

# Measuring Sex, Gender Identity, and Sexual Orientation

## Gender Identity and Sexual Orientation in an Indigenous Context

This issue brief is based on the report *Measuring Sex, Gender Identity, and Sexual Orientation*, which recommends that the National Institutes of Health (NIH) adopt new practices for collecting data on sex, gender, and sexual orientation. The report recommends standardized language to be used in survey questions that ask about a respondent's sex, gender identity, and sexual orientation. This issue brief discusses the recommendations for measurement of sexual orientation and gender identities within Indigenous communities in the United States.

### U.S. GOVERNMENT TRUST RESPONSIBILITY TO TRIBAL COMMUNITIES

There are 574 federally recognized American Indian and Alaska Native (AIAN) tribes that are sovereign governments and, as such, have a nation-to-nation relationship with the United States. The U.S. government has a trust responsibility to the tribes, derived partly from treaties, executive orders, judicial actions, or legislation, to ensure protection of Indian trust lands and tribal sovereignty, as well as the provision of social, medical, and educational services for tribal members. The National Congress of American Indians notes that the collection of accurate, adequate, meaningful data is critical to the health and welfare of tribal nations. In recent years, tribes have exercised sovereign authority over data collection efforts and research in tribal lands

and of tribal members. Currently, the decennial U.S. census and the American Community Survey (ACS) are the two major sources of data on AIAN people and form the main basis of funding for many tribal programs and policies. Tribes have noted that AIAN and other Indigenous populations tend to be undercounted in the ACS as well as in other national surveys due to inadequate data collection and reporting or being collapsed into "other" categories due to small sample sizes.

### "TWO-SPIRIT" AS A SEXUAL ORIENTATION AND GENDER IDENTITY

"Two-Spirit" is an intertribal term first coined in 1990 that serves as a placeholder for tribally-specific gender and sexual orientation identities that are centered in tribal worldviews, practices, and knowledge. Tribes have their own specific terms for gender statuses (e.g., in Navajo, *Nádleehí* refers to one who is transformed), and many of these terms go beyond the binary categories of male or female. For these tribal identities that cannot be directly translated or mapped to the Western conception of gender, Two-Spirit can be used as the English-language placeholder term. For many tribal nations, gender is not limited to a Western binary construct or expression; in fact, some tribes have as many as five genders. Thus, Two-Spirit often represents a third or

fourth gender status that is nonbinary but is linguistically or socially contextualized within a particular tribal nation worldview and cultural understanding, often with certain social, cultural, or ceremonial roles attached to the status. Under this holistic view of personhood, Two-Spirit is a placeholder term that captures not only gender identity or sexual orientation identity, but also a social and cultural position that shapes and defines all aspects of one's life. Because Two-Spirit is a term by and for Indigenous peoples and is culturally anchored with particular meaning and, potentially, social status, it is not appropriate for use by non-Indigenous populations.

Although it is widely recognized and used across many Indigenous communities, the term Two-Spirit is not universally recognized or accepted. Moreover, the term encompasses a large number of heterogeneous identities that may otherwise share little in common. It has been criticized for erasing the specific cultural histories and practices of individual tribes and for evoking (and, in some cases, romanticizing) an ahistorical conception of gender and sexuality that may be more grounded in colonial depictions of Indigenous peoples as deviant rather than in Indigenous cultural practices. Despite these criticisms, the term Two-Spirit is a way to reference Indigenous identities, practices, and traditions in the context of Western data collection practices and ensure that Indigenous sexual and gender minorities are represented and counted.

#### **INCORPORATING TWO-SPIRIT IN MEASURES OF SEXUAL ORIENTATION AND GENDER IDENTITY**

The committee recognizes that the problem of invisibility often arises in LGBTQI+ data collection methods and research; therefore, the report highlights the specific cultural needs of Indigenous populations as part of its evaluation of measures of sex, gender, and sexual orientation. Inclusion of a Two-Spirit response option for AIAN respondents provides a way for surveys to explicitly identify sexual and gender minority populations that are culturally specific to the AIAN population. The need for such a response option is demonstrated by the AIAN LGBTQI+ Two-Spirit Study, funded by NIH—the only nationally representative study of AIAN LGBTQ health. In this study, one in six AIAN respondents preferred the Two-Spirit term for sexual orientation and more than one-quarter preferred the Two-Spirit term for their gender identity.

For measures of sexual orientation identity and gender identity, the report recommends the inclusion of Two-Spirit as a response category for AIAN respondents in computer-assisted surveys where:

1. the response options may be tailored through an algorithm to allow only AIAN respondents to view and select this response, and
2. the data collection effort is likely to include a sufficient number of AIAN respondents, such as in a population-based, representative, or Indigenous community-based sample of AIAN respondents.

In weighing the inclusion of this category, the committee evaluated whether misreporting by non-AIAN people as Two-Spirit would preclude accurate representation of Indigenous Two-Spirit populations by assessing the occurrence of “false positive” reports as Two-Spirit among non-Indigenous populations within the All of Us study. Because more than half of Two-Spirit reports were “false positives,” the committee recommends restricting this response option to respondents who identify as AIAN. The committee recommends this measurement strategy as a way to reduce the misappropriation of a cultural identity that has a specific meaning in AIAN communities. This allows AIAN respondents to see their culturally specific sexual identities represented while preserving the autonomy of all respondents to write-in Two-Spirit or a tribal-specific term in the open-text field. When automated programming of response options is not feasible, researchers need to be cognizant of the possibility of the appropriation of an Indigenous identity category by non-Indigenous people in their analyses and interpretation of results.

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#### **FOR MORE INFORMATION**

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