

# The toilet debate: Stalling trans possibilities and defending ‘women’s protected spaces’<sup>1</sup>

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**Abstract**

As one of the few explicitly gender-separated spaces, the toilet has become a prominent site of conflict and a focal point for ‘gender-critical’ feminism. In this article we draw upon an AHRC-funded project, *Around the Toilet*, to reflect upon and critique trans-exclusionary and trans-hostile narratives of toilet spaces. Such narratives include ciscentric, heteronormative and gender essentialist positions within toilet research and activism which, for example, equate certain actions and bodily functions (such as menstruation) to a particular gender, decry the need for all-gender toilets, and cast suspicion upon the intentions of trans women in public toilet spaces. These include explicitly transmisogynist discourses perpetuated largely by those calling themselves ‘gender-critical’ feminists, but also extend to national media, right-wing populist discourses and beyond. We use *Around the Toilet* data to argue that access to safe and comfortable toilets plays a fundamental role in making trans lives possible. Furthermore, we contend that – whether naive, ignorant or explicitly transphobic – trans-exclusionary positions do little to improve toilet access for the majority, instead putting trans people, and others with visible markers of gender difference, at a greater risk of violence, and participating in the dangerous homogenisation of womanhood.

**Keywords**

bathroom, feminism, gender critical, TERF, transphobia

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## Introduction

*The Sunday Times* published an article in 2018, announcing that women's toilets at London landmarks may – in 'the most radical move yet' – soon be opened to 'self-identifying' transgender women, regardless of 'whether or not they have transitioned' (Gilligan, 2018). One person, described in the article as a feminist, called the premise 'mind-blowing. It effectively abolishes women's protected spaces . . . It is dangerous for women and girls' (Gilligan, 2018). In fact, there was nothing radical or novel about this motion: under the Equality Act 2010, trans people are authorised to use gender-separated<sup>2</sup> spaces that align with their identity, and many have always been doing so across the United Kingdom, often without being questioned or noticed. Following a complaint over its accuracy, *The Sunday Times* was forced to withdraw the article a year later and print a clarification. By this time, however, the misleading claims had already contributed to a simmering dispute over toilet access and proprietorship.

This article considers how the toilet has become an unexpected focal point for dissensus in contemporary feminism in the UK, spotlighting divisions over trans bodies, identities and freedoms. Over the last decade, hostility directed towards trans people from some factions within feminism has monopolised public discourse around the movement (as outlined by Ahmed, 2016; Hines, 2019; Phipps, 2016). Access to the toilet has thus become a symbol overloaded with significance. For many 'gender-critical' feminists, the walls of women-only facilities have come to symbolise the boundaries of womanhood: a 'safe' space where the terms of inclusion are vehemently regulated and protected. Feminists taking this position are widely referred to as 'trans-exclusionary radical feminists' (TERFs) by their adversaries. However, 'TERF' has been rejected as pejorative by those it describes, who instead often call themselves 'gender-critical'. The meaning and beliefs of 'gender-critical' feminists are detailed later in the article. Whilst epistemologies and ontologies of gender and sex are not confined to the toilet, this location offers an especially productive space for gatekeeping. The complex, abstract and nebulous concepts of gender and sex are solidified and made visible and communicable through the toilet's infrastructure: its walls, its facilities, the signs on its doors, and the surveillance of the space. Toilets also present an unavoidable point of social confluence: the rules and composition of the toilet affect us all, and prohibition against some occupants could have far-reaching consequences. Access to suitable toilets facilitates all our movements away from home.

We open this article with a contextual overview of 'gender-critical' arguments around trans people's access to toilets in the UK. We do this as there is little in the way of extensive academic engagement with 'gender-critical' arguments on toilets from a trans-inclusive perspective. Trans people have been cast as the 'subjects' of these debates, often without invitation to comment or share their viewpoints or experiences. Despite the considerable attention the issue has been given, access to toilets is one of many matters to withstand for trans people, alongside concerns about access to education, healthcare and employment, as well as rates of violence and homelessness (Bachmann & Gooch, 2018). Nevertheless, the ability to use toilets comfortably and safely has significance (Slater & Jones, 2018). This article therefore provides necessary data centring the stories of trans people. Moving forwards, we hope this will offer a means to discuss the issue without the misrepresentation or disregard of trans experiences.

The data from which this article draws were collected for the Around the Toilet project, to explore potential points of coalition by centring disabled, trans and queer people, whose use of toilets may be obstructed in a number of different ways (see also Slater & Jones, 2018; Slater et al., 2018, 2019). We use ‘trans’ as a term to describe anyone who does not wholly identify as the gender that they were assigned at birth, including non-binary people. We are cautious here to avoid ‘prescriptive’ conceptions of trans, queer and disabled identities or labels, and instead seek to recognise their multiplicity, intricacy and fluidity. We draw on the project’s pursuit to understand the complexity of ‘(in)accessibility’ in toilet spaces in order to illustrate how access, comfort and safety can produce contexts of ‘possibility’ (Pearce et al., 2020; see also Cox, 2017). This research also facilitated other modes of coalition: our project team, composed of early-career researchers and community partners, reflected a range of disciplinary backgrounds and research interests, but also sought to consolidate commitments to feminist, queer, trans and disability politics. There was an intuitive and necessary connection between these movements for many of us, who – in some cases – had personal experience of multiple marginalisation across these axes. However, the frequently combative relationship between these movements, as this article does some work towards illustrating, shows that sites of friction must also be investigated within our projects of collaboration and allegiance.

### **A feminist concern: Protecting women’s spaces**

The feminist history of public toilets in the UK has been documented (Penner, 2001; Walkowitz, 1992) and located within Western women’s ongoing struggles for access to, and safety within, the built environment (Banks, 1991). Whilst London’s first public toilets for men were installed in 1851, it was over 40 years later that provisions for women were finally introduced (Penner, 2001), and campaigns for women to have better toilet access continue to this day in the UK and elsewhere. It has been highlighted that decisions regarding the presence or absence, size and location of women’s toilets are made within culturally and historically specific gendered power structures. For instance, Penner (2001, p. 37) indicates that resistance shown in response to early-twentieth-century campaigns to install women’s toilets in Camden Town in London rested upon wider unstated concerns about the ‘powerful message’ women would be given ‘about their right to occupy and move through the streets’ if amenities were built there for their benefit. The deficit of facilities ‘was no oversight but part of a systematic restriction of women’s access to the city of man’ (Greed, 2010, p. 117), grounded in the presumption that a woman’s ‘proper place’ was the home, ‘tending the hearth fire, and rearing children’ (Kogan, 2007, p. 5).

The significance of current women-only provisions is often positioned within this history. Today’s toilet is therefore recognised by some feminist scholars as a ‘hard-won’ radical occupation of public space (Greed & Bichard, 2012). Jeffrey (2014a, p. 46), for example, describes women’s public toilets as ‘essential to women’s equality’, and Greed (2010, p. 121) shares concerns that without these facilities ‘women’s [public] presence [would be] threatened’ as ‘the “bladder’s leash” [would tether] women to [the] home’. Yet, these accounts rarely acknowledge that early women’s toilets were not designed for

all women (Patel, 2017; Penner, 2001, 2013). Victorian toilets were regularly segregated not only by gender but also by class (Penner, 2001) and, as Patel (2017, p. 52) notes, ‘the creation of a sex-segregated bathroom space to enclose and protect the feminine was formed exclusively in relation to white femininities’. Indeed, until the 1960s in the American South, and the 1990s in South Africa, toilets would be not only gender-separated, but divided upon racial lines (Penner, 2013). Neither were disabled women considered within women’s toilet provision: it was 1970 before (all-gender) accessible toilets were legislated in the UK (Ramster et al., 2018). The histories of women’s toilets, therefore, were never a fight for *all* women’s liberation; rather, they are a reminder that ‘woman’ was (and often continues to be) used as shorthand for white, wealthy, non-disabled, cisgender and heterosexual women. Such histories illustrate ‘how misleading it is to speak of “women’s needs” as a unified entity’ (Penner, 2001, p. 41).

Whilst public facilities for women have been celebrated as a feminist victory (Greed & Bichard, 2012; Jeffreys, 2014a), toilet scholarship also highlights how gender inequalities persist. Queues are most often found for women’s toilets, in part due to greater provision and a better variety of facilities for men<sup>3</sup> (Greed, 2010; Hanson et al., 2007; Ramster et al., 2018), but also because women are reported to spend longer in toilets, and visit them more frequently (Greed, 2010; Knight & Bichard, 2011; Ramster et al., 2018). This could be for a variety of socio-cultural reasons, including imbalances in caring responsibilities, gendered clothing, and the tendency to sit rather than stand. Ciscentric, biological explanations pertaining to ‘the anatomy of the female-sexed [*sic*]<sup>4</sup> body’ (Ramster et al., 2018, p. 60) are also often highlighted, emphasising experiences such as menstruation, pregnancy, miscarriage and higher levels of incontinence (Fair Play For Women [FPFW], 2017; Greed, 2010; Jeffreys, 2014a). Further, shortcomings in toilets are understood to affect women disproportionately: ‘hard scratchy’ toilet paper in public toilets (Greed, 2010, p. 138), for example, and pay-to-use toilets, which cost more cumulatively for those who use toilets most frequently (Greed, 2010, p. 140). Some have shared their frustration about the failure to foreground gender in public toilet design and provision, despite long-standing attempts to highlight its significance (Greed, 2010, Ramster et al., 2018). Thus, toilet provision is viewed as still not adequately meeting women’s needs, and those wishing to maintain a gender-separated space argue for improved and expanded women-only provisions (Greed, 2019).

The toilet is also an area of interest within broader feminist discussions of safety and the need for ‘women-only’ spaces. Women’s toilets are widely espoused in popular discourse and scholarship as a rare and valuable location for unity and solidarity (Greed, 2010; Jeffreys, 2014a; Ramster et al., 2018). They are understood to provide a fundamental location for gendered learning: ‘how to do their hair, hold their bodies, use menstrual products, and adjust their clothes’ (Molotch, 2010, p. 7), as well as a space to escape the scrutiny of wider society (or those positioned outside of womanhood), and perform covert personal upkeep (Barcan, 2010; Greed, 2010; Ramster et al., 2018). As such, women-only toilets are described as a ‘safe space’ (Jeffreys, 2014a, p. 50), a refuge for women ‘in a male-oriented public sphere’ (Ramster et al., 2018, p. 62), and especially necessary due to women’s oppression (Jeffreys, 2014a). For some, the need to highlight the indispensability of women’s toilets aligns with a broader concern that all women-only spaces are under question (Lewis et al., 2015). In ‘safe space’ literature, the threat

of sexual violence – by men, against women – is foregrounded: a secluded, gender-specific setting grants protection from potential harm (Barcan, 2010; Jeffreys, 2014a; Ramster et al., 2018). However, the security of women's toilets is also recognised as precarious due to their potential misuse, wherein 'people are undressed, vulnerable and engaged in a private act' (Ramster et al., 2018, p. 69). Women's toilets are therefore positioned as both especially safe and (potentially) especially dangerous.

We have illustrated how toilets are positioned as a women's issue in multiple ways: (1) due to the campaigns for women's facilities historically and their late introduction and instalment, they are considered a symbol of progress for women's liberation; (2) ongoing inequalities in access and the lower quality of women's provisions illustrate a need for continued gender-specific campaigning; and (3) public toilets are perceived to offer a rare opportunity for a sense of community amongst women and a 'safe space' away from men. As we will explore, there is a growing concern that women-only toilets are endangered. This perceived threat to women's facilities is represented as a threat to women's rights and progress, as well as jeopardising the solidarity and security found in single-gender spaces. However, whilst we agree that *all* women need access to toilets, we will argue that such assertions continue to rely on a very narrow definition of womanhood, excluding not only trans women, but also some cisgender women.

## A fight for territory

Questions of access, safety and inclusion in gender-separated toilets became an international talking point in 2016 when North Carolina in the United States passed a law prohibiting trans people's use of public toilets that do not match the sex listed on their birth certificates. Commonly known as 'bathroom bills', these laws were then proposed in at least 15 other states, although none were enacted. There have been no similar threats in the UK, and trans people's right to access the toilet of their choosing is covered by the Equality Act 2010. Nevertheless, due to hearsay, misinformation, and an increasingly visible movement of 'gender-critical' feminists, trans people's freedom has also been debated locally. This was aggravated in 2018 during the UK government's consultation on the Gender Recognition Act 2004 (GRA). The GRA currently allows trans people to change their legal gender (including their birth certificate) if ratified by medical and legal professionals. During the consultation, trans people and their allies argued that the current process is intrusive, inaccessible, daunting and expensive, and that it should be replaced with a system based on trusting trans people's knowledge of their own gender (Gendered Intelligence, 2019). Although the GRA has no direct impact on trans people's entitlement to gender-separated spaces, it nevertheless emboldened opponents to trans inclusion (FPFW, 2018a; Woman's Place UK, 2018; see also Hines, 2019).

Contention surrounding trans people's – largely trans women's – use of public toilets that correspond to their gender has been claimed as an issue of (cisgender) women's rights, with manifest opposition to trans-inclusive toilets from some feminist campaigning groups and academics with a 'gender-critical' standpoint. 'Gender-critical' feminists oppose 'identity' or gender-based rights, instead arguing that women are oppressed as a biological class and deserve rights based on binary and essentialist understandings of male/female sex categories. These perspectives either elide or actively dispute the conceivability of trans

identities. Whilst branches of feminism with an antagonistic relationship to trans people have a long history (Heyes, 2013; Hines, 2019), trans-hostile feminists are currently especially conspicuous, attempting to counteract ongoing progress made to the legal rights, social visibility and medical treatment received by trans people in the UK. Although ‘gender-critical’ feminists may be in a minority, they nevertheless ‘have a high level of social, cultural and economic capital’ (Hines, 2019, p. 154).

The primary focus of debates about toilet-use in the UK has been directed towards a perceived increase in all-gender<sup>5</sup> toilets (which are understood to be replacing gender-separated provision), and trans people’s – primarily trans women’s – use of separated facilities that align with their gender.<sup>6</sup> These concerns coalesce at the *possibility* that cisgender women will be required to share communal toilet space with anyone else, particularly – as Jeffreys (2014a, p. 42) revealingly puts it – ‘male-bodied transgenders [*sic*] who seek to access women’s toilets’. Jeffreys’ derogatory emphasis on the presumed physiology of trans women is deliberate. As Ahmed (2016, p. 25) observes, intentional and ‘violent misgendering enables trans women to be positioned as imposters’ within feminist or women-only contexts and ‘as perpetrators rather than victims of male violence’. The supposed revolution in trans-inclusive toilet legislation and design is portrayed as part of a ‘new’ liberation movement led by trans activists and supported by ‘queer and purportedly progressive theorists’ (Jeffreys, 2014a, p. 42). The toilet has become a focal point for trans rights, particularly for those who contest those rights.

The framing of women-only toilets as a fundamental concern for feminism has meant that the potential ramifications of changing toilet design are subsumed within broader principles of women’s safety and rarely substantiated. One transphobic campaign group, Fair Play For Women, claim that ‘female toilets and changing rooms are being turned mixed-sex around the country, leading to a huge rise in crimes against females, including sexual assault and rape’ (FPFW, 2018b). These safety risks are not evidenced; research into the safety of trans-inclusive toilets in the US indicates that reported incidents of crime in public toilets are ‘exceedingly rare’ irrespective of trans-inclusion policies (Hasenbush et al., 2018, p. 79). Phipps notes how the experience of rape ‘becomes capital’ in these arguments, ‘mobilised by trans-exclusionary feminists alongside a construction of trans women as predatory, dangerous and essentially male’ (Phipps, 2017, p. 310). In other instances, trans women and girls are depicted as a ‘Trojan Horse whose access to women’s spaces will enable predatory men to similarly enter these spaces by claiming that they are women’ (Pearce et al., 2020, p. 3). In both cases this obscures the threat of harm and exclusion facing trans women (Phipps, 2016). An ‘emotive politics of fear’ (Phipps, 2016, p. 312) is used to exclude trans women from women-only spaces, whilst also averting any admission of cisgender women’s privilege relative to trans women.

Changes to gendered facilities are presented as fast-moving and specifically catering for a negligible and ephemeral trans community. Toilet scholar Greed (2018), for example, refers to trans people as a ‘teeny weeny . . . percentage of the population’ for whom ‘heaven and earth is being moved to accommodate’. The central role of some feminist groups in the rival campaign has led to a strategic binary positioning, placing feminism in conflict with trans justice. For instance, headlines have argued that ‘[t]rans rights should not come at the cost of women’s fragile gains’ (Ditum, 2018) and ‘[w]omen are abused in the name of “trans rights”’ (Kirkup, 2018). As Ahmed notes, the figure of the

trans activist is often constructed as ‘making unreasonable demands and arguments’ (2016, p. 24) as a way ‘to impose a restriction on feminist speech’ (2016, p. 25). Trans activism and transgender studies are also placed in opposition to ‘good’ scholarship. Those opposing all-gender toilets claim that there is little research supporting trans people’s need for changing toilet provision (e.g. Greed, 2018, 2019). In doing this, they fail to acknowledge a growing body of scholarship documenting trans people’s experiences of toilet (in)accessibility and exclusion (e.g. Blumenthal, 2014; Cavanagh, 2010; Patel, 2017; Slater & Jones, 2018; Slater et al., 2018). By overlooking these important contributions, it has been possible to construct a battle between ‘objective and enlightened researchers’ and ‘emotional and volatile activists’.

We have identified how multiple territories of toilet politics have become a source of contestation. Trans-inclusive approaches to toilet usage and design are represented as infringing upon (cisgender) women’s safety and therefore contesting fundamental feminist principles. Such claims are rarely evidenced, and in most instances fail to recognise trans women’s particular vulnerabilities to violence (Phipps, 2016). Furthermore, the push for more trans-inclusive approaches to toilets is framed by some toilet scholars as an affront to their research and to the field more broadly; this is therefore also a fight for ideological ownership in toilet research, whereby historically cisgender women have been the focus of these social justice claims. In what follows, we use findings from the Around the Toilet project to explore conflicts between ‘gender-critical’ feminists and trans scholarship and activism. We argue that attempts to restrict trans people’s access to toilets are not so much about practical concerns for women’s comfort or safety, but ideologically securing the boundaries of (a particular type of cisgender) womanhood, and by doing so, denying trans ‘possibility’ (Pearce et al., 2020; see also Cox, 2017).

## **Methodology: Around the Toilet**

As we have shown, in some strands of feminism, liberation for women and trans people are positioned as discrete and competing agenda. Running between April 2015 and February 2018, the Around the Toilet project was established as a response to attempts to isolate these justice movements. The project was funded by the Arts and Humanities Research Council Connected Communities programme to examine the extent to which toilets provide a safe, accessible and comfortable space for everyone, whilst centring the experiences of disabled, trans and queer people.

The project drew on collaborative and creative research design principles coming from feminist, disability studies and queer perspectives (Bailey et al., 2014; King & Cronin, 2016; Pauwels, 2015). This allowed us to work with diverse participants, organisations and stakeholder groups, some of whom were involved in initial research design. Around 30 people in the north of England participated in data collection including one-to-one interviews, group storytelling, sculpture and performance workshops. However, as Around the Toilet has been consistently outward facing, many more people engaged with the project internationally through social media (@cctoilettalk; #cctoilettalk), writing for project publications, and at public events. Although initial participants identified as trans, queer and/or disabled, the project expanded to include others who had toilet experiences to share. In particular, we sought mobile workers, toilet cleaners, parents and carers,

children and young people, and people whose religion impacted upon toilet use. Audio and graphic recordings, video and fieldnotes were used to capture dialogue, as well as spatial and embodied dimensions of data. Most people who took part in interviews and workshops had some form of sustained participation, such as attending multiple activities, collaborating in later research design, joining the advisory board, becoming a co-investigator and/or participating in data analysis. Accessible project outputs made through the project (films, postcards, a zine [Jones & Slater, 2018] and interactive websites – all available at <http://aroundthetoilet.com>), allowed for the ongoing sharing and discussion of data with diverse audiences. Such discussions informed the dynamic and responsive research design and data analysis, which has been continuous and iterative.

Around the Toilet was given ethical approval by Sheffield Hallam University. Ethics have been integral to every methodological decision. For example, we sought to be open about structural inequalities and power dynamics within the project team, and regularly invited input from a range of expertise and experience. All participants gave informed consent around issues of anonymity and confidentiality, although consent was an ongoing process (Edwards & Mauthner, 2012). Following Cavanagh (2010) and the politics of self-definition, consent forms included a section asking participants to self-define in their own words (for example, in terms of gender, disability, race, occupation and so on). Pseudonyms and descriptions of participants' identities are used in our writing with their agreement. A project report is available with more detail on the project process, findings and recommendations (Slater & Jones, 2018).

## Sites of trans (im)possibility

In the sections that follow, we explore three key themes that emerged through conversations with participants: safety, validation and sharing. These themes illustrate key sites of friction for the trans politics of the toilet, but they also reach outside of these limits. As we argue, toilet 'debates' are about so much more than the amenities themselves. Thus, we consider how toilets have been weaponised to restrict the freedom of trans people, and propose that toilets nevertheless have the potential to be sites of 'trans possibility' (Pearce et al., 2020).

The notion of 'possibility' sheds light on the ways in which lives, and ways of living, can be both nurtured and fiercely shut down by the environments we occupy. The separation of toilets – an essential resource – rests upon regulative assumptions, whereby in order to move freely, bodies are required to be socially legible, familiar and coherent (Jones et al., 2020). Restrictions around their use can therefore be received as a form of governing: defining 'which lives are livable, and which are not' (Butler, 2004, p. 4), and how those lives can be expressed and amongst whom. Through our analyses, we seek to 'imagine otherwise' (Butler, 2004), by looking to the toilet to consider how places of trans 'impossibility' can be reconstituted as locations of *possibility*. Butler (2004, p. 4) notes how an analysis of the terms under which life is constrained may 'open up the possibility of different modes of living; in other words, not to celebrate difference as such but to establish more inclusive conditions for sheltering and maintaining life that resists models of assimilation'. Possibility, as Butler (2004, p. 29) observes, 'is not a luxury'. Thus, whilst we consider how trans possibility in toilet spaces could generate



the potential for exciting new explorations, conceptualisations and renegotiations of space, ‘possibility’ here is also simply about ‘getting by’.

## **Safety**

As we have explored, women’s safety has been used by ‘gender-critical’ feminists and some toilet researchers to justify a continuing need for gender-separated toilets. Yet, the public surveillance required to maintain such a space meant that trans people in our research shared how toilets could be especially dangerous places for them: a location of both scrutiny and continuous risk management, whereby ‘the cisgender gaze becomes brutal and controlling in order to preserve “pure womanhood”’ (Patel, 2017, p. 57). Alex, a non-binary participant, said that regardless of whether they used the men’s or the women’s toilets, they received harassment by other toilet occupants and security guards:

I find the way people read my gender is quite unpredictable so I get harassed and kicked out and security called on me whichever gender toilet I’m using, so I can’t really find a way ’round it. I get a lot of stares all the time but sometimes people actually confront me, saying I’m in the wrong toilet.

Alex noted that all-gender, self-contained cubicles (i.e. with a private basin) were therefore their preference. In communal toilets, other users became arbiters of propriety. Alex said that their own focus steered towards how their gender was perceived by others (regardless of their own identification) in order to predict the potential for harmful encounters. Whilst it should not be Alex’s responsibility to modify their appearance to stay safe, they explained the difficulty they faced in averting the risk of danger, when attempts to categorise and interpret gender are inevitably inconsistent and subjective. For Alex, safety felt especially elusive when there was no all-gender toilet provision.

Erin, a trans woman, had also been subjected to violent encounters in the toilet. In line with other studies (Cavanagh, 2010; Patel, 2017), security guards were often reported to have posed a physical danger to trans participants in our research, despite their supposed role in creating a safer environment. Erin described the anxiety she felt about entering communal toilets, knowing that she might need to deal with conflict:

There’s a consistent knot in my stomach whenever I need to cross that invisible boundary between what’s doing a necessary daily thing and what’s going to get me into trouble, because it has and it does. I’ve been toilet-policed in a lot of places . . . Sometimes it happens from security staff in pubs and things, which is really annoying and I kind of wish I could just explain to people what’s going on. I have communication issues and, even if I didn’t, I know that some people just aren’t that receptive to being communicated with, especially if there’s some kind of dispute involved. But yeah, I’ve been turfed out of toilets more than once . . . and it’s quite humiliating, frankly.

Erin’s desire to explain her circumstances to people who she says ‘aren’t that receptive’ and Alex’s struggle to ‘find a way ’round it’ illustrate how attempts to find safety and accommodation are repeatedly obstructed. For many trans participants, the toilet was always a place of precarity and risk. This was compounded further by other axes of

marginalisation. Patel (2017), for example, notes that whilst the gendered segregation of toilets marginalises white trans people, trans people of colour, further/differently oppressed through coloniality and racism, were at a heightened risk of violence.

Erin shared an awareness that one of the reasons she was prevented from using the women's toilets safely was due to a belief held by others that she might be a threat. She reflected, 'I wonder what . . . it takes to imagine that I want to do anything other than that: I go into the toilet, I use the toilet, wash my hands, leave.' Erin portrayed the toilet as fundamentally mundane and utilitarian, and the implication that she had predatory or otherwise deceitful intentions placed restrictions upon her freedom, as well as making her physically unsafe within public spaces.

Barcan (2010, p. 41) proposes that 'divisions, separations and disavowals' are, themselves, 'mechanisms that make people feel safe', regardless of the logic behind them. Whilst customs and norms that are rooted in categorisation can offer security and comfort for some, we must also interrogate the 'risk' that trans people are understood to pose and the nature of these fears. Patel (2017, p. 58) suggests that trans occupants in women-only toilets 'challenge the politics of feminine respectability', and thus their threat may lie in the subsequent need to reconsider the stability of our modes of social categorisation. Likewise, Pearce et al. (2020, p. 7) discuss how 'trans ideas and trans people's experiences . . . threaten the current order of things as much as they promise the possibility of renewal and change'. Thus, we are often confronted with 'those who wish to halt or reverse the profound changes in understanding and possibility heralded by the emergence of trans' (Pearce et al., 2020, pp. 7–8). Of course, a change in the way that we think about toilets may reflect/motivate a change in the way that we think about gender more broadly.

We suggest that the risk of toilet violence and surveillance curtails trans possibilities in a space which is fundamental for everyone's everyday movement. Toilets *become* dangerous to make trans identities *impossible*. Gupta (2020, p. 66) reflects on the importance of centring trans experiences spatially, noting that '[s]pace is also about what is given voice, what is allowed to flourish, the possibilities that can be articulated'. Following this, we suggest that meaningful consideration of trans identities and experiences in toilets is not only a way of facilitating safety (as important as this is), but also a way of granting trans possibility: allowing trans people to 'be'.

## **Belonging and (in)validation**

Toilets that enable trans possibility are 'explosive because they recognize, accommodate, and, hence, legitimate the presence of a social group who customarily "make do" and remain invisible at the level of representation' (Gershenson & Penner, 2009, p. 9). Trans participants noted that coming across all-gender provisions was rare, but many participants, such as Erin, said it was a 'massive relief' and an 'acknowledgement' of their presence. Finding provisions that felt comfortable could impact trans participants' well-being, thus the toilet's potential to affirm identities is one way in which trans people are also rendered vulnerable. Erin, who lost her job due to negative responses from her colleagues when she started using the women's toilets at work, noted:

[Using the toilet is] a thing that everybody needs to do every day, and because of a lot of ingrained transphobia, people take issue with that. People take issue with the fact that people need to pee and take action to stop them, whether it be harassing people in toilets or, you know, sacking them or getting them in trouble with the police.

Like Alex above, Erin also preferred an all-gender toilet, not only because she felt safe to use it, but also because the toilet signalled an inclusive philosophy beyond the toilet door:

Generally [finding an all-gender toilet] tends to happen in some pretty friendly places anyway. Generally if I can see a gender neutral sign then I'm somewhere that's got pretty sound people in.

Other participants agreed that safe and comfortable toilet provision had consequences stretching beyond immediate use. A trans woman, Penny, described how her ability to work was limited by not having access to all-gender toilets. She explained that when she felt unsafe to use public toilets, she was unable to leave her home. Penny was often late for appointments because of the time she spent putting on clothes and makeup in order to feel that she would be viewed and treated as a cisgender woman. Safe and comfortable toilets allowed her to take necessary, everyday journeys away from home:

It's not like the bathroom ends at the door to the bathroom, it actually extends to everywhere and if the bathroom was just a row of cubicles with sinks outside with no gender written on them, then maybe I would be more able to just roll out of bed and engage with society without being late for work because I'm redoing my make-up for the third time. . . . What makes a toilet accessible for me in actual practicality? Being able to leave my house.

Penny was conscious that she must perform a particular type of femininity in order to be read as a woman by other toilet users and mitigate potential violence. 'Gender-critical' feminists (e.g. Jeffreys, 2014b) often argue that 'trans activists' reinforce stereotypical gender roles – for example, promoting that a woman must look and act in a particularly feminine way. In our data, however, hetero- and cisnormative systems and structures (protected by 'gender-critical' feminists and others), pressured trans people to act and present according to specific, normative gender expectations in order to keep themselves safe (see also Bender-Baird, 2016). Of course, cisgender women, too, have to meet these standards; gender non-conforming and butch cisgender women are also subject to mis-gendering and violence in women's toilets (Cavanagh, 2010; Munt, 1998). Surveillance in women-only toilets therefore reinforces the rules that gender-critical feminists claim they want to abolish. Making trans lives impossible is prioritised over and above creating spaces inclusive of all women.

Fears about violence in gender-separated toilets sometimes led trans participants to use all-gender accessible toilets. A disabled trans woman, Daisy, told us that having access to a RADAR<sup>7</sup> key was 'possibly the most useful thing as a trans person' because it gave her access to an all-gender toilet. Yet, trans participants without physical impairments were often aware that their need for an all-gender space may compete with the needs of those with physical impairments, whose use of the space was portrayed as more legitimate. When asked if they ever used the accessible toilet, Alex said:

Sometimes, but I don't really want to . . . I don't want to be using it and then someone might come and need to actually use it because they're actually, like, physically disabled.

There was an awareness amongst trans participants that accessible toilets were scarce and that for some disabled people they were the only physically usable option. Some cisgender participants with 'invisible' impairments also said that they modified their use of the accessible toilet because they did not 'look disabled', and so felt – or worried that others might think – that they were undeserving of the space (Jones & Slater, 2018; Jones et al., 2020). In one workshop, participants were asked to design their ideal toilet using cardboard. Together, two disabled trans participants created two cubicles sitting side-by-side. A sign read, 'free public loo' while additional signage said, 'smaller toilet' and 'bigger toilet', describing the facilities rather than prescribing the users. The bigger toilet included additional writing: 'No toilet policing!! Please use this toilet if you need to and do not question if others need to.' In contrast to 'gender-critical' feminists and their allies, Around the Toilet participants worked towards 'an alternative way of seeing the toilet, as a site where personal choice is valued, and where forms of external authorisation or governance are unneeded/unwanted' (Slater et al., 2018, p. 961).

### Scarcity and the sharing of space

Whilst toilet infrastructure is sometimes built to accommodate all-gender toilets (such as private self-contained cubicles with a hand-basin), on other occasions gender-separated toilets are re-labelled as 'all-gender' as a makeshift 'retrofitting' (Dolmage, 2017). Although we argue that the former is preferable (Slater & Jones, 2018), the latter nevertheless signals that trans people have been considered within that space. Lohman and Pearce (2020) playfully refer to the adaptation of spaces for trans people's comfort and protection as '*transing*' a space. Transing a toilet brings 'the politics of trans diversity, inclusion and visibility . . . into wider public spaces as part of a commitment to trans [people's] safety' (Lohman & Pearce, 2020, p. 81), helping to create conditions that make trans lives possible. Yet, 'transed' toilets are also precarious and vulnerable to abuse. One non-binary participant, Sam, told us about an occasion when the former gender-separated toilets at their workplace were re-designated as all-gender:

. . . someone took their lipstick and wrote 'women's' on what used to be the women's toilet [now an all-gender toilet]. This was on a Friday and by Monday the [all-gender] signs had gone and we were back to the binary toilets.

Similarly, Alex said that when using an all-gender toilet, they found that:

. . . someone had scribbled out 'gender neutral' and written 'women' on it, like on the sign on the door that was explaining why there was gender neutral toilets. Someone had gone on it with biro and just scribbled out the gender-neutral stuff and written 'women'. There's women-only toilets round the corner if you want to go to women-only toilets, it just doesn't make sense. . . . someone's just been angry with a biro.

Alex's words highlight that the protection of women-only toilets is not simply about practical access or women's safety; there was no need for anyone to use the all-gender

toilets against their wishes as there were women-only toilets nearby. The re-designation of the toilet as women-only reinstated the ‘social norm’ (Ramster et al., 2018, p. 69) of the gender-separated toilet, or what Patel (2017, p. 51) calls ‘violent cistems’: ‘the systematised power which oppresses, subjugates, and marginalises transgender people’. The protection of women-only toilets is not so much about supporting women’s needs as denying trans possibilities.

A culture of ‘violent cistems’ means that the small-scale ‘transing’ of toilets, as described above, can fuel larger-scale transphobia. This was the case when in April 2017, BBC Radio 4 journalist Samira Ahmed tweeted to complain that the Barbican Arts Centre in London had re-labelled a set of their gender-separated toilets – both men’s and women’s – as ‘gender neutral with urinals’ and ‘gender neutral with cubicles’ respectively. Despite the change to the toilets having been made six months prior to Ahmed’s tweet, newspapers were quick to report women’s ‘outrage’ over men joining the queue for the (formerly women’s) toilets without urinals (e.g. Burgess, 2017; Couvée, 2017). Greed (2019, p. 910) followed this trend, arguing that the situation in the Barbican highlighted the importance of retaining women-only toilets, because ‘women – who already had to queue for longer than men when these very same toilets were gender-binarian – have to share their already meagre resources even further’. Media responses largely failed to mention the gender-separated toilets available elsewhere in the building, nor studies showing that all-gender toilets reduce queuing times (Chalabi, 2019). Nowhere was it asked why men (and others previously using the men’s toilets) may prefer the newly designated all-gender toilets without urinals,<sup>8</sup> which meant that the focus on de-legitimising trans experiences of toilets also came at the expense of others for whom toilets could also be improved.

A scarcity of toilets suitable for a range of people and needs has led to debates over who is valued, important, and deserving of designated resources. Yet, placing needs in opposition is detrimental to a range of people, particularly trans people. We maintain that generating conflict around toilet politics is often strategic. Whilst claiming to be concerned about women’s needs, gender-critical feminists prioritise the de-legitimation and demonisation of trans people (particularly trans women and others who experience transmisogyny) at the expense of a thorough discussion of toilets that could include all women, as well as others who experience transphobia, queerphobia and other gender-based oppressions.

## **Conclusion**

Women’s access to safe and comfortable toilets has (rightly) been presented as a feminist issue, and part of women’s broader struggles to access public space (Greed, 2010; Jeffreys, 2014a; Kogan, 2010; Penner, 2001; Ramster et al., 2018). Yet, increased trans visibility, and the possibility of improving trans people’s rights in the UK have led to a transphobic backlash. ‘Gender-critical’ feminists claim that trans people’s rights come at the expense of cisgender women’s rights and, as one of few gender-separated spaces, the toilet has become a focal point of these debates (e.g. Greed, 2018, 2019; Greed & Richard, 2012; Jeffreys, 2014a; Ramster et al., 2018).

‘Gender-critical’ feminists have argued that trans people using the toilet that aligns with their gender, or the implementation of all-gender toilet design, is a threat to

women's safety and comfort, as cisgender women would have to share facilities with those that they position outside of womanhood (Greed, 2019; Greed & Bichard, 2012; Jeffreys, 2014a; Ramster et al., 2018). Such arguments are rarely based on empirical research, nor do they engage with trans studies or trans people's toilet experiences. Rather, they rely on a portrayal of trans women and others who experience transmisogyny as dangerous sexual predators (Phipps, 2016). In doing this, they negate, deny and perpetuate trans people's own vulnerabilities to violence in the toilet (Patel, 2017; Phipps, 2016). Trans participants in this article highlighted symbolic, epistemic and physical violence that they have experienced in communal, gender-separated toilets. They also shared how staying at home sometimes felt necessary in order to prevent harm. For many trans participants, finding an all-gender toilet (even when imperfect) made them feel considered, signalling the wider trans-inclusive politics of a space. Yet, changes to toilets do not in themselves abolish prejudice; trans-inclusive toilets were often precarious and vulnerable to becoming a site of transphobia.

We have shown how, in their insistence for a woman-only space, 'gender-critical' feminists impose a narrow definition of womanhood and 'female "oneness"' (Serano, 2007, p. 350), reinforcing normatively gendered ways of being. Some trans women participants described feeling compelled to conform to cissexist standards of femininity in an attempt to 'pass' as cisgender women, and some non-binary participants said that they mediated their gender presentation in an attempt to fit into coercive male and female categories. Arguments for women-only toilets do not only risk excluding trans women, but also some cisgender people, such as cisgender butch women who may also be misgendered in women's toilets. Such arguments also disregard the circumstances of cisgender disabled people, many of whom already use all-gender facilities (Slater & Jones, 2018).

'Gender-critical' feminists prioritise the demonisation and exclusion of trans people, even when this comes at the expense of improving toilets for all. We argue, therefore, that their concerns are not merely architectural, nor are they entirely concerned with equity or (cis) women's rights. Rather, their views are ideological: trans people's increased visibility is interpreted as dangerous because it holds the possibility of changing entrenched binary understandings of sex and gender. Thus, the fight is not so much 'about toilets' but about the contested boundaries of womanhood, tightening the reins on gender, and making trans lives impossible. This is not to say that rethinking toilet design is unnecessary. Toilets can and should be changed for the better (Slater & Jones, 2018). In fact, we argue that toilets are contested *because* they are important, and access to safe and comfortable toilets plays a fundamental role in making trans lives possible.

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## Notes

1. Quoted in Gilligan (2018).
2. Gender-separated toilets are the ‘conventional’ model in the UK, also known as ‘sex-separated’ or ‘sex-segregated’ toilets.
3. These are largely intended/created for use by cisgender, non-disabled men. The requirements of trans people are often omitted in feminist toilet literature and disabled people’s needs are treated as entirely distinct.
4. We suggest it is best not to assume any certainties about physiology based upon sex, gender or other identity markers.
5. Also known as ‘gender neutral’ or ‘unisex’ facilities.
6. Whilst there is no evidence of the extent to which all-gender toilets are replacing gender-separated facilities, qualitative data indicate that all-gender toilets are still found infrequently and more are needed (Slater & Jones, 2018).
7. RADAR keys, also known as NKS keys, can be applied for or bought online and offer people independent access to locked accessible public toilets across the UK. They are predominantly aimed at disabled people but also used by some non-disabled people.
8. Urinals presented problems for cisgender and trans participants. Some could not urinate in front of others, or pointed out that men’s toilets often contained only one cubicle, which was not enough, especially for those who were self-conscious about occupying the cubicle for a long time (impacting particularly on those with bowel conditions, such as inflammatory bowel disease or irritable bowel syndrome). Some participants also noted that urinals did not suit a diversity in bodies (Slater & Jones, 2018; see also Orr, 2019).

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