The Harms of Hate for Trans People

Dr Katie McBride

UNIVERSITY OF PLYMOUTH
School of Society & Culture

TRANSforming the Narrative: Challenging Transphobic Hate Crime
Policy officer working within the machinery of Local Government.

Responsible for meeting legislative and regulatory requirements.

Established and administered local statutory Hate Crime reporting systems.

CEO Regional Equality and Human Rights body

*Established in recognition of limitations of single issues/identity politics model of equality and inclusion and instead sought to bring together disparate local good practice and communities ‘Stronger Together’*

Regional Transgender Equality Network lead

Criminologist/Lecturer on systemic violence, inequalities and marginalisation, social justice, harm and trauma.

---

**Introduction & background**

Dr Katie McBride
University of Plymouth
Recorded Hate Crime
England & Wales
2021-2022

Protection for ‘trans’ individuals in last decade only

Legal Aid, Sentencing and Punishment of Offenders Act 2012, s65(9).

Previously one of the suggested strands under which reported hate crimes should be recorded within the ACPO Guidance.

- **155,841** hate crime offences recorded by the police in England and Wales.
- Anti-transgender hate crimes the least frequently recorded: **4255**
- Represents a 56% increase from 2020–2021.
Experiences of justice

- Trans people’s experiences of hate crime impacted upon the ways in which they came into contact with and ultimately viewed various criminal justice agencies.
- More trans people contacted the police regarding a hate crime than non-trans people.
- More likely to believe that the police are less effective at dealing with anti-LGBT hate crimes.
- Violent incidents were not always taken seriously.
- Police implicitly or explicitly asserted that the victim was the cause of the incident.

Walters et al (2020)
Hate Crime Prosecution Justice Gap (Walters, 2018)

Snapshot from 2015/16:
- No Crime Survey for England and Wales (CSEW) estimates available.
- 858 hate crimes targeting transgender people were recorded by police.
- CPS prosecuted 85 cases in the same year.
- 68 (80%) resulted in successful convictions.
- CPS data indicate that sentencing uplifts were announced and recorded in 35.3% of transgender identity hate crime cases (estimated at 24 cases receiving a sentence uplift).
Transgender hate crime and wider experiences of discrimination

Official reporting and recording provides limited evidence and partial picture.

- Trans some of the least likely to report incidents (Mitchell-Brody et al., 2010; Turner, Whittle & Combs, 2009).
- More likely to be targeted by hate crimes that involve physical violence and assault (Shelley, 2008).
- Most likely to have experienced indirect victimisation as a result of incidents that directly impacted other trans individuals (Walters et al, 2017).

Experiences of systemic violence

- (Mis)representations of trans identities within the media (McBride, 2019);
- Barriers to access and participation within leisure and sports (Symons et al., 2010);
- Challenging family environments and other later significant relationships (Robinson, 2018).
- Structural failures to support trans individuals to successfully flourish and in active pursuit of citizenship (Mitchell & Howarth, 2009).
‘Culture Wars’ transmitting hate

- Legal reform/regression - GRA consultation
- Politics – Scotland self-declaration/UK conversion therapy ban excluded trans people
- Media – Daily Mail, social media transmission of message crimes have secondary victimisation effects (Pickles, 2021)
- Discourse – silent radicalisation of British electorate (McCLean, 2021), hate feedback loop (Ellis, 2022).

Neo-liberal landscape

- Austerity – underfunded services & cost of living crisis
- Anti-regulation
- Profit driven
- Competition - Consumerism
- Individualism - Responsibilisation
Harms of hate

Disproportionately long waiting times for 1st appointments at UK Gender Identity Clinics

NHS England Figures (2022): The number of children on the waiting list for a first appointment with a Gender Identity Clinic appointment is approximately 7,600, of whom about 6,100 have been waiting more than 18 weeks.

- Number of people on our waiting list: 12,296
- Number of referrals received in the month: 264
- Number of first appointments offered in the month: 41
- Total appointments offered in the month: 827
- The GIC are currently offering first appointments to people who were referred in: July 2018

Data: February 2023, Gender Identity Clinic, London
The Problem - the limits of a rights agenda

**Perpetrator Perspective**
conceptualises discrimination in terms of a perpetrator/victim dyad

**Pathologisation**
Hate conceived of as irrational individuals who hate people on the basis of their identity and enact subjective forms of violence on this basis

**Deflection**
Individualisation approach renders structural and systemic causes invisible from scrutiny

**Normalisation**
 pervasive daily experiences of disparities in life conditions that reflect long-term patterns of exclusion and stigmatisation are not addressed.

**Austerity**
Inequalities constructed as personal issues and individuals set in competition to achieve success via meritocracy
Critical Hate Studies

https://criticalhatestudies.wordpress.com

Prof Zoë James & Dr Katie McBride

Existing domain assumptions

- Power as delineated by race, class and gender
- Subjective identity formed according to the ‘structured action’ model

CHS adopts a critical approach to thinking

Building on the work of Perry (2001) and responding to her call (2006) for a critical approach to thinking within hate studies

Challenges domain assumptions

- The everyday nature of hate victimisation as well as the extremities of hate victimisation
- The banality of motivations for targeted violence as well as the alignment to particular dogma motivating targeted violence

The tyranny of gender

Doan (2010)
Hate as Social Harm

Majid Yar (2012) unpacks the theoretical conceptualisation of social harm in relation to the experience of being denied recognition in one or more of three core levels of basic human need:

**Love**
Primary relationships on the basis of one’s unique particularity

**Solidarity**
Mechanisms of mutual esteem that acknowledge value of shared cultural characteristics and social identities

**Respect**
Political and Legal rights
Parents are primary actors in the regulation of gender boundaries and the maintenance of a binary notion of the hegemonic gender order.

“.. the [...] thing which people certainly haven’t got a clue about now is [...] the conditioning that you had [...] you had to have a job for life, you had to marry, you had to have 2.5 children, your wife had to stay at home and look after the kids, but of course that changed in the sixties - improved a bit, so I just knuckled down...”

Kayte, trans woman, 83

“My mother has been the gatekeeper for a long, long time, and it was because of her anxiety, really, that I made some of the choices that I did... by inference, you know seeing how she ... panicked at ... the idea of difference... for years while I’d been hiding, I’d been trying to ... keep ... my mother happy I suppose. The idea of, what would the neighbours think, that she had very strongly”

Zdzislaw, trans man, 65

“My parents were very cross about me being trans and called it wicked behaviour, which meant I hid it as a child, and then even as an adult when I had some difficulties in my marriage because of my gender variance my dad said, ‘I don’t want to talk to you’... [they told her] ... “you need to sort this out medically”.

Jenny-Anne, trans woman, 71
Lacking Love, Seeking Esteem

The performance of gender forms an integral aspect of the risk management trans individuals undertake daily within an external environment that poses a real threat to trans people (Hines, 2007) and the dawning of New Labour society that purported to be more inclusive did not remove these risks.

“... it was a stressful time, without a doubt, because you do have the innate fear that the world is going to reject you. And from my peers, anyway, I think I was looking for confirmation from them, that they were ok with it. Which I didn’t necessarily do with my family. So, it was important to me... I was asking their permission – is it alright if I do this?”

Julie, trans woman, 52

“...I think a lot of trans and non-binary people ... have to be single minded about this ... particularly people who are going through the NHS route, because they can’t just buy the services, and ... they have to wait an awfully long time ... it’s nice to have support and everything, but it is still ... quite a lonely sort of journey that you have to do... it was something that I did very much by myself, because I had no choice, to be honest.”

Fred, non-binary trans man, 51

“...you wouldn’t even know. Makes me jealous! But ... she was young, yeah? She was young when she started, and she didn’t do any manual labour. Yeah. So, she’s got no muscle formation or anything, it’s just like... yeah. I call her a lucky cow!”

Bird, trans woman, 51
Earning Respect?

The emergence of new systems of regulation that masqueraded as systems of support (Pemberton, 2016).

“… if nobody else is going to do it, the community has to do it for itself”.
Jenny-Anne, trans woman, 71

“… officially I’m unemployed. Unofficially, though… I’m fairly heavily involved in doing unpaid work. It’s largely representational work with community. I’m also a patient leader, so I do work with particularly NHS England […] I’m doing awareness training for the Obstetrician Gynaecologist…”
Fred, non-binary trans man, 51

“… that was probably one of the main factors of why I decided in the end to go for the reassignment surgery. Is that one day I may need to be cared for by a third party, and it would just make life less complicated if everything sort of tied in with each other…”
Julie, trans woman, 52
Conclusions and implications for policy

• Critical Hate Studies calls for a broader appreciation of the harms trans people experience in pursuit of a viable and liveable subjectivity. Taking account of the nature of the development of the self as via elicitation of social and cultural stimuli communicated via a range of institutions from the family to the law.

• This necessitates a shift away from the focus on the impacts of violent hate crimes (James and McBride, 2021) as the only concerning experience and more fundamental questions to be asked at every level of society about the impact of the way in which we conceptualise gender, for what reason and how we regulate its boundaries.

• The long lasting and significance of the impact of early experiences reinforce the key message that young people and their mental health benefit from positive loving environments, which are affirming of the expression and needs of gender identity in all its diversity.

• Require reconsideration of our concept of justice as one which is achieved via an adversarial judicial system that requires a defined offender and an equally defined victim, and expression of hate.

• Need for a new form of bottom-up social mobilisation and the development of an infrastructure to support meaningful challenge and change (see Spade, 2015). Hall and O'Shea (2013) remind us of the importance and power of uniting as a single social force rather than a disparate assortment of single issue groups asserting claims for inclusion.

• We require a reconciliation with the notion that under the forces of neoliberalism any one of us can and do inflict harm.


Thank You

Dr Katie McBride
+44 1752 585547
katie.mcbride@plymouth.ac.uk
www.plymouth.ac.uk/staff/katie-mcbride