

Ethical Considerations Applying Contemporary Transgender Theory in Clinical Settings

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SCAN ME

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ABOUT ME

- Non binary and queer (she/they)
- Social worker since 2004
- Earned by BSW at Rutgers, MSW at NYU, & DSW at Tulane, & a certificate in education from Harvard online
- CEO of Heidi Breaux Consulting, LLC www.heidibreaux.com
- Have worked in the trans and non binary community for almost 10 years
- Taught in MSW programs since 2013 at NYU & Tulane (adjunct), currently full time teaching faculty at LSU School of Social Work
- Journal reviewer for 4 scholarly publications
- Published author, speaker, and advocate



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Some of my Work


Quoted in "Building an LGBTQ-Affirming Practice", Social Work Today
https://www.socialworktoday.com/news/enews_0620_1.shtml

Quoted in "Perspectives on Gender Inclusiveness. Five Points for Organizations to Consider", Positively Aware
<https://www.positivelyaware.com/articles/perspectives-gender-inclusiveness>

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My Teaching Philosophy

It is important to foster an environment not only of learning, but unlearning.

Unlearning provides an understanding that society has caused us to see the world in a particular way or even view one way as “normative.”

This may or may not be true, and more importantly may or may not be helpful.

Unlearning is a gentle process that recognizes sometimes people act in ways consciously or unconsciously that they experience an internalized conflict with, whether or not they verbalize their own anguish about it.

Unlearning can also lead to a path of self-discovery regarding identities that are both fixed and unfixed.

Changing rules or norms that we once thought were acceptable or normative is highly encouraged.

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Background

The word “transgender” in Transgender Theory encompasses many different identities including transgender men, transgender women, gender queer, gender diverse, nonbinary, agender, bigender, genderfluid, genderless, polygender, two-spirit individuals, and many more.

Transgender is typically used as an umbrella term to mean anyone who self identifies or expresses themselves as something different than their sex assigned at birth (Bockting, 1999).

The concept of gender transition is seen in the community as a lifelong process with no distinct – beginning, middle, or end stages.

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Theory

A theory is a “set of principles on which the practice of an activity is based.”

Let’s move away from seeing transgender and non binary affirmative care as competencies or best practices. They can be, but also this allows agencies to adopt some tenants but not others.

Instead, when we view affirmative care through a theoretical lens with transgender and non binary identities that have been both scientifically and historically proven, we can provide a more holistic view.

Recognizing transgender and non binary affirmative care as a theory, can allow us to adapt cisgender culture, and instead of striving for best practices come to the realization that affirmative health care is a human right and in the ethical codes of every healthcare profession.

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Identities

Transgender Theory is used to explain transgender identities and lived experience

(Nagoshi & Brzuzy, 2010).

Some trans people prefer to focus on the experiential so they may identify as a man, woman, or person of transgender experience as opposed to a transgender woman.

Both focus on separating gender from sexual orientation.

However, some people prefer not to have an identifier which is stated before their gender.

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Transgender Identities are NOT New

Evidence of transgender life experiences have been found in texts that date back more than 4500 years ago to ancient Mesopotamia

(Enki & Ninmah, 2019).

In the U.S. in 1895 a self-identified group that emerged in New York and named themselves the Cercle Hermaphroditos was the first transgender advocacy group (Katz, 1976).

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Sexual Identity & Gender Identity are Different Things

Gender Identity and/or Expression

- How someone identifies, expresses, or relates to their own gender

Sexual Orientation

- A pattern of emotional, romantic, and/or sexual attractions
- Often conflated with gender identity

Simply put - Being gay does not mean you're trans / Being transgender does not mean you're gay (or not gay)

Gender identity is who you wake up as / Sexual orientation is who or whom you wake up with

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Acronyms

Sometimes people use LGBT, GLBT, or LGBT+ to mean "LGBT and related communities"

The most current term is LGBTQIA+

This stands for lesbian, gay, bisexual, transgender, queer, or questioning, intersex, asexual. The + represents many other terms, such as non binary and pansexual. just to name a few

People self identify in the LGBTQIA+ community. So, anyone who says they are in the community – is!

For example, you may meet someone who is a heterosexual cisgender man, and his partner identifies as a pansexual gender queer woman

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When to use LGBTQIA+

ALWAYS!!! It may seem like acronyms in the LGBTQIA+ community are always changing - They are!

As different parts of the community gets more political and social rights, their voice gets louder, and the landscape of the entire community shifts to become more inclusive

Being an ally is a lifelong process

True allies understand that it is important to learn the newest most socially acceptable acronym and say **ALL** of the letters **ALL** of the time when all identities are meant to be included

If you are just talking about sexual orientation, then include those letters and same for gender identity

This is being inclusive, accepting, showing great effort, and not "othering" marginalized identities

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Queer

Once an offensive word used as a slur, the word queer has been reclaimed by the community

It is used as an umbrella term to bridge both sexual minority identities as well as gender diverse ones

Someone may describe their sexual orientation as queer, or their gender identity as queer, or both, or neither

It is also okay for anyone (including straight people) to use the term queer in the place of LGBTQIA+ as long as it's done in a way that is well intended

Queer should never be used with a negative connotation or in a disapproving way

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Intersex

The intersex community has been conflated and combined with the transgender community since Cercle Hermaphroditos in 1895. The group represented intersex and transgender people (Katz, 1976).

Intersex people are born with genitals, gonads, and/or chromosomal patterns that do not fit the typical scientific measurements of male and female bodies. Intersex people make up an estimated 1.7% of the population (Hida, 2015).

All transgender people are not intersex, and all intersex people do not identify as transgender (Erickson-Schroth, 2014).

Similarly, cisgender people may not know they are intersex or may not identify as such.

Someone's biology of their sex does not define their gender.

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Two Spirit

Two Spirit is an umbrella term used by Indigenous Native American communities to describe members who fulfill a traditional third-gender role. This refers to both gender and sexual orientation

A third and fourth gender role when one individual fulfills the social, romantic, cultural, family and tribe needs of both men and women has always been embraced and included within Indigenous Native American culture

Colonialism and White nationalism has brought about the transphobia we have in American culture today

Some people include a number 2 in the acronym for Two Spirit identities, such as LGBTQ2IA+

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Cisgender vs. Transgender

Cisgender (cis) people identify with (or are on the same side of) the gender assigned to them at birth.

Transgender is a term often used to describe an individual whose gender identity does not necessarily match the sex assigned to them at birth (or sex misgendered at birth).

Genderqueer or non-conforming, also known as non binary, is a catch-all category for gender identities that are not exclusively masculine or feminine—identities which are outside the gender binary and cisnormativity.

Non binary people may express a combination of masculinity and femininity, both or neither, in their gender expression.

GENDER IS A SOCIAL CONSTRUCT

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Transgender Theory

Transgender Theory in scholarly literature developed included the idea that gender is fluid while still maintaining a binary system (Roen, 2001).

Roen, explored how the lived experience of transgender individuals were distinct from queer theory and that this was also true when considering the intersectionality of race.

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Transphobia is NOT New Either

Transphobia, was traced this back to the colonization of Black, Indigenous, and people of color (BIPOC) in the United States (Roen, 2001).

Two-Spirit people have always existed in Native American families and have been regarded as a third gender or fourth gender.

Two-spirit is an umbrella term used to describe sexual orientation, gender identity, gender expression, and intersex people of indigenous Native American descent (Indian Health Resources, 2019).

The origins of transphobia are intrinsically to the first colonization of the United States and continuing thereafter.

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Queer & Feminist Theory

Transgender Theory came from Queer Theory and Feminist Theory.

It combined the ideas that is each person is the expert on their own gender, gender experience, and ultimately has autonomy over their own body.

However, Transgender Theory goes further to examine gender fluidity, lived experiences, social constructs of gender, and identifies the person being the expert on their own gender (Nagoshi & Brzuzy, 2010).

Someone's identity should always be respected but not assumed to be permanent and can change at any time.

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Conflict with Feminist Theory

A conflict is posed with Feminist Theory and Queer Theory that would assume identities to be stagnant.

Feminist theory challenged patriarchal dominance by believing that the male body is not stronger or more valuable than the female body. However, they were talking about cisgender people. This also creates a gender binary (Becker, 1999).

Where feminist theory says – women are not inferior; Transgender Theory asks “Why are you assuming they identify as a woman.”

Facets of Feminist Theory such as TERFs, exclude transgender identities including trans women.

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Conflicts with Queer Theory

Queer Theory emerged to pushing against heteronormative ideals and assumptions.

It viewed non-heteronormative identities and relationships as equally legitimate, instead of rebellious and deviant.

However, queer theory leaves out viewing gender as different than sex assigned at birth, and a separately oppressed marginalized identity intersecting with sexual orientation.

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Bridging the Gap

Transgender theory emerged to cover a gap of gender-based assumptions that feminist and queer theory did not.

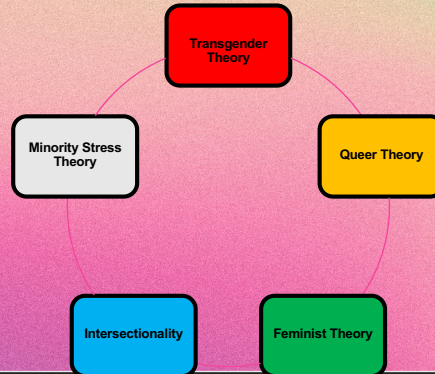
Queer and Feminist Theories were built around assumptions of cisgender people with stagnant identities and did not provide insight into the true lived experiences of transgender and non binary people.

Transgender Theory recognizes the intersectionality of their identity and how it relates to oppression (Nagoshi & Brzuzy, 2010).

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Contemporary Transgender Theory

Contemporary Transgender Theory is a modern view about acceptance towards transgender and non binary people in American society. Transgender Theory no longer just proves transgender identities exists, but promotes competency, inclusion, and justice. The term "Contemporary" was added to Transgender Theory creating the understanding that values and ethics stretch far beyond simply proving the existence of transgender people (Breux & Thyer, 2021).



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Principles

The principles of Transgender Theory are relatively simple:

- you are who you say you are –
- you exist
- you are not invisible
- you should not be subjected to the emotional labor of educating others
- you are the expert on your own body and life's experience

This may or may not be related outward appearance and is not determined by sexual orientation or identity.

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A Self-Actualized Model

Someone also has the right to determine their appropriate pronouns and name, which may or may not be socially aligned with their gender expression.

Transgender theory gives possession of identity and identifiers in a self-actualized model, allowing space where these can change over time and more than once, based life experiences. However, the principles of transgender theory are contrary to its history.

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Gender is a Social Construct

Understanding the socially constructed connotations of gender is integral to accepting the transgender experience. In agreement with Roen, this also clearly identified that gender identity is determined by the individual and can change over time (2001).

Gender is a social construct because society's reaction is often determined by outward expression (Burdge, 2007).

For example, when a baby is born if they wear a blue hat, and others are informed socially they are a "boy", then likely most people will treat them as expected for someone assigned male at birth. If when a baby is born they wear a pink hat, and others are informed socially they are a "girl", then likely most people will treat them as expected for someone assigned female at birth (Erickson-Schroth, 2014).

Intersex babies who present with unique appearing genitalia have been forced to have surgery they did not consent to and without data to support it's benefits (Caldwell, 2005), which is rooted in the homophobic belief is that it is essential for them to know their sex so they can know who they are not.

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Breaking from a Medical Model

Unlike the medical model, transgender theory does not equate transgender and non binary people with trying to “pass” as a cisgender of the opposite sex (Nagoshi & Brzuzy, 2010).

It is important to consider that the goal to “pass” should not be assumed and should be understood as personal preference or necessity due to oppression and trauma; it can be driven by concerns of safety, unemployment, obtaining healthcare, and more (Futty, 2010).

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Principles

Above all, the founding principle of transgender theory is being trusted about one’s own identity.

This is in contrast to the medical model of providers diagnosing people and the *DSM*, which were largely a construct of the cisgender patriarchy (Erickson-Schroth, 2014).

Transgender theory asserts that the principles and beliefs formulated by transgender and non binary people with lived experience, should hold more value than that of cisgender professionals.

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A Vibrant Community

Transgender theory is not the hypothesis that transgender people exist. In 2017 it was estimated in the United States that 1 in every 250 adults, or about 1 million people identify as transgender (Meerwijk, & Sevelius, 2017).

Acceptance of scientific proof that there are more than two genders, both biologically and socially, has grown in the United States. According to the U.S. Centers for Disease Control and Prevention in 2019 nearly 2% of high school students now identify as transgender (Strauss, 2019).

Being neuro diverse and gender diverse is an identity category that has recently expanded in recognition (Strang, et al., 2018).

Parents are not learning the gender of their babies, and new parents are using “they” pronouns for their offspring until they can self-identify (Compton, 2018).

Some cities and states have even allowed babies to be born with an X to identify their gender, and have changed their laws to allow adults to change the gender on their driver’s license to X, instead of just M and F without a doctor’s note or medical assessment (Keneally, 2019).

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Acceptance

Parents are moving towards finding affirming and life-saving resources for their children instead of sending them to conversion therapy, religious camps, or starting them on unnecessary psychotropic medication (Fitzsimons, 2019).

Many cisgender people no longer believe that transgender and non binary people face higher rates of depression and suicide because they feel bad about themselves or unsure of their identity. Research shows that the largest contributing factors is societal and family oppression (Nuttbrock et al., 2014).

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Cisgender Ethical Standards

Some of mainstream media has developed a new standard of cultural competency for the transgender community. For example, asking about surgery and the appearance someone else's genitalia is seen as inappropriate for transgender people, just as it would be for cisgender people.

Backlash for outing people as transgender has resulted in real life consequences like losing your job.

The voyeurism of knowing someone's birth name is no longer socially accepted.

News reporters like Janet Mock on MSNBC have normalized transgender people's existence while entering a transgender perspective into every conversation being heard nightly in living rooms across the nation (Ennis, 2014).

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Social Work Ethical Standards

The NASW Code of Ethics does more than just provide guidance on how we treat clients, it explains our ethical obligations to each other, including transgender and non binary coworkers and colleagues

2.01, Respect - Social Workers' Ethical Responsibilities to Colleagues, states that social workers must avoid criticism of their colleagues in all forms of communication including never making negative comments about "race, ethnicity, national origin, color, sex, sexual orientation, gender identity or expression, age, marital status, political belief, religion, immigration status, and mental or physical ability"

S3.09 Commitments to Employers requires social workers "act to prevent and eliminate discrimination in the employing organization's work assignments and in its employment policies and practices" thus actively ensuring a gender affirming workplace for all

4.02 says, "Social workers should not practice, condone, facilitate, or collaborate with any form of discrimination on the basis of race, ethnicity, national origin, color, sex, sexual orientation, gender identity or expression, age, marital status, political belief, religion, immigration status, or mental or physical ability"

Remember – What you do at work, may be different than how you feel or your practices at home, but these are ethical standards of our profession.

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Social Work Education Ethical Standards

Our profession has ethical standards for social work students.

The Council on Social Work Education (CSWE) develops the Education Policy and Accreditation Standards (EPAS) that sets forth criteria for field education.

The 2022 EPAS states “The field setting is where students apply human rights principles from global and national social work ethical codes to advance social, racial, economic, and environmental justice. It fosters a learning environment where anti-racism, diversity, equity, and inclusion are valued.”

In Competency 3 the EPAS says that social workers and social work students must “demonstrate anti-racist and anti-oppressive social work practice at the individual, family, group, organizational, community, research and policy levels.”

Not only in practice but also research are we required by our profession to ensure gender affirmative actions and equity for transgender and non binary communities.

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An Epidemic of Violence – Interrupting Inter-Generational Progress

Between October 1st, 2018 and September 30th, 2019 the annual Trans Day of Remembrance list reported 331 killings of transgender and gender diverse people internationally.

Since the Trans Murder Monitoring project began in April 2009, 3,314 murders of transgender people have been reported in 74 counties (Wareham, 2019).

In the United States 90% of transgender and non binary people murdered are trans women of color or Native American transgender women (Trans Respect Versus Transphobia World Wide, 2019).

Transgender and non binary murders are expected to be even higher since the media often misgenders transgender folks, and internationally transgender murders often go unreported (Jobe, 2013).

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The Panic Defense

In the U.S. we have started to see a few states ban the LGBTQ+ Panic Defense, such as California in 2014, Illinois in 2017, Rhode Island in 2018, and Nevada, Connecticut, Maine, Hawaii, and New York in 2019.

This legal defense is used to justify violent crimes against LGBTQIA+ victims. This strategy is typically used in 3 ways: defense of insanity or diminished capacity, defense of provocation, or defense of self-defense.

Juries have acquitted individuals of murder charges, including as recently as 2018 and heinous crimes by using this defense to say that when they found out the victim was transgender, or even later on, they “panicked” and killed them (The LGBT Bar, 2019).

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Social Acceptance

Gender expression has been highly influenced by a web of punishments and rewards in society for those that have expressed their gender variance in any way (Connell, 2002).

When it becomes less socially acceptable to be transphobic and more socially acceptable to be affirming, the stage will be set to further dismantle systems of oppression.

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The Cis-stem

Transgender theory is not a prediction that someday cisgender people will not exist and everyone will identify as gender diverse, transgender, or non binary.

It is not an assumption that transgender and non binary people want to fit in to dominant binary cisgender culture (Roen, 2001).

Contemporary Transgender Theory acknowledges that present society is tailored for cisgender people and to be heteronormative, transgender identities and non binary people should not be erased (Monro, 2000).

Contemporary Transgender Theory validates transgender identities, while invalidating all discrimination and injustices towards transgender and non binary people (not cisgender people).

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Transgender People and Pathology

Trans and non binary people are often consciously or unconsciously seen as deviant

Assumptions that they are bad, rebellious, or hiding something are easy to jump to – instead of the understanding that they are existing in a society that isn't made for them

Often people may say "It isn't that their trans, it's just that I don't trust the person."

Any sort of ..."I can't explain it, I don't know why....just a feeling I get...etc." – IS BEING DISCRIMINATORY

If someone is describing someone in a way you don't know them to be i.e. "They always throw around their authority." "They are hostile." "They're resistant" – likely they are being transphobic

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An Affirming Culture

Contemporary Transgender Theory promotes a system of beliefs that state transgender and non binary people are real, deserve love, should always be trusted as the expert on their own life experience, are entitled to the same human rights and protections as cisgender people, are not to blame for their own oppression, and should have access to the same opportunities and privileges that cisgender people do (Norton, 1997).

This includes and accounts for understanding fully the intersectionality of identities that transgender and gender diverse people hold as well (Shields, 2008).

Contemporary transgender theory proposes that discrimination and oppression occur when cisgender people use their disproportionate privilege to set in place or keep in place states of power and control, believing that actions of acceptance towards transgender and non binary people limit their self-preservation in dominant culture.

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Social Identity in the U.S.

Many people have been brought up to believe that “people are people”, that we all have “differences”, and that despite those we should not treat one another differently.

This notion, while often well-intentioned and can stem from a person’s desire to not discriminate but can be hazardous to good cross-racial/cultural practice.

Statements that seek to “equalize” by ignoring differences, minimize and devalue the experiences of many people and many groups in this country.

Saying things like “I just wouldn’t let it bother me” is not strengthening the person’s ego; it’s being not supportive; it’s reminding them of all the privilege you have - that they don’t.

Switching words that a person uses to describe themselves as, such as if they say, “I am gay” and you reply – “as a homosexual” should always be prohibited.

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Affirming Counseling

It is important to affirm that the cisgender world we live in is unfair, and discriminatory. Understand the reality that transgender and non binary people often have no voice

Every day you wake up you are your perfect self, you're the best, and the #1 expert on your own gender. It doesn't matter if you put on a wig, dress us, have your nails done, wear a full face of make up – then the next day dress in sweatpants, a t-shirt, and a pink hat...or no hat. You are who you say you are, you are entitled not to feel the social pressure of how other people think you should look, act, feel, etc. You are no less trans.

Transgender and non binary people are also impacted by intersectionality. Think about how intersecting identities of race and/or ethnicity, combined with gender, and even Colonialism can contribute to erasure including lack of privilege and power.

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Now Let's Hear From You

Each year in NYC Transgender Day of Action brings a few 100 people to Christopher Street piers in support of trans justice. 2 years ago the Brooklyn Liberation March brought over 10,000 allies in support of transgender and non binary youth all wearing white to the Brooklyn Museum.

How do we go from a few 100 vocal allies to over 10,000 vocal allies?

The trans and non binary community has many allies, but often it may be hard to be vocal for many reasons?

What are some barriers to vocal allyship of the transgender and non binary community?

Allyship may include personal relationships, family, events, advocacy, lobbying governments, publishing articles, social media and more

How can we improve paths and strengthen vocal and active allyship of the transgender and non binary community for cisgender allies? * This is they key to adapting cisgender dominant culture.

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