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Introduction to Special Issue
The State We're In: Locations of Coercion and Resistance in Trans Policy, Part I

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Over the last 15 years, the transgender rights movement has burgeoned in the United States. A handful of states and dozens of localities in the United States have passed nondiscrimination legislation inclusive of gender identity; courts have begun to rule that transgender people should be treated equally; educational institutions and companies are beginning to include gender identity and gender expression in their nondiscrimination policies. The term *transgender* has moved into mainstream discourse with increasingly positive representations of trans lives in the media—from countless local newspaper articles on transgender people and their transitions, to respectful mentions in (some) political candidates' speeches, to the ongoing appearance of trans characters in soap operas.

Lagging behind that tremendous upsurge in awareness of transgender issues, however, has been research on transgender lives and practices that centers on the concerns and perspectives of those whose gender identity or gender expression does not conform to social expectations. Of course, no shortage of research (Billings & Urban, 1982; Hausman, 1995; Raymond, 1979) has reproduced traditional pathologizing narratives of transgender people. Similarly, although work in queer theory (Fausto-Sterling, 2000; Halberstam, 1998) has raised important questions about gender as a process, as well as the liminality of gender, those approaches are not of much utility to trans advocates. Whereas this work has situated gender as something that shifts and that results, ultimately, from social forces, in legal and policy contexts gender tends to be understood as one of the most stable and grounded of all social identifiers. As a result of this definition, transgender individuals are often viewed either as being unstable and illegitimate or as frauds. Furthermore, in many law and policy contexts, transgender advocates try to steer clear of explicitly referring to social theories that highlight gender as ungrounded because such social theories inadvertently resonate with what most policymakers already believe about transgender people. Because of this sharp contrast between theoretical frames being used to understand gender and the frames employed by policymakers, who often hold the lives of trans people in their hands, advocates struggle to devise policy solutions that improve the lives of trans people, are politically viable in gender-binary-reliant administrative contexts, and still comport with the notion that gender is not grounded in the body.

However, with the rise of the new social movement in the United States that has coalesced around the term *transgender*, the subjects of that data have begun to revolt (Stone, 1991; Stryker, 1998). So, too, has a new generation of researchers and researcher-advocates. But before we discuss the newer players and the work that we are delighted to showcase in this special issue of *Sexuality Research & Social Policy: Journal of NSRC*, The State We're In: Locations of Coercion and Resistance in Trans Policy, we want to step back and frame some of the tensions inherent in the relationship between research with transgender people and advocacy for transgender communities.

Transgender rights advocacy is almost always grounded in a human rights framework. This framework might be articulated differently depending on the particular viewpoints of the advocates or on the particular social and historical context in which such advocacy takes place but, in any case, its general gist is that (a) individuals

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whose gender identity or gender expression is not traditionally associated with their birth sex should not be denied any rights or resources because of that difference, and (b) one's gender identity (not one's birth sex) determines one's legal gender. These principles were first enunciated in early versions of the International Bill of Gender Rights in 1991 (Frye, 2006) and have since been included in the *Yogyakarta Principles on the Application of International Human Rights Law in Relation to Sexual Orientation and Gender Identity* (2007), the new international standard for discourse on sexual orientation and gender identity rights.

From the perspective of transgender rights advocates who are challenging unjust laws or policies—in meetings with legislators; in litigation before the courts; in policy discussions with government officials; in negotiations with insurers, employers, and social service providers—merely enunciating these principles should be sufficient. Ideally, regarding transgender issues, meetings should be no more than 5 minutes long, lawyers' briefs should be limited to two or three pages, and the validation of experts should never be called for. But, of course, we do not find ourselves in this world of *shoulds*: Simply articulating a human rights claim based on gender identity or gender expression will have little, if any, short-term impact. In challenging the commonsense knowledge and social and legal systems that currently structure gender arrangements, transgender rights advocates are in desperate need of expert knowledge to back up trans people's demands. The transgender community needs valid, reliable social science research to provide evidence, as well as experts who will testify, legitimate advocates' claims, or submit affidavits. Without these supports, it becomes impossible to topple the existing supposed expertise of bureaucrats who can stand beside the fact that discriminatory policies must be right simply because of their ubiquity.

The fundamental goal of researchers distanced from their subjects, however, is not to advance the rights claims of any particular group but to determine observable, measurable truths about what they are studying—in this case, the sexed body; gender identity, expression, and role; and the (inter)relationships of these factors. Moreover, always lurking in the background is the distinct possibility that the research will generate results that undermine claims for transgender rights.

In fact, a real incommensurability exists between the normative human rights framework that is the foundation of transgender rights advocacy and the descriptive social science paradigm that plays such an important role in transgender rights advocacy. It is vital for us as researchers, as advocates, and as researcher-advocates to understand this conflict between expert discourses and human rights claims. For advocates, research is absolutely essential, but only for the pragmatic necessity of narrating trans identities and practices in the most intelligible and legitimating discourse possible. For example, advocates have reached the point where they are invoking the authority of medical experts to demedicalize regulations governing trans identities (Currah & Moore, 2007)—but in the process, for strategic effect, litigators and policy advocates often cite data and research based on assumptions with which they fundamentally disagree (Levi, 2006; Spade, 2003).

Perhaps the most basic difference between the goals of advocates and researchers centers on disagreements over theories of gender. In a system governed by the logic of universality (with repeatable, verifiable results), researchers in the natural and social sciences seek to discover a unified totalizing truth, one that fits all the many pieces—body parts, normalizing ideologies, medical technologies, the role of socialization, and biological etymologies—into the grand jigsaw puzzle that will ultimately reveal the answer to the riddle of gender. The aggregate approach of trans activists, however, centers on the idea of an agnostic gender pluralism and does not seek to discover the perfect theory (Currah, 2003). In fact, any unified theory purporting to describe the so-called right relationship between body parts, gender identities, and gender expressions would entail the imposition of a new hegemonic norm—one that would not be true to many people's experience of gender and that would exclude many from the opportunities that legal gender recognition brings. For the trans movement in the United States, there is no overarching desire to make the many communities, practices, and identities fit under any unified theory: All of the constituent (and often discordant) elements of this movement add up to nothing greater than the sum of the parts.

To be specific, transgender rights advocates and policy reformers must insist that social scientific research overcome assumptions about sex and gender that, for example, assign transgender people to the wrong legal sex, suggest that transgender people cannot be good parents, categorize gender nonconforming youth only as problems to be solved, and provide rationales for denying transgender people access to health care. In short, transgender rights advocates have to rely on the kind of research that proves that our gender difference does not make us less than human. In most contexts of making claims for equal treatment, then, we transgender rights advocates have found ourselves in the uncomfortable position of

having to deploy research proving that our existence is legitimate, not a pathological aberration.

That brings us back to the main point of our introduction—to introduce some members of the new generation of researcher-advocates (or advocate-researchers) whose work we are delighted to sample in this, the first of two special issues of *Sexuality Research & Social Policy: Journal of NSRC* devoted to transgender research. Unlike the traditional research paradigm, which has been defined by the distance between the researcher and his or her subjects, today's new crop of promising transgender researchers are firmly located within the populations they study—either as members or as allies with long histories of involvement. In this new paradigm, probably best described as participatory action research, individuals situated within the community marshal the resources of the sciences and social sciences to serve the needs of that community. In the field of social epidemiology—which is widely recognized as the birthplace of participatory action research—individuals affected by toxic waste, for example, use the tools of science to measure their own demographics, self-collect health data, and use their social contacts to establish the truth about what is happening in their communities and to their bodies. In this way, the subjects become the experts. We are not implying that real differences of power do not still exist in relationships between the new generation of trans researchers and trans people, but we can see that much of the gap so prevalent in traditional research has been closed.

With this new approach, what gets identified as research questions, research subjects, and hypotheses dramatically shifts from traditional research designs. Taking transgender lives as the starting point, the research question is no longer the riddle of gender or the particular gender configurations of transgender individuals; instead, the problem to be solved becomes the social and legal arrangements that structure gender nonconformity as problematic in the first place. Significantly, as much of the work in this special issue demonstrates, when one focuses on the lived experiences of transgender people and firmly locates in the research the particular social locations transgender people inhabit, abstract discussions of gender tend to fall by the wayside. Instead, pressing questions of social justice, such as the disparate impacts of race and class, are more likely to be brought out in the analysis.

This grounded approach also shifts the spotlight away from very broad accounts of the universal injustices experienced by transgender people, such as lack of inclusion in human rights laws. That is the type of issue most immediately and easily legible to the mainstream, no doubt, one that grabs people's attention when they are first learning about transgender issues. But the real impact of discrimination against transgender individuals is to be found in the cracks and crevices of the modern regulatory state, in the agency rules administered by particular state actors that exclude trans people. Significantly, low-income people have much more contact with particular disciplinary arms of the state—social service providers, Medicaid systems, and the criminal justice system, for example—than do other individuals. Because these state actors also define and regulate gender, and distribute benefits based on gender, the more contact people have with these state agencies, the more they are pressured—or forced, in the case of those in the criminal justice system and residential settings for youth—to comply with traditional gender norms (Spade, 2006). Thus, participatory policy research and advocacy is of vital importance to the most vulnerable transgender communities—youth, people of color, and low-income populations. It is relatively easy to find out that the ban on sex discrimination in Title VII of the Civil Rights Act of 1964 has generally not been found to apply to transgender people; it is much more difficult and labor intensive—not to mention risky—to research administrative rules and policies and their application to vulnerable communities.

A first-rate example of just the sort of research that the transgender community so desperately needs is "Unraveling Injustice: Race and Class Impact of Medicaid Exclusions of Transition-Related Health Care for Transgender People," a report by Pooja S. Gehi and Gabriel Arkles (2007). Their research is firmly grounded in the data—the lived experiences of transgender people; it centers on the needs of this population; and it concludes with sound proposals for policy reform based on the authors' rigorous analyses. Gehi and Arkles, two attorneys for the Sylvia Rivera Law Project, highlight a conundrum facing transgender people: States almost always require transgender individuals to modify their bodies before their gender will be legally recognized. But most Medicaid programs, which are administered at the state level, do not cover the psychotherapy, hormone therapies, surgeries, and other treatments required for this all-important legal recognition. As the authors make very clear, this legal catch-22 disproportionately affects low-income trans people. Gehi and Arkles provide a wealth of data about the effects, often interrelated, of Medicaid exclusions for transition-related care. For example, engaging in sex work so they can pay for gender-affirming health care causes many trans people to fall into the maw of the criminal justice system; once arrested, trans prisoners whose identification documents do not reflect their gender end up

housed with the wrong gender in prison, subjecting them to harassment and violence, including sexual assault. Once out of prison, with a criminal record and the same inaccurate identity documents in hand, transgender people's ability to find employment, travel, or gain access to social services is massively curtailed, resulting in significantly higher poverty levels. The double bind facing low-income transgender people is even more vexing, as Gehi and Arkles point out, because the very same medical model that states use to define gender legally—that is, those who transition with the aid of surgery and hormones are more likely to have their gender recognized whereas those who do not will not get identity documents accurately reflecting their gender—is also deployed to deny Medicaid coverage for transition-related health care.

Medicaid programs are not the only ones that exclude coverage for gender-affirming surgeries and hormone therapies. In "Transgender Health Benefits: Collateral Damage in the Resolution of the National Health Care Financing Dilemma," R. Nick Gorton (2007) turns our attention to questions of private health insurance. The vast majority of private health insurers explicitly exclude transgender care; Gorton, a practicing physician, sees challenging those exclusions now as essential to ensuring that transgender health care is included in the universal health insurance system the United States seems to be moving toward. Gorton reminds us that lawmakers explicitly targeted trans people for exclusion from health care coverage when the Americans With Disabilities Act was passed in 1990. At that time, Senator Jesse Helms ensured that transvestism, transsexualism, and most gender identity disorders were listed as exclusions to the definition of disability. Anticipating the "pitched political battle" (p. 83) that will surround the implementation of universal health insurance, Gorton warns that transgender people may again be used as scapegoats—this time, by opponents of universal health insurance. These forces will, Gorton suggests, be likely to cast any plan that includes coverage for gender-affirming health care as too liberal. Because even "scientific evidence of safety and efficacy are often trumped by political unpopularity" (p. 85), Gorton argues that trans advocates need to work now to ensure that the general public, medical providers, and private insurers all understand that transgender health care is medically necessary. Gorton argues against those who suggest that to fight for trans inclusion in private insurance plans is to participate in an oppressive system that excludes the uninsured. Instead, he maintains, when debates about what should be covered in future universal health insurance plans do take place, this advocacy will demonstrate that transgender health care is "reasonable, economical, and medically necessary" (p. 86).

The area of transgender health, however, far exceeds the issue of coverage for gender-affirming surgery and hormone therapy. Indeed, research on health disparities is of vital importance for trans communities. As Sel Julian Hwahng and Larry Nuttbrock (2007) point out in their article, "Sex Workers, Fem Queens, and Cross-Dressers: Differential Marginalizations and HIV Vulnerabilities Among Three Ethnocultural Male-to-Female Transgender Communities in New York City," past and present research has indicated that some groups of transgender women have "extremely high HIV seroprevalence" (p. 37). Although this fact is now regularly invoked in health advocacy discussions, much more research is needed to identify precisely which trans populations are the most vulnerable. If local, state, and federal government resources are going to be deployed to alleviate these disparities—and HIV/AIDS is the one area in which federal resources can potentially be used to benefit transgender populations under the current federal administration—it is essential that researchers know exactly who needs help. Hwahng and Nuttbrock's important work does just this: Their study connects "HIV risk behaviors within a nexus of racial, ethnic, cultural, social, and economic factors" (p. 36). To do so, the authors map out and compare three distinct "ethnocultural communities" (p. 36): (a) low-income African American/Black and Latina(o) House Ball community members; (b) low-income, often undocumented immigrant Asian sex workers; and (c) middle-class White cross-dressers. Hwahng and Nuttbrock demonstrate that the general category *transgender* and its subcategory, the monolithic and abstract grouping of male-to-female transgender people, are too detached from the very disparate communities they purport to represent to be useful for health disparities research.

The final two articles in Part 1 of this special issue take a broader look at the new social movement surrounding transgender issues. In "Seeking Refuge Under the Umbrella: Inclusion, Exclusion, and Organizing Within the Category *Transgender*," Megan Davidson (2007) uses debates about the meaning of the term *transgender* as the starting point for her analysis of the visions of social justice held by some of the movement's central actors. In conducting this ethnographic research, the author interviewed 101 trans activists of all kinds from throughout the United States—transsexual separatists, intersex activists, gender-queer people, and trans advocates who self-identify as mainstream—and asked them, among other things, how they defined the term *transgender*. Her analysis—which is strongly supported by the depth and breadth of her

subject pool, the quality of her interviews, and her deep familiarity with the trans movement in the United States—demonstrates that "the specific goals and visions of policy reform and social change forwarded by trans activists are conceptualized in and through differing visions of the category *transgender*" (p. 79). Davidson's research indicates that under what she calls the *transgender umbrella,* real, ongoing fractures over the politics of gender are occurring—disagreements about whether to reinforce or dismantle the gender binary, whether to reject or follow the medical model of transsexuality, and whether to envision radical or assimilationist political goals. Like the work of Hwahng and Nuttbrock (2007), Davidson's research does much to highlight "differences that are often elided in public consciousness by the category *transgender*" (p. 79).

When photographer Mariette Pathy Allen (2007) first encountered transgender people in 1978, the word *transgender* was not yet in circulation. That first encounter—in which, she says, "I had the feeling that I was looking at neither a man nor a woman but at the essence of a human being" (p. 92)—captivated Allen so much that she has been photographing transgender individuals almost continually ever since. In the last 30 years, no observer has visually documented trans people to the extent that Allen has: From images of public protests to more intimate shots of individuals, from photos of conferences to commemoratives of vigils, she has captured many key historical moments for the transgender community. In presenting this material, we wanted not only to showcase some of Allen's huge collection of compelling images but also to include her own narrative about her exploration of trans culture. Her photographic artifacts represent a sustained relationship between the researcher-artist and the communities she has chosen to explore.

Because of the large number of relevant articles we wanted to include, this special issue of *Sexuality Research & Social Policy: Journal of NSRC* has been divided into two parts. The second installment of The State We're In: Locations of Coercion and Resistance in Trans Policy will appear in Volume 5, Number 1, to be published in March 2008.

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