

On Being the Object of Compromise

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Abstract The 2014 National Women’s Studies Association (NWSA) conference specifically solicited trans-feminist academic work through a call for proposals subtheme entitled “Trans-Feminisms.” This subtheme called for work exploring how “trans-feminist analyses help us redefine feminist politics” and discussing “opportunities for coalitions and convergences among trans-feminisms without co-opting self-chosen trans*/gender identifications and/or objectifying trans* people.” Yet when trans attendees arrived at the conference, they encountered a bathroom implementation that reflected negative cultural attitudes about trans people and subjected them to gender policing and potential violence. Below, I analyze the NWSA’s bathroom “compromise” as a failed strategy that compromised the safety of all conference attendees while raising serious questions about the current viability of political trans-feminist coalition.

Keywords bathrooms, NWSA, National Women Studies Association, sex segregation, feminism

In November 2009, the Transgender Caucus of the National Women Studies Association (NWSA) submitted a letter to the NWSA leadership to request changes in bathroom implementation at the national conference—the major professional gathering for academics working in women, gender, and sexuality studies in the global anglophone North. In the letter, the caucus noted that at the 2009 conference in Atlanta, “there were no all gender/gender neutral bathrooms, nor were there any men’s bathrooms on the first floor of the building, the main floor of the conference” (Transgender Caucus 2009). Anecdotal accounts from previous cochairs of the Transgender Caucus reported that all men’s rooms at the 2009 conference had been converted into women’s rooms, thereby leaving both cisgender and transgender men with no bathroom access on the main conference floor. Individuals requiring access to all-gender or gender-neutral restrooms were excluded altogether from the conference’s imagination. The 2009 letter noted, “While we fully recognize that a large majority of conference participants are women . . . turning all of the bathrooms on the first floor into ‘women’s only’ did not increase accessibility for all, rather it took accessibility away from certain groups to give to others.” As a corrective to these conditions, the 2009 caucus

requested a policy ensuring that “at least one gender neutral/all gender bathroom be made available on the main floor(s) of the conference as well as announced in the conference program and depicted on the map of the conference site.”

This essay is a response to requests from NWSA leadership to explain why subsequent bathroom implementation at the NWSA 2014 conference continued to be problematic, particularly for trans-feminine and gender-nonconforming members. Despite NWSA’s efforts to offer gender-neutral space, bathroom design at the 2014 conference (see fig. 1) ultimately failed to ensure equal and safe participation for

NWSA members. As Judith aka “Jack” Halberstam has noted, persistence of “the bathroom problem,” especially in feminist spaces, points to the “flourishing existence of gender binarism despite rumors of its demise” (1998: 22). The ongoing tensions between trans members of NWSA and the organization’s attempts to incorporate us through a weak commitment to gender neutrality indicate a deeper and persistent problematic attached to the inclusion of trans people in feminist discourse.¹ That NWSA 2014 reproduced common exclusionary attitudes about bathrooms should suggest to us that major stumbling blocks remain in the effort to recognize trans people as “feminist, intellectual subjects” (Spade 2006: 317).

Below, I discuss how the compromise that NWSA’s 2014 bathroom policy sought to strike between the needs of cisgender women and trans people in fact compromised the safety of all conference attendees. The repurposing of only men’s rooms as “gender neutral” at the premiere academic conference for people working in US-based academic feminism is troubling. Despite a recent flourishing of trans-feminist research and theory in the Western academy, trans people still face immense barriers to the spaces in which this work is presented and discussed. That NWSA 2014 consciously solicited trans-feminist work while offering this bathroom implementation replicates a toxic anthropology in which trans people



Figure 1. Gender-neutral bathroom design at the 2014 National Women’s Studies Association conference

are “tragically misread” as objects of study only (Namaste 2000: 9–23) and are never thought of as feminist agents or bodies themselves.² NWSA’s 2014 signage renders trans women and nonbinary trans people as “impossible people” (Spade 2008: 368) who cannot be made visible without presumably costing others their safety, subjectivity, or convenience.

While regarded as “obvious” (Kogan 2007: 3) by the dominant culture, bathroom sex segregation remains a ground-zero battle for trans people (Plaskow 2008: 54), whose right to enter sex-segregated facilities is challenged—interpersonally and legally—on a daily basis. Transgender politics, intersecting with disability politics, draws our attention to bathroom access as a human right: without right of entry to safe bathrooms, trans people are denied equal access to public accommodations, our bladders acting as “leashes” that restrict our social mobility and participation (Cavanagh 2011: 18, 20). Lack of access to all-gender bathrooms often forces trans people to choose between likely abuse in a gendered bathroom or potential arrest for urinating or defecating outside—charges that, if upheld in court, can permanently place us on sex offender registries. These risks are further increased by high rates of homelessness and poverty in the transgender population, leaving transient transgender people dependent upon public restrooms for their bodily needs as well as for shelter. Recent legislative attempts to prevent or criminalize transgender bathroom access in North Carolina, Utah, Minnesota, Texas, Kentucky, and Florida illustrate that this resistance may share a negative causal relationship with progress on LGB/T issues—most notably, marriage equality.

Cisgender women’s physical protection from cisgender men continues to be the principal reason cited for sex segregation of bathrooms, although the current structure of most women’s rooms does nothing to prevent ill-intended actors from entering them (Faktor 2011: 13). The presumed security of cis women in segregated bathrooms may actually produce increased peril in these spaces, which are assumed to be safe although they are not. Nonetheless, the “safety” of cis women is consistently deployed to illustrate why trans people (i.e., trans women) must be kept out of women’s spaces. The notion that trans women are “really men” who seek legal access to women’s bathrooms in order to commit sexual violence ignores both the total lack of evidence for this argument and the reality that cis women are capable of violence themselves. Assumptions that sex segregation makes cis women “safe” allow the bathroom to be used as an “icon of danger” (Cavanagh 2010: 19) that is strategically deployed to shut down transgender claims to civil equality. Objections to trans-inclusive bathroom spaces tend to insinuate that all transgender people should ideally use men’s rooms, since this is the only conceivable way to segregate bodies with penises from cisgender women’s urinary spaces.

While we might expect that NWSA—an intentionally feminist organization whose mission is to promote “the production and dissemination of knowledge about women and gender through teaching, learning, research, and service” (NWSA 2015)—would respond in more progressive ways to the “bathroom problem,” closer examination reveals that bathroom policy at NWSA’s 2014 conference in San Juan replicated the same transphobic patterns embedded in standard defenses of sex segregation. The conference identically repeated the structure of “protecting” cis women by mandating potentially dangerous bodies (i.e., bodies that might possess penises) into men’s bathrooms. The guise of neutrality in NWSA’s implementation offers a compromise that purports to keep cis women “safe” while obviating transphobic harm. In actuality, NWSA’s bathroom policy compromises the security of cis women by producing a false sense of safety that it can only achieve by directing concentrated risk at the bodies of trans women.

Critical race theory has given us excellent reasons to be suspicious of neutrality as an antidiscrimination measure. Both Kimberlé Crenshaw and Patricia J. Williams have demonstrated that race neutrality, when designed and enforced by whites, tends to erase structural violence against people of color, thereby rescuing white people from any responsibility for the racial inequities from which they benefit. Race neutrality discourses make invisible their very reason for existing in the first place, thereby rendering racism undetectable and uncorrectable. Crenshaw notes that the enforcement of color blindness under antidiscrimination law “constitutes a formidable obstacle to efforts to alleviate conditions of white supremacy. . . . In sum, the very terms used to proclaim victory contain within them the seeds of defeat” (1988: 1347). Williams describes color blindness as “racism in drag, . . . propounded not just as a theory of equality, but as a standard of ‘neutrality’” (1991: 116), which in turn limits people of color’s ability to claim resistant positions without appearing biased or irrational. While not entirely synonymous with race neutrality, uncritical implementations of gender neutrality fall into similar traps: they erase the structural oppression of trans and gender-nonconforming people and enact a weak form of inclusion that privileges cis people’s partial understandings of fairness and safety.

As represented in the picture I snapped at the 2014 conference (fig. 1), NWSA’s bathroom policy represents gender neutrality as a compromise between cis and trans women’s needs. However, this “compromise” can only be established through the double compromise of neutrality itself: the implementation mandates gender neutrality only for the men’s side of the sex-segregated bathrooms, and yet also does not cover the men’s signs. This implementation is insufficient for a number of interlocking reasons:

1. It traffics in the ideas of “neutrality” and “inclusion” while delivering their opposite. If all spaces are not neutral to gender designation, then no spaces are neutral. The signage engages in an “oxymoronic strategy of uncritical inclusion” (West 2010: 157) that produces effects in direct opposition to its professed intent. By not removing the men’s sign, but merely placing the gender-neutral sign next to it, the appeal to “neutrality” is rendered not simply partial, but hollow.
2. It exposes those most vulnerable to violence in bathrooms, trans women, to the most risk. The signage affirms cultural beliefs that trans women are “really men” who seek to enter women’s spaces to commit acts of sexual violence. Trans women are faced with an impossible choice between two potentially treacherous situations: if a trans woman seeks to avoid policing, accusations, and possible violence in the women’s room, she can only do so by entering a “neutral” space that immediately outs her and may expose her to violence by men.
3. It places the convenience of cis women above the safety of trans people, especially trans women. Embedded in the repurposing of a men’s room as a “gender neutral” space is the aim of creating shorter bathroom lines for cis women. Since NWSA is a space dominated by cis female bodies, this uneven application of neutrality bespeaks an underlying desire to shift the bodies of trans women into the lower-volume bathroom, thereby enhancing the convenience of cis women—who may also choose to use the “neutral” space if they so wish.
3. It ignores the clear recommendations of activist organizations on how to implement safe bathrooms for trans people: Both PISSAR (West 170) and the Transgender Law Center (2005: 13) explicitly state that repurposing men’s rooms as “gender neutral” can expose trans people to heightened forms of policing and jeopardy when they enter bathrooms that are clearly marked as “special.”
4. It promotes an essentialist assumption that penises, rather than misogynistic and sexist forms of socialization, are the source of physical and gendered violence. Suggesting that all people with penises should use the same restroom regardless of their varying gender identities/expressions is a form of “genital narcissism” (Juang 2006: 247) in which uniform genital morphology is enforced as a paradoxical solution to gender oppression.
5. If it purports to ensure the safety of trans women, then the signage must assume that men will not be present at the conference. There is indeed a history of this assumption at NWSA, as noted by the 2009 caucus letter.
6. It erases cis women’s capacity for violence and produces a false sense of security in cis women’s spaces.

7. It maintains the culturally imposed sex binary by suggesting that there are “men,” “women,” and “others” who are neither women nor men. Neutrality here implies that trans people’s genders are all equal in their artificiality, while cis genders get to maintain their “natural” status. The “gender neutral restroom” sign here may as well read, “Trans people go here.”

Despite NWSA’s intended inclusivity, its compromised approach to gender-neutral bathrooms has the same material effects on trans bodies as does outright hostility. At the 2014 Trans/Gender-Variant Caucus business meeting, caucus members expressed surprise and anger about the bathroom implementation, confusion about which bathroom to use, and fear that the bathrooms had been intentionally designed to exclude them. Some activist conference-goers moved the gender-neutral signage to the middle of the binary signs, or covered both binary signs with handmade gender-neutral placards. However, the gender-neutral signs were consistently repositioned on the men’s side of the bathrooms, ostensibly by conference staff or by other attendees. Subsequent discussions between Trans/Gender-Variant Caucus cochair Rachel Reinke, NWSA leadership, and myself revealed that repurposing men’s bathrooms as gender neutral is official NWSA policy.³ Yet according to these conversations, the policy comes from no particularly invested committee and represents no specifically transphobic position. Rather, it appears that NWSA representatives were attempting to meet the requests of the 2009 Trans Caucus letter, and they were genuinely puzzled at why this implementation was problematic. Trans requests for gender-neutral space had apparently not prompted NWSA organizers to do the work of being “pedagogically thoughtful” (Cavanagh 2010: 218) about bathroom design.

As of this writing, NWSA has verbally agreed with the Trans/Gender-Variant Caucus’s request to make all bathrooms at the 2015 conference in Milwaukee gender neutral. Nonetheless, the minoritized status of trans people in feminist discourse and organizing indicates that unexpected challenges are likely to emerge. The entrenched conditions of invisibility that trans attendees have faced at NWSA is evidence of the larger gap between traditional women’s studies discourses and the younger fields of queer and trans studies, which often share institutional space within women, gender, and sexuality programs. That gap is itself reflected in the decades of marginalization that trans people have faced in the academy and in feminist and queer activist communities. Although increasingly receptive to trans theories and methodologies, establishment academic feminism continues to lag in its understanding of and accountability to transgender experience. By thinking more concretely about its institutional environments, and by not seeking weak compromises, academic feminism can allay the “stranger-making” effects of assuming a certain body as its norm (Ahmed

2012: 3). Until trans bodies can be present in feminist spaces without being subject to preventable forms of risk and erasure, we should question to what extent a coalitional trans-feminist praxis can exist—beyond gesture, beyond intervention, beyond compromise.

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Notes

1. Anecdotal reports from long-time caucus members confirm an extended and contentious struggle over the issue of trans inclusion at the annual NWSA conference. Unfortunately, the marginalized and fragmentary nature of the caucus's history means that I have not been able to collect more than verbal accounts of this problematic prior to 2009.
2. NWSA 2014's CFP subtheme, "Trans-Feminisms," solicited work addressing a "wide range of non-cisgendered experiences and embodiments" as well as work that included "transnational, transcultural, transgenerational, and/or transspecies subjects." The CFP for this subtheme also made specific requests for work pursuing the following questions: "In what ways do trans-feminist analyses help us redefine feminist politics and epistemologies? In what ways does women's and gender studies traffic in the objects, knowledges, languages, desires, and bodies of trans-feminisms? And what are the opportunities for coalitions and convergences among trans-feminisms without co-opting self-chosen trans*/gender identifications and/or objectifying trans* people?" (NWSA 2014). That the conference theoretically considered these questions without sufficiently examining its material practices in relation to the bodies of trans attendees illustrates an acute disconnect between feminist theorizing and the politics of feminist space. For the full NWSA 2014 CFP, see NWSA 2014.
3. Of course, this is not actually how the implementation was carried out, since the men's bathroom signs were not actually covered. The purported "neutrality" of the added bathroom signage was therefore entirely undercut.

References

- Ahmed, Sara. 2012. *On Being Included: Racism and Diversity in Institutional Life*. Durham, NC: Duke University Press.
- Cavanagh, Sheila L. 2010. *Queering Bathrooms: Gender, Sexuality, and the Hygienic Imagination*. Toronto: University of Toronto Press.
- . 2011. "You Are Where You Urinate." *Gay and Lesbian Review Worldwide* 18, no. 4: 18–22.
- Crenshaw, Kimberlé. 1988. "Race, Reform, and Retrenchment: Transformation and Legitimation in Antidiscrimination Law." *Harvard Law Review* 101, no. 7: 1331–87.

- Faktor, Alex. 2011. "Access and Exclusion: Public Toilets as Sites of Insecurity for Gender and Sexual Minorities in North America." *Journal of Human Security* 7, no. 3: 10–22.
- Halberstam, Judith. 1998. *Female Masculinity*. Durham, NC: Duke University Press.
- Juang, Richard M. 2006. "Transgendering the Politics of Recognition." In *Transgender Rights*, edited by Paisley Currah, Richard M. Juang, and Shannon Price Minter, 242–61. Minneapolis: University of Minnesota Press.
- Kogan, Terry S. 2007. "Sex-Separation in Public Restrooms: Law, Architecture, and Gender." *Michigan Journal of Gender and Law* 14, no. 1: 1–57.
- Namaste, Viviane K. 2000. *Invisible Lives: The Erasure of Transsexual and Transgendered People*. Chicago: University of Chicago Press.
- NWSA (National Women Studies Association). 2014. "Call for Proposals." www.nwsa.org/files/NWSA%202014%20CFP_Final.pdf.
- . 2015. "About." www.nwsa.org/about (accessed May 3).
- Plaskow, Judith. 2008. "Embodiment, Elimination, and the Role of Toilets in the Struggle for Social Justice." *Cross Currents* 58, no. 1: 51–64.
- Spade, Dean. 2006. "Mutilating Gender." In *The Transgender Studies Reader*, edited by Susan Stryker and Stephen Whittle, 315–32. London: Routledge.
- . 2008. "Trans Law and Politics on a Neoliberal Landscape." *Temple Political and Civil Rights Law Review* 18, no. 2: 353–73.
- Transgender Caucus of the National Women Studies Association. 2009. "NWSA Trans Caucus Concerns." Unpublished letter.
- Transgender Law Center. 2005. "Peeing in Peace: A Resource Guide for Transgender Activists and Allies." transgenderlawcenter.org/issues/public-accomodations/peeing-in-peace.
- West, Isaac. 2010. "PISSAR's Critically Queer and Disabled Politics." *Communication and Critical/Cultural Studies* 7, no. 2: 156–75.
- Williams, Patricia J. 1991. *The Alchemy of Race and Rights*. Cambridge, MA: Harvard University Press.