



The politics of the toilet: A feminist response to the campaign to 'degender' a women's space

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SYNOPSIS

This article is a feminist response to the campaigning activism and queer and transgender theory which promotes the 'degendering' of public toilets. This campaign originates in the demands of men who transgender to access women's toilets. Activists argue that sex segregation of toilets is the result of nineteenth century moralism and is a discriminatory practice. They say that degendered toilets would be safer for women because the good men would protect women from aggressors, and they show a remarkable degree of insensitivity to women's needs and interests. The campaign is increasingly effective, with schools in the US and local councils in the UK moving to degender toilets in response. This article will argue that the safety of women as a group requires that toilet provision should remain sex segregated or take the form of individual cubicles that offer privacy and safety to all users.

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There is an increasing body of literature and campaigning activism presently which seeks to degender public toilets (Case, 2010; Cavanagh, 2010; Kogan, 2010; Transgender Law Centre, 2005). The activism of male-bodied transgenders who seek to access women's toilets was the spur to this campaign, but it is now supported by queer and purportedly progressive theorists, who argue that the idea of segregating women's toilets is reactionary and was the result of nineteenth century moralism. In this view there is a good reason to create mixed facilities, which can, some argue, encompass urinals, cubicles, a baby-changing bench, breastfeeding, all in one large room (Serlin, 2010). In this article I will challenge this approach. I will argue that the 'right to gender' and the 'right to gender expression' promoted by transgender activists are problematic in themselves, and do not create a good reason to degender the bathroom. I shall suggest reasons why women have needed, both in the past and in the present, good, copious and segregated facilities suited to their needs. There is scant feminist research or theory on this issue presently, only queer and transgender theory which tends to sideline women's concerns and the impact that degendering may have on women's rights. There has been no research on the opinions

of women, the constituency for whom women's toilets were established, or on their possible motivations for preferring the maintenance of segregated toilet provision. Queer theorists who pooh-poo the idea that women might need or want separate facilities are the only voices being heard, and their arguments are leading to significant changes in policy.

The issue is important now because the campaign by transgender activists and their queer allies to degender toilets has been gaining considerable success. In 2013, for instance, the Education Department of the US state of Massachusetts made a ruling that trans students may access the locker room and changing facility that corresponds with their 'gender identity', regardless of physical anatomy (Brydon, 2013). As the US gay newspaper, *The Advocate*, put it, 'the directive clarified that the trans student's safety and access to basic facilities trumps a non-transgender student's possible discomfort at sharing those facilities'. The desires that girls may have for a women-only space separate from those born biologically male and raised male, are brushed dismissively aside in the document which states, 'Discomfort is not a reason to deny access to the transgender student' (Brydon, 2013). In 2013 the city council of Brighton and Hove in the UK announced its

intention to degender its public toilets (Ward, 2013). The council states that it wishes to promote 'gender neutrality' and 'build facilities which are open to all, regardless of sex' (Ward, 2013). The terms 'gender' and 'sex' are used interchangeably and confusingly in the politics of the toilet.

Definition of transgender

In this article I use the term 'transgender' in the wider sense in which it is most commonly used by activists and theorists in the present. It is a wider term than 'transsexual', which has, anyway, fallen out of usage in favour of transgenderism in recent decades, and it refers to persons who have a 'gender identity', or belief in a sex stereotype, which is not usually associated with their biological sex. International Panel of Experts (2007) provide an authoritative definition of the term as they were drawn up by prominent experts on human rights and form the basis of international campaigning on gay rights and 'gender identity'. The definition in the Principles is broad and vague and reflects queer and transgender theory and essentialist notions of gender, 'Gender identity is understood to refer to each person's deeply felt internal and individual experience of gender, which may or may not correspond with the sex assigned at birth, including the personal sense of the body (which may involve, if freely chosen, modification of bodily appearance or function by medical, surgical or other means) and other expressions of gender, including dress, speech and mannerisms' (International Panel of Experts, 2007: 6). This definition includes cross-dressers, male persons who gain sexual excitement from wearing clothing that they associate with the subordinate sex caste of women (Jeffreys, 2014), and male persons who may take hormones but undertake no surgeries so that they retain male genitalia. In a survey it conducted, the Transgender Law Centre in California found that only 15% of transgenders intended to have surgery to mutilate their genitals (Transgender Law Centre, 2005). The issue of enabling the entry of men who transgender to the women's toilets should, therefore, be seen as relating to the admission of persons who are likely to possess intact male anatomy but may choose to identify with the sex stereotype more usually associated with women on an occasional or more permanent basis. I shall not use the commonly used acronyms MTF and FTM, meaning male-to-female and female-to-male to refer to persons who transgender here, because they imply that change of sex takes place when this is not the case. I shall use the terms 'men who transgender' and 'women who transgender' or male-bodied persons and female-bodied persons to indicate that no change in biology takes place.

'Gender' disappears sex

The way in which queer and transgender activists use the term 'gender' is problematic because it obscures the existence of persons, women, who are biologically female, and their particular interests. It disappears male domination (Thompson, 2001) too, which is airbrushed out of the way in literature on degendering the toilet. Use of the term 'gender' to describe the subordination of women in feminist theory and research has, unfortunately, provided a foundation for the queer and

transgender use of the term (Jeffreys, 2014). The transgender usage of the term 'gender' refers to what feminists have traditionally called sex or 'gender' stereotypes, that is the idea that men and women have naturally or essentially different qualities. The way in which 'gender' is used in *Peeing in Peace*, a campaign guide from the San Francisco Transgender Law Centre, shows the difficulty from a feminist point of view (Transgender Law Centre, 2005). The guide states in its definition section that a 'Gender-Specific or Gender-Segregated Bathroom' is 'a bathroom intended for people who identify with a particular gender (for instance, a women's room or a men's room)' (Transgender Law Centre, 2005: 2). Biological sex plays no role in this gendered approach, though it is on the basis of biological sex that women are subordinated. Female foetuses, for instance, are aborted in some countries and communities, not because they have a gender but because of their sex, whereas gender is a social construction which can only be created after birth. In transgender theory, gender is essentialised as an 'identity', is possessed by everyone, takes the place of sex, and is seen as a preference rather than a product of the oppression of women. The emphasis on identity rather than biology or lived experience, could be described as gender libertarianism. Women do not adopt the identity of being women, but rather possess female biology and on this basis are reared in a subordinate relation to men. The identity libertarian approach to 'gender' is crucial to the campaign to 'degender' toilets. If the oppression of women on the basis of their sex was acknowledged, then the opening up of women's toilets to male persons who 'identify' as women might not look so progressive. The campaign to degender disappears biology and relegates it to history, as one promoter of degendering, Harvey Molotch, demonstrates, 'The biological differences once a basis for assigning women to specific roles and physical places have become obsolete and, in retrospect, ridiculous' (Molotch, 2010: 255).

Gender is, in radical feminist theory, the ordering system of male domination and consists of stereotypical appearance and behaviour required of persons inhabiting either the male or female sex caste, such as the requirement that women engage in harmful beauty practices as I explain my book *Beauty and Misogyny* (Jeffreys, 2005, see Chapter 1). In this article 'gender' is understood to encompass the sex stereotypes which are the result of, and serve to justify, women's oppression rather than an essential quality, or identity. In order to make the distinction between the way in which 'gender' is used in transgender and queer politics and women's subordination, I shall use the term sex caste to describe women's situation. I argue that it is on the basis of women's oppression based on sex that they have needed sex-segregated toilets. It is on the basis of their sex that women are marked out for violence by members of the male sex caste, and on the basis of their sex that they need facilities in which to attend to biological facets of women's lives such as menstruation. Their need for women's toilets is not based upon their gender, that is the acting out of socially constructed sex roles. The term sex caste offers the most useful way of illustrating the problematic nature of the transgender politics that demand an end to spaces set aside for those of the female sex. The term sex caste, on the other hand, is used here to indicate that women are subordinated on account of their sex, and not their gender. Persons who transgender cannot change their biological sex, so transgender theorists and activists

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