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Morality Politics and New Research on Transgender Politics and Public Policy

Abstract: Recent political debate over transgender military service and gendered bathroom use highlights a dramatic increase in salience over transgender issues in the US. In this essay, we examine a potential new front in the culture wars by reviewing recent empirical research in social science on the politics of transgender rights in the context of morality politics. Research on morality politics has often focused on LGBT rights, with an emphasis on gay and lesbian rights and little attention to transgender issues. We highlight the progress of research on transgender issues in the US, focusing on the study of attitudes about transgender people and rights, transgender rights in states and localities, and broader findings affecting transgender populations. Although there is ample research still needed, the current state of empirical social science on transgender issues has made great advancements in the past decade and shows that morality continues to shape LGBT politics and policy.

Introduction

The culture wars have been explored in the social sciences, often under the rubric of morality politics, which involve sharp clashes over fundamental values where compromise is difficult (Mooney 2001). Abortion is a classic morality policy (Mooney and Lee 1995). Likewise, policies addressing civil rights for lesbian, gay, bisexual or transgender individuals (LGBT) are often subsumed in some form under morality politics given the long, polarizing, and highly contentious battle for LGBT rights in the US (Haider-Markel and Meier 1996; Haider-Markel

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1999; Sharp 2005; Brewer 2007). For most of this history, political fights have focused on repealing sodomy laws, funding for HIV/AIDS research and prevention, nondiscrimination laws protecting gays and lesbians, and marriage equality (Rimmerman 2015).

With the legalization of same-sex marriage nationally we have seen a shift in political attention to transgender rights, as LGBT activists finally return to a long-promised focus on transgender rights, and opponents see a new opportunity to create a moral panic over the "threat of transgender people" (Taylor, Lewis, and Haider-Markel 2018). The increased salience has meant that transgender issues have taken on some of the morality politics characteristics of battles over gay and lesbian rights. For instance in 2016 and 2017, a fiercely partisan and damaging political battle was waged in North Carolina over a law (HB2) limiting gender identity congruent restroom access by most transgender people. In another example, after a Democratic administration had approved of transgender people serving in the military, the Republican Trump administration is controversially attempting to ban transgender people from military service. Legal challenges to the policy shift are being reviewed by the courts. Following a familiar pattern from gay and lesbian rights, referenda on transgender inclusive laws have been held at the city or state level in several jurisdictions, including Massachusetts and Houston, TX, and cities like Anchorage, AK have voted down attempts to adopt anti-transgender accommodations policy.

The increased political salience of transgender rights, and the moral controversy surrounding it, has also led to increased attention to the issue in the social sciences. In this article, we review this literature. First, we focus on why social sciences have historically ignored this area. Subsequently, we examine the development of the transgender movement and political participation. Then, we review the research on public attitudes about transgender rights. Finally, we conclude the review with attention to transgender issues at the state and local level.

The Slow Incorporation of LGB and T in Research

Historically, social science, and political science and public administration in particular, were sluggish to address gay and lesbian rights (Cook 1999). Many scholars had difficulty publishing in the top journals. Similarly, as the LGBT movement had, the field largely ignored transgender rights until the 2010s (Tadlock and Taylor 2017). The reasons for this include a tendency to include transgender with broader discussions of LGBT rights (Tadlock and Taylor 2017), anti-LGBT discrimination

in the social sciences (Novkov and Barclay 2010), methodological biases, and a paucity of empirical data on transgender issues to use in statistical modeling. Further, much transgender political activity has been outside the gaze of political scientists because of the discipline's focus on policy, government institutions, the activities of parties and interest groups, large-scale social protests, or media coverage of these events and activities (Aultman and Currah 2017; Billard 2018).

Undaunted, many policy-oriented scholars interested in transgender rights issues published in interdisciplinary journals, law reviews, or in books. Much of this rich vein of social science work was done from a theoretical or normative approach, and not specifically in the vein of morality politics research traditions (e.g. Currah, Juang, and Minter 2006; Davis 2014). Such works illuminated the injustices faced by the transgender community when dealing with the administrative state (Daum 2015; Spade 2015; Sellers 2018). Scholars have highlighted ways to reorganize social spaces in a transgender inclusive manner (Davis 2017; Elias 2017). Of course, historical treatments of transgender rights (e.g. Meyerowitz 2002; Stryker and Whittle 2006; Stryker 2008) have been invaluable to researchers investigating the phenomenon from a variety of perspectives.

The combined efforts of transgender activists, allies in the gay and lesbian movement, and allies in the academy have helped to increase the salience of transgender rights, change policies, and change public attitudes (Taylor, Lewis, and Haider-Markel 2018). These changes have generated data and boosted scholarly interest in obtaining data to expand the study of transgender rights from an empirical perspective, including the study of morality politics. For instance, the passage of a transgender inclusive law requires recorded voting, which allows scholars to investigate who voted for the measure and investigate the role of partisanship, public opinion, and issue salience. The passage of legislation across jurisdictions provides opportunities to explore patterns of policy diffusion consistent or inconsistent with morality politics (Taylor, Lewis, and Haider-Markel 2018).

As the salience of transgender-related policies has increased, survey research firms have asked related questions and released public opinion data about those policies. Analyzing this polling data provides insights into views about transgender rights in generalizable ways. Finally, researchers can examine journalistic accounts of these processes to understand media framing and how this is an echo of interest group framing efforts.

The increased salience of transgender rights, both within LGBT advocacy organizations and in the general public (Taylor and Lewis 2014), and increased availability of data related to transgender rights has triggered more research in several areas of political science. These include political participation, public opinion, and state and local politics. In the following sections, we highlight some of the recent developments in research and their relevance for morality politics.

Transgender Political Participation and Advocacy

The transgender community is small, but diverse. Using data from the Behavioral Risk Factor Surveillance System (BRFSS), Flores et al. (2016) found that 0.6 percent of adults identify as transgender, which corresponds to about 1.4 million individuals in the US. This is significantly smaller than the gay and lesbian community that comprises about 3.5 percent of the American public (Gates 2011). Flores, Brown, and Herman (2016) and Herman et al. (2017) also show that people who identify as transgender tend to be younger and more racially and ethnically diverse than those who do not identify as transgender.

The rise of a transgender political identity occurred during the 1980s and 1990s as previously disparate groups and marginalized individuals forged an identity that subsumed many of their differences (Stryker 2008; Murib 2015). Included among these were individuals with varying degrees of gender dysphoria, some of which sought difficult to obtain medical interventions, and those who eschewed binary notions of gender. In part, the movement was a reaction to the control that medical professionals had over transsexual individuals and the injustices these individuals faced in society due to the fact that their gender identity violates traditional norms about gender (Denny 1992, 2006). Thus, the transgender social movement includes a wide diversity of people united by the fight for "a right to gender self-determination" (Currah, Juang, and Minter 2006, p. xvi).

In this fight, however, transgender individuals face obstacles to political participation. Many individuals in this community are poor and face rampant discrimination (James et al. 2016). Thus, like other individuals with low socio-economic status, they should be less likely to participate in a broad range of political activities (Verba and Nie 1972). Transgender individuals also face policies such as voter identification laws that may create legal barriers when these documents are not in alignment with one's gender presentation. Two large surveys of transgender people – the 2011 National Transgender Discrimination Survey and the 2015 US Transgender Survey – clarify their political behaviors. Both surveys are, however, convenience samples of transgender people, so it remains unknown the extent their findings generalize to the population of transgender adults. Using data from the 2011 National Transgender Discrimination Survey, Bowers and Whitley (2018) found that transgender people register to vote at rates at or above the general population, and state voter identification laws do not adversely affect the registration rates of transgender people. They posit that shared oppositional consciousness in the transgender community allows them to overcome some barriers to political participation. Using data from the 2015 US Transgender Survey, James (2018) notes that in-group engagement with other transgender individuals spurs political participation by transgender people.

The ability to organize and mobilize resources is important in a democracy. Indeed, one of the important forms of political participation is developing and sustaining interest groups to advocate for causes like transgender rights. Nownes (2010, 2014) examined the composition of transgender interest group system and found that the number of transgender organizations remained very small from 1964-mid 1980s. However, the number of groups began to rise in the mid-1980s through the mid 2000s. This reflected the growing legitimation of transgender related organizations and advocacy. As the expansion of transgender groups continued, competitive pressures between organizations began. Often, groups can develop niches based on issues, venues or tactics to shield themselves from these pressures, but the environment nonetheless has limited resources that constrain the number of viable organizations (Haider-Markel 1997). In addition, Nownes (2014) found that gay and lesbian rights groups expanded their missions to include transgender groups because of the legitimation of the transgender advocacy. Taylor and Lewis (2014) note that this process was gradual and that gay and lesbian groups historically were willing to abandon transgender inclusion in the face of political opposition. Despite the sometimes fair-weather nature of this relationship at times, transgender rights advocates are reliant on historically gay rights groups because there is a huge resource disparity between transgender-focused groups and those more broadly focuses on LGBT rights. Indeed, Taylor, Lewis, and Haider-Markel (2018) note that the financial resources of the entire transgender interest group system are dwarfed by those of just the largest historically gay rights group, the Human Rights Campaign.

Although resources for transgender advocacy have increased, the transgender community continues to rely heavily on historically gay and lesbian rights organizations in terms of financial resources and political influence. Importantly, the attachment to gay and lesbian rights has greatly benefitted the transgender rights movement, but it has also helped to transform transgender issues into a morality politics issue because of the immoral label opponents have attached to homosexuality (Taylor, Tadlock, and Poggione 2013; Taylor, Lewis, and Haider-Markel 2018).

Issue Framing

As with most policy areas, and especially those related to morality politics, issue framing is a key factor shaping political dynamics (e.g. Meier 1999). Social movements, related interest groups, and policy entrepreneurs attempt to frame issues in the most favorable light in an attempt to set the policy agenda and build support for these issues (Chong 1991). Research on how policy debates and campaigns

frame transgender rights issues demonstrates the power of framing in an issue area that is relatively unfamiliar to many Americans. Though public familiarity with transgender as a concept has increased in the past decade, a substantial percentage of Americans still report non-attitudes or neutral opinions on many transgender rights issues and policies. As such, it should not be surprising that the framing of these issues can be very powerful in shaping public opinion and policy outcomes. Graber's (2017) content analysis of the Houston Chronicle's coverage of the Houston Equal Rights Ordinance (HERO) referendum shows that the primary frames of equality, bathroom boogeyman, bureaucratic process, and religious freedom to reject perceived immoral choices produced a largely negative view of the policy that ultimately resulted in its loss at the polls. Likewise, Stone (2019) finds that presenting gay men and transgender women as dangerous strangers by the Religious Right were common, first as the gay rights movement emerged, and second as the transgender rights movement gained footing. However, the calm of stranger danger recedes overtime as its effectiveness declines (Stone 2019). Taylor, Lewis, and Haider-Markel (2018) also find that in local referendum campaigns where the primary framing centered on public safety and religious freedom, the bills were unlikely to be upheld by the public. However, when the debate centered more on civil rights and equality for transgender people rather than religious morality, the nondiscrimination policies were more likely to find public support.

In a more systematic review of framing by interest groups and the media in the US, Tadlock (2014) shows that the most common frames deployed by pro-LGBT groups were those of equality, education, and safety/security. For opponent groups, such as the Family Research Council, the most common frames were safety/security, anti-majoritarianism, freedom, and pathology. The most common frames in media stories on transgender issues were education, equality, and safety/security. Tadlock (2014) noted that the framing of transgender rights issues in the media differs somewhat from gay rights issues because of the need for education about transgender given the public's lower familiarity with the topic. Media framing is important because groups that successfully frame their issues in the news are more likely to reap adopted policies that reflect their beliefs (Schram and Soss 2001). Highlighting the importance of media framing, Taylor, Lewis, and Haider-Markel (2018) find that about a third of respondents in a national survey listed the news media, whether online news sources or other news media, as their primary source of information about transgender issues. Recent research also suggests that digital native news sources have played an important role in increasing the attention of traditional news media to transgender issues (Billard 2018).

The public's lack of familiarity on transgender issues, and need for education, sometimes extends to legislators as well. Taylor and Lewis (2014) found

during interviews with activists that legislators were often without sufficient knowledge about transgender rights. As such, basic education about transgender people and issues is commonly required during lobbying campaigns. Indeed, Longaker and Haider-Markel (2014) note attention to pedagogical concerns around distinctions between sex and gender identity in their study of legislative framing of name change laws in Argentina, Brazil and Chile. However, they found that legal, equality and discrimination frames were the most prominent frames in their analysis.

Public Opinion

Until recently, there has been a lack of publicly available polling data on public attitudes toward transgender issues. Much of the early data was proprietary. For example, Lake Snell and Perry, a polling and research firm, conducted an internal public opinion poll for the Human Rights Campaign in 2002 which showed that the American public may be more familiar with transgender people and more accepting of them than anticipated (Dahir 2002). However, it took more than ten years before the first nationally representative survey addressing transgender topics appeared in peer-reviewed journals in 2013. Using data from a 2005 Knowledge Networks survey, Norton and Herek (2013) found that the public's attitudes about transgender people correlate strongly with those for gays and lesbians, but transgender people were viewed less favorably on average.

Beginning in 2015, multiple teams of researchers from across the country fielded more comprehensive national surveys to better understand public opinion on these issues. One multi-university team conducted several surveys with the GfK and Clear Voice Research. Analyzing this data, Lewis et al. (2017) found that while public opinion toward transgender people contains similar patterns to attitudes toward lesbians and gay men as demonstrated by Norton and Herek (2013), Americans nonetheless make significant distinctions between the groups. In essence, feeling thermometer temperature warmth (affect) toward transgender people tend to be cooler than attitudes toward lesbians and gay men. Additionally, respondents are less supportive of transgender inclusive nondiscrimination protections than for sexual orientation inclusive nondiscrimination protections. The distinctions also extend to most of the underlying determinants of these attitudes. For example, religiosity showed a larger effect on attitudes toward gay men and lesbians while partisanship was as stronger predictor of attitudes toward transgender people (see also Castle 2018), suggesting that religious-based morality does not shape attitudes towards transgender rights to the same degree

as it does for gay and lesbian rights. The strong role of partisanship in shaping trans related attitudes is suggested by morality politics (Kreitzer 2015), and may suggest that cues from partisan elites play a significant role in shaping transgender related attitudes.

National surveys also show that the public also has less personal contact with trans people than gay people (Taylor et al. 2018). The prevalence (or lack thereof) of personal contact is important given Allport's (1954) theory that interpersonal contact with members of minority groups would decrease prejudice toward those groups. In the case of LGBT people, increased contact could decrease anti-LGBT attitudes by reducing the influence of religion and partisanship on attitudes (Tadlock et al. 2017). Indeed, several prior studies showed that knowing someone who was LGB has consistently predicted greater support of LGB people and rights (e.g. Lewis 2011). Norton and Herek (2013) showed that knowing a gay or lesbian person (friend, family member, or co-worker) could also secondarily transfer to more positive attitudes towards transgender people. In an unrelated exploratory study, Hoffarth and Hodson (2018) even found that media contact with transgender people increased empathy and deceased bias. Using a 2011 Public Religion Research Institute survey (Cox and Jones 2011), Flores (2015) found similar patterns to Norton and Herek (2013), but also demonstrated that the secondary transfer effect of the contact hypothesis operated through a process of attitude generalization; that knowing someone who is LGB is a positive correlate on LGB rights, which generalizes to increased support for transgender rights. Yet, while Flores (2015) confirmed a secondary transfer effect of LGB contact, surprisingly personal contact with transgender people did not show a significant direct effect on attitudes toward transgender people and rights. Both Norton and Herek (2013) and Flores (2015) were limited by their survey items; the former only had a feeling thermometer about transgender people, and the latter only had general and broad questions regarding transgender rights (e.g. "Transgender people deserve the same rights and protections as other Americans") as opposed to specific policies (e.g. military service or public accommodations protections). A more recent transgender rights study conducted in 2015 by Princeton Survey Research Associates International for researchers at the University of Delaware also found no relationship between knowing a transgender person and attitudes about transgender rights (Jones et al. 2018).

However, Tadlock et al. (2017) showed that knowing someone who was transgender is positively associated with warmer attitudes towards transgender people and rights. Indeed, even controlling for contact with gays and lesbians, having a transgender, friend, close family member, and/or acquaintance was associated with more positive feelings towards transgender people and transgender civil rights. The conflicting results on interpersonal contact may stem from

sampling effects given the relatively paucity of individuals who report knowing transgender people. In addition, the different ways that this experiential factor is operationalized in various surveys may affect the results. For example, Jones et al. (2018) restrict transgender contact to close friend or family member (in a single measure) while Tadlock et al. (2017) take a more expansive view of interpersonal contact. They create separate categories for a family member, a close friend, or an acquaintance. In some of their models, they create a single transgender contact variable while in others they examine each category with separate binary indicators. Indeed, both research teams conducted their surveys in 2015 but observed different results. Jones and his co-authors find that eleven percent of the public had interpersonal contact with transgender people while Tadlock and his co-authors found that fifteen percent of respondents knew at least one transgender person in one of those categories. Importantly though, Tadlock et al. (2017) also found a transgender contact effect in a separate 2015 survey that used the family member or close friend language.

Despite the public's relatively negative transgender-related feelings evident in national surveys (Norton and Herek 2013; Lewis et al. 2017; Castle 2018; Taylor, Lewis, and Haider-Markel 2018), experimental studies have shown that there may be ways to increase favorable attitudes about transgender people and rights. In a field experiment with door-to-door canvassers, Broockman and Kalla (2016) find that encouraging people to engage in perspective taking – identifying with the experience of being stigmatized – may enhance the depth of cognitive processing that leads to greater support for transgender people. While Broockman and Kalla (2016) did not initially find a treatment effect on support for transgender antidiscrimination laws, providing a definition of transgender and showing people ads opposed to transgender antidiscrimination laws produced a significant treatment effect, inducing more support for antidiscrimination laws. In a survey experiment, Flores et al. (2018a) find that exposing respondents to greater information about transgender people and providing images of faces of presumably transgender individuals can also increase support for transgender people. Yet similar to Broockman and Kalla (2016), these treatment effects did not extend directly to attitudes toward specific transgender rights policies, such as nondiscrimination laws. Flores et al. (2018a,b), however, found that this null finding might be the result of competing effects of exposure on various attitudes that may cancel each other out. Indeed, once these competing effects are disentangled with a mediation model, results show that the exposure effects of decreasing transphobia are a mechanism that leads to increased support for transgender rights (Flores et al. 2018b).

Value frames and priming in-group identities also have the potential to affect support for transgender people's access to public restrooms (Harrison

and Michelson 2017a,b). Importantly, how political elites debate transgender rights may affect public attitudes as well. Consistent with Zaller (1992), Jones and Brewer (2018) and Castle (2018) note that diverging cues from political elites may be increasing partisan/ideological polarization on transgender rights given that more politically aware citizens are also diverging in views about transgender rights along ideological lines. This pattern is possibly different from what Lindaman and Haider-Markel (2002) found in their study of various culture war issues. Drawing on congressional votes and data from the General Social Survey between 1970 and 1999, they noted a weak connection between elite polarization and mass attitudes on gay rights. Given the powerful role of partisanship in morality politics, and the evidence of mass polarization on transgender issues, it could be that transgender issues end up exhibiting morality politics characteristics more so than gay and lesbian issues have.

We have also learned that Americans do not necessarily think of transgender rights in a unidimensional fashion. Miller et al. (2017) analyzed a battery of questions pertaining to transgender rights and found that these issues were organized into two dimensions. One dimension includes civil rights policies relating to transgender rights (e.g. employment nondiscrimination laws and military service). The second dimension covers policies related to body-centric concerns, meaning those that deal with how gender or gender roles are presented or represented via the body (e.g. public accommodations laws specifically relating to restroom use, or Medicare payments for health care procedures). Flores et al. (2018a,b) also found transgender rights to be two-dimensional, suggesting that there may be correlates predictive of one dimension that vary in their predictive power over policies on the other dimension. Importantly, it implies that when people are considering questions of transgender rights, that they may process those issues differently depending on which dimension the specific policy taps. For example, on issues that raise body-centric concerns, such as restroom or locker-room use, people may draw more on their level of disgust sensitivity or religious values. On issues such as transgender people serving openly in the military or protecting them from employment discrimination, people do not draw on their level of disgust sensitivity or authoritarianism to the same degree (Miller et al. 2017). These findings suggest that body-centric transgender issues may exhibit dimensions of morality politics more so than do transgender rights issues.

Psychological Factors Affecting Public Attitudes

As noted, attitudes about transgender rights correlate highly with attitudes about LGB rights. Though existing research can elucidate what gaps exist in terms of

general public opinion – for example, whether support for military service for LGB persons is higher than it is for transgender persons, or differences in mean feeling thermometer scores – it is less clear why the public makes those distinctions. Activists and the media certainly package LGBT people together under that one common label, providing a group definition and a frame that should encourage less distinction. But the longitudinal data simply do not exist for us to assess whether this label has been effective at diminishing public distinctions or not, and current research leaves open the question of what psychologically – apart from group affect – drives any persistent distinctions.

Indeed, the developing literature on attitudes towards transgender rights is still pushing beyond basic demographic and political disposition predictors such as partisanship, religion, and ideology to test for relationships between those attitudes and more psychologically-oriented correlates. However, this is not to diminish the often powerful importance of more fundamental variables that are often treated as "controls" in behavior research. For example, in Lewis et al. (2017) the authors find less support for transgender rights than for gay and lesbian rights. Their findings suggest that individuals with less ideological consistency are less likely to support transgender rights, perhaps making these individuals more open to persuasion and elite framing on the issue. Importantly, religiosity is a less powerful predictor of transgender rights attitudes than it is for LGB rights, suggesting that opposition to transgender rights may not be moralized in the quite the same manner as gay and lesbian civil rights have been. However, using data from the Pew Center, Castle (2018) finds that religious tradition, along with ideology and partisanship, are becoming important factors that contribute to polarization over transgender rights. He describes this as a new front in the culture wars.

Incorporating more personality and psychological correlates has shed deeper light on attitudes about transgender rights, and is helping to connect this nascent literature to political behavior and political psychology research more broadly. In addition, examination of psychological and personality correlates of transgender attitudes is opening a new window for understanding the dynamics of morality politics. For example, research has connected disgust to transgender-related policy preferences (Taylor et al. 2018). A substantial literature exists in social psychology examining disgust as a "behavioral immune system," or essentially a socially constructed emotion oriented toward objects that individuals perceive as morally contaminating (Schaller and Duncan 2007). Likewise, disgust sensitively, meaning the generic tendency to feel disgust regardless of the object prompting it, is related to ideology and partisanship (Aarøe, Petersen, and Arceneaux 2017). Miller et al. (2017) show that disgust sensitivity significantly predicts more negative attitudes toward transgender rights policies, and encourages Americans to differentiate between those policies that we earlier identified as "civil rights" and

those we labeled "body-centric." Casey (2016) approaches this somewhat differently, showing that disgust reactions specifically toward transgender people affect attitudes. In addition, Jones and his co-authors examined whether cognitive closure, "one's tendency to impose fixed meanings on situations and to feel an aversion toward ambiguous information and experiences" affects views on transgender individuals (Jones et al. 2018, p. 256). They found that individuals who have a need for cognitive closure have less positive views of transgender rights.

Authoritarianism has also received attention in the literature, including morality politics. Political behavior research has generally shown that stronger authoritarians report more conservative attitudes on culture war issues like abortion, gay rights, and immigration (Hetherington and Weiler 2009). Norton and Herek (2013) find that authoritarianism predicts simple affect towards transgender people, with strong authoritarians reporting more negative feelings. Miller et al. (2017) extend this finding, showing that stronger authoritarians also report more negative attitudes towards transgender rights policies, and are more likely to single out body-centric policies for greater opposition.

Moral traditionalism is a value orientation that not surprisingly for morality politics scholars has an effect on transgender rights attitudes. Researchers (Jones et al. 2018; Taylor et al. 2018) consistently find that moral traditionalists are generally not supportive of transgender rights and transgender candidates, and they view transgender people less favorably. Conversely, Taylor, Lewis, and Haider-Markel (2018) found that egalitarianism is positively associated with feelings about transgender people and with both dimensions of transgender rights policy. Jones et al. (2018) also found that egalitarianism is positively associated with support for transgender rights. One's gender role beliefs, such as adherence to traditional gender roles or views about gender essentialism may also affect views about transgender rights (Broussard and Warner 2018). Using experimental data, Harrison and Michelson (2019) also note that threats to a male's masculinity predict less support for transgender rights. As this literature progresses, there is substantial room for more fully exploring possible effects of the numerous concepts like values, personality, or stereotypes that political psychology research has shown are important ingredients of group-related attitudes in morality politics.

Attitudes about Transgender Political Candidates

Morality politics has typically focused on public opinions or the policymaking process, with less focus on elections and candidates (but see Haider-

Markel and Meier 2003; Donovan, Tolbert, and Smith 2008; Grummel 2008; Haider-Markel 2010). Recent studies have begun to examine the contours of support for transgender political candidates. Though the number of openly transgender candidates elected nationwide is still small (Reynolds 2018), the election of Democrat Danica Roem to the Virginia House of Delegates in 2017 – the first openly transgender (during the campaign) state legislator in the country – demonstrated that transgender candidates could be viable in competitive elections, in her case ousting an extremely conservative anti-LGBT incumbent who had served more than two decades in a competitive suburban district. As more transgender candidates run for office, it becomes critical to understand the general dynamics of support behind those candidates.

Haider-Markel et al. (2017) find that transgender candidates tend to garner slightly less support than lesbian or gay candidates do. The authors also found that women, Democrats, liberals, and the more educated were more supportive of transgender candidates that agree with them on issues and that disgust sensitivity affects the propensity to support LGBT candidates. Among women, those who were less gender conforming were more likely to support transgender candidates than women who were gender conforming. Jones et al. (2018) find that randomizing whether respondents were told their own party's candidate was a man, woman, a transgender man, or a transgender woman, and the other party's candidate was a man or a woman, affects the propensity to support transgender candidates from one's own party. Although respondents were most likely to support their own party's candidate when both candidates were of the same gender (i.e. man-man or woman-woman pairings), man-woman pairings revealed lower support – a decrease in 14.2 percentage points to vote for a man of one's own party when the opposing party candidate is a woman, and a decrease of 29.1 percentage points to vote for a woman of one's own party when the opposing party candidate is a man. For transgender candidates, the disparity was even wider, showing that transgender men were further penalized by 11.5–25.6 percentage points and transgender women were further penalized by 15.7–26.2 percentage points. In both cases, support for a transgender candidate was slightly more favorable when the opposing party candidate was a woman than when the opposing party candidate was a man.

Although both studies suggest that transgender candidates may face a penalty at the ballot box, there is little room to suggest that the American public may feel that it is socially undesirable to outwardly oppose a transgender candidate. Therefore, polling is unlikely to over-estimate support for transgender candidates due to unstated voter biases, as in the "Bradley effect" that has historically existed for African-American candidates. In addition, like African-American candidates, transgender candidates are more likely to be successful running as Democrats in districts that lean Democratic.

State and Local Politics

At the subnational level policymaking on transgender issues has sometimes appeared to follow a morality politics pattern (on public accommodations), but at other times, such as with identification documents, has looked more like traditional policymaking (Taylor, Lewis, and Haider-Markel 2018, p. 123). The policy framework for transgender people in the US is a confusing and sometimes contradictory patchwork of national, state and local policies given the country's federal system, variation in public attitudes across jurisdictions, and relatively recent rise of this issue to political salience (Taylor 2007). Localities and states have been slow to adopt policies desired by the transgender community, but recent years have seen an uptick in consideration of transgender related policy at the subnational level. At the same time, there have also been negative policy developments for the community as well.

At the local level, at least 225 cities and counties have adopted some form of transgender antidiscrimination protection as of 2017 (Human Rights Campaign 2017). Existing research suggests that cities that have greater diversity, a more educated population, and a professional creative class workforce are more likely to adopt antidiscrimination protections for transgender people, usually in the form of banning discrimination on the basis of gender identity in employment (Colvin 2008; Sellers and Colvin 2014; Taylor et al. 2014). In addition, LGBT community resources appear to increase the likelihood of protections in classic strong mayor forms of government relative to city manager-council forms of government (Taylor et al. 2014). In a study of cities with transgender inclusive laws, Colvin (2007) finds stronger implementation of these transgender inclusive nondiscrimination policies in mayor-council governments as well. However, he notes that implementation and enforcement of nondiscrimination provisions is weak regardless of the type of municipal government. Meanwhile, Sellers' (2014a) review of local transgender inclusive ordinances finds that procedural safeguards for complainants are often lacking in nondiscrimination policies. He also notes that the enforcement powers of implementing agencies are often weak. Further, Sellers and Colvin (2014) examined the content of these local laws and the language employed in these city codes. They found that the language of local ordinances addressing transgender related discrimination incorporates these protections under a variety of terms, like sexual orientation, gender identity, or gender (see also Colvin 2007). However, after 2000 most cities employed gender identity as a category.

As several local conflicts have shown, institutional designs, such as those promoting direct democracy, might inhibit the ability of local governments to protect transgender residents, which is similar to the pattern observed for the

morality politics of gay civil rights (Haider-Markel and Meier 2003). In the twelve cities that saw local gender identity protections challenged at the ballot box, six of the council-adopted measures were overturned by popular vote (Taylor, Haider-Markel, and Lewis 2018). Of course, these types of public referenda were the bane of the LGBT rights movement going back to Anita Bryant's 1977 "Save Our Children Campaign + in Miami, FL. Further, since local governments remain dependent on state-granted authority, some states retaliate against municipal governments that pursue transgender rights by engaging in preemption to restrict the power of local government. For example, despite the repeal of North Carolina's infamous HB2, the policy barring local governments from expanding public accommodation related nondiscrimination policies, a prohibition on local government regulation of multi-user restroom and locker-room access remains in place.

Meanwhile, states also have been quite active in transgender rights policy, addressing a range of diverse issues, including nondiscrimination policy, birth certificate and document changes, hate crime laws, and student and education related policy. Overall, state consideration and adoption of laws protecting the transgender community is predicted by a similar set of factors that explain the adoption of gay and lesbian civil rights policies, but there are notable differences. Taylor et al. (2012) examined transgender inclusive nondiscrimination laws at the state level, analyzing who laws covered (gay people, transgender people, or both) and what types of discrimination (e.g. employment, housing, public accommodations) these laws addressed. Their findings suggest that although the adoption of sexual orientation inclusive antidiscrimination policies is largely due to the internal political opportunity structure of a state, the adoption of gender identity inclusive nondiscrimination policies is driven more by regional forces, such as the adoption of the policy by other states in the region. As they note, this pattern is inconsistent with the notion of transgender policy as morality policy (see also, Lewis et al. 2014). However, the regional diffusion of these policies may also be indicative of policy learning, as the public and lawmakers learn more about the transgender community, the challenges it faces, and the political viability of these protections.

In the context of highly salient morality policymaking, citizens tend to be mobilized so elected officials are sensitive to public opinion (Haider-Markel 1999; Kreitzer 2015). In a recent study of transgender inclusive antidiscrimination policy in the states, Flores, Herman, and Mallory (2015) examine the influence of public opinion on policy adoption. Following similar research on sexual orientation policy (Lax and Phillips 2012), their analysis explores whether state policy is congruent with public attitudes on transgender rights. They find that states have a 'democratic deficit' on transgender rights policy. In short, public attitudes are not

congruent with policy. Their analysis indicates that, on average, public support for transgender rights must exceed 80 percent before a state will adopt an anti-discrimination policy. Of course, some states have adopted these policies without super-majority support, but Flores et al. (2015) clearly show that the expansion of transgender civil rights faces a steep climb in the states. Nonetheless, Taylor et al. (2018) show that public opinion remains a significant factor shaping state policy in this area. Similarly, their analysis of municipal policies shows a strong impact of citizen ideology on the passage of transgender protections.

Distinct from other sexual and gender minorities, transgender people face particular challenges with ensuring that official government documents reflect their gender identity. For example, some transgender people desire to change their sex marker on their birth certificate. Here too we see that the pattern of politics involved differs somewhat from gay-related policies. State laws on changing birth certificates were modified, albeit in a highly regulated manner, in many states prior to the 1990s because of model vital records statute recommendations suggested by the Centers for Disease Control and Prevention (CDC) (Taylor, Tadlock, and Poggione 2013, 2014). However, since the 1990s, the vertical diffusion of this policy innovation has ended and state adoption of these policies has resembled regular morality politics, with internal state political opportunity structures driving the likelihood of policy adoption.

A final relevant area of policy change at the state level has been with laws increasing penalties for crimes motivated by bias towards a particular group – hate crime laws. As with antidiscrimination laws, all states that have included gender identity as a category in the state hate crime law have done so concurrently with the inclusion of sexual orientation, or have come back to revise the law at some later point after including sexual orientation. In one study that explicitly examines state inclusion of gender identity in hate crime law, Taylor, Lewis, and Haider-Markel (2018) find that the adoption of these laws is largely driven by incremental policymaking. In short, states that have included sexual orientation in their hate crime law are far more likely to add gender identity than are states that have not. Beyond incrementalism, the resources of LGBT interest groups and state legislative ideology most powerfully explain state adoption of gender-identity inclusive hate crime laws; states with more liberal legislatures and well-resourced LGBT groups are the most likely to adopt these policies. The pattern of adoption on transgender inclusive hate crime laws is therefore more typical of interest group politics than of morality politics.

Passage of state statutes is not the only way that state policy is created. Governors can unilaterally make policy via executive orders. The most common type of executive order involving transgender people is one that bars gender identity based discrimination in state government employment. These policies tend to be

used in states that lack transgender inclusive nondiscrimination laws by statute and follow a partisan pattern of adoption indicative of morality politics (Taylor et al. 2018). Unsurprisingly, Democratic governors are more likely to issue gender identity inclusive executive orders. However, Sellers (2014b) found that governors tend to make these types of policy decisions early in their term, and when there is a switch from a Republican administration to a Democratic administration. They are also likely to do so when they face a recalcitrant legislature, as Democratic governors in Kansas, Michigan, and Wisconsin did in early 2019. While these policy advances are sometimes temporary, they nonetheless reflect advances for transgender people.

Conclusion

Our primary goal in this review was to explore recent empirical social science research that is focused on transgender people and policy issues to assess the field and its relevance for the study of morality politics. Our review suggests recent research supports the notion that least some elements of transgender politics is consistent with patterns observed in the morality politics literature. In particular issues that are body-centric, such as bathroom accommodations based on gender identity, are the most polarizing and more typical of morality politics. Others, such as gender indicators on documents and hate crimes protections, have not exhibited a pattern of morality politics until more recently. Just as importantly, emerging areas of political psychology have offered a news lens for understanding morality politics dimensions of transgender politics.

The salience of transgender issues is only likely to grow and researchers need to keep pace. Recent estimates suggest younger people and persons of color are more likely to identify as transgender, and that transgender identification is likely to be more common among younger generations. This potentially relates to changing social awareness and climate toward transgender people, which has steadily improved. Based on two large surveys of transgender people, they are as politically engaged as or more politically engaged than the general population. However, existing studies are limited and highlight the need for future work examining the political identity formation, attitudes and political participation of transgender people based on probability-based samples.

Like most LGBT rights issues, elements of transgender rights issues can be understood within the morality politics framework. However, transgender rights issues are distinct from gay civil rights in some ways and the differences allow for new research opportunities. Social scientists were somewhat slow to take up the study of transgender rights given a lack of quantitative data, but many advances

have been made in the past decade. Here we focused primarily on public opinion and subnational policymaking. Particularly for public opinion research, the overwhelming majority of this work occurred after transgender rights hit a "tipping point" (Steinmetz 2014) where the increased political salience of the topic (in news media and popular culture) justified the expenditures necessary to collect nationally representative survey data. This has led to a burgeoning literature that has shed much light on attitudes about trans rights.

Although many of the factors that drive opinion on transgender rights are similar to those that affect gay rights, there are important differences, most notably less warm feelings toward the transgender community and the multidimensionality of the public's views on transgender related public policy. Despite a lack of support for some policies, such as those related to public funding for gender dysphoria related medical treatment and gender identity based access to some historically sex segregated facilities, the transgender rights movement has made many policy gains, particularly at the state and local levels. Our review of the policy literature in this area similarly finds that transgender policymaking has shares some of the morality politics characteristics of gay civil rights policymaking. However, transgender rights differs enough to offer new insights into what is an emerging new front in the culture wars.

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