

The Challenges of Trans Public Policy in Argentina and Germany: A Conversation Between Nyke Slawik and Alba Rueda

Patricio Simonetto

is a Lecturer in Gender and Social Policy at the University of Leeds. He was awarded the Carlos Monsiváis Prize from the Latin American Studies Association. His book, *A Body of One's Own: A Trans History of Argentina (1900–2012)*, will be published in fall 2023 by the University of Texas Press.

✉ p.simonetto@leeds.ac.uk

Janek Scholz

is a research assistant in the Portuguese–Brazilian Institute at the University of Cologne. His current research investigates transgender narratives from Brazil and Argentina, focusing on the relationship between genre and gender, as well as the appropriateness of terminology from the Global North in the academic study of these categories.

✉ janek.scholz@uni-koeln.de

The Argentinian Gender Identity Law was approved in 2012. On the occasion of its tenth anniversary and in the wake of a German self-determination law, two pioneer trans activists engaged in policymaking—Alba Rueda of Argentina and Nyke Slawik of Germany—discuss the challenges of developing trans-supportive policies in Latin America and Europe. Besides the differences between the two countries and the complexities of language and political–cultural translation, the conversation showcases some of the various ways in which scholarship, policymaking, and activism can create critical spaces of conversation to foster new synergies against exclusionary and reactionary trends, and to build a more democratic and equal future for everyone. The conversation is preceded by a short scholarly introduction that presents the theoretical context for the conversation and introduces the discussants. The article closes with a conclusion that unpacks the general implications of the conversation for scholars and advocates working in Germany, Argentina, and beyond.

KEYWORDS Argentina; Germany; travesti; transgender politics; self-determination

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The Argentinian Gender Identity Law was approved in 2012.¹ What today is considered a turning point in the history of LGBTQI+ rights was the result of the advocacy and involvement of trans people in the legislative process. From the streets to the parliament, the Argentinian trans movement shaped a law with a unique nature. In contrast with other legislation elsewhere in the world that requires medical procedures, the Argentinian state recognizes every citizen's self-attested gender, along with other deep reforms such as requiring public and private healthcare systems to provide free access to gender-affirming care.

On the occasion of its tenth anniversary and in the wake of a German self-determination law, we invited two pioneer trans activists engaged in policymaking—Alba Rueda and Nyke Slawik—to discuss the challenges of developing trans policies in Latin America and Europe. Alba Rueda is Argentina's Special Representative on Sexual Orientation and Gender Identity. She was the first national Undersecretary of Diversity Policies (2019–2022) and co-founder of the organization *Mujeres Trans Argentinas* (Argentinian Trans Women). Rueda participated in the creation of the Gender Identity Law, the Law of Trans Employment Promotion, and the recognition of nonbinary identification documents.² In 2021, the BBC chose her as one of the 100 most influential women in the world, and in 2022 she was part of the TIME100 Next list—a list that recognizes 100 “rising stars” from across industries and around the world. Nyke Slawik is one of the first two openly transgender members of parliament (MPs) in the German parliament. She started her political career at the age of 15 as a member of the Green Youth. From 2015 to 2017 she was chair of the Green Youth in the German state of North Rhine-Westphalia. She campaigned for the 2017 state elections in North Rhine-Westphalia and the 2019 elections for the European Parliament. Since 2021, she has been a member of the German parliament, as part of a new progressive coalition between the Social Democratic Party (SPD), Alliance 90/The Greens, and the Free Democratic Party (FDP). This coalition has publicly negotiated improving the living conditions of queer and trans individuals, queer families, and other vulnerable groups, and is currently working on a self-determination law that would abolish the old Transsexuals Act that was established in the 1980s and that today is regarded as unconstitutional in many regions. This progress was the result of a long history of trans activism that transformed the standards of who could be elected to formulate policies and that pointed out a new cycle of participation in the hostile landscape of politics.

1 This text is built around the transcription of a conversation between Alba Rueda and Nyke Slawik that took place at the University of Cologne, Germany, on 1 July 2022. The dialogue was entitled: “Can Germany Learn from the Argentinian Gender Identity Law?” We are thankful to the Marie Skłodowska-Curie Actions project grant number 886496, and Competence Area IV: Cultures and Societies in Transition at the Global South Studies Center at the University of Cologne for making this event possible.

2 In 2021, the Argentinian parliament passed the law “for the promotion of formal employment for travestis, transsexual, and transgender people.” The legislation provides for a 1% employment quota in the civil service, tax relief for private companies hiring trans people, and training to reduce trans unemployment. Also in 2021, Argentinian President Alberto Fernández signed an executive order recognizing nonbinary identification documents and passports with an “X” gender marker.

The conversation between Rueda and Slawik emerged as a challenge to the discursive monopoly on trans lives previously held by cisgender physicians, policymakers, and lawyers. However, rather than merely celebrating the event, we want to call on attention to how it contributes to building a field of applied transgender studies. While spending an afternoon in a range of activities with Rueda and Slawik—from lunch to the public conversation and a subsequent informal chat—we couldn't avoid noticing the complexities of these interactions. Even with a common ground of activism and achievements, it was still a somewhat challenging conversation that demanded not only a linguistic translation but also the creation of solid bridges between two very different political contexts in the Global North and Global South.

In this brief introduction, we discuss how this dialogue contributes to the broader field of (applied) trans studies and the study of transgender politics. We focus on the challenges to building a conversation as a generative starting point for scholarship about the limits of universalizing trans theory, the need to develop contextualized analytical languages, the limits of state-based transformation, and the challenges of facing a global anti-trans movements both in academia and politics. Like Billard, Everhart and Zhang (2022, 4) wrote in the inaugural issue of this journal, the challenge is how to advocate for a “multi-theoretical and multi-methodological post-discipline of transgender studies that affords the analytic flexibility and intellectual pluralism needed for trans studies to make itself of importance to addressing the problems of the world.” As Rueda and Slawik emphasize in the conversation, the synergy between trans activism, theory, and policymaking has the potential not only to improve trans lives, but also to open broader questions about how to address inequality and citizens' bodily autonomy. But creating this synergy is challenging, as the editors of this journal suggest:

First, it would mean a turn away from a focus on field-building within the humanities, opening up the field of inquiry to interested scholars approaching trans studies from a wider range of disciplinary homes. [...] Second, it would mean insisting upon transdisciplinary collaboration despite the academy's failure to encourage such collaboration. But perhaps most importantly, it would mean a turn toward addressing the material conditions of transgender existence and the issues transgender people face in the world. (Billard, Everhart, and Zhang 2022, 1)

Even if from two totally different logics, these conversations highlight the difficulties of creating a global trans perspective that does not erase local particularities. The conversation points out not only the differences between national realities, but also differences within the community itself. When we focus on the material conditions of trans life—when we think, for example, of those Latin American trans migrants living in Europe or the lives of those from working-class backgrounds—we notice how static notions of the Global North and Global South become problematic. Indeed, there are numerous challenges when politics are turned into action and the lives of trans people are improved on both a local and a global level. Where do the material conditions trans people face due to the social and political specificities of a given place intersect on a global scale? Where do they differ? And what is needed to facilitate a global discourse, despite these local peculiarities? These are some questions that came to light during the dialogue between Rueda and Slawik.

The conversation stresses the fact that in trans politics (as in the trans field more broadly) we still have the challenge of finding a language that speaks to both the common and the particular experiences of transness. Previous literature has pointed out the risk of universalizing the trans subject and therefore denying geographical and temporal particularities (Harsin Drager and Platero 2021; DeVun and Tortorici 2018; Wayar 2018; Madsen Evang 2022; Yarfitz 2023). But even if this awareness is developed theoretically, the question of how these particularities affect the everyday lived experience of being trans around the world often remains overlooked. The case of the Argentinian legislation is an example of the strong links between activism and social change in a certain place at a certain time. The law would not be the same without Argentinian travestis' political experiences, which is why it is not easily possible to translate travestis' experiences grounded in Latin America to the experience of transness in other geographical contexts, e.g., in Europe. Harsin Drager and Platero (2021, 419) remind us that Latin American travesti communities are strongly connected to "an activism that is rooted in experiences of sex work, and anticolonial and class resistance" and that the search for a global umbrella term "has the effect of erasing the particularities of the vernacular, of the historical, or the chosen names for one's experience."³

What nowadays we define as the Latin American travesti theory—a body of ideas grounded in travestis' experience—is helpful to understand the political and theoretical tensions in these dialogues on activism, scholarship, and beyond. The Argentinian travesti activist Lohana Berkins distrusted the potentiality of queer and trans theory from the Global North precisely *because* it ignores Latin American travestis' experiences and thinking. In her own words, "we endorse queer theory as a knowledge that questions the binary gendered order. However, as a community, we also want to have some distance from these theories, shaped by difference but produced, fundamentally, in the central countries" (Berkins 2013, 91). *Nuestra América Latina* (Our Latin America) became her geopolitical place of enunciation, a strategy to claim how their irreducible corporeal experience could not be dissolved by "universalizing" theories grounded in other contexts:

We are seduced by the idea of demolishing identities, of living in a "degenerate" world, but it seems to us that saying this in the US or European context is very different from saying it in our Latin America. Translating from one context to another is a very complex process, so far unachieved. It is not the same to be a travesti in Buenos Aires, in Salta, in Bolivia, as to be one in Manhattan or in Amsterdam [...] We often get caught up in a lesbian gay discourse, and even when many years ago the t was added, if we make a critical analysis of GLTTYB discourses, our representation is still fragile, our demands are not always incorporated, our conquests are invisible and it ends up being a politically correct response. (Berkins 2013, 91)

The tension between the universality of transness in contrast to travesti experiences emerged in the Argentinian Gender Identity Law itself. Even if the legislation

3 In fact, it is difficult to define travesti, as it is a changing historical reality. In this text, we use the word travesti to highlight their particular experience characterised by the intersections of racialization, working-class culture, and femininity.

was criticized by some activists for not including or formally recognizing the trans identity within the reparational framework (i.e. for ignoring one particular group that is heavily connected to the geopolitical space of Argentinian activism), it “marks a minimum departure point—and not an arrival” that allowed other identifications (De Mauro Rucovsky and Russell 2019, 231–33). No law changes the social situation and lived experiences of the people affected all of a sudden, which is an important observation also for other legal and geographical contexts. “In this same sense, the LIG’s existence does not change the experience or social treatment of gender. However, the law’s overarching spirit unleashes an understanding of the normative power forces that construct sexed bodies” (De Mauro Rucovsky and Russell 2019, 234). From a different perspective, Paisley Currah (2022) argues for a better understanding of the productive power of “sex.” For him, it is essential to focus on how the incongruent ways in which different state agencies define sex produce different living conditions for the state’s citizens as a whole. As Alba Rueda expressly stresses in her intervention, the Argentinian Gender Identity Law’s transformation of the administrative definition of gender, its movement from the state to the Argentinian citizens, opened a door for other kinds of personal identification, as the most recent recognition of nonbinary identities shows.

A second major issue of interest for scholars is that Rueda and Slawik discuss the general potential and limits of legislative transformation with regard to the lived experiences of trans people. Alba Rueda points out that legislation is certainly an extremely important step, but by far not the only one to reach a transformation of the material conditions of existence. There is still a need for a major cultural and institutional transformation to make existing rights available to every citizen. Rueda points out that the instrumental power of the law has—as Dean Spade (2015) pointed out—to be confronted with the “administrative systems that govern the distribution of life chances.” Far too often, public systems still follow cis- and hetero-normative, colonial, classist, and racist logics. As the editors of this *Bulletin* envisioned, we hope this conversation contributes to imagining a “politics of everyday life” (Billard, Everhart, and Zhang 2022, 9), in order to overcome these power structures that still determine administrative systems in numerous countries around the globe.

Therefore, far from fostering the idea that there is no common ground, this conversation sheds new light on the productive richness of local differences. While organizing the event, we constantly asked ourselves: “Can Germany learn from the Argentinian Gender Identity Law?” We think this conversation has a lot to say about the transferability of collective knowledge, about possible alliances, and about paths forward for producing legal and cultural transformation. We are at a turning point for trans, feminist, and LGBTQI+ theories and politics. In fact, Alba Rueda’s recent work in international diplomacy focuses on building stronger positions for the recognition of trans rights in the world, especially seeking dialogues between countries of the Global South in a context in which far-right movements have made trans rights one of their biggest targets. The urgent need for a strong interplay of both politics and activism, as well as a united action of governments and social movements in several parts of the world—despite all possible differences—becomes apparent when we consider the threat posed to numerous trans individuals by a trans-exclusionary radical feminist (TERF) movement that is not only becoming increasingly radicalized, but also

increasingly connected worldwide (Madsen Evang 2022; Tudor 2021)—a fact that is also mentioned by the two discussants. An answer, then, must necessarily be global, too. To successfully put into practice these transnational alliances, it is vital to seek dialogues that take the rich differences as a starting point for accumulating knowledge about both strategies and theoretical approaches that are able to effectively confront the anti-trans movement, and thus build a better society for everybody.

THE CONVERSATION: CAN GERMANY LEARN FROM THE ARGENTINIAN GENDER IDENTITY LAW?

Patricio Simonetto:

Welcome, Alba and Nyke. We are very thankful that you accepted our invitation to have this transnational conversation on transgender legislation.

Alba Rueda:

I am very thankful to Horizon 2020's Marie Skłodowska-Curie Actions and the University of Cologne for inviting me. I want to begin by highlighting the value of friendship as a political commitment. I haven't walked all this road alone. There have been so many friends that made and continue making a difference. I am very thankful to the three of you for making this meaningful dialogue possible.

Nyke Slawik:

Thank you so much, Alba, Patricio and Janek. I am incredibly happy to meet Alba Rueda and to start a conversation. Last autumn, together with Tessa Ganserer, who—like me—is a member of parliament for the Green Party, I became the first openly trans person to enter the German Bundestag [parliament]. That was very historic, something that had never happened before. Many of us have tried to do this in the last few years, because the LGBTQI movement has also become stronger in Germany and there have been more trans people that actively want to change something in the laws and stand up for equality. This is a great honor for me, and I am very happy that I not only made it alone, but also have a second colleague at my side and that—a lot has been reported and written about this—the current Bundestag is more diverse than ever before.

Janek Scholz:

Let's start by discussing Argentina's trans movements and policy experiences over the last decades. Alba, could you give us a brief overview of these movements?

Alba Rueda:

Sure. I'm happy to share my experience and perspective not only as an activist, but also as a travesti who has been involved in the development of public policies and the challenges that I faced in these institutions over the last two years. I want us to think together about what are the challenges of doing policies from a travesti and trans perspective, and also how these experiences can help us to face those movements that threaten our rights. I want to start by sharing a summary of the context of the passing of the Gender Identity Law in 2012 and what it meant for the travesti/trans movements

in Argentina.

Before the passing of the Gender Identity Law in 2012, social movements, especially travesti and trans people, had a rich history of struggle. In Argentina, the LGBTQI+ movements and organizations have a long historical tradition dating back to the last military dictatorship. The first group, the Homosexual Liberation Front, emerged in the late 1960s. Following the bloodiest dictatorship in our history, the LGBTQI+ movement arose during the democratic transition to fight against local policies criminalizing our identities and for governmental action against HIV/AIDS. Even if during these years, most of the LGBTQI+ population suffered from social and legal discrimination, travesti and trans people faced particularly severe challenges. During those years there were legal codes that prohibited “wearing clothes of the opposite sex,” which resulted in social and institutional violence. Moreover, the social exclusion of travestis and trans people from the formal job market, educational institutions, and families forced them to survive through sex work. This made our community even more vulnerable to criminalization and political violence. We have to think that during those years, state action and social discrimination drastically reduced the life expectancy of our community, causing hundreds of deaths. Travesti and trans agendas responded to this brutal violence and discrimination during those first years. However, the Lesbian and Gay movement underestimated the reality of the travesti and trans community; many considered that there was no place for us in their demonstrations and political agendas.

During the 1990s and 2000s, the country underwent political transformations that increased the space for the political intervention of the travesti and trans movements. One of them was the debate for the new constitution of the City of Buenos Aires in 1994 when the capital declared its autonomy. The discussion was a scenario in which travestis and trans people built coalitions with gays and feminists against the criminalization of prostitution. A decade later, the supreme court recognized the legal right of trans people to create legal associations. In 2006, the legal recognition of the Association for the Identity of Travesti and Transsexuals was a turning point because it was the first time the state acknowledged our legal right of association.

A major cultural and political shift during the 2000s was the progressive elimination of local legislation which criminalized travestis and trans identities. Along and across the country, travesti and trans people fought fiercely against the legal instruments that empowered the police to incarcerate us just for walking in public spaces.

What I mean by all this is that there is a long history of activism that made it possible to discuss gender identity. The travesti and trans movements have built a social demand with a robust public presence. For those interested in our history, you have to read about Claudia Pía Baurdacco and Diana Sacayán, who worked hard to decriminalize our identities. Lohana Berkis was another prominent activist that worked to transform our identity into a political subject of social change in Argentina.

Finally, the Gender Identity Law is a political turning point in our country; there was a government that opened a space not only for the passing of this progressive legislation but also for the travestis and trans people to decide on the content of the legislation. The richness of our legislation comes from the involvement of our community in making the law. Another excellent example of this moment would be the passing of the Equal Marriage Law in 2010.

Patricio Simonetto:

In your opinion, what is the importance of the Gender Identity Law that passed the legislation process in 2012?

Alba Rueda:

The Gender Identity Law in 2012 was a turning point for the rights of trans people around the globe. I want to stress three characteristics that make this law unique: the possibility of changing your legal sex, the access to health care, and finally, the right to be treated with dignity.

In the first place, this law acknowledges the gender self-perception of every citizen. This means recognizing that the highest authority to know who one is, is oneself. State agencies only have an administrative duty to recognize your decision and update your birth certificate and ID accordingly.

The provision of full access to health care means that hormones and surgery are included in all basic medical treatment plans—both private and public. Health care access includes a wide range of gender affirmation practices, all those that affect the expression of someone's gender identity.

The third characteristic is the right of every citizen to be treated with dignity. Under article 12, private and public institutions must respect the gender identity of citizens with a simple request, even if the person is under the legal age of 18. There is no need to change your ID for your gender identity to be respected at school, the gym, or anywhere else where you develop your life, and institutions must change one's name and gender information only upon a simple request. This law actually does not affect only trans people. It is a right for all citizens; it is legislation that empowers people over themselves, transforming the relationship with the state.

Janek Scholz:

Nyke, the German government also plans to introduce a self-determination law. How is the situation in Germany until today and why is it necessary to change it?

Nyke Slawik:

The starting position we face in Germany is difficult. Germans often see themselves as very progressive, but if you look at our laws, they are actually not—not only in a worldwide comparison, but also in a European comparison. For example, at the ILGA Europe ranking, a European umbrella organisation of the queer community, Germany gets just 50% of the value that could be achieved for LGBTQI rights. Equal marriage was only introduced in Germany in 2017 and we still don't have a self-determination law based on the Argentinian model, at which I look with a bit of envy, to be honest. It is a very comprehensive law and thus a good and important model. The current legal situation in Germany is mostly based on the Transsexuals Act of 1980, which at that time made it possible for the first time for trans people to change their gender registration and their name. But the law had many hurdles and problems and is today in many parts unconstitutional and must therefore be replaced by a new law.

According to this law, it was for a long time a central requirement for trans people who wanted to change their name and gender entry in official documents that they were not married. People felt pressured to end their marriages; many marriages ended

in divorce. There was a trans person who sued against this and went all the way to the Federal Constitutional Court, which then declared this regulation unconstitutional in 2009. There was also the requirement that trans people had to undergo an operation that would make them permanently unable to reproduce. This, too, was compulsory—only when it was fulfilled could the process of changing official documents take place. Again, this compulsion was challenged, and the passage was declared unconstitutional by the Federal Constitutional Court in 2012.

What you can see is that this law, which was written in 1980, was a step forward because for the first time it made it possible to change something in the documents, but it was also a law that was written from a very trans-hostile and queer-hostile perspective: They wanted to prevent same-sex marriages, they took away the right of trans people to start their own families, and they also strongly interfered with the bodily self-determination of trans people.

What is still in place from the original process that trans people have to go through if they want to be legally recognized in their gender is that they need two independent psychiatric reports and go to therapy. They also have to go through a process in the local court to complete the change of civil status. They have to pay for all this by themselves—usually it costs about 1,500 euros, which is about what many people in Germany earn per month, but for some it is even more than that.

Health care is of course also a problem for trans people in Germany, even though it is true that the statutory health insurance covers the costs of gender reassignment procedures. It has been fought for, partly through legal action, but it is still legally ambiguous in many cases. There is often the case that trans people are in a legal dispute with the health insurance companies about which measures are actually paid for. And we have the big problem that people from abroad who live here, refugees who live here, trans people who come to Germany, who do not have health insurance and therefore have no access to the German health care system, cannot easily get gender reassignment measures and they are therefore in a very precarious health situation.

Finally, the social situation is also very difficult for many trans people. We know from surveys that there are many trans people who experience massive discrimination at work or lose their jobs; there are significantly more individuals among trans people who are unemployed than in the rest of the population. It also happens every once in a while that people lose their flat or end up in very difficult social situations, even though the social safety net in Germany is not geared to the needs of trans people, at all. This is the case in counselling centers, in job centers, i.e., in unemployment assistance, but I have also experienced that in places where homeless people are helped; in homeless shelters there are no special offers for trans people or little understanding for them and thus trans hostility is implemented in these institutions and the people then experience additional hardship. In all these areas, trans people often experience additional discrimination.

Patricio Simonetto:

Apparently, there are a lot of potential issues to solve. How does the new government plan to intervene in all these very distinct areas?

Nyke Slawik:

The LGBTIQ community has become much stronger in recent years. Trans people have become more visible in Germany and are fighting against the discriminatory Transsexual Act and for an improvement in the legal and social situation. But all these improvements in recent years have been fought for mainly through the legal process and have been rather prevented politically, because for the last 16 years we had a conservative-led government in Germany that blocked everything that came from the LGBTIQ movement, e.g., rights for rainbow families, rights for trans people, etc. The only exception was equal marriage, which at some point became so popular among the population that it was finally adopted at the end of the penultimate legislative period.

Hopefully, we can now change all the failures of the last few years. A self-determination law is finally to be introduced, for which the key points were presented yesterday [30 June 2022]. “Key points” means that it is not yet a fully written draft, but rather the agreement within the government on what should be included in the law. These key points are based on a draft that we [the Green party] already proposed in the last legislative period. That draft was somewhat more comprehensive and perhaps comparable to the law in Argentina. The key points paper that we presented yesterday, first of all, regulates the topic of changing names and personal status, namely that trans persons can change their gender entry completely self-determined, without the psychological reports. This is only logical, because the World Health Organization also decided some years ago that trans identity is not a mental illness, and that only the people themselves can decide and express their gender, and we will now put it into this law. All people can make use of this possibility, from the age of 18 people can decide for themselves, and in the case of minors, the custodians—usually the parents—must give their consent, but it is possible for all people to make use of this law.

Then the law will also state that trans parents will be recognized with the correct gender on their children's birth certificates. Currently, it is possible to change the civil status, but when trans people have children, they are listed on the birth certificate under the old, wrong gender entry; this will now finally be corrected. What should also be put in the law is a ban on external disclosure, which means that the old first names of a person who has discarded them may not be made public against the person's will, e.g., no newspaper article may be published with these names and the registry office, for example, may not make these names public either. If they do, fines are imposed.

Unfortunately, health care is not in the bill, nor is discrimination protection, which is in the law in Argentina, but the coalition has defined many more projects for the LGBTIQ community in its coalition agreement. For example, the law of parentage is to be reformed so that rainbow families are better protected. The issue of trans parenthood is to be finally regulated and the protection against discrimination for LGBTIQ persons is to be improved. Furthermore, there is discrimination in blood donation in Germany, where gay men and trans persons are classified as a risk group and thus excluded from donating; this should also be abolished. The health care of trans persons is to be better protected under social law. And there are many other projects that I am very much looking forward to, for which we also negotiated hard last autumn with this new government. Currently, there are no concrete draft laws or plans that the government has presented, but I very much hope that this will come and that we can expect a lot in the next few years.

Janek Scholz:

Alba, in Argentina it is 10 years now that you passed a law comparable to the legal and political changes, Germany is facing right now. What were, since then, the challenges of the progressive trans legislation in Argentina? What do you think are the main challenges of making trans policies?

Alba Rueda:

We are celebrating the first decade of the Gender Identity Law in Argentina, and in these first ten years, many people (especially many policymakers and public servants) have understood our law as an individual issue. I think here resides one of our biggest challenges. In these ten years we have seen a trend to reduce the law to an individual negotiation of trans people or families with institutions. When we think, for example, about the state offices that administer ID and birth certificates, we find different bureaucratic ways to apply the Gender Identity Law. Even if the law allows minors to change their gender, it doesn't specify whether we need the permission of one or two parents. In many of these cases, these permissions depend on the decision of a judge. The same applies to healthcare access. Because we don't have a federal transformation of health care providers, trans people depend on allies inside hospitals to be able to access hormones or other treatments. When we think about the right to be treated with dignity, we see that some parents need to carry a printed version of the law to the school to have their children's self-perceived gender recognized. What I mean by this is that we have the challenge to drive a radical transfeminist transformation of the logics of the state. We need public policies to help us to have a national approach to the Gender Identity Law because it is the state's responsibility and not of individual citizens to negotiate with hospitals or the state on how they access their rights.

I think it is important to highlight the positive experiences but continue being aware about the real challenges that we are still facing. It is not enough to have a good law to work in favor of travesti and trans people. Laws will not stop TERFs on their own. A good law is a tool, a helpful starting point. Still, we need robust public policies to foster a broader social and cultural transformation and to attack the structural inequalities that make trans lives precarious.

One of the richest things about the Gender Identity Law is that it fosters a conversation about inequalities. When we think about the inequalities that affect LGBTQI+ people, people with diverse corporal realities such as disabilities or those living in areas lacking access to public services, we are not talking about individual issues. I grew up listening to so-called "specialists" saying that trans people depended on prostitution because it was part of their perverse nature. These "specialists" understood these decisions as an expression of our alleged immoral sexuality. Transfeminist public policies are a response to this attempt to individualize inequalities. With the pandemic, war, and global inflation contributing to inequality in our world, it is the state's and society's responsibility to disassemble the mechanisms that create inequality. Talking about specific groups such as trans people, cis women, and disabled people is an opportunity to bring social movements to the table. We have the knowledge produced by the social movements that can help us to formulate creative policies to improve the lives of our communities and guarantee their access to rights. For me, that is the conclusion that motivates me as an activist to work on public policies. I believe

that the state has the power to drive the social and cultural transformations that we need. Any cultural transformation starts with a political agenda designed to transform our reality.

Patricio Simonetto:

To reach state driven social change, you certainly need a broad allyship. Nyke, is there resistance in the other parties to all these planned changes in the German law? For example, on the part of the Christian Democratic Union (CDU), but perhaps also within the SPD, which usually sells itself as very progressive?

Nyke Slawik:

The current government is led by Social Democrats, with us Greens as the second largest force in the coalition and the Liberals, and we had a great deal of agreement on these socio-political projects. Just last week, we abolished a law that prohibited doctors from providing information about abortion under penalty of law. And we will now get all these socio-political things underway.

The AfD [Alternative for Germany]—an extreme right-wing party—is of course against all these plans, and the Union parties [the Christian Democratic Union and the Christian Social Union (CSU)], it must be said, are also against our plans on many points, with a few exceptions. What we have also planned is an amendment to the constitution. Article 3 of the German constitution, the passage that protects people against discrimination, states that no person may be discriminated against on the basis of certain characteristics. Currently, this includes gender, religious affiliation, and many more. However, queer people are currently not included in this article, and we want to change that. Queer people should also be protected against discrimination by the constitution, and the CDU/CSU also supports this plan. With the planned self-determination law, on the other hand, one senses in many parts that representatives of the CDU/CSU are clearly against it and in some cases even adopt TERF narratives, for example that such a law would endanger women's shelters. I don't even want to list all the TERF arguments here, especially since one can see, for example, in Argentina, where such a law has been in place for 10 years, that many of these concerns are completely unjustified. Unfortunately, the conservatives are using the socio-political agenda in Germany for a culture war.

Alba Rueda:

I told Nyke, during our lunch today, that Argentina could provide some essential data for the debate against TERFs here in Germany. Usually, these anti-trans groups are against self-gender recognition because they say that some people will use these laws to take advantage of cisgender women's rights, for example, being able to retire earlier in the case of Argentina. According to the last census, Argentina has almost 47 million people. In ten years, only three people corrupted the Gender Identity Law. So, every time they tell us that a law allowing people to change their identity will give some men an advantage, we have to be clear: the Argentinian case shows this is a lie. We are talking of Argentina, a very sexist and unequal country.

Nyke, I believe you have the enormous challenge of increasing your participation in politics. It is central that we have more trans people leading processes of social

transformation; we need to have powerful political participation. Sometimes we will find support in our parties, and in other scenarios, we will struggle with this alone. By taking my position first as National Undersecretary of Diversity Policies and then as Special Representative on Sexual Orientation and Gender Identity, I learnt that our presence is uncomfortable for these institutions because there is something counter-cultural about having trans people making decisions in favor of our communities.

Janek Scholz:

We are heading towards the end of this conversation. Thank you, Alba and Nyke, for your valuable insights. Do you want to add some final remarks?

Nyke Slawik:

Thank you, Alba. Today's conversation gave me a lot: to meet you, to talk to you, and to see what you have decided in Argentina is just ground-breaking. It has radiated so far into the whole world and, for many, it is a model of how positive a law can be.

I can only agree with everything you said: that we need to make society better for trans people, as well as for other marginalized people. The idea of democracy is to be there for all people, that everyone can participate. And we still have a long way to go. But if we manage to empower people, to make them less discriminated against, to make them visible, to allow them to get involved, to allow them to participate, then that opens doors for many people and I believe that, as a result, our society as a whole will improve.

Alba Rueda:

We are at a critical moment for society as a whole. We need to find a political sense in this context of extreme inequality. I am convinced that trans people can play a vital role in creating a response to this structural inequality. I want to finish by saying that you and everyone looking to drive the agenda against inequality will find me and my fellow travestis and trans activist as allies because that is the meaning of our democracy, fighting for real equality.

Patricio Simonetto:

Thank you so much for engaging in this conversation!

FINAL WORDS

This conversation documents some of the various effects of trans movement activism, and the possibility of holding conversations that intersects the boundaries of the state, trans movements, and academia. Far from a document of mere celebration, this is a recollection of a moment that demands new coalitional efforts against exclusionary and reactionary trends. We hope this conversation showcases one of the multiple ways in which scholarship, policymaking, and activism can create critical spaces of conversation to foster new synergies in our common interests. This conversation is important, because it stresses a) the need to develop trans studies and politics that depart from recognizing the impossibility of building universal trans discourses and shift toward recognizing the richness of contextualized local traditions; b) an approach that

departs from understanding that the expansion of legal rights is vital but not enough for transforming the material conditions of trans life; c) the need for building spaces of dialogue and synergy to face anti-trans movements and discourses.

We address the words that opened this journal: “we must aspire to ‘do’ trans studies in a way that ‘builds structural competency’ within and for transgender movements for justice. We must find ways to take transgender research out of the tower and into the public, where we can intervene in the dismal state of affairs facing our communities” (Billard, Everhart, and Zhang 2022, 12). Both in Argentina and in Germany, political change did not happen top-down, but rather bottom-up. Major changes in legislation have been fought for either in the streets—as in the Argentinian case—or in the courts—as in the German case. Both women clearly stress the importance of these movements for the development of progressive laws. But still, there is a major difference, as the Argentinian law has been explicitly written by trans activists and is thus a good example that a legislation process does not need to follow a strict top-down direction to be successful and legally secure. The Argentinian trans movement was able to build a policy from below and it’s precisely that nature that gave the legislation the progressive force it still has today, ten years after its approval. This is certainly one thing Germany can learn from Argentina. Furthermore, both Rueda and Slawik underline the importance of friendship for their political engagement. Rueda says that she got the position as Special Representative only because there were so many friends that made a difference and Nyke Slawik, too, mentions the importance of the fact that she is not the only first openly trans MP in Germany, but that she has another colleague at her side to join their forces and their activism.

The conversation shows the role of trans activism in making our understanding of the political more complex. From the Global South and Global North, Rueda and Slawik showcase how trans politics engage with intersections of class, race, gender, sexuality, and (dis)ability, and—even more importantly—their role in taking trans policy thinking beyond their own agenda to place in the core of the struggles to make a more democratic and equal future. Even though both Rueda and Slawik base their policies and their activism in individual, embodied experiences as a travesti in Argentina and as the daughter of a Polish working-class immigrant in Germany, they remind us of the importance of a structural perspective: Transphobia, racism, classism, sexism, etc. are not individual problems, but structural ones. Consequently, the state has the responsibility to change these structures. The application of the law in several everyday contexts is not something a single person has to fight for, but something the state should ensure.

The discussants clearly stress the need for a transfeminist agenda to foster changes not only in trans rights around the globe, but also when it comes to the empowerment of every single citizen in their relationship with the state. This conversation shows that more than an issue of minorities, the debate about trans rights touches the core building of the modern state and can be the point of departure for re-imagining new bonds between nation states and their citizens. This conversation also goes against the liberal conception of rights and citizenship as abstract statuses to instead explore the need for common efforts between public policies, social movements, and civil society more broadly to make possible more enjoyable, democratic, and equal trans futures.

Finally, the dialogue gave valuable impulses in rethinking the role of academia in trans activism. As mentioned by Lohana Berkins, academia should listen to the people in the streets, to their needs, and to their embodied realities. Theories should be grounded in very specific geopolitical, embodied realities and not imported from the so-called central countries to the so-called margins. But, on the other hand, social movements should also rely on data and research to strengthen their agendas against TERF argumentation. The case of Argentina is a good example to prove that in ten years, the law has been abused only three times, having 47 million people that can make use of the law. To sum up, a multilateral, open dialogue between social movements, policy-making and academia is needed—an act of “listening and learning” (Harsin Drager and Platero 2021, 423)—to achieve broad cultural transformation and to change society and the living conditions of trans people for the better.

REFERENCES

- Berkins, Lohana. 2013. “Los Existenciarios Trans.” In *La Diferencia Desquiciada. Géneros y Diversidades Sexuales*, edited by Ana María Fernández, and William Siqueira Peres, 91–96. Buenos Aires: Biblos.
- Billard, Thomas J, Avery R. Everhart, and Eriqre Zhang. 2022. “Whither Trans Studies? On Fields, Post-Disciplines, and the Need for an Applied Transgender Studies.” *Bulletin of Applied Transgender Studies* 1 (1–2): 1–18. <https://doi.org/10.57814/pe84-4348>.
- Currah, Paisley. 2022. *Sex Is as Sex Does: Governing Transgender Identity*. New York: New York University Press.
- De Mauro Rucovsky, Martín, and Ian Russell. 2019. “The Travesti Critique of the Gender Identity Law in Argentina.” *TSQ: Transgender Studies Quarterly* 6 (2): 223–38. <https://doi.org/10.1215/23289252-7348510>.
- DeVun, Leah, and Zeb Tortorici. 2018. “Trans, Time, and History.” *TSQ: Transgender Studies Quarterly* 5 (4): 518–39. <https://doi.org/10.1215/23289252-7090003>.
- Harsin Drager, Emmett, and Lucas Platero. 2021. “At the Margins of Time and Place: Transsexuals and the Transvestites in Trans Studies.” *TSQ: Transgender Studies Quarterly* 8 (4): 417–25. <https://doi.org/10.1215/23289252-9311018>.
- Madsen Evang, and Jenny Andrine. 2022. “Is ‘Gender Ideology’ Western Colonialism? Anti-gender Rhetoric and the Misappropriation of Postcolonial Language.” *TSQ: Transgender Studies Quarterly* 9 (3): 365–86. <https://doi.org/10.1215/23289252-9836036>.
- Spade, Dean. 2015. *Normal Life: Administrative Violence, Critical Trans Politics, and the Limits of Law*. Durham, NC: Duke University Press.
- Tudor, Alyosxa. 2021. “Decolonizing Trans/Gender Studies?” *TSQ: Transgender Studies Quarterly* 8 (2): 238–56. <https://doi.org/10.1215/23289252-8890523>.
- Wayar, Marlene. 2018. *Travesti: Una Teoría Lo Suficientemente Buena*. Buenos Aires: Editorial Muchas Nueces.
- Yarfitz, Mir. 2023. “La Bella Otero’s Overdetermined Anality: Tales of Sexual Inversion in Early Twentieth-Century Buenos Aires.” *Journal of Latin American Cultural Studies*, forthcoming.