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## **Gender (trans)formations in Europe and beyond: Trans lives and politics from a transnational perspective**

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### **Abstract:**

Focusing on trans and gender-diverse people in five European countries (Portugal, France, the United Kingdom, the Netherlands and Sweden), the Transrights research addressed one of the most challenging transformations of the institutional order of gender that thus far still reproduces the normative opposition between male and female. Rather than proposing a descriptive monograph, our angle of analysis emphasized the workings of gender through the ‘voices’ of trans people (within and beyond Europe) and their complex forms of self-identification vis-à-vis the institutional apparatus (whether legal, medical, political or even social-scientific). Drawing on an extensive empirical research that combined document analysis of legal and medical developments, multi-sited ethnographic fieldwork and in-depth interviews, we investigated the doings of gender and gender politics. Three major findings are highlighted and summarized through a comparative strategy: trans/gender identifications, creative agency and embodiments; institutional and legal recognition vis-à-vis the medical apparatus and the “marketization” of trans-related healthcare; and discrimination, oppression and violence.

### **Keywords:**

trans people; trans rights; gender identity; gender order; gender citizenship; transnationalism; recognition; redistribution

## Introduction: Why Trans People?

Transgender and gender-non-conforming people (henceforth trans people)<sup>1</sup> came to occupy a central place in theorizations about sex and gender,<sup>2</sup> though they were almost always, and for long, ‘trapped in the wrong theory’ (Bettcher 2007), depicted more as (*deviant*) objects than as subjects (Schilt 2018).<sup>3</sup> Initiated at a time where trans rights and trans studies gained momentum and flourished immensely, our comparative research was mainly about subjects and their voices. In this article, we revisit the motivations for conducting the Transrights research project and briefly highlight its most relevant findings.<sup>4</sup>

Trans people’s experiences have often been in the belly of the beast. Looking back at the history of the concept of gender, many breakthroughs were trans-inspired. First, while later adopted by second-wave feminism, the concept of gender was nonetheless introduced in 1955 by John Money (Goldie 2014). Psychologist and ‘fuckologist’ (Downing et al. 2015) Money intended to sort out transsexuality and the mismatch between biological sex and psychological/cultural/social gender. Second, sociological constructionist approaches, whether the interactionist ‘doing gender’ (West and Zimmerman [1977] 1987) or the ethnomethodological approach (Kessler and McKenna 1978), are indebted to trans experiences. Namely, because they are highly indebted to Garfinkel’s (1967) work on Agnes, which enabled key developments and offered constructionist advances fundamental cornerstones. Third, Butler’s (1990 and 2004) landmark queer theorization, while also debating transsexuality and *transgenderism*, points to ‘drag performances’ as exemplary examples of the subversion of gender norms.

Stemming from the ‘transgender moment’ of the early 1990s (Stryker 2014), in the second half of the 2010s, the debate around the lives and claims of trans people gained enough

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<sup>1</sup> *Trans people* is a provisional umbrella term to name those who, in a variety of ways, challenge the naturalness of gender as emanating from the sexed codification of bodies, whether they are transsexual (both male to female, and female to male), transgender, transvestites and cross-dressers, ‘travestis’ or other forms of gender variance, such as genderqueer, non-binary, gender-fluid, androgynous, among other designations. In a nutshell, trans is a wide-ranging designation that includes all individuals who do not identify with the gender they were assigned at birth. For an overview, see Stryker (2008).

<sup>2</sup> Between 2010 and 2020, the number of papers about transgender people indexed in the Web of Science grew 900 per cent, from a yearly average of fewer than 200 in 2010 to more than 2000 papers in 2020. See also Kunzel (2014); for an overview of sociological developments, see Schilt and Lagos (2017).

<sup>3</sup> This paper drew on data collected in the frame of the European Research Council (ERC)-funded project ‘Transrights: Gender Citizenship and Sexual Rights in Europe: Transgender Lives in Transnational Perspective’. The project reflects only the views of the author, and the European Union cannot be held responsible for any use that may be made of the information contained therein. We would like to express our appreciation to Sandra Saleiro for the invitation to contribute to this thematic issue about studies on the LGBTQIA+ community in the Portuguese context. This represents an opportunity to share, via a Portuguese outlet, a summary of the main findings of the ERC-funded Transrights project. Finally, we would like to thank all the people who agreed to take part in the Transrights project and shared their life stories, dreams and concerns. This work was supported by funding from the ERC under the European Union’s Seventh Framework Programme (FP7/2007–2013)/ERC grant agreement n° 615594.

<sup>4</sup> This is necessarily a summary paper that intends to offer readers an overview of our study. The macro-theoretical and broad empirical scope of our approach is compensated by the indication, at each section and theme, of specific bibliographic references produced by the project’s team members and which reflect all the comparative breadth of our five-year in-depth empirical research. The current paper offers the key guidelines to further inquiring about each and every finding and topic.

momentum to spark fundamental discussions about gender and gender justice (Dreyfus 2012; Spade 2015; Taylor et al. 2018; Lau 2020). It rose to a new peak, forging a visible ‘transgender tipping point’, to evoke a 2014 *Time* magazine cover. From the start, we were aware that in recent years, the rapid expansion of plural gender identities beyond the normative and categorical definitions of hegemonic masculinity and femininity represented one of the most challenging forms of resistance to the limits imposed by binary systems of gender. The visibility of the category transgender had brought new challenges to light and, most importantly, has led to the formation of a new lexicon for naming gender and gender identity (e.g. Kessler and McKenna 2000; Pearce et al. 2019). For deconstructionist perspectives, the ‘main enemy’, paraphrasing Christine Delphy, took the form of the binary cis-hetero-patriarchal normative apparatus. Those whose bodies and minds conform (cis people – the majority) appeared opposed to the unprivileged minority whose gender identity contradicted the sexed body each person is normally assigned at birth.<sup>5</sup> If, in 1949, Simone de Beauvoir (1987) broke new ground when arguing that one is not born a woman but rather becomes one, today embodying ‘a gender’ seems a more complex process as new possibilities for naming oneself widen and gain increased recognition (Aboim 2020a, 2020b; McNay 1999).

The ‘gender revolution’ of the present day involves not only accounting for the experiences of a wide and varied gender minority – gathered under the prefix trans – but also a reflection on how gender diversity is the object of intense political struggles, both internal and external to the field of gender and gender studies. Trans people take centre-stage, once again. The fraught relationship between trans rights movements and trans-exclusionary-radical-feminists brought to surface old tensions and bitter disagreements (e.g. Raymond 1979). Besides, populist and far-right agendas use transgender as the main enemy, with the anti-gender ideology being constructed against and because trans rights gained momentum, at least to a great extent (Vasconcelos 2019). Much more than a voguish topic rising from the margins of society, trans experiences play a central role in both the theorization of gender and the politics of gender diversity and gender justice.

Against this backdrop and focusing on trans people in five European countries (Portugal, France, the United Kingdom, the Netherlands and Sweden), the Transrights project aimed to reflect upon the most challenging transformations of the gender order, exploring the multiple possibilities that might lie ahead of dualist oppositions between male and female (which is, we must stress, the central feature of historical gender orders). Observing such transformations and possibilities involved three principles. First, rather than proposing a descriptive monograph, our angle of analysis aimed at understanding the workings of gender through the ‘voices’ and lives of trans people. Second, rather than over-accentuating clean-cut normative and discursive dimensions, we emphasized the complication of real practices, trajectories and forms of self-identification *vis-à-vis* the institutional apparatus (whether legal, medical, political or even social–scientific). Third, rather than cloistering our research in Europe and northern categories, we sought to go beyond Europe, whether accounting for migration trajectories or the interwoven plurality of expressions of gender difference across the globe. Within Europe, we wanted to compare Portugal, in the south, with countries further north, like Sweden or the Netherlands, following a most-dissimilar cases design in our comparative undertaking (Gerring

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<sup>5</sup> The terms cisgender and cissexual are used to refer to individuals who identify as the sex/gender they were assigned at birth. Cisgender replaced the biased notion of ‘gender normals’, commonly used in the social sciences since Garfinkel (1967).

and Cojocaru 2016). Rather than focusing on one specific group of countries often presented as a single cluster in comparative literature, such as Southern Europe, our strategy aimed to be more inclusive of differences within Europe while questioning the boundaries between north and south as an immediate a priori principle of analytical relevance.

Between 2015 and 2020,<sup>6</sup> the project team conducted extensive empirical research that combined document analysis of legal and medical developments,<sup>7</sup> multi-sited ethnographic fieldwork (ranging from political and activist venues to street trans sex work) and in-depth interviews with 170 trans individuals (of which 53 are migrants and 40 are sex workers), 22 activists and 28 healthcare professionals. Trans people – as well as the apparatuses that frame them – shared much more than their stories. They showed us how gender is a messy and contradictory reality that escapes simplistic explanations. For us, the most operative definition of gender as a practice with transformative capacity still belongs to Raewyn Connell, who wrote:

Practice structured through the reproductive arena, generated as people and groups grapple with their historical situations, does not consist of isolated acts. Actions are configured in larger units, and when we speak of masculinity and femininity we are naming complex configurations of gender practice. ‘Configuration’ is perhaps too static a term. The important thing is the process of configuring practice. Taking a dynamic view of the organisation of practice, we arrive at an understanding of masculinity and femininity as gender projects. These are processes of configuring practice through time, which transform their starting points in gender structures, and have, indeed, the capacity to transform the reproductive arena itself. (1994: 16)

In their multiplicity, trans lives, projects and identifications are enduring projects of configuring practice over a period of time. Trans experiences might also illuminate what lies ahead and which transformations might transmute the old and enduring establishments of the gender order. After five years of intensive work, the empirical research conducted across Europe, from south to north, made evident that, though fast-changing, the rights and lives of trans people represent a key fracturing problem for years to come.

In the coming sections, the two vital lines of our research deserve further attention.

First, how can trans lives be viable? How does one become a person when outside or across a binary, dichotomous and mutually exclusive gendered codification of bodies? By analysing the social and personal conditions of trans people’s lives, we were interrogating the

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<sup>6</sup> The research and intensive fieldwork conducted over the years benefitted from an extensive team of researchers, advisors and collaborators working in the five countries in the study and beyond Europe. In Portugal, Ana Patrícia Hilário, Sara Merlini, Ana Cristina Marques, Michael J. Ryan, Mafalda Pifano, Filipa Godinho and António Fonseca constituted the main team, alongside Pedro Vasconcelos and Sofia Aboim (PI). Julieta Vartabedian and Olivia Fiorilli also contributed in the initial stage of the project. We also have to emphasize the cooperation of Néelson Alves Ramalho in Portugal; Andreia Batista in France; Mieke Verloo, Anna van der Vleuten and Melisa Soto-la Fontaine in the Netherlands; Jeff Hearn, Sam de Boise and Zara Saeidzadeh in Sweden; Stephen Whittle and team in the United Kingdom. In particular, we thank Stephen Whittle and Susan Stryker for visiting the Transrights project in 2016 and Raewyn Connell for her intellectual contribution and generous encouragement. Last but not least, we are grateful to all trans and gender-non-conforming people who agreed to take part in the research and share their lives, dreams and concerns with us.

<sup>7</sup> In effect, an extensive historical and document analysis was undertaken (including all major legal and social developments across the globe, including both the centres in the Global North, such as the United States, and the Global South). A media analysis was also undertaken with the construction of a data basis containing more than 6000 news published between 2014 and 2017.

foundations of legitimized 'normality' and reckoning with the meaning and extension of subversion and change. Second, which recognition is today at stake in political terms? Most importantly, which redistribution can be coupled with recognition without falling into the traps of either operating with a utopian view of equality or reifying difference and otherness? Undoubtedly, the claims for the recognition of multiple gender categories, beyond the dualist opposition between male and female and the cis-heteronormative order it implies, suggest a wider field for recreating selves. Disentangling these old and new categories by investigating the settings of trans lives is paramount if we want to advance the debate on inequality, citizenship and rights – not just a debate cloistered in European constructed categories, but one that privileges a transnational approach and critically benefits from a wider range of experiences. With these two questions in mind, we will highlight three main findings, or snapshots, of our research: (1) trans/gender identifications, creative agency and embodiments, (2) institutional and legal recognition *vis-à-vis* the medical apparatus and the marketization of trans-related healthcare and (3) discrimination, oppression and violence.

In the following section, we address our methodological options and concerns.

### **Doing Sampling and the Trans Umbrella**

The Transrights research project drew on a multi-methods approach. In-depth interviews were combined with ethnographic fieldwork, and document analysis was combined with a historical perspective inspired by Foucault's archaeological method (Foucault 1969). At large, such methodologies, though combined and intersecting, can be seen as rather conventional and suggested by any good textbook. However, zooming in, our challenge was major. From the start, the lessons of trans scholarship gained centre-stage. Remembering Jacob Hale's (1997) rules, we had, first and foremost, to interrogate our own subject position and how it affected our capacity to reconstruct the conditions and settings of the trans experience. Most importantly, we aimed to reconstruct the plurality harboured under the trans umbrella (see, among others, for the case of Portugal: Saleiro 2013; Merlini 2020; Aboim, 2022).

Indeed, against the medicalized model of transsexuality first fully established by the psychiatrist Harry Benjamin (1966) in the 1950s and 1960s, terms such as transgender or trans\* are used metaphorically to capture all identities that fall outside dominant gender norms associated with cisgender individuals (Aboim 2018; Vasconcelos 2018a). For many, trans emerged as a motto for resistance. Rather than the binary model of male versus female, gender is a spectrum of multiple possibilities,<sup>8</sup> or, following Connell as an alternative, gender is forged multiple (re)configuring practices. Thus, sampling the trans umbrella was much more than a neutral methodological practice. Even when we award subjects the power of self-defining their own identity, *doing sampling* is, from the start, a process of demarcation of borders: between those who got to tell their stories and those who (unintentionally and by hazard) did not participate in the research. Reconstituting the trans umbrella delimited our ethnographic account of gender variance. Our mapping of gender diversity depended on recruitment and engagement in specific 'social circles', to paraphrase Simmel. This long-lasting and reflexive process unveiled one further dimension of gender. Besides being both individualized identities and an encompassing and transversal social structure, gender emerged also as a specific social

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<sup>8</sup> See, for instance, the Gender Spectrum website, at <https://www.genderspectrum.org/articles/understanding-gender>. Accessed 12May 2022.

space – or, more precisely, a field, following Bourdieu (1977, 1990). In this way, ‘doing sampling’ is already reconstructing a field (with subfields) where different processes of configuring practice through time take shape. In gender practice, different capitals are also played, whether discursively or in terms of bodily materiality (Aboim and Vasconcelos 2021).

For this reason, sampling must be conceptualized as a theoretical step inseparable from methodological options. The criteria used for selecting participants are directly related to the limits and virtues of the results achieved. In our case, even if unexpected findings emerged, this reflexive strategy avoided unfitting generalizations or unintended biases that would affect the analysis and the validity of our empirical mapping of trans experiences. Trans experiences are, we reckon, the result of bodily-reflexive practices (as developed in Aboim and Vasconcelos 2021) existing over time and situated in given spaces or fields. Thus, when operating with different trans participants, we followed principles of multi-sited ethnographies (Marcus 1995), well suited for covering discontinuous social territories (sex work sites and street settings, activist venues, institutional events, medical conferences, etc.).

Finally, given the characteristics of our research, the concept of nation is an unavoidable object of reflexive assessment on the basis of all the developments made by postcolonial scholarship, the critique of modernity, Southern Theory, among other crucial influences. This critical engagement (both top-down and inversely) with the category nation state and methodological nationalism *vis-à-vis* the transnational and the global is key to interpreting all developments in activism, legal apparatuses, the geography of gender orders and welfare models, medical practice and the life courses as well as subjectivities of individuals, whether migrants or not. Migration was, in fact, extremely relevant. Despite all fieldwork (in-depth interviews and ethno-graphic research) being carried out in Europe (Portugal, the United Kingdom, France, the Netherlands and Sweden), one-third (53) of the participants were migrants hailing from different continents, including Asia (Thailand, Nepal, India, Malaysia, Kuwait), South America (Brazil, Peru, Suriname, Chile, Colombia, Bolivia), the Caribbean and North America (Mexico, Jamaica, the United States) and Africa (Kenya, Cape Verde). Consequently, our approach to transgender lives considered the migration trajectories of trans people into and within Europe. Different flows of migrants also bring specific stories and multisided strategies for displaying a given gender identity, whether travesti, hijra, kathoey or two-spirit.

Our research data became, then, a privileged locus from which to investigate how the doings of gender are deeply interwoven with race and class as well as national origin and migration trajectory. Our challenge was to account for those multiple inequalities. Each one of the five countries compared in our research is – even if in different ways that mirror geographical and socio-economic strategic positions as well as historical processes of colonialism and postcolonialism – a recipient society for a diversity of trans migrants.

Hence, to achieve our ‘reflexive ethnography’ (Burawoy 2003) of the multiple gender-configuring practices housed under the trans umbrella, we used an intersectional model, which combined an inductive approach with methodological tools designed for observing trans identifications, trajectories and discriminations in different societies and groups of trans individuals. The context-specific mobilization of intersectionality (Collins 2019; Yuval-Davis 2015) offered us tools for inquiring about the situated meanings of transgender and capturing multiple (and often changing, creative, individualized) forms of self-identification. Second, we worked with tools adjustable to examining the situationality of intersectional disadvantages and oppressions. Rather than establishing that intersections between the transgender experience

and class, race, nationality and generation could be rigidly interlocked, we put forward flexible models for analysing the potential nuances of trans identifications and experiences across the life course and different social regimes.

In the coming section, we will examine the multiple and nuanced strategies for self-naming one's own gender.

### **'What' in a Name?' Trans Identifications and Embodiments**

The plurality of gender identities housed under the trans umbrella has been extensively researched and mapped (Ekins and King 2006; Stryker and Whittle 2006; Hines and Sanger 2010; Saleiro 2013; Brubaker 2016; Halberstam 2018; Pearce et al. 2019; Merlini 2020), showing the growing multiplication of possibilities for doing gender. In general, a paradigm of multiple difference, as opposed to the linear model of transition from one gender to the other, following the biomedical canon of transsexuality (Meyerowitz 2002), emerged and consolidated over the last few years. The figure of the transsexual, for whom the 'names-bodies-identity nexus' (Pilcher 2016: 766) would be in congruence, sharply contrasts with the non-binary model, in which feminine and masculine cease to be mutually exclusive categories or even lose meaning (Roen 2002; Valentine 2007; Corwin 2017; Darwin 2017; Davy 2018).

Although models of gender transition depicting the migration from one pole to another tend to appear consistently opposed to models that wish to hybridize or transcend gender binaries, the truth is that gender categories are not necessarily mutually exclusive. Across the globe, the diversity of genders and the plurality of gender processes of naming have been proved to be significant. Similarly, within our samples, 'what's in a name' (the one each person gives themselves) revealed the extraordinary enunciating power of naming. Across countries, participants used several terms and semantics to describe their gender identity (Table 1): on average at least two or three, but often six, seven or even more.

However, despite the diversity and uniqueness each person attributes to acts of self-description, forms of self-identification among trans individuals followed a few common lines. Recalling Foucault (1969), each word/name integrates a larger (discursive) formation of meaning where semantic relations are fabricated. Consequently, we distinguish between the different semantics (Table 1) that reflect the plurality of semantics used by our participants when describing their gender. The transition semantics, to which terms like man or woman belong, presuppose a migratory model (Ekins and King 2006). Among our participants, the 'wrong body' metaphor and medicalized categories of normal and pathological were commonly associated with this discursive regime. On the other hand, the beyond-the-binary semantics gathers a wide-ranging variety of terms (from non-binary or genderqueer to travesty and two-spirit) that express the desired and conscious transgression of gender binaries. The ways of narrating identity are effectively more plural (Merlini 2020; Hilário and Marques 2020; Ryan 2019). In fact, more than 40 per cent of participants (69) self-defined beyond the gender binary, whether as non-binary, genderqueer, bigender, agender, gender-fluid or as crossdresser, travesti, two-spirit, kathoey, third-gender, amongst many other identifications. More importantly, in our samples (and cutting across countries), we discovered different gender semantics beyond-the-binary, ranging from the more recent non-binary and genderqueer activism to the so-called and

more traditional third gender (such as travesti, two-spirit or kathoey),<sup>9</sup> or terms associated with drag transformism (such as crossdresser or transvestite). Although the terms crossdresser, transvestite and travesti result from the resignification of biomedical terms (such as the *travestism* developed by Magnus Hirschfeld in *Die Transvestiten* [1910]),<sup>10</sup> their boundaries are diffuse (Johnson 2015) and their definitions plural (Saleiro 2016; Vartabedian 2019; Kulick 1998).

Most often, in their self-definition and configuring practices, individuals are not confined to a single label but can live at the intersection of several categories. The analysis of individual discourses and personal histories revealed the multiplicity of identifications and trajectories of trans individuals, ranging from medicalized journeys of gender transition to stories of purported transgression. But, it also revealed how configuring practices, whether discursive or material, are much more complex and hybrid-looking than usually imagined.

Table 1: *Semantics of gender self-identification by country.*

Semantics		PT		UK		SE		NL		FR		Total	
		n	%	n	%	n	%	n	%	n	%	n	%
Transition	Migration	63	33	25	17	9	15	9	14	5	7	111	21
	Approximation	25	13	37	25	8	13	12	19	3	4	85	16
Trans identity	Trans identity	24	12	29	20	12	20	6	9	12	16	83	15
Beyond-the-binary	Non-binary	18	9	20	14	13	21	15	23	15	20	81	15
	Hybridism	27	14	17	12	7	12	12	19	12	16	75	14
	Alternative	5	3	4	3	7	12	7	11	7	9	30	6
	Third-gender	22	11	9	6	3	5	1	2	17	22	52	10
	Drag	10	5	4	3	1	2	2	3	5	6	22	4
Total terms		194	100	145	100	60	100	64	100	76	100	539	100
Total participants		62		48		27		17		16		170	
Average number of identity terms per participant		3.1		3.0		2.2		2.4		2.8		2.7	

Source: Authors' research.

In the vast majority of cases, the embodiment and performance of trans identities reflect the irrefutable importance of individuality and self-determination. Framed by the human rights discourse, a new lexicon of social, political and legal recognition is mobilized by individuals, signalling a particular history of struggle and transformation. Alongside the battles for

<sup>9</sup> Within non-western cultures, complex, fluid and non-exclusive designations – such as the *Berdache* (an exonym, today more commonly *Two Spirit*, in English) in North America; *Kathoey* in Thailand; *Fa'afafine* in Samoa; *Hijra* in India, Pakistan or Bangladesh; among others – are sometimes considered a third gender, that is, a gender identity that does not fall exclusively into the male/female or female/female categories. They may or may not identify as transgender or non-binary. In fact, non-binary is a more common umbrella term in the West. For an overview, see Darwin (2017).

<sup>10</sup> Travesti derives from the Latin *trans*+ *vestitus*, literally cross + dress, via the French or the Italian. As Vasconcelos pointed out: [T]he evolution of the term, from a meaning similar to that of transvestite (whatever the reason for it, but namely theatrical) to that of female trans sex-worker. This shift occurred first in Brazil and later on in Portugal. Besides Drag-Queen, Transformista is the present word used to designate 'stage-only' female trans non-sex-workers. The word and the people it is supposed to describe are often associated with South America, namely Brazil (but also Argentina or other countries). As if we would be speaking of a gender particularity of those countries. Of an untranslatable gender category. (Vasconcelos 2016: 1)

recognition and the efforts for deconstructing binary gender categories (like man or woman), our research revealed that gender still matters – not only as a norm, which could be erased or transformed, nevertheless always referred to, but, most importantly, as a material structure of power and inequality. Working with axes of oppression and subalternity challenges us to deconstruct hierarchies of privilege (being non-trans, White, western, etc.) that cannot, however, obfuscate the prevalent inequality between the masculine and the feminine in favour of other differences that create new designations in the form of multiple spectrums for naming and redressing the order of gender and gender labels. While the current politics of naming is vital, the materiality of gendered inequality cannot be ignored, as the tangled web of gender diversity brings new challenges for interpreting the effects of privileges and oppressions (Connell 1987; Bourdieu 2001). The path for gender self-determination remains filled with obstacles difficult to overcome, not only structural but also institutional.

#### The State and the Market: (Mis)Recognition and (Mal)Distribution

Indeed, the possibilities for expressing gender are constrained by institutional apparatuses. Our comparative approach intended to measure the impact produced by different welfare and gender regimes. Rather than opposed welfare and legal clusters, we sought to map the effects of specific ‘gender regimes’ on trans and gender-non-conforming people. Given the boom in institutional policies and specific legislation targeting trans people and gender rights that took place during the lifetime of the project, we collected and organized document materials regarding legal and institutional change in the five countries and beyond. We have also documented developments in transgender healthcare and interviewed healthcare professionals and activists. In addition, the transnational character of our sample and the global nature of gender politics and activism led us to expand the geographical coverage of the research (Aboim 2020a, 2020b, 2020c; Ryan 2018, 2020).

The critical analysis of legal measures and medical struggles was paramount. Currently, many international and national political and legal resolutions support reforms aimed at the recognition of transgender individuals, whether through a model of gender self-determination, the inclusion of third-gender options in official documents or even the abolition of all unnecessary gender markers (Scherpe 2017). Alongside anti-discrimination policies, the struggles against pathologization and for self-determination, including the right to choose one’s own gender without a medical diagnosis, became central claims for trans activists. However, although gender identity laws are today in place in more than 40 countries, in an ever-shifting list, the right to self-determination was approved in a much smaller number of cases. Indeed, the possibility for adults, and sometimes minors, to alter official gender without the need for any external approval or validation is now legal in a number of countries ranging from Europe to Latin America, North America and Asia, including Argentina (2012), Denmark (2014), Mexico City (2014), Malta (2015), Ireland (2015), Colombia (2015), Bolivia (2016), Ecuador (2016), Norway (2016), Belgium (2017), California (2017), Canada (2017), Luxembourg (2018), Pakistan (2018), Portugal (2018) and Chile (2018). ‘Third gender’ or ‘no gender’ markers are also available in a number of countries, whether covering only intersex people (as in Germany) or all people who identify with a non-binary gender (as in Malta), including, among others, Nepal (2007), India

(2009), Pakistan (2009),<sup>11</sup> Australia (2003), New Zealand (2012), Denmark (2014), Malta (2015), Canada (2017), Oregon, California, Washington (2017) and Germany (2014).

At large, in recent years, the responses to the continued exclusion of transgender people has led to numerous legal developments, so far so that a politics of transgender recognition is frequently equated with legal rights and regulations stemming from state's intervention. In Portugal, the pace of change was rapid, as made evident by the approval of a new gender identity law in 2018 (Law 38/2018 of August 7), substituting the previous from 2011, which already allowed for legal gender change, albeit dependent on medical approval (Moleiro and Pinto 2016). In 2018, Portugal was in fact the eleventh country in the world to enforce a legal gender recognition procedure based on self-determination, which permits the separation between medical protocols and legal entitlements (although minors, only over 16 years old, still need a psychological or medical certificate attesting only to their capacity for decision and informed will, without any reference to gender identity diagnostics). This was a somewhat surprising outcome if we compare Portugal with other countries, such as the United Kingdom and Sweden, with a stronger history of activism, debates and achievements regarding the recognition of gender diversity. Nonetheless, at the time of writing neither the United Kingdom nor Sweden have approved gender identity laws awarding individuals the right to choose one's own gender without a medical diagnosis of gender dysphoria (e.g. Hilário 2017, 2019, 2020).

Yet, regulation has an unwanted price (Halberstam 2018: 47). A model of the official trans person, most often ignoring all forms of intersectional disadvantage trans people undergo, materializes rapidly to the detriment of plural claims and identities. Moreover, recognition, and legal recognition in particular, can produce both enabling and disabling effects. In fact, recognition, regardless of its quantum, is necessarily fragmented (Aboim 2020a). The fragmented character of recognition and the continued violence against trans and gender-diverse people led us to critically examine the limits of discourse. Even if laws and subversive words are powerful, social dynamics cannot be understood without considering material-based inequalities, as well revealed by our work. As such, further attention must be given to gender in a multidimensional perspective that emphasizes agency, norms and institutions (the family, labour, sexuality, health, etc.) and tackles power and domination. Gender and transgender are, after all, part of a global order of inequality.

Nevertheless, the struggle for the right to self-affirmed gender difference transformed the meaning of gender very profoundly. Gender gained autonomy as a field of struggles for the legitimate formulation of gender, where the power to name a given gender identity became, as a sort of symbolic capital, under dispute. In the battlefield between conservative biologicist ideologies and the moral entitlement to self-determination and gender difference old and new conceptions of selfhood, human and gender rights are at stake. When far-right extremism is gaining political space and ultra-conservative world-views conspire to reinstate the primacy of biological notions of sex, the debate on sex and gender classification policies remains fuelled by ambiguity and controversy. Let alone the genealogy of labels and claims voiced by feminist or trans feminist interventions, sexual and gender justice is, once again, pervaded by tensions between recognition and redistribution (Fraser and Honneth 2003).

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<sup>11</sup> In these three countries referring to well-established and 'traditional' third-gender categories, such as *Hijra*, amongst other designations.

Most importantly, our fieldwork with trans people and healthcare professionals across Europe enabled us to contend that the commodification of health at the global level impacted protocols and standards of care (Aboim and Vasconcelos 2017). When rights are being gained and laws privilege self-determination, thereby fostering a regime of self-governance of gender identities, the material support to transgender people decreases with neo-liberal capitalism dominating the offer of care for profit. While the state controls still the bureaucracy of gender identity, the transnational market provides the services to transform the gendered body. Consequently, and along class lines, opportunities for expanding a global market of privatized trans medical care filled the gap, reproducing inequality at the expenses of a political economy for social and gender justice (Hale 2007; Repka and Repka 2013; Winters 2008).

When self-determination is being recognized as a principle for legal gender change, what occurs 'after identity' is key to evaluate how justice operates in practice (Lo and Horton 2016). For that reason, material analysis of the effects and processes of facilitation or gatekeeping of access to health provisions implies considering three aspects. First, the ways in which the increased recognition of multiple trans identities does not erase maldistribution. Second, and at large, how biopower and control are today set beyond the state and its institutions as a consequence – not sufficiently envisaged by Foucault's theorization in the 1970s and early 1980s (Foucault 1977, 1979) – of neo-liberal transnational capitalism, which brings along particular forms of (de)regulation beyond the geographical and cultural limits of the West. Neo-liberal capitalism and its colonizing strategies bind the 'west and the rest' together in unprecedented ways that could not have been completely foreseen by Foucault (deceased in 1984). Transnational circulation of bodies and capitals under the control of the global market is today beyond the power of the national state and has to be considered when addressing the commodification of care and knowledge in a global market (Sharp 2000, amongst others). Therefore, and third, a transnational perspective is paramount to our analysis, whether we analyse the uneven forms of access to trans healthcare or the formation of a class of experts (the specialists on transsexual care, namely surgeons, among others) that operate in the global market, beyond the borders of the nation and its legal apparatus. Considering biopower and the relation of power-knowledge as market-driven rather than state-driven implies then a wider formulation of such control over bodies, which intends to expand Foucault's original contribution based on marketized strategies and the commodification of (trans)bodies. The insights already put forward by Foucault in *Birth of Biopolitics* ([1979] 2008) – where he showed concern with the neo-liberal subject – can therefore be expanded to rethink the dynamics of present-day transnational capitalism as a key anchor of governmentality.

The commodification of bodies is not a novel concern (Hennessy 2000). However, while consumerism, the mass media and, overall, the conformity with patterns of beauty or gender normalization have been one main site for examining the linkages between biopower and capitalism, the trans medical field has been less examined as a central site of commodification. The linkages between state governance and medical marketized offer are yet to be further explored from a transnational perspective. If, as Foucault argued, 'visibility is a trap' (1977: 200), commodification has deeper consequences for gender justice that cannot be reduced to the effects of media-induced reification or exoticization. At the heart of the problem, we believe, is the transformation of health-care into a market of trans bodies and the illusion that self-governance can compete with capital-driven regimes of governmentality. In this sense, state governance can be interpreted as more of a mechanism aimed at enabling the connections

between the former and the latter by fostering recognition and being complicit with the dynamics of the market. The world-view of the neo-liberal subject is undoubtedly affecting minority rights, which becomes particularly relevant when medicine and healthcare are transformed into niche markets.

### **Gender Violence, Transphobia and Femmephobia**

Finally, connecting individual gender trajectories with institutional constraints and structural inequalities, we sought to further understand the discrimination and violence that affects trans people. We already know that trans people suffer high levels of discrimination and violence. According to the US Transgender Survey 2015 (James et al. 2016), 77% of trans individuals suffered episodes of explicit abuse in the United States. In the European context, the figures are equally sombre (FRA 2015). Across the globe, enduring violence against trans people is racking up a death toll. As a double-edged sword, increased visibility has led to an escalating of violence against trans and gender-non-conforming people. According to the Trans Murder Monitoring Project (Transgender Europe and Balzer 2020), between January 2008 and September 2020, 3664 trans and gender-diverse were reported to have been killed worldwide. In 2019–20, 98% of trans murder victims were trans women, and 62% were sex workers. More than half of the crimes targeted racialized trans women (79% in the United States) and migrants (52% in Europe); 38% of the killings took place in the street.

Within our participants, episodes of discrimination and even explicit verbal or physical violence were not uncommon. Replicating the global and lasting pattern of transphobic violence, only a minority of research participants reported not having suffered any discrimination. Indeed, across countries and different groups of trans people, gender violence is a harsh reality (Whittle et al. 2007; Namaste 2005). We had then the opportunity to examine in detail against *whom*, *when* and *where* is violence perpetrated. Indeed, transmisogyny (a term coined by Serano 2007), as resulting from the intersection of misogyny and transphobia, has not weakened over the past few years. Trans women and trans feminine individuals are continuously targeted, in particular when they are poor, racialized and sex workers (e.g. Ramalho 2020). The pattern is clearly intersectional, as a matter of gender, race and class (Collins 2019). Most often, their murderers are cisgender men. As Judith Butler noted, '[t]rans women have relinquished masculinity, showing that it can be, and that is, very threatening to a man who wants to see his power as an intrinsic feature of who he is' (Butler and Tourjée 2015).

Our cross-national data showed no surprise. Transgender and transsexual women suffer much higher levels of discrimination and violence. If homophobia and transphobia are a reality in contemporary societies, the continuous pattern of transmisogyny points to the relevance of widespread hate against feminine gender expressions. *Femmephobia*, as a particular form of anti-feminine violence (Hoskin 2019), targets the most discriminated groups, namely trans sex workers, racialized trans women and migrant trans women, and is particularly threatening to gender and sexual minorities.

The other side of the coin is obviously male privilege. As Raewyn Connell writes:

Nevertheless, in societies that privilege men, boys and the masculine – that is, most societies in the contemporary world – it is the masculine-to-feminine or male-to-female displacements and transitions that attract the most violence, produce the most poverty, and seem the most disturbing to the gender order. (2021: 210)

In our research, we examined how oppression targeted trans feminine and trans masculine individuals differently (Connell 2012, 2021). Through the careful reconstruction of transgender trajectories (Aboim and Vasconcelos 2022), we identified a number of critical life moments in which the privilege of masculinity (as a form of symbolic capital) is recognized by trans men and trans masculine individuals. If transitioning from femininity to masculinity is usually a prolonged process marked by multiple events and constraints, the activation (even if unwanted) of masculine privilege and its consequent effects was reported by many participants (Aboim 2016; Aboim et al. 2018). Even if perceiving one's own advantage within the gender order was often an uncomfortable moment for the majority.

In fact, the awareness of the privileges of masculinity, whether wanted or unwanted, is quite present in the discourses of trans men, even when they distance themselves from hegemonic gender normativity. Such awareness emerges from social encounters and becomes even more evident in institutional settings. Along the journey, many decisions are made out of feeling constrained by intolerance to gender transitions, which come with a heavy cost, usually higher for transgender women and during stages of visible ambiguity, when a person is seen as neither man nor woman. For that reason, some wait to change jobs or retire to finally start their transition. Others leave the places where they lived in their assigned genders to start a new life in a place where others ignore their gendered pasts. Indeed, the existence of discrimination within the labour market can be seen reflected in the stories of many participants across the countries of our study (Marques 2019, 2020).

The Transrights research highlighted the continued importance of male privilege as a central advantage even among discriminated minorities. A patriarchal gender order values still men over women regardless of how masculinity and femininity were constructed along the course of a particular gender trajectory. While transgender men usually move up the professional ladder, transgender women are likely to face higher levels of discrimination and violence.

### **(In)Conclusions and Open Questions for the Future**

In this brief overview, we have highlighted three necessarily brief snapshots of the research. Each vignette tentatively answers the initial queries of the Transrights project, mobilizing the findings we achieved thus far. Asking if lives are viable or if recognition is possible are normative endeavours anchored in the political construction of gender justice. However, while in close conversation with conceptualizations that are simultaneously normative regulative ideals and descriptive tools (McNay 2008: 2), our inquiry into the liveability of trans journeys and the recognition of trans identities benefited from sociological tools (theoretical and methodological). Looking back to look ahead into the future of trans and gender scholarship, our (yet unfinished) research intended to contribute to developing four core lines of inquiry.

First, through the reconstitution of life narratives, light was shed on the complex forms of categorization of gender that are at stake in today's gender politics. By mobilizing a perspective that combined the analysis of configuring practices and discourses, we advanced our understanding of gender difference, gender categories and the misrecognition they generate. Studying the lives and contexts of trans people involved tackling dominance and marginalization and focusing on dimensions of discrimination that take place in different social arenas (family, labour, sociality and social networks, etc.) and intersect with a variety of factors (generation, ethnicity, class, sexual orientation, labour, migration, etc.). Therefore, our findings

enabled us to understand systemic inequality and violence against trans people as resulting from intersecting dynamics forming an enduring global order of gendered inequality. For us, anti-transfeminine violence showed that gender matters; and beyond identity, profound structures of gender inequality remain strong. Our findings led us to engage with theoretical efforts for capturing the plural and interwoven dynamics of inequality. Amid these efforts, theories of intersectionality (Collins 2019) are by far the most common approach, offering tools to study how different personal characteristics overlap and inform one's experience of structural oppression within history, culture and the power system.

Second, we inquired about transgender health and medicalization processes. The work of Foucault offered one main conceptual framework for the understanding of gender from a biopolitical viewpoint. It brought to the forefront the institutional apparatus in which all bodies become intelligible and classified. Gender has not been exempted from these forms of control, which, historically, revealed a fine-grained accuracy in the case of women and increasingly in the case of sex and gender minorities. Knowledge and power were therefore allies. However, in the present day, these close bedfellows seem further apart as claims for the self-determination of gender are welcomed by the state under the banner of human rights. Nonetheless, the gap between the role of the state, as acceptant of a new set of transgender rights, and the medicalization of transgenderism has widened in paradoxical forms. As our research highlighted, that is the case of transgender people: increasingly free from the pathological condition, they resort still, in many cases, to medical interventions. Nevertheless, depathologization comes with a cost when we analyse its macrosocial consequences. On the one hand, transgender medical interventions tend to be equated with a lifestyle medicine (as in cosmetic surgery), thereby affecting the model of healthcare available for transgender populations. On the other hand, rather than an alliance, medicine and the state tend to implement mechanisms of control of a different kind through a double-sided model of governance. In that sense, and expanding Foucault's proposal, biopower can exist in more complex forms. One such consequence is a market-driven biopower model, with medical interventions dependent on the offer–demand dynamics of the market, as we emphasized.

Third, the Transrights research explored the connections between migration, colonialism and postcolonialism, which is evidenced by our efforts in the construction of samples inclusive of migrants and the fieldwork carried out to interview trans sex workers living in Europe. This extensive work served many purposes. On the one hand, we confirmed our contention that gender (or transgender) categories and the ways they are constructed cannot be interpreted without analysing the colonality of gender and the forms by which a given western order has been historically imposed on 'others'. The confrontation between the global north and the global south permeates still the notions and possibilities for gender diversity itself. Trans migrations must be connected to a deeper reflection on gender power. A comprehensive intersectional strategy for the identification of factors that might compel individuals to exclusion implies, then, an empirical comparison of trans migrants and non-migrants. In the case of Portugal, our evidence shows a clear-cut cleavage between Portuguese and other European citizens living in Portugal, on the one hand, and trans people migrating from Latin America, Africa or even Asia, on the other hand. For the latter, and in most cases, discrimination is stronger, access to healthcare almost absent and employment far more difficult. Most trans sex workers are migrants. Europe is, after all, a common destiny for those seeking to escape harsher discriminations and persecution. In our samples, four participants are asylum-seekers.

Fourth, gender citizenship and the struggles for gender and sexual rights have become a central arena of debate and social change across the globe, for years to come. Dynamics imposed by activism and the politics of gender and sexual rights are being discussed *vis-à-vis* the traditional division between politics of equality and politics of difference. Both angles seem unable to provide new answers when the inclusion of trans bodies, identities and performativities is at stake, as made evident by the rapid pace of legal change targeted at trans individuals. Pursuing such a goal implied bringing the perspectives of history and medical knowledge, law and the political philosophy of justice alongside a sociological grounded approach to trans lives, their constraints and possibilities. More, to gain a deeper understanding of the problems raised by the recognition of trans people, we need to move the debate forward and monitor the transformations of gender and citizenship for the whole of societies. If a third gender or the absence of gender are today on the table of emergent claims for legal change, that is not a problem for a small group; that is a transformation that challenges the organization of society itself, redefining the most profound normative architecture of personhood.

Notwithstanding the beneficial outcomes of social changes for trans people, in most cases, the new laws tend to be quite disconnected from the material concretization of rights (other than administrative entitlements). Furthermore, we are witnessing a process of categorical construction that tends to institutionalize a third position (for trans or gender non-conformity) within persisting gender binaries. Such changes in legal recognition are often accompanied by the dismantling or privatization of state-sponsored support institutions and provisions for trans people. Consequently, we believe that the principles of individual gender self-determination are being used in neo-liberal capitalist states to not only dismantle the welfare state but also potentially conceal collective and structural forms of (gender) inequality through the smokescreen of hyper-individualization (Vasconcelos 2018b).

Conversely, in the context of political struggles between left and right, we are witnessing a growing conservative and far-right response, often using populist tactics, that intends to deny trans viability and existence. This strategy is patent in Hungary, Poland, Russia and, more importantly, in the United States, where trans people are increasingly targeted by the Republican Party, and some state legislatures are actively curbing trans rights (Serwer 2021). The counterpart, and key goal, is to assert an overall traditionalist patriarchal world-view (Vasconcelos 2019).

In sum, by comparing different countries, different groups of trans people, different forms of attaining inclusion or dealing with social exclusion as well as different conceptions of gender citizenship and sexual rights, we sought to gain a deeper understanding of societal change and its impact on the lives of trans individuals and on gender orders. The Transrights project was never intended to merely describe identities. We wanted to explore the possibilities for different conceptualizations of gender, sexuality and citizenship, which can be critical of the current categories and institutions still limiting and policing the possibilities for 'doing trans/gender'.

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