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Gender Identity and the SBGG:

Contextualising Trans Issues in Mainstream *Tagesschau* News

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Master's Thesis, SOCM04, 30 Credits

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Supervisor: Olle Frödin

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ABSTRACT

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End of this year legislation will be introduced in Germany which will simplify legally changing one's gender through the SBGG, removing stricter requirements still applied under current TSG law. To situate this occurrence, the portrayal of transgender individuals and their issues in one German mainstream media outlet, the *Tagesschau*, was analysed to formulate a generic framework, using framing theory. Thereby, the media depiction of this trans demographic was channelled through the lens of oppression with subthemes such as a) language (inclusive gender-neutral speech vs. sex-based terminology) b) the melding of distinct LGBT demographics c) democratic values in a national (German) and international context and the d) conflict surrounding the SBGG out of concern for women, facilitating this overall understanding. Yet, this was a one-sided portrayal of trans issues, based on a postmodern constructivist understanding of gender, likely to have influenced the SBGG proposal, though this thesis cannot draw causal links to the introduction of this legislation and the *Tagesschau*. Furthermore, the exclusive understanding of trans individuals as vulnerable, can have unintended consequences when applied to an entire population, particularly when emphasising gender identity over sex, which will be demonstrated through practical examples such as the prison system in Britain and Wales, to highlight the importance of retaining strict sex categories for women's safety. This thesis suggests increased debate surrounding the real-world implications of gender identity in areas where sex matters, instead of shying away from such urgent topics.

Key Words: SBGG, transgenderism, framing theory, Germany, women's safety

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I want to thank my parents first and foremost. My father, who has listened (and replied) to hours of voice messages filled with confusing rambles around gender. Your patience is greater than a saint's which has helped me talk my way out of many corners. To my mother, your will is comparable to the sun. You have my gratitude for never letting me back down and allowing me to model my courage after yours.

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Popular Science Summary

In recent years, topics surrounding transgender individuals have received greater attention by countries and media outlets. This year, a new legislation called the SBGG will be introduced in Germany, which will make it very easy to change one's legal gender and receive new ID documents. To understand the context behind this decision better, this thesis focuses on the general way transgender individuals are described within news stories. To do this, 41 online news articles were examined by the *Tagesschau*, a well-known mainstream media outlet in Germany. The result of this analysis showed that transgender individuals are typically seen as discriminated against in different ways such as a) through language b) by comparing the fight for gay rights with the current fight for trans rights c) stressing democratic values in a national and international context and d) discussing the conflict surrounding the SBGG out of concern for women and trans women. What has not been talked about, is the psychological perspective, which formulates trans individuals as having a mental disorder, and does not change whether the person in question is biologically male/female. Instead, an empathetic portrayal of transgenderism is seen across news stories, which encourages the idea that if someone says they are a specific gender, then they should be treated as if they *really are* this gender biologically speaking. Unfortunately, the unintended effect of this perspective is that in areas where biological sex is important, such as in the prison system, women have been raped by men pretending to be trans, which can be seen in England and Wales. It is important that more people are aware of this and discuss such issues.

Glossary

APA	American Psychiatric Association
CGN	Childhood Gender Nonconformity
DGTI	German Organisation for Trans Identity and Intersexuality
EEOC	Equal Employment Opportunity Commission
GD	Gender Dysphoria
GI	Gender Identity
GRA	UK Gender Recognition Act 2004
GRC	Gender Recognition Certificate
RPGD	Rapid-Onset-Gender Dysphoria
SBGG	German Self-determination law for legal recognition of gender <i>(Selbstbestimmung in Bezug auf den Geschlechtseintrag)</i>
Trans	shortened form for transgender/transsexual
TSG	German Transsexual law (<i>Transsexuellengesetz</i>)
WHO	World Health Organisation

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1.0 Introduction

Within the last decade there has been a dramatic shift in the way that transgender individuals and their issues are conceptualised, driven by factors such as activist pressure, and shifting theoretical standpoints. Consequently, new legislation, or different interpretations regarding current legal frameworks have been implemented across the globe in response to this change. Germany is one such an example, with the Self-determination (SBGG) proposal passing the German cabinet in August 2023, which is a modernised version of the as of yet still prevailing Transsexual law (TSG), regulating the change of legal gender of trans people.

The new SBGG proposal included several ideas, centred around the premise of a gender identity (Deutscher Bundestag 20/9049, p. 2). Therefore, the law would allow anyone to request a change of legal gender, through verbal proclamation alone at the nearest registry office, free of charge (Deutscher Bundestag, 20/11004). As of the 12th of April 2024, this proposal was voted into law, to come into force on the 1st of November of this year, with some alterations to the original body of text (Deutscher Bundestag, 20/164, p. 86). Currently, the TSG still mandates two separate psychological assessments to gauge the legitimacy of a trans identity, differing greatly to the SBGG. The motivation for this legislative shift should therefore be examined, to contextualise the political decision making and to facilitate an understanding as to why the movement towards an inclusion of gender identity (GI) into legal gender is occurring.

Research related to the implementation of the SBGG is therefore timely, given the current interest in the topic, and the similar trajectories of other nations, who are currently discussing a similar legislation, or have already executed one. Literature on the impact of legislation including GI in different areas can be found, regarding the placement of trans women into women's prisons (Biggs, 2020), women's sports and its fairness (Handelsman, Hirschberg and Bermon, 2018 and Hilton and Lundberg, 2021), access to bathroom facilities (Carter, 2018), influence on women's rights such as the US Equality Act (Burt, 2020), and the historical redress of human rights violations previously mandated from trans individuals (Alaattinoğlu and Rubio-Marín, 2019). Relevant research was also found regarding the media

portrayal of trans rights in terms of accessing sex-separated spaces according to GI, and how this informed the debate about policy proposals in the English-speaking world (Carter, 2018 and Biggs, 2020) but none focused on general portrayal of such issues within Germany.

Therefore, given this gap, and the unintended consequences which have already occurred in other countries through the inclusion of GI under legal gender, it is important to situate the media portrayal of trans individuals, as this may have had an impact on the legislative shift in Germany.

1.1 Purpose and Research Question

Given the adoption of the SBGG later this year, this thesis will contextualise the most significant ways in which trans issues have been portrayed in one medium of mainstream media (the *Tagesschau*) prior to the law's execution, to conceptualise a generic framework so that the framing of different debate points and theoretical perspectives may be categorised. Accordingly, the research question at the centre of this endeavour was:

- How have trans issues been portrayed within mainstream *Tagesschau* online news articles preceding the SBGG implementation in Germany?

The focus was on the portrayal of trans issues more broadly, not exclusively on articles related to the SBGG, partly because otherwise the data sample would have been too limited given the few news stories about the legislation available in the *Tagesschau*, but also so an in-depth understanding of the social current shaping discussions of trans individuals could be realised. Trans issues were therefore viewed as any topic directly or tangentially related to trans individuals and analysed during the research process, to understand how this demographic is portrayed by one very well-established mainstream media outlet. The goal was, to ensure that the specificity of the thesis and its analysis of news stories of one German media outlet, would not prevent a generic framework from being realised, which may be applied to other discussions of trans issues within news media abroad.

Hence, the framework conceived from the overall discussion within the *Tagesschau*, was oriented around the oppression of trans individuals, further separated into subthemes which positioned the understanding of this demographic through a) language b) the categorical conflation with distinct LGBT demographics and their struggles c) the strive for democracy

in a national and international context and d) varying narratives surrounding women's safety beneath the anticipated SBGG. Most curiously, the lens through which each of these subcategories was viewed was according to a postmodern constructivist perspective, with a paucity regarding the psychological understanding of gender dysphoria.

1.2 Structure

To ensure coherency of the thesis project the structure is as follows: First, key terms and the intellectual background informing the basis of GI will be clarified, so that the concept of a subjectively defined gender may be contextualised. Thusly, the differing standpoints regarding the classification of individuals according to sex or GI will follow, situating trans individuals within these opposing viewpoints. Next, the legal context of the current TSG in Germany will be contrasted with the original SBGG proposal and its later adjustments, which mirror the differing understandings of transgenderism, with self-determination vs. psychological criteria. Relevant literature regarding the impact of legislation changes and the depiction of such changes by the media will be detailed, centred around women's safe spaces, in terms of the necessity of sex-separation in bathrooms to prevent rape (Carter, 2018) and placement of biological males with a female gender identity into women's prisons in England and Wales (Biggs, 2020). Afterwards the methodology will be explained, with a focus on the application of framing theory, as the core tool through which 41 *Tagesschau* online articles were analysed. The analysis of the four common subthemes informing the portrayal of oppression of trans individuals as well as the absence of counter discussion will follow. The thesis will conclude with its findings.

2.0 Intellectual Background

In this section the intellectual background informing discussions across the Western World regarding gender identity and policy shifts will be detailed, since it is assumed that these perspectives might influence the way topics related to trans issues are portrayed.

Terminology will be briefly clarified at the start, followed by explanations of the opposing standpoints on the topic of gender, sex and transgenderism. This section is not meant to be an exhaustive list of all theories influencing the gender debate around trans individuals, but serves as a broad overview for readers to understand the theoretical underpinnings of conflicting perspectives (postmodern constructivism vs. sex-based viewpoint), how these developed, and later to recognise the lens through which news stories were framed by the *Tagesschau*, or which stance, if at all, was favoured by the media outlet.

2.1 Definitions

Conceptually, something called a ‘gender identity’ is often associated with trans people today and is used for the basis for the progression of trans people’s legal rights. When gender identity (GI) is defined within the parameters of psychological disorder, it is usually seen as an ‘individual’s wish to live and be accepted as a member of the opposite sex’ (Levy, Crown and Reid, 2003, p. 409) due to the persistent discomfort with one’s sex (Coggon, Hammond and Holm, 2008). Therefore, this may include some trans individuals that have medically transitioned, to appear outwardly more like the sex they desire to be, but this does not always have to be the case (Jones *et al.*, 2017). GI, however, is always defined as a separate category from sexual orientation (Levy, Crown and Reid, 2003).

Since the move away from a medical model, definitions of GI have slowly moved away from any clinical specifications of psychological distress to more abstract ideas, so that GI becomes an individual’s ‘internal sense of gender, whether this is male, female, neither or somewhere along the gender continuum’ (Jones *et al.*, 2017, p. 702). Even within human rights literature such as the Yogyakarta Principles (ICJ, 2007) there is an oft described definition referring to GI as an ‘individual experience of gender’ that is deeply personal and subjective (p. 6). In short GI without a medical framework is an internal sense of gender,

which can include several other superficial aspects such as specific ways of dressing, or some mannerisms that amount to a GI.

Sex is separate from GI, and within this thesis is meant in the plain meaning of the term, with biological characteristics in relation to hormones, gonads, chromosomes, ova, and other genetic features determining whether one is a human male or female (Handelsman, Hirschberg and Bermon, 2018, p. 806). Since humans are mammals, their classification into males or females is dependent on whether they are geared to produce larger or smaller ova (Burt, 2020). Larger ova are called egg cells, and smaller ova refer to sperm cells. In more than 99.8% of all births (Burt, 2020, p. 376) the recorded birth sex is also entirely in line with the sexual dimorphism recorded. While the terms gender and sex are used interchangeably at times, this thesis will only use sex when it refers to biological sex, and only use gender in reference to intangible, social ideas of masculinity and femininity, to avoid semantic confusion.

2.2 Theoretical Differences

The trans debate(s), regardless of the subtopic one is discussing, is entangled in a myriad of different philosophical stances and assumptions. The different standpoints will thereby be laid out first, so that the arguments that have created the basis upon which gender identity stands can be better understood. Further, how postmodernism informs several of the pro-GI stances, will be discussed, including its heavy influence on queer feminist theorist Judith Butler and the schism within feminist theory regarding the extremity of the constructivist stance. The section will conclude with the sex-based standpoints, the classification of people into male/female, and the psychological criteria underpinning trans individuals, to adequately balance the spectrum of perspectives regarding debates related to trans individuals.

2.2.1 Postmodernism

Postmodernism can be somewhat difficult to pinpoint and define, though a main feature of this philosophy is its disillusionment with the scientific methods of the Enlightenment period, and its ability to adequately gain objective knowledge about the world (Pluckrose and Lindsay, 2021). The main postmodern thinkers of the 1960s were Michel Foucault, Jacques

Derrida and Jean-Francois Lyotard, with the first being cited most heavily by individuals such as Judith Butler, from whom queer theory first found its roots (ibid.).

Foucault believed that there was ‘no difference between marks and words in the sense that there is between observation and accepted authority, or between verifiable fact and tradition’ (Foucault, 1973, p. 34). Hence, he did not dispute there was such a thing as empirical science but felt that the impact of discourse was just as important, with language as valuable as verifiable data. Further, he felt that how we construct knowledge of our world to be of significance, since he doubted the effectiveness of the scientific method to succeed at producing objective data, thereby opposing more positivist stances that cared about how to best demonstrate the most accurate fact. Foucault’s starting point was thereby extreme in the sense that he was so sceptical, that he felt that true knowledge could not be accomplished, since how we identify ideas and therefore declare something as “fact” is too dependent on our position and our cultural biases (Pluckrose and Lindsay, 2021).

However, whilst there is a difference in theory between us assuming that reality is created by our cultural norms or saying that ‘we decide what is true according to our cultural norms’ (ibid., p. 32), this ceases to be the case in practise. Thusly, within postmodernism knowledge is deeply intertwined with power, as the latter is positioned as influencing the production of what we know, and thereby shaping our world (Pluckrose and Lindsay, 2021). Within this framework, one may therefore not just discuss how knowledge is produced, but also whether the produced knowledge is moral or not. According to postmodernism, knowledge does more than simply be, it can be implicitly tied to morals, with the involvement of power in the production of it, potentially implying negative actions such as oppression when it becomes a tool that maintains the authority (Pluckrose and Lindsay, 2021). When this theoretical viewpoint travels to extremes, even useful institutions that keep our society running smoothly, like the criminal justice system, may be framed as dominating others, even without specific individuals involved in this system holding oppressive viewpoints (ibid.).

Overall, there are three cornerstones to postmodernism: a) the significance of language regarding the construction of our world b) extreme doubt about objective scientific data and c) power being inextricably tied to everything. These basic postmodern ideals further evolved from the 1980s to 2010, developing into ‘Social Justice Scholarship’ (Pluckrose and Lindsay, 2021, p. 47), which contained intersectional feminism, queer theory, critical race theory and postcolonial theory etc. In all these different theories, language, power, and radical scepticism

of scientific knowledge play a key role. Further, all theories wish to dismantle hierarchies and equalise the access of power, since most authority is seen as subjugating different parts of the population (ibid.).

For this thesis, the formation of queer theory and the schism within feminist theory will be detailed, as the conflicting narratives surrounding women's right will need to be better understood, for the echoes of the different theoretical standpoints to be more easily identified during the analysis section.

2.2.2 Feminist Schism: Queer Theory

By the late 1980s, a schism started to occur among feminists, as to how far to take the deconstructive approach, which remains an ongoing conflict now between gender-critical (radical) feminists and trans activists (queer and intersectional feminists) (Pluckrose and Lindsay, 2021). Broadly speaking, the clash occurred since radical feminists wanted to deconstruct social roles (gender) but not sex, since sex was a necessary characteristic to understand the oppression of women under men, whereas queer feminists pushed to deconstruct both (ibid.).

Judith Butler with her book *Gender Trouble* has had a formative impact on the creation of queer theory, and the premise that both gender *and* sex must be deconstructed as something entirely culturally dependent (Pluckrose and Lindsay, 2021 and Stock, 2022). Butler (2006) begins her book separating sex and gender from each other, with sex being biological and gender that which is culturally constructed. This initial presupposition is also found among gender-critical feminists, and one that can be logically understood by most, since it is not a radical idea to presume that it is not only our biology that dictates our social roles, concepts of masculinity/femininity, preferences, and individual temperament. Thereby, gender-critical feminists have distinct categories for gender and sex, as they believe the social attributes associated with women (e.g.: caregivers, empathy, hysteria etc.) to be what is causing them to be in a disadvantaged position in society (Burt, 2020). To ensure that women are treated as equals to men, we must view them according to their individual merit, and only consider their sex in areas where biology should be deferred to, such as in sports or in relation to reproductive rights (ibid.). Thusly, whilst gender-critical feminists and Butler both presume women to be subjugated to men within society, Butler does not abide by the gender-critical

separation between sex and gender, rapidly deconstructing *both*, which is the where the feminist schism begins (Pluckrose and Lindsay, 2021 and Butler, 2006).

Butler assumes a constructivist's approach to feminism, and what being female means, as she focuses on the social aspects of womanhood, which she uses as the basis to radically transform the concept of sex, as the matter of things such as biology are not seen as important as the subjective (Hacking, 1999). To elevate this social aspect of gender, she must undermine the stability of the binary sex category, as in her eyes 'it does not follow that the construction of "men" will accrue exclusively to the bodies of males' and vice versa (Butler, 2006, p. 9). So, in socially constructed ideas around masculinity, such as having to be physically strong, or to be breadwinner in the family etc., she opposes the idea that these expectations will mostly be placed on males (Stock, 2022).

Beyond masculine/feminine expectations and stereotypes that correspond to a specific sex, she proceeds to heavily contest that there is a universally understood category of women, since such a class is not a stable one (Pluckrose and Lindsay, 2021 and Butler, 2006). Within this constructivist approach, subjective meaning results in the idea that there is more than one interpretation of reality, and that these may exist simultaneously (Riger and Sigurvinsdottir, 2016). In Butler's case regarding her concept of "woman", this idea can mean different things to different people, and be just as real as the next definition of this construction (Butler, 2006). Hence, due to Butler's anti-categorical concept of woman, there is not a common identity to be found underneath this term, since it lacks a stable essence (Pluckrose and Lindsay, 2021). However, given the influence of Foucault on Butler's writing, it is perhaps unsurprising that one feature she does consistently attach to her classification of womanhood is one of oppression, as the normative expectations placed upon women for their gender must be dismantled to liberate those falling outside the expected norm (*ibid.*). Butler's idea of women is centred around their hierarchical oppression, in the sense that she assumes women to be socially subordinated in multiple ways (political, social, financial etc.) and this is their defining characteristic (Bogardus, 2020). Categorically, the gender of a woman is her social role, which is presumed to be a disadvantaged one (*ibid.*).

Like other feminists of her time, Butler places much emphasis on language, another common cornerstone of postmodernism, to reduce the differences between men and women within her construction of gender (Butler, 2006). Beauvoir also argues that within language only females must be explicitly differentiated since the universally referenced person is a man, making

linguistics one area of implicit discrimination against women (Butler, 2006). Women must therefore become that which is desirable by men since they are juxtaposed to men's needs and thereby limited socially (Stock, 2022). Further, Beauvoir claims 'that one is not born, but rather becomes a woman', with gender turning into a process through which anyone can be a woman (Butler, 2006, p. 45). Thus, gender is a performance and there is no better or worse way to perform womanhood. Whether gender, and therefore sex, is fixed is mostly a function of discourse, and something to be dismantled, due to the exclusionary nature which language can have (Butler, 2006).

This exclusively postmodern perspective, of viewing objective characteristics such as sex as categorically oppressive, is best understood in the context of the time in which these were proposed. During Butler's time, women needed to rid themselves of discriminatory stereotypes associated with femininity, as sexist biological essentialism was facilitating their discrimination (Stock, 2022). Feminists needed an alternative way to remove the clichés which were keeping them oppressed, using the argument that gender was entirely socially constructed, to ward off biological determinism, and justify their call for more opportunities being opened to them (Stock, 2022). Consequently, the social construction of women within this time had to be removed from objective matters, resulting in language being prized above material reality. Hence, it was less about the construction of women and more about the construction of *the idea* of what women ought to be (Hacking, 1999). This is at odds with the concept of women used nowadays which is about what womanhood '*already is* rather than what it *should be*' (Stock, 2022, p. 143-4, original emphasis).

2.3 Sex-based Standpoint

The biological understanding of men and women within the natural sciences opposes the queer theorist stance that sex is socially constructed. Therefore, the classification of men and women according to biology will be summarised next, as well as the separate psychological criteria underpinning how trans individuals are defined according to empirical standards. This is to ensure a comprehensive understanding of the sex-based viewpoint and the premise informing the conflict with postmodern constructivists, and some of the complexities found within the clinical literature, which should be broadly known about, so that readers may be fully aware of the differing arguments.

2.3.1 Classifying Sex

The classification of people into males or females occurs according to an objective set of observable and empirically verifiable criteria. Therefore, sex is based on sexual dimorphism, meaning the production of either big or small ova, with secondary sex-characteristics (breasts, genitalia etc.) almost always developing in line with these ova (Biggs, 2020 and Soh, 2021). Rare instances of intersex conditions, also called disorders of sex developments (DSDs), are also determined by detectable biological characteristics one can test for, and do not destabilise the fixed binary sex categories, because their defining feature are ova. There is no known DSD that causes more than one ovum to be produced, or for the sperm or egg cells to develop in a way that combines both together (Joyce, 2021 Soh, 2021). Egg and sperm cells are single-cells organisms, genetically this is not a possibility.

Typically, one can accurately tell the sex of an individual based on outward appearance, though the points of inference one may use to do so (breasts, facial hair etc.) in everyday life are not what makes one a woman/man (Stock, 2022). One would be right most of the time to presume that someone with facial hair is a man, but this sole inference is not the defining feature of man. Thereby, should one or more aspect of sex, such as the chromosomes or androgen production (e.g.: testosterone) differ from the expected ova, one would still be biologically male/female due to the production of egg or sperm cells. Further, considering the rarity of such intersex conditions (0.2% of all births, Burt, 2020, p. 376), allowing these outliers to break the sex category entirely would be tantamount to saying that human polydactylism (having more than the standard number of toes or fingers) proves that humans do not have ten fingers (Burt, 2020, p. 377).

Consequently, defining sex according to ova allows for a stable definition to be created, that is also immutable regardless of any secondary sex-characteristics being altered or different, be it because of a mastectomy due to cancer (since females without breasts remain female) or an intersex condition. Hence, neither people with DSDs or those having undergone biomedical intervention destabilise the defining trait of ova, since neither rare genetics nor medical treatment can turn a female into a sperm producer, or a male into having egg cells (Burt, 2020).

2.3.2 Classifying Transgender Individuals

The sex-based standpoint, views mental disorders such as gender dysphoria as an unobservable detectable (Jackson, 2016, p. 97), in the sense that physically visible biological characteristics are no longer used, instead psychological symptoms must be carefully evaluated based on lengthy psychiatric sessions, to understand how mental symptoms manifest in individuals. Thereby, trans individuals are classified according to psychological criteria for gender dysphoria, a diagnosis characterised by ‘persistent and intense’ distress with one’s sexed body, for which there is a solid body of medical research (Zucker, 2010, p. 4). Thusly, the legitimacy of a trans identity is determined on a psychological basis, with biological sex considered separately categorically, since trans people’s sex is typically easy to determine (Stock, 2022).

Let us now examine the psychological criteria after which trans people have been conceptualised. Transgenderism as it is known today, first appeared as ‘Transsexualism’ in the Diagnostic and Statistical Manual of Mental Disorders Third Edition (DSM-3) in the 1980s as a legitimate disorder. Preceding this, Magnus Hirschfeld was first attributed with its identification, by classifying it separately from homosexuality and viewing it as its own diagnosis (APA, 2017). The DSM-4 replaced ‘transsexualism’ with ‘gender identity disorder in adults and adolescence’ and was finally updated to ‘gender dysphoria’ (GD) with the DSM-5 in 2013 (ibid.). Each of these different classifications, contained detailed symptoms characterising the mental disorder, that would qualify individuals as being gender dysphoric, which were continuously updated over time, to account for better and new research. Thereby, GD has been grouped into two subtypes, with marked differences to be found between them, and well-known clinical literature regarding the two subcategories.

Early-onset GD

The first, ‘early-onset gender dysphoria’ starts as early as preschool age, with mostly boys impacted by it, though some girls had it too (Zucker, 2018 and 2019). Some of the common symptoms would include:

- A strong desire to be rid of one’s sexual anatomy
- A strong desire for sexual anatomy of the other gender
- A strong desire to be of the other gender

- A strong desire to be treated as the other gender

(APA, 2017 and Shrier, 2021)

In concert with two or more of these symptoms, distress to such an extent, that one's life is impaired by it, in relation to social, occupational, or related significant fields of everyday life would also have to occur (APA, 2017). Some of these, especially the distress targeted at one's sex, can be obvious to parents of very young children, especially in severe cases, and are thereby observable (Shrier, 2021). Still, given the uniquely complex cases of each gender dysphoric child, and the possibilities of other comorbidities (ASD, eating disorders etc.) or environmental factors (sexual trauma, loss of a family member etc.) being the root cause of distress, psychological evaluation must be stringent, careful, and thorough (Zucker, 2019).

Further, most classic cases of childhood onset gender dysphoria desist by the time they hit puberty, with children growing up and settling into their bodies. D'Angelo *et al.* notes a desistance rate of 61-98% (2021, p. 13) across all eleven long-term studies done on gender dysphoric children, provided there is no biomedical intervention (e.g.: hormonal treatment, surgery etc.). For a simple overview of these studies see Cantor (2020) p. 313. Following desistance, these formerly gender dysphoric children would also most likely grow up to be gay, when compared to the average population (Soh, 2021). This should be unsurprising since childhood gender nonconformity (CGN) is a major predictor for being gay in adulthood (Hines, 2011 and Soh, 2021). The connection between gender nonconformity and sexual orientation is important to highlight, since most gender nonconforming children may not be trans but gay, and this is the dominant narrative which can be found through viewing the empirical clinical literature when biomedical intervention is avoided (Barnes, 2023, Cantor, 2020, Zucker, 2018).

Late-onset GD

The second sub-type, 'late-onset gender dysphoria' starts during puberty and is limited only to boys in association with transvestic fetishism/autogynephilia (Zucker, 2019).

Autogynephilia means 'to love oneself as a woman' in Latin, coined by the sexologist Ray Blanchard (Joyce, 2021, p. 39), and is used to describe sexual arousal stemming from fantasies that one is a woman. It is not necessarily linked to cross-dressing per se since

clothing may be used to facilitate the fantasy but is not the precise erotic origin. Depending on the severity of the feelings and how they impact day-to-day life, it can be classified as a paraphilia, but autogynephilia does not automatically lead to GD in all cases (Lawrence, 2017).

This Autogynephilic subtype has also always been present at gender clinics, with several studies detailing a mid- to high level association between being a male-to-female trans person and having autogynephilic tendencies (see Table 1, Lawrence, 2017, p. 41). Further, given the social stigma attached to such sexual desires, it has also been noted that late-onset gender dysphoric patients have concealed or denied their autogynephilic tendencies either purposefully or unintentionally, which makes it more difficult to gain an exact number of the late-onset cohort (Levy, Crown and Reid, 2003 and Lawrence, 2017).

Together, individuals of the early-onset subtype that did not desist in adulthood and some of the autogynephilic cohort, would go on to call themselves transsexual/transgender (depending on the generation) and live as much as was possible like the opposite sex, the sex they desired to be, to alleviate their distress. “Living as the opposite sex” within this context can mean a social transition such as changing one’s clothing, hairstyle etc. to mimic a more feminine/masculine appearance or a medical transition, which would include cross-sex hormones and/or surgery. Not all transgender people however would pursue such means to alleviate their distress. Generally, this demographic was an extremely rare one for the longest time, estimated to make up 0.01% of the population (Shrier, 2021, p. xxvii). The drastic rise in transgender-*identifying* people in recent years has been hypothesised to be part of a growing social contagion, especially among young girls, which is the demographic most commonly afflicted during such occurrences (Littman, 2018, Barnes, 2023, Joyce, 2021, Shrier, 2021, Zucker, 2019). However, given the limitations of this thesis, and that others have covered this trend (ibid.), this aspect of transgenderism will not be further explored in this thesis.

3.0 Legal Context: Germany

Since this thesis will be analysing mainstream media articles of the Tagesschau before the implementation of Germany's new SBGG law (*Selbstbestimmung in Bezug auf den Geschlechtseintrag*), the newly proposed legislation will be briefly outlined, as well as the yet still remaining TSG law (*Transsexuellengesetz*), for clarity and context. Further, the differences in theoretical premises of the two legislations will be detailed, as the TSG is built upon psychological presuppositions related to GD, whereas the SBGG relies on constructivist ideas of GI. The alternative proposal submitted by the AfD with support from a handful of other politicians will also be mentioned briefly, to note a legislation attempting to marry the psychological standpoint and the historical plight of trans individuals together.

3.1 The TSG

The TSG dates back to 1980 and currently still regulates the legal change of an individual's name and gender, pertaining to trans individuals only (BMI, n. d.). Initially the TSG mandated several strict requirements, such as mandatory divorce, which have since been deemed unconstitutional according to German law following different lawsuits, so that many subsections are no longer applied. The final element struck from the TSG was decided in 2011 pertaining the mandatory sterilisation and sex change requirement, as they were a clear violation of Basic Rights of the citizens involved (BVerfG, 2011). The Constitutional Court ruled that although legitimate legal interests were pursued by the German state, in terms of maintaining the legal order, the violation of bodily integrity as well as the dignity of a human being made the practice of this TSG subsection untenable, especially since alternatives were an option to safeguard the legal certainty of a man or a woman in areas where it matters (ibid.). Further, the focus should be on determining the legitimacy of a trans diagnosis, based on seriousness and enduring nature of a psychological distress at one's sex, rather than whether an individual is willing to undergo medical transition.

The current requirements needed for a German citizen to change their legal gender, are thereby structured around gauging this persistent nature of the trans (gender dysphoric) diagnosis. One must a) feel that they are of the opposite gender b) have lived as this desired gender for at least three years c) believe that this feeling will never change again and d)

submit two separate psychological evaluations done by medical professionals familiar with transsexual issues, so that a court may approve the applicant's request (BMI, n. d.).

3.2 The SBGG

The proposed SBGG desires to modernise the TSG, since the TSG has not yet been updated, with unconstitutional elements still visible in the legal text, despite them no longer being applied. Therefore, there is still some association with the historical plight caused by the old passages. Most significantly, the SBGG takes issue with the 'pathological understanding' (Deutscher Bundestag 20/9049, p. 1) of trans people, seeing as it as an outdated system to regulate the legal change of gender for trans individuals.

Instead, the SBGG operates explicitly on the basis of GI, which it formulates as something that 'cannot be assessed by others, as an assessment can only reflect that which the person reports themselves' (Deutscher Bundestag 20/9049, p. 20). Therefore, the only proceedings necessary for an individual to change their legal gender is through verbal proclamation at the nearest registry office and a three-month waiting period (Deutscher Bundestag 20/9049). The legitimacy of someone's GI is therefore not verified by outside criteria, presuming it to always be true. Thereby, the requirement pertaining to the two separate psychological evaluations would therefore be removed, since seeing trans people as having a mental disorder is considered unconstitutional regarding the gender identity of the individual in question. The only barrier will be the inability to change one's legal gender again for a year.

Furthermore, the SBGG uses a uniform solution for trans- intersex- and non-binary people, as they are all considered to have a GI (ibid.). Current TSG law is only for transsexual/transgender people, with a separate process for intersex individuals that is based upon a doctor's confirmation of an underlying biological condition according to §45b PStG (*Personenstandsregister*, Personal Status Act).

As well as regulating the change of legal gender, the initial proposal details where it will be used as a basis for different areas of application, and where this will not be the case. Some significant points of interests contained within this legislation are:

- 1) Access to sex-separated spaces e.g.: women's shelters, changing rooms is left to the discretion of the owners and organisers of the different venues and institutions (§6 SBGG). The SBGG does not directly interfere with these.

- 2) Sporting performance can be judged independently of legal gender (ibid.). Biological sex is not specifically mentioned to take precedence.
- 3) Quotas for men and women will be decided according to the current legal gender of the eligible people (not biological sex) according to §7 SBGG.
- 4) A “disclosure ban” (§13 *Offenbarungsverbot*) will come into effect to make it illegal to reference a person’s previous gender and/or name without the person’s consent. Should this occur to ‘purposefully hurt’ (Deutscher Bundestag 20/9049, p. 12) the individual can be fined up to 10 000 Euro.

These general points of consideration remained unchanged after the most recent legislative discussion of the Bundestag, leading to the vote affirming the implementation of the SBGG. There were however some alterations to the initially proposed body of law, such as the “disclosure ban” of §13 SBGG (Deutscher Bundestag, 20/11004). Thereby, state apparatus such as the police would no longer be informed if an individual has changed their legal gender or name, removing §13 Abs. 5 SBGG, which previously notified agencies related to securing national security, to update their databases for wanted lists etc. (Deutscher Bundestag, 20/11004, p. 15 and 20/164, p. 70). Another addition ensures that individuals may start applying for a change of legal gender 3 months before the SBGG comes into force (on November 1st, 2024), to receive their changed ID documents on the date of the implementation (Deutscher Bundestag, 20/11004, p. 40).

Generally, the SBGG contains postmodern constructivist principles in relation to elevating language above objective criteria, when it comes to assessing the legitimacy of someone saying they are trans. Rather, the previously established method to determine the seriousness of this characteristic is called into question, due to its pathological and thereby stigmatising feature, rejecting the connection to psychology outright. Further, some elements of queer theory are evident, considering the inclusion of the Butlerian idea that gender (identity) is fluid, since one can technically change one’s legal gender every 15 months under the SBGG. Additionally, the anti-categorical premise of the proposal may be seen in the melding of three different demographics, expanding ideas of GI to individuals that had previously been conceptualised as categorically distinct.

A counterproposal to the SBGG had been submitted to the Bundestag September 2023, by the AfD and a handful of other politicians, arguing for greater therapeutic support for transgender individuals, retaining the criteria for objective psychological assessments, as well as further research into the dramatic increase of young individuals identifying as transgender (Deutscher Bundestag, 20/8203). However, this alternative draft failed to gain traction, leading to the proposal being dismissed on the 10th of April 2024 without further debate (Deutscher Bundestag, 20/11002).

4.0 Relevant Literature

The focus of this thesis will be on the mainstream media landscape of the Tagesschau that has predated the implementation of the SBGG, and the general themes through which trans individuals have been framed within this news outlet. Relevant research was chosen to emphasise the necessity of a balanced debate within the media regarding the safety of women and trans individuals, since there have been unintended consequences when this was not the case. Therefore, Carter's (2018) careful elucidation of the historical reasoning for the introduction of sex-separated bathrooms for women will be discussed, which contrasted with the alternative understanding promulgated by American media in response to the "bathroom debates". Afterwards, the slow progression away from a sex-based model within the prison system in England and Wales, and the negative impact this has had on women's safety during incarceration will be delved into, to underscore the threat of male predation (Biggs, 2020).

4.1 Media narratives

Between 2011-2012 there was a dramatic increase in interest by the US public to open bathroom facilities to transgender individuals, so that students could access toilets in opposition to their sex. Due to this, in 2012 the EEOC (Equal Employment Opportunity Commission) interpreted Title VII's sex category to also include GI, so that in 2016 the EEOC outlined guidelines, in which the non-recognition of GI constituted harassment (Carter, 2018, p. 236). With the inclusion of GI, any schools receiving federal funding were now required to operate underneath such a framework, that would allow any student access to any bathroom so long as it corroborated with their GI.

Around the same time, the media (such as the Times, Charlotte Observer, The Guardian, CNN) widely disseminated two theories around why sex-segregation in bathrooms was first implemented (Carter, 2018, p. 241-2, Kogan, 2016 and Rhodan, 2016). These ideas also proceeded to make their way into Wikipedia as well as the Supreme Court, showcasing how deeply these narratives informed broader society's understanding of women's sex-separated spaces. The first theory argued that sex-separated bathrooms first occurred at a restaurant in Paris in 1739, due to upper-class gentility and elitism, while the second theory promulgated that consistent sex-separated bathrooms did not occur until the late 19th century as an

overreaction to women's entry into the workforce during the Industrial Revolution (ibid.). Thereby, the history of sex-separation was told through either the lens of the elite foisting their standards upon the public, or sexist paternalism newly intervening in previously unisex spaces (Carter, 2018). Carter believed both these theories to be incorrect, and viewed the referenced 1887 Massachusetts state-wide law mandating sex-separation in bathrooms to be the first anti-sexual harassment labour law, to counteract the frequent assaults on women in factories.

Further, sex-separation, both for bathrooms as well as other private activities such as bathing, had existed in both Europe and the US prior to the latter's founding (ibid.). In fact, Lucy Cleveland had noted separate bathing compartments during the time of Pompeii and the Roman Forum, inferred from surviving ancient vases, with Japanese woodblock prints indicating that sex-separation for such activities had been normal for centuries (Carter, 2018, p. 259-260). Additionally, prior to official legislation, different social conventions were used to demarcate access to areas for private bathing purposes, as could be seen by the Healing Springs in America, believed to have restorative properties in 1786. To signal to visitors to the spring who had the right of access, an apron on a pole at the entrance was used as a sign for women being allowed entry, whilst a hat was used as a symbol for men (Carter, 2018, p. 269).

Carter's (2018) investigation of public ordinances and conventions of the past showed that the major reasons for sex-separation in bathrooms were due to privacy, women's safety (from rape and harassment) as well as general advancements in public sanitation and health. Rape had been illegal for a while, but the system for pursuing such a claim had been entirely insufficient well before 1887. Helen Campbell had described household service 'synonymous with the worst degradation that comes to women' (Carter, 2018, p. 280), often also affecting children that were contracted for indentured work by parents that could not afford to feed them. Despite some employees doing their utmost to grant protections to these vulnerable women and children, they could not adequately guarantee their safety, especially not with the advent of the Industrial Revolution (ibid.). Policies were therefore implemented that would place women's safety even above the economical pursuit of factory owners due to the well-known plight that these 'demoralised' females were suffering from (Carter, 2018, p. 284). In the parlance of the time, 'demoralised' and similar such terms were employed to refer to raped or otherwise abused women, since sexual matters were rarely openly discussed.

Consequently, social conventions, ordinances and legislation enforcing sex-separation for bathrooms and related areas, was always about the prevention of rape. An absence of such exclusively female access expected sexual assault to occur, as this was either the desired outcome, such as when masters bathed with their slaves, or because the women involved were considered unworthy of such regard due to matters related to their lower class, ethnicity etc.

Framing alternative bathroom stories purely through elitism or sexist sensibilities of women's purity, suggests that safety was not a major concern. It assumes that women did not experience harassment, and that these enduring concerns did not inform the ongoing practice of sex-separation currently. The access to women-only bathrooms for every female, regardless of standing, was a struggle aptly characterised as a civil rights issue, as it ensured the safety of women from rape, but also to access employment and educational opportunities, without fearing for their bodily integrity. Yale Law school only allowed women to matriculate into their institute after bathrooms specifically for women were installed (Burt, 2020). And today, the UN as well as other human rights organisations such as Amnesty International note that access to private sanitation increases the chances of girls finishing their education in developing nations, since they are safer from sexual assault (UN, 2011, Joyce, 2021 and Amnesty International, 2024).

Consequently, introducing circumstances under which males may enter women-only areas, needs to be done with extreme caution, due to the ongoing threat of male predation, which can therefore have an impact on women's safety as well as their access to opportunities. GI-policies allow males entry into women's spaces and should thereby be scrutinised for such exploitation. Let us therefore examine the practical application of such policies in the English prison system, as the move from sex to gender has been documented within this arena.

4.2 Sex Matters: Incarceration

Generally, sex segregation between men and women is the norm in prisons due to the vast differences in offending behaviour. Thereby, prisons remain one domain in which clear sex differences can be observed across nations which hold statistics regarding their imprisoned population. In England and Wales women have consistently made up a fraction of overall prison population, with the most recent statistics from 2023 showcasing that only 4% of all

prisoners had been female (Sturge, 2023, p. 8). Due to the small number of female offenders, of all 122 prisons in England and Wales only 12 are for women, all of which follow open or closed conditions, with none designed for highly dangerous females, who would have to be held in a high security penal institute (Davies and Scott, 2023 and HM Prison & Probation Service, 2024).

Therefore, women's prisons are not equipped for highly dangerous individuals, since female criminals rarely follow such patterns, typically embodying characteristics of domestic abuse victims, signs of traumatic brain injuries, substance dependency and risk of suicide (Davies and Scott, 2023). Rehabilitation is therefore focused on strengthening these women to resist coercion from intimate partners into crime, and to remain in touch with their families and children, whilst focusing on mental health (*ibid.*).

Since female prisoners are a minority, men commit most of the crime, including the most violent ones. As of June 2023, the most common offence of a prisoner in England and Wales was violence against a person at 31%, with sexual offences being the second-most common offence for adults (Sturge, 2023, p. 11-12). Further, 98.5% of all sexual offenders imprisoned in England are men (Biggs, 2020, p. 2). The high dark figure of sexual assault and rape should also be considered at this stage. Men that have been charged with violent crime, may also have committed sexual assault in the past, but remained unreported, since victims of rape have multiple reasons to avoid doing so (Joyce, 2021). When dealing with the most aggressive of our population that have committed crime frequently enough to be sentenced to imprisonment, one is not typically engaging with model citizens.

Given this disparity between the sexes in the prison system, separate prisons are a logical choice to maintain order, protect the safety of women, and meet the different needs and rehabilitation procedures for the differing demographics. The gradual erosion of sex, and under what conditions males would count as (trans) women to be transferred into a female prison need to be considered.

4.2.1 From Sex to GI

In England and Wales, prisons slowly moved from only considering sex to also considering gender, after activists had gained influence in major government offices and organisations (Biggs, 2020). At first, trans women could only move into female prison if they had

undergone a surgical sex-change, which was provided by the NHS after the expansion of human rights in relation to healthcare through judicial decisions mandating the coverage of such medical expenses (*ibid.*). However, a prerequisite to the sex change was to have men “live as a woman” for two years, to ensure that this pathway was a serious one, and give the trans individual time to reconsider. Until 2009, to “live as a woman” could be accomplished by males in men’s prison, by decorating their prison cell with lace curtains or through wearing make-up or other stereotypically feminine accessories (Biggs, 2020). Furthermore, since there was a two-year waiting period, it had the side-effect of only giving the most violent perpetrators the opportunity to move into women’s prison, due to these men serving longer sentences.

Yet, 2009 marked the first year, that the two-year requirement of experiencing womanhood had to be absolved in women’s prisons, leading to the first male rapist to be moved into a female prison prior to surgery. Mark Jones, the trans woman in question, had strangled his boyfriend to death in 2001, and after being released attempted to rape a woman who worked in a shop selling transvestite clothing (*ibid.*). Jones successfully brought his request to transfer to a woman’s prison to a judicial review, the judge approving the transfer since Jones would be more difficult to manage in prison if he was not granted the request due to his ‘narcissistic, compulsive, aggressive, violent and sadistic’ character (Biggs, 2020, p. 5). In the wake of this ruling, by 2011 the only requirement needed to be moved into a women’s prison was to have changed one’s legal gender, which could be done underneath the Gender Recognition Act (GRA), by applying for a Gender Recognition Certificate (GRC). However, even this legislative requirement was not always stringently applied, and by 2016 a female GI – saying one feels like a woman – sufficed to request a transfer.

Given these diminished requirements, and the potential for exploitation, it is perhaps unsurprising that underneath the GI-prison policies, 24 male rapists transferred into women’s prison, one of whom promptly assaulted his female inmates (Biggs, 2020, p. 3). The most notorious case of a male predator exploiting these gender-based prison policies was Karen White (formerly David Thompson) who assaulted four female inmates shortly after being transferred in 2017 (Evans, McCann and Rudgard, 2018). At the time of the transfer, White had not yet received his GRC, and had also been convicted of multiple counts of rape, burglary, stabbing a man and sexually assaulting a child, and despite the latter, was still housed in a woman’s prison which also had a mother-and-baby unit (Biggs, 2020, Asteriti and Bull, 2022 and Evans, McCann and Rudgard, 2018).

Overall prison statistics showcase a remarkable increase in men proclaiming a trans identity, with trans prisoners initially amounting to only 70 in April of 2016, and 139 in 2018 (Biggs, 2020, p. 10). These numbers further rose, so that as of March 2022 there were 230 transgender prisoners, which does not include those with a GRC (Sturge, 2023, p. 9). Furthermore, transgender prisoners are ‘defined as those individuals known within prison to be currently living in, or presenting in, a gender different to their legal gender and who have had a local case board’ (Sturge, 2023, p. 8-9). Therefore, those that have already acquired a GRC, are counted in the same manner as biological males/females and are no longer statistically visible. The HMPPS (Her Majesty’s Prison and Probation Service) have noted this, and therefore see the latest count of 230 transgender prisoners as an ‘underestimation’ (Sturge, 2023, p. 9). Further, of the 230 transgender prisoners 181 were incarcerated in men’s prison and the remaining in women’s prisons (ibid.). It is unclear which of these are biological males or females. Additionally, the proportion of all transgender prisoners that had committed sexual offences for 2022 is unknown, though a freedom of information request by Fair Play for Women found that 60/125 trans women prisoners were sexual offenders in 2017 (Asteriti and Bull, 2022, p. 4 and Joyce, 2021).

Given this lack of transparency, the question arises as to why prison procedures allowed some males with a violent history to be moved into women’s prisons, when these institutions have not been designed to handle such individuals. Biggs (2020) points towards the sympathetic media attention garnered by the suicide of two transgender prisoners, blamed on the lack of support the prisoners received to affirm their GI.

None of the media publicity of the suicides provided details of the two trans women. The first, Vicky Thompson did not have a GRC, nor did he want one (Newcomen, July 2016, para. 30), and also did not desire to be transferred into a woman’s prison (ibid., para. 34). Thompson had been suffering with mental health conditions for years, experienced sexual trauma and spent a life in care. Still, Stonewall, a major LGBT organisation, declared that Thompson’s suicide was due to a lack of GI-recognition (Biggs, 2020). This transgender lens was also applied to Joanne (formerly Edward) Latham convicted for attempted murder in 2001, and further convicted for the same crime in prison in 2007 and 2012 (Newcomen, August 2016, para. 30). Latham also had a history of self-harm and mental health issues and was considered too big a security risk for a transfer into women’s prison, due to this criminal past, and behaviour of making weapons to stab himself as well as others (ibid. para. 31).

While the prison did provide female cosmetics, his death was used by the media to showcase the inherent violence of the prison system against transgender people (Biggs, 2020).

Harm was therefore subscribed to the placement of these trans women in men's prisons, intensifying pressure on prison personnel and judges to move these males into women's prisons because it affirmed their GI and was portrayed as improving their wellbeing. The prevention of harm was subsequently attached to access to women's prisons, in terms of trans women's safety and comfort, with an absence of consideration for women's safety (ibid.).

Amidst these two widely publicised deaths of incarcerated trans women in 2015, sympathy increased, leading to the government announcing a fundamental 'Review into the care and management of transgender offenders' (Biggs, 2020, p. 8). The review had two independent advisors, took evidence from transgender prisoners, 11 months to produce, during which not a single woman was interviewed. Further, even before the 2015 review, the British Psychological Society and British Association of Gender Specialist, warned of male prisoners posing as trans, to reduce their parole or gain access to females, due to increasing referrals by male convicts falsely claiming a trans identity (Biggs, 2020, p. 9). These concerns, however, were ignored until the case of Karen White gained media attention, following the rape of four inmates, after which policies were adjusted, so that GI did not always replace sex in regard to prison placement (Evans, McCann and Rudgard, 2018 and Biggs, 2020). Hence, in 'exceptional cases' trans women with a GRC may be denied a transfer, so that males with a record of sexual or violent offences may be kept separate from women (Beard, 2018, p. 11).

Consequently, it is likely that the combination of compassionate portrayals of trans women in media, that lacked critical details, and an absence of considerations related to preventative measures against male predators, led to the initial move from sex to GI in the British prison system (Biggs, 2020). The portrayal of trans individuals in media is therefore an area of interest for social research, given the potential influence on policy for women's safe spaces, and the grave consequences it can have for vulnerable women when their safety is neglected in debates.

5.0 Methodology and Theory

This section details both the methodology of this thesis, as well as the application of framing theory during the research process. The inclusion of theory within this section was considered logical, given that the interpretative element of framing theory influenced the application of method during this project. Moreover, whilst both framing theory and thematic analyses were used during the research process, the former will be summarised, to ensure that readers may understand what precisely is meant by framing theory, for greater clarity of its application during the method subsection of this thesis.

5.1 Framing Theory

The concept of framing is seen as a process that has a ‘typology of generic and issue-specific frames’ (, p. 51). Within framing theory, the different ways “the media” is portrayed is therefore classified by frames (ibid.). This can be important to understand public opinion as well as political decision-making, since ‘frame-setting’ (de Vreese, 2005, p. 52), the interaction between media frames and the individual’s prior knowledge on the subject, may be influenced. This influence may remain at the level of the individual, or expand to society as a whole, as shifting attitudes may inform legislative change (ibid.). de Vreese, 2005

Framing theory may therefore be a tool to analyse the portrayal of social issues within media. At minimum, frames require a media source that is defining and discussing an issue (de Vreese, 2005). The structural qualities that determine what can and cannot be written about within journalism e.g.: social movements, the elite etc. are also integrated within this portrayal at times (ibid.).

There are multitudes of definition of what exactly constitutes a frame, with Gitlin calling frames ‘persistent patterns of cognition, interpretation, and presentation’ (de Vreese, 2005, p. 52), referring to how discourse is organised and the way that meaning is moulded by this portrayal of an issue. A simpler way of defining a frame is to see it as how a subject/event is comprehended. Thereby, frames are what provide the context from which to see a story from, as they can provide concepts, causes, and offer solutions while at times making judgements, shaping the core of the story told within media (de Vreese, 2005 and Rodriguez and Dimitrova, 2011).

Certain media stories have a central narrative that may be boiled down into one or two characteristics, though this is not always the case. Topics that are too broad, require several generic frames to make sense of, especially since frames are naturally embedded within our social world (de Vreese, 2005). Hence, frames are directly related to political arguments, familiar tools to journalists and tied to how the population thinks about social movements (de Vreese, 2005, p. 53). The framing of social issues is informed by these complex interactions of our everyday, requiring generic frames to understand the different levels of interplay. Further, though forgotten at times, how people understand the news, also means that the framing of news stories may be utilised to obscure aspects to a problem from the audience, while highlighting others, potentially impacting the attitudes of others (Rodriguez and Dimitrova, 2011).

5.1.1 General Method

Application of framing theory may occur in an inductive (from the text) or deductive (starting with previously defined frames) fashion, with different arguments for and against both ways (de Vreese, 2005). The former may be more rooted in the text, diminishing preconceived notions, while the latter is thought to be better in some cases for scientific rigour and repeatability, as it is not too specific to the media matter. In either case, frames must be clearly identifiable and a common journalistic practice within news (articles). Typically, one may look for thematically reinforced clusters of frames, while others look for ‘framing devices’ (de Vreese, 2005, p. 54). Such devices are many and varied, ranging from headlines, metaphors, and catch-phrases to images and photo captions (ibid.).

The importance of visual images within news media should also not be overlooked, as they may shape stories and add meaning (Rodriguez and Dimitrova, 2011). Historically, the use of pictures precedes the written word, and are also easier to remember and more attractive than text (ibid.). It would be remiss, to avoid an analysis of depictions and symbols utilised within news, though there is not a clear systematic way of identifying visual frames. Some look for themes such as metaphors, common depictions, or symbols that legitimise the text frames, while others may identify ideological positions (Rodriguez and Dimitrova, 2011). The depth to which news images may be analysed to, is also up to the individual in question, further increasing the interpretation of the application of framing theory for visual images.

Thereby, a basic denotative analysis of news images can be done, detailing superficial aspects of the chosen visuals, though this may add further analysis consisting of different pictorial conventions and styles to evoke social meaning, such as noting that close-ups have conveyed greater intimacy of the situation, or increased the shock of a visceral moment (Rodriguez and Dimitrova, 2011, p. 55). A more in-depth look at how social meaning has been conveyed within a picture would be to look at the use of connotative systems, that use signs typically referring to a conventional subject matter to highlight an idea (Rodriguez and Dimitrova, 2011, p. 56). Visual metaphors may therefore be noted, such as the use of a USA flag to symbolise freedom, patriotism, or military strength (ibid.).

5.1.2 Thesis Application

Framing theory was used within this thesis, as debates around transgender people, their rights, experiences of discrimination etc. are incredibly complex, and often intertwined with one another. Further, it has been noted that trans topics can also become a global phenomenon with activists building upon international examples to facilitate the progress of trans rights. The portrayal of these issues is therefore equally complex within the media and relate to multiple different aspects of the debate. Hence, framing theory was thought to be an apt method to form an overarching framework of the different representations of trans issues within mainstream media, to bring some order into this debate, that would allow for the arguments to be better understood by others.

5.2 Methodology

The *Tagesschau* (meaning ‘daily show’ in German) has been a source of mainstream information since 1952, first as a news programme and later available in other formats, such as an online newspaper. For the popularity of the *Tagesschau* to be adequately understood by non-German readers, here are the relevant stats: the *Tagesschau* has remained the most popular 8 o’clock news show for both young and old over the decades (NDR, 2024), with roughly 9,46 – 10,13 million viewers in 2023 (Harms, 2024 and NDR, 2024). The broadcast has therefore achieved the highest market share across news outlets, with 38.8% of all viewers of 8 o’clock news shows tuning into this broadcast (NDR, 2024). It is also considered one of the most trustworthy news outlets out of all German media (Harms, 2024),

with the online news website of the Tagesschau having been visited an average of 5,229 million times every day in 2023 (NDR, 2024). Consequently, the Tagesschau was thought to be the best singular news outlet to focus on, for an in-depth analysis regarding the portrayal of trans issues, given that this mainstream medium was firmly established among the German population, and consistently used by a solid proportion of citizens to inform themselves of current news. Further, given the time constraint of this thesis, specifically the online news articles of the Tagesschau website were used for analysis, since these were publicly accessible for free, and also frequently read by German citizens.

5.2.1 Method

All articles explicitly or tangentially related to trans issues available on the Tagesschau website were analysed. The criteria for ‘trans issues’ was broad, to include any topic related to trans individuals, so different subject matters such as hate crime, Pride celebrations etc. could be incorporated. Therefore, whilst this would automatically include the SBGG, this thesis was not structured solely around this legislation. The cause for this broad analysis was related to the start of this research project, during which an initial search for articles in the Tagesschau pertaining only to the SBGG led to few usable hits, too limited for an in-depth analysis in a thesis. Moreover, it was presumed that gaining an improved insight into how a specific demographic was generally presented within the Tagesschau, would have a potential influence on how legislation pertaining to this demographic would be interpreted by the news outlet. Due to this, the main focus was on identifying generic frames of trans individuals, rather than the SBGG (de Vreese, 2005).

The online search of the Tagesschau website was very sensitive to spelling changes, as well as upper- and lower-case letters, which was revealed by the first searches for ‘transgender’ and ‘*trans Frau*’ (trans woman), with few articles showing up. Hence, ‘trans’ was used as the term to achieve the most hits, yielding 81 results for news articles related to trans issues. In total, after removing duplicates and unrelated hits, as well as following other linked news stories covered by separate news outlets, 41 articles were analysed. The earliest article analysed was from 2016, and the oldest from December 2023. The subject matter of these stories ranged wildly, with some reporting on Pride celebrations, hate crime instances, specific international situations in Uganda or Poland, the inclusion of trans women in sports in America and other assorted topics. The full list of online articles considered may be found

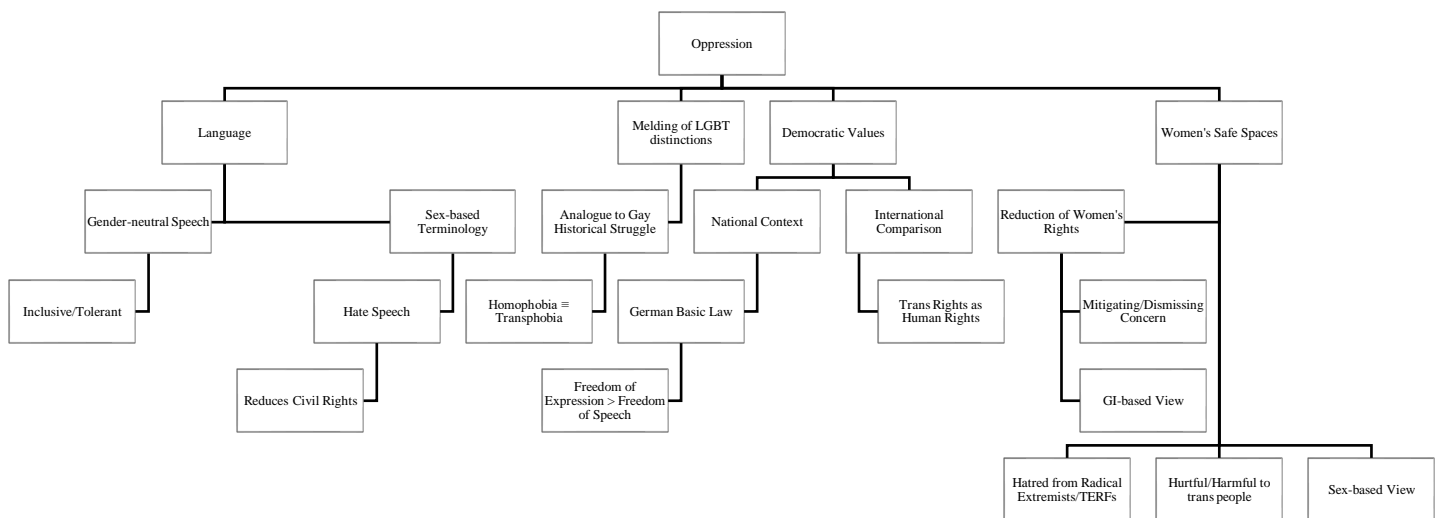
in the Appendix. Unfortunately, when a final check of the Tagesschau links for the Appendix was conducted, some of these would redirect to different news websites since these were the original source material upon which Tagesschau articles were based. Nonetheless, hardcopy versions of all articles are still in the author's possession, and though annotated, may be reviewed upon request. It should also still be possible to access the original Tagesschau articles with the redirected links using web archive websites.

Both framing theory and thematic analysis were used, with the latter being deemed useful in understanding how social construction takes place (Joffe, 2012). All articles were manually coded at first, using only thematic analysis, with initial impressions jotted down in the margins and striking text passages highlighted on printed out versions of the news articles, to facilitate an immersion in the data set (Riger and Sigurvinsdottir, 2016 and Joffe, 2012). Data was coded in a 'dual deductive/inductive' (Joffe, 2012, p. 211) fashion, so that codes could be informed by the theoretical framework but also organically created by the text. After the initial coding had generated a coding manual the text was reviewed again, to look for interconnectedness between themes to fit into the overall picture, and outliers could be discarded.

However, solely using thematic analysis was thought to be an incomplete approach, as it was not explicit enough to gain an in-depth look at *how* common news topics were portrayed. It was thought to be most significant as to how mainstream Tagesschau viewed the differing stances regarding debates related to trans individuals, and what the general reporting style of this news outlet was. This prompted the inclusion of framing theory, for its targeted nature related to the representation of news stories. Consequently, another coding manual was created only for frames used within Tagesschau articles, informed by the pre-existing manual of common themes found. Obvious frames, such as photos used in articles, headings, subtitles were all analysed, as well as subtler narrative devices, namely chosen quotes, turns of phrases, metaphors etc. (de Vreese, 2005). Afterwards, both coding manuals were re-detailed, first individually, and then in comparison with each other, for codes to be more easily discarded when there was little commonality between the two manuals or reoccurring themes, to ensure a cohesive analysis (Riger and Sigurvinsdottir, 2016). This process included printing out both coding manuals, manually annotating them, with overlapping ideas highlighted, such as with the subtheme discrimination and language. Further, during this stage, when subthemes were categorised according to main themes, one commonality was identified across codes, leading to the realisation that one particular subtheme was the

overarching framework through which the remaining categories were structured around: the theme of oppression. The final theoretical framework can be best understood according to the generic flowchart in Figure 1. (see below).

5.2.2 Figure 1. Framing of Oppression



5.2.3 Reliability and Validity

Thematic analysis and framing theory were deemed useful, since these methods focus on the meaning and interpretation of social matters, which is important to better understand the construction of gender identity in relation to trans issues in news (de Vreese, 2005 and Joffe, 2012). However, given the specificity of thematic and framing analysis, and how it may be difficult to generalise findings out of the given context it was used for, the need for repeatability by others was also considered. Hence, the different steps included within the methods (compiling the data, creating codes etc.) were detailed, so that there was a transparent trail to the research method (Riger and Sigurvinsdottir, 2016). Simultaneously, the speculative element of this thesis was minimised, since the methods are vulnerable to personal biases, counteracting these and improving the comprehension of some of the interpretations of the articles analysed.

5.2.4 Reflexivity

The stance of this author is a weak constructivist stance (Joffe, 2012, p. 213), in the sense that there may be multiple perspectives on any given matter since one's experiences can inform how one views a topic, but there are still objective truths that one can infer through the scientific method of hypothesis-testing and falsification. Further, this author supports the sex-based viewpoint, as there is a need to uphold the categories male and female within policymaking, since sex even in democratic and developed countries will matter in specific areas such as single-sex spaces, sports and maintaining Basic Rights such as freedom of speech and religious freedom (Joyce, 2021). At the same time, trans people should be accommodated according to their individual predicament as much as is reasonable and practically feasible, without diminishing the weight of sex-based rights. Whilst this is the author's personal stance such viewpoints will be kept out of the analysis as much as is possible, to reach an objective evaluation of the news stories found by the Tagesschau.

5.2.5 Delimitation

This thesis project attempts to situate the discussion of topics related to trans individuals in Germany. It cannot claim a causal link between this portrayal of a demographic and the SBGG, though an influence of the former on the latter may be likely. Instead, the focus of this thesis was on ensuring that a generic framework related to the portrayal of trans issues

could be generated within the time constraint of a master thesis. Hence, only the most popular news outlet in Germany (the Tagesschau) was considered. Also, only Tagesschau articles from 2016 to December 2023 were analysed. The reason for this was twofold: 1) the main purpose of this thesis was the identification of generic themes related to the portrayal of trans individuals which would not have obviously benefitted from extending the time period and 2) the SBGG proposal was only firmly voted to be implemented on the 12th of April 2024 (Deutscher Bundestag, 20/164). Given this lack of guarantee that the proposal would be executed, and the tight schedule that would be warranted for an in-depth thesis project only pertaining to this law, presuming of course that many more articles about the SBGG would be published by the Tagesschau in 2024, analysis stopped after December 2023.

Furthermore, considering the many different gender identities, and the technical inclusion of non-binary within the new SBGG law, the focus remained almost exclusively on transgender related issues, to be able to assess the representation of this demographic in detail. Further, despite frequently being discussed in concert, the media representation of gay people will only be covered to the degree that their portrayal is interconnected with trans individuals. Also, controversial elements of the SBGG proposal such as its inclusion of minors to change their legal gender, considering the potential social contagion of ROGD will not be discussed, as such a discussion is worthy of a separate thesis project.

“Freedom is the freedom to say two plus two makes four. If that is granted, all else follows.”

-George Orwell

6.0 Analysis

The analysis of the Tagesschau articles showed that the main theme guiding the portrayal of trans issues within this mainstream news outlet was that of oppression. Subcategories were all ordered underneath this overarching framework of oppression (see Figure 1. above), broadly falling into four further groupings: a) language (inclusive gender-neutral speech vs. sex-based terminology) b) the melding of the LGBT community categorically c) democratic values in a national (German) and international context and d) conflict surrounding the SBGG out of concern for women. The analysis section will be separated accordingly, with each of these four subcategories elucidated in-depth, and will conclude with what has been absent from Tagesschau articles in relation to trans individuals as well.

6.1 Language

To start with, let us examine the general definition of trans people utilised within the Tagesschau articles. It should be noted however, that the German word for gender and sex is the exact same one, called *‘Geschlecht’*. Thereby which one is meant, the social gender or biological sex, will be a matter of interpretation of the given context of the time. For transparency, the original German passage will be included every time, but this key term unfortunately is not a straightforward one within the German language. Therefore, one definition of trans people within mainstream Tagesschau news may be seen below:

‘Als trans Menschen werden Personen bezeichnet, die sich mit dem Geschlecht, das Ihnen bei Geburt zugeschrieben wurde, nicht zugehörig fühlen.’

,Trans people are described as those that do not feel as if they belong to the sex that was assigned to them at birth.’

(Tagesschau, 16 January 2023)

Other ways to describe trans people was someone that identified as a man/woman, or in reference to someone's 'expressed gender' (*'das geäußerte Geschlecht'*, Taz, 2022). Descriptions such as these, utilise the constructivist perspective of GI, as they refer to an internal sense of gender, a feeling, something that is expressed and discordant with sex. It is therefore an intangible sense of self, a feeling that allows a trans person to belong to the opposite sex category as them. To express this feeling, trans people must therefore voice these, and identity as a man/woman, to give this sense of being validity. Language, and self-determination, as only a trans person can voice their trans identity, are key themes of this construction of GI.

Further, to maintain the GI of a trans person, which relies on language, it is necessary to utilise gender-neutral language, because otherwise their sense of self could be disturbed within this constructivist framework. Therefore, it is logical that phrases such a "assigned at birth" are found within trans activist literature on this topic, and a part of careful gender-neutral speech. The emphasis that language has in the constructivist perspective, but also in the careful usage of gender-neutral words within the mainstream Tagesschau, could be seen throughout the articles relating to trans topics, as can be seen in the quotation below:

'Es sei unfair wenn junge Cisfrauen gegen Transfrauen antreten müssen, weil diese körperlichen Vorteile hätten, so die Überzeugung der Anwältin.'

,It is unfair when young cis women must compete against trans women, as they have physical advantages, so the lawyer believes'.

(Käppel, 2021)

,Cis women' meaning non-trans women, the normative understanding of the female sex category. Further, the utilisation of such gender-neutral speech is positioned as being 'inclusive' towards marginalised individuals such as trans people and therefore a sign of tolerance and acceptance. Generally, the framing of trans people, was conducted through this

postmodern constructivist lens, which was further seen in how the gender-critical sex-based stance was described by the Tagesschau. This could be seen in some of the framing devices employed, such as by the subheadings detailing the prominent Reichelt legal case, which involved a news blog explicitly referring to a trans woman (Janka Kluge) as a 60-year-old man, and found guilty, as seen by the quotes below:

‘Gericht: „Mann“ bewusst negativ gemeint‘
,Court: „Man“ (meant) intentionally negative‘

Followed by

„Nicht nett, aber sachlich“
,,Not nice, but true“

(Tagesschau, 6 July 2023)

The latter subheading “not nice, but true” is the sex-based view, unconcerned with political correctness or politeness when objectively true aspects of an issue must be discussed. This stance defends absolute truth removing emotional attachment to it. The postmodern constructivists, as well as the court here, are concerned with exactly what the sex-based stance dismisses, emotional consequences to hearing certain objective facts and the intent behind saying such truths. For further context, among the trans community, referencing sex, or using an address such as Mr./Ms against an individual’s gender identity is called ‘misgendering’ (Katz-Wise, 2021) and is considered deeply hurtful. Generally, the goal of trans individuals is to be seen as the gender they wish to embody, turning a reference to their sex into a discordant experience, compared to mental and/or physical harm. Thereby, there is negative intent ascribed to referring to the sex of trans individuals, since the usage of gender-neutral speech would prevent harm from being inflicted upon this minority.

Hence, as seen with the Reichelt case, there is a conflict between freedom of expression and freedom of speech, since in the constructivist view of GI, the participation of others is required, so that individual performance of gender may be affirmed (Stock, 2022). When people must affirm the gender of others, through required gender-neutral speech, they too

must perform and immerse themselves in this fiction, leading to the conflict related to their freedom of speech (ibid.). In this sense, having emotional judgement (negative intent) ascribed to the reference of sex, it can turn this objective truth into an insult.

Furthermore, distinguishing unpleasant fact from truthful insult, with the latter being illegal, can be a difficult nuance, since the insulting aspect is the reference to objective sex, which remains true for both statement and insult. Intent is therefore the deciding factor, with how someone says/writes a reference to sex examined to see whether the meaning was meant to cause harm or not. Moreover, since the meaning of sex remains the same across phrasings, the question is how one must phrase biological truth for the statement to be perceived as a statement.

In the Reichelt case, the original phrase ‘over 60-year-old man’ was adjusted to ‘biological man’ (Tagesschau, 6 July 2023). This version of gender-neutral speech needs to add on explicit fact (that one is referring to the biology of this individual) to avoid legal consequences and remain polite, since the ‘over 60-year-old’ part relates to the age of the individual and not their GI. Thereby, the plain terms ‘man’ and ‘woman’ may no longer be entirely socially acceptable, since a redundant addition (‘biological’) is required, despite the meaning remaining the same.

Language can thereby be oppressive within this framework, with gender-neutral speech required to be tolerant and inclusive, as a preventative measure against harm. Against this outlook, the use of sex-based terminology is framed as harmful to transgender individuals and something to be avoided. The justification for the SBGG proposal emerges from this understanding of language, since it seeks to reduce the situations in which sex-references against an individual’s GI occur, as suggested by the quote below:

‘Gerade transgeschlechtliche Menschen werden täglich diskriminiert, schon beim Gang zu Ämtern, bei Krankenkassen, bei der Kontrolle im Straßenverkehr, wenn sie ihre Dokumente noch nicht haben ändern könne. Überall findet quasi ein ungewolltes Outing statt.’

,Transgender people in particular are discriminated against daily, on their way to bureaus, by their health insurance company, during ticket controls on public transportation, when they have not yet been able to change their documents. Everywhere an unwanted Outing is happening.’

(Frühauf, January 2023)

Within this example, it is therefore discriminatory to realise that an individual is trans, either because the legal sex of a trans person no longer easily matches their appearance due to a social/medical transition, or the legal gender of a trans person appears incorrect to the ticket controller because the trans person in question does not easily “pass” as the gender they wish to be seen as. “Passing” being vernacular among the trans community as a way to describe when a trans individual looks like the sex they desire to be (Stonewall Scotland, n.d.). In any case, within this framing the behaviour of others towards trans people, even if the assumptions behind this behaviour are correct, are discriminatory as they note the trans status, and thereby also the biological sex of the trans individual which is then seen as distressing.

Consequently, the importance of being able to change one’s legal gender is positioned as preventing harm, since the introduction of this law is seen as reducing the situations in which trans people are ‘outed’ as trans, which is verbal discrimination. In terms of verbal oppression, the SBGG has two components to its law, that seek to reduce this type of discrimination, since it a) punishes those referring to the sex of a trans individual with malicious intent (§13 “disclosure ban” SBGG) and b) allows trans individual to change their legal gender more easily to gain appropriate documentation §2 SBGG (Deutscher Bundestag, 20/11004).

Furthermore, given that some language is discriminatory towards trans individuals since it causes distress and therefore genuine harm, incidents where gender-neutral speech was rejected, or sex-based terminology was used, were framed negatively. Negatively here is meant as harmful towards trans individuals, and therefore to be condemned as ‘polarising the public’ (Köhler, 2020), or as a potential precursor to physical violence within Tagesschau news, as demonstrated by the example below:

„Verrohte Debatten können in Gewalt umschlagen“

„Heated debate could turn into violence“

(Wischnewski, 2023)

The article in which this subheading was positioned, discussed the doubling hate crime rate against LGBT people, with other subheadings explicitly referring to growing violence and brewing fear among this community of people. Meanwhile, the quoted subheading was above a discussion proposing ‘trigger points’ such as GI and the SBGG proposal as being a potential explanation, since raising objections to these subjects was strengthening the confidence of the few within Germany that would physically attack LGBT individuals (Wischnewski, 2023). Opposing the SBGG is thereby positioned as supporting violence against the LGBT minority, a narrative facilitated by the understanding of language as causing harm, which the SBGG seeks to reduce.

6.2 The LGBT Meld

Linguistics were also an important framing device in relation to the portrayal of gay and trans individuals as belonging to a collective group (the LGBT community). Thereby, different demographics were melded together categorically, as having the same needs, basis of discrimination and solutions to their issues. Effectively, this lack of distinction between these populations semantically was treated as practically occurring in reality too. Hence, within Tagesschau articles there was a trend to unify the struggles of gay and trans people into one, which was seen in visual and narrative devices. There were three main methods through which this was facilitated, two of which were explicit, while the last was a subtler analogue to the historical oppression of homosexual people.

Firstly, the word ‘LGBT’ or ‘queer’ was consistently used during news articles even when discussing one specific group, automatically expanding the specific issue that is being discussed, such as hate crime against gay men, to all gay *and* trans people, since linguistically they are conflated into the same demographic. Similarly, the rainbow flag, a well-known symbol of the gay and lesbian community was used, as one visual device, when comparing current struggles of trans individuals e.g.: hate crime, with the past struggle of gay individuals e.g.: accessing employment (see Appendix Pictures 1-7). Reciprocally, the trans flag (two outer blue strips, then two pink, with a white one in the centre) was used in turn as photo headings for a specific trans issue yet referring to LGBT community struggles in the text (ibid.). Other times, articles featured a different variation of this Pride flag, combining

the trans and gay flag into one, further symbolically representing the conceptual union between practically very different groups together (ibid.).

For example, the sympathetic success story of Anastasia Biefang as the first transgender woman serving as a military commander in Germany, was linked back to the discrimination of gay individuals through text and visuals. In between the personal backstory of Biefang and the progression of equality for trans people, one sub-heading framed the historical struggle of gay men within the military and their difficulty accessing higher ranked positions as having been overcome since individuals like Biefang could now climb to such heights, as demonstrated below:

‘Queer und Soldat ging lange nicht zusammen:

Noch vor 20 Jahren wäre alles andere als selbstverständlich gewesen. Bis zum Jahr 2000 galten beispielsweise homosexuelle Soldaten als „Sicherheitsrisiko“ und eine Karriere als Offizier oder Unteroffizier war ihnen praktisch verwehrt. ‘

‘For a long time, queer and soldier did not go together:

20 years ago this would have been anything but natural. Until the year 2000 for example gay soldiers were seen as a “security risk” and practically barred from a career as an officer or subordinate-officer.’

(König und Nowak, 2020)

In the military gay people were therefore heavily discriminated against, with little hope of occupying leadership or teaching positions. Historically, homosexuality between men was punished with prison until 1994 in Germany, on the assumption that it was unnatural and deviant behaviour that should not be tolerated (Bpb, 2014). This basis is of course not supported by any scientific research, with studies showcasing that homosexuality is a biological feature unrelated to criminal penchants and incapable of being changed by any type of psychological intervention, which makes any kind of conversion therapy extremely unethical and something to be condemned (Cantor, 2020, Soh, 2021, Blanchard, 2004 and Hines, 2011). This ties to the general understanding of those living in a democratic liberal society, that some people will always be gay, echoing the intuitively understood idea that

sexual orientation is an immutable biological characteristic. There is no justification in subscribing a psychological illness to gay people. However, this is now the same lens through which a psychological understanding of transgender people is rejected, by implicitly comparing it to the unfounded pathologisation of homosexuality which informed the discrimination of gay men (Cantor, 2020, Joyce, 2021).

Yet, there is legitimate clinical reasoning for subscribing a mental disorder to trans people, due to the diagnosis of gender dysphoria, on which protection from discrimination and legal accommodation was first based upon. Needless to say, there should not be stigma attached to having a mental illness, since this problematising of mental disorders does not diminish the issues at hand and discourages individuals to receive the therapeutic care they need (Soh, 2021). Further, the subgroup with early-onset gender dysphoria is also more likely to no longer be dysphoric after reaching adulthood, than to remain dysphoric, turning being trans according to this diagnosis into a potentially transient feature (Cantor, 2020 and D'Angelo *et al*, 2021). Hence, the basis for discrimination differs for trans and gay individuals, as the latter demographic would be discriminated against due to an immutable biological characteristic, which is categorically different from the reasoning behind providing protection from discrimination for trans people.

However, as can be seen by the example above, the depiction of the Tagesschau obfuscates this nuanced difference regarding the discrimination faced by trans and gay individuals, portraying potential difficulties faced by trans soldiers in the military tantamount to historical homophobia, further using visual methods to underline their point, as may be seen below:

Picture 1. Unicorn military truck: Anastasia Biefang riding a military truck with unicorns decorated on the side of the vehicle (König und Nowak, 2020).



In this instance, we have a unicorn with a multi-coloured mane on the side of the military truck which Biefang is riding, a symbolic nod to the LGB community, visually connecting two demographics together, implicitly associating progress and discrimination of trans individuals with gay individuals as well. Again, there is a conflation of semantics with the real world, practically melding unique LGBT categories together.

Generally, the LGBT community was depicted to also support each other, some of the specific news stories of the Tagesschau detailing the mutual celebration of their victory for equal rights at the annual Christopher's Street Day (CSD, the German version of Pride), the continued struggle against hate crime, or at times rallying for specific legislation changes such as the new SBGG proposal, as the following quote will showcase:

*‘Selbstbestimmung Jetzt! Verbündet gegen Trans*feindlichkeit‘*

‘Self-determination now! Allied against transphobia’

(Tagesschau, 5 August 2023)

For clarity: ‘Trans*feindlichkeit’ has been translated as transphobia as it is the closest English word used in similar circumstances, yet its verbatim meaning is closer to ‘trans

hostility'. In the given example, the LGBT community, stands against hostility against one subcategory in their collective meld, as they are framed as united together for the progression of rights for trans individuals, specifically regarding the SBGG proposal. Effectively, there is support for each other, rather than conflict found among the LGBT community within this portrayal by the Tagesschau, with an absence of objections surrounding the concept of GI.

Within this reasoning, if one does not support the SBGG, one opposes the progression of trans rights, trans individuals personally, and therefore also the rest of the LGBT community, since the trans subgroup is framed as receiving unanimous support. Furthermore, being 'allied' together in support of the SBGG, frames the legislation as a civil rights endeavour, further showcasing solidarity with each other, due to the similarity to the origin of the LGBT community, which saw a mutual understanding between lesbians, gay men, and bisexuals for a common cause.

Hence, the portrayal of the SBGG in particular, as a civil rights matter in Germany, will be detailed next, and the parallels to adjacent causes abroad, that are similarly framed as being part of a progressive democratic nation.

6.3 Democracy

The theme of democracy is one which will be outlined in this section, focusing first on the German context, and the importance of Basic Rights and freedom to the country, due to its remembrance of the holocaust. Thereby, the SBGG is portrayed as fortifying legal dignity when compared to the TSG, which has had several subsections deemed unconstitutional.

The SBGG followed the theme of democracy through its framing, which emphasised how the proposal would affirm constitutional rights, as can be seen by the quote of an article heading below, firmly establishing that:

“Würde der Betroffenen berücksichtigen”

“The dignity of those affected must be considered”.

(Tagesschau, 26 March 2023)

Dignity here is likely to be in reference to ‘the dignity of a human being is untouchable’ Article 1(1) of German Basic Law. It is the very first sentence within the constitution, a placement that was made with purpose after WW2, to denote the importance of upholding this law under all circumstances, to prevent anything akin to the holocaust from ever happening again. ‘Dignity’, is thereby likely to be meant with legal weight, as well as the collective knowledge of atrocities committed during Nazi Germany, positioning trans people as victims that have had a core legal right disregarded until now.

To convey a story of historical oppression, the SBGG is positioned in light of the former passages of the TSG that have caused gross human rights violations such as state incentivised sterilisation, as well as mandatory divorce, leading to this legislation described in ways as seen in the following example:

„An diesem Gesetz kleben Blut und Tränen“

„Blood and tears cling to this law”

(Tagesschau, 31 March 2023).

The pain and violence this law inflicted upon trans individuals in the past is emphasised and extended to the current application of the TSG, framing the suffering as an ongoing one for trans individuals. Hence, the remaining psychological evaluations are also phrased as ‘forced assessments’ (*Zwangsbegutachtung*, *ibid.*) attaching coercion to this aspect of the law, that adds to the discrimination that trans people may experience. ‘Psycho-pathologisation’ (*Psychopathologisierung*, *ibid.*) was another phrasing, viewing the evaluation of someone for a legitimate psychological disorder as unfairly treating trans people as mentally ill. Within this perspective, trans people should not be defined according to medical terms since the basis for this is rooted in extreme injustice.

Instead, gender identity is detailed within a democratic framing, since it is seen as part of a trans person’s dignity and ‘personal freedom and expression’ (Reveland and Gensing, 2023). A different conceptualising of GI that disagrees with the subjective self-determined quality of it, is therefore critiqued due to its infringement of Basic Rights, rather than taking issue with specific psychological criteria of GD. Further, since GI is seen as a personal right, there is

caution against limitations placed on rights related to the recognition of gender, since this could therefore be discriminatory, as seen by the excerpt below:

„Der Queer-Beauftragter Sven Lehmann betonte auf Twitter, das geplante Gesetz solle Diskriminierungen abbauen, nicht neue schaffen“

„The Queer Commissioner Sven Lehmann emphasised on Twitter, that the proposed law should reduce discrimination, and not create new ones.“

(Reveland und Gensing, 2023)

Topics unrelated to the SBGG specifically but relating to trans individuals overall, also occurred with general ideas of acceptance regarding this demographic. Furthermore, given the lack of distinction between the different demographics of the LGBT Community, this tied into the understanding that liberty must be valued, and injustice should be something to defend against, as has been done in the past in regard to gay individuals. This may be seen by the example below:

“Wir sind als Gesellschaft insgesamt gefordert uns für Freiheit, Gleichberechtigung und Toleranz einzusetzen und einzutreten“

„We as a society as a whole must stand up for freedom, equality and tolerance“

(Tagesschau, 2 August 2023)

Consequently, there is a sense of duty to uphold these core democratic values, alongside a general desire to prevent violence from being inflicted upon minorities, since standing for equality and acceptance also means opposing discrimination. The context of this quote related to the rising hate crime, seen as a sign of a worsening situation for LGBT demographics, whilst portraying this as a problem for democracy, since an attack on trans individuals infringes upon rights held in the highest esteem such as equality and tolerance.

International news stories were also covered by the Tagesschau, echoing the focus on liberal democratic rights, with other countries framed positively where progressive trans rights were

concerned. Thereby, nations like Argentina were praised as ‘pioneers of LGBTQ-rights’ (*‘Vorreiter bei LGBTQ-Rechten’*, Shewafera, 2023) for introducing a 1% trans employment quota. Trans-inclusive policies such as these were understood as adding to the rights of a minority, trailblazing the way for further betterment for this community. Stories such as these were also explicitly compared to Germany as well, either to a) highlight discrimination in its own country or b) to relate to the SBGG proposal in terms of its similar progressiveness. Thereby, framing devices such as subheadings posited international human rights violations as comparable to the local German context, as can be seen by the excerpt below:

‘Scharfe Kritik an “draconischer” Rechtslage in Uganda’

‘Sharp criticism against „draconian” legal situation in Uganda’

And

‘Auch in Deutschland täglich „beleidigt, ausgegrenzt und bedroht“

‘„Insulted, excluded and threatened” every day in Germany too’

(Tagesschau, 17 May 2023)

Consequently, the gravity of the persecution LGBT individuals suffer from is intensified within Germany, since it is portrayed as comparable to the violations occurring in Uganda, but also because the commonality of these happenings is presumed to be high. Thereby the need to diminish such discrimination, through reducing the factors that might be adding to these unacceptable and criminal deeds is high, creating urgency for new legislation and procedures. Hence, the second way in which related trans rights are portrayed abroad complements this story of oppression that trans people face, as seen by the quote below:

‘In der EU haben auch Länder wie Irland, Dänemark oder Portugal bereits Selbstbestimmungsgesetze eingeführt.’

‘In the EU, countries such as Ireland, Denmark or Portugal have already introduced Self-determination laws’.

(Tagesschau, 23 August 2023)

Since these EU countries have already introduced legislation, the EU which is generally known as following equal rights and accompanying freedoms, this action may have called for a reciprocal one from Germany, to follow the general movement towards less restrictive requirements for a legal change of gender. The general social current within the Tagesschau, in its portrayal of other international examples of legislation akin to the SBGG, is therefore towards a policy with fewer requirements needed to receive documentation with a changed gender, with the least restrictive (and thereby the most progressive) country being Argentina. Hence, to be liberal and prevent discrimination to a marginalised minority, proposals such as the SBGG may be seen as the most appropriate solution in the given situation, though the portrayal of the SBGG by the Tagesschau did reference the conflicting viewpoints surrounding the legislation, which will be detailed next.

6.4 The SBGG

There were varying narratives in conflict with one another in terms of the SBGG when discussed in the Tagesschau, so the focus will be on women's safety, which was seen as the main point of contention, in this section of the analysis. Further, whilst the debate for and against the SBGG is centred around women's safe spaces, the overarching theme of oppression will be further explored, since the framing of this argument is related to the understanding of trans individuals and their experience of discrimination.

Earlier in the thesis, it was broadly summarised that while the SBGG regulates the legal change of gender, it also clarifies where, if at all, legal gender on the basis of GI must be used by others. Generally, sex-separated areas such as bathrooms, changing rooms, women's shelters etc. are not required to apply legal gender to the access of these spaces, but may decide on their own what procedures to take (§6 SBGG). Still, concerns in relation to the safeguarding of women's spaces were voiced during the political debate of the SBGG, and were therefore reported by the Tagesschau, as seen by the excerpt below:

,Gegner des Entwurfs befürchten, Männer könnten die vereinfachten Regelungen ausnutzen, um mit sexuellen Absichten in Bereiche einzudringen, die Frauen vorbehalten sind- etwa Toiletten oder Umkleiden‘

,Opponents of the (SBGG) proposal fear that men could exploit the simplified regulations out of sexual intent, to infiltrate areas, that have been reserved for women – such as toilets and changing rooms’

(Tagesschau, 15 February 2023).

The way this debate around women’s safety under the SBGG was portrayed however, varied. Thusly, the framing ranged from:

- a) neutral (as seen above)
- b) pro-women’s rights
- c) mitigating concern
- d) hurtful/harmful to trans people
- e) hateful, and stemming from radicals or TERFs

6.4.1 Pro-women’s rights

Arguments around the SBGG portrayed as supporting women’s rights can be further divided into two perspectives: 1) those against the SBGG out of concern for women’s rights in terms of their access to safe spaces and 2) those in favour of the SBGG out of concern for trans women, and their access to safe female-only spaces. Since both perspectives frame their arguments as supportive of women’s rights and distinctions need to be straightforward, let us call the former the sex-based view, and the latter the GI-based view.

Thereby, within the GI-based view, trans women (males with a female trans identity) are considered women based on self-identification, and should be treated the same as biological females, since they are conceptualised as belonging to the same category. According to this viewpoint, worrying about the inclusion of trans women into female-only spaces would be anti-women, since trans women are equally vulnerable to male predation as biological women.

The sex-based view objects to the idea that males may identify as females, as women cannot identify out of their own vulnerability due to biological characteristics (such as less physical

strength on average) making them an easier target for sexual assault, which have formed the basis for sex-separated spaces and granted them protection from men (Carter, 2018). The GI-based view is therefore rejected by the sex-based view as a regression in terms of women's rights, as indicated by the quote below:

„Die stellvertretene AfD-Fraktionsvorsitzende Beatrix von Storch hatte das Vorhaben als „Schlag ins Gesicht von Frauen, die sich nicht mit Männern auseinandersetzen müssen, die sich selbst als Frauen definieren“ bezeichnet.“

„Deputy AfD-parliamentary group leader Beatrix von Storch described the proposal as a “Slap in the face of women, that must now deal with men that define themselves as women”.’

(Tagesschau, 28 April 2023)

Generally, sex-separated areas, as well as giving women privacy and safety in intimate situations, also grant them the ability to object to men in these spaces, empowering females to enforce this division between the sexes (Stock, 2022 and Joyce 2021). Thusly, the sex-based view looks upon the development of men legally affirmed as women through self-identification, as a reduction in the right granted to women to object to males in their spaces, since a change in legal gender may be exploited by men to counteract women questioning their presence in bathrooms etc. The danger to women was acknowledged in the sex-based objection to the SBBG, with other politicians such as Sahra Wagenknecht noting the issue in places such as women's saunas (Tagesschau, 23 August 2023). Further, whilst the threat of male predation was framed as legitimate in this narrative, this perspective did not introduce alternatives that would negotiate for the access of women's spaces to remain based on sex, a similarity shared by the GI-based view, as seen in the below excerpt:

‘Die Angst einiger, dass Männer, die sich vermeintlich nur als Frauen ausgeben, in Schutzräume wie Frauentoiletten oder Frauenhäuser eindringen, wird die Politik wahrscheinlich nicht zerstreuen können. Ja, einzelne schreckliche Vorfälle wie Vergewaltigungen durch Transfrauen gibt es, sie sind aber selten‘

,The fear of some, that men who supposedly only pretend to be women, to intrude upon safe spaces such as toilets and women’s shelters, is unlikely to be dispelled by politicians. Yes, singular terrible incidents such as rape committed by trans women exist, but these are rare.’

(Frühauf, 2022)

Here, the concern for women is seen as legitimate, but presumed to be unchangeable since no compromise (such as creating separate single-stall bathrooms for trans women) is offered. Additionally, while this excerpt calls sexual male predators ‘men’, the next sentence refers to them as ‘trans women’, despite the danger originating from males wrongfully adopting a trans identity to impersonate these individuals. Consistently dismissing the legitimacy of a trans identity is potentially difficult, since the GI-based view mandates anyone to be affirmed in their trans identity, since the only requirement beneath the application of the SBGG is verbal proclamation. According to this perspective, the GI of males likely only pretending to be trans must also be treated as real, since an opposition to their self-identification would automatically question the lack of restrictions under the SBGG to change one’s legal gender. Likewise, all those considered to be trans women are needed to be seen consistently as sincere individuals who view themselves female, to advocate for trans women’s access to female spaces and ensure the progression of their rights.

Depending on the narrative employed by the Tagesschau, be it GI- or sex-based, there is conflict surrounding the legitimacy of men proclaiming a female trans identity, and how these individuals should be treated, with both viewpoints motivated by the desire to ensure women’s safety and their rights. Therefore, the framing which mitigated concern around women’s safe spaces will be elucidated next, to understand the reasoning behind this perspective pertaining to the SBGG debate.

6.4.2 Mitigating Concern

The framing of women’s safety mitigated the concern around this topic, by diminishing the impact of the proposed SBGG on sex-separated spaces, questioning the seriousness of such agitations, and the premise these were based on. Therefore, a nonchalant tone was created to facilitate this portrayal through the usual media devices, such as pictures serving as striking

headings at the beginning of an article or notable quotes of central figures working on the SBGG.

Picture 2. Bathroom Icon

A bathroom sign with the usual icon denoting access to males or females combined into one. The sentence ‘We don’t care’ is below this symbol (Reveland and Gensin, January, 2023).



Picture 2. (Bathroom Icon) is one example of such a visual device (as seen above), positioning the focus on sex in situations surrounding bathroom access as inconsequential, with any male/female welcome, as a matter not requiring much thought. Striking quotations further disregarded the fears surrounding male predators, such as a brief excerpt used from an interview with Lisa Paus, the new Minister for Family Affairs, who believed the concern around men exploiting the SBGG “to have nothing to do with reality” (“*..die mit der Realität nichts zu tun haben*”, Tagesschau, 28 April 2023). Specifically in the interview of Lisa Paus, conducted by Zeit Online but quoted by the Tagesschau, the issue of males pretending to be trans for nefarious purposes, was reduced to a ‘story’, diminishing such concerns to be a tale with little rationale, as evidenced by the quote below:

‘Wissen Sie, ich finde diese Geschichte zutiefst irritierend.’

,You know, I find this story deeply irritating.’

(Reinbold and Schuler, 2023)

This dismissive tone doubts the justifications underlying the fear claims around sex-separated spaces, and that we should not give much thought to these, since the topic is not a relevant one. Similarly, Sven Lehmann, Queer-Commissioner pointed towards the lack of well-known incidents internationally, of men abusing policies such as the SBGG, to counteract these worries, as seen by the interview excerpt below:

Tagesschau: *Warum halten Sie diese Angst für so abwegig?*

Lehmann: *Weil die Erfahrungen aus allen Ländern, die bereits Selbstbestimmungsgesetze haben, das überhaupt nicht zeigen. Wir haben in dieser Gesellschaft leider ein Problem mit Gewalt, vor allem mit Gewalt gegen Frauen. Diese Gewalt ist vor allem häusliche Gewalt und Gewalt in anderen Zusammenhängen als auf der Straße.*

Tagesschau: Why do you think this fear (of men exploiting the SBGG law for illicit purposes) to be so absurd?

Lehmann: Because the experiences from all countries that already have a self-determination law show this not to be the case at all. Unfortunately, we as a society have a problem with violence, especially violence against women. This violence is predominately domestic abuse and violence in other contexts than the street.

(Frühauf, 2023)

Consequently, important political figures at the centre of the SBGG, that are responsible for the security and rights of women as well as LGBT individuals, hold the opinion that there have not been any major cases that have occurred abroad where legislation similar to the SBGG has been abused, disregarding women's safety based on this premise. To presuppose otherwise according to this framing, is to overstate the impact of the SBGG for women, or to insinuate that males with a female trans identity are deviants, leading us into another way in which the concern for women's safety has been framed.

6.4.3 Hurtful/harmful

Politicians as well as trans activists in favour of the SBGG, as reported on by the Tagesschau, also posited concerns around female safe spaces to be an insult to trans individuals, as they are viewed as rapists within this narrative. Simultaneously, this viewpoint sees arguments related to women's safety to question whether trans individuals really experience violence, which is seen as denial of their victimisation, potentially adding to their discrimination since their suffering can no longer be addressed. Attention therefore should not be paid towards arguments against the SBGG, such as the risk for assault in women's spaces, as it could be harmful to trans people, aiding the framing that wishes to mitigate such worries, as seen in the example below:

'Der FDP-Politiker weist darauf hin, dass sich viele trans Menschen durch die Debatten verletzt fühlen. "Denn sie erwecken manchmal den Eindruck, den Betroffenen werde eine erhöhte Gewaltbereitschaft unterstellt. Das ist aber in keiner Weise der Fall."

,The FDP-politician points out, that many trans people felt hurt due to the debates. "They give the impression, that (trans people) have a higher propensity towards violence. This is in no way the case".'

(Tagesschau, 23 August 2023)

This quotation choice shows a conflation between predatory men exploiting a new legislation, and legitimate trans women. Through this conflation, one can formulate the argument that since one is accusing predatory men of future rape, one is also placing sincere trans women into the same category. The concern regarding the access to women-only spaces, is therefore positioned as discriminatory, since it is presumed to attach a deviant status to trans women despite them being victims.

Also, since the SBGG is formulated as a protective measure to reduce violence, arguments believing the proposal to cause assault (on women) were critiqued for this viewpoint, accompanied with the aforementioned male predators/trans women conflation. A quotation by Petra Weitzel, first chairman of the DGTI (a German trans rights organisation) showcases

this understanding of women's safety, to be denigrating a marginalised minority as perpetrators of sexual crime, as seen below:

„Hier findet eine Täter-Opfer-Umkehr statt. Studien belegen, dass trans Personen in vielen Bereichen des Lebens besonders von Übergriffen und Gewalt bedroht sind.“

„A perpetrator-victim-reversal is taking place here. Studies show that trans people are especially vulnerable to assault and violence in many areas of life.“

(Reveland and Gensing, 2023)

The oppressed position of trans individuals (through violence and assault) is emphasised and used as a counterargument for the potential danger for women in female-only spaces. Again, objections surrounding the SBGG are positioned as a disregard for the vulnerability of trans people, even as a process to vilify such individuals, when a different demographic, sexual male predators, is the main concern.

This specific quotation choice was accompanied by the Trans Murder Monitoring statistic, counting the annual murders of all trans individuals in all nations, underscoring the apt categorisation of these individuals as victims of lethal violence, by noting that 327 murders of trans individuals had been committed in the preceding year of the release of the article (ibid.). However, the overall number of murders is in reference to the global murders of people with a trans identity and does not directly detail the threat of violence to trans people within Germany. Further, in the last ten years a singular trans person has been killed in Germany, which has been obfuscated in this example (Trans Murder Monitoring, 2023). Instead, the most shocking statistic is highlighted, supporting the story that violent discrimination of trans people is prevalent in Germany today, strengthening the idea that this minority is targeted for violence.

Arguably, some level of sensationalism is to be expected within an online newspaper, to promote public attention, better reach of the news story, and may even be positive since a touch of aggrandisement can improve awareness of citizens about a national issue. However, it should be noted that this framing of women's safety as hurtful/harmful to trans individuals does not always make nuanced distinctions. This was evidenced, when Tagesschau

news stories misinterpreted legitimate trans women to be viewed as perpetrators of sexual assault, despite male predators being the main concern. Framings such as these, combat the point of contention related to the SBGG, and indirectly reject it as ineligible, since it causes more harm to consider the matter of women's safety. Comparably, the final framing related to this conflict of the debate viewed objections to the SBGG as promulgated by the far-right:

6.4.4. Hateful (stemming from radicals or TERFs)

The hateful framing critiqued concerns of women's safety, since this was a counterargument associated with the radical-right or TERFs (trans-exclusionary-radical-feminists), the latter being a term employed by queer theorists (trans activists) who view gender-critical feminists that wish to keep women's safe spaces separated based on sex as exclusionary towards trans women (Burt, 2020, p. 367 and Soh, 2021, p. 190). While this was not the only framing of concern around women's safety regarding the SBGG, it was one framing which should still be noted upon as occurring within the Tagesschau, to understand the most extreme framing of concern around women's safety.

Through careful analysis of word choice within articles, terminology employed by trans activists was noted upon, which implicitly critiqued arguments to be discriminatory towards trans individuals, as seen by the quote below:

„Der Vorsitzender der SPDqueer Oberfranken Sebastian Kropp kritisierte den FDP-Politiker auf Twitter scharf und wundert sich, wie die „TERF-Erzählung von der Frauensauna eigentlich bei Marco Buschmann verfangen“ konnte.“

„The Chairman of the SPDqueer Upper Franconia Sebastian Kropp sharply criticised the FDP-politician on Twitter and wonders how the “TERF-Story of the women's sauna could even be told by Marco Bushmann”.’

(Reveland and Gensing, 2023)

The “TERF-Story” of Bushmann related to legal concerns, and the necessity to clearly regulate access to women-only spaces such as saunas, to safeguard the privacy of females. In

this instance, this concern was relegated to not be worthy of discussion, since it was associated with radical feminists that insist upon biological sex and are thereby discriminatory towards trans women. ‘TERF’ was therefore used as a slur since it was considered unfit for civilised discussion. Hence, this criticism attacked the debate around women’s safety by emphasising the association with the radical right – who is thought to have frequently voiced the importance of sex-separated spaces – rather than directly discussing the potential issue that has been raised. Effectively, the interrogation of women’s rights underneath the SBGG is critiqued for who is raising the point, not whether the concern raised is reasonable or not, framing the SBGG-objections akin to ‘verboten hate-speech’ (Burt, 2020, p. 367).

The context in which this debate around the SBGG was situated in, related to the genuine vitriol spread by right-wing radicals. Generally, disinformation about LGBT individuals was reported on, and being spread by extremist groups, including religious organisations, as may be seen by the example below:

„In Deutschland werden Desinformation über queere Menschen am häufigsten von rechtskonservativen bis rechtsextremen Gruppen und Parteien verbreitet, aber auch von fundamentalreligiösen Organisationen, sagt Thorst.“

„In Germany disinformation about queer people is most frequently spread by right-wing conservatives to right-wing extremist groups and parties, but also by fundamental religious organisations, says Thorst.“

(Reveland and Siggelkow, 2023)

There is no doubt that there are right-wing groups which spread disinformation and propaganda about LGBT individuals. And there is a difference between these legitimate extremists, and those objecting to one specific legislation pertaining to trans individuals on the grounds of women’s safety in sex-separate spaces. But the hateful framing, presumes the latter group to be an extension of the first.

Thereby, the credibility of those voicing concerns can be diminished through attaching arguments to right-wing groups, with which people generally do not wish to be associated

with. At the same time, the reliability of the points raised in opposition to the SBGG, may also more easily be portrayed as false, since right-wing extremists are motivated to have a specific demographic vilified with any method available to them, such as through lies and disinformation. Associating arguments for sex-separated spaces with such extremists, thereby frames those echoing the same arguments of these radicals as hateful, without a reasonable basis for their justification.

Overall, the different portrayals of the debate surrounding the SBGG, specifically regarding women's safety in sex-separated spaces, contained an amalgamation of narratives, from neutral to hateful, with the differing frames complementing each other in their support of the SBGG. In particular, the mitigating, hurtful/harmful, hateful, and GI-based view in the pro-women's rights framing combined well together, to reject the premise that the SBGG may be a concern for women's safety. Broadly, the pro-women's rights framing formulated the SBGG proposal to be feminist according to the GI-based view. Concerns related to the impact of this legislation were alleviated through the mitigating framing, which rejected the idea that there may be an impact on safe spaces for women, since no international incidents were known by major political figures working on the upcoming legislation. Therefore, insisting that the threat of male predation is real, was framed as hurtful/harmful to trans individuals, since it conflates this demographic with sexual assault perpetrators. Consequently, the hateful framing viewed opposition to the SBGG as related to radical extremists, which should not be voiced.

6.5 Absence of Counter-discussion

As demonstrated above, trans issues have been framed according to an overarching theme of oppression, with varying subcategories working in concert to demarcate the discrimination of trans individuals, such as through hate speech, comparison of trans struggles with historical homophobia unfairly stigmatising the LGB community, and the pursuit of democratic ideals in a national and international context. Within this context the SBGG proposal was imbedded, framed as a new legislation that would help reduce the oppression of trans individuals, by removing the mandatory psychological assessments under the old TSG, and introducing legal gender on the basis of self-declaration.

6.5.1 Lack of Psychological Standpoint

However, there is zero reference in any of the articles analysed, which span from 2016 to 2023, to the psychological standpoint opposing the GI-based viewpoint. The most persistent pattern therefore was not in a specific frame appearing across news stories, but which frame was *never* found: a clinical understanding of individuals with GD. This also applied when referencing the psychological assessments still required under the TSG, phrased as ‘forced assessments’ (*Zwangsbegutachtung*, Tagesschau, 31 March 2023), rather than an alternative neutral address. Consequently, transgender individuals and their struggles were exclusively portrayed according to a postmodern constructivist perspective, which favours GI.

Furthermore, while there was some reporting of the objections against the SBGG proposal specifically in regard to women’s safety in sex-separated spaces, the portrayal of this sex-based view did not enter into a discussion to alternatives to the legislation and maintained the silence on the opposing psychological standpoint related to gender dysphoria. Given that a counterproposal to replace the SBGG had been submitted to the Bundestag September 2023, which argued for greater therapeutic support for transgender individuals (Deutscher Bundestag, 20/8203), there had been some expectation that this alternative legislation might be mentioned by the mainstream media outlet. But this was not the case. One of the most significant findings of this thesis project is therefore the absence of the psychological standpoint regarding the portrayal of trans issues within the Tagesschau.

6.5.2 Lack of Balance

On a related note, the lack of counter discussion within Tagesschau articles, to give a more wholistic debate surrounding the SBGG was particularly curious, in areas where contradictory points should have been mentioned for a balanced portrayal. Noteworthy areas containing this absence were related to the LGBT meld and the unanimous portrayal by Lehmann and Paus in the framing mitigating concern for women’s safety, pertaining to the lack of international incidents of men exploiting legislating akin to the SBGG.

Hence, in the subcategory analysed above relating to the melding of distinct LGBT demographics, news stories demonstrated the support rather than the conflict, members of

this group had for each other. There is no mention about objections from some members of the LGBT community regarding the SBGG, and concerns regarding the legal change of gender. From the perspective of people who are same-sex attracted, there may however be an interest in preserving the biological sex-category, since this is the core feature that determines attraction according to sexual orientation. Adjusting sex to include gender identity, may therefore infringe upon the permanency of sexuality, which gay men or lesbians are unable to identify into or out of. Hence, the concept of a sexual orientation may be altered into a sexual *identity* with the application of GI in this domain, diminishing an immutable characteristic to a preference.

Potentially, this could cause a conflict in terms of situations where gay individuals are told that they should now be attracted to those who identify as the sex they are not, since GI is as important as sex. Stock (2022) has pointed to this development being particularly troublesome for lesbians, who reject the advances of males identifying as women (and thereby as lesbians) for their sex, but are chastised for this reaction, since trans women should be treated as belonging to the female sex due to their GI. The BBC (Lowbridge, 2021) and Daily Mail (Feehan, 2021) have discussed situations where same-sex females have therefore been labelled ‘transphobic’ or ‘genital fetishist’ (Lowbridge, 2021) for rejecting biological males identifying as women and being pressured into welcoming intercourse with trans women. Venues for lesbians have faced similar issues when excluding trans women and faced lawsuits in the wake of trying to implement a female-born only policy (Bird, 2023 and Shrier, 2021, p. 150-2).

The other area in which there was a lack of accurate counter discussion, related to the interviews of Paus and Lehmann, who are important political figures working on the SBGG. Both had alleviated the concern around men exploiting trans-inclusive policies to intrude upon women’s spaces, with Lehmann specifically referring to the lack of concrete incidents enabled by legislation akin to the SBGG happening abroad. But this is untrue. cursory research would lead to a plethora of examples of men using GI-policies to encroach on women’s spaces in prisons, women’s shelters, gyms, dating venues etc. In some cases, the loopholes opened by procedures based on gender identity have even been exploited by male predators leading to the sexual assault of women, such as the infamous case of Karen White in the British prison system (Biggs, 2020 and Asteriti and Bull, 2022), which is a serious concern also occurring in America (U.S. Senate Committee on the Judiciary, 2023, 01:37:29-

01:38:11). And yet, there was no challenge to the lack of acknowledgements of these incidents occurring internationally within the Tagesschau.

This is an issue in a democratic society, since without opposing views, there is a lack of discussion, featuring a one-sided understanding of transgender individuals according to constructivist gender identity, in a news medium that should be nonpartisan.

7.0 Conclusion

The final section of this thesis will detail the findings presented in the analysis, discuss the limitations to the thesis project with its theoretical weaknesses, and suggest areas for future research.

7.1 Findings

The analysis of Tagesschau articles allowed for a generic framework to be developed (see Figure 1.) which framed transgender issues around an overarching theme of oppression. The subcategories working together to create this portrayal were summarised as a) language (inclusive gender-neutral speech vs. sex-based terminology) b) the melding of the LGBT community categorically c) democratic values in a national (German) and international context and d) conflict surrounding the SBGG out of concern for women. Generally, these subthemes leaned towards a postmodern constructivist perspective which affirmed GI, and thereby repealed arguments based on a biological and psychological basis of transgender individuals.

Consequently, there was a consistent use of gender-neutral language throughout articles, as well as a negative portrayal of sex-based terminology, since the reminder of sex was construed as causing harm to trans individuals and associated with physical violence.

Complimenting this, was the linguistic conflation between the different LGBT demographics, which have a conflicting basis upon which their discrimination is based on. Still their support for each other was framed as unanimous, with visual symbolism of LGBT flags underscoring the echo of the past civil rights struggle of lesbians and gay men, where the current advocacy of the SBGG was concerned. This proposed legislation was situated within the subtheme of democracy, since GI was seen as an extension of a person's dignity, a core tenant, if not *the* core tenant, of the German constitution, worthy of only the highest regard. The direct comparison with human rights violations internationally, and the implementation of legislation similar to the proposed SBGG, further emphasised the portrayal of laws such as these as liberal, progressive, and moral. The final subtheme revolved around the varying frames of the SBGG debate in terms of women's safety in sex-separated spaces, with all but

one favouring GI, and the subsequent protection of trans individuals in female spaces, which therefore rejected arguments pertaining to the threat of male predation.

Most significantly, there has been an omission of nuanced discussion regarding the importance of sex as a category on distinguishing sexual orientation from GI, and ensuring that in areas where sex determines access, that the potential danger for women is adequately interrogated. Unfortunately, such distinctions have been lacking across Tagesschau articles, with zero reference to a psychological understanding of transgender individuals which was not coloured by a constructivist perspective on the matter. This absence of counter discussion is therefore problematic, since a well-established mainstream media outlet like the Tagesschau, should depict a balanced portrayal of even complex issues, for fruitful debate to occur in a democracy.

Moreover, as can be seen abroad, a one-sided debate tilting towards GI has led to unintended consequences with women serving as the collateral (Asteriti and Bull, 2022). Thus far, the application of GI based on Self-ID has led to women being raped in prisons (U.S. Senate Committee on the Judiciary, 2023, 01:37:29-01:38:11 and Biggs, 2020), further traumatised in women's shelters (Baklinski, 2014), flashed or assaulted in bathrooms/changing rooms (Bugler, 2023, Kornick, 2023 and Hampshire & Isle of Wight Constabulary, 2023), and looking on as biological males compete in women's sports, injuring other females in the process (Dominique, 2023 and Forbes Breaking News, 2024). Meanwhile, lesbians are encountering difficulties at dating venues due to males (with a female GI) coercing them into bed or appearing hateful for rejecting trans women as lovers (Shrier, 2021 and Lowbridge, 2021).

Worst of all, every single one of these instances may have been prevented, if only some thought had been bestowed upon the safety and dignity of half our population. Instead, preferential compassion has morphed into a regressive kind of sexism, with women's fundamental rights secondary to trans individuals. There is a way for the safety of trans women to be considered, that does not encroach on women's spaces, and preserves the rights and dignities of all. But for these alternative options to be considered they need to be debated first, and not invalidated as mere hypotheticals. It would be a discredit to any democratic nation to denigrate the safety and dignity of its women and girls as undeserving of at least a *discussion*.

7.2 Limitations

The conclusions of this thesis project are constrained to the articles collected, which covered trans news stories from 2016 up until and including December 2023 in one German mainstream media outlet. Given the limited sample size, and that the SBGG was voted to be implemented into law April 2024, combined with the ever-changing legal landscape around transgender issues in Germany as well as abroad, the relevance of these findings may be limited. Also, whilst the framing of transgender issues may have influenced the introduction of the SBGG, a judgement regarding causality lies outside the scope of this thesis project.

Furthermore, given the usage of framing theory, which identifies frames, that by definition analyse how a story has been comprehended, the final subcategories detected within the Tagesschau, may have been influenced by personal biases, due to the subjectivity contained in the chosen theory application (de Vreese, 2005 and Rodriguez and Dimitrova, 2011). A detailed description of the research process was included in the methodology to ensure transparency as much as possible and reduce this weakness of framing theory.

7.3 Future Research

Given that the SBGG will be implemented on the 1st of November 2024, and the findings were constrained to the time period during which the legislation was still a proposal, further research on the impact of this law will be needed once it has come into effect.

Specific parts of the SBGG deemed important for research purposes but only briefly touched upon were the “disclosure ban” of §13 SBGG (Deutscher Bundestag 20/9049, p. 12) with its removal of §13 Abs. 5 SBGG in the original proposal (Deutscher Bundestag, 20/11004, p. 15 and 20/164, p. 70) meaning that agencies securing national security were no longer informed of any new identification documents created for ex-convicts and wanted perpetrators. It would be of interest to such authorities whether criminals exploit the SBGG to circumvent arrests. Moreover, in the area of the German prison system it should be verified how the individual Bundesländer (German federal states) handle the placement of trans women specifically. Already, three federal states out of sixteen have adjusted legislation which would consider gender identity when placing prisoners (§11 Berliner Strafvollzugsgesetz, § 70 Hessisches Strafvollzugsgesetz, § 11 Landesstrafvollzugsgesetz Schleswig-Holstein). Given

the troubles both Britain and America have encountered to keep basic records about how many biological males are in women's prison, what the proportion of those with a history of sexual assault are, and the incidents of rape which have already occurred in these countries by men proclaiming a trans identity, there is great urgency to prevent any such issues happening in Germany too (Sturge, 2023).

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Appendix

Examples of Visual Framing Devices conflating LGBT demographics

Picture 1: Rainbow flag (1): Pride flag waving with the sky in the background (Tagesschau, November 2022)



Image was used as a heading in article discussing the political plan to improve the treatment of gay and trans individuals, including a new self-determination proposal to simplify a legal change of gender.

Picture 2: Rainbow Flag (2): Pride flag waving in front of the sky (Tagesschau, 22 December 2022)



Image used as a heading of an article reporting on Scotland's decision to implement a legislation to allow legal gender to be changed more easily for trans individuals.

Picture 3: Rainbow Flag (3): Pride flag being waved by an individual in front of the sky (Tagesschau, 2021)



Image was used as a heading for an article discussing controversial rules implemented in Hungary and Poland related to transgender and gay individuals.

Picture 4: Rainbow Flag (4): Pride flag combined with trans flag on the side (Tagesschau, 26 March 2023)



Image used as a heading of article discussing the SBGG proposal, to protect the dignity of trans individuals.

Picture 5: Rainbow Flag (5): Pride flag combined with the trans flag, waving in front of the sky (Tagesschau, 17 May 2023)



Image used as a heading in an article discussing the various discrimination experienced by gay or trans individuals, on occasion of the international day against homo-, bi-, inter- and transphobia.

Picture 6: Brandenburg Pride Colours: The Brandenburger Gate lit up in rainbow colours during nighttime (Frühauf, January 2023)



This picture was situated as a heading for the interview with Jens Lehmann discussing the SBGG legislation, and the need for progress for queer people.

Picture 7: Trans Flag: Trans Flag waving in the wind and being held by an individual mostly cropped out of the image (Benecke, 2023)



Image used as a title heading in an article reporting on hate crime incidents in Bremen and Hamburg against trans individuals. The final conclusion notes both homophobic and transphobic hate crime statistics.

Image was used again in Brand (2021) as a heading, discussing the exclusion of trans girls from women's sports in America.

Image also used in Gensing (2022) as a heading, reporting on the hate crime pertaining to a trans girl in Herne. Hate crime was seen as a massive expression of transphobic and homophobic hate, as a quote by the LSVD (German association of gays and lesbians) notes.

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