

Transgender life

跨性别者的生活

Restroom rumpus

卫生间风波

A fault line runs through the stalls

卫生间里的错误划分

"THESE children have fewer rights than prison inmates," says Tom Morrison, a Republican state representative in Illinois. Mr Morrison is talking about girls at a high school in his constituency, Palatinate, who share a locker-room with a transgender girl. Late last year the Department of Education ruled that the school had violated anti-discrimination laws by banning a pupil, who was born male but identifies as a girl, from the girls' locker room. Male prison inmates have successfully argued in court that letting female guards supervise them when they are taking a shower violates their privacy, reasons Mr Morrison, so they now have more rights than Illinois schoolchildren.

"这些孩子享有的权利比囚犯还要少。"伊利诺斯州共和党众议员汤姆·莫里森（Tom Morrison）说道。莫里森指的是其选区—巴拉丁奈特（Palatinate）内一所高中学校的女生们，她们与一名跨性别女生共用一间更衣室。去年年末，教育部判定该学校违反了反歧视的相关法律，其原因是学校禁止校内一名性别认同为女性的男学生使用女生更衣室。男性囚犯曾在法庭上据理力争，声称让女性警卫监视他们洗澡侵犯了他们的隐私，并最终获得胜诉。这一事例也支持了莫里森的观点，现在看来，囚犯确实比伊利诺斯州的学生们享有更多的权利。Schools in Illinois, as in many other states, have a patchwork of rules governing where transgender people can pee. Some allow them to use the locker and restrooms (or loos to Brits) of their choice; others make them use designated facilities. This is confusing for parents and children, says Mr Morrison, which is why he introduced a bill in the legislature on January 20th that would require all pupils at high schools in Illinois to use loos and changing rooms that correspond to the gender on their birth certificate. The bill would make it optional for schools to provide separate facilities for transgender pupils.

和其他州一样，伊利诺斯州的学校就跨性别者该在何处上厕所这个问题有着形形色色的规定。有的学校允许跨性别者自由使用储物室和卫生间（美国人称 **restrooms**，英国人称 **loos**），其他学校则是要求他们使用特定的设施。这也就造成了家长与孩子们的困扰，莫里森表示。因此他于 1 月 20 号向州议会提出了一项法案，要求伊利诺斯州所有高中学生依照出生证明上的性别使用相应的卫生间和更衣室。这项法案也将确保各学校有权选择是否为跨性别学生提供不同的设施。

The debate in Illinois is part of a national discussion that pits those who think of gender as something a person is born with against those who argue that being male or female can be a choice. Progressives have taken the "choice" side of the argument—in April 2015 the White House added a gender-neutral toilet—prompting conservatives to take the opposing one. In South Dakota a bill similar to Mr Morrison's is moving forward in the legislature. Last autumn voters in Houston, Texas, rejected a broad anti-discrimination ordinance because its opponents had depicted it as a "bathroom ordinance" that would enable potentially predatory men and even registered sex offenders to enter women's loos.

伊利诺斯州的争论是全国范围内对性别的讨论的一部分。对此问题有两种对立的观点。一派认为性别是与生俱来的，另一派人则认为性别是可以选择的。进步人士站在了“选择论”这一边—2015 年 4 月，白宫增加了无性别卫生间—并鼓励保守人士接受相反的观点。在南

达科他州，州议会正在审议一项与莫里森法案类似的法案。去年秋天，德克萨斯州休斯顿的选民否决了一部广泛保护特殊人群的反歧视法令，其反对原因是他们认为这项“厕所法令”可能让潜在的好色之徒甚至是有前科的性犯罪者有机可乘，进入女性卫生间。

In Indiana Jim Tomes, a Republican state senator, introduced a bill last December which would make the use of a facility that does not correspond with a person's birth certificate a misdemeanour, punishable with up to one year in jail and a fine of \$5,000. A spokesman for Mr. Tomes says the bill will not be submitted to a vote in the legislature, but that does not mean that "similar language in a different bill couldn't be considered".

印第安纳州共和党参议员吉姆·托姆斯（Jim Tomes）于 12 月提出了一项法案，指出未按照出生证明要求使用卫生间的行为属于轻度犯罪，将面临最高一年监禁或是 5000 美元罚款。托姆斯的发言人表示，这项法令将不会上交州议院进行投票，但这并不意味着“其他法案中相似的内容不会纳入考虑范围”。

Given all the troubles faced by transgender people, who make up just 0.1% of the population according to the least unreliable estimate, why the focus on loos? According to Human Right Campaign, a gay lobby group, in the first ten months of 2015 at least 21 transgender people—nearly all of them black or Hispanic women—were killed, more than in any other year recorded by activists. Unemployment among transgender people is double the national rate and as much as four times that of the general population for non-whites. Fully 90% of those who have a job say they have experienced harassment at work.

据最近可靠估计，跨性别人群仅占美国人口的 0.1%。考虑到他们所面临的各种麻烦，为什么把焦点放在了卫生间上？同性恋游说组织人权运动指出，2015 年前 10 个月里，至少有 21 名跨性别者——他们几乎都是黑人女性或西班牙裔女性——惨遭谋杀，超出以往任何一年的记录。跨性别人群失业率是全国失业率的两倍，是非白种人群的四倍。那些已就业的跨性别者中，多达 90% 的人表示在工作中受到了骚扰。

The issue is more pressing than it seems, says Kim Hunt of the AIDS Foundation of Chicago. Some transgender people do not go to the loo all day because they have been harassed, assaulted or kicked out of one. This can result in dehydration, urinary-tract infections and kidney problems. A survey by the Williams Institute, a think-tank, found that 68% of those questioned had been subjected to slurs while using a bathroom. This month San Francisco joined Washington, New York, Philadelphia, Austin, Seattle and Santa Fe in requiring all businesses and city buildings to designate single-stall loos as all-gender.

来自芝加哥艾滋病基金会（AIDS Foundation of Chicago）的金姆·亨特（Kim Hunt）表示，这一问题比我们所看到的要迫切得多。有的跨性别者由于曾在卫生间里受到过骚扰、攻击甚至是被赶出去，而一整天都不愿意上厕所。这会造成脱水，尿道感染以及肾病等各种问题。研究中心威廉姆斯研究所（Williams Institute）调查发现，68% 的受访者曾在上厕所时受到过侮辱。这个月，旧金山也加入到华盛顿、纽约、费城、奥斯汀、西雅图和圣达菲等城市的行列中来，要求一切办公楼和城市建筑标明出可供所有性别人士使用的单人卫生间。

The bigger battle, though, is over multi-stall restrooms and locker rooms, especially in schools. Title IX, an amendment tacked on to the Higher Education Act in 1972, says that "no person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education programme or activity receiving federal financial assistance".

然而，更大的争议还是在公共卫生间和更衣室上，尤其是学校里的公共卫生间和更衣室。

1972 年通过的高等教育法修正案第九条中规定“在美国，任何人都不得因其性别而被拒绝参加由联邦财政资助的任何教育项目或活动，或被剥夺项目或活动中的福利或在其中遭受歧视”。

The Obama administration has interpreted this as meaning that transgender pupils must be allowed to use facilities for the gender with which they identify. In October it filed a legal brief in a federal appeals court backing the legal challenge of Gavin Grimm, a transgender boy, to the policy of his school in rural Virginia which bans him from using the boys' toilets. On January 27th the judges will hear oral arguments in GG v. Gloucester County School Board. It is the first time a federal court will have to weigh up the question.

奥巴马政府将其解释为允许所有跨性别学生根据自己的性别认同使用相应设施。10 月，奥巴马政府向联邦上诉法院提交了一份法律诉状，以支持跨性别男孩加文·格里姆（Gavin Grimm）。他向法律发起了挑战，控诉其位于弗吉尼亚州乡下的学校制定相关政策禁止他使用男性卫生间。1 月 27 日，法官将进行“加文·格里姆起诉格洛斯特县（Gloucester County）校董事会”的口头辩论。这也将是联邦法院第一次受理此类问题。