

Incident Highlights a Problem with Transgender Bathroom Laws

This past December, Washington State enacted a new policy that allows people to choose bathrooms based on whatever gender they identify with. The law affects public and private buildings such as schools, restaurants, stores, and places of employment.

Predictably, a recent incident has already highlighted that such laws are fraught with many problems, one in particular.

Allison Morrow of Seattle's King 5 News [reports](#):

"Seattle Parks and Recreation is facing a first-of-a-kind challenge to gender bathroom rules. A man undressed in a women's locker room, citing a new state rule that allows people to choose a bathroom based on gender identity.

It was a busy time at Evans Pool around 5:30pm Monday February 8. The pool was open for lap swim. According to Seattle Parks and Recreation, a man wearing board shorts entered the women's locker room and took off his shirt. Women alerted staff, who told the man to leave, but he said **'the law has changed and I have a right to be here'**...

No one was arrested in this case and police weren't called, even though the man returned a second time while young girls were changing for swim practice."

Presumably, the man in question was seeking refuge in gender identity being primarily a matter of one's personal will. The spokesman for Seattle Parks admitted that they have no specific protocols in place to deal with this issue:

"As far as policy to protect everyone, Seattle Parks spokesman

David Takami says they're still working on the issue. Right now, there's no specific protocol for how someone should demonstrate their gender in order to access a bathroom. Employees just rely on verbal identification or physical appearance, and this man offered neither."

Utilitarianism is the ethical theory that holds, in general, that the best action or law is that which maximizes the good for the greatest number of people. At this point in time, transgender bathroom laws are still opposed by [most people](#), have many unanswered questions regarding the safety of others, and are too easily subject to abuse. Perhaps it would be prudent for lawmakers to apply a utilitarian framework to this issue—to consider whether new transgender bathroom laws do actually maximize the good for the greatest number of people, or whether they inflict unjust suffering on a majority for the sake of a minority. ?

For the time being, do you think it's safer for society to err on the side of biology when it comes to bathroom policies?