No Safe Space: Intersectional Oppression and Transgender People's Experiences of Discrimination

Introduction

Despite Home Office (2020) reports indicating an annual increase of police recorded transphobic hate crimes, Criminologists have been slow to investigate, interrogate and respond to this social and criminal phenomenon. Although academic interest in hate crime has flourished, particularly within the last two decades, research has tended to focus on racist, Islamophobic and homophobic hate crime (Awan and Zempi, 2017; Bowling, 1999; James and Smith, 2017; Mason, 2005). However, less is known about the experiences of transgender and non-binary people and their experiences of hate crime. Whilst there is a growing attention being paid to transphobic hate crime (Colliver and Silvestri, 2020; Jamel, 2018), this is often through a white, Eurocentric lens (Jamel, 2018). Resultantly, the experiences of those who occupy multiple minoritised social positions are often overlooked. Indeed, in 2006 Stryker (2006:15) noted 'the overwhelming (and generally unmarked) whiteness of practitioners in the academic field of transgender studies'. In this chapter I challenge current knowledge around transphobic hate crime and pay attention to the ways in which experiences of transphobic hate crime are understood and responded to by diverse, heterogeneous communities. In doing so, I explore how a 'master identity' is often imposed on people, that may not coincide with how the understand and interpret their own identity. To do this, I draw upon data collected through semi-structured interviews that were part of a larger

research project exploring the 'everyday' and 'mundane' nature of transphobic hate crime.

Understanding Transphobic Hate Crime

Hate crimes are gaining significant political and social attention, with governments being called upon to provide more effective protection to minoritised groups (Chakraborti, 2018). Hate crimes are a subset of crimes that Home Office (2020) figures suggest constitute approximately 2% of overall recorded crime in England and Wales. Transphobic hate crime account for the smallest amount of officially recorded hate crime, making up only 2% of police recorded hate crimes (Home Office, 2020). However, this category of hate crime saw the largest annual increase in the year 2018-2019, up 37% from the previous year, totalling 2,333 to a record number of crimes (Home Office, 2019). The year 2019-2020 saw a further increase to a total of 2,540 recorded transphobic hate crimes (Home Office, 2020). Whilst it is not the purpose or in the scope of this chapter to provide a detailed interrogation of these statistics, it is important to note that these figures likely underestimate the reality of how much transphobic hate crime takes place. Home Office (2020) statistics rely on police recorded crime, and therefore does not appreciate incidents of crime that are not reported to the police, or those which are not correctly identified as being 'hate' motivated. Other studies have shown significantly higher rates of hate crime targeting transgender and non-binary people (Chakraborti *et al.,* 2014; METRO Charity, 2014).

Whilst the Home Office (2020) largely explain annual increases in hate crime through better reporting systems, it is unlikely that this accounts for the total increase. In the United Kingdom (UK), issues affecting transgender and non-binary communities have become central in political 'debates'. In 2017, the Conservative government announced that they intended to review the current process for gaining legal recognition of an individuals' gender, with the purpose of streamlining and demedicalising the process, to reflect that being transgender is not an illness. In 2018, a public consultation was launched which was intended to inform the reform of the Gender Recognition Act in 2004. This act has considerably 'improved the protocols...[that] protect the rights of transgender people' (Jamel, 2018:43). The introduction of this legislation enabled people to gain legal recognition of their gender identity by obtaining a gender recognition certification. In order to acquire this certification, a 'gender recognition panel' must agree that certain criteria had been met, including that the individual is at least 18 years old, have lived as their gender for a minimum of 2 years prior to legal recognition being granted and that the individual has been diagnosed with gender dysphoria.

The proposed reform of the Gender Recognition Act (2004) intended to demedicalise this process to make it easier for transgender people to gain legal recognition of their self-declared gender. The outcome of the public consultation was announced in September 2020, when Liz Truss, Minister for Women and Equalities, made a public statement that indicated self-identification would not be implemented. Instead, a number of other

amendments would be made including reducing the financial requirements of obtaining legal recognition and moving the application process online. These amendments are intended to address some of the bureaucratic issues associated with the process. The continued reliance on medical diagnosis perpetuates the pathologisation of transgender people. As such, a deficit-model of understanding trans people is reinforced in which they are positioned as inferior, and therefore become legitimate targets for hatred, discrimination and oppression.

Throughout the public consultation, social media platforms have become a hotbed for 'debate', which has primarily focused on the implications self-identification has for single-sex spaces (including refuges and public toilets) and the 'authenticity' of transgender people (specifically transgender women). My previous work has explored the ways in which transgender people are constructed in online discourse and identified a range of motifs that are regularly used to construct transgender people as unnatural, inauthentic and as a potential risk to the safety of cisgender women and children (Colliver *et al.,* 2019; Colliver and Coyle, 2020). The key issue identified in relation to 'self-identification' is the potential for cisgender men to abuse the system in order to gain access to 'vulnerable' cisgender women and children, and as such, a conflict is established in which one must choose whether to protect 'women's rights' or 'transgender rights' and positions these as exclusively in opposition.

Before I present any empirical data and key findings, it is important to define some key concepts used throughout this chapter. The racially

aggravated murder of Stephen Lawrence in 1993, and the subsequent Macpherson Report (1999) propelled to the term 'hate crime' in to the public arena. Government definitions tend to define hate crimes as individual incidents of victimisation, thereby overshadowing the often ongoing and repetitive nature of much hate crime, and also ignoring the social and political context within which hate crimes occur. Additionally, the term 'hate crime' does not appear in any legislative context. Despite the lack of legislative definition, in the UK, hate crime has been defined by The Home Office (2012) as:

> 'any criminal offence which is perceived, by the victim or any other person, to be motivated by a hostility or prejudice based on a personal characteristic'.

The personal characteristics that require annual monitoring by all police forces include race, religion, disability status, sexual orientation and transgender identity (Home Office, 2020). Section 146 of the Criminal Justice Act (2003) imposes a duty upon courts to increase the sentence imposed on an offender for any criminal offence which is motivated by hostility or prejudice against an individual's transgender identity, or perceived transgender identity. However, it is important to note that the initial introduction of this act did not offer legislative protection for transgender people. Instead, the Legal Aid, Sentencing and Punishment of Offenders Act (2012) amended the Criminal Justice Act (2003) to include transgender identity as a characteristic to be considered during sentencing. The current process for considering whether a criminal incident was

motivated by prejudice or hostility does not recognise multiple marginalisations or oppressions and only one characteristic can be considered at sentencing. Resultantly, a perpetrator motivated by a matrix of prejudice will only have one form of prejudice considered when sentenced. This has resulted in a simplistic perception of identity and does not recognise or acknowledge the intersectional nature of oppression, marginalisation and othering.

On the other hand, academics and researchers have attempted to acknowledge the complex social structures that create a climate in which marginalised and oppressed groups become seen as legitimate targets for hate (Perry, 2001). In hate crime scholarship, it is Perry's (2001) conceptualisation that has emerged as key when discussing victimisation and she claims that:

'Hate crime … involves acts of violence and intimidation, usually directed towards already stigmatised and marginalised groups. As such, it is a mechanism of power and oppression, intended to reaffirm the precarious hierarchies that characterise a given social order. It attempts to re-create simultaneously the threatened (real or imagined) hegemony of the perpetrator's group and the 'appropriate' subordinate identity of the victim's group. It is a means of marking both the Self and the Other in such a way as to re-establish their 'proper' relative positions, as given and reproduced by broader ideologies and patterns of social and political inequality' (2001:10).

Perry's definition of hate crime provides a more nuanced account of hate crime, directly linking individual incidents into the wider social, cultural and political structures that dominate societies. Whilst this definition generally provides a more holistic picture of hate crime, this may be less useful in practice for those responsible for policing hate crime. It is also key to note that the language associated with 'hate crime' has been identified as problematic (Gerstenfeld, 2004; Hall, 2005). Whilst the term 'hate' has connotations of extreme emotion, it has been argued that not all perpetrators of hate crime are motivated by 'hate', and that to fully understand the nature of hate crime we must consider it in relation to less emotionally charged language (Chakraborti and Garland, 2012; Sullivan, 1999).

Throughout this chapter I also use a number of words that relate to gender identity and expression. Language associated with gender identity and expression is continually evolving, representative of the fluid nature of gender. As with many terms, there is no universally agreed definition of 'transgender', however, for this chapter I draw upon the work of Hines (2010:1) who has defined 'transgender' as denoting:

> 'a range of gender experiences, subjectivities and presentations that fall across, between or beyond stable categories of 'man' and 'woman'. 'Transgender' includes gender identities that have, more traditionally, been described as 'transsexual', and a diversity of genders that call into question an assumed relationship between gender identity and presentation and the 'sexed' body.'

I draw specifically on this definition as it acknowledges gender identities and expressions that fall between and beyond the gender binary of 'man' and 'woman'. As I aim to consider intersectional oppressions, it is key to challenge the western gender binary that classifies sex and gender into distinct categories of 'male' and 'female'. In challenging this, I can reflect better the experiences of non-binary participants and the issues of oppression and discrimination they discussed. The term 'non-binary' refers to individuals whose gender identity falls between, or outside of normative and binary categories (Richards *et al.,* 2016). This also serves as an umbrella term encapsulating gender identities including gender-queer, gender-fluid and bi-gender (Vijlbrief *et al.,* 2020). Whilst non-binary identities are gaining considerable social recognition, there is currently no legal recognition of non-binary identities within the UK.

The final term I want to define is 'cisgender', which describes an individual whose gender identity is consistent with the sex they were assigned at birth (Stryker, 2008). A significant amount of research into issues that impact transgender people allows 'cisgender' to be the unspoken norm, by failing to recognise this as an identity category (Johnson, 2015). As such, naturalised assumptions about the relationship between sex assigned at birth and gender identity are challenged. In this sense, the term cisgender challenges the privilege of people who claim a gender based on a biological basis from birth. Cisnormativity refers to the social expectation that all members of a society are cisgender, and that individuals will live their entire lives as the sex they were assigned at birth (Bauer *et al.,* 2009).

It is important to acknowledge the subjective nature of all language, and whilst I try to be as inclusive as possible throughout this chapter, there is some contention regarding the use of 'transgender' as an umbrella term. Monro (2003) argues that the term is inherently problematic, as the inclusion of such a wide range of social groupings has a homogenising effect, in which a range of needs and interests are neglected. It is in this chapter that I seek to address this, by demonstrating empirically how issues of hate crime, discrimination and prejudice are not experienced uniformly by all transgender people. Instead, I will argue that intersecting oppressions and marginalisations significantly impact the ways in which people engage with their transgender identity.

Notions of 'transnormativity' have been engaged with academically (Bradford and Syed, 2019; Johnson, 2016). Transnormativity refers to a framework that creates a hierarchy of authenticity relating to transgender identities. It privileges those who conform to the gender binary, and holds transgender people accountable to a legal and medical model of transition (Johnson, 2016). Whilst I have previously written about the delegitimisation and othering of those who do not conform to this ideological framework (Colliver, 2021), in this chapter I address a number of other issues that also contribute to the marginalisation and exclusion of some trans people.

Methodology

The data presented within this chapter were collected as part of a larger research study that was specifically interested in what might be termed 'low-level', or mundane incidents of transphobic hate crime. As part of this

project, 396 online surveys, 31 semi-structured interviews and an analysis of comments posted on YouTube in relation to 'gender-neutral' toilets were completed (Colliver *et al.,* 2019; Colliver and Coyle, 2020; Colliver and Silvestri, 2020). This chapter draws upon the data collected from 31 semi-structured interviews with trans people who live within the United Kingdom and were aged 16 and over at the time of interview. The interviews focused on participants' experiences of hate crime targeting their gender identity with a specific emphasis on incidents of verbal abuse, harassment and online victimisation. Participants were also asked to speak of other forms of oppression they experienced, either separately from their trans identity, or simultaneously. There was a strong focus on oppression, discrimination and hate experienced *within* trans communities, in order to avoid the pitfall of locating issues of oppression solely outside of trans communities. Thematic analysis was conducted on the transcribed data, guided by the six steps outlined by Braun and Clarke (2006). The lack of existing research into 'everyday' and mundane experiences of transphobic hate crime meant that an inductive approach to analysis was adopted.

Participants were recruited for this research project through organisations offering services and support for trans communities, and also through social media. Of the total sample of interview participants, 23% of participants were non-binary, whilst 31% and 44% were male or female respectively. The majority of participants identified as White British (54.8%), however, a range of ethnic backgrounds were represented within the sample including Black British (10%), British Asian (3.2%), Black African and White

British (3.2%), Black Caribbean and White British (3.2) South American (3.2%), Bangladeshi (3.2%), Irish Traveller (6.4%), Thai (3.2%) and Pakistani (3.2%). Participants' ages ranged from 17-67 years old with an average age of 32 years old. 30.3% of participants indicated that they lived with a disability, including sensory, mobility and long-term health conditions. Several participants also identified as Christian, Sikh and Muslim and a smaller number of participants identified as Buddhist and Pagan. All participants spoke English, and for most participants English was their first language, to varying degrees of fluency, and four participants spoke English as a second language. This does mean that trans people within the UK who did not speak English at the time of interviews are not represented in this study.

As a researcher, I also have many years experience in the third-sector supporting young LGBTQ (lesbian, gay, bisexual, trans and queer) people around a number of sensitive, personal issues. This experience also meant that I was able to develop a national network of organisations that could fast-track participants into relevant support services, if appropriate. All participants have been assigned pseudonyms in this chapter.

As a cisgender researcher working with trans communities, personal reflection was paramount throughout the research project. Whilst my identity as a white, gay, cisgender man meant that I may be considered to belong to the broader LGBTQ community, I was aware that the demographic I belong to traditionally dominates these communities and spaces and tend to hold more social power. Resultantly, it was important to continually

interrogate my own assumptions, which are often rooted from places of privilege. I was conscious not to represent myself as a voice, or a spokesperson of trans communities. As other have argued, 'no one should ever 'speak for' or assume another's voice... it becomes a form of colonisation' (Sinister Wisdom Collective, 1990:4). The development of this research project was initially as a result of many of the young trans people I had worked with in a professional capacity, who felt that they had never had the opportunity to participate in research. I therefore worked with a number of organisations and individuals when developing the interview schedule, to ensure that the key issues highlighted by trans communities were considered. To engage participants throughout the research process and to gain a greater level of clarity regarding their experiences, all participants were invited to review their interview transcripts, codes and themes developed throughout the analysis of the data.

I was also conscious of not wanting my research to exploit people's hardships, trauma and lives for an academic or research agenda (Arber, 2006). To minimise this risk, I left decisions regarding participation, time of participation and location of participation up to those who had expressed an interest in participating. Emphasising participants' autonomy over their participation was a key aspect when conducting the research, offering regular reminders of participants' right to withdraw from the study at any time without reason.

In adopting an intersectional framework throughout the research process, I maintained the position of asking "the other question" (Matsuda,

1991: 1189). Matsuda (1991) describes this as looking for other forms of privilege, oppression and dominance when focusing in on one issue. Participants were therefore asked to discuss their experiences of oppression, discrimination and hate crime more generally in order to avoid participants feeling that they could only discuss one form of discrimination. As such, when participants described incidents of transphobia, I consciously questioned whether issues of patriarchy, racism, heteronormativity, ableism, classism were also present, although this was not an exhaustive list. Participants often reflected on the multiple, and interlocking forms of oppression they experienced without prompting, situating their experiences within the context of multiple social hierarchies.

In the next section, I focus on the qualitative findings to provide a critical analysis of the ways in which intersecting oppressions influence the experiences and lives of trans people.

"Nowhere to Belong" – Transnormativity, Transphobia and Exclusion

A central theme that was developed from the data related to a sense of 'belonging'. Finding a sense of 'belonging' was often perceived to be difficult for trans people who were not white, atheist, able-bodied and did not identify within the Western gender binary. Many participants described a sense of having 'nowhere to belong'. I focus primarily here on the role that religion and faith play in establishing a dominant, normative trans identity. When accessing social spaces created by, and for, trans people, Isa, a 58 year-old woman describes how she is often excluded and ridiculed from, and within these spaces.

'The couple of times I have been to social events for trans people, I have normally left quite quickly. I don't force my religion on people, but I wear a St. Christopher, and I am happy to talk about my faith if it comes up in conversation. When I do, I normally get comments like 'oh, who invited the God squad along'. It's like there is a stereotype about Christians all being these crazy preacher people who want to force religion in others' faces'.

Despite Isa being a trans woman, and accessing these social events to build a network of support, her religious identity is often imposed on her by others as a 'master identity' (Hughes, 1945). Whilst her religion may not be the motivating reason she attended these spaces, it becomes the central aspect of her identity when interacting with others. As a result, when trying to engage in an 'inclusive' space, she experiences further exclusion and marginalisation, and this results from her 'difference' to other trans people who are non-religious, or perceived to be non-religious. This may result from historic and contemporary tensions between some religious sectors and trans people which contribute to the social exclusion and marginalisation of trans people (Bolich, 2008). Simon, a 47 year-old man, highlights how he often conceals his faith when engaging with other trans people. In times when he has disclosed his religious beliefs, he describes being met with suspicion and uncertainty from other trans people as to why he was accessing these spaces. Similarly for Simon, his religious identity is imposed on him as a 'master identity', in which he is seen as a person of faith first, and as transgender secondly. In this sense, an individual's 'difference' is perceived to be a more significant identity marker than the similarities he shares with trans people.

In these situations, notions of 'exclusivity' become apparent, in which individuals must identify as either trans, or religious, but not both simultaneously. Therefore, complex and multifaceted identities are reduced to a single-axes framework in which those who do not conform to the groups' dominant ideals face marginalisation. It is also clear in Isa's narrative that harmful stereotypes about Christianity and Christians are drawn upon to ridicule and belittle her. The phrase 'who invited' also speaks directly to other trans people's discomfort, confusion or disdain towards Isa because of her religious identity. Similarly to Simon, Isa went on to describe how at subsequent events she should would try to conceal her religious identity, to avoid these experiences. It is important to recognise how these practices of concealing an identity marker can be harmful and concealment has been linked to stress-related physical symptoms (Cole *et al.,* 1996) and low self-efficacy (Barreto *et al.,* 2006). However, similar feelings of exclusion may be felt within religious spaces, in which cisnormative ideals dominate. Simon describes an incident he experienced after they had recently disclosed their trans identity to some members of the Church they regularly attended.

> 'It was early morning, I was running late, I arrived to Church, walked in and sat at the back. Even just sitting there, I have never felt so humiliated. I felt every pair of eyes on me, burning through me. I couldn't work out if it was because I was late, or because the news had spread… Afterwards, the Priest came to speak with me. Apparently there had been a lot of talk about me and a lot of people not comfortable with me being there, I was very subtly invited to leave and find somewhere else to worship.'

The exclusion from trans-inclusive spaces, and from religious spaces speaks to participants feelings of there being 'nowhere to belong'. Similarly to the

experiences of exclusion from trans-inclusive spaces, trans people may also have their trans identity imposed on them as a 'master identity' within religious spaces. In this sense, cisnormative ideals permeate these spaces, and those who do not conform to these experience further marginalisation as a result of their 'difference', with identities being reduced to a simplistic, single-axes framework. This is unsurprising, as previous research has shown that transgender people are often constructed as in contradiction with religious values (Colliver *et al.,* 2019). These experiences demonstrate some of the dangers with describing transgender communities as a homogenous group. It is clear that religion plays a significant part in trans people's experiences of exclusion and marginalisation.

Religion also contributes to the ways in which transphobic hate crime is experienced. This was particularly the case for participants who felt they were 'visibly' religious (Colliver and Silvestri, 2020). Participants religious identity often interacted with the visibility of their trans identity to create unique experiences of hate crime. This reiterates claims made by Woods (2014) that experiences of marginalisation and oppression are shaped by more than just an individual's gender identity, and that other identity markers such as race, religion and disability status influence these experiences. Deena, a 34 year-old woman explains how she regularly experiences Islamophobia.

> 'I have always been surprised at how much racism and Islamophobia I receive from other trans people, not just outsiders of that community. It shocked me, I feel very isolated because I feel like I don't fit in to any particular community or group.'

Deena's narrative also highlights a sense of 'nowhere to belong', which was recurrent. In this excerpt, Deena describes the interplay of racism and Islamophobia that she experiences from other trans people, although not transphobia. Issues of racism within spaces for lesbian, gay, bisexual and trans people has been documented (McKeown *et al.,* 2010). In this sense, LGBT spaces are symbolised by whiteness, in which people's inclusion within these spaces is judged by. Resultantly, access to 'safe spaces' is not feasible for all trans people, and there are a number of social hierarchies that interact simultaneously that influence an individual's access to these spaces. It is here that we are able to see how whiteness operates to dominate these spaces, and further marginalise people who are already subordinated on a number of social hierarchies. Arguably, hierarchies of race that dominate society more broadly also operate within trans communities, assigning privilege to trans people who do not experience marginalisation based on their racial identity.

However, interlocking axes of race and religion don't only impact trans people's access to trans inclusive spaces. When discussing experiences of hate crime perpetrated by cisgender people, racial and religious identities often interacted and overshadowed the visibility of participants trans identity. Sam, a 31 year-old male describes his experiences of racism.

> 'I do find that I experience more racism than transphobia. I am so visibly Asian and I can't hide that. I can walk with my head down so people can't see my face, but I can't disguise my colour and I think that is what stands out instantly about me, my brownness'.

As Sam describes, it is his Asian heritage that is the most 'visible' identity marker, and this results in him experiencing more racism than transphobia.

However, Sam's experiences are more complex than this, as he later describes how people assume he 'is Muslim, because they just assume that everyone who is brown is Muslim'. In this sense, conflations are made between race and religion, and it results in Sam experiencing a matrix of oppression and hate, in which both his racial and religious identity are targeted. Furthermore, Sam later describes how he sometimes 'experience(s) transphobia because [his] race has attracted attention, and people start off being racist and then it moves to transphobia when they realise'. A similar experience was shared by Ty, a 21 non-binary individual, who felt as though they 'stood out from all of the other black boys on the estate', putting them at risk of experiencing transphobia. However, in other spaces, they experienced 'transphobia with racism', particularly within spaces where whiteness is the norm.

Western culture, and thereby cultural expectations of gender presentation and identity are rooted within white-normative ideals (Collins, 2000). Heteronormativity and cisnormativity are central features of white-normative ideals of masculinity and femininity, and therefore, trans people who are white, or perceived as white, may be able to occupy these spaces more safely, as they will not have to contend with subordination or marginalisation in relation to hierarchies of race. This demonstrates the ways in which race, religion and gender identity interact to create unique experiences for trans people who occupy multiple marginalised positions. When considering how people negotiate their gender identity, particularly in public spaces where they may be subject to higher levels of social policing, it

is therefore key to consider how other identity characteristics influence these negotiations. It is clear how intersecting oppressions, marginalisations and expectations associated with gender identity, religion and faith, and race influence trans people experiences of hate crime and discrimination. In challenging the 'whiteness' of research into experiences of transphobia, it is imperative to adopt an intersectional framework to better understand the ways in which multiple marginalisations impact access to spaces.

Conclusion

Not all trans people have the same social access to various spaces, and experiences of marginalisation, exclusion and ridicule are dependent on how other aspects of their identity are perceived. In this chapter, I have highlighted the ways in which transgender people's experiences of transphobia, and other forms of discrimination are not isolated, separate incidents. Rather, issues of racism, and anti-religious sentiment manifest simultaneously to transphobia, to create distinctive experiences of oppression, marginalisation and hate. Whilst it is important to understand how these hierarchies of oppression interact, there is still significant work to be done in relation to the policing and prosecution of hate crime. Whilst the police have the capacity to record hate crime's motivated by more than one form of prejudice, and therefore recognise complex identities, this does not extend to prosecution. This is compounded by varying levels of legislative protection, with more punitive criminal justice responses in relation to race and religion. Therefore, hate crimes motivated by multiple forms of prejudice

are often reduced to a single-axes framework at prosecution, in which only a single identity characteristic can be considered.

As such, it is recommended that future research into trans people's experiences of hate crime adopt an intersectional framework to continue to interrogate the ways in which different identity characteristics interact. Applying this approach will allow for a more nuanced understand of the ways in which multiple marginalisations may be experienced simultaneously and in conjunction with each other, rather than adopting a silo approach that seeks transphobia, racism and anti-religious sentiment as three distinct forms of prejudice. This approach risks excluding the experiences of those who may be the most marginalised and excluded from social life and social spaces, and privileges the experiences of those who are white, and non-religious.

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