a woman in the sense of one that was born so, but I'm not a man either. I don't identify so much with men, but I have had forty-five years' experience as one. So, that can't be eradicated, and those experiences don't disappear, and they're not replaced with alternate experiences that make you fit in the female gender better."*

(Julie, trans woman, 52)

Julie participated in the visual methodology of the research study by capturing and forwarding to me images of key artefacts that she felt reflected something about her identity. But in doing so, she caveated:

*"I fear some of the symbolism of the photos may be be [sic] seen as objects of pure superficial social construction, rather than something that demonstrates femininity."*

(Julie, trans woman, 52)



Image 2: *"Cooking, I think because it is (old) tradition that the woman does the cooking at home"* (Julie)



Image 3: *"Vacuum cleaner; again, I guess the old image of the woman doing the housework"* (Julie)



Image 4: *"Make up, my mask for the world as I feel, I am too masculine looking without it"* (Julie)

Julie expressed concern regarding not wishing to be perceived by other women as reinforcing oppressive stereotypes. In particular, Julie's concerns address a particular discourse evident in the history of trans literature and perpetuated by trans exclusionary radical feminists who conceive of gender as a pure social construct that trans women mimic or seek to replicate (Raymond, 1979) and in doing so run counter to the overarching goals of the founding feminist agenda (Cott, 1987).

Prosser (1998: 13) was critical of the way that queer and feminist theorisations of transgenderism presented it as a form of *gender performativity*, reducing trans identities to a 'literalization of discourse – in particular the discourse of gender and sexuality - or it's deliteralization'. What Prosser was objecting to was the oversimplification of transgenderism that implicates trans individuals as lacking agency by assuming a dupe-like role in the upholding of society's rules and norms around gender.

There is a counter argument (Stryker and Whittle, 2006) to such feminist critique of trans women's lives and identities as reinforcing oppressive stereotypes that asks why we overemphasise this aspect of some trans women's expressions of gendered identity? In centring a critique of trans identities on this aspect of performed gender stereotypes, such arguments place expectations upon trans women to somehow enact a form of gendered identity that women most broadly have not succeeded in achieving. Such expectations are grounded within a feminist desire to move society beyond the oppressive gendered stereotypes that restrict us as human subjects but shift this burden onto the shoulders of trans women to undertake. This feels like an act of setting trans women up to bear the responsibility for the 'failures' of all women to shake off such oppressive stereotypes and yet another manifestation of the criticism and ridicule that characterises trans women's lives.

Julie's account of her identity illuminates the propensity to obtain a gendered identity through attachment to or association with material symbols (Jameson, 1991, and as illustrated by other participants in at 6.2.1). This process of reaching towards material objects and symbols presented to us

throughout culture, politics and ideologies as a mode of representation of our internal felt senses and desires is illustrative of the transcendental materialism (Johnston, 2008) that guides our subjective formation.

Some feminist theorists including Stone (1991) have voiced suspicion at the alignment of trans narratives with stereotypical male accounts of women. The process of socialisation ensures each of us are aware of the (reductive and stereotypical) labels, rules and norms associated with what it is to be both woman and man. The potential for such was something that several of the participants including Julie, Jenny-Anne and Elen were cognisant of and acknowledged the influence that the experiences of being raised and socialised as a male may have had upon their perceptions of womanhood. They also recognized that this was not something that could easily be undone.

Julie reflected upon her relatively short accumulation of experience as a woman with regard to situations where she had unwittingly put herself at risk:

*"... girlfriends have said that you're just learning what we learnt as teenagers, basically. Which I think is true. You know, you can't replace your upbringing with something else, you can only work with what experience you've got.*

*I'm not a woman in the sense of one that was born so, but I'm not a man either. I don't identify so much with men, but I have had forty-five years' experience as one. So, that can't be eradicated, and those experiences don't disappear.... It was the old male privilege, still seeping in. Yeah. I do wonder if that's it, or I wasn't just aware enough of the dangers at that time."*

(Julie, trans woman, 52)

When conceiving of human subjectivities as emerging through social interaction and understanding oneself in terms of how others perceive us, it is possible to see how impossible the expectation upon trans women to transcend social stereotypes and expectations is. How these narratives are perpetuated within trans communities and their connection to the psycho-medical discourse will be discussed in the following section at 7.3.2 and 7.3.3.

### **7.3 Section Two: communities and transnormative narratives**

Community support plays a vital role in the affirmation of trans individuals' identity. Trans communities and groups represented safe spaces for the participants of this study in which to explore and work through various aspects of their trans identity (Namaste, 2009). In this way the participants engaged with community groups for support but also for education, as well as recognition of the legitimacy of their identity (Johnson, 2015). The participants in this study had their stories and narratives shaped and regulated within trans communities. In addition to the sociocultural standards that bind gender identity and experience to concepts of masculinity and femininity (Zucker and Bradley, 1995), trans individuals are also held accountable to gendered norms associated with language, dress, behaviours and a range of other social indicators (Connell, 2010). Performances against such standards are evaluated by social institutions and actors and are either validated or denied according to how well individuals 'do gender' (West and Zimmerman, 1987). In addition, trans individuals are also held accountable to specific standards associated with trans identities and which are regulated by trans individuals and groups themselves (Johnson, 2016). In this section, the ways in which community groups, media



representations and public and community role models contributed to this structure of accountability are explored. In the subsequent and final analysis chapter eight, the ways in which legal and medical institutions promulgate such transnormative standards are explored.

### 7.3.1 The role of trans community groups in identity development

*“There was nothing. It was only when one got into the community, that one knew it.”*

(Winifred, trans woman, 79)

Many of the participants shared the value and contribution that involvement within trans specific community groups played in providing opportunities to achieve recognition and to be themselves in the early days of their partial transition:

*“... it was a stressful time, without a doubt, because you do have the innate fear that the world is going to reject you. And from my peers, anyway, I think I was looking for confirmation from them, that they were ok with it. Which I didn't necessarily do with my family. So, it was important to me. I mean, in hindsight, you don't ask their permission, but in a sense, that's what I was doing. I was asking their permission – is it alright if I do this?”*

(Julie, trans woman, 52)

*“I always felt that being in a group was helpful, and I had lots of trans friends around, so when I travelled around in my sales job, ... I'd stay with friends who were happy for me to be myself. So, that again was part of my coping strategy.”*

(Jenny-Anne, trans woman, 71)

For Jenny-Anne, the vital role that support from within the community played in her own journey informed the advocacy and support role that she continued to provide to trans individuals when this research was carried out:

*"I think the support groups are so important ... nearly every day we get one or two calls from people. "Mmm, I'm not sure how to explain it in your language" – "Yes, yes, you're Trans. Yes, we understand it. Yes, we know it's really hard. And, yes, let's just talk about being our self" and you get this sort of almost amazement in their voice when you say "Well, I just live as the person I am, I got married as me. I go all over the country as me ". And one of the girls, after I had gone through it all. She said to me "What are you doing tomorrow?" And I said "Oh, I'm going to a conference in Sheffield and I'll go on the train and I'll take part in the conference and hopefully, I'll learn some stuff and I'll network and maybe make some new friends. And then I'll come home and Elen will do the tea and then we'll chat about what happened in the conference." And she said, "Are you going dressed?"*

*I said to her "Yes of course, I live all the time as me all the time. But I do understand your question". Because sometimes I look at my life, I look at how good it is and how comfortable I am as me and think "How on earth did I get here? When I was there, and it was so hard." And I say to them, "Look, probably I got here by a thousand little steps. And you can do it. Just do it bit by bit and you'll get there.""*

(Jenny-Anne, trans woman, 71)

Both Zdzislaw and Fred acknowledged the practical support that groups offered to them in providing structure and space through which they could explore their own interpretation of their gendered identity but this exploration was limited to a 'spectrum' interpretation of gender identity that did not acknowledge trans gendered subjectivities as dynamic, emergent, or fluid for example (Johnson, 2015):

*"There's an exercise we used to do in the group where we would put up... a long horizontal line on a piece of flip chart paper, and say let's assume that a), on the left, is female, and b), on the right, is male. Where would you put yourself along that line? So, we would look on gender as a spectrum, and people would then self-identify. Would they feel they were more female than male? Were they more male than female? ... And then we would look at what people had put and we'd try and discuss what that actually meant to us, and whether or not it was important in fact, to define exactly how male or female you ... What we didn't do really, nobody identified as completely off the scale, you know as anywhere else, up or down or beyond that. So, all of them – well that group we were in anyway, I've done it more than once actually with different groups – would accept this spectrum. But there are people who identify*

*themselves ... as completely neutral, neuter. And I don't know quite what that means".*

(Zdzislaw, trans man, 65)

Julie reflected upon how she learned from others experiences and how her 'apprenticeship' years with cross-dressing groups provided her with the skills and confidence she needed to carry her through to the next phase of her life:

*"I've always sat and listened to people and listened to people's experiences. But your journey is your journey, and you can't really compare it to anyone else's journey. So, my transition, I think – I'd love to say there was a huge plan drawn out. Most of it just fell into place as it went along. [...] I didn't know what to expect, if I was honest. Because I'd never been in that situation before. And, all I had to fall back on, was my apprenticeship years as a cross-dresser. I think that's helped give me the initial confidence to face people, because you do that when you go out and about anyway – when you go to the supermarket, or you go to a restaurant or something. I mean, it's not quite the same as fully interacting with people and talking to people. But also, the understanding that you need – well, you know, if you're bold and brash about it, a lot of people don't question then. It's if you're cowering in the corner, people sense that and then they look twice – well, why's that person obviously nervous? So, it's a philosophy I still maintain today, is you might be quaking in your shoes going into a place, but you don't let them see you're scared. "*

(Julie, trans woman, 52)

As Julie progressed through her transition, she also reflected upon the negative aspects of what the cross-dressing group promoted and how this didn't fit with her interpretation of who she was or wanted to be:

*"Because a cross-dressing group is for cross-dressers. For husbands, whose wives think they're down the pub playing pool and having a few beers, when they're really running away to this little secret meeting, getting changed in the toilets and then having a couple hours, and then going back to the wife. There was...the element of secrecy was almost promoted... And these were people that were just happy doing that. There was also an undertone of sexual activity amongst the group as well, cos you know, clearly, some of them were doing it for sexual thrills*

*to see who...you know, to hook up with somebody else and other sexual encounters. So, there was an element of that, although the veneer on the surface was that we are totally respectable, and you can bring your wife, your girlfriend, your children along and...and I suppose at the meetings themselves, that was certainly the case.... But I guess I just grew out of it as well. "*

(Julie, trans woman, 52)

In her evaluation of cross-dressing groups, Winifred contended that they were:

*"...slightly boring, as they're still talking about blokey conversations. The emphasis is not there as being women."*

(Winifred, trans woman, 79)

Like others, for Bird, trans specific groups did not satiate her need to integrate within broader society as a trans person, and to find common interests amongst other trans people that would help with bridging the gap between her trans identity and life beyond. The trans support groups that she attended were affiliated with the Gender Identity Clinic which she had approached to support her through her transition and as such, were focussed upon the transition:

*"I tried going into the groups, I tried going into them, and not one of them had any interests I had... it's really weird.... And I went along to one, and I thought, pff. Why do I want to sit here and listen to this? I'm going through it!"*

(Bird, trans woman, 51)

By contrast, Simon who privately funded her treatment, was not in any way directed to local support groups as an integral part of supporting her through her transition. Simon felt that her isolation from aspects of 'real-life' that trans support groups can facilitate impeded her confidence and the belief in her capacity as a trans woman:

*"I think although I had a friendship group ... and I did have a social life, I still was quite insulated from actually the real world. I didn't allow myself to be as part of the real world as I should of. It would have been better if I had a job, as difficult as it would have been, and been constantly... and faced the normal world."*

(Simon, temporarily de-transitioned, trans woman 40)

### 7.3.2 Transnormative narratives

For others, their work environment and the colleagues they spent their days with were the primary site of importance for achieving and maintaining esteem and solidarity. None more so than for Julie, who had previously highlighted the important role her supportive workplace had played in enabling and facilitating her to make her transition. Initially, her income provided the capacity to undertake privately-funded hair removal treatments. The ability to undergo such treatments played a significant role in the early stages of her transition to feminise her body and features.

There was a paradox associated with the requirement for trans people to be both visible and invisible inherent within Julie's experiences at work. Julie situated her work-related narrative as:

*"...it's a bit like an open secret... everyone knows, but it's never discussed. I don't bring up the subject, and nobody else really brings up the subject"*

(Julie, trans woman, 52)

On closer scrutiny, there were aspects of Julie's negotiation of esteem from her work colleagues that were achieved through a process of managing discussion of her own and other's trans identity in ways that were rooted within internalised trans- and homo-phobia (Budge *et al*, 2010). For example, Julie described her rationale for "*not encourage[ing] conversation*"

on the topic of her trans identity in terms of her previous experiences of the progress of gay rights in the workplace. Julie's account was of success via assimilation, which spoke to Richardson's (2005) 'desiring sameness' critique of 'neo-liberal politics of normalisation' that ensure individuals self-govern and regulate each other as responsible and respectable citizens:

*"...not trying to ram it down their throats. Because I learnt many, many years ago – the gay community ... where I worked –in the late eighties, the world was still very homophobic – but I saw that a gay community pretty much successfully thrived within the workforce. And I put it down to the fact that they just got on with their lives. It's the one that says, 'I'm gay – have you got a problem with it? And if you have, it's your problem – get over it'. Because most people will go back and say, 'Well, I didn't have a problem, but I might have now'. So, that taught me a lot about how to deal with things with people, is yes – they accept you there, but don't necessarily want to go any deeper than that, because it doesn't affect them."*

(Julie, trans woman, 52)

Julie also justified her own approach to her transition at work by making reference to the experiences of another trans woman who had joined the company after her and had eventually been marginalised following her open discussion of her transition, alongside perceptions from work colleagues that she had adopted a 'victim' position in response to a colleague's casual 'mis-gendering' of her (Schilt and Connell, 2007). Julie's initial description of her colleague positions her from the outset as someone unable to assimilate to the feminine ideals associated with successful trans women subjectivities and her evaluation is reflective of a transnormative hierarchy that evaluated and promoted individuals based on their conformity to what is expected by normative and reductive representations of trans women:

*"I learnt off another trans woman [...] Bless her heart – she was about six-foot four inches tall. She was a very tall lady, there was nothing*

*petite about her whatsoever. And she went to Thailand for her surgery, and she, I suppose – just to explain the context – is that she was open about everything she was going through, or she couldn't hide it, anyway – poor soul.*

(Julie, trans woman, 52)

Julie then also made reference to her colleagues open discussion of her transition as inappropriate based upon the reaction and response of other colleagues to this:

*“But she would tell everyone, and I guess she thought she was educating people, and the reality was, she was providing car crash sensationalism for the guys – because they'd go up – ‘...tell us about it’, and then they'd come away, going ‘cor, would I go through that?’ ... and I could see this going on. And the staggering thing, was when she had her surgery and she come back – she was telling everyone how deep her vagina was and the percentage of men she can accommodate.”*

(Julie, trans woman, 52)

Julie then referred to her own notion of how ‘women’ talk about such matters which was reinforced by the wider workforce’s reaction to her trans colleague. Garfinkel (1967) discussed the requirement for trans people to perform gender well in order to successfully achieve the ‘transition’ and be accepted as the gender performed. Ultimately, having observed reactions to another’s approaches to their trans identity in the workplace, and how this contributed to her failure to achieve esteem amongst her colleagues, in developing a strategy for navigating her own transition in the workplace (Budge *et al*, 2010) Julie took that she should not discuss her trans identity within the workplace:

*“And I’m thinking – women don’t talk about things like that. At least not the ones I’ve spoken to. But it taught me a lesson, again, you know – of feeding off what other people, is that ... I wasn’t going to tell anyone when my surgery was – which I didn’t. A few close people knew. I would*

*just disappear; I would just be gone from work. And I wasn't going to talk about it, because it was personal to me – it's no one else's business, because I saw how people behaved."*

(Julie, trans woman, 52)

Julie's experiences of her colleague being singled out as a result of her taking issue with the casual mis-gendering she experienced in the workplace elucidated narratives expressed by other participants, including Jenny-Anne and Winifred, that in order to be successful as a trans person, it is vital to learn not to rise, to such everyday manifestations of the tyranny of gender:

*"But it also taught me how people can be selectively transphobic, because she [the other trans woman in Julie's workplace] had more chips on her shoulder than Harry Ramsden has got in his frying basket. And she had a lot of problems with people, and she used to get upset if somebody called her 'mate'. Again, the guys – 'What have I done wrong? What have I done wrong?', and in the end, they just ignored her, so she felt even more sort of put upon, then. But how do you tell people to talk to somebody? Because they were frightened to talk to her."*

(Julie, trans woman, 52)

Julie also shared an experience suggestive of a mode of seeking esteem that relies in part upon the undermining another trans person's claim to recognition as a 'good' trans worthy of respect. In the face of a colleague's disparagement of their trans colleague Julie felt unable to challenge it but instead felt a sense of relief that his comments were not being directed at her. This provided Julie with a sort of negative respect through her explicit exclusion from the colleague's comments. This speaks of an environment whereby only some subjectivities are respected as worthy of recognition and esteem. The environment and the social interactions that take place within them impede the potential for individuals to establish solidarity with others:



*"I remember one instance - a guy ... sat at the table I was at ... was having a right old go about [their other trans colleague], and he was using all the usual slurry adjectives – shim, him, her, he, she, it – and I said, ‘... do you talk about me like that?’. ‘Oh, no, no – you’re Julie’. ‘Oh right, thanks’...*

*I mean, I kind of left it there – I know I probably should have challenged it further, but I think I was just happy that I wasn’t included... in the insults. A bit of self-preservation going on there."*

(Julie, trans woman, 52)

In response to negativity she had experienced amongst the general public, Kayte provided an example of where she had similarly performed a symbolic othering of a group of trans identities considered less worthy ‘transvestites’ and distanced herself from this category of Other as a mode of smoothing or justifying her own acceptance and inclusion as more worthy of respect and compassion in a similar mode to that in which Mason (2014) suggests victim groups make appeals for acknowledgement by emphasising ‘sameness’ with the wider population. In justifying her interest in trying on women’s frames at the opticians, Kayte recalled saying to the shop assistant:

*"I want to assure you, I’m not transvestite or anything like that."*

(Kayte, trans woman, 83)

In addition, Julie’s gratitude for not being included within her colleagues’ comments elucidates the individualistic nature of the mode through which esteem is negotiated. It is also indicative of a wider expectation and responsibility placed on Julie as a member of the trans community to challenge or accept and normalise everyday harms. This is an example of an everyday manifestation of the neo-liberal agenda which posits the harms we experience as the responsibility of individuals as opposed to linked to the

structural underpinnings of our social relations (Littler, 2017). By absorbing this neo-liberal mode of governance, we have become complicit within our own regulation along the terms dictated by neo-liberalism (Ludwig, 2016).

There is a premise within the transcendental materialist (Johnston, 2008) perspective of how subjectivities are formed regarding how the lack of order present within neo-liberal society fosters an individualistically competitive environment whereby anyone poses a potential threat (Hall and Winlow, 2015). Julie's perception that the comments her trans colleague had been subjected to could have in fact been directed at any one of her colleagues spoke of the workplace culture but also illustrated this premise within transcendental materialism:

*"... it showed me that people can be - and I don't think it's whether it was just because she was trans - it's just that she wasn't actually a nice person. And if she'd have been a bloke with no hair, it would be 'that baldy bastard', or glasses - 'four-eyed twat' - excuse my language. They just pick on a signifier that they can use, and she just happened to be trans, so they picked on that."*

(Julie, trans woman, 52)

### 7.3.3 Medical discourse as underpinning transnormative hierarchies

From here the data presented explores in more detail the hierarchies that were apparent within trans narratives and how these existed within communities. Ultimately, taken together, the form of these narratives personified the 'authenticity' of trans individuals as reliant upon a medically based, heteronormative model of sex and gender (Bornstein, 1994). This reinforced individuals' engagement with the medical system for those seeking esteem and solidarity within a social environment that privileged

sustainment of the hegemonic conceptualisation of a fixed gender binary system (Coleblunders, De Cuypere and Monstrey, 2015).

Initially, participants shared experiences of rejection from within cross-dressing groups as a result of the internal group hierarchies that were disparaging of trans identities as noted throughout this section. For example, Julie was fearful of coming-out as trans within the cross-dressing group she had been attending throughout her early years of managing her trans expression through this group:

*“...there was still an element I felt that everyone would shun me, and I’d be excommunicated and taken into the village square and stoned as a heretic.*

*... I do have hang ups from the cross-dressing scene, you know, where did I stop becoming a cross-dresser...and some of my less charitable moments, I think I’m just an extreme cross-dresser. I do that to myself, yes. I deride myself by saying, you’re just an extreme cross-dresser, you’ve just taken it one step more than the people you used mix with.”*

(Julie, trans woman, 52)

Jenny-Anne also acknowledged existence of a dismissive and separatist hierarchy between cross-dressers and trans individuals:

*“Oh, it’s absolutely ridiculous. And I’m seeing this coming up again. Which I am very sad about. People talking about, “Well those cross-dressers they’re a different breed. They’re not like us. Why on earth would we want to associate with them?” And I’m like, “Well how many of you hid in that sort of community?” I know I did. I went to the [trans] group one time and said to the leader, “I’m not sure I should be here because most of the people are transsexual and I’m just a cross-dresser”.”*

(Jenny-Anne, trans woman, 71)

*“Because people see it as a way of starting to be out in public. Essentially a safe place.”*

(Jenny-Anne, trans woman, 71)

Research undertaken in the 1990s, the decade throughout which many of the participants within this research were engaging with trans communities, demonstrated how groups were characterised by their reliance upon the medical model of trans identity and experience (Gagne and Tewksbury, 1999; Gagne, Tewksbury and McGaughey, 1997; Schwalbe and Schrock, 1996). In particular, Mason-Schrock (1996) and Schwalbe and Schrock (1996) highlighted how trans individuals enter into community groups with relatively unstable accounts of their identity and it is via the interactional practice of narrative formation that their identities become intelligible and solidified. Such an observation points towards Honneth's (1996) conceptualisation of self-identity as achieved in relation with meaningful others.

Divisions between acceptable and non-acceptable trans identities perpetuated within trans communities and we can see the emergence of the medical-model based narrative of an 'authentic' trans identity via Winifred's account:

*"... if I am to be acceptable to other trans people, then basically, I'm in a state -nearly seventy-nine, of wanting at some stage a live-in companion. And I think I would be more acceptable in that way, if I have surgery – which is why I want it. Why I think it is very important. "*

(Winifred, trans woman, 79)

Gagne and Tewksbury (1998: 97) elucidated the import and significance of achieving esteem and acceptance within the trans community as underpinned by individuals' wider experiences of social marginalisation and rejection, which elevates trans communities' acceptance as 'highly valued,

and the norms that structure this newly discovered community... deserve conformity’.

There are, however, complex, practical and idiosyncratic impingements upon an individual’s capacity and desire to express their gendered identity in this way. The insufficiency of transnormative narratives that privilege the medical reassignment of bodies as the only socially intelligible variation of trans identity (Gagne, Tewksbury and McGaughey, 1997) is evident in the variety of expressions of trans identity evident amongst the participants of this study. For example, only 5 of the eleven participants had undergone surgical reassignment. Others variously took cross-gendered hormones and one participant had not received any hormonal or surgical treatment to assist them within their transition. How participants conceived of the embodiment of their identities was influenced by their individual life trajectories that left their mark on their bodies in the case of Bird, and age-related health conditions that restricted their access to surgical interventions in the case of Jackie and Winifred.

In adopting this medical-model narrative, involvement within trans community groups provided invaluable knowledge and information based upon others’ lived experiences of negotiating access to treatment via the psycho-medical system. Several of the participants noted how they gained valuable insight into the workings of the psycho-medical system through their interactions with other trans individuals who had embarked upon or completed that journey already (Namaste, 2009). This shared knowledge ranged from evaluations of the type and quality of support various Gender Identity Clinics offered, to what questions were asked during the

psychiatrist's assessment and how to manage the practicalities associated with presenting in the appropriately gendered way at appointments discussed in more detail at 8.4.2.

#### **7.4 Section three: self-made woman**

The final section of this chapter explores the ways in which harms associated with the transnormative narratives that held such weight within trans communities were amplified through media representations of trans identities that reproduced them. Set within the broader context of an inadequacy in the information regarding trans identities in the public sphere outlined at the opening of this chapter, the content and focus of media representations of trans identities that *do* appear have a disproportionate influence upon perceptions of those identities. For example, Gray (2009) demonstrated the significance of the role of media representations of LGBT identities in the way that LGBT young people in rural America formulated their own identities. The role of media representations of trans identities was also evident within the lived experiences of participants included in the opening section of this chapter, whereby Kayte, Fred and Julie all noted the significance of fleeting moments of trans representation they witnessed on the television. Jenny-Anne also noted the influence the role-model infamous trans activist April Ashely had on her; this influence is confirmed through reference to Jenny-Anne's tireless activism and the advocacy work that she undertakes on behalf of trans communities (more of which will be explored in the following chapter at 8.2).

Jenny-Anne discussed with me the events that led to her involvement with the Channel 4 “Embarrassing Bodies” programme (receiving an email as a known advocate and activist and forwarding it on to other trans contacts in her database) and her subsequent involvement with the programme producers. In common with other participants already presented within the course of these analysis chapters, Jenny-Anne was affected by a lack of confidence in her physical appearance and ability to ‘pass’ as ‘feminine enough’:

*“I think it’s the psychology, of you get used to the way you look, and you look in the mirror and you still see a male face, even if you’ve been really well made up, you’ve done your hair ... you’re still so ground in the way of...I need to change my body.*

*And even after I’d had my surgery, I still used to look in the mirror and think, oh you still look a bit masculine. And then, I was lucky enough to have facial surgery with Embarrassing Bodies and I remember, once my face had started to heal, I looked in the mirror and I thought, wow, you look just like your mum!”*

(Jenny-Anne, trans woman, 71)

Jenny-Anne’s anxiety regarding her physical appearance neatly met with the agenda of the ‘surgical makeover’ agenda (Ringrose and Walkerdine, 2008) of the programme in question. Discourses that posit the route to achievement of an authentic sense of self as via bodily transformation proliferate the expansive media terrain and suggest it as the ‘morally correct solution to personal problems’ (Marwick, 2010: 252). This discourse denies the health risks implicit within surgical procedures of any kind and the violence implicit within the systematic administration of gender reassignment surgery that is ‘doled out through gender-regulating processes that reinforce oppressive and sexist gender binaries’ (Spade, 2003: 18). This is also in common with

the contemporary reimagining of womanhood that aligns with discourses associated with 'perfection' as achieved through bodily modification. This is couched in terms of neo-liberal mode of self-regulation which subverts scrutiny of the male dominated medical profession as perpetuating historic control over women's bodies (McRobbie, 2015).

Jenny-Anne articulated how she had understood the aim of the programme to be a "medical" one concerned with "educating" others, but also relayed how her partner expressed concerns about the outcome of the surgery not representing an authentic version of Jenny-Anne in their eyes and also how hard the procedure was for Jenny-Anne herself:

*"...Elen was very worried, she said, 'I don't want you coming back, and I don't recognise you'. And when all the bandages came off and all the bruising had gone, she said, 'It's you, but more feminine', and I said, 'Right - that's exactly what I wanted'. And I'm quite happy with what they did, although it's the hardest thing I've ever done. "*

(Jenny-Anne, trans woman, 71)

Jenny-Anne was patently aware of the potential risks associated with the surgery and shouldered the burden of researching detailed aspects of the complex medical procedures, acknowledging the advantage her education and career in science afforded her in this situation:

*"... because I was a scientist by training, I sort of understood, and I knew the terminology and that always helps ... He was very worried because my shape was really bad after the surgery and I said, 'Don't worry, that'll calm down, that's the anaesthetic doing that, once it's out my body we'll be ok', and he said, 'Well I'm worried because we're doing the head drains, because they bore into your skull ... and there's quite a lot of liquid still coming out, and I'm concerned if we've punctured the inner brain cell, and we're draining the brain', and I said, 'No, I'm sure it isn't, I'm sure it's just...it'll all settle down', and it did. I was horribly sick for ages, and as I say, it was painful, and I think one of the worst aspects was they give you really strong drugs to kill off the pain, but they gave*



*me nightmares, and I started dreaming about stuff I'd dealt with and got rid of years ago. And one night, I dreamt I was back with my family who were really nasty to me for being trans... "*

(Jenny-Anne, trans woman, 71)

The programme adopted an observational documentary style that was part of the expanding *docusoap* genre emergent throughout the 1990s and early 2000s. Coles (2000: 30) explained that this television format proposed to 'tell us something truthful about the world we live in and the people who inhabit it'. Therein lies the danger and potential for harm to emanate from the abstraction of transnormative depictions of trans identities that purport to reflect the truth of trans identity without reference to the omissions such representations make. In common with the concerns and strategies other participants learned to adopt in their interactions with the psycho-medical gatekeepers of their access to NHS treatment when I asked Jenny-Anne if she felt that she was in control of what was being suggested and what was going to be done to her, she responded:

*"To a degree, although on the other hand, I was worried that they wouldn't give me what I wanted if I didn't play the game. "*

(Jenny-Anne, trans woman, 71)

The strength of her motivation to construct a different embodied existence for herself was informed by Jenny-Anne's previous experience of gender regulation and meant that in spite of the invasive and painful nature of the procedures it was worth it:

*"So, there's always downsides as well as upsides. On balance, I'm more than glad I did it because I very seldom...if people see me, I very seldom get mis-gendered now. So, to me, that was worth doing."*

(Jenny-Anne, trans woman, 71)

Further Jenny-Anne expressed how “*delighted*” she was with the outcome of her facial feminisation surgery stating it as “*even better than [she] thought it was going to be*”. This can be contrasted against the concern that other potential programme participants expressed at the idea of the programme. Jenny-Anne relayed to me how in the initial stages of the pre-production process whereby she was “*lucky enough*” to be shortlisted and invited to meet with members of the production team, the producers revealed how others had expressed concerns regarding the motivations behind the programme:

*“I was very keen, and I was lucky enough to get an interview ... the interview went quite well and I was chatting to the woman and the end, and she said, ‘We’re a bit disappointed because we’ve interviewed people, and they’ve got quite nasty with us’, and she said ‘There was one girl, came along just to tell us they thought we were exploiting trans people’, and I said to her, ‘Well then please exploit me’”.*

(Jenny-Anne, trans woman, 71)

In spite of the concerns clearly expressed by others within the trans community and Jenny-Anne being aware of the potential for the surgeries undertaken as part of the programme to be dominated by profit generating production values, Jenny-Anne proceeded with wilful intent, prepared to bear the burden of risk presented in order to achieve the panacea of trans subjectivity: surgical feminisation surgery (Stoller, 1994). Jenny-Anne was driven to take part in the show by a combination of internal and external factors. These were her internal anxiety associated with her appearance, set within a social environment that encouraged individuals pursuit of authenticity via bodily transformations that more specifically posited facial feminisation surgery as the pinnacle of the procedures required to smooth successful assimilation into a hegemonic gender binary dictated by ideals of

femininity, but which is a prohibitively expensive cosmetic procedure not available via the NHS making it a pipe-dream for the majority of trans women. The combination of these factors underpinned Jenny-Anne's pursuit of this once in a life time opportunity to achieve the vision of the feminised embodiment of her gendered self. But this did not come without its exploitative harms, as Jenny-Anne shared her experiences of negotiating with the surgeon and production team about the size of the breast implants she wanted, and their overriding of her decision and bodily autonomy to try and insert larger implants to their taste whilst she was unconscious in the operating theatre:

*"... we had a big argument about how big they should be. I think it was three hundred mill implants, and they wanted to put three hundred and fifty mill [sic], and I said no, I really want the three hundred, and when they did the surgery they tried to put the bigger ones in... the television company wanted big boobs..."*

(Jenny-Anne, trans woman, 71)

Jenny-Anne conceived of her involvement with the programme both in terms of her own gain but also as an educational tool that might benefit others wishing and able to pursue surgical transition in a similar way.

*"... had the opportunity been there I'd have transitioned instantly. And there's an awful lot of people like that, there's an awful lot too of people in that community who don't think it's possible to transition. Who think those who have, have some magic ... somehow they were better equipped to transition. And they don't realise and it's why sometimes I'm not afraid to show pictures of how I used to look. They don't think you can move that far."*

(Jenny-Anne, trans woman, 71)

Attempts to engage trans people in mediated public-service education exercises, that is further explored in the subsequent chapter at 8.2, have

further perpetuated and promoted a discourse associated with matters of physical transitions and passing. Simultaneously, discussions have avoided critique of the myriad of social structures, which inflict harm on trans people. In a neo-liberal society, social structures are established that encourage and reward citizens that self-regulate each other on the basis of traditional western conservative values that stigmatise, marginalise, and vilify trans individuals as a result of its insistence upon a fixed masculine/feminine gender divide. Simultaneously, we can see how liberalising forces promote notions of “freedom of expression” that may augment cognitive dissonance.

The nature of the programme as adopting a medical focus, detailed here, contributed to the perpetuation of wider transnormative narratives of trans lives that constructed identities and experiences as intrinsically tied to a process of medical and surgical bodily transition. The “*magic*” that Jenny-Anne gained access to was facilitated by a capitalist agenda that, in line with a broader neo-liberally situated trend to construct gender via cosmetic surgeries (Jones and Heyes, 2016), seized upon society’s ongoing fascination with trans individuals and specifically, those who seek to surgically transgress the regulated boundaries of sex/gender and identified the promotion of trans individuals successful surgical transition as an opportunity to generate profit within the media industry but also for the private medical industry through which everyday citizens would have to access such treatments.

The nature of the concealment and piecemeal disclosure of identity (Seidman, 2002) that characterises a social pattern to trans individuals’ lived experiences ‘necessitates and shapes a self-monitoring self’ (Richardson,

2005: 523). It is this capacity that appeals to the neo-liberal vision of trans subjectivities that are flexible, responsive, and self-regulating. In combination with the imperative upon trans individuals to formulate their sense of self in tandem with their gendered embodiment, neo-liberally defined trans subjectivities assume the responsibility for achieving their own social intelligibility and coordinating that process as a self-managed project (Rose, 1992) in which they must assume the position of expert in their 'field' and thus also shoulder the responsibility for the risks associated with their 'chosen' path.

Irving (2008) contended that the neo-liberal citizen is defined by their capacity to demonstrate their resilience to the effects of shouldering the burden placed upon individuals to survive and thrive. It is here that the productive power of neo-liberal governance that renders individuals as complicit within their own subjective formation can be most lucidly illustrated. Within an individualistically defined social environment where respectable citizens do not rely upon the State for support and the provision of a safety net in hard times, intelligible trans subjectivities are those that are personally responsible for finding the inner strength and dynamism to forge a path to success within a personal and social life defined in market-value terms.

## **7.5 Chapter conclusion**

The data that has been presented and analysed in this chapter has elucidated three key points relevant to trans individuals' negotiation of esteem via achievement of solidarity with others who were deemed worthy of

bestowing such recognition. Firstly, the data demonstrated how contingent upon the prevailing norms of acceptance in the social world participants were in their development of a socially intelligible identity worthy of esteem. As outlined in the previous chapter, participants had arrived at this turning point invigorated by the relinquishment of the control their parents or significant others had held over their expression of their inwardly felt sense of their gendered selves. Their exploration of how to be trans was also interwoven with their own knowledge of the mechanisms of social acceptance that they had learnt throughout the earlier period of hiding and tightly managing their self-expression. This meant that their trans identity was constructed in careful and deliberate relation to what was permissible within society and as such, was restricted and misshapen in such a way that sustained the dissonance between their inner sense of their gendered identity and that which it was possible to *be* in the social world.

In the absence of accessible information related to any form of gendered identity that existed outside of the notion of a fixed gender binary, participants engaged with trans specific groups and communities as a mode of learning and gaining knowledge to assist them in their onwards journey along a trajectory towards assimilation within the gender binary. Participants relayed the benefits of involvement in these groups and communities as representing safe spaces in which to practice and hone their expression of their identity's. Participants also noted the boundaries which were regulated within these groups and how different hierarchies of acceptability emerged within each and created divisions and separatist attitudes amongst individuals. In particular, the data highlights the way in

which communities recognised and reinforced trans narratives that replicated the medical-model of transgenderism prevalent at the time. The unique circumstances that each individual participant found themselves in at the point that they were accessing support from the medical system and the practical limitations this placed on their ability to undertake surgery exposed the inadequacy of oversimplified narratives of trans identities that overemphasised the role of the physical transition and visible assimilation within the binary gender order.

Finally, these transnormative narratives were revealed to have permeated the social environment and were evident in the way that participants sought and maintained esteem with colleagues as with Julie's experiences of navigating esteem in the work place. Following on from the evidence of mediated representations of trans identities that had a significant influence over participant's decisions, the final section of the chapter returned to media representations of trans identities via Jenny-Anne's experiences with a television production company that perpetuated transnormative ideals associated with the feminisation of trans women via surgical procedures as the panacea for 'good' neo-liberal trans subjectivities.

## **8 Analysis Chapter: Respect**

### **8.1 Introduction**

This chapter presents the final selection from the research data. The data draws upon participants' experiences of seeking respect from the State through their engagement with institutions responsible for social welfare, health, and justice. For the majority of participants this occurred throughout the 2000s in tandem with some of their later relationships elucidated in the first analysis chapter at 6.4. Specifically, the data explores the harms relating to the responsibility trans participants felt to undertake lobbying, campaigning, and activism and educational work in the pursuit of equitable social and welfare support and wider recognition as worthy citizens. Participants' experiences of discrimination before and after the introduction of legal protections afforded by the Equality Act (2010) highlights the failure of such legislative protections to exert material improvements to their lived experiences of harm. Finally, participants' experiences within the psycho-medical systems are considered, as a result of its embeddedness within legal modes of recognition and most notably via the primary route of appeal to legal recognition for trans individuals, the Gender Recognition Act (2004).

‘...law constructs harm and an account of the ‘truth’ that challenges the authenticity of transgender people’

(Sharpe, 2012: 43).

Alongside the newly affirmed ideals of equality and tolerance promoted by the New Labour government, the politics of this period sustained a macro-economic commitment to fiscal discipline and market-led growth as the overarching system of social governance. This updated mode of neo-liberalism turned political attention to the neglected social sphere and



prompted the establishment of new varieties of institutionalised regulation of trans identities. The market dynamics promoted by neo-liberalism served to infuse social relations with values and ideals associated with self-sufficiency and competitive individualism which underpinned trans individuals' engagement with the psycho-medical system as part of their self-managed project to achieve their true gendered identities (Irving, 2012). The neo-liberal ideals that promoted equality and toleration for difference permitted trans people sufficient freedom to engage with a process of embodying their inner felt sense of a non-normative trans gender identity but in doing so required their engagement with systems of regulation that constrained their pursuit of a more authentic identity and inflicted new forms of harm.

#### 8.1.1 Contextualising denials of respect as social harm

The need and struggle contingent within an individual's pursuit of legal recognition of their identity is a need for dignity that is equal to that which other subjects enjoy. Through the Gender Recognition Act (2004), trans individuals are required to demonstrate their identities as authentic and stable in a way that other subjects do not have to establish. This legally enshrined construction of trans identity is bound up within the domain assumptions of a binary sex-determined gender order and reinforces the notion that identity is a product of political negotiation (Grabham, 2006; Morgan, 2002), whereby individuals are required to demonstrate via a capacity and willingness to place themselves within this concept of sex-gender relations. Through this process some, but not all, trans identities are

bestowed with recognition of that identity within the social and cultural environment (Nirta, 2017).

The obligation for trans individuals to engage within this negotiated interaction is a fundamental prerequisite to the process of achieving a satisfactory self-identity (Honneth, 1996). The medical discourse through which individuals must demonstrate their identity is set by those with the power to influence and dictate it. In this way, the interaction is illuminated as both generative of subject identities, as well as the process via which some subjectivities are legitimised as worthy of the respect offered by legal recognition and others are not. The overdetermination of identity as the mode by which distinctions between 'worthy' and 'unworthy' citizens are articulated renders those outside of the hegemonic norms as excessively exposed to the vulnerabilities associated with the production of their subjectivity by political processes.

### 8.1.2 Recognition through achievement of legal rights

Within a meta-theory of *recognition*, 'rights' are institutionalised at a state level and are bestowed through the establishment of specific legal rights. The ability of an individual to raise and defend a claim to rights is of significance to an individual's development of self-respect (Honneth, 1996). The achievement of respect in this scenario constitutes recognition of that individual's dignity in common with other human subjects. In recognising each other in this way, subjects also share an awareness of the expected social norms and expectations associated with access to rights within their community. In turn, recognition in this regard also confirms an individual's

autonomous agency in being capable of both influencing and acting within these political and moral laws under which they live (Irving, 2012). So here we can see how trans individuals must formulate and assert claims to rights through the legal system via a relational process of constructing themselves and being constructed as subjectivities that are intelligible and respectable in the eyes of the State. Only in achieving recognised status as a 'legal person' in the eyes of the State can a trans individual enjoy the 'fullest form of self-respecting autonomous agency' (Honneth, 1996: xv). For trans people, obtaining a Gender Recognition Certificate (GRC) is the formal, State-mandated and regulated process by which they can achieve official State recognition as a legal person. But as we shall see in the unfolding of this chapter, this process is not untainted by a wider transnormative discourse that permits some but not others intelligible subjectivity and is a process that has a psycho-medical discourse of trans identity situated at its heart.

In the UK, Whittle (2002) elaborated upon the ways in which the legal framework inadequately accounts for the lived realities of trans identities. For Spade (2011: 14), 'legal declarations of 'equality' are often tools for maintaining stratifying social and economic arrangements'. Legal reform agendas that merely seek to amend how the law defines and describes a group operate on the basis that recognition can be achieved within the dominant institutions, rather than looking to challenge the generative forces that underpin them and the inequalities they replicate and reinforce. In participating within these dominant systems of recognition, individuals and groups help to create and sustain 'hierarchies of acceptability' (Warner, 2000: 67). Negotiating recognition for one version of human subjectivity

necessarily excludes another. Those who blindly participate within this neo-liberal 'illusion of fairness and equality' (Spade, 2011: 124) may succeed in accessing a permissible level of recognition if they follow the State-prescribed route for doing so, but in doing so they also implicitly subscribe to the alienation of those most impacted by systemic inequalities and risk, propagating further marginalisation of other trans identities that fall outside of their own identity category.

Individual rights have emerged incrementally throughout history as a result of different group claims to equality (Marshall, 1963). It is common for understandings of individual rights to be divided between civil rights that ensure freedom from State interference; political rights that secure participation within the democratic system of rule; and finally, social rights as the key to obtaining basic welfare (Honneth, 1996). Individuals rely upon institutionalised social systems, along with other institutions that hold the power to distribute various facets of recognition. As such, harms associated with the denial of recognition are not solely constructed on the basis that they have restricted an individual's freedom in some way, but have in some way disrupted that individual's positive interpretation of themselves which, in common with Honneth's theory of recognition and a Lacanian theory of subjectivity, can only be achieved inter-subjectively, in relation with others. It is through this lens that we can conceive of the erasure of non-normative trans subjectivities from the protections of the law as harms that deny individuals recognition and therefore a positive sense of their own self-worth, value and integrity.

### 8.1.3 The harms highlighted in this chapter

With the notion of neo-liberal competitive individualism firmly embedded throughout the period from which the subsequent experiences are drawn, the harms illustrated within this chapter point to the ‘symbolic’ (Žižek, 2008) harms participants were exposed to via the burden and responsibility they carried for initiating and organising the change that they saw needed making to the way in which trans people were understood and supported by the law and psycho-medical systems. There are also examples of ‘systemic’ (Žižek, 2008) violence that participants were subjected to through their engagement with the psycho-medical system in receiving support.

## 8.2 Section One: being active citizens

Participants’ experiences within trans specific groups and communities demonstrated how they found solidarity with others via a shared common political concern aimed at challenging the discrimination they and other trans individuals experienced, alongside calling for the improvement of access to medical support and services. As such, this initial section of the chapter illuminates some of the ways in which participants mounted claims to these rights and engaged in active citizenship in seeking civil, political and social rights.

A messy concept, ‘citizenship’ was defined by Bosniak (2000) in her review of the literature as a collection of ‘strands’ that include legal recognition by a political community, enjoying or possessing rights in political or social communities, engagement and practice within political or social activities or organisation, and as achieving an identity within a collective experience of

belonging to a community (Bosniak, 2000: 963). This broad and cluttered construction, originally conceived as a way of highlighting the import of political activity (Phillips, 1993), has come to represent the collections of rights and responsibilities that establish a subject's acceptance into a political community that brings with it access to political and social benefits and capital (Turner and Hamilton, 1994, as cited in Hines, 2007b). Over the years, activists and support groups have utilised different political discourses to advance their cause, including appealing to liberal notions of rights and equality (see Whittle, 2002).

Hines (2007b) acknowledged how the concept of 'citizenship' became synonymous with discussions in relation to rights. United by their experiences, some participants drew upon their anger at the accumulation of lived experiences of harm as motivation to agitate for change to the state instituted systems which they were instructed to pass through in pursuit of their authentic identity. Jenny-Anne reflected how there was a distinct lack of relevant support available to trans individuals and this left community members in a position of little choice but to *be* the change they wanted to see:

*"... if nobody else is going to do it, the community has to do it for itself".*

(Jenny-Anne, trans woman, 71)

Jasmine explained her motivation for participating in this research study alongside her other activism and advocacy work in the media and in prisons. Her statement revealed the implicit responsibility placed upon trans individuals to reveal themselves to the world in order to effectively instigate change. Jasmine expressed a desire to:

*“...bring awareness to people ... if people don't put their heads up above the parapet then people don't know, and people still live in the past...it's about knowing and understanding.”*

(Jasmine, intersex woman, 40)

Participants' primary interface with State legislation and policy was through their activist roles and activities. It became clear how influential this role was in shaping their own worlds and identities, illustrated by Winifred here:

*“I've married my job [...] I would call it pay back. My life had been so changed by this transition that I then want to help others.”*

(Winifred, trans woman, 79)

Others relayed to me how they were involved in unpaid 'community work':

*“... officially I'm unemployed. Unofficially, though...I'm fairly heavily involved in doing unpaid work. It's largely representational work with community. I'm also a patient leader, so I do ... work with particularly NHS England [...] I'm doing awareness training for the Obstetrician Gynaecologist...”*

(Fred, non-binary trans man, 51)

Jenny-Anne grew to be an increasingly significant member in the trans community groups in which she was involved. The timeline produced by Jenny-Anne for the purposes of this research presented an extensive display of activist and educational work she had undertaken to promote equality for trans individuals. This ranged from organising trans specific events with the local church she was involved with, to later being honoured by a local Pride event being named after her, which led to the establishment of a local trans group. Jenny-Anne also became involved with the training of police officers in her local area. Between 2003-2005 her activism work and direct support for trans individuals steadily increased in the years leading up to the death

of her mother in 2005 and her forced retirement due to transphobia in 2008 which will be explored in the following section.

Such was Jenny-Anne's commitment to providing practical social and welfare support to other trans people in the absence of appropriate or extensive enough State provision, that following the sale of her parent's estate Jenny-Anne used the funds to purchase a house which was established as a 'Trans Community House' where individuals could seek refuge and be provided with care and support by Jenny-Anne and Elen following traumatic life experiences and reassignment surgeries., as mentioned previously at 5.4.2).

In 2012 Jenny-Anne was appointed to the Parliamentary Forum on Gender Identity and her 'retirement' has been preoccupied with attending trans equality events and meetings around the country where she continues to lobby for improvements to health and social care policies and practice. In addition to providing advice and guidance to trans individuals through her helpline and local support groups, Jenny-Anne also engaged directly with health care services in order to improve awareness amongst communities and professionals alike:

*"... we did an awful lot of work... with the screening services to make sure that trans people understood which screening services they should access, because as I put it, people end up with mixed-gender bodies. You know, they've got bits of both genders, and some of the things from their previous gender will still need screening. And the problem is, a lot of trans people don't own those parts of their body, because I'm a woman, I'm not going to admit I've got a prostate, why would I be interested in that? Or, if you're a trans guy, I still need to go for my smears, because taking testosterone may increase the malignancy or the chance of malignancy of the cervix'."*

(Jenny-Anne, trans woman, 71)



What Jenny-Anne's experiences highlighted here are the symbolic harms evident in the ways in which trans individuals themselves are often left in the position of providing the practical support and awareness-raising within the community where public bodies have failed (Cooper and Monro, 2003; Hines, 2007b). These individuals undertake the un-paid labour necessary to fill the gaps in information, advice and services left exposed by the withdrawal of funding under successive governments' austerity agendas. In their efforts to support others and take on this unpaid labour, the individuals involved could make claims for esteem and respect that acknowledged that labour as a valuable contribution to society. Paradoxically though, that recognition and respect is evaluated and bestowed by the same State mechanisms through which the economic policies that deprive them of these vital services and support are justified and administered.

Winifred revealed how she combined her work to offer support and advice to other trans individuals with her search for a suitable carer who may be able to provide her with informed trans-positive and appropriate care in her older years. Care in older age was something that most of the participants raised concerns about as they approached a time in their lives where they may need help from others. For some this presented as the deciding factor in making decisions about surgery:

*"... that was probably one of the main factors of why I decided in the end to go for the reassignment surgery. Because that would just tie up the loose ends, if that's not a pun! Or forgive the pun! Is that one day I may need to be cared for by a third party, and it would just make life less complicated if everything sort of tied in with each other. Because, ... the surgery wasn't my be all and end all. I really had an attitude of I could take it or leave it, because actually, nobody gets to see what's between your legs when you're walking down the street, anyway. So, not*

*having anything there doesn't really make a blind bit of difference to people you meet on the street."*

(Julie, trans woman, 52)

Winifred explained how she was hopeful that a trans inmate that she was currently supporting may have provided a suitable candidate for her future care as a younger person who was a trained care assistant. Winifred explained the range of issues this particular individual was experiencing and with which Winifred was providing support. Included within this was a concern for this individual's future employment:

*"...one hopes one will develop something which may be lasting in some way. She is a trained carer – care assistant, so that could be.... [Winifred demonstrated some expectant excitement at the prospect of this person meeting her care needs]! But you know, one tries to support people in such a way, that they may pay back to you at some stage if necessary. The worst thing is the isolation and loneliness."*

(Winifred, trans woman, 79)

So, whilst Winifred had framed her advocacy and support work as an altruistic endeavour driven by a desire to pay something back to the community that she had received support from in her own transition, Winifred was also driven by a deep desire to assuage the *'isolation and loneliness'* that was implicit within her current and anticipated future lived experiences. She was also acting from a pragmatic and practical understanding of her future health and care needs that she felt would not necessarily be well met by the current health and social care system.

This prompted concern for the potential harm being generated and reproduced within the community as a result of their reliance upon each other, as self-made 'experts' in their own journeys. Many of the participants

that provided direct support and ‘listening ears’ to other trans people relayed stories of people contacting them who were distressed and some who were self-harming and suicidal. Here lies a further hidden harm. Winifred (as a result of her own lived experiences and inability to undergo genital reassignment surgery due to health reasons) was conscious that she should not advise those coming to her for advice and support that the medical route was the solution to their distress (“... *you do not encourage that [they] must go for surgery and all the works*”, Winifred, trans woman, 79). This may not be the case for all scenarios or individuals involved in offering peer-support in this unregulated informal advice and information sharing environment. As already elucidated in the previous chapter, there are contingent risks associated with the potential for transnormative narratives and identities to be promoted and reproduced through such advice.

Activism, advocacy and lobbying are often presented as central to the ‘empowerment’ of marginalised and oppressed communities. Jenny-Anne acknowledged the tokenistic nature of local and national policy level measures to encourage and empower trans people to become ‘active citizens’. For example, Jenny-Anne described how a national event aimed at encouraging LGB and Trans individuals into public life and ultimately to become MPs was met with cynicism from trans individuals:

*“... most of us said, well ... we’re very unlikely to get selected, and ... at that point, 2009, it’s very unlikely any body would vote for us ... you’ve got to change the culture ...”*

(Jenny-Anne, trans woman, 71)

Jenny-Anne resisted pressure from those in public administrative roles to put herself forward for the role of MP. Jenny-Anne considered herself as was one of life's 'doers' and saw her role and strengths in providing support 'on the ground'; she feared that the role of MP would leave individuals in the community unsupported:

*"...some of us are good at doing community work, and in a way, that's just as valuable as you being an MP... As much as I thought that [becoming an MP] could be useful, I didn't feel I would be useful in that as I am in what I'm doing. ... I am one who shines lights in dark spaces, so if I think it's important that community starts looks at trans women and HIV, we start doing it, and I do a presentation to the group."*

(Jenny-Anne, trans woman, 71)

The motivations of the public officials to encourage Jenny-Anne and others to put themselves forward within local political elections was suggestive of New Labour's Third Way revamp of participatory democracy (Cowen and Daly, 1999) which posited that with support to access *democracy* via 'empowerment workshops' and mentoring schemes, excluded and marginalised groups including (some) trans individuals could access opportunities for equality and inclusion (Monro, 2003). New Labour's model was based upon neo-liberal discourse that was problematic for the inclusion of all trans identities as a result of its promulgation of rights being achieved via individual's enactment of their responsibilities to society, which ignored the challenges associated with doing such as a result of economic inequalities prevalent throughout trans communities (Lombardi, *et al.*, 2002). This political mode of inclusion disavowed the harms implicit within the capitalist view of social relations that evaluates individuals on the basis of their capacity to be productive citizens and commodify their labour in the pursuit

of profit. Instead solutions to inequalities are posited as being facilitated by individuals' participation within the existent democratic system to make the improvement and change that they needed. This approach has the effect of encouraging individuals into a State system that is the source of further harms. Jenny-Anne hinted at a form of this harm via her reluctance to volunteer herself as a potential political candidate in the knowledge that she would be unlikely to achieve the public support necessary to win a seat.

This democratic approach was evaluated by Jenny-Anne as unlikely to produce material improvement to the lives of trans individuals. Fraser (2003) illustrated how civil rights movements and other organised claims for recognition are primarily constructed as claims made on the basis of identity. As such, the denigration of specific identity groups or more precisely *non-identities* by the dominant culture represent harms to group members' positive relation to self. Fraser (2003: 22) argued, as was noted earlier at 2.3, that the structuring of claims to rights in terms of recognition as opposed to redistribution was as a result of the neo-liberally defined shift in 'the grammar of political claims-making' which redefined civil rights activism towards the achievement of recognition within the exponentially expanding economic globalisation that was taking place. Jenny-Anne's negative evaluation of the efficacy of the political system in acknowledging and addressing the lived realities of the needs experienced by trans people served as reason for her remaining on the outside of it and instead taking action within her means to raise awareness of issues that could improve outcomes in her local communities.

In 2015 Jenny-Anne was recognised for her work with trans communities, being awarded an OBE in the Queens New Year's Honours list. Jenny-Anne was dismissive and self-deprecating in relation to the immensity of the achievements she had made in her own life as well as the impact and difference she made to others. Instead she explained her work in terms of the on-going responsibility she felt to continue in light of the continued need evident from the calls she received on a regular basis:

*"... we get told the most awful stories, if not every day, certainly every week. You know we get to hear about people who thought they'd got there and then the doctor takes their hormones away. I had one girl who fortunately it is resolved now, who rang me up and said "Jenny-Anne if I can't [get] them back I am just going to kill myself. I cannot be doing with re-masculinising. I do not want to go back to that".*

(Jenny-Anne, trans woman, 71)

The motivation for Jenny-Anne's community work lay in hearing the traumatic experiences of trans individuals who made direct contact with her for support as a result of the status and public awareness-raising she had been involved in. It was this immersion within the issues experienced by other trans individuals that drove her desire to provide both support to the individuals in need but also generated a sense of moral duty, compulsion and urgency to address the wider issues through developing educational workshops and materials to raise awareness within trans communities and those that worked with them, for example, in the health and criminal justice sectors.

### **8.3 Section Two: experiences of discrimination**

#### 8.3.1 Experiences of workplace discrimination

The role of work is of paramount importance within trans individuals' lives (Whittle, 2002). Whether it is as a result of the economic means work provides to be able to access treatment, or as a mode through which trans individuals have opportunity to seek esteem from colleagues based upon characteristics and skills that are unrelated to their trans status, being denied access to employment and a supportive working environment was of central concern to many of the participants of this research study. As a key mode of achieving positive evaluations of tangible skills and traits in their everyday lives, the benefits of achieving and maintaining esteem amongst colleagues provided a form of antidote to the social shame invoked by the on-going legal disrespect that can otherwise shape trans individuals' lives.

Work, for many participants in this research study, became the central site where they fostered a positive relation to their sense of self. As a central facet associated with their concealment of their trans status for many years, in their pursuit of various careers participants achieved high levels of success and recognition from their work colleagues for their knowledge and expertise related to their role. For example, Jenny-Anne gained a lot of enjoyment from her roles and was highly educated and well-regarded by her colleagues for her scientific and engineering knowledge as well as a successful international sales manager in her field. Further, Kayte, as well as being well-regarded in her local community, was proud of her long-standing career within an internationally recognised charity for whom she still

volunteers. Both Kayte and Elen were conscious of the social capital that they had established through their careers and the impact of any transition upon that 'respectable' reputation they had built. Simon also acknowledged the role of work as central to integration within social life, noting how for her to begin to undertake her transition again, having employment was her primary objective as she could see how that might facilitate financially and socially a more positive experience for her next time around:

*"... one of the main things would be work... making sure that I was out and about with[in] society every day. I think I hid away sometimes, so that I didn't have to face the real world... I wasn't living the standard life, if you like, having each day going out to work and earning money. I was living an existence that couldn't carry on – at some point ... I would had to have faced that."*

(Simon, temporarily de-transitioned trans woman, 40)

Julie recognised the significant role the financial reward of work provided in facilitating her transition (Lombardi et al, 2002) and the importance of achieving an acceptable feminised 'look' facilitated by hormones, surgery and in addition, cosmetic procedures that are not available through the NHS pathway:

*"...you need to have money to be able to do it, if you want to achieve a look. I'd say the surgery cost me six or seven thousand pound [sic]. I've got [work] to thank a lot for that, because [...] my wages doubled, and I was able to save lots of money. I appreciate there's a lot of trans women that can't afford it, and their circumstances are a lot different. I dare say if I was in a situation where I couldn't afford laser treatment, maybe I'd still be where I was, feeling desperately unhappy."*

(Julie, trans woman, 52)

As one of the only participants to have remained within the work environment within which she initiated her transition (not at the same company but within an industry that was close-knit and where she had a



solid long-term professional reputation), Julie was also keen to acknowledge a change she had witnessed. She sensed that her workplace was a more inclusive and supportive environment since the establishment of the Equality Act (2010) and the positive duties this legislation placed upon employers, with 250 or more employees, to pay due regard to the positive promotion of equality throughout the workplace. She was also reluctant to assign her own success within the environment to anything other than her right to be there as a result of her professional skills and aptitude:

*“There’s huge efforts to make it more inclusive. Whether that’s had any bearing on my progression into the role, I’m not sure. But, it’s not a role I’d want to do if I couldn’t do it. So, I would never have wanted them to give me the job, just because I was Julie.”*

(Julie, trans woman, 52)

Julie relayed her approach to her transition at work as something she made all her best efforts to keep private despite her belief that it was a positive and supportive environment. Instead of relying upon available legal rights to have her transition supported in the workplace, for risk of being labelled as ‘creating waves’ which would draw attention to her trans status and the need it brought for special ‘privileges’ that could expose Julie to workplace gossip or isolation (Budge *et al*, 2010), Julie maintained her ‘sameness’ (Richardson, 2005) through a process of managing her time off to undergo surgery and recovery through the accumulated annual leave:

*“ I didn’t wanna [sic] create any waves about having time off, and also...it’s cosmetic surgery, and [...], they wouldn’t have given you sick leave for cosmetic surgery, because the surgeon made a point of just saying ‘I only put surgery on the sick note, not cosmetic’, because that way you would get company sick pay from your company, or whatever. But ... I wasn’t precious about ‘Well this is my rights’, and whatever, so I just took the week off. And it’s the same with the meetings to [the Gender*

*Identity Clinic], they were important to me, I didn't care how I got the day off work, and I used to work bank holidays to get lieu days ... But I know other people that were saying well no, the company needs to give me time off. Well, I suppose again, it's me [taking] ownership of my own journey, I'm gonna [sic] do it my way, I'm gonna [sic] earn a day off, they're gonna [sic] have that day off six months in advance, they know I won't be here, and it worked. Whereas winding them up, saying you need to give me a day's pay – which no company likes doing, regardless – and you want to keep them on side. That was sort of like, the important thing, is you want them to be your friend, you don't want them to be against you. Where were we originally, I've kind of lost the thread a bit?*

(Julie, trans woman, 52)

The neo-liberal rhetoric of self-responsibilisation was evident within Julie's recollection of how she conceived of the requirements for her to “earn” her “days off”. Despite her knowledge of her specific rights to additional support in her workplace, Julie managed her transition in a way that was primarily designed so as not to disrupt the security of her employment or disrupt the potential to maintain esteem with her colleagues.

Illustrative of the material restrictions being out of work creates for some trans individuals (Lombardi et al, 2002), since transitioning, despite undertaking a college course to retrain in an effort to conform to the neo-liberal ideals noted above of worthy citizens being those that can sell their labour, Bird spent much of her life since transitioning out of work and in receipt of social benefits. This limited her ability to travel beyond the rurally isolated village she lives in, which compounds her sense of personal isolation, related depression and other indicators of poor mental health (McNeil et al, 2012). In addition, despite her desire to do so, Bird had been unable to complete her application for a GRC due to the prohibitive fee attached to the application process (Divan et al, 2016).

The above section has evidenced the weight and material significance work and employment played in the participants lives. The benefits associated with employment are central features of trans individuals' lives that contributed to a positive sense of self-respect and self-esteem. What follows is an exploration of participants' historic experiences of discrimination as harm within their workplaces. The historic examples that follow serve to illustrate the rationale for trans communities engaging with activism that sought to achieve legal protections against discrimination in the workplace. However, examples of discrimination that have taken place since the assent of legal protections designed to provide exactly that demonstrate the inefficacy of such legal solutions to address the manifestations of harm associated with the workplace.

The experiences of direct discrimination relayed to me by participants demonstrated a need for trans individuals to have recourse to support and protection in such cases. For example, in the mid-1980's, Jackie was dismissed from her job which ended her career as a result of her trans status:

*"I [was] made captain at thirty-eight ... and I came out at forty, and I had a hand-written note from [the Chair ...] saying, 'You're an embarrassment to the corporation and you will never fly in a skirt'. I was grounded on gardening leave for two years while ...[the governing body of her organisation] sorted out my severance, and I never [worked in that field] again.*

*I went to see [the governing body] who had no knowledge of gender reassignment or anything. They were totally unprepared. They didn't have anything in place at all, it was useless. It was breaking new ground, they didn't know their left from their right or anything, and nobody knew anything in those days, there was no legislation, no nothing."*

(Jackie, trans woman, 72)

In the mid-1970s, a period contextualised by the onset of a neo-conservative form of neo-liberalism that promoted 'traditional values' within an environment whereby those that transgressed gender boundaries were being violently policed, Jenny-Anne was outed by a police officer to her workplace and the incident set off a chain reaction that reverberated throughout her future career whereby subsequent companies were informed of her trans status (an act that was prohibited by the provisions of the more recent Equality Act, 2010). In addition, it secured Jenny-Anne's perception that such behaviour and treatment was to be expected which speaks to the normalisation of such harms that victims undertake (Iganski, 2008) and impacted upon the way she lived her life (Janoff-Bulman, 2010) in anticipation of discrimination and prejudice but also later informed her decision to get involved in training police officers:

*"... I get stopped in a routine road block, ... but the officer who talked to me was really cross with me. And he said, 'Are you allowed to drive a company vehicle dressed like that?'.... he ... rang the company and [asked] was I allowed to use the vehicle in my own time ... 'dressed as a woman'."*

(Jenny-Anne, trans woman, 71)

This incident led to Jenny-Anne being the target of a string of seemingly ubiquitous incidents including finding post-it notes suggesting she worked somewhere else (Janoff-Bulman, 2010) and harassment at work from colleagues (Budge *et al*, 2010). Jenny-Anne noted the lack of legislative protection at the time and her isolation from support that may have been forthcoming from other trans people which compounded her dismissal of her treatment as 'normal' (Browne, Bakshi and Lim, 2011):

*“...there was no legislation then, and of course, I didn’t know about the law. I wasn’t in the main in touch with any of the groups, or the people who were starting to motivate for change, and I just thought, oh well, that’s the way it is.”*

(Jenny-Anne, trans woman, 71)

After being dismissed and finding new employment, Jenny-Anne developed an initial strategy to manage the potential impact of a further dismissal by taking pre-emptive action to out-herself to her employer. In a similar vein to the strategies developed by participants in chapter one in navigating intimate relationships, this approach rendered Jenny-Anne vulnerable (Chakraborti and Garland, 2012), gave away power to her potential employer and exposed her to potential further harms as a result of her making assurances that her cross-dressing (as it would have appeared and been considered at the time) would in no way encroach upon her work. When she was left unemployed again, Jenny-Anne adapted her strategy to one of maintaining her trans status as a tightly concealed secret:

*“I wanted to pre-empt the situation, because I didn’t want to get a new job only to find they found out about my private life, and I got fired or made redundant or whatever. And I said, ‘Well look, I’m going to tell you about this and then if you decide you don’t want to employ me, that’s perfectly fine. But if you decide you do, I don’t want this to be an issue at any point because it’s not something that’s going to come to work’. Because I hadn’t even considered transitioning then ... and he said, ‘Well I don’t see it’s any problem, it’s in your private life, providing you behave properly at work and with the clients, what’s the problem?’. And I got the job ... And six months later, I was told, well you’ve failed your probationary period, so sorry, you haven’t got a job anymore.*

*... I’m thinking, this is becoming a pattern. I then contacted another company I knew...in that particular organisation nobody knew because I had been quite careful to keep it private. Having lost my job twice, maybe three times before already. I’d learnt my lesson as it were...”*

(Jenny-Anne, trans woman, 71)

More recently and since the enactment of the Equality Act (2010), despite working for an on-line home delivery supermarket, Jasmine was not protected from discrimination from colleagues and was ultimately dismissed on the basis of her gender identity being incongruent with the prejudicial attitudes of the wider workforce. Jasmine was outed by an employee at a previous workplace which subsequently dismissed her, but after finding new employment, the same employee later joined her new workplace and outed her to colleagues here as well:

*“People who used to talk to me, have a laugh and flirt with me, treated me like scum, talking about me all the time. People’s attitudes changed straight away. People were saying “I’ve heard this, and I’ve heard that, and I’ve read this about you in the paper, but you didn’t tell me – I thought we were supposed to be friends?”.*

(Jasmine, intersex woman, 40)

Jasmine’s more recent experience of discrimination serves as a useful comparator to that which Jenny-Anne experienced in the 1970s. The nuances of the ways in which transphobia was framed and directed differently in these two periods illustrates the influence of neo-liberal life on lived experiences. The police officer in the 1970s constructed his rejection and disgust of Jenny-Anne in a direct manner that explicitly framed her transgression of the binary conceptualisation of gender as problematic and he was therefore justified in his actions. By contrast, Jasmine’s colleagues constructed the problematic that she presented in more personal and individualistic terms that instead of drawing upon her identity per se as the problem they instead framed what was problematic about the situation was her disregard of her responsibility to her colleagues to be transparent and open.

Following her dismissal, Jasmine attended a meeting with managers to discuss the justification for her dismissal, to which their response was:

*“You’ve got to understand that this company, most of our staff are Polish, Bulgarians ... and obviously they don’t believe in, agree with lesbians and trans and stuff like that so it’s best for you to move on anyway and that’s why we’ve dismissed you.”*

(Jasmine, intersex woman, 40)

These experiences elucidated some of the ways in which the workplace cultures and the individual staff and managers placed responsibility for discrimination with the individuals trans people themselves. Jasmine’s experiences relayed how she was expected to understand and accept the prejudices held by other staff members as being derived from their own cultures and to absorb the consequences of how her gendered identity problematised their social understanding of the world for the greater benefit of the business’s pursuit of profit. A further and final example of discrimination within the workplace, occurring in the contemporary neo-liberal environment of the 2000s, elucidates how such implicit expectations that permeate some working environments individualised issues of discrimination as the responsibility of the victim to absorb.

On her first foreign trip post-transition and with her newly corrected passport, Julie was subjected to a sexual assault (Kenagy and Bostwick, 2005) by a colleague from another office. On her return from the trip she reported it to the Managing Director but at her own request it went unacknowledged through employment policy or via criminal charges and it was never spoken of again:

*“...this was the first time as Julie ... I was feeling a bit pleased with myself, because I'd made the whole journey to [Europe], not a problem whatsoever, so really happy about that ... then there was a knock at the door, so feeling a bit safe and confident, I just opened the door and there was six foot six inches of [her colleague] in just his boxer shorts, saying 'I've just come to give you a kiss goodnight'. And he was in – on top I was a bit – Jesus [name redacted], what are you doing?! What are you doing? But my biggest fear was that what if he turns nasty? Because he was, he was twice my size. Hands the size of dinner plates, sort of – I think if he decided to turn nasty, there was nothing I could do about it. There was a real sense of helplessness, but then you kind of try and turn it into a coping process – how do you cope with it? And fortunately, I hadn't got undressed, so there was no sort of penetration attempted. So, I decided the line of the easiest route was, excuse my frankness – if I wanked him off, he'd just go away then... he got bored and left anyway. And I locked the door...”*

(Julie, trans woman, 52)

As has already been elucidated through the excerpts relating to Julie's working environment, Julie approached her work couched in terms of the important role her stable employment played in her early transition and how it continued to be essential in providing her with an environment where she is esteemed by her colleagues for her skills and experience. Further, Julie's continued employment provided her with a level of financial security that enabled her to financially, as well as emotionally, support her son who experienced mental health challenges and had been unable to work for some time. From this position, Julie made every effort to insulate any experiences or challenges associated with her trans status from her colleagues. As such, Julie elected to 'deal' with this incident herself rather than having it dealt with through the official employment disciplinary channels. Despite the “humiliation” this incident had caused Julie, she continued on the next day at the conference, sharing breakfast with her colleagues and put in place a protective strategy by ensuring that at future conferences her room was on a separate floor to the colleague that had sexually assaulted her.



### 8.3.2 Experiences with access to justice

The participants shared with me various examples of denials of respect at the hands of different agents of State justice institutions. On the whole, participants did not report incidents of hate crime that they had experienced (Mitchell-Brody *et al*, 2010; Turner, Whittle and Combs, 2009) as result of fear or lack of trust in the police (Walters *et al*, 2017). As highlighted by Birds' response to my asking if she reported any of her experiences to the police:

*"No. Too scared. Don't trust the police. [They] Don't think it's important. It's not important enough. And erm... we're not, erm... we're not... we don't belong in society."*

(Bird, trans woman, 51)

Integral to the lived experiences participants shared with me throughout our time together was their absorption and normalisation of much of their experiences as just 'how it was' (Browne, Bakshi and Lim, 2011) as, expressed by Jenny-Anne above. Furthermore, despite the experiences that have thus far already been highlighted, the majority of participants considered themselves *"very lucky"* (Jenny-Anne, Simon, Elen, Kayte, Zdzislaw, Julie, Jackie, and Winifred). What participants were referring to here was their common-sense interpretation of hate crime and wider harm as manifested as interpersonal assaults and other targeted crimes (Jenness and Broad, 1997). This conceptualisation of hate and harm seemed at odds for participants with the commonly occurring but, on the whole non-violent, experiences of denials of love, esteem and respect that have been elucidated throughout the unfolding of this thesis and characterised their everyday.

In common with participants' historic experiences of discrimination within the workplace, participants' motivations for their activism work directed at the need for legal reforms were also rooted in their experiences with agents of justice. For example, during her divorce from her first wife, and relayed to me as part of our extended in-depth conversation that began before we met and extended beyond the timeframe of the initial fieldwork interviews, Julie explained to me the harm she had endured at the hands of the civil courts:

*"I took my ex-wife to court for the first time in [the 1990s], this was to gain access to the children as she was denying me contact at that time. She made a counter claim that because I was a (transvestite) I was therefore somehow unsuitable to be near my children... the court decided that I had to undergo a court assessment to ascertain whether or not I was a "fit" parent.*

*The court welfare officer came to my home and asked very personal questions about myself, and I was very on trial and had to justify myself. I passed the test but was instructed to put all my clothes into a locked cupboard and not to have any photos of my alter ego on show. I was forced to do a legal undertaking to agree to comply with these rules. Similar to a court injunction, I faced up to two years in prison if I breached it.*

*The Human Rights Act of 1999 was coming into force with two months and it contained the right to private life. My solicitor mentioned this to the Judge, whose response was "that doesn't come into force for another two months, until then I will do what I like"*

*I called that period "character building" but in reality, I was stripped bare and examined by the courts, it was very harrowing for me at the time. But [Julie] was too entrenched by then and wouldn't be put away again.*

(Julie, trans woman, 52)

The successful navigation of the 'real-life experience' (Meyer III *et al.*, 2002) is a requirement by the psycho-medical professionals in order for trans people to gain access to further treatment. Such was the scale of Kayte's acute awareness of the risks associated with undertaking a public social existence

as a trans woman without her state records matching her external presentation, that she requested her GP to issue her with a letter confirming her trans status to which Kayte referred to as her:

*"... get out of jail free letter... [the letter stated] the above, is my patient undergoing treatment for gender dysphoria, and as such is required to wear women's clothing, I would be very grateful if you would provide any help and cooperation"...whatever – and I carried that around in my purse in case I got primarily stopped by the police in the car - because my driving licence didn't agree with my appearance – and also, from the point of view of using public conveniences, that if I went into a male one dressed as a woman, I would be arrested and charged for importuning, and if I went into a female toilet and a woman objected, I would be arrested and charged for the breach of the peace. So, I used all the toilets in the stores."*

(Kayte trans woman, 83)

This lived experience was a key influence in her life which underpinned her involvement in lobbying and campaigning activity for an officially recognised process by which trans people could have their legal records amended. The culmination of that lobbying activity was the establishment of the Gender Recognition Act (2004) which would provide trans individuals with a legal route through which to make amendments to their birth certificate, further details of which are elaborated upon in the closing section of this chapter.

Finally, in addition to the on-going trauma and harm that Jasmine experienced as a result of being sentenced to serve time in a male prison estate, Jasmine experienced a betrayal by a member of the prison staff whereby they sold a picture from her cell to a newspaper which outed her as trans to the world outside. Jasmine's experiences within the CJS, and prison system specifically, highlighted the limits of symbolic (Mason, 2013, 2014; Chakraborti, 2012) yet blunt legislation and legal recognition to address the

complexities and nuanced realities of individual's experiences with gender identity. Jasmine was arrested and charged as a male, which corresponded with the birth certificate her father had illegally obtained, her other official documentation and indeed her external gender expression at that time. At the time of her conviction, Jasmine explained, she was a:

*"Hardened criminal, weighed in at 17 stone, pure muscle, skinhead, tough guy..."*

(Jasmine, intersex woman, 40)

However, by the time Jasmine was sentenced after serving 18 months on remand, and after being denied access to testosterone, Jasmine had de-transitioned and her body had become feminized once again for the first time since she was a small girl aged 6 or 7. Through the strict policy of adherence to treating individuals according to their officially recorded and recognised gender, the prison system not only failed to recognise the unique and complex nature of Jasmine's lived experience of gender to date, the incongruence between her physical appearance and her official documentation and the risk this may present to her in a male prison estate, the system also engendered new harms for Jasmine and compounded previous harms by failing to protect her from multiple incidents of sexual and physical abuse by fellow inmates and prison officers. Instead of focusing on the protection of Jasmine from harms, prison staff were complicit in exposing Jasmine to further harm on her release. Prison staff were implicated in the theft of photographs from Jasmine's cell that had been taken whilst on home leave, of her in her feminine state. In selling the images to the press, Jasmine's 'story' was in the national news. Through their actions, prison officers had

removed the possibility for Jasmine to begin a new life upon her release and dashed any hope of assimilating into society as a woman for the first time since her forced transition.

## **8.4 Section Three: seeking State recognised identity**

### 8.4.1 Problems with the concept of changing official records

The Gender Recognition Act (2004), although currently under review, remains the primary piece of legal apparatus through which trans identities are directed to achieve recognition by the State. It came into force on 4<sup>th</sup> April 2005 and stipulated the regulatory process through which trans people must request any changes to their legal gender. Under Prime Minister Tony Blair, the New Labour government were found by the European Court of Human Rights (ECHR) to have been in violation of Articles 8 and 12<sup>3</sup> of the European Convention of Human Rights in the case of *Christine Goodwin and I V UK* [2002] (2FCR 577). The applicant brought the case on the basis of the discrimination she had encountered in her workplace and the inability for her to keep her trans status private as a result of the name and gender marker attached to her National Insurance records being different to her post-transition identity. Pressure mounted from activists within the trans community and the Gender Recognition Act (2004) emerged.

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Article 8 The right to respect for private and family life, his home and his correspondence;  
Article 12: Men and women of marriageable age have the right to marry and to found a family, according to the national laws governing the exercise of this right.

Kayte discussed being involved in the national lobbying campaign to influence the content and shape of the legislation during the drafting stages and reflected upon the situation prior to the legislation:

*“I was ... trying to make a contribution to how the act should develop... the legal situation was, that going through the medical, psychological, even the surgical procedures – would be proof and yes, you would get a new birth certificate, and there would be an entry on your old birth certificate, so it wasn’t completely secure at that time.”*

(Kayte, trans woman, 83)

Only two participants (Jenny-Anne and Kayte) had completed successful applications, received their GRC and corrected their birth certificate as a result. There were numerous reasons provided by the other participants as to why they had not requested their certificates; for example, Bird was one of the most impassioned about wanting to complete her transition with the receipt of a GRC to allow her to correct her birth certificate. As noted above however, Bird found the fee of £150 prohibitively expensive and experienced an additional barrier to completing the necessary forms as a result of her dyslexia (Divan *et al*, 2016). During her previous transition, Simon had made changes to the majority of her official documents without experiencing too much difficulty and was not yet at the stage of wanting to alter her birth certificate.

However, others shared a variety of more nuanced reasons as to why they had not completed applications to receive their GRC. Elen, for example, was concerned about the implications of erasing her social and financial history:

*“... changing everything legally, I’ve seen this with ... other people, you’ve got this problem all the time that you’re starting out everything afresh. You haven’t got a history...unless you link it all back, it gets complicated .... I’ve never had any problems with credit, the law or anything else like that, I don’t think there are any advantages to changing, in fact there are a lot of advantages to not. I’ve grown up as a respectful person and it’s beneficial in a lot of ways to just keep that. So, my male bit is my legal bit ...”*

(Elen, trans woman, 75)

Elen also acknowledged an appreciation of the practical flexibility of having the option to, in particular when travelling, switch between a ‘male mode’ and Elen. She explained:

*‘I also found it useful [not having changed her legal documents] the first time that Jenny-Anne and I went abroad...we decided to go to Egypt. I would have loved to have gone as Elen, as a woman in a little summer dress but I thought ‘no, if I do go there, I’m going to have put on make-up, I’ve got to wear a wig’. Can you imagine wearing a wig?! [It would be] like a woolly hat! When we got the details from the airline about the baggage, I thought there’s no way I can pack all the Elen stuff in there. It was so much easier if I went in ‘male mode’. A few t-shirts and that was it. It’s so much easier.’*

(Elen, trans woman, 75)



Image 5: ‘Elen or Alan’

**Researcher reflective field note:** Receipt of email and image from Elen 24<sup>th</sup> May 2017

*Just before leaving [the Trans Community House in March 2017] Elen rushed to fetch me a copy of an image produced during a photo shoot with a student who had visited Elen and Jenny-Anne previously. I discussed with all of my participants the right to anonymity and my interest in incorporating the visual as a means of elucidating lived experiences from a participant POV perspective. In many ways the use of the above image is directly opposed to the ambitions I had to actively challenge the harms associated with images that propose to represent trans individuals and their identities. There is a danger that such practices reinforce and validate the reduction of trans individuals to visual matters of presentation and expression. However, given the nature of the lived experiences Elen shared with me, the collaborative nature of the production of this image and, how well it represents how Elen feels about the need to manage her presentation for the outside world, I have taken the decision to include this image (with Elen's explicit permission) as acknowledgement of Elen's lived experience of how she manages the presentation of her gender identity.*

Elen managed the expression of her gendered identity in multiple ways dependent upon the requirements of the social situation. Elen explained how she adjusted her gendered expression by wearing androgynous women's clothing when she was just "popping to the shops" and committed to wearing full make-up and wig for more formal occasions. Elen was at her most comfortable and felt most authentically 'Elen' as depicted above in the central image, but conceded that she did not feel that she could present herself in this way to the world, suggesting:



*“...they’re not ready for me.”*

(Elen, trans woman, 75)

The restrictions that transnormative narratives and visual representations reinforced through the media served to regulate Elen’s expression of her gendered identity to within the acceptable confines of the gender binary distinguished by appropriate displays of femininity and masculinity (Zucker and Bradley, 2015). The pursuit of convenience in terms of her travelling arrangements, for Elen, over rided the potential symbolic or material gains that she could benefit from by engaging with the State regulated process for achieving official recognition as a woman. Specifically, in Elen’s case, she would not meet the minimum requirement of the gender recognition process that is underpinned by the psycho-medical discourse that requires trans people to be undergoing transition with the assistance of hormones and/or surgical interventions.

Others also noted the material inequalities associated with the variance between when men and women in the UK can gain access to their State pensions. Through this lens, the trans men that participated in this research study noted the financial benefits of not making changes to their legal gender so as they could gain earlier access to their pension entitlement:

*“I don’t have a Gender Recognition Certificate and judging by some of the petitions going around about lowering the pension age, that could be quite good, actually.”*

(Fred, trans man, 51)

The ‘advantage’ this action gave them was perceived as a small victory within the context of the lifetime of oppression and discrimination they had

endured. Further, Zdzislaw's reflections also spoke to the ways in which we absorb, 'accept' and 'take on the chin' many of the social policies and legislative restrictions that are 'put on us' as a given in our lives and against which we do not have significant rebuttal:

*"... the other side of it is that practical reality of claiming your pension when you're sixty. Which, well in my case sixty-two and a bit. So, you know, I didn't really want to miss out on that in some respects, although I would have, cheerfully, had the other things been ok. But being on that side of it, I thought, my God why not, you know surely - surely somebody owes me something. It's an advantage, yes, and I have felt that I have had so few ... why not for God's sake. Because I would have had to take it on the chin the other way around. You know and I would have accepted that. I think, in the end, because that is just what society has put on us, and we've had to accept all kinds of things."*

(Zdzislaw, trans man, 65)

Prior to the Gender Recognition Act (2004), the UK was one of only four remaining EU countries that did not have legislation that recognised trans individuals' acquired gender (Whittle, 2000). During the drafting of the initial bill, trans activists raised concerns about the implications for married couples. The discussions on the drafting of the legislation were taking place within a social era prior to the existence of any legal statute through which people of the same gender could be married and people were therefore anxious about the implications. Kayte relayed the distress and heartache the plans to require GRC applicants to annul their marriages had upon older couples whose marriages had survived the trauma's associated with transitioning:

*"... their marriages had survived, and I've met several wives, and they went to hell and back because all of the procedures then were pretty awful, but at least they came through the marriage together. And there were some still in their - well, mid-seventies [...] and their marriages stuck together..."*

*“... then all of a sudden when it was published in the bill to go to parliament, Tony Blair had introduced this same sex marriage idea [sic – Kayte was referring to the Civil Partnership Act]. And that devastated us, because it could have been me... Well – to a woman – marriage vows are very ... very important – and all her history, her identity, was destroyed. And it was awful. I belonged to a group who campaigned to get it changed and...no, it was awful.”*

(Kayte, trans woman 83)

Jenny-Anne clearly articulated the problematics created as a result of society’s social and legal regulation of sexuality:

*“When Elen and I got together, essentially, we were two male bodied people, was that a gay relationship even though we’re both trans women? When I got my gender recognition, the law says we’re now a heterosexual couple and I could get married. If Elen were to change her name legally and start taking treatment and got her gender recognition, we’d then be a lesbian couple in the eyes of the world. What has happened to us? Nothing. We’re still people who love each other for the people we are, not for our gender.”*

(Jenny-Anne, trans woman, 71)

What ultimately occurred was the simultaneous development and introduction of the Civil Partnership Act (2004) and special provisions within the Gender Recognition Act (2004) that permitted successful applicants the means to have their marriage annulled and their Civil Partnership confirmed on the same day. Heralded as a victory for LGB rights, this legal ‘remedy’ was far from satisfactory for all and Zdzislaw referenced the personal and political implications of the requirements of the Gender Recognition Act (2004) at its intersection with his relationship status. Having initially taken advantage of the Civil Partnership (2004) legislation (in advance of his social and medical transition), he noted the personal and political problematic raised by the requirement of the legislation to annul his civil partnership:

*“...So, I was civilly partnered and that was fine, but it still obviously meant that there were two lesbians making a union, and as a public thing, a statement, that was ok. As a private thing, what we have is a marriage. So, what my partner said was if [I transitioned and applied for a GRC]... then we would have to unbuckle the civil partnership. And that meant we would then be two single people and... that’s not the state I wanted to be in.... So, I deferred getting a GIC [sic], simply because of that.*

*Until the point where my partner would feel comfortable enough, if she ever did, and actually then the law did change, we are now married [as two lesbians].*

*So, my next step is to get the dumb certificate and hope that this marriage business that’s now been passed for a good month, will be enough to slide us through into a marriage at the other side. So, things have changed.”*

(Zdzislaw, trans man, 65)

The tension Zdzislaw experienced between the social, political and personal implications of the Gender Recognition Act (2004) highlighted one of the many problematic aspects of this now outdated legislation via its requirement for applicants to annul their previous legal relationships (Cowan, 2005). This indicates the inadequacy of rigid legal ‘solutions’ in dealing with the lived realities of people’s dynamic, fluid personal, social and political existences.

At the time of its assent into the UK legal statute books, the Gender Recognition Act (2004) was regarded as a seminal piece of legal recognition that, for the first time, provided trans people with the opportunity through a formally ratified process by which to amend their birth certificate and all other ‘official’ documentation to align with their gender identity. In doing so, it marked a significant modification in the socio-legal interpretation of ‘gender’ as something distinct from ‘sex’ (Hines, 2007a). Whilst the Gender Recognition Act (2004) enabled some trans individuals to amend the gender

marker on official documents including birth certificates and represented a huge shift in socio-legal acknowledgement of (some) trans individuals, some have argued for caution in relation to what the legislation represented for trans individuals in reality. Hines (2007b) highlighted how the normative binary gender assumptions that underpinned the legislation promoted assimilation of trans individuals into this normative system and left many other trans people excluded from achieving the rights promised. The Act may have represented an important move away from a requirement for trans individuals to have undergone gender reassignment surgery in order to obtain legal recognition but Hines (2007a) reminded us that the legislation remained imbued with medical discourse that 'privilege[d] a connective relationship between gender identity and body parts and presentation' (59).

#### 8.4.2 Legal regulation underpinned by psycho-medical discourse

The below final section of the analysis chapters presents participants' lived experiences of their engagement with the psycho-medical profession. Their primary motivation for engagement within this system was driven by their desire for recognition of the gendered selves they had always innately felt themselves to be. As outlined above, few participants at the time of writing had pursued their right to apply for a GRC. Nevertheless, in order to access the treatments, they required to achieve a sense of resonance between their felt sense and that which they were interpreted to be by the social world, they were required to present themselves to the psycho-medical professionals for assessment and diagnosis of 'gender dysphoria'. In order to be permitted access to treatment, participants explained various moments in which they had to conform to the psycho-medically and community-

sanctioned transnormative aetiology of trans identities that was rooted within a 'wrong-body' narrative. In conforming to this narrative, participants were also set upon a medical trajectory that relied upon physical realignment of bodies from one binary category to the other (Colebunders, De Cuypere and Monstrey, 2015) in order to affect a resonance between body (sex) and mind (gender).

Participants often expressed desires that were counter to or different from the professionals that held the power to their access to any treatment at all. Participants also relayed the ways in which they had drawn upon the knowledge that they had obtained from others within trans groups and used this to facilitate their navigation of the psycho-medical system, which they experienced as a "tight rope" being "shaken at each end" (Julie, trans woman, 52).

Zdzislaws' account of his interaction with the medical professionals with the power to instruct his physical transition were in line with the reflection of trans academic Dean Spade in his summation of the 'gulf between trans community understandings of our bodies, our experiences and our liberation, and the medical interpretations of our lives' (2003: 23). Zdzislaw relayed to me the disparity between his experience of his identity and that of the health service he eventually approached for support:

*"So, I think the professionals in the health service have one sense of transition, and then the individuals who are transitioning have another sense. And my own sense, which I tried ... to explain, to the psychiatrists who had to give me the second opinion, [...] He didn't wear that, he put down transition as the time in which I was socially dressing and presenting myself as a male to everybody else ... but technically for the National Health Service and for the psychiatric services and for all of those others, that's got nothing to do with how they want to make their*

*decisions. And they're not interested either, the psychiatrists that I've known [...] did what I'd been trying to avoid, which was taunting me with the idea that this was... this was somehow not right. You know, that my life was not right."*

(Zdzislaw, trans man, 65)

This excerpt revealed how the harms participants had experienced in their lives leading up to their seeking support were immediately replicated and compounded by the very professionals that were in the best possible position to appreciate and understand participants' lived experiences (House and Terrace, 2001; Stonewall, 2003).

Other participants shared their experiences of various challenges and outright rejections at the time of approaching the medical system for support. For example, Kayte noted the variation in attitudes she experienced between her own GP, whom she had known for decades, and the response received from the manager responsible for approving her referral to a Gender Identity Clinic to proceed with her psychiatric assessment (House and Terrace, 2001). Kayte provided a moving account of her first approach to her family GP after the death of her wife and on returning from the Gendys conference:

*"I walked in and sat down, and he said, 'It's something serious, because you've booked a double appointment' ... So, I said 'Well, I'm gonna [sic] have to read this out, because ... I might not be able to do it... 'For whatever time I've got left, I want to spend it as a woman'."*

*Right', he says, after a little hesitation. 'Would you like to tell me about it?' So, I told him all about the conference, and there was a silence at the end and he said, 'Ok, you've obviously given this serious thought, how can I help you? So, I said, 'Well, all you need to do please is to write to the Gender Identity Clinic [clinic name redacted]'. 'Ok, and what do I say?', I said 'Well you believe that I have gender dysphoria, and you would like it investigated'. At that time, I didn't know, one way or the*

*other, I was questioning – it was part of my logic, I suppose. And he said that's ok.*

*Then a few days later I got a phone call from him, saying that the referral had been turned down by the – I think it was then the area medical office ...”*

*I was heading for a nervous breakdown, I think. Kept writing pathetic letters to this guy – never got a reply.”*

(Kayte, trans woman, 83)

The above account conveyed the bravery with which all of the participants in this research study approached the psycho-medical profession for help. Participants shared with me their fear of the psychiatric system, either as a result of the era they were growing up in, when homosexuality was still illegal and conversion therapy was commonly offered as a treatment to such ‘conditions’ or related to their own direct experiences. Zdzislaw relayed to me how an early encounter with a psychiatrist whom he was aware of through his professional work led to him hiding his trans status for another 35 years rather than risk being sectioned:

*“What I knew about psychiatry at that time was that people like me were given large doses of sedatives, and if we were very, very good then we also got ECT. And so, yeah, all my conscious knowing was about avoiding that, and the decision to hide was not just about hiding from people I might meet in society and try and bluff, but also hiding from a system that would potentially destroy my personality.*

*Because when I went in ... I realised that he was the same chap who sectioned a lot of the women that I worked with, and who – all he did when they were in the institution – was feed them with pills, I thought I'm not talking to him. Maybe there is a way through my maze and my difficulties – this is when I was twenty – but he's not the person that I'm gonna [sic] trust to take me through that. And he was my only chance as it turned out, so – I was twenty, so I transitioned in what, 2007 – how old was I then – fifty-five – so thirty-five years [...] hiding away from people like that.”*

(Zdzislaw, trans man, 65)



Two years later Kayte's GP contacted her to instigate a referral to a psychiatrist for her assessment. Kayte reflected upon how she used the practical tips and advice others had offered to her when she had attended the Gendys conference. These were in particular focussed upon how she should negotiate presenting herself in feminine clothing without arousing attention or suspicion from members of the public (Namaste, 2009):

*"Oh, you'll get this question and that question', and at a later conference [...] people saying [...] what you do, is you go down with a little bag, and you book into a B&B – anywhere around the stations – because there's lots of nefarious things that go on! And you just change into your female garb, go along to Charing Cross, and have your interview, and then get back on the train, go in the loo, change back into your male gear, and go back home."*

(Kayte, trans woman, 83)

Participants approached their journey through the psycho-medical system with various degrees of confidence and expectations relating to how much control they would be able to retain. Those that were financially able felt emboldened by their capacity to direct and undergo some of the procedures they wanted without having to rely upon the NHS funding and waiting times to achieve it. This elucidates the 'good neo-liberal citizen' discourse (Irving, 2012) outlined above in relation to Jenny-Anne's transition and is also reflective of the approach Julie took to her own transition:

*"I wanted to take charge in my own transition. I wanted to take ownership of it, which is why I didn't badger the NHS for hair removal, no - I went and got it myself. Anything I could get myself, I got myself, so I had ownership of my transition."*

(Julie, trans woman, 52)

Julie also reflected upon what she knew about the different approaches of the Gender Identity Clinics and combined with what she had learned from others in the trans community that had experiences of the different clinics, Julie was empowered by this knowledge and used it to inform her own navigation of the harsh environment she expected ahead of her (Namaste, 2009). For example, Julie selected the clinic for her transition through using this knowledge; she reflected how she chose not to attend a specific clinic as she was aware that they:

*“want[ed] to control the whole process. They tell you when to transition, they tell you ... I suppose the plus side is they get you through to surgery within the two years ...”*

(Julie, trans woman, 52)

Julie was also patently aware of how she had to negotiate her way through the system (Sharpe, 1999) to retain as many options open to her until such a point that she was clear about what she wanted and what was right for her. Julie’s experience elucidates the regulatory nature of these State established systems that were there to facilitate individuals to achieve their desired sense of their authentic selves:

*“... surgery wasn’t my be all and end all, that wasn’t my end point at all, I wasn’t even sure if I wanted surgery at that point in time, it was just an option. You didn’t go there being needy because they didn’t really... support you like that... I felt [name of GIC] was like walking a tightrope, that they were shaking at each end, and trying to make you fall off, because if you missed a meeting, you could be discharged.”*

*“The threat was always there, you know, you didn’t comply ... and I think the belief was that you had to dress very feminine, which didn’t bother me cos [sic] that was me, that was how I wanted to be, so it was no effort whatsoever just to go in a skirt a bit of make-up...”*

*“... right from the get-go [...] I said, ‘I want the surgery’, because that what you have to say.*

*“...early on in the transition, I wanted the breast augmentation ... and I started bringing up the subject at the meetings, he [consultant] said, ‘You can’t do that, you can’t have breast augmentation until you’ve had the reassignment surgery, and if you get it done [elsewhere] we’ll throw you off the programme.”*

(Julie, trans woman, 52)

Julie’s experiences highlight the ways in which trans people are forced into surgery (which if unwanted could equate to physical and psychological harms) in order to conform to the transnormative gender binary that underpins the psycho-medical construction of transgenderism as a deviation from the ‘natural’ order of gender as biologically and anatomically determined (Lewantin, Rose and Kamin, 1984; West and Zimmerman, 1987) and in need of correction (Kessler, 1990) via surgical intervention (Stoller, 1994).

Bird also reflected upon her experiences of being made to jump through unnecessary ‘hoops’ to access the breast augmentation that was so central to her embodiment of her gendered identity (as already highlighted above at 7.2.2). Birds’ experiences within the psycho-medical system were in some ways most troubling as a result of the compounded vulnerability she experienced as a woman with depression and anxiety and without a support network consisting of other trans people, family or friends (Cochran and Mays, 2000; McNeil *et al*, 2012; Moolchaem *et al*, 2005):

*“It always felt like they were trying to make me jump through hoops. And then, with the breast augmentation ... they said, ‘No, we want, want you-... to go up and see another psychologist to make sure ...I had gender dysphoria. But I’d already had the operation... And they made me have pictures taken of me. And around me body, yeah?”*

(Bird, trans woman, 51)

Bird had evidently experienced distress and harm as a result of the way she had been treated by individuals within the system (Whittle *et al*, 2007). Reflecting upon the process she outlined above of having images taken of her body for the purposes of recording and assessing the development of her breast tissue as a result of her hormone treatment, Bird explained how she felt:

*“Well, I didn’t have a choice. Didn’t have a choice. ... I did have the opportunity to take them all to court, but I didn’t have the energy left. I didn’t have the fight. Didn’t know where to turn for support or anything after that.”*

(Bird, trans woman, 51)

The above excerpt revealed systemic harms through the ways in which the system acted above and around its patients and sometimes to their detriment and without regard for individuals needs to have things explained to them and for them to be offered explicit choices about what is happening to them.

Related to this concerning issue was the theatrical symbolism with which the psycho-medical profession administered various moments in the transition process for participants. For example, Zdzislaw reflected upon how as part of the series of ‘tests’ he was exposed to throughout the system, he was again exposed to further reproductions and compounding of the harms he had encountered throughout his life in the social world whilst hiding his trans identity:

*“They’re tests, you know these gates, they’re tests. They’re testing you all the time. So, I suppose it was a test that he wanted me to flinch whenever he used the pronoun she...”*

(Zdzislaw, trans man, 65)

*“There was a definite gate in this series of gates that you had to get to before your pronoun changed, and before your name changed. So, you were invited – when you got to that gate – to change your name if you wished.*

(Zdzislaw, trans man, 65)

These examples illustrated how participants were made to feel as though their journeys were being dictated by the will of the psycho-medical system, their successful graduation from which was rooted in their ability to identify these pressure points and navigate appropriately through the various ‘tests’ and ‘hoops’ set up to prove to the professionals their commitment to their trans identity.

Winifred reflected upon her interaction with the GIC and how surgery was presented as the panacea (Stoller, 1994):

*“there was still a feeling, you know, surgery’s the thing to go for”*

(Winifred, trans woman, 79)

This was despite the acknowledgement of the serious medical barriers she experienced in being suitable for gender reassignment surgery as a result of the surgical treatment she had received to save her life from prostate cancer some years before. Further, she explained how the system was designed along “*quasi-religious*” terms which constructed symbolic moments of “*rite of passage*” whereby the GIC in question had established a:

*“Mise en scène – that is actually a theatre of the surgery”*

(Winifred, trans woman, 79)

These final examples have illustrated how in the moments whereby participants had finally found the courage to set about embodying their own

inner felt sense of their gendered identity and having engaged with the required psycho-medical systemic structures that govern the processes of aligning bodies and minds, they were once again in a position of having their identities structured according to norms and expectations that were not of their own making. In navigating these systems of regulation, they were exposed to further harms which ultimately served to reinforce their lifelong felt sense that their lives “*were not right*” (Zdzislaw, trans man, 65). During and on having completed their transition, as dictated and managed by the psycho-medical system, participants were further exposed to symbolic ceremonies of their ‘passage’ from one fixed binary gender identity to the other.

As summed up by Zdzislaw below, gendered identities are complex constructions which take place in interaction with and between individuals, the social environment and the State institutions established to regulate them. For the participants within this study, the pursuit of a recognisable gendered identity that is augmented by a positive sense of self-respect is a complex process. Achievement of that goal it seems was an on-going process that extended beyond the symbolic tools offered by the institutions of the State:

*“I think I’m still the male I always was ... But I am now able to present fully as male, because of hormones and surgery. So, I’ve got as far as I can, but for me, it’s still not quite enough, because it will never be totally authentic. And that’s part of I think, this concept of gender dysphoria. It still continues, it travels beyond, for some of us at least. So, although I am perfectly happy, and never thought I would be able to be this happy and content, and like I am physically. So, everything is great, but there is just that niggle ... in that little corner of my brain, that says ‘yes but... If only...’ So, I have to manage that, as part of getting through.”*

(Zdzislaw, trans man, 65)

## 8.5 Chapter conclusion

This chapter has presented data that illuminates a range of harms that manifest through the burden of responsibility trans participants bore to adopt good neo-liberal subjectivities as active citizenship (Mitchell and Howarth, 2009) through their roles as community activists and providers of community support to other trans people. These positions exposed participants to the trauma and mental health harms that others were experiencing as a result of their trans status and stood-in for the development and provision of appropriate State support and services to address the issues that underpinned those people's experiences.

Further, the data illuminated the participants' experiences of discrimination throughout their lives, with particular focus on the workplace, and how the neo-liberal environment augmented manifestations of discrimination and informed participants strategies for navigating hostile workplaces in ways that reinforced transnormative hierarchies through their evaluations of trans peers. Participants experiences of past discrimination underpinned their motivation to seek legal protections that they felt would have prevented experiences of discrimination from occurring.

The search for equality through the legal paradigm has been 'something of a Holy Grail for liberal legalism' (Collier, 2002: 65). Within such a framework, a politics of recognition is focussed upon exerting institutional forms of change that look to the law as opposed to challenging 'the epistemological status of the law itself (which may involve re-locating law within a multiplicity of discourses in which gender is constructed)' (*ibid*). D'Emilio

(2000) suggested that political struggles have focused on demands for inclusion within mainstream culture and in particular, equal rights of citizenship. However, it is argued that the form those negotiations with the State have taken have further entrenched divisions between communities, reinforcing segregations and categorisations that belie their intersections (Brandzel, 2016). Much of the decision-making around what approach to take in order to gain access to resources, respect and recognition have centred around 'which narrative is more compelling to those who have the power to deny access' (Currah, 2006: 24). The legal protections that emerged throughout this process were established upon and intertwined with the psycho-medical discourse around trans identities. This reinforced trans participants engagement with the psycho-medical systems that subsequently inflicted further harms to mental and physical health in the pursuit of a worthy trans identity that assimilated within the binary gender order.



## **9 Chapter Nine: Concluding Discussion**

### **9.1 Responding to the overarching research question**

The overarching aim of this thesis was to explore trans individuals lived experiences of harm and in doing so the following central issues were explored:

- a) To what extent does the prevailing conceptualisation of the hate crime agenda provide a suitable account of trans people's experiences?
- b) To what extent are trans people's experiences of harm influenced or generated by their subjective intertwinement with the social, cultural and economic context in which harms occur?

This research study sought to investigate the lived experiences of harms of trans people. Trans people, and some trans women in particular, visibly trouble the prevailing conceptualisations of gender as dichotomously ordered and differentiated according to performances of femininity and masculinity. Trans people are established as 'different' as a result of their perceived deviation from this 'natural truth' (see Herdt, 1994). The heteronormative nature of the gender order establishes trans people as non-normative. The existent literature and the testimonies of participants in this research study demonstrate a range of harmful experiences to which trans people are exposed as a result. Since the introduction of the Equality Act (2010) there is an expanding body of work which highlights their experiences of discrimination across a range of settings and since the inclusion of the category 'transgender identity' within the remit of hate crime legislation (Woods and Herman, 2015), more recently, there has been some

acknowledgement of the targeted abuse and violence that trans people experience, but this issue remains underreported (Mitchell-Brody *et al.*, 2010; Turner, Whittle and Combs, 2009). The historic pathologisation of trans people (Califia, 1997) has been enshrined within the contemporary era through the classification of gender dysphoria as a mental 'disorder' and this instructs trans people's regulation through State instituted support systems. Developed from harmful domain assumptions that posit trans identities as one of nature's 'mistakes', State instituted support systems propose to 'rectify' these mistakes with an emphasis on creating alignment between individuals' sexed bodily materiality and the gendered psyche achieved through hormonal and surgical intervention (Salamon, 2010).

When analysed through a social harm perspective (Hillyard and Tombs, 2007) and interpreted via a theory of recognition (Yar, 2012; Honneth, 1996), the lived experiences of the participants in this study illuminated a range of harms that are hidden from view when trans individuals experiences are deciphered exclusively through the restrictive lens of the hate crime agenda. The everyday nature of the life-long struggles that participants reflected upon throughout the research process lends support to critiques of the agenda's limited capacity to mount an effective response to a social problem (Jacobs and Potter, 1998). The participants of this study shared experiences of harm that manifested as internal conflict. There was a gap between their capacity to achieve an identity that resonated with their own sense of authenticity and that which was recognisable as of worth and value to significant others in the social world.

When considered in relation to the formative processes of the human psyche, as contingent upon the outside world for creating a meaningful order to our existence (Žižek, 2000, and subsequently Johnston, 2008), these experiences were suggestive of a problematic within the normative neo-liberal environment that, through its reification of competitive individualism (Hall *et al*, 2008), hampers individuals capacity to bestow love, esteem or respect on those that do not occupy normative subject positions: the parameters of which were established within the pre-capitalist gender hegemony and have since been co-opted by neo-liberalism to produce flexible, individualised, risk-managed, responsabilised subjects that serve its master: capitalism.

## **9.2 Unique contribution to knowledge**

This thesis provides a unique contribution to existing knowledge within the fields of hate and trans studies through its elucidation of the range of harms experienced by trans people as illuminated through the application of a theory of recognition (Yar, 2012; Honneth, 1996). This theory reveals the harms trans individuals in this research study were exposed to via denials of core aspects of their self-identity, which are essential to human flourishing.

Some of what I have proposed is not new; academics including Perry (2001) have acknowledged the everyday nature of hate. I am informing a discussion of the parameters of hate and have done so by introducing a social harm perspective. The predominant theoretical consideration of the concept of hate is Perry's (2001) theoretical scheme; Perry incorporates a fuller account of the spectrum of actions, culture and structures facilitating hate into an exploration of the forces underpinning hate. My conceptualisation

recognises hate as a multi-dimensional issue and indicates that a purely legal response is inadequate in addressing the problem. The data presented has drawn attention to the external socio-political and economic environment as generating and perpetuating competitive individualism (Hall *et al*, 2008) in combination with a form of ideological 'genderism,' (Hill, 2003) which instructs individualised citizens to self-regulate themselves and each other accordingly. This environment is also identified as the source of hidden harms that manifest in trans people's most intimate and significant relationships from infancy which establishes a wave of harms that are promulgated through transnormative community narratives by trans individuals themselves, acting in tacit complicity with the 'fundamental fantasy' (Hall and Winlow, 2015) of the neo-liberal vision of social relations. Here trans people operate under the illusion that inequalities are the result of their own or others' individual failures to be the best version of themselves that would qualify them as deserving of the rewards offered to those who succeed in ascending through the ranks of a meritocratically evaluated social system (Littler, 2017). These experiences are conceived of as social harms (Hillyard and Tombs, 2007) as a result of their obfuscation of individual's capacity to develop a positive relation to their sense of self.

### **9.3 Discussion**

Throughout this thesis I have identified various points at which the conceptualisation of hate and trans identities have fallen short of providing a holistic representation of the harms that manifest as a result of both issues in trans people's lives. As précised above, trans people experience a range of harms that extend beyond the limits of the hate crime agenda which has been

socially and politically positioned as the primary mode of accounting for the inequalities and discrimination experienced by trans and other marginalised communities. Participants experiences were characterised by daily, normalised experiences of harm that manifest in interaction with central value systems within society including the family, gender, and marriage and extended beyond the narrow application of the hate crime concept that positions the root concern of this issue with individual offenders who exhibit violent behaviour that is out of step with an otherwise tolerant and fair society. Some participants shared experiences of harm involving brutality and violence which were of significant concern, however these few incidents did not detract from the pervasive experiences that were systemic and disregarded more widely by neo-liberal values and the individuals themselves as '*Something You Just Have to Ignore*' (Browne, Bakshi and Lim, 2011).

In highlighting and focussing upon these harms I have identified that the contextual environment in which trans people have lived has played a role in the production and augmentation of these harms. In acknowledgment of the role that this external environment had in shaping participants experiences of harm throughout their lives a theoretical framework was sought that could more adequately frame these experiences as harms (Hillyard and Tombs, 2007). The theory of recognition (Yar, 2012) provided such an opportunity in how it centres, as fundamental to human flourishing, the achievement of a positive sense of self. A positive relation to the self is achieved via a process of being recognised as a worthy and valuable human being by various significant others. Harms from this position are conceived of as occurring

when appeals for recognition are denied. Paying due regard to the ways in which the social dynamics and normative systems direct, shape and regulate individuals' interactions, harms are evident where this environment has disrupted the potential for trans individuals to achieve recognition for their internal felt sense of themselves as trans in relations with their parents, partners, and others in the wider social sphere as well as interacting with State institutions.

In order to explain these harms it was necessary to develop a framework through which to scrutinise the relationship between: the individual micro level relations; the social and psycho-medical systems of regulation that trans people are instructed to engage with in pursuit of achieving a socially intelligible subjecthood at the meso level; and how the macro level socio-political and economic structures of power in society interact with one another to produce harmful subjectivities (Hall *et al*, 2008; Hall, 2012). The theory of recognition provided the capacity to bring within its scope harms that occur from micro to macro factors within a single proposition.

### 9.3.1 The limitations of the hate crime agenda

There remains much work to be done to appropriately define hate and to understand the connection between the social, political and economic environment that it takes place within. The socio-political economic environment through which the hate crime agenda emerged, impacted upon how the issues were conceived (Fraser, 2003). The UK was experiencing the social outcomes of increasing social diversity (Boeckmann and Turpin-Petrosino, 2002), set against a backdrop of an unprecedented shift in the

format and management of the social and economic environment (Chang *et al.*, 2013) that secured neo-liberalism as the contemporary manifestation of capitalism within which the UK sought to flourish. This environment dictated and re-affirmed legal solutions as the primary method of addressing the issues being presented.

Perry's (2001) theory was built upon the domain assumption that the dominant stratification of society is based upon the differences that social identity characteristics including class, disability, gender, race, and sexuality represent. In making this case, Perry rightly highlighted the existence of well-established cultural norms associated with the performance of key identity characteristics, drawing here on the example from West and Zimmerman (1987: 136) that 'a person engaged in virtually any activity may be held accountable for performance of that activity as a *woman* or a *man*, and their incumbency in one or the other sex category can be used to legitimate or discredit their other activities'. The pernicious capacity of these long-standing and ingrained social categorisations of humans demonstrates the ways in which the social environment infiltrates every facet of our lived experience directing our actions, others' perceptions of our conduct and our own surveillance of others' performances, thus engaging us in the reproduction of the hegemonic social order.

The key assumption of this form of analysis is based on the endurance of an interpretation of social relations that are organised according to 'deeply embedded historical notions of difference' (Perry, 2001: 46). This thesis challenges the assumption that these historically contingent rules of social classification along the lines of race and gender, for example, remain the

primary organising and influencing factors that dictate individuals' identity formation or, therefore, experiences of hate in contemporary life. These social structures remain present and are even reproduced and further perpetuated within the contemporary environment (Duggan, 2003) as noted throughout the analytical chapters, but their status has been co-opted by neo-liberal ordering mechanisms which structure human relations according to competition between individuals (Hall and Winlow, 2015). The passage from feudalism, through capitalism to today's contemporary competitive individualism, represents a fundamental shift in the dominant dynamics governing social relations (Jessop and Conflict, 2012). In this environment, socially intelligible and 'worthy' subjects are constructed based on an ability to self-regulate and achieve self-made success by working hard to realise their ascendance through the meritocratic stratification of society (McCarthy and Prudham, 2004).

As 'capitalist realism' (Fisher, 2009) embedded, inequalities were conceived of as a result of certain groups exclusion from this system of wealth accumulation and activism coalesced around campaigns for inclusion within the increasingly neo-liberally defined socio-political economy (Fraser, 2003). Whereas earlier civil rights movements concentrated efforts on calling for redistribution of material resources as the solution to the social inequalities expressed through examples of hate crime, the contemporary manifestation seeks protection within the law in a form of 'negative rights' (Blau and Moncada, 2005) that implicitly assumes that such behaviour is bound to occur and the best course of action is to seek special protections for groups that are particularly targeted. This had the effect of producing specific



legal protections against some manifestations of hate for some groups based on legally determined shared identity characteristics. This approach to the social problem that hate represents fails to incorporate within its scope, a scrutiny of deeper root causes that underpin the social environment that tacitly permits a level of everyday manifestations of harm as normative.

Through exploration of the hierarchy of victims the hate agenda contributes to (Mason-Bish, 2013; Chakraborti, 2010a) and of the everyday manifestations of hate (Walters and Hoyle, 2011) that occur in victims' lives, it is suggested that the legal approach emphasised within the hate agenda fails to address the full range of harms that characterise individuals' experiences or the role that social, political or economic structures within society play in cultivating that atmosphere. Indeed, current approaches fail to take seriously the harm caused to individuals and to the wider social fabric as a result of the routine experiences of hate that occur within an environment which facilitates and permits acts of hate on an everyday basis (Perry, 2001; Iganski, 2008).

### 9.3.2 Experiences of trans identity

The processes of being, becoming and doing trans identity is a dynamic one (Johnson, 2015) that is contingent upon the external social relations and order that organise our social world (Meyer 2004). Omi and Winant (2014) noted how the act of categorising humans and utilising that socially constructed identity as the primary source of analysis of experience denies the complexities of lived experience that occur in interaction with culture, politics and economic structures and systems. The prevailing propensity to

divide discussions of gender into a question of either a biological sex approach or a gender roles approach perpetuates a narrow focus upon the individual (Glazer, 1977). What these approaches belie are the structural processes that generate and sustain 'the pervasive ordering of human activities, practices and social structures in terms of differentiations between women and men' (Acker, 1992: 567). This raises concerns regarding the influence of 'images, symbols and ideologies that justify, explain and give legitimacy to institutions' tied with the 'internal processes in which individuals engage as they construct personas that are appropriately gendered for the institutional setting' (Acker, 1992: 568).

Transcendental materialism (Žižek, 2000, and subsequently Johnston, 2008), moves beyond Freud's (1924) early accounts of the formative processes integral to the development of the self and is instead based upon Lacanian (1974) developments in psychoanalysis. It asserts that we emerge as malleable beings, overwhelmed by our instinct for survival and bombarded by meaningless external stimuli, from a *void*, bereft of an interpretive framework through which to understand our existence and the world we have been thrust into from the safety of our mother's uterus (Hall and Winlow, 2015). As such, we actively seek to make sense of this world through our engagement with the social, cultural, political and economic signs and symbols that our environment is constructed from. The central offering of this psychoanalytic approach applied to the socio-political economic environment is its exposure of the social/symbolic order's inadequacy (McMillan, 2016) in providing us with appropriate and fulfilling meaning to our existence.

Having established the essential formative role that this external environment has in shaping our understanding of the rules and values of the world which we inhabit, the theoretical perspective adopted here also asserts the relevance of acknowledging how we actively elicit meaning from this environment as an essential component in the formation of our identities. Žižek (2000, 2008) draws upon Lacanian psychoanalytic principles on the development and maintenance of the human psyche to assert the central relationship between the socio-political environment and the formation of human subjectivity. This thesis has also drawn upon psychoanalytical perspectives to appreciate trans identities and individuals' experiences of harm as symptomatic of the fundamental requirement to understand ourselves through and in relation to this pre-established external environment of symbols and signs (Gherovici, 2017b). This was illustrated by participants reflections upon the ways in which their identities were regulated and constructed via their parent's relation to and conformity with the external environment in which they were living. Lacanian psychoanalysis is invaluable in providing the capacity to both reveal and understand the influences, limits and symptoms generated by this social environment (McMillan, 2016).

As a result of adopting a perspective drawn from the above theoretical bricolage, and in combination with the thick-data that was facilitated through the ethnographic approaches to the fieldwork and data analysis phases of the research study, this thesis has illuminated the formation of trans identity in relation to the external socio-political economic environment. In doing so it has highlighted the restrictions this mode of the social, and the values it

promotes, places on trans individuals capacity to express authentic gendered identities that transgress normative conceptualisations of a gender binary.

In doing so the research study engaged with the lived experiences of participants who identified variously within the overarching identity category of 'transgender' including trans women, trans men, those who identified as non-binary and one participant who was born intersex alongside another individual who temporarily de-transitioned as a result of her running out of finance to cover her privately funded treatment. A key contribution that this research study makes to this area is in illuminating the diversity of trans identities that exist. Trans identities that differ in terms of external expression and performance that is affected by the external environment's interpretation and regulation of such and by an individual's own capacity to read, respond to or resist external cues. This complex combination of internal and interpersonal conflict and tension resulted in personal accounts of their lived experiences of gendered identities that in many ways cannot be grouped together into a single coherent categorical account.

Of the 11 participants, only one individual's identity could be described as embodying a full coherence between material sexed body and the gendered psyche that is enshrined as the optimum trans subjectivity within transnormative community narratives and throughout the psycho-medical and legal systems. This individual's embodiment of her trans identity was a product of the psycho-medical discourse that was emerging as the panacea of trans identity achievement at the time of her transition in the early 1990s. On the whole, participants experiences portrayed a varied and sometimes

conflicting interpretation of their gendered identities and trans status. Thus elucidating the ways in which identity can be both fluid in nature (Johnson, 2015), as suggested by Queer theory, and fixed dependent upon a combination of factors that arise from an individual's interpretation and absorption of the available information and representations of gendered identity presented by the Žižekian (2000) Imaginary Order in which we all engage in processes of mis-identification and 'self-deception' as proposed by Winlow and Hall (2015: 111).

The lived experiences explored within this research study took place over a period of time in which the socio-political and economic mode of the world was changing. In particular, participants shared with me a range of experiences from across their lifetimes that were informed by the prevailing social milieu broadly anchored within the 1950s, 1990s and 2000s whereby the emergence and embedding of neo-liberalism can simultaneously be traced. Throughout the unfolding of each of the three analysis chapters, using Yar's theory of recognition, I have sought to illuminate three of the central structures of social relations that influenced and impacted upon the formation of self-identities and subjectivities: those being the family home environment and the role of parents in that space, the sphere of civil society and finally the State regulated spaces of laws and institutions. Within each of the findings chapters the lived experiences of participants have been related to the evolution of a neo-liberal infused social milieu and the shifting modes through which 'being' has been regulated in each of these spheres and eras.

The findings from the first analysis chapter have elucidated the following key analytical points: the nature of identity formation in relation to the external

environment that is administered and regulated through the participants parents; the harmful impact this had upon individuals' sense of self and the sometimes physical harm inflicted in the process of gender regulation; the long-term psychological impact this had on participants' capacity to live authentic lives; and the way in which they managed risk and encountered symbolic harms that manifested as a result of the insufficient language available to articulate a trans subject position within the binary gender hegemony; and experiences of subjective violence that targeted their contextualised vulnerability in situations where they were negotiating adult relationships and which was generated by virtue of them being trans and how their own internalised transphobia directed them to negotiate such situations.

Bringing these findings into discussion with the theoretical underpinnings of the research study they specifically speak to the transcendental materialist (Žižek, 2000; Johnston, 2008) formation of subjectivity that takes place in interaction with the external social world, via our parents, as we seek to be recognised, to belong and to find a sense of meaning for our existence. In combination with a social harm approach (Hillyard and Tombs, 2007) it is possible to interpret the character of this external environment, one informed by historic liberal ideals that posit the private sphere of the home as sacred and protected from the interference and regulation of the State, as discussed at 4.4, as complicit within the harmful experiences of having their non-normative gendered identity denied, rejected and regulated. Yar (2012) and Honneth (1996) would construct these harms in terms of the detrimental impact such experiences have on an individual's capacity to

develop a positive self-confidence in themselves to accurately interpret and respond to the external rules and norms and as capable of occupying a worthy, valued and, crucially, socially intelligible position within said social world.

Particularly the experiences presented illuminated the ways in which initially the pre-capitalist hegemonic gender order served as a regulatory social structure which was upheld, sometimes violently, by participants parents. Parents occupied the role of primary interpreters of the social world and as such held the credentials necessary to evaluate the worthiness of participants particularities as valuable and worthy of recognition. As the trans participants, in line with other trans people, typically expressed their gendered identities outside of the heteronormative (Warner, 1993) ideals aligned with biologically deterministic and patriarchal interpretations of gender (Bornstein, 1994) from an early age, their authentic inner felt sense of their gendered selves was denied recognition. The implications of which were long-lasting, impacting upon participants' own interpretation and evaluation of their inner felt gendered identity as being of value and worthy of love. This had the effect of instructing the necessity to conceal and engage in self-denial of that trans gendered identity as a survival strategy (Cacho, 2012) which obstructed their capacity to achieve recognition on the basis of all aspects of their inner self in their adult intimate relationships (Emirbayer and Mische, 1998).

As participants grew older, such was the significance of their parents evaluation and direction, that participants internally absorbed the heteronormative and transphobic modes of subject evaluation their parents

administered over their lives and perpetuated them by hiding and suppressing the trans aspect of their gendered identity from the world and specifically from their first intimate partners. The harms that were generated for participants manifested psychologically through experiences of stress, anxiety and depression, as well as physically through their engagement with performances of hyper-gendered identities that were counter to their authentic self and had irreversible effects on their bodies which impeded their capacity to achieve a successful embodiment (Jonson, 2015; Butler, 2004) of their authentic gendered self later in life.

In pursuing more accurate representations of their trans identity participants felt the symbolic harm associated with the general lack of nuanced language and understandings of gendered identity that extended beyond the limits of the fixed, dichotomous binary and that were not conflated with sexuality. Participants experienced these harms through their misidentification with labels that gave primacy to their supposed sexuality that did not reflect their trans identity (Gherovici, 2017a). Resorting to these labels and limited forms of language and understanding existent in their social environments placed a requirement upon participants to intricately negotiate their social relations to manage the level of risk to which they were exposed. The internalisation of transphobic discourse to which they had been exposed throughout their lives thus far led participants to feel obligated to pre-empt accusations of deception and the associated risks when entering into intimate relationships by outing themselves as trans. This was despite this revelatory move being at odds with some individuals desires to live beyond the limitations a life that would be determined by their trans status.



This action rendered some participants vulnerable (Chakraborti and Garland, 2012) to subjective violence that was somehow perceived as legitimated by the participants election to reveal their trans status to others.

In the second analysis chapter the findings presented elucidate the following key analytical themes: the continued influence the external environment had upon participants through their first-hand experience of seeking out information about trans identities; being informed by rare and overly-simplistic mediated representations of trans identities; and experiences associated with the process of negotiating esteem within a changing socio-political environment that was beginning to encourage expanded recognition for a more diverse range of identities, and the challenges participants had with releasing themselves and being released by others from the reductive, pathologising representations of trans subjectivities that had come before and that had been embedded within the emerging neo-liberal mode of being. Participants' experiences here highlighted the dialectical 'messy' nature of trans identity formation that arises through a negotiation of the external social world and its actors (Meyer, 2004: 166) and how the performance of gender (West and Zimmerman, 1987) forms an integral aspect of the risk management trans individuals undertake on a daily basis (Hill, 2003) within an external environment that poses a threat to trans individuals (Hines, 2007).

The liberal promise, that emerged throughout the 1990s, of an expanded recognition of groups victimised by hate crime, was eventually provided in the form of a collection of new legislative apparatuses that extended protections against hate crime to a number of newly acknowledged groups.

This move to reassert the solution to the social inequalities experienced by these marginalised communities as lying within the legal framework constituted progress in the form of 'negative rights' (Blau and Moncada, 2005) that emerged through and were informed by a social environment already shaped along the lines of the old hegemonic order. Rather than the opportunity for previously 'misrecognised' groupings of people to articulate more accurate and nuanced reflections of their shared identity characteristics (Fraser, 2003 as discussed in chapter two) being realised, the participants in this research study demonstrated how the simultaneously emerging neo-liberal impetus to compete along individualistic terms further instructed them to conform to the old hegemonic orders which constituted the parameters around the nature of the trans subjectivities it permits into existence (Brown, 2002; Butler, 1997).

This reformation of the old hegemonic orders was co-opted within the neo-liberal mode of social life (Duggan, 2003) and served to reinforce the meritocratic discourse that posited inequalities between individuals as a natural outcome that resulted from some working harder to achieve the very best version of themselves as evaluated against the old systems of assessment: women as feminine and men as masculine. Bolstered by discourses associated with the achievement of beauty, femininity and authenticity through surgical interventions (Marwick, 2010; McRobbie, 2015) participants revealed aspects of transnormative evaluations between trans people that derided those that did/could not pursue surgical intervention as the panacea of 'good' trans subjectivity. As noted by Spade (2011) the pursuit of equality through the perpetuation of historic normative

representations of gendered subjectivities serves to further marginalise those that do not ascribe to such and offers only limited recognition to those that succeed.

The symbolic and subjective harms that this toxic social environment generates were evident within trans community narratives that aligned with those disseminated throughout the popular media. These perpetuated discourses that ranked individuals that had achieved bodily resonance with their psychological gender in such a way as to convincingly assimilate into the gender binary order as exemplary trans subjectivities worthy of recognition. Implicit to the achievement of this ambition is an engagement as a consumer within the free-market promoted by neo-liberalism in order to purchase cosmetic treatments that were either unavailable through the NHS route or had such long waiting lists that the prospect of waiting presented life or death consequences for some individuals already struggling with their mental health. Those that were prepared to adopt a competitive individualistic mindset to secure their access to the treatments required were bestowed with the title of socially intelligible trans subjectivities. The means of achieving such a goal were fraught with challenges that required: the schooling and guidance from other trans people who had been through the system before them; being prepared to privately fund the treatment directly; or via a process of being made complicit within the continued perpetuation of these harmful transnormative hierarchies by engaging with 'once in a lifetime opportunities' created by the media in pursuit of profit over people via programming that is designed to exploit the problematic relation trans identities present for normative society.

The findings presented throughout the third and final analysis chapter illuminate how alongside the aforementioned promise of a more liberal and tolerant attitude towards diversity, there was a simultaneous emergence of new systems of regulation that masqueraded as systems of support (Pemberton, 2016). In later life, when a more liberal minded political and social environment arose participants experienced harms associated with their interaction with State sanctioned systems of support and 'recognition' that remained wedded to the normative hegemonic social structures. These systems regulated trans individuals in such a way as to construct socially intelligible, and therefore worthy, trans subjectivities as those that conformed to the binary understanding of the gender order defined by visually mediated notions of femininity and masculinity.

In the process of being the best trans person they could be, participants felt duty bound to assume the burden associated with being an 'active citizen'. In the face of the harms they had experienced being repeated with others, participants engaged with activism and campaigning to raise awareness of the issues they and others had experienced and sought to bring about change to improve access to systems of support. Their involvement was informed by previous experiences of discrimination in and around the workplace, which promoted campaigns for legal protections against mistreatment as employees. Other experiences highlighted the systemic discrimination that existed within the justice system whereby trans identities were regulated and contained under threat of imprisonment for expressing a trans gendered identity.

Gill (2008) highlights the 'collective' process by which social structures and systems, including that of neo-liberalism itself, are produced and sustained by collective social action that becomes normalized over time and eventually gets incorporated within the State system of institutionalised social structures (Gill, 2008). The transnormative narratives that were seen to occur within and between trans communities also served to inform the way that trans people were defined in law. The policing of trans violence has illustrated the persistence of 'an essentializing and totalizing logic' dominant in the law and order of identity politics which reinforced pressure upon individuals to conform to these notions of identity in order to legitimise claims for redistribution of resources and recognition within the citizenship model (Moran and Sharpe, 2004: 412).

This led to arguments that the trans movement perpetuated their own otherness by proposing the solution to exclusion as achieving 'inclusion' within the normative systems that purport to offer protections and rights to individuals based on identity characteristics shared with similarly defined others. This process makes individuals' victim status, as well as their ability to demonstrate 'sameness' with others that warrant such rights in our society, as the most powerful tools available to them to impact their recognition and therefore survival (Richardson, 2005). This mode of seeking equality also perpetuates and reinforces trans identities as distinct, in terms of their need for specific statements of protection and perpetuates a focus on trans as problematising normative or otherwise prevailing theoretical perspectives on our world (Lloyd, 2013). But paradoxically, in order to demonstrate their need, within a neo-liberal environment, they must call

upon a narrative that highlights how they are 'the same' (Richardson, 2005) as others and therefore deserving of protection and recognition as a result of their aligned status of 'worthy' citizen (Irving, 2008) that is achieved via their participation in the free-market as a good consumer (Irving, 2012).

In addition, recognition of trans motivated hate crimes offers recognition of only the tip of the violence iceberg represented by 'subjective' violence. These are often defined and recognised within law only by the details of the more brutal and physically violent of attacks. Understandings of trans hate crime which are generated through the lens of officially defined incidents are reductive in terms of the small segment of incidents it protects against and the identities it recognizes. The decontextualised nature of this interpretation, that splits the experience from the root cause and systemic discrimination, permits some individuals' stories of harm to be told whilst others are silenced (Lamble, 2008). Spade and Willse (2000) also illustrate how drawing upon transphobia as the primary analysis of what is shaping trans individuals' experiences of harm in society obscures the wider social, political and economic relations that organise the oppression of trans individuals, amongst others.

The State instituted protections and systems established a 'social contract governing the lives of trans people' (Irving, 2012: 167) and remained tethered to the historic assumptions that marked trans identities as deviations from the norm and in need of rectification via surgical means and thus inscribed the transnormative hierarchy that placed people who had successfully achieved access to surgical and privately funded cosmetic interventions in the top position. In order to achieve official recognition via

recourse to the GRA (2004) participants had to sufficiently demonstrate their alignment and commitment to this narrative. The accounts relayed in the preceding analytical chapters demonstrate the ways in which trans people observe the tests they are being subjected to throughout the psycho-medical system in particular and utilise trans communities' knowledge and experiences to navigate access to support. Within the neo-liberal environment socially intelligible 'good' trans subjectivities are those that not only uphold the assumptions of a binary gender order but also cooperate and compete within the exploitative privatisation of services that generate profit (Irving, 2012).

#### **9.4 Limitations and further research**

This research was limited in its capacity to explore more fully the contemporary neo-liberal environment as it manifests post-2010 due to the age of the participants and their transitions taking place throughout the 1990s/2000s. It would be of value to conduct further research which explores more explicitly from the outset the impact of neo-liberal life upon the lived experiences of younger trans participants and in particular their experiences in relation to visually mediated identities through social media.

More research is needed to inform all areas of the knowledge, language and support required to facilitate young trans people in achieving a resonance with their felt gender identity via loving relationships and with access to trans-affirmative support services. These considerations should extend beyond treatment programmes and counselling and include consideration of the role social, economic and political environments play in constructing the

environment in which such harms are generated.

As noted throughout, much of the academic and broader interest in trans identities focusses disproportionately upon trans women and as such there is a paucity of empirical work that addressed the experiences and resultant needs of trans men specifically alongside the need for more research into the experiences of intersex individuals.

Also, there exists a critique of Yar's (2012) theory of recognition as failing to acknowledge the contemporary neo-liberal mode of social life as surpassing the master/slave dialectic (Hegel, 1977) that underpins Yar's theory of seeking recognition (Hall and Winlow, 2015). An alternative perspective, through which to explore specific aspects of the experiences illuminated in this research study, would be to consider the various realms of recognition in terms of the spaces of hate they also represent. As such a singular focus upon the manifestation of harms within the family home, civil society and in interaction with State instituted modes of regulation offers the potential to provide more fruitful future enquiry.

## **9.5 Concluding comments**

The achievement of recognition, in the face of historic marginalisation and pathologisation, is of key concern for trans individuals. The findings of this research study have demonstrated the ways in which trans individuals' relation with the different types of claims to recognition are controlled by multiple social organisations and mediated through neo-liberal ideals of human subjectivity. The findings demonstrate how social structures such as the law, the family, and the psycho-medical systems alongside communities



themselves have all been co-opted into the work of neo-liberalism to generate a certain form of trans subjectivity that ultimately perpetuates the inequalities and harmful experiences that impact upon their ability to flourish in society. All of these systems of recognition can be seen to offer conditional forms of recognition that ultimately fail to satiate the human need for acknowledgement as an equal fellow subject, deserving of love that acknowledges trans individual's unique traits as holding social value within the wider community.

Trans individuals' experiences can be viewed as symptomatic of the failures of the neo-liberal environment to provide an axis of coherent meaning to trans subjectivities (Gherovici, 2017). Here trans subjectivities represent some of those that are made abject and as a result, 'suffer most profoundly the disasters of capitalism' (Winlow and Hall, 2015: 109). To illustrate the theory in more practical terms, trans individuals are met with a fundamental dilemma associated with their desire for recognition. Either they must conform to the expectations and requirements of society or they must attempt to seek recognition for their place outside of the hegemonic norms represented within the Imaginary realm that is shaped by neo-liberalism. This dilemma places trans individuals in a lose/lose situation: instructed by the lack of available categorical systems of signs, symbols and identities to disappear from view by assimilating within a binary model of gender, but also simultaneously warned not to disappear too successfully for fear of the perceived deception of others as being unreadable as trans, pushes individuals into various moments of rejection and denial of their true or constructed sense of self. Inculcated by the imperative of leading authentic

lives through the neo-liberal lens, some trans individuals cling to narratives that are legitimised by their attachment to the biological determinist perspective of sex/gender, but these narratives are distortions of their actual story of becoming.

## **Appendix A: Glossary of terms**

**Acquired gender** The new gender of a person who has had their gender reassigned and/or legally recognised. It is possible for an individual to transition fully without surgical intervention.

**Gender dysphoria** Gender dysphoria is the medical term for the condition with which a person who has been assigned one gender (usually at birth on the basis of their sex), but identifies as belonging to another gender, or does not conform with the gender role their respective society prescribes to them.

**Gender reassignment/transitioning** Altering one's birth sex is a complex process that takes place over a long period of time. Gender reassignment or transition includes some or all of the following cultural, legal, and medical adjustments: telling one's family, friends, and/or co-workers; changing one's name and/or sex on legal documents; hormone therapy; and possibly some form of chest and/or genital alteration.

**GRA** Gender Recognition Act 2004

**GRC** Gender Recognition Certificate. A full Gender Recognition Certificate shows that a person has satisfied the criteria for legal recognition in the acquired gender. It makes the recipient of the certificate, for all intents and purposes, the sex listed on the certificate from that moment onward. The legal basis for creating a Gender Recognition Certificate is found in the Gender Recognition Act 2004.

**GRS** Gender reassignment surgery

**Hormone therapy** A treatment in which the hormones naturally occurring in the bodies of trans people are replaced with those of the other sex. The purpose is to create the physical characteristics of the other gender. For example, for a man to develop breasts or have less hair, as is characteristic of a woman.

**LGBT** Lesbian, Gay, Bisexual and Transgender. Where this group does not include trans people it is referred to as LGB.

**Neovagina** Inversion of the penile skin (or abdominal skin) to create the lining of a vaginal cavity

**NHS** National Health Service

**Non-binary** a gender label used by individuals that do not ascribe to a diametric classification of gender as either 'male' or 'female'

**Trans** The terms 'trans people' and 'transgender people' are both often used as umbrella terms for people whose gender identity and/or gender expression differs from their birth sex, including transsexual people (those who intend to undergo, are undergoing or have undergone a process of gender reassignment to live permanently in their acquired gender), transvestite/cross-dressing people (those who wear clothing traditionally associated with the other gender either occasionally or more regularly), androgyne/polygender people (those who have non-binary gender identities and do not identify as male or female), and others who define as gender variant.

**Transgender** An umbrella term for people whose gender identity and/or gender expression differs from their birth sex. They may or may not seek to undergo gender reassignment hormonal treatment/surgery. Often used interchangeably with trans.

**Transgenderism** The state of being transgender.

**Transsexual** A person who intends to undergo, is undergoing or has undergone gender reassignment (which may or may not involve hormone therapy or surgery).

Transsexual people feel the deep conviction to present themselves in the appearance of the opposite sex. They may change their name and identity to live in the acquired gender. Some take hormones and have cosmetic treatments to alter their appearance and physical characteristics. Some undergo surgery to change their bodies to approximate more closely to their acquired gender.

**Transvestite** The term used to describe a person who dresses in the clothing of the opposite sex. Generally, transvestites do not wish to alter their body and do not necessarily experience gender dysphoria

**Vaginoplasty** A surgical procedure to produce a vaginal cavity.



## Appendix B: Ethical Approval



Ref: FREC1617.05  
Date: 18 November, 2016

Dear Katie,

**Ethical Approval Application No: FREC1617.05**  
**Title: Understanding transgendered peoples lived experiences of hate crime.**

The members of the Faculty Research Ethics Committee (FREC) have noted the highly sensitive nature of the proposed research and are very happy about your awareness of this, which was embedded in the discussion of the potential issues and consequences the interview will produce. This carefully informed a very well thought through presentation in every aspect and a demonstration of an in depth knowledge of the ethical pitfalls leading to putting in place reasonable procedures to prevent these. We do applaud you and your supervisors for putting together a very high quality submission

Our one very minor concern stems from the position you had before (as Leader of the Equality and Human Rights Body) and whether or not that sets up a problematic power relation (that is, will participants feel they HAVE to take part in the study?). However, on balance, the way the project has been structured we are certain you are aware of this potential issue and will carefully manage it.

We are happy to grant approval to your application and wish you every success with your research.

Yours sincerely

*(Sent as email attachment)*

Dr James Benhin  
**Chair**  
**Faculty Research Ethics Committee**  
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## **Appendix C: Research Overview**

1. Research Project Title: Understanding transgendered people's experiences of hate crime.

2. Invitation

You are invited to take part in this research as an interviewee. Before going any further, please read this information sheet carefully and understand what you might be expected to do and what the research will involve. Please feel free to discuss this information with others before making any decision. Feel free to ask me if you need more information. Please consider if you want to take part or not in this research study.

3. What is the project's purpose?

This research is mainly to understand the lived experiences of transgendered people. In particular, your experiences of society's perceptions and treatment of you throughout your life relevant to your gender identity and including where this may have involved discrimination or being exposed to hate crime in any way.

4. Why have I been chosen?

The participants are chosen on the basis of your self-identified transgender status. The research recognises the breadth of differing identities that the term 'transgender' incorporates and chooses not to distinguish between these identities or exclude anyone on this basis. Broadly, this research is interested in the experiences of any people that have experienced their gender as outside of societies overarching understanding of gender as fixed and binary (i.e. something other than Male or Female).

5. Do I have to take part?

Your participation is voluntary. If you wish to take part, you will be asked to sign a consent letter, which will be given to you later. You may withdraw at any time during or after the interview without consequences or impacting on the provision of or access to services and agencies unrelated to this project.

6. What will happen to me if I take part?

If you agree to take part, the interview will be conducted at a time and place suitable for you and could involve walking and talking or a chat over tea or coffee – whatever you are most comfortable with. This interview will last around 1.5-2 hours but we can meet more than once for shorter periods if that would be more manageable for you. Over the course of our discussion, I will ask about your experiences, perceptions and opinions of various aspects and stages of your life relevant to your gender identity.



It is important that you lead our discussions and what we talk about so that I can tell your story and something of your experiences in a way that you recognise (without being personally identifiable). Whilst I have areas that are of interest to me from my reading of the academic literature, this in itself is limited (whilst expanding) and more often that not told from an 'outsider's' perspective. With this in mind, I will be offering participants the opportunity to use a camera (your own or a disposable one provided) to capture images of elements of your day-to-day life that point towards something about your story of your gender identity. The photographs can be of anything, including you, as long as they tell something about your gender identity. You shouldn't be concerned about your photography skills. When you have finished, we can choose which images we use in our discussions.

#### 7. What are the possible benefits of taking part?

Whilst there are no immediate benefits for those people participating in this research other than the opportunity to share your views and experiences with someone who is interested and understands some of the challenges you may wish to discuss, it is hoped that your participation will contribute to my data collection and that the findings will help to contribute to the improvement of the awareness of, treatment and experiences of transgendered people in the future.

#### 8. Will my taking part in this project be kept confidential?

All the information that I collect during the interview will be kept confidential. You will not be able to be identified in any reports or publications.

In addition to the written and verbal recordings captured during your interview, and only with your express permission and collaborative involvement, I will discuss with you if and how photographic images may help to add more depth and meaning to the issues you raise. Such images will be discussed with you beforehand and you will maintain editorial control over the way photos are taken and framed and this can be done in such a way so as to maintain your confidentiality if required.

#### 9. Will I be recorded, and how will the recorded media be used?

Our conversation will be recorded using a dictaphone or voice recorder if you do not object. This will make recalling accurately what you say much easier. If you do not wish me to do this please say – I will then make notes instead.

In addition, as mentioned above, photographs using phone and/or digital single-lens reflex (SLR) camera, may be taken and included in the research report and future presentations of the research findings where such images add something to the written discussion.

#### 10. Who is organising and funding the research?

Plymouth University, Faculty of Business.

11. Who has ethically reviewed the project?

The University of Plymouth's, Faculty of Business Research Ethics Committee on Friday 18th November 2016, approved this research.

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