

Evaluation of Washington State's Senate Bill 5599 Concerning Runaway Transgender Youth

Cobi Clark

University of Washington, cobi@uw.edu

Follow this and additional works at: <https://digitalcommons.tacoma.uw.edu/access>



Part of the [Biological and Physical Anthropology Commons](#), [Child Psychology Commons](#), [Civil Rights and Discrimination Commons](#), [Family Law Commons](#), [First Amendment Commons](#), [Gender and Sexuality Commons](#), [Human Rights Law Commons](#), [Juvenile Law Commons](#), [Law and Gender Commons](#), [Law and Philosophy Commons](#), [Law and Politics Commons](#), [Law and Society Commons](#), [Legislation Commons](#), [Lesbian, Gay, Bisexual, and Transgender Studies Commons](#), [Models and Methods Commons](#), [Natural Law Commons](#), [Other Economics Commons](#), [Policy Design, Analysis, and Evaluation Commons](#), [Political Economy Commons](#), [Queer Studies Commons](#), [Sexuality and the Law Commons](#), [Social and Cultural Anthropology Commons](#), and the [State and Local Government Law Commons](#)

Recommended Citation

Clark, Cobi () "Evaluation of Washington State's Senate Bill 5599 Concerning Runaway Transgender Youth," *Access*: Interdisciplinary Journal of Student Research and Scholarship*: Vol. 8: Iss. 1, Article 7. Available at: <https://digitalcommons.tacoma.uw.edu/access/vol8/iss1/7>

This Undergraduate Research Paper is brought to you for free and open access by the Teaching and Learning Center at UW Tacoma Digital Commons. It has been accepted for inclusion in Access*: Interdisciplinary Journal of Student Research and Scholarship by an authorized editor of UW Tacoma Digital Commons. For more information, please contact taclibdc@uw.edu.

Abstract

This paper utilizes a recognized policy analysis framework (Kraft & Furlong, 2018) to evaluate the objective effectiveness, efficiency, equitability, and ethical nature of Washington State's 2023 Senate Bill 5599 (SB 5599, 2023) within contemporary social, political, cultural, and geographic contexts. SB 5599 was signed into law by Governor Inslee on May 9th, 2023, and became effective July 23rd, 2023. The bill established an exception to the reporting requirements the state and its agencies must follow when accepting runaway youth into shelters. The exception established is that the state is no longer required to report to parents that it has accepted their children if the child is seeking or undergoing gender affirming care. This law raises questions as to when it is acceptable for the state to intervene between parent and child, what rights apply to children who are not yet rationally capable or informed, and to what extent rights should be applied positively or negatively in certain contexts. This paper will illuminate the contextual ambiguity of effectiveness, efficiency, equitability, and ethics related to SB 5599, while also identifying the ways in which SB 5599 should be changed to conform to these criteria within Washington State's social contexts and the policy framework. Key suggested changes to SB 5599 include establishing age criteria, clear identification of intent regarding protected health services, and seeking a vote of the people.

Keywords: *policy analysis and evaluation, positive/negative rights, LGBTQ+ rights, rights of minors, parents' rights, process/outcome equity, gender theory, ethical philosophy, sociology, political economy, civil rights, law and legislation.*

Introduction and Criteria

Senate Bill 5599 (SB 5599) is described by the Washington State Legislature as a bill “supporting youth and young adults seeking protected health care services” (SB 5599, 2023). Its claims as to why and how it does this are vague and multifaceted and will be fully reviewed within section three (3) of this article. However, on its face, the bill suggests it accomplishes its goal by establishing that transgender minors may gain shelter without parental contact. The way this lack of contact supports youth seeking gender affirming care (defined by the bill as “protected healthcare services” [p. 3]) is less clear and requires an evaluation of the agencies and advocates in the way they administer and advise on this legislation.

Kraft and Furlong (2018) offered the tools this article will use to conduct the evaluation of SB 5599 through an interdisciplinary approach to policy analysis, with consideration of societal, economic, political, cultural, and geographic contexts. Kraft and Furlong stressed that the merits of a policy should be generally measured on how effective, efficient, equitable, and ethical it is within these contexts. Although Kraft and Furlong’s interdisciplinary approach is ideal for analyzing a policy as sensitive as SB 5599, the challenge is these contexts are relative to the time and place in which they exist. Further, their terms—effectiveness, efficiency, equitability, and ethics—can be ambiguous or vague. This is particularly seen when relating them to large, multicultural voting populations and representatives as among Washington State voters.

This paper aims to thoroughly develop and objectively analyze the contexts and evaluative criteria relating to Washington State’s 2023-2024 Senate Bill 5599 (SB 5599 2023) in the following sections. First, this introductory section has offered a synopsis of Kraft and

Furlong's (2018) policy evaluation framework (pp. 51–68, 282–295) and SB 5599. Following the introduction, section one (1) will identify key social contexts and ideas within Washington related to the topics SB 5599 seeks to address, including LGBTQ+ civil rights, parents' rights, children's rights, and whether healthcare and/or housing are rights. Section two (2) will build upon Kraft and Furlong's approach to policy analysis and will situate their criteria—effectiveness, efficiency, equitability, and ethics—within Washington's understanding of these ambiguous concepts. Section three (3) will evaluate SB 5599 in consideration of the topics and criteria established in sections one (1) and two (2). Finally, section four (4) will offer concluding remarks as to the ways SB 5599 should be revised in consideration of these evaluations.

Section (1) Contextualizing Rights and SB 5599

1.1 Positive and Negative Rights

The rhetoric surrounding SB 5599 largely centers on “Parents’ Rights vs. Trans’ Rights.” Unpacking SB 5599 within the context of our current social, economic, political, cultural, and geographic environment necessitates establishing what “rights” are and how they are understood in relation to the individual, society, and the State of Washington. In both Washington State and the larger United States, there is a bifocal understanding of “freedom” and its associated “rights.” These two different understandings are “positive rights” or “positive liberty,” and “negative rights” or “negative liberty” (Heyman, 1992). By name alone they appear in competition, but when discussing the relationship between equity and liberty in the next sections, positive and negative rights can be seen at times to harmonize in particular contexts.

1.1.1 Positive Rights and Liberty

Positive liberty/rights are rights which *entitle* an individual to something. This can be thought of as “freedom *to*” or the “right *to* something.” Advocates for negative rights often reframe these as “entitlements,” “wants,” or “needs,” rather than “rights.”¹ As Heyman notes, advocates tend to ascribe President Franklin D. Roosevelt’s (FDR) administration or the “progressive era” of American politics as the beginning of the notion of positive rights. However, the idea of positive liberty exists in both the United States’ (US) Bill of Rights and the Washington State Constitution. The Sixth Amendment, within the Bill of Rights, contains “the right to a lawyer,” “the right to an impartial jury,” and “the right to know who your accusers are.” These are classic positive rights. The Sixth Amendment’s articulated rights impose an obligation on a person other than the individual benefiting from the right to entitle the beneficiary to a particular good or service. The imposed obligations include payment for legal services, the time of conscripted jurors, and information from the plaintiff. While these positive rights tend to be exceptional within US history, they existed before the progressive era, but were *expanded* in that era, particularly the right to education.

The Washington State Constitution, for example, grants citizens and non-citizens alike the right to an education in Article IX (Plyler v. Doe, 1982), thereby granting minors the positive right to compel third parties to provide for their education, while the minors themselves are also compelled to attend. However, both the US and Washington constitutions contain express

¹ This concept is propagated by the Tuttle Twins, a libertarian cartoon targeted toward children. The Tuttle Twins in this case have a visit with a cartoon version of John Locke, who describes that rights can never require something of someone else (Tuttle Twins, 2024). The cartoon curiously omits John Locke’s (1689/2020) own allusions to positive rights, such as those associated with the labor theory of property or within the child/parent relationship (p. 109-129).

limitations on this notion of positive freedom, at times in seeming contradiction to a blanket expression of negative rights.

1.1.2 Negative Rights and Liberty

Negative rights are those which defend an individual from infringement by something or someone, often thought of as “freedom *from*” or the right to be free *from* compulsion. Classic examples include the First through Fifth, and the Eighth Amendments to the US Constitution, each defending the individual from others and/or the state in some way.² Moreover, the Washington State Constitution (1889) declares, “All political power is inherent in the people, and governments derive their just powers from the consent of the governed, and are established to protect and maintain individual rights” (art. 1, § 1), enshrining an element of blanket negative liberty as inherent to Washington’s social contract by virtue of “the consent of the governed.” Advocates for positive rights are often intentionally ambiguous when referring to something as a right, seeking to capitalize on any misunderstanding between positive and negative liberty; given that the state is established to protect and maintain individual rights, it is imperative that “positive rights” be rights and not wants, needs, or entitlements for the purpose of their arguments.³ With this multifaceted context surrounding rights established, unpacking the ambiguity of “civil rights” and “transgender rights” and “parents’ rights” associated with SB 5599 can begin.

1.2 Civil Rights

² Notice there are many more negative rights than positive rights.

³ FDR reframed the word “to” to “from,” in his famous “Four Freedoms” speech; proclaiming that the United States was fighting WW2 for Four Freedoms: freedom of speech, freedom of worship, freedom *from* want, and freedom from fear. “Freedom *from* want” stated regarding FDR’s push for new welfare policies under the income tax system (Monroe & Kersh, 2018). Welfare was presented as a positive right amongst negative rights but stated in a negative way.

Understanding the different interpretations of rights, it can be identified that civil rights contain ambiguity between positive and negative civil rights. The positive meaning suggests preferential treatment *to* protected classes, regardless of infringement upon others (for example, quotas, affirmative action, forced association, etc.). The negative meaning suggests freedom *from* infringement by others (for example, the elimination of Jim Crow laws, state sponsored racial redlining, zoning practices, etc.). The ways in which these disparate meanings can cause civic resentment are explored by Thomas Sowell (1985), in his work *Civil Rights: Rhetoric or Reality*. Sowell's book described ways in which the promise of negative civil rights (through the ambiguous framing of civil rights) transformed into the application of positive civil rights for protected classes.⁴ This transformation developed from the historic *Brown v. Board of Education* decision in 1954, through the *first* era of affirmative action, which largely ended when President Ronald Reagan, in the mid-1980s, essentially defunded the Equal Employment Opportunity Commission. Sowell (1985) argued, "The right to vote is a civil right, the right to win is not. Equal treatment does not mean equal results" (p. 109). This understanding of rights intersects with different interpretations of equity which will be explored in Section 2.2.1 and Section 3.3 of this paper. Sowell claimed that backlashes to civil rights, such as those during the Reagan era, are usually the result of positive applications that infringe on the negative rights of others, particularly when those positive rights are ambiguously understood by the public. There is a greater consensus in favor of education as a positive right, for example, in part because there is no ambiguity as to what else it could be.

⁴ It was estimated that protected classes encompassed about 70% of the US population at the time of Sowell's (1985) publication and included "blacks . . . women, and the aged" and "Asians, Hispanics, and American Indians" (p. 14).

1.3 Civil Rights within Washington State

The ambiguity of civil rights, and the evolution from negative to positive applications of rights, is exceptionally important to recognize in Washington State where SB 5599 was passed. The state has a long history of establishing and defending negative civil rights. However, Washington also has a history of rejecting positive civil rights when questions surrounding positive rights are brought to and understood by Washington's voters. Examples of how Washington reacts to different forms of rights will be provided within this section.

Washington's exceptional defense of negative rights can be understood via the following examples. It is one of only seven states that has persistently defended the right to property by rejecting income tax proposals for nearly a hundred years (Probasco, 2024). The state is a "stand your ground" state, allowing violent force to be used to defend one's home (Kirk, 2024); it was the first state (along with Colorado) to legalize recreational marijuana (Coffman & Neroulis, 2012); it is one of ten states to legalize assisted suicide (Haring, 2023); it was the first state to recognize and accept same-sex marriage; and one of only three to approve same sex marriage by popular vote (*Factbox: List*, 2013). Washington also holds the strongest sanctuary city laws in the nation, alongside California, Illinois, New Jersey, and Oregon (Immigrant Legal Resource Center, 2023).

Yet despite Washington's defense of negative rights, its voters reject positive applications of those rights despite advances by the voters' representatives. For example, Washington is one of just nine states which explicitly banned affirmative action in the US. The ban was initially passed in 1998, with nearly 60% voting in favor (Ballotpedia, 2024). In April of 2019, the legislature briefly overturned the ban by passing Initiative 1000. By November 2019,

however, Initiative 1000 was repealed again by a vote of the people on Referendum 88 (Ballotpedia, 2024), preserving the ban on affirmative action and defending negative rather than positive rights.

In a state like Washington, it is exceptionally important to distinguish between positive and negative rights when communicating with the voters. By voting record, they know the difference between the two and tend to collectively support negative interpretations of rights, even when their representatives advocate for positive interpretations of those rights. This is not to say that Washington cannot accept positive rights, it can. However, its people must be informed which they are deciding on, a concept which will be explored further when discussing equity and ethics.

1.4 Transgender Civil Rights and Parents Civil Rights

Having established how Washington interacts with positive and negative civil rights, this context may be expanded more specifically by highlighting the current discourse over “transgender rights” and “parents’ rights.” While the advancement of transgender rights is often more associated with the Left and the advancement of negative rights is often more associated with the Right, negative rights are at the foundation of critical gender ideology. Early pioneers in gender theory, including UC Berkeley Professor Judith Butler, a leading philosopher and scholar on gender, centered their arguments on the influence of society over the individual in *assigning* gender in accordance with biological sex (Big Think, 2023). One key aspect of their argument is state support of the nuclear family via marriage licensing and taxes, which promote a form of cis-gendered heteronormativity. They argue this state system of family law forces a certain social picture of gender conformity upon impressionable youth by

shaping the environment in which they grow. Transgender rights, at the level described by Butler and her predecessors, is an expression of negative liberty, in which the individual should be free from societal influence in how they express themselves. Freedom of expression, you'll note, is a classic negative right associated with the first amendment.

So, what is the issue with SB 5599 defending minors' right to free gender expression? US and Washington citizens accept negative rights for everyone else; to deny them to transgender people is merely bigoted, correct? Not entirely, for two key reasons. First, this claim to negative rights has evolved into applications of positive rights, just as happened with civil rights (Sowell, 1985). Second, when it relates to impressionable irrational youth (as it does in SB 5599), claims of negative rights for minors often interfere with the negative rights of parents from the state (parents' rights), this conflict cultivates the culture war. Dave Chappelle (n.d.) best summed up the issue when he proclaimed, "I would support anyone's right to be whoever they feel like they are inside. I am your ally in that. However, my question is: to what degree do I have to participate in your self-image?"⁵

To conclude this section on context, two examples of how claims to negative LGBTQ+ rights are evolving into positive rights within Washington will be provided. These lay the foundation for reactionary discontent, as during the Reagan era regarding civil rights.

1.5 Transgender Civil Rights within Washington

⁵ This proclamation, decried by many LGBTQ+ advocates, highlights a conflict of intersecting positive/negative rights amongst everyday people, not just debated between policy or academic elites. Moreover, this shows the way in which everyday people interact with this issue, often failing to distinguish between differing sorts of ambiguous concepts and merely projecting or accepting their own understanding of the ideas.

The State of Washington, through its Attorney General Bob Ferguson, recently concluded two high profile discrimination cases against small business owners: *Olympus Spa v. Armstrong* (Olympus Spa v. Armstrong, 2023) and *State of Washington v. Arlene's Flowers* (Washington State Supreme Court, 2019). The first case, *Olympus Spa v. Armstrong*, involved Armstrong, an individual who had a penis and identified as a woman, and a female-only, nude Korean spa in Lynnwood, WA. The spa claimed it had a right to freely associate and deny business to anyone, and that allowing someone with a penis in the nude women's section would hurt its business, given that its patrons assigned female at birth didn't want to be exposed to genitalia traditionally associated with males. Armstrong claimed the business could not discriminate against her based on the appearance of her genitalia, and that the business must be forced to allow her to participate in nude female spa activities. Armstrong prevailed in court and Washington State denied Olympus Spa's negative right to freely associate in favor of Armstrong's positive right to receive services regardless of her anatomy. In the second case, *State of Washington v. Arlene's Flowers*, a flower shop attempted to deny floral services to a same-sex wedding based on their negative first amendment rights to religious expression. Washington ruled in favor of the same-sex couple's positive rights and compelled the florist to provide services.

Each of these cases is somewhat unique, in that considerations were no longer made toward the ability of individuals of protected classes to receive services elsewhere. Each could have received spa services or floral services from other businesses; neither Olympus nor Arlene's have monopoly power over their industries, nor is there widespread denial of these

services by many businesses against LGBTQ+ people in the form of a cartel⁶ as there may have been against minority groups in the past. The cases were resolved, not based on equal access to services, access to established positive rights such as education, or how necessary the services are (in contrast to housing rights, for example, these cases involved luxury goods and services), but solely on the basis that the positive rights of protected classes supersede the negative rights of service providers. These resolutions represent an expansion of ambiguous or negative rights into positive rights.

In understanding these ambiguous, distinct, and sometimes competing notions of rights, it is important for a policy analyst to evaluate a policy and inform regarding these contexts, but to not choose a particular form of rights with which to agree with or disagree. To evaluate SB 5599 objectively requires an assessment of how compatible SB 5599's version of rights, equity, efficiency, and effectiveness are within the context of Washington's broader acceptance of rights within its specific social contract, ethics, and social environment. It is not for the policy analyst to decide how Washington should vote, but rather explain what policy makers must ethically do to allow Washington voters to make an informed and consenting decision on a particular policy.

Section (2) Effectiveness, Efficiency, Equitability, and Ethics related to SB 5599

2.1 Positive Criteria

⁶ While the colloquial understanding of the term “cartel” carries a negative connotation associated with the drug trade, it is not used here in a derogatory sense or in association with drugs. Cartel is a technical term in economics used to describe a group of suppliers who collude with one another to gain monopoly power when they would otherwise be in competition (Chen, 2023). Used here, it indicates that competitive businesses are not conspiring to deny LGBTQ+ people services through collective monopoly.

Kraft and Furlong (2018) noted that analyses of effectiveness and efficiency are largely positive forms of analysis, or a dispassionate observation of testable facts describing the way things are. They also noted that equity and ethics are normative forms of analysis which involve value judgements and philosophical interpretations of the way things should be (Fontinelle, 2023). For this paper, my definitions related to the positive criteria will be brief but consistent with Kraft and Furlong; the definitions related to normative criteria will be broadly expanded but also largely consistent with Kraft and Furlong. Expanding the normative criteria is necessary to situate them within the previously established context of Washington's sociopolitical environment and to better illuminate the way various forms of equity and ethics intersect with each other.

2.1.1 Effectiveness

The ambiguity of effectiveness lies in what time period is being referred to, the past or the future. Effectiveness can mean: how well did the policy empirically accomplish its stated goal? Alternatively, in the absence of relevant past performance data, effectiveness can be explored by how cogent expectations of future performance are. The former method of measuring past performance is more desirable, but SB 5599 fails to establish adequate methods of measuring its performance. There is, however, some tangential data related to its future goals that will allow for an assessment of the policies' future potential. Within the evaluation section of this paper (section 3), I will identify two issues related to SB 5599's effectiveness. The first is what should be done to the policy to allow for better analysis of past effectiveness. The second will be to identify what the available data tells us about the likely future performance of the policy.

2.1.2 Efficiency

The efficiency of the policy will be judged through an economic lens, in two ways. The first form of efficiency is operational in nature. It recognizes that individuals seek to meet their own needs and can self-regulate toward goods and services and acknowledges that market interventions can cause market distortions such as deadweight-loss and misallocation of surplus.⁷ This “operational efficiency” identifies if a market intervention has caused an artificial change in supply or demand. The second form of efficiency, “material efficiency,” recognizes the opportunity cost of a policy and identifies if there are higher-value ways the state could spend its money to accomplish its goals. While SB 5599 (2023) fails to identify the costs associated with the legislation within the body of the bill, it does contemplate contracting with “outside entities” to produce several reports on the program (p. 10 § 4). One of the reports, produced by the Office of Homeless Youth Prevention & Protection (OHY) within the Department of Commerce, includes spending information related to the programs it administers in favor of SB 5599 (OHY, 2024, pp. 13-14). In evaluating efficiency, I will observe and report on data from these reports related to SB 5599.

2.2 Normative Criteria

The equitable and ethical nature of the policy will be assessed dialectically, in consideration of different forms of equity and different contemporary ethical philosophies. I

⁷ A deadweight-loss occurs when surplus is allocated artificially outside market equilibrium, often due to a market intervention or monopoly. The artificial intervention causes a missing market, which results in a loss of aggregate surplus. A classic example of this is price floors and ceilings causing black markets for goods (Economics Explained, 2020, 7:30).

will seek to harmonize key aspects of these varied forms of equity and ethics, to situate them within Washington's broader social contract as established by its constitution.

2.2.1 Equity and its Intersection with Ethics and Rights

While Kraft and Furlong (2018) succeed in identifying that the meaning of equity is ambiguous, with "at least two different meanings in contemporary policy debates: process equity and outcomes (end-result) equity" (p. 291), they give reference to just one mid-20th century philosopher's interpretation for each form of equity and offer marginal effort in describing the way in which they intersect with one-another, or with other forms of equity and ethical systems (such as notions of "rights" as previously identified). Moreover, Kraft and Furlong's over-simplistic attribution of process-equity to conservatives and outcomes-equity to liberals is not conducive to constructively understanding SB 5599 within the context of contemporary debates in Washington surrounding transgender rights. Consider the *process* considerations made by gender theorists such as Judith Butler when determining transgender rights to free expression, as discussed in section 1.4. Consider also the way conservatives use sports *outcomes* to make claims as to who can participate in gender-segregated sports leagues.⁸ People across the political spectrum can favorably conceive of outcome-equity or process-equity in different contexts, making it imperative for representatives to supply those contexts and distinguish between equities. That way, voters can come together on issues and/or make more informed decisions with clear information.

⁸ Conservative media outlet the Daily Wire recently released a movie *Lady Ballers*, highlighting the perceived inequity in outcomes associated with people assigned male at birth participating in women's sports (The Daily Wire, 2023).

To expand upon Kraft and Furlong's (2018) identification of "equity of outcomes," which they associate with Rawls' (1971/1999), and "process-equity," associated with Nozick (1974/2013), I will consider the work of other intellectuals associated with each version of equity. In this way we can better understand each form of equity, the way they have evolved over time, and the contemporary debate surrounding the two. Moreover, I will give several examples from Washington State to demonstrate how prevalent these notions of equity are in everyday life for Washingtonians, rather than merely relying on "elite" philosophical theories and frameworks. Through this deeper understanding of equity, we can also identify the way in which each different version of equity can occasionally harmonize with each other, which will give us a more complete picture as to what policy makers should do with policies such as SB 5599 in Washington.

2.2.1.1 Equity of Outcomes

Debates related to equity have existed since at least Aristotle's time, discussed within *Nicomachean Ethics* as "epieikeia"⁹ (Nussbaum, 1993), with the following phrase attributed to him: "The worst form of inequality is to try and make unequal things equal" (Ed Publica, 2022). However, outcome-oriented equity need not always be about making unequal things equal; outcome equity itself can be ambiguous. Outcome equity thinkers often have different outcomes in mind when discussing their views on equity. Following an identification of various suggested outcomes, I will associate them with SB 5599 before moving on to discuss process equity.

⁹ Epieikeia is the Greek word for equity.

John Rawls (1971) was something of a pioneer of both “welfarism” and modern “social justice” movements. He claimed that equity is directly related to “just outcomes,” associated with both wealth and political power. Moreover, he identified that not only the state but racist social structures (such as companies acting as cartels¹⁰ against minority employment) can serve to impede individual progress, regardless of individual capability. He claimed society has an obligation to uplift the worst off, but he also noted a just outcome need not be an equal outcome. Rawls posited that unequal outcomes could be justified if the party on the lower end of the outcome was better off than they otherwise would have been in a state of nature, without social intervention. However, this may be problematic for other outcome-oriented thinkers. When calls of reparations are made for Blacks in the US, such as those made by Robin DiAngelo (2018/2020), the justification is often that the state has wronged them by “the legacy of slavery” and through racist state and social structures.¹¹ However, Rawls’ theory of justice would claim that Black Americans are better off today in the US than they would have been had they remained in Africa, inferring they are privileged benefactors of their ancestral bondage.¹² Suggesting that this sort of outcome is “just” is untenable for many outcome-oriented thinkers. Likewise, claiming a child seeking gender affirming care under SB 5599 should be denied such care on the basis that they are better off having parents than not, irrespective of any other consideration, is also untenable for many. As advocates of SB 5599 note, abuse or denial of

¹⁰ Here again I note that “cartel” is not used in relation to the drug trade. Cartel here indicates that when there was widespread racism amongst business owners against Blacks, the effect on labor demand was monopsony (demand side version of the supply side notion of monopoly) (Young, 2024). Businesses which would be in competition fixed labor demand in a way a cartel would, even without direct collusion because of cultural racism.

¹¹ Richard Rothstein (2017) described the way the state perpetuated systemic racism after slavery was abolished up through the progressive era.

¹² This claim continues to be made by contemporary critics of reparations (Heydel-Mankoo, 2023, 2:10).

necessary healthcare is sufficient reason for state intervention, so why not transgender “healthcare?”¹³

This notion of healthcare as a positive right was discussed previously. Now we can explore how this concept intersects with notions of outcome equity and positive liberty by reviewing work from other outcome equity thinkers, beginning with Amartya Sen (1999) and Martha Nussbaum (2011), who focused on “unfreedoms” and “capabilities.” Sen sought to develop the notion of “freedom from want” (formerly described by FDR) into a more comprehensive understanding of the way environmental social limitations, such as lack of healthcare access or clean water, infringe on individual ability to freely develop (a person who can’t access clean water can’t live freely). Sen suggested that the elimination of individual “unfreedoms” should be the ultimate desirable outcome regardless of social benefit, in contrast to consequentialist utilitarians such as Keynes (1936) who justify social interventions based on macro-oriented growth that benefits the collective. Nussbaum’s “capabilities” outcome is similar to Sen, but distinct as she focused on biological preconditions toward “unfreedom” rather than social ones, such as being born without legs. Moreover, Nussbaum highlighted equity or *epieikeia*, as the Greeks understood it, as not intended to be retributive, in contrast to thinkers such as DiAngelo (2018/2020) and Marx (1848), who placed a greater focus on causing beneficiaries to pay.

¹³ Quotations here are not used to indicate that I disagree with the idea that gender affirming care is healthcare, but rather to indicate that I neither agree nor disagree with the idea that gender affirming care is healthcare. One of the points made by this paper is that this question should be decided by Washington’s voters before legislatures begin applying their impressions of what healthcare is to their children. SB 5599 is operating without informed consent of the people on this issue; voters need to decide that gender affirming care is healthcare and that healthcare is worthy of positive application of rights.

As an example of how these notions of outcome equity can intersect in healthcare, suppose an individual was born diabetic (type-1); that individual requires insulin to survive. If their parents can't and society doesn't supply it, they will die. Most people in US society are willing to offer support to individuals who got a bad roll of the cosmic dice. While some may prefer that support come from the state, and others from the church or private sector, both are often willing help people in this case. Sen and Nussbaum would defend the diabetic based on their right to life (in this case a positive right to life). Keynes would suggest their future productivity would outweigh the cost to society in offering them insulin and justify borrowing for it. Rawls would identify that death is the ultimate undesirable outcome in a state of nature and society must make the diabetic better off. However, if someone is borne into a body they don't identify with, to what degree do they require gender affirming care to survive, live freely, or produce for society? Before concluding that these outcomes are sufficient for the state to equitably intervene, a counterexample that leads into the identification of process equity should be explored.

Suppose the individual wasn't born diabetic, but rather developed diabetes due to lifestyle choices (type-2), such as a lack of good diet and exercise. In this case, the outcome is the same: the individual will die without insulin. However, in this scenario, there is far less consensus that society should provide the diabetic with insulin. When focusing so closely on outcomes without identifying the process by which outcomes were achieved, as Sen (1999) does by expressly denying "the 'libertarian' preoccupation with procedures for liberty" (p.19), an important element of equity is missed.

2.2.1.2 Equity of Process

By building upon our counterexample and identifying some “moral hazards”¹⁴ associated with providing the type-2 diabetic with insulin, we can begin to discuss process equity. Suppose society, through the state, agrees to provide insulin to the type-2 diabetic: the state has now created a mechanism by which an individual receives the short-term psychic-profit of poor diet and lack of exercise, but some of the long-term consequences (price of insulin) is borne by 3rd parties. This is the state creating a negative externality where none previously existed. The outcome-oriented thinkers can still justify this, as the cost to many is diffused relative to the cost to the individual (at least in the short-run). Keynes (1936) might say that future tax revenue and growth in gross domestic product could be worth the social spending, but Hayek (1944) notes this moral hazard can infringe on freedoms. In contrast, Sen’s (1999) notion would eliminate the “unfreedom” of requiring insulin (p. 15). Understanding that democracies are places in which social blocs and pluralities can decide for other groups what will be done through state force of law (Sumner, 1884), the groups bearing the economic consequences of the diabetic’s choices will have an incentive to demand that the diabetic make different choices. This circumstance creates a new unfreedom, where the individual may be denied certain rights on the basis that it is harming more than just themselves. Creating incentives to force people to eat better and exercise more may seem worth the loss of negative freedom on the surface, but suppose how this mechanism of “unfreedom” may work in relation to contraceptive care, or gender reassignment surgeries. Do we really want pluralities telling individuals what they can and can’t do with their own bodies?

¹⁴ A moral hazard is a circumstance in which an economic actor has an incentive to engage in risky behavior because the risks of that behavior are borne by third parties (*What Is 'Moral Hazard'*, n.d.).

It is important to highlight that this type-2 counterexample may not actually undermine the desire to take an outcome-oriented equity approach to the type-2 diabetic, but it does describe how blanket claims of “healthcare for all” can lead to ambiguous misunderstandings and unnecessary conflict. SB 5599 elucidates this conflict by virtue of its claim that gender affirming care is necessary, which will be further explored in section 3.3. This diabetic distinction draws attention to how nuanced individual circumstances can be in terms of equity and how important it is to remain unambiguous when discussing equity in relation to a particular issue. This call to individual circumstance is something that Nussbaum (1999) highlights in her works on equity. However, she notes that the Greeks primarily conceived of equity as an objective relationship between an individual and their society (a concept now known as Contractualism), whereas now process-equity thinkers generally consider equity as a spontaneous subjective relationship between individuals, as Nozick (1974) notes (a concept now known as Contractarianism). Menger (1871) offered a solution to individual nuance: given that equity can be perceived differently from person to person, Menger suggests that subjective discourse can be resolved via bargaining between rational, informed, and voluntarily consenting individuals, this is known as the Subjective Theory of Value which is the foundation for the modern understanding of economic marginal utility.

A common real-world example of Menger’s bargaining process resulting in equitable outcomes can be found in the housing market. As of 2023, 66% of Washington residents owned their own homes, and all of them had equity in those homes (Federal Reserve Economic Data, 2024). This notion of equity, as represented by fair market value is resolved via free

market bargaining, runs deep in the American psyche as they recognize the way value is described as fairness or “equity.”

Outcome-oriented thinkers are often critical of this process, noting that the concept of rationality can be nebulous, information is never perfect, and can someone really be considered acting voluntarily if environmental constraints are pushing them to a particular outcome (such as a man seeking medical care when having a heart attack)? However, critics of outcome-oriented equity often posit similar complaints regarding inconsistency of what outcome may be desirable. How do we decide what outcome we should want? Outcomes are often contradictory, and can we trust people to mediate that outcome in a manner that really represents equity for all? Jordan Peterson (2018) sums up this criticism of outcome-equity, noting the problem of intersectionality and plurality of power, although incorrectly conflating all outcome equity with “equality of outcome” (5:40). As we demonstrated herein, outcome equity is not always redistributive in the manner suggested by Marx and DiAngelo.

2.2.1.3 Harmonic Equity

With all these varied, intersecting, and contradicting notions of equity, how could a policy analyst ever hope to make an objective claim about what representatives should do when crafting an “equitable” policy? The key in Washington relates to Article 1 of its Constitution, the consent of the governed. To develop a form of “harmonic equity,” which Haidt (2023) notes can occur when an assessment of disparate outcome leads to a correction of a failing process which then corrects the outcome naturally (John Anderson Media, 2023), we need to assess the contractarian process of consent described by Menger (1871) in terms of the contractualist relationship Washingtonians have with the state; we also need to identify

whether the expected outcome of SB 5599 is borne from consent of the voters or the lobby of special interests and representatives. Moreover, we also need to evaluate the way in which outcomes and processes impact the parties directly targeted by SB 5599.

Section 3 Evaluation of SB 5599

3.1 Effectiveness of SB 5599

Using Kraft and Furlong's (2018) framework as identified in section 2 we will begin evaluating SB 5599 with the first two aspects of the framework: effectiveness and efficiency. To establish the effectiveness of SB 5599, the intent of its sponsors must first be identified. The intent of the bill can be drawn from both primary and secondary sources. First, section one of SB 5599 (2023), establishes a need for the legislation; it identifies the following premises (p.1 § 1):

- 1) "Unsheltered homelessness for youth poses a serious threat to their health and safety."
- 2) "...One in three transgender youth report attempting suicide"
- 3) "Homelessness amongst transgender youth can further endanger an already at-risk population."
- 4) "Youth seeking *certain medical services* are especially at risk and vulnerable"¹⁵

-
- 5) Therefore, the legislature intends to remove barriers to accessing temporary accommodations for youth seeking gender affirming care.

Second, the broader context of the gender affirming scientific community exhibits a push among some of its contemporaries to define a refusal to provide gender affirming care services to minors as neglect or abuse (Dubin et al., 2020). This perception of neglect is also reflected in the bill; while a parent's refusal to provide gender affirming care is not defined in SB 5599 as

¹⁵ Given the bill newly defines gender affirming care as a "protected health care service," the implication is that gender affirming care is "certain medical services" (p. 3, § 2).

neglect or abuse, it is defined as the only other acceptable reason not to call a parent. This inclusion indicates it is certainly seen in the same vein by the bill's authors and supporters. Third, the Office of Homeless Youth Prevention & Protection's (OHY, 2024) report contains express recommendations to the state related to transgender youth seeking care, noting that the state must "ensure access to flexible cash assistance across all service interventions that can be used for transportation, personal health care costs, and other needs that may not be required by existing resources;" it must also "develop clear legal guidance to/build legal literacy among all youth housing and service providers in Washington" (p. 22) . These recommendations represent scope creep beyond merely housing transgender youth and defending their negative rights to gender expression. This expanding scope suggests providing gender-affirming care as a positive right, funded by taxpayers (including the child's parents), while empowering housing providers to facilitate transgender youth's access to such care despite parental objections. Moreover, the recommendation seeks to do so as a matter of administrative policy rather than formal legislation. This is a classic example of an evolution of negative to positive rights as explained in section one (1).

In assessing these claims and intentions, two desired effects of this bill are made plain. The first is that children be allowed gender affirming care regardless of the wishes of their parents; the second is that in allowing these youth gender affirming care, harms such as suicide, mental health issues, and emotional pain will be mitigated, which otherwise may not have been under the authority of their parents. To adequately assess how effective this bill is in accomplishing these intents, two methods should be performed. Method one, a track-record of policy utilization would need to be established over time, indicating that youth are aware of

this law and cite it to receive shelter or gender affirming care without intervention from their parents. Method two would provide or procure sufficient empirical evidence among the scientific community to conclude that gender affirming care and shelter as articulated in SB 5599 causes an improvement in psychological and quality of life outcomes irrespective of other potential confounding factors.

The evaluation criteria established by SB 5599 in its section 4 is insufficient to assess the effectiveness of this policy over time consistent with method one. The evaluative report provided by the OHY does not make any distinction between unsheltered transgender youth and other youth seeking shelter. The OHY's report merely offers "data regarding the [total] number of unsheltered homeless youth" and "recommendations for supporting unsheltered youth," which is all it is required to offer by law (SB 5599, 2023, p. 10 § 4). This lack of data, and lack of method for collecting data, will make it impossible to evaluate SB 5599 by method one noted above. To rectify this issue, SB 5599 needs to be amended to require data collection of the number of cases without attempted parent contact due to bill SB 5599 protections.¹⁶ However, in relation to method two, some members of the scientific community acknowledge a mixed or incomplete scientific understanding of the impacts of gender affirming care on individuals (Landen, 2020; Van Leerdam et al., 2023). These studies indicate that there is a lack of consensus among the scientific community as to how access to various forms of gender affirming care impacts mental health outcomes.

¹⁶ Prior to SB 5599, agencies were required to report whether parents were contacted or not when accepting youth into a shelter. There was only one reason not to contact parents in the past, abuse. Now that there is more than one reason not to contact parents, the agencies need to identify which reason for non-contact they are using in order to evaluate the impact of SB 5599.

In understanding these limiting factors, it is clear this policy's effectiveness cannot yet be adequately determined. Additional changes must be made to the policy and further research regarding gender affirming care is needed. Initial indications seem to demonstrate SB 5599's potential effectiveness related to the first intent, creating mechanisms for youth to get care without parental consent. The second intent, preventing negative outcomes associated with mental health for transgender youth, seems plausible although the science is not yet settled.

3.2 Efficiency of SB 5599

Now that the effectiveness of the policy has been reviewed, we must identify whether it is efficient. The operational efficiency of this bill is straightforward: the bill relies on youth, or those to whom the youth flee, to report to the agency. The bill does not establish any task force or committee whose job it is to seek out these youth, or carry out any form of third-party intervention, at least for the time being. Projections of operational efficiency depend on how/if OHY's recommendations are implemented. The bill merely creates the mechanisms necessary to grant individuals the power to independently navigate these laws and agencies. Moreover, in comparing spending on homeless programs between the passage of SB 5599 and today, homeless spending in Washington declined from about \$1.5B for the 2021-2023 budget, to about \$1.3B for the 2023-2025 budget. One year of data is hardly sufficient, however, to gauge the overall cost of SB 5599, particularly if agencies are expanded at the recommendation of OHY. However, no immediate cost impact of the legislation is readily obvious, considering that spending has declined since its passage. Given that this policy has not yet expanded government spending or caused any distortion within the market, which may cause a dead-

weight loss to occur, we can reasonably determine—for now—that this is an efficient policy, both operationally and materially.

3.3 Equity and Ethics

Now that we have positively identified the effectiveness and efficiency of SB 5599, we must look at it through the two remaining aspects of Kraft and Furlong's (2018) framework: equity and ethics. The desired outcome claimed by this policy is that it wishes to enforce the negative right of minors to free gender expression¹⁷ by giving them a place to go if their parents deny such expression. A major issue with this vision of outcome-oriented equity and application of negative rights is that parents can make the same claim against the state that gender theorists claim against parents: that the state is shaping the development of children in a way that infringes on their right to free expression, by noting the conflict of negative rights as described within section one (1). It is because of this unclear conflict of negative rights that this issue should be placed before the people rather than left to the legislature.

Another issue that arises from the claim by SB 5599 is that gender affirming care is *necessary* (SB 5599, 2023, p.1 § 1), in the same way a diabetic needs insulin, rather than a desire, such as for breast implants or braces for cosmetic purposes. This premise also claims that transgender youth may die without the care, although the bill fails to recognize the distinction in *process* by which that death occurs. Consider the earlier type-1 and type-2 diabetics. The process resulting in death of the type-1 diabetic is nature, a bad roll of the

¹⁷ While the Supreme Court established in *Tinker v. Des Moines Independent School District*, 1969 that children as young as 8 years-old (Paul Tinker) have the right to free expression, the boundaries of that expression haven't been explored. I.e., perhaps a school couldn't tell an 8-year-old not to identify as a certain gender; however, this negative right hasn't been applied against parents, or those younger than 8 years-old.

cosmic dice. The processes resulting in death of the type-2 diabetic arise from choices. While it may be that there are trans youth born into a body they cannot identify with, it may also be that there are trans youth choosing not to identify with their assigned gender for other reasons. Moreover, the suicidal ideation of those aged 0 – 10 is likely different from the suicidal ideation of those aged 11 – 18¹⁸. This notion of outcome equity within SB 5599, that these services must be provided to prevent suicide, commits a fallacy of composition by projecting the circumstances of some trans youth onto all youth who may become transgender. Moreover, some might claim it creates a perverse incentive for people to threaten suicide to receive services associated with claims to positive rights. The questions then become, how do we balance the negative right of gender expression, broadly accepted in Washington, with the negative right of parents, and how can we decide how necessary trans-healthcare may be for various individuals, particularly those who may not be rationally capable or sufficiently informed?

For this balance of negative rights, we must look toward process equity and its relationship to Washington's Constitution. The first challenge in this case is contractarian, in that we cannot define precisely when a child becomes a rationally capable and sufficiently informed individual. However, the resolution of this issue has historically been contractualist, in that the state has had a gradient of ages leading up to a conclusive "rationally capable," as approved by the consent of the governed. For example, ages 0 – 8 years are regarded as completely irrational (Zander, 2019), therefore, the state does not require compulsory

¹⁸ Note the disparity in suicides between the age group 10-14 and 15-24 as measured by the U.S. Centers for Disease Control (2024). Moreover, the rate of suicide in those under 10 years of age doesn't make the chart.

attendance of school until a child is at least 8 years old to avoid the conflict of interest between state agencies and the individual who cannot yet identify bias or persuasive intent (RCW 28A.225.010). Ages 8 – 15 are deemed moderately irrational; they are granted some agency in school and eventually the ability to drive in the presence of an adult and to work for their parents (RCW 26.28.060 and RCW 46.20.055). Ages 15 – 18 years old are considered moderately rational; at various age stages, they can drive, work, purchase a gun, emancipate themselves, offer sexual consent, start a business, own property, etc. (RCW 16.34, RCW 9.41.240, and RCW 9A.44). Ages 18 – 21 are considered mostly rational; at various age stages, they can vote, be drafted, drink, smoke, etc. (RCW 66.44.270). By age 21 years and onwards, one is presumed totally rational, unless proven otherwise. This public process of collectively deciding on the age of rationality in relation to gender and expression needs to happen; as Sen (1999) notes, democracies can amend their social contract to accommodate new rights. SB 5599 needs to define an age at which a child becomes rationally capable (rather than having it be any age), weigh that age against the need to receive puberty blockers before puberty, then ask the public to vote on it. Considering the conflict of negative rights, this is not the sort of thing which should be decided by representatives without a vote of the people.

A second consideration toward ethics and equity must be made in the shift from negative rights claimed by SB 5599 to positive rights suggested by the agencies reviewing and administering SB 5599. Washington has the capacity to approve such positive applications of rights and the basis of outcome-oriented equity (such as how much more capable a transgender individual who is receiving care may be). However, it must do so openly and honestly by virtue of its constitutional requirement to receive consent from the governed,

rather than behind the recommendations of nebulous agencies. Consent as noted must be rational, informed and voluntary. So, if the state wishes to provide gender affirming services to youth in a positive manner against the negative rights of the parents, it must provide clear information to voters and ask for their consent or demonstrate the rational capability of the children and their ability to offer informed consent.

Section 4: Conclusion

SB 5599 seeks to solve an exceedingly complex problem in an ill-conceived manner. The bill does not create a sufficient framework to measure its efficacy; its conception of equity is incomplete in its failure to recognize process equity; and without seeking a vote of the people or considering the rational capability of its target demographic, its passage is unethical under the terms of the Washington State Constitution, due to the associated conflict of negative rights. Moreover, the bill's claim of negatively-oriented rights shows signs of shifting toward a positive orientation of rights without the consent of the people.

The issues SB 5599 seeks to resolve do need to be resolved, but they must be discussed more openly with the public. Policies related to transgender youth need to go in front of the people and more research is needed to understand the way gender affirming care influences youth outcomes. The primary representative for irrational and uninformed individuals (as defined by the state in terms of age gradients) should remain the parent, not the state, until voters establish new parameters consistent with the Washington State Constitution. While it is possible in tragic circumstances that a parent is abusive or neglectful, and this may harm a limited number of children, the state has the capacity to harm an unlimited number of children. Therefore, power should be diffused among parents until such time as the state

meets a reasonably high burden of proof for intervention in cases of abuse, or until such time as a child is deemed rationally fit and sufficiently informed to decide for themselves. The state should engage the public transparently to determine the appropriate age for such decisions.

References

- Appreciated Learning. (n.d.). *Dave Chappelle - to what degree do I have to participate in your self-image?* [Video]. YouTube.
<https://www.youtube.com/shorts/ynNCvXTAkHU?app=desktop>
- Ballotpedia. (2024). *Washington initiative 200, affirmative action measure (1998)*. Ballotpedia.
Retrieved September 22, 2024, from
[https://ballotpedia.org/Washington_Initiative_200,_Affirmative_Action_Measure_\(1998\)](https://ballotpedia.org/Washington_Initiative_200,_Affirmative_Action_Measure_(1998))
- Ballotpedia. (2024). *Washington referendum 88, vote on I-1000 affirmative action measure (2019)*. Ballotpedia. Retrieved September 22, 2024, from
[https://ballotpedia.org/Washington_Referendum_88,_Vote_on_I-1000_Affirmative_Action_Measure_\(2019\)](https://ballotpedia.org/Washington_Referendum_88,_Vote_on_I-1000_Affirmative_Action_Measure_(2019))
- Big Think. (2018, April 12). *Jordan Peterson: The fatal flaw in leftist American politics | big think* [Video]. YouTube.
https://www.youtube.com/watch?v=8UVUnUnWfHI&ab_channel=BigThink
- Big Think. (2023, June 8). *Berkeley professor explains gender theory | Judith Butler* [Video]. YouTube. https://www.youtube.com/watch?v=UD9IOIIUR4k&ab_channel=BigThink
- Chen, J. (2023, may 19). *What Is a cartel? definition, examples, and legality*. Investopedia.
Retrieved September 22, 2024, from <https://www.investopedia.com/terms/c/cartel.asp>
- Coffman, K., & Neroulis, N. (2012, November 6). *Colorado, Washington first states to legalize recreational pot*. Reuters. Retrieved September 22, 2024, from
<https://web.archive.org/web/20180210002156/https://www.reuters.com/article/us->

usa-marijuana-legalization/colorado-washington-first-states-to-legalize-recreational-pot-idUSBRE8A602D20121107

Constitution of the State of Washington. (1889, November 11). Washington State Legislature.

Retrieved September 22, 2024, from

<https://leg.wa.gov/CodeReviser/Pages/WACConstitution.aspx>

The Daily Wire. (2023, November 27). *Lady Ballers | official trailer* [Video]. YouTube.

https://www.youtube.com/watch?v=Py2MzGtmaJ0&ab_channel=DailyWire%2B

DiAngelo, R., & Dyson, M. E. (2018/2020). *White fragility: Why it's so hard for White people to talk about racism*. Beacon Press.

Dubin, S., Lane, M., Morrison, S., Radix, A., Belkind, U., Vercler, C., & Inwards-Breland, D. (2020).

Medically assisted gender affirmation: when children and parents disagree. *Journal of Medical Ethics*, 46(5), 295–299. <https://doi.org/10.1136/medethics-2019-105567>

Economics Explained. (2020, July 23). *Black market economics: What drives the underground economy?* [Video]. YouTube.

https://www.youtube.com/watch?v=wDzZD_YF_Wk&t=1s&ab_channel=EconomicsExplained

Ed Publica. (2022, March 21). *#Aristotle*. Facebook. Retrieved September 22, 2024, from

https://www.facebook.com/educationpostonline/photos/a.1119238801482975/7204146566325471/?paipv=0&eav=AfbB50pFLr2bja_NKWJYhuPhjdQO8QwZSNon9TqlYGpfjk0KLlqFbf52QgCB-F-tgU8&_rdr

Reuters. (2013, June 25). *Factbox: List of states that legalized gay marriage*.

<https://www.reuters.com/article/lifestyle/factbox-list-of-states-that-legalized-gay-marriage-idUSBRE95P07A/>

Federal Reserve Economic Data. (2024, March 13). *Homeownership rate for Washington*. FRED.

Retrieved September 22, 2024, from <https://fred.stlouisfed.org/series/WAHOWN>

Fontinelle, A. (2023, March 19). *"Positive vs. normative economics: what's the difference?"*

Investopedia. Retrieved September 22, 2024, from

<http://www.investopedia.com/ask/answers/12/difference-between-positive-normative-economics.asp#:~:text=A%20positive%20statement%20is%20one,on%20opinion%20or%20subjective%20values>

Haring, C. (2023, March 29). *Medical aid in dying as an end-of-life option offers death with*

dignity. DeathWithDignity. Retrieved September 22, 2024, from

<https://deathwithdignity.org/news/2023/03/3-29-23-senior-guide/>

Hayek, F. (1944). *The road to serfdom*. University of Chicago Press.

Heydel-Mankoo, R. (2023, March 12). *Woke Cambridge students hate historian's facts - Rafe*

Heydel-Mankoo [Video]. YouTube.

https://www.youtube.com/watch?v=O02RrKCZ64Y&ab_channel=RafeHeydel-Mankoo

Heyman, S. (1992). Positive and negative liberty. *Chicago-Kent Law Review*, 68(1).

<https://scholarship.kentlaw.iit.edu/cgi/viewcontent.cgi?article=2858&context=cklawreview#:~:text=In%20broad%20terms%2C%20negative%20liberty,to%20be%20as%20one%20wills>

Immigrant Legal Resource Center. (2023). *State map on immigration enforcement*. IRLC.

<https://www.ilrc.org/state-map-immigration-enforcement#:~:text=When%20averaged%20across%20all%20the,Jersey%2C%20California%2C%20and%20Washington.>

John Anderson Media. (2023, December 13). *Equality of input vs equality of outcome | Jonathan Haidt* [Video]. YouTube.

https://www.youtube.com/watch?v=eY4qCDs3eqI&ab_channel=JohnAndersonMedia

Keynes, J. M., & Spencer, M. G. (1936/2017). *The general theory of employment, interest and money: The economic consequences of the peace*. Wordsworth Editions.

Kirk, W. (2024). *Stand your ground*. Washington Gun Law. Retrieved September 22, 2024, from <https://www.washingtongunlaw.com/stand-your-ground>

Kraft, M., & Furlong, S. (2018). *Public policy, politics, analysis, and alternatives* (6th ed.). SAGE Publications.

Landén, Mikael. (2020). "The effect of gender-affirming treatment on psychiatric morbidity is still undecided." *The American Journal of Psychiatry*, (177)8, 767-77.
<http://ajp.psychiatryonline.org/doi/full/10.1176/appi.ajp.2020.19111165>.

Locke, J. (1689/2020). *The first & second treatises of government*. Pantianos Classics.

Marx, K., & Engels, F. (1848/2017). *The communist manifesto by Karl Marx and Friedrich Engels*. Millenium.

Menger, C., Klein, P. G., Hayek, F. A. von, Dingwall, J., & Hoselitz, B. F. (2007). *Principles of economics*. Ludwig von Mises Institute.

Nozick, R. (1974/2013). *Anarchy, state, and utopia*. Basic Books.

Nussbaum, M. C. (2011/2013). *Creating capabilities: The human development approach*. The Belknap Press of Harvard University Press.

Nussbaum, M. C. (1993). Equity and mercy. *Philosophy & Public Affairs*, 22(2), 83-125.

Office of Homeless Youth Prevention & Protection. (2024). Modeling for housing stability. In *Department of commerce* [Power Point].

<https://deptofcommerce.app.box.com/s/91qwljt4ceu6e1ysgk0xc14ro48ls1n6/file/1566667266124>

Casetext. (2023, November 13) *Olympus Spa v. Armstrong*. <https://casetext.com/case/olympus-spa-v-armstrong-2>

Plyler v. Doe, 457 U.S. 202 (1982). (1982, June 15). JUSTIA U.S. Supreme Court. Retrieved September 22, 2024, from <https://supreme.justia.com/cases/federal/us/457/202/>

Probasco, J. (2024, June 7). *States with no income tax*. Investopedia. Retrieved September 22, 2024, from <https://www.investopedia.com/financial-edge/0210/7-states-with-no-income-tax.aspx>

Rawls, J. (1971/1999). *A theory of justice* (2nd ed.). Belknap Press of Harvard University Press.

Rothstein, R. (2017). *The color of law: A forgotten history of how our government segregated America*. Liveright Publishing Corporation.

Washington State Legislature. (2023). *SB 5599 - 2023-24: Supporting youth and young adults seeking protected health care services*. Retrieved September 22, 2024, from <https://app.leg.wa.gov/billssummary?BillNumber=5599&Year=2023&Initiative=false>

Sen, A. (1999/2011). *Development as freedom*. Anchor Books.

Sowell, T. (1985). *Civil right : Rhetoric or reality?* William Morrow and Company.

Sumner, W. (2019). What social classes owe to each other. In I. Kramnick & T. J. Lowi (Authors), *American political thought: A Norton anthology* (2nd ed., pp. 613-628). W. W. Norton & Company.

Tuttle Twins. (2024, June 30). *What's the difference between needs and rights? John Locke* / *Tuttle Twins* / [Video]. YouTube.

https://www.youtube.com/watch?v=231GTQnUI2U&ab_channel=TuttleTwins

Van Leerdam, T.R., Zajac, J.D., & Cheung, A.S. (2023, February). The effect of gender-affirming hormones on gender dysphoria, quality of life, and psychological functioning in transgender individuals: A systematic review. *Transgender Health*, 8(1).
<https://doi.org/10.1089/trgh.2020.0094>

Washington State Supreme Court. (2019, June 6). *Washington v. Arlene's Flowers, Inc.* (Majority). JUSTIA US Law. Retrieved September 22, 2024, from
<https://law.justia.com/cases/washington/supreme-court/2019/91615-2-0.html>

The Economic Times. (2024). *What is 'Moral Hazard'*. Retrieved September 22, 2024, from
<https://economictimes.indiatimes.com/definition/moral-hazard>

Young, J. (2024, May 1). *Monopsony: definition, causes, objections, and example*. Investopedia. Retrieved September 22, 2024 from
<https://www.investopedia.com/terms/m/monopsony.asp#:~:text=The%20Bottom%20Line-,A%20monopsony%20is%20a%20market%20condition%20in%20which%20there%20is,a%20nd%20therefore%2C%20controls%20the%20price>

Zander, Megan. (2019, April 12). *A milestone developmental stage: The age of reason*.

Scholastic: Parents. www.scholastic.com/parents/family-life/social-emotional-learning/development-milestones/age-reason.html