“X” Marks The Transgressive Gender: An Ethnographic Exploration of Legal Gender Affirmation

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INTRODUCTION

• Gender affirmation for trans persons can include:
  • Social: name, pronouns, gender label
  • Legal: name, gender marker
  • “M” or “F” (or gender-neutral “X”)
• Little research has characterized interest in legal gender-affirmation, barriers to accessing those services, and the impacts of legal gender-affirmation on trans persons’ mental health.

METHODS / GOALS

Recruited a convenience sample of 54 trans persons in the U.S. and Canada from Facebook pages used to recruit trans and/or non-binary research participants

Ethnography-based research (1 hr video) eliciting:
1. exploring their goals for and barriers from seeking gender-affirming legal care
2. their perspectives on the X gender marker

PARTICIPANTS (n=54)

• 76% AFAB, 24% AMAB
• Trans men: 17, trans women: 6, non-binary: 31
• Pronouns: he/him: 13, she/her: 5, they/them: 21, he/she: 10, she/he: 2, others: 3
• Age: mean 29y +/- 9y, range 18-59y
• Race:
  • 44% White only
  • 20% Asian/Pacific Islander only
  • 7% Black only
  • 38% multiple identities

RESULTS

• Interest in Legal Affirmation
  • Almost all were interested in changing:
    • Name: had: 54% (n=29); want: 33% (n=18)
    • Gender marker: had: 46% (n=25); want: 46% (n=25)
      • Had: 3 F, 16 M, 6 X
      • F + M: mix of trans men/women and non-binary
      • X: 5 non-binary, 1 trans man (no testosterone)
    • Want: 10 M, 10 X, 1 F or X
      • M: mix, X +/- F: non-binary
  • Sought for perceived safety and seeking affirmation
  • 6 waited for gendered legibility
  • 4 decided based on political climate
  • Internal conflict about changing name with ancestral cultural/language significance (n=3)
• Due to barriers, 24% reported updating some, but not all, identification documents

• Barriers
  • Logistics (i.e., time, process complexity, COVID-19 pandemic-related delays): n=34
  • Exhausting: n=19
  • Fearing violence/discrimination (i.e., police, jobs, housing, sports): n=11
  • Cost: n=4
    • Used legal aid to make it affordable: n=12
  • Legality (i.e., state, nationality): n=4
• Mental Health Implications
  • Due to concerns over mismatched or inaccurate forms of identification
    • Anxiety and/or Hypervigilance: n=19
    • Isolation: n=9
  • Even with legal affirmation, many perceived being forced to choose between safety and authenticity → distress

RESULTS CONT.

• X Marker?
  • Some sought an X gender marker: had: 11% (n=6), want: 19% (n=10)
  • More considered the X harmful: 32% (n=17)
  • lack of compatibility with other forms of identification and linked systems (passports, social security, federal financial aid)
  • increasing risk of gender-based violence/discrimination (especially from police)

CONCLUSIONS / DISCUSSION

• Legal affirmation is often practically and personally important to trans individuals
• Risks of gender-neutral marker options currently outweigh benefits for many
• Instead, advocate for removal of gender markers from ID?

Significance:
• First in-depth exploration of trans persons’ perceptions of gender-neutral gender markers
• Key insights into how legal gender affirmation can contribute to overall improvements in mental health for trans persons
• Results highlight the importance of legal gender affirmation—when and how desired—in improving mental health for trans individuals

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