

State anti-trans bills aren't just culture wars skirmishes

They're acts of harm against living, breathing people.

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This year has already been a record one for anti-transgender efforts in state legislatures. More than 80 bills have been introduced in 33 states, and they are becoming law at a higher rate than usual since anti-LGBTQ rights groups started focusing on statehouses in 2015.

The legislation ranges from the now-familiar bathroom bills and medical care bills to pronoun laws, which tell school districts and institutions of higher education which pronouns they may use for which people. Especially popular this year are a spate of “save women’s sports” bills, which aim to designate who may play on which sports teams based on “biological sex at birth.”

Less than 1 percent of youth identify as transgender, and studies indicate that most struggle with such social stigma that they rarely play high school sports. The Associated Press asked lawmakers if they knew any transgender youth who would

be affected by their bills. Almost invariably the answer was no. Arkansas governor Asa Hutchinson, who signed such a bill into law in March, admitted that he was trying to solve not a current problem but a future one. We might call it an imagined one.

If these bills are not designed to solve actual problems, what are they for? And why are there so many of them?

They are designed to function as a political wedge issue that might appeal to key voting groups, such as suburban women. Though there are few real-life examples of trans girls playing high school sports, it's still a tangible, provocative idea—one that might help lawmakers whose power derives from their participation in endless culture wars. The bills are also part of a coordinated effort by national groups that give lawmakers sample text they can use to construct legislation for their states. Having lost ground in the courts, at the federal level, and in the realm of public opinion, these groups believe that state legislatures are the most promising place to advance their social agenda.

Lawmakers' intentions aside, the impact of such legislation is harmful. When it proliferates, it creates an atmosphere of hostility for trans people. They watch and worry while states debate their worth. Their ability to find jobs, housing, and services diminishes. Trans children and their parents may struggle talk to medical providers or school administrators in an atmosphere where these conversations have been stigmatized or even criminalized. And safety is not simply a matter of feeling. The Human Rights Coalition has tracked fatal violence against trans people every year since 2013, and 2020 was the deadliest year yet, with 44 trans and gender-nonconforming people killed. The 2021 numbers are likely to be similar.

Taken together, these state-level bills add up to an effort to deny trans people safe and equal access to public spaces. Such legislation is not just a waste of time, energy, and money. It also has harmful, real-world effects.

A version of this article appears in the print edition under the title "Fake problem, real people."