

Are Transgender Rights Civil Rights?

Should transgender people be able to use the bathroom and shower facility that corresponds to their gender identity? This was the position of the Obama administration when it issued an edict last May requiring public schools to permit this choice. The administration threatened to withhold federal funding for schools that did not comply. A federal judge then put a hold on the president's order.

To those who claim that this decision should be left to the states and to local school districts, supporters of the Obama mandate counter that civil rights take precedence over states' rights. For instance, in *Virginia v. Loving*, the Supreme Court unanimously ruled that Virginia's statute forbidding interracial marriage was unconstitutional. The Civil Rights Act of 1964 likewise outlawed racial segregation in schools, even though such policies had been enacted by local school authorities.

If transgender rights are civil rights, the argument goes, they should be enforced even over the objections of states and school districts.

The Trump administration clearly disagrees. Last Wednesday, the president issued an order rescinding Obama's directive. He stated that states and public schools should have the authority to make their own decisions without federal interference. As a result, states and school districts will now be able to decide for themselves whether federal sex discrimination law applies to gender identity.

The president's order includes language stating that schools must protect transgender students from bullying. And it does not require individual schools to prevent transgender students

from using the bathroom of their choice. It simply gives them the right to make this decision free from federal interference.

But what of the argument that civil rights supersede states' rights? Here's my response: Unlike previous civil rights legislation, transgender civil rights significantly impact the civil rights of all people.

Some students are understandably uncomfortable using showers and bathrooms with students of the opposite biological sex. And there is troubling evidence that transgender bathroom laws are giving sexual predators an opportunity to commit voyeurism and sexual assault. One group documented 21 such cases; another compiled a list of 10 examples.

At issue is not whether transgender people are more likely to be sexual predators but whether sexual predators could exploit bathroom access by posing as transgender. As you can see, this concern relates to the civil rights both of transgender people and the nontransgender population as well. It shows that the civil-rights-supersedes-states'-rights logic is not the simple answer to the issue.

As officials seek solutions that protect the civil rights of all involved in this debate, I want to highlight two imperatives for Christians.

One: We should not condone what the Bible prohibits. Scripture teaches that God created us as male and female (Gen. 1:28). It states that homosexual sexual relations are wrong (Lev. 18:22), that men should not dress as women (Deut. 22:5) and that men and women should dress and act according to their biological sex (1 Cor. 11:14–15).

Two: We should seek ways to minister to transgender people. Whether their gender identity issues stem from biology, psychology or other sources, they are loved by their Maker. The fall affected us all. We are all broken people. But none

of us is beyond the transformative power of God (1 Cor. 6:9–11).

Do you agree?