

# [Rights of transgender americans: religion and the state](https://assignbuster.com/rights-of-transgender-americans-religion-and-the-state/)

#### The Rights of Transgender Americans: An Examination of theConflict between Religion and the State

Research question: How and to what extent doreligiously conservative actors influence state policies that discriminateagainst the rights of transgender people in the United States today?

In theUnited States, most trans people face discrimination in the workplace, courts, schools, military, and other public spaces. While secular society and religiousgroups alike are polarized in this public debate, the discrimination againstthe rights of trans people that does exist today is decidedly due to theinteraction of two crucial factors: the first factor is a lack of adequatepolicies which specifically protect the civil and human rights of trans peopleon local and federal levels; the second factor is civil society’s virulentanti-trans rhetoric in public discourse, which often strongly influences thefirst factor. What both factors have in common is an inextricable connection tosecular and religious conservatism. Today, conservative religious actors, predominantly Christians, are able to effectively lobby right-wing politicalofficials and representatives to litigate against the rights of trans people onlocal and federal levels. Between the religiously conservative beliefs of bothlobbyists and government officials themselves, the state is rendered biasedwhen forming laws that affect the rights of trans people. Therefore, the notionof separation of church and state is not continuous in reality and, withoutsecularization of the state, the anti-trans rhetoric of religious conservativescontinues to effectually discriminate against the rights of trans people in policymaking. Additionally, a vast portion of civil society publicly disseminates aone-dimensional rhetoric against trans people when discussing how trans peopleshould be treated in state policy and society. This anti-trans discourse incivil society bears a significant correlation with the values that religiousand secular conservatives openly express, and oftentimes has virtually no basisin the reality of the lived experiences and oppression of trans people. Theconsequence of this interaction between conservative religion, conservativecivil society, and a non-secular, right-wing state is that the majority of lawsin the United States discriminate against the rights of trans people. Meanwhile, in this ongoing public debate, trans people are experiencing real, profound psychological turmoil due to victimization and suffer: today, transpeople face an intense struggle to acquire total validation of their identityand equal rights as citizens of the state and members of civil society, in bothreligious and secular spaces across the United States.

As the visibility, acceptance, andinclusion of trans peoplerises in religious and secular spaces across civil society, trans people and their allies lobby the state to be included in and protected by policies at local and federal levels, since the majority of legislation excludes and disenfranchises trans people. On a federal level, trans people do not havelegal protections from discriminationbecause the Equal Protection Clause of the constitution neglects to explicitly and consistently include trans people in its prohibition of unjust and prejudicial treatment based on sex and gender (Oakes 298). Likewise, no federal law designating trans people as a protected class or specifically requiring equal treatment for them exists, and all states except one deny legal recognition of non-binary and gender non-conforming people (O’Hara, The Daily Dot). In public discourse, the existence of trans people tends to clash with the traditional, conventional beliefs of religious conservatives, particularly Christians, who base their cisnormative conception of gender and sex in a fundamentalist interpretation of the creation story within holy scriptures. By exercising the right of religious freedom, many conservative Christians vocalize their anti-trans rhetoric in order to sway the state to form policies that uphold their religious beliefs. For instance, as recent as August 2017, prominent members of the Trump-Pence Administration’s Evangelical Advisory Board participated in the national conference of the Southern Baptist Convention’s Ethics and Religious Liberty Commission that released “ The Nashville Statement”: “ We affirm that self-conception as a male or female should be defined by God’s holy purposes in creation and redemption as revealed in Scripture. We deny that adopting a homosexual or transgender self-conception is consistent with God’s holy purposes in creation and redemption… We deny any obligation to speak in such ways that dishonor God’s design of his image-bearers as male and female” (www. cbmw. org). While the alliance between conservative Christian advisors and the executive branch of government violates separation of church and state, the conspicuous dissemination of this explicitly religious manifesto denies the sheer existence of trans people by referencing the biblical verses as evidence of a male-female sex and gender binary. Moreover, the majority of the state legislation that currently regulates public spaces favors and reflects this anti-trans rhetoric from Christian conservatives in this national discourse, causing trans people to be further victimized due to marginalization and disenfranchisement in civil society.

Inextricably linked, religious and secular conservatives alike inform the way civil society views gender as a non-traversable binary, which in turn exacerbates discrimination against trans people in state policies. In the United States, dominating Christian beliefs have enabled courts to rule that “ God created a man that neither the law nor the medical community could turn into a woman” and vice versa (Greenberg 66). Numerous jurisdictions and states have passed so-called bathroom bills to restrict the use of transgender people’s access to public restrooms, forcing them to use ones that match their sex assigned at birth (Gerstenfeld 65). For example, North Carolina’s bathroom billsrevokes the right to sue under a state antidiscrimination law and Mississippi allows institutions to deny services to trans people on the basis of religious beliefs (Green, The Atlantic). In the public debate on this controversial issue of bathroom bills, Republican presidential candidate Mike Huckabee, who self-identifies as Christian, announced, “ Now I wish that someone told me that when I was in high school that I could have felt like a woman when it came time to take showers in P. E. I’m pretty sure that I would have found my feminine side and said, ‘ Coach, I think I’d rather shower with the girls today’” (Bradner, CNN). Although there is no evidence that trans-inclusive and gender-neutral public spaces pose any threats to cisgender people, trans people are physically and psychologically traumatized and victimized by bathroom bills. This legislation reveals how anti-trans rhetoric from religious conservatives and secular actors almost always centers around the discriminatory over-sexualization of trans people, and this bigotry renders the existence of trans people as inherently inappropriate and perverse due to their unconventional and non-conforming sexuality and gender identity. By tapping into civil society’s ignorant anxieties that trans people spawn gender chaos and ungrounded fears that vulnerable children and women are at risk of sexual assault, religious conservatives are able to effectively shape state policies that deny trans people access to a variety of public spaces. Far from an issue of privacy or a security risk, these bathroom bills systematically erase trans people’s identities from public spaces, which prevents trans people from getting the support, resources, and services they need to fully exist and thrive as equal members of civil society and citizens of the state.

As asystemically oppressed minority, trans people are reduced to vulnerablecitizens of the United States, but their marginalization enables religiousconservatives to freely deny the rights of trans people in the name ofprotecting their religion. In public discourse, American pastor NeilCazares-Thomas understands “ the foundations of evangelical Christianity in theUnited States as a deliberate strategic attempt to ensure that Christians wereat every level of government. To that end, they have been extremely successful. But also because of that, the church has become a representation of the cultureand not a representation of Jesus… Isn’t there separation of church and statehere? And if it was true, why would you have a Christian minister or anyminister open a state event? There is this blurry line between the separationof church and state and the importance of God and religion in civic life” (Dart, The Guardian). As conservative Christians hold the most influence on thecurrent administration, their beliefs are significantly relevant in theformation of policies that discriminate against trans people. In contrast tothis stance in public debate, the Texas Pastor Council claimed, “ It’s really isa moral issue… It’s a public decency issues, it’s a public safety issue… It’snot overtly religious at all. Unfortunately, it seems like the only significantvoice left that has any framework of opposing such an ordinance has come fromthe church” (Caballero, Christian Daily). Because of this anti-trans rhetoric, there have been cases in which a trans parent’s child custody and visitationrights are sometimes relinquished because their gender identity is presumed tobe inherently unfit for a child’s well-being in the eyes of conservativeChristianity (Cooper 9). Silenced by a secular society that pressures them totolerate trans people, conservative Christians seek to lobby policymakers withan anti-trans rhetoric that appeals to national, American morality rather thanstrictly Christian principles regarding gender and sexuality. From this angle, the public discourse on laws that discriminate against the rights of transpeople emerges from the way secular and religious conservatives perceive agrowing erosion of traditional values in American life, which, in turn, effectually appeals to the way right-wing officials in the state perceivetrans-inclusive policies as an attack on American liberty.

Additionally, Trump’s administration has rolled back guidelines for protecting trans studentsunder Title IX, so trans identities and non-binary gender expressions are notconsistently recognized and protected in schools. In states like Maryland, there exists discriminations bans on the basis of gender identity, except forreligious organizations, private clubs, and educational institutions (Kunkle, The Washington Post). Likewise, “ Texas lawmakers introduced a bill that wouldallow conversion therapy practitioners to continue the so-called treatmentunder the guise of religious freedom, which helps trans people find eitherdeliverance from their sinful desires in Christ or strength to resist thoseurges by obedience to His will and not their own” (Rodriguez, Business Insider). Christian conservatives oppose trans-inclusive policies to defendconstitutional rights, yet they appear to seek legal recognition of theirreligiously moral authority. In this public debate, David French claims thatemerging legal protection for trans people represents “ the destruction of thecivil rights of the faithful for the sake of the convenience of the radicals”(French, National Review). Complaining of a war on religion, religiousconservatives appear to seek exemptions from laws. In the wake of grapplingwith political power, Christian conservatives display a trend of implementingpolicies that utilize the coercion of law to promote their religious beliefs ofgenders identity, yet in the face of backlash they invoke their constitutionalright to religious freedom. However, the overarching inequality in this publicdebate over trans-inclusive policies remains unchanged: gender identity andexpression are not protected on a federal level by the constitution whereasreligion is. Therefore, trans people still face disenfranchisement on a federallevel.

To asignificant extent, religiously conservative actors influence state policiesthat discriminate against the rights of trans people in the United Statestoday. The anti-trans rhetoric that fuels right-wing legislators’ formation ofpolicies stems from the struggle of conservative Christians to assert theirfreedom of religion in political power as well as conservative civil society’sgrapple with preserving traditional American values that explicitly discriminateagainst trans people as valid and equal citizens and human beings. Undoubtedly, the absence of trans-inclusive policy on a federal level causes many transpeople to feel that their identities are illegitimate, unequal, and unworthy ofrespect and dignity in the eyes of the law. Without effective and comprehensiveprotection in policies, anti-trans groups in civil society like religious andsecular conservatives are able to successfully oppress and victimize transpeople in private and public spaces alike, which marginalizes trans people tothe point that their lives and holistic wellbeing are gravely endangered. Through this complex interaction between religion, civil society, and thestate, trans people are denied the basic human dignity and right of havingtheir gender identity be recognized as uniquely immutable and deserving ofequal protection in state legislation.

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