

Why are Gender-Specific Bathrooms Important?

Timothy Zebell
June 23, 2016

Within a month's time, 1,327,000 petitioners pledged to boycott Target, America's second largest retailer, over its revised bathroom policy.^{1,2} In a company statement issued April 19, 2016, Target announced, "We believe that everyone—every team member, every guest, and every community—deserves to be protected from discrimination, and treated equally. Consistent with this belief, Target supports the federal Equality Act, which provides protections to LGBT individuals, and opposes action that enables discrimination. ... we welcome transgender team members and guests to use the restroom or fitting room facility that corresponds with their gender identity."³

Target's revisions come amid a legislative battle over who should and should not be permitted to use gender-specific bathrooms and changing facilities. Numerous states in America have either introduced, or are considering introducing legislation designed to settle this issue. These states include Alabama, Florida, Illinois, Kansas, Massachusetts, Missouri, Mississippi, North Carolina, South Carolina, Tennessee, and Wisconsin.^{4,5} Certainly the most prominent among these has been North Carolina's House Bill 2, the Public Facilities Privacy and Security Act which was signed into law on March 23, 2016. The bill requires that individuals using public bathrooms and changing rooms use the facilities which match the gender on their birth certificate.⁶ In response to this law, businesses cancelled expansion plans in North Carolina, popular musicians cancelled performances, the National Basketball Association threatened to move the 2017 All-Star Game from Charlotte, film companies have relocated their productions out of North Carolina, the federal government has threatened to withhold federal funding for the state, and the federal government has sued North Carolina for violations of the Equal Rights Amendment to the Civil Rights Act.^{7,8,9}

Why are individuals, businesses, and governments making such a big deal about who can and cannot use gender-specific bathrooms and changing facilities? According to a *Rolling Stone* article titled "What It's Like to Use a Public Bathroom While Trans," "For most people, going to a public restroom is no big deal. ... For trans people, however, using a public bathroom is complicated, and often dangerous. A 2013 survey from UCLA's Williams Institute found that nearly 70 percent of trans people had experienced negative interactions in public facilities — from dirty looks to snide

¹ American Family Association, "Sign the Boycott Target Pledge!"

² Starnes, "One Million Americans Vow to Boycott Target Over Transgender Bathrooms."

³ Target, "Continuing to Stand for Inclusivity."

⁴ Libresco, "Seven Other States Are Considering Restricting Bathrooms for Transgender People."

⁵ Tousley, "The War On Bathrooms: A Transgender Right for Equality."

⁶ Kopan, *et. al.*, "North Carolina Governor Signs Controversial Transgender Bill."

⁷ Berman, "North Carolina, Justice Dept. Filing Dueling Lawsuits Over Transgender Rights."

⁸ Sterling, "North Carolina, U.S., Square Off Over Transgender Rights."

⁹ Dalesio, "LGBT Law Fallout: North Carolina Feeling the Heat from Business."

comments to physical violence.”¹⁰ Essentially, public bathrooms and changing facilities are not “safe spaces” and are considered to be dangerous within the transgender community. It is common to hear expressions of concern that transgender individuals may be assaulted in the bathroom. This was probably a significantly greater risk in past decades when fewer people were aware of the transgender community, but there is virtually no data to corroborate the belief that public bathrooms remain a place of physical danger for transgender individuals. Undoubtedly, there must be some instances of assault just as there are cases of assault against others in public bathrooms, but there is little data which leads one to believe that this is a common, or even likely, occurrence. Rather, the most consistent threat to transgender individuals using public bathrooms and changing facilities is one of humiliation—whether evident to all or simply perceived by the individual. This fear of humiliation is so strong within the transgender community that the majority prefer to avoid using public facilities altogether.

Brynn Tannehill explains to *Rolling Stone* why she remains fearful of using a public bathroom, “‘There’s always in the back of my mind that anything I do, especially if I’m in someplace where people know I’m trans, if I even blink wrong, if I look the wrong way, if I spend too much time in the bathroom, [or] if I do anything besides get in and get out, that somebody is going to accuse me of something. My bathroom visits are surgical strikes... you do one thing without collateral damage.’”¹¹ She says the worst part is the dirty looks she receives and double takes people make when she walks into the bathroom.¹² Similarly, Lara Americo shares:¹³

“You stand outside the bathroom for maybe a minute or two to make sure no one is coming out or no one is coming in. Then you go inside and if you hear someone, you just look down and hope they don’t look at your face.... You run into the stall and you lock the door as fast as you can, and then you do what you have to do. If you hear someone walk in, or you hear someone else in there, you have to wait until they leave. Once you hear that they are gone, you can run out. Washing your hands is a difficult situation because it takes time, so hopefully you brought disinfectant.”

Also, Alok Vaid-Menon explains, “‘I did not use a single public restroom at all until the age of 18 or 19. Like a lot of trans people — this is anecdotal — I have a urinary tract infection or condition from having to hold because so many of us were too afraid to even use the restroom that we just did not. That’s where I start: Even before this flurry of bills, there’s been a long history of many of us not using restrooms because we were too afraid of what would happen in them....’”¹⁴

There is a deep-rooted fear of the bathroom within the transgender community. This is not because of the prevalence of violence, but rather the fear of possible humiliation. Transgender individuals

¹⁰ Lang, “What It’s Like to Use a Public Bathroom While Trans.”

¹¹ Ibid.

¹² Ibid.

¹³ Ibid.

¹⁴ Ibid.

are afraid they will not be accepted, will be challenged, or will be reminded of the differences between themselves and those with whom they identify. In short, public bathrooms and changing facilities are a constant reminder of the truth that merely identifying with a particular gender is not sufficient to change the reality of biology.

Recently, politicians have endeavored to fix the problem by defining an individual's sex apart from their biology, choosing instead to focus entirely upon the individual's personal feelings. *CBS New York* reports, "New York City has enacted a regulation that ensures people visiting city facilities can use restrooms or locker rooms aligned with their gender identity. Mayor Bill de Blasio signed an executive order on Monday that guarantees people access to single-sex facilities consistent with their gender identity at city facilities, including offices, pools and recreation centers, without the need to show identification or any other proof of gender. The move comes amid a continuing national debate over anti-discrimination laws."¹⁵ Similarly, President Obama's administration has issued a "dear colleague" letter directing all public schools to permit students to use the bathroom and locker room that matches their gender identity.¹⁶

Such directives are based upon the Obama administration's unique interpretation of the Equal Rights Amendment to the Civil Right Act which was designed to prevent discrimination against women. This view interprets the word "sex" in the document as referring to an individual's gender identity, not merely their biological sex. This is how the dear colleague letter to schools can declare, "[T]o ensure nondiscrimination on the basis of sex requires schools to provide transgender students equal access to educational programs and activities even in circumstances in which other students, parents, or community members raise objections or concerns."¹⁷

This interpretation of the law makes the issue of bathroom access far greater than privacy and safety concerns. At stake is whether transgender individuals should be considered a specially protected class of people. This is important because there are no religious exemptions from providing a protected class with services and opportunities when doing so would result in a serious conflict of interest between the lifestyle of the transgender individual and the religious and moral convictions of the other.^{18, 19} In this case, it would also refuse exemptions for those who recognize and wish to act upon the reality inherent in biological differences.

¹⁵ "De Blasio Signs Bill Allowing Use of Bathrooms, Locker Rooms Based on Gender Identity."

¹⁶ Grinberg, "Feds Issue Guidance on Transgender Access to School Bathrooms."

¹⁷ Hirschfeld, *et al.*, "U.S. Directs Public Schools to Allow Transgender Access to Restrooms."

¹⁸ If there is any question whether sexual liberties may eventually trump religious liberties, consider the statement of Georgetown Law Professor Chai Feldblum who was appointed by President Barack Obama to serve on the U.S. Equal Employment Opportunity Commission, "When we pass a law that says you may not discriminate on the basis of sexual orientation, we are burdening those who have an alternative moral assessment of gay men and lesbians. ... I'm having a hard time coming up with any case in which religious liberty should win. ... Sexual liberty should win in most cases. There can be a conflict between religious liberty and sexual liberty, but in almost all cases the sexual liberty should win because that's the only way that the dignity of gay people can be affirmed in any realistic manner." (Gallagher, "On Chai Feldblum's Claim That I Misquoted Her.")

¹⁹ If there is any question whether sexual liberties may eventually trump religious liberties, consider the example of California Senate Bill 1146. Todd Starnes comments, "If California Democrats have their way, Christian colleges and universities will no longer be allowed to require students attend chapel services or require them to profess a relationship with Jesus Christ. Senate Bill 1146 would close a loophole that lawmakers say allows Christian universities to discriminate against students based on their gender identity, gender expression or sexual orientation. ... The legislation has already passed the Senate and is expected to clear hurdles in the Assembly. ... 'No university should

Presently there is an ongoing controversy over whether transgendered athletes should be permitted to compete according to their gender identity rather than their biological identity. Does a trans woman have an advantage in body-building, boxing, or basketball because she remains a biological male? Regardless of hormone therapy and sex-reassignment surgery, male-to-female individuals will likely possess greater stature and increased bone density.²⁰ Is this a sufficient advantage to necessitate segregating trans female athletes from biologically female athletes? These questions have not been universally settled, but *The Huffington Post* reports:²¹

“The International Olympic Committee (IOC) settled the issue of transgender athletes in 2004, when they released the rules for them to compete. The IOC rules boil down to three basic points:

- They must have had gender reassignment surgery.
- They must have legal recognition of their assigned gender.
- They must have at least two years of hormone therapy.

... The NCAA instituted somewhat less stringent guidelines in 2011. They do not require surgery, and they require only one year on testosterone suppression for male-to-female transgender athletes.

However, if transgender individuals acquire the legal status of “protected class,” then the IOC will no longer be permitted to restrict participation in female athletic competitions to those who have undergone sex-reassignment surgery. Neither will the IOC or the NCAA be permitted to restrict participation to those who are receiving hormone therapy. If based solely on an individual’s personal feelings, they cannot be restrained from using a bathroom, a changing facility, or from sharing a hotel room on school field trips with the gender with which they identify, then athletic organizations will not be permitted to restrict participants from competing for any reason other than how they feel.

The bathroom is merely the frontline of the transgender community’s culture war. The implications of these policies and laws stretch far beyond the bathroom. Who may or may not use a gender-specific bathroom may not be a monumental issue in-and-of-itself, but when the reasoning behind such policies and laws are applied to other areas of social life, it could result in fundamental transformation. Most importantly, this is not restricted to peripheral issues, such as athletic competitions. Psychiatrist Dr. Keith Ablow explains in a *Fox and Friends* interview:²²

have a license to discriminate,’ [Senator Ricardo Lara] said in a statement.” (Starnes, “Democrats, LGBT Activists’ Sinister Plan to Crack Down on Christian Schools.”)

²⁰ Menza, “How Does Transitioning Affect a Transgender Athlete’s Sports Performance?”

²¹ Tannehill, “Do Transgender Athletes Have an Unfair Advantage?”

²² “Target: Use the Restroom that Matches Your ‘Gender Identity,’” Video Embedded in the Source: Starnes, “One Million Americans Vow to Boycott Target Over Transgender Bathrooms.”

“The reason that the bathroom bill is center stage in the presidential campaign, and now in a national boycott of Target that’s up to about 500,000 people is because it represents more than bathrooms. We’re not just talking about who’s going to use which restroom. We’re talking about whether closely held opinion of an individual will be allowed to overcome scientific data and history. Right? So if you believe you are of one gender, but your DNA, and your physical appearance, and your physical anatomy are evidence you are of another gender, and there’s that conflict, then if we allow people culturally to dictate terms in our culture, then we also by extension may be in a position where we allow people to say that they’re sixty-five when they’re forty-five and get Medicare, allow people to get tattooed head to foot and say, “I’m a black person.” Now would that be offensive to black people if that person got affirmative action preferences at school? I think it might. Why? Because there’s history, there’s culture, there’s reality. This is the leading edge, some would argue—I might—of an unraveling of our culture, and perhaps our ability to plan for the future as a species. ... And so if we have a draft, God forbid, and we’re trying to save our nation, are we really prepared for eighteen-year-olds and twenty-year-olds to assert that they’re really more like twelve-year-olds? They feel it; they’re immature; their whole families have said, “Look, much too immature to be drafted.” That’s where we’re headed. Do we want to head there?”

Dr. Ablow’s analysis may seem extreme at first glance, but already there are some who are identifying by a self-perceived age. *The Daily Mail* reports, “A Canadian man who was married, with seven kids, has left his family in order to fulfill his true identity – as a six-year-old girl. ... Now, Stefunknee lives with friends who she [calls] her ‘adoptive mommy and daddy’ as a six-year-old girl, dressing in children’s clothing and spending her time playing and coloring with her adoptive parents’ grandchildren.”²³

When personal perception becomes the standard for determining reality, anything becomes possible. Reality and objective truth are being sacrificed atop the altar of political correctness and tolerance. However, the nature of reality is such that it does not change regardless of how much we may wish it away and deny its existence. The reality is that we as human beings are more than a feeling; we are biological creatures. Every cell in our bodies is hardcoded to a specific gender.²⁴ Regardless of how we may feel about it, we are born into this identity.

Just as each of us is born with a physical identity, the Bible teaches that we are also born with a spiritual identity. Every one of us is born a child of the Devil. [First John 3:10](#) teaches, “*By this it is evident who are the children of God, and who are the children of the devil: whoever does not practice righteousness is not of God, nor is the one who does not love his brother.*” In [Romans 3:10 and 23](#) we are told, “*None is righteous, no, not one; ... for all have sinned and fall short of the glory of*

²³ James, “‘I’ve Gone Back to Being a Child’: Husband and Father-of-Seven, 52, Leaves His Wife and Kids to Live as a Transgender SIX-YEAR-OLD Girl Named Stefunknee.”

²⁴ tube46, “Camille Paglia: ‘Transgender Mania Is a Symptom of West’s Cultural Collapse.’”

God.” This is reality regardless of how much we may deny it. Just as changing one’s attire, voice, and possibly one’s genitalia does not change the reality that, at our core, our cells are hardcoded with a specific gender identity, so also merely changing one’s vocabulary, attending church, and praying occasionally is not sufficient to change the reality that, at our core, we are sinful people who identify with the Devil’s rebellion against God. However, our spiritual identity is unique from our biological identity in that it can be reborn.

In a conversation with the Jewish Pharisee Nicodemus, Jesus announced in [John 3:3](#), “*Truly, truly, I say to you, unless one is born again he cannot see the kingdom of God.*” As might be expected, Nicodemus was confused, and he responded by asking, “*How can a man be born when he is old? Can he enter a second time into his mother’s womb and be born?*” The obvious answer to this question is, “Of course not!” Nevertheless, Jesus answered in [John 3:5–6](#), “*Truly, truly, I say to you, unless one is born of water and the Spirit, he cannot enter the kingdom of God. That which is born of the flesh is flesh, and that which is born of the Spirit is spirit.*” Jesus taught that the spirit can be reborn, and He then proceeded to explain how this spiritual rebirth is accomplished. [John 3:16](#) says:

“*For God so loved the world, that he gave his only Son, that whoever believes in him should not perish but have eternal life. For God did not send his Son into the world to condemn the world, but in order that the world might be saved through him. Whoever believes in him is not condemned, but whoever does not believe is condemned already, because he has not believed in the name of the only Son of God. And this is the judgment: the light has come into the world, and people loved the darkness rather than the light because their works were evil. For everyone who does wicked things hates the light and does not come to the light, lest his works should be exposed. But whoever does what is true comes to the light, so that it may be clearly seen that his works have been carried out in God.*”

An individual can be spiritually reborn through a belief in the sacrificial work of Jesus Christ on the cross, and by aligning their practice with God’s commandments. When this happens, they receive a new identity as “child of God” ([Rom. 8:15–17](#); [Gal. 4:6–7](#)).

The transgender community fears the bathroom in part because it sheds light upon their rebellion against God and His purpose for their lives. The bathroom is a place where biological reality comes into direct conflict with gender identity. According to Jesus, mankind’s natural tendency is to avoid anything that might expose its rebellion. Today it is the bathroom. If society concedes the bathroom to the transgender community, the conflict will not end; it will merely be relocated to the next area of social life which threatens to shed light upon the transgender community’s rebellion against God’s created order.

Works Cited

- American Family Association. "Sign the Boycott Target Pledge!" Last Updated May 31, 2016. Accessed June 7, 2016. <https://www.afa.net/action-alerts/sign-the-boycott-target-pledge/>.
- Berman, Mark, Sarah Larimer and Sari Horwitz. "North Carolina, Justice Dept. Filing Dueling Lawsuits Over Transgender Rights." *The Washington Post*, May 9, 2016. Accessed May 17, 2016. <https://www.washingtonpost.com/news/post-nation/wp/2016/05/09/north-carolina-justice-dept-face-monday-deadline-for-bathroom-bill/>.
- Dalesio, Emery. "LGBT Law Fallout: North Carolina Feeling the Heat from Business." *The Mercury News*, March 31, 2016. Accessed June 7, 2016. http://www.mercurynews.com/nation-world/ci_29709732/lgbt-law-fallout-north-carolina-feeling-heat-from.
- "De Blasio Signs Bill Allowing Use of Bathrooms, Locker Rooms Based on Gender Identity." *CBS New York*, March 7, 2016. Accessed June 7, 2016. <http://newyork.cbslocal.com/2016/03/07/nyc-gender-identity-bathrooms-locker-rooms/>.
- Gallagher, Maggie. "On Chai Feldblum's Claim that I Misquoted Her." *The National Review*, October 28, 2014. Accessed June 23, 2016. <http://www.nationalreview.com/corner/391301/chai-feldblums-claim-i-misquoted-her-maggie-gallagher>.
- Grinberg, Emanuella. "Feds Issue Guidance on Transgender Access to School Bathrooms." *CNN*, May 14, 2016. Accessed June 7, 2016. <http://www.cnn.com/2016/05/12/politics/transgender-bathrooms-obama-administration/>.
- Hirschfeld, Julie and Matt Apuzzo. "U.S. Directs Public Schools to Allow Transgender Access to Restrooms." *The New York Times*, May 12, 2016. Accessed May 17, 2016. http://www.nytimes.com/2016/05/13/us/politics/obama-administration-to-issue-decree-on-transgender-access-to-school-restrooms.html?_r=0.
- James, Emily. "'I've Gone Back to Being a Child': Husband and Father-of-Seven, 52, Leaves His Wife and Kids to live as a Transgender SIX-YEAR-OLD Girl Named Stefunknee." *The Daily Mail*, December 11, 2015. Last updated March 6, 2016. Accessed June 14, 2016. <http://www.dailymail.co.uk/femail/article-3356084/I-ve-gone-child-Husband-father-seven-52-leaves-wife-kids-live-transgender-SIX-YEAR-OLD-girl-named-Stefonknee.html>.
- Kopan, Tal and Eugene Scott. "North Carolina Governor Signs Controversial Transgender Bill." *CNN*, March 24, 2016. Accessed June 7, 2016. <http://www.cnn.com/2016/03/23/politics/north-carolina-gender-bathrooms-bill/>.

- Lang, Nico. "What It's Like to Use a Public Bathroom While Trans." *Rolling Stone*, March 31, 2016. Accessed June 7, 2016. <http://www.rollingstone.com/politics/news/what-its-like-to-use-a-public-bathroom-while-trans-20160331>.
- Libresco, Leah. "Seven Other States Are Considering Restricting Bathrooms for Transgender People." *FiveThirtyEight*, April 6, 2016. Accessed June 7, 2016. <http://fivethirtyeight.com/features/with-north-carolina-seven-other-states-are-considering-restricting-bathrooms-for-transgender-people/>.
- Menza, Kaitlin. "How Does Transitioning Affect a Transgender Athlete's Sports Performance?" *Shape* magazine, September 9, 2015. Accessed June 13, 2016. <http://www.shape.com/lifestyle/mind-and-body/how-does-transitioning-affect-transgender-athletes-sports-performance>.
- Starnes, Todd. "Democrats, LGBT Activists' Sinister Plan to Crack Down on Christian Schools." *Fox News: Opinion*, June 23, 2016. Accessed June 23, 2016. <http://www.foxnews.com/opinion/2016/06/23/democrats-lgbt-activists-sinister-plan-to-crack-down-on-christian-schools.html?intcmp=hpbt2>.
- Starnes, Todd. "One Million Americans Vow to Boycott Target Over Transgender Bathrooms." *Fox News: Opinion*, April 29, 2016. Accessed June 6, 2016. <http://www.foxnews.com/opinion/2016/04/29/one-million-americans-vow-to-boycott-target-over-transgender-bathrooms.html>.
- Sterling, Joe. "North Carolina, U.S., Square Off Over Transgender Rights." *CNN*, May 10, 2016. Accessed May 17, 2016. <http://www.cnn.com/2016/05/09/politics/north-carolina-hb2-justice-department-deadline/>.
- Tannehill, Brynn. "Do Transgender Athletes Have an Unfair Advantage?" *The Huffington Post*, February 2, 2016. Accessed June 13, 2016. http://www.huffingtonpost.com/brynn-tannehill/do-transgender-athletes-have-an-unfair-advantage_b_4918835.html.
- Target. "Continuing to Stand for Inclusivity." April 19, 2016. Accessed June 7, 2016. <https://corporate.target.com/article/2016/04/target-stands-inclusivity>.
- Tousley, Brooke. "The War on Bathrooms: A Transgender Right for Equality." *Odyssey* blog, May 2, 2016. Accessed June 7, 2016. <https://www.theodysseyonline.com/the-war-on-bathrooms-transgender-fight-for-equality>.
- tube46. "Camille Paglia: 'Transgender Mania Is a Symptom of West's Cultural Collapse.'" YouTube video, <https://www.youtube.com/watch?v=4-i6YifXLNw> (accessed June 13, 2016).

Unless otherwise noted, all Scripture quotations are taken from *The Holy Bible, English Standard Version*, copyright ©2001 by Crossway Bibles, a publishing ministry of Good News Publishers. Used by permission. All rights reserved.