

Transgender women in women's restrooms: A purely imagined harm

By Guest

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Abstract

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This August, California passed the School Success and Opportunity Act, a law mandating that transgender students must be included in school activities on the basis of their identified gender rather than their assigned sex. This includes playing on sports teams consistent with their gender, as well as the use of facilities such as bathrooms and locker rooms.

Conservative groups predictably painted this as an outrage, raising the terrifying possibility that trans girls might use girls' restrooms - which is supposed to be a problem for some reason. Frank Schubert, a strategist behind numerous state campaigns against marriage equality, is now leading an initiative to overturn the law. The National Organization for Marriage, following a lengthy series of failures to achieve any of their marriage-related aims, has decided it would be easier to attack trans kids.

But of all the groups that have lined up to oppose this law, perhaps none have been as vocal - and as dangerous - as the Pacific Justice Institute. On their website, Pacific Justice immediately began seeking plaintiffs who felt they were somehow wronged by this new law, and were willing to challenge it in court. Having apparently no success in their search, they had to go all the way to Colorado to find the supposed victims they needed as the face of their campaign.

On October 13, the Christian Broadcasting Network published a story claiming that a transgender girl had been harassing other girls in restrooms at Florence High School in Colorado. From the very beginning, this story was suspiciously light on details. No further information was given as to the specific nature of the alleged harassment. No individuals involved were identified or even quoted. No evidence was provided that any of this had actually taken place. The "story", if you can call it that, came down to nothing more than a vague allegation - and half of the very short article was devoted to grandstanding and self-promotion by Pacific Justice.

Following its publication, this story was uncritically syndicated by news outlets around the world, including Fox News and the Daily Mail. Fortunately, Cristan Williams of Transadvocate.com took the time to contact the school superintendent, Rhonda Vendetti, and find the facts surrounding this supposed incident. When asked about the story, Vendetti stated: “to our knowledge and based on our investigation, none of those things have actually happened. We do have a transgender student at the high school and she has been using the women’s restroom. There has not been a situation.” She further added: “There has not been an incident of harassment, or anything that would cause any additional concern.”

In other words, the Pacific Justice Institute’s story appeared to be more of a non-story, and likely nothing more than a false accusation. The Daily Mail subsequently removed the article from their website. But the exposure of their fabricated story didn’t stop Pacific Justice from continuing to pursue it anyway. Within days, they issued a very revealing clarification of their earlier claims: “It is our position that the intrusion of a biological male into a restroom for teenage girls is inherently harassing and intimidating.”

This is not a minor detail. As soon as their false accusations of harassment were revealed, they tried to claim that what they meant all along was that her mere presence was the same as an act of harassment. This is a significant backtracking from their original allegations, and essentially an admission that nothing had actually happened. Cristan Williams subsequently interviewed the student’s family, and found that she’s only 16 years old, that she had transitioned two years ago, and that she was now on suicide watch following the campaign against her.

What really happened, according to the cis “victims”

But even that wasn’t enough to convince Pacific Justice to back down. Last week, they posted a video of the “victims” talking about how traumatic it is that a trans girl would use the women’s restroom. If you can stand to watch the video, I highly recommend that you do. What the students actually had to say about their experiences is really surprising.

Throughout the video, three girls recount what it was like to use the bathroom, or not use the bathroom, while a trans girl was there, or was not there:

“It kind of makes me a little bit nervous about if I run into him. ... I was going into the bathroom, as I was just walking in, I see him there, and I just turned around and walked out of the bathroom. ... I just don’t go to the bathroom as much anymore.”

“I feel uncomfortable because I know that he doesn’t have the same parts as me, which I do not think that’s right that he could go into the same bathroom as me. ... I actually only use the bathroom probably once a day, and that’s when I’m in gym and I don’t have the same gym class with him, so I’m trusting that he won’t walk in there while I’m in there. ... Me and my friend were in there, and all of a sudden we see him walk out of the stall, and I felt really weird and we just walked out.”

“I believe if you want to be gay or a girl if you’re a guy, you have the right to do that but you don’t need to put everyone else in a position where they’re uncomfortable to do that. Things are meant to be private and kept for you and only for you.”

Here’s the most striking thing about their stories: All that they’re talking about is how they used the

restroom while a trans girl was there, and nothing happened. At no point in any of their stories is there any instance where this girl did or said anything inappropriate - indeed, there are no instances of her doing or saying anything at all.

If she had conducted herself in any way that was even remotely possible to construe as harassment, you can be sure that it would have been brought up in this video. But nothing of the sort is mentioned at all. Literally the only event they talk about is: a trans girl used the restroom.

Note also how much of this is about them. They are the ones who are nervous. They are the ones who are uncomfortable. They are the ones who “felt really weird”. They are the ones refusing to use the restroom. How is this the fault of one student who’s done nothing wrong? She’s not the one being weird around them - they’re clearly the ones being weird around her.

Yet their parents, and Pacific Justice, are all too willing to treat this as a compelling reason to attack a student who hasn’t done anything inappropriate. Against a background of dramatic music, three parents ramble aimlessly and veer off into utter incoherence:

“You’re kind of wired, as a mom, to protect your kid. And when you’re unable to, it’s scary. ... I feel sorry for this little boy, but at the same time, I need to respect him, he needs to respect me. And I do that. Why can’t he do it? Why can’t we teach him, you know, respect others? ... This is not the school’s problem or my daughter’s problem that he has decided to do this. But it is my problem when they’re uncomfortable, and not safe at school. I feel as if they’re not safe at all.”

“The school pretty much told us, your daughter has no rights. ... When the school told us, there’s no rights, I was like, there has to be rights for these girls. ... You have private parts for a reason, you know, and now they’re not private anymore. ... We pray for this boy every night, as a family we decided we’re going to pray for this boy and, you know, he’s a confused boy.”

“From day one, you protect your kid from electrical outlets, you put things on your cabinet so they can’t get into the medicine, it’s your job to protect your kid because they can’t protect themselves yet.”

Again, these parents are talking about protecting their daughters in a situation where all parties admit that nothing has even happened. Moreover, they do this while, in the same breath, turning one innocent girl’s life into a media firestorm. After this girl has been on suicide watch, they now claim their daughters are the ones who aren’t safe.

They talk about “rights” as they try to kick her out of a public restroom. They talk about “respect” when they can’t even bring themselves to respect her gender. They talk about “private parts” while making international news out of someone’s anatomy. They offer their meaningless and condescending prayers while refusing to do anything that could actually help this girl. They call it a “problem” when their daughters are “uncomfortable” in the face of no harassment and no inappropriate behavior, yet they have no problem with harassing one girl until she’s almost too uncomfortable to go on living. They don’t even care.

And that’s really the heart of all this. The closest thing resembling an argument in this video is the contention that cis people’s discomfort should be the only reason needed to exile trans women from women’s restrooms - even if these trans women have never done anything inappropriate. They seem to

believe that if cis people are ever uncomfortable with the mere idea of this, then trans women need to leave immediately and just never use women's restrooms.

But no thought is given to how uncomfortable trans women might be about this, or whether trans women's discomfort should compel cis people to act differently. They don't seem to think this is worth considering at all.

In light of this, I contend that the mere discomfort of cis people at the simple presence of trans women in women's restrooms should not be a compelling argument for anything. This is not a sound justification for excluding trans women from women's facilities. And there should be absolutely nothing wrong with seeing yet another case of cis people complaining about nothing, and telling them, "who cares?"

Use of women's restrooms by trans women is normal and common

The discomfort of cis people is not some inherent feature of trans women using the women's restroom. It does not need to be seen as a completely understandable reaction: a great many cis people are just fine with trans women using women's restrooms, and these cis people do not make an issue of it at all. It is not an inevitable consequence of our bathroom use - there's nothing about our presence that forces people to feel this way. So this is not about what we are doing, it is about how they choose to react to that. Given that so many cis people don't see this as a problem and don't try to ban us from bathrooms, what's their excuse?

Moreover, even if every cis person was uncomfortable with trans women using women's restrooms, their discomfort would be totally unwarranted. This anxiety is completely unsupported by the facts at hand - there is nothing to be anxious about, and so this baseless reaction shouldn't be considered a compelling argument for anything.

In an absolute sense, trans women using women's restrooms is an incredibly common occurrence. A 2011 study from the Williams Institute at UCLA analyzed multiple surveys, and found that about 700,000 people in the United States are trans. Let's assume half of these people are trans women - about 350,000. If these trans women only use women's restrooms an average of 3 times a year - some of them more, some of them less - there are over a million instances of this every year.

There are over a million instances of something that Pacific Justice wants us to believe is "inherently harassing", over a million cases of what they see as cause for a melodramatic, teary video about how traumatizing it is just to be in our presence. Yet the reality of our bathroom use clearly does not support such an assumption. On top of that, 77% of trans women haven't even had any genital reconstruction - most of us indeed do not have "the same parts". But are we to believe that every time we use a public restroom, this ends with shocked and weeping cis women running from the stalls?

No. The inherent harassment postulated by Pacific Justice is, in truth, neither inherent nor harassment, and "parts" clearly aren't a problem here either. Their president described this as an "ordeal" for these girls, who have apparently "gone through a lot, mentally and emotionally". I think this would come as news to the millions more cis women who use restrooms alongside us without issue.

Admittedly, cases of trans women using restrooms do occasionally become newsworthy. We see dozens of such "incidents" make the news every year - but not thousands. The fraction of cases where this

becomes an issue is so small as to be negligible. And when it does become a problem, it is almost invariably caused not by the actions of trans women, but by the actions of cis people. These are not instances where trans women have misbehaved, acted inappropriately, or harassed anyone. Instead, these incidents happen when cis people identify someone as trans and seek to exclude them from public restrooms for that reason alone.

In Florida, a nursing student was told she would face charges if she continued to use the women's restroom at college. In Idaho, a woman was issued a no-trespass order for using the women's restroom at a grocery store. In Colorado, a 6-year-old girl was told she couldn't use the girl's bathroom at school anymore. Almost every one of these supposedly newsworthy events comes down to the same story we're seeing here: a trans woman used the women's restroom and nothing happened - except for cis people causing problems. It's obvious that we're subjected to this not because of any behavior on our part that would merit such treatment, but simply because of who we are.

Trans women are at high risk in restrooms - because of cis people

If the harassment of women in public restrooms is something these people are concerned about, they could start by worrying about the harassment of trans women. In a survey of trans people in Washington, DC, 59% of trans women reported being verbally harassed in bathrooms. This included being "told they were in the wrong facility, told to leave the facility, questioned about their gender, ridiculed or made fun of, verbally threatened", as well as having the police called or being followed after they left. 17% of trans women were denied access to restrooms outright, and 14% were physically assaulted in restrooms.

This is not a case of people "inherently harassing" us just by being there - they are actively harassing us by beating us, yelling at us, and denying us entry. This danger creates a climate of fear: 58% of trans people reported avoiding public places because they weren't sure if a safe restroom would be available, and 38% avoided places with only gender-separated restrooms. And 54% suffered some kind of physical issue from waiting too long to use the bathroom.

One person explained how much planning goes into using public restrooms:

"Stay out in DC for short periods of time. Scout bathroom options. If men's and women's entrances are very close and the bathrooms are not currently in use, I will use them. If there is a line to use the restrooms, I will not. Standing in line usually always results in verbal abuse or denial of access."

Does that sound like something cis people have to think about every time they need to go to the bathroom? Pacific Justice is happy to trot out stories of cis girls who avoid using the restroom while a trans girl is there, simply because they "felt weird". What they don't seem to realize is that this is a daily reality for trans women - and not merely because we feel "weird", but because we face a very real threat to our safety. And that threat does not come from trans people. It comes from cis people.

Given the attacks we suffer from them on a regular basis, expecting us to view our own simple presence as somehow harassing to others is the height of entitled cis ignorance. Cis people harass us with extraordinary frequency, but nobody sees all cis people as the problem here. Yet trans people do nothing, and we're subjected to campaigns to bar us from using the proper restroom. Does Pacific Justice have any data on how often we're beating cis women in restrooms, threatening them, and telling

them they have to leave? Or just some more videos about how nothing happened?

Cis people's bathroom fears do not matter

These groups are trying to make an issue out of what is, in reality, the biggest non-issue imaginable. And the sickening irony of it all is that campaigns like these, where cis people's unreasonable fears are inexplicably treated as valid, are exactly why we as trans women have every reason to be afraid. When their discomfort over nothing is elevated to a no-questions-asked veto power over our restroom access, this teaches people that they're right to see us as a danger, and that they're justified in taking action against us. It encourages cis people everywhere to appoint themselves as bathroom vigilantes, policing restrooms for any sign that a trans person might be trying to use the facilities.

And they think they're the ones who are uncomfortable? They're the ones who are "a little bit nervous"? We're the ones who have to live in the constant fear that just using the restroom might mean encountering someone who doesn't like how our faces look, how our voices sound, how our necks are shaped, or how tall we are. We have to live with the possibility that at any moment, no matter how unimpeachable our behavior may be, cis people can single us out, question the legitimacy of our gender, and make such an issue of it that it becomes a worldwide headline. And the world will think we're the ones who did something wrong. We fear this because it's actually happened countless times before, and it's certainly going to happen again. Each of us fears that we might be next.

So let me be clear: When cis people talk about how unsafe they feel around us, I do not care. Just because they're distressed at simply being around someone who's trans, that doesn't mean anything has to be done about this. It doesn't mean we're the problem here. Their discomfort with something harmless does not need to be accommodated at the expense of others - it doesn't create any sort of moral imperative to be imposed upon us, and it doesn't obligate us as trans women to cater to their baseless anxieties.

They have the luxury of being taken far too seriously when they fear a nonexistent threat. Meanwhile, we're faced with suspicion, harassment, global media exposure, and even violence - for no reason at all. Campaigns like these are not just groundless, they are not just wrong, they are precisely backwards: Cis people are not the ones who are threatened by us. We are the ones who are threatened by them.



Figure 1. bathroom-police

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