

RESEARCH ARTICLE

Politics without Presence? The Symbolic Representation of Trans People in Germany and the Netherlands

Anne Louise Schotel  and Liza Mügge

Department of Political Science, University of Amsterdam, Amsterdam, Netherlands

Corresponding author: Anne Louise Schotel; Email: a.l.schotel@uva.nl

(Received 13 June 2023; revised 30 May 2024; accepted 15 August 2024)

Abstract

Historically, trans people have been excluded from politics. Despite political underrepresentation, trans interests increasingly appear on the political agenda in the Netherlands and Germany. In 2021, trans women were elected to the Dutch and German parliaments for the first time. However, increased trans visibility is accompanied by backlash and transphobia. The political representation of trans people does not follow a familiar pattern from elected descriptive representatives to increased substantive representation of interests. What mechanisms shape the political representation of trans people? We argue that symbolic representation shapes possibilities for descriptive and substantive representation of trans people. The analysis of symbolic representation of transpeople draws on a combination of 1) qualitative text analysis of Dutch and German parliamentary documents, research reports, and trans activists' publications and 2) in-depth interviews with trans and cisgender representatives, candidates, and activists. The findings demonstrate how political spaces are not only gendered, but also cisgendered and heteronormative.

Keywords: Symbolic representation; Transgender politics; Germany; the Netherlands

Introduction

*And now here I am, the first openly transgender woman at the heart of our democracy.... I hope to make being transgender a little bit more normal and a little bit more visible.*¹ (Maiden speech by Lisa van Ginneken, member of the Dutch parliament, May 26, 2021).

© The Author(s), 2024. Published by Cambridge University Press on behalf of the Women, Gender, and Politics Research Section of the American Political Science Association. This is an Open Access article, distributed under the terms of the Creative Commons Attribution licence (<http://creativecommons.org/licenses/by/4.0>), which permits unrestricted re-use, distribution and reproduction, provided the original article is properly cited.

The year 2021 marked a milestone for trans² representation in politics. In the Netherlands and Germany, the first trans MPs, Lisa Van Ginneken (Liberal-democratic party Democrats 66, D66) and Tessa Ganserer and Nyke Slawik (Green Party), were elected to the national parliament. As “space invaders” (Puar 2004), their presence exposes the normative boundaries of who is included and excluded in politics. Despite their historic exclusion, pathologization, and denial of their existence, the political visibility of trans people has increased exponentially in the last decade (Haider-Markel et al. 2019). Trans rights, like legal gender recognition or transition leave, are more than ever before on the political agenda. Yet this recognition coincides with increased violence against trans people, public backlash, and so-called societal “transgender panics” (Hines 2020). The political representation of trans people thus raises questions about the central link in representation theory (Pitkin 1967) between descriptive representatives and the substantive representation of interests. As there are few openly trans* representatives present in electoral politics, they cannot be the driving force behind substantive representation of trans people. Scholarship on the diffusion of LGB rights has shown how resistance to lesbian and gay visibility can open doors for political change (Ayoub 2016; Flores 2019). Increased transphobia and polarization of gender identity in politics suggest that this argument does not apply directly to the visibility of trans people. This raises the question: what mechanisms shape the political representation of trans people?

We argue that symbolic representation creates possibilities and obstacles for descriptive and substantive representation of trans people. Symbolic representation refers to the representation of existing hegemonic power relations (Lombardo and Meier 2019) and shifts focus to the broader context of implicit and explicit norms in which descriptive and substantive representation take place. The presence of newly elected trans politicians highlights how these norms include a heteronormative and binary paradigm of sex and gender identity that mediate possibilities for trans representation. We focus on three functions of symbolic representation: identity formation, legitimacy, and political control (Lombardo and Meier 2014). Following these three functions, we examine how trans identities are constructed in political debate. How are trans identities shaped by their relationship to the state, and who is granted legal recognition and protection on that basis? Which factors contribute to or obstruct the perceived legitimacy of trans people in politics?

To answer these questions, we build on transgender studies, a field that thus far has remained disconnected from work on political representation. Transgender studies shows that trans bodies are consistently considered to be “unreal, inauthentic and aberrant” (Halberstam 2018, 34). Scholars demonstrate how the absence of trans citizens as a legitimate, visible, and mainstream group feeds distrust and discrimination based on fear and unfamiliarity (Beauchamp 2009; Haider-Markel et al. 2017; Haider-Markel et al. 2019). This scholarship analyzes how the “omnipresent sexual binarism of the nation state” (Reeser 2013, 9) defines and polices the gender binary (Beauchamp 2009; Currah, Juang, and Minter 2006; Kunzel 2014; Serano 2016). Furthermore, transgender studies examine “the processes by which some trans people gain rights and recognition

at the expense of others” (Kunzel 2014, 287) and how this limits political access to politics (Daum 2020; Murib 2015; Spade 2015).

To empirically analyze symbolic representation, we conducted in-depth interviews with trans candidates and politicians, cisgender politicians speaking out on trans rights and trans social movement leaders in the Netherlands and Germany. We combine the interviews with parliamentary documents, reports, activists’ publications, participatory observation at events, parliamentary meetings, and demonstrations. Our findings show that trans identities and interests are mediated and defined through the framing of others. Trans politicians and allies find that misinformation about the meaning of trans in public and political debate limits opportunities for representation, while at the same time the fluidity of identity labels allows activists to make strategic choices. The political control dimension of symbolic representation highlights that the relationship between trans people and the state, exemplified by legal gender recognition, is shaped by medicalization. This has impact on the perceived legitimacy of trans people as politicians, as they are often reduced to their trans identity, or their existence is denied.

The contributions of this study are threefold. First, we shed new light on symbolic representation. Whereas most scholarly work on symbolic representation is conceptual and theoretical (Celis and Childs 2020; Schwindt-Bayer and Mishler 2005), we empirically analyze changes in the discursive construction of marginalized groups and the perceived legitimacy of their political presence. To date, work on political representation has shown little interest in trans politics (but see Hunklinger and Ferch 2020; Taylor et al., 2018; Reynolds 2013). Research on the political representation of marginalized groups has predominantly focused on women and racialized minorities. Although the study of the political representation of LGB citizens is developing rapidly (Bönisch 2022; Haider-Markel 2010; Hansen and Treul 2015; Magni and Reynolds 2018, 2021; Reynolds 2013; Tremblay 2019, 2022), these studies often do not include the specific experiences of trans people and representatives. We contribute to the study of political representation by including the voices of trans politicians, candidates, and activists.

By comparing the Netherlands and Germany, we add European cases to a field that has focused primarily on trans rights in the United States. The overarching insight of this study is that political representation of marginalized and pathologized groups such as trans citizens does not follow a linear pattern from descriptive representation to substantive representation. The election of trans politicians is not an inevitable outcome of a historical development toward increased representation. Uncritically applying such a linear approach overlooks the complex mechanisms that hinder or facilitate trans representation. Our study reveals how cisgendered and heteronormative boundaries govern political spaces. By connecting work on symbolic representation to findings from transgender studies, we show new empirically grounded ways to conceptualize symbolic representation.

Understanding Trans Representation

In her conceptualization of political representation, Pitkin (1967) defined symbolic representation as the representation of a constituency by a representative that suggests or evokes feelings, values, and beliefs among the electorate. Symbolic representation has almost exclusively been studied as an effect of Pitkin's dimension of descriptive representation: the presence of historically underrepresented groups in legislative bodies. Work on gender and politics has studied symbolic representation as the mobilizing effects of women's presence in politics on the beliefs or attitudes of their constituency or fellow parliamentarians (Childs 2008; Franceschet, Krook, and Piscopo 2012; Lawless 2004; Wahman et al. 2021) and the perceived legitimacy of institutions (Clayton et al. 2018). It has analyzed under what circumstances gendered actors impact the represented's feelings of being adequately represented (Bird 2012; Schwindt-Bayer and Mishler 2005; Verge and Pastor 2017) and how political symbols evoke and shape emotions (Tremblay 2022). Specific attention has been paid to the historic election of first women or Black candidates (Montoya 2023; Simien 2015; Verge and Pastor 2017) and their symbolic effect of empowering members of marginalized groups to participate politically. This body of work has understood symbolic representation as deriving from descriptive representatives. As trans citizens have had to rely on cisgender representatives to act on their behalf, these patterns do not translate directly and warrant further investigation.

Constructivist approaches to representation have recently advocated the study of symbolic representation as a dimension in its own right (Lombardo and Meier 2014; Rai 2017). Saward's conception of substantive representation as a process of "claims-making" has opened the door for a reappraisal of symbolic representation. Saward argues that representation consists of claims to "represent something or somebody, or to know what is in the interests of the represented" (2006, 301). These dynamics are not confined to electoral bodies, but they include extra-parliamentary actors. The focus on meaning-making and the inclusion of nonelectoral actors contribute to our understanding of symbolic representation. However, there are important differences between the claim-making approach and symbolic representation. Although symbolic, descriptive, and substantive representation are interconnected (Schwindt-Bayer and Mishler 2005), symbolic representation focuses explicitly on the power dynamics that allow actors to make representative claims. Symbolic representation analyzes the construction of meaning and norms, instead of the representation of needs and interests (Lombardo and Meier 2014). Analyzing the normative setting in which representation takes place uncovers patterns of privilege and marginalization. This view helps foster understanding of how substantive representation occurs (Lombardo and Meier 2018). Symbolic representation sheds light on which ideas are considered politically viable in the case of trans rights. We argue that understanding trans representation requires understanding these conditions that enable or constrain descriptive and substantive representation.

Transgender studies has shown how sociocultural values in political spaces are cis-heteronormative, and interpret heterosexuality and cisgenderedness as

the norm, or as morally superior to other sexualities and identities (Kamenou 2020; Phelan 2001; Richardson 2018). Cisheteronormativity is hegemonic in politics, as it is “omnipresent to the point of becoming invisible, taken for granted and never questioned” (Tremblay 2022, 192). The visibility of trans people in politics unsettles these taken-for-granted norms (Garretson 2018). Sexuality scholars have argued that the concept of citizenship is both gendered and sexualized: “It is not any man that is inscribed into the Western concept of citizenship, but rather a heterosexual white man” (Kuhar 2012, 170). Our analysis adds *cisgender* to this enumeration.

To understand the presence of trans politicians in the Dutch and German parliament, we map the cisgendered and heteronormative norms that govern representation. To do so, we build on the definition employed by Lombardo and Meier (2014), who identify three discursive functions of symbolic representation: identity construction, legitimacy, and political control. Symbolic representation constitutes a process in which the construction of *identity* labels provides political legitimacy to certain groups, while denying this *legitimacy* to others. This creates the possibility for *political control*. We operationalize the three functions of symbolic representation by building on transgender studies. The next section discusses each function and its theoretical application to trans representation.

Symbolic Representation as Identity Construction

Symbolic representation constructs social identity labels. Constructivists argue that representation is the process of claiming to represent certain groups of citizens and framing issues as being of importance to them (Saward 2010). Symbolic representation articulates who belongs to a group and who does not. Through this process, collective identities are defined: “In order for a group to be represented, thus enabling its inclusion, it must first be recognized as being excluded” (Hayat 2013, 24).

Trans identities have historically been constituted as apolitical, abnormal, pathological, deviant, and criminal in western medical, legal, and political domains. A rich body of work has analyzed the ongoing construction and use of “trans,” “transgender,” or “transsexual” as political categories (Murib 2015; Platero 2011; Stone 2006; Stryker, Currah, and Moore 2008; Valentine 2007). The term *transsexual* has historically been used in a medical context to diagnose individuals with gender identities that are considered incongruent with their assigned sex at birth (Currah 2022; Stryker 2017). Scholarship in transgender studies often uses *transgender* to refer to “individuals whose gender identity or expression does not conform to the social expectations for their assigned birth sex” (Currah, Juang, and Minter 2006, xiv). The umbrella-term *transgender* is used to indicate a move away from an “assigned, unchosen gender position” (Stryker 2017, 31). Politically, the term transgender has united a diverse assemblage of gender non-normative people “into a representable transgender community” (Currah 2022, 3). Following these developments and at the request of our research participants, we use the term *trans* in our writing but approach labeling of trans experiences as an empirical question in our analysis.

Scholarship on trans politics shows how medical science has used the trans body to assert binary definitions of gender and pathologize trans people (Spade 2006; Stone 2006; Vipond 2015). Diagnostic classification manuals such as the International Statistical Classification of Diseases and Related Health Problems (ICD) have classified trans experiences as psychiatric disorders. The ICD-11 removed trans experiences from the category of mental and behavioral disorders in 2019. This change is implemented in both the Netherlands and Germany in 2022. Still, psychiatric diagnosis and assessment remain requirements for legal gender recognition and access to healthcare. Trans advocates advance a depathologization framework, which introduces a paradigm shift in the conceptualization of gender identities. The aim is to recognize trans experiences as a human right and expression of human diversity (Suess et al. 2014) and to link trans identity with self-determination, political action, and empowerment (Murib 2015).

Processes of identity construction within trans movements have been complex, as the diversity of trans people's self-understandings influences the needs and approaches articulated in political spaces (Balzer 2007; Monro 2003). Trans activists may make strategic decisions about how to represent transgender identity in politics to maximize opportunities for change (Balzer and Hutta, 2014) by presenting themselves as adhering to dominant norms — for example, aligning to binary perceptions of gender — to gain public support (Jones 2022; Tremblay 2022). Studies on trans politics show that trans people are often represented as “only” trans and disconnected from other significant social signifiers (Hines 2010). This misrepresents trans people, homogenizes different trans experiences, and depoliticizes their interests (Kuhar, Monro, and Takács 2018).

Symbolic Representation as Political Control

The political control function highlights states' ideological and material power to compel citizens to comply with the laws that govern life in society (Lombardo and Meier 2014, 97). For example, political control is exercised through the introduction of marriage equality (Tremblay 2022) and the state's granting of civil rights. Historically, trans people have not been able to rely on claims for citizenship and civil rights, as they frequently face employment discrimination and experience violence and prejudice (Currah 2022; Lombardi et al. 2002; Monro 2003; Spade 2015).

Legal gender recognition is illustrative for political control as it makes the enjoyment of other rights, such as democratic participation, possible (Sosa 2020). Identification documents are essential for the recognition of individuals as citizens by the state and (almost always) reinforce a strict gender binary (Soto-Lafontaine 2020). “‘Gender’ is not merely a representation in language and culture of a biological sex; it is also an administrative or bureaucratic structure for the management of sexual difference and reproductive capacity (the ticking off of M's and F's on state-issued or state-sanctioned forms)” (Stryker and Aizura 2013, 3). Identification documents are tools for population management and state enforcement of obligations (such as taxation). Sex registration

determines the distribution of resources from the state to individuals, such as marriage rights and welfare benefits (Currah 2022; Currah and Moore 2009).

Requirements for changing legal sex in the Netherlands and Germany have forced applicants to be sterilized and undergo surgical interventions (until 2014 and 2011, respectively) to align themselves as closely as possible to a binary conception of sex. Medicine and the law work together to control access to public space and participation in social and political life (Aboim 2020; Schotel and Mügge 2021; Vipond 2015). One of the biggest obstacles for trans rights activists is persuading the public, politicians, and courts that trans citizens matter and are worthy of legal recognition and protection.

Symbolic Representation as Legitimacy

Legitimacy refers to normative ideas of who is considered “competent” to perform political roles. An analysis of the symbolic representation of LGBT people in Canada finds that legitimacy is superimposed on identity construction and political control: “as identities are not of equal value, some being more legitimate or less illegitimate than others” (Tremblay 2022, 138). Mansbridge (1999) argued that historical marginalization and lack of legitimacy influences the perceived “ability to rule” of a group. This perceived (lack of) ability to rule is defined by Strolovitch and Crowder as respectability, “a politics informed by a conviction that marginalized groups must demonstrate that they adhere to normative values before they will be accepted or granted rights by dominant groups” (2018, 340). Political possibilities depend partly on public perceptions of respectability. Respectability is also linked to intelligibility. When someone’s gender is not easily determinable within cisheteronormative structures, they cannot be recognized and lose their personhood (Namaste, 2000). As Mackie summarizes, “[Trans people] are marginalized to the extent that they do not have a stable place in the sex/gender system, the family system, the waged labor system and the other systems that confer social legitimacy” (2001, 191).

According to Tremblay (2022), political actors can use two strategic approaches to achieve respectability: dismantling stereotypes that afflict a marginalized group and/or promoting a public image that reinforces social norms. Especially the latter strategy inherently entails a normalizing aspect. It requires educating the public about who trans people are and constituting them as citizens worthy of the same freedoms and rights as cisgender citizens. The legitimacy function of symbolic representation overlaps with identity construction. Activists may strategically frame trans identities to align with dominant heteronormative and cisgendered notions. The legitimacy function of symbolic representation entails a trade-off between assimilating or normalizing strategies and more radical politicization. In the case of trans representation, this means that those people who are able to align themselves closely to normative ideas of gender and sexuality (for example, being white and passing as cisgender), are deemed more “respectable” than those who cannot (Beauchamp 2009; Boyd 2006; Garrison 2018; Halberstam 2018). Aizura describes this as “transnormative,” or as the imperative to fade “into the population ... to be ‘proper’ in the eyes of the

state: to reproduce, to find proper employment; to reorient one's 'different body' (2006, 295).

The framework of symbolic representation, understood through the dimensions of identity construction, legitimacy, and political control raises three sub-questions that the empirical section answers: (1) how are trans identities constructed in political debate? (2) How are trans identities shaped by their relationship to the state, as well as who is granted legal recognition and protection on that basis? (3) Which factors contribute to or obstruct the perceived legitimacy of trans people in politics? Studying symbolic representation explicates how the boundaries of descriptive and substantive representation are structured around hetero- and cisnormativity.

Case Selection and Methods

Trans people have been elected to national parliaments in Latin America (e.g., Mexico, Venezuela, Chile, and Uruguay) and South East Asia (e.g., Thailand, Taiwan, and the Philippines) but have been almost completely excluded from national politics in Europe. Vladimir Luxuria was elected to the Italian parliament in 2006. In 2020, Petra de Sutter was appointed deputy federal prime minister of Belgium. The election of Lisa van Ginneken (the Netherlands), Nyke Slawik, and Tessa Ganserer (both from Germany) in 2021 mark a historic level of descriptive representation in European national parliaments.

Our approach aligns with what Della Porta (2008: 198) calls "case-oriented" research, as opposed to "variable-oriented" studies. Given the novelty of trans representation and the low number of trans political actors, a rich qualitative analysis is the best fit for this study. To study how trans people are symbolically represented in the Netherlands and Germany, we combine several types of data: parliamentary data, research reports, publications by trans advocacy groups, participation in events, and in-depth interviews.

The data collection started with retrieving all parliamentary documents, which includes parliamentary questions, reports of plenary and committee meetings, and bill proposals that contain at least one reference to trans interests or identities from online archives of the Dutch and German parliament (resulting in 173 German and 153 Dutch documents). The timeframe spans January 1, 2006, until December 31, 2021. In this period, trans interests first started to gain political visibility in both countries. We screened the retrieved documents and selected only those that explicitly consider trans interests. Parliamentary documents that only mention trans (e.g., as an explanation of the acronym "LGBT," yet substantively discussing only the interests of gay men and/or lesbian women) were excluded. Additionally, we retrieved reports on trans by national research institutes. Because our understanding of symbolic representation expands possibilities for representation beyond electoral actors, we added publications by trans activists. Based on existing literature, our networks, and snowballing through research participants, a list of activist organizations was compiled. Documents were retrieved through their organization's websites or direct inquiries. Together, these data sources allow us to study the framing of

Table 1. Overview of interview participants

	Name	Role	Term of office	Affiliation
The Netherlands	Lisa van Ginneken	Member of parliament	March 31, 2021, to December 6, 2023	Democrats '66 (D66)
	Kirsten van den Hul	Member of parliament	March 23, 2017, to March 30, 2021	Labour Party (PvdA)
	Sophie Schers	Spokesperson advocacy group, member of municipal council Utrecht	March 23, 2018, to March 15, 2022	Transgender Network Netherlands (TNN), Green Party (GroenLinks)
Germany	Jens Brandenburg	Member of parliament	October 24, 2017, to October 26, 2021	Free Democratic Party (FDP)
	Tessa Ganserer	Candidate 2021 parliamentary elections	October 26, 2021, to current	Alliance 90/The Greens
	Nyke Slawik	Candidate 2021 parliamentary elections	October 26, 2021, to current	Alliance 90/The Greens
	Kyra Myhrman	Political advisor	–	Alliance 90/The Greens
	Maja Tegeler	Member of municipal council Bremen	2019 to current	Left Party
	Kalle Hümpfer	Spokesperson advocacy group	–	Bundesverband Trans*

trans identities, problematizations of political control, and the strategies undertaken to achieve legitimacy and respectability.

To give precedence to the voices of politicians and activists, Schotel conducted nine in-depth interviews with key actors. The analysis of parliamentary documents guided the identification of elected cisgender members of the Dutch and German parliament and their employees who spoke most often on behalf of trans interests in parliament. We gained access to interview participants through our networks in the Netherlands and Germany. Additionally, Schotel attended parliamentary meetings, public debates about trans rights, and demonstrations organized by trans activists. These prior experiences created a sense

of trust and increased credibility, leading to further interviews. Schotel interviewed the two trans candidates running for national office in the German elections of 2021: one elected trans politician in regional office and one recently elected trans member of parliament in the Netherlands. Other interviewees included leaders of national trans advocacy groups in both countries (see [Table 1](#)). All interviewees gave informed consent. We offered anonymization to the participants, but all agreed to be referred to by their full name and function. The research project was reviewed and approved by the ethics committee of our research school.

The interviews took place online between June and September 2021, lasting between one and two hours. The interviews were conducted in either Dutch, English, or German, depending on the preference of the interviewee. Some interviewees felt more comfortable speaking about their experiences in their native language. Specific topic lists were developed for trans politicians, cisgender politicians, and social movement actors. The interviews were recorded and transcribed.

The authors are both cisgender women and thus not experts on the lived experiences of trans people. Hale (1997, 1) states that researchers who are not trans themselves need to investigate their own subject positions and reflect on “the ways in which you have power that we don’t ... and the ways in which this affects what you see and what you say.” Therefore, the expertise of trans politicians and activists along with the rich body of work within transgender studies guided us throughout this project. For example, we gave all participants the opportunity to review the transcripts of their interview and used this moment to further reflect with them on the broader arguments this study makes. All participants agreed to the transcript being published, and some provided additional thoughts and comments.

During the interview phase, Schotel attended parliamentary debates on amendments to the Transgender Laws in Dutch and German parliament, demonstrations by trans advocacy groups, and public debates on trans rights. When in-person participation and travel was impossible due to COVID-19 restrictions, Schotel attended events online (see [Appendix 1a](#) for a list of events). All these events were open to the public.

The interviews, parliamentary documents, activists’ publications, and observation notes were coded with the qualitative software program MAXQDA according to the three functions of symbolic representation: identity formation, legitimacy, and political control as outlined in the previous section (see [Appendix 1b](#) for the codebook). The code “identity formation” was applied when statements refer to group definitions, positioning of trans vis-à-vis the LGB movement, framing of trans in response to backlash, and social movement frames of trans experiences. Legitimacy refers to respectability and perceived ability to rule trans persons, the medicalization of trans, and the reduction to “only” trans as a political identity. The theme of political control contains references to legal gender recognition and the role of the state, self-determination, access to healthcare, and safety from violence. Although most of the data aligns to these three broad categorizations, codes are not necessarily

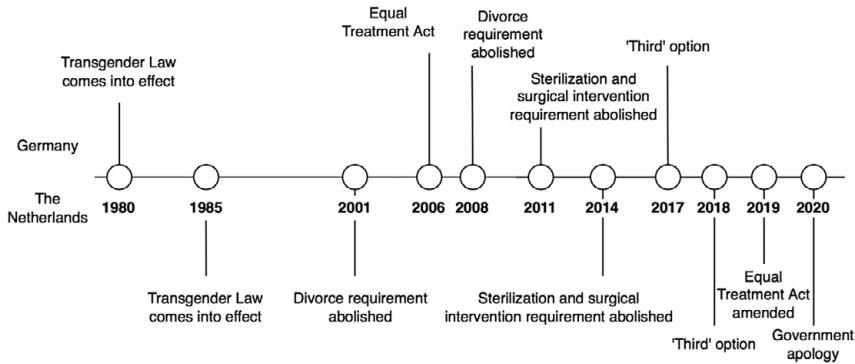


Figure 1. Timeline of milestones in the legal development of trans rights in the Netherlands and Germany.

mutually exclusive. For example, constructing trans identities as pathological most likely impacts their perceived legitimacy as political actors.

Case Background

Regarding identity formation, both Dutch and German activists have struggled against pathologization and instead advanced a broad understanding of trans including non-binary individuals. The national trans advocacy organization in the Netherlands uses the terms transgender, trans or trans* to refer to a broad spectrum of gender diverse people. They explicitly demarcate these terms from transsexual or transsexuality. Three organizations are at the frontline of advocating for trans rights and recognition in the Netherlands: Transgender Network Netherlands (TNN), the Dutch Association for the Integration of Homosexuality (COC), and the Dutch Organization for Sexual Diversity (NNID).

Compared to the Netherlands, German organizational networks committed to advocating trans rights are larger and more varied. The most prominent organizations operate on the federal level³. In their demands for self-determination, recognition of gender diversity, destigmatization, and depathologization, German trans organizations have become more uncompromising in the past decade (de Silva 2018).

The Netherlands and Germany have different international reputations regarding the protection of the rights of lesbian, gay, bisexual, and trans people. From a political control perspective, we see that legal developments regarding trans* rights have followed remarkably similar trajectories (see Figure 1). Whereas Spain (2021), Iceland (2019), Luxembourg (2018), Portugal (2018), Malta (2015), Norway (2016), Ireland (2015), and Denmark (2014) have installed legal gender recognition laws based on self-determination, the Netherlands and Germany still require expert opinions. These opinions are formulated after consultation(s) with a psychologist and aimed at determining whether the applicant can understand the impact of the requested change.

Trans rights in the Netherlands and Germany are fixed in the Transgender Law (*Transgenderwet*) and the Transsexual Law (*Transsexuellengesetz*), implemented in 1985 and 1980, respectively. Within both frameworks, a change in both legal sex registration and legal name could only be granted in the court of law after meeting the requirements of sterilization and gender-affirming surgical interventions. Changing legal sex registration required divorcing one's partner. This was practiced until marriage equality was legislated in the Netherlands in 2001 and after the German Federal Constitutional Court declared it unconstitutional in 2008.

After years of pressure from activists and international criticism, sterilization requirements were abolished in Dutch law in 2014 and in German law in 2011. The German Constitutional Court and a regional Dutch court ruled in favor of a "third option" to register legal sex in 2017 and 2018, respectively. Following this ruling, Germany amended its constitution to include a right to register as "diverse" for those with intersex characteristics. Despite activists demands for self-determination, medical certification of such characteristics remains necessary for citizens wanting to register as diverse. This requirement effectively bars trans citizens from accessing this option. In the Netherlands, the "third" option can only be won in court.

From the perspective of perceived legitimacy and strategies of (de)politicization, trans interests have been more strongly politicized over a longer timeframe in Germany than in the Netherlands. The German Transsexual Law has been controversial for years. Parliamentarians and opposition parties have launched parliamentary enquiries and proposed reforms, albeit, without success. The federal government remained unwilling to implement changes, only moving when forced by the Constitutional Court (Schotel 2022).

In 2020, political debate about the Transsexual Law intensified. Two proposals, submitted by the Green Party and the liberal Free Democratic Party (FDP), calling for self-determination of legal sex, were rejected by the governing coalition of the Christian Democratic Union of Germany and the Christian Social Union (CDU/CSU) and the Social Democratic Party of Germany (SPD). At the time of writing, the debate on the Transsexual Law has entered a new phase. After the 2021 elections, the Greens, the liberal FDP, and the social democratic SPD were able to form a coalition. They committed to the abolishment of the Transsexual Law in the coalition agreement. Sven Lehman (Greens), appointed as the federal government's commissioner on queer issues, announced that the new law will be drafted in cooperation with the trans community and will be introduced in the fall of 2022.

Compared to Germany, the public and political debate about trans rights in the Netherlands has not been as politicized (Bakker 2018). The Netherlands can rely on an established international reputation as a progressive frontrunner in LGBT rights (Kollman 2013). Dutch LGBT organizations remain focused on rights and assimilation into society (Hekma and Duyvendak 2011). The legal victories of the gay and lesbian movement resulted in the depoliticization of LGB — and consequentially T — identities. Their emancipation was considered to be complete (Boston and Duyvendak 2015). Although trans activists have been advocating for self-determination for over a decade, trans activism only recently gained

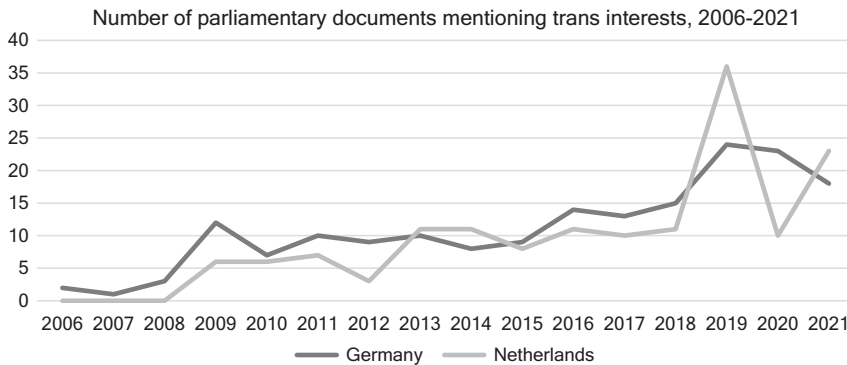


Figure 2. Overview of the number of parliamentary documents the Netherlands and Germany that discuss trans interests during the timeframe January 1, 2006, to December 31, 2021.

mainstream public visibility. Since 2021, the organization Trans Care Now! has organized demonstrations across the country. They protest against the long waiting lists for trans healthcare in the Netherlands and the required psychological diagnosis of “gender dysphoria” before being granted treatment. Heightened visible activism is accompanied by increased media visibility as well as backlash from Christian platforms and anti-trans feminist groups. In 2021, the Dutch minister for legal protection, Sander Dekker, submitted a proposal to reform the current Transgender Law (*Transgender Wet*). This reformed law eliminates the need for expert opinions and would allow legal gender change at the local registry office. Contrary to the German law, the Dutch proposal does not include a non-binary option. Parliamentary debate on the proposal has been delayed after the collapse of the Dutch government in 2023. The parties that won the subsequent parliamentary elections are opposed to amendment of the Transgender Law.

Symbolic Representation of Trans People

We are about one percent of the population, so in every government term and each election period there must be one and a half transgender person in the room, but that has never been the case, ever (Interview Lisa van Ginneken, Dutch MP).

In 2017, it was possible for the first time ever to vote for a trans candidate in Dutch parliamentary elections. Two candidates were on the list for the social liberal party Democrats '66, two for the left-wing party BIJ1, and one for the conservative 50PLUS party. None of the parliamentary candidates were elected. In the 2018 Dutch municipal elections, four of 13 trans candidates won a seat in municipal councils. In the 2021 parliamentary elections, Lisa van Ginneken (D66) was elected and became the first trans woman in the Dutch parliament. In Germany, the 2021 parliamentary elections were the first elections with trans individuals eligible for election. Tessa Ganserer and Nyke Slawik (both from the Green Party) won seats in the Bundestag. Previously, Tessa Ganserer held a seat

in the state parliament of Bayern since 2013. In 2019, Maja Tegeler (Left Party) was elected to the state parliament of Bremen. On the local level, Adrian Hector (Green Party) was elected to the district assembly of Hamburg-Altona in 2019. Hector ran in the 2021 parliamentary elections as well but was not elected.

Despite the lack of descriptive representatives, trans interests did reach the political agenda before the first trans women entered Dutch and German parliament. [Figure 2](#) shows that trans interests were first discussed in parliament in the Netherlands in 2009 and in Germany in 2006. Once initiated, the visibility of trans interests on the political agenda slowly but steadily increases, peaking in 2019 in both countries. This peak coincides with a slew of legislative changes that catapulted trans and intersex rights into political debate (see [Figure 1](#)). This increased visibility cannot be attributed to political actors alone. Both Dutch and German activists successfully influenced the debate, and, in Germany, Constitutional Court rulings fueled political visibility.

To understand what made these new levels of descriptive and substantive representation possible, the following sections empirically examine the three dimensions of *symbolic* representation: identity formation, political control, and legitimacy.

Identity Formation

Those who symbolically represent a group delineate who belongs to a to-be-represented group and ascribe interests to them. Next, we analyze how political actors label trans identities as well as how they are (strategically) framed in response to political struggle and backlash. Definitions, concepts, and self-identifications are at the center of the political debates on trans rights. Due to confusion over the different terms in circulation, and the shifting meanings of gender diverse identities, the German government commissioned a multidisciplinary report explaining the complex terminologies. In the report, the parliamentary state secretary of the Federal Ministry of Family, Seniors, Women and Youth captures the tensions in politically defining trans identities as follows: “Labels create identity. Concepts of identities help to make one’s voice heard politically; clear terms are important for making laws. But terms also define, and definitions can hide differences, changes and ambiguity that are important for people and their lives” (Sauer, 2017).

Following international developments and activists’ attempts to demedicalize trans experiences, the term “transgender” begins to replace “transsexuality” or “transsexual” in both the Dutch and German political debates.⁴ Although the use of the term “transgender” as an adjective (as opposed to using “transsexual” or “transgender” as a noun) may signal more sensitivity and awareness, in many instances, trans experiences are still understood by Dutch MPs as relating solely to biological sex instead of gender identity. This definition dismisses the need for paying specific attention to gender identity as grounds of protection against discrimination under the Equal Treatment Act, based on the argument that trans discrimination is already covered by “sex” (Tweede Kamer 2021). In Germany, the governing Christian conservative CDU/CSU and social-democrats SPD, and the far-right opposition party Alternatives for Germany (AfD), are the only

parties still using the term “transsexual” to refer to binary transitions or, likewise, to refer to trans as pathological.

The fluid boundaries of the category trans influence the possibilities for political action. Kalle Hümpfner, policy officer at Bundesverband Trans*, explains how the debate about trans rights brings several topics together. It contains aspects of gender recognition in law, access to healthcare, and also the recognition of trans parenthood. The diversity of trans interests complicates the role of those aiming to represent trans people under one label, argues the former Dutch MP Kirsten van den Hul (Labour Party, PvdA). The interdisciplinary nature of trans emancipation cuts across ministries and committees whose spokespeople did not always share van den Hul’s commitment or sensitivity to trans emancipation. Confusion about identity labels also creates a gap or even friction between politics and activism. Jens Brandenburg, former MP for the German FDP, states that it is difficult to connect with trans activists if they cannot agree on what their demands or interests are in practice: “The community is still fragmented in terms of organizing interests, and this makes it hard for me as a politician to find general view of the community because different opinions exist within the same community. This makes it hard to focus on the real issues. Because the hardest opposition oftentimes comes from within the group that you actually fight for.”

German activists object this frame and advocate an all-or-nothing attitude: “You either have self-determination or you do not. You cannot have a little self-determination” (Kalle Hümpfner, Bundesverband Trans*). Likewise, the trans politicians we interviewed do not believe trans people are a particularly difficult group to represent. Interviewees also emphasized the need for allies to connect with the community to find out what their needs are. Former Dutch MP Lisa van Ginneken argues, “I think you should resign yourself to the fact that you will never get it right anyway. Not all gay men have the same interests. Nor do they all want PrEP⁵ nor do all of them want to get married. Should you therefore not open marriage? No, we need to look at what amenities are available for those people that might want to use them.”

Societal debate about the meaning of trans has become both more visible and controversial in German politics than in the Netherlands. German MP Jens Brandenburg (FDP) argues that trans rights are currently the most salient LGBT issue in German politics. The introduction in 2017 of a third option for registering legal sex (e.g., for those with intersex characteristics) made gender diversity more visible in public and political debate. “Not a day goes by without reports, documentaries and articles on trans appearing somewhere in a major German newspaper or on television,” says MP Tessa Ganserer (the Greens). This decision by the Constitutional Court to include a third option forced the German government to address intersex rights. This increased the visibility of non-binary identities. It also initiated a conversation about sex and gender in mainstream media, according to Bundesverband Trans*. The general public was confronted with information about the meaning of trans and intersex, making gender diversity and sex characteristics a topic of national interest. Although the ruling concerned only intersex, it marked a milestone for trans rights as well, according to Kira May Myrhmman, political advisor for queer politics to Greens MP Sven

Lehman. It means that the German constitution now recognizes and protects gender identity.

The increased visibility of trans identities also lead to backlash and controversy. Our interviewees point to “fake news” and media hypes as explanations for the failed reform of the German Transsexual Law in 2021. According to MP Jens Brandenburg (FDP), “the debate became hijacked.” National newspapers reported that the proposals aimed to “eradicate biological sex” and did not adequately inform readers about the content of the reform. MPs from the Greens and FDP who had submitted reform proposals based on self-determination were forced to defend, explain, and educate their colleagues and the public. Misinformation fueled suspicion and distrust among the public. The following parliamentary debate and media reporting focused mostly on myths, stereotypes, and fears, limiting the possibility to discuss the actual proposals to reform the German Transsexual Law. Brandenburg said, “I am afraid that the nature of the debates actually might have increased the opposition against transgender rights. False information and politicization do not help us to find even a minimal consensus between the parties in parliament.”

Our interviews with Dutch politicians and activists along with our analysis of parliamentary documents show that the debate on trans identities in the Netherlands is less politicized and more focused on pragmatic measures. However, diversion from actual policy measures also takes place in Dutch politics, for example, in the societal discussion about gender-neutral toilets: “The commitment to gender-neutral toilets and the attention to them has not done the emancipation of transgender people any good. I think that backfired. Ever since the gender-neutral toilets were talked about, opponents of trans freedoms have felt that we want to abolish the differences between men and women” (Former Dutch MP Lisa van Ginneken).

In both countries, the debate about trans identities is strategically reframed by political actors to demonstrate their conservative profile: “Anti-trans attitudes lie just below the surface. Politicians can just grab it and drive the public crazy. Look at those gender wacko’s and their gender ideology, how terrible! While I think, your constituency has never cared about trans. If we had not brought it up, you would have been fine with it because it does not affect you. It is just an easy way to score” (Sophie Schers, Policy advisor, Transgender Network Netherlands).

Greens MP, Tessa Ganserer, points to a similar development in Germany. She believes that Christian conservative and far-right political actors create space for prejudice against trans. Now that “scapegoating” gay and lesbian individuals is less accepted than in the past, trans people are targeted.

These examples show how trans identities are mediated and defined through the framing of others. After the election of Nyke Slawik and Tessa Ganserer, a member of parliament from the radical-right AfD declared, “There are now men dressed as women in the Bundestag” (Deutscher Bundestag 2022, 1143). This frame was reproduced in a prominent German feminist magazine, which reported that Tessa Ganserer “illegitimately” occupied one of the women’s quota seats for the Green Party in the Bundestag: “There is a man in parliament who is not entitled to the mandate” (Emma Magazine 2022).

Nyke Slawik also received hundreds of hurtful messages that deny her existence as a woman. Finally, the presence of trans politicians in parliament did not stop members of the AfD party from comparing trans people with cows and animals in the plenary of the Bundestag (Deutscher Bundestag 2021, 29319).

The dimension of identity formation highlights the struggle on the meaning of trans rights and the translation of this label into collective interests. The increased visibility of trans (and in the German case, of intersex) in public debate has fueled misinformation about the meaning of trans. It has also led to backlash and transphobia. This hostile environment, particularly seen in Germany, hinders the ability of trans politicians to perform their representative roles as anti-trans arguments call their presence and existence into question.

Political Control

Political control relates to interactions between the state and citizens and citizen's exercise of citizenship and civil rights. Through the political control function, symbolic representation contributes to the construction of which groups are worthy of legal recognition and protection. Political control consists of both ideological and material control. Applying this to trans politics, we see how the gender binary underpins citizenship rights (Kuhar, Monro, and Takács 2018; Monro and Van Der Ros 2018). In both countries, binary gender is institutionalized as policies and laws are directed at the nuclear family. This construction makes non-binary people politically nonexistent. At the same time, it regulates the presence of trans people by demarcating the "good" trans person as one who passes as the woman or man they identify with. These demarcations reproduce the hegemonic gender binary (Davis, 2017). MPs Lisa van Ginneken, Tessa Ganserer, and Nyke Slawik are white trans women with feminine gender expressions. Van Ginneken believes that discursive spaces should expand to accommodate within politics the diversity of gender expressions of trans people: "Some transgender people are visible, but the public image requires more nuance. Not all trans women are fond of make-up, nail polish and dresses."

More concretely, political control influences the relationship between trans people and the state. State registration of legal sex leads to several tensions. First, the politicians and activists we interviewed argue that trans people are discriminated by the state. A large part of this discrimination takes place within the procedures on legal gender recognition. German MP Tessa Ganserer, for example, argues that as long as the state requires mandatory assessments for trans people before they are able to change their legal sex status, legal equality will not be achieved. The German Jurist Association (*Deutsche Juristinnenbund*, DJB), an organization of women legal scholars, identified this issue as a constitutional tension between the need of the state to register and assess versus the self-determination of individuals. If the state mandates registration of legal gender, and thus intervenes in the lives of individual citizens, the state should justify itself, instead of the individual citizen.

Second, through the requirement of psychological assessments, the legal rights and medical status of trans citizens are blurred. When the phenomenon of “transsexuality” was scientifically recognized within psychology in the 1960s, this afforded trans people with the opportunity for support and healthcare. This recognition came at the cost of pathologization, as trans experiences were then classified as mental disorders. At the time of writing, trans people are required to undergo compulsory assessments to obtain legal recognition in the Netherlands and Germany. “And as long as the state treats us that way, I believe that justifies prejudiced and transphobic attitudes in society,” argues German Greens MP Tessa Ganserer.

Policy advisor, Kira Myhrmann (Greens), describes the process of obtaining an expert opinion in Germany as follows: “It is exhausting, degrading and the questions trans people have to answer are horrible — how often you masturbate, who you think about when you masturbate, what kind of underwear are you wearing. That has nothing to do with your gender identity.”

Protestors at demonstrations in the Netherlands in 2021 argue that the medicalization of trans leads to heteronormative gatekeeping that limits access to healthcare. Through compulsory assessments, the state demarcates who is “transsexual enough to get medical and psychological recognition and support,” says Ganserer. Former Dutch MP van Ginneken said, “[I] have never been placed under curatorship or declared not sound of mind. Why is it then that I cannot decide this for myself?” This blurred connection between legal recognition and medicalization justifies anti-trans attitudes in society. It catalyzes the depoliticization of trans interests and denies trans people the right to self-determination.

This practice of assessment was central to the recent parliamentary debates in the German Bundestag on reforming the Transsexual Law. The Christian Democratic CSU/CDU enforces the involvement of medical certification as the basis for legal status. Tessa Ganserer did not opt to change her civil status despite the discrimination she experiences. She was not listed on the ballot with her correct name and gender. Ganserer finds the pathologization of the compulsory assessments degrading. It is hard, she explains, to advocate for legal reform but to be humiliated by fellow politicians at the same time. She refers to the Council of Europe, which has for many years claimed that these procedures are an inadmissible violation of universal human rights. At the time of writing, Ganserer has submitted a request to change her legal status without an assessment. She has not received a response from the regional court but is prepared to bring the issue to the Federal Constitutional Court if necessary.

Political control influences the relationship between trans people and the state. The lack of correct documentation and registration of trans experiences by the state limits political opportunities for trans people. The conflation between legal recognition and medicalization justifies anti-trans attitudes and depoliticizes trans interests.

Legitimacy

The dimension of legitimacy revolves around the question of who is considered competent and legitimate enough to perform political roles. Political actors can

use two types of strategies to influence this context: promoting a public image that aligns with existing social norms or attempting a more radical approach of dismantling stereotypes (Tremblay 2022). In practice, the difference between these two strategies denotes either politicizing or depoliticizing trans interest to enhance legitimacy.

The political exclusion of trans people can be explained by the complete delegitimization of trans people as political actors. “The bottom line is that no one denies the existence of women, although some might have different ideas about how much space women should occupy in society. Unfortunately, there are still many people who, because of their own discomfort with the topic or because of dogmas, deny the existence of trans people” (Dutch MP Lisa van Ginneken).

When they do enter politics, the presence of trans people is mediated by the medicalization and pathologization of trans identities. This determines not only the political control function of symbolic representation but also citizenship rights and access to care. It likewise affects the perceived legitimacy of trans people as political actors. Lisa van Ginneken captures the effect of pathologization on the perceived competence of trans people in politics: “If society labels you as psychologically unwell, to put it that way, you can yell as loudly as you want, but you will not be taken seriously.” German MP Nyke Slawik highlights an additional obstacle for trans women in particular: “Trans people are not seen as competent. Especially trans women are often sexualized.... There is obviously a mix between both transphobia and toxic misogyny.”

When they are present in politics, trans politicians are reduced to their transness, delegitimizing their presence, “like I would not have any competence besides my trans identity” (German MP Tessa Ganserer). All trans politicians that participated in this study expressed frustration that their political experience, expertise, committee work, and activism are overshadowed by their visibility as a trans politician. “I am caught in this dichotomy, on the one hand I said: I want to be open about being trans so a change can take place. I want to be a door opener. But on the other hand, I also went to Berlin with a lot of other topics,” says German MP Nyke Slawik. Even though their election represented a historical level of descriptive representation, the legitimizing function of symbolic representation shows that even when trans people are present, they are constrained by the hetero- and cisnormative political context.

Both in German politics and in public debate, trans rights have rapidly become more politicized. Before the 2021 parliamentary elections, the Green Party, the Left Party, and the FDP made reforming the Transsexual Law a requirement for entering into a coalition. Furthermore, as the analysis of the dimension of identity formation showed, German trans advocacy is characterized by a more uncompromising attitude compared to the Dutch case. Instead of politicizing trans interests, Dutch trans politicians and activists propose the opposite — namely, that depolarizing and depoliticizing trans interests are better strategies to achieve change. In the Dutch political debate, according to former MP Kirsten van den Hul, “there was an almost complete depoliticization of the discussion on trans, similarly to the 70’s and 80’s when it came to women’s emancipation.” She identifies a desire and general consensus among political parties to put trans equality on the political agenda.

Dutch trans activists play into this apparent consensus, explains Sophie Schers (Transgender Network Netherlands): “Politicians, especially on the right, see [trans rights] as something that apparently just needs to be settled politically and legally, so we’re going to address it pragmatically, but we don’t need to understand it.” This attitude is exemplified by the actions of former state secretary of justice for the conservative-liberal People’s Party for Freedom and Democracy (VVD), Fred Teeven. Teeven submitted a bill to facilitate trans people in changing their legal sex already in 2012. In 2013, he commissioned research looking into the possibilities of limiting sex registration by the state (Tweede Kamer, kst-27859-69). As the VVD does not position itself as a forerunner on protecting LGBT rights from an ideological perspective (as many leftwing parties might), this illustrates the pragmatic rights-based attitude Dutch trans politicians and activists adhere to.

Despite the pragmatic political consensus to address trans interests, societal consensus on the importance of ensuring trans rights lags behind. In contrast with the German case, trans activists in the Netherlands do not aim to politicize societal debates on trans. Sophie Schers (Transgender Network Netherlands) argues in favor of a depoliticization strategy and hopes trans rights do not become a national discussion. Schers maintains that “if you insert the public in the debate, it is no longer a debate, it is about gut feelings, that become juxtaposed with factual information, completely skewing the conversation.” The depoliticization strategy showed itself to be prudent for Dutch activists. The proposed amendment to the Dutch Transgender Law that would no longer include expert opinions in legal gender recognition was announced to be discussed in parliament in 2022. Although the bill proposal had wide political consensus for years, feminist and conservative Christian groups now visibly organize against reform on a national scale.

Both Dutch and German activists are apprehensive about further polarizing public debate. While carefully observing the rise of so-called gender-critical voices in the United Kingdom, activists fear the political consequences when constituencies are provoked by debates on trans rights. Dutch MP Lisa van Ginneken describes this strategy: “If we are not careful, we will end up with warfare in the trenches. We need to focus on pragmatic issues instead of ideology. There is a certain life cycle to representation. You can bang on doors very loudly but when the door opens, you have to stop banging and step inside.”

Even though their election marked a new level of descriptive representation, the legitimizing function of symbolic representation shows that even when trans people are present, they are still constrained by the hetero- and cisnormative political context. To enhance legitimacy, Dutch actors rely on a depoliticizing strategy, whereas politicians and activists in Germany seem to take a more uncompromising approach. The German actors politicizing strategy leads to heightened political visibility but can also fuel backlash and transphobia against trans politicians.

Conclusion

The recent election of three trans women into Dutch and German parliament diverges from the historical exclusion of trans people from politics. We argue that understanding the mechanisms that facilitate or hinder the political representation of trans citizens requires analyzing symbolic representation. Symbolic representation contributes to descriptive and substantive representation by setting the normative stage in which the latter takes place. Our empirical analysis demonstrates how political boundaries of inclusion and exclusion are shaped by deeply rooted notions of heteronormativity and binary sex. These power dynamics have remained largely invisible in accounts of descriptive and substantive representation of marginalized groups. Guided by transgender studies, we operationalized the theoretical expectation that symbolic representation consists of three dimensions: identity formation, political control, and legitimacy. The empirical analysis along these three dimensions contributes to developing and operationalizing the concept of symbolic representation. The case of trans representation demonstrates that symbolic representation is essential in shaping possibilities of descriptive and substantive representation. This calls for empirical reappraisal of symbolic representation.

We find that trans identities are mediated and defined through the framing by others. Confusion about what “trans” might mean politically creates both difficulties and opportunities for representation. Although the introduction of a “third” option in German law allowed politicians to discuss sex and gender identity, confusion over terms hindered political progress. Attempts in 2021 to reform the German Transsexual Law based on self-determination failed because of “(trans)gender panics” (Hines 2020). Instead of focusing on the legal reform and the human rights violations present in the existing law, the polarized debate centered on the fundamental meaning of sex and gender as well as the fear that binary sex would be abolished. After the 2021 elections, the new governing coalition committed to full self-determination of legal gender. Although a similar bill proposal in the Netherlands was politically uncontroversial for years, future amendment of the Transgender Law is highly unlikely given the victory of the far-right Party for Freedom (PVV) in the 2023 parliamentary elections.

The political control dimension of symbolic representation shows that although the medicalization of trans facilitated recognition in the past, it may obstruct current political and legal progress. The relationship between trans people and the state, in the form of legal gender recognition, is still mediated through medicalization. Difficulties to obtain legal recognition influences the perceived legitimacy of trans people as politicians, as they are often reduced to their identity as being trans or have their existence denied.

The dimension of legitimacy sheds light on a shared tension in the Netherlands and Germany. Political actors use either depoliticizing or politicizing strategies to navigate the hetero- and cisnormative political structure. A depoliticizing strategy resonates in the Dutch political context as activists and MPs attempt to frame trans rights as a pragmatic issue. In contrast, a frame of human rights violations and a more all-or-nothing attitude characterizes the German

context. Transphobic sentiments are on the rise in both countries. Although the Netherlands and Germany may have both remained relatively free from public transphobia, especially compared to the UK and the US, national organized protests against self-determination laws are on the rise. The ongoing — and delayed — processes of reforming legal gender recognition laws in the Netherlands and Germany have fueled a growing anti-trans movement.

In the midst of this, trans activists continue their lobby for self-determination, recognition of trans parenthood, transition leave, registration of and protection against hate crimes, protection of trans refugees, and the accessibility of legal sex registration for non-binary citizens. Although trans rights and visibility have increased, it seems that white trans women have been the major beneficiaries. Internationally, it is mostly trans women — often white — that have won seats in parliament. Future studies on trans inequalities in politics should take an intersectional approach to capture the variety of marginalization of trans people that is structured by, among others, intersections of gender, race, citizenship, ability, and social class (Ellison et al. 2017). Trans interests are increasingly present in politics. However, increased visibility is accompanied by deeply rooted transphobia and backlash. Policy makers and activists should therefore not uncritically adhere to a narrative of linear progress.

Focusing on symbolic representation provides empirical evidence of the experiences of trans politicians that have been overlooked within political science. Their experiences expose the often taken-for-granted “rules of the game” that mark the political arena as a not only gendered but also cisheteronormative space. Our analysis of identity construction, political control, and perceived legitimacy of trans identities in politics contributes to thinking about the symbolic representation of other marginalized groups in politics that thus far have received little scholarly attention.

The normative power of the gender binary governs everyone’s daily lives (Kunzel 2014) and not only influences people with trans experiences but also contains elements of misogyny, ableism, and homophobia that affect queer or disabled citizens (cf. Evans and Reher), people with intersex characteristics, and women. Our findings show that increased visibility does not always directly translate into increased protection and equality. Symbolic representation shows us which constructions of identity are mobilized, what power imbalances underlie them, and how they influence possibilities for political representation.

Supplementary material. The supplementary material for this article can be found at <http://doi.org/10.1017/S1743923X24000308>.

Acknowledgments. We want to thank Danielle Schmitz for editing this article with great care and three anonymous reviewers for their encouraging and critical feedback. We are grateful to our interviewees and the generous way in which they were willing to contribute to this study with their political and personal expertise.

Liza Mügge’s contribution has been supported with an Alexander von Humboldt fellowship for a stay at the Social Science Center Berlin – WZB (2020–2021).

Competing interest. The authors declare that there are no conflicts of interest.

Notes

1. All empirical material was translated to English from Dutch and German by the authors.
2. We use the term “trans” to refer to those whose gender identity does not match the social expectations of the sex they were assigned at birth (Currah 2022). See Stryker (2017) for an overview of the different ways trans and transgender have historically been defined. The term “trans” was preferred by most interviewees.
3. This includes, for instance, the Federal Trans* Association (Bundesverband Trans*, BvT*), the German Society for Trans and Intersex Identity (Deutsche Gesellschaft für Transidentität und Intersexualität, dgti), Action Transsexuality and Human Rights (Aktion Transsexualität und Menschenrecht e.V. ATME e.V.), TransMann e.V., FTM-Portal e.V., and TransInterQueer e.V. (TriQ).
4. *Transgeschlechtlich* or *transident* as adjectives in German; transgender as both an adjective and a noun in Dutch.
5. PrEP stands for pre-exposure prophylaxis, a type of medication that reduces the risk of getting HIV.

References

- Aboim, Sofia. 2020. “Gender in a Box? The Paradoxes of Recognition beyond the Gender Binary.” *Politics and Governance* 8 (3): 31–341.
- Aizura, Aizen Z. 2006. “Of Borders and Homes: The Imaginary Community of (Trans)sexual Citizenship.” *Inter-Asia Cultural Studies* 7 (2): 289–309.
- Ayoub, Phillip M. 2016 *When States Come Out. Europe’s Sexual Minorities and the Politics of Visibility*. Cambridge: Cambridge University Press.
- Bakker, Alex. 2018. *Transgender in Nederland. Een buitengewone geschiedenis*. Amsterdam: Boom.
- Balzer, Carsten. 2007. *Gender Outlaw Triptychon — Eine ethnologische Studie zu Selbstbildern und Formen der Selbstorganisation in den Transgender-Subkulturen Rio de Janeiros, New Yorks und Berlins*. Berlin: Freie Universität Berlin.
- Balzer, Carsten, and Jan S. Hutta. 2014. “Trans Networking in the European Vortex: Between Advocacy and Grassroots Politics.” In *LGBT Activism and the Making of Europe*, eds. David Paternotte and Phillip M. Ayoub, 171–92. London: Palgrave Macmillan UK.
- Beauchamp, Toby. 2009. “Artful Concealment and Strategic Visibility: Transgender Bodies and U.S. State Surveillance After 9/11.” *Surveillance & Society* 6 (4): 356–66.
- Bönisch, Lea E. 2022. “What Factors Shape the Substantive Representation of Lesbians, Gays and Bisexuals in Parliament? Testing the Impact of Minority Membership, Political Values and Awareness.” *Parliamentary Affairs* 75 (4): 843–66.
- Boyd, Nan A. 2006. “Bodies in Motion: Lesbian and Transsexual Histories.” In *The Transgender Studies Reader*, eds. Susan Stryker and Stephen Whittle, 420–33. New York: Routledge.
- Boston, Nicholas, and Jan-Willem Duyvendak. 2015. “People of Color Mobilization in LGBT Movements in the Netherlands and the United States.” In *The Ashgate Research Companion to Lesbian and Gay Activism*, eds. David Paternotte and Manon Tremblay, 135–48. London: Routledge.
- Celis, Karen, and Sarah Childs. 2020. *Feminist democratic representation*. Oxford: Oxford University Press.
- Currah, Paisley. 2022. *Sex Is as Sex Does. Governing Transgender Identity*. New York: New York University Press.
- Currah, Paisley, and Lisa J. Moore. 2009. ““We won’t know who you are”: contesting sex designations in New York City birth certificates.” *Hypatia* 24 (3): 113–135.
- Currah, Paisley, Richard M. Juang, and Shannon P. Minter. 2006. *Transgender Rights*. Minneapolis: University of Minnesota Press.
- Davis, Heath Fogg. 2017. *Beyond Trans: Does Gender Matter?* New York: New York University Press.
- Della Porta, Donatella. 2008. “Comparative Analysis: Case-Oriented versus Variable-Oriented Research.” In *Approaches and Methodologies in the Social Sciences: A Pluralist Perspective*, eds. Donatella Della Porta and Michael Keating, 198–222. Cambridge: Cambridge University Press.

- Deutsche Bundestag. 2022. Plenarprotokolle 20/17.
- Deutsche Bundestag. 2021. Plenarprotokolle 19/229.
- Daum, Courtenay W. 2020. *The Politics of Right Sex: Transgressive Bodies, Governmentality, and the Limits of Trans Rights*. Albany: SUNY Press.
- Ellison, Treva, Kai M. Green, Matt Richardson, and C. Riley Snorton. 2017. "We Got Issues. Toward a Black Trans*/Studies." *TSQ: Transgender Studies Quarterly* 4 (2): 162–69.
- Emma Magazine. 2022. Tessa Ganserer: Die Quotenfrau. January 19. <https://www.emma.de/artikel/markus-ganserer-die-quotenfrau-339185>.
- Flores, Andrew R. 2019. *Social acceptance of LGBT people in 174 countries, 1981 to 2017*. Los Angeles, CA: The Williams Institute.
- Franceschet, Susan, Mona L. Krook, and Jennifer M. Piscopo. 2012. *The Impact of Gender Quotas*. New York: Oxford University Press.
- Garretson, Jeremiah J. 2018. *The Path to Gay Rights: How Activism and Coming Out Changed Public Opinion*. New York: New York University Press.
- Garrison, Spencer. 2018. "On the Limits of 'Trans Enough': Authenticating Trans Identity Narratives." *Gender and Society* 32 (5): 613–37.
- Haider-Markel, Donald P. 2010. *Out and Running: Gay and Lesbian Candidates, Elections, and Policy Representation*. Washington, DC: Georgetown University Press.
- Haider-Markel, Donald P., Patrick Miller, Andrew Flores, Daniel C. Lewis, Barry Tadlock, and Jami Taylor. 2017. "Bringing 'T' to the Table: Understanding Individual Support of Transgender Candidates for Public Office." *Politics, Groups, and Identities* 5 (3): 399–417.
- Haider-Markel, Donald P., Jami Taylor, Andrew Flores, Daniel Lewis, Patrick Miller, and Barry Tadlock. 2019. "Morality Politics and New Research on Transgender Politics and Public Policy." *The Forum* 17 (1): 159–81.
- Halberstam, Jack. 2018. *Trans*: A Quick and Quirky Account of Gender Variability*. Oakland: University of California Press.
- Hale, Jacob. 1997. *Suggested Rules for Non-transsexuals Writing about Transsexuals, Transsexuality, Transsexualism, or Trans*. Sandy Stone. Accessed October 2, 2023. <http://sandystone.com/hale.rules.html>.
- Hansen, Eric R., and Sarah A. Treul. 2015. "The Symbolic and Substantive Representation of LGB Americans in the US House." *Journal of Politics* 77 (4): 955–67.
- Hayat, Samuel. 2013. "Inclusive Representation." *Raisons Politiques* 50 (2): 115–35.
- Hines, Sally. 2010. "Introduction." In *Transgender Identities: Towards a Social Analysis of Gender Diversity*, eds. Sally Hines and Tam Sanger, 1–24. New York: Routledge.
- Hines, Sally. 2020. "Sex Wars and (Trans) Gender Panics: Identity and Body Politics in Contemporary UK Feminism." *Sociological Review* 68 (4): 699–717.
- Hunklinger, Michael, and Niklas Ferch. 2020. "Trans* Voting: Demand and Supply Side of Trans* Politics in Germany." *European Journal of Politics and Gender* 3 (3): 389–408.
- Jones, Philip E. 2022. "Respectability politics and straight support for LGB rights." *Political Research Quarterly* 75 (4): 935–949.
- Kamenou, Nayia. 2020. "'When One Doesn't Even Exist': Europeanization, Trans* Subjectivities and Agency in Cyprus." *Sexualities* 24 (1–2): 131–53.
- Kollman, Kelly. 2013. *The Same-Sex Unions Revolution in Western Democracies: International Norms and Domestic Policy Change*. Manchester: Manchester University Press.
- Kuhar, Roman. 2012. "Use of the Europeanization Frame in Same-Sex Partnership Issues across Europe." In *The Europeanization of Gender Equality Policies: A Discursive-Sociological Approach*, eds. Emanuela Lombardo and Maxime Forest, 168–91. Basingstoke: Palgrave Macmillan.
- Kuhar, Roman, Surya Monroe, and Judit Takács. 2018. "Trans* Citizenship in Post-socialist Societies." *Critical Social Policy* 38 (1): 99–120.
- Kunzel, Regina. 2014. "The Flourishing of Transgender Studies." *Transgender Studies Quarterly* 1 (1–2): 285–97.
- Lawless, Jennifer L. 2004. "Politics of Presence? Congresswomen and Symbolic Representation." *Political Research Quarterly* 57 (1): 81–99.

- Lombardi, Emilia L., Riki A. Wilchins, Dana Priesing Esq., and Diana Malouf. 2002. "Gender Violence: Transgender Experiences with Violence and Discrimination." *Journal of Homosexuality* 42 (1): 89–101.
- Lombardo, Emanuela, and Petra Meier. 2014. *The Symbolic Representation of Gender: A Discursive Approach*. Aldershot: Ashgate Publishing.
- Lombardo, Emanuela and Petra Meier. 2019. "The Significance of Symbolic Representation for Gender Issues in Politics." *NORA - Nordic Journal of Feminist and Gender Research* 27 (4): 231–44.
- Lombardo, Emanuela, and Petra Meier. 2018. "Good symbolic representation: The relevance of inclusion." *PS: Political Science & Politics* 51 (2): 327–330.
- Mackie, Vera. 2001. "The Trans-sexual Citizen: Queering Sameness and Difference." *Australian Feminist Studies* 16 (35): 185–92.
- Magni, Gabriele, and Andrew Reynolds. 2018. "Candidate Sexual Orientation Didn't Matter (in the Way You Might Think) in the 2015 UK General Election." *American Political Science Review* 112 (3): 713–20.
- Magni, Gabriele, and Andrew Reynolds. 2021. "Voter Preferences and the Political Underrepresentation of Minority Groups: Lesbian, Gay, and Transgender Candidates in Advanced Democracies." *Journal of Politics* 83 (4): 1199–1215.
- Mansbridge, Jane. 1999. "Should Blacks Represent Blacks and Women Represent Women? A Contingent 'Yes.'" *Journal of Politics* 61 (3): 628–57.
- Monro, Surya. 2003. "Transgender Politics in the UK." *Critical Social Policy* 23 (4): 433–52.
- Monro, Surya, and Janneke Van Der Ros. 2018. "Trans* and Gender Variant Citizenship and the State in Norway." *Critical Social Policy* 38 (1): 57–78.
- Murib, Zein. 2015. "Transgender: Examining an Emerging Political Identity Using Three Political Processes." *Politics, Groups, and Identities* 3 (3): 381–97.
- Namaste, Viviane K. 2000. *Invisible Lives: The Erasure of Transsexual and Transgendered People*. Chicago: University of Chicago Press.
- Phelan, Shane. 2001. *Sexual Strangers: Gays, Lesbians and Dilemmas of Citizenship*. Philadelphia: Temple University Press.
- Pitkin, Hanna F. 1967. *The Concept of Representation*. Berkeley: University of California Press.
- Platero, Raquel. 2011. "The Narratives of Transgender Rights Mobilization in Spain." *Sexualities* 14 (5): 597–614.
- Puwar, Nirmal. 2004. *Space Invaders: Race, Gender and Bodies out of Place*. Oxford: Berg.
- Rai, Shirin M. 2017. "Performance and Politics: An Approach to Symbolic Representation." *Politics, Groups, and Identities* 5 (3): 506–11.
- Reeser, Todd W. 2013. "TransFrance." *L'Esprit Créateur* 53 (1): 4–14.
- Reynolds, Andrew. 2013. "Representation and Rights: The Impact of LGBT Legislators in Comparative Perspective." *American Political Science Review* 107 (2): 259–274.
- Richardson, Diane. 2018. *Sexuality and Citizenship*. London: Sage.
- Sauer, Arn T. 2017. *Gutachten: Begrifflichkeiten, Definitionen und Disziplinäre Zugänge zu Trans- und Intergeschlechtlichkeiten*. Berlin: Bundesministerium für Familie, Senioren, Frauen und Jugend.
- Saward, Michael. 2006. "The representative claim." *Contemporary political theory* 5: 297–318.
- Saward, Michael. 2010. *The Representative Claim*. New York: Oxford University Press.
- Schotel, Anne Louise, and Liza M. Mügge. 2021. "Towards Categorical Visibility? The Political Making of a Third Sex in Germany and the Netherlands." *Journal of Common Market Studies* 59 (4): 981–1024.
- Schotel, Anne Louise. 2022. "A Rainbow Bundestag? An Intersectional Analysis of LGBTI Representation in Angela Merkel's Germany." *German Politics* 31 (1): 101–18.
- Schwindt-Bayer, Leslie A., and William Mishler. 2005. "An Integrated Model of Women's Representation." *Journal of Politics* 67 (2): 407–28.
- Serano, Julia. 2016. *Whipping Girl: A Transsexual Woman on Sexism and the Scapegoating of Femininity*. Berkeley: Seal Press.
- de Silva, Adrian. 2018. *Negotiating the Borders of the Gender Regime: Developments and Debates on Trans(sexuality) in the Federal Republic of Germany*. Bielefeld: Transcript.
- Simien, Evelyn M. 2015. *Historic Firsts: How Symbolic Empowerment Changes US Politics*. New York: Oxford University Press.

- Sosa, Lorena. 2020. "Now You See Me? The Visibility of Trans and Travesti Experiences in Criminal Procedures." *Politics and Governance* 8 (3): 266–77.
- Soto-Lafontaine, Melisa. 2020. "From Medical to Human-Rights Norms: Examining the Evolution of Trans Norms in the Netherlands." *Politics and Governance* 8 (3): 290–300.
- Spade, Dean. 2006. "Mutilating Gender." In *The Transgender Studies Reader*, eds. Susan Stryker and Stephen Whittle, 315–32. New York: Routledge.
- Spade, Dean. 2015. "Introduction: Rights, Movements and Critical Trans Politics." In *Normal Life: Administrative Violence, Critical Trans Politics and the Limits of the Law*, 1–19. Durham: Duke University Press.
- Stone, Sandy. 2006. "The Empire Strikes Back: A Posttranssexual Manifesto." In *Body Guards: The Cultural Politics of Gender Ambiguity*, eds. Susan Stryker and Stephen Whittle, 280–304. New York: Routledge.
- Strolovitch, Dana Z., and Chaya Y. Crowder. 2018. "Respectability, Anti-respectability, and Intersectionally Responsible Representation." *Political Science & Politics* 51 (2): 340–44.
- Stryker, Susan. 2017. *Transgender history: the root's of today's revolution*. New York: Seal Press.
- Stryker, Susan, and Aizen Z. Aizura. 2013. "Introduction." In *The Transgender Studies Reader 2*, eds. Susan Stryker and Aizen Z. Aizura, 1–12. New York: Routledge.
- Stryker, Susan, Paisley Currah, and L. J. Moore. 2008. "Introduction: Trans-, Trans, or Transgender?" *Women's Studies Quarterly* 36 (3/4): 11–22.
- Suess, Amets, Kathy Espineira, and Pau C. Walters. 2014. "Depathologization." *Transgender Studies Quarterly* 1 (1–2): 73–6.
- Taylor, Jamie K., Donald P. Haider-Markel, and Daniel C. Lewis. 2018. *The Remarkable Rise of Transgender Rights*. Ann Arbor: University of Michigan Press.
- Tremblay, Manon (eds). 2019. *Queering Representation: LGBTQ People and Electoral Politics in Canada*. Vancouver: UBC Press.
- Tremblay, Manon. 2022. *LGBQ Legislators in Canadian Politics: Out to Represent*. Cham: Palgrave MacMillan.
- Valentine, David. 2007. *Imagining Transgender. An Ethnography of a Category*. Durham: Duke University Press.
- Verge, Tània, and Raquel Pastor. 2017. "Women's Political Firsts and Symbolic Representation." *Journal of Women, Politics and Policy* 39 (1): 26–50.
- Vipond, Evan. 2015. "Resisting transnormativity: Challenging the medicalization and regulation of trans bodies." *Theory in Action* 8 (2): 21.
- Wahman, Michael, Nikolaos Frantzeskakis, and Tevfik M. Yildirim. 2021. "From Thin to Thick Representation: How a Female President Shapes Female Parliamentary Behavior." *American Political Science Review* 115 (2): 360–78.

Anne Louise Schotel is a Lecturer at the University of Amsterdam: a.l.schotel@uva.nl

Liza Mügge is an Associate Professor of Political Science at the University of Amsterdam: l.m.mugge@uva.nl

Cite this article: Schotel, Anne Louise, and Liza Mügge. 2024. "Politics without Presence? The Symbolic Representation of Trans People in Germany and the Netherlands." *Politics & Gender* 1–26. <https://doi.org/10.1017/S1743923X24000308>