

Inquiry Focus: “Bathroom Debate”**Focus Questions:**

- 1) What are different views, values and perspectives on transgender peoples access to bathrooms?
- 2) What actions have people taken in response to transgender peoples access to bathrooms and how do these actions reflect their views, values, and perspectives?

Possible Sources:

- Politico: Obama administration releases directive on transgender rights to school bathrooms, <https://www.politico.com/story/2016/05/obama-administration-title-ix-transgender-student-rights-223149#:~:text=The%20Obama%20administration%20Friday%20morning,align%20with%20their%20gender%20identity.>
- GenderGP: The Nonsense and Dangers of the Transphobic ‘Bathroom Debate’: <https://www.gendergp.com/transgender-bathrooms-discrimination-2022/#:~:text=This%20is%20not%20some%20abstract,places%20of%20safety%20and%20security.>
- The Washington Post: Trans women should be arrested over bathroom use, N.C. gubernatorial candidate says <https://www.washingtonpost.com/nation/2024/02/12/north-carolina-governors-race-transgender-bathroom/>
- NPR Politics: Ex-N.C. Gov. Pat McCrory Offers His Take On Transgender Rights, <https://www.npr.org/2017/02/27/517458876/ex-n-c-gov-pat-mccrory-offers-his-take-on-transgender-rights>

Background Information:

My inquiry topic is transgender peoples access to public bathrooms. The issue of transgender individuals access to public bathrooms that align with their gender identity has become a significant point of contention within transgender rights. This topic highlights fundamental issues within society on how we recognize gender identity and segregation of sexes in public spaces. The main arguments surrounding transgender bathroom rights are if transgender individuals should be legally allowed to enter and use public bathrooms that align with their gender identity. Gender identity is a term that describes a persons innate sense of their gender. It is often argued if gender identity is separate from sex, the male and female categories determined by sex chromosomes. “Bathroom bills” “Transgender bathroom bills” or “Bathroom access bills” started being implemented in America in the 2010s. These bills were a variation of preventing transgender people from accessing bathrooms if they did not align with their sex, such as the Public Facilities Privacy & Security Act, or HB2 passed by North Carolina governor, pat McCrory. These bills would force transgender people to use the bathroom correlating with their sex at birth or to use gender neutral facilities. This became an issue of discrimination against transgender people, especially students who needed to use the bathroom at schools which were typically state funded.

Focus Question 1: What are different views, values and perspectives on transgender peoples access to bathrooms?

Social Justice

An ideology that is common in the differing opinions on the transgender bathroom issue is social justice. Social justice is an ideology aimed at creating a fair and equal society where all individuals have equal access to opportunity, resources and rights regardless of ones background or identity. Major principles of social justice is to acknowledge system injustices within society and to undo them to support minorities and accommodate individuals needs within a society through equity and equality. Social justice is a key ideology when analysing the perspectives within the transgender bathroom issue. For example, the principle of equality is directly relevant to ensuring transgender people have access to public bathrooms that align with their gender identity in the same way that cisgender people do. This would address and acknowledge the unique issues transgender people face in society and call to make change so transgender people can feel safe in society.

A 2022 article published by GenderGP argues that denying transgender people access to public bathrooms that align with their gender identity is discrimination and hateful. The author, whose name is just cited as 'GenderGP', highlights the safety and health concerns transgender people face when having to use bathrooms that align with their sex. The article states *"Accessing safe public bathrooms is a health and well-being issue, and a human right. Using the toilet is an essential health need. The narrative that self-identification will compromise cis people's safety is dangerous, particularly affecting trans women and girls."* This quote indicates a social justice ideology because it makes the claim that all humans should have the right to access safe public bathrooms. It also highlights how specifically transgender women and girls are negatively affected and in danger by the notion that self identification or using the womans bathroom is a danger to cisgender women. By acknowledging the challenges a minority community face within a society and calling out the injustices they face, GenderGP demonstrates they value safety, equality in society, access to public facilities for all and human rights. These values link directly to social justice by acknowledging the discrimination a minority faces in society.

Traditionalism

An ideology that contrasts with social justice that is relevant to the transgender bathroom issue is traditionalism. Traditionalism is an ideology that prioritises the value of maintaining established social practices, roles, customs and institutions within a society. For example, the nuclear family, gender roles, local community, and authority. It advocates for the preservation of cultural norms that have been held in a society for many generations and views them as essential to the function and order of a stable society. Traditionalists often resist change in society they see as disrupting the established order. In the context of the transgender bathroom access issue, traditionalism plays a significant role in shaping opposition to allowing transgender people to access public bathrooms that align with their gender identity. There is a fundamental difference in how traditionalists view gender compared to queer theory, as fixed at birth with ones sex. This aligns with the traditional idea that there are expected gender roles a male and female should uphold in a society. By changing the traditional idea of separating bathroom facilities by gender to accommodate a

minority group, a traditionalist would view this as disruption of a broader social framework of how a healthy society operates.

A 2024 Washington post article reports on a North Carolina lieutenant governor and leading candidate in the 2024 gubernatorial election, Mark Robinson's comments on the transgender bathroom access issue. The Author, Jonathan Edwards, references Robinson claiming transgender people using the women's bathroom is a danger to women and how he wants men claiming to be women in the women's bathroom to be arrested. Edwards quotes Robinson from a video of him at a campaign saying *"if you are confused [about which bathroom to use], find a corner outside somewhere. I'm sorry, we're not tearing society down because of this."* This indicates a traditionalist ideology because he is saying that a person not using the bathroom that aligns with their sex (transgender people) is confused and that they should not use any bathroom facility at all because allowing them would tear down society. This clearly demonstrates that Robinson believes not upholding traditional gender roles and societal norms is a threat to the order of society. He also uses language that rejects the existence of transgender people and just describes them as confused people. This aligns with the traditional idea that gender is fixed at birth with sex. Values this demonstrates are traditional gender roles, preserving societal order based on established norms and values, binary definitions on sex which links to the traditionalist ideology.

Focus Question 2: What actions have people taken in response to transgender peoples access to bathrooms and how do these actions reflect their views, values, and perspectives?

Pat McCrory

Pat McCrory was the former governor of North Carolina between 2013 - 2017. McCrory was a republican who gained national attention for his stance on the issue of transgender bathroom access during his tenure. In response to the issue, McCrory signed 'HB2' or the Public Facilities Privacy & Security Act into law in 2016. The North Carolina statute compelled schools, state and local government facilities with single-gender bathrooms to only allow people of the corresponding sex as listed on their birth certificate to use them. It also amended state law to preempt any anti-discrimination ordinances passed by local communities. McCrory publicly defended HB2 which he further explains in an interview with Rachel Martin, David Greene and Steve Inskee published by npr.org. In the interview McCrory is quoted saying *"we're changing the basic values that we've used in our schools for decades and decades. This is a major change in culture norms that, again, I disagree with the Civil Rights Division of the Obama administration."* This quote shows McCrory emphasises the importance of maintaining longstanding values and norms relating to gender segregated spaces in schools. This reflects a traditional viewpoint that prioritises continuity of cultural norms. McCrory took action through signing off a legislation that would force people to only use bathroom facilities that aligned with their sex and publicly supporting and defending it and discourse surrounding the issue. This action reflects values of a traditional ideology. By signing in a law that legally prevents people from using a bathroom that does not align with their gender identity but their sex, it targets transgender people. By using authoritarian force to prevent transgender people to use the bathroom that aligns with their gender identity it upholds traditional ideas of gender binaries such as segregating the sexes in public facilities. This shows McCrory values maintaining societal norms, gender norms and traditionalist societal structures.

Gavin Grimm

Gavin Grimm is a transgender activist who became a prominent figure in fighting for transgender rights in the US, specifically bathroom access rights. As a highschool student in Virginia, Grimm was not allowed to use the bathroom that aligned with his gender identity as a transgender student after his school board adopted a rule that prohibited pupils from using common bathrooms if they had gender identity issues. Grimm was forced to use a single stall bathroom separate from the girls or boys bathroom. In 2015 Grimm filed a lawsuit against the Gloucester country school board for discriminating against him in violation of the Equal Protection Clause and Title IX of the U.S. Education Amendments of 1972, a federal law prohibiting sex discrimination by schools. After four years of litigation and being sent to the Supreme court, the US district court ruled in favour of Grimm for all his claims and was awarded \$1.3m. Grimm's response to the transgender bathroom access issue was to file a lawsuit against the school board preventing him from using the bathroom that aligned with his gender identity and further advocate for trans rights in America. In an interview with Nico Lang, published by them.us, Grimm describes his reasoning for the lawsuit as *"My fight was motivated by justice, fairness, and the treatment that everybody deserves. It was not even about me as an individual. It's about the principle that discrimination is illegal."* These quotes clearly displays that Grimm's action taken in response to not being allowed to use the boys bathroom was motivated by justice. These beliefs and values show Grimm's motivation for change align with ideologies of social justice. By taking legal action against the school board, this shows Grimm was fighting for justice for not only himself but for other transgender students that would be in his place. This reflects values of equality, access for all, trans rights and justice. These values align with the ideology of social justice and human rights.

Compare and Contrast

Both perspectives heavily value safety and protection, specifically of people susceptible of abuse such as children, women and trans women. The sources that were against transgender access to bathrooms often referenced protecting women and female safe spaces. Opposing views would claim to prioritise safety of trans women and trans kids.

Evaluation

The sources I found were helpful to answering the questions and writing my report. In all of my sources I found pretty clear views and perspectives which made answering the first question easy. Answering the second question was harder as I couldn't find a lot of information on protests or public action, but found more when looking at the legal side. I think I could've made my answers to question two stronger by looking for sources directly related to the actions people took as I was mainly looking for people speaking about why they took action which wasn't the main focus of the question.

Throughout my inquiry I struggled to find perspectives from people against transgender bathroom access online, and had to search up specific bills/laws restricting transgender access to bathrooms and research who signed off the bills or who was in support of them. Thats how I discovered HB2, Pat McCrory and Gavin Grimm. My research was also only confined to the US which was not my intention. By only having US voices It made keeping continuity when answering questions easier but also left out major voices, key people and events in this issue that I could have gotten from other countries. I originally wanted to focus

my questions on New Zealand but found a small amount of information and barely any primary sources. I think its still important to acknowledge the global significance of American politics as it is such a major focus point in world politics and especially western politics.

Because my social issue is so relevant all of my sources are also relevant and only reference really recent events. I originally planned on doing much more background research on the topic and transgender history in the US but didn't find it relevant as all of my sources were so secluded to recent events.

I found the GenderGP source was biased through its tone and language. As well as not directly citing who wrote the article did not make it seem reliable. But throughout the article the author backed up their claims with evidence and statistics which strengthened the source. It was a useful source because it was more of an opinion piece which really helped me find a foundation in perspectives and ideologies that supported trans bathroom access. The Washington post article on Mark Robinson was very helpful. Through the collection of quotes from Robinson I was able to piece together a cohesive thread of values and ideologies for the opposing side of the argument. Because all of the quotes from the article were linked with videos I was able to fact check the validity of the quotes. This source could have been made more reliable if they linked to a full recording of Robinsons speeches instead of short clips of snippets of his speech. The npr interview with Pat McCrory was not that useful. Apart from giving some quotes about his traditional views, it did not give a lot of information about HB2 which would have helped me more answering what actions did he take in response to the issue. The Gavin Grimm interview was probably the strongest source as it really went deep into why and how Grimm responded to the issue. I was able to find the most content to annotate in the source table as the interview was so relevant to my inquiry. I was able to generally avoid a lot of bias from opposing viewpoints to transgender bathroom access mainly because It was so hard to find perspectives of that view. Sifting through articles that blatantly were using biased language *for* transgender bathroom access definitely made it hard to find solid sources. I think this is a weakness with making my inquiry focus on such a recent issue and a major political one too as any journalistic website would report on recent events.

I could have improved on my Inquiry by asking for more guidance and clarification on the questions, which would make my search for sources more directed and accurate to answering my questions. I could have found longer form sources like documentaries or larger articles if i had managed my time better.

The student provided basic footnoting throughout and a reference list at the end. These have been removed for brevity.