Sociology Department, Faculty Publications

Sociology, Department of

2021

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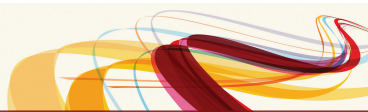
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"Pee in Peace" or "Make Everyone Uncomfortable": Public Perceptions of Transgender Rights

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Abstract

We analyze a survey of Nebraskans as a case study to examine public opinion of transgender rights. Using a mixed-methods design, we find an even divide among mostly cisgender survey respondents on whether transgender people should be able to use the restroom that aligns with their gender identity. Our findings mirror national data and show that identifying as female, being more liberal politically, and being less religious are associated with supporting this belief. Qualitative analysis of open-ended responses reveals that both supporters and opponents of transgender rights employ logics that implicate (1) the nature of transgender identities, (2) the experiences of transgender people, and (3) the regulation of transgender bodies in public spaces. Despite drawing on similar themes, supporters and opponents construct divergent gendered realities that either validate or preclude the recognition of transgender people. Our findings shed light on how the cisgender/transgender binary functions as a facet of inequality.

Keywords

transgender, public opinion, sex and gender

In the United States, the rights of transgender people have occupied much recent attention at the federal, state, and local levels. On his first day in office, President Biden signed an executive order signaling support for nondiscrimination protection for transgender people. In contrast, Biden's predecessor rescinded many Obama-era policies, such as instructions to school districts to protect students on the basis of gender identity as well as sex. In 2016, Mississippi codified into law the following understanding of gender and sex: "an individual's immutable biological sex as objectively determined by anatomy and genetics at the time of birth" (M. Kennedy 2018). That same year, North Carolina passed a law requiring transgender people to use public restrooms that align with their gender assigned at birth (Levin 2019). Numerous other states and city governments have introduced and debated legislation related to transgender bathroom usage. The emergence of so-called bathroom bills to regulate public accommodations for transgender people reflects attempts to codify into law the sex/gender/sexuality system (Seidman 1995) and ongoing anxieties and regulations of gender, race, and class in social life (A. K. Davis 2017, 2020).

Research has begun to analyze public opinion about transgender rights, including public restroom usage (Callahan and Zukowski 2019; Doan, Quadlin, and Powell 2019; Mathers 2017; Platt and Milam 2018), and how transgender rights are framed in public discourse (Blumell, Huemmer, and Sternadori 2019; Graber 2018; Schilt and Westbrook 2015; Stone 2019; Stones 2017). Across public opinion polls, more Americans support LGBTQ civil rights than at any other point in history (Greenberg et al. 2019). However, researchers have found lower levels of support for transgender people and rights compared to lesbian and gay people and rights (Lewis et al. 2017). National opinion polls show Americans evenly divided in their beliefs about transgender public restroom usage (Lipka 2016), although research shows variation among social groups in levels of support for transgender people and rights (Doan et al. 2019; Flores 2015; Norton and Herek 2013; Tadlock et al. 2017; Walch et al. 2012). Additionally, perceptions about sex and gender conformity

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influence attitudes toward transgender people's restroom usage (Doan et al. 2019; Mathers 2017).

What is missing from this scholarship is a bridge between gender theory and research on public attitudes about transgender rights. A long-standing tradition in the sociology of gender is the study of how gender is constructed by social institutions (e.g., hospitals, schools, courts), prevailing cultural ideologies, and interpersonal interactions (Ridgeway and Correll 2004; Risman 2004). Much of this work illustrates what Westbrook and Schilt (2014:32) call "determining gender" or the "social practices of placing others in gender categories" of man and woman. A growing strand of this literature emphasizes how "determining gender" also distinguishes between cisgender and transgender categories, or what Sumerau, Mathers, and Moon (2020) call "static gender" versus "fluid gender" (see G. Davis, Dewey, and Murphy 2016; Lampe, Carter, and Sumerau 2019; Meadow 2018; Nanney and Brunsma 2017; shuster 2017; Sumerau, Cragun, and Mathers 2016; Vogler 2019).

Our work extends this scholarship by examining how the categories of cisgender and transgender[1] take on meaning in public opinion. We use data from a general population survey of Nebraskans as a mixed-methods case study to examine public opinion of transgender rights, looking specifically at public bathroom usage. We first analyze how beliefs of mostly cisgender people about transgender people's public restroom usage differ across demographic, political, and religious characteristics. Our findings mirror national data that suggest that identifying as female, having a more liberal political ideology, and being less religious are associated with believing that transgender people should use the restroom that corresponds to their gender identity (see also Norton and Herek 2013). We then qualitatively analyze respondents' written explanations of how they justify their beliefs. Analysis of more than 600 open-ended survey responses reveals that respondents make distinctions between the categories cisgender and transgender. Both proponents and opponents of transgender rights employ logics like safety and equality and make comments that implicate (1) the nature of transgender *identities*, (2) the *experiences* of transgender people, and (3) the regulation of transgender *bodies* in public spaces.

Despite drawing on similar themes related to identities, experiences, and bodies, proponents and opponents discursively construct different gendered realities. For supporters

of transgender rights, the idea of gender fluidity is legitimate, and transgender people's experiences are taken seriously. Some supporters also question why social life is organized around gender and point to gender-inclusive restrooms as an option that would allow transgender people (as well as cisgender people) to "pee in peace." In contrast, opponents of transgender rights see gender change as illegitimate and privilege cisgender people's experiences. Opponents do not question why social life is organized by gender, and some point to transgender-specific restrooms as an option that would allow for continued separation between transgender and cisgender people. Their logic often implies that transgender people "make everyone uncomfortable" or are a threat to cisgender people. Thus, our findings not only illustrate how people make meaning and reach conclusions about transgender rights but also shed light on how the cisgender/transgender binary functions as a facet of inequality.

Transgender People and the Sex/Gender/Sexuality System

Our analysis is grounded in and extends sociological theories that emphasize processes of doing, determining, and undoing gender (Connell 2010; Moon, Tobin, and Sumerau 2019; Risman 2009; Vidal-Ortiz 2009; West and Zimmerman 1987; Westbrook and Schilt 2014). These theories focus on how social categorization undergird the seeming cohesion of the sex/gender/sexuality system: that is, sex is assumed to be male or female and determined at birth, gender follows suit and aligns with sex and is assumed to be boy/man or girl/woman, and heterosexuality is the natural outcome of innately different yet complementary gendered bodies (Seidman 1995; Westbrook and Schilt 2016). Gender scholars have demonstrated not only how the sex/gender/sexuality system organizes individual, interactional, and institutional aspects of social life but also how gender inequality is the outcome when bodies are sorted into male/man or female/woman because this sorting depends on differing assumptions that privilege men and subordinate women (Risman 2009; Saguy and Williams 2019; Westbrook and Schilt 2014). Moreover, heteronormativity and homophobia are intertwined with gender inequality insofar as masculinity rests on disavowing homosexuality and actively asserting heterosexuality (Pascoe 2007); femininity rests on being what Westbrook and Schilt (2016:384) call "a passive tableau on which the achievement . . . of heterosexuality is enacted."

When scholars use this theoretical framework to analyze transgender experiences or public discourses about transgender rights, the focus is often on whether or the degree to which transgender people disrupt or reproduce the gender binary. Westbrook and Schilt (2014) introduce the concept "determining gender" to illustrate the process by which transgender people are placed into sex/gender categories. Analyzing instances of conflict and resolution over "who counts as a

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[1]We use *transgender* to represent a wide range of individual identities that are united by the shared discourse that gender can change, similar to Sumerau, Mathers, and Moon's (2020) definition of "gender fluid." We use *cisgender* to capture what Sumerau et al. (2020) call "gender static," or identities and beliefs that gender does not change. We recognize that our definition and usage do not necessarily align with usage among all transgender communities, where individuals, for instance, might make distinctions between binary and nonbinary identities (Darwin 2020).

man and who counts as a woman," Westbrook and Schilt (2014:32) find that in gender-segregated spaces, such as bathrooms and sports teams, biology-based accounts, such as surgical and hormonal criteria, are premiere in determining gender (see also G. Davis et al. 2016; Gonsalves 2020; Lampe et al. 2019). They describe how gender-segregated spaces, like bathrooms, are justified through rhetoric they name "penis panics," which situate bodies with penises as a threat and women as potential victims (Schilt and Westbrook 2015). In gender-integrated spaces, however, identity-based accounts, where people are recognized as a member of a gender category based on self-identification, hold more traction.

Heteronormativity and homophobia matter to how bodies are understood across gender-segregated and gender-integrated spaces. In their earlier work, Schilt and Westbrook (2009) find that sexualized encounters reflect gender panics as cisgender men who perpetrate violence against transgender women justify their actions through homophobia and attempts to repair what they call "breaches to heteronormativity." When it comes to public bathrooms, Westbrook and Schilt (2016) point to how bodies are situated on a "spectrum of perceived sexual threat" based on whether a penis is presumed present. Insofar as transgender women are read as bodies with penises or biologically male, they are perceived as dangerous to cisgender women (who are read as bodies without penises or biologically female) in gender-segregated spaces like bathrooms. As Westbrook and Schilt (2016:326) assert: "[T]here is an assumption of heteronormativity here, where all bodies with male anatomies, regardless of gender identity, desire female bodies, and many of them (enough to elicit concern from the public) are willing to use force to get access to those bodies." That Westbrook and Schilt find a lack of public outcry over transgender men in public restrooms likewise reflects how their bodies are read as lacking penises—or biologically female according to the sex/gender binary—and thus unable to pose a threat to cisgender men in gender-segregated bathrooms.

How transgender identities are discursively constituted matters across a range of contexts: people's well-being and sense of self and access to medical care, education, and legal protection. Women's college admission policies for transgender students, for example, "ebb and flow over time," and the saliency of biology, identity, legal status, and documentation varies across institutions (Nanney and Brunsma 2017). Most of these colleges explicitly exclude cisgender and transgender men but fluctuate when it comes to specific medical or identity-based criteria for transgender women to be admitted. Courts reify the gender binary when considering cases of transgender people seeking asylum by acknowledging limited narratives of transgender people within the gender binary—as people born in the wrong body who medically transition (Vogler 2019; see also Meadow 2010). This normative arc of medical transition also appears in self-reflections on gender-nonconforming identities (shuster 2017). Garrison (2018), for instance, finds that nonbinary

people were more likely than binary transgender people to share dominant narratives of gender transition, thus minimizing disruption to man/woman categories (see also Abelson 2019).

Taken together, these studies demonstrate how transgender people are legible only when they fit within the binary gender system, a system undergirded by homophobia and heteronormativity. Research on transgender people's lived experiences demonstrates that when transgender people do not conform to these normative logics, cisgender people may respond by "cisgendering" reality by erasing, marking, or punishing transgender experiences (Sumerau et al. 2016). We build on this literature by providing an empirical examination of how the category transgender is discursively constituted and contested in the contemporary American imagination. Our focus is not on how transgender people are sorted into categories of man or woman but, rather, on how the categories of cisgender and transgender are made meaningful. Drawing on gender theory to analyze survey data, our work enriches empirical literature on public opinion of transgender rights.

Methods

Data

We analyze data from the Nebraska Annual Social Indicator Survey (NASIS). NASIS is an annual, cross-sectional, omnibus survey of Nebraskan adults ages 19 and older conducted by the Bureau of Sociological Research at the University of Nebraska-Lincoln. The 2018 NASIS was a mail survey sent to a randomly selected address-based sample of 3,600 Nebraska households that was provided by Survey Sampling International. Respondents were selected within the sampled households using the next birthday technique. Data collection consisted of three mailings (initial survey packet with a $1 cash incentive, postcard reminder, and a replacement survey packet) sent between July 24, 2018, and October 30, 2018. A total of 938 respondents completed NASIS 2018, for a response rate of 26.1 percent (American Association for Public Opinion Research Response Rate 2; American Association for Public Opinion Research 2009). The data were weighted to be representative of Nebraskan adults.

Although our Nebraska data are not nationally generalizable, characteristics of Nebraska make our findings instructive for how Americans make sense of transgender rights. First, although Nebraska is more politically conservative than the national average, the state is comparable to the rest of the nation when it comes to attitudes about LGBTQ rights (Kazyak, Burke, and Stange 2018; Stange and Kazyak 2016). Additionally, Nebraska is fairly average when it comes to measures of religiosity, and religious affiliations in the state are comparable to the rest of the nation (Pew Research Center 2014). Additionally, NASIS data has the advantage of not only quantitatively measuring people's views on transgender

people's bathroom usage but also including data on how people justify their views. Finally, although our Nebraska findings are not nationally representative, we do contextualize these data within broader national trends by comparing them to a national sample from a survey conducted by the Pew Research Center in 2016. Table 1 displays the demographic, political, and religious makeup of the NASIS 2018 and Pew 2016 samples.

Measures

We focus our analyses on the NASIS 2018 questions asking about respondents' views of transgender people's public bathroom usage (see Table 2). The first question asked respondents if they believe that transgender people should use the restroom that aligns with the "gender they were born into" or the "gender with which they identify." The second is an open-ended question, immediately following the first question, asking respondents to explain their beliefs. A total of 801 respondents (85.4 percent of total survey respondents) answered the closed-ended question, and 623 respondents (66 percent of all respondents and 77.7 percent of those who answered the closed-ended question) elaborated on their opinion by writing a codable response to the open-ended question. Responses were typically brief (one to two sentences) but capture the logics people use to justify their beliefs on transgender rights.

NASIS survey questions have some significant limitations. Demographic questions were not drafted by the authors of this article, and in reporting quantitative trends related to the category the survey calls "sex," we exclude the two respondents who answered "other" and self-identified as "gender queer" because of small sample size. With the exception of those two respondents, we assume the respondents are cisgender and describe them as such throughout this article.

Questions about transgender bathroom use were chosen to match the wording used by the national Pew Research Center to compare our data to a national sample. We acknowledge a number of limitations with the wording. First, the wording "gender born into" obscures how gender theorists and transgender communities alike typically make a distinction between "sex" and "gender" and use the phrase "sex assigned at birth" to refer to ways bodies are classified as male or female by doctors (G. Davis 2015). Rather than rely on the language of "sex assigned at birth," the NASIS survey uses language of "gender born into," which conflates sex and gender. This wording also indirectly reinforces an essentialist idea about sex (or what the survey calls "gender") in that there is some "true" sex at the time of birth. Our theoretical framework suggests in fact the opposite: that both sex and gender are reflective of cultural ideas rather than some fixed biological reality (see Butler 1999; Fausto-Sterling 2000; Kessler and McKenna 1978). We also acknowledge that the question wording both assumes a cisgender survey respondent insofar

as the question wording uses "they" to refer to transgender people and implicitly legitimates cisgender people's regulation of transgender bodies in public space insofar as survey respondents are asked if transgender people should be "allowed to" or "required to" use certain restrooms (see also Westbrook and Saperstein 2015).

A final limitation is that we found 69 responses to the open-ended survey question that were not codable in that they (1) simply repeated the close-ended option (e.g., "Their born into gender should apply"), (2) required an overextended interpretation or "reading between the lines" to understand their meaning (e.g., "Dress says it all" or "Sex"), or (3) appeared to be "bogus responses" (C. Kennedy et al. 2020) offering egregious remarks (e.g., "I don't care if they see my women or my franks"). Such responses may support existing evidence that many Americans are unsure of the distinction between gender assigned at birth and current gender identity (Doan et al. 2019).

In our findings in the following, we refer to respondents who believe transgender people should use the restroom of the gender they were born into as "opponents to transgender rights" and respondents who believe transgender people should use the restroom of their gender identity to be "supporters of transgender rights." This single survey question does not address the myriad of concerns and goals of the transgender rights movement, including equal access to health care, housing, education, and employment (see Currah, Juang, and Minter 2006). However, we use this shorthand both for simplicity in our writing and because bathrooms symbolize support for and opposition to transgender rights as a whole given that bathrooms dominate so much of public discussion about transgender issues. Because this discourse dominates so much of public debates, we find answers to these survey questions are fruitful for sociological analysis.

Analysis

We used an explanatory mixed-methods approach (Creswell and Plano Clark 2011) to examine respondents' views of transgender public restroom usage. First, we analyzed the percentages of NASIS respondents who believed transgender people should use bathrooms aligned with their gender identity and who believed transgender people should use bathrooms aligned with the gender they were assigned at birth. We used χ^2 tests to analyze how beliefs differ across demographic characteristics and compared these with national data.[2]

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[2]In addition to χ^2 analyses, we conducted binary logistic regressions to assess the multivariate relationships of the quantitative variables presented. Results showed similar patterns. We chose to present quantitative data using bivariate techniques both to highlight qualitative explanations and to avoid issues presented by sample sizes and model estimation.

Table 1. NASIS and Pew Research Respondent Demographic, Political, and Religious Characteristics (%).

	NASIS % (N = 876)	Pew % (N = 4,538)
Sex		
Male	50	52
Female	50	48
Sexual orientation		
Heterosexual/straight	97	—
Not explicitly heterosexual/straight	3	—
Gay or lesbian	2	
Bisexual	1	—
Something else	0	—
Unsure	0	—
Know LGB person		
Yes	50	—
No	50	—
Race		
White	92	77
Nonwhite/multirace	8	23
Hispanic		
Yes	2	11
No	98	89
Age		
18–49	25	40
50–64	33	32
≥65	42	28
Education		
Less than high school	1	7
High school	15	25
Some college	24	26
Technical school	14	
BA+	47	42
Political party		
Democrat	26	32
Republican	46	27
Independent	24	37
Other	3	3
Political ideology		
Very liberal	4	7
Liberal	16	16
Middle-of-the-road	34	36
Conservative	31	32
Very conservative	12	9
Other	3	—
Religion		
Protestant	52	53
Catholic	24	20
Jewish	1	2
Muslim	0	1
None	14	7
Other	9	18
Religious attendance		
Several times a week	4	15
Once a week	27	25
Nearly every week	9	13
About once a month	8	

Table 1. (continued)

	NASIS % (*N* = 876)	Pew % (*N* = 4,538)
Several times a year	16	18
About once a year	11	17
Less than once a year	8	
Never	16	13
Religious influence		
Very much	30	—
Quite a bit	25	—
Some	23	—
A little	11	—
None	6	—
Not religious	6	—

Note: NASIS = Nebraska Annual Social Indicator Survey.

Table 2. Nebraska Annual Social Indicator Survey Question Wording.

Question	Response Option
Which of the following come closest to your beliefs? Transgender people should be . . .	Allowed to use the public restrooms of the gender with which they identify Required to use the public restrooms of the gender they were born into
Why do you believe that transgender people should be allowed to use the public restrooms of the gender with which they identify or be required to use the public restrooms of the gender they were born into?	Open-ended text box

Our next set of analyses centered on the open-ended survey data. Qualitative coding of the open-ended responses was iterative and designed to capture the logics that respondents used to justify their beliefs. The first three authors read the open-ended responses, and each author generated an initial list of codes that emerged from the data (Crabtree and Miller 1992). Next, these authors cross-checked provisional codes and discussed common themes. These provisional codes became the basis for axial-coding, which tested the relationships among emerging categories and confirmed whether or not these themes continued to emerge from the data (Corbin and Strauss 1990). After identifying 12 final codes and describing them in a codebook, each author coded the same set of 50 responses and then met to discuss any inconsistencies and clarify the codebook. The authors and a team of research assistants then coded the remaining open-ended responses. At least two coders analyzed each response and resolved inconsistencies through regular discussion with the research team.

After the qualitative coding was complete, we "quantitized" the qualitative data in two ways (Driscoll et al., 2007; Tashakkori and Teddlie 1998). We first generated the frequency of each code in the data to see how salient each logic is in the overall sample. We then used cross-tabs to see how logics varied by belief about transgender public restroom usage to see if different logics were salient to opponents of transgender rights compared to proponents. We wrote memos on the most frequently used codes (overall and by belief) to explore how respondents used these logics. In our findings, we discuss the most prominent codes within the broader themes of identity, experience, and bodies. Some quotes were minimally edited for readability.

Findings

Views and Logics on Transgender Bathroom Use

Among the NASIS respondents, 51 percent believe that transgender people should use bathrooms that align with the gender they were assigned at birth, and 49 percent believe that transgender people should use bathrooms that align with their gender identity. In comparison, national data show that 46 percent of Americans believe transgender people should use the public restroom of the gender they were assigned at birth, and 51 percent believe transgender people should use the public restroom that aligns with their gender identity. Table 3 compares NASIS and Pew data on attitudes about transgender people's bathroom use by demographics.

Chi-square analyses show similar significant differences in views on transgender people's bathroom usage by demographic, political, and religious characteristics for both NASIS and Pew data. Both data sets show significant differences by gender, education, political party, political ideology, religious affiliation, and religious attendance. For

Table 3. Views of Gender and Bathroom Use by Respondent Characteristics (%).

	NASIS % (N = 876)			Pew % (N = 4,538)		
	Gender Born into	Gender Identity	χ^2 (p Value)	Gender Born into	Gender Identity	χ^2 (p Value)
Sex						
Male	60	40	18.81	52	48	57.74
Female	45	55	(<.001)	40	60	(<.001)
Sexual orientation						
Heterosexual/straight	52	48	4.11	—	—	—
Not explicitly heterosexual/straight	30	70	(.043)	—	—	
Know LGB person						
Yes	38	62	63.67	—	—	—
No	65	36	(<.001)	—	—	
Race						
White	52	48	2.35	45	55	2.02
Nonwhite/multirace	41	59	(.125)	48	52	(.156)
Hispanic						
Yes	35	65	2.17	50	50	2.416
No	52	48	(.141)	46	54	(.120)
Age						
18–49	41	59	10.52	40	59	33.50
50–64	46	54	(.005)	50	50	(.000)
≥65	55	45		49	51	
Education						
Less than high school	57	43	22.30	59	41	157.31
High school	63	37	(<.001)	59	41	(<.001)
Some college	59	41		53	47	
Technical school	53	47		—	—	
BA+	43	57		37	63	
Political party						
Democrat	23	77	162.16	22	78	794.61
Republican	76	24	(<.001)	77	23	(<.001)
Independent	36	64		47	53	
Other	43	57		49	51	
Political ideology						
Very liberal	6	94	231.50	10	90	1,245.73
Liberal	12	88	(<.001)	16	85	(<.001)
Middle-of-the-road	37	63		42	58	
Conservative	78	22		75	25	
Very conservative	86	14		88	12	
Other	57	43		—	—	
Religion						
Protestant	56	44	30.85	60	40	426.02
Catholic	56	44	(<.001)	52	48	(<.001)
Jewish	33	67		22	79	
Muslim	100	0		55	46	
None	28	72		31	69	
Other	43	57		24	76	
Religious attendance						
Several times a week	74	26	35.89	76	24	487.18
Once a week	59	41	(<.001)	60	40	(<.001)
Nearly every week	65	35		53	47	
About once a month	42	58				

Table 3. (continued)

	NASIS % (N = 876)			Pew % (N = 4,538)		
	Gender Born into	Gender Identity	χ^2 (p Value)	Gender Born into	Gender Identity	χ^2 (p Value)
Several times a year	48	52		44	56	
About once a year	40	60		34	66	
Less than once a year	55	45				
Never	35	65		24	76	
Religious influence						
Very much	63	37	38.14	—	—	—
Quite a bit	49	51	(<.001)	—	—	
Some	50	49		—	—	
A little	42	58		—	—	
None	50	50		—	—	
Not religious	14.63	85.37		—	—	

Note: NASIS = Nebraska Annual Social Indicator Survey.

example, in NASIS data, 60.12 percent of male-identified respondents believe that transgender people should use bathrooms that align with the gender they were born into compared to 44.71 percent of female-identified respondents (χ^2 = 18.81, $p < .001$). In the Pew data, 51.8 percent of male-identified respondents and 40.4 percent of female-identified respondents believe that transgender people should use bathrooms that align with the gender they were born into (χ^2 = 57.74, $p < .001$). Moreover, individuals with a bachelor's degree and higher, Democrats, liberals, and nonreligious respondents were more likely to believe that transgender people should use bathrooms that align with their gender identity in both Nebraska and national samples. We find no significant difference in belief by race and ethnicity. Prior public opinion research has found mixed evidence of differences in opinion based on race and ethnicity. Compared to white respondents, black respondents may have more negative attitudes toward transgender people (Flores 2015). Another study found Latinx and "other race" respondents (a category including Asian American, Native Americans, and multiracial persons) were more likely than white respondents to identify transgender people by their current gender; however, these effects disappeared when controlled for religious and political factors (Doan et al. 2019).

Additionally, NASIS included respondent characteristics that were not measured in the Pew survey, including sexual orientation and whether the respondent knows an LGB person. Views of transgender people's bathroom usage did significantly differ by respondent sexual orientation (χ^2 = 4.11, $p = .043$). Respondents who identified as heterosexual were more likely to indicate that transgender individuals should use the bathroom that aligns with their gender assigned at birth than respondents who did not identify as heterosexual. Similarly, respondents who know an LGB person were significantly more likely to indicate that transgender individuals

should use the bathroom that aligns with their gender identity than people who do not know an LGB person (χ^2 = 63.67, $p < .001$). These findings are consistent with findings from nationally representative survey data measuring attitudes toward transgender people and rights (Doan et al. 2019; Flores 2015; Flores et al. 2018; Norton and Herek 2013). Furthermore, these findings also speak to how homophobia and heteronormativity are intertwined with negative perceptions about transgender people (Westbrook and Schilt 2016) insofar as individuals who are more likely to reject homophobia and heteronormativity (by virtue of either having familiarity with or a personal identification with lesbian, gay, or bisexual sexualities) are also more likely to report positive understandings about transgender identities and rights.

Table 4 displays the 12 different logics used by respondents in their open-ended responses. We report the frequency of each logic in the overall sample and by beliefs about transgender rights. These logics are not mutually exclusive because some responses were characterized by more than one type of logic. Across the entire sample, the two most frequently used logics were "safety and comfort" (claims about people being safe and comfortable in public restrooms) and "identity" (claims about transgender identity). Both opponents and proponents of transgender rights employed these logics: 33 percent of logics used to justify opposition and 15 percent of logics used to justify support made a claim about safety and comfort; 29 percent of logics used to justify opposition and 18 percent of logics used to justify support made a claim about transgender identity. However, as Table 4 suggests and as we detail in the following, how these logics were employed reveal very different understandings of cisgender and transgender people. Likewise, although both proponents and opponents suggested the option of configuring public restrooms differently, what we coded as "other option," how this logic was

Table 4. Logic Used in Response to Open-Ended Question and Beliefs about Transgender Bathroom Use by Logic.

Logic	Definition (Overall Sample %)	Gender Born into Example (%)	Gender Identity Example (%)
Safety and comfort	Feelings of safety and comfort; identifying threats or risks (23)	"The general public would be uncomfortable as a person could claim to be transgender to access an area to commit a crime." (33)	"They should feel as comfortable as everyone else" (15)
Identity	Commenting on the nature of gender/transgender identity (22)	"gender is concrete, science backs it up" (29)	"I believe what you are physically doesn't automatically match what gender you are mentally." (18)
Irrelevant	Gender shouldn't matter in the bathroom or this is an issue not worthy of public debate (11)	"I prefer each gender use separate restroom but we do not need more laws." (1)	"not my business what bathroom they use" (22)
Stage of transition	Different phases of sex/gender transition; mention of appearance or genitals as important criteria (8)	"Once their transition to the other gender is complete they can then use the restroom of the gender they now are." (6)	"if they are dressed and acting like a certain gender they can use that restroom" (10)
Equality	People should be treated the same, equal access to rights, freedom from discrimination (7)	"We would have gone too far if we allow that because then the right of the majority would be violated." (1)	"It is discriminating against them and that is not right" (13)
Moral	Explicit mention of God, the Bible, or religion or to general morality, ethics, and human dignity (7)	"god chose our gender we don't change it" (8)	"It is the right thing to do." (7)
Other option	There should be alternative bathroom options available other than man or woman (7)	"They can use handicap bathrooms that are unisex (if available)" (5)	"why do bathrooms have to be gendered?" (5)
Don't know	No opinion stated; uncertainty (5)	"I don't have an answer, still new to me" (2)	"I'm back and forth on this question. If we treat them with respect, we should allow them to use the bathroom of choice" (2)
Caveat	Hedging on opinion, perhaps includes "but" (4)	"They can be in a stall. but – don't make a scene. People can be uncomfortable. I can understand that" (3)	"Trans should be allowed in the restroom they identify with, however I have concerns about those who aren't and may abuse this" (5)
Personal	Reference to self, family, or friends (3)	"I don't want my children in the bathroom with a woman that identifies as a man" (5)	"I worked at the [building] in Lincoln, Ne for 21 yrs and transgender men & women used our public restroom & it never bothered me. I never felt afraid or bothered by it" (1)
Special treatment	Laws should not be passed for transgender people; size of population is so small (3)	"they are the minority, we shouldn't have to bow down to them" (5)	"What difference does it make don't legislate!" (1)
Privacy	The bathroom is private; people should experience privacy (2)	"Children/grandchildren rights, privacy" (2)	"I think there is a moderate amount of privacy in a public restroom" (3)

Note. N = 623 respondents who answered the open-ended question. Our data included 774 occurrences across codes. Percentages do not add up to 100% because 121 responses included two codes. These responses were distributed relatively evenly across "gender born into" and "gender identity" categories. A small number of occurrences were not codable within these themes.

employed differed. The suggestion that some bathrooms should be designated for anyone was more frequently used to justify support, whereas the suggestion that some bathrooms should be specifically marked for transgender people was more frequently used to justify opposition. Similarly, the "moral" logic (claims about religious or moral truths) was used by both proponents and opponents but in different ways. We further see different understandings of cisgender and transgender people emerge from the open-ended survey data given that some logics were used more frequently in responses justifying support for transgender rights. Specifically, the logics of "irrelevant" (claims that debating bathroom use is unnecessary or inane) and "equality" (claims about people deserving equal treatment or rights) were used frequently only by proponents of transgender rights.

Our aim is not only to provide the frequency with which logics are used in public opinion on transgender rights but also to illustrate that the cisgender/transgender binary is a part of how the sex/gender system is constituted and a facet of gender inequality. To that end, we discuss the different ways transgender and cisgender identities and experiences are constructed and valued and the different ways people think about the relevance of gender distinctions—both men/women and cisgender/transgender—in social life. Although people use similar logics, how these logics are employed constitute divergent gendered realities.

Contesting Transgender Identity

Opponents of transgender rights. Many respondents justify their opposition to transgender people's bathroom access by rejecting the existence of transgender identity. Some respondents referenced gender as given by God or nature and thus not changeable. This logic constitutes cisgender identity as legitimate and real and transgender identity as illegitimate, nonexistent, or "nonsense," "insane," and "sick," as survey respondents noted. Other responses included "nature make[s] you who you are and you should just accept it"; "god chose our gender we don't change it"; "men are men women are women"; and "you are a man or a woman you don't get to switch." Corroborating Westbrook and Schilt (2014), some of these comments underscore the "biology-based criteria" people use to determine gender, and some comments did point to genitalia specifically. For instance, one person opposed transgender people's bathroom access "[be]cause they still have sexual organs of sex that they were born with." Another agreed, saying "they should use the restroom based on the parts (female/male) that they have."

We find that oppositional logics extend beyond genitalia and rely also on a distinction between the individual (i.e., *I* determine my gender) and institutional authority (i.e., science or religion determines my gender). Respondents deny and devalue transgender identity because they see this identity as emanating from individuals, not institutions.

Institutions were seen as the premiere authority when it comes to gender, regardless of individual claims, and were interpreted to challenge the reality of transgender identity. Institutional authority came from science—"gender is concrete. science backs it up"; "genetics is not a choice"—and religion—"transgender people don't recognize how or who made them"; "I believe that the gender they were born into was given by God." These comments erase the existence of transgender people because "you cannot choose gender." One survey respondent summarized this worldview perhaps the most succinctly by saying "I don't wish to acknowledge them." Another stated that "you are who you are no sex change can change that," further underscoring that even an individual's ability to change the physical body does not supersede institutional authority in determining gender.

When people opposed to transgender rights do acknowledge transgender identities, they discursively constitute cisgender identity as normal or neutral and transgender people as abnormal or outliers. Consider the following responses that reference cisgender people as the unnamed majority to a transgender minority: "they are a minority. we shouldn't have to bow down to them"; "99 percent of the majority should not feel uncomfortable because of the 1%"; "we would have gone too far if we allow that because then the right of the majority would be violated"; and "they are born a sex, if they choose to change that is their choice, that should not force other to embrace their views." These comments demonstrate the logic that transgender people as a minority are not deserving of access to public restrooms. Moreover, these comments demonstrate that cisgender people should not be "forced" to recognize transgender people and that doing so makes them feel "violated" or "feel uncomfortable." One survey respondent summarized, "Society should not be forced to recognize other categories than male and female."

Proponents of transgender rights. The logics employed by survey respondents who are supportive of transgender rights reveal a different discursively constituted gendered world. First, transgender identity is seen as legitimate, as reflected in this comment: "transgender means they are believing or physically switched to a specific sex." The reference to "physically switched" seemingly aligns with the biology-based arguments that focus on bodies and genitalia (Schilt and Westbrook 2014). Yet how that biology-based argument is employed here legitimizes the existence of transgender identity and is coupled with an identity-based "believing" argument. Moreover, many more survey respondents pointed to logics that foregrounded people's individual agency in determining their gender. For instance, one person commented: "if they were born with the belief that they are the opposite sex then they should be that gender and identify with that gender." Other comments echoed this logic: "they believe in their souls they are whatever sex they identify [with]"; "people should live their lives as the way they

identify themselves"; "they identify with the gender of their choice"; and "if that's who they feel they are, they should use that restroom." These comments underscore the emphasis on individuals rather than institutions determining gender.

Yet some people supportive of transgender rights not only spoke of "identifying" and "feeling" as important to determining gender but also pointed to embodiment, dress, and appearance as factors that should be considered. As one person put it: "transgender [*sic*] should use the [bathroom] that fits with their appearance." Others agreed, stating: "if they truly believe and dress as the sex they believe themselves to be"; "if they identify and present as a certain sex"; and "if they are dressed and acting like a certain gender they can use that restroom." These comments underscore that the criteria used to determine gender includes not only self-identification but also dress and self-presentation. Here we see the problematic way that acknowledging transgender identities can at times rely on binary understandings of masculine and feminine gender presentations (Johnson 2015, 2016; shuster 2017; Sumerau et al. 2020). Nonetheless, even though these respondents police transgender gender identity based on strict criteria, these responses contrast quite dramatically from the comments offered by people opposed to transgender rights who denied the existence of transgender people. Additionally, in contrast to the findings of Westbrook and Schilt (2014), these comments illustrate that even within the context of restrooms—a place where they find that biology and anatomy are paramount—people draw on identity-based accounts to determine gender.

Moreover, people who are supportive of transgender rights employ the logics of morality and equality to support transgender people using the bathroom of their choice. Some comments underscore a moral emphasis on shared humanity to support transgender identity, for example, "we are all god's children" and "we are all humans." Another respondent wrote, "God created people that are different, I believe, to teach tolerance and understanding. We should all be tolerant of those who are different from the norm." This comment privileges transgender identities as ones that should be "tolerated" and "understood."

Furthermore, other comments referenced the importance of equal rights: "I don't care who you are [or] what gender you are all people should be treated equal" and "Everyone should be given rights that are equal to others." From this perspective, achieving equality means allowing transgender people to access public restrooms. To deny that access is problematic according to this view because as two survey respondents suggested, "It is discriminating again[st] them and that is not right" and "It's disrespectful to deny someone their right to use a bathroom." Here transgender people are prioritized and valued. Rather than assuming "special treatment" or unfairly forcing cisgender people to violate their rights (as reflected in comments of those unsupportive of transgender people), bathroom access reflects equal treatment and access.

Contesting Transgender Experiences

Opponents of transgender rights. The privileging of cisgender people and devaluing of transgender people emerge from survey respondents' interpretations of transgender people's experiences. Corroborating prior work (Blumell et al. 2019; Schilt and Westbrook 2015; Stone 2019; Stones 2017; Westbrook and Schilt 2014), we find that people use frames of safety and comfort to claim that cisgender women and children are at risk. These respondents focus on predators and pedophiles (imagined as cisgender men) who would enter women's restrooms. For instance, one person noted, "I fear a man could pretend to be transgender to behave improperly in a women's restroom." Others said, "The general public would be uncomfortable as a person could claim to be transgender to access an area to commit a crime" and "I don't want some guy going next to my daughter." Such logic reproduces certain gendered and heteronormative assumptions about men (as protectors and abusers who will assert force to gain access to women's bodies) and women (as victims in need of protection) and ultimately reflects a "penis panic" centering on a sexual threat in public spaces (Schilt and Westbrook 2015; Westbrook and Schilt 2016).

Building on this scholarship, we find respondents also name transgender people themselves (regardless of genitalia) as constituting a threat to both cis men and cis women. As one person put it, "[I] don't want men in women's [restrooms] or women in men's [restrooms]." Another said, "I don't want a man in my bathroom nor do I want women in a man's bathroom." Another referenced a scenario with a transgender man, stating, "I don't want my children in the bathroom with a woman that identifies as a man. It just is a red flag for me as a mother." Whereas Westbrook and Schilt (2016) find that opponents only express outrage over transgender women in public restrooms (given the perception that they are biologically male and bodies with penises and thus pose a threat) and transgender men are not perceived as dangerous (given the perception that they are biologically female and bodies without penises), we find that opponents express fear of *all* transgender people.

Some survey respondents further reflected on their concerns that cisgender people's safety and comfort would be jeopardized by interacting with transgender people. Sentiments included "they can identify as they like, but do not subject children to it"; "it's confusing for kids"; "too difficult to explain to children"; "I think it would upset a lot of younger people"; and "abominations: dangerous to our children." Others agreed that it would "be awkward for others" and "make everyone uncomfortable." These quotes suggest that cisgender people should not have to interact with transgender people because to do so would be upsetting, confusing, and dangerous. The reference to young people in many comments further positions transgender people as a dangerous threat to innocent children (Westbrook and Schilt 2016).

Whereas some quotes point to fear over sexual assault, corroborating a focus on sexual threat in public restrooms (Westbrook and Schilt 2016), we also see quotes that point to a more generalized fear over having to acknowledge transgender people.

Proponents of transgender rights. The privileging of transgender experiences emerges from survey respondents who also draw from frames of safety and comfort to justify their support of transgender rights. Rather than foreground cisgender people's experiences, their comments signal that transgender people's experiences should be prioritized. Specifically, people focused on the importance that people should "be able to pee in peace" and "make choices comfortable for them." Their comments reflect the reality that transgender people often do not feel safe or comfortable in public life, let alone in bathrooms (Abelson 2019; Grant et al. 2011). As one respondent said, "they are already facing a tough situation and don't need to be punished even further." Another agreed, commenting, "it can be dangerous for them to be forced to use a bathroom not in line of their identity." One respondent who identified as "gender queer" offered their perspective: "[F]orcing trans folks to use a [bathroom] that doesn't match their gender puts them in danger [and] exposes them to needless humiliation." Comments like these reflect discourses about comfort and safety that differ from those unsupportive of transgender rights.

Contesting Bodies and Bathrooms

Opponents of transgender rights. Some respondents who are opposed to transgender rights offered an alternative of men and women's restrooms with the option of transgender-specific restrooms. As one person put it, "transgenders [*sic*] should have their own restrooms for transgenders [*sic*]." Others agreed, making comments like "we are coming to the point of needing separate restrooms for biological male, biological female, and other"; "they should have a separate bathroom designated for transgender"; "there needs to be restrooms where they are alone. not near children"; and "they need their own private restrooms."

Although some people did mention "family restrooms" or "unisex bathrooms" (similar to people who are supportive of transgender rights, as we describe in the following), their comments signal the privileging of cisgender people and the ideal social world where people are sorted by gender. For instance, one person said, "use family restroom as to be fair to everyone." Another suggested, "unisex bathrooms should be available. It is a non-issue it is stupid and an invasion of privacy for men to come into women's bathroom just because they think they are women and vice versa." Both of these comments point to the need for transgender people to use a separate restroom to ensure that cisgender people are treated fairly and that their privacy is not violated.

Proponents of transgender rights. An important difference between respondents who supported transgender rights and those who opposed them is that people who are supportive questioned why policing of gendered bodies occurs in the first place. Their logic acknowledges and values transgender identities and experiences and also critiques (presumably cisgender) people's policing of bodies in public spaces like bathrooms. As one respondent put it, "we don't need bathroom police." Comments on the survey underscore the rationale that as mostly cisgender people, respondents do not feel affected by what bathrooms transgender people use; for instance, "where they pee doesn't worry me"; "not my business what bathroom they use"; "because I don't care which restroom someone uses, it doesn't impact me either way"; and "I don't care what restroom someone uses. who cares?" Others further criticized people who do care, making comments like "it's a bathroom, people relieve themselves. no one is checking you out Becky, get over yourself!" and "whoever looks at another person while they use the restroom has more problems than those simply using the restroom." The reference to "Becky" in one person's comment highlights the bathroom as a racialized space both historically in regard to racial segregation (Abel 1999) and today insofar as white women ("Becky") are imagined as the ones policing bodies and, in a related vein, the ones in need of protection in these spaces (see Hamilton et al. 2019; Westbrook and Schilt 2016). Other comments signal criticism not only of individual (cisgender) people policing bodies in bathrooms but more generally, a questioning and criticism of the fact that bathrooms are part of public debate and policy. One person wrote, "transgenders [*sic*] were using the public restrooms to which they identified years before this became a 'hot topic.'" Others stated, "this issue doesn't deserve any more attention"; "there's bigger fish to fry"; and "I think this is a way bigger deal than it should be."

Moreover, people who are supportive of transgender rights pointed to the option of not transgender-specific restrooms like some opponents did but gender-inclusive or gender-neutral restrooms. As one person put it, "bathrooms should be open to all. I think they should all be gender neutral." Others agreed, making comments like "public restrooms should no longer be gender specific"; "why do bathrooms have to be gendered?"; and "let's just do all gender neutral bathrooms." These comments constitute a particular imagined gendered social world: one where man/women and cis/trans distinctions are not foregrounded in public life. Rather than have "bathroom police" who regulate all bodies and police transgender bodies, people imagine that no policing would occur because no gendered distinctions are made. We would "just all do gender neutral bathrooms," as one person suggested. We suggest that these comments reflect a desire to encompass all people's ability (regardless of their gender identification, perceived gender, or gender expression) to access public restrooms; in this way, these comments

signal an implicit support for gender-diverse identities, including nonbinary identities (Darwin 2020).

Discussion and Conclusion

This article uses representative survey data from Nebraska to examine trends in beliefs about transgender rights. Our findings indicate a near even divide in opinion on whether transgender people should use public restrooms that align with their gender identity (49 percent said yes). We find that Nebraska mirrors national data (51 percent of respondents from a Pew Research Center survey said yes). We also find that people who identify as female, political liberals, those who are LGB or know LGB people, and nonreligious people are more supportive of transgender rights. Again, these Nebraska trends in differences by demographic, political, and religious characteristics mirror trends found in national survey data addressing support for transgender people and rights (Doan et al. 2019; Flores 2015; Norton and Herek 2013). Thus, although the NASIS data are generalizable only to Nebraskans, there is evidence that our results are comparable to national findings. Our work adds to the burgeoning literature on public opinion on transgender rights. Future work should continue to assess the factors that influence public opinion on transgender rights, including race and ethnicity. Although not significant in our findings, other work shows that public opinion about transgender rights does often differ across racial and ethnic groups (Doan et al. 2019; Flores 2015).

We extend public opinion research by attending to not only demographic factors but also to the meanings that influence how people make sense of social issues. Informed by gender theory, we analyzed an open-ended survey question that asked respondents to explain why they believe transgender people should be able to use the bathroom that aligns with their gender identity or should be required to use the bathroom that aligns with the gender they were assigned at birth. We find that proponents and opponents of transgender rights come to different conclusions about whether to validate or delegitimize transgender identity, experiences, and bodies. How respondents define and understand the essence of sex/gender/sexuality influences their attitudes about transgender rights, or perhaps their views about transgender rights influence their beliefs about sex/gender/sexuality. Our findings corroborate Doan et al. (2019), who find that people who perceive transgender people's sex as consistent with their self-identification are also likely to support transgender people using public restrooms that align with that gender identity. Taken together, these findings point to the fact that identity-based criteria can hold weight for some people even in gender-segregated spaces like bathrooms. Importantly, we argue that the distinction between self-determination (*I* determine my gender) versus institutional determination via science or religion (nature or God determines my gender) is central to

whether people validate or delegitimize transgender identity (see also Burke and Haltom 2020). As scientific and religious accounts emerge that illuminate the reality of transgender people and the fluid, nonbinary nature of not only gender but also sex (Darwin 2020; Fausto-Sterling 2000; Ladin 2018; Moon et al. 2019; Weuest 2019), future work should assess the potential for such accounts to alter individuals' narratives about transgender rights.

We argue that the sex/gender/sexuality system, gender inequality, and public debates about transgender rights not only rest on the binaries and unequal privileging of man/ woman and masculinity/femininity and heterosexuality/ homosexuality but also on the binary of cisgender/transgender. In other words, people are sorted not only into the categories of man and woman but also into the categories of cisgender (reflecting gender stability) and transgender (reflecting gender fluidity). Gender inequality thus encompasses not only the inequalities between men and women but also the inequalities between cisgender and transgender people. Even cisgender proponents of transgender rights reinforce a distinction between these categories through comments that recognize transgender people as a minority group and different from the norm. Opponents of transgender rights take these distinctions and use them to invalidate and pathologize transgender identity and experiences, for instance by stating explicitly that they refuse to acknowledge transgender people or provide them with accommodations. Although prior work has shown opposition falls more squarely on transgender women in discussions about public bathroom usage because they, unlike transgender men, are perceived as a sexual threat and are more likely to experience harassment and violence (Schilt and Westbrook 2009), our work shows how opponents perceive *all* transgender people as suspicious; the existence of a transgender person becomes what one respondent called a "red flag."

Corroborating existing research, our work indicates hostility that transgender people experience as their identities are denied and pathologized (Grant et al. 2011; Sumerau et al. 2016). Yet at the same time, about half of residents in red-state Nebraska are supportive of transgender people using the bathroom of their choice, and our mostly cisgender survey respondents describe this belief by validating transgender identity and experiences. One limitation of the current study is that our data rely on a single survey question about transgender bathroom usage. Future work bridging gender theory with public opinion polls about transgender rights would benefit from expanding both the sample to include greater representation among cisgender, transgender, and nonbinary people and the types of questions asked (see Flores et al. 2018; Magliozzi, Saperstein, and Westbrook 2016; Westbrook and Saperstein 2015). The need to expand the types of questions asked to gauge public opinion on transgender rights is urgent given the myriad of current anti-transgender legislation and arenas where debates surrounding transgender people, particularly youth, are occurring,

including but not limited to athletics and sports and access to health care.

Finally, our findings reveal differences in perspectives about whether social life should be organized around gender at all (Risman 2009; Saguy and Williams 2019). Again, we find that meanings about transgender (and cisgender) identities inform these perspectives. Those who see transgender identities as legitimate also point to an imagined future where social life is not organized around gender. Although past research has emphasized differences in the narratives and experiences of nonbinary versus binary transgender people (Darwin 2020; Garrison 2018; shuster 2017), our data suggest that a majority cisgender public who supports transgender rights also implicitly supports nonbinary gender identity. Insofar as some survey respondents point to the need for restrooms that are available to all individuals, their comments point to the possibility of publicly recognizing the diverse ways people might experience and express gender (including outside a man/woman binary, thus the need for gender-inclusive restrooms). Those who oppose transgender rights, on the other hand, point to an imagined future where social life should and will be organized around binary gender. Additionally, those who are LGB or know LGB people are more likely to be supportive of transgender rights and to challenge the regulation and policing of all bodies ("we don't need bathroom police"). The reference in one respondent's comment to "Becky" also highlights the racialized, classed, and gendered nature of that policing (Hamilton et al. 2019). Future research should devote attention to these processes and intersections (see also A. K. Davis 2017, 2020). Such challenges to "bathroom police" might prove especially needed and useful in light of continued efforts to regulate gendered bodies in social life, including access to not only bathrooms but also to sports, education, and health care (Bruner 2021).

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