

The Transgender Bathroom Problem: A Critical Discourse Analysis of Public Opinions
from News Sites

Andi Priyowicaksono¹

Universitas Sebelas Maret

Sri Kusumo Habsari²

Universitas Sebelas Maret

Author Note

¹Author is a student of English Department, Faculty of Cultural Sciences, Universitas Sebelas Maret, Jalan Ir. Sutami 36A, Surakarta, Indonesia (e-mail: poznerio666@gmail.com)

²Author is a lecturer of English Department, Faculty of Cultural Sciences, Universitas Sebelas Maret, Jalan Ir. Sutami 36A, Surakarta, Indonesia (e-mail: skhabsari@staff.uns.ac.id)

Abstract

This research seeks to investigate public reaction towards the ordinance that allowed transgender people to use bathroom in correspondence to their identified gender. The article explores the reaction through observing comments expressed by public in comment sections of news articles from Abcnews (abcnews.com), Usatoday (usatoday.com), and Washington Post (washingtonpost.com). Comments expressed by public in the comment section contain their own belief and ideology which often clash with one another. The conflict resulted in the verbal interchange of ideas (discourse) that are expressed through agreements and arguments. Drawing on qualitative method, this paper critically analyzes these discourses appearing in the comment section. The commenters' belief in the context of transgender bathroom ordinance is correlated with the work of Michel Foucault that puts focus on the systematical relation between power and its subject(s). This paper argues that heteronormativity is the power driving the subjects in reacting to the case of transgender bathroom ordinance.

Keywords: gender, transgender, bathroom, sexual predator, heteronormativity, subject and power

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On June 26, 2015, the legalization of same-sex marriage in the United States has brought up the awareness of the human rights of the lesbian, gay, bisexual, and transgender (LGBT) community. Talks and discussions about the sexual minority has become a trending topic yet again. One of the topics concerns about transgender people when they use a bathroom.

Transgender, who identifies themselves as the gender opposite of their biological sex, prefer to use the room corresponding to the gender they identify with. During his reign, former president Barack Obama has made a decision of allowing transgender people to use bathroom corresponding to their identified gender, and this includes bathrooms in schools

(<http://abcnews.go.com/US/obama-administration-public-schools-transgender-students-access-bathrooms/story?id=39081956>). Bathroom is often associated with a place where an individual is at their most vulnerable state. The presence of a person of opposite sex in the bathroom has raised several concerns of safety, especially towards children and female. Opponents of transgender have a pervasive belief that transgender people would take advantage of the ordinance to commit sexual crime in the bathroom, while proponents of transgender see the ordinance as a necessary step towards social equality

This paper contributes to the compendium of transgender studies in which its main focus is the advocating of transgender community's rights of using bathroom corresponding to their identified gender in present days (2018) of United States. The data of this research are taken from comment section of news article. All data were taken from news sites that inform and discuss the transgender bathroom use, which are Washington Post (www.washingtonpost.com), Usatoday (www.usatoday.com), and Abcnews (www.abcnews.go.com). From three articles published between 2016 and 2017 that I use, which are taken from each of the three news sites (totaling nine articles), I collected 90 comments which range from opinions of proponents, the

indifferent, and the opponents of the Transgender bathroom policy.

The purpose of this paper is to identify the reaction from public regarding the transgender bathroom directive and how the notion of subject and power relations works in the bathroom directive. The aim is to enlighten and raise awareness to the general public that the case of transgender bathroom ordinance requires understanding from all parties involved in order to reach a compromise.

1. Gender, Transgender, and Bathroom

Gender is an achieved status that is constructed through psychological, cultural, and social means (West and Zimmerman, 1987). Beauvoir (1953) emphasizes the distinction between sex, as biological quality or condition of being fact, and gender, as the cultural interpretation or signification of the facticity by claiming that 'woman' is a historical idea and not a natural fact. Biological identity refers to an individual identification of their own self based on what is being described by their biological status: anatomy, hormones, and physiology. Meanwhile, gender identity is an individual internal self-perception as being male or female regardless of their biological status.

Goffman (1976) describes gender as a socially scripted dramatization of the culture's idealization of feminine and masculine natures. 'Doing' gender is like how the 'actors' and 'actress' act according to their 'supposed' role. The expressions or displays of masculine and feminine behaviors, which are produced by socially guided perceptual, interactional, and micropolitical activities, are the role that binds its 'performers' (West and Zimmerman, 1987). Roles are situated identities; it is assumed and relinquished when the situation demands it, rather than master identities (Hughes 1945). The interactional process of crafting gender identities is presumed to reflect and naturally derive from biology. 'Gender identity' is an individual internal self-perception as being male or female regardless of their biological status; it opposes the notion of 'cisgenderism', the cultural and systemic ideology that denies self-identified gender

identities which do not align with assigned gender at birth as well as resulting behavior, expression, and community (Aultman, 2014).

‘Transgender’ is a term that is used to describe individuals whose gender identity, expression, and behavior do not correspond with the sex they are assigned from birth. The earliest documented uses of ‘transgender’ do not distinguish cross-dressing or living full time without surgery from transsexual identities (Aultman, 2014). It wasn’t until the mid-1980s that the term “transgender” had been used multiple times as an umbrella term that includes of transsexuals, crossdressers, and other gender-variant people

Transgender identify him/herself as the gender that is opposite to their biological sex. They feel comfortable when they use the bathroom assigned for the gender they identify themselves with. Public discourse of transgender bathroom use happens when non-transgender people have concerns about transgender people entering the same room they are in. Majority of these concerns revolve around two things: the safety of female and children when using bathroom and the appropriateness of children between opposite sex exposing themselves to each other. Before we discuss these two issues, we should first ask: why are bathrooms built and designed like the way they are now? Why is the separation of the rooms based on biological sex?

Tracing back to the social and historical origins of the first laws adopted at the end of the nineteenth century that mandated such separation, there was an ideology called ‘separate spheres’ that posits women’s proper place to be “in the home, tending the hearth fire, and rearing children” (Kogan, 2007). The root of the first laws that mandate separation of workplace toilet facilities by biological sex was based from this ideology. In America, this ideology had developed during the economic restructuring of American society. Men left for work in new workplaces consisting of manufactories during that time, while the wives of those men stayed at home.

The rise of nineteenth century realism in Europe has a particular emphasis on the human body along with the physical spaces it inhabited (Kogan, 2007). Scientists during the age of realism have a deduction that states women to be physically weaker than men. This deduction has caused the ideology of ‘separate spheres’ to be integrated into society, which includes the standard of sanitary and modesty in the late Victorian society. Separate spaces reserved exclusively for women were then created, such as: separate room for women to read in libraries, salons for women in various establishments, and even a separate entrance for women in banks. Eventually, law legislators became convinced that allowing vulnerable women into the public realm would put both their own weaker bodies and the welfare of future generations in danger. They began to question if the presence of women in workplace would disrupt their “natural role” as a mother and the future of human race. Because of this, regulations are to be applied to facilities that are exclusively occupied by women in order to prevent ‘threats’ on them; one among them is bathroom.

The origin of bathroom separation that is based on biological sex is one of the things that are often overlooked. Kogan (2007) sees that there is nothing benign or gender neutral about the separation of public restrooms based on biological sex. Critical architectural theory taught that the society's understanding of gender can be affected by the ways in which a society utilizes its physical spaces (Sanders, Joel. 1996, Weisman. 1992, Betsky, Aaron. 1995, Spain, Daphne. 1992). These spaces serve as a response to the anxiety in society regarding the growth of public presence of women. They were utilized to reinforce the separate spheres ideology that has begun to wilt as science and technology rapidly grows, regardless whether the ideology actually protects women and their ‘weaker’ bodies or not.

2. The New Media for Transgender Studies

The popular definition of new media identifies the term with the use of a computer for distribution and exhibition, rather than with production (Manovich, 2001). Texts distributed on a

computer (Web sites and electronic books) are considered to be new media, while texts distributed on paper are not. Interactive computer media externalize and objectify the mind's operations, such as mental processes of reflection, problem solving, and recalling. Manovich (2001) also mentions that this type of media asks its users to identify visual objects with someone else's mental structure. Unobservable and interior processes and representations were taken out of individual heads and put outside to be shared and discussed in public.

Social media and news sites are some of the most popular media on the internet. Social media, as the name implies, is a medium for people to socialize. Within social media, people can find a wide array of topics to be discussed. Observation of the interactions in social media may be used by researchers as a method for their research. Evan Krueger (2015) conducted his research by making use of Twitter, one of the most popular social media, as the main source of data for his research. He analyzes the 'tweets' or status comments of the social media application that are imbued with the hashtags (#) related to transgender in the attempt to gain understanding of public perception concerning the perceived health and social needs faced by transgender communities. He concludes that social media like Twitter can be reliable to be used as a means to study issues relevant to the transgender community.

In reinforcing the reliability of using internet, a platform of new media, to conduct researches in transgender studies, there is already a research by Rosser, Oakes, Bockting, & Miner (2007) that investigates the feasibility of using Internet research to capture the demographic characteristics of a largely closeted sexual minority by using online convenience sampling in the form of online survey that covers topics such as demographics, gender identity, sexual behavior, social support, substance use, mental health, and physical health to achieve a nonclinical national sample. They concluded that internet-based transgender research has the strategic potential to identify issues related to transgender studies.

3. Internet as a Method for Transgender Studies Research

The discussion of transgender bathroom use is one of the most popular topics in transgender studies, and many researchers have conducted studies ranging from legal use, practicality, and its association of body and mental health. Speaking of legal use, Seelman (2014) addresses the rights for transgender to use bathrooms and gender-appropriate housing according to their preference. It investigates the personal and gender-specific factors that cause transgender people who have attended college or universities to be denied of entering the bathroom according to the gender they conform with. The study that is conducted by Seelman is a quantitative community-based research that presents statistical numbers and descriptions of her findings.

In comparison to Seelman's (2014) library research, Flores (2015) makes use of a nationally representative telephone survey conducted by the Opinion Research Corporation for the Public Religion Research Institute to examine public attitudes towards transgender rights in the USA. Flores conducted his research by directly interviewing the demographic sample of his research. Flores research has proven that communication can be useful as a mean to gain understanding of public perception towards the transgender community

Internet is one of the media which allow people from all over the world to be capable of communicating with each other. Rosser, Oakes, Bockting, & Miner (2007) investigates the feasibility of using Internet research to capture the demographic characteristics of a largely closeted sexual minority by using online convenience sampling in the form of online survey that covers topics such as demographics, gender identity, sexual behavior, social support, substance use, mental health, and physical health to achieve a nonclinical national sample. They concluded that internet-based transgender research has the strategic potential to identify issues related to transgender studies.

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There are already many internet-based researches in transgender studies utilizing methods that involve the public to answer their research question. Based from my observance, however, researches in transgender studies which make use of social media as part of their method are still quite few in number. Through this paper, I seek to fill this research gap by using the issue of transgender bathroom as my object of research, while utilizing social media in the form of news sites comment section as my source of data. I observe and take note of the discourses appearing in the interactions between commenters in the comment section, then I analyzed them using Foucault’s theory of “Subject and Power”.

4. Discourse, Subject, and Power in Transgender Bathroom Case

The lives of poor and disadvantaged people are represented through different discourses in the social practices of government, politics, medicine, and social science, as well as through different discourses within each of these practices corresponding to different positions of social actors (Fairclough & Wodak, 1995). Van Leeuwen (1993) distinguishes two kinds of relations between discourses and social practices: discourse itself as social practice, discourse as a form of action, as something people do to, or for, or with each other. Then, there is also discourse in the Foucaultian sense, discourse as a way of representing social practices, as a form of knowledge, as the things people say about social practices. ‘Discourse’ is a discussion

of shaped and created meaning systems that have gained the status and currency of 'truth' which dominates how we define and organize both ourselves and our social world along with the resistance or challenge of this kind of hegemonic practice.

A discourse is only possible when it is 'socially acceptable' (Jaworski & Coupland, 1999). The discourse also needs to be 'recognizable' for the time being, as a prerequisite of making it 'socially acceptable'. Certain social structures and structures of communication have a role in shaping the 'recognition', while the 'recognition' itself is dependent on 'cognition'. Cognition is able to be explored through linguistic practices that involve mental terms and the participants' 'displays and orientations' in their conversation. Between the cognitive and social, Van Dijk (1988) has related both by claiming that people's models of communicative situations are influenced not only by scripts but also through dominant or group attitudes. When an individual is able to recognize how or where a writer/speaker 'is coming from' without a 'close' reading or listening and negotiating 'meaning', it can be said that the individual has identified a discourse. Different discourses are more likely to be recognized by different social groups. Likewise, those who do not care may also not be able to recognize the discourse. A discourse may also be recognized by several individuals at the same time, but with different evaluation.

The general theme of Subject and Power is not power itself, but rather the 'relation' between power and its subject. According to Foucault (1982), there are two meanings of the word 'subject': subject to someone else by control and dependence; and tied to his own identity by a conscience or self-knowledge. In both meanings, there lies an implication of a form of power which subjugates and makes subject to (power).

5. Power and Discourse in News Sites Comment Section

News article, in reference to Wodak's (1997) work, can be categorized as a 'text'. Text is the fabric where discourse is made manifest (Talbot, 1995). Barker (2001) mentions that

‘text’ is polysemic, which means that it embodies the potential to construct different meanings. Foucault (1972) argues that meaning is regulated by power which governs what can be said under determined social and cultural conditions and also who can speak, what, and where. Comment section is a form of medium provided by the producer of the news article that allows its readers to speak their opinions or arguments.

In the context of this research, the one which regulates ‘power’ is the news article. The producer of the news article exerts power by giving viewers the opportunity to speak ‘what’ is in their mind in the comment section that the producer provides, which serves as the medium (fulfilling the ‘where’ aspect of Foucault’s theory). The producer also has the freedom to moderate the discussion between viewers, such as deleting comments or banning viewers’ user account (also fulfilling the ‘who can speak’ aspect). When discourse is produced by viewers, the discourse is then translated into social practices which result in different articulated meanings among viewers (Hall, 2001).

Stuart Hall (2001) posits three different results that might occur when viewers decode or articulate their own meaning. The first is the ‘dominant-hegemonic’ position where viewers adhere to the dominant or hegemonic definitions in society. The second is the ‘negotiated’ position in which viewers have their own interpretation of the event, but still partially conform to the hegemonic definitions. The last position: the ‘oppositional’ is the opposite of the ‘dominant-hegemonic’ position; viewers in this category disregard the dominant definitions, and offer a ‘remake’ or ‘alternative’ to it. Discourse happens when the oppositional reading is contesting the ‘preferred’ and/or ‘negotiated’ reading.

In the context of transgender bathroom ordinance, the ‘dominant-hegemonic’ position consist of people with conservative mindset who only believe in the traditional value of gender and sex; that there are only two gender categories, which are male and female that is based on biological genitalia. The ‘negotiated’ position consists of people who bargain or try to find the

middle ground for both the supporter and adversary of the bathroom directive. Lastly, the oppositional position is filled with people who either acknowledge transgender identity or do not conform to the societal stereotype of transgender, and people who do not care about them at all.

Result

Issue Number	Proponent	Neutral	Opponent	Total
Children Modesty	2	8	8	18
What is Transgender?	3	4	11	18
Bathroom Compromise	5	8	0	13
Politics	14	5	6	25
Sexual Predator	10	3	3	16
Total	34	28	28	90

Figure 1. Summary of Findings

Participants of the data consist of proponents and opponents of transgender bathroom ordinance, and also people who are neither of both. A total of 90 comments were compiled, with 30 comments taken from each source of data. Out of the compiled opinions, proponents of the bathroom ordinance amount the highest with 34 comments (38%), while both opponents and the neutral side have the same ratio of 28 comments (31% for both respectively).

‘Children modesty’ is about the concern over children when they are exposed to transgenderism, rather than the transgender people themselves. Most of the arguments are about what consequences that might result when a transgender child is allowed to mingle with their opposite sex in situations that expose their bodies, such as showering after gym class, or bathroom. ‘What is Transgender?’ is people’s understanding about the nature of transgender people. People who are hostile towards transgender generally do not know or bother to learn about why transgender people are the way they are. ‘Bathroom Compromise’ is the discussion

about solutions and proposals on how to compromise the needs of both transgender and cisgender people fairly, and the problems in making a realization of it. This topic being the least popular compared to the others might suggest that people of both sides of arguments do not find it necessary to change the current structure of the bathroom for various reasons. ‘Politics’ is the suggestion that the whole transgender bathroom ordinance is rooted on politics. The most popular opinion seems to be that it is a move that is rather driven by political interest for self-benefit than sympathy towards the transgender themselves. ‘Sexual predator’ is the fear of sexual assailants that might lurk in the bathroom, especially in the scenario where gender identity-based bathroom is being applied.

Topic	Proponents	Neutral	Opponent	Total
Inappropriateness	1	4	5	10
Safety	1	3	3	7
Psychology	0	3	2	5

Figure 2. Children Modesty

I would like to note first, that one opinion from one commenter might qualify for more than one discourse and/or even topic. For example, a comment about the relationship between children exposure to sexuality and how it might affect their mind belongs to both the first and third discourse of the major topic ‘Children Modesty’. Similarly, a comment which talks about the fear of transgender doing sexual crime in bathroom belongs to a certain discourse in the fifth topic ‘Sexual Predator’, while also belongs to one of the discourses in the second topic ‘What is Transgender’. It explains the discrepancies of the total numbers of comments between what is shown in the ‘Summary of Findings’ data and the data of the discourses in each major topic.

Figure 2 shows the number of comments from discourses under the major topic ‘Children Modesty’. The topic is both the second and third highest major topic that garnered a

lot of discussion, along with the second topic ‘What Transgender?’ The first discourse is the inappropriateness of children seeing each other’s exposed bodies. This is the discourse that is being talked about the most in the major topic of ‘Children Modesty’. It has one proponent, four neutral, and five opponents, which totals into ten commenters. The second discourse is the concern about the safety of children in school, should the ordinance be applied. It is the second most active discourse among commenters , totaling seven commenters, one of which is a proponent, while both two other stances have three people. The third discourse is psychology, which concerns the psychological state of children and the consequences of exposing them to sexual subjects. It is the least active discourse in this topic, with only five commenters consisting of three neutral-leaning people and two opponents.

Topic	Proponent	Neutral	Opponent	Total
Transgender Understanding	2	3	0	5
Gender/Identity Confusion	0	0	3	3
Identity Rejection	0	1	8	9

Figure 3. What is Transgender?

Figure 3 shows the number of comments from discourses under the major topic ‘What is Transgender?’ It is the second and third most discussed topic, together with the previous topic ‘Children Modesty’. The first discourse, ‘Transgender Understanding’, is the knowledge possessed by people in terms of gender and sexuality in seeing transgender person. It is the second most talked discourse with two proponents of transgender and three neutral ones voicing their arguments in the comment section. Most of its commenters are aware of the nature and underlying problems that the transgender people face, which enables them to sympathize and show support towards the community. The second discourse is ‘Gender/Identity Confusion’. It is the least active discourse; consisting only three opponents of transgender. The confusion here

refers to either the case in which people misjudge transgender people based on their ‘wrongness’ in the normative society, or not being able to differentiate lesbian, gay, bisexual (sexual orientation) with transgender (gender). The third discourse, ‘Identity Rejection’, is very closely related to the second discourse. This discourse has the highest number of commenters, and it is also about the disapproval of transgender identity by the opponents of the bathroom ordinance. However, instead rooted on ignorance, the oppressors’ outright reject any information or knowledge of transgender due to various reasons, with culture and religiosity being the most prevalent.

Topic	Proponent	Neutral	Opponent	Total
Remove Gender Category	1	6	0	7
Design Reconstruct	2	1	0	3
Problems of Redesigning	4	3	0	7

Figure 4. Bathroom Compromise

Figure 4 shows the number of comments from discourses under the major topic ‘Bathroom Compromise’. It is the least discussed major topic among others, which suggests that this is something that is being concerned the least by all of the commenters. The first discourse is ‘Remove Gender Category’. It discusses the practical application of removing the ‘male’ and ‘female’ sign from bathrooms; therefore, turning every bathroom gender universal with or without slight adjustments of the appliances inside the bathrooms. The second discourse is ‘Design Reconstruct’. It discusses the complete reshaping of bathrooms so that it will be able to compensate everyone’s needs and comfort, without neglecting either side. The third discourse is ‘Problems of Redesigning’. The discourse generally talks about how bathrooms that are situated in a building owned by a private company would probably not have too much difficulty in rebuilding their bathrooms, compared to public bathrooms in various institutions spread around

the country, seeing as the responsibilities lie only in the company itself.

Topic	Proponent	Neutral	Opponent	Total
Exaggerated Problem	3	3	0	6
Government, Conservatism, Liberalism	11	1	1	13
Self-benefit Political Agenda	1	1	4	6

Figure 5. Politics

Figure 5 shows the number of comments from discourses under the major topic ‘Politics’. This major topic has the highest number of comments among all topics, suggesting that the majority of people have the awareness that the controversy of the bathroom ordinance is inherently political. The first discourse of ‘Exaggerated Problem’ is the perception that the case of the transgender bathroom ordinance is being deliberately made overblown. The second discourse of ‘Government, Conservatism, Liberalism’ is mainly about the question of government involvement in the bathroom case, and the ideological clash between conservative and liberal-minded people. Directly correlated with the first discourse, the third discourse of ‘Self-benefit Political Agenda’ has commenters thinking that the case is nothing more than a trivial problem in society that is being exaggerated for political purposes.

Topic	Proponent	Neutral	Opponent	Total
Fear mongering	6	0	1	7
Transgender Misconception	3	1	0	4
Feelings of Discomfort due to Possible Danger	0	2	3	5

Figure 6. Sexual Predator

Figure 6 shows the number of comments from discourses under the major topic ‘Sexual Predator’. This topic is the second least concern of people when it comes to the bathroom ordinance. This topic mainly discusses the fear of sexual assailants lurking around bathrooms and similar places where people are at most vulnerable state. The first discourse is ‘Fear Mongering’, and it is the most discussed one among all other discourses in this topic. It is about the spreading of fear associated with sexual crime in bathroom to the general public with the intention of swaying public opinion into rejecting the bathroom ordinance. The second discourse, ‘Transgender Misconception’, provides an example of the first discourse. This discourse has the least number of commenters with only four in number. It is the belief that all transgender would take advantage of the law that enables them to use bathroom corresponding to the gender they identify with, to do sexual crime, particularly indulging in voyeuristic behaviors. The third discourse of ‘Feelings of Discomfort due to Possible Danger’ is about the discomfort that people feel when there is an individual with opposite sex’s features present in the same bathroom as they are in. Females, especially, are the one who feel alarmed the most whenever there is a member who looks like their opposite sex inside the bathroom they are using.

The case of transgender bathroom ordinance interpellates people into producing three primary discourses, which are: heteronormative education, bathroom design, and politics. It also divides public opinions into three sides: the supporter, the opposition, and the indifferent side. The three discourses show how the exertion of ‘power’ towards subject works in the case of the bathroom ordinance, whether directly or not. Discourse is the societal knowledge that determines both individuals and collectives action which shapes society (Jaeger, 2001). Discourses, particularly the dominating ones, are capable of being criticized through analysis which uncover contradictions and elucidate the way of which the accepted truth is being

acquired. The accepted truth or rather, the ‘assumed’ truth, that is being presented as rational, sensible, and almost infallible is contested.

The production of discourses is equipped with a truth value that is linked to different power mechanisms and institutions. Discourses exercise power as they transport knowledge on which the collective and individual consciousness feeds. This emerging knowledge is the basis of individual and collective action and the formative action that shapes reality. Power is exercised through various mediums and institutions. To exercise power, subject is required. Subject is the individual and/or collective masses whose perception of truth is being affected by the power that is being exercised upon them.

In discussing the notion of subject and power in the case of transgender bathroom directive, let us first discuss about what a bathroom is, why it is designed as it currently is, and why it has become a controversy. Bathroom is a place for humans to excrete their bodily waste. It is done through exposing one’s private area; hence, why it left them vulnerable while doing so. More often than not, there is a greater concern of safety when it comes to the protection of female in the bathroom. The ideology called ‘separate sphere’ that can be traced back to the early nineteenth century was the basis in the design of separating bathroom according to biological sex (Kogan, 2007). It was during the late Victorian society where separate spaces reserved exclusively for women were created, such as: separate room for women to read in libraris, salons for women in various establishments, or even a separate entrance for women in banks. The ‘realism’ movement that was on the rise during that era also contributed to the popularizing of the ideology. This ideology had developed in America during its economic restructuring era, and it persisted for a long period of time.

As time passes, human’s knowledge has also broadened. People started to discover that there is more to things than they initially thought. One of them is about how biological sex does not always correspond with the supposed traits of what one might expect from that sex category. Thus, gender studies were born. Academic researches were conducted in identifying

the difference between sex and gender, such as: gender role, sexual orientation, masculinity and femininity. The rise of feminism also contributed in giving a positive outlook of sexual diversity in society. With all that being said however, traditional value of gender dichotomy still persists in society up until today. When these two ideologies collide, power struggle ensues. In the case of transgender bathroom directive, there are three prominent discourses that are closely related with this clash of ideology. The first is the discourse of heteronormativity imposition towards children, the second is the discourse of the construction of female as the weaker sex, and the third is the discourse of gender and politics.

1. Heteronormativity Imposition to Children and Its Impact

The first discourse about imposing heteronormativity towards children is, I believe, something that is persistent in not only American society but the whole world. A lot of people still regard sexuality as some kind of taboo to teach. Children learn from these adults who teach heterosexuality as the norm from when they were still very young, which continue in every single grade in school until they become young adults.

As has been previously explained in the topic ‘Children Modesty’, children are being taught by schools to see heterosexuality as the only norm in society. This ideology is subconsciously planted into children’s mind through various activities and interactions in class; either among students or student to teacher. This kind of method is called “Hidden Curriculum” and it affects the way they perceive non-heterosexual identities as they grow up. This results in the other topic ‘What Transgender’, which is about the lack of understanding of not only transgender people but also gender in general. As a consequence, these children become prejudiced towards the transgender community.

This sequence of events exemplifies the notion of subject and power quite clearly in the discourse of heteronormativity enforcement in children. In this case, the agent of power is the school along with its academic lecturers. The ‘power’ is exercised through its ‘Hidden Curriculum’, while the children who are being taught by it are the ‘subject’. But the exercise of

power does not end just there. These children would eventually continue to be subjected by the ideology that has been ingrained into their mind as they grow into adults. They were taught that heteronormativity is the only “truth”, so they do not feel the need to learn more information about non-conventional gender identity. Children grow up to become intolerant towards transgender people because they see them as an aberration. This cycle is perpetuated from time to time up until now. The perpetuation of this cycle serves to maintain the production and interpellation of the discourse that privileges heterosexuality in society. Thus, when the bathroom ordinance happened, conflict ensues between these grown up children and people with differing opinions of the matter or even those who are conscious about the ‘power’ relationship that is at work here. The power in this case is being exerted without the awareness of its subject. It becomes an example of how insidious power can be.

2. Bathroom Design and Female as the Weaker Sex

Societal prescriptions demand the presence of gender-appropriate, desirable traits and the absence of gender-inappropriate, undesirable traits (Prentice and Carranza, 2002). The traditional definitions of femininity and masculinity often depict the former as having traits associated with ‘weakness’ such as: compassionate, gullible, sensitive, and sympathetic. These ‘weak’ traits have become the stereotypes of what society would expect from female. The ‘separate spheres’ ideology which posits women’s proper place to be “in the home, tending the hearth fire, and rearing children” (Kogan, 2007), is one of the concepts influencing the design of separating bathrooms into male and female categories. This ideology and the previous point about the traditional stereotype of female are intertwined with each other: because female are weak, they need extra precautions when doing activities, especially the ones that left them in vulnerable situations.

However, the design of separating bathroom into male and female categories has a major flaw: the separation is decided based on what genitalia one possesses. The main purpose of using bathroom is to excrete bodily waste. To discharge bodily waste that is toxic to the body

is a necessity. To perform the activity in the medium (bathroom) in the ‘supposed’ category (male or female) however, is not. The design of the gender dichotomous bathroom did not consider the likeliness of the ‘other’ gender into equation when it comes to the architectural aspect. The design was made with providing a protection only to biological female in mind, instead of the practical purpose of bathroom as facility for excretory practice. This design also reinforces the idea of female as the weaker sex with the way it emphasizes protection to female exclusively, and it is apparent from the comments pertaining to bathroom redesigning that this discourse has interpellated society to the point that the idea of design restructuring or rebuilding is the least talked topic among all commenters. Although the majority of commenters who propose design restructure lean towards the neutral side, their reasoning of making the bathroom gender neutral is still being influenced by the concern of female protection, rather than practical purpose.

The enforcement of using bathroom corresponding to biological sex itself is being normalized through its continuously repetition of act with the perception of how it is supposed to be. It is an example of a performative accomplishment in which the mundane social audiences, including the actors themselves, come to believe and to perform in the mode of belief (Butler, 1998). It has been ingrained and normalized in people’s mind that bathrooms are not only the place where humans excrete their bodily waste, but also supposed to be divided into two sex categories under the mindset of protecting the ‘weak’ female from male. In the findings of this research, the topic ‘Bathroom Compromise’ that discusses the accommodation of transgender need and comfort in bathroom is the least discussed topic among other four ones. It suggests that neither the proponents nor the opponents of the bathroom ordinance feel it necessary to change the way bathrooms are built as it currently is right now, which further strengthens the theory concerning people’s belief that bathrooms are meant to be separated dichotomously.

From these explanations, it can be observed that the position of the one holding the

‘power’ here lies in the ideology that asserts the ‘weaknesses’ associated with female. The ‘power’ is being exercised through the decision of inventing separate rooms reserved exclusively for women; one of which being the bathroom. The ‘subject’ is the people who accept and continuously practice the ideology in the form of acknowledging the separation of the bathroom as inherently necessary.

3. Political Maneuvering

There are two political viewpoints that are at odds with each other in the case of bathroom directive. They are conservatism and liberalism. The proponents of the regulation are more than likely to adopt the liberal stance, which advocates equality and reject any form of social oppression. Their opponents are the conservatives who are exactly the opposite; they willingly accept inequality if it means to uphold and secure the traditional value in society. The discourse of heteronormativity, which denies non-heterosexual identity, interpellates conservative commenters, who believe and practice the ideology. Meanwhile, liberal commenters reject it and instead, they produce their own discourses that accept and acknowledge non-heterosexual identity.

The case of ‘bathroom bill’ in North Carolina serves as an example of how politics works in the transgender bathroom ordinance (<https://www.usatoday.com/story/news/politics/2016/12/19/north-carolina-bathroom-bill/95615132/>). The bill introduces a discriminatory law that requires transgender people to use public restrooms that correspond with the sex on their birth certificate. The decision was advocated by the Republican former governor Pat McCrory and lawmakers to provide privacy and safety by keeping men out of women’s restrooms. Republican conservatives see the bathroom provision as a necessity to protect women, while their opponent, Democrats, see it as a form of discrimination. Later on, the newly elected Democrat governor Roy Cooper made repeal of the discriminatory law in response to the economic losses of the state due to the discriminatory law.

In the case of the bathroom bill, both governors exert their ‘power’ through the authority they possess as the leader of the state, which fits with Foucault’s statement about how State holds the central source of power nowadays (Daldal, 2014). The position of ‘subject’ is held by the followers of both governors. Conservative people support the idea of restricting transgender people from entering bathroom that does not correspond with their sex that is proposed by the Republican governor. The other subject is the liberal followers of the Democratic governor who opposed the idea.

However, amidst the conflict between the right and left wing people, there are those who have different perspective in the matter which could give a new outlook about how the power relationships work in the case of bathroom ordinance. The discourse produced by the third party is the discourse of political maneuvering. This discourse views the case of transgender bathroom ordinance as a political ploy employed by politicians. There are quite a number of people thinking that the bathroom ordinance is being deliberately made bigger than it should normally be. The exaggeration of the bathroom issue and the negligence of the supposedly ‘more important’ issues, such as crime, health care, and unemployment, are frequently mentioned by the commenters of this discourse who view those as forms of politicians’ schemes. The politicians are interpellating individuals whom their political views cater to, by using politics as the medium to constitute them as their subject(s). It is a tactic, a maneuver employed by the politicians to gain power by manipulating the citizens’ belief and emotion.

Conclusion

Majority of public reaction towards the case of transgender bathroom ordinance seems to be certain that the case is political in nature. A lot of commenters, particularly those who are rather indifferent to the case, feel that the government has more urging matters to handle than the bathroom case. Many questions why the case could garner much attention and concern, that it warrants government’s involvement. For the matter of bathroom itself, public opinion between the

proponents and opponents of transgender is (still) sharply divided. Moral concerns regarding the regulation that allows transgender students to use the bathroom corresponding to their identified gender has left many opponents of transgender bewildered at the idea of allowing children of different sex exposing each other's body. The myth of transgender people making use of the ordinance to do sexual crime in bathroom also still persists today, which serves to hamper the steps towards equality for transgender community that proponents have envisioned. The lack of awareness concerning transgender, or even gender, in general also contributes to the pervasive myth which further fuels the fear of sexual criminal in bathrooms. Finally, the idea of changing the workings of the bathroom itself seems to have yet found the most ideal solution.

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