

Boundaries of Transgender Access to Public Facilities in the United States

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Abstract: *In modern society, people are always seeking equality and reducing differentiation, and the rights of sexual minorities are a part of today's society that cannot be ignored. The rights of sexual minorities are a part of today's society that cannot be ignored. This paper has its own specificity and cannot be simply thought of and addressed in a binary way. The ethical issues of society and public awareness and morality of the general public is not something that can be simply counted and regulated by data. This paper explores how public facilities can protect the physical and psychological needs of sexual minorities without providing them with additional power, while conforming to traditional social norms.*

Keywords: *Public Facilities; Transgender; Ethics; Human Rights*

1. Introduction

Over the course of the gender movement in the United States, people have begun to look at sexual minorities (LGBTQ+). The increase in minority discourse in modern society is a sign of social progress, and has led people to also focus on the inequalities that minorities may suffer in society. But the matter has also gradually become politically correct, or extreme cases of gender antagonism have emerged[1]. The question of how to balance the rights of ordinary people and transgender people has become a new one. It has become difficult to distinguish between privilege and equal rights.

Rights concessions and invasions of privacy space that may be suffered as a result of policy preferences for sexual minorities. This study will look at the contradictions between those who were born male and then chose to undergo hormone therapy to become female and those who are ordinary women, and examine their social treatment and real-life dilemmas[2].

2. The dilemma of cross gender groups

Transgender people have long been a hotly debated topic in terms of the development of modern society. However, with the gradual recognition of this group in society, transgender people seem to become more accepted in a broader social context. However, the transgender community has experienced significant obstacles and dilemmas over the course of its history[3]. People are born with their biological sex, and those who follow the gender they are given are socially accepted as "normal". Despite this, few people are "against" their "nature" and desire to be the other side of themselves as they grow up. As a result of such deviant beliefs and actions, they become social outcasts as a result. Because people stereotype transgender people with false impressions, the transgender community faces banishment and becomes an outcast in society. Even in today's moderately open society, the transgender community is still vulnerable and unprotected.

Do transgender people who are not fully hormonally treated infringe on the interests of their native community when using public facilities, i.e., their privacy space? Can transgender people choose the restroom of their gender identity when gender-free restrooms are not available? Is it possible to choose a gender-identified student dormitory or prison? This issue is prominent in women's dormitories and women's prisons. Because of the serious privacy issues involved, there are also religious and security concerns. For example, transgender inmates in a women's prison in New Jersey, USA, impregnated two women[4]. Their hormone treatments were not fully completed and they did not undergo surgical procedures. At this point they are in some ways a privileged group. But at the same time, if the transgender inmate is returned to a men's prison, she will likely be attacked by her cellmates. Transgender inmates being assaulted in men's prisons is something that happens[5].

This raises the question of the boundaries that define transgender people; can people use their psychological gender to determine rather than their birth gender? In Kessler's *The Medical Construction of Gender* (1990), the concept is that gender is immediately defined and determined the moment a baby is born." I argue that sex assignment, made decisively, unambiguously, and irreversibly, contributes to the general impression that the infant's true, natural 'sex' is discovered, that what was always there is discovered" (Kessler, 1990). Medical constructs define a person's gender by birth, thus ignoring the factor of an individual's social adaptation. Access to hormone therapy and the degree of access to hormone therapy become indicators that need to be quantified through research and reflection. Judgments and decisions made based on scientific data can reduce the occurrence of privileged events. So, how to achieve equality and non-discrimination in the popular sense becomes a question to be studied." Gender markers and signals are so pervasive that we usually don't notice them unless they are missed or obscured." (Lorber, 1991). The ability of transgender people to choose the public places they want to go (e.g., bathrooms and prisons) poses a safety risk[6].

There are psychological or physical pitfalls when transgender individuals are limited to going to public facilities of their birth sex or biological sex until they have received full hormonal treatment. We need to fully recognize that gender is often incorrectly associated with "sex." It is natural to assume that the biological traits a person inherits determine who they are socially and psychologically. In Stryker's *Transgender Feminism* (2006), gender is described similarly to the biological rules of citizenship, while sex is closer to the sociological part of an individual's "complex spectrum."" And, perhaps what is to be learned by addressing transgender issues is relevant to many people, including non-transgender women and men." (Stryker, 2006). In this case, transgender people have less to do with violating their natural biological sex and more to do with psychological aspects. Because of stereotypes about gender or an innate human rejection of the other, people are easily repelled by things that are unconventional and different from themselves. In life, boys who are not masculine enough, thin, short or have a sharp voice are easily rejected and are at risk of being bullied. This state binds women and men with a single line of thinking and beliefs about men and women, making transgender issues almost invisible. The socially constructed solidified beliefs about gender make transgenderism a dilemma to be faced. So it is impossible to expect anything less from a transgender person in their birth gender. The verbal violence of ordinary people can already be extremely traumatic for this group. When individuals who are prejudiced against the transgender community become a group, there is a risk that the personal safety of transgender people will be violated.

3. The blessing of political factors

While the issue of gender perception has always existed, the transgender community has become a political symbol when placed in a political context. Open communities or tightened policies seem to be a means for politicians to garner votes. "The Obama administration's efforts to expand equal rights for the transgender community, especially in employment, education, and military service, with the Trump administration's determination to rescind the Obama-era initiatives. officials have urged the courts to reverse decisions extending the benefit of civil rights laws and constitutional guarantees to the transgender (Mezey, S. G., 2020) Even as society becomes increasingly aware of discrimination against transgender people because they do not conform to the gender identity norms they were assigned at birth, Trump administration officials have urged the courts to reverse decisions extending the benefits of civil rights laws and constitutional guarantees to the transgender community, arguing that gender identity is outside the scope of these protections. even as society becomes more aware of discrimination against transgender people because they do not conform to the gender identity norms they were assigned at birth, the Trump administration has approached the policies negatively. This has to be associated with Obama's Democratic Party and Trump's Republican Party. While it is acceptable not to treat transgender people differently from the general population until clear data and regulations are established, it is an obstacle to transgender affirmative action when the issue itself is used by political parties as a voting tool." "they are being silenced by some of their caregivers, school officials, religious leaders, and politicians." (Vaughn, M., 2016) (2016) Whether it is a ban on voicing opinions under pressure of power, or overblown or strongly positive oriented political and social propaganda that can take the matter itself to extremes[7].

4. Hidden dangers of cross gender groups in public places

The public square poses additional challenges for transgender people. In the case of transgender

prisoners, although they may be able to receive hormone therapy while serving their sentences, they cannot biologically or statutorily identify with their psychological gender as the same as their biological gender until they have completed the full course of treatment. In prison, gender identity clinics, hormones, medications, and prison showers and toilets have to be handled with care and even the possibility of harm. (Sarah Jane Baker, 2017).

Strictly limiting transgender access to gender-identified restrooms would undoubtedly ensure the rights of the general population, but "inequal access to restrooms, including negative mental health outcomes, discrimination and displacement, and an increased risk for suicide amongst TGNC individuals" (Babey, C. D., 2021). For transgender individuals who have to enter restrooms that are different from their psychosexual gender, there is undoubtedly a great harm. Some studies have shown that these transgender individuals are more vulnerable to assault than the general population when they use their birth gender rather than their mental gender. "Sexual assault is highly prevalent in transgender and nonbinary youth and that restrictive school restroom and locker room policies may be associated with risk" (Murchison, G. R., 2019). Adolescents exposed to such trauma can severely affect their psychological development and leave a great deal of psychological trauma. At the same time, if transgender people are allowed to enter the bathroom, there is a high risk that the privacy of the general population, especially women, will be seriously violated. (Emily Kazyak, 2021) There is no guarantee that social mores will govern everyone's behavior, and we can only analyze each provision with the worst of intentions. If a man claims to be transgender and enters the women's restroom, the privacy of women is seriously threatened and violated. Even the use of a psycho-sexual changing room or bathroom by a non-castrated but fully hormone-treated transgender person can cause fear or great stress[8].

Because of the incidents that have occurred in society, the development of rules and regulations for public facilities for transgender people has become an inevitable issue to be addressed. It seems reasonable to impose strong prohibitions and restrictions based on modern moral codes and ethics, because it protects the interests of the majority of people[9]. However, not only the needs of each individual should not be ignored, but whether modern moral codes and ethics are really in line with the times becomes more of a debatable issue. In the past, gay men were called sodomites, and they were not only subject to harsh legal penalties, but also forced to undergo chemical castration. Turing, the scientist who invented numerous computer algorithms, was less often persecuted to death by the morality and ethics of the time[10]. At the same time, one's identity is not a binary choice. Not everyone is willing to undergo hormone therapy with the same psychological gender as theirs. There are many people who will undergo hormone therapy while retaining their original sexual characteristics (e.g., throat knots). These diverse individuals give this group its specificity and complexity[11].

5. Reflection and summary

However, as a particularly vulnerable group, the empowerment of special powers threatens to weaken the normative perception of social morality. As in the case of (LGBTQ+) Pride Month in June in the United States. The publicity generated by such a strongly positive event may create a cognitive bias in minors or children who have not yet developed a full perspective on life. Awareness of the group's specificity and broader social preferences may lead them to unconsciously imitate it. The specialness of the group does not come from the prejudice or image of being different from the norm, but from the inevitable specialness of being in the minority. People unconsciously focus on them. The wide range of social preferences is the aforementioned choice of public facilities such as prisons or school dormitories. The damage caused by the impulsive and blind imitation of teenagers who have not formed their own judgment can affect them for the rest of their lives. There is no shortage of people in society who regret receiving full hormonal treatment, and the damage will be irreversible.

We are always striving for equality and less differentiation in our society. Equality is about everyone, and everyone has a responsibility to think about and contribute to the progress of this society. Just because gender equality encompasses all people, the needs of sexual minorities cannot be ignored. We all have the possibility to be a minority in some sense, so while promoting and solving the problems of minorities, we will also give a possible reflection and solution to the problems that may occur in the future or that have already occurred but we are not aware of them yet.

Diversity is critical to the development of a community and society; the transgender community is a part of that. The world many people may be experiencing the same dilemma at the same time. Accepting and embracing these people is essential to creating a diverse society is essential. This group has its own specificity and cannot be solved by a simple dualism. In addition, we need to consider not only the needs

of the transgender community itself, but also the needs of society, religion, ethics, and public awareness. Because of the complexity of this issue, we should consider and promote the solution of this issue. We should reflect and improve the original plan after playing and discussing with many parties, instead of simply maintaining the apparent peace with yes or no and ignoring the real equality and needs.

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