

TALKING ABOUT



Transgender People & Restrooms



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Partners

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INTRODUCTION

In recent years, conversations about LGBTQ equality have increasingly focused on the need to protect transgender people from discrimination. And one of the places where transgender people routinely experience harassment, mistreatment, and even violence is in public restrooms.

Most states still do not have laws that protect transgender people from discrimination in public spaces, including when it comes to being able to use public restrooms—something we all need to do every day. Unfortunately, opponents of LGBTQ equality have seized on some people's unfamiliarity with transgender people and coupled that with people's concerns about safety in places like restrooms (concerns that have nothing to do with transgender people). They've linked these unrelated issues and created a toxic attack that is used to discriminate against transgender people and make it virtually impossible for them to go about their daily lives.

This guide provides approaches for talking about transgender people and restrooms that can be applied to a wide variety of contexts. When talking about specific policies or litigation—for example, efforts to ban transgender people from being able to use restrooms—it's critically important to consult with legal or policy organizations (e.g., Advocates for Trans Equality, GLAD, NCLR, HRC, the Equality Federation, Lambda Legal, or the ACLU) to understand the nuances of a particular proposal or law before speaking about it publicly.

UNDERSTANDING HOW PEOPLE THINK & FEEL ABOUT THESE ISSUES

Before starting a conversation about these issues, it's important to take some time to understand the complex thoughts and feelings that our audience brings to these discussions. We call our persuasion audience the *conflicted middle* because they often want to be supportive but also feel conflicted or torn about the issues.

First, people are broadly supportive of LGBTQ nondiscrimination protections, and of LGBTQ people generally. Americans tend to understand that discrimination against LGBTQ people is still a problem in our society, and that nondiscrimination protections can help ensure that everyone is treated fairly and equally.

However, many still have a lack of basic familiarity with transgender people. Broad support for protecting transgender people from discrimination is rooted in people's basic belief in fairness and in treating others as they want to be treated. However, when people don't have strong personal connections and relationships with someone who is transgender, they tend to fill gaps in their familiarity with

harmful stereotypes, negative assumptions, and flawed ideas of what it means to be transgender.

Many people also have real concerns about safety and privacy in restrooms—and especially about safety for women and children. Safety for women and children is a deeply visceral issue in our society. At some point in their lives, most women have felt threatened by cisgender men—if not in restrooms, then in other public settings, or just walking down the street. These concerns are real for many women, and trying to convince women that they're not is both ineffective and alienating. What we need to do, as we'll discuss in more depth in the next section, is help people understand that protecting transgender people from discrimination will not affect safety in restrooms—and in fact, protecting everyone, including transgender people, from harm in restrooms is a key priority we all share.

Our challenge is that support for transgender people can fade if people's fears take over—especially when those fears overlap with flawed ideas of who transgender people are. Because many people are still unfamiliar with transgender people, and because they are also concerned about safety in restrooms, opponents of LGBTQ equality seek to confuse and conflate those two things. And until we help the conflicted middle navigate their unfamiliarity and better understand what it means to be transgender, they will often interpret their unfamiliarity—and how it makes them feel—as an indication that they should oppose protecting transgender people when it comes to restrooms and other similar public accommodations.

KEY MESSAGING APPROACHES

There are three key approaches for effective conversations regarding transgender people and restroom access. First, we need to help our audience build their familiarity with transgender people, including starting with an acknowledgement that many people aren't quite there yet. Second, we can emphasize the importance of safety in restrooms—for everyone—and help people calm their own concerns around safety in restrooms by reinforcing the fact that laws are already in place to keep people safe. And finally, we can help the conflicted middle understand how transgender people are hurt when they are denied legal protections from discrimination.

1. Acknowledge Conflicted Audiences' Feelings of Unfamiliarity

Because many in the conflicted middle may not have a close relationship with someone who's transgender, they can feel stuck and frustrated by their lack of familiarity and

the discomfort that results. This frustration and discomfort can make it hard for them to hear and participate in conversations about transgender people. But a simple naming and acknowledgement of that unfamiliarity can be a powerful way to help people realize that what they're feeling is normal, and that others may feel the same:

- *“It can be hard to understand what it means to be transgender, especially if you’ve never met a transgender person.”*

This simple message can help people navigate past those feelings and open them to re-engaging with their values and their desire to protect transgender people.

2. Inclusively Emphasize Safety for All of Us—Including Transgender People

Opponents of LGBTQ equality have manufactured a false choice for the conflicted middle—pitting the safety of women and girls against the need to protect transgender people from discrimination. And because people’s safety-related anxieties are easily triggered by these attacks, we must prioritize and elevate safety—for everyone—in our discussions.

This starts with a simple acknowledgement of the values we share when it comes to safety in restrooms. For example: *“Safety and privacy in restrooms is important for all of us,”* or *“All of us, including transgender people, care about safety in restrooms.”*

But emphasizing our shared values is just the start. When the conflicted middle’s fears have been activated by our opponents, we can’t assume that they know or remember that there are already laws in place that make it illegal to harm people in restrooms—or that those laws are used to prevent assault and keep people safe. Likewise, we need to establish that protections for transgender people have existed for a long time across many parts of the U.S. without any increase in public safety incidents in places like restrooms.

The following are ways we can link our shared safety values with a reminder that laws protecting people’s safety in restrooms remain in place—and are important for everyone:

- *“Safety in restrooms is important for all of us. That’s why we already have laws in place that make it illegal to harm or harass people, or invade their privacy.*
- *“We all care about safety in restrooms, which is why it’s important to remember that more than 400 cities and 22 states have laws that protect transgender people from discrimination when it comes to using the restroom that matches the gender they live every day. And there’s been no increase in public safety incidents in restrooms in any of those cities or states.”*

- *“All of us, including transgender people, care about safety in restrooms. And when we stop and think about it, it’s already illegal to enter a restroom or locker room to harm someone. Protecting transgender people from discrimination doesn’t change that.”*

3. Help People Understand How Transgender People Are Hurt When They Are Denied Access to Restrooms

Finally, we focus on the harm many transgender people face in daily life when they can’t access restrooms that match their gender identity. We begin by emphasizing common ground through shared values and experiences:

- *“Transgender people are part of our workplaces and our neighborhoods, and they need to be able to use the restroom just like everyone else.”*

Many people do not realize that discrimination against transgender people is still commonplace in many states. Acknowledging the surprise people feel when they realize this is true helps them make sense of this reality:

- *“It’s surprising to learn that in most states, our laws still don’t protect transgender people from discrimination in public places—or when it comes to using the restroom, something we all need to do every day.”*

It’s also critically important to paint a vivid picture of the impossible, unsafe situations these laws create for transgender people:

- *“Some states have passed laws saying that transgender people can be arrested and even prosecuted for using the restroom that matches the gender they live every day. This kind of law makes it impossible for transgender people to go about their daily lives like other people—and it opens the door to abuse, mistreatment, and more. For example, under this law, a transgender woman, who was born and raised as a boy but has lived her adult life as a woman, would risk harassment and assault if she was forced to use the men’s room, but would be subject to arrest if she used the women’s room.”*

Talking about how transgender students are hurt can be particularly compelling:

- *“Every student should have a fair chance to succeed in school and prepare for their future. But many transgender students face hostility, discrimination and bullying. Forcing transgender students into restrooms that don’t match the gender they live every day makes that even worse. For example, forcing a transgender student who lives life every day as a girl to use the boy’s restroom puts her at risk for harassment and assault.”*

Helping Unfamiliar Audiences Understand Transgender Terminology and Identity

Polls show that growing numbers of people know at least one transgender person. However, when it comes to public communications and storytelling, particularly around issues like restroom access, audiences may still need transgender identity explained to them in ways they can understand.

These kinds of explanations tend to be especially important amid terminology that can be misinterpreted based on the audience's lack of familiarity. For example, if a spokesperson says, without clarification, that he is a *transgender man*, some may mistakenly think that the spokesperson was assigned male at birth and that their gender identity is female—the reverse of what is true. This can lead not only to a basic misinterpretation of a trans person's message and story, but also to misgendering by well-intended but unfamiliar audiences. It can also prompt people to fixate on trying to visually decode a trans person's physical appearance and gender presentation in order to "figure out" their gender identity vs. their sex assigned at birth.

When needed, an effective description can give people the tools they need to preempt these questions and focus on our message, rather than allowing them to get anchored in confusion about the identity of the spokesperson. These descriptions can include several key elements, as needed:

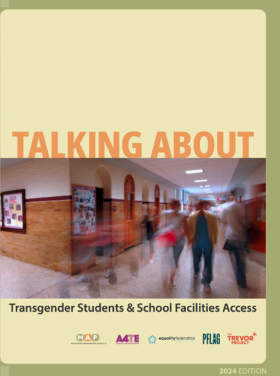
1. Identifying a person as transgender at the outset, so that people have a point of reference for what follows.
2. Pointing to the fact that a transgender person's gender identity doesn't match their sex assigned at birth (though avoiding the latter phrase with unfamiliar audiences when possible; see page 5)—and when appropriate, explaining that they knew that from an early age or for a long time.
3. Mentioning that they transitioned to live every day as the gender they've always known themselves to be (without sharing detail about the transition process).

4. When speaking about someone (or one's self), it can be helpful to clarify a "direction of transition" so that people can follow a transgender person's path in terms they can understand. Without that explanation, common terms like "transgender man" or "transgender woman" can be misinterpreted to mean the opposite of what is intended.

These elements can be assembled in various ways—including, as shown in the second example below, by acknowledging people's unfamiliarity and framing the description as an effort to answer questions in a way that's relatable and accessible to the audience:

- *"I'm a transgender man. When I was growing up, I lived and was raised as a girl, but as I got older I realized I was male. So I transitioned, and now I live life as the man I know myself to be."*
- *"I'm a transgender woman. Sometimes people have questions about what that means. What I tell them is, I was born and raised male, but inside I always knew I was female. So I transitioned, and now I live every day as the woman I've always known myself to be."*
- *"I'm non-binary. Most people know from childhood that they're either male or female, but that wasn't true for me. For as long as I can remember, my gender didn't fit into 100% male or 100% female gender categories. Eventually I went thru a transition, changing my name and the way I dress so I could live life every day as my authentic self."*

It's also helpful to avoid terminology that can be unfamiliar or confusing to conflicted audiences—for example, terms like "cisgender." And while the abbreviation *trans* is becoming more widely used, consider your audience's familiarity with the term before using it in persuasion messaging. See page 5 for additional recommendations.



Additional Messaging Resource: Talking About Transgender Students & School Facilities Access

Every student deserves a fair chance to succeed in school and prepare for their future—including students who are transgender. Protecting transgender students from harassment and bullying helps ensure that they have the same opportunity as their classmates to fully participate in school.

This updated guide provides high-level messaging to build support for policies that protect transgender students and their ability to access school facilities that match their gender identity. To download the guide, visit <https://www.mapresearch.org/talking-about-transgender-students-school-facilities-access>.

Navigating Hostile Anti-LGBTQ Questions

Spokespeople may need to address attacks from those who are trying to weaponize this issue to attack transgender people. **NOTE: This is different from in-depth conversations that help conflicted middle audiences better understand and navigate these issues.** In these kinds of hostile situations, the aim is to quickly and efficiently counter anti-trans attacks without allowing ourselves to get pulled into their anti-trans rabbit holes. For example, you can use language that calls out opponents for attacking transgender people (though without name-calling; see page 5) and unmasks how their agenda would make things worse for everyone.

- *“This is another case of politicians trying to score political points and scare people by making an issue out of transgender people using the restroom. The bathroom bans they want to force on our state are sheer government overreach, and they’d just create more confusion and discomfort for everyone. These politicians are stirring up divisions for their own political gain.”*

For questions, further information, and additional resources, feel free to email messaging@mapresearch.org.

Talking About Bathroom Ban Laws

A number of states have passed laws that would restrict the use of single-sex public facilities—such as restrooms or changing rooms—based on what these laws refer to as “biological sex.” These proposals are designed to make it impossible for transgender people to use the restroom that matches the gender they live every day.

While conflicted audiences may initially seem supportive of these bans, they quickly start to question what that would mean for everyone’s daily experience of using the restroom. How would people actually prove their gender? Would people be required to carry their birth certificate in order to use the restroom? And how might this kind of law be abused?

Effective conversations about harmful bathroom ban laws can start with our three core approaches (see pages 1-2) and then focus on one or both of two key themes: the government overreach inherent in these laws, and their wide-ranging, dangerous consequences.

Government Overreach

Provide a broader look at how bathroom bans jeopardize everyone’s privacy and safety, raising basic questions about how these intrusive and overreaching laws would actually be enforced. This can help people grapple with the new, unsettling reality these bathroom bans would create.

- *“This law is sheer government overreach and impossible to enforce. How will people actually prove their gender? Will people need to carry their birth certificate to use the restroom? Submit to visual inspections? Will there be gender inspectors at the door? Government simply has no place in our bathrooms.”*
- *There’s a reason politicians are trying to force these laws on our communities: they want to intimidate and coerce local*

governments into discriminating against transgender people. If this bill passes, transgender people would be harassed, mistreated, and humiliated in city buildings, schools, and other public spaces with restrooms—and our local leaders would be powerless to stop it.”

Consequences for Transgender People, Businesses

We can also focus on the specific consequences of bathroom bans, painting a vivid picture of how dangerous these laws actually are:

- *“This law is an invitation for abuse and harassment, and it makes people less safe. It’s designed to make it impossible for transgender people to go about their daily lives like other people. For example, a transgender woman—who was born and raised as a boy but has lived her entire adult life as a woman—would face harassment and assault if she was forced to use the men’s room, but would face arrest and prosecution if she used the women’s room.”*
- *“Every student should have a fair chance to succeed in school. But many transgender students face hostility, discrimination and bullying. This proposal would make that even worse. For example, it would force a transgender student who lives life every day as a girl to use the boy’s restroom, putting her at risk for harassment and assault.”*
- *“There’s a reason that businesses oppose these proposals, and that Republican governors in some of the most conservative states have vetoed them. These laws are considered discriminatory, which is bad for the state and bad for business. And there is no good way to enforce these laws without invading everyone’s privacy.”*

Effective Storytelling & Messaging in Ads

Below is an example of how the messaging approaches in this guide have been adapted and used to create powerful narrative videos that can build familiarity with transgender people and highlight the harms of discrimination.

For additional examples, visit www.mapresearch.org/video.



I'm a transgender girl. I know a lot of people have questions about what it means to be transgender. And I get that.

What I tell them is, I was born a boy, but inside I always knew I was female. With the support of my parents, I've transitioned to live every day as the girl I've always known myself to be.

Every student should have a fair chance to do well in school. But forcing transgender kids like me into restrooms that don't match our gender identity means a lot more bullying and abuse. And forcing me to use a separate restroom from all the other kids makes me stand out and just makes it worse.

School is already hard enough. Schools should protect kids from bullying. They shouldn't be passing policies that create or promote it.

We all care about safety and privacy in restrooms. If I can't safely use the restroom, school becomes impossible.

I just want a chance to learn, graduate, and make my family proud—without having to be scared every time I do something as basic as using the restroom.

To learn more about this video ("Hallway") and watch it online, visit www.mapresearch.org/video.

THINGS TO AVOID

Don't descend into name-calling. Calling anti-LGBTQ opponents "bigots" or "hateful" can alienate those who are genuinely wrestling with the issues. Using measured, relatable language does more to create empathy and a sense of how opponents' efforts harm transgender people.

Avoid terminology that can confuse or alienate people. Terms like "cisgender" and "sex assigned at birth," while familiar to and frequently used by many in the LGBTQ community, can confuse and alienate conflicted audiences. Instead, use everyday language that describes such concepts in more relatable ways; for example, *people who are not transgender* (instead of "cisgender"), or *sex at birth* (instead of "sex assigned at birth"). Also, take your audience's familiarity into account when using the term *trans*. While *trans* is becoming more commonplace in conversations as people become more familiar and comfortable with transgender people over time, it can be unfamiliar to those who are not yet with us—and create obstacles to their ability to hear us as a result.

Don't talk about transgender people "choosing" which restroom to use. This plays into harmful misconceptions people have about transgender people, as well as attacks by opponents (e.g., false claims that transgender people pick which restroom they want to use on a whim). Likewise, avoid talking about transgender people "being in" restrooms, which can also activate misconceptions. Instead, talk about transgender people *using the restroom* that matches the gender they live every day.

Avoid getting into arguments with the conflicted middle about gender. For the conflicted audience, their understanding of gender is deeply rooted in their own lived experience. Discussions that they interpret as trying to argue them out of their lived experience of gender can result in even more entrenched attitudes and resistance to persuasion on the need for nondiscrimination protections. Instead, focus on personal narratives that build familiarity with transgender people using everyday, relatable language that opens the door for greater understanding and engagement.

Don't talk about "civil rights," or make direct comparisons between different kinds of discrimination, especially when it comes to discrimination based on race. Such comparisons can alienate many African Americans and others, creating unnecessary distance where there would otherwise be common ground.