

Assessing Norway's Gender Recognition Act of 2016: Analysing personal experiences of legal gender change

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Abstract

In July 2016, a Gender Recognition Act (GRA) was implemented in Norway which allows one to change legal gender (male/female) without the previously required sterilisation. Though this move by the Norwegian state has been widely celebrated by trans rights advocates for its progressive approach to gender recognition, the Act's limitation to the male/female binary and the lack of concurrent improvement in trans-specific medical access raise concerns about how far-reaching and transformative it actually is. Given the diversity of trans experiences and identities, this article seeks to address the following question: in what ways is the Act on gender recognition capable of empowering those who change legal gender, and in what ways can it prove limiting or detrimental? To answer this, I conducted interviews with twelve individuals who changed their legal gender soon after the Act's implementation. Applying Thematic Analysis to the interviews, I uncover and analyse moments of empowerment and disempowerment in order to explore the potential of legal gender recognition to shape one's personhood and citizenship in the Norwegian context.

Keywords

trans identity; transgender; gender recognition act; transsexualism; thematic analysis; gender equality; Norway

Biography

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Introduction

In July 2016, a Gender Recognition Act (GRA) was implemented in Norway, allowing people to change legal gender from male to female or vice versa without undergoing the previously required diagnosis and sterilisation. For many trans people, their identity documentation and personal number could finally reflect their personal gender identity. The new Act has been celebrated in the queer community, both locally and abroad, since it enables the long-sought after right to determine one's own legal gender. Human rights organisations, such as Amnesty International, have pronounced it a breakthrough law, given its relatively progressive approach of forgoing the requirement of any medical authorisation and permitting children as young as seven years to take advantage of it (Amnesty International 2016, para. 11). The GRA holds much potential in shifting the landscape of trans rights, in the sense that it ruptures the conventional and seemingly inalterable alignment between the sexed body and gender identity, leading to a significant advancement in socio-political understandings of not only trans people, but of gender and sex as social organising concepts in general.

However, while many can (and do) benefit from the right to change legal gender without sterilisation, the GRA's parameters largely reflect normative beliefs about how gender operates. Namely, it only allows one to choose within the binary of male/female. It furthermore does not come with improvement in access to medical technologies for those who desire it, as had been recommended by the expert committee (Norwegian Directorate of Health 2015, pp. 174-175),² precluding many from achieving crucial self-transformation. These limitations discredit the myriad ways that gender materialises through and on the body as well as neglect the complex interplay of social and legal recognition. Therefore, for those who do not fit the gender binary or 'pass' (to be socially recognised as one's gender), they are not only excluded

² Following a 2013 report on Norway-based trans lives and experiences ('Alskens folk: Levekår, livssituasjon og livskvalitet for personer med kjønnsidentitets-tematikk', by Janneke van der Ros), an expert committee was appointed by the Norwegian Health Directorate (Helsedirektoratet) to investigate the Norwegian state's parameters for changing one's legal gender and the services available around trans-specific healthcare. It also developed recommendations on how the practices of that time could be improved. The findings and recommendations were published by the Norwegian Health Directorate (2015) in the report, 'Rett til rett kjønn – helse til alle kjønn: utredning av vilkår for endring av juridisk kjønn og organisering av helsetjenester for personer som opplever kjønnsinkongruens og kjønnsdysfori' [The right to the right gender – health for all genders: investigation of the conditions for changing legal gender and organising health services for people who experience gender incongruence and gender dysphoria].

in great part from the Act's reach, but they can also experience further marginalisation as they fall outside the boundaries of what makes one the 'right' kind of trans person.

This is not to say that those for whom the GRA was ostensibly intended – namely, trans people – can be simply divided into 'benefiting' and 'not benefiting' from the new Act. Gender-specific needs and desires vary widely and are always in flux. The Act's impact on those who use it is not uniform; rather, as it is dependent on circumstance, it results in a diversity of consequences for one's identity development. This variability in experience became evident in my data collection, whereby I conducted in-depth interviews soon after the Act's implementation with twelve adults who had changed legal gender under the new Act. In analysing these interviews, two overarching themes emerged in how experiences were characterised, namely as resulting in empowerment and disempowerment. Each participant described experiencing moments of each during their processes of changing legal gender and in the early stages of living with this new gender marker. The following text will explore these moments through Thematic Analysis, as developed by feminist psychologists Virginia Braun and Victoria Clarke (2006), in order to better understand how legal gender recognition shapes gendered experiences.

Background

Since 1979, only those who had undergone the state-controlled process of sex change (from the diagnosis of transsexualism (F64.0 in the ICD³) to irreversible sterilisation) could change their legal gender in the state registry system (Sørli 2015, p. 360). For many who identify as trans,⁴ this proved rather problematic. This is because the state

³ The diagnosis of 'transsexualism' (F.64.0 in ICD-10, the International Statistical Classification of Diseases and Related Health Problems, which is the WHO's medical classification text) is the first requirement to be considered for trans-specific medical treatment (Rett til rett kjønn 2015, p. vi). In ICD-10, 'transsexualism' fell under the diagnosis category group, Gender Identity Disorder, which was in the section 'Mental, Behavioral and Neurodevelopmental disorders'. However, with the development of ICD-11 in 2018, the designation has been changed to 'gender incongruence' and moved from the mental disorders category over to 'Conditions related to sexual health'. ICD-11 will be put into force from 1 January 2022 in the WHO member states, including Norway (WHO 2019).

⁴ The term 'trans' is a tricky one since, like other identity markers, it is uncontainable and porous. In this article, I use trans as an all-encompassing term for those who do not experience their gender as aligned with that which was assigned at birth. This can be an on-going, periodic or temporary experience. However, not all those who meet these criteria identify as trans. Many use other terms, as will be seen later in this article, when I introduce the interview participants. I therefore try to be careful about how I use trans when describing those whom I speak about, as it runs the risk of

held, and continues to hold, a monopoly over access to this process. Only one hospital in the country, University Hospital ('Rikshospitalet') in Oslo, offers such medical treatment at their National Transsexualism Treatment Centre (NBTS). Of all those who apply, only 25%-50% of applicants are eventually diagnosed with transsexualism and provided treatment; it can take up to eight years to complete the process (from diagnosis to sterilisation); and no second opinions or extensive private options are possible for those who are denied treatment (van der Ros 2017, p. 125; Amnesty 2014, pp. 71-74). Moreover, many patients of NBTS report the centre as often seeming unaware of or unconcerned for the diversity of trans experiences, a particular setback for those who do not fit the 'typical' transsexual format (i.e. 'trapped in the wrong body' from a young age) and therefore are likely turned away (van der Ros 2017, pp. 136-137; Amnesty 2014, pp. 72-73). The state's understanding of transsexualism seems to hinge on a life-long self-identification within the gender binary and an adherence to gender norms in self-presentation and expression.

For this reason, the trans communities in Norway and abroad had much to celebrate when the state's medical system no longer could dictate who was allowed to change legal gender. To finally be able to 'self-determine' was deemed a monumental achievement, since it indicated the state's acknowledgment of trans people as being capable of both governing their own bodies and knowing best their own gender identity. The popularity and accessibility of the new Act is reflected in its use – about 400 people took advantage of it in the eighteen months following its implementation (E. Duurhuus, personal communication, January 23, 2017). On the other hand, only 500 underwent the process of sterilisation in the near half century since it became a requirement for legal gender change in 1979⁵ (van der Ros 2017).

The new Act on gender recognition did not come easily. It was long rallied for by local and international trans rights advocates, as the slow response by the Norwegian state to the potential issues of enforced sterilisation evoked intense criticism from human rights organisations. Namely, in early 2013, Amnesty

imposing a false coherency between all those who are or seem to be categorizable as trans. Variations of trans experiences are vast and cannot be readily reduced in any meaningful way. However, in an effort to speak about the GRA's impact on trans people, there are at time implied reductions as I attend to the issue of how gender continues to be normatively conceptualised through the GRA, thereby precluding trans subjectivities from materialising beyond otherness.

⁵ Sterilisation became available in 1962 but could not result in legal gender change until 1979 when the Norwegian Tax Administration established the practice of permitting legal gender change following confirmation from the Oslo University Hospital that a patient has undergone a 'real sex conversion' (Amnesty 2014, pp. 70-71, 75).

International criticised the requirements as ‘cruel, inhumane and degrading’ (Amnesty 2013, p. 1). That year, the Norwegian Directorate of Health responded to calls for redress by forming an expert committee to assess the situation. In 2015, in accordance with the standards set forth by the European Convention on Human Rights (Council of Europe 1950), specifically Article 8 (right to privacy) and Article 14 (right to protection from discrimination), the expert committee stated its opinion that the sterilisation requirement was contrary to human rights, and it recommended the development of a law allowing for gender self-declaration. A Bill followed that same year,⁶ then Lovvedtak 71 (2015-2016), the new Act on gender recognition (*Lov om endring av juridisk kjønn*), was passed in July 2016. The Act states its central provision as the following: ‘People who are residents of Norway and who experience belonging to the other gender than they are registered in the National Registry have the right to change their juridical gender’ (*Lov om endring av juridisk kjønn* [Law on legal gender change] §2; my translation).

There are few requirements to change legal gender, aside from residency and age. One must have residency status (be a temporary or permanent citizen) and be sixteen years or older (*Lov om endring av juridisk kjønn* §2 and §4). Children from seven years of age must have consent from both parents or, in the case that the parents do not agree, from the court; children who are six years or younger and born with uncertain somatic sex development can change legal gender with medical documentation from health personnel (*Lov om endring av juridisk kjønn* §4). Contrary to the requirements of many other states which have enacted similar Acts, such as Sweden,⁷ in Norway there is no requirement for a confirmation letter from an authority, such as doctor or psychologist, in order to change gender. The change is also immediate, because there is no latency period imposed between the request and the new gender status’ issuance, such as in Denmark⁸ where a six-month wait is required. Moreover, an unusual twist is that Norway does not have a limit to how many times one can change legal gender (unlike in, for example, the UK⁹).

The new gender status is acquired by issuing a request online to the tax office, then confirming the request by signing and returning a paper form – a process which typically takes only a few weeks (*Lov om endring av juridisk kjønn* §5). With the new

⁶ Prop. 74 L (2015–2016) *Lov om endring av juridisk kjønn* [Proposition to the Storting (bill): Law on legal gender change]

⁷ See Sweden’s Gender Recognition Act of 2013

⁸ See Denmark’s Gender Recognition Act of 2014

⁹ See UK’s Gender Recognition Act of 2004

legal gender, one is assigned a new personal identification number, the ninth digit of which denotes male (odd number) or female (even), and new identification documents are issued accordingly. In the state registration system, one's gender status is adjusted, so that in every situation which requires formal identification, one is officially listed with their new gender marker.

Given the diversity of gender identities and experiences, and the vast array of accompanying needs and desires, it is not immediately evident how having a new legal gender marker impacts on one's sense of self as a gendered subject. In what ways can it empower the person to feel more secure, visible and capable? In what ways does it undermine one's process of gender identity development, and why? How do these experiences speak to the way that gender is interpreted and applied in the GRA, specifically when it regards trans identities and lives? In this article, I will address these queries through an analysis of twelve interviews conducted with individuals who changed legal gender under Norway's Gender Recognition Act.

Theoretical Perspectives

During the initial analysis of the interview data, I investigated how the law both benefited and disadvantaged its users. I found that this became particularly evident in how the interview participants reflected on the shifts in their everyday lives following changing legal gender, namely in how empowered they felt. The ways in which they described and made sense of these feelings invoked for me many questions about the power of legal recognition. Given the feedback by some participants on how vulnerable they continued to feel, I became especially interested in its limited capacity to compensate for the lack of social recognition. In order to address the complex social and legal interplay which underpins trans identity construction, I chose to employ a transfeminist approach. This approach integrates critical legal theory focussed on trans rights to examine how Norway's Act on gender recognition may operate to designate value to non-normatively gendered or sexed bodies based on historically-sanctioned ideas and practices (Sharpe 2002). At the foundation of transfeminism, diverse gendered experiences are examined against the backdrop of compounding structural oppressions in order to elucidate the processes through which gender identities emerge and are shaped (Garriga-López 2019). Doing so opens the analysis to 'the material conditions of trans people's lives and their means of daily survival' (Garriga-López 2019, p. 1621), allowing for a meaningful investigation into how Norway's GRA has impacted upon those who have taken advantage of the Act. It can

offer a more holistic understanding of how legal recognition intersects with social recognition in forming personal experiences, thus maintaining space for considering the many variables involved in constructing (and re-constructing) gendered identities.

Empowerment

To begin, it is imperative to describe what I mean by empowerment. In its classical form, empowerment could be defined as increased autonomy, self-determination, security, and control over one's self and surroundings (Cruikshank 1999). However, while this continues to be the most common application, it can sever the term from its foundation of power (Cruikshank 1999), obscuring the structural dynamics at play. This is typical of neoliberalist perspectives on the self. Since the 1980s, there has been in the global West increasing cultural fixation on self-actualisation and taking responsibility for one's own life circumstances (Rushing 2016). Such highly individualised autonomy is reflected in the feminist movement of the 1980s and 90s, whereby the mentality was often that women's empowerment hinged on the ability to make choices about one's life and body, especially where contrary to patriarchal tradition (Brown 2005). The 'turn lemons into lemonade' version of empowerment is useful only to a certain degree when considering how legal recognition shapes subjectivities, as its overreliance on individualist values forfeits sufficient consideration of how social structures open and close possible choices (Rushing 2016, n.p.). Varying circumstances greatly determine what boundaries can be crossed; while agency is key to laying trajectories of self-development, context cannot be overlooked.

Nonetheless, although empowerment is imbued with liberalist impressions of what makes a person capable to make certain choices, it still proves helpful in evaluating the impact of legal recognition (Rushing 2016). Empowerment, in this text's application, is conditioned not only upon the perceived possibility of making claims to self-fulfilling resources, practices and involvements, but also upon the futurity of self-sustainability and continued growth. With this usage, the concept captures the juncture of the internal experience of the individual with the arrangement of social elements in the individual's everyday life. It recognises the advancement of autonomy whilst accounting for the significance of external factors in fostering such autonomy (Deveaux 1994, p. 234). This approach can be fruitful in illustrating the complexity of experienced empowerment as it pertains to how precarity can be abated. Disempowerment, on the other hand, indicates increased precarity, wherein one's livelihood becomes challenged and one struggles to flourish (see Butler 2009).

Identity & recognition

In understanding the potential of legal recognition to empower or disempower an individual, it is useful to apply recognition theory. To begin, relative to most subjugated groups, legal recognition is for trans people perhaps markedly underscored in the push for equality. Most groups struggle for some mix of recognition and redistribution (access to resources) (Fraser 1995), but trans people's struggle in Norway tends to be driven even more so by recognition politics.¹⁰ This is in large part because Norway, as subsumable under the Nordic Model, prioritises egalitarianism in cultural values and state practices. The state emphasises its role in protecting its citizens; the high level of trust the citizens have in the state renders the state's recognition more valuable in the Nordic region relative to contexts which are not social welfare based (Delhey and Newton 2005). The social welfare state guarantees that if in some way it is failing its duty, then citizens can reasonably expect its concerns will be heard and solutions will be offered (Delhey and Newton 2005). To have one's needs ignored, therefore, is to have one's citizenship devalued. In being given the power to 'self-determine' one's own gender, the individual is regarded as capable of self-governing, a key aspect of rational humanity (van den Brink and Owen 2007).

Trans subjectivities are, in this way, inextricably linked to the legal recognition of their personal gender identity. The state's acknowledgment of one's identity through its formalisation signals to society that it is valid (Mayeda 2009; Girschick 2008). Without this acknowledgment, one can experience oppression through erasure (Taylor 1994, p. 25), as one's humanity and thus right to dignity are brought into question (Marshall 2014). Without the state's confirmation of one's identity, one's belonging to society can feel challenged. Fellow social actors are inclined to regard non-legally recognised identities without sufficient respect, and the resultant abjection (Phillips 2014) transforms one's sense of self through an internalisation of one's own abnormality or monstrosity (Sharpe 2002, 2007; Foucault 1974-1975/1999). Living in the margins of society and the law can undermine a person's stability and trust in a liveable future, particularly when this is compounded by social ostracisation. At the

¹⁰ Of course, there are claims to redistribution for many trans people, since access to materials (via job and housing security) can become jeopardised. However, this issue is significantly allayed by the state's comprehensive anti-discrimination legislation, Lovvedtak 93 (2012-2013), the Sexual Orientation Anti-Discrimination Act.

margin, one's viability is challenged, and recovery requires a materialisation of self through recognition by others (Butler 2006). Recognition in all its forms, therefore, is crucial to selfhood; legal recognition plays a critical role in confirming the internal and social value of trans individuals. The extent of its role is illustrated in the interviews analysed below, in which I investigate the ways in which legal recognition of gender identity can shape gendered subjectivities.

Methods of Data Collection and Analysis

Interviews

This article's analysis and discussion draw on interviews I conducted with twelve individuals in October and November of 2016, whereby I sought to explore the experiences each person had in changing legal gender without undergoing the previously required sterilisation. The individuals were all aged eighteen years and older, and all but two were Norwegian-born; the other two were either becoming or had recently become Norwegian citizens. The participants ranged greatly in identity (as indicated in the Analysis and Discussion section). The names provided are pseudonyms. All the interviews were conducted in person, with the exception of one (Anders), which was conducted over an online chat at his request. Furthermore, they were all conducted in English, as agreed to beforehand; no one took advantage of the offer for a translator to assist us. I note the use of English because none of the participants speak English as a first language, a factor which I kept in mind when conducting and analysing the interviews¹¹.

The interviews were semi-structured, in order to both address key points as well as allow for a more natural flow of conversation (Kvale 2009). They lasted between thirty-five minutes and just over an hour, and they were conducted in a location chosen by the participant – most were in their home or a public place near their home. It was important that all the participants felt comfortable and safe with me.

¹¹ In each interview, I strove to ensure we understood each other's questions and responses through repetition and clarification, as to avoid as much as possible imposing false interpretations. In analysing the data, I chose methods which allowed for broader analytical approaches – namely looking more at overall content of the narratives than specific terminological usage (which could be problematic as some terms do not easily translate).

I interviewed the participants several months after the GRA's implementation, and all the participants had changed their legal gender; some had done so immediately after the Act's implementation and others over the few months following. Therefore, while the experience of changing legal gender was still fresh on their minds, some time had passed thus giving them a glimpse into how life is with a new gender marker. The questions I asked centred on their experiences of living in Norway as a trans person (or however they identified – which I asked in the beginning in order to ensure I used the right terminology throughout the interview). I asked them to explain why they have decided to change legal gender, what the process was like, and how it compared to what they had imagined it. I wanted to understand in what ways their senses of self and behaviour had shifted, in order to detect how the gender marker change had impressed upon their relationship with their body, other people, the state and their own futures. To encourage each participant to share what felt most relevant to them, rather than restrict the explored topics, I kept my questions to a minimum and gave more space for sharing narratives in whatever form felt most appropriate. However, in order to ensure we covered all the key points I had planned for the interview, I sometimes had to steer the conversation back to the interview outline.

Analytical Method

My methodological approach to analysing the interviews is based on Thematic Analysis (TA), specifically the version developed by feminist psychologists Virginia Braun and Victoria Clarke. They define TA as 'a method for identifying, analysing and reporting patterns (themes) within data' (2006, p. 79), stating that it is a 'specific approach in its own right' rather than merely supplementary (2006, p. 78).

In addressing the benefits and limitations of legal gender recognition, TA proves fruitful in locating and tying together the different ways in which the participants report their legal gender change experiences. Notably, it allowed for me to find distinctive moments *within* each interview; no participant had a uniform or linear experience following their change. For each person, there were multiple – sometimes even conflicting – emotional impacts that transformed their sense of self. The analysis therefore reflects the array of themes rather than of participants.

Furthermore, the TA method I employ below is ‘contextualist’ (Braun and Clarke 2006, p. 81), as it seeks to recognise both how the participants create meanings from their experiences and how the meanings of the experiences are informed by larger social contexts. It is a complexly dynamic process of agential and social forces that produces an individual’s emotional response to an event. Analysing the interview data through this method allows for a rich discussion about both the participants’ modes of sense-making and the contextual background that has provided the tools for this process.

I conducted the analysis with the specific question of the limitations and benefits of legal gender recognition. This guided my coding – I searched for moments in the interviews that answered the question, which I grouped together on a ‘mindmap’ in order to organise the moments thematically (Braun and Clarke 2006, p. 89). The key themes I distinguished were ‘empowerment’ and ‘disempowerment’. Each has two subthemes: ‘validation’ and ‘security’ for the former, and ‘still misrecognised by society’ and ‘not recognised by the state’ for the latter.

Analysis and Discussion

Empowerment

1. Validation

Many participants describe their experience of legal recognition as validating. For them, the state’s acknowledgement verifies their personal gender identity as being real and thus worthy of formalisation. I interpret this as individual empowerment, as one feels seen as capable of making such an important decision about their own fate, rather than relying on the confirmation of the medical institution (i.e. the state hospital). As a reciprocal process, recognition strengthens the bond between the subject and the state. Anders (early 20s) sums this up:

Changing my gender marker made me feel safer, accepted and free! Most of all, it made me feel validated. I felt the government no longer [believed] they knew who I am better than me. They realised that I am the only one who gets to say who or what I am. I was given back sovereignty over my own body. (...) My self-

esteem has grown exponentially, and my trust in the Norwegian government and society has increased.

Since Anders has not yet made a decision about what changes he would like to have made to his body, the option to forgo sterilisation and still be legally male is particularly important. By maintaining an 'in-betweenness', he resists conforming to social standards on gender identity and rather enacts his subjectivity (Nordmarken 2014). The right to self-determine confers on him a detectable degree of dignity – he indicates feeling valued by the state as a self-governing subject.

Similarly, validation can help one to feel authenticated and more genuine. This genuineness is not experienced just with oneself, but with friends and family, and society at large. Bente (early 60s) emphasises her need to be open and honest with people in her life, after many years of hiding herself due to shame. Her former employment required she travel a lot, and during these times away she secretly explored her feminine side. Eventually this hiding took a toll on her emotional health, however. She became severely depressed, and she decided she had to leave her wife and move to another town to start her life again. Bente's request for medical assistance by the state has been rejected, so legal recognition has been significant as it has allowed her to begin being more honest to herself and others. She now feels she has permission to claim a space as a woman:

I feel [changing my gender] is right because I've been lying to myself and I've been lying to all the others all my life. And now I don't feel the meaning of lying anymore.

Though Bente's body has not changed, the authority of the state to certify her femininity has proven sufficient in many ways to make her feel as though she can be respected her the person she identifies as. Likewise, Dolores (late 50s), who has been living as a woman since 2005, has found harmony within herself:

It was a huge milestone for me. (...) When I opened this envelope from the state which said, 'You are a woman', it was a special time for me. A special experience for me, to get this recognition. To say, 'Yes, now I am'. (...) Something was fitting. The pieces were just fitting. (...) It was just the recognition — now I am official as what I have always been. I have the state's signature, so I don't have to prove anything anymore. e

This echoes Judith Butler's writing on recognition, whereby the 'I' requires a 'you' to survive and flourish (Butler 2004, pp. 43-44). For Dolores, it was not enough to believe within herself, without the corroboration by another authority, that she is a woman.

Until it was confirmed by someone or something outside of herself, her sense of self was still in 'pieces'. The state plays an essential role in sanctioning the identities of its constituents through its discourse, such as via its pronouncement of one's gender (McBride 2013). The letter of confirmation Dolores received marked a transition from subsisting at the limits of recognisability to a life made liveable (Butler 2004).

2. Security

Though similar in meaning, I distinguish in this text between validation and security, as the latter does not only point to internal feelings, but also to changes in behaviour. Security becomes evident in participants' discussions on increases in confidence or audacity, particularly regarding doing things that were previously avoided out of fear of social admonition.

Returning to Dolores (late 50s), the validation she feels after receiving a confirmation of legal gender change has helped her to express herself more freely and creatively. For her, the new legal status buffers her against the risks of not being socially regarded as female, and she no longer feels pressured to compensate for her lack of femininity:

[When I got my new number], I wasn't expecting that I was going to start to accept my masculinity so much. I wasn't expecting it. (...) I'm more comfortable with doing male things. Driving a tractor. Car painting, welding, mechanical work. (...) Somehow, I [had before] not recognised the male parts of my, should I say, mental or psyche or whatever, in the way that I do now. (...) I don't have to prove these female things anymore because I am [a woman now]. (...) I don't have to protect myself from the world this way anymore. (...) I don't have to walk around in a lot of feminine attire to prove myself. I don't have to wear a lot of makeup or anything. It just fits.

By saying that 'it just fits', Dolores is highlighting a closure in the gap between the woman she wants to be and the person she felt she was. Legal recognition has compensated to a significant degree for her lack of passing and self-acceptance, as it has made her feel more emboldened to take on traditionally masculine tasks that she had enjoyed before feeling they must be given up in order to satisfy feminine standards.

Forgoing gendered standards is possible because legal recognition can instil courage. Ana (late 30s) shares a similar emotional response in regards to feeling more secure and audacious. Referring to her legal status as her 'superhero cape', Ana feels she can be more authoritative with people now. Thanks to her 'papers' (letter of gender change confirmation), she is protected from those who question her gender identity, which often happens on the phone due to her self-described 'low voice'. She tells me that she no longer needs to worry about this, because she feels more certain of herself:

I'm happy when people [such as telemarketers] are calling. Now they will get a [personal identification] number that says 'woman'. It won't say 'man'. So, if they have a problem with me, this is my identity. If you have a problem with my voice, it's your problem. (...) When I get phoned by a seller, if they don't believe it's me because of my voice, I just hang up. But before, it was like I got really mad or I got really sad, I got really angry. (...) Now I have the papers, so what can they say? (...) I know who I am. I have my legal [status] and I have stability.

The role of the public via social (mis)recognition has diminished due to being legally categorised as desired. For Ana, this instils stability, as the dissonance between her body and her womanhood is no longer as pronounced.

Such protection through legal recognition can materialise differently for those who 'pass' (to be socially regarded as one's personal gender identity) most or all the time. Silje (early 30s), who experiences passing nearly always as a woman, is relieved to not be 'outed' anymore by her personal identification number. She also got a new birth certificate, in order to make sure all her identity documents reflect her new status. In this way, Silje is able to reorient her personal history to one which appears more typically feminine, aligning her with socially conventional interpretations of gender as life-long and impermeable. She describes finally being able to be a 'regular woman':

Sometimes, you get hired somewhere, then they can see your personal number. And when travelling [or] if I go to the hospital or something, they mostly look at what [my ID] says about me, and they don't need to know that I am transgender. And I can just be a regular woman. It's like, people don't need to know!

Feeling more secure can also come in the form of being able to self-protect. Camilla (late 20s) has experienced a great deal of discrimination from her family, work and, most notably, the state's welfare services (NAV), the latter of which has rejected her appeals for support based on presumably being psychologically unstable. When

Camilla became legally female, it made her feel like a 'born girl' and 'more like a real woman inside', and thus more capable of defending her livelihood:

I feel stronger as a legal woman to stand against [NAV]. I stand stronger in my beliefs and my rights as a person. So, if the welfare service will try something, I feel stronger to go against them, to keep my rights and to put them more in place, to get them to listen.

The focus on 'rights' and standing up for herself demonstrates a heightened sense of agency to determine her life course – a key factor in legal recognition's capacity to empower an individual. As can be seen in Silje's testimony, empowerment can come in the form of being able to control one's environment more and to take up the space necessary to ensure a better life.

Similarly, when asked what he had expected to see changing in his life with a new legal gender, Jørgen (late teens) says:

I saw what I see today, that I am a dude. I have the right, somewhat right, to genitalia and parts inside my body and such. And that I have a quiet and normal life as the dude I was meant to be. And that I have chosen this to be happy and free, not to be a slave to society. (...) I can [now] say that legally I *am* a dude, not just in theory.

Jørgen's repeated use of the American slang 'dude' is significant, as it denotes a type of guy who is sufficiently (or highly) masculine. He yearns to be unquestionably manly. It is interesting to note, however, that he later showed me the trans pride necklace he wears every day and clarified that he does not want to hide his past. Though a seeming contradiction, perhaps this openness is part of his desire to not be 'a slave to society', to not give in to the pressure of cisgender pretence.

Though wanting to 'pass' as a woman or man does not always mean hiding one's transness, to not have to justify one's gender marker in everyday situations can endow one with security. Torill (early 60s), who is openly trans and reports passing completely as a woman, is glad to not have to explain herself when she goes to the pharmacy or post office:

You get tired of it. You get outed [as transgender] all the time. But now, this doesn't happen anymore. (...) [Having my new legal gender] is already making me secure in every situation. And, if people have some doubts when I tell them this is me, it's no problem. It's a good feeling, that's all I can say. It's the way it

always should be, right? It's easier, my life has become easier. And I am more secure when I go out. I feel fine, all the way through.

This sentiment is echoed by Thea (mid 20s), who explains that she feels more courageous to walk through the women's locker room on the way to the pool, despite not always passing:

I know that in my bag I have my bank card with a number that says 'female', so if anyone stops and screams at me, I know that I legally have every right to be here.

This points to her awareness that it can be a rather problematic situation when in such an intimate space as a changing room, which is why she did not decide to take the risk before. However, she interprets the state's recognition as granting permission to enter these cordoned spaces, since the state's word would, in her mind, prove more powerful than that of other social actors should she be questioned. As will be explored below, however, the state's word does not always protect one from sociocultural pressure or expectations.

Disempowerment

The new Act on gender change also poses a number of significant limitations. Almost all the participants describe situations in which they felt legal recognition does not empower them significantly. They experience that in many ways it does not address trans marginalisation as effectively as it should or as they expect it to. First, despite an implicit promise by the welfare state that social attitudes will be effectively influenced by the state's legislation, the Act does not necessarily protect trans people from misrecognition in the meantime. Moreover, some participants expressed frustration or disappointment that their new legal status does not satisfactorily reflect their experiences or needs.

1. Still not recognised by society

A common concern raised by the participants was that of still encountering social misrecognition. This was particularly an issue in regards to more intimate spaces such as locker rooms and toilets. This could be expected given that social standards around bodily sex have only shifted marginally in the wake of the Act, and many individuals'

bodies do not appear normatively-constructed, due to the continued restriction on access to gender-confirming medical treatment or, for some, a lack of desire for bodily transformation. Despite Thea's (mid 20s) excitement that she now has the 'right number, the right letter' and could finally walk through the women's locker room to the pool (as noted above), she still does not change clothes amongst other women or swim in the pool since she feels her body still appears too masculine. She does not want to 'out' herself, as she worries the form of her body will do. Ana (late 30s) makes a similar point. Despite her boost in confidence, she clarifies that getting the 'paper' (stating she is legally a woman) does not mean she can *act* like a woman in every sense:

I [still] wouldn't go to a women's shower because I am still in the [physical transition] process. Just because I have the number...doesn't give me a right to be in front of other girls with something between my legs. To me, I would feel like it's rude. (...) When I am finished [the physical transition process] and am the way I should be, should have been born like, then I can do the things I wouldn't have done before. Because...then you're not going to be seen as a weirdo, or like, 'Look, she has a penis'. When I'm finished, I'm going to be comfortable with myself, and then, yeah, I can do what every woman can do. And, like I said, it's not that a paper gives you everything. It gives you a lot, it gives you confidence, but you're still in the process.

Bente (early 60s) also struggles with her lack of physical transformation, a decision made for her by NBTS's refusal to treat her. Though she is thrilled to have the right marker, she notes that legal change does not make her a 'true' woman on its own:

When I stand at the mirror, just before I take off my clothes, I see myself as a woman. (...) I *feel* I'm a woman, but as long as I don't get the hormones or the surgery, I feel like a transgender. (...) I am not quite yet who I am, the person I should have been.

Bente conveys that she is stuck in this transgender state, an in-between place that underlines her incompleteness. It is this incompleteness that leaves her feeling vulnerable, which is made clear when she tells me that even though she knows she has the *right* to use the women's bathroom, she still looks for the handicapped toilet instead. Unlike Thea's conviction that showing her personal identification would rescue her from an uncomfortable encounter, Bente does not feel protected by her legal status. Moreover, Bente seeks to escape the trans identity as much as possible, whereas Thea expresses pride in her non-normativity. This is perhaps in part owed to a difference in experiences due to age – Thea, being in her mid 20s, has come to understand her trans identity in a more radical era than has Bente (early 60s), as the last few decades have witnessed an increasingly open public discourse when it comes to LGBT issues.

Even though Lene (early 30s) feels she passes as a woman fulltime, she also does not feel secure to use this public women's bathroom. She explains that legal rights are not enough to counteract the potential harassment:

[My legal gender] really is like a paper thing, which consolidates my legal rights. (...) Legal rights do not exactly translate into social rights. (...) I'm worried about...the social implications of getting into 'gender trouble' or getting into 'gender confusion trouble', in the bathroom or some situation where people might question your gender.

The participants' demonstrated fear of crossing into the other gender's realm resonates with a concept coined by trans studies scholar, Talia Mae Bettcher: 'reality enforcement' (2014). This concept describes the phenomenon of a trans person being continually reminded of their non-normality through a constant threat of exposure, leading to a persistent pressure to hide any inconsistency between perceived gender identity and bodily sex (i.e. genitalia). To be uncovered as a 'gender deceiver' or 'gender pretender' (Bettcher 2006) is terrifying for many trans people. One's personal gender identity can be invalidated through social derision or fear. The state's recognition may relieve some of the resulting discomfort, but it cannot fully compensate for one's perceived 'failure' to perform a gender identity properly, particularly when this failure is seen as being due to having a wrongly constructed body.

Though a present experience for most, fear of exposure can be heightened for male-to-female trans people (primarily in the Western context), given social fears around men objectifying women's bodies, as well the stronger tendency for those appearing as effeminate men to be denigrated than those appearing as masculine women. For transmen or those otherwise masculine-identifying, this fear is less likely to manifest, given the relatively more relaxed social mores around gender. This is evidenced by Jørgen's (late teens) remarks that he feels 'insecure' about his chest, since he has not had a mastectomy yet, but still is confident enough to swim topless at the pool and change in the men's room.

Next, Dolores (late 50s) and Evelyn (early 30s) both discuss the fact that their legal marker has not gained them more social recognition. Though Dolores reports feeling validated, as presented in the previous section, she also continues to feel misrecognised by her work colleagues after changing legal gender:

They can't see this big woman with a dark voice [as having] a lot of knowledge and competency that she can use in her work. (...) [I keep] meeting a kind of wall and a kind of non-understanding. (...) I'm still not recognised as a competent co-worker.

Dolores' experience of being discredited in her capacity to work efficiently due to being trans has not been mitigated by the state's recognition of her female status, which may be in part due to the fact that her colleagues had known her for some time before she changed legal gender. Their minds were already set, and, in any case, the stigmas attached to being trans, particularly to transwomen, are often of a social nature more than legal. This is indicative of the slow transition social values and ideas take to adapt to the new realities sculpted by legislation.

For Evelyn, changing her legal name and starting hormone therapy were self-verifying experiences, as these affected everyday situations more intensively. Legal gender change, for her, has not proven comparably empowering:

In terms of rights, I don't think the legal gender changes anything about how society sees us. It really doesn't. It's just a number, and very few people know it's the third to last number. (...) It doesn't really change much. For me it doesn't change anything. Aside from more [bureaucratic] problems.

Much of Evelyn's focus during the interview was on practical issues that came with obtaining new identification cards, since she was at the time also finalising the process of becoming a Norwegian citizen. Focussing so much on the pragmatic side, rather than on any internal shifts, highlights the ambivalence she feels about being legally recognised. It perhaps points to an unspoken frustration that she must have to go through this process at all in order to have the correct gender marker, as it is a process only necessary for those who were previously misidentified.

2. Misrecognised by the state

Another common concern raised is that the Act obligates people to identify within the gender binary, whether or not one personally identifies as such. It would be an easy assumption that trans people who take advantage of the Act *do* identify as male or female whilst those who do not change gender must identify outside the binary. However, it is this assumption which some of my participants found to be problematic. Lene (early 30s) remarks on her frustration with the process:

I don't really believe in that system, in the gender binary system. (...) I don't appreciate having the gender binary ideals forced onto me. [It] does not represent reality at all. (...) Gender doesn't really matter, biologically or socially. It's just ridiculous. Socially it's just a simple way of classifying yourself, as one or the other.

Lene tells me that she has changed her legal marker to 'female' for 'practical reasons', since in the eyes of the public, she appears female. This is a result of years of hormone treatment, and she is pleased with the way it makes her body feel. She does not wish to have gender-confirming surgeries, however, and she finds herself consequently excluded from many women's spaces. Furthermore, Lene's lack of personal transformation following legal gender change stems from her view that the Act is not really helping break down gender norms so much as 'bureaucratising people's bodies'. A Sharpe refers to this as 're-sexing the body through law', a process intended to 'accommodate transgender people with the existing gender order' (2002, p. 57). Thus, rather than feeling recognised by the state, Lene feels the pressure to adjust her legal marker to what is most convenient for society at large. She is no freer to express her gender identity now than she was before. She tells me that had she had the option, she would have chosen a third gender, or no gender at all.

Thomas (mid 20s) also experiences the legal gender as unnecessarily bureaucratic and unreflective of how gender identity really is. Though he is happy to finally have a gender marker which matches his sense of self, he is irritated by the fact that the state was able to legalise gender self-determination and implement it into the registry system so easily. He wonders why this was not done sooner, and why it is so easy that 'any person' can do it (since there is no transsexualism diagnosis requirement). For him, it demeans the struggle trans people have long endured:

I've been going through this [process at NBTs] for so many years and then all of a sudden you could just fill out a form and just change your gender. So, I guess it is a sort of frustrating that it is suddenly so available and easily obtainable. (...) [When I got it], I didn't feel anything. It was like we say in Norwegian, 'det skulle bare mangle' ['it is finally as it should have been']. It was so normal for me, I guess. Like, yeah, what else is new? I needed this way before, you know, because I'm a male. I should have had this.

For Evelyn, Lene and Thomas, the new Act does not suggest that trans people are being respected more by the state. Therefore, they do not draw significant personal empowerment from changing legal gender since they do not feel the state is necessarily conferring recognition of their personal identities (or their individual

agencies) so much as restructuring its organisation of people's bodies. The guarantee of a more accepting society does not apply.

Conclusion

The interview participants present a broad array of how changing legal gender has impacted upon their lives. On the one hand, it becomes evident that legal gender recognition can empower the individual through validation and security. Many participants report feeling protected by their new legal status when entering gender-segregated spaces or being misgendered by others. Having 'the papers' (the state's letter of gender change confirmation) can provide a buffer between the individual and others, as it signals to others that the individual's gender identity deserves recognition. This proves particularly significant in the case when the individual's body does not align with conventional bodily sex forms, as is the case for all those I interviewed, since they had not undergone gender-confirming surgeries. Furthermore, for the individual, the right to self-determine one's gender identity acknowledges one's agential capacity and societal value.

On the other hand, legal recognition of one's gender may fail to mitigate one's experience of misidentification. If an individual does not identify within the binary, or if they are not witnessing changes in how they are regarded and respected, then identification papers will not necessarily aid them in making their claims. Additionally, the state's slow process of developing the Act and its narrow parameters indicate to some that their needs for recognition and dignity are secondary to those who are normatively gendered. It can lead to disappointment and decreased trust in society and the state, as well as internal turmoil as one continues to feel excluded from society.

The resulting impacts are necessarily various and shifting. A central point made in this article is that one's experience of gender self-determination is diverse – one can feel both 'empowered' and 'disempowered' by legal recognition. As demonstrated in the analysis, many of the participants lauded the Act for improving their life quality whilst speaking of feeling that the lack of bodily transformation left them at risk of being outed or unable to participate fully in the women's or men's realm. Others reported finding many everyday events easier to navigate but ultimately misrepresented by the gender binary. These mixed experiences may point

to the issue of trans experiences (or indeed all gender experiences) being misunderstood to some degree. The state's role in constructing gendered subjectivities may be overemphasised while society's role is underemphasised. Trans identities, in this way, are treated as stable and governable, which obfuscates the continual process of bodily re-inscription across contexts and time. To be sure, such reductivity may be inevitable, as the legal category of gender requires the collapsing of nuanced expressions and embodiments into a singular, containable format. Any Act regulating gender identity would arguably prove exclusionary for some experiences, embodiments and expressions. That which breaches conventional norms and expectations the most is perhaps at greatest risk of falling outside the beneficial realm of legal gender recognition. As discussed above, moments of disempowerment were stronger in relation to not 'passing' as one's personally-identified gender as well as feeling compelled to fit a gender dichotomy.

Nonetheless, despite its shortcomings, Norway's Gender Recognition Act offers a significant departure from the long-held conventions around bodily-sex/gender-identity dyad, in that it opens up possibilities of performing gender in ways not previously conceivable under the state's law. It ruptures societal perceptions of gender identity as it challenges both traditional social investments in predetermined gendered self-identification as well as the medico-legal foundation that has served as justification for governing the trans body through enforced sterilisation. There still remains, it goes without saying, a substantial amount of work to be done before trans people can be said to be free in any meaningful sense. It is therefore imperative that there is ongoing critical investigation into the impact of legal recognition for trans individuals in Norway.

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