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Stalled: Gender-Neutral Public Bathrooms

A long-simmering moral panic over the presence of transgender people in sex-segregated public toilets has reached an acute state since the spring of 2015, as an unprecedented wave of mass culture visibility for trans* issues has intersected with recent court decisions guaranteeing trans* people access to gender-appropriate toilets. When we drafted this article in March 2016, only one state, South Dakota, had passed (but subsequently vetoed) a bill attempting to restrict gender-appropriate public toilet access for transgender people, although more than two dozen such bills had been introduced nationwide (Madhani 2016). Since then, North Carolina passed HB2, its notorious “bathroom bill”; the Obama administration issued new directives on gender-appropriate access to toilets and locker rooms in public schools nationwide; twenty-one states have sued the federal government to block implementation of those directives, and the seemingly obscure issue of transgender public toilet access seems headed to the Supreme Court (Bidgood 2016).

The current backlash against trans* people using public toilets that match their gender identity reflects a longer history of public toilets, which themselves date to early eighteenth-century Paris (Cavanagh 2010: 28), and registers social anxieties triggered by the threat of various marginalized groups entering into normative society. Previous debates were sparked by the introduction of the women’s room to accommodate female participation in the paid workforce, the fight to abolish “colored” bathrooms by the civil rights movement, the furor over “unisex” toilets that helped derail passage of the Equal Rights Amendment, the fear of contamination posed by gay men using public lavatories during the AIDS crisis, and pressure to make bathrooms accessible to the disabled. In each instance, the public restroom stages the

transformation of an abstract concern into a tangible threat, by virtue of it being a physical space in which so-called normal citizens are brought into intimate physical proximity with precisely those presumably nonnormal people whose expulsion from or invisibilization within the body politic underpins and enables our society's norms of embodied personhood.

Houston Case Study

The November 2015 defeat of the Houston Equal Rights Ordinance (HERO) offers a compelling recent case study regarding the manner in which transgender presence in public toilets has become a flashpoint for broader social anxieties about shifting norms of gender and sexuality. When Houston's openly lesbian mayor Annise Parker proposed a nondiscrimination bill that would protect all Houston citizens no matter their race, religion, age, sex, gender, or disability, it seemed that the wide range of antidiscrimination provisions would offer protection to even the most marginalized groups that fell under the ordinance's umbrella. Opponents, led by the group Campaign for Houston, defeated the bill, however, by targeting one constituency, transgender women, and one space, the public toilet. The opponents' misguided rallying cry of "No men in women's bathrooms!" and the diatribe that accompanied it on the Campaign for Houston's (2016) website, perpetuated stereotypes of transgender women as sexually perverse men. It took aim at "gender-confused men, who—under this ordinance—can call themselves 'women' on a whim and use women's restrooms whenever they wish" to prey on "wives, mothers and daughters." Through targeting trans* women in particular, Campaign for Houston took aim at what it considered the ordinance's real purpose, which was to make "sexual orientation" and "gender identification" two new protected classes.

A similar controversy, waged on similar ground, had erupted in Canada in February 2015 when Senator David Plett authored an amendment to gut the trans-inclusive provisions of the Canadian Human Rights Act. Dubbed the "bathroom bill," it also cited safety as the justification for prohibiting transgender people from using public restrooms, claiming that it would harbor "pedophiles" and make "abused women" uncomfortable by exposing them to transgender individuals who had biologically male characteristics. The transmisogyny and sex negativity evident in these campaigns speak to a fundamental anxiety about gender ambiguity that is perhaps most in evidence in public discussions of sex-segregated public toilets, given our cultural beliefs about the anchoring of social gender in our genitals and secondary sex characteristics. It underscores our society's refusal to acknowl-

edge the instability of gender itself as a social system for classifying and administering human lives according to a purportedly natural sex dichotomy. While misplacing the source of these anxieties, Campaign for Houston (2016) explicitly acknowledged the threat, seeing the bathroom ordinance as “deceptive tactics” to “re-structure society to fit a societal vision” that was an “attack on the traditional family.” In the end, Campaign for Houston deemed the bathroom a battleground worth fighting for based on the same problematic logic used by those who previously fought for sex-segregated bathrooms in the past, considering it a space that upholds the status quo by maintaining gender binaries accomplished through the spatial segregation of the sexes, justified by anatomical difference.

However, instead of fostering a productive dialogue that would have encouraged Houstonians to confront the underlying social anxieties triggered by gender-appropriate public toilet access for trans people, both sides of the debate framed the issue in a reductive way, posing it as a question of safety and privacy. Opponents asserted that transgender women threatened the safety of cisgender women and children, while proponents saw proper access as a way of protecting transgender people from harassment and assaults. Strikingly, both sides believed that their concerns over the ostensibly objective problem of public safety could be adequately addressed through an architectural solution—making the built environment of the restroom facilitate a particular vision of a desired body politic.

Reframing the Issue

In what follows, we reframe the assumptions that undergird the necessity of sex-segregated public toilets and advocate for gender-neutral facilities instead. Our assessment of the situation does not diminish the very real and legitimate dangers that have been measured in reliable studies documenting the incidents of discomfort, harassment, and assaults experienced by transgender people, as well as cisgender women, children, and even men in public bathrooms. Instead, our objective is to shift the terms of the argument, recognizing that safety is one symptom of a larger dilemma posed when groups that mainstream society considers abnormal or deviant clamor for nonprejudicial access to public space. The future of gender-neutral bathroom design depends on reframing the argument, getting beyond problematic ideological misconceptions and prejudices that still haunt our thinking. If Campaign for Houston exemplifies how our society continues to pathologize gender variance, then we need to craft a new kind of public bathroom—and ultimately a new model of public space—that allows people to become

aware of and accept multiple forms of gender expression by allowing them to freely mix with one another. However, accomplishing this goal requires adopting a new way of thinking that shifts the argument from gender neutrality to gender diversity and, ultimately, to human diversity.

Since the 1960s, social justice efforts have sparked national conversations focused on addressing the urgent needs of particular marginalized communities, including women, people of color, and queers. At a moment when transgender people have entered the media spotlight and public discourse to an unprecedented degree, transgender experience offers a new lens for addressing the persistent problems of embodied difference that have long plagued the space of the public toilet. But our work casts a wider net—while coming up with a public toilet design that responds to transgender needs is an important undertaking, we understand receptivity to transgender needs to be a generative and productive way to begin to rethink the way *all* embodied subjects interact with one another in public space.

We need to explore the architectural implications of gender variance. Design matters. It is not coincidental that most of the arguments both for and against gender-neutral restrooms tend to leave out any meaningful analysis of the design of the actual site. This oversight underscores the need to make people aware that the designed environment plays a central role in shaping all human identities by orchestrating how people use public space and engage with each other in it. In the past few years, activists at many progressive colleges and universities have taken a leading role nationally in advocacy efforts that expand access to public accommodations while protecting privacy for transgender people—including everything from correct registration of names/pronouns in staff and student records to fitness facilities to dorm rooms and restrooms. While the push to recognize gender-appropriate pronouns or to embrace new gender-neutral forms of personal pronouns has provoked a national conversation that has raised public awareness of how language informs gender expression, there has not been a similarly nuanced exploration of gender-neutral public space. We need to expand our thinking to take into account how environmental design, like language, is a discourse with the power to shape human identity.

Design Recommendations

Designers need to craft flexible environments that can allow all embodied individuals to express a wide spectrum of identities in public space. As gender expression becomes more diverse and differently attached to and

detached from physicality, this need becomes ever more pertinent. With respect to public bathrooms, that means jettisoning what is now the generally accepted solution that consists of maintaining gender-specific bathrooms and merely supplementing the status quo with a single-stall or single-occupancy room, not so different from the single-occupancy bathrooms mandated by the Americans with Disabilities Act (ADA). Advocates frequently justify this solution on economic grounds, arguing that its modest footprint does not impose undue hardship on building owners and developers who would otherwise be compelled to fund more elaborate architectural solutions. However, the drawback of the single-occupancy gender-neutral bathroom is that it spatially isolates and excludes. While some users prefer the privacy it offers, it can nevertheless exacerbate problems of social exclusion by segregating transgender people from shared public space and stigmatizing their presence in mixed groups of people.

A better solution, supported by many trans activists, and increasingly found in trendy urban nightclubs and restaurants, is to eliminate gender-segregated facilities entirely and treat the public restroom as one single open space with fully enclosed stalls. One example is the Modern, Danny Meyer's upscale restaurant in New York's Museum of Modern Art. A circulation corridor divides the linear room into two parallel zones: one is dedicated to washing and features a horizontal mirror hanging above a row of freestanding pedestal sinks; the other, dedicated to eliminating, comprises an uninterrupted wall of European-style floor-to-ceiling stalls. This type of facility has many advantages. Gender-nonconforming people are not forced to choose between two unacceptable options, each of which makes them uncomfortable, while trans and cis people who express their gender in a more binary fashion need not worry about being in the "wrong" restroom. European-style stalls are equipped with doors with no peek-a-boo cracks and therefore ensure visual privacy and inhibit nonconsensual sex between stalls. Most important, by consolidating a greater number of people in one room rather than two, the unisex, gender-neutral bathroom provides safety in numbers: increasing bathroom occupancy reduces risks of predation associated with being alone and out of sight.

Our design proposal takes the single-room typology as a point of departure, but takes it one step further by posing an alternative to the dominant spatial paradigm that relies on walls to solve social issues. The bathroom is but one instance of a building type that, like fortresses and prisons, subscribes to the generally accepted belief that by erecting boundaries, architects can create protected precincts that ensure safety through the separation

of human bodies from one another. The bathroom, conceived of as a series of walled enclosures nested inside a larger enclosure purportedly accomplishes this objective through what Sheila Cavanagh (2010) terms the “hygienic imagination”: by dividing “clean” public space from the “dirty” realm of the abject body and by separating men from women, able-bodied from disabled, and, in a previous era, members of one “race” from another. Walls, however, by definition belong to both inside and outside and, as a consequence, stage contiguity and potentials for porosity as much as they signal separation and containment. This is true of the shared boundary wall, inscribed with dual-entry doors designated for men and women, that assumes the burden of dividing adjacent public and private space as well as for the shared wall that typically allows a back-to-back men’s and women’s room to touch. The same can be said for the series of partitions that subdivide the bathroom interior, ephemeral floating screens, placed between urinals and toilets, that ostensibly create visual privacy between members of the same sex. Walls are symbolically fragile: no matter how thick, they are penetrable and can be breached.

Our design proposal jettisons these boundary-laden solutions (see figure 1). Instead, we draw inspiration from another spatial paradigm—the urban street and square. Our scheme dispenses with the wall that typically divides public space from private bathroom and instead treats the restroom as a well-defined, clearly marked but open precinct that can be located adjacent to lobbies and circulation corridors typically found in standard building types like airports, shopping malls, schools, and offices. In addition, our proposed design can be deployed indoors or outdoors. This solution would be in keeping with the initiatives of global cities like Rosario (Argentina), Rotterdam (Netherlands), and Wellington (New Zealand), which are hiring top-notch designers to revive the tradition of making public bathrooms directly accessible from streets, parks, and town squares.

Whether it is located inside or outside, our bathroom precinct is conceived of as one open space subdivided into activity zones to accommodate the three activities that typically take place in public restrooms—coifing, washing, and eliminating—activities that many consider the universal common denominator of all human beings. However, our proposal also recognizes how these embodied activities are inflected by culture and reinforced by design. For example, not all cultures accept the Western standard that dictates that males urinate standing up and females urinate sitting down. Nevertheless, bathroom layouts and the ergonomic design of individual

bathroom fixtures—urinals versus toilets—perpetuate this convention based on the presumption that posture is a function of anatomy, not culture. Complicating the issue, bathroom rituals are also defined by psychology. Doctors have studied how the cultural injunction that males urinate while standing at a urinal triggers paruresis, a phobia that makes many males unable to urinate in public. Likewise, another seemingly straightforward bathroom activity, hand washing, can also be experienced in different ways depending on a person's cultural, psychological, or religious background. Muslims performing cleansing ablutions before prayer and individuals compelled to wash their hands because they suffer from obsessive-compulsive disorder are only two examples. Our bathroom design accommodates diversity, not only gender diversity but also human diversity, by providing different ways that a wide range of embodied subjects can perform the same commonplace activity according to their individual needs and temperaments based on the understanding that these are shaped by the convergence of biological, cultural, and psychological factors.

Our design proposal conceives of the bathroom precinct as three parallel and overlapping activity zones. Rather than adhere to the convention of hanging small mirrors over rows of individual sinks, our design treats coifing and washing as two independent areas open to one another. Double-sided, freestanding, full-length mirrors arranged as linear screens allow people, depending on their mood or temperament, to coif either partially concealed or in full view of others. In our proposal, washing occurs around a freestanding island inspired by the public fountains that activate Roman piazzas. Jets of water emerge from a communal basin whose height varies to accommodate people of different ages, heights, and dis/abilities. Elimination takes place in private stalls, treated like cabanas, that can be deployed in various configurations. Depending on the particular size and shape of the bathroom precinct, stalls might be arranged in linear or circular formations, either located at the periphery of the space or freely disposed as bounded islands scattered throughout the precinct. Each stall houses a toilet shielded by full-height lockable doors. Depending on the fixture count, our design provides for larger ADA stalls, big enough to accommodate a wheelchair or attendant as well as a sink and mirror for people who would prefer to coif or wash unseen by others. (While we are well aware that there are historical and cultural precedents that allow people to eliminate in open single-sex latrines, elimination in our proposal takes place in private bounded stalls in deference to Western social convention and the recommendations of transgender bathroom studies.)

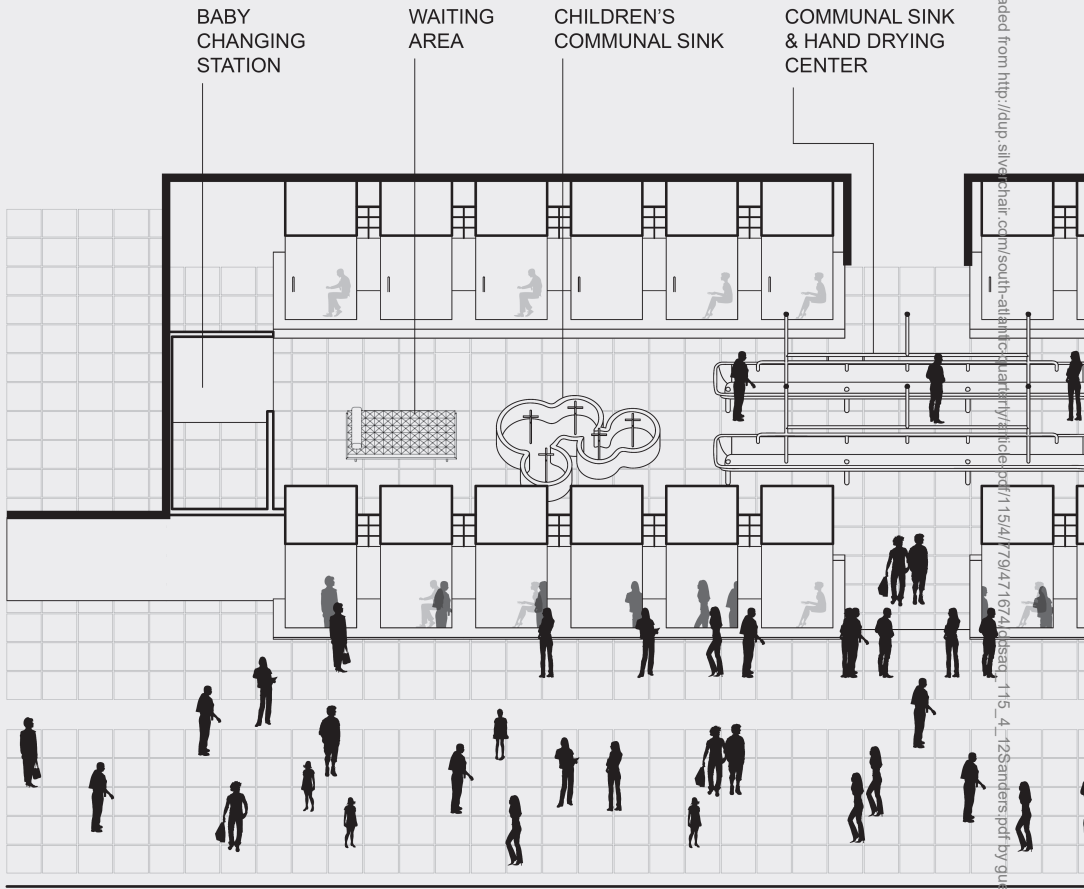
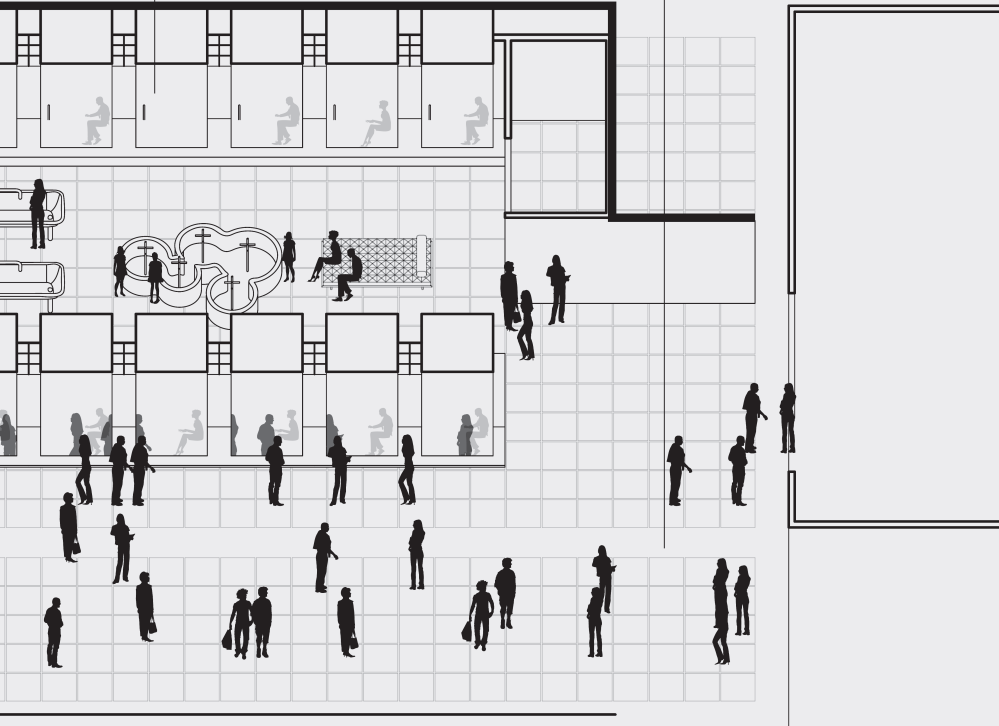


Figure 1. Single-unit gender-neutral bathroom.
Courtesy of Kara Biczynowski and Joel Sanders Architect

STALLS WITH FLOOR
TO CEILING DOORS

COORIDOR



Conclusion

The overall objective of our design proposal is to create a relatively barrier-free open precinct that encourages all embodied subjects to freely and safely engage with one another in public space. The realization of our design proposal, as well as the more modest proposals like the single-occupancy unisex bathroom described above, depends not only on design innovation but also on legislation that would rewrite building and plumbing codes. Making these changes requires acknowledging the pivotal role that building codes play in shaping identity through design, as well as acknowledging that such codes are not neutral functional objectives but rather reflect and reproduce deep-seated cultural beliefs that shape the design of the spaces of our daily lives, including bathrooms. Transforming the codes that govern public spaces such as toilets is a long-term project that will require concerted effort to change entrenched ideas about the naturalness and fixity of our social gender binary and the assumptions that undergird them. But because the goal we seek is justice—a nonutopian call to make the world be more as it should be—we should not be deterred by the size of the task from starting such work in the present.

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