

# Ethics of anticipated regret and gender- affirming care for young people

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## THESIS QUESTION

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Is anticipated regret an ethical justification to deny transgender youth access to gender-affirming treatments?

## TODAY'S QUESTIONS

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1. Does anticipated regret meet reasonable conditions to justify banning/denying gender-affirming treatment for trans youth?
1. *Why* is there so much concern about trans youth regretting a choice to undergo gender-affirming treatments?

## TERMINOLOGY

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- **Youth / young people:** Ages ~9-25.
- **Gender modality:** Captures the dynamic relationship between current identity & birth assignment; e.g. transgender, cisgender, non-binary, gender creative, agender, and other experiences beyond the trans/cis binary.
- **Transgender / trans:** Shorthand here for any gender modality that is not cisgender.
- **Gender-affirming medical treatments:** Any medical intervention that aligns gender embodiment with gender modality.

## **TAKE AS GIVEN:**

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- **Young trans people exist**
- **Young people generally have the capacity to make voluntary decisions**
- **Gender-affirming medical treatments are often appropriate and effective options to promote gender euphoria and decrease gender dysphoria**
- **We should try to not harm young people**

## **APPEALS TO “TRANS REGRET” ARE FOUND IN:**

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- **Legislation**
- **Policy**
- **Political rhetoric**
- **Bioethics scholarship**
- **Mainstream media**
- **Social media**



PRESIDENTIAL ACTIONS

# PROTECTING CHILDREN FROM CHEMICAL AND SURGICAL MUTILATION

The White House | January 28, 2025

Section 1. Policy and Purpose. Across the country today, medical professionals are maiming and sterilizing a growing number of impressionable children under the radical and false claim that adults can change a child's sex through a series of irreversible medical interventions. This dangerous trend will be a stain on our Nation's history, and it must end.

Countless children soon regret that they have been mutilated and begin to grasp the horrifying tragedy that they will never be able to conceive children of their own or nurture their children through breastfeeding. Moreover, these vulnerable youths' medical bills may rise throughout their lifetimes, as they are often trapped with lifelong medical complications, a losing war with their own bodies, and, tragically, sterilization.

Accordingly, it is the policy of the United States that it will not fund, sponsor, promote, assist, or support the so-called "transition" of a child from one sex to another, and it will rigorously enforce all laws that prohibit or limit these destructive and life-altering procedures.

# How a Few Stories of Regret Fuel the Push to Restrict Gender Transition Care



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Young people who regret transitioning are warning others not to make the same mistake.



## Preventing transition “regret”: An institutional ethnography of gender-affirming medical care assessment practices in Canada ☆

K.R. MacKinnon <sup>a</sup> ✉, F. Ashley <sup>b</sup>, H. Kia <sup>c</sup>, J.S.H. Lam <sup>d e</sup>, Y. Krakowsky <sup>f g</sup>, L.E. Ross <sup>h</sup>

## The Growing Regret Among Trans Teens | Episode 13



Brett Cooper  
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<https://doi.org/10.1037/sgd0000672>

## Do Gender Assessments Prevent Regret in Transgender Healthcare? A Narrative Review

Florence Ashley<sup>1</sup>, Neeki Parsa<sup>2</sup>, til kus<sup>3</sup>, and Kinnon R. MacKinnon<sup>4, 5</sup>

## EMPIRICAL WORK ON TRANS REGRET

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< 1<sup>0</sup>% - 5<sup>0</sup>%

*Calls for further research*

**SO, WHAT IS REGRET...?**

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## WHY THERE IS A NEED FOR A CLEAR ACCOUNT OF REGRET

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- Risk of measuring the wrong thing/mislabelling data and drawing imprecise/completely wrong conclusions
- What comes next – **is it regret... or outcome disappointment?** Or experiences of **injustice?**
- Onus on the **individual's "mistake"** instead of **inadequate healthcare** delivery; prioritising preventing "mistakes" instead of improving care

**SO, SERIOUSLY, WHAT IS REGRET...?**

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## WHAT IS REGRET?

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**Painful self-reproach about a decision the chooser voluntarily made that went against their:**

1) **Practical identity** (values, morals, beliefs, priorities, aspirations, who they know themselves to be)

2) **Information** that was available to the them

at the time the decision was made.

**1. DOES ANTICIPATED REGRET MEET  
REASONABLE CONDITIONS TO ETHICALLY  
JUSTIFY DENYING TREATMENT?**

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1. Harmful

1. Predictable

## HARMFUL?

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- Significant setback to interests? Not usually, if ever
- Always a hurt, sometimes (maybe) a harm
- It is a harm to the self
- **Regret travels with other emotions** → difficult to “extract” the regret component to weigh it as a harm against the harm of denying care
- **Denying care = significant harm as a setback to a welfare interest (health); harm to another; easy to identify as cause**

## PREDICTABLE?

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- **Epistemic limits** render third-party predictions impossible
  - Practical identity + information known at the time
- **Gender transition is a “personally transformative treatment”** (McQueen 2024); chooser can only know their future appraisal of their choice on the other side of the decision
- **Temporal elements:** Regret emerges and retreats over time; can arise unexpectedly; can be revelatory (White 2018)
- **Harm of denying care = concrete, predictable, linear**

## **2. ) WHY IS THERE CONCERN ABOUT TRANS YOUTH REGRETTING A CHOICE TO UNDERGO GENDER-AFFIRMING MEDICAL TREATMENT?**

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- **Some paternalism is good**
- **Youth don't yet know who they are so are susceptible to making regrettable choices (i.e. bad/harmful decisions)**
- **(Particular\*) future options are important to preserve**

(\* normatively reproductive and gender conservative)

# DOUBLE STANDARDS

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**Many young people are permitted (or even expected) to make life-altering choices that are ripe for regret:**

- Academic tracks and career entry
- Sports
- Romantic or sexual partners
- Close friendships
- Relocating
- Driving
- Risk-taking in general

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**Is there something uniquely concerning about relatively irreversible, potentially regrettable choices that affect young bodies?**

## **DOUBLE STANDARDS - IRREVERSIBILITY**

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**We let young people make significant, potentially harmful, potentially irreversible, potentially regrettable choices about their bodies:**

- Sports (again)
- Gender-conforming piercings
- Gender-conforming aesthetic / cosmetic procedures & surgeries

**(P.S. REGRET DOES NOT TRACK WITH REVERSIBILITY)**

## **DOUBLE STANDARDS**

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**Young cis people can access the EXACT SAME procedures – anticipated regret is not used to restrict their access.**

- A trans girl seeking laser hair removal must go through extensive assessment to assure provider she won't regret the treatment

## QUESTIONS

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1. Does anticipated regret meet reasonable conditions to justify banning/denying treatment? **No.**

~~1. Why is there concern about trans youth regretting their choice to undergo gender-affirming treatments?~~

*What* is the actual concern about trans regret? e.g. treatment dissatisfaction or discontinuation?... Or trans bodies?

## PONDERRINGS

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? What is talking about “regret” as a justification for denying gender-affirming treatment *drawing attention away from?*

**Maybe??...**

- Life as a trans person is really hard!
- Duty to improve trans healthcare
- Duty to challenge norms of gender embodiment

**OR EVEN...?!**

- Conservative, pronatalist agenda
- Power of a young person to make choices for themselves

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# Thank you!

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