

## Chapter 6. The quest for citizenship

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“[...] se piensa que nosotras somos gente que han venido de otro planeta.”

(Blanca, 2003)<sup>1</sup>

The first Trans Pride ever to be held in Spain was celebrated in Seville on Saturday, June 21<sup>st</sup>, 2014. The organisers emphasised that it was even the first Trans Pride in Europe. Pride days serve to raise political and societal awareness for social groups who experience discrimination and lack of acceptance. Better known are the annual Gay Prides in many parts of the world, which are reminders of the growing ‘pride’ and resistance of homosexual people against police powers in the aftermath of Stonewall in 1969 (cf. Jagose 1996). Their call for equal rights serves to foster societal awareness for current inequities (structural inequities, homophobia, transphobia, discrimination); Pride days are embedded in the ideals of human rights and democracy; they repeat the question of who is ‘in’ and who is ‘out’, thus, touching issues of identity and citizenship.

Blanca addressed the existing societal rejection towards trans people in her environment by stating: “[...] hay mucho rechazo a nosotras, se piensa que nosotras somos gente que han venido de otro planeta.” (Blanca, 2003)<sup>2</sup>

And Paquita adds: “Sí. Piensan que somos otra historia. Que no tenemos derecho a nada.” (Paquita, 2003)<sup>3</sup>

The comparison to ‘extra-terrestrials’ (*de otro planeta*) and being ‘another story’ (*otra historia*, like a kind of time-traveller) hints to the societal Othering of trans individuals. Additionally, Paquita’s statement about their ‘having no rights’ addresses society denying the civil rights of trans people, thus burdening them with a sense of ‘not belonging’. Volpp speaks of a double face (Janus-face) that characterises citizenship “[...] simultaneously projecting the warm embrace of inclusion while excluding those who are outside the borders of belonging” (Volpp 2017: 153). In this

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1 “It is thought that we are people who have come from another planet.” (Blanca, 2003)

2 “We are vehemently rejected, it is thought that we are people who have come from another planet.” (Blanca, 2003)

3 “Yes. They think we’re another story. And that we have no rights at all.” (Paquita, 2003)

sense, the Trans Pride, with its goal to foster societal awareness towards the problems trans people face, must be seen simultaneously as an event to accuse society of its exclusionary practice. This awareness raising also implies that inclusion should not depend on the treatment of a declared gender identity disorder (thus, on the obedience of the trans individuals to undergo sex/gender treatment and to fulfill the binary norm), but on the insight that society is wrong. A statement on the website of the ATA illustrated this concern in declaring: *No somos personas atrapadas en un cuerpo equivocado sino en una sociedad equivocada.*<sup>4</sup>

The Trans Pride in Seville (it was embedded in different activities over the week) serves as an opportunity to look at questions of inclusion and exclusion of trans people. The activities were a mixture of political manifestations, art, and festivity. On the macro level of law, politics and associations, general demands, drawbacks and achievements were formulated. On the individual level, the Pride offered an opportunity to gather with similar-minded people in a somehow protected environment.

The chapter starts with a description of the Pride, based on my observations, encounters, and conversations. Additionally, media communication (television, newspaper, and the ATA website) is analysed as well. Both the political dimension and personal encounters created stories around the Trans Pride, which will serve as a backdrop to discuss questions of intimacy and its connection to citizenship in contemporary society.

## 6.1 The *I Orgullo Trans* (The first Trans Pride)

The underlying ideas of a Trans Pride cannot be separated from the underlying ideas of the Gay Prides. The latter have a history of approximately half a century. Resistance against the police raid on a weekend in June 1969 in the Stonewall Inn (a gay bar also frequented by drag Queens and transgenders on Christopher Street in New York) followed by a weekend of riots, is generally acknowledged as the beginning of a growing gay pride. Although it is hardly possible to attribute the growing self-confidence of a social group to one single event, Stonewall symbolises the emergence of a lesbian and gay identity as a political power (cf. Jagose 1996). The annual festivities on Christopher Street Day on June 27<sup>th</sup>, or the annual Gay Pride Parades held in the same month, and which are performed in many countries of the world (in some countries they are forbidden), are expressions of this resistance against heteronormative societal coercions.

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4 We are not people trapped in a wrong body but in a wrong society. (Source: <http://www.atandalucia.org>)

The emerging public appearance of homosexual persons with their claim to a gay identity has had its impact on other 'sexual' minority groups. Weeks notes that "[a]s the homosexual ways of life have become more open and variegated, more consciously political, so in their wake other claims to valid sexual identity have been heard" (Weeks 1985: 186). Referring to Gayle Rubin, he notes: "The mobilization of homosexuals [...] has provided a repertoire of ideology and organisational technology to other erotic populations" (Weeks 1985: 186). The construct of an LGBT+-community (lesbian, gay, bisexual, trans and more) is rooted in the voicing of some of these 'other erotic populations'. In this sense, a Gay Pride is thought to include and to serve the needs of a whole LGBT+-community, despite its heterogeneity. Gay Prides are usually events that try to unite all kinds of individuals who somehow identify, sympathise or solidarise with a lesbian, gay, trans, queer or (in the widest sense) non-binary, non-heteronormative 'pride'. Until now, this has been no different in Andalusia. Hence, the creation of their very own Trans-Pride in Seville, performed one week before the Gay Pride, seemed to break with the custom of a common Pride, and, thus, might be a pivotal event for the LGBT-community there.

As mentioned before, the first Trans Pride ever to be held in Europe (according to the organisers) was celebrated in Seville (Andalusia) on Saturday, June 21<sup>st</sup>, 2014. It was both the high point and the ending of the *Semana Trans Cultural* (trans cultural week). This week included several activities to foster the visibility of trans persons, and to sensitise the public to their fight for legal rights and societal acceptance. The week with its Pride was also marked by the imminent ratification of a new law called *Ley integral para la no discriminación por motivos de identidad de género y reconocimiento de los derechos de las personas transexuales de Andalucía*, approved by the Andalusian Parliament the following week, 25 of June 2014 (Parlamento de Andalucía 2014). It entered officially into effect at the beginning of July 2014 (Junta de Andalucía 2014). This new law (in short, *Ley Integral de Transexualidad*) addresses a broad range of topics (related to administration, healthcare, working environment, education, social assistance, and the specific situations of underage and elderly trans people). The overarching aim of this law is for Andalusia to accept and respect *la libre autodeterminación del género* (the free self-determination of gender), which will e.g. facilitate changing identity documents (name and sex) according to the self-identified sex/gender, and no longer according to the current practice, which demands a medical diagnosis (that is, the diagnosis of a gender dysphoria) and two years of hormonal treatment. According to the ATA, it was a political fight of more than five years to reach final approval of this law. The association emphasises its importance as a further step on the way to equal rights for trans people. Furthermore, the approval of this law is considered to be an expression of the progressive role Andalusia will play on national and global levels. The accompanying

trans manifest reads: “Con esta Ley, Andalucía se situará a la vanguardia de España, Europa y el Mundo” (Asociación de Transexuales de Andalucía 2014b).<sup>5</sup>

The slogan for the week was *Trans Formando Igualdad* (Trans Form Equality), and was organised by the ATA under the patronage of the *Consejería de Administración Local* (Department of Local Administration) and the *Ayuntamiento de Sevilla* (Seville City Council).

According to the programme, the week would start with a press conference on Monday at 11.30h where the *Orgullo Trans* was to be presented. Additionally, the programme announced a *Charla-Debate* (chat-debate) about Transsexuality and Human Rights on Wednesday 19.30h, a performance in a public place in the city, titled *Genocidio/Feminicidio Trans\** on Friday at 11.30h, and three short films, also on Friday at 19.30h. Besides, there would be an exposition from Wednesday to Saturday in the civic centre where most of the activities were to take place, with photos, a multimedia installation and paintings from local trans people on show. The *Semana Trans Cultural* would end with the festivity (the Pride) on Saturday night.

A few months prior to the trans cultural week, I asked Anabel to watch out for and collect related articles in the newspaper, because I was interested in the way the press would report on this forthcoming event. However, she bluntly countered by saying that she could already tell me. There will not be much information about this event, she said; the press will be rather quiet. She indulged herself in memories about a Gay Pride (called *Orgullo Sur*) that took place in Seville a few years previously, and she remembered the broad and very positive news coverage, the big rainbow flag on the Parliament Building, and the generous financial support. That will not happen this time, she concluded, because the *Partido Popular* (a right wing party) is in power, and there will be neither a flag on the Parliament building, nor comparable financial support.

## The Semana Trans Cultural

### Episode one: The press conference

On Monday, I approach the civil centre where the press conference is due to take place. The building is situated on the same public square where the festivities are to be held at the end of the week. If I had not known that a trans-week was to start today, nothing would have made me aware of this event. Neither a poster nor any other publicity, like a trans-banner, was to be seen. I enter the building. Pictures of former Gay Prides are displayed in the entrance hall. A side room has been set up in preparation for the press conference; chairs are arranged in rows and a camera team from *Televisión Española* (TVE) is making arrangements. Lora, a trans woman

5 “With this law, Andalusia places itself at the forefront of Spain, Europe and the World” (Asociación de Transexuales de Andalucía 2014b).

I do not know yet, approaches. She suggests that I visit the upper floor to see more exhibition samples and art objects. I explain my research interest and my intention to visit the press conference. She shows interest for my project and starts talking about herself. It turns out that she works sporadically at the ATA and remembers having me on the phone when I called the association.

There are some more trans persons around I have not yet met. The press conference starts at around a quarter to eleven. Six persons (Mar as president of the ATA included) are facing the audience. The audience consists of 13 persons (three from TVE). Mar is the first speaker. She addresses the situation of trans people (*transsexuales*) in general, the goals of this week, and keywords like *colectivo trans* (trans collective), *discriminación* (discrimination) and *igualdad* (equality) are uttered. After she finishes, each of the plenary speakers get a chance to speak, one by one. They represent all the political groups (from right to left) from the city council of Seville (PP, PSOE, IU-CA, UGT and Partido Andalucista). They all support further rights for trans people. There is a question from the audience. Mar answers at length and in her lively manner. She is a very committed and talented performer. Terms like *segregación* (segregation), *discriminación* and *igualdad* are mentioned again, thus, expressions to emphasise the disparate societal situation trans people experience. The press conference is over. It has lasted around 40 minutes.

In the TVE1 news at 14.15h there is a short reference to this event and the *Semana Trans Cultural* is mentioned. This is followed by a report on the flamingos in Coto Doñana, a national park south of Seville. In the news at 15.00h, the *Semana Trans Cultural* is not mentioned anymore, contrary to the story about the flamingos, which is broadcast again. A programme called *entretodos* follows the news. Selected persons talk about their money troubles, sometimes even crying with despair. The aim is to collect money for this person; an appeal to the solidarity among Spanish people. Television viewers call and express their pity; a man donates 100€, a woman 50€, and so on. The recipient expresses his gratitude in a manner that is quite theatrical, somehow exuberant, yet submissive. The first candidate this afternoon is Ursula, a young woman from Barcelona. She has four children, and she would like to open up a bar. Her first husband has turned out to be a *transsexual*, (what a coincidence) who told her that he never loved her. An accompanying text reads: *Ursula quiere dinero para montar un bar, su marido es transsexual*.<sup>6</sup> Her second husband, a Muslim, who fathered her two youngest children, forced her to wear a headscarf for ten years. Although the moderator once mentions that her first (transsexual) husband probably also suffered in their partnership, the overlaid written comments show pity for Ursula only. Ursula seems to represent the citizen worthy of support: a single mother of four, hit by the economic crisis and exploited by subjects of two

6 Ursula wants money to open up a bar, her husband is transsexual. (In: Entredodos, TVE1, 16.06.2014)

societally and politically controversial groups: trans persons and Muslims. Thus, the ‘victims’ of the press conference held just that morning became the ‘perpetrators’ in Spanish afternoon television.

A review of the four main newspapers (Diario de Sevilla, El País, ABC y El Correo de Andalucía) revealed that there was not much interest in this first trans-week. Only the ABC covered the event, with just a few lines (cf. Barahona 2014). The fact that the only reference whatsoever appeared in this newspaper was particularly amazing, because the ABC has the reputation for being right wing and conservative. I was given different explanations for this, which ranged from the political left objecting to the request of the trans community, to the support of some individuals from the political right due to personal connections. Whatever the true reasons, it illustrates that at a local level, party politics might be less rigid than expected and support can hardly be separated from personal networks.

There might be several reasons for the scanty news coverage of the *Semana Trans Cultural*. On the one hand, it might be a reflection of the marginal role trans persons occupy in society. On the other hand, two prominent topics dominated the news during that week. King Juan Carlos had just announced his resignation, and his son, Felipe VI, had been announced to be the new king from Thursday, 19<sup>th</sup> of the same week, all of which provoked a lively debate about the monarchy in Spain. Additionally, there was the World Cup football championship going on that attracted a lot of attention.

### Episode two: The ‘Charla-Debate’ (the chat-debate)

Wednesday, 19.30h. The programme promises a discussion about transsexuality and human rights, titled *Charla-Debate* in the above-mentioned civic centre. To enter the centre, you have to climb some stairs before you reach the entrance that leads to an atrium. When I approach the building, I see Yolanda, whom I do not know yet, standing at the top of the stairs, exposed somehow to the square below. A middle aged, tall, tanned, muscular, male figure, she is wearing a tank top and a very short denim skirt. Her hair is swept up and she shows a lot of skin. She appears somehow worn-out. Her performance of the female gender seems exaggerated and contrasts with her male body. A group of teenagers passes by. Some of them look up at her and giggle. Mar and two others arrive. It is not yet sure if the panel discussion will be held because there are only a few people on site. Nevertheless, at 19.45h, Mar decides to start the *Charla-Debate*. We enter a room to the left of the atrium. The door stays open. We are seven persons now and we form a circle with our chairs. Mar starts to lecture about the new law (*ley integral de transexualidad*) that will be approved by the Andalusian Parliament the following week, and where people from the ATA and other trans persons will be present. Mar had told me previously that trans people had threatened twice with a hunger

strike; that is to say, she also threatened to chain herself to the parliament building and start a hunger strike, because the politicians were not taking their requests seriously in the beginning. This threat caused the politicians to address the subject (according to Mar) to avoid bad publicity. Le Breton (1995) relates the strategy of a hunger strike (amongst other actions) to the experience of pain. He points out that those persons who have no other means to draw attention to their situation, use an innermost condition, like pain, to exert a kind of outward pressure, which is based on the value of the human being. He argues that a hunger strike is one means for exteriorising suffering and using it as a control tool or a political weapon:

A l'inverse, retournée contre soi la douleur est aussi un outil de contrôle de l'autre. Le chantage à la souffrance est l'arme redoutable de ceux qui sont dépourvus de tout autre moyen de se faire entendre. Elle est une arme politique comme l'illustrent les grèves de la faim, ou ces détenus qui se mutilent d'un doigt, avalent des couteaux ou des fourchettes pour rappeler leur existence à une administration indifférente. Le plaignant parie sur la valeur absolue de l'existence de tout homme dans une société démocratique. (Le Breton 1995: 188-189)<sup>7</sup>

The threat of a hunger strike and its impact on the politicians (as representatives of a power system) might also be partially understood through Michel Foucault's analyses of power. He concluded that power is not neatly divided between those in power and those without power. Rather, he considers resistance to be inherent in power structures. "Where there is power, there is resistance [...]" (Foucault 1990: 95). Resistance coexists with power and is "[...] absolutely its contemporary" (Foucault 1988: 122). Thus, according to Foucault, there is not just one single 'revolutionary' point of resistance directed from outside against a power system. Rather, there exist diverse kinds of resistances, which reflect the relational aspect of power relations:

Hence there is no single locus of great Refusal, no soul of revolt, source of all rebellions, or pure law of the revolutionary. Instead there is a plurality of resistances, each of them a special case: resistances that are possible, necessary, improbable; others that are spontaneous, savage, solitary, concerted, rampant, or violent; still others that are quick to compromise, interested, or sacrificial; by definition, they can only exist in the strategic field of power relations. (Foucault 1990: 95-96)

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7 "On the other hand, when turned against oneself, pain is also a tool for controlling the other. Emotional blackmail is the dreadful weapon of those who have no other way of making their voices heard. It is a political weapon, as illustrated by hunger strikes, or those prisoners who mutilate a finger, swallow knives or forks to remind an indifferent administration of their existence. The complainant bets on the absolute value of the existence of every man in a democratic society [own transl.]" (Le Breton 1995: 188-189).

The threat of a hunger strike is one of 'these special cases of resistances'. Yet, due to this inscription of resistance in power, and being "[...] spread over time and space at varying densities [...]" (Foucault 1990: 96), he notes that (although radical divisions might happen),

[...] more often one is dealing with mobile and transitory points of resistance, producing cleavages in a society that shift about, fracturing unities and effecting regroupings, furrowing across individuals themselves, cutting them up and remolding them, marking off irreducible regions in them, in their bodies and minds. (Foucault 1990: 96)

Considering the legal achievements trans people in Andalusia have gained in the last years, the threat of a hunger strike (as emotional blackmail) seems a bit theatrical. For example, the implementation of the *Ley reguladora de la rectificación registral de la mención relativa al sexo de las personas* (Jefatura del Estado 2007) (gender identity law, for short) in 2007 has facilitated the legal recognition of their sex for many of my informants. This law enables trans individuals of legal age and with Spanish nationality to change their name and sex on their documents without having to undergo sex reassignment surgery (Jefatura del Estado 2007). Yet, the approval of this law was already related to a threatened hunger strike by trans people. According to the president of the ATA, the preliminary work of this law of 2007 went hand-in-hand with the preliminary work for the equal treatment of marriage for gay people, and was supported by a class of intellectuals and artists, who assembled in broad numbers, especially in Madrid. Yet, whereas the *ley de matrimonio igualitario* (gay marriage) (cf. Jefatura del Estado 2005) was approved in 2005, an additional effort on the part of the trans community was obviously necessary to enact the law of 2007 (gender identity law):

"Sin embargo aun siendo un compromiso del gobierno, aprobar una ley de matrimonio igualitario, y una ley de identidad de género para las personas transexuales, se aprueba en 2005 la ley de matrimonio igualitario, y la ley de identidad de género se queda en el cajón (knocks on the table). No la querían sacar del cajón sin las personas transexuales no amenazamos con una huelga de hambre en 2007. Y es a partir de que se anuncia una huelga de hambre, cuando se aprueba la ley de identidad de género, que aunque he dicho tiene aspectos positivos, tiene otros tantos negativos." (Mar, president of the ATA, 2013)<sup>8</sup>

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8 "However, even though it was a government commitment to pass an equal marriage law and a gender identity law for transsexual people, the Equal Marriage Act was passed in 2005 and the Gender Identity Act was left in the drawer. They didn't want to take it out of the drawer, not until we transsexual persons threatened with a hunger strike in 2007. And it is from the moment a hunger strike was announced that the gender identity law was approved, that

She criticises the fact that the law of 2007 still coerces trans people into a medical examination. They have to comply to a binary sex norm expressed through bodily characteristics that are socially attributed to men or women. For example, article 4 lists the *requisitos para acordar la rectificación* (requirements for allowing the rectification). It demands the diagnosis of a gender dysphoria carried out by a doctor or a clinical psychologist. Additionally, medical treatment (normally the prescription of hormones) of at least two years is required “[...] *para acomodar sus características físicas a las correspondientes al sexo reclamado*” (“to accommodate their physical characteristics to those corresponding to the sex claimed” [own transl.]) (Jefatura del Estado 2007: 2).

Thus, on the one hand, Mar acknowledges the improvements of this law for trans persons because it allows the name change independently from genital surgery, and because the civil status of the person does not matter:

“Es cierto que la ley de 2007 es una ley positiva en dos aspectos. Primero: porque no es necesario una cirugía genital para acreditar el nombre, algo que ya estaba contestado por pues por el propio Parlamento Europeo por el comisario de los derechos humanos, que dice que no se puede pedir eh la esterilización de las personas transexuales para acceder a un cambio legal, puesto que eso es vulnerar los derechos de las personas transexuales y sobre todo porque no corresponde a la realidad. ¿No? Lo que prima es el sexo psicosocial y no el sexo genital. [...] Pues esta ley es positiva en esto, es positiva también en que no cuestiona el estado civil de las personas. Hay otras leyes eh ... en el mundo, donde las personas transexuales tienen que estar solteras. Si no, no pueden acceder al cambio de nombre. En España no sucede esto.” (Mar, president of the ATA, 2013)<sup>9</sup>

On the other hand, she criticises the shortcomings of the law of 2007:

“¿Pero qué tiene de negativo? Pues tiene de negativo pues que (lengthened) ha dejado fuera a los menores, a inmigrantes, y ha dejado ... y nos exige eh de alguna manera acreditar como un requisito para el cambio de nombre, un certificado

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although I said it has positive aspects, it has just as many negative ones.” (Mar, president of the ATA, 2013)

- 9 “For sure, the law of 2007 is a positive law in two aspects. First, because you don't need genital surgery to accredit the name, something that was already contested by the European Parliament itself, by the Human Rights Commissioner, who says one can't ask for sterilisation of transsexual persons to access a legal change, since that's violating the rights of transsexual persons, and most of all, because it does not correspond to reality. No? What matters is the psychological sex, and not the genital sex. [...] Thus, this law is positive in this. It's also positive because it doesn't question the civil status of the persons. There are other laws, eh ... in the world, where transsexual persons have to be single. If not, they can't access the name change. In Spain this does not happen.” (Mar, president of the ATA, 2013)

médico donde diga que yo estoy enferma mental. Eso es lo que tiene de negativo. Eso es lo que pedimos que se cambie en esta ley. ¿No? Porque eh suponer a priori que todas las personas transexuales son sospechosas de ser enfermas mentales nos parece altamente discriminatorio, atentar contra la dignidad, contra la intimidad, y contra el derecho a la propia imagen.” (Mar, president of the ATA, 2013)<sup>10</sup>

Diego holds a similar position. He perceives the new upcoming law as recognising sex as a change from “the sex of the body” to “the sex of the brain”. He claims that the 2007 law has to be changed, because in order to get legal recognition, people are forced to hate their bodies. He comments that trans individuals have to be diagnosed with a gender dysphoria (which signifies feeling uncomfortable with their body) to qualify for hormonal treatment.

Yet, not all of the requirements of the 2007 law are perceived as discriminatory by some of my informants. A few expressed their concern about the impact of the upcoming approval of the *Ley Integral de Transexualidad*. To identify oneself as *transsexual* and to be able to change name and sex without any medical or psychiatric consultation is not welcomed by all of my informants (see Chapter 6.3).

Nevertheless, the endeavours and the insistence of the ATA have proven successful, somehow confirming Foucault’s statement about the possibilities of resistance:

[...] as soon as there is a power relation, there is a possibility of resistance. We can never be ensnared by power: we can always modify its grip in determinate conditions and according to a precise strategy. (Foucault 1988: 123)

The draft of the law has now passed through all the barriers and the politicians even contacted Mar (as president of the ATA) on two occasions during its preparation phase to discuss some issues they intended to address. This *Ley integral de transexualidad* involves some important changes to the current situation. Inter alia, a special identity card is mentioned, which contains the individual’s name and sex based on self-identification and without any further medical requirements. This identity card can be used when dealing with public authorities, yet it will be valid only in Andalusia, and will not replace the national identity card.

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10 “But, what’s negative about it? Well, it’s negative that it has left out the minors, the immigrants, and left out ... it requires us in some way to demonstrate, like a prerequisite for the name change, a medical certificate that states that I am mentally ill. That’s what’s negative about it. That’s what we ask to be changed in this law. No? Because to assume a priori that every transsexual person is suspected of being mentally ill, that seems to us highly discriminating, it’s against dignity, against intimacy, and against the right to one’s own image.” (Mar, president of the ATA, 2013)

During the *Charla-Debate*, four women join us, so we are finally eleven persons in the circle. “*No es una ley de identidad de género, pero una ley integral de transexualidad*”<sup>11</sup>, Mar lectures. There are questions, the participants all speak at once, and the mood becomes chatty. Mar mentions that the WHO (World Health Organisation) recently suggested that the practice of forced medical treatment of trans people be stopped because this was comparable to torture. She was probably referring to the interagency statement elaborated by several agencies of the United Nations, which considers the compulsory sterilisation of transgender persons, among others, to be a human rights violation, and recommends that the laws which require forced sterilisation of transgender people should be removed (World Health Organization 2014). Mar’s reference to this organisation and its global presence gives authority to her arguments and goes alongside other official statements which emphasise that the demands of diagnosis, treatment and surgery conflict with human rights. For example, the Yogyakarta Principles, which apply to human rights in respect of sexual orientation and gender identity, declare:

Everyone has the right to recognition everywhere as a person before the law. Persons of diverse sexual orientations and gender identities shall enjoy legal capacity in all aspects of life. Each person’s *self-defined* [italics, CI] sexual orientation and gender identity is integral to their personality and is one of the most basic aspects of self-determination, dignity and freedom. No one shall be forced to undergo medical procedures, including sex reassignment surgery, sterilisation or hormonal therapy, as a requirement for legal recognition of their gender identity. (International Commission of Jurists 2007: 11-12)

Some of the participants share their experiences with the UTIG and reveal that they have been asked questions which (in their view) were in no way related to their transsexuality. Yolanda (the person who had caught my attention at the top of the stairs in front of the civic centre) complains about the psychologist who told her that she does not fulfil the *imagen* (image) necessary to start with gender transition. Mar supports Yolanda’s indignation and calls the UTIG staff *sexista* (sexist) because they insist on a certain gender image; they want the trans women to be very feminine. Once again, she emphasises her struggle for depathologisation and is very activist. They will have to “*¡coger al toro por los cuernos!*”<sup>12</sup> to achieve this, she states. Further anecdotes of treatments rejected by specialists are told. Mar opines that each person should be able to decide for him- or herself about the kind of treatment they want and in which order. She is already two steps ahead in her

11 “It’s not a law about gender identity, but a comprehensive transsexuality law.” (Mar, president of the ATA, 2014)

12 “To take the bull by the horns!” (Mar, president of the ATA, 2014)

struggle. Next, she intends to blame the responsible persons for the harm they have done to transsexual people.

After the *Charla-Debate* has ended, we visit the exhibition room, get background information on the artists, their works (paintings, audio-visual art, children's drawings), and end the meeting with a drink in a nearby bar. Sitting outside the bar around a table, Mar turns out to be a sympathetic listener, as she hears out the complaints raised. Her feedback is understanding. She agrees and encourages each person as they describe their experiences of injustice.

### Episode three: The 'Genocidio/Feminicidio Trans\*' performance

On Friday, at about 11.30h, I reach the *Plaza Nueva*, the square where the performance titled *Genocide/Feminicide Trans\** was scheduled to take place. This square leads to the town hall, and a group of elderly persons is protesting noisily near the entrance of the building. They are booing and whistling. It is all about pension cuts. From the expected performance, there is so far nothing to be seen. Only Rubina is already waiting, alone.

When I first met Rubina a few days before, I could not tell from her appearance or her rather low voice, if she was transitioning from man to woman or from woman to man, or neither. Since she was unshaven and wore trousers and a shirt, I guessed she was a trans man. One evening, she joined my partner and me for dinner. We were going to meet some friends in a restaurant. While sitting together and chatting, one of the friends addressed us all with the term *chicos*. Rubina protested and insisted on being called *chica* (and not *chico*). Thus, I learned that she was intending to transition from male to female.

Back at the Plaza. With some delay, the ATA group arrives and starts the performance. There are eight participants, all standing quietly behind a banner. Rubina joins them. The banner reads in big, capital letters: *NI UNA +, LA TRANSFOBIA MATA, and STOP GENOCIDIO TRANS* (Not one more, transphobia kills, stop trans genocide). In front of them lies a pile of high-heeled shoes on a white, blood-stained piece of fabric. Twelve pairs of high-heeled shoes are neatly aligned in two rows. Each pair of shoes stands in a puddle of blood (painted in red). A cardboard poster, decorated with the flag of the corresponding country, is put next to each pair of shoes. The name of the country and the number of murdered trans persons are written on each piece of cardboard: e.g. United States, 69 *muertes* (deaths); Turkey, 30 *muertes*; Spain, 6 *muertes* (see illustration 6.1); Honduras, 41 *muertes*; Venezuela, 54 *muertes*. The performance aims to draw attention to the worldwide and murderous impact of transphobia. A crew from TVE is present again. They are interviewing Mar.

The performance attracts the attention of passers-by. People pause, look at the scene and take pictures. For a while, there is even a small crowd. However, as time

Illustration 6.1. Part of the performance highlighting the impact of transphobia in Spain



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goes by, interest fades, the crowd disperses, people leave and the ATA group starts to clear up. Every article used for the presentation ends up inside the waste container of a nearby newspaper stand. The owner of the newspaper stand complains that they just overfilled it. Thus, to avoid trouble, they drag the waste container across the square to another one to empty it.

#### Episode four: The projection of short films

Three short films are shown on Friday evening in the attic storey of the civic centre. With twenty-two spectators, it is the best-visited event so far. Mar and her entourage are sitting in the front row. The audience is watching quietly. After the projections, a young woman stands up and introduces herself as being affiliated to a university, and looking for trans people willing to answer questions about stigmatisation and transphobia. This Q&A would last for about ten minutes. Mar rebukes me for not having sent the photos I took during the past days to the ATA yet.

#### Episode five: I Orgullo Trans – the festivity

The festivities took place at the front of the public square in the Alameda. The rear part of the square was destined to hold the *Día de la Música* (Day of Music), which took place the same night (different musicians were playing on several sites

in town that night). Despite the gentrification process this neighbourhood has experienced in the last years (see Chapter 4.4), the Alameda was well suited for the trans festivities because of its alternative-trendy and gay-friendly atmosphere. A stage with light system, loud speakers and screen had been installed. The trans flag was hoisted above the stage. This banner consists of five horizontal stripes; the top and bottom in light blue, two in rose, and one in white in the middle of the flag. Light blue and rose symbolise the traditional gender roles: light blue for male, and rose for female. The white stripe stands for gender non-conforming individuals, such as intersexual persons, trans persons, or individuals who consciously do not want to define themselves according to the binary gender system ([http://www.andersartig.info/index.php?article\\_id=116](http://www.andersartig.info/index.php?article_id=116), accessed 08. April 2019). To the left and right of the stage are two clouds of balloons in these colours. A bar hosted by members of the trans community has been set up on the square as well, next to a gay bar.

At lunchtime, Paella is offered at the ‘trans-bar’, thus, there are already people around at this time of the day, although the actual Pride will only take place in the evening. Rubina joins us. The beard stubbles have been shaved; she has put on some make-up and earrings. She is wearing white women’s sandals, jeans, and a T-shirt. A kind of crinkled paper serves to form breasts under her T-shirt. Her performance is not exaggerated, rather discreet. She is feeling a little nervous, she confesses. Living in Madrid, she has come to Seville especially for this week. It is her first time to appear in public as a woman. It is easier to do it here than back home in Madrid, she explains. Although she stems from a ‘good house’ (her mother is a university professor) and describes her parents as having a liberal attitude, she tells us that they do not know about their son’s gender feelings (or at least they do not speak about it). Only an elder cousin, who defines herself as a lesbian, knows about it. There is an UTIG in Madrid as well, but Rubina does not intend to go there, not until she appears more feminine. Up to now, it would make no sense, she states: “*Ellos tienen el poder*” (“They have the power”). Nevertheless, she aims to receive the female hormones to make the gender transition. She is not yet sure if she wants the genital reassignment as well. She feels attracted to women. That is why she started to define herself as a lesbian (somehow simultaneously with her gradually coming out). Rubina is often absorbed in thought. She is serious and smiles rarely, even looks a little sad.

The actual Pride starts after seven o’clock in the evening. There is no prior parade, something which usually precedes Prides (with wagons, music and dancing). People gather right next to the stage. Mar and another host enter the stage and open the evening with speeches. This is followed by playback shows, mostly performed by younger actors, who stick to pop music. Only two of the actors (one of them, Ramira) entertain the audience with *coplas* (a folkloric and traditional type of music in Spain, see Introduction). As far as I can judge, Ramira is the only one who sings live. All of them are performing at no charge, which is mentioned several times.

There are a lot of people, yet the site is not overcrowded. The atmosphere is joyful, people are dancing, drinking, laughing or just watching. In between, there is an award ceremony initiated by the ATA. Two kinds of prizes are awarded: a positive one (called *Muestra-T*) and a negative one (called *Retira-T*). The *Muestra-T* acknowledges persons or institutions whose activities benefit the concerns of the trans community. In contrast, the *Retira-T* is given to persons or institutions thought to have stirred up transphobia and hindered social equity. They award three (positive) *Muestra-Ts*. The first is given to a music band that created a song in favour of a trans minor in Malaga, a child who was not allowed by the school authority to express the felt gender. The second goes to an association that draws attention to the difficult situation of minor trans individuals. Finally, the third is given to a well-known elderly trans woman in Andalusia for her pioneering role in making transsexuality visible during a time when it was criminalised. The (negative) *Retira-Ts* go to two individuals and the UTIG. The individuals are both associated with the case of the above-mentioned minor in Malaga; the director of the private college and the president of the diocesan to which this school belongs. The UTIG is blamed for pathologising trans persons and is accused of violating their fundamental personal rights (like intimacy, integrity of the person and self-image).

At midnight, the loud speakers fall silent. There are still a lot of people milling about, in a festive mood, but the Pride is over. I can see Mar on the stage, having pictures taken with others.

## 6.2 Private and public / Intimacy and citizenship

The Trans Pride in Seville fits well in the growing awareness around trans issues on an international level (see Chapter 1). Furthermore, it reflects an increasing self-esteem within the trans community. The above-described ‘episodes’ around the first *Orgullo Trans* in Andalusia reveal insights related to questions of inclusion and exclusion. The week offered me, on the one hand, an opportunity to witness individual endeavours, and on the other hand, to learn more about the societal challenges trans people face. Additionally, it gave me the opportunity to witness strategies the ATA (as the representative of the trans collective) chose to address perceived inequities. Furthermore, the struggle for (and finally the legal approval of) the new *Ley Integral de Transsexualidad* (especially the request to be allowed to change the legal gender status based on a self-definition and no longer on the basis of a medical assessment) demonstrate how concepts of individuality and citizenship depend on time and space. For example, Nieto (2011) considers the notion of the free and autonomous individual as the product most characteristic of the western humanistic tradition. He regards *transgeneristas* (transgender, which he distinguishes from *transsexuales*) as transgressors who refuse the binary gender system due to their

notion of the body, and attributes to them a great potential in fighting for these humanistic goals. Due to their pronounced focus on the body in its integrity, they would emphasise and demonstrate the right for individuality detached from outward impositions:

[...] el transgenerista no admitiría la imposición de ningún otro que no fuera él mismo. Toda otra imposición distinta a la suya propia, que se distancie de su existencia, se considera tiranía. Así, el transgenerista hace de su biografía centro. Como individuo entiende su vida centralmente; hace de ella eje central, por encima de cualquier otra autoridad. (Nieto 2011: 242)<sup>13</sup>

The *Ley Integral de Transexualidad*, with its request for sex/gender self-determination reflects this call for the right of individuality. It accepts the individual biography and does not impose ‘any other authority’, thus, granting social recognition for trans people without unwanted external gender confirmation treatment. The advent of the *Ley Integral de Transexualidad* and the Trans Pride might be conceptualised within contemporary western ideas about citizenship, that is, within a concept of ‘intimate citizenship’. Referring to T.H. Marshall’s influential work on citizenship in 1950, Plummer notes that citizenship traditionally has meant “[...] being *recognized as belonging* and *participating* in a group where one is expected to do certain things – *obligations* in return for certain *rights*” (Plummer 2005: 90). T.H. Marshall divided citizenship into three parts, referring to civil, political and social rights. The civil part encompasses the “individual freedom-liberty of the person” (Marshall and Bottomore 1996: 8), e.g., freedom of speech, the right to own property, and to be legally equal to others. The political part encompasses the right to hold political office, thus, the right to form part of a political authority, like a seat in parliament or local government. The ‘social’ part is connected to the right of economic welfare and security, or in broader terms “[...] to live the life of a civilized being according to the standards prevailing in the society” (Marshall and Bottomore 1996: 8).

Historically, these rights have not always been neatly divided and granted to every individual of a society. In feudal societies, for example, there were other criteria, such as status or ancestry, which defined the individual’s social position (thus, the social possibilities). Citizenship developed together with the emergence of the nation-state. However, Volpp notes: “As citizenship evolved in tandem with the Western nation-state, it incorporated a presumptively masculine and heteronormative

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13 “Transgender persons would not admit impositions of any other than themselves. Any imposition other than their own that distances them from their existence is considered tyranny. Thus, transgender persons make their biography central. As individuals, they understand their life centrally; they make it the central axis, above any other authority [own transl.]” (Nieto 2011: 242).

subject. Women and sexually non-normative subjects were considered unfit candidates for full membership” (Volpp 2017: 154). Thus, whereas the civil, political and welfare domains have been central in the ‘traditional’ understanding of citizenship, the last decades have seen new theorising about citizenship. Rights concerning the body have become increasingly important. Nowadays, depending on perspective, there exist multiple approaches to the meanings and uses of the term “citizenship”. According to Shachar et al., citizenship is reflected upon

[...] as legal status and political membership; as rights and obligations; as *identity and belonging* [italics, CI]; as civic virtues and practices of engagement; and as a discourse of political and social equality or responsibility for a common good. (2017: 5)

The dimension of ‘identity and belonging’ is important to understand the advent of the *Ley Integral de Transexualidad* and the Trans Pride. New theories of citizenship have produced terms, such as ‘sexual citizenship’, ‘intimate citizenship’, or ‘affective citizenship’, that refer (depending on the focus) to issues regarding sexual minorities, questions of private practices, of identities, rights claims (in relation to the body), to sexuality, to reproduction, and to belonging, amongst others (Volpp 2017). Sticking to the term ‘intimate citizenship’, Plummer notes: “Intimate citizenship refers to all those areas of life that appear to be personal but that are in effect connected to, structured by, or regulated through the public sphere” (Plummer 2003: 70). For Oleksy, the concept of intimate citizenship “[...] describes how our private decisions and practices have become intertwined with public institutions and state policies, such as public discourse on sexuality, legal codes, medical system, family policy, and the media, to name just a few” (2009: 4 ). Especially in the Western World, “[i]deas around intimate citizenship have been increasingly placed on the political agenda” (Plummer 2005: 79). This development, for instance, is reflected in discussions of the search for a ‘European identity’ and ‘European Citizenship’, where the inclusion of LGBT+ persons (that is, the recognition of their rights claims) has become a key aspect (Ammaturo 2017). According to Ayoub and Patternote (2014), there is a constitutive relationship between the LGBT+ community and the ‘European Project’, based on a shared set of values. This is the respect for fundamental human rights, which includes the defense of freedom, rejection of discrimination, or the respect for identity for all citizens (regardless of their sexual orientation or gender identity).

Plummer observes: “In much of the Western literature on this, great emphasis has been placed on citizenship *as the right to choose*: to choose your partner, your sexual activities, whether you have a child or not, or what you do to your body” (Plummer 2005: 79). He calls it the “postmodern citizenship of choice” (Plummer 2005: 79). Although this statement reflects the given importance on individuality within this new theorizing about citizenship, emphasising the principle of ‘choice’

might not be adequate. Sexual desire or gender identity is hardly a question of choice. For example, about being trans, Luisa notes: “No es una cosa que tu hayas elegido”<sup>14</sup> (Luisa, 2003).

Thus, claiming (or being granted) specific rights based on the individual situation should not be confused with ‘choice’, which might imply a kind of moodiness.

‘Citizenship’ usually refers to the public sphere, while the term ‘intimate’ refers to the private one. Thus, the concept of ‘intimate citizenship’ has been described as being

[...] concerned with all those matters linked to our most intimate desires, pleasures and ways of being in the world. Some of this must feed back into the traditional citizenship (of civil, political and social rights); but equally much of it is concerned with new spheres, new debates, and new stories. Its starts to provide a normative frame – and maybe even a legal one – in which people can make decisions around the *control (or not) over one’s body, feelings, relationships; access (or not) to representations, relationships, public spaces etc; and socially grounded choices (or not) about identities, gender experiences, erotic experiences.* (Plummer 2005: 91)

As such, this concept bridges the personal and the political:

Intimate citizenship recognizes emerging ‘intimacy groups and identities,’ along with their rights, responsibilities, and need for recognition in emerging zones of conflict, and suggests new kinds of citizens in the making. Among these may be the cybercitizen, the new reproductive citizens [...], new family citizens, [...], as well as transgendered citizen [...]. (Plummer 2003: 66)

The *Semana Trans Cultural* exemplarily reflected these ‘zones of conflict’ by bridging the personal and the political, and making intimate trans issues public. They are intimate because they concern the queering (or deconstruction) of the biologically (thus, in the common sense naturally) sexed body. Political in the sense of going public, which includes occupying space, exposing themselves, pointing to one’s existence and formulating drawbacks concerning one’s societal integration. Intimate in creating a sense of togetherness, political by making the public aware of their situation. Oleksy (2009), referring to Plummer, also emphasises the meaning of storytelling inherent in the concept of intimate citizenship, which links the private with the political: “[...] people use their own stories and those of others to ‘construct’ themselves” (Oleksy 2009: 4 ). The *Semana Trans Cultural* offered the opportunity to hear and share many stories.

The advent of the *Ley Integral de Transexualidad* and the *Semana Trans Cultural*, reflected through the lens of ‘intimate citizenship’ also illustrates the political di-

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14 “It’s not something you have chosen.” (Luisa, 2003)

mension of the personal (sex/gender). In her much noted article first published in 1984, Gayle Rubin prompts the reader to think about sex and elaborates the basics for a political theory of sex (Krass 2003: 24). She notes: “Like gender, sexuality is political. It is organized into systems of power, which reward and encourage some individuals and activities, while punishing and suppressing others” (Rubin 1993: 34). Therefore, the above made subdivision in private and public, intimate and citizenship must not be regarded as a strict dichotomization, because “[...] the modern state regulates even the most ‘private’ realms of the family, the body, and sexuality through forms of surveillance, self-discipline, and social welfare” (Volpp 2017).

### 6.3 Identity and community

A flyer distributed by the ATA asks the LGBT-community in big letters if they really notice the “T”. The question scrutinises the weight given to Trans issues in the politics of the LGBT-community. It questions whether trans persons are perceived as equal members, especially compared to the gay community. Trans individuals complaining about not being accepted is not a new topic. Nor is being discriminated against by the gay community an issue which was also addressed by some of my informants. For example, Luisa complains that among gay people, there is “*demasiada fobia hacia las personas transexuales*” (“too much phobia towards transsexual people”). During the *Semana Trans Cultural*, Mar (as president of the ATA) publicly blamed the gay community for behaving transphobically. She declared that trans people experience inequality and discrimination, not only in society in general, but in the LGBT-community as well. Citing the trans manifest, she stated:

“El barco es el mismo porque el destino es el mismo, la igualdad; pero en la nave no estamos todos en el mismo sitio, el colectivo de transexuales está limpiando las calderas y es hora de que todos viajemos en primera clase.” (Asociación de Transexuales de Andalucía 2014a)<sup>15</sup>

The fact that gay and lesbian concerns arise from questions of sexual orientation, whereas trans concerns are about gender identity, already hints to the heterogeneous construct of an LGBT+-community. As a conglomerate of diverse groups, whose common grounds are basically ‘private’ issues, such as sexuality and gender identity, the LGBT+-community comprises a broad field of interests. Each ‘group’ experiences different challenges, therefore the goals might differ. For example, in the beginning of the trans movements (going back a few decades), the discourse

15 “The ship is the same because the destination is the same, equality; but inside the vessel we aren’t in the same place, the trans collective is cleaning the cauldron and it’s time that we all travel first class.” (Asociación de Transexuales de Andalucía 2014a)

around medicalisation and pathologisation served to distinguish the trans movements from the gay movement (Tena 2013). Amongst others, this different understanding aimed to prevent transsexuality and homosexuality from being confused. While gay people advocated against their medical categorisation as mentally ill, trans people, on the contrary, affirmed the discourse of illness to explain their existence and claims (especially access to the medical system to alter their physical situation). Homosexuality *per se* as a mental illness was removed from the *Diagnostic and Statistical Manual of Mental Disorders* (DSM) by the American Psychiatric Association in 1974 and from the diagnostic taxonomy of the World Health Organisation (ICD-10) in 1990 (Cochran et al. 2014). In contrast, transsexuality was included in the ICD in 1977 and in the DSM-III in 1980 (Tena 2013).

Así, mientras gays y lesbianas recorrieron un camino hacia el estatus de sano, la población transexual asumió el discurso de la enfermedad como un instrumento que ayudaba a alejarla en el imaginario social de las ideas de perversión y vicio. (Tena 2013: 41)<sup>16</sup>

This is just one example to illustrate that the LGBT+-community embraces differing prerequisites and interests and that the groups sometimes walk on a different timeline. Nevertheless, from early on, there were also voices inside the trans movements that demanded a depathologisation of their situation. However, this was in competition with the demands of access to the health care system (e.g., to have the medical and financial support for gender transition), which is/was necessarily linked to a medical diagnosis. The voices inside the trans movements, advocating for a depathologisation of their situation are currently getting a stronger hearing. Their struggle is reflected in the ICD-11, which was released in 2018, and will come into effect in 2022. Trans people will no longer be classified in the category “mental and behavioural disorders”, but under “Conditions related to sexual health” (World Health Organization 2018). Argentina is said to be the first country to have implemented a law in 2012 that allows trans individuals to change their legal documents (from male to female or vice versa) by a simple administrative process (cf. World Health Organization 2016); or as Mar has it, on the “*libre autodeterminación del género*” (“free gender self-determination”):

“El país que con sorpresa eh se ha situado a la cabeza mundial en reconocer de forma implícita a los derechos de las personas transexuales es Argentina. Argentina en 2012 aprobó la ley de identidad de género más avanzada de todo el mundo. Porque le devuelva a las personas transexuales eh aquello que se llama

16 “Thus, while gays and lesbians were travelling a path to a status of health, the transsexual people assumed the discourse of illness, like an instrument that helped to remove it from ideas of perversion and vice in the social imagination [own transl.]” (Tena 2013: 41).

la libre autodeterminación del género. ¿Qué es la libre autodeterminación del género? Esta definición forma parte ya de una nueva figura socio-jurídica a nivel internacional. Y significa que nadie nada más que yo puedo decidir por mí misma. Y que ningún agente externo ni la medicina ni el estado tiene la potestad de decidir quién yo soy.” (Mar, president of the ATA, 2013)<sup>17</sup>

Diener (2017) observes that “[...] recent efforts to establish a global legal infrastructure constitute an expanded ideal of citizenship” (Diener 2017: 49). Exemplarily, he mentions the Declaration of Human Rights, humanitarian interventions by the United Nations and the International Court of Justice. It could be argued that in emphasising the supra State dimension of trans issues (“*una nueva figura socio-jurídica a nivel internacional*”), which will eventually lessen the power of the nation (“*ni el estado tiene la potestad de decidir quién yo soy*”), the ATA is expanding the concept of citizenship as well.

In Andalusia, the *Ley Integral de Transexualidad* reflects this discourse: “Por eso la ley que estamos pidiendo en Andalucía, se basa en la libre autodeterminación del género.” (Mar, president of the ATA, 2013)<sup>18</sup>

Additionally, Mar compares their current demands with the claims feminist movements made decades ago and which are closely connected to maturity and body:

“Es como aquello que las mujeres ¿eh? consiguieron, cuando todavía no tenían derecho al voto, cuando las mujeres no podían tener una cuenta corriente, o cuando las mujeres no podían ni siquiera viajar ni heredar, ¿eh? inclusive ni el derecho al aborto. ¿No? Las mujeres eh empezaron a decir: Nosotras parimos, nosotras decidimos. Y las personas transexuales decimos ahora: Mi cuerpo es mío, yo decido.” (Mar, president of the ATA, 2013)<sup>19</sup>

This feminist argumentation matches the historical debate about trans citizenship. Monro notes that, although not exclusive,

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17 “The country that, to its surprise, has situated itself at the top of the world in recognising implicitly the rights of transsexual people is Argentina. In 2012, Argentina approved the most advanced gender identity law worldwide. It returns to transsexual people what is called free gender self-determination. What is free gender self-determination? This definition already forms part of a new socio-juridical figure on an international level. And it signifies that nobody else but me can decide for me. And that no external agent, neither medicine nor the state, has the authority to decide who I am.” (Mar, president of the ATA, 2013)

18 “Thus, the law we are asking for in Andalusia is based on free gender self-determination.” (Mar, president of the ATA, 2013)

19 “It’s like what the women achieved when they didn’t yet have the right to vote, when women weren’t allowed to have a bank account, or when women couldn’t even travel, or inherit, or have the right to abort. No? The women started to say: ‘We give birth, we decide’. And we, the transsexual persons now say: ‘My body is mine, I decide’.” (Mar, president of the ATA, 2013)

[f]eminist models of citizenship are important for trans citizenship, because of the emphasis on gender equality and because many trans people identify as women and as feminists, and because feminists provide an analysis of diversity, an issue of key relevance to trans citizenship. (Monro 2001: 132)

However, these demands for free gender self-determination and depathologisation also provoke uncertainties and discomfort among some of my informants, especially those who feel well attended in the UTIG in Malaga, that is, well cared for by the medical system. For example, one of the male-to-female interlocutors was worried about the impact this law will have. She feared that the UTIG in Malaga would vanish because the struggle for this law and the decentralisation of the health care service for trans people were requested simultaneously. Trusting in the doings of the UTIG, she feared that any doctor, even those without profound knowledge of trans topics, would be allowed to attend to trans people. She did not consider this to be desirable because she attributed to the UTIG high professional competence and an international recognition achieved over years of experience. Furthermore, she wondered what would happen to her planned corrective operation if the Unit in Malaga no longer exists. Nevertheless, she kept her doubts about the new law to herself. She revealed them during our interview only after the recorder was turned off. It seemed that she did not want to stir up a hornet's nest, or get in the way of the trans people who wish the current practice to change.

One of the female-to-male interlocutors, who felt very well attended to in the UTIG in Malaga, expressed his doubts about this new law as well. When we first met, the decentralisation of the health services for trans people had already been implemented, but on a voluntary basis. He had received a letter informing him that he could visit a doctor in Seville when desired. Yet, he intended to keep going to Malaga. However, he also feared that the Unit would disappear. In his view "*la ley de Mar*" ("the law of Mar"), as he calls it, has not been implemented correctly.

In contrast, for others, the structure imposed by the UTIG (in addition to the regular, time-consuming trips to Malaga to keep the appointments) had been burdensome from the beginning. For example, Diego experienced the process in the UTIG as rigid and disliked always having to travel to Malaga. He criticises: "Allí era todo como un protocolo." (Diego, 2015)<sup>20</sup>

First, he had to visit the psychologist. Only after the psychologist's permission could he see the endocrinologist. Yet, he considers himself lucky because he was able to move on to the endocrinologist and start taking hormones after only six months (he saw people waiting for two years, he states). However, the regular trips to Malaga, paying for each trip, were a hassle. He could not understand why he had to get up at five o'clock in the morning, just to go to Malaga for "*tener que*

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20 "There, everything had to follow protocol." (Diego, 2015)

*sacarte sangre* (“to have your blood taken”), when this could be done in Seville. Additionally, the psychologist put him in group therapy sessions that lasted one hour per time, although Diego did not feel he had any problems with his transsexuality. Nevertheless, he participated, but not actively. To him, it was not worth the trip:

“Entonces, yo iba allí y yo no hablaba. Era ... había un grupo y era una hora y vas hasta Málaga nada más que pa... y yo dije: Mira. Yo no voy y venir a Málaga para, para una hora de sesión en grupo cuando yo no tengo ninguno problema.” (Diego, 2015)<sup>21</sup>

The only obstacle to quitting the UTIG was the hormonal treatment. He had to go for an endocrinological check-up. Thus, he went to see his doctor in Seville. At this point in the narration Diego rapidly adds: “Yo fui con naturalidad.” (Diego, 2015)<sup>22</sup>

He told his doctor: “Mira yo tengo un tratamiento como cualquier persona, necesito un seguimiento, y nada.” (Diego, 2015)<sup>23</sup>

His doctor referred him to an endocrinologist in a public hospital in Seville, where he was able to continue his hormonal treatment. It must be noted that Diego managed to ‘decentralise’ himself (actually, he speaks of a group of five or six trans persons, himself included, that have already followed treatment in Seville for many years), long before this practice was officially permitted in 2015. In addition, it is notable that Diego presented himself *con naturalidad*, thus, emphasising that he was able to convince his doctor of his natural male being, and, as a logical consequence, of his eligibility to receive hormonal treatment like any other patient who needs hormones (independent of the medical problem).

Ronaldo is also reluctant regarding free gender self-determination. In a tone of scepticism, he speaks of a *tercer sexo* (third gender) that Mar is aiming for. Emilia (Ronaldo’s partner) expresses her doubts about the lack of a psychological clarification. She considers the psychological clarification to be beneficial to start gender transition, and regards “*un poco control*” (“a little bit of control”) or “*un pequeño filtro*” (“a small filter”) as necessary to prevent some individuals from harming themselves due to a momentary irrational mental state. Both Ronaldo and Emilia disagree with the idea of people being allowed to change their documents without treatment at the UTIG.

Thus, the expectations among my informants of the impact of the new law were very diverse, and ranged from rejection, to a feeling of uncertainty, to enthusiasm. In this respect, the new law promises more autonomy and agency, but also triggers

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21 “Thus, I went there, but I didn’t speak. There was this group, this lasted one hour, and you just go to Malaga only for ... and I said: Look. I will not come to Malaga just for one hour of group therapy when I don’t have a problem.” (Diego, 2015)

22 “I went naturally.” (Diego, 2015)

23 “Look, I have a treatment just like anyone else. I need a follow-up, nothing else.” (Diego, 2015)

uncertainty and the fear that proven options will disappear. This double-edgedness might, on a micro-level, reflect what Maihofer points out for transformation processes on the societal level (a thought I will take up again in the last chapter of this paper, the Discussion):

Das heisst, ein und derselbe historische Prozess hat zwei Seiten, positive und negative Effekte, bedeutet einerseits eine Erweiterung von Handlungsoptionen, von Freiheit, Gleichheit, Individualität, Authentizität und Vielfalt; andererseits hat er, und zwar in *derselben* historischen Bewegung, zugleich eine Verstärkung von Zwängen, Unfreiheit, Ungleichheit, Homogenität, Fremdbestimmung und Alternativlosigkeit zur Folge. (Maihofer 2007: 300)<sup>24</sup>

Leaving the pros and cons of the impact of the *Ley Integral de Transexualidad* aside, and returning to the topic of identity and community, the implementation of a proper Pride Day for trans people emphasises a politics of identity, not least as a precondition for political action. Plummer notes that “[f]or establishing citizen identities in the public sphere, a politics of identity seems crucial” (2003: 82). For the ATA it is no longer sufficient for trans issues to be incorporated alongside other concerns during a common Gay Pride organised by the LGBT-community. The celebration of a Trans Pride hints to the fact that the trans community deems it necessary to occupy their own public sphere, thus, emphasising identity. Furthermore, “[p]ublic spheres are historical constructions that arise to help structure public debates over matters of concern” (Plummer 2003: 80). In the context of the growing awareness around trans issues on a national and international level, with its call for gender identity recognition embedded in the discourse of the free and autonomous individual, and combined with the activism of the ATA and their key person, the initiation of an *Orgullo Trans* in Seville seems to be a further step in this ‘historical construction of public spheres’. It reflects a “[...] now well-established civil rights – era teleology: first the folks of color, then the homosexuals, now the trans folk” (Puar 2015: 45).

Yet, history has also depicted that accentuating identity for political motives also bears problems. “Much identity politics actually works to essentialize people and to create labels that suppress differences and create ‘others’. Unless care is taken, identity politics can harden boundaries between groups and magnify their differences” (Plummer 2003: 82). The polemic inside the LGBT-community around the Trans Pride during my field research trip already revealed some ‘hardened

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24 “This means that one and the same historical process has two sides, positive and negative effects, meaning, on the one hand, an extension of options for action, of freedom, equality, individuality, authenticity and diversity; on the other hand, in the same historical movement, it results in an intensification of constraints, lack of freedom, inequality, homogeneity, heteronomy and lack of alternatives” (Maihofer 2007: 300).

boundaries'. Not everybody in the LGBT- community was happy with this solo attempt of the trans people. Some were even upset, not because of the demands in favour of the trans persons, but for the implications this separation meant for the Community. In addition, because the Trans Pride was so closely associated with the ATA, and the ATA, in turn, with their president, political and personal aims and assumptions were conflated. A politically committed gay man explained to me that he agrees with Mar's claims for trans rights, but that he is angry about her splitting up the LGBT movement. Another one feared that the Gay Prides will not be as colourful and cheerful without the trans participants.

#### 6.4 Some further thoughts

Addressing differing interests among LGBT-members is not a new phenomenon. Nor is Seville a special case. Yet, the solo run of the trans people, manifested through the Trans Pride (which in this case, was perceived by some individuals to be competing with the Gay Pride) is problematic insofar as it stresses the differences and no longer the shared objectives of a conglomerate of people based on their sexuality and gender identity. This 'separation' might be a necessary step to equity and might well be a manifestation of the growing number of trans people who do not want to hide anymore. However, it might also have something to do with access to financial resources. Strategically (and detached from any geographical location), financial concerns must not be overlooked.

The distribution of the funds aimed for the HIV&STI-prevention might serve as an example. Epidemiologically, homosexuals (that is, men who have sex with men), and in recent years concurrent with the raising awareness of transgender health, trans people are also considered among the five most vulnerable groups to contract HIV or other sexually transmitted infections (STIs); the others are people who inject drugs, sex workers and prisoners (World Health Organization 2016). At different HIV-conferences I have attended (e.g., the International Aids Conference 2012 in Washington DC, or the Swiss HIV&STI Forum 2013 in Biel, Switzerland) trans individuals accused the funding bodies of investing far too little money to be put at their disposal for prevention efforts targeted for transgender persons. Thus, to separate the trans movement from the LGBT-community might promise more funds for trans issues. Mar (as president of the ATA) is definitely a supporter of this discussion. Two things disturb her with regard to the distribution of subsidies for HIV-prevention in Spain. The first is that transsexual women are put statistically in the same category as men who have sex with men (MSM), which she perceives as discrimination because their being women is not respected. Second is the above-mentioned fact that the subsidies go to the LGBT-collective, and far too little money is dedicated to the trans people. She underlines her arguments concerning juggling

with numbers and mentions that the HIV-incidence rate among transsexual people in Spain is about seven per cent higher than among MSM:

“Pero fíjate que hasta allí somos discriminadas porque cuando el Ministerio de Sanidad en España da las cifras, no nos segrega de hombres que practican sexo con hombres. Sino que estamos dentro de este grupo. Con lo cual hay una discriminación en negar nuestra condición de mujeres. Nos ponen como hombres que practican sexo con hombres. Niegan (emphasised) nuestra identidad sexual. ¿Eh? Sin embargo los colectivos LGTB beneficiarios de grandes subvenciones para luchar contra el VIH, se han solamente dedicado a recoger estos dineros, pero nunca han denunciado al Ministerio, por favor, segreguen las cifras, porque las mujeres transexuales son mujeres, y los hombres que practican sexo con hombres es otro grupo distinto. Y incluso somos más en España, las últimas cifras eran que en hombres que practican sexo con hombres, el número de incidencia de infectados podía estar entorno al veinte o al veintiuno por ciento, y en mujeres transexuales trabajadoras del sexo está entorno a cerca del veintisiete.” (Mar, president of the ATA, 2013)<sup>25</sup>

However, besides these political debates and goals, the *Semana Trans Cultural* also offered opportunities at the personal level to go public. This was true for Rubina and Yolanda. The week paved the way for Rubina to present herself for the first time dressed as a woman in the public space. Two aspects eased this venture. One was the geographical separation from her domicile. The other was the chance to blend into a ‘trans’ environment which promised a kind of protection. Yolanda, who bears considerable friction in her daily life, experienced fellowship and emotional support. To her, this might be the more important aspect, because she normally lives in a hostel for the homeless, where she is more at the mercy of the other residents, and where her autonomy is restricted by the structures and rules of the institution. Furthermore, her agency is limited by her precarious social and financial capital. She relies heavily on existing structures, e.g. associations, who offer support.

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25 “But look, we are discriminated against up to the figures of the Department of Health in Spain, which does not separate us from men who have sex with men. We are included in this group. So, there is discrimination in denying our status as women. They record us as men who have sex with men. They deny our sexual identity. And although the LGBT-collectives benefit from big subsidies to fight against HIV, they have only dedicated themselves to collecting this money, but they have never reported to the Ministry: ‘Please, separate the figures, because transsexual women are women, and men who have sex with men are another distinct group’. Furthermore, there are more of us in Spain. The last figures showed that among men who have sex with men the incidents of infected persons could be about twenty to twenty-one per cent, and among transsexual sex workers it’s around twenty-seven.” (Mar, president of the ATA, 2013)